

# minutes

MEETING HELD ON **TUESDAY, 16 JULY 2013**

## TABLE OF CONTENTS

ITEM NO	TITLE	PAGE NO
	<b>DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS</b>	1
	<b>PUBLIC QUESTION TIME</b>	2
	<b>PUBLIC STATEMENT TIME</b>	4
	<b>APOLOGIES AND LEAVE OF ABSENCE</b>	4
C41-07/13	REQUEST FOR LEAVE OF ABSENCE – CRS CHRISTINE HAMILTON-PRIME, RUSS FISHWICK AND BRIAN CORR – [102280]	4
	<b>CONFIRMATION OF MINUTES</b>	5
C42-07/13	MINUTES OF COUNCIL MEETING, 25 JUNE 2013	5
C43-07/13	MINUTES OF SPECIAL COUNCIL MEETING, 2 JULY 2013	5
	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION</b>	5
	<b>DECLARATIONS OF INTEREST</b>	7
	<b>IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS</b>	8
	<b>PETITIONS</b>	8
	<b>REPORTS</b>	9
CJ119-07/13	DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS – MAY - [07032]	9
CJ120-07/13	INITIATION OF AMENDMENT NO. 70 TO DISTRICT PLANNING SCHEME NO. 2 TO INCLUDE THE LAND USE 'ANCILLARY DWELLING' – [103233]	14
CJ121-07/13	INITIATION OF SCHEME AMENDMENT NO. 71 - LOT 549 (11) MOOLANDA BOULEVARD, KINGSLEY – [103244]	20
CJ122-07/13	REQUEST FOR ROAD CLOSURE FOR PORTION OF CAMBERWARRA DRIVE ABUTTING LOT 94 (85) CAMBERWARRA DRIVE, CRAIGIE – [09270]	26
CJ123-07/13	TOWN PLANNING DELEGATIONS – ANCILLARY DWELLING – [103233]	31

<b>ITEM NO</b>	<b>TITLE</b>	<b>PAGE NO</b>
CJ124-07/13	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – PROPOSED AMENDMENTS TO THE CONSTITUTION – [00033]	39
CJ125-07/13	MINUTES OF EXTERNAL COMMITTEES – [29094, 00033]	45
CJ126-07/13	EXECUTION OF DOCUMENTS – [15876]	52
CJ127-07/13	CITY OF JOONDALUP WALKABILITY PLAN 2013-2018 – [101375]	55
CJ128-07/13	ELECTED MEMBER MEETING ALLOWANCES, PAYMENTS AND FEES – [27122]	61
CJ129-07/13	CITY OF JOONDALUP PARKING LOCAL LAW 2013 – ADOPTION – [24185]	68
CJ130-07/13	LIST OF PAYMENTS MADE DURING THE MONTH OF MAY 2013 – [09882]	73
CJ131-07/13	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 MAY 2013 – [07882]	76
CJ132-07/13	TENDER 013/13 – SUPPLY AND LAYING OF CONCRETE KERBING – [103108]	79
CJ133-07/13	TENDER 016/13 – PROVISION OF IRRIGATION PUMP AND BORE MAINTENANCE SERVICES – [103139]	85
CJ134-07/13	TENDER 017/13 – SUPPLY AND DELIVERY OF PVC PIPES, FITTINGS AND SPRINKLERS – [103140]	90
CJ135-07/13	PENISTONE PARK, GREENWOOD – PROPOSED REDEVELOPMENT – [02184]	96
CJ136-07/13	REQUEST FOR ADDITIONAL SUBSIDIES – FACILITY HIRE SUBSIDY – [101271]	105
CJ137-07/13	PROPOSED TRAFFIC TREATMENT – CASTLEGATE WAY, WOODVALE – [48565]	113
CJ138-07/13	DELAMERE PARK COMMUNITY CONSULTATION – [88565]	121
CJ139-07/13	APPLICATION TO INSTALL A MEMORIAL PLAQUE IN MEMORY OF MS RHONA JOHNSON – [100385]	126

ITEM NO	TITLE	PAGE NO
C44-07/13	<b>COUNCIL DECISION – EN BLOC RESOLUTION - [02154] [08122]</b>	130
	<b>REPORTS – STRATEGIC FINANCIAL MANAGEMENT COMMITTEE – 1 JULY 2013</b>	131
CJ140-07/13	PROGRESS REPORT ON THE PROPOSED DISPOSAL OF LOTS 642/643 (57/59) MARRI ROAD, DUNCRAIG – [63627,27459]	131
CJ141-07/13	REVIEW OF 20 YEAR STRATEGIC FINANCIAL PLAN – GUIDING PRINCIPLES – [103243]	136
	<b>REPORTS – CAPITAL WORKS COMMITTEE – 2 JULY 2013</b>	142
CJ142-07/13	BRAMSTON PARK, BURNS BEACH – PROPOSED DEVELOPMENT – [87611]	142
CJ143-07/13	2013-14 REFURBISHMENT PROJECTS – TIMBERLANE PARK HALL – [02387]	158
	<b>REPORT OF THE CHIEF EXECUTIVE OFFICER</b>	169
CJ144-07/13	OCEAN REEF MARINA – METROPOLITAN REGION SCHEME AMENDMENT REQUEST – [04171B]	169
C45-07/13	<b>PROCEDURAL MOTION TO DEFER – [02154, 08122]</b>	176
C46-07/13	JOONDALUP PERFORMING ARTS AND CULTURAL FACILITY - ARCHITECTURAL DESIGN COMPETITION – STATUS REPORT – [75577]	177
	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	182
C47-07/13	NOTICE OF MOTION – COUNCILLOR BRIAN CORR – AMENDMENT TO TOWN PLANNING DELEGATIONS – [102280, 07032]	182
	<b>ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING</b>	185
	<b>CLOSURE</b>	185

## CITY OF JOONDALUP

**COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP ON TUESDAY 16 JULY 2013.**

### DECLARATION OF OPENING

The Mayor declared the meeting open at 7.05pm.

### ANNOUNCEMENT OF VISITORS

#### Mayor:

TROY PICKARD

#### Councillors:

CR KERRY HOLLYWOOD	North Ward	
CR TOM McLEAN, JP	North Ward	<i>Absent from 7.47pm to 7.49pm</i>
CR PHILIPPA TAYLOR	North-Central Ward	
CR SAM THOMAS	North-Central Ward	
CR LIAM GOBBERT	Central Ward	<i>Absent from 7.39pm to 7.41pm</i>
CR GEOFF AMPHLETT, JP	Central Ward	
CR CHRISTINE HAMILTON-PRIME	South-West Ward	
CR MIKE NORMAN	South-West Ward – <i>Deputy Mayor</i>	
CR JOHN CHESTER	South-East Ward	<i>Absent from 8.26pm to 8.28pm</i>
CR BRIAN CORR	South-East Ward	
CR RUSS FISHWICK, JP	South Ward	
CR TERESA RITCHIE	South Ward	<i>Absent from 8.03pm to 8.04pm</i>

#### Officers:

MR GARRY HUNT	Chief Executive Officer
MR MIKE TIDY	Director Corporate Services
MR JAMIE PARRY	Director Governance and Strategy
MR NICO CLAASSEN	Director Infrastructure Services
MR BRAD SILLENCE	Manager Governance
MR JOHN CORBELLINI	Manager Planning Services
MR STUART McLEA	Media and Communications Officer
MR JOHN BYRNE	Governance Coordinator
MRS LESLEY TAYLOR	Governance Officer
MRS ROSE GARLICK	Governance Officer

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

**PUBLIC QUESTION TIME**

**The following questions were taken on notice at the Ordinary Council Meeting held on 25 June 2013:**

**Mrs M Macdonald, Mullaloo:**

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

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

*A1 Detailed investigations on the potential impact of the proposed marina development on existing coastal processes and the marine environment, including the potential impact of climate change, will be undertaken by Strategen as part of the environmental assessment process.*

**Mrs K Fasolo, Ocean Reef:**

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

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

*A1 There have been 86 parking infringements issued at Mirror Park between 1 January 2013 and 21 June 2013.*

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

*A2 The nature of the complaints related to after-hour noise, parking on the verge, rubbish and cars hooning in the streets that surround the skate park.*

**Ms S Fleming, Ocean Reef:**

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

*Q1 Would Council consider approaching Main Roads WA or the relevant government department with a view to installing speed humps along Oceanside Promenade?*

*A1 In general, traffic treatments such as speed humps on distributor roads like Oceanside Promenade are not supported due to the high traffic volumes and the negative impact on traffic flows. Other issues such as vehicle noise and ongoing vertical displacement of vehicles are also of concern.*

*In extreme situations when intervention is required, speed humps have been provided to address road safety concerns relating to high pedestrian movements. This is the case for Oceanside Promenade between Mullaloo Drive and Warren Way where speed humps have been provided. There are no further plans to install additional speed humps on Oceanside Promenade.*

**The following questions were submitted prior to the Council meeting:****Mr D Blackburn, Kingsley:**

*Re: Minutes of the Ocean Reef Marina Committee held on 5 December 2012.*

*Q1 In the minutes of the Ocean Reef Marina Committee held on 5 December 2012 – Item 1 and in relation to “Bush Forever” (Page 11) it was stated:*

*“The City has identified approximately 1.25ha of City owned land that could be utilised for offsets.”*

*Where is the approximately 1.25ha of City owned land that has been identified?*

*A1 The identification and inclusion of City owned land is part of the overall “Bush Forever” offsets and management package which is currently being negotiated with the Department of Environment Regulation (formerly Department of Environment and Conservation). This is an ongoing process and once finalised the relevant information will be presented to the Ocean Reef Marina Committee for consideration.*

*Re: CJ121-07/13 – Initiation of Scheme Amendment No 71 – Lot 549 (11) Moolanda Boulevard, Kingsley.*

*Q2 Is there a public open space obligation on the 4,040m<sup>2</sup> portion of Lot 549 to be sold?*

*A2 Lot 549 is zoned ‘Civic and Cultural’ under the City’s District Planning Scheme No. 2, and is not reserved for the purposes of public open space. When the Kingsley area was originally subdivided and developed for residential purposes Lot 549 was not included as part of the public open space calculation. This original subdivision and development of Kingsley set aside and reserved more than 10% of the subdividable area for public open space. This exceeds the amount required under WA Planning Commission policies.*

*There are a number of parks within the immediate vicinity of the subject site, including Calthorpe (immediately to the north adjoining Lot 549) and Illawong Parks (within a 400 metre walk of Lot 549) which provides opportunities for active and passive recreation. Private recreational facilities are also provided on Lot 501 in order to serve the needs of residents of that development.*

*Considering the above, the amalgamation of the portion of Lot 549 into Lot 501 will not trigger a requirement for public open space or cash in lieu. For the subdivision of five lots or less, public open space contribution is not required where it can be demonstrated that land has already been given up for public open space in an earlier subdivision, or there is sufficient local open space in the locality.*

*Q3 What will be done to ensure that the significant trees are retained and the loss of other trees is minimised?*

*A3 The retention of specific trees is considered at later stages of the planning process through the assessment of development applications. Where vegetation is located on private property the City can encourage retention, however, the ability to ensure the trees are retained by the developer is limited.*

**The following questions were submitted prior to the Council meeting:****Mr M Sideris, Mullaloo:**

Re CJ128-07/13 Elected Member Meeting Allowances, Payments and Fees

Q1 Why is the recommendation to Council to set the maximum amount for the Mayoral Allowance, Deputy Mayoral Allowance, Annual Meeting Fee Allowance and ICT Allowance for the City of Joondalup Elected Members when around 98.5% of all development applications received by the City are determined under delegation?

Q2 Considering that it only infrequently occurs that the Council reverses an officer's recommendation in a report to Council, why do we need an elected Mayor and Councillors at all?

A1-2 These questions were taken on notice.

**PUBLIC STATEMENT TIME**

Nil.

**APOLOGIES AND LEAVE OF ABSENCE****Leave of Absence previously approved**

Cr John Chester 24 July to 30 July 2013 inclusive.

Cr Teresa Ritchie 12 August to 16 August 2013 inclusive.

*Cr John Chester indicated that he no longer required leave of absence as previously approved by Council.*

**C41-07/13 REQUESTS FOR LEAVE OF ABSENCE – CRS CHRISTINE HAMILTON-PRIME, CR RUSS FISHWICK AND CR BRIAN CORR - [102280]**

Cr Christine Hamilton-Prime requested Leave of Absence from Council duties covering the period 20 July to 30 July 2013 inclusive.

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

Cr Brian Corr requested Leave of Absence from Council duties covering the period 13 August to 17 August to 2013 inclusive.



**MOVED Cr Gobbert, SECONDED Cr McLean that Council APPROVES the Requests for Leave of Absence from Council Duties covering the following dates:**

**Cr Christine Hamilton-Prime            20 – 30 July 2013 inclusive;**  
**Cr Russ Fishwick                        12 – 16 August 2013 inclusive;**  
**Cr Brian Corr                              13 – 17 August 2013 inclusive.**

**The Motion was Put and**

**CARRIED (13/0)**

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

## **CONFIRMATION OF MINUTES**

### **C42-07/13                    MINUTES OF COUNCIL MEETING HELD 25 JUNE 2013**

**MOVED Cr Amphlett, SECONDED Cr Hamilton-Prime that the Minutes of the Council Meeting held on 25 June 2013 be CONFIRMED as a true and correct record.**

**The Motion was Put and**

**CARRIED (13/0)**

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

### **C43-07/13                    MINUTES OF SPECIAL COUNCIL MEETING HELD 2 JULY 2013**

**MOVED Cr Amphlett, SECONDED Cr Norman that the Minutes of the Council Meeting held on 2 July 2013 be CONFIRMED as a true and correct record.**

**The Motion was Put and**

**CARRIED (13/0)**

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

## **ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

### **NAIDOC WEEK LAUNCH SUCCESS**

Mayor Pickard advised the City of Joondalup launched its 2013 NAIDOC Week Celebrations at Central Park South last week.

Mayor Pickard stated that NAIDOC Week events are an integral part of the City's Cultural calendar, and 2013 is the 10<sup>th</sup> year that the City has celebrated and recognised the significance of Aboriginal heritage in our region through a week of free community activities and events.

The Joondalup region is part of Mooro Country and is a very important place for Indigenous people.

Mayor Pickard commented the NAIDOC Week launch included a Welcome to Country performance, bush tucker presentation, Wadumbah Aboriginal Dance Group interpretation and a flag-raising ceremony.

Mayor Pickard advised the following evening an *Artists in Focus – Sonnets and Songs* event was held at the blend(er) Gallery, the same venue where you will find a spectacular exhibition by indigenous artist Lindsay Harris that remains on display until Saturday 20 July 2013.

### **COMMUNITY FORUM**

Mayor Pickard encouraged City of Joondalup residents to take part in an online survey that will dictate the local issues to be discussed at a community forum later this month.

Mayor Pickard advised the City of Joondalup will host the Your Suburb, Your Voice forum on Wednesday 24 July in Council Chambers from 6.30pm.

Mayor Pickard commented Councillors, local politicians and important City stakeholders are expected to attend the forum, which is being organised by Radio 6PR, Channel 9 and WAtoday.com.au.

Mayor Pickard believed this is a chance for residents to have their say on issues that are important to them.

Mayor Pickard stated it is the second of a series of forums to be held throughout the metropolitan area. About 500 people attended the first forum at the City of Armadale.

The online survey is available at WAtoday.com.au.

### **CURRAMBINE COMMUNITY CENTRE DESIGN GETS GREEN TICK OF APPROVAL**

Mayor Pickard advised the \$4 million Currambine Community Centre has received the Green Building Council of Australia's (GBCA's) tick of approval for environmentally and financially sustainable design.

Mayor Pickard stated the City of Joondalup is the first local government in West Australia to achieve a 4 Star Green Star – Public Building PILOT rating, signifying 'Best Practice', from the GBCA.

Mayor Pickard advised the Currambine Community Centre's design includes a range of environmentally efficient features such as rain water harvesting for recycling, photovoltaic panels, passive solar design, energy efficient lighting and low water consumption appliances.

Mayor Pickard believed the prestigious award demonstrates the City's commitment to setting the standards for local government in WA when it comes to environmental sustainability practices.

GBCA Chief Executive Romilly Madew congratulated the City of Joondalup for showing true leadership and a commitment to better long-term financial and environmental outcomes.

## DECLARATIONS OF INTEREST

### Disclosures of Financial / Proximity Interest

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

<b>Name/Position</b>	<b>Cr Tom McLean, JP.</b>
<b>Item No./Subject</b>	CJ138-07/13 – Delamere Park Community Consultation.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Cr McLean lives adjacent to Delamere Park.

<b>Name/Position</b>	<b>Cr Teresa Ritchie.</b>
<b>Item No./Subject</b>	CJ143-07/13 – 2013-14 – Refurbishment Projects – Timberlane Park Hall.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Cr Ritchie resides near Timberlane Park Hall on Woodvale Drive, Woodvale.

### Disclosures of interest affecting impartiality

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

<b>Name/Position</b>	<b>Cr Brian Corr.</b>
<b>Item No./Subject</b>	CJ135-07/13 – Penistone Park, Greenwood – Proposed Redevelopment.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Corr's son is a member of the Warwick/Greenwood Cricket Club.

<b>Name/Position</b>	<b>Cr Mike Norman.</b>
<b>Item No./Subject</b>	CJ139-07/13 – Application to Install a Memorial Plaque In Memory of Ms Rhona Johnson.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Norman is the Coordinator of the 'Friends of Harman Park' which has advocated for the memorial plaque for Ms Johnson.

<b>Name/Position</b>	<b>Mayor Troy Pickard.</b>
<b>Item No./Subject</b>	CJ144-07/13 – Ocean Reef Marina – Metropolitan Region Scheme Amendment Request.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mayor Pickard is a patron of Whitford Volunteer Sea Rescue Group.

<b>Name/Position</b>	<b>Cr Sam Thomas.</b>
<b>Item No./Subject</b>	CJ144-07/13 – Ocean Reef Marina – Metropolitan Region Scheme Amendment Request.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Thomas is a member of Whitford Volunteer Sea Rescue Group.

<b>Name/Position</b>	<b>Cr Philippa Taylor.</b>
<b>Item No/Subject</b>	CJ119-07/13 - Development, Code Variation and Subdivision Applications – May 2013
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	One of the applicants is a friend of Cr Taylor.

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

Nil.

#### **PETITIONS**

Nil.

**REPORTS****Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Philippa Taylor.</b>
<b>Item No/Subject</b>	CJ119-07/13 - Development, Code Variation and Subdivision Applications – May 2013
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	One of the applicants is a friend of Cr Taylor.

## CJ119-07/13      DEVELOPMENT,      CODE      VARIATION      AND SUBDIVISION APPLICATIONS - MAY 2013

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>ATTACHMENTS</b>	Attachment 1    Monthly    Development    Applications Determined – May 2013 Attachment 2    Monthly    Subdivision    Applications Processed – 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 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 May 2013 (Attachments 1 and 2 refers):

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

## BACKGROUND

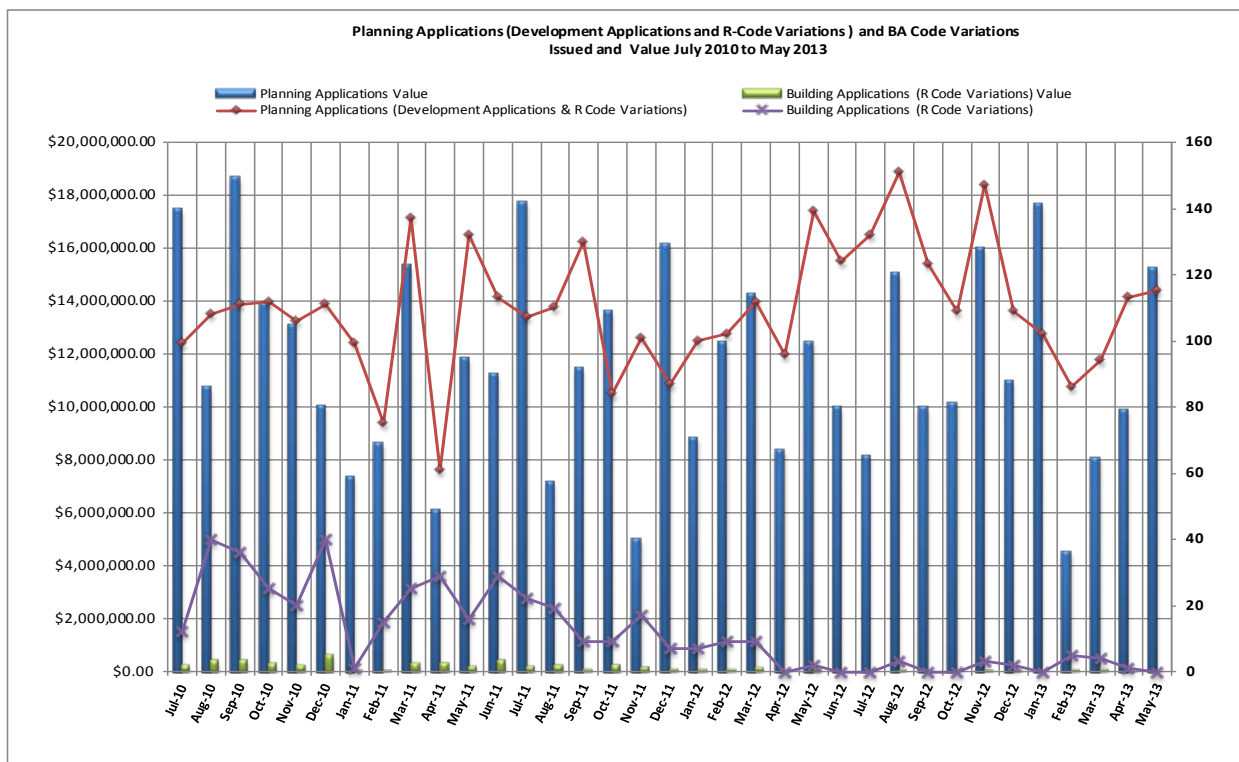
DPS2 requires that delegations be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 25 June 2013 (CJ094-06/13 refers), Council considered and adopted the most recent Town Planning Delegations via its review of the Register of Delegation of Authority manual.

## DETAILS

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

Applications determined under delegated authority – May 2013		
Type of Application	Number	Value (\$)
Planning applications (development applications and R-Codes applications)	115	\$15,217,849
Building applications (R-Codes applications)	0	0
<b>TOTAL</b>	<b>115</b>	<b>\$15,217,849</b>

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



The number of development applications received during May was 153. (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 May was 243. Of these, 60 were pending additional information from applicants, and 61 were being advertised for public comment.

In addition to the above, 359 building permits were issued during the month of May with an estimated construction value of \$137,581,949.

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

<b>Subdivision referrals processed under delegated authority for May 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 115 applications were determined for the month of May with a total amount of \$54,223 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 115 development applications determined during May 2013 consultation was undertaken for 59 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 May 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 City, rather than day-to-day operational and statutory responsibilities.

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

**VOTING REQUIREMENTS**

Simple Majority.



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

- 1 Applications for planning approval and R-Codes applications described in Attachment 1 to Report CJ119-07/13 during May 2013;**
- 2 Subdivision applications described in Attachment 2 to Report CJ119-07/13 during May 2013.**

**The Motion was Put and**

**CARRIED (13/0)**

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

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf090713.pdf](#)*

## **CJ120-07/13      INITIATION OF AMENDMENT NO. 70 TO DISTRICT PLANNING SCHEME NO. 2 TO INCLUDE THE LAND USE 'ANCILLARY DWELLING'**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	103233, 101515
<b>ATTACHMENT</b>	Attachment 1    Scheme Amendment Process Flowchart
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

---

### **PURPOSE**

For Council to consider initiating an amendment to *District Planning Scheme No. 2 (DPS2)* to modify Schedule 1 – Interpretations and Table 1 – Zoning Table to change the land use of 'Ancillary Accommodation' to 'Ancillary Dwelling', for the purpose of public advertising.

### **EXECUTIVE SUMMARY**

The Department of Planning has undertaken a review of *State Planning Policy 3.1 Residential Design Codes of Western Australia (R-Codes)*, with the revised R-Codes to become effective from 2 August 2013. This has resulted in the dwelling type 'Ancillary Accommodation' being changed and re-titled 'Ancillary Dwelling'. The occupier(s) of an Ancillary Dwelling do not need to be related to the occupier(s) of the main dwelling under this new land use.

In addition to the change in land use, minor changes to the R-Codes have also been made to the 'deemed to comply' criteria for an 'Ancillary Dwelling' in regard to the maximum floor area and car parking requirements.

To accommodate the new standards DPS2 needs to be updated to reflect the new land use. The land use permissibility for 'Ancillary Dwelling' is proposed to be the same as currently applies to 'Ancillary Accommodation', being a discretionary ("D") use in the 'Residential' zone, and a not permitted("X") use in all other zones.

The removal of the restriction for Ancillary Accommodation only being able to be occupied by family members occupying the main dwelling will provide a choice in housing type that will assist in meeting the needs of the community. Although the modifications result in greater flexibility for the use of an Ancillary Dwelling, the intent of this form of development is retained.

It is recommended that Council initiates the proposed scheme amendment for the purpose of public advertising.

## BACKGROUND

The Department of Planning has recently undertaken a review of the R-Codes which has resulted in changes to the document. The changes will become operational from 2 August 2013. Following the review, 'Ancillary Accommodation' has been changed to 'Ancillary Dwelling' and the requirement for the occupier(s) of the ancillary dwelling to be related to the occupier(s) of the main dwelling on the same lot has been removed. Key differences between the existing 'Ancillary Accommodation' and the new 'Ancillary Dwelling' provisions as set out in the R-Codes are provided below.

The definition for 'Ancillary Accommodation' is:

*"Self contained living accommodation on the same lot as a single house that may be attached or detached from the single house occupied by members of the same family as the occupiers of the main dwelling."*

The definition for 'Ancillary Dwelling' will be:

*"self contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house."*

R-Code Provisions	Ancillary Accommodation	Ancillary Dwelling
<b>Occupancy</b>	Sole occupant or occupants are members of the family of the occupiers of the main dwelling.	Not applicable
<b>Minimum parent lot size</b>	450m <sup>2</sup>	450m <sup>2</sup>
<b>Open space</b>	As per requirements of Table 1 (i.e. 50%)	Complies with the R-Codes (i.e. 50% for lots with a density code of R20)
<b>Maximum floor area</b>	60m <sup>2</sup>	70m <sup>2</sup>
<b>Parking requirement</b>	One car bay (in addition to the two required for the main dwelling).	No additional car bays if the site is within 800m of a train station on a high frequency rail route or 250m of a high frequency bus route, otherwise 1 bay is required (in addition to those required for the main dwelling).

The intent of this type of development has not changed in that it is still required to be an ancillary use to the single dwelling on the site. As with 'Ancillary Accommodation', 'Ancillary Dwelling' will only be permitted on a lot with a single dwelling, not grouped or multiple dwellings. There is also no intent for the ancillary dwelling to be a precursor to subdivision or to be sold separately from the main dwelling. In order to be eligible for subdivision, the site would need to meet the relevant R-Code requirements including average and minimum lot sizes to accommodate more than one dwelling at the applicable density code.

Due to 'Ancillary Accommodation' being replaced by 'Ancillary Dwelling' in the R-Codes the City also needs to amend DPS2, by removing 'Ancillary Accommodation' as a land use, and replacing it with 'Ancillary Dwelling'.

## DETAILS

In order to align DPS2 with the revised R-Codes the proposed amendments to DPS2 are as follows:

Table 1 - Zoning Table:

ZONES  USE CLASSES	RESIDENTIAL	MIXED USE	BUSINESS	COMMERCIAL	CIVIC & CULTURAL	PRIVATE CLUBS/RECREATION	SERVICE INDUSTRIAL	SPECIAL RESIDENTIAL	RURAL
Ancillary <u>Dwelling</u>	D	X	X	X	X	X	X	X	X

Schedule 1 - Interpretations:

***Ancillary Dwelling:*** has the same meaning as is given to it in the Residential Design Codes.

Given the similarities between 'Ancillary Accommodation' and 'Ancillary Dwelling' the land use permissibility is not proposed to change. This means that 'Ancillary Dwelling' will be a Discretionary ('D') use in the 'Residential' zone, and a use not permitted ('X') in all other zones. That is, the land use will only be permissible in the 'Residential' zone subject to development approval being granted.

Currently in Schedule 1 of DPS 2, 'Ancillary Accommodation' is defined as 'having the same meaning as is given to it in the Residential Planning Codes'. Due to this reference only the land use title is required to be updated where it is included in Schedule 1 and Table 1 – Zoning Table. Additionally the term 'Residential Planning Codes' will be updated to refer to the 'Residential Design Codes'.

### Issues and options considered

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

- proceed with the proposed scheme amendment and adopt it for the purpose of public advertising
- modify and proceed with the proposed scheme amendment and adopt it for the purposes of public advertising  
or
- not proceed with the proposed scheme amendment.

## Legislation / Strategic Community Plan / policy implications

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

### Strategic Community Plan

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

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

The community is able to effectively age in place through a mix of facilities and appropriate urban landscapes.

**Policy** Not applicable.

Part 5 of the *Planning and Development Act 2005* along with the *Town Planning Regulations 1967* enables local government to amend a Local Planning Scheme and sets out the process to be followed.

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

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

The process flow chart for amendments to DPS2 is included as Attachment 1.

### Risk management considerations

The proposed amendment will result in existing ancillary accommodation becoming non-conforming uses, as the land use will no longer be listed in DPS2. This does not mean that land owners will have to discontinue the use, as they will have non-conforming use rights under DPS2.

If the proposed scheme amendment is not progressed, applications for an 'Ancillary Dwelling' will become an 'unlisted use' under DPS2, requiring determination by Council rather than under delegated authority. This will increase the time required to process and determine these applications. The discussion on the delegations for determining applications for an 'Ancillary Dwelling' is the subject of another report on this agenda.

**Financial/budget implications**

The City, as the applicant, will be required to cover the costs associated with the scheme amendment process. The cost incurred for the advertising of the amendment which consists of placing a notice in the relevant newspapers, is approximately \$810.

**Regional significance**

The changes to the R-Codes in relation to occupancy of 'Ancillary Dwelling' and the size of such accommodation will provide for greater housing diversity throughout the state, including throughout the City of Joondalup.

**Sustainability implications**

Although the new 'Ancillary Dwelling' cannot be separately sold, or subdivided from the main house, they will be capable of being rented out to persons other than those related to the occupants of the main dwelling. In removing the requirement for the 'Ancillary Dwelling' to be occupied only by persons related to the occupier(s) of the main dwelling, greater opportunities will exist to provide affordable housing within established residential areas.

**Consultation**

Should Council initiate the scheme amendment, it is proposed that advertising be by way of:

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

In accordance with Regulation 25, sub-regulation (2)(j)(v) of the *Town Planning Regulations 1967*, Council may request the Western Australian Planning Commission permit the advertising period be reduced from 42 days, but be no less than 21 days. Given that the intent of the scheme amendment is to align with the revised R-Codes that were subject to extensive public consultation by the Department of Planning in 2012, it is recommended that Council requests the public advertising be for 21 days.

**COMMENT**

Although the modification to the title and definition of 'Ancillary Accommodation' results in greater flexibility for the use of an ancillary dwelling (in that the occupier(s) may be unrelated to the occupier(s) of the main dwelling) the intent of the type of development is retained. As the floor space is still prescribed for this type of development it ensures the dwelling remains the ancillary to the main use on the site being a single dwelling rather than a second independent dwelling. It is on this basis that the land use permissibility of 'Ancillary Dwelling' is proposed to be the same as that for 'Ancillary Accommodation'.

