

# agenda

## Briefing Session

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

**ON** **TUESDAY, 11 JUNE 2013**  
**COMMENCING AT** **6.30 pm**

**PUBLIC QUESTION TIME**

Members of the public are requested to lodge questions in writing by close of business on **Monday, 10 June 2013**

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

**QUESTIONS TO**

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

PO Box 21 Joondalup WA 6919

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

## BRIEFING SESSIONS

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

### INTRODUCTION

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

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

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

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

### PURPOSE OF BRIEFING SESSIONS

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

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

### PROCEDURES FOR BRIEFING SESSIONS

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

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

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

## PROCEDURES FOR PUBLIC QUESTION TIME

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

### Questions asked verbally

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

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

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

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

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

#### **DISCLAIMER**

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

## PROCEDURES FOR PUBLIC STATEMENT TIME

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

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

## DEPUTATION SESSIONS

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

A time period of fifteen (15) minutes is set-aside for each deputation, with five (5) minutes for Elected Members' questions. Deputation sessions are open to the public.

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

## RECORDING OF THE PROCEEDINGS OF THE BRIEFING SESSION

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

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

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

[Additional Information110613.pdf](#)

## CITY OF JOONDALUP – BRIEFING SESSION

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday, 11 June 2013** commencing at **6.30 pm**.

### ORDER OF BUSINESS

#### 1 OPEN AND WELCOME

#### 2 DEPUTATIONS

#### 3 PUBLIC QUESTION TIME

The following questions were submitted to the Briefing Session held 14 May 2013:

**Mr A Hill, Burns Beach:**

*Re: Item 4 – Adoption of Amendment No. 3 to the Burns Beach Structure Plan – Consideration of the Western Australian Planning Commission’s Decision.*

*Q1 The proposed rezoning in the northern residential precinct would potentially increase the number of dwellings from 287 to 436 (that is an increase of 52%). The agenda item states that “it is considered to represent a modest increase in the residential density of the precinct”. Please clarify why a 52% increase is considered “modest”.*

*A1 In the context of the development of 1,600 dwellings within the Burns Beach estate, an additional 149 dwellings (9%) is considered a modest increase. As indicated in the report, given that subdivision proposals within the estate have historically often been approved and constructed at a lower density than the density coding afforded to the land, it is quite possible that the land will not all be developed to the R25 code, leading to a lower number of additional dwellings.*

*Q2 Council previously unanimously rejected the proposed rezoning in the northern residential precinct, and stated that “Council would like to take more time to consider the amenity impact of the intensification of the northern residential precinct and work with the developer on establishing the optimal location for the community and commercial facilities in the estate”. The agenda item states that “this will be considered in the Burns Beach Masterplan which is currently being progressed”. Please advise when the Burns Beach Masterplan is scheduled to be published and made available to the local community.*

*A2 The Burns Beach Masterplan is scheduled to be advertised in the second half of the 2013-14 financial year.*

- Q3 *Council now has an opportunity to re-advertise the proposed amendment (clearly stating the number of potential additional dwellings in the Northern Residential Precinct) to seek the views of the local community. I would request that as a matter of fairness to the local community that Council re-advertises the proposed amendment. Please confirm that this request will be considered.*
- A3 The option is available for Council to consider re-advertising the amendment to the Burns Beach Structure Plan. However, the proposal before Council is no different to that previously advertised. The report includes detail about submissions previously received and therefore it is considered there is no purpose in re-advertising the same proposal.

## **4 PUBLIC STATEMENT TIME**

**The following statement was made at the Briefing Session held on 14 May 2013:**

**Mr A Hill, Burns Beach:**

Mr Hill spoke in relation to his questions submitted prior to the Briefing Session regarding Item 4 – Adoption of Amendment No. 3 to the Burns Beach Structure Plan – Consideration of the Western Australian Planning Commission’s Decision and the responses which he received.

## **5 APOLOGIES AND LEAVE OF ABSENCE**

## **6 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY**

## 7 REPORTS

### ITEM 1 DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS - APRIL 2013

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

#### PURPOSE

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

#### EXECUTIVE SUMMARY

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

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

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

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

**BACKGROUND**

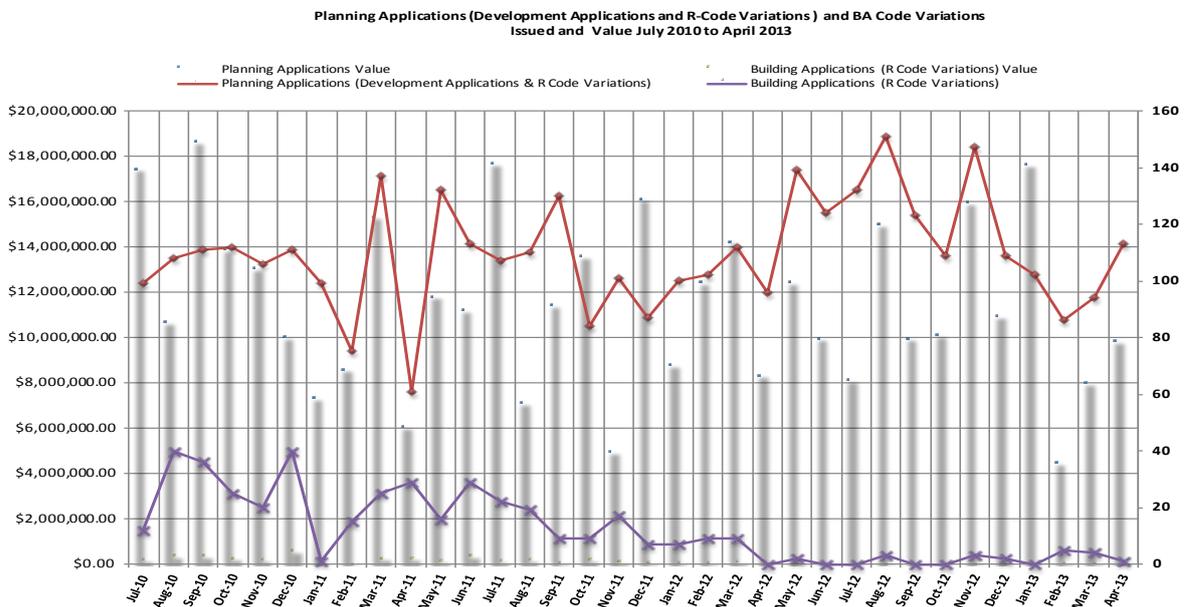
DPS2 requires that delegations be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 15 May 2012 (CJ075-05/12 refers), Council considered and adopted the most recent town planning delegations. These were then incorporated into the Register of Delegations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

**DETAILS**

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

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

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



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

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

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

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

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

### **Issues and options considered**

Not applicable.

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

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

### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

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

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

Clause 8.6 of DPS2 permits development control functions to be delegated to persons or Committees. All subdivision applications were assessed in accordance with relevant legislation and policies, and a recommendation made on the applications to the Western Australian Planning Commission.

### **Risk management considerations**

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

### **Financial/budget implications**

A total of 114 applications were determined for the month of April with a total amount of \$40,301 received as application fees.

All figures quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Consultation may be required by the provisions of the R-Codes, any relevant policy and/or the DPS2.

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

**COMMENT**

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

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

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

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

*Appendix 1 refers*

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

## ITEM 2                    PROPOSED OMNIBUS AMENDMENT (AMENDMENT NO. 65) - CONSIDERATION FOLLOWING ADVERTISING

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

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### PURPOSE

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

### EXECUTIVE SUMMARY

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

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

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

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

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

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

## **BACKGROUND**

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

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

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

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

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

## **DETAILS**

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

### **Proposal 1 – Responsible Authority (clause 1.2)**

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

### Intent of Proposal

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

### **Proposal 2 – Application for Planning Approval**

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

- Additions to a ‘Grouped Dwelling’, where those additions are in accordance with the requirements of the scheme, any relevant structure plan, local planning policy and the acceptable development standards of the Residential Design Codes.
- An outbuilding to a ‘Single House’ or ‘Grouped Dwelling’ that is less than 10m<sup>2</sup> in area which complies with the acceptable development standards of the Residential Design Codes with the exception that it may abut two boundaries (excluding street boundaries).
- A patio to a ‘Single House’ or ‘Grouped Dwelling’ where:
  - (i) the posts and roof/eaves are setback a minimum of 500 millimetres from any boundary (with the exception of a street boundary)
  - (ii) the wall/post height is no greater than 3.5 metres above natural ground level
  - (iii) the cumulative length of all structures (including the proposed patio) located less than one metre from the boundary or boundaries adjacent to the location of the proposed patio does not exceed nine metres in length.
- The erection of a boundary fence where it:
  - (i) replaces an existing estate fence of the same height, and with same or similar construction and materials
  - (ii) is constructed in accordance with the *Dividing Fences Act 1961*
  - (iii) with the exception of estate fencing, complies with the requirements of the scheme, any relevant Structure Plan, Local Planning Policy and the acceptable development standards of the Residential Design Codes.
- Cubby houses constructed in accordance with the provisions of the relevant local planning policy.
- Signage where it complies with the provisions listed in Table 1 of the relevant local planning policy.

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

### Intent of Proposal

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

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

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

### *Compliant Minor Outbuildings and Additions*

Compliant additions to grouped dwellings are proposed to no longer require planning approval, together with outbuildings to single houses that have walls to two boundaries (provided these outbuildings do not exceed 10m<sup>2</sup> or have a wall height greater than 2.4 metres) and patios that are located 500 millimetres off the boundary (provided they are less than 3.5 metres in height and do not lead to structures over nine metres in length within one metre of the boundary). These forms of development create minimal impact on neighbouring properties and meet the relevant performance criteria of the *Residential Design Codes*. As a result, it is not considered to be necessary for a full planning assessment to be conducted on development that complies with these standards. In addition, this will streamline the planning process for applicants, and allow staff resources to be directed to more complex applications.

### *Replacement Estate Fencing*

Replacement estate fencing, which is the same height and uses the same or similar materials and construction as the existing fence is specifically exempt. It is not considered necessary to require planning approval for the replacement of an existing estate fence, even when this fence may not comply with the acceptable development requirements of the *Residential Design Codes*.

### *Compliant Signage*

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

### *Changes of Permitted Uses*

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

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

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

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

"P" - Use Class that is permitted.

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

"X" - Use Class that is not permitted.

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

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

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

### Intent of Proposal

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

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

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

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

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

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

- the total floor space for the shop does not exceed 200m<sup>2</sup>
- the parcel of land is on a green title lot not less than 1,000m<sup>2</sup>
- the aggregate shopping NLA of adjoining Business and Mixed Use zoned properties does not exceed 1,000m<sup>2</sup>
- the lot has a direct street frontage of at least 20 metres.

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

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

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

USE CLASS	NUMBER OF ON-SITE PARKING BAYS (NLA = NET LETTABLE AREA)
Betting Agency *	1 per 50m <sup>2</sup> NLA
<del>Car sales premises</del>	<del>1 per 200m<sup>2</sup> of display area plus 1 per employee</del>
Cinema/Theatre *	1 per 4 seats
Convenience Store *	4 per 100m <sup>2</sup> NLA
Educational Establishment *	1 per 3 persons accommodated
Hardware Store*	1 per 30m <sup>2</sup> NLA
Landscape Supplies *	1 per 500m <sup>2</sup> display area plus 1 per employee
Office	1 per <del>30</del> 50m <sup>2</sup> NLA
Place of Assembly	1 per 4 <del>seats</del> persons accommodated
<del>Public</del> Place of Worship	1 per 4 <del>seats</del> persons accommodated
Self Storage Facility *	1 per 100m <sup>2</sup> NLA
Shop/Shopping Centres under <del>40,000</del> 30,000m <sup>2</sup>	<del>7</del> 5 per 100m <sup>2</sup> NLA
<del>Shopping Centres from 10,000 to 30,000m<sup>2</sup></del>	<del>700 bays for the first 10,000m<sup>2</sup> NLA plus 6.25 per 100m<sup>2</sup> NLA thereafter</del>
Shopping Centres from 30,000 to 50,000m <sup>2</sup>	<del>4950</del> 1500 bays for the first 30,000m <sup>2</sup> NLA plus <del>5.25</del> 4.5 per 100m <sup>2</sup> NLA thereafter
Shopping Centres greater than 50,000m <sup>2</sup>	<del>3000</del> 2400 bays for the first 50,000m <sup>2</sup> NLA plus <del>4.8</del> 4 per 100m <sup>2</sup> NLA thereafter
Showrooms	1 per <del>30</del> 50m <sup>2</sup> NLA
Small Bar *	1 per 4 persons accommodated
Transport Depot *	1 per employee
Vehicle Panel Beating/Spray Painting & Vehicle Repairs *	1 per 50m <sup>2</sup> NLA
Warehouse *	1 per 50m <sup>2</sup> NLA

#### Intent of Proposal

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

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

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

The proposed car parking standard for the use class 'betting agency' is one bay per 50m<sup>2</sup> NLA. Council has previously approved a car parking standard of one bay per 30m<sup>2</sup> NLA for 'betting agency' as the operation of the land use was akin to the use classes 'office' and 'bank'. As it is proposed that the 'office' standard is modified to one bay per 50m<sup>2</sup> NLA it is considered appropriate that this new standard also be applied to 'betting agency'.

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

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

### **Proposal 5 – Schedule 1 (clause 1.9) – Interpretations**

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

- Inserting the following new definitions into Schedule 1:  
  
'betting agency', 'cinema/theatre', 'self storage facility', 'small bar' and 'Joondalup City Centre Structure Plan'.
- Altering the definitions of the following uses in Schedule 1:  
  
'home business – category 1', 'shop', 'showroom'.
- Deleting the following definitions from Schedule 1:  
  
'beauty parlour', 'cinema', 'cinema complex', 'department store'.

### Intent of Proposal

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

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

Proposed changes to the definition of 'home business – category 1' will allow a greater area of a dwelling to be used for a home business (30m<sup>2</sup> instead of 20m<sup>2</sup>) when only one resident is involved. Currently the definition allows for 20m<sup>2</sup> of the dwelling to be used for a home business provided only one resident is involved but allows 30m<sup>2</sup> of dwelling to be used if more than one resident is involved. The involvement of an extra resident in a home business does not have any bearing on the amenity of the area given that customers and employees (other than those already residing at the premise) are not permitted and no changes to the external appearance of the dwelling are permitted under this category. It will however, increase the flexibility for residents undertaking small scale business activities from home.

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

### **Proposal 6 – Landscaping Requirements for Non Residential Buildings**

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

### Intent of Proposal

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

### **Issues and options considered**

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

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

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

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

## Legislation / Strategic Community Plan / policy implications

<b>Legislation</b>	<i>Planning and Development Act 2005 and Town Planning Regulations 1967.</i>
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Quality built outcomes.
<b>Strategic initiative</b>	Buildings and landscaping is suitable for the immediate environment and reflect community values.
<b>Policy</b>	Not applicable.

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

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

### Risk management considerations

Not applicable.

### Financial/budget implications

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

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

### Regional significance

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

## Sustainability implications

Not Applicable.

## Consultation

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

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

No submissions were received.

## COMMENT

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

- Modifying the exemption for 'single house' and additions to 'grouped dwelling' developments to be consistent with wording provided in the *Model Scheme Text*, while at the same time including incidental development in the scope of these exemptions. The *Residential Design Codes* defines incidental development as any development that is associated with a dwelling and incidental to the main residential function. By including incidental development in these exemptions it ensures that any minor development associated with the use of the primary residential dwelling (such as letter boxes and clothes lines) does not need planning approval provided it complies with the requirements of DPS2, the acceptable development standards of the *Residential Design Codes* and the standards of Council's local planning policy.
- Removing the requirement for planning approval for single houses on lots less than 350m<sup>2</sup> as the minimum lot size for which planning approval is required is set out in and required by the *Residential Design Codes* and though it currently applies to lots less than 350m<sup>2</sup>, this requirement may change as a result of the *Residential Design Codes* review.
- Standardising reference to the Heritage List under DPS2, including reference to a heritage place rather than a heritage area, as the term used in DPS2.
- Clarifying the wording on the exemptions for patios and outbuildings, by only exempting these types of development where the City is not required to exercise any other discretion under the Scheme, the *Residential Design Codes* or local planning policy.
- Standardising boundary fence provisions based on the existing *Model Scheme Text* exemptions for 'single house' development and separating out the estate fence exemption, in order to clarify the provisions.
- Replacing the term prohibited use with "X" use under the exemption for Home Business – Category 1, which is the technical term used in the scheme.