Given the above, it is recommended that Council initiates the proposed amendment to DPS2 for the purpose of public advertising, and requests approval from the Western Australian Planning Commission that advertising be for a period of 21 days.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Corr, SECONDED Cr Norman that Council:**

- 1 Pursuant to Part 5 of the *Planning and Development Act 2005* and regulations 13 and 25 of the *Town Planning Regulations 1967*, PROCEEDS with Amendment No. 70 to the *City of Joondalup District Planning Scheme No. 2* and ADOPTS Amendment No. 70 for the purposes of public advertising as follows:**

- 1.1 Amends the use class ‘Ancillary Accommodation’ in Table 1- Zoning Table by replacing the word ‘Accommodation’ with ‘Dwelling’ as follows:**

ZONES	RESIDENTIAL	MIXED USE	BUSINESS	COMMERCIAL	CIVIC & CULTURAL	PRIVATE CLUBS/RECREATION	SERVICE INDUSTRIAL	SPECIAL RESIDENTIAL	RURAL
USE CLASSES									
Ancillary <u>Dwelling</u>	D	X	X	X	X	X	X	X	X

- 1.2 Amending the definition of ‘Ancillary Accommodation’ in Schedule 1 – Interpretations by replacing the word ‘accommodation’ with ‘dwelling’ and the word ‘Planning’ with ‘Design’ as follows:**

***“Ancillary Dwelling: has the same meaning as is given to it in the Residential Design Codes”;***

- 2 Pursuant to regulations 14 (2) and 25 of the *Town Planning Regulations 1967*, REQUESTS the Western Australian Planning Commission permit the public advertising for a period of 21 days.**

**The Motion was Put and**

**CARRIED (13/0)**

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

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf090713.pdf](#)

**CJ121-07/13      INITIATION OF SCHEME AMENDMENT NO. 71 -  
LOT 549 (11) MOOLANDA BOULEVARD, KINGSLEY**

<b>WARD</b>	South-East
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	103244, 101515
<b>ATTACHMENTS</b>	Attachment 1    Location plan Attachment 2    Subdivision plan Attachment 3    Scheme amendment process flowchart Attachment 4    Consultation map
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

---

**PURPOSE**

For Council to consider initiating an amendment to *District Planning Scheme No. 2 (DPS2)* to rezone a portion of Lot 549 (11) Moolanda Boulevard, Kingsley, from 'Civic and Cultural' to 'Residential', for the purpose of public advertising.

**EXECUTIVE SUMMARY**

Lot 549 (11) Moolanda Boulevard is a City owned site at the rear of the Boulevard Plaza Shopping Centre, Kingsley. The site contains two leased buildings and associated car park (Attachment 1 refers). Council, at its meeting held on 20 November 2012 (CJ245-11/12 refers), resolved to accept a conditional offer made by MASONIC Care WA, who own the adjoining aged care facilities and service station to the south (Lot 501 (47) Renegade Way, Kingsley), to purchase approximately 4,040m<sup>2</sup> of Lot 549. Council also resolved at this meeting to rezone this portion of the lot from 'Civic and Cultural' to 'Residential', maintain the existing density code of R20, and commence the subdivision process to amalgamate the portion into Lot 501.

The portion of Lot 549 that is the subject of Scheme Amendment No. 71 is undeveloped with the exception of car parking to the western part of the lot. In accordance with the car parking standards prescribed under DPS2 there will remain an adequate area for on-site car parking to accommodate the City's buildings currently leased to Silver Chain and Community Vision. This ensures there is minimal impact on the existing facilities.

The proposed amendment to rezone the portion of the site to 'Residential' is considered appropriate, as it will be consistent with the zoning of Lot 501 and allow MASONIC Care WA to develop additional aged care facilities, which would not otherwise be permitted under DPS2 should the zone remain 'Civic and Cultural'.

It is recommended that Council initiates the proposed scheme amendment for the purposes of public advertising.



**BACKGROUND**

<b>Suburb/Location</b>	Lot 549 (11) Moolanda Boulevard, Kingsley.
<b>Applicant</b>	City of Joondalup.
<b>Owner</b>	City of Joondalup.
<b>Zoning</b>	<b>DPS2</b> Civic and Cultural. <b>MRS</b> Urban.
<b>Site area</b>	1ha (0.4042ha of the site is the subject of the scheme amendment).
<b>Structure plan</b>	Not applicable.

Lot 549 (11) Moolanda Boulevard is a City owned site currently zoned 'Civic and Cultural', with a density code of R20. The site is located behind a single storey commercial development to the east, a church and park (Calthorpe Park) to the north, residential properties to the west, and a retirement village and service station (owned by MASONIC Care WA) to the south.

The current development on the site consists of two single storey buildings (leased to Community Vision and Silver Chain) and associated car parking. The area that is the subject of the rezoning is highlighted in Attachment 1, being 4,042m<sup>2</sup> in the south of the one hectare site. This portion of the site is undeveloped with the exception of an area of car parking to the west.

A legal agreement exists between the City and the strata owners of the Boulevard Plaza Shopping Centre (the adjoining commercial premises to the east), which commenced on 6 April 1989 for a period of 99 years. The legal agreement applies to a portion of car parking immediately behind the shopping centre, where the owners of the shopping centre constructed a car park on the City's land. The legal agreement allows staff/customers of the shopping centre access to and from the subject car park. The agreement states that during its term, the land will only be used as a car park and the City will make reasonable regulations for use of the car parking bays. The car parking area and access that are subject to the legal agreement do not fall within the area proposed to be rezoned to 'Residential'.

Council, at its meeting held on 20 November 2012 (CJ245-11/12 refers) resolved that it:

- 1 *ACCEPTS the conditional offer of \$1,050,000 made by MASONIC Care WA – by private treaty – for an area of approximately 4,040m<sup>2</sup> of Lot 549 (11) Moolanda Boulevard, Kingsley as detailed on Attachment 2 of this Report, subject to:*
  - 1.1 *the City, via the subdivision process creating a new Certificate of Title;*
  - 1.2 *the City, via the scheme amendment process rezoning the new lot to Residential/R20;*
  - 1.3 *the City, in accordance with Section 3.58(3) of the Local Government Act 1995 giving public notice for the proposed disposition of the new lot created;*
- 2 *REQUESTS that the subdivision application process commences for Lot 549 (11) Moolanda Boulevard, Kingsley.*

## DETAILS

In accordance with the Council resolution above, Scheme Amendment No. 71 seeks to rezone a 4,042m<sup>2</sup> portion in the south of Lot 549 (11) Moolanda Boulevard, from 'Civic and Cultural' to 'Residential'. Given that the density code of R20 already applies across the whole site, no change to the R-Codes is required.

This portion of Lot 549 will be amalgamated with the adjoining lot to the south, and will likely be developed by MASONIC Care WA for aged care facilities.

### Issues and options considered

The issues to be considered by Council are:

- the suitability of the proposed zone
- the impact of the proposed scheme amendment on existing developments.

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

- proceed with the proposed scheme amendment and adopt it for the purposes of public advertising
- modify and proceed with the proposed scheme amendment and adopt it for the purposes of public advertising  
or
- not proceed with the proposed scheme amendment.

### 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>	Housing infill and densification is encouraged and enabled through strategic, planning approach in appropriate locations.  The community is able to effectively age-in-place through a diverse mix of facilities and appropriate urban landscapes.
<b>Policy</b>	Not applicable.

### Planning and Development Act 2005 and Town Planning Regulations 1967

Part 5 of the *Planning and Development Act 2005* along with the *Town Planning Regulations 1967* enables local government to amend a local planning scheme and sets out the process to be followed.

Should Council resolve to proceed with the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review is required. Should the EPA decide that an environmental review is not required, upon the

City's receipt of written confirmation of this from the EPA, the City is then required to advertise the proposed amendment for 42 days.

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

The process flow chart for amendments to DPS2 is included as Attachment 3.

### **Risk management considerations**

Not applicable.

### **Financial/budget implications**

The City, as the applicant, will be required to cover the costs associated with the scheme amendment process. The costs incurred are for the advertising of the amendment which includes placing a notice in the relevant newspapers and erecting a sign on the subject site. It is estimated that the cost of advertising will be approximately \$1,500.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The rezoning of the site to 'Residential' will permit the development of aged persons' dwellings that will allow aging in place where people can continue to reside in their local area over the long term.

### **Consultation**

Should Council initiate the scheme amendment, it is required to be advertised for public comment for 42 days. It is proposed that advertising will be by way of:

- letters to land owners surrounding the subject site as depicted in Attachment 4
- a notice placed in the Joondalup Community newspaper and The West Australian newspaper
- a sign on the subject site
- a notice on the City's website.

### **COMMENT**

#### Suitability of the proposed rezoning

The proposed rezoning of a southern 4,042m<sup>2</sup> portion of Lot 549 (11) Moolanda Boulevard from 'Civic and Cultural' to 'Residential' is consistent with Council's resolution of 20 November 2012 (CJ245-11/12 refers). The proposed rezoning is part of the process that will facilitate the amalgamation of this portion of Lot 549 with the adjoining lot to the south, owned by MASONIC Care WA.

It is understood that MASONIC Care WA will use this portion of land to extend their existing retirement village. In accordance with DPS2, the land uses 'retirement village', 'aged or dependent persons' accommodation', and 'nursing home' are not permitted within the 'Civic and Cultural' zone, and they would be unable to develop aged care facilities based on the current zoning. By rezoning the portion of land to 'Residential' these same land uses become discretionary ("D") land uses under DPS2, and therefore able to be considered. It should be noted that a 'Residential' zoning would also allow a number of other residential related land uses to be considered on the land.

#### Impact on existing land uses on Lot 549

As a result of the amalgamation with the adjoining lot, the existing car park of 62 bays currently available for use by Silver Chain and Community Vision is required to be modified. While a detailed design for the revised car park layout has not been finalised, a preliminary plan indicates that approximately 58 bays could remain on Lot 549, in addition to the car parking required to be made available to the shopping centre. Based on a review of the existing land uses, approximately 49 bays are required in accordance with the car parking standards prescribed for the land uses under DPS2. As the number of car bays that can be accommodated on Lot 549 remains in excess of the car parking that would be required under DPS2, there is considered to be adequate parking for the existing Silver Chain and Community Vision facilities.

It is recommended that Council initiates the proposed amendment to DPS2 for the purpose of public advertising for a period of 42 days.

#### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Chester, SECONDED Cr Norman that Council, pursuant to Part 5 of the *Planning and Development Act 2005* and regulations 13 and 25 of the *Town Planning Regulations 1967*, PROCEEDS with Amendment No. 71 to the *City of Joondalup District Planning Scheme No. 2* to rezone a portion of Lot 549 (11) Moolanda Boulevard, Kingsley, from 'Civic and Cultural' to 'Residential', as depicted in Attachment 2 to Report CJ121-07/13, and ADOPTS Amendment No. 71 for the purposes of public advertising for a period of 42 days.**

**AMENDMENT MOVED Cr Chester, SECONDED Cr Norman that an additional Part 2 be added to the Motion to read as follows:**

***"2 That Council encourages the retention of mature trees near the periphery of Lot 549 during the development application phase and in the event that these very large trees need to be cut down that they should be offered to a timber merchant so that they can be value-added as high quality furniture."***

**The Amendment was Put and**

**CARRIED (12/1)**

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

**Against the Amendment:** Cr Corr.

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

**That Council:**

- 1** pursuant to Part 5 of the *Planning and Development Act 2005* and regulations 13 and 25 of the *Town Planning Regulations 1967*, PROCEEDS with Amendment No. 71 to the *City of Joondalup District Planning Scheme No. 2* to rezone a portion of Lot 549 (11) Moolanda Boulevard, Kingsley, from 'Civic and Cultural' to 'Residential', as depicted in Attachment 2 to Report CJ121-07/13, and ADOPTS Amendment No. 71 for the purposes of public advertising for a period of 42 days;
- 2** ENCOURAGES the retention of mature trees near the periphery of Lot 549 during the development application phase and in the event that these very large trees need to be cut down that they should be offered to a timber merchant so that they can be value-added as high quality furniture.

**was Put and**

**CARRIED (12/1)**

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

**Against the Motion:** Cr Corr.

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf090713.pdf](#)

**CJ122-07/13      REQUEST FOR ROAD CLOSURE FOR PORTION OF  
CAMBERWARRA DRIVE ABUTTING LOT 94 (85)  
CAMBERWARRA DRIVE, CRAIGIE**

<b>WARD</b>	Central
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	09270, 101515
<b>ATTACHMENTS</b>	Attachment 1    Location Plan Attachment 2    Diagram of proposed road closure
<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.

---

**PURPOSE**

For Council to consider the proposed closure of a portion of the road reserve on Camberwarra Drive, Craigie.

**EXECUTIVE SUMMARY**

A request to initiate the closure of a portion of the road reserve on Camberwarra Drive, Craigie, has been submitted by the owner of Lot 94 (85) Camberwarra Drive, Craigie. The portion of Camberwarra Drive requested to be closed adjoins the front boundary of Lot 94 and coincides with the location of a front fence which has been built in the road reserve which does not conform to the relevant approvals from the City.

The applicant has proposed the road closure in order to legitimise the location of the unauthorised front fence that has been built over the property boundary and into the road reserve.

Although it is proposed that only a portion of the road reserve is to be closed, the road closure process is not considered an appropriate mechanism to address unauthorised structures built outside of property boundaries, and has the potential to limit the options available to the City in the future should any upgrades to Camberwarra Drive be required. Support for this request is also likely to set an undesirable precedent for other similar requests.

It is therefore recommended that the road closure request not be supported.

## BACKGROUND

<b>Suburb/Location</b>	Portion of road reserve abutting 85 (Lot 94) Camberwarra Drive, Craigie.
<b>Applicant</b>	A Lawson.
<b>Owner</b>	Crown (State of Western Australia).
<b>Zoning</b>	<b>DPS2</b> Residential.
	<b>MRS</b> Urban.
<b>Site area</b>	approximately 16.21m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

In June 2012, the City was made aware of the front fence that had been constructed on Lot 94 Camberwarra Drive, Craigie, which was found to encroach by a maximum depth of 1.36m into the road reserve. This conflicts with the approval granted by the City in 2010 which required the front fence to be contained wholly within the property boundaries.

The landowner was requested to remove the fence from the verge. However, the landowner has refused and instead made a request to purchase the portion of road reserve over which the front fence has been built.

As the road reserve is Crown Land and not owned by the City, the request to close the portion of road reserve needs to be supported by the City and a formal request made to the Department of Regional Development and Lands (the authority responsible for Crown Land). On receipt of the landowner request, the City referred the application to the Department for their initial comments. The City has received advice from the Department indicating that it is unlikely that a request of this nature would be supported.

### Service Authorities

The City has referred the application to four service authorities (Telstra, Western Power, ATCO Gas, and the Water Corporation) to determine if there are services or assets which would be affected by the proposed road closure.

Western Power advised that it only objects if the relevant alignments, easements or clearances for their infrastructure are encroached or breached. It is also noted that there are overhead power lines and/or underground cables adjacent to or traversing the property.

The Water Corporation did not object to the proposal. No response was received from ATCO Gas or Telstra.

## DETAILS

A proposal has been received from the owner of Lot 94 Camberwarra Drive, Craigie, to close a portion of the road reserve immediately in front of the property.

The area of road reserve proposed to be closed is based on the location of the front fence that has been built in the road reserve without the necessary approvals from the City. The area is approximately 16.21m<sup>2</sup> with a maximum depth of 1.36m and length of 11.92m. Should the request for the road closure be supported and the Department of Regional Development and Lands agree to the closure and sale of the land, a formal survey will be required before the portion of road reserve is amalgamated into Lot 94.

As justification for the request the applicant provides the following (summarised):

- The portion of road reserve requested to be closed incorporates an existing structure that was built prior to the applicant purchasing the property.
- The road closure will not have any impact on existing infrastructure or be detrimental to the value or utility of the land parcel and does not block access to Lot 94.
- The City's Capital Works Program shows that there are no plans to improve verges, pathways and road ways or create parking anywhere near the property therefore the road closure will not impact on any capital works.
- The City's *Local Planning Strategy* suggests Craigie has an aging housing stock ready for regeneration. The improvement of the front fence is in line with the City's strategy for Craigie to have improved urban design and sense of community.

### Issues and options considered

The options available to Council in considering the proposal are:

- resolve to support the road closure for the purposes of public advertising  
or
- resolve to not support the road closure for the purpose of public advertising

### Legislation / Strategic Community Plan / policy implications

#### Legislation

*Land Administration Act 1997 (LAA).*

#### 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.

#### *Land Administration Act 1997*

A road closure is required to be undertaken by a local authority in accordance with Section 58 of the *Land Administration Act 1997*. A request can be made to close a road reserve and amalgamate that land into an adjoining property. As part of this process, service authorities are requested to provide details of any service plant that is located within the proposed road reserve to be amalgamated.

If Council supports the road closure in principle, the proposal is advertised for public comment for a period of 35 days, as required under Section 58 of the LAA. Upon the closure of public advertising, the proposal is presented to Council for its further consideration, together with details of any submissions received.

If Council resolves to progress the request, all relevant documentation is forwarded to the Department of Regional Development and Lands for its determination, with a request to formally close the road. The final decision on whether or not the closure takes place rests with the Department of Regional Development and Lands.



**Risk management considerations**

Should Council resolve to support the road closure there is the potential for a significant precedent to be set for similar road closures proposed by adjoining landowners to legitimise encroachments beyond property boundaries which the City would not otherwise support.

**Financial/budget implications**

The applicant has paid a fee of \$1,265 to cover the cost of processing the application by the City. It does not cover any actions to be undertaken by the Department of Regional Development and Lands or the cost of purchasing the land should the request be supported. It is the applicant's responsibility to cover any of these costs. Should Council support the closure, additional fees will be payable by the applicant to cover the costs of advertising.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

If the proposal is supported by Council, public advertising will occur for 35 days as required under Section 58 of the *Land Administration Act 1997*, with a notice placed once in a local newspaper advising of the proposed road closure.

**COMMENT**

Any support for this proposal is likely to set an undesirable precedent both in the immediate vicinity and generally, where landowners may request road closures to acquire additional land to extend their properties. The road closure process is not considered to be an appropriate mechanism for resolving the issue of unauthorised structures being built outside the legal property boundaries. On this basis previous requests for road closures in similar circumstances have not been supported.

The process for permanent closure of part or all of a road reserve is intended to be applied only where it can be demonstrated that the portion of road is surplus to the City's needs.

In this instance the City has not determined that the road reserve is surplus to its needs. Given that Lot 94 Camberwarra Drive is located within a Housing Opportunity Area, in the City's draft *Local Housing Strategy*, where the residential density is proposed to be increased it is possible that modification may need to be made to the road reserve in the future to accommodate additional services. Therefore it is not appropriate to identify the road reserve as surplus at this point in time, nor in the immediate future.

Should the road closure be supported by Council it will result in the narrowing of the road reserve which has the potential to impact on the future capacity to develop the road reserve and accommodate additional services. Additional services include the future N.B.N, underground power and gas. Future development of the road reserve could include the placement of pedestrian paths, street trees, on street parking and traffic treatments such as roundabouts or islands. The closure of the portion of road reserve will also bring about an

inconsistency in the property alignment and impede the City's short and long term capacity to control and manage the road reserve.

It is therefore recommended that the request for the permanent road closure not be progressed.

## **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Amphlett, SECONDED Cr Fishwick that Council DECLINES to support the request for the closure of a portion of the road reserve adjacent to Lot 94 (85) Camberwarra Drive, Craigie, as shown on Attachment 2 to Report CJ122-07/13, for the following reasons:**

- 1 The road reserve is not considered to be surplus to the needs of the City;**
- 2 The road closure process is not an appropriate mechanism to address unauthorised structures built outside of property boundaries;**
- 3 Support for the road closure would set an undesirable precedent for similar applications in the future.**

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of CJ140-07/13, page 130 refers.**

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

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf090713.pdf](#)*

## **CJ123-07/13 TOWN PLANNING DELEGATIONS – ANCILLARY DWELLING**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	103233, 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 delegate, to the Director Planning and Community Development and the Manager Planning Services, the authority to determine applications for the unlisted land use 'Ancillary Dwelling' as defined by the new Residential Design Codes under the City's *District Planning Scheme No. 2 (DPS2)*.

### **EXECUTIVE SUMMARY**

The Department of Planning has recently undertaken a review of the *Residential Design Codes (R-Codes)* which has resulted in changes to the document. The changes will be published in the *Government Gazette* on 2 August 2013, and will become operational from that date. As part of these changes, the land use 'Ancillary Accommodation' will be changed and titled, 'Ancillary Dwelling'. The key differences between these land uses relate to restrictions on occupancy being removed, and the maximum size of the dwelling being increased from 60 square metres to 70 square metres.

This change will mean that applications of this nature, which are currently determined under delegated authority will need to be presented to Council for determination as the land use 'Ancillary Dwelling' is an unlisted use for the purposes of DPS2. This will result in significant delays in the determination times for applicants seeking to develop an ancillary dwelling and as it is not considered necessary for these applications to be determined by Council, it is requested that delegated authority be granted to the Director Planning and Community Development and the Manager Planning Services to deal with proposals of this nature. The delegation will ensure:

- the City will be able to meet its statutory obligations in relation to the processing timeframes for these applications
- the processing timeframes for other development applications and strategic planning projects will not be impacted as a result of an increased volume of reports required to be prepared for Council each month
- the volume of applications required to be considered by Council each month, potentially from August 2013 until June 2014 does not increase significantly.

The land use 'Ancillary Dwelling' is not dissimilar to the current land use 'Ancillary Accommodation' under DPS2 and the R-Codes, and although an unlisted use for the purposes of DPS2, it is considered that any applications will satisfy the relevant purpose and objectives of the 'Residential' zone under DPS2.

It is recommended that Council delegates authority to determine applications for the unlisted use 'Ancillary Dwelling' until such time as a scheme amendment is gazetted, adding this use to Table 1 in DPS2.

## BACKGROUND

The Department of Planning has recently undertaken a review of the R-Codes which has resulted in changes to the document. The changes will be published in the *Government Gazette* on 2 August 2013, and will become operational from this date. As part of these changes, it is proposed that the land use 'Ancillary Accommodation' will be changed and titled 'Ancillary Dwelling'. The key differences between these land uses as set out in the R-Codes is described below:

The definition for 'Ancillary Accommodation' is:

*"Self contained living accommodation on the same lot as a single house that may be attached or detached from the single house occupied by members of the same family as the occupiers of the main dwelling."*

The definition for 'Ancillary Dwelling' is:

*"Ancillary Dwelling: self contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house."*

R-Code provisions	Ancillary Accommodation	Ancillary Dwelling
<b>Occupancy</b>	Sole occupant or occupants are members of the family of the occupiers of the main dwelling.	Not applicable
<b>Minimum parent lot size</b>	450m <sup>2</sup>	450m <sup>2</sup>
<b>Open space</b>	As per requirements of Table 1 (e.g 50%)	Complies with the R-Codes (e.g 50% for lots with a density code of R20)
<b>Maximum floor area</b>	60m <sup>2</sup>	70m <sup>2</sup>
<b>Parking requirement</b>	One car bay (in addition to the two required for the main dwelling).	No additional car bays if the site is within 800m of a train station on a high frequency rail route or 250m of a high frequency bus route, otherwise 1 bay is required (in addition to those required for the main dwelling).

Under DPS2 'Ancillary Accommodation' is a discretionary ("D") use in the Residential Zone, and not permitted ("X") use in all other zones.

The land use 'Ancillary Dwelling', is technically a new use created through the new revision of the R-Codes and is therefore not listed in Table 1 of DPS2, and cannot reasonably be considered to fall within the definition of any other class of use contained in Table 1. As such, this use is considered to be an 'unlisted use' for the purposes of DPS2. In accordance with the current Town Planning Delegations, applications for unlisted uses under DPS2 are required to be determined by Council.

A separate report in this agenda requests that Council initiate an amendment to DPS2 to remove the land use 'Ancillary Accommodation', and replace it with the new land use 'Ancillary Dwelling'. The process for the finalisation of the scheme amendment is likely to take six to 12 months to complete.

The City has recently been receiving an average of 6-10 applications per month for 'Ancillary Accommodation'. A number of enquiries have also been received regarding the provisions for 'Ancillary Dwellings' contained in the new R-Codes, both in relation to potential applications for new Ancillary Dwellings as well as for changes of use from 'Ancillary Accommodation' to the new 'Ancillary Dwelling' use class. There are approximately 250 ancillary accommodation developments throughout the City of Joondalup. Considering the above, a large volume of applications are expected after the gazettal date of 2 August 2013.

## **DETAILS**

From 2 August 2013 the new R-Codes will become effective, and any application for an 'Ancillary Dwelling' will need to be considered against these new provisions. This will include both an application for a new 'Ancillary Dwelling' and an application for a change of use from 'Ancillary Accommodation' to 'Ancillary Dwelling'.

The provisions contained within the new R-Codes do not require the occupancy of an 'Ancillary Dwelling' to be restricted to members of the family occupying the main dwelling only, unlike 'Ancillary Accommodation'. However, a change of use application is required to be sought by these land owners prior to them using the accommodation in accordance with the new provisions. This is because the existing approvals issued by the City for 'Ancillary Accommodation' were made under the definition of 'Ancillary Accommodation' which restricts occupancy. A notification has also been placed on the Certificates of Title for these properties, notifying future owners of the restrictions that exist through the development approval.

By considering and approving a change of use from 'Ancillary Accommodation' to 'Ancillary Dwelling' the City can issue an approval, under the definition of 'Ancillary Dwelling' that does not limit the occupancy of these dwellings, and can then issue appropriate documentation to allow the existing notifications on titles to be removed. These notifications cannot be removed prior to a change of use approval being issued.

Any applications received either for new dwellings or for a change of use will be required to be assessed against the development standards and objectives set out in the R-Codes. As the land use 'Ancillary Dwelling' is currently an unlisted use for the purposes of DPS2, and based on the current Town Planning Delegations, all applications would be required to be presented to Council for determination.

It is suggested that Council delegate to the Director Planning and Community Development and the Manager Planning Services, the ability to determine development applications for the purposes of the unlisted land use 'Ancillary Dwelling' until such time as the scheme amendment, which is the subject of another report on this agenda, is finalised. The reasons for this are:

- the City will not be able to meet its statutory obligations in relation to the processing timeframes for these applications if all applications are required to be presented to Council for consideration
- the processing timeframes for other development applications and strategic planning projects may be impacted due to the increased volume of reports required to be prepared for Council each month
- the volume of applications required to be considered by Council each month, potentially from August 2013 until June 2014, would be significantly increased.

Should the abovementioned scheme amendment be adopted by Council, and then gazetted, applications for 'Ancillary Dwellings' would then be able to be determined under delegated authority. These applications would need to be determined in accordance with the Town Planning Delegations, and this would take place from the date that notice of the scheme amendment is published in the *Government Gazette*.

### **Issues and options considered**

Due to the changes to the R-Codes, the land use 'Ancillary Accommodation' will no longer be defined in this policy, and a new land use of 'Ancillary Dwelling' will be created. This change will mean that applications of this nature, which are currently determined under delegated authority will need to be presented to Council for determination. Council must consider whether or not it is necessary for Council to determine applications of this nature until such time as a scheme amendment is gazetted to add the land use 'Ancillary Dwelling'.

In this instance, Council may resolve to either:

- delegate to the Director Planning and Development and the Manager Planning Services the authority to determine development applications for the unlisted use 'Ancillary Dwelling' in the 'Residential' zone  
or
- require development applications for the unlisted use 'Ancillary Dwelling' to be presented to Council for determination in accordance with the current Town Planning Delegations.

### **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>	Buildings and landscaping is suitable for the immediate environment and reflect community values.
<b>Policy</b>	<i>State Planning Policy 3.1 – Residential Design Codes of Western Australia.</i>

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

Clause 3.3 of DPS2 sets out the procedure for dealing with unlisted uses:

#### 3.3 UNLISTED USES

*If the use of the land for a particular purpose is not specifically mentioned in the Zoning Table and cannot be reasonably be determined as falling within the interpretation of one of the use categories the Council may:*

- (a) *Determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*
- (b) *Determine that the propose use may be consistent with the objectives and purposes of the zone and thereafter follow the procedures set down for an 'A' use in Clause 6.6.3 in considering an application for planning approval; or*
- (c) *Determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*

Clause 3.4 sets out the objectives and purposes of the Residential Zone:

#### 3.4 THE RESIDENTIAL ZONE

*The Residential Zone is intended primarily for residential development in an environment where high standards of amenity and safety predominate to ensure the health and welfare of the population.*

*Residential development is provided for at a range of densities with a variety of housing to meet the needs of different household types. This is done through application of the Residential Design Codes (R Codes), and the allocation of a residential density code to an area of land.*

*Cultural and recreational development may be located where Council considers the same to be appropriate in residential neighbourhoods within the Residential Zone.*

*The objectives of the Residential Zone are to:*

- (a) *Maintain the predominantly single residential character and amenity of established residential areas;*
- (b) *Provide the opportunity for grouped and multiple dwellings in selected locations so that there is a choice in the type of housing available within the City;*
- (c) *Provide the opportunity for aged persons housing in most residential areas in recognition of an increasing percentage of aged residents within the City.*

Clause 6.9 of DPS2 sets out the ability of Council to determine applications for planning approval.

#### 6.9 POWER TO DETERMINE APPLICATIONS FOR PLANNING APPROVAL

- 6.9.1 *The Council having regard to the appropriateness of any proposed application for planning approval may:*

- (a) *refuse to grant its approval;*
  - (b) *grant approval without conditions;*
  - (c) *grant approval subject to such conditions and requirements as it deems fit; or*
  - (d) *defer consideration or determination of the application to a later meeting if in the Council's view additional information for, or more detailed investigation of the proposal is required.*
- 6.9.2 *Without limiting the generality of the foregoing, the Council may, where it deems appropriate, grant a Planning Approval which:*
- (a) *if not commenced, substantially commenced, or completed as the case may be within the period of time specified in the Approval shall cease to be valid; or*
  - (b) *permits the use and/or other development of land to occur for a limited period of time specified in the approval, after the expiration of which period the use and/or other development shall cease and unless otherwise stipulated by the Council the site shall be restored to the condition existing at the time when the Approval was given, unless a further Approval has been sought and obtained.*
- 6.9.3 *The Council shall convey its decision to an applicant by way of the form prescribed under the Metropolitan Region Scheme for such purpose, or in any format that may be determined by the Council from time to time.*
- 6.9.4 *If the Council in exercising any discretion is required by the Scheme or by any other written law to have due regard to any matter or thing, it shall be deemed to have had due regard to such matter or thing unless the contrary is expressly stated in the Minutes of the relevant Council Meeting or the document communicating the determination for decision to the applicant, or is otherwise proved. In any event, due regard to the matter or thing by the responsible Committee or officer of the Council under delegated authority shall be sufficient compliance.*

Clause 8.6 of DPS2 allows Council to delegate decision making powers:

8.6 **DELEGATION OF DEVELOPMENT CONTROL POWERS AND POWERS AND DUTIES IN RELATION TO OTHER PLANNING FUNCTIONS**

- 8.6.1 *The Council may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or an employee of the City, the exercise of any of its powers or the discharge of any of its duties under the Scheme, under this power of delegation.*
- 8.6.2 *Sections 5.45 and 5.46 of the Local Government Act 1995 and the Regulations referred to in section 5.46 apply to the delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.*



**Risk management considerations**

Applicants for any development application for an ancillary dwelling will have a right to seek a review of any determination made under DPS2, in accordance with the *Planning and Development Act 2005* and the *State Administrative Tribunal Act 2004*. This will only apply where they are seeking a review of conditions of a planning approval, or a refusal of an application, and will apply irrespective of whether the decision is made under delegated authority, or by Council.

Under DPS2, a development application is deemed to be refused for the purposes of these appeal rights if a decision is not made within 60 or 90 days, depending on whether the application is advertised. Under the current delegations an application for the unlisted use 'Ancillary Dwelling' would need to be presented to Council for determination. This will result in significant delays in the determination times for applicants, with determination times anticipated to be over 60 days under this scenario. This will create a risk that a large number of appeals could potentially be lodged on applications deemed to be refused. Allowing applications of this sought to be determined under delegated authority will remove this risk and streamline the determination process of applications for ancillary dwellings.

**Financial/budget implications**

Fees will be payable for the determination of development applications for an ancillary dwelling in accordance with the City's schedule of fees and charges.

**Regional significance**

The changes to the R-Codes in relation to occupancy of ancillary accommodation and the size of such accommodation will provide for greater housing diversity throughout the state, including throughout the City of Joondalup.