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

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

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

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

### That Council:

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

*Appendix 2 refers*

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

### **ITEM 3                    PROPOSED SIGNAGE ADDITION TO SHENTON HOUSE AT LOT 466 (57) SHENTON AVENUE, JOONDALUP**

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

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#### **PURPOSE**

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

#### **EXECUTIVE SUMMARY**

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

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

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

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

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

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

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

## BACKGROUND

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

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

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

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

## DETAILS

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

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

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

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

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

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

### **Issues and options considered**

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

Council has the discretion to:

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

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

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

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

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

#### **4.5 Variations to site and development standards and requirements**

- 4.5.1 *Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.*

- 4.5.2 *In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:*
- (a) *Consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1; and*
  - (b) *Have regard to any expressed views prior to making its decision to grant the variation.*
- 4.5.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*
- (a) *Approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
  - (b) *The non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

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

#### 6.8 *Matters to be considered by Council*

- 6.8.1 *The Council when considering an application for Planning Approval shall have due regard to the following:*
- (a) *Interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
  - (b) *Any relevant submissions by the applicant;*
  - (c) *Any agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
  - (d) *Any planning policy of the Council adopted under the provisions of clause 8.11*
  - (e) *Any other matter which under the provisions of the Scheme the Council is required to have due regard;*
  - (f) *Any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
  - (g) *Any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
  - (h) *The comments or wishes of any public or municipal authority received as part of the submission process;*
  - (i) *The comments or wishes of any objectors to or supporters of the application;*

- (j) *Any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *Any other matter which in the opinion of the Council is relevant.*

## 9.8 Operation of agreed structure plan

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

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

The objectives of the *Signs Policy* are:

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

### **Risk Management considerations:**

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

### **Financial/budget implications**

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

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

## Consultation

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

## COMMENT

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

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

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

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

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

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

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

### That Council:

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

*Appendix 3 refers*

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

## **ITEM 4                    PROPOSED SIGNAGE ADDITIONS TO EXISTING BETTING AGENCY, AT LOT 929 (1244) MARMION AVENUE, CURRAMBINE**

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

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

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

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

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

As well as being inconsistent with the requirements of a condition previously imposed by Council, the amount of window signage proposed does not meet the amount permitted under the City's *Signs Policy* with a total of 19.4m<sup>2</sup> of window signs proposed or 25.1% of the buildings glazing proposed to include signage in lieu of the maximum 10m<sup>2</sup> or 25% set out under the policy.

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

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

## BACKGROUND

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

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

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

## DETAILS

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

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

The signage proposed has been assessed against the City's *Signs Policy*. The maximum amount of window signage permitted is 10m<sup>2</sup> or 25% of the glazing, whichever is lesser. In this instance window signs on the northern and eastern facades (obscured window graphics) equate to 19.4m<sup>2</sup> or 25.1% of the tenancy's glazing. In respect to the wall signs proposed the City's *Signs Policy* allows a maximum of 25% of the building facade to have signage. The applicant's proposal indicates a total of 35.6m<sup>2</sup> of wall signs across the three tenancy facades, which equates to 15.9% of the tenancy facade, and therefore considered to comply with the City's *Signs Policy*.

### Issues and options considered

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

Council has the discretion to:

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

### Legislation / Strategic Community Plan / policy implications

#### Legislation

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

#### Strategic Community Plan

#### Key theme

Quality Urban Environment.

#### Objective

Quality built outcomes.

#### Strategic initiative

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

#### Policy

*Signs Policy.*

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

#### 6.8 *Matters to be considered by Council.*

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

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

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

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

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

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

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

- *To provide guidance on the design and placement of signs located within the City of Joondalup.*
- *To protect the quality of the streetscape and the amenity of adjoining and nearby residents by minimising the visual impact of signs.*

- *To encourage signs that are well-designed and well-positioned and appropriate to their location, which enhance the visual quality, amenity and safety of the City of Joondalup.*
- *To facilitate a reasonable degree of signage to support business activities within the City of Joondalup.*
- *To complement the provisions for signs as specified in the City of Joondalup's Signs Local Law 1999.*

### **Risk management considerations**

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

### **Financial/budget implications**

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

### **Regional significance**

Not applicable.

### **Sustainability implications**

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

### **Consultation**

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

### **COMMENT**

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

The proposed signage has been assessed in accordance with City's *Signs Policy*, with window signs and wall signs proposed as part of this application. The wall signs proposed comply with the requirements of this policy. However, the window signs do not comply with the standards set out in the policy, with a total of 19.4m<sup>2</sup> (in lieu of 10m<sup>2</sup>) of signage or 25.1% (in lieu of 25%) of glazing proposed to be obscured by these window signs. In this regard the application needs to be considered against the objectives of the policy and the objectives for the control of advertisements in DPS2 (included in the Legislation / Strategic Community Plan / policy implications section above).

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

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

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

### Conclusion

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

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

### **VOTING REQUIREMENTS**

Simple Majority.

## RECOMMENDATION

### That Council:

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

*Appendix 4 refers*

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

## **ITEM 5                    PROPOSED AGED OR DEPENDENT PERSONS’ DWELLINGS AT LOT 501 (7) ARAWA PLACE, CRAIGIE**

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

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

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

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

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

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

The application has been assessed against the statutory provisions of the structure plan and the *Residential Design Codes of Western Australia* (R-Codes). While the development complies with the acceptable development standards of clause 6.11.2 of the R-Codes (Aged or Dependent Persons’ Dwellings), a performance based assessment is required to be undertaken for reduced internal building setbacks, increased internal boundary wall lengths and general access requirements.

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

## BACKGROUND

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

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

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

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

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

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

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

## DETAILS

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

This application is intended to meet an identified need to cater for the housing needs and assisted living of young people with varying levels of dependency within a private and secure care facility. It is anticipated that the development will cater particularly to those with injuries associated with brain trauma as opposed to a physical disability; however, the applicant notes that there is potential for occupants to reside on site that suffer from some degree of physical disability.

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

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

The proposed development consists of:

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

The development plans are provided as Attachment 2.

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

Criteria	Acceptable Development Standard	Proposed
6.2.1 – Setback of buildings generally.	2.5m street setback where a grouped dwelling has its main frontage to a vehicle access way.	<p><u>Unit 6 -9</u></p> <p>1.5m minimum setback to internal vehicle access way.</p> <p><u>Unit 10</u></p> <p>1.8m minimum setback to internal vehicle access way.</p>
<p>6.3.1 – Buildings setback from the boundary.</p> <p><u>Wall heights less than 3.5m:</u></p> <p>Walls less than 9.0m in length containing no major openings to be setback 1.0m from common boundaries.</p> <p>Walls greater than 9.0m in length containing no major openings to be setback 1.5m from common boundaries.</p>		<p><u>Communal Facility</u></p> <p>Walls containing no major openings setback 0.8m from the right (eastern) boundary and 0.8m from the left (eastern) boundary.</p> <p><u>Unit 2</u></p> <p>Carport wall setback nil from the left (northern) boundary.</p>

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

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

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

Acceptable Development Standard	Proposed
A maximum plot ratio area of 100m <sup>2</sup> per dwelling.	All dwellings are less than 100m <sup>2</sup> (plot ratio of approximately 86m <sup>2</sup> ).
A minimum number of five dwellings.	Twelve dwellings proposed.
<p>All ground floor units, to incorporate as a minimum the following:</p> <ul style="list-style-type: none"> <li>• An accessible path of travel from the street frontage, car parking area or drop-off point in accordance with the requirements of AS4299:1995 clause 3.3.2;</li> <li>• Level entry to the front entry door with preferably all external doors having level entries.</li> </ul>	<p>Accessible path of travel provided to all units to Australian Standards.</p> <p>Level entry provided to the front and external doors.</p>
<p>All dwellings to incorporate as a minimum, the following:</p> <ul style="list-style-type: none"> <li>• All external and internal doors to provide a minimum 820mm clear opening (AS4299:1995 clause 4.3.3);</li> <li>• Internal corridors to be a minimum 1000mm wide, width to be increased to a minimum 1200mm in corridors with openings on side walls;</li> <li>• A visitable toilet (AS4299:1995, clause 1.4.12), preferably located within a bathroom;</li> <li>• Toilet and toilet approach doors shall have a minimum 250mm nib wall on the door handle side of the door and provision for the installation of grab rails in accordance with AS4299:1995, clause 4.4.4 (h).</li> </ul>	<p>820mm clear openings provided.</p> <p>Internal corridors greater than 1.2m in width.</p> <p>Visitable toilet located within bathroom to Australian Standards.</p> <p>250mm nib wall provided and provision for the installation of grab rails made.</p>
Visitor's car spaces at the rate of one per four dwellings, with a minimum of one space. Equates to a minimum of three required for this application.	Nine visitor's car spaces provided.

Acceptable Development Standard	Proposed
The first visitor's car space shall provide a wheelchair accessible parking space and be a minimum width of 3.8m in accordance with AS4299:1995, clause 3.7.1.	Wheelchair accessible space provided adjacent to communal facility. Design of this space is to Australian Standards.
At least one occupant is a disabled or physically dependent person or aged over 55, or is the surviving spouse of such a person, and the owner of the land agrees to enter into a legal agreement, binding the owner, their heirs and successors in title requiring that this provision be maintained.	All occupants proposed will meet "Dependent Person" as defined within the R-Codes.  Approval to be conditioned for Section 70a notification to be placed on certificate(s) of title stipulating development limitations.
Provide an outdoor living area in accordance with the requirements of clause 6.4.2 but having due regard to a one third reduction in the area specified in Table 1.	Outdoor living areas provided in accordance with clause 6.4.2.  Noted that all dwellings comply with minimum site areas as required under clause 6.1.2.