**Sustainability implications**

Although the new ancillary dwellings cannot be separately sold, or subdivided from the main house, they will be capable of being rented out to persons other than those related to the occupants of the main dwelling. This produces greater opportunities for the provision of affordable rental accommodation within established residential areas.

**Consultation**

No consultation by the City has been undertaken on this matter to date. Public advertising will be undertaken as part of the scheme amendment to incorporate the land use 'Ancillary Dwelling' into DPS2.

Development applications for an ancillary dwelling will be assessed against the requirements of the R-Codes. Where any aspect of a proposal does not meet the deemed-to-comply standards, and there is considered to be an impact on an adjoining land owner, the City will undertake consultation with the affected land owner(s) in accordance with the procedure set out in the R-Codes.

## COMMENT

Due to the changes to the R-Codes, the land use 'Ancillary Accommodation' will change and be titled 'Ancillary Dwelling'. This change will mean that applications of this nature, which are currently determined under delegated authority, will need to be presented to Council for determination. This will result in significant delays in the determination times for applicants seeking to develop an ancillary dwelling.

The land use 'Ancillary Dwelling' is not dissimilar to the current land use 'Ancillary Accommodation' under DPS2 and the R-Codes, and although an unlisted use for the purposes of DPS2, it is considered that any applications will satisfy the relevant purpose and objectives of the Residential Zone under DPS2. It is not considered necessary for these applications to be determined by Council. Allowing such applications to be determined under delegated authority would ensure:

- the City will be able to meet its statutory obligations in relation to the processing timeframes for these applications
- the processing timeframes for other development applications, and strategic planning projects will not be impacted as a result of increased volume of reports required to be prepared for Council each month
- the volume of applications required to be considered by Council each month, potentially from August 2013 until June 2014 does not increase significantly.

As such it is recommended that Council delegates authority to determine applications for the unlisted use 'Ancillary Dwelling' until such time as a scheme amendment is gazetted, adding this use to Table 1 in DPS2.

## VOTING REQUIREMENTS

Absolute Majority.

### MOVED Cr Amphlett, Seconded Cr McLean that Council:

- 1 **BY AN ABSOLUTE MAJORITY DELEGATES authority to the Director Planning and Community Development and the Manager Planning Services pursuant to clause 8.6 of the *City of Joondalup District Planning Scheme No. 2* for the purposes of determining development applications for planning approval in accordance with clause 6.9 of the *City of Joondalup District Planning Scheme No. 2* for the unlisted land use 'Ancillary Dwelling', where the land the subject of the application is zoned 'Residential';**
- 2 **NOTES that this delegated authority is only required until such time as an amendment to the *City of Joondalup District Planning Scheme No. 2*, adding the land use 'Ancillary Dwelling' is published in the *Government Gazette*.**

The Motion was Put and

**CARRIED (13/0)**

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

**CJ124-07/13 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - PROPOSED AMENDMENTS TO THE CONSTITUTION**

---

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	00033, 101515
<b>ATTACHMENTS</b>	Attachment 1 Proposed changes to the WALGA Constitution (marked-up)
<b>AUTHORITY / DISCRETION</b>	Advocacy - Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

---

**PURPOSE**

For Council to consider the proposed amendments to the Western Australian Local Government Association's (WALGA) Constitution, that will be put to voting delegates at the WALGA Annual General Meeting in August 2013.

**EXECUTIVE SUMMARY**

At a special meeting of the Western Australian Local Government Association's State Council held on 30 May 2013, various amendments to the WALGA Constitution were supported. As required by Clause 29 of the WALGA Constitution, a motion to that effect will be put to the voting delegates at the Annual General Meeting (AGM) of WALGA to be held on 7 August 2013.

The proposed amendments include changes to the Constitution as a result of the possible impacts of amalgamations and membership entitlements to Zones and State Council, as well as changes to the State Council meeting commencement date.

At its meeting held on 25 June 2013 (CJ098-06/13 refers), Council appointed Councillors Geoff Amphlett and Mike Norman to represent the City of Joondalup at the WALGA AGM, and as such, Council's endorsement, or otherwise, of the proposed amendments to the WALGA Constitution is required to assist the delegates in representing Council's position.

It is considered that the proposed amendments to the WALGA Constitution are reasonable and should be supported.

## BACKGROUND

At a special meeting of the WALGA State Council held on 30 May 2013, the following resolutions were passed:

### 3.1.1 Association Constitution Amendments – Impacts of Amalgamations

“1 That the Constitution be amended as follows:

a In clause 2:

*Insert a new definition of Commissioner –*

*“Commissioner means a Commissioner appointed to a Local Government under sections 2.6(4) or 2.36A(3) of the Local Government Act 1995.”*

b In clause 2 amend the definition of Councillor by inserting after the words “elected by electors” –

*“and includes a Commissioner appointed under section 2.6(4) or section 2.36A(3) of the Local Government Act 1995.”*

c Amend the definition of Member by inserting after the words “sub-clause 14(2)” –

“; or

- *A new Council created pursuant to a merger or amalgamation of existing Councils that were Ordinary Members of the Association prior to the merger or amalgamation.”*

d Amend the definition of Ordinary Member by inserting after “provisions of this Constitution” –

*“and includes a new Council created pursuant to a merger or amalgamation of existing Councils that were Ordinary Members of the Association prior to the merger or amalgamation.”*

e In clause 5 insert a new clause (3) as follows –

*“Ordinary Membership shall be immediately conferred upon any new Council created by the merger of existing Councils that were Ordinary Members of the Association prior to the merger, provided that all membership fees and subscriptions owed to the Association up to the date of merger by the predecessor Councils of that new Council have been paid.”*

*All subsequent subclauses are renumbered.*

f In clause 14 paragraph (4a)(b) delete the words “who elected or appointed the person as its delegate.”

g Clause 20(b) delete the words “who elected or appointed the person as its delegate.”

2. *That a motion be submitted to the 2013 Annual General Meeting seeking to amend the Constitution as per State Council's resolution."*

The proposed amendments to the WALGA Constitution for this matter are shown in red in Attachment 1 to this Report.

### 3.1.2 Association Constitution Amendments – State Council Commencement Date

- "1 *That the Constitution be amended as follows:*

*In clause 9, amend the commencement and conclusion date for State Councillors' term of office by amending sub-clause (3) to read:*

*"Representatives and deputy representatives to the State Council shall be elected by Zones of the metropolitan and country constituencies from amongst the delegates to the Zones for a term commencing on the day of the first Ordinary Meeting of State Council immediately following the biennial Local Government elections and concluding on the day before the first Ordinary Meeting of State Council of the following biennial Local Government elections."*

- 2 *That a motion be submitted to the 2013 Annual General Meeting seeking to amend the Constitution as per State Council's resolution.*
- 3 *If this proposed amendment is successful at the August 2013 Annual General Meeting, the current term of State Council be reduced to end on 3 December 2013."*

The proposed amendments to the WALGA Constitution for this matter are shown in blue in Attachment 1 to this Report.

## **DETAILS**

### Constitution Amendments – Impacts of Amalgamations

The proposed amendments to the WALGA Constitution were raised due to concerns as to whether WALGA Zone delegates have continuing rights and membership during transitional phases where mergers may occur between local governments. As Commissioners are responsible for administering a new Council during any transitional phase, it was uncertain as to whether the new Council was eligible for membership to WALGA, representation on State Council, and the legal position of the Commissioners administering a newly formed Council.

Legal advice on this matter was obtained by WALGA which resulted in proposed amendments that will allow a Commissioner, appointed by the Governor to a newly created local government, to sit as a WALGA Zone delegate and possibly a State Councillor, if elected by that Zone.

### Constitution Amendments – State Council Commencement Date

Currently the new State Council commences at the first meeting of the State Council in an even calendar year. It has been suggested that it would be easier and less confusing if the new State Council commenced at the first meeting following the Local Government Elections (October).

WALGA's reasoning for this delay in the past was to allow local governments enough time to nominate their delegates to their respective Zone and then the Zones to nominate their delegate to State Council. This was of particular importance where local governments had a number of new Elected Members.

The first State Council meeting of WALGA after the local government elections is in December with the first Zone meetings being held in November. The timeframes would require nominations to be addressed straight after elections.

In the case of the City of Joondalup, appointments to the WALGA North Metropolitan Zone, as well as other external boards and committees, usually occurs at a special meeting of Council after the Local Government Elections, and before the first meeting of the WALGA North Metropolitan Zone (scheduled for 22 November 2013).

Should the amendment be supported it would effectively reduce the current term of State Councillors by 3 months from March 2014 to December 2013.

### **Issues and options considered**

Council can either:

- support the proposed changes to the WALGA Constitution  
or
- not support the proposed changes.

The City of Joondalup will be represented at the WALGA AGM by two appointed delegates, and as such, Council's endorsement, or otherwise, of the proposed amendments to the WALGA Constitution will assist the delegates in representing Council's position.

### **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**

Not applicable.

**Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Local governments across Western Australia have been consulted by WALGA to provide comment on the proposed changes that will be put to the WALGA AGM in August.

**COMMENT**

WALGA State Council is the governing board of the Association, responsible for the management and affairs of the Association. Members of the State Council include:

- (a) 12 Councillors elected as representatives from amongst the delegates to the Zones of the metropolitan constituency
- (b) 12 Councillors elected as representatives from amongst the delegates to the Zones of the country constituency
- (c) the President (ex-officio)
- (d) the President of the Local Government Managers Australia (LGMA) (ex-officio).

Councillors Geoff Amphlett, Russ Fishwick, Mike Norman and Christine Hamilton-Prime are the City's representatives on WALGA North Metropolitan Zone and Cr Geoff Amphlett is one of the representatives of that Zone on State Council. Mayor Pickard is the President of WALGA State Council.

The proposed amendments will be put to the Annual General Meeting of WALGA to be held on 7 August 2013, and the voting delegates of participating local governments will be required to cast a vote on their local government's position.

At its meeting held on 25 June 2013 (Item CJ098-06/13 refers), Council nominated Councillors Geoff Amphlett and Mike Norman to be the City of Joondalup voting delegates at the WALGA AGM. It is recommended that the proposed amendments are reasonable and should be supported.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED** Cr Amphlett, **SECONDED** Cr Fishwick that Council **SUPPORTS** the proposed amendments to the Western Australian Local Government Association's Constitution, as detailed in Attachment 1 to Report CJ124-07/13.

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of CJ140-07/13, page 130 refers.**

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

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf090713.pdf](#)



**CJ125-07/13      MINUTES OF EXTERNAL COMMITTEES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	29094, 00033, 101515
<b>ATTACHMENT</b>	Attachment 1 Minutes of the Joondalup Lotteries House Inc – Annual General Meeting held on 12 October 2012 Attachment 2 Minutes of the Joondalup Lotteries House Inc – Management Committee Meeting held on 18 October 2012 Attachment 3 Minutes of the Joondalup Lotteries House Inc – Management Committee Meeting held on 14 February 2013 Attachment 4 Minutes of the Joondalup Lotteries House Inc – Management Committee Meeting held on 18 April 2013 Attachment 5 Minutes of the WALGA Special Meeting of State Council held on 30 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 the various meetings of the Joondalup Lotteries House Inc and the WALGA Special Meeting of State Council.

**EXECUTIVE SUMMARY**

The following minutes are provided:

- Minutes of the Joondalup Lotteries House Inc – Annual General Meeting held on 12 October 2012.
- Minutes of the Joondalup Lotteries House Inc – Management Committee meeting held on 18 October 2012.
- Minutes of the Joondalup Lotteries House Inc – Management Committee meeting held on 14 February 2013.
- Minutes of the Joondalup Lotteries House Inc – Management Committee meeting held on 18 April 2013.
- Minutes of the WALGA Special meeting of State Council held on 30 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.

### **Joondalup Lotteries House Inc – Annual General Meeting - 12 October 2012**

An Annual General Meeting of the Joondalup Lotteries House Inc was held on 12 October 2012.

The City's Community Development Coordinator is Council's representative on the Joondalup Lotteries House Inc – Annual General Meeting.

For the information of Council, the following matters of interest to the City of Joondalup were resolved at the Joondalup Lotteries House Inc – Annual General Meeting:

#### 10 Election of Management Committee

It was resolved by Joondalup Lotteries House Inc – Annual General Meeting as follows:

*“Written nominations were received from the following:*

<b>Position</b>	<b>Nominee</b>	<b>Representing</b>
<i>Chairperson</i>	<i>No nomination received</i>	
<i>Vice Chairperson</i>	<i>No nomination received</i>	
<i>Treasurer</i>	<i>Rik Kort</i>	<i>Community Member</i>
<i>Local Government Rep</i>	<i>Julie Forrester</i>	<i>City of Joondalup</i>
<i>Committee Member</i>	<i>Nicola Iannantuoni</i>	<i>North Metro Community Drug Service</i>
<i>Committee Member</i>	<i>Fran Edmeades</i>	<i>Relationships Australia</i>
<i>Committee Member</i>	<i>Mandy Stringer</i>	<i>WOMEN'S Healthworks</i>
<i>Committee Member</i>	<i>Cassie Smith</i>	<i>PEP Community Services</i>

*No other nominations were received and no objections were raised, therefore all nominees were declared duly elected.”*

*As the meeting did not receive nominations for Chairperson, Julie Forrester offered to continue acting in the chair until such time as the position can be filled. The meeting agreed to this arrangement.*

#### Comment:

Mr Philip Kieran, CEO of PEP Community Services was appointed Chairperson by the Joondalup Lotteries House Inc – Management Committee at its meeting held on 14 February 2013.

### **Joondalup Lotteries House Inc – Management Committee – 14 February 2013**

A meeting of the Joondalup Lotteries House Inc – Management Committee was held on 14 February 2013.

The City's Community Development Coordinator is Council's representative on the Joondalup Lotteries House Inc – Annual General Meeting.

For the information of Council, the following matters of interest to the City of Joondalup were resolved at the Joondalup Lotteries House Inc – Management Committee:

#### 6 Nomination for the position of Chairperson

It was resolved by Joondalup Lotteries House Inc – Management Committee as follows:

*The committee received a written nomination for the position of Chairperson from Philip Kieran CEO of PEP Community Services.*

*“In accordance with the Constitution the members voted unanimously to appoint Philip into the position of Chairperson of the committee.”*

#### Comment:

Appointment of substantive Chairperson noted.

#### 15 Creche Update

The following was discussed by the Joondalup Lotteries House Inc – Management Committee:

*There are two volunteers covering the crèche on Tuesday and Wednesday mornings. Another two people have expressed interest and will be interviewed in the near future. Bookings have been less than in previous months but the service has been really appreciated by those who have accessed it. Twenty children have been minded since the last meeting.*

*Administration Officer has drafted a letter to the City of Joondalup asking for an extension for the acquittal of the Community Funding Grant as it has not been fully expended.*

#### Comment:

Joondalup Lotteries House received a grant of \$2,500 from the City's Community Funding Program to support an initiative that provides a volunteer service to clients accessing services offered by tenants of the house.

The grant was to provide training and out-of-pocket reimbursements to volunteers who offer their time to look after children while their parents are attending medical and counselling appointments offered by Women's Healthworks and Relationships Australia. These agencies assist youth, people with disabilities, people from culturally and linguistically diverse backgrounds and other “at-risk” individuals.

Joondalup Lotteries House Management Committee wrote to the City in April 2013 to ask for an extension to the acquittal date as the grant was not being expended as quickly as first thought. City Officers acknowledged the request and agreed to an extension to 6 December 2013. Grant extensions are occasionally approved as part of the Community Funding Program, in instances when justification is provided and formal approval sought from the City.

### **WALGA Minutes of Special Meeting of State Council – 30 May 2013**

A special meeting of the WALGA State Council was held on 30 May 2013.

Mayor Pickard and Cr Geoff Amphlett, JP are Council's representative on 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:

#### 3.1.1 Association Constitution Amendments – Impacts of Amalgamations

It was resolved by the WALGA State Council as follows:

*"1 That the Constitution be amended as follows:*

*a In clause 2:*

*Insert a new definition of Commissioner –*

*"Commissioner means a Commissioner appointed to a Local Government under sections 2.6(4) or 2.36A(3) of the Local Government Act 1995."*

*b In clause 2 amend the definition of Councillor by inserting after the words "elected by electors" –*

*"and includes a Commissioner appointed under section 2.6(4) or section 2.36A(3) of the Local Government Act 1995."*

*c. Amend the definition of Member by inserting after the words "sub-clause 14(2)" –*

*“; or*

- A new Council created pursuant to a merger or amalgamation of existing Councils that were Ordinary Members of the Association prior to the merger or amalgamation."*

*d. Amend the definition of Ordinary Member by inserting after "provisions of this Constitution" –*

*"and includes a new Council created pursuant to a merger or amalgamation of existing Councils that were Ordinary Members of the Association prior to the merger or amalgamation."*

e. *In clause 5 insert a new clause (3) as follows –*

*“Ordinary Membership shall be immediately conferred upon any new Council created by the merger of existing Councils that were Ordinary Members of the Association prior to the merger, provided that all membership fees and subscriptions owed to the Association up to the date of merger by the predecessor Councils of that new Council have been paid.”*

*All subsequent subclauses are renumbered.*

f. *In clause 14 paragraph (4a)(b) delete the words “who elected or appointed the person as its delegate.”*

g. *Clause 20(b) delete the words “who elected or appointed the person as its delegate.”*

2. *That a motion be submitted to the 2013 Annual General Meeting seeking to amend the Constitution as per State Council’s resolution.”*

Comment:

A report on the WALGA State Council amendments to the WALGA Constitution is proposed to be submitted to the July 2013 Council meeting.

3.1.2 Association Constitution Amendments – State Council Commencement Date

It was resolved by the WALGA State Council as follows:

“1 *That the Constitution be amended as follows:*

*In clause 9, amend the commencement and conclusion date for State Councillors’ term of office by amending sub-clause (3) to read:*

*“Representatives and deputy representatives to the State Council shall be elected by Zones of the metropolitan and country constituencies from amongst the delegates to the Zones for a term commencing on the day of the first Ordinary Meeting of State Council immediately following the biennial Local Government elections and concluding on the day before the first Ordinary Meeting of State Council of the following biennial Local Government elections.”*

2 *That a motion be submitted to the 2013 Annual General Meeting seeking to amend the Constitution as per State Council’s resolution.*

3 *If this proposed amendment is successful at the August 2013 Annual General Meeting, the current term of State Council be reduced to end on 3 December 2013.”*

Comment:

A report on the WALGA State Council amendments to the WALGA Constitution is proposed to be submitted to the July 2013 Council meeting.

**3.2 Constitutional Recognition Funding Allocation (05-074-03-0001ZD)**

It was resolved by the WALGA State Council as follows:

- “1 *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 *In recognition that a critical precondition of WALGA’s contribution of funds may not be met, WALGA advise ALGA that such payment is made on condition that 25% of the \$1.19M contribution – the sum of \$297,500 – be allocated by ALGA to fund WALGA purchasing WA media placements during the campaign period to support the national objective,*
- 3 *Such payment to ALGA is made on condition that unexpended funds are returned to WALGA within 30 days in the event that the referendum does not proceed.”*

**Comment:**

The City of Joondalup Council has on several occasions demonstrated its commitment to the promotion and support of achieving the constitutional recognition of local government, with its most recent position resolved at its meeting held on 11 October 2011:

*“That Council:*

- 1 *CONFIRMS its previously endorsed positions on constitutional recognition of local government (CJ115-07/08 and CJ043-03/11 refers), namely that Council:*
  - 1.1 *SUPPORTS symbolic and financial recognition for local government in the Australian Constitution;*
  - 1.2 *SUPPORTS financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly; and*
  - 1.3 *SUPPORTS the inclusion of local government in any new Preamble to the Constitution if one is proposed.”*

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

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Strong leadership.

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

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Amphlett, SECONDED Cr Fishwick that Council NOTES:**

- 1 the minutes of the Joondalup Lotteries House Inc – Annual General Meeting held on 12 October 2012 forming Attachment 1 to Report CJ125-07/13;
- 2 the minutes of the Joondalup Lotteries House Inc – Management Committee meeting held on 18 October 2012 forming Attachment 2 to Report CJ125-07/13;
- 3 the minutes of the Joondalup Lotteries House Inc – Management Committee meeting held on 14 February 2013 forming Attachment 3 to Report CJ125-07/13;
- 4 the minutes of the Joondalup Lotteries House Inc – Management Committee meeting held on 18 April 2013 forming Attachment 4 to Report CJ125-07/13;
- 5 the minutes of the WALGA Special Meeting of State Council held on 30 May 2013 forming Attachment 5 to Report CJ125-07/13.

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of CJ140-07/13, page 130 refers.**

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

To access this attachment on electronic document, click here: [external minutes 090713.pdf](#)

**CJ126-07/13 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 28 May 2013 to 25 June 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 28 May 2013 to 25 June 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 28 May 2013 to 25 June 2013, executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ126-07/13.*

**DETAILS**

During the period 28 May 2013 to 25 June 2013, nine documents were executed by affixing the Common Seal. A summary is provided below:

<b>Type</b>	<b>Number</b>
Section 70A Notification	3
Withdrawal of Caveat	1
Section 136C Easement	1
Deed of Easement	1
Mortgagee's Deed of Covenant	1
Amendment to District Planning Scheme No. 2	2



**Issues and options considered**

Not applicable.

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

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

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

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

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Amphlett, SECONDED Cr Fishwick that Council NOTES the Schedule of Documents covering the period 28 May 2013 to 25 June 2013, executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ126-07/13.**

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of CJ140-07/13, page 130 refers.**

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

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf090713.pdf](#)*

**CJ127-07/13 CITY OF JOONDALUP WALKABILITY PLAN 2013-2018**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	101375, 101515
<b>ATTACHMENT</b>	Attachment 1 Walkability Plan Attachment 2 Community Consultation Summary
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

---

**PURPOSE**

For Council to endorse of the City of Joondalup *Walkability Plan 2013–2018*.

**EXECUTIVE SUMMARY**

The City's *Walkability Plan 2013–2018* is a five-year plan designed to encourage and enable more people to walk and cycle in the City of Joondalup. It presents the analysis, results and recommendations of a detailed audit of the City's key walking and cycling routes and key trails, and identifies how these can be improved.

Ten study areas were identified for audit, representing different walking and cycling contexts in the City of Joondalup's natural and urban environments. Seven study areas were selected from three of the City of Joondalup important biodiversity zones – the bushland, wetlands and coastal zones; three more were selected from the business and retail districts.

The *Walkability Plan 2013–2018* provides a strategic guide to investing in and managing walking and cycling infrastructure to ensure usability, appropriate signage and efficient and effective linkages. The plan also identifies opportunities for enhanced community education and awareness of active recreational opportunities in the region.

Council endorsed the release of the Draft *Walkability Plan 2013–2018* for community consultation, for a period of 21 days, at its meeting held on 16 April 2013 (CJ050-04/13 refers).

*It is therefore recommended that Council ENDORSES the Walkability Plan 2013–2018, included as Attachment 1 to Report CJ127-07/13.*

## BACKGROUND

Walking and cycling are now recognised as vital components of the transport system and play an important role in a community's physical, recreational and social wellbeing. Recognition of this in Western Australia is seen in the recent publication of numerous state government documents supporting the development of improved walking environments and providing guidance for the development of walkability infrastructure at the local level.

The *Walkability Plan* has been developed to increase opportunities for walking and cycling within the City of Joondalup and to improve access to environmental, historical, cultural and educational points of interest within the City of Joondalup.

The *Walkability Plan* incorporates both Trails Master Planning and Walkability Planning. Trails Master Planning includes improvements required on existing trails and proposes recommendations for enhanced trails to establish a comprehensive network of recreation facilities available to all residents and visitors to the area. Walkability planning includes assessing path usability, signage, adequate standards, efficient and effective linkages and accessibility within the City of Joondalup's key urban and shopping areas.

The objectives of the *Walkability Plan 2013–2018* include the following:

- Identify opportunities to improve walkability within the Joondalup City Centre and major suburban shopping districts.
- Develop a planned and consistent approach to the establishment and maintenance of trails within natural bushland, wetland and coastal areas.
- Promote pathways and trails to the community and ensure they are accessible to residents and visitors.

The study area for the *Walkability Plan* encompasses the Joondalup City Centre, Warwick and Whitford Shopping Centres, Yellagonga Regional Park and the Coastal Zone from Marmion to Burns Beach. The study area also includes the City's five major conservation areas which are:

- Lilburne Park
- Hepburn Conservation Area
- Warwick Open Space
- Craigie Bushland
- Shepherds Bush Reserve.

Key findings and outcomes from site investigations, audits and community and stakeholder consultation have been incorporated into the *Walkability Plan* with recommendations included to improve walking and cycling within the City's key walking and cycling areas which include:

- the development and implementation of a City of Joondalup Signage Strategy to ensure consolidation and consistency in the delivery of signage within the study areas including directional, informational, interpretive and map based signage
- increased community information to assist in wayfinding and promotion of public transport including undertaking investigations into the use of smart phone applications for the provision of community and map based information
- installation of infrastructure to enhance walking and cycling within the study areas including seating, drinking fountains and bike racks
- the installation or improvement of pathways within the study area
- development of a Travel Access Guide in partnership with the City's key stakeholders

- undertaking a series of investigations within the study areas to determine the most appropriate changes to be implemented to improve pedestrian and cycling outcomes
- installation of tactile ground indicators and continuous path of travel to improve accessibility within the study areas.

Council endorsed the release of the Draft *Walkability Plan 2013–2018* for community consultation, for a period of 21 days, at its meeting held on 16 April 2013 (CJ050-04/13 refers).

## **DETAILS**

At its meeting held on 16 April 2013 (CJ050-04/13 refers), Council resolved to release the Draft *Walkability Plan* for public consultation. The draft plan was released for public consultation for a period of 21 days, from Monday 22 April 2013 to Monday 13 May 2013.

The City's key stakeholders were notified that the Draft *Walkability Plan* was open for public consultation through a formal invitation to provide comment. Information was provided to the general community via the City's community consultation page on the City's website that included an online feedback form. A media release was also published in the community newspaper.

Feedback received indicates that the community is generally supportive of the strategic direction of the *Walkability Plan* and the recommendations included within the plan. Thirteen submissions were received from community members and stakeholders, as outlined in Attachment 2.

Proposed changes to the plan are shown in highlighted and strike-through text as included in Attachment 1.

## **Issues and options considered**

It is proposed that Council endorse the *Walkability Plan* included as Attachment 1.

### **Option 1:**

Council may choose to adopt the *Walkability Plan* with amendments as shown in highlighted text within Attachment 1.

### **Option 2:**

Council may choose to adopt the *Walkability Plan* without any amendments.

### **Option 3:**

Council may choose to adopt the *Walkability Plan* with further amendments.

The preferred option is Option 1 as it reflects the feedback received from the community during the public consultation period.

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

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Integrated spaces.

**Strategic initiative** Enable safe, logical and accessible pedestrian movements through public spaces.

**Policy**

The *Walkability Plan* is consistent with objectives within the City's *Sustainability Policy* and *Access and Equity Policy*.

**Risk management considerations**

The *Walkability Plan* includes recommendations to enhance and promote walking and cycling along key routes within the City of Joondalup. The implementation of strategies to increase the use of non-motorised forms of transport within the City of Joondalup is vital to improving the health of residents, reducing traffic congestion and decreasing greenhouse gas emission resulting from the use of motor vehicles. Without a plan to guide the enhancement of walking and cycling and associated infrastructure there is a risk that improvements in these areas will not be achieved.

**Financial/budget implications**

Implementation of the City's *Walkability Plan* has financial implications for the City. The total cost associated with complete implementation of the plan is approximately \$1.86 million over a five year period. Funds to implement recommendations within the plan will be subject to the City's annual budget approval process.

Opportunities to apply for grant funding will be progressed, as they arise.

**Regional significance**

A number of recommendations within the *Walkability Plan* will be implemented in partnership with regional stakeholders including the City of Wanneroo, Department of Environment and Conservation and the Joondalup Learning Precinct.

**Sustainability implications**

The *Walkability Plan* includes recommendations that will lead to significant environmental benefits including the reduction of greenhouse gas emissions through reduced use of motorised transport and increased walking, cycling and use of public transport. The implementation of initiatives will also result in social benefits including greater opportunities for passive recreation and improved health of residents as a result of increased physical activity.

## Consultation

The Draft *Walkability Plan* was released for public consultation for a period of 21 days, from Monday 22 April 2013 to Monday 13 May 2013.

Comments provided from community members and stakeholders suggest that there is strong support within the community for initiatives that enhance opportunities for walking and cycling and improve access to the City Centre, recreational areas, key facilities, activity centres and public transport. However some respondents noted that further improvements are required within the City's path network and road crossings and that there is a need for greater community awareness of the responsible use of shared paths.

Some minor revisions have been made to the *Walkability Plan* following feedback received during the community consultation process. Amendments made following community consultation have been highlighted in yellow in Attachment 1. The vast majority of the content has remained unchanged.

Following consideration of the comments received, it is proposed that minor amendments are made to the *Walkability Plan*, including:

- amending Appendix 9 - Glossary to include definition of 'pedestrian' to read:  
"*Pedestrians – Pedestrians include all non-vehicular mobility (including the use of, for example, wheelchairs, guide dogs or other mobility aids)*"
- amending text in the Introduction section of plan to emphasis the benefits of walking and cycling
- the text on page 22 to be amended to read Western Australian **Police** Academy.

A summary of the feedback received through the public consultation period is provided in Attachment 2.

## COMMENT

The *Walkability Plan 2013–2018* provides a strategic guide to investing in and managing walking and cycling infrastructure to ensure usability, appropriate signage and efficient and effective linkages.

The implementation of initiatives within the plan will result in a number of social and environmental benefits for the City by increasing accessibility, useability and awareness of pathways and trails within the City of Joondalup's key walking and cycling areas.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED** Cr Amphlett, **SECONDED** Cr Fishwick that Council **ENDORSES** the *Walkability Plan 2013-2018*, included as Attachment 1 to Report CJ127-07/13.

The Motion was Put and **CARRIED (13/0)** by En Bloc Resolution prior to consideration of CJ140-07/13, page 130 refers.

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

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf090713.pdf](#)



## **CJ128-07/13      ELECTED MEMBER MEETING ALLOWANCES, PAYMENTS AND FEES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	27122, 101515
<b>ATTACHMENTS</b>	Attachment 1    Elected Members Entitlements Policy
<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 set the annual meeting fee and allowance payments for Elected Members, as a result of the recent determination of the Salaries and Allowances Tribunal.

### **EXECUTIVE SUMMARY**

Following the proclamation of the relevant section of the Local Government Amendment Bill 2011 on 5 February 2013, the Salaries and Allowances Tribunal (the Tribunal) has been empowered to determine certain payments that are to be made or reimbursed to all Western Australian local government elected members, with any new levels being put into effect from 1 July 2013.

The Tribunal, after extensive consultation and research, has set new levels and determined various ranges of allowances, fees and reimbursement payments for Elected Members in performing their statutory role. The Tribunal has adopted a band structure for Western Australian local governments and it has been left to individual local governments to set the levels of payments it feels appropriate. The current *Elected Members' Entitlements Policy* prescribes that the City will pay the maximum level of allowances and fees as prescribed by the legislation, and in view of this, the recommendation to Council reflects the maximum levels set under the new band structure.

Notwithstanding the *Elected Members' Entitlements Policy* will need to be revised to ensure it complies with the newly introduced framework and other entitlement provisions.

*It is therefore recommended that Council:*

- 1     *NOTES under the Elected Members' Entitlements Policy, Council has adopted the maximum amount that can be paid to Elected Members under the structure of fees, allowances and expenses;*
- 2     *BY AN ABSOLUTE MAJORITY under sections 5.98(5)(b), 5.98A(1), 5.99(b) and 5.99A(b) of the Local Government Act 1995 sets the maximum amount for the Mayoral Allowance, Deputy Mayoral Allowance, Annual Meeting Fee Allowance and*

*ICT Allowance for City of Joondalup Elected Members that can be paid within the range as determined by the Salaries and Allowances Tribunal from time to time;*

- 3 *NOTES a further report will be submitted on the required changes to the Elected Members' Entitlements Policy as a result of legislative amendments and the determination of the Salaries and Allowances Tribunal.*

## **BACKGROUND**

In accordance with the Act, Elected Members are entitled to claim fees, expenses and allowances as a result of performing their statutory role and these levels are set within the Act and the *Local Government (Administration) Regulations 1996* (the Regulations). Under the City's existing *Elected Members' Entitlements Policy* and in accordance with the levels specified in the Regulations, Council has adopted the maximum amount that can be paid to Elected Members under the structure of fees, allowances and expenses (pre 1 July), being:

- an annual Meeting Allowance of \$7,000 for Councillors to attend meetings (with the Mayor receiving a Meeting Allowance of \$14,000)
- a Mayoral Allowance of \$60,000 per annum for the Mayor with the Deputy Mayor receiving 25% of the Mayoral Allowance (being \$15,000 per annum)
- an expense allowance of \$2,400 per annum for telecommunications costs and \$1,000 per annum for Information Technology costs
- reimbursement of child care costs and travel costs at the levels set by the Regulations.

With the proclamation of the relevant section of the Local Government Amendment Bill 2011 on 5 February 2013 (the *Local Government Amendment Act 2012*) and the *Local Government (Administration) Amendment Regulations 2012*, the Salaries and Allowances Tribunal (the Tribunal) has been empowered to determine certain payments that are to be made or reimbursed to Elected Members with any changes being effective from 1 July 2013.

The *Local Government Amendment Act 2012* provides the Tribunal with the capacity to determine either particular amounts for these payments or to determine a range within which the relevant local governments can set the amounts paid. Those fees, expenses and allowances which are legislated as entitlements of an Elected Member cannot be taken away by any decision or action of Council.

In discharging the responsibilities given to it by the Parliament in determining levels, the Tribunal undertook a comprehensive consultation process including:

- seeking submissions from the public and industry bodies (such as the Western Australian Local Government Association (WALGA))
- seeking comments and views from local governments and regional local governments
- conducting forums with local governments both regionally and within the metropolitan area
- collecting a wide range of data on the role and time commitments of Elected Members
- considering relevant labour market and economic data
- analysing the models of payment adopted for elected members of local governments in other states
- seeking advice from the Tribunal's Statutory Adviser.

During the course of its inquiry, the Tribunal considered the fees and allowances payable to council members, mayors, presidents, chairmen and their deputies required significant adjustment. The Tribunal found that meeting attendance fees lagged behind those paid to Elected Members in other Australian jurisdictions and were found to be the lowest of any of the Australian states. Elected Member meeting fees were also found to be capped at around the minimum of the annual attendance fees payable to Western Australian State government board and committee members.

After an extensive inquiry, the Tribunal completed its review of fees, allowances and expenses for Elected Members of local governments throughout Western Australia and has recently handed down its determination for a new framework for Elected Member allowances, fees and payments.

## DETAILS

In establishing a new framework for the payment of allowances and fees, the Tribunal has adopted a banding model to differentiate between the responsibilities carried out by Councillors, Mayors, Presidents and their deputies in local governments throughout the State, and also between different local governments. Provision has also been made for reimbursement of expenses properly incurred in enabling Elected Members to properly fulfil their statutory duties.

From 1 July 2013 and under the Tribunal's determination, the banding structure for local governments has been implemented and provides for meeting fees to be paid within a range of \$3,500 per annum to \$30,000 per annum for Councillors and \$3,500 per annum to \$45,000 per annum for Mayors and Presidents for local governments.

The Annual Allowance range for Mayors and Presidents will extend from \$500 per annum to \$85,000 per annum within the four band structure. The same limit with respect to 0.2% of operating revenue or 25% of the Mayoral Allowance (whichever is the lesser) still applies for the Deputy Mayor.

Provision has been made to increase the child care allowance under the Regulations from \$20 to \$25 per hour and to combine the allowances for Telephone (\$2,400 per annum) and Information Technology (\$1,000 per annum) into a singular Information and Communication Technology (ICT) Allowance of up to \$3,500 per annum. There is a continuing provision for the reimbursement of expenses incurred in fulfilling the duties of an Elected Member under regulation 32 of the Regulations, and Elected Members will be able to continue to claim expenses of this type as specified in the *Elected Members' Entitlements Policy*.

The fees which may be claimed under the four band structure under which each local government is designated, enables local governments to exercise the discretion vested in them by the Act and the Regulations on setting an appropriate level for their particular circumstances. As the City of Joondalup is classed as a Band 1 local government under this new banding structure, the minimum and maximum amounts that can be set by the City are as follows:

<b>Allowance or Fee Type</b>	<b>Minimum</b>	<b>Maximum</b>
Councillor Meeting Fee (per Council meeting)	\$600	\$750
Mayor Meeting Fee (per Council meeting)	\$600	\$1,125
Councillor Meeting Fee (per Committee meeting)	\$300	\$375
Mayor Meeting Fee (per Committee meeting)	\$300	\$375

<b>Allowance or Fee Type</b>	<b>Minimum</b>	<b>Maximum</b>
Councillor Annual Meeting Fee (in lieu of per meeting fee)	\$24,000	\$30,000
Mayoral Annual Meeting Fee (in lieu of per meeting fee)	\$24,000	\$45,000
Annual Mayoral Allowance	\$50,000	\$85,000
Annual Deputy Mayoral Allowance (25% of Mayoral Allowance)	\$12,500	\$21,250
Child Care expenses rate	Actual cost	\$25/hour
ICT Allowance (replaces Telecommunications and Information Technology allowances)	\$500	\$3,500
Annual Travel and Accommodation Allowance (in lieu of reimbursement for travel and accommodation expenses)		\$50

The determination which will operate from 1 July 2013 establishes a scale of payments and provisions for reimbursement of expenses in accordance with the Act and the Regulations. Where the Tribunal has chosen to determine minimum and maximum amounts for fees, expenses or allowances, there is an obligation on local governments to set the amounts to be paid or reimbursed within the range determined.

### **Issues and options considered**

Council can either:

- set the allowances and meeting fees to the minimum level
- set the allowances and meetings fee between the minimum and maximum range  
or
- set the allowances and meeting fess to the maximum level.

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

#### **Legislation**

*Local Government Act 1995.*  
*Local Government Amendment Act 2012.*  
*Local Government (Administration) Regulations 1996.*  
*Local Government (Administration) Amendment Regulations 2012.*

#### **Strategic Community Plan**

#### **Key theme**

Governance and Leadership.

#### **Objective**

Effective representation.

#### **Strategic initiative**

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

#### **Policy**

*Elected Members' Entitlements Policy.*

The Act confers entitlements to claim fees, expenses and allowances on individual Elected Members and these levels are set within the Regulations. The payments that can be lawfully made by the City are limited to:

- a) a fee for attending Council or committee meetings (which may be either a fee per meeting up to an annual amount)
- b) a reimbursement of an expense of a kind that is prescribed by the Regulations and that has been incurred by an Elected Member
- c) in lieu of reimbursement for certain types of prescribed expenses, an allowance for that type of expense  
or
- d) a cash advance to an Elected Member in respect of an expense for which the Elected Member can be reimbursed.

With various provisions of the *Local Government Amendment Act 2012* and the *Local Government (Administration) Amendment Regulations 2012* coming into operation from the 1 July 2013, the setting of certain allowances, fees and expenses will be determined by the Tribunal, as either a specified amount or within a particular range. Local governments will be required to determine these levels annually for the preceding year and as and when the Tribunal makes a new determination of levels or ranges already set (if amended).

Currently, the setting of levels is usually included as part of the City's budget process (and in line with the levels set under the *Elected Members' Entitlements Policy*), and will continue to do so if gazettal of a determination by the Tribunal is published in sufficient time before the budget is adopted. The recommendation to Council provides that the City will pay to Elected Members the maximum amount that can be paid for specific allowances in the range that is determined by the Tribunal from time to time.

As the new levels and ranges have been set by the Tribunal and not through Regulations, including some adjustments to allowance types (such as combining the Telecommunications and Information Technology allowances into an Information and Communication Technology Allowance), the current *Elected Members' Entitlements Policy* will need to be reviewed bearing in mind the new statutory landscape that allowances and fees to Elected Members now operate, and the timeframe of their implementation.

### **Risk management considerations**

Not applicable.

### **Financial/budget implications**

Based on the allowances and fee levels prior the Tribunal's determination, the 2013-14 Budget for Elected Member Meeting Fees and Allowances was \$217,000. However the 2013-14 budget included a notation that the allowances and fees listed in the budget to be paid to Elected Members were as per the arrangements before the new determination by the Tribunal came into effect. At the time the budget papers were prepared, the outcome of the Tribunal's determination was not known. However in anticipation of a possible increase through any Tribunal determination, an extra \$300,000 above the budget allocation for existing levels pre 1 July was provided in the budget to cater for any potential increase that was likely to occur.

Should Council support the maximum amounts permitted within the range determined by the Tribunal, the expenditure of Elected Member Meeting Fees and Allowances will increase from \$217,000 to \$556,750. Considering an extra \$300,000 was also provisionally made for a possible increase, an additional \$39,750 will need to be absorbed within current budget provisions or sourced as part of the 2013-14 mid-year budget review to cover the increase.

Under the *Elected Members' Entitlements Policy* both the Telecommunications Allowance and the Information Technology Allowance is paid in October for the annual period. However this will no longer be appropriate considering that any new allowances determined by the Tribunal, take effect from the 1 July each year.

In view of this it is suggested that the new annual ICT Allowance (which is a combined Telecommunications Allowance and Information Technology Allowance) be paid in full in July of each financial year, noting that those Elected Members whose terms end at an upcoming Local Government Election, will only be paid a pro-rata amount up to the election date. The remaining annual amount will paid should they be successful at retaining their seat on Council, and any new Elected Members being paid a pro-rata amount for the remainder of the financial year from the election date. Adjustments will need to be made in view of the amounts already paid to Elected Members for the 2013-14 year for these two now defunct allowances, and the differences between them and the new ICT Allowance.

In view of the above, changes to the *Elected Members' Entitlements Policy* will be required and will be the subject of a further report to Council through the Policy Committee.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

Not applicable.

### **COMMENT**

Fees, expenses and allowances for Elected Members were set by regulation in 1996 following the introduction of the Act. Adjustments to fees, expenses and allowances have been made twice since then – in 1999 and most recently in 2005. This is the first independent determination of fees, allowances and expenses and brings levels of remuneration for Elected Members into line with other states and also with the fees paid to Government Board and Committee members in Western Australia.

In setting of the new fees, expenses and allowances, the Tribunal noted that it is vital that local governments attract capable and committed Elected Members to provide leadership, expertise and good government at a community level. After extensive consultation the Tribunal concluded that the 1996 framework of fees, allowances and expenses did not take into account the significant weight of responsibilities of Elected Members, particularly in large and the most populated local governments.

Notwithstanding it is clear from the relevant legislation and Parliamentary debates on the Local Government Amendment Bill 2011, that the fees, expenses and allowances to which they refer are not intended to be full time salaries for Elected Members. While there is a recognised element of voluntary community service in the role of being an Elected Member, the recent determination by the Tribunal goes some way in reflecting the commitment and dedication an individual person makes when becoming an Elected Member of a local government Council.

In accordance with the *Salaries and Allowances Act 1975*, the Tribunal is required to make determinations on this issue annually, hence adjustments to the fees, expenses and allowances payable to Elected Members will be made regularly. These adjustments will be published in determinations which must be in writing, and come into operation on a date specified in the determination. The determinations will be published in the *Western Australian Government Gazette* as and when required.

## **VOTING REQUIREMENTS**

Absolute Majority.

**MOVED Cr Chester, SECONDED Cr Amphlett that Council:**

- 1 NOTES under the *Elected Members' Entitlements Policy*, Council has adopted the maximum amount that can be paid to Elected Members under the structure of fees, allowances and expenses;**
- 2 BY AN ABSOLUTE MAJORITY under sections 5.98(5)(b), 5.98A(1), 5.99(b) and 5.99A(b) of the *Local Government Act 1995* sets the maximum amount for the Mayoral Allowance, Deputy Mayoral Allowance, Annual Meeting Fee Allowance and ICT Allowance for the City of Joondalup Elected Members that can be paid within the range as determined by the Salaries and Allowances Tribunal from time to time;**
- 3 NOTES a further report will be submitted on the required changes to the *Elected Members' Entitlements Policy* as a result of legislative amendments and the determination of the Salaries and Allowances Tribunal.**

**The Motion was Put and**

**CARRIED (13/0)**

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

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf090713.pdf](#)

## **CJ129-07/13      CITY OF JOONDALUP PARKING LOCAL LAW 2013 - ADOPTION**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	24185, 101515
<b>ATTACHMENTS</b>	Attachment 1    City of Joondalup Parking Local Law 2013 Attachment 2    Schedule of submission comments
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

---

### **PURPOSE**

For Council to note the public advertising of the proposed *City of Joondalup Parking Local Law 2013* and to make the local law.

### **EXECUTIVE SUMMARY**

At its meeting held on 19 February 2013 (CJ009-02/13 refers), Council resolved in part to commence the local law-making process and that the proposed *City of Joondalup Parking Local Law 2013* be advertised for public consultation.

In accordance with section 3.12(3) of the *Local Government Act 1995* the City publicly advertised the proposed local law for a period of six weeks and forwarded a copy to the Minister for Local Government.

At the close of the public consultation period the City had received one submission from the Department of Local Government (DLG).

*It is therefore recommended that Council:*

- 1      *NOTES the submission received from the Department of Local Government at the close of the comment period for the proposed City of Joondalup Parking Local Law 2013, as detailed in Attachment 2 to Report CJ129-07/13;*
- 2      *BY AN ABSOLUTE MAJORITY MAKES the City of Joondalup Parking Local Law 2013 as detailed in Attachment 1 to Report CJ129-07/13 and AUTHORISES the Common Seal to be affixed;*
- 3      *NOTES the progression of the remaining actions to finalise the local law adoption process as detailed in section 3.12 and 3.15 of the Local Government Act 1995.*



## BACKGROUND

The City's current *Parking Local Law 1998* was last amended in March 2008 in preparation for the introduction of paid parking. Since then a number of issues were identified as requiring further amendments to bring the local law up to date and to address shortcomings including terms that are not defined, provisions relating to ACROD permits and strengthening the paid parking provisions.

Following an initial review it was identified that the *Parking Local Law 1998* was not in keeping with the modern form of a parking local law. The current benchmark for a parking local law is the *Western Australian Local Government Association (WALGA) Parking and Parking Facilities Model Local Law 2010*. It was determined therefore that rather than amending the *Parking Local Law 1998*, the City ought to instead develop a new parking local law based on the *WALGA Parking and Parking Facilities Model Local Law 2010* with modifications to suit the needs of the City.

Subsequently, the *City of Joondalup Parking Local Law 2013* was drafted. The purpose of this local law is to provide for the regulation, control and management of parking within the district. The effect of this local law is to control parking throughout the district and ensure the safe, fair and equitable use of parking facilities under the care and control of the local government.

At its meeting held on 19 February 2013 (CJ009-02/13 refers), Council considered the proposed *City of Joondalup Parking Local Law 2013* and resolved as follows:

*"That Council:*

- 1 *MAKES the proposed City of Joondalup Parking Local Law 2013 as detailed in Attachment 1 to Report CJ009-02/13 for the purpose of public advertising;*
- 2 *ADVERTISES the proposed City of Joondalup Parking Local Law 2013 in accordance with section 3.12 (3)(a) of the Local Government Act 1995;*
- 3 *FORWARDS a copy of the proposed City of Joondalup Parking Local Law 2013 to the Minister for Local Government in accordance with section 3.12 (3)(b) of the Local Government Act 1995;*
- 4 *REQUESTS the Chief Executive Officer prepare a further report at the conclusion of the public advertising period to enable the Council to consider any submissions made."*

In accordance with section 3.12(3) of the *Local Government Act 1995* the City publicly advertised the proposed local law for a period of six weeks and forwarded a copy of the local law to the Minister for Local Government.

At the close of the public consultation period the City had received one submission from the Department of Local Government.

## DETAILS

The proposed *City of Joondalup Parking Local Law 2013* (Attachment 1 refers) was advertised statewide in *The West Australian* on Wednesday 13 March 2013, seeking public comments. The public comment period closed on Friday 26 April 2013.

During this time the DLG responded by email, confirming receipt of the proposed local law and that it was considering the local law and if necessary, would provide written comment within the public comment period. At the close of the public comment period, a comprehensive submission had been received from the DLG. A summary of the submission and the City's comments is provided as a separate attachment (Attachment 2 refers).

### Issues and options considered

Council can either:

- adopt the proposed local law  
or
- adopt the proposed local law with modifications, subject to the modifications not being significantly different to what was advertised.

It is recommended that the proposed local law be adopted with modifications, in response to the submission from the DLG, and as outlined in Attachment 2.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

Section 3.12 of the *Local Government Act 1995*.

#### Strategic Community Plan

#### Key theme

Governance and Leadership.

#### Objective

Corporate capacity.

#### Strategic initiative

Continuously strive to improve performance and service delivery across all corporate functions.

#### Policy

Not applicable.

### Risk management considerations

There is a risk that the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation may request amendments or even disallow the proposed *City of Joondalup Parking Local Law 2013*. This risk has been mitigated by using the *WALGA Parking and Parking Facilities Model Local Law 2010* as the basis for the proposed *City of Joondalup Parking Local Law 2013* and taking into account the comments made by the Department of Local Government.

### Financial/budget implications

Costs associated with the local law-making process, being public advertising and gazettal costs, have been provided for in annual budgets.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

The development of local laws requires statutory advertising of the proposal and consultation with the public throughout the local law-making process. This has been undertaken and included:

- giving statewide public notice advertising the proposed local law and inviting submissions to be made within no less than six weeks from the date of advertising, including:
  - advertising in The West Australian newspaper
  - displaying public notices at the City of Joondalup Administration Centre, public libraries and customer services centres
  - advertising on the City's website
- providing a copy of the notice and a copy of the proposed local law to the Minister for Local Government.

**COMMENT**

The proposed *City of Joondalup Parking Local Law 2013* was developed following a thorough process of evaluating and comparing the current *Parking Local Law 1998* and the *WALGA Parking and Parking Facilities Model Local Law 2010*. Necessary amendments were made to suit the specific needs of the City. This ensured that those elements from the existing *Parking Local Law 1998* that were required to be retained were included, as well as any new requirements identified from the *WALGA Parking and Parking Facilities Model Local Law 2010*.

The proposed *City of Joondalup Parking Local Law 2013* was subsequently advertised and amendments made, taking into account the comments submitted by the Department of Local Government. *City of Joondalup Parking Local Law 2013* awaits adoption by Council.

**VOTING REQUIREMENTS**

Absolute Majority.

**MOVED Mayor Pickard, SECONDED Cr Hollywood that Council:**

- 1** NOTES the submission received from the Department of Local Government at the close of the comment period for the proposed *City of Joondalup Parking Local Law 2013*, as detailed in Attachment 2 to Report CJ129-07/13;
- 2** BY AN ABSOLUTE MAJORITY MAKES the *City of Joondalup Parking Local Law 2013* as detailed in Attachment 1 to Report CJ129-07/13 and AUTHORISES the Common Seal to be affixed;
- 3** NOTES the progression of the remaining actions to finalise the local law adoption process as detailed in section 3.12 and 3.15 of the *Local Government Act 1995*.

**The Motion was Put and**

**CARRIED (13/0)**

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

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf090713.pdf](#)

## **CJ130-07/13 LIST OF PAYMENTS MADE DURING THE MONTH OF MAY 2013**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	09882, 101515
<b>ATTACHMENTS</b>	Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of May 2013 Attachment 2 Chief Executive Officer's Delegated trust Payment List for the month of May 2013. Attachment 3 Municipal and trust Fund Vouchers for the month of 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 list of accounts paid under the Chief Executive Officer's delegated authority during the month of May 2013.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of May 2013 totalling \$13,620,738.07.

*It is recommended that Council NOTES the Chief Executive Officer's list of accounts for March 2013 paid under delegated authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 in Attachments 1, 2 and 3 to Report CJ130-07/13, totalling \$13,620,738.07.*

### **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 May 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 95500 - 95820 & EF031479 – EF032304 Net of cancelled payments	\$9,621,426.65
	Vouchers 1121A -1127A & 1131A-1133A	\$3,971,971.82
Trust Account	Trust Cheques 205681 - 205731 Net of cancelled payments	\$27,339.60
<b>Total</b>		<b>\$13,620,738.07</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** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

### **Risk management considerations**

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

### **Financial/budget implications**

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

### **Regional significance**

Not applicable.

### **Sustainability implications**

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

### **Consultation**

Not applicable.

### **COMMENT**

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

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Amphlett, SECONDED Cr Fishwick that Council NOTES the Chief Executive Officer's list of accounts for May 2013 paid under Delegated Authority in accordance with regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachments 1, 2 and 3 to Report CJ130-07/13, totalling \$13,620,738.07.**

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of CJ140-07/13, page 130 refers.**

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

*Appendix10 refers*

*To access this attachment on electronic document, click here: [Attach10brf090713.pdf](#)*

## **CJ131-07/13 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 MAY 2013**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	07882, 101515
<b>ATTACHMENT</b>	Attachment 1 Financial Activity Statement for the period ended 31 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 Financial Activity Statement for the period ended 31 May 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 May 2013 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$7,419,965 for the period when compared to the 2012-13 Revised Budget.

The variance can be summarised as follows:

The Operating Surplus is \$962,793 above budget, made up of higher operating revenue of \$968,636 and higher operating expenditure of \$5,843.

Higher operating revenues are primarily as a result of Fees and Charges \$711,913, Profit on Asset Disposal \$459,147, Interest Earnings \$156,073, Grants and Subsidies \$69,579 and Rates \$51,208. These are offset by revenue below budget on Contributions, Reimbursements and Donations \$435,572 and Other Revenue \$43,712.

Operating expenditure is below budget on Materials and Contracts \$1,301,349, Employee Costs \$660,931 and Loss on Asset Disposal \$107,134. These are offset by higher Depreciation and Utilities expenditure which are \$1,945,880 and \$119,780 above budget respectively.

The favourable variance on Materials and Contracts is spread across a number of areas including External Service Expenses \$365,444, Professional Fees and Charges \$652,835, Furniture, Equipment and Artworks \$238,657, Contributions and Donations \$208,056 and Public Relations and Advertising \$122,425. These are partly offset by unfavourable



variances of \$319,647 on Waste Management Services, \$122,027 on Material Purchases and \$135,181 on Accommodation and Property.

The Capital Deficit is \$5,067,743 below budget as a result of lower expenditure on Capital Projects \$1,051,641, Capital Works \$4,356,003, Motor Vehicle Replacements \$142,026 and Equity Investments \$330. This is partially offset by lower capital revenue of \$482,257.

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 31 May 2013 forming Attachment 1 to Report CJ131-07/13.*

## **BACKGROUND**

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

## **DETAILS**

### **Issues and options considered**

The Financial Activity Statement for the period ended 31 May 2013 is appended as Attachment 1.

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

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

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

### **Strategic Community Plan**

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

**Risk management considerations**

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

**Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

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

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Amphlett, SECONDED Cr Fishwick that Council NOTES the Financial Activity Statement for the period ended 31 May 2013 forming Attachment 1 to Report CJ131-07/13.**

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of CJ140-07/13, page 130 refers.**

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

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf090713.pdf](#)*

## **CJ132-07/13 TENDER 013/13 - SUPPLY AND LAYING OF CONCRETE KERBING**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	103108, 101515
<b>ATTACHMENT</b>	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

---

### **PURPOSE**

For Council to accept the tender submitted by Weskerb Pty Ltd for the supply and laying of concrete kerbing.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 15 May 2013 through statewide public notice for the supply and laying of concrete kerbing for a period of three years. Tenders closed on 30 May 2013. Three submissions were received from:

- Weskerb Pty Ltd.
- Allstate Kerbing & Concrete Pty Ltd.
- Sanpoint Pty Ltd trading as LD Total.

The submission from Weskerb Pty Ltd represents best value to the City. Weskerb Pty Ltd demonstrated an understanding of the requirements. The company is an established contractor with industry experience and proven capacity to provide the goods and services to the City. It has successfully provided similar services to the City for the past six years.

*It is therefore recommended that Council ACCEPTS the tender submitted by Weskerb Pty Ltd for the supply and laying of concrete kerbing as specified in Tender 013/13 for a period of three years at the submitted schedule of rates, with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.*

### **BACKGROUND**

The City has a requirement for the supply and laying of concrete kerbing to various locations within the City.

The City currently has a single contract for the supply and laying of concrete kerbing with Weskerb Pty Ltd, which will expire on 19 August 2013.

Weskerb Pty Ltd has met the City's requirement throughout the term of its contract.

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 supply and laying of concrete kerbing was advertised through statewide public notice on 15 May 2013. The tender period was for two weeks and tenders closed on 30 May 2013.

### **Tender Submissions**

Three submissions were received from:

- Weskerb Pty Ltd.
- Allstate Kerbing & Concrete Pty Ltd.
- Sanpoint Pty Ltd trading as LD Total.

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

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

### **Evaluation Panel**

The evaluation panel comprised of three members:

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

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

### **Compliance Assessment**

All offers received were assessed as fully compliant.

### **Qualitative Assessment**

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

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

Allstate Kerbing & Concrete Pty Ltd scored 38.9% and was ranked third in the qualitative assessment. It submitted a very brief response that did not provide sufficient information to demonstrate its understanding of the required tasks. Examples of subdivisional kerbing works undertaken for various private organisations were supplied. Its response to capacity did not provide information on after-hours contacts and safety statistics.

Weskerb Pty Ltd scored 57.2% and was ranked second in the qualitative assessment. The company has been the City's current contractor for the supply and laying of concrete kerbing for the past six years and also provided similar services to the Shire of Denmark. It demonstrated an understanding of the required tasks. The company is well resourced but did not provide information on after-hours contacts and its ability to supply additional resources or personnel.

Sanpoint Pty Ltd t/as LD Total scored 59.4% and was ranked first in the qualitative assessment. The company has experience in providing similar services to various organisations and local governments including the Cities of Mandurah, Fremantle, Rockingham, Subiaco, Wanneroo and the Shire of Kalamunda. It demonstrated a thorough understanding and appreciation of the City's requirements and is well resourced to undertake the works.

### Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the submitted rates offered by each tenderer to assess value for money to the City.

To provide a comparison of the rates offered by each tenderer, the nine most commonly used items and their typical usage based on historical data have been used. The table below provides a comparison of the estimated expenditure based on tendered rate. Any future requirements will be based on demand and subject to change in accordance with the operational needs of the City.

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

Tenderer	Year 1	Year 2	Year 3	Total
Weskerb Pty Ltd	\$1,176,320	\$1,211,609	\$1,247,958	\$3,635,888
Allstate Kerbing & Concrete Pty Ltd	\$1,227,550	\$1,264,376	\$1,302,308	\$3,794,234
Sanpoint Pty Ltd t/as LD Total	\$1,422,750	\$1,465,433	\$1,509,395	\$4,397,578

During the last financial year 2012-13, the City incurred \$1,139,626 for the supply and laying of concrete kerbing and is expected to incur in the order of \$3,700,000 over the three year contract period.

## Evaluation Summary

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

Tenderer	Estimated Year 1 Contract Price	Estimated Total Contract Price	Price Ranking	Weighted Percentage Score	Qualitative Ranking
Sanpoint Pty Ltd t/as LD Total	\$1,422,750	\$4,397,578	3	59.4%	1
Weskerb Pty Ltd	\$1,176,320	\$3,635,888	1	57.2%	2
Allstate Kerbing & Concrete Pty Ltd	\$1,227,550	\$3,794,234	2	38.9%	3

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

While Sanpoint Pty Ltd t/as LD Total was ranked higher than Weskerb Pty Ltd, its Offer was 21% more expensive than Weskerb Pty Ltd. Sanpoint Pty Ltd did not demonstrate any additional value added services that would warrant the additional cost to the City.

## Issues and options considered

The City has a requirement for the supply and laying of concrete kerbing to various locations within the City. The City does not have the internal resources to provide the required goods and services and requires an appropriate external contractor to undertake the works.

## Legislation / Strategic Community Plan / policy implications

### Legislation

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

Quality Urban Environment.

#### Objective

Integrated spaces.

#### Strategic initiative

Enable safe, logical and accessible pedestrian movements throughout public spaces.

#### Policy

Not applicable.

**Risk management considerations**

Should the Contract not proceed, the risk to the City will be high as the City will not have the capacity to complete its roads resurfacing and capital works program.

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

**Financial/budget implications**

<b>Account no.</b>	Various.
<b>Budget Item</b>	Supply and laying of concrete kerbing.
<b>Estimated budget amount (2013 - 2014)</b>	\$ 1,200,000
<b>Amount spent to date</b>	\$ 0
<b>Proposed cost (2013 - 2014)</b>	\$ 1,176,320
<b>Balance</b>	\$ 23,680

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The evaluation panel carried out the evaluation of the submissions in accordance with the City's evaluation process and concluded that the offer submitted by Weskerb Pty Ltd represents best value to the City.

**VOTING REQUIREMENTS**

Simple Majority.

*Cr Gobbert left the Chamber at 7.39pm.*

**MOVED Cr Corr, SECONDED Cr Hollywood that Council ACCEPTS the tender submitted by Weskerb Pty Ltd for the supply and laying of concrete kerbing as specified in Tender 013/13 for a period of three years at the submitted schedule of rates, with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.**

**The Motion was Put and**

**CARRIED (12/0)**

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

*Cr Gobbert entered the Chamber at 7.41pm.*

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf090713.pdf](#)*



## **CJ133-07/13      TENDER 016/13 – PROVISION OF IRRIGATION PUMP AND BORE MAINTENANCE SERVICES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	103139, 101515
<b>ATTACHMENTS</b>	Attachment 1    Schedule of Items Attachment 2    Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

---

### **PURPOSE**

For Council to accept the tender submitted by Hydroquip Pumps for the provision of irrigation pump and bore maintenance services.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 20 April 2013 through statewide public notice for the provision of irrigation pump and bore maintenance services for a period of three years. Tenders closed on 7 May 2013. Two submissions were received from:

- Total Eden Pty Ltd t/as Hydro Engineering.
- Hydroquip Pumps.

The submission from Hydroquip Pumps represents best value to the City. Hydroquip Pumps demonstrated a thorough understanding of the requirements. The company is an established contractor with considerable industry experience and proven capacity to provide the services to the City. It has successfully provided similar services to the City for the past three years.

*It is therefore recommended that Council ACCEPTS the tender submitted by Hydroquip Pumps for the provision of irrigation pump and bore maintenance services as specified in Tender 016/13 for a period of three years at the submitted schedule of rates, with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.*

### **BACKGROUND**

The City has a requirement for the removal, maintenance and installation of irrigation pumps and the redevelopment of existing bores.

The City currently has a single contract for the provision of irrigation pump and bore maintenance services with Hydroquip Pumps which will expire on 31 July 2013.

Hydroquip Pumps has met the City's requirement throughout the term of its contract.

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 irrigation pump and bore maintenance services was advertised through statewide public notice on 20 April 2013. The tender period was for two weeks and tenders closed on 7 May 2013.

### Tender Submissions

Two submissions were received from:

- Total Eden Pty Ltd t/as Hydro Engineering.
- Hydroquip Pumps.

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

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

### Evaluation Panel

The evaluation panel comprised of three members:

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

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

### Compliance Assessment

All offers received were assessed as fully compliant.

### Qualitative Assessment

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

Hydro Engineering scored 68.7% and was ranked second in the qualitative assessment. The company demonstrated extensive experience in providing similar services to various organisations and local governments including the Cities of Stirling, Swan and Bayswater. It demonstrated a sound understanding of the required tasks. The company is well resourced in terms of personnel and equipment but did not address its safety record in its response.

Hydroquip Pumps scored 70.8% and was ranked first in the qualitative assessment. The company has been the City's current contractor for the irrigation pump and bore maintenance services for the past three years and also provided similar services to the Cities of Belmont, Melville, Wanneroo and Canning. It demonstrated a thorough understanding and appreciation of the City's requirements and is well resourced to provide the required services.

### Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the submitted rates offered by each tenderer to assess value for money to the City.