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

### Issues and options considered

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

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

Council has the discretion to:

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

### Legislation / Strategic Community Plan / policy implications

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

### Strategic Community Plan

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

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

**Policy** Not applicable.

Residential Design Codes of Western Australia (R-Codes)

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

**2.5 Exercise of Discretion**

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

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

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

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

**6.8 Matters to be considered by Council**

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

- (a) *Interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) *Any relevant submissions by the applicant;*

- (c) *Any agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) *Any planning policy of the Council adopted under the provisions of clause 8.11*
- (e) *Any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) *Any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) *Any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *The comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *The comments or wishes of any objectors to or supporters of the application;*
- (j) *Any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *Any other matter which in the opinion of the Council is relevant.*

### **Risk management considerations**

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

### **Financial/budget implications**

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

### **Regional significance**

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

### **Sustainability implications**

#### Social

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

## **Consultation**

Public consultation was not undertaken as the proposal meets the acceptable development standards of the R-Codes to all external boundaries of the subject site. The land use 'Aged or Dependent Persons' Dwellings' is a discretionary ("D") use which only requires consultation if considered appropriate by the Council.

## **COMMENT**

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

### Land Use

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

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

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

### Building Setbacks

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

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

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

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

### Boundary Walls

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

The boundary walls proposed comply with the acceptable development standards pertaining to height; but require discretion to be exercised in relation to their length. All boundary walls considered against the performance criteria have a length of 10 metres, which is approximately 2 metres in excess of the length permitted as a right.

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

### Retaining Walls

Retaining walls are proposed on the southern boundaries of units 5, 6 and 7 adjoining the internal vehicle accessway. The retaining walls are considered to be acceptable as they are only 1 metres in height and, will only impact on a small portion of the internal accessway. Set back at over 6 metres from the existing residential properties to the south of the subject site, it is considered that there will be no impact on nearby residents.

### Vehicular Access

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

### Pedestrian Access

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

A pedestrian footpath is proposed to allow for direct access to all common areas and individual dwellings in a safe manner. While the width of the footpath meets the required width of 1.2 metres in most parts, exceeding it in others, some portions of the pedestrian path are limited to 1 metre in width. It is noted that the Australian Standards require a width of 1 metre and are referred to the acceptable development standards of aged and/or dependent persons dwellings within clause 6.11.2 of the R-Codes. Given that this complies with Australian Standards it is considered appropriate to support a reduced width.

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

### Conclusion

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

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

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

### **That Council:**

- 1 DETERMINES that the performance criteria under clause 6.2.1, 6.3.1, 6.3.2, 6.3.3, 6.5.4 and 6.5.5 of the Residential Design Codes of Western Australia have been met and the following are appropriate in this instance:**
  - 1.1 Reduced building setbacks to the communal street from units 6, 7, 8, 9 and 10;**
  - 1.2 Reduced building setbacks to internal lot boundaries from units 2, 3, 5, 6, 7, 8, 9, 10,11 and 12 and communal facility;**
  - 1.3 Boundary wall lengths of 10 metres to units 1, 6, 7, 10 and 12;**
  - 1.4 Retaining with a nil setback to the southern (internal) boundaries of units 5, 6 and 7;**
  - 1.5 One way vehicular access with a minimum driveway width of 3.0m;**
  - 1.6 A minimum pedestrian access width of 1.0m;**
- 2 APPROVES the application for planning approval dated 22 January 2013, submitted by Taylor Burrell Barnett, on behalf of the owners, Department of Education, for 12 'Aged and/or Dependent Persons Dwellings' at Lot 501 (7) Arawa Place, Craigie, subject to the following conditions:**
  - 2.1 This decision constitutes planning approval only and is valid for a period of two years from the date of the decision letter. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect;**

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

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

*Appendix 5 refers*

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

## ITEM 6 JOONDALUP MEN'S SHED UPDATE

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

### PURPOSE

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

### EXECUTIVE SUMMARY

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

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

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

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

## BACKGROUND

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

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

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

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

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

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

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

## DETAILS

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

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

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

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

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

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

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

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

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

### **Issues and options considered**

Council can either:

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

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

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

## **Strategic Community Plan**

**Key Theme:** Community Wellbeing.

**Objective:** Quality facilities.

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

## **Risk management considerations**

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

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

## **Financial/budget implications**

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

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

## **Regional significance**

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

## **Sustainability Implications**

### Environmental

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

### Social

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

## Economic

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

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

## **Consultation**

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

## **COMMENT**

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

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

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

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

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

### **That Council:**

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

## **ITEM 7                      PROPOSED LIGHTING - MIRROR PARK SKATE PARK**

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

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

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

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

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

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

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

## BACKGROUND

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

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

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

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

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

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

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

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

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

## **DETAILS**

### Management Plan

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

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

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

### Feedback on and demand for lighting

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

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

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

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

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

#### Opening times – Other skate parks

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

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

#### Resident complaints

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

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

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

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

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

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

### **Issues and options considered**

The following options are suggested for Council's consideration:

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

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

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

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

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

#### **Legislation**

*Environmental Protection (Noise) Regulations 1997.*

#### **Strategic Community Plan**

#### **Key Theme**

- Quality Urban Environment.
- Community Wellbeing.

#### **Objective**

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

**Strategic Initiative**

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

**Policy**

Not applicable.

**Risk management considerations**

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

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

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

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

**Financial/budget implications**

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

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

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

## **Regional significance**

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

## **Sustainability implications**

### Social

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

### Economic

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

## **Consultation**

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

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

## **COMMENT**

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

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

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

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

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

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

**VOTING REQUIREMENTS**

Simple Majority.

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

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

## ITEM 8 REVIEW OF REGISTER OF DELEGATION OF AUTHORITY

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

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### PURPOSE

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

### EXECUTIVE SUMMARY

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

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

*It is therefore recommended that Council:*

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

### BACKGROUND

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

## DETAILS

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

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

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

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

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

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

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

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

### Issues and options considered

Council can either:

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

and adopt the revised Register of Delegation of Authority accordingly.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

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

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

**Strategic Community Plan**

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

**Risk management considerations**

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

**Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

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

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

## VOTING REQUIREMENTS

Absolute Majority.

## RECOMMENDATION

### That Council:

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

*Appendix 6 refers*

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

## ITEM 9 EXECUTION OF DOCUMENTS

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

### PURPOSE

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

### EXECUTIVE SUMMARY

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

*It is recommended that Council NOTES the Schedule of Documents covering the period 30 April 2013 to 15 May 2013, executed by means of affixing the Common Seal, as detailed in Attachment 1 to this Report.*

### DETAILS

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

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

### Issues and options considered

Not applicable.

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

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

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

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

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Schedule of Documents covering the period 30 April 2013 to 15 May 2013, executed by means of affixing the Common Seal, as detailed in Attachment 1 to this Report.**

*Appendix 7 refers*

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

## ITEM 10 STATUS OF PETITIONS

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

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### PURPOSE

For Council to note the status of outstanding petitions.

### BACKGROUND

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

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

### DETAILS

#### Issues and options considered

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

#### Legislation / Strategic Community Plan / policy implications

##### Legislation

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

*“22. Petitions*

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

(c) *to state the name and address of the person to whom correspondence in respect of the petition may be served;*

(3) *Once a petition is presented to the Council, a motion may be moved to receive the petition and refer it to the CEO for action.”*

### **Strategic Community Plan**

**Key Themes** Governance and Leadership.

**Objective** Active democracy.

### **Strategic Initiatives**

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

### **Policy Implications**

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

### **Risk Management Considerations**

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

### **Financial/Budget Implications**

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

### **Regional Significance**

Not applicable.

### **Sustainability Implications**

Not applicable.

### **Consultation**

Not applicable.

### **COMMENT**

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

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

### That Council NOTES:

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

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

*Appendix 8 refers*

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

## ITEM 11 MINUTES OF EXTERNAL COMMITTEES

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

### PURPOSE

For Council to note the minutes of various external committees.

### EXECUTIVE SUMMARY

The following minutes are provided:

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

### DETAILS

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

#### Local Emergency Management Committee - 2 May 2013

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

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

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

## Mindarie Regional Council - 2 May 2013

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

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

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

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

It was resolved by the Mindarie Regional Council as follows:

*"That the City of Stirling be advised that:*

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

### 11 Motions of Which Previous Notice Has Been Given

It was resolved by the Mindarie Regional Council as follows:

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

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

### **WALGA State Council - 3 May 2013**

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

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

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

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

It was resolved by the WALGA State Council as follows:

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

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

It was resolved by the WALGA State Council as follows:

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

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

It was resolved by the WALGA State Council as follows:

*"That the submission to the Western Australian Planning Commission regarding the draft State Planning Strategy be endorsed."*

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

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

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

It was resolved by the WALGA State Council as follows:

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

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

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

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

**Legislation** Not applicable.

#### **Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Strong leadership.

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

**Policy** Not applicable.

#### **Risk management considerations**

Not applicable.