To provide a comparison of the rates offered by each tenderer, fifty bores representing the most common sizes and configuration were identified and used in the calculation. The following table provides a summary of the comparison of the estimated expenditure of each tenderer. Any future mix of requirements will be based on demand and subject to change in accordance with operational needs of the City.

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

<b>Tenderer</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Total</b>
Hydroquip Pumps	\$424,950	\$437,699	\$450,829	\$1,313,478
Hydro Engineering	\$472,680	\$486,860	\$501,466	\$1,461,007

During the last financial year 2012-13, the City incurred \$698,602 for the removal, maintenance and installation of irrigation pumps and redevelopment of existing bores and is expected to incur in the order of \$1,350,000 over the three year contract period.

The estimated contract price above does not take into consideration the cost of emergency repairs and breakdowns due to their unknown nature.

### Evaluation Summary

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

<b>Tenderer</b>	<b>Estimated Year 1 Contract Price</b>	<b>Estimated Total Contract Price</b>	<b>Price Ranking</b>	<b>Weighted Percentage Score</b>	<b>Qualitative Ranking</b>
Hydroquip Pumps	\$424,950	\$1,313,478	1	70.8%	1
Hydro Engineering	\$472,680	\$1,461,007	2	68.7%	2

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

### Issues and options considered

The City has a requirement for the removal, maintenance and installation of irrigation pumps and the redevelopment of existing bores. The City does not have the internal resources to provide the required goods and services and requires an appropriate external contractor to undertake the works.

### Legislation / Strategic Community Plan / policy implications

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

**Objective** Environmental resilience.

**Strategic initiative** Demonstrate current best practice in environmental management for local water, waste, biodiversity and energy resources.

**Policy** Not applicable.

### Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City would not be able to properly maintain its irrigation pumps and breakdowns may affect the distribution of water to parks and street landscapes.

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

### Financial/budget implications

<b>Account no.</b>	Various
<b>Budget Item</b>	Irrigation pump and bore maintenance services
<b>Estimated budget amount (2013 – 2014)</b>	\$450,000
<b>Amount spent to date</b>	\$ 0
<b>Proposed cost (2013 – 2014)</b>	\$424,950
<b>Balance</b>	\$ 25,050

All amounts quoted in this report are exclusive of GST.

### Regional significance

Not applicable.

### **Sustainability implications**

Irrigation pumps and their associated bores are an integral component in the efficient management of the City's water resources. The City has approximately 217 irrigation pumps and 196 bores in its parks and streetscapes which may require repair work or modification over the Contract period. The efficient supply of water from bores enhances the quality of these areas used by the community.

### **Consultation**

Not applicable.

### **COMMENT**

The evaluation panel carried out the evaluation of the submission in accordance with the City's evaluation process and concluded that the offer submitted by Hydroquip Pumps represents best value to the City.

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Norman, SECONDED Cr Amphlett that Council ACCEPTS the tender submitted by Hydroquip Pumps for the provision of irrigation pump and bore maintenance services as specified in Tender 016/13 for a period of three years at the submitted schedule of rates, with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.**

**The Motion was Put and**

**CARRIED (13/0)**

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

*Appendix 13 refers*

To access this attachment on electronic document, click here: [Attach13brf090713.pdf](#)

## **CJ134-07/13      TENDER 017/13 – SUPPLY AND DELIVERY OF PVC PIPES, FITTINGS AND SPRINKLERS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	103140, 101515
<b>ATTACHMENTS</b>	Attachment 1    Schedule of Items Attachment 2    Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

---

### **PURPOSE**

For Council to accept the tender submitted by Judroc Pty Ltd trading as The Watershed Water Systems for the supply and delivery of PVC pipes, fittings and sprinklers.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 1 May 2013 through statewide public notice for the supply and delivery of PVC pipes, fittings and sprinklers for a period of three years. Tenders closed on 16 May 2013. Three submissions were received from:

- Judroc Pty Ltd trading as The Watershed Water Systems
- Total Eden Pty Ltd
- Elliotts Irrigation Pty Ltd.

The submission from Judroc Pty Ltd trading as The Watershed Water Systems represents best value to the City. It is a well established company with proven capacity to provide the goods to the City. The Watershed Water Systems has extensive industry experience and is currently supplying PVC pipes, fittings and sprinklers for the Cities of Swan, Wanneroo, Town of Cambridge and is the City of Joondalup's current supplier.

*It is therefore recommended that Council ACCEPTS the tender submitted by Judroc Pty Ltd trading as The Watershed Water Systems for the supply and delivery of PVC pipes, fittings and sprinklers as specified in Tender 017/13 for a period of three years at the submitted schedule of rates, with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.*

## **BACKGROUND**

The City has a requirement for the supply and delivery of PVC pipes, fittings and sprinklers to the City's Works Operations Centre.

The City currently has a contract for PVC pipes, fittings and sprinklers with The Watershed Water Systems, which expires on 31 July 2013.

The Watershed Water Systems has provided a high quality service throughout the term of the contract.

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

## **DETAILS**

The tender for the supply and delivery of PVC pipes, fittings and sprinklers was advertised through statewide public notice on 1 May 2013. The tender period was for two weeks and tenders closed on 16 May 2013.

### **Tender Submissions**

Three submissions were received from:

- Judroc Pty Ltd trading as The Watershed Water Systems
- Total Eden Pty Ltd
- Elliotts Irrigation Pty Ltd.

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

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

### **Evaluation Panel**

The evaluation panel comprised of three members:

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

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

### **Compliance Assessment**

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

### Qualitative Assessment

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

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

Elliotts Irrigation Pty Ltd scored 62.3% and was ranked third in the qualitative assessment. The company demonstrated a sound understanding of the required tasks and has sufficient capacity to provide the goods. It has industry experience including annual supply contracts for state and local governments including the Burswood Park Board, Town of Victoria Park, Cities of Stirling and Vincent. The panel noted referees and after-hours contact details were not provided.

Total Eden Pty Ltd scored 71% and was ranked second in the qualitative assessment. The company demonstrated a sound understanding of the required tasks and the capacity to provide the goods. It has extensive experience in providing similar services and has over the past 30 years serviced many WA local governments including the Cities of Belmont, Armadale and Gosnells. A list of contracts was supplied however none of these were current contracts.

The Watershed Water Systems scored 80.5% and was ranked first in the qualitative assessment. The company demonstrated a thorough understanding of the City's requirements. It has extensive industry experience and is currently supplying PVC pipes, fitting and sprinklers to the Cities of Swan, Wanneroo, Town of Cambridge and is the City of Joondalup's current supplier. The Watershed Water Systems is well resourced and has the capacity to meet the requirements of 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.

To provide an estimated expenditure over a 12 month period the 211 most commonly used items and their typical usage based on historical data have been used.

The following table provides a comparison of the estimated expenditure based on tendered rates. Any future requirements will be based on demand and subject to change in accordance with the operational needs of the City.

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



<b>Tenderer</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Total</b>
The Watershed Water Systems	\$350,348	\$360,858	\$371,684	\$1,082,890
Elliotts Irrigation Pty Ltd	\$369,365	\$380,446	\$391,859	\$1,141,670
Total Eden Pty Ltd	\$364,627	\$375,566	\$386,833	\$1,127,026

During 2012-13, the City incurred \$274,041 for the supply and delivery of PVC pipes, fittings and sprinklers. The City is expected to incur in the order of \$1,082,890 over the three year Contract period.

### **Evaluation Summary**

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

<b>Tenderer</b>	<b>Estimated Year 1 Contract Price</b>	<b>Estimated Total Contract Price</b>	<b>Price Ranking</b>	<b>Weighted Percentage Score</b>	<b>Qualitative Ranking</b>
The Watershed Water Systems	\$350,348	\$1,082,890	1	80.5%	1
Total Eden Pty Ltd	\$364,627	\$1,127,026	2	71%	2
Elliotts Irrigation Pty Ltd	\$369,365	\$1,141,670	3	62.3%	3

Based on the evaluation result the panel concluded that the tender from The Watershed Water Systems provides best value to the City and is therefore recommended.

### **Issues and options considered**

The City has a requirement for the supply and delivery of PVC pipes, fittings and sprinklers to the City's Works Operations Centre. The City does not have the internal resources to provide the required goods and services and requires an appropriate external contractor to provide the goods.

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

#### **Legislation**

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

<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Quality open spaces.
<b>Strategic initiative</b>	Apply a strategic approach to the planning and development of public open spaces.
<b>Policy</b>	Not applicable.

### Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City will not be able to maintain irrigation infrastructure on sporting reserves and public open space.

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

### Financial/budget implications

<b>Account no.</b>	Various Maintenance and Capital Works accounts.
<b>Budget Item</b>	Supply and delivery of PVC pipes, fittings and sprinklers.
<b>Estimated Budget amount</b>	\$400,000
<b>Amount spent to date</b>	Nil
<b>Proposed cost</b>	\$350,348
<b>Balance</b>	\$ 49,652

All amounts quoted in this report are exclusive of GST.

### Regional significance

Not applicable.

### Sustainability implications

Efficient reticulation systems are an integral component of the management of the City's water resources. The City has more than 300 parks and public open spaces that require irrigation. Efficient reticulation systems reduce the City's consumption of water and enhance the quality of these areas used by the community.

### 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 The Watershed Water Systems represents best value to the City.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Amphlett, SECONDED Cr Fishwick that Council ACCEPTS the tender submitted by Judroc Pty Ltd trading as The Watershed Water Systems for the supply and delivery of PVC pipes, fittings and sprinklers as specified in Tender 017/13 for a period of three years at the submitted schedule of rates, with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.**

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of CJ140-07/13, page 130 refers.**

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

*Appendix 14 refers*

To access this attachment on electronic document, click here: [Attach14brf090713.pdf](#)

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Brian Corr.</b>
<b>Item No./Subject</b>	CJ135-07/13 – Penistone Park, Greenwood – Proposed Redevelopment.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Corr's son is a member of the Warwick/Greenwood Cricket Club.

## **CJ135-07/13      PENISTONE PARK, GREENWOOD - PROPOSED REDEVELOPMENT**

<b>WARD</b>	South-East
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	02184, 101515
<b>ATTACHMENT</b>	Attachment 1      Penistone Park aerial map Attachment 2      Proposed development site plan Attachment 3      City's endorsed Master Planning Process Attachment 4      Consultation direct mail out distribution area Attachment 5      Proposed community consultation information brochure Attachment 6      Proposed community consultation FAQ sheet Attachment 7      Proposed community consultation comment form
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to endorse commencement of the Penistone Park redevelopment project and a commitment to the funding required by the City to plan and construct the project.

**EXECUTIVE SUMMARY**

Penistone Park located on Penistone Street, Greenwood is classified as a 'District Park' within the City's existing *Parks and Public Open Spaces Classification Framework*. The park has two active sporting ovals, a clubroom, floodlighting, car parking, three practice cricket nets, two outdoor basketball courts, two tennis courts, a tennis shelter and a playground.

The clubroom was constructed in 1975, which consists of a hall, toilets, changerooms, furniture store and user group storage. In 2007-08 the facility was refurbished with an upgrade to the toilets and changerooms and painting.

As a district park, the ovals and infrastructure service the local area and several surrounding suburbs. Currently, seven regular user groups hire the ovals and/or the clubrooms. However, as part of a review of community facilities and active reserves in 2011, the City identified that Penistone Park should be redeveloped as the site and the facility layout is poor therefore limiting its functionality for user group and wider community needs. In addition, a number of challenges have been highlighted:

- limited available storage
- rain water 'pooling' around the facility
- service road disconnects users from the main oval and clubroom/changerooms
- car park areas are at northern area of site, with access/egress to one car park in neighbourhood area
- park toilets are at the rear of the clubroom facility
- outdoor storage sheds on site are ageing
- cricket practice nets and outdoor tennis shelter are ageing
- outdoor basketball courts are in a poor condition and anecdotally are poorly utilised.

Due to the abovementioned challenges, it is proposed that Penistone Park is redeveloped to ensure it continues to service the current user groups and the wider local community's needs, therefore an amount of \$11,750 has been allocated for consultation, concept design and cost estimates in the 2013-14 operating budget.

In addition, an indicative amount of \$2 million has been listed in 2015-16 of the City's *Five Year Capital Works Program* for the redevelopment of Penistone Park. Notably, this figure was based on potential project costs only as project scoping, concept design and cost estimates have not been undertaken.

In order to redevelop facilities at Penistone Park in 2015-16 and to ensure the infrastructure continues to service user group and community needs, the City needs to commence Stage 2 of the Master Planning Process (Site and Needs Analysis). This involves undertaking community consultation in July 2013 by seeking user groups and the local wider community's feedback on the project. A subsequent report outlining the results of the consultation will be presented to Council in late 2013.

*It is recommended that Council:*

- 1 *NOTES the timeline proposed for the Penistone Park redevelopment project;*
- 2 *NOTES the listing of \$2,000,000 within 2015-16 of the City's Five Year Capital Works Budget for construction of the redevelopment of Penistone Park;*
- 3 *REQUESTS the Chief Executive Officer to arrange for community consultation to be undertaken in July 2013 using Attachments 5, 6 and 7 to Report CJ135-07/13;*
- 4 *NOTES that a further report will be presented to Council in late 2013 outlining the results of the community consultation and determining progression of the project to the next stage.*

## BACKGROUND

Penistone Park located on Penistone Street, Greenwood (Attachment 1 refers) is approximately 11.4 hectares and is classified as a 'District Park' within the City's existing *Parks and Public Open Spaces Classification Framework*. The park has two active sporting ovals, a clubroom, 118 car parking bays (including verge parking), three cricket practice nets, a synthetic centre cricket pitch, two outdoor basketball courts, two tennis courts, a playground and a tennis shelter. In addition, the City is currently upgrading floodlighting on both ovals with four towers on each oval. The upper (east) oval will provide lighting levels of 250 lux (Australian Standard small ball sports training), whilst the lower (west) oval will provide levels of 50 lux (Australian Standard large ball sports training). This project is expected to be completed by August 2013.

The clubroom (Attachment 2 refers) was constructed in 1975 which consists of a hall, kitchen, toilets, changerooms, furniture store and user group storage. In 2007-08 the facility was refurbished with an upgrade to the toilets and changerooms, and painting.

As Penistone Park is classified as a 'District Park' within the City's *Parks and Public Open Spaces Classification Framework*, the ovals and infrastructure service the local area and several surrounding suburbs. Organised sporting activities both of a senior and junior nature are undertaken at Penistone Park, in addition to passive recreational activities. District Park's should contain the following infrastructure:

- Two grounds or the ability to provide two sporting grounds.
- Ability to cater for a multiple number of activities at one time.
- Major sporting infrastructure such as tennis courts, cricket wickets (practice and competition).
- Floodlighting to facilitate sports participation.
- One community facility.
- Changerooms and toilet facilities.
- Capacity for 100 cars to park within or around the perimeter of the park grounds.
- Play equipment.
- Bench seating.

Penistone Park currently services seven community and/or sporting groups on a regular basis. The City's booking records state that the following groups hire the ovals and/or the clubrooms:

- Penistone Playgroup.
- Warwick/Greenwood Cricket Club.
- Warwick/Greenwood Junior Cricket Club.
- Wanneroo Modcrosse/Lacrosse Club.
- Warwick/Greenwood Amateur Football Club.
- Warwick/Greenwood Junior Football Club.
- Greenwood Little Athletics Club.

In 2011, the City undertook a review of community facilities and active reserves in order to prioritise and inform future development and redevelopment projects. As part of this review, Penistone Park has been identified for redevelopment. As priority projects have progressed, including Hawker Park and Bramston Park, it is necessary to commence planning of the redevelopment of Penistone Park in order to be able to construct in 2015-16 as per the City's *Five Year Capital Works Program* and to meet the Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund (CSRFF) application deadlines.

## DETAILS

Currently, the buildings functionality is limited due to its overall layout and position on the site. In addition, a number of challenges have been highlighted in relation to Penistone Park and the clubrooms:

- Limited available storage for the current and potential user groups.
- Clubrooms are not aesthetically pleasing and currently are on a lower point of the site in comparison to the adjacent basketball courts causing issues with rain water run-off 'pooling' in areas around the facility.
- Service road west of the clubroom disconnects users from the main oval and clubroom/changerooms.
- Main car park areas are at the northern end of the site where main access is through neighbourhood roads.
- Park toilets are at the rear of the clubroom facility which doesn't offer good sightlines for passive surveillance.
- Outdoor storage sheds on site are ageing.
- Cricket practice nets and outdoor tennis shelter are ageing.
- Outdoor basketball courts are in a poor condition and anecdotally are poorly utilised.

Due to the abovementioned challenges, it is proposed that Penistone Park is redeveloped to ensure it continues to service the current user groups and the wider local community's needs. It is likely the following items will be scoped as part of the project:

- Redevelopment of the existing clubroom facility into a new multi-purpose community facility.
- Replacement of the existing concrete basketball courts with a 3-on-3 basketball pad.
- Replacement of the existing cricket practice nets.
- Removal of the outdoor storage shed and tennis shelter and consolidation of these into the new multi-purpose community sporting facility.
- Assessment of existing vehicle access through the site and car parking.

The project will be managed by the City and conducted in accordance with the City's endorsed Master Planning process (Attachment 3 refers):

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

It has been identified that this project will be suitable for consideration as part of the Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund (CSRFF). In order to construct the facilities in 2015-16 as per the City's *Five Year Capital Works Program* (and meet CSRFF deadlines), planning of the project has commenced. The major project timelines have been determined and are outlined in the following table.

Item No.	Task	Timeframe
<b>Stage 1 – Project Initiation and Planning</b>		
1	Seek Council endorsement to commence project and undertake first round of community consultation.	July 2013
<b>Stage 2 – Site and Needs Analysis</b>		
2	Undertake first round of community consultation (residents/interest groups/user groups).	July – Aug 2013
3	Update Council on results of community consultation and seek endorsement to proceed to Stage 3 – Concept Design.	September 2013
<b>Stage 3 – Concept Design</b>		
4	Complete scope of works.	September 2013
5	Develop concept site plan and facility floor plan.	October 2013
6	Obtain cost estimate.	November 2013
7	Update Council on concept plans, cost estimate and seek Council endorsement to undertake community consultation on concept plans.	February 2014
<b>Stage 4 – Feasibility Analysis</b>		
8	Undertake community consultation on concept plans.	April 2014
9	Update Council on results of community consultation and seek endorsement to proceed with the project.	July 2014
<b>Stage 5 – Funding and Approvals (if project is supported)</b>		
10	Seek Council endorsement to apply for CSRFF.	September 2014
11	Submit CSRFF application.	September 2014
12	Notification of CSRFF outcome.	March 15
<b>Stage 6 – Construction (if project is supported)</b>		
13	Complete Detailed Design.	July - October 2014
14	Seek Tender submissions.	November 2014 – March 2015
15	Council to approve Tender and appoint approved contractor.	June 2015
16	Construction.	July 2015 - June 2016
<b>Stage 7 – Operations and Review</b>		
17	Evaluate project and complete close-out report.	August 2016

The proposed timeline would allow the City to seek grant funding through the Department of Sport and Recreations CSRFF program. Notably, detailed design will occur whilst awaiting the outcome of the CSRFF application to ensure construction can be undertaken in 2015-16.



## Issues and options considered

It is considered that Council has two options, either to endorse commencement of the project or not endorse commencement of the project. If Council endorses commencement of the project, the City will undertake community consultation to determine the level of community support for the project. The results of the community consultation will be presented back to Council and if the project is not supported by the community, Council can choose to defer or cease the project.

If Council chooses not to commence the project, Penistone Park user groups will continue to operate at the facility.

It is recommended that the project commences and the City undertakes project planning in order to meet the CSRFF deadline for September 2014 and to carry out construction works in 2015-16 as per the City's *Five Year Capital Works Program*.

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

**Policy** Not applicable.

## Risk management considerations

If the project does not commence, Penistone Park user groups will continue to operate, although the facility will provide limited functionality and not completely service user group and the local wider community's needs. Furthermore, the clubrooms are currently over 35 years old and are coming toward their scheduled end-of-life; therefore it is pertinent to upgrade them.

In addition, if the project does not commence, appropriate planning will not be undertaken to satisfy the requirements of an eligible CSRFF application. As a result, the opportunity to potentially minimise municipal funds on the project will be missed.

Furthermore, this project will be one of several major projects the City will be seeking CSRFF funding in the grant round. They will effectively be competing against each other and there are risks that not all projects will be funded. Additionally, this project will be competing against other projects from Western Australia and priorities will be determined by the Minister of Sport and Recreation.

### **Financial/budget implications**

An amount of \$11,750 has been allocated for consultation, concept design and cost estimates in the 2013-14 operating budget. In addition, an indicative amount of \$2 million has been listed in 2015-16 of the City's *Five Year Capital Works Program* for the redevelopment of Penistone Park. Notably, this figure was based on potential project costs only as project scoping, concept design and cost estimates have not been undertaken.

An amount for the detailed design and tender documentation has not yet been identified, however as the project progresses an amount will be estimated and subsequently be listed for consideration in 2014-15 of the City's *Five Year Capital Works Program*.

All amounts quoted in this report are to be exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

#### Environmental

All facility redevelopment projects are planned to reduce the impact of the carbon footprint and consider environmental sustainability design features where possible within the project budget.

#### Social

The project will include consultation with existing and potential user groups and the local wider community to ensure that feedback received represents their diverse needs. It is expected that if the redevelopment works occur, the project will lead to higher utilisation rates of the facility and potentially the oval. Furthermore, any development at the site will consider access and inclusion principles and will aim to enhance the amenity of the public space.

#### Economic

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

### **Consultation**

Consultation for this project will be conducted in accordance with City's approved *Community Consultation and Engagement Policy* and Protocol.

Community consultation with residents, user groups and the local wider community will be conducted in the early stages of the project outlining site features, retention of infrastructure, facility layout, overall design and facility management. This consultation will be used to develop a site plan and facility floor plan which again will undergo consultation with residents, user groups and the local wider community once approved by Council.

It is proposed that targeted consultation will be undertaken with the following stakeholders:

- Residents living within a 500 metre radius of the site (Attachment 4 refers).
- Representatives from the oval user groups.
- Representatives from facility user groups.
- Representative from the local Residents' Association.
- Representative(s) from the Greenwood Primary School.

In addition, consultation documentation will be available on the City's website for the public to comment.

It is proposed that consultation will be conducted for 21 days from Thursday 18 July – Wednesday 7 August 2013 and advertised through the following methods:

- Direct mail out - a cover letter, information brochure (Attachment 5 refers), frequently asked questions sheet (Attachment 6 refers) and a comment form (Attachment 7 refers) to residents living within a 500 metre radius of the site, user groups, a representative from the local Residents' Association and Representative(s) from the Greenwood Primary School.
- Site signage – Two signs to be placed at Penistone Park during the consultation period.
- City's website – information brochure, frequently asked questions sheet and comment form to be added to the 'Community Consultation' section during the consultation period.
- A3 poster – displayed at Penistone Park Clubrooms and the Recreation Services Booking Officer during the consultation period.
- Social Media – a post will be made to the City's Facebook page and Twitter account re-directing to the information page on the City's website.

The feedback received as part of the community consultation will be collated and included in a report for Council's consideration in late 2013.

## **COMMENT**

In order to redevelop facilities at Penistone Park in 2015-16 and to ensure the infrastructure continues to service user group and community needs, the City needs to commence Stage 2 of the Master Planning Process (Site and Needs Analysis). This includes undertaking community consultation in July 2013 by seeking user group and the local wider community's feedback on the project. A subsequent report outlining the results of the consultation will be presented to Council in late 2013 seeking endorsement to progress to Stage 3 of the Master Planning Process - Concept Design.

## **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Chester, SECONDED Mayor Pickard that Council:**

- 1 NOTES the timeline proposed for the Penistone Park redevelopment project;**
- 2 NOTES the listing of \$2,000,000 within 2015-16 of the City's Five Year Capital Works Program for construction of the redevelopment of Penistone Park;**
- 3 REQUESTS the Chief Executive Officer to arrange for community consultation to be undertaken in July 2013 using Attachments 5, 6 and 7 to Report CJ135-07/13;**
- 4 NOTES that a further report will be presented to Council in late 2013 outlining the results of the community consultation and determining progression of the project to the next stage.**

**The Motion was Put and**

**CARRIED (13/0)**

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

*Appendix 15 refers*

To access this attachment on electronic document, click here: [Attach15brf090713.pdf](#)

## **CJ136-07/13      REQUEST FOR ADDITIONAL SUBSIDIES - FACILITY HIRE SUBSIDY**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	101271, 09818, 29528, 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 give consideration to apply additional subsidies for the hire of City facilities.

### **EXECUTIVE SUMMARY**

At its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted a *Property Management Framework* which is intended to provide the City with a guide to managing all property under the City's ownership, care and control. It contains specific requirements for the classifying of property and its usage.

As part of the framework, Council also reviewed various supporting policies to assist it in managing property and users of City facilities. The revised *Facility Hire Subsidy Policy* allows for various levels of subsidisation of the hire fees for certain community groups. The policy states that where a community group wishes for further subsidisation, application must be made to the City with a report presented to Council for its consideration.

Following the City's recent round of annual and winter bookings for use of its facilities for 2013, the following groups have sought further subsidisation in accordance with the policy:

- Sorrento Football Club (junior soccer).
- Greenwood Weight Watchers Club.
- Kallaroo Embroidery Group.
- Wanneroo Joondalup Art Society.

### **BACKGROUND**

The City of Joondalup manages 148 facilities utilised by approximately 300 community groups over 19,000 square metres of land either as freehold or managed property which is reserved or dedicated under the *Land Administration Act 1997*. This property has been set aside for a diversity of purposes, such as recreation, public open space, drainage and administrative or infrastructure purposes.

In previous years, property management arrangements for City owned and managed property have been approached on an ad-hoc basis. This has resulted in varying management methods and inconsistent leasing; licensing; and facility hire conditions (including the application of subsidised use).

In an effort to apply greater consistency to property management the Council at its meeting held on 20 November 2012 (CJ234-11/12 refers) adopted a framework that takes a broad approach and addresses the myriad of issues involved in property management. It is intended to provide a consistent and concise methodology for the future.

## DETAILS

At its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted a new policy relating to subsidised use of City facilities that is to:

- provide guidance on determining the extent of subsidy to be offered to groups hiring City-managed facilities
- ensure facility hire subsidies are applied in a consistent, transparent and equitable manner.

The policy applies to all local not-for-profit community groups and groups from educational institutions hiring City-managed facilities on a regular or casual basis, excluding facilities contained within the City of Joondalup Leisure Centres - Craigie. The policy applies to organised groups only and does not apply to individuals.

The policy allocates a level of subsidy to user groups. The City will subsidise the cost of facility hire charges for City-managed facilities for local not-for-profit community groups and groups from educational institutions if the group is able to demonstrate that at least 50% of its active members/participants reside within the City of Joondalup. These groups are categorised within the policy based on the nature of the group, that is, groups that provide recreational, sporting activities and/or targeted services exclusively for people aged 55 years of age and over.

Notwithstanding the above, the City reserves the right that if a group is booking a facility at a subsidised rate and it is not being utilised it may charge that group for the unutilised booking of that facility at the full community rate.

The process the City follows when booking facilities for regular hire groups is via two ways:

- Annual users.
- Seasonal users.

Annual users are those groups who hire a City facility for a calendar year, where a seasonal user is a group that books either for a winter or summer season, which are regarded traditional, sports seasons.

In regard to dealing with requests for additional subsidies over and above what is permitted within the policy, the policy states:

*“A group may apply for an additional subsidy under special circumstances. Applications must be made in a written submission to the Chief Executive Officer. All such applications will be assessed by the City and referred to Council for determination.*”

*Additional subsidies will be provided for the following:*

- Any group who has provided recent, significant cash or in-kind contribution(s) towards the total value of the construction of a hired facility.
- Any group who is experiencing significant financial difficulties.
- Any other group who can provide reasonable justification for receiving an additional subsidy.

*Submissions for additional subsidies will be assessed on a case-by-case basis and will apply for one year/season. A new application must be made in each following year/season."*

The City has completed its 2013 annual and winter season booking process and has received requests from the following groups for consideration of an additional subsidy above what they are entitled to under the policy:

- Sorrento Football Club (junior soccer).
- Greenwood Weight Watchers Club.
- Kallaroo Embroidery Group.
- Wanneroo Joondalup Art Society.

Sorrento Football Club (junior soccer)

Facility/Park Hired	Classification within Policy	Hire Fee Subsidy (% of Regular Community Hire Rate)	Number of hours per week exceeding allocation	Cost per hour above allocation of 100% subsidy	Potential cost to the club
<ul style="list-style-type: none"> <li>• Percy Doyle 1, 2 and 3</li> <li>• Marri Park – Upper &amp; Lower</li> </ul>	<p><b>Junior Recreational or Sporting Groups</b> Groups that provide recreational and/or sporting activities for people under 18 years of age.</p>	100% up to 65 hours per week	8.25 hours	\$15.60	\$4,056.00

The Sorrento Football Club (junior soccer) currently has approximately 350 members and hires the playing surfaces at Percy Doyle and Marri Park (upper and lower). They occupy the clubroom facility located on Percy Doyle 1 exclusively under a lease arrangement.

As a result of the number of active playing members, the club is entitled to 65 hours per week across the City's facilities at 100% subsidy. The club's initial booking request was for an average of 101 hours per week for the 2013 season across the five playing surfaces. Subsequently, a review was undertaken by the club in consultation with the City and a number of changes were made to the booking schedule that now accurately reflects the club's usage of City facilities. As a result of the review, the club now exceeds its weekly allocation by 8.25 hours per week and has requested the Council to approve an additional subsidy for those hours.

It is recommended that Council agrees to the request and agrees that the club may use up to 75 hours per week of City facilities. The slight increase in hours allocated is to deal with any minor increases that may occur during the season.

#### Greenwood Weight Watchers Club

<b>Facility hired</b>	<b>Classification within Policy</b>	<b>Extent of subsidy</b>	<b>Average number of hours booked per week</b>	<b>Number of hours exceeding subsidy</b>	<b>Potential additional cost</b>
Greenwood/Warwick Community Care Centre	Other Not-For-Profit Community Groups – All other groups defined as not-for-profit community groups as per this Policy	50% (continually)	2.0	N/A	\$661.96

The Greenwood Weight Watchers Club currently hire the Dining/Kitchen Room of the Greenwood/Warwick Community Care Centre for two hours per week.

The Club has indicated it is a not-for-profit organisation through their affiliation with the Weight Watchers Federation of WA (Inc) and more than 50% if its members are City of Joondalup residents, but it is not exclusively for persons 55 years and over. Previously they have received 100% subsidy, however given that they are not exclusive for seniors they are classified as an “Other Not-for-Profit Community Group” and would be entitled to a 50% subsidy on a continuous basis.

The group has requested it continue to receive 100% subsidy. It is recommended that rather than reclassify the group into a category that affords them 100% subsidisation, that the City considers waiving the fees above the level of subsidisation granted under the policy for “Other Not-for-Profit Community Groups”. This will allow other similar groups to be judged appropriately.

#### Kallaroo Embroidery Group

<b>Facility hired</b>	<b>Classification within Policy</b>	<b>Extent of subsidy</b>	<b>Average number of hours booked per week</b>	<b>Number of hours exceeding subsidy</b>	<b>Potential additional cost</b>
Flinders Park Community Centre	Other Not-For-Profit Community Groups – All other groups defined as not-for-profit community groups as per this Policy	50% (continually)	5.0	N/A	\$2,556.00



The Embroiders Guild of WA operates from a facility in Ardross, however in recent times has established two groups of people from the northern suburbs – Thread Magic, which hires the Ellersdale Park Clubroom, and Kallaroo Embroidery Group which hires Flinders Park Community Centre (not including public holidays and school holidays).

At its May meeting, Council approved a fee waiver for the Thread Magic group (under their parent organisation, The Embroiders Guild of WA) up to six hours per month for use of Ellersdale Clubrooms (CJ082-05/13 refers).