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

Not applicable.

#### **Regional significance**

Not applicable.

#### **Sustainability implications**

Not applicable.

#### **Consultation**

Not applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the minutes of the:**

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

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

## **ITEM 12                    WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION 2013 ANNUAL GENERAL MEETING**

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

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

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

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

### **BACKGROUND**

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

### **DETAILS**

#### **Voting delegates**

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

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

**Members**

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

**Deputies**

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

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

Mayor Troy Pickard is the WALGA State President.

**Issues and options considered**

Not applicable.

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

**Legislation**

Not applicable.

**Strategic Community Plan**

**Key theme**

Governance and Leadership.

**Objective**

Strong leadership.

**Strategic initiative**

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

**Policy**

Not applicable.

**Risk management considerations**

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

**Financial/budget implications**

Not applicable.

**Regional significance**

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

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

## **COMMENT**

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

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

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council GIVES consideration to nominating its:**

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

## **ITEM 13 LIST OF PAYMENTS MADE DURING THE MONTH OF APRIL 2013**

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

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

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

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

### **BACKGROUND**

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's Municipal and Trust funds. In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996* a list of accounts paid by the Chief Executive Officer is to be provided to Council, where such delegation is made.

## DETAILS

The table below summarises the payments drawn on the funds during the month of April 2013. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

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

### Issues and options considered

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

#### Option 1

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

#### Option 2

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

### Legislation / Strategic Community Plan / policy implications

#### Legislation

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

#### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Not applicable.

**Strategic initiative** 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**

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

### **Regional significance**

Not applicable.

### **Sustainability implications**

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

### **Consultation**

Not applicable.

### **COMMENT**

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

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

**That Council NOTES the Chief Executive Officer's list of accounts for April 2013 paid under Delegated Authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations of 1996* forming Attachments 1, 2 and 3 to this Report, totalling \$13,397,678.61.**

*Appendix 9 refers*

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

## **ITEM 14 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 APRIL 2013**

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

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

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

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

The variance can be summarised as follows:

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

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

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

The favourable variance on Materials and Contracts is spread across a number of areas including External Service Expenses \$465,452, Professional Fees and Charges \$562,414, Furniture, Equipment and Artworks \$185,614, and Public Relations and Advertising \$138,680. These are partly offset by an unfavourable variances of \$400,335 on Waste Management Services and \$100,603 on Material Purchases.

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

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

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 30 April 2013 forming Attachment 1 to this Report.*

## **BACKGROUND**

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

## **DETAILS**

### **Issues and options considered**

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

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

#### **Legislation**

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

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

#### **Strategic Community Plan**

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

#### **Risk management considerations**

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

**Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

In accordance with Section 6.2 of the *Local Government Act 1995*, the annual budget was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the *Local Government Act 1995*, which was made available for public comment.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 30 April 2013 forming Attachment 1 to this Report.**

*Appendix 10 refers*

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

## **ITEM 15                    TENDER 012/13 – PROVISION OF ENVIRONMENTAL CONSULTANCY SERVICES FOR THE OCEAN REEF MARINA DEVELOPMENT**

<b>WARD</b>	North-Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	103082, 101515
<b>ATTACHMENTS</b>	Attachment 1    Summary of Tender Submissions Attachment 2    Summary of Schedule of Rates  <i>(Please Note: Attachment 2 is confidential and will appear in the official minute book only)</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

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

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

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

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

## **BACKGROUND**

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

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

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

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

## **DETAILS**

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

### **Tender Submissions**

Eight submissions were received from:

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

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

## Evaluation Panel

The evaluation panel comprised of four members:

- one with tender and contract preparation skills
- three with the appropriate technical expertise and/or involvement in supervising the contract.

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

## Compliance Assessment

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

## Qualitative Assessment

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

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

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

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

Natural Area Consulting scored 60.6% and was ranked fifth in the qualitative assessment. It demonstrated a sound understanding of the required tasks. Its submission included the company's proposed methodology and staged approach to complete the required tasks. However, Natural Area Consulting did not demonstrate capacity and experience in undertaking works of a similar scale or complexity to the Ocean Reef Marina development project. The company is a small size business and indicated it will give consideration to employing further personnel if a key skill gap is identified to ensure the project is completed on time.

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

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

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

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

### **Price Assessment**

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

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

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

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

## Evaluation Summary

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

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

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

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

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

## Issues and options considered

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

## Legislation / Strategic Community Plan / policy implications

**Legislation** A statewide public tender was advertised, opened and evaluated in accordance with Regulation 11(1) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000.

### Strategic Community Plan

**Key theme** Economic Prosperity, Vibrancy and Growth.

**Objective** Destination City.

**Strategic initiative** Facilitate the establishment of major tourism infrastructure.

**Policy** Not applicable.

### Risk management considerations

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

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

### Financial/budget implications

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

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

All amounts quoted in this report are exclusive of GST.

### Regional significance

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

### Sustainability implications

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

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

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

*Appendix 11 refers*

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

## ITEM 16                    CAT ACT 2011 - DELEGATIONS

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

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### PURPOSE

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

### EXECUTIVE SUMMARY

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

*It is recommended that Council:*

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

### BACKGROUND

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

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

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

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

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

## DETAILS

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

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

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

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

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

## Issues and options considered

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

### Option 1

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

### Option 2

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

### Option 3

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

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

## Legislation / Strategic Community Plan / policy implications

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

## Risk management considerations

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

## Financial/budget implications

There are no financial implications associated with this delegation.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

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

**COMMENT**

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

**VOTING REQUIREMENTS**

Absolute Majority.

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

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

## **ITEM 17                      WARWICK OPEN SPACE - PROPOSED SYNTHETIC HOCKEY PITCH PROJECT**

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

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*It is therefore recommended that Council:*

- 1 *NOTES the findings and recommendations of the completed feasibility study for the synthetic hockey pitch development project;*
- 2 *NOTES the findings and additional comments received as part of the of the community consultation process undertaken for the synthetic hockey pitch development project;*
- 3 *NOTES the findings of the completed floodlighting impact study for the synthetic hockey pitch development project;*
- 4 *NOTES the synthetic hockey pitch development project will be listed as part of the City's Community Sport and Recreation Facilities Fund project submission report to be considered by Council at the September 2013 ordinary meeting;*
- 5 *Subject to a successful Community Sport and Recreation Facilities Fund grant application of \$2,341,000, APPROVES the proposed synthetic hockey pitch, grassed hockey pitches, clubroom, additional car parking, floodlighting and associated works at Warwick Open Space as detailed in this Report at a capital cost estimate of \$7,024,000 (including escalation to 2015-16);*
- 6 *SUPPORTS the City/club management model for the synthetic hockey pitch development project – whereby the Whitford Hockey Club lease the clubroom and synthetic hockey pitch (and associated floodlighting) and the City manage the grass hockey pitches (and associated floodlighting) and carpark;*
- 7 *NOTES that a further report will be presented to Council in early 2014 outlining the proposed City/club management model for the project – whereby the Whitford Hockey Club lease the clubroom and synthetic hockey pitch (and associated floodlighting) and the City manage the grass hockey pitches (and associated floodlighting) and carpark;*

- 8 *NOTES that the report detailed in Part 7 above will include more detailed financial projections for the Whitford Hockey Club including the proposed lease arrangement and the outcome of the City's Community Sport and Recreation Facilities Fund application for this project;*
- 9 *REQUESTS that the existing allocation of \$5,400,000 within 2017-18 of the City's 20 year Strategic Financial Plan for the construction be brought forward to 2015-16 and a further \$1,624,000 be listed for consideration to total \$7,024,000 for the synthetic hockey pitch development project subject to a successful Community Sport and Recreation Facilities Fund grant application of \$2,341,000;*
- 10 *REQUESTS that \$7,024,000 be listed for consideration within 2015-16 of the City's Five Year Capital Works Program for the synthetic hockey pitch development project subject to a successful Community Sport and Recreation Facilities Fund grant application of \$2,341,000;*
- 11 *AGREES that further community consultation for the synthetic hockey pitch development project is not required and REQUESTS the Chief Executive Officer to advise the project stakeholders and City of Joondalup residents within 500 metres of the site of the results of the initial consultation, the support received for the development and decision to proceed with the project.*

## **BACKGROUND**

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

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

Currently the top teams of the club play in the 'Promotion One (Willow Bridge)' grade of the 'Elite Turf Premier League'. The 'Elite Turf Premier League' facilitates the highest level of club hockey and a pathway of promotion for all elite players within clubs and all clubs within the structure. All games within this league are played on synthetic turf.

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

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

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

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

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

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

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

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

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

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

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

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

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

## **DETAILS**

### **Relocation of sporting clubs**

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

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

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

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

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

### **Forecast Usage**

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

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

### **Community and Stakeholder Consultation**

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

The consultation was advertised through the following methods:

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

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

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

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

#### Existing user groups

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

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

#### Demographics

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

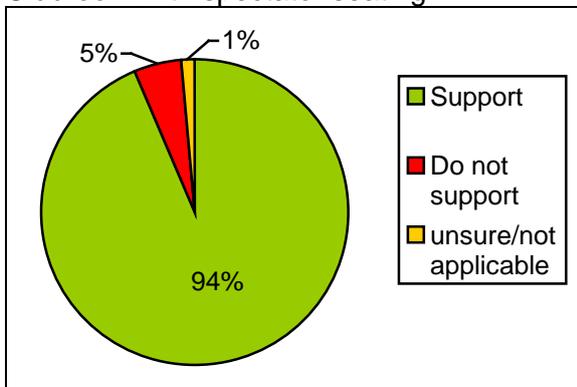
Use of Warwick Open Space

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

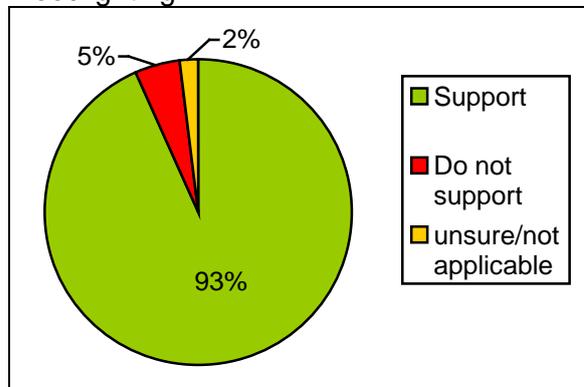
New proposed infrastructure

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

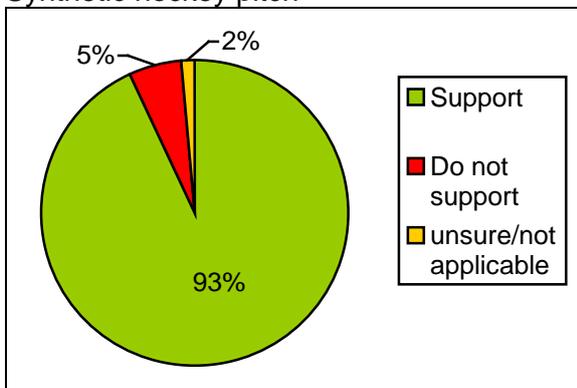
Clubroom with spectator seating



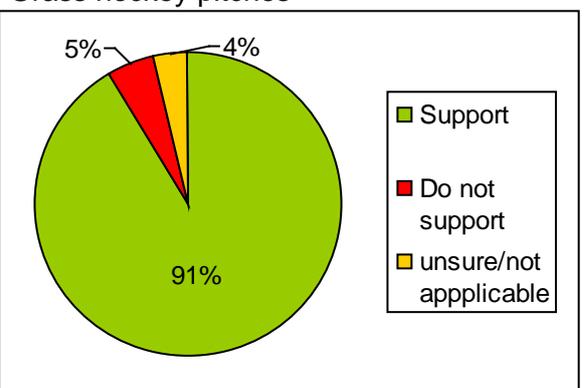
Floodlighting



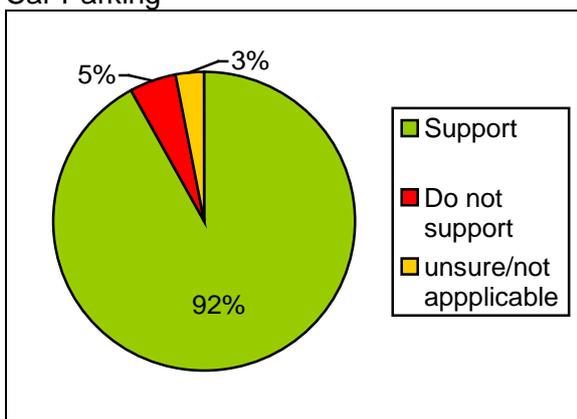
Synthetic hockey pitch



Grass hockey pitches



Car Parking



### Additional Comments

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

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

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

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

<b>Concern</b>	<b>Response</b>
Noise increase impacting nearby residents.	Given proximity of residents to the site, impact of the development will be minimal. Noise reduction strategies will be included within the detailed design stage of the project.
School's oval and tennis court will be used as a thoroughfare.	Hockey players and spectators will be required to utilise the current road and path networks for access/egress of the site.
Lloyd Drive will not be able to cope with increase in vehicle traffic.	The existing traffic system can be reviewed as part of the detailed design stage of the project.
Potential increase in vandalism and break-ins at surrounding buildings including school, school pool (in summer months), bowling club and tennis club.	Higher activation of the area creates additional passive surveillance by players and spectators. CCTV will also be considered as part of the project.
Warwick Open Space is a conservation area and not dedicated for recreational activities.	The location of proposed infrastructure is within the oval that is zoned 'Parks and Recreation'. Therefore the proposed infrastructure is consistent with the overall purpose of the reserve.
Light pollution from floodlights would be detrimental to the flora, fauna and fungi within the nature reserve.	The City engaged an Environmental Consultant who has completed an initial assessment on the possible impact of light upon flora and fauna. The outcomes are outlined in a further section of the report below.
Site is Bush Forever therefore all vegetation within the nature reserve needs to be conserved.	No vegetation has been proposed to be cleared as part of the development.
Increase in usage will affect trails and paths. Additionally, people may create new paths for access/egress by foot.	The existing trails, paths and fencing can be reviewed as part of the detailed design stage of the project and funds allocated to fencing and signage if appropriate.
Grass clippings will be dumped into the bushland.	Management of the reserve will require all grass clippings to be taken off-site as part of the overall maintenance strategy of the reserve.

Concern	Response
Construction material and machinery impacting the bushland. Materials must be certified free of dieback and free of seed, cuttings and invasive weed species.	If the project is supported, environmental implications will be addressed through tender documentation.
Increase in the number of people exercising dogs therefore dog droppings and/or dogs foraging in the bush are likely to impact local flora and fauna.	The existing trails, paths and fencing can be reviewed as part of the detailed design stage of the project and funds allocated to fencing and signage if appropriate.
No buffer zone as everything is 'crammed' into the site.	Appropriate buffer zones will be included and assessed as part of the detailed design and planning application process.
Carpark location and length. The long edge make the bush vulnerable to disturbance, weed invasion and dieback infection.	Appropriate buffer zones will be included and weed invasion and dieback infection will be included and assessed as part of the detailed design process.
Watering of ovals. If bore water, will draw down the local table and may affect bushland vegetation.	Existing oval watering systems will be modified with the installation of the hybrid synthetic pitch. As part of the detailed design stage of the project water harvesting methods will be explored for suitability with this type of project.

### **Floodlighting impact assessment**

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

### **Approvals**

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

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

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

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

### **Warwick Open Space management plan**

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

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

### **Site and concept plan**

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

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

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

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

- function room of 400m<sup>2</sup> (with view over synthetic hockey pitch)
- changerooms including umpire room
- first aid room
- toilets
- kitchen/kiosk/bar
- meeting room of 26m<sup>2</sup>
- storage.

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

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

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

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

### **Facility management**

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

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

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

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

### **Issues and options considered**

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

#### Community consultation

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

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

#### External grant funding

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

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

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

**Legislation** Not applicable.

#### **Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

**Strategic initiative**

- Support a long-term approach to significant facility upgrades and improvements;
- Understand the demographic context of local communities to support effective facility planning;
- Employ facility design principles that will provide for longevity, diversity and inclusiveness and where appropriate, support decentralising the delivery of City services.

**Policy** Not applicable.

### **Risk management considerations**

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

#### Financial

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

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

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

#### Impact on existing sporting clubs

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

It is anticipated that the two cricket clubs can absorb the use of Warwick Open Space within their allocation of other parks in the Warwick and Greenwood area by making changes to their training and game schedules. If necessary the City has factored into the project costs the construction of cricket training nets and centre wicket at another park in the local area.

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

### **Financial/budget implications**

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

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

All figures quoted in this report are exclusive of GST.

### Estimated capital project costs

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

\$300,000	Site preparation works
\$2,578,000	Clubroom facility
\$1,245,000	Synthetic hockey pitch
\$736,000	Other (car park, grass pitches, relocation of softball & cricket club)
\$733,000	Contingencies
\$447,000	Professional fees
\$205,000	CCTV, new bore, water quality filter (these additional costs have been determined by the City and have been added to the total shown on Attachment 8).