The Kallaroo Embroidery Group has previously utilised the Flinders Park Community Centre at 100% subsidy, however with the revised policy they are classified as an “Other Not-for-Profit Community Groups”, and would be entitled to a 50% subsidy on a continuous basis. The group is a not-for-profit group (under the affiliation with the Embroiders Guild of WA), however, is not exclusive to those persons 55 years and older.

The group has requested it continue to receive 100% subsidy. It is recommended that rather than reclassify the group into a category that affords them 100% subsidisation, that the City considers waiving the fees above the level of subsidisation granted under the policy for “Other Not-for-Profit Community Groups”. This will allow other similar groups to be judged appropriately.

#### Wanneroo Joondalup Art Society

<b>Facility hired</b>	<b>Classification within Policy</b>	<b>Extent of subsidy</b>	<b>Average number of hours booked per week</b>	<b>Number of hours exceeding subsidy</b>	<b>Potential additional cost</b>
Studio Room – Duncraig Leisure Centre	Other Not-For-Profit Community Groups – All other groups defined as not-for-profit community groups as per this Policy	50% (continually)	3.0	N/A	\$1270.85

The Wanneroo Joondalup Art Society (Inc.) hires the studio room located within the Duncraig Leisure centre for 3 hours per week on a Tuesday, 9am to 12 noon in order to conduct studio sessions. The society has been operating since the early 1980's, and have hired the studio at the Leisure Centre since July 2008 and charged the full community rate (\$20.25 per hour for 2013).

As a result of the adoption of the Facility Hire Subsidy Policy in November 2012 (CJ234-11/12 refers), the Wanneroo Joondalup Art Society was afforded a 50% reduction in their annual hire rate for 2013 (\$10.13 per hour for 2013). However, the Society has since requested that it be afforded a 100% subsidy that applies to those groups that provide recreational, sporting activities and/or targeted services exclusively for people aged 55 years of age and over, as per the policy. The Society has advised (as of February 2013) that it has 150 members, 84 reside within Joondalup and 121 being 55 years of age or older.

For those groups to receive 100% subsidy for hire of City facilities, the policy requires those groups must provide recreational, sporting activities and/or targeted services exclusively for people aged 55 years of age and over. Based on the information provided by the Society, they do not meet this requirement and therefore in accordance with the policy are not eligible for the increase in subsidy. It is therefore recommended that their request not be approved.

### **Issues and options considered**

The Council may:

- approve the requests for additional subsidies on a case by case basis
- approve in part each the requests on a case by case or
- decline the request for the additional subsidy.

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

**Legislation** Section 6.12 of the *Local Government Act 1995*.

#### **Strategic Community Plan**

**Key theme** Financial Sustainability.

**Objective** Financial diversity.

**Strategic initiative** Identify opportunities for new income streams that are financially sound and equitable.

**Policy** *Facility Hire Subsidy Policy*.

### **Risk management considerations**

The following risks may happen pending the consideration of the additional requests for subsidised use of City facilities:

- User groups may not have the financial capacity to meet the costs proposed by the City for the additional use above the group's allocated subsidy.
- The City compromises its strategic initiative in examining alternative revenue streams.
- Incorrectly classifying the groups may set a precedent and cause complications in classifying other groups when determining subsidies.

### **Financial/budget implications**

The cost to the City across all levels of subsidised use of City facilities is approximately \$1.4 million dollars. If the City was to waive the fees proposed for additional usage of City facilities for these groups, the City will lose approximately \$4,056 in income for 2013.

### **Regional significance**

Requests for subsidised use only applies to users of City facilities that have a minimum of 50% members being resident to the City of Joondalup.

## **Sustainability implications**

The *Property Management Framework* aims to support the equitable, efficient and effective management of City-owned and managed properties. The framework recognises the value and community benefit of activities organised and provided for by community groups, by subsidising such groups where appropriate. The framework also aims to protect and enhance the City's property assets for the benefit of the community and for future generations.

## **Consultation**

Not applicable.

## **COMMENT**

The intent of the recently adopted '*Facility Hire Subsidy Policy*' was not about generating additional income, but to achieve more equitable and greater use of City facilities. It is important that the classification of groups within the policy for levels of subsidisation remains consistent, however, if a group requires further consideration relating to fees, it is open to the Council to waive these fees.

One of the objectives of the *Property Management Framework* was to stop groups booking facilities on a just-in-case situation. Such bookings then prevent other groups/individuals from gaining access to those facilities.

## **VOTING REQUIREMENTS**

Simple Majority.

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

- 1**     **AGREES to extend the 100% subsidised use to the Sorrento Football Club (juniors), subject to the club demonstrating that 50% of its active members/participants reside within the City of Joondalup for the use of City parks other associated City facilities to a maximum 75 hours per week;**
  
- 2**     **DOES NOT AGREE to the request for additional subsidies as per the *Facility Hire Subsidy Policy* for the following groups:**
  - 2.1**     **Greenwood Weight Watchers Club;**
  - 2.2**     **Kallaroo Embroidery Group;**
  - 2.3**     **Wanneroo Joondalup Art Society;**
  
- 3**     **AGREES to waive the fees for the following groups for the following facilities for 2013 that is over and above the level of subsidisation contained within the *Facility Hire Subsidy Policy*, subject to each of the groups demonstrating that 50% of its active members/participants reside within the City of Joondalup:**

<b>Group</b>	<b>Facility</b>	<b>Level of Subsidy under Policy</b>	<b>Fees Waived</b>
<b>Greenwood Weight Watchers Group</b>	<b>Greenwood/Warwick Community Care Centre</b>	<b>50%</b>	<b>Maximum of two hours per week</b>
<b>Kallaroo Embroidery Group</b>	<b>Flinders Park Community Centre</b>	<b>50%</b>	<b>Maximum of five hours per week</b>

- 4** **NOTES** the *Facility Hire Subsidy Policy* states that requests for additional subsidies apply for one year/season and a new application must be made each following year/season.

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution prior to consideration of CJ140-07/13, page 130 refers.**

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

## **CJ137-07/13      PROPOSED TRAFFIC TREATMENT – CASTLEGATE WAY WOODVALE**

<b>WARD</b>	Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	48565, 101515
<b>ATTACHMENTS</b>	Attachment 1    Locality plan Attachment 2    Proposed traffic treatment plan for Castlegate Way Attachment 3    Consultation comments Attachment 4    Proposed traffic treatment plan at intersection Lyell Grove
<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 approve the revised traffic management scheme proposal in response to community feedback from residents and property owners in Castlegate Way, Woodvale.

### **EXECUTIVE SUMMARY**

At its meeting held on 19 March 2013 (CJ033-03/13 refers) Council was presented with the results of a traffic assessment undertaken on Castlegate Way in response to a 111 signature petition by residents to *“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”*.

This report is in relation to Council’s resolution to *“DEVELOP a revised traffic management scheme for Castlegate Way, Woodvale and consult with residents and property owners to determine the level of support for the scheme”*.

Residents were given the opportunity to provide feedback as to whether they support the revised traffic management scheme as shown in Attachment 2. Of the 23 respondents, 15 supported the treatment, seven did not and one that was neutral.

On the basis of the feedback received, the revised traffic management scheme will address the speeding concerns expressed by residents. Consideration for cyclists by constructing a shared path on the eastern verge adjacent to Yellagonga Regional Park is recommended as shown in Attachment 1. Further, concerns expressed by residents regarding the impacts of the splitter island on Lyell Grove are considered and it is proposed that it be removed from the original design as shown in Attachment 4.

*It is recommended that Council:*

- 1 *NOTES the results of the community consultation for Castlegate Way, Woodvale traffic management scheme as shown in Attachment 3 to Report CJ137-07/13;*
- 2 *APPROVES the revised traffic management scheme for Castlegate Way, Woodvale as shown in Attachment 4 to Report CJ137-07/13;*
- 3 *NOTES the budget allocation of \$85,000 for the Castlegate Way traffic management scheme in the 2012-13 Capital Works Program (LTM 2078) has been carried forward into the 2013-14 Capital Works Program;*
- 4 *NOTES the Sorrento Beach Car Park Project (PFP 2004) has been completed under budget by \$35,000 with the surplus funds carried forward to the 2013-14 Capital Works budget;*
- 5 *APPROVES BY AN ABSOLUTE MAJORITY the reallocation of \$35,000 carried forward from the Sorrento Beach Car Park Project (PFP 2004) to the Castlegate Way Traffic Management Scheme in the 2013-14 Capital Works budget;*
- 6 *SUPPORTS the provision of a shared pathway on the eastern verge of Castlegate Way, adjacent to Yellagonga Regional Park and REQUESTS that it be listed for consideration in 2014-15 Five Year Capital Works Program.*

## **BACKGROUND**

At its meeting held on 23 October 2012, (C72-10/12 refers), Council received a 111 signature petition from residents of Castlegate Way. The petition requested Council to “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”.

In response to the petition a technical assessment involving a seven day traffic count survey, site investigations and traffic analysis was undertaken in late 2012 and early 2013 to determine the extent of the traffic issues raised.

The results of the traffic assessment for Castlegate Way were presented to Council at its meeting of the 19 March 2013 (CJ033-03/13 refers), Council resolved that it:

- “1 *NOTES the traffic technical assessment for Castlegate Way, Woodvale;*
- 2 *DOES not undertake a road closure at the northern end adjacent the medical centre on Castlegate Way, Woodvale;*
- 3 *REQUESTS WA Police to enforce compliance to the 50km/h speed limit on Castlegate*
- 4 *DEVELOPS a revised traffic management scheme for Castlegate Way, Woodvale and consult with residents and property owners to determine the level of support for the scheme;*
- 5 *ADVISES Council of the results of the consultation with residents and property owners of Castlegate Way, Woodvale regarding the revised traffic management scheme; and*
- 6 *ADVISES the petition organiser of Council’s decision.”*

## DETAILS

Community consultation was conducted for the revised traffic management scheme for Castlegate Way which from the 3 June 2013 to the 14 June 2013. The City consulted all residents and property owners on Castlegate Way, including the Medical Centre which is located on the corner of Castlegate Way and Trappers Drive.

Residents and property owners were contacted in writing and provided with a concept design of the revised traffic management scheme as shown in Attachment 2. The revised traffic management scheme provided:

- Intersection islands at Lyell Grove and Timberlane Drive to control vehicle movements, reduce corner cutting and provide pedestrian refuge.
- A 1.2 metre wide median treatment being a combination of flush red asphalt, median islands, median islands with trees and line marking to enhance the treatment. This will separate traffic flows and modify the speed environment.
- Full movements to residential crossovers with islands strategically located to allow this to occur.

Residents were also advised that some minor widening works of the carriageway would be required to allow the traffic treatments to be installed. The widening is required to meet appropriate design guidelines and Main Roads WA (MRWA) requirements and was reflected in the concept design provided.

The feedback form provided with the concept design, requested residents to indicate whether they supported the proposed traffic treatments or not.

The City contacted 68 residents and property owners and received 23 responses (34%). A summary of the feedback is provided below with full details of the comments received and the City's response shown in Attachment 3.

### Survey Results

The results of the community consultation revealed that 15 (65%) of the residents and property owners who responded supported the treatment. Some comments were provided expressing concerns about how the treatment would work, and suggestions regarding the minor widening works where it was likely to impact on residents properties.

Of the 15 residents that supported the proposal, nine advised they supported the scheme and provided no further comment. The remaining six residents provided comments as shown in Attachment 3.

Seven residents (30%) indicated that they did not support the scheme and provided reasons for not supporting the proposed traffic treatments. The reasons for not supporting the proposed treatments included the impact on cyclists and residents properties. Attachment 3 shows in full the comments received.

## Issues and options considered

While the majority of residents who responded supported the proposed traffic management scheme in Castlegate Way, two significant issues arose during the consultation process:

- Cyclists are impacted by the median islands in the northern section of Castlegate Way.
- Construction of the splitter island on Lyell Grove will have a negative impact on residents property.

Taking into account these issues the following options for the proposed traffic treatment at Castlegate Way are suggested for Council's consideration.

### Option One

No change to the Castlegate Way road environment or infrastructure - this is not the preferred option.

The urban speed limit of 50km/h applies to Castlegate Way. The seven day traffic count survey undertaken in October 2012 at two locations confirmed that the 85<sup>th</sup> percentile traffic speeds are higher than desirable. The traffic speeds ranged between 55km/h north of Timberlane Drive to 67km/h north of Lyell Grove within the steeper grade section of road. (The 85<sup>th</sup> percentile traffic speed is the speed that 85 percent of the vehicles are travelling at or less).

The WA Police have been requested to enforce the 50km/h speed limit for this road however to address the speeding concerns expressed by residents and property owners, a longer term solution is required.

There would be no costs to Council involved with this option.

### Option Two

Proceed with the traffic treatments that residents were consulted on as shown in Attachment 2 – this is not the preferred option.

This option will address the long term issue of speeding vehicles on Castlegate Way by separating the traffic flows and modifying the speed environment. However the concept design did not take into account the impact on cyclist on the northern section of Castlegate Way or the effect of widening works on residents properties to accommodate the splitter island at Lyell Grove.

### Option Three

Proceed with the traffic treatments as shown in Attachment 2 with the inclusion of a two metre shared path on the eastern verge adjacent to Yellagonga Regional Park and the modification at Lyell Grove as shown in Attachment 4 – this is the preferred option.

The proposed traffic management scheme for Castlegate Way is a typical treatment used widely within the City and metropolitan area and has been proven to be successful in the reduction of speeding. The mixture of the flush red asphalt, median islands and narrow lanes encourages drivers to slow down.



A resident of Castlegate Way however has expressed their lack of support for this type of treatment as the construction of median islands can cause issues for road cyclists and vehicles attempting to manoeuvre around them.

Typically, drivers should allow for a minimum one metre clearance to overtake a cyclist who is generally travelling at a much slower speed. While it is recognised it is the responsibility of the driver to drive in accordance to the conditions of the road, treatments such as this can add to driver frustration when there are limited opportunities to pass the cyclist. This can lead to instances of risky driver behaviour and the cyclist feeling unsafe on the road.

The options to address the provision of cyclists are limited as creating a bicycle lane is not an option that can be considered due to the width of Castlegate Way and the significant costs associated with widening works and construction. An alternative treatment however is to construct a shared pathway on the eastern verge adjacent to Yellagonga Regional Park.

There are currently two pathway entrances into the Park as shown on Attachment 1. It is proposed therefore, that a two metre wide concrete pathway be constructed on the eastern verge of Castlegate Way for approximately 240 metres to join up with the existing pathway networks into the park.

The construction of a shared path not only addresses the concerns raised regarding the provision of cyclists, but has little negative impact on the proposed traffic management scheme put forward to residents of Castlegate Way.

To accommodate the intersection splitter islands, widening works would need to meet design guidelines and MRWA standards. This meant that residents verges for Castlegate Way and Timberlane and Lyell Grove would be effected to varying degrees.

The splitter island at Lyell Grove was intended to provide refuge for pedestrians crossing Lyell Grove and to ensure larger vehicles and trucks are lane compliant as they enter Castlegate Way. Residents expressed concerns about the widening works required to accommodate the splitter island as it would adversely impact on their properties leading to the value being reduced, the full comments are shown at Attachment 3.

Taking the residents' concerns into account, a review was undertaken to assess whether the splitter island was required and the impact it would have if it was not constructed. If the City does not proceed with the construction of the splitter island the impact on Castlegate Way and the proposed traffic management scheme would be minor.

Currently Lyell Grove receives minimal through traffic and is mostly accessed by residents living in the street and Everard Close and there is no history of vehicle or pedestrian crashes to indicate that it is potentially a problematic road.

While it is recognised that a splitter island would allow pedestrians a two-staged crossing, the traffic volumes on Lyell Grove are low and pedestrians would have ample opportunity to cross the road without any significant issues.

On the basis of the feedback received by residents, the traffic treatments can be modified to address the concerns about the splitter island at Lyell Grove and to reflect the construction of a shared path on the eastern verge adjacent to Yellagonga Regional Park.

Option Three is the preferred option as it addresses the traffic concerns raised by residents but also takes into consideration residents concerns regarding the impacts the splitter island widening works will have and the impact on cyclists at the northern section of Castlegate Way.

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

**Legislation** Section 3.50 of the *Local Government Act 1995*.

*Road Traffic Code 2000*.

**Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Integrated space.

**Strategic initiative** Understand issues arising from the interaction between current transport modes.

**Policy** Not applicable.

**Risk management considerations**

There is evidence that the majority of drivers are not adhering to the 50km/h speed limit on Castlegate Way. The proposed traffic management scheme for Castlegate Way would modify the road environment and therefore reduce the risk of speed related crashes occurring.

**Financial/budget implications**

The Capital Works Program for 2012-13 included the original Castlegate Way Traffic Management Project (LTM2078) which was costed at \$85,000 for a scheme designed prior to receipt of the October 2012 petition. The funding of \$85,000 for this project has been carried forward to 2013-14.

Option Two as presented to residents and property owners of Castlegate Way has been costed at \$140,000.

Option Three has been costed at \$120,000 for the revised traffic management scheme, plus an additional \$25,000 for the shared path making a total project cost of \$145,000. This leaves a shortfall of \$35,000 to complete option three (excluding the proposed shared path in the eastern verge).

Funding of \$35,000 was carried forward to the 2013-14 Capital Works Program for the completion of the Sorrento Beach Car Park (PFP2004). This project has now been completed and the \$35,000 is not required. It is therefore recommended that the surplus funds from the Sorrento Beach Car Park project be reallocated to the Castlegate Way Traffic Management Project.

<b>Account no.</b>	CW 000757
<b>Budget Item</b>	Castlegate Way Traffic Treatments
<b>Budget amount</b>	\$ 85,000
<b>Amount spent to date</b>	\$ 0
<b>Proposed cost</b>	\$ 120,000
<b>Balance</b>	-\$ 35,000

All amounts quoted in this report are to be exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

*The City consulted with residents and property owners to determine their level of support for the proposed traffic management scheme following Council's decision of 19 March 2013 (CJ033-03/13 refers).*

*Residents and property owners, including the Medical Centre were contacted in writing in June 2013 and provided with details of the revised traffic management scheme. The aim of the consultation was to determine the level of support for the revised traffic scheme.*

**COMMENT**

The feedback received from residents regarding the traffic management scheme for Castlegate Way has revealed that the majority of the residents who responded (65%) support the City's measures in addressing concerns related to speeding.

The City has modified the proposed traffic treatments in line with concerns raised by the residents about the impact on cyclists and the splitter island at Lyell Grove. It is considered that the proposed traffic treatments will address the community concerns about traffic issues on Castlegate Way.

**VOTING REQUIREMENTS**

Absolute Majority.

**MOVED Cr Gobbert, SECONDED Cr Amphlett that Council:**

- 1 NOTES the results of the community consultation for Castlegate Way, Woodvale traffic management scheme as shown in Attachment 3 to Report CJ137-07/13;**
- 2 APPROVES the revised traffic management scheme for Castlegate Way, Woodvale as shown in Attachment 4 to Report CJ137-07/13;**
- 3 NOTES the budget allocation of \$85,000 for the Castlegate Way traffic management scheme in the 2012-13 Capital Works Program (LTM 2078) has been carried forward into the 2013-14 Capital Works Program;**
- 4 NOTES the Sorrento Beach Car Park Project (PFP 2004) has been completed under budget by \$35,000 with the surplus funds carried forward to the 2013-14 Capital Works budget;**

- 5 **APPROVES BY AN ABSOLUTE MAJORITY** the reallocation of \$35,000 carried forward from the Sorrento Beach Car Park Project (PFP 2004) to the Castlegate Way Traffic Management Scheme in the 2013-14 Capital Works budget;
- 6 **SUPPORTS** the provision of a shared pathway on the eastern verge of Castlegate Way, adjacent to Yellagonga Regional Park and **REQUESTS** that it be listed for consideration in 2014-15 Five Year Capital Works Program.

**The Motion was Put and**

**CARRIED (13/0)**

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

*Appendix 16 refers*

To access this attachment on electronic document, click here: [Attach16brf090713.pdf](#)

**Disclosure Proximity Interest**

<b>Name/Position</b>	<b>Cr Tom McLean, JP.</b>
<b>Item No./Subject</b>	CJ138-07/13 – Delamere Park Community Consultation.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Cr McLean lives adjacent to Delamere Park.

*Cr McLean left the Chamber at 7.47pm.*

**CJ138-07/13 DELAMERE PARK COMMUNITY CONSULTATION**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	88565, 101515
<b>ATTACHMENTS</b>	Attachment 1 Consultation brochure Attachment 2 Analysis of Delamere Park Community Consultation
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to consider the results of community consultation undertaken for the proposed development of Delamere Park, Currambine and endorse proceeding to the detailed design stage of the project.

**EXECUTIVE SUMMARY**

Community consultation for the development of Delamere Park was conducted in May 2013. Consultation packs were sent to 2,958 residents and local state and federal politicians outlining the proposed landscape features/facilities with a total of 317 valid responses received (Attachment 1 refers).

The majority of respondents indicated that they either supported or strongly supported all 13 landscape features / facilities included in the consultation brochure.

Issues raised in the consultation process have been reviewed and concerns addressed wherever practicable. No major constraints are evident to prevent progressing detailed documentation to public tender.

*It is therefore recommended that Council:*

- 1 *NOTES the results of the community consultation process undertaken for Delamere Park;*
- 2 *SUPPORTS the inclusion of all the proposed landscape features and facilities as included in the concept plan, into the detailed documentation;*
- 3 *APPROVES the progression of the detailed documentation to public tender.*

## **BACKGROUND**

No. 52 (Lot 1574) Delamere Avenue, Currambine is uncleared land set aside as a civic and cultural precinct for the construction of the Currambine Community Centre and development of Delamere Park.

It is proposed that Delamere Park will be classified as a District Recreation Park under the draft *Parks and Public Open Space Classification Framework* (PPOSCF). District Recreation Parks provide for recreational activities and contain leisure-based infrastructure. Recreation Parks seek to facilitate social and informal recreational activities, such as picnicking and playing. It is proposed in the draft PPOSCF that District Recreation Parks will contain the following supported assets:

- Barbecues
- Irrigation
- Path networks
- Picnic structures
- Play spaces
- Security lighting
- Signage (park name)
- Waste bins.

At the Council Meeting held on 19 July 2011 a draft concept plan and preliminary estimate for the development of Delamere Park was presented to Council (CJ123-07/11 refers). The project was endorsed and approved to proceed to community consultation and listing in the 2012-13 Capital Works Program.

Additional items were subsequently identified for inclusion in the scope of works. The concept design was revised and an estimate of costs was undertaken by a consulting quantity surveyor. A shortfall in the budget was apparent and a revised concept design, estimate and funding options for Delamere Park was presented to the Council meeting held on 19 February 2013 (CJ19-02/13 refers). The additional funding was approved in the 2013-14 Capital Works Program and the final concept design endorsed to proceed to community consultation.

## **DETAILS**

Community consultation was conducted for the development of Delamere Park in May 2013, commencing on 8 May 2013 and closing on 29 May 2013. The City consulted directly with all residents living within 1 kilometre radius of the Delamere Park site.

Consultation packs were sent to 2,958 residents and local state and federal politicians. The consultation packs included an information brochure with the concept plan, the survey form and frequently asked questions.

The City collected a total of 317 valid responses (10.7%). The survey results are summarised below, full results of the community consultation are included at Attachment 2.

### Survey Results

Respondents were asked to indicate their level of support for landscape features and facilities proposed for Delamere Park and given an opportunity to make further comment on the proposed development.

The majority of respondents indicated that they either supported or strongly supported all 13 features. The level of support received for each is as follows:

Landscape Feature / Facility	Supported or Strongly Support	Opposed or Strongly Opposed
Informal grassed area for general passive recreation activities	98.5%	0.0%
Play equipment with rubber and sand soft-fall ground	95.9%	0.6%
Adult fitness equipment	83.6%	3.5%
Grassed amphitheatre with limestone walls and a staged area	85.8%	1.9%
Barbecue entertainment area with two sheltered picnic settings and two barbecues	91.5%	3.2%
Drinking fountain	91.5%	1.3%
Bench seating	97.8%	0.9%
Toilet facility	82.7%	5%
Bicycle rack	90.9%	0.3%
Circular pathway network (suitable for prams and wheelchairs) connected to the existing perimeter pathway	90.9%	0.3%
Low level lighting in the main communal areas and car park	97.1%	0.6%
Closed-circuit television (CCTV) network throughout the park	94.6%	0.6%
Bushland, protected by conservation fencing	90.5%	3.8%

Respondents who opposed or strongly opposed any features were asked to provide comments. Notwithstanding the high level of general support for the development a significant number of respondents requested additional waste bins and expressed concern about anti-social behaviour in the park in relation to the toilet facility and close proximity to the tavern / liquor store and how it would be managed by the City. These concerns are summarised below:

Item	Response
Anti social behaviour on the park.	CCTV surveillance is included in the design and Crime Prevention through Environmental Design principles applied to the design to mitigate the occurrence of anti-social behaviour. Anti-social behaviour associated with the toilets can be addressed through altering the closing times of the self-locking mechanism.
Close proximity to Tavern / Liquor outlet.	
Additional security/better monitoring of park.	
Additional waste bins.	The number of bins has been reviewed and no further action is required.

Item	Response
Waste bins to include dog waste bags.	Bins will include dog waste bags.
Play equipment to be shaded	Built shade structures are not supported by the City. Shade trees are included in the planting proposal and inbuilt roofing components will be provided by the play equipment structure wherever practical.

### Legislation / Strategic Community Plan / policy implications

**Legislation** Not applicable.

#### Strategic Community Plan

**Key theme** Quality Urban Environment.

**Objective** Quality open spaces.

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

**Policy** *Community Consultation and Engagement Policy.*  
*Sustainability Statement Policy.*  
*Access and Equity Policy.*

### Risk management considerations

The Delamere Park development proposal has been subject to a comprehensive design process. Resounding community support for the proposed development implies that no major changes to the concept are required and the tender documentation can be delivered in a timely manner.

### Financial/budget implications

<b>Account no.</b>	MPP2024 (CW000762)
<b>Budget Item</b>	Delamere Park - New Park and Car Park Construction
<b>Budget amount</b>	\$200,000 2012-13 (Municipal funds)
	\$802,625 2013-14 (Municipal funds)
	\$1,158,131 2013-14 (Reserve funds)
<b>Amount spent to date</b>	\$ 196,491
<b>Proposed cost</b>	\$ 2,160,756
<b>Balance</b>	\$ 1,960,756
<b>Annual maintenance</b>	\$ 80,898
<b>Annual WOLC (whole of life costs) including maintenance</b>	\$ 142,221

All amounts quoted in this report are exclusive of GST.



### **Regional significance**

The development of Delamere Park will provide amenities linking to the Currambine Community Centre; create a visually pleasing, inviting space that will be well used by residents and support the outcome of a family friendly park.

### **Sustainability implications**

The development of Delamere Park will benefit the community environmentally, socially and economically. The proposed development will improve community safety, enhance the public amenity of the area, provide a diverse array of social and recreation activities, improve access to the area for all community members and enhance and protect the natural surrounding environment. The sustainable design of the area and the installation of robust infrastructure will reduce future park maintenance costs.

The creation of a vibrant, active social hub will reduce anti-social behaviour within the Currambine community precinct and provide a 'family friendly' park instilling a sense of pride for the area for all residents to enjoy.

### **Consultation**

This report details the community consultation undertaken on the draft concept plan for Delamere Park.

### **COMMENT**

The development proposal for Delamere Park has received resounding community support for all landscape features and facilities included in the concept design therefore no changes to the concept are proposed. Following Council's endorsement the detailed design documentation can progress for the works to be advertised by public tender.

### **VOTING REQUIREMENTS**

Simple Majority.

### **MOVED Cr Hollywood, SECONDED Cr Hamilton-Prime that Council:**

- 1 NOTES the results of the community consultation process undertaken for Delamere Park;**
- 2 SUPPORTS the inclusion of all the proposed landscape features and facilities as included in the concept plan, into the detailed documentation;**
- 3 APPROVES the progression of the detailed documentation to public tender.**

**The Motion was Put and**

**CARRIED (12/0)**

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

*Cr McLean entered the Chamber at 7.49pm.*

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17brf090713.pdf](#)*

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Mike Norman.</b>
<b>Item No./Subject</b>	CJ139-07/13 - Application to Install a Memorial Plaque In Memory of Ms Rhona Johnson.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Norman is the Coordinator of the 'Friends of Harman Park' which has advocated for the memorial plaque for Ms Johnson.

## CJ139-07/13      APPLICATION TO INSTALL A MEMORIAL PLAQUE IN MEMORY OF MS RHONA JOHNSON

<b>WARD</b>	South-West
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	100385, 101515
<b>ATTACHMENTS</b>	Attachment 1    Memorials in Public Reserves Policy Attachment 2    Locality Plan
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to consider installing a memorial plaque at Harman Park Sorrento in memory of the late Ms Rhona Johnson as per the *Memorials in Public Reserves Policy*.

**EXECUTIVE SUMMARY**

The City has received an application from Mr Muller and the Friends of Harman Park Group requesting the installation of a memorial plaque in memory of the late Mrs Rhona Johnson. The request for a memorial plaque has been submitted in accordance with the *Memorials in Public Reserves Policy* (Attachment 1 refers) under the Significant Person Memorial category.

The application is in accordance with the Memorial in Public Reserves Policy which was adopted by Council at its meeting held on 15 December 2009 (CJ284-12/09 refers).

*It is therefore recommended that Council:*

- 1 *APPROVES the application received from Mr Muller and the Friends of Harman Park to place a memorial plaque on a bench seat within Harman Park, Sorrento in honour of the late Ms Rhona Johnson;*
- 2 *REQUIRES that the memorial be installed and maintained in accordance with the Conditions of the Memorials in Public Reserves Policy.*

## **BACKGROUND**

Council adopted a *Memorials in Public Reserves Policy* on 15 December 2009. The policy provides guidance on the installation of memorials in public reserves within the City of Joondalup and considers applications under two categories:

- Temporary memorials for people who have died in tragic circumstances.
- Permanent memorials for Significant Persons that is a person who has contributed significantly to the local Joondalup community.

## **DETAILS**

The City has received an application from Mr Muller and the Friends of Harman Park requesting the installation of a memorial plaque in memory of the late Ms Rhona Johnson in Harman Park (Attachment 2 refers). The application for a memorial has been submitted under the Significant Person Memorial category.

Ms Rhona Johnson was the first Coordinator of the "Friends of Harman Park" in Sorrento from 2002 through to 2011 when due to illness she resigned from the role. Ms Johnson died on the 19 February 2013 and will be remembered by City officers for her enthusiasm for the bushland at Harman Park and her ability to encourage other residents to participate in bushland activities.

Ms Johnson coordinated community work at Harman Park in liaison with City officers which greatly assisted the City in the care of the park and contributed towards the upkeep of a pleasant area for local residents to enjoy.

The application for a memorial for the late Ms Johnson is supported by the Friends of Harman Park and Ms Johnson's family in the United Kingdom.

## **Issues and options considered**

Council has the option to:

- 1 approve the installation of a memorial plaque under the category of Significant Persons  
or
- 2 not approve the installation of the memorial plaque.

The application is in accordance with the Memorials in Public Reserves Policy and is similar in nature to previously approved memorials for Ethel Margaret Goble-Garrett (approved 25 May 2010, CJ082-05/10 refers), Christopher McBride (approved 15 February 2011, CJ025-02/11 refers) and Norma Rundle (approved 25 June 2013, CJ083-05/13 refers).

Friends Groups make a valuable contribution towards the conservation of the City's natural areas assisting in the protection, preservation and enhancement of bushland areas in the community. It is fitting that Ms Johnson's dedication as the coordinator of Harman Park Friends Group be recognised through the installation of a memorial in the park.

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

**Legislation** Not applicable.

#### **Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Community spirit.

**Strategic initiative** Not applicable.

**Policy** *Memorials in Public Reserves Policy.*

### **Risk management considerations**

The *Memorials in Public Reserves Policy*, Condition for Significant Person Memorials, details a set of conditions to minimise risk associated with the installation of memorials including:

- installation on Crown Land vested in the management of the City, and reserved for the purposes of recreation, public open space, or road reserves
- installation where there is a minimal impact on the local amenity and surrounding residents
- applicants are responsible for the ongoing maintenance of their memorial
- if the memorial is disturbed through works either by the City or external contractors working for another Government Department, the memorial is to be removed at the expense of the party undertaking the works and returned to the family. Re-installation is subject to approval by the City's Chief Executive Officer
- if the ongoing maintenance of a memorial is neglected, the City reserves the right to remove the memorial and return it to the family, and reinstallation will require a recommencement of the application process.

### **Financial/budget implications**

The policy requires that all capital and maintenance associated with the memorial are borne by the applicant.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

## Consultation

The City has discussed the request for installation of a memorial plaque with Mr Trevor Muller and the Friends of Harman Park. They have advised that in accordance with the policy, they fully support the application and will meet the policy conditions.

The City has received confirmation from Ms Johnson's family in the United Kingdom that they fully support the application for a memorial.

## COMMENT

The application from Mr Trevor Muller and the Friends of Harman Park demonstrates that Ms Rhona Johnson was extremely dedicated to the local community and Harman Park.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Norman, SECONDED Cr Hamilton-Prime that Council:**

- 1 APPROVES the application received from Mr Muller and the Friends of Harman Park to place a memorial plaque on a bench seat within Harman Park, Sorrento in honour of the late Ms Rhona Johnson;**
- 2 REQUIRES that the memorial be installed and maintained in accordance with the Conditions of the *Memorials in Public Reserves Policy*.**

**The Motion was Put and**

**CARRIED (13/0)**

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

*Appendix 18 refers*

To access this attachment on electronic document, click here: [Attach18brf090713.pdf](#)

**C44-07/13                    COUNCIL DECISION – EN BLOC RESOLUTION - [02154] [08122]**

**MOVED** Cr Amphlett, **SECONDED** Cr Fishwick that pursuant to the Standing Orders Local Law 2005 – **CLAUSE 48 – Adoption of Recommendations En Bloc, Council ADOPTS** the following items:

**CJ122-07/13, CJ124-07/13, CJ125-07/13, CJ126-07/13, CJ127-07/13, CJ130-07/13, CJ131-07/13, CJ134-07/13 and CJ136-07/13.**

**The Motion was Put and**

**CARRIED (13/0)**

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

**REPORTS – STRATEGIC FINANCIAL MANAGEMENT COMMITTEE – 1 JULY 2013****CJ140-07/13      PROGRESS REPORT ON THE PROPOSED  
DISPOSAL OF LOTS 642/643 (57/59) MARRI ROAD,  
DUNCRAIG**

<b>WARD</b>	South
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	63627, 27459, 101515
<b>ATTACHMENT</b>	Attachment 1      Location Plan of Lots 642/643 (57/59) Marri Road, Duncraig
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

---

**PURPOSE**

For Council to consider the outcome of the City's offer of lease to the Department of Education Western Australia for Lots 642/643 (57/59) Marri Road, Duncraig.

**EXECUTIVE SUMMARY**

The City offered Lots 642/643 (57/59) Marri Road, Duncraig for purchase by the Department of Education at the end of its current lease term on 31 October 2013, which it rejected.

At its meeting held on 28 August 2007 (CJ168-08/07 refers) Council approved the application of market rentals in any future lease negotiations with the Department of Education and on 20 November 2012 (CJ243-11/12 refers) endorsed discussions on the potential of a short term lease from 1 November 2013, with the proposed new annual rent being subject to a market valuation.

A market valuation was undertaken on 11 December 2012 to determine a reasonable annual rent, which was \$23,500. This rent was offered to the Department of Education who then counter offered a three-year term on a fixed rent of \$20,000 per annum with no annual increases. The counter offer was made on the basis that the Department of Education could install a transportable classroom on the Duncraig Primary School site for \$20,000.

*It is therefore recommended that Council APPROVES an offer being made to the Department of Education Western Australia for a lease of Lots 642/643 (57/59) Marri Road, Duncraig for a two-year term and a one-year option effective from 1 November 2013 with the rental to be fixed at \$20,000 per annum (exclusive of GST).*

## BACKGROUND

The Department of Education's rejection of the City's offer to purchase the site was reported to the Strategic Financial Management Committee (SFMC) in October 2012 and at its meeting held on 20 November 2012 (CJ243-11/12 refers) Council resolved that it:

- 1 *NOTES that the Department of Education has rejected Council's offer to purchase Lots 642/643 (57/59) Marri Road, Duncraig;*
- 2 *ENDORSES the Department of Education being offered a three year lease from 1 November 2013 with an annual rent at commencement that is subject to a market valuation and increases thereafter of 5% per annum;*
- 3 *DISPOSES of the land at Lots 642/643 (57/59) Marri Road, Duncraig at the conclusion of the lease term in Part 2 above;*
- 4 *ADVISES the Department of Education that the City does not see it as its role to provide long term strategic facilities for educational purposes.*

To be able to dispose of this property, the Duncraig Child Health Centre would need to be relocated. Lot 159 (487L) Beach Road, Duncraig has been identified as the relocation site, however, refurbishment works would be required to take place on the Beach Road property first. These works have been deferred until 2017-2018 as the Department of Health recently called for tenders from not-for-profit organisations for the provision of child health services, therefore creating uncertainty as to the future role that local government will have in supporting this service.

The Duncraig Child Health Centre utilises approximately 65m<sup>2</sup> of the area and is managed by the Child and Adolescent Community Health Service (Department of Health).

The remaining area of approximately 231m<sup>2</sup> houses the Duncraig Pre-Primary School and is leased by the Department of Education. During negotiations for the current five year lease, the intent was for the Duncraig Pre-Primary School program to be transferred to the Duncraig Primary School campus by the end of the current lease period at 31 October 2013.

Based on this proposed relocation and as part of examining future options regarding the City's aging building portfolio, negotiations commenced with the Child and Adolescent Community Health Services to also relocate the Duncraig Child Health Centre service to Lot 159 (487L) Beach Road, Duncraig. This property is currently utilised by the Carine Child Health Centre, has adequate space, but requires refurbishment prior to relocation. Redevelopment and relocation costs associated with this transfer have been estimated to be approximately \$200,000.

## DETAILS

The Department of Education rejected the City's offer indicating that a commencement market rent of \$23,000 per annum (exclusive of GST) is not a viable proposal and submitted a counter offer of a three-year term of a fixed rent of \$20,000 per annum with no annual increases.

The counter offer was made on the basis that the installation of a transportable classroom on the Duncraig Primary School site would be a more cost effective option for the Department of Education.



If agreement cannot be reached on a new lease, the Department of Education would need to vacate the premises at the end of the current lease term being 31 October 2013. Given the short notice, vacating the premises could be extended until the commencement of the 2014 school year.

However, if the Department of Education did vacate, the property could not be sold until the relocation of the Duncraig Child Health Centre, which would occur in 2017-2018 once the refurbishment of the Beach Road, Duncraig property had taken place.

### **Issues and options considered**

The Department of Health's tendering out of the provision of community child health services within the Perth Metropolitan Region to not-for-profit community organisations closed on 8 February 2013 and the outcome of the evaluation of the tenders has been extended until June 2013. Until the result of this process is known and the new service providers identified, there is uncertainty as to the role of local government.

### **Future Land Use on Disposal**

It should be noted that the amalgamation of Lots 642/643 would create a land area of 1,366m<sup>2</sup> and under the Residential Design Codes, 1,366m<sup>2</sup> on a R20 density code is not large enough to accommodate an aged persons' dwelling development. Planning advice is that this site should remain on an R20 density code, therefore once the site is available for disposal it is recommended that valuers are instructed to provide market valuations on its current zoning of Residential/R20.

Lots 642/643 do not need to be taken into account as part of the City's revised Draft Local Housing Strategy endorsed by Council at its meeting held on 16 April 2013 (CJ044-04/14 refers), as the land is not in a Housing Opportunity Area.

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

### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

**Key theme** Financial Sustainability.

**Objective** Financial diversity.

**Strategic initiative** Identify opportunities for new income streams that are financially sound and equitable.

### **Risk management considerations**

Disposal of property needs to comply with the requirements of Sections 3.58 and 3.59 of the *Local Government Act 1995*, which are designed to ensure openness and accountability in this disposal process.

There may be a negative reaction by some of the parents whose children use the services based at this facility on the site's eventual disposal.

### **Financial/budget implications**

A valuation received dated 24 May 2010 for this site was \$890,000 (exclusive of GST) for a Residential/R20 zone with a condition on the contract of sale restricting the use to 'Aged Persons' Dwellings.' It has been determined that under a Residential/R20 zoning this use is no longer suitable based on the size of the property once the two lots are amalgamated.

Updated valuations on City properties undertaken on 14 January 2013 indicate that the May 2010 valuations were optimistic.

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

### **Regional significance**

Not applicable.

### **Sustainability implications**

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

The land cannot be sold for Aged Persons' Dwellings due to the requirements of Part 6.11.2 of the Residential Design Codes and the combined land areas of Lots 642 and 643 only being 1,366m<sup>2</sup>.

### **Consultation**

Ongoing communication has taken place between the City, the Department of Education and the Child and Adolescent Community Health Service (Department of Health). Both these Departments will need to consult extensively with their parents/clients prior to implementing any transfer of their services.

### **COMMENT**

For the property to be available for disposal, the facility needs to be vacated by the Departments of Education and Health.

If the lease term for the Department of Education generally coincides with the refurbishment of relocated property in Beach Road, Duncraig (therefore allowing for the relocation of Duncraig Child Health Centre) this provides the City with an income until the building is vacant. The lease term being split into a term plus an option may possibly allow some flexibility.

On the site being available for disposal, it does not have the required land area to be development for aged persons' dwellings, therefore being sold as a Residential/R20 site is recommended.

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Strategic Financial Management Committee at its meeting held on 1 July 2013.

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

**MOVED Cr McLean, SECONDED Cr Hamilton-Prime that Council APPROVES an offer being made to the Department of Education Western Australia for a lease of Lots 642/643 (57/59) Marri Road, Duncraig for a two-year term and a one-year option effective from 1 November 2013 with the rental to be fixed at \$20,000 per annum (exclusive of GST).**

**The Motion was Put and**

**CARRIED (13/0)**

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

*Appendix 19 refers*

*To access this attachment on electronic document, click here: [Attach19brf090713.pdf](#)*

## **CJ141-07/13      REVIEW OF 20 YEAR STRATEGIC FINANCIAL PLAN - GUIDING PRINCIPLES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	103243, 101515
<b>ATTACHMENT</b>	Attachment 1      20 Year Strategic Financial Plan Guiding Principles (with mark up)  Attachment 2      20 Year Strategic Financial Plan Guiding Principles (final)
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to consider the review and annual update of the 20 Year Strategic Financial Plan - Guiding Principles (Guiding Principles).

### **EXECUTIVE SUMMARY**

The Guiding Principles set out the foundation and basis on which the Strategic Financial Plan (SFP) has been developed and which will also apply to its ongoing review and use. The SFP is required to be reviewed by the second quarter of each financial year. As part of the annual review of the SFP it is appropriate to firstly review the Guiding Principles on which the SFP is based.

In reviewing the current Guiding Principles there are a number of changes that are considered to be appropriate. Some of these are only minor formatting issues. Others reflect the experience after the adoption of the current Guiding Principles leading up to the adoption of the SFP (the SFP was adopted four months after the current Guiding Principles). There has also been an opportunity, subsequently, to consider further industry feedback and to apply the SFP in practice. The proposed changes are summarised in Table 1.

### **BACKGROUND**

The Guiding Principles set out the foundation and basis on which the SFP has been developed and which will also apply to its ongoing review and use. The current Guiding Principles were adopted by Council at its meeting held on 24 July 2012 (CJ138-07/12 refers). The SFP 2011-2031 was subsequently approved by Council at its meeting held on 20 November 2012 (CJ244-11/12 refers).

The Guiding Principles set out an annual review process for the SFP which requires that it be updated on an annual basis with the update being completed by the second quarter of each financial year, to allow the SFP to be used as an input to the annual budget process for the subsequent year. As part of the annual review of the SFP it is appropriate to firstly review the Guiding Principles on which the SFP is based.

## DETAILS

In reviewing the current Guiding Principles there are a number of changes that are considered to be appropriate. Some of these are only minor formatting issues. Others reflect the experience after the adoption of the current Guiding Principles leading up to the adoption of the SFP (the SFP was adopted four months after the current Guiding Principles) and further consideration and input from references such as:

- *Joondalup 2022*
- Australian Centre of Excellence Local Government (ACELG) – Practice Note 6 Long Term Financial Planning
- Institute of Public Works Engineering Australia (IPWEA) – Asset Management and Long Term Financial Planning Workshops
- Department of Local Government (DLG) Integrated Planning Framework
- Integrated Planning Framework used in other Australian States.

Attachment 1 provides reviewed Guiding Principles with tracked changes shown.

Table 1 below lists the changes made, and the basis for the change.

Table 1 – Changes to SFP Guiding Principles

No	Page	Change	Details
1	Throughout the Document	References to the 20 Year Strategic Financial Plan	o For clarity the abbreviated reference has been standardised to SFP because there are numerous Plans.
2	1	Delete reference to Governance Framework	o The reference to section 9.5.1 of the Governance Framework is not required as it is already stated that the Guiding principles are founded on the Governance Framework.
3	2	Flexible Long Term Approach	o Minor changes to clarify that it is the Municipal Fund that is being referred to.
4	2	Service Levels and Asset Management	o New basic principle added to emphasise the relationship between the Asset Management plans, levels of service provided to the community and the SFP.
5	2 & 3	Key Elements/ Assumptions	o Previously listed as a single list of dot points these have now been broken up into four sub-headings Targets/Ratios, Funding/Treasury/Reserves, New expenditure and Process.

No	Page	Change	Details
6	2	Targets/ Ratios.	<ul style="list-style-type: none"> <li>○ A new first dot point has been inserted to highlight out of all of the ratios that the City reports against, which are the most important for the SFP being operating results, asset management funding/debt management.</li> <li>○ A minor amendment to the second dot point for clarity.</li> <li>○ A new third dot point that sets a realistic goal for the Operating Surplus Ratio. A range is more realistic than a single target and between 2% and 8% is proposed. The Department of Local Government's Advisory Standard for the Operating Surplus Ratio provides that the standard is not met if the ratio is 0% or less, it is basic if between 0% and 15% and advanced if greater than 15%. The issues associated with trying to meet the advanced standard were addressed in the report and Council's resolution adopting the SFP (CJ244-11/12 refers).</li> <li>○ An amendment to the existing fourth dot point to remove a specific percentage for revenue growth relative to expenditure and to instead link it to the need to achieve the operating surplus targets.</li> </ul>
7	3	Funding/Treasury/ Reserves	<ul style="list-style-type: none"> <li>○ The existing dot points have been amended so that the Debt Service Ratio target specified aligns the Guiding Principles with the targets included in Joondalup 2022.</li> </ul>
8	3	New Expenditure.	<ul style="list-style-type: none"> <li>○ This section has been added to provide guidance in relation to new expenditure particularly capital which is a significant element of the SFP.</li> <li>○ The Guiding principles require whole of life costs to be identified for new expenditure and gives preference for Asset Management Plans based on economic life modelling and that take account of the impact on the operating surplus ratio.</li> <li>○ An Asset Sustainability Ratio target expressed as a range is also nominated. Joondalup 2022 currently does not have a target for the Asset Sustainability Ratio. The target of between 90% and 110% means for every \$1 of Depreciation charged to the Accounts, there is between \$0.90 and \$1.10 being spent on capital replacement.</li> </ul>

No	Page	Change	Details
9	3 & 4	Process.	<ul style="list-style-type: none"> <li>○ A third dot point has been added to ensure that decisions made as part of the Annual Budget and Mid Year Budget Review processes are considered in terms of their impact on the SFP.</li> <li>○ The existing Guiding Principles proposed that the SFP would include two scenarios. The final adopted SFP included three scenarios. The changes in dot point four propose that scenario's one and two will be largely unchanged (although they have been reversed ie the current scenario 1 will become scenario 2) however scenario three has been changed.</li> <li>○ Currently scenario three is based on capping rate increases at 5%. The change proposes a scenario three based on achieving all of the targets and in accordance with the Guiding Principles. This may mean not including all new expenditure proposed or not including it within the timeframes proposed. This is considered a more relevant scenario than focussing solely on rate increases.</li> </ul>

### Issues and options considered

There are three options when considering the proposed changes to the Guiding Principles:

#### Option 1 – Reject the Proposed Changes to the Guiding Principles

The current Guiding Principles were adopted four months prior to the adoption of the SFP and also prior to the adoption of *Joondalup 2022*. They do not currently reflect the basis on which the SFP and *Joondalup 2022* were adopted. This option is not supported.

#### Option 2 – Vary the Proposed Changes to the Guiding Principles

While the proposed changes are considered to adequately address the shortcomings identified in the current Guiding Principles it is open to Council to accept them only in part or to make additional changes. This option is not preferred.

#### Option 3 – Accept the Proposed Changes to the Guiding Principles

The current Guiding Principles were adopted four months prior to the adoption of the SFP and also prior to the adoption of *Joondalup 2022*. There are a number of issues that arose during this period for example finalisation of various ratios and targets and the decision to include three scenarios in the SFP rather than two. There has also been an opportunity, subsequently, to consider further industry feedback and to apply the SFP in practice. These support the need to amend the Guiding Principles. This option is recommended.

## Legislation / Strategic Community Plan / policy implications

### Legislation

*Local Government Act 1995* and the supporting Department of Local Government guidelines and advisory standards covering:

- Long Term Financial Planning – Framework & Guidelines
- Asset Management – Framework & Guidelines
- Integrated Planning and Reporting – Advisory Standard

### Strategic Community Plan

#### Key theme

Financial Sustainability.

#### Objective

Effective management.

#### Strategic initiative

Manage liabilities and assets through a planned, long-term approach.

Balance service levels for assets against long-term funding capacity.

#### Policy

Not applicable.

### Risk management considerations

The Guiding Principles set out the basis and foundation on which the SFP is based. The setting of targets, objectives and the principles for the SFP, are a significant contributor to the mitigation of risk in the long term financial sustainability of the City.

There is a risk that the tolerances established for the ratios do not take account of one-off unknown events with major financial impacts. The Guiding Principles will be reviewed every year.

### Financial/budget implications

Not applicable.

### Regional significance

Not applicable.

### Sustainability implications

The Guiding Principles are integral to the development of the SFP which represents the primary and key financial planning document for the City and has a direct bearing on planning for the financial sustainability of the City.



**Consultation**

Not applicable.

**COMMENT**

The Guiding Principles provide the basis on which the SFP is prepared. The proposed changes bring further rigor to the City's long term financial planning processes.

**VOTING REQUIREMENTS**

Simple Majority.

**COMMITTEE RECOMMENDATION**

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Strategic Financial Management Committee at its meeting held on 1 July 2013.

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

**MOVED Cr McLean, SECONDED Cr Amphlett that Council ADOPTS the revised 20 Year Strategic Financial Plan – Guiding Principles statement, forming Attachment 2 to Report CJ141-07/13.**

**The Motion was Put and**

**CARRIED (13/0)**

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

*Appendix 20 refers*

To access this attachment on electronic document, click here: [Attach20brf090713.pdf](#)

**REPORTS – CAPITAL WORKS COMMITTEE – 2 JULY 2013****CJ142-07/13      BRAMSTON PARK, BURNS BEACH - PROPOSED DEVELOPMENT**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	87611, 101515
<b>ATTACHMENTS</b>	Attachment 1 Bramston Park aerial map Attachment 2 Proposed development site plan Attachment 3 Proposed clubroom floor plan and elevations Attachment 4 Project capital cost estimate breakdown Attachment 5 Active open space review – supplementary report Attachment 6 Proposed community consultation information sheet Attachment 7 Proposed community consultation FAQ sheet Attachment 8 Proposed community consultation comment form
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

---

**PURPOSE**

For Council to consider the concept plan and estimated capital costs for the proposed development at Bramston Park, Burns Beach and provide endorsement to proceed with the project.

**EXECUTIVE SUMMARY**

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

It is proposed that given the dimensions of Bramston Park, it be allocated to a winter sport utilising a rectangular pitch and a suitable summer sporting group. For a club to use this park successfully, infrastructure such as a community sporting facility and floodlighting is required. It is proposed that the facility would not only cater for the sporting groups using the oval, but also be available to the wider local community for community based meetings and activities. Other infrastructure proposed for the site includes a carpark, BBQ/picnic area with drink fountain, cricket centre wicket and playground.

Community consultation was undertaken in July 2012, which provided the local community with an opportunity to provide feedback on the proposed project. The City received a good response rate of over 39%. Just under 50% of respondents did not oppose the development of a community sporting facility and floodlighting at the site. Just over 50% of respondents did not oppose the car parking and there was strong support for the construction of a playground at Bramston Park.

At its meeting held on 11 December 2012 (CJ280-12/12 refers), Council considered the project and based on the number of respondents in support and opposition to the proposed development being so close requested the development of concept plans for the proposed redevelopment.

At its meeting held on 7 May 2013 (Item 4 refers), the Capital Works Committee considered the draft concept plans for the project and raised some issues in respect to the proposed design of the community sporting facility building and requested that the City investigate a revised design of the Bramston Park community sporting facility.

A revised site plan and facility floor plan have been developed for the project and include the layout of the proposed four new floodlights, carpark, community sporting facility, playground, BBQ/picnic area with drink fountain and synthetic centre cricket wicket. The facility floor plan (Attachment 3 refers) includes changerooms, umpire room, toilets, kitchen/kiosk/kitchenette, meeting room of 130m<sup>2</sup> overlooking the oval (dividable into two rooms), associated storage, CCTV room and covered spectator verandah area.

A quantity surveyor (QS) estimate has been undertaken based on the developed site and floor plans and totals \$2,900,000 which includes detailed design, tender documentation, forward works and construction. The net operating cost of the new facility is estimated at \$24,000 per annum based on an expected income of \$13,000 and expenditure of \$37,000.

There are a number of options for consideration for the Bramston Park project in relation to further community consultation, works to be included in the project and external grant funding.

Currently listed in the City's Five Year Capital Works Program is \$317,000 for the detailed design stage of the project (2013-14) and \$1,750,000 for the construction works (2014-15) giving a total of \$2,067,000 for the overall project. Also listed is \$140,000 within 2016-17 for the installation of floodlighting at the park.

In the City's 2009 adopted *20 Year Strategic Financial Plan*, funds were allocated for the refurbishment/redevelopment of Jack Kikeros Hall which is located near the beach on Ocean Parade, Burns Beach. In 2012, these funds were reallocated, without being increased, to the Bramston Park development project with the adoption of the new 2011-2031 *20 Year Strategic Financial Plan*. It is important to note that the proposed Bramston Park development project includes infrastructure in addition to a facility such as floodlighting, car park, playground and picnic/BBQ area. It is therefore reasonable to expect that the total project cost for the proposed development project would be in excess of the budget amount that was originally intended for Jack Kikeros Hall.

If the funds for the floodlighting works were brought forward, based on the total project cost estimate, a further \$693,000 would be required to be allocated to this project to complete the works detailed in this report. It has been identified that this project would be suitable for consideration as part of the Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund (CSRFF) program. 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, in this case up to \$966,666.

Given the results of the initial consultation, it is suggested that further community consultation for the project is undertaken allowing the community another opportunity to make comment on the project with more detailed information such as site layout, basic facility design and proposed usage and management.

Provided any further community consultation is undertaken soon and the project timelines remain on schedule, it is recommended that a submission be made to the CSRFF Forward Planning Grant funding round. If supported, the project will be listed as part of the City's CSRFF project submission report to be considered by Council at its meeting to be held on 24 September 2013.

*It is therefore recommended that Council:*

- 1 *NOTES the proposed redevelopment project including construction of the community sporting facility, four new floodlights, playground, BBQ/picnic area with drinking fountain, carpark and synthetic centre cricket wicket at Bramston Park as detailed in Report CJ142-07/13 at a project cost estimate of \$2,900,000;*
- 2 *REQUESTS the Chief Executive Officer to arrange for further community consultation as detailed in this Report for the Bramston Park development project to be conducted in July - August 2013 using Attachments 6, 7 and 8 to Report CJ142-07/13, noting that the facility would not be hired for functions that create risk for anti-social behaviour (such as 18<sup>th</sup> and 21<sup>st</sup> birthdays) and the intended use of the playing fields is for junior sports;*
- 3 *NOTES the Bramston Park development project will be listed as part of the City's Community Sporting and Recreation Facilities Fund (CSRFF) project submission report to be considered by Council at its meeting to be held on 24 September 2013 which will include the results of the further community consultation to be undertaken;*
- 4 *NOTES the following amounts are currently listed within the City's Five Year Capital Works Budget for the development project at Bramston Park:*
  - 4.1 *\$317,000 within 2013-14 for detailed design of the project;*
  - 4.2 *\$1,750,000 within 2014-15 for construction of the project;*
  - 4.3 *\$140,000 within 2016-17 for floodlighting;*
- 5 *BY ABSOLUTE MAJORITY REQUESTS that the \$140,000 currently listed within 2016-17 of the City's Five Year Capital Works Program for floodlighting at Bramston Park be brought forward and listed for consideration within 2014-15;*
- 6 *subject to approval of the transfer of funds in Part 5 above, REQUESTS that a further \$693,000 be listed for consideration within 2014-15 of the City's Five Year Capital Works Program for the Bramston Park development project subject to a successful CSRFF grant application of \$966,666.*

## **BACKGROUND**

In the City's 2009 adopted *20 Year Strategic Financial Plan*, funds were allocated for the refurbishment/redevelopment of Jack Kikeros Hall which is located near the beach on Ocean Parade, Burns Beach. In 2012, these funds were reallocated, without being increased, to the Bramston Park development project with the adoption of the new 2011-2031 *20 Year Strategic Financial Plan*. It is important to note that the proposed Bramston Park development project includes infrastructure in addition to a facility such as floodlighting, car park, playground and picnic/BBQ area. It is therefore reasonable to expect

that the total project cost for the proposed development project would be in excess of the budget amount that was originally intended for Jack Kikeros Hall.

Bramston Park is 3.93 hectares and is located on Bramston Vista Burns Beach (Attachment 1 refers). The park is classified as Crown Land currently managed by the developer (Peet Limited) and is due for handover to the City in July 2013. There are currently no facilities or floodlights at the park.

It is proposed that given the dimensions of Bramston Park, it be allocated to a winter sport utilising a rectangular pitch and a suitable summer sporting group. For a club to use this park successfully, infrastructure such as a community sporting facility and floodlighting is required. It is proposed that the facility would not only cater for the sporting groups using the oval but also be available to the wider local community for community based meetings and activities. Other infrastructure proposed for the site includes a carpark, BBQ/picnic area with drink fountain, cricket centre wicket and playground.

Community consultation was undertaken in August 2012, which provided the local community with an opportunity to provide feedback on the proposed project. The City received a good response rate of over 39%. Just under 50% of respondents did not oppose the development of a community sporting facility and floodlighting at the site. Just over 50% of respondents did not oppose the car parking and there was strong support for the construction of a playground at Bramston Park.

At its meeting held on 11 December 2012 (CJ280-12/12 refers), Council resolved:

*"That Council:*

- 1 *NOTES the findings of the Community Consultation process undertaken for the Bramston Park project;*
- 2 *DOES NOT SUPPORT retaining all the bushland on the eastern boundary of Bramston Park;*
- 3 *DOES NOT SUPPORT the reclassification of the Bramston Park bushland as Bush Forever;*
- 4 *NOTES approximately half of the original Burns Beach Development site has been incorporated into Bush Forever Site 322 to the north;*
- 5 *NOTES Huxley Park located adjacent to Bramston Park is a 1.4 hectare bushland site which contains the same vegetation type as Bramston Park;*
- 6 *REQUESTS the City inform the lead petitioner of the Council's decision;*
- 7 *REQUESTS the Chief Executive Officer to arrange for the development of Concept Plans for the Bramston Park site with the inclusion of the following:*
  - 7.1 *Multipurpose Community Sporting Facility;*
  - 7.2 *Sports floodlights;*
  - 7.3 *Car parking;*
  - 7.4 *Playground;*
  - 7.5 *Promotes retention of the maximum portion of the bushland on the eastern boundary of Bramston Park that the proposed infrastructure will allow;*

- 8 *NOTES the Concept Plan will not include a temporary active playing surface on Lot 954 Bramston Vista, Burns Beach (proposed Primary School site);*
- 9 *NOTES the Concept Plan will be developed with consideration given to:*
- 9.1 *reducing antisocial behaviour and noise impact to residents residing in close proximity to Bramston Park;*
- 9.2 *environmental sustainability design features, Access and Inclusion principles, Landscape Master Plan principles and 'Designing out Crime' planning guidelines;*
- 10 *BY AN ABSOLUTE MAJORITY, REVOKES Part 6 of its decision of 24 July 2012 (CJ137-07/12 refers) as follows:*
- "6 REQUESTS that when preparing the design of the Bramston Park Clubroom/Community facility, that access and egress is to be from Burns Beach Road".*

At its meeting held on 7 May 2013 (Item 4 refers), the Capital Works Committee considered the project and raised the following issues in respect of the proposed design of the community sporting facility building at Bramston Park:

- The possibility of making a singular meeting room that is divided by a removable/temporary wall.
- The need to reduce the amount of storage space within the facility.
- The building needs to be designed in keeping with the urban feel of the adjoining residential area.

It was requested at the meeting that the Administration investigate a revised design of the Bramston Park community sporting facility building to address the above issues raised by the Committee at the meeting as well as to identify a future user group of the facility.

## **DETAILS**

### **Active open space review**

In 2011 Curtin University was engaged by the Department of Sport and Recreation to undertake research to determine if insufficient active reserves are being provided in the outer metropolitan suburbs of Perth for the purpose of accommodating organised sport.

The City of Joondalup was included in the study, but at the time of reporting, the newer suburbs of Iluka and Burns Beach were not included, as there was insufficient planning information for the area to determine the nature of the public open space that was to be provided. This information is now available and Curtin University was asked to update the data for Joondalup. The supplementary report is included as Attachment 5.

In summary, Burns Beach is one of the most 'active open space poor' of all of Joondalup's suburbs and is well below the determined guidelines for active open space. The development of Bramston Park as an active sporting park would go some-way to addressing the shortfall and spatial inequality of active open space in Burns Beach.

## Site and concept plan

Following the Capital Works Committee meeting held on 7 May 2013, a revised site plan and facility floor plan were developed and are included as Attachments 2 and 3.

The site plan (Attachment 2 refers) indicates the layout of the proposed four new floodlights, carpark including 42 bays, community sporting facility, playground, BBQ/picnic area with drink fountain and synthetic centre cricket wicket.

The proposed facility design is based on the City's most recent new community sporting facilities such as Seacrest Community Sporting Facility, Sorrento and Forrest Park Community Sporting Facility, Padbury. The facility floor plan (Attachment 3 refers) includes changerooms, umpire room, toilets, kitchen/kiosk/kitchenette, meeting room of 130m<sup>2</sup> overlooking the oval (dividable into two rooms), associated storage, CCTV room and covered spectator verandah area. It also includes a unisex 'park toilet' designed to include the automatic timed door lock system and is accessible without compromising the security of the remainder of the facility. The building has been designed to be in keeping with the urban feel of the adjoining residential area.

Reducing the meeting areas from two separate rooms into one (that can be divided) causes some operational issues for the facility. As both sides of the meeting area need to be able to access storage areas and toilets at the same time, a corridor has had to be included. This means that while both sides of the room are occupied by two different groups, both can access toilets, tables/chairs and their own storage areas. Not having the storerooms directly opening into the meeting room creates difficulties with groups getting furniture and their equipment into/out of the rooms. At other facilities with a similar arrangement, the City receives complaints from user groups about difficulties moving furniture and equipment.

As only one side of the meeting room will be able to access the kitchen, a kitchenette has had to be included so that the group using the other side of the room can still access tea/coffee making facilities and a fridge.

The other issue with having one room dividable rather than two separate rooms, is noise. At other facilities with a similar arrangement, the City receives complaints from user groups about noise from the other side of the room that dividable doors can not sufficiently reduce.