TOTAL = \$6,244,000

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

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

### Estimated ongoing operating costs

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

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

Within this model the club would generate income through the hire of the clubroom and synthetic hockey pitch to other clubs/groups and through bar sales. The Club would be responsible for all utilities and ongoing maintenance costs associated with the clubroom and synthetic hockey pitch.

From a City perspective in the first year of operation, it is expected that the facilities would generate an estimated \$14,000 in revenue and (\$159,000) expenditure for the City, giving a deficit of (\$145,000).

### Financial Summary

The financial impact to the City of the project up until 2030-31 on the City/club managed option can be summarised as follows (the projected income figures are based on the City's current Fees and Charges for team sports):

Net cumulative cashflows (including inflation)	City/club managed option
Capital expenditure and one-off	(\$7,024,000)
Grants and contributions	\$2,941,000
Borrowings and reserve funding	\$4,083,000
Funding repayments and interest	(\$5,287,000)
Expenditure recurring	(\$4,162,000)
Income recurring	\$343,000
Surplus (deficit) / total	(\$9,106,000)

### Whitford Hockey Club – ability to meet financial commitments

The Whitford Hockey Club's annual operating expenses for running the facility are estimated at approximately \$197,000 from 2016-17 comprising:

- \$70,000 – Replacement pitch
- \$47,000 – Employee Costs
- \$38,000 – Materials & Contracts
- \$42,000 – Utilities

The above figures are subject to further review between the City and Whitford Hockey Club.

One of the risks associated with option two and three is the Whitford Hockey Club's ability of meeting the ongoing operating costs and being sustainable. If the club is unable to meet these financial obligations, the City may be required to assist, resulting in unplanned budget expenditure. Therefore it is important for the City to have confidence in the financial forecasts of the club to generate income and cover expenses. The club has developed and provided to the City a 10 year financial forecast based on a City/club managed model. For the purposes of the forecast, the club used a lease charge of \$10,000 per annum. In summary the following comments have been made in relation to their financial forecast:

- The income projections made by the club have a satisfactory rationale.
- The expense projections made by the club have an unsatisfactory rationale and more review is required by the club should the project be supported.
- 71% of the expenses are fixed. However, only 34% of the income is fixed.
- To substantiate the income projections made by the club further, written confirmation should be obtained from Hockey WA to confirm that they will allocate games other than just the Whitford Hockey Club's to the new facility.
- Ongoing Financial Management – The City would need to further assess the rigour, controls and processes that would be employed by the club to manage their ongoing financials.

### **Regional significance**

The need for additional synthetic hockey pitch facilities in the north metropolitan area is documented in the Hockey WA Strategic Facilities Plan and supported by the feasibility study. Warwick Open Space is currently considered a District Park under the City's Parks and Public Open Spaces Classification Framework. The proposed project will create one of the largest hockey developments within the northern metropolitan area. If supported, the park would become a Regional Park as it would incorporate a large number of multi-use sport and recreation based facilities and have the capacity to service the needs of the Joondalup community and may also attract users from outside the City of Joondalup region.

### **Sustainability implications**

#### Environmental

One of the benefits of Warwick Open Space as the preferred location for the development is the site is relatively flat and clear, meaning only minimal earth works would be required.

The proposed synthetic pitch will be a hybrid (wet/dry) based playing surface, which would require some watering to enable games to be played (however the water requirements are lower than those needed for a full water based pitch). Depending on the amount of watering required, this could have an impact on the City's water usage for the area. However, if the project is supported, as part of the detailed design stage of the project water harvesting methods will be explored for suitability with this type of project. The development of a synthetic pitch would also reduce the level of weed spraying, fertilising and mowing required for part of the existing grass turf area.

The clubroom facility will be planned to reduce the impact of the carbon footprint and consider environmental sustainability design features.

#### Social

The project has included consultation with local residents and user groups of the oval to ensure that feedback received represents the diverse needs of the City's community. Any developments at the site will consider access and inclusion principles and will aim to enhance the amenity of the public space.

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

Through the City/club management model, the City is able to ensure that the grassed areas of the oval continue to be available for the local community and residents to use for informal play, exercise and dog walking.

## Economic

If the Whitford Hockey Club is unable to raise the additional required funds for their committed contribution to the project there is a risk that the City may be required to allocate additional funding to the project for it to proceed. Similarly, if the Department of Sport and Recreation contributes less than a third to the project, again the City would be required to allocate additional funding.

Through the City/club management model, if the hockey club is unable to meet the on-going operating costs for the facilities the City may be required to assist resulting in expenditure of unplanned budget funds.

## **Consultation**

Results of the initial community consultation completed recently have been outlined in the details section of this report. The full results of the community consultation are included as Attachment 3. A decision needs to be made whether further community consultation will be undertaken for this project.

## **COMMENT**

The Feasibility Study supports the need determined by Hockey WA and the Whitford Hockey Club for additional synthetic hockey pitches in the north metropolitan area. The study undertaken considered a number of location options within the City of Joondalup with Warwick Open Space being the preferred location for the development of a synthetic hockey pitch and associated infrastructure. Warwick Open Space is the most suitable location for the proposed development due to a number of factors including the size and capacity to cater for multiple senior hockey pitches; the compatibility with existing land-uses; location in proximity to neighbouring residents; and the fact that it is vested in the City for parks and recreation use.

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

If the Council is to proceed with the proposal to develop hockey infrastructure at Warwick Open Space, the proposed development including synthetic hockey pitch, grass hockey pitches, clubroom and additional car parking will create one of the largest hockey developments within the north metropolitan area. It is anticipated that this project will be considered a regional hockey complex and attract sporting clubs and people from outside the City.

The preferred management model for the development is for a City/club managed facility. This option would provide facilities to meet the needs of the Whitford Hockey Club, attract other hockey/sporting clubs and ensures that the grassed areas of the oval continue to be available for other sporting clubs/group and the local community and residents to use for passive recreation activities.

The City received a response rate of 12.3% from the recent community consultation undertaken for the proposed synthetic hockey pitch project. The low level of responses from people living within 500 metres of the park supports the view that the site is anticipated to have little impact on Warwick Open Space surrounding residents due to their proximity to the site.

With 299 submissions made by interested individuals that stated that they were affiliated with an organisation/group which had an interest in Warwick Open Space, it is clear that the development of the facilities is important to sporting clubs. Significantly, almost 50% of the responses received were from members of the Whitford Hockey Club.

The facilities proposed for the site were supported by the majority of respondents with over 91% of people supporting all the proposed works. Given the support for the proposed works indicated as part of the initial consultation, it is suggested that further community consultation for the project does not need to be conducted. To avoid any issues arising from this, project stakeholders and City of Joondalup residents within 500 metres of the site could be advised of the results of the initial consultation, the support received for the development and decision to proceed with the project.

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

If Council supports the development of synthetic hockey pitch infrastructure at Warwick Open Space, it is recommended that a submission be made to the CSRFF Forward Planning Grant funding round for construction in 2015-16. If supported, the project will be listed as part of the City's CSRFF project submission report to be considered by Council at the September 2013 ordinary Meeting.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

### **That Council:**

- 1 NOTES the findings and recommendations of the completed feasibility study for the synthetic hockey pitch development project;**
- 2 NOTES the findings and additional comments received as part of the of the community consultation process undertaken for the synthetic hockey pitch development project;**
- 3 NOTES the findings of the completed floodlighting impact study for the synthetic hockey pitch development project;**
- 4 NOTES the synthetic hockey pitch development project will be listed as part of the City's Community Sport and Recreation Facilities Fund project submission report to be considered by Council at the September 2013 ordinary meeting;**
- 5 Subject to a successful Community Sport and Recreation Facilities Fund grant application of \$2,341,000, APPROVES the proposed synthetic hockey pitch, grassed hockey pitches, clubroom, additional car parking, floodlighting and associated works at Warwick Open Space as detailed in this Report at a capital cost estimate of \$7,024,000 (including escalation to 2015-16);**

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

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf110613.pdf](#)*

## **ITEM 18                    PETITION IN RELATION TO THE INSTALLATION OF SHADE SAILS AND BARBECUES AT MARRI PARK, DUNCRAIG**

<b>WARD</b>	South
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	03146, 101515
<b>ATTACHMENTS</b>	Attachment 1    Locality Map
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to consider a petition requesting the installation of shade sails over the play equipment and barbecues at Marri Park, Duncraig.

### **EXECUTIVE SUMMARY**

At the ordinary meeting of Council held on 11 December 2012 (C80-12/12 refers), a 101 signature petition from residents of the City of Joondalup was tabled requesting the City upgrade the playground precinct at Marri Park, Duncraig. The wording on the petition is as follows:

*"We, the undersigned, all being electors of the City of Joondalup do respectfully request that the Council complete the Marri Park playground precinct.*

*The Marri Park play equipment in Duncraig is used by the local community on a daily basis, there are always children playing here. The playground is situated across the road from the local primary school and many families meet here after school. It is the Hub of West Duncraig.*

*The new equipment is fantastic but during the long hot Perth summers the equipment cannot be used due to the scorching heat of the metal frames and rubber matting under foot. Shade sails need to be installed so our children can play safely and enjoy this community facility year round.*

*To complete the area installing bbq's would further enhance the area and would be well utilised by local families and the sporting clubs who use the adjoining fields."*

The use of built shade structures, such as shade sails over playgrounds is not generally supported by the City with natural shade provided by trees being the preferred option. An assessment of the playground at Marri Park confirmed that there was no natural shading to the playground therefore six trees, varying from 45 to 100 litre containers, are scheduled to be planted around the playground at Marri Park to provide shade for the playground.

The City's current Parks and Public Open Spaces Classification Framework (PPOSCF) provides guidance on the eligibility of a particular park for infrastructure when planning and considering requests for additional infrastructure. Under the framework, Marri Park is classified as an Active District Park and does not meet the criteria for the installation of barbecue facilities. A review of the PPOSCF is currently underway and it is proposed that Marri Park will be classified as a Local Sports Park. Under the proposed PPOSCF the provision of barbecue facilities are not supported assets for a park of this type.

*It is therefore recommended that Council:*

- 1 *DOES NOT APPROVE the installation of a shade structure over the playground at Marri Park;*
- 2 *NOTES six trees are scheduled to be planted around the playground at Marri Park to provide shade for the play area;*
- 3 *DOES NOT APPROVE the installation of barbecue facilities at Marri Park, Duncraig;*
- 4 *ADVISES the lead petitioner of Council's decision.*

## **BACKGROUND**

A petition of electors (including 101 eligible signatures) was received by Council at its meeting held on 11 December 2012 (C80-12/12 refers). The petition requested that the City consider installing the following for Marri Park, Duncraig:

- shade sails over the new play equipment
- a barbecue area.

The City's PPOSCF as adopted by Council at its meeting held on 16 February 2010 (CJ014-02/10 refers), provides a guide of the type of infrastructure that is present or can be provided in each classification of parks. Marri Park is currently classified as an Active District Park. Active district parks are intended to service the local area, as well as surrounding suburbs. Organised sporting activities, both senior/junior are predominantly undertaken at Active District Parks, though passive recreational activities such as walking and play equipment use also occur. The table below shows the type of infrastructure that may be present in an Active District Park and what assets are currently in Marri Park.

<b>Infrastructure in Active District Parks</b>	<b>Assets in Marri Park</b>
Major sporting infrastructure (for example tennis courts, cricket wickets practise and competition).	Sporting infrastructure (main cricket wicket and practise wickets).
Floodlighting to facilitate sports participation.	Flood lighting.
<ul style="list-style-type: none"> <li>• One community facility.</li> <li>• Change rooms and toilet facilities.</li> </ul>	Change room and toilet facilities.
Capacity for 100 cars to park within or around the perimeter of the park grounds.	Car park.
Play equipment.	Play equipment.
Bench seating.	Bench seating.
	A picnic shelter.

A review of the PPOSCF is currently underway and it is proposed that Marri Park will be classified as a Local Sports Park. Sports parks provide for formal structured sporting activities such as team competitions, physical skill development and training. They are predominantly designed to accommodate the playing surface and infrastructure requirements of specific sports. People attend these parks with the main purpose of engaging in organised sporting activity, training, competition or viewing as a spectator. In the reviewed PPOSCF it is proposed that local sports parks will contain the following supported assets:

- Irrigation.
- Path network.
- Signage – park name.
- Sports infrastructure.
- Waste bins.

Barbecue facilities are not a supported asset for a Local Sports Park.

The following works for Marri Park are currently listed in the 2012-13 Five Year Capital Works Program:

- 2013-14 Cricket wicket repairs.
- 2016-17 Marri Park toilets/change room mini-makeover.

Recent Capital Works projects in Marri Park include:

- 2010-11 Landscape Master Plan works – irrigation upgrade and creation of hydrozones and ecozones.
- 2010-11 Replacement of main cricket wicket pad and carpet.
- 2010-11 New rubber mats for practise cricket wicket.
- 2010-11 New drinking fountain.
- 2011-12 New swing gate and concrete pad.
- 2011-12 Two new stairways.
- 2011-12 Replacement of playground and new picnic shelter.
- 2011-12 Sump redevelopment.
- 2011-12 New playground equipment.
- 2012-13 New benches.

## **DETAILS**

The playground in Marri Park is approximately 215 square metres in area and comprises of a medium size combo unit, dual rocker and swing set. There is currently no shade over the play equipment which on warm days can make the play equipment and rubber soft fall hot to touch.

The use of built shade structures over play equipment is not generally supported by the City, with natural tree shade being the preferred option for the provision of shade to playgrounds. The use of trees to create shade is aesthetically pleasing, cost effective and also provides environmental benefits.

It is recognised that some of the City's playgrounds do not have sufficient natural shade therefore a program was developed to plant shade trees to 30 playgrounds in 2012-13 and 30 in 2013-14 to provide shade. Marri Park has been listed on the 2012-13 tree planting program, six trees varying in pot sizes of 45 and 100 litres will be planted this winter planting season around the playground.

There are currently no barbecues at Marri Park. Under the current PPOSCF, Marri Park is classified as an Active District Park and does not meet the criteria for the installation of barbecue facilities. A review of the PPOSCF is currently underway and it is proposed that Marri Park will be classified as a Local Sports Park. Under the proposed PPOSCF the provision of barbecue facilities are not a supported asset for a park of this type.

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

**Legislation** Not applicable.

#### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality open spaces.

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

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

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

**Policy** *Parks and Public Open Spaces Classification Framework.*

### **Risk management considerations**

Local authorities are responsible for playgrounds and have a duty of care to provide safe environments for the local community. Currently there is no shade provided over the play equipment at Marri Park, however the provision of adequate shade through the planting of trees around the play equipment will make the equipment accessible to use on hot days and will reduce the risk of skin cancer and sunburn to children using the playground.

### **Financial/budget implications**

The cost to install a barbecue facility averages \$8,000. There are no funds listed in the current Five Year Capital Works Program. The cost to maintain and clean barbeque facilities averages \$3,000 per annum.

The cost to install shade sails averages \$35,000.

\$2,190 is allocated from the tree planting program as listed on the 2012-13 Capital Works Program for the installation of six trees around the playground in Marri Park.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

Marri Park is well used by the local community. The provision of adequate shade for the playground will increase the amenity of the play equipment.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 DOES NOT APPROVE the installation of a shade structure over the playground at Marri Park;**
- 2 NOTES six trees are scheduled to be planted around the playground at Marri Park to provide shade for the play area;**
- 3 DOES NOT APPROVE the installation of barbecue facilities at Marri Park, Duncraig;**
- 4 ADVISES the lead petitioner of Council's decision.**

*Appendix 13 refers*

To access this attachment on electronic document, click here: [Attach13brf110613.pdf](#)

**ITEM 19                      CONFIDENTIAL – SALE OF PROPERTY TO RECOVER UNPAID RATES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	06285, 101515
<b>ATTACHMENTS</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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This report is confidential in accordance with Section 5.23(2)(e)(iii) of the *Local Government Act 1995*, which also permits the meeting to be closed to the public for business relating to the following:

*A matter that if disclosed would reveal information about the business, professional, commercial or financial affairs of a person.*

A full report is provided to Elected Members under separate cover. The report is not for publication.

**8 REPORT OF THE CHIEF EXECUTIVE OFFICER**

**9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS**



**DECLARATION OF  
FINANCIAL INTEREST/INTEREST THAT MAY AFFECT  
IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER  
CITY OF JOONDALUP**

<b>Name/ Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Interest that may affect impartiality* <span style="float: right;"><i>* Delete where not applicable</i></span>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

Section 5.65(1) of the Local Government Act 1995 states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) *in a written notice given to the CEO before the meeting; or*
- (b) *at the meeting immediately before the matter is discussed.*



## DECLARATION OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

**To: CHIEF EXECUTIVE OFFICER  
CITY OF JOONDALUP**

<b>Name/ Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Interest that may affect impartiality* <span style="float: right;"><i>* Delete where not applicable</i></span>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

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- (a) *in a written notice given to the CEO before the meeting; or*
- (b) *at the meeting immediately before the matter is discussed.*



**QUESTION TO BE ASKED AT  
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

**QUESTIONS**

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Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to [council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

**Please note that:**

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called