## Estimated capital project costs

A quantity surveyor (QS) estimate has been undertaken based on the developed site and floor plans and is included as Attachment 4. A summary of the total project estimate has been broken down into the following components:

Item	Cost
Community sporting facility – building	\$909,170
Floodlighting	\$372,800
Playground	\$76,100
Synthetic centre cricket wicket	\$15,000
Picnic/BBQ area	\$26,390
Sports goals	\$16,000
Drink fountain	\$7,000
Bin wash down area	\$300
Paths/access ways	\$38,500

Item	Cost
Site Services (gas, power, water, sewerage etc)	\$182,110
Photovoltaic (solar) panels	\$52,500
Access gate to oval	\$2,500
Earthworks / siteworks	\$133,150
Carpark – 42 bays	\$56,630
Retaining wall	\$6,800
Landscaping and irrigation	\$110,450
Western power headworks	\$22,050
Contingencies (design and building)	\$229,000
Escalation (to June 2014)	\$98,000
Professional fees	\$310,000
Approval fees	\$6,000
Preliminaries	\$203,550
Public artwork	\$26,000
<b>TOTAL PROJECT</b>	<b>\$2,900,000</b>

The City's *Art and Memorabilia Collections Policy* states that the State Government's 'Per cent for Art Scheme' will be utilised when developing proposals for new public buildings and extensions over the value of \$100,000. This scheme uses an allocation of up to 1% of the estimated total cost of building project. The City's policy states that developers of public facilities will be encouraged to adopt this policy with projects being implemented according to the Public Art Implementation Process as determined by the Chief Executive Officer. Based on this, 1% of the estimated total cost of the project has been included.

### Potential usage of facilities

It is proposed that given the dimensions of Bramston Park, it be allocated to a sport utilising a rectangular pitch. The Joondalup City Football (soccer) Club has been identified as a potential winter season user group of the oval, however no formal discussions have taken place as yet.

The Joondalup City Football Club currently uses Caledonia, Lexcen and Santiago Parks and Iluka District Open Space and it is proposed they may relocate some of their junior usage from these venues to Bramston Park.

The City has not yet identified a potential summer season user group for the park, however the City is currently under pressure from football (soccer) clubs to provide summer training venues so Bramston Park could accommodate this. In addition, junior cricket clubs in the northern region are under pressure to find playing venues on weekends, so Bramston Park could assist with this issue.

The City will call for expressions of interest from local sporting clubs and groups closer to project completion to determine seasonal usage. It is proposed that the building would not only cater for the sporting groups using the oval but also be available to the wider local community for community based meetings and activities.

### Issues and options considered

There are a number of options for consideration for the Bramston Park project in relation to further community consultation, works to be included in the project and external grant funding.



### 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 Community Sporting and Recreation Facilities Fund (CSRFF) program. In order to construct the facilities in 2014-15 as per the City's Five Year Capital Works Program (and to meet CSRFF application deadlines), an application would need to be made to the next Forward Planning Grant funding round which closes on 30 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. Provided any further community consultation is undertaken soon and the project timelines remain on schedule, it is recommended that a submission be made to the CSRFF Forward Planning Grant funding round. If Council supports the project proceeding without external grant funding, a budget allocation for the whole project would be required in the event the grant funding application is unsuccessful.

### Community consultation

Development projects such as this would normally include two rounds of community consultation. The first, which was undertaken in August 2012, provided 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 components and any changes to the project as an outcome to the first round of consultation.

As part of the initial consultation, the City received a good response rate of over 39%. The results are summarised as follows:

- 43% support the construction of a community sporting facility.
- 43.8% support the installation of floodlighting.
- The construction of a car park was split almost equally between support/opposition.
- Over 70% support the installation of a playground.

An option for the project is to not conduct further consultation for the project. However, given the results of the initial consultation summarised above, it is recommended that the second round of consultation be undertaken. This will provide the community with another opportunity to make comment on the project with more detailed information such as site layout, basic facility design and proposed usage and management.

In order to meet project timelines and CSRFF requirements, it is proposed to undertake consultation with residents and stakeholders originally consulted from 22 July to 12 August 2013, advertised through the following methods:

- Direct mail out - Cover letter, information sheet, frequently asked questions sheet and comment form to be sent to all stakeholders.
- Site signage – two signs to be placed at Bramston Park during the community consultation period.
- Website - Information and survey added to the "community consultation" section of the City's website during the community consultation period.

A copy of the proposed consultation tools are included as Attachments 6, 7 and 8.

The feedback received as part of the consultation will be collated and included in a further report to Council for consideration.

Project works

Given the capital cost estimate for the total works either the whole project can be endorsed to proceed or if cost savings are required the following options are possible:

- Floodlighting - estimated cost of \$372,800. Currently there is \$140,000 listed within 2016-17 of the City's Five Year Capital Works Program for floodlighting works at Bramston Park. Additional funds could be listed for consideration within the 2016-17 budget and these works staged to occur in that financial year.
- Playground, BBQ/picnic area – estimated at \$102,490. These works could be listed for consideration in a future year of the City's Five Year Capital Works Program.
- Public artwork - estimated cost of \$26,000. Public artwork can either not be included in this project or could be listed for consideration in a future year of the City's operating budget.
- Photovoltaic (solar) panels – estimated cost of \$52,500. This could be listed for consideration in a future year of the City's Five Year Capital Works Program. Photovoltaic panels installed at other similar facilities are currently saving the City approximately \$2,500 per facility per annum in utility costs.

Given the support received for a playground within the initial community consultation it is recommended it and the BBQ/picnic area remain part of the proposed development.

As there is a future budget allocation for floodlighting, an option is that these works be staged in 2016-17 with the additional funds required added for consideration.

Not including floodlighting, public artwork or installing photovoltaic (solar) panels as part of the project at this time will reduce project costs by \$451,300. These items could be included in future budgets if required.

**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**

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

There is also a risk associated with not undertaking further consultation on the project. Given the results of the initial consultation, it is recommended that the second round of consultation be undertaken.

This is intended to be one of several major projects for which the City will be seeking CSRFF funding in the next Forward Planning Grant funding round. They will effectively be competing against each other and there are significant risks that not all projects will be funded.

### **Financial/budget implications**

Currently listed in the City's Five Year Capital Works Program is \$317,000 for the detailed design stage of the project (2013-14) and \$1,750,000 for the construction works (2014-15) of which \$583,000 is funding from a proposed CSRFF grant. The total for the overall project is \$2,067,000 of which \$1,484,000 is City funds and \$583,000 a CSRFF grant. Also listed is \$140,000 within 2016-17 for the installation of floodlighting at the park which if brought forward to 2014-15 would bring the total project allocation to \$2,207,000.

A quantity surveyor (QS) estimate has been undertaken based on the developed site and floor plans and totals \$2,900,000 which includes detailed design, tender documentation, forward works and construction.

Whilst a CSRFF application may result in a contribution of up to one-third for the works (in this case up to \$966,666), if Council supports the project proceeding without external grant funding, a budget allocation for the whole project would be required in the event the grant funding application is unsuccessful.

Based on the total project cost estimate, a further \$833,000 would be required to be allocated to this project to complete the works detailed in this report. By bringing forward the \$140,000 listed for floodlighting at Bramston Park to 2014-15 the additional required budget allocation for the project would be reduced to \$693,000.

If cost savings are required the following options are considered possible as previously discussed:

- Floodlighting - estimated cost of \$372,800.
- Playground, BBQ/picnic area – estimated at \$102,490.
- Public artwork - estimated cost of \$26,000.
- Photovoltaic (solar) panels – estimated cost of \$52,500.

Below is a summary of the option to undertake the whole project as outlined in this report (including bringing forward the budget funds for floodlighting) or for cost savings - not including floodlighting, public artwork or installing photovoltaic (solar) panels as part of the project in 2014-15.

Option	Funding break-up	Existing project budget	Additional budget funds required	Estimated total cost (assuming a successful CSRFF application)
Full project (and bring forward budget funds for floodlighting)	City Funds	\$1,624,000	\$309,334	\$1,933,334
	CSRFF Grant	<u>\$583,000</u>	<u>\$383,666</u>	<u>\$966,666</u>
	Total	\$2,207,000	\$693,000	\$2,900,000
Remove floodlighting; public artwork and solar panels	City Funds	\$1,484,000	\$148,467	\$1,632,467
	CSRFF Grant	<u>\$583,000</u>	<u>\$233,233</u>	<u>\$816,233</u>
	Total	\$2,067,000	\$381,700	\$2,448,700

Based on a similar size building (Seacrest Park Community Sporting Facility) the net operating cost of the new facility is estimated at \$24,000 per annum based on an expected income of \$13,000 and expenditure of \$37,000. The floodlighting, playground and synthetic centre wicket is estimated to cost \$7,600 per annum to maintain.

A breakdown of the proposed project is outlined below as a way of comparison to the size and cost of the Seacrest Park Community Sporting Facility project.

Project	Facility size	Facility cost per square metre	Total project cost	Comments
Bramston	433.5m <sup>2</sup>	\$1,806/m <sup>2</sup>	\$2,900,000	Total project includes building; floodlighting; playground; cricket wicket; car park; picnic/BBQ area.
Seacrest	616m <sup>2</sup>	\$1,950/m <sup>2</sup>	\$1,450,000	Total project includes building.

All amounts quoted in this report are exclusive of GST.

### Regional significance

Not applicable.

### Sustainability implications

#### Environmental

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

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

### Social

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

### Economic

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

### **Consultation**

Results of the initial community consultation were presented to Council at its meeting held on 11 December 2012 (CJ280-12/12 refers). A decision needs to be made whether further community consultation will be undertaken for this project.

### **COMMENT**

Based on the total project cost estimate, a further \$833,000 would be required to be allocated to this project to complete the works detailed in this report in 2014-15. The budget allocation for this project was a reallocation of funds originally intended for the refurbishment/redevelopment of Jack Kikeros Hall. As the proposed Bramston Park development project includes infrastructure in addition to a facility it is reasonable to expect that the total project cost would be in excess of the budget amount that was originally intended for Jack Kikeros Hall.

By bringing forward the \$140,000 listed for floodlighting at Bramston Park to 2014-15 the additional required budget allocation for the project would be reduced to \$693,000.

While not including floodlighting, public artwork or installing photovoltaic (solar) panels as part of the project in 2014-15 will reduce project costs by \$451,300, it is recommended that all project works be undertaken at the same time.

An option for the project is to not conduct further consultation for the project. However, given the results of the initial consultation summarised above, it is recommended that the second round of consultation be undertaken. This will provide the community with another opportunity to make comment on the project with more detailed information such as site layout, basic facility design and proposed usage and management.

Provided any further community consultation is undertaken soon and the project timelines remain on schedule, it is recommended that a submission be made to the CSRFF Forward Planning Grant funding round. If supported, the project will be listed as part of the City's CSRFF project submission report to be considered by Council at its meeting to be held on 24 September 2013.

### **VOTING REQUIREMENTS**

Absolute Majority.

## COMMITTEE RECOMMENDATION

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Capital Works Committee at its meeting held on 2 July 2013.

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

*That Council:*

- 1 *NOTES the proposed redevelopment project including construction of the community sporting facility, four new floodlights, playground, BBQ/picnic area with drinking fountain, carpark and synthetic centre cricket wicket at Bramston Park as detailed in this Report at a project cost estimate of \$2,900,000;*
- 2 *REQUESTS the Chief Executive Officer to arrange for further community consultation as detailed in this Report for the Bramston Park development project to be conducted in July - August 2013 using Attachments 6, 7 and 8 to this Report;*
- 3 *NOTES the Bramston Park development project will be listed as part of the City's Community Sporting and Recreation Facilities Fund (CSRFF) project submission report to be considered by Council at its meeting to be held on 24 September 2013 which will include the results of the further community consultation to be undertaken;*
- 4 *NOTES the following amounts are currently listed within the City's Five Year Capital Works Budget for the development project at Bramston Park:*
  - 4.1 *\$317,000 within 2013-14 for detailed design of the project;*
  - 4.2 *\$1,750,000 within 2014-15 for construction of the project;*
  - 4.3 *\$140,000 within 2016-17 for floodlighting;*
- 5 *BY ABSOLUTE MAJORITY REQUESTS that the \$140,000 currently listed within 2016-17 of the City's Five Year Capital Works Program for floodlighting at Bramston Park be brought forward and listed for consideration within 2014-15;*
- 6 *subject to approval of the transfer of funds in Part 5 above, REQUESTS that a further \$693,000 be listed for consideration within 2014-15 of the City's Five Year Capital Works Program for the Bramston Park development project subject to a successful CSRFF grant application of \$966,666.*

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

*That Council:*

- 1 *NOTES the proposed redevelopment project including construction of the community sporting facility, four new floodlights, playground, BBQ/picnic area with drinking fountain, carpark and synthetic centre cricket wicket at Bramston Park as detailed in this Report at a project cost estimate of \$2,900,000;*
- 2 *REQUESTS the Chief Executive Officer to arrange for further community consultation as detailed in this Report for the Bramston Park development project to be conducted in July - August 2013 using Attachments 6, 7 and 8 to this Report, noting that the facility would not be hired for functions that create risk for anti-social behaviour (such as 18<sup>th</sup> and 21<sup>st</sup> birthdays) and the intended use of the playing fields is for junior sports;*

- 3 *NOTES the Bramston Park development project will be listed as part of the City's Community Sporting and Recreation Facilities Fund (CSRFF) project submission report to be considered by Council at its meeting to be held on 24 September 2013 which will include the results of the further community consultation to be undertaken;*
- 4 *NOTES the following amounts are currently listed within the City's Five Year Capital Works Budget for the development project at Bramston Park:*
  - 4.1 *\$317,000 within 2013-14 for detailed design of the project;*
  - 4.2 *\$1,750,000 within 2014-15 for construction of the project;*
  - 4.3 *\$140,000 within 2016-17 for floodlighting;*
- 5 *BY ABSOLUTE MAJORITY REQUESTS that the \$140,000 currently listed within 2016-17 of the City's Five Year Capital Works Program for floodlighting at Bramston Park be brought forward and listed for consideration within 2014-15;*
- 6 *subject to approval of the transfer of funds in Part 5 above, REQUESTS that a further \$693,000 be listed for consideration within 2014-15 of the City's Five Year Capital Works Program for the Bramston Park development project subject to a successful CSRFF grant application of \$966,666.*

**MOVED Cr McLean, SECONDED Cr Hollywood that Council:**

- 1 **NOTES the proposed redevelopment project including construction of the community sporting facility, four new floodlights, playground, BBQ/picnic area with drinking fountain, carpark and synthetic centre cricket wicket at Bramston Park as detailed in Report CJ142-07/13 at a project cost estimate of \$2,900,000;**
- 2 **REQUESTS the Chief Executive Officer to arrange for further community consultation as detailed in this Report for the Bramston Park development project to be conducted in July - August 2013 using Attachments 6, 7 and 8 to Report CJ142-07/13, noting that the facility would not be hired for functions that create risk for anti-social behaviour (such as 18<sup>th</sup> and 21<sup>st</sup> birthdays) and the intended use of the playing fields is for junior sports;**
- 3 **NOTES the Bramston Park development project will be listed as part of the City's Community Sporting and Recreation Facilities Fund (CSRFF) project submission report to be considered by Council at its meeting to be held on 24 September 2013 which will include the results of the further community consultation to be undertaken;**
- 4 **NOTES the following amounts are currently listed within the City's Five Year Capital Works Budget for the development project at Bramston Park:**
  - 4.1 **\$317,000 within 2013-14 for detailed design of the project;**
  - 4.2 **\$1,750,000 within 2014-15 for construction of the project;**
  - 4.3 **\$140,000 within 2016-17 for floodlighting;**

- 5 **BY ABSOLUTE MAJORITY REQUESTS** that the \$140,000 currently listed within 2016-17 of the City's Five Year Capital Works Program for floodlighting at Bramston Park be brought forward and listed for consideration within 2014-15;
- 6 subject to approval of the transfer of funds in Part 5 above, **REQUESTS** that a further \$693,000 be listed for consideration within 2014-15 of the City's Five Year Capital Works Program for the Bramston Park development project subject to a successful CSRFF grant application of \$966,666.

**AMENDMENT MOVED Cr Hollywood, SECONDED Cr McLean that:**

- 1 Part 1 be amended to read as follows:

*"1 NOTES the proposed redevelopment project including construction of the community sporting facility, four new floodlights, playground, BBQ/picnic area with drinking fountain, carpark and synthetic centre cricket wicket at Bramston Park as detailed in Report CJ142-07/13 at a project cost estimate of \$2,930,000 with the inclusion of an additional storeroom at the north-east corner of the proposed floorplan shown in Attachment 3 of Report CJ142-07/13;"*

- 2 Part 6 be amended to read as follows:

*"6 subject to approval of the transfer of funds in Part 5 above, REQUESTS that a further \$723,000 be listed for consideration within 2014-15 of the City's Five Year Capital Works Program for the Bramston Park development project subject to a successful CSRFF grant application of \$976,666."*

**The Amendment was Put and**

**CARRIED (13/0)**

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

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

**That Council:**

- 1 **NOTES** the proposed redevelopment project including construction of the community sporting facility, four new floodlights, playground, BBQ/picnic area with drinking fountain, carpark and synthetic centre cricket wicket at Bramston Park as detailed in Report CJ142-07/13 at a project cost estimate of \$2,930,000 with the inclusion of an additional storeroom at the north-east corner of the proposed floorplan shown in Attachment 3 of Report CJ142-07/13;
- 2 **REQUESTS** the Chief Executive Officer to arrange for further community consultation as detailed in this Report for the Bramston Park development project to be conducted in July - August 2013 using Attachments 6, 7 and 8 to Report CJ142-07/13, noting that the facility would not be hired for functions that create risk for anti-social behaviour (such as 18<sup>th</sup> and 21<sup>st</sup> birthdays) and the intended use of the playing fields is for junior sports;



- 3 **NOTES the Bramston Park development project will be listed as part of the City's Community Sporting and Recreation Facilities Fund (CSRFF) project submission report to be considered by Council at its meeting to be held on 24 September 2013 which will include the results of the further community consultation to be undertaken;**
- 4 **NOTES the following amounts are currently listed within the City's Five Year Capital Works Budget for the development project at Bramston Park:**
  - 4.1 **\$317,000 within 2013-14 for detailed design of the project;**
  - 4.2 **\$1,750,000 within 2014-15 for construction of the project;**
  - 4.3 **\$140,000 within 2016-17 for floodlighting;**
- 5 **BY ABSOLUTE MAJORITY REQUESTS that the \$140,000 currently listed within 2016-17 of the City's Five Year Capital Works Program for floodlighting at Bramston Park be brought forward and listed for consideration within 2014-15;**
- 6 **subject to approval of the transfer of funds in Part 5 above, REQUESTS that a further \$723,000 be listed for consideration within 2014-15 of the City's Five Year Capital Works Program for the Bramston Park development project subject to a successful CSRFF grant application of \$976,666.**

**Was Put and**

**CARRIED (13/0)**

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

*Appendix 21 refers*

*To access this attachment on electronic document, click here: [Attach21brf090713.pdf](#)*

**Disclosure of Proximity Interest**

<b>Name/Position</b>	<b>Cr Teresa Ritchie.</b>
<b>Item No./Subject</b>	CJ143-07/13 – 2013-14 – Refurbishment Projects – Timberlane Park Hall.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Cr Ritchie resides near Timberlane Park Hall on Woodvale Drive, Woodvale.

*Cr Ritchie left the Chamber at 8.03pm.*

## **CJ143-07/13      2013-14      REFURBISHMENT      PROJECTS      - TIMBERLANE PARK HALL**

**WARD RESPONSIBLE DIRECTOR**                      Central  
Mr Mike Tidy  
Corporate Services

**FILE NUMBER**    02387, 07100

**ATTACHMENT**    Attachment 1      Aerial map of Timberlane Park  
Attachment 2      Timberlane Park Hall floor plan (existing)  
Attachment 3      City's endorsed Master Planning Process  
Attachment 4      Proposed refurbished floor plan  
Attachment 5      Project capital cost estimate

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

**PURPOSE**

For Council to consider the concept plan and estimated capital costs for the proposed refurbishment of Timberlane Park Hall, Woodvale and provide endorsement to proceed with the project.

**EXECUTIVE SUMMARY**

Timberlane Park Hall is located on Timberlane Drive, Woodvale and is situated within Timberlane Park and twelve outdoor tennis courts. The hall consists of a function room (dividable into two spaces), two kitchens, storage areas and disabled toilet. In addition, the Kingsley Tennis Club has an office/storage area. In 2007-08, the building's two kitchens were refurbished, along with the disabled toilet; new floor coverings; painting; and a small extension was added to provide additional user group storage. However, as the budget was pre-determined, two main issues with the facility could not be addressed at the time.

The first issue is that there are no changerooms at the facility; therefore a senior sporting club cannot be located at the park. Secondly, the only male and female toilets are the 'park standard' toilets that are only accessible from the outside of the facility. There is a disabled toilet accessible from inside the facility, however when the facility is used for larger functions, there is a lack of available toilets inside the facility. As Timberlane Park is classified as a 'Local Park' under the City's *Parks and Public Open Spaces Classification Framework*, Timberlane Park Hall requires a commensurate level of infrastructure.

At its meeting held on 2 October 2012 the Capital Works Committee recommended that the listed refurbishment projects for 2013-14 (being Sorrento Football Club and Sorrento Tennis Clubrooms) be changed to Timberlane Park Hall and an additional site given the master planning being undertaken for Percy Doyle Reserve. This recommendation was subsequently endorsed by Council at its meeting held on 23 October 2012 (CJ214-10/12 refers).

As a result an indicative figure of \$400,000 was allocated in the 2013-14 Capital Works Program toward the Timberlane Park Hall for refurbishment. Notably, this figure was based on potential project costs only as project scoping, concept design and cost estimates had not been undertaken at the time. Typically, refurbishment project planning is undertaken prior to October each year to allow for amendment of budget funds through the Capital Works Program process. Given the delays for the 2013-14 project (due to endorsing a change in listed projects) this amendment process was unable to occur.

Following the outcome of the 23 October 2012 Council meeting, the relevant stakeholders who utilise the building were consulted and a facility floor plan was developed. Subsequently, a capital cost estimate was attained by a qualified quantity surveyor and the total refurbishment project is estimated to cost \$813,900 (including detailed design and contingencies).

Due to estimated capital cost of the refurbishment exceeding the current allocated budget, Council has four options to proceed with the refurbishment. These include:

#### Option 1 - Not proceed with the refurbishment

If this option was pursued it would mean the current facility would continue to function with limited ability to meet the needs of the current and potential future users of the hall.

#### Option 2 – Proceed with the refurbishment with a reduced scope of works

This option would see the refurbishment proceed, however in order to meet the existing budget, the scope of works would need to be reduced. Possible options to reduce project costs are as follows:

- Removal of changerooms, umpire room and universal access 'park' toilet – estimated cost of \$411,348.
- Removal of internal access toilets/showers – estimated cost of \$118,305.
- Removal of external BBQ – estimated cost of \$15,000.

Removal of the changerooms, umpire room and universal access 'park' toilet will reduce the project costs to \$402,552. However, given the importance of the changerooms, umpire room and universal access 'park' toilet to senior sporting groups proposed to use Timberlane Park; it is suggested that these remain included within the scope of the refurbishment.

Removal of the internal access toilets/showers will reduce the project costs to \$695,595. However, the internal access toilets/showers are considered important to the Kingsley Tennis Club and general hall hirers, therefore it is suggested that these remain included within the scope of the refurbishment.

#### Option 3 – Proceed with the refurbishment in 2013-14

This option is for the refurbishment to proceed within full scope and within the 2013-14 financial year. The current annual budget for the refurbishment is \$400,000, while the full scope of works is estimated at \$813,900. Therefore, if this option was to proceed, an additional \$413,900 would be required within the 2013-14 budget.

#### Option 4 – Proceed with the refurbishment and phase costs over two financial years (2013-14 and 2014-15)

If option 4 was to proceed, funding of the project will occur over two financial years (2013-14 and 2014-15) in order to meet the additional project costs. However, if this option is pursued, Council will need to review the scheduled projects within the City's 2014-15 Capital Works Program.

It is suggested all works be undertaken as it provides a strong social return on investment for the current users and the wider community, with additional users likely to be attracted to utilise the hall. Although, due to the estimated cost (\$813,900) of the refurbishment significantly exceeding the budget allocation of \$400,000 for this project, it is recommended that Council gives consideration to the four options presented in this report and decides on how the City will proceed with the refurbishment of Timberlane Park Hall.

*It is therefore recommended that Council:*

- 1 *NOTES that \$400,000 is currently listed in 2013-14 in the City's Five Year Capital Works Program for the Timberlane Park Hall refurbishment;*
- 2 *AGREES to put forward the Timberlane Park Hall refurbishment project as the nominated project to Round 5 of the Regional Development Australia Fund (RDAF);*
- 3 *SUPPORTS any unallocated portion of the Timberlane Park Hall refurbishment project budget to be included in the 2014-15 Capital Works Program.*

## **BACKGROUND**

Timberlane Park Hall is located on Timberlane Drive, Woodvale (Attachment 1 refers) and is situated within Timberlane Park which is classified as a 'Local Park' as part of the City's existing *Parks and Public Open Spaces Classification Framework*. Additionally, twelve outdoor tennis courts are located at the site that are utilised by the Kingsley Tennis Club.

Currently, Timberlane Park Hall consists of a function room (dividable into two spaces), two kitchens, storage area and disabled toilet and the Kingsley Tennis Club has an office/storage area (Attachment 2 refers). In 2007-08, the building's two kitchens were refurbished, along with the disabled toilet; new floor coverings; painting; and a small extension was added to provide additional user group storage. However, as the budget was pre-determined, two main issues with the facility could not be addressed at the time.

The first issue is that there are no changerooms at the facility; therefore a senior sporting club cannot be located at the park. Secondly, the only male and female toilets are the 'park standard' toilets that are only accessible from outside the facility. There is a disabled toilet accessible from inside the facility, however when the facility is used for larger functions, there is a lack of available toilets inside the facility.

In accordance with the City's existing *Parks and Public Open Spaces Classification Framework*, Timberlane Park is classified as a 'Local Park'. The framework states that Local Parks are designed to cater for the needs of the community within the suburb. Seasonal organised sporting activities, both senior/junior are able to be undertaken at these locations as well as other passive recreational activities. Local Parks should contain the following infrastructure:

- single sporting ground
- ability to cater for a single sport (seasonal) at one time
- minor sporting infrastructure (basketball ring, tennis hit-up wall, BMX tracks etc.)
- floodlighting to facilitate sports participation
- changerooms and toilet facilities
- capacity for 50 cars to park within or around the perimeter of the park grounds
- play equipment
- bench seating.

Each year the City undertakes one or two refurbishments (mini-makeovers) of community and sporting facilities. The scope of each project is generally confined to the following aspects:

- painting
- replacing fixtures and fittings
- upgrading external environments i.e. pathways, landscaping, signage
- kitchen facilities
- floor coverings
- toilets and changerooms (including refurbishment or new extensions)
- storage facilities (extensions to the facility)
- heating/cooling system
- window treatments.

Construction of new buildings, major facility extension works and/or re-design works are considered a redevelopment project. These projects are outside the scope of a refurbishment project and are normally addressed as a separate redevelopment project within the Capital Works Program.

At its meeting held on 2 October 2012 the Capital Works Committee recommended that the listed refurbishment projects for 2013-14 (being Sorrento Football Club and Sorrento Tennis Clubrooms) be changed to Timberlane Park Hall and an additional site given the master planning being undertaken for Percy Doyle Reserve. This recommendation was subsequently endorsed by Council at its meeting held on 23 October 2012 (CJ214-10/12 refers), as follows:

- 1 *That Council BY AN ABSOLUTE MAJORITY APPROVES a change to the listed refurbishment projects to be undertaken in 2013/14 for Sorrento Football (Soccer) Clubrooms and Sorrento Tennis Clubrooms to Timberlane Park Clubrooms and one other site to be determined in November 2012.*

As a result an indicative figure of \$400,000 was allocated in the 2013-14 Capital Works Budget toward the Timberlane Park Hall for refurbishment. Notably, this figure was based on potential project costs only as project scoping, concept design and cost estimates had not been undertaken at the time. Typically, refurbishment project planning is undertaken prior to October each year to allow for amendment of budget funds through the Capital Works Budget process. Given the delays for the 2013-14 project (due to endorsing a change in listed projects) this amendment process was unable to occur.

### Stakeholder Consultation

Following the allocation of funds toward Timberlane Park Hall, planning commenced in line with the City's endorsed *Master Planning Process* (Attachment 3 refers). On this basis, stakeholder consultation was undertaken with the following user groups:

- Kingsley Tennis Club.
- Northern Lights Toastmasters.
- Woodvale Family Playgroup.
- Wanneroo Joondalup Teeball Club.

As part of a recent review of City active reserves, Chichester Park, Woodvale was identified as having a very high utilisation rate (81-100% peak usage) in winter which has led to challenges in maintaining a quality surface for organised sport. It is anticipated that the usage load on Chichester Park could be alleviated by spreading training and competitions to Timberlane Park. Therefore, the following stakeholders who utilise Chichester Park were also consulted in relation to the project:

- Woodvale Football (Soccer) Club (173 junior members).
- Kingsley Senior Soccer Club (75 senior members – 5 teams).
- WA Christian Football (Soccer) Association (354 junior members; 113 senior members – 9 teams).

As an outcome of the consultation a scope of works for the project was developed to include the following elements:

- internal toilets/showers
- two changerooms
- additional storage (for relocated sporting clubs)
- closed circuit television (CCTV) equipment room
- external BBQ
- hall divider replacement
- building alarm system.

## **DETAILS**

### Concept Plan

Following stakeholder consultation, a facility floor plan was developed (Attachment 4 refers) to meet the functional needs of the current and potential future community groups of Timberlane Park Hall and Timberlane Park. The facility floor plan includes the following new additional building elements:

- internal accessible toilets/showers
- modification of northern storeroom to include a CCTV Room

- two changerooms
- two store rooms (for relocated sporting clubs)
- umpire changeroom
- universal access 'park' toilet including automated timed door lock system
- reconfiguration of central internal storage areas to allow for new internal access toilets.

#### District Planning Scheme No. 2 - Schedule 5

The majority of native vegetation within Timberlane Park is classified as 'Schedule 5' under *District Planning Scheme No. 2* and as such is afforded a significant level of protection. In order to achieve the additional building elements, the current building footprint needs to be increased and six trees will need to be removed. On this basis, the facility floor plan was developed with consideration to the 'Schedule 5' classification and as the building footprint will expand, none of the six trees proposed to be removed are within the 'Schedule 5' area.

#### Estimated Capital Cost

A capital cost estimate was undertaken based on the facility floor plan (Attachment 5 refers) by a qualified quantity surveyor. The following is a summary of the cost estimate:

<b>Description</b>	<b>Cost (\$)</b>
Preliminaries	73,000
Tennis club toilets/shower extension	118,305
New changeroom extension, umpire room and universal access toilet	411,348
Reconfiguration of internal areas (CCTV room, public toilets and storage)	49,196
Alarm system	5,000
BBQ area	15,000
Bin wash area	6,000
Path to oval	2,078
Design contingency (5%)	34,000
Building contingency (5%)	37,000
Professional Fees	60,000
Council and survey fees	3,000
<b>TOTAL</b>	<b>813,900</b>

#### **Issues and options considered**

Due to the estimated capital cost of the refurbishment exceeding the current allocated budget, Council has four options to proceed. These include:

##### Option 1 - Not proceed with the refurbishment

If this option was pursued it would mean the current facility would continue to function with limited ability to meet the needs of the current and potential future users of the hall.

Option 2 – Proceed with the refurbishment with a reduced scope of works

This option would see the refurbishment proceed, however in order to meet the existing budget, the scope of works would need to be reduced. Possible options to reduce project costs are:

- Removal of changerooms, umpire room and universal access 'park' toilet – estimated cost of \$411,348.
- Removal of internal access toilets/showers – estimated cost of \$118,305.
- Removal of external BBQ – estimated cost of \$15,000.

Removal of the changerooms, umpire room and universal access 'park' toilet will reduce the project costs to \$402,552. However, given the importance of the changerooms, umpire room and universal access 'park' toilet to senior sporting groups proposed to use Timberlane Park; it is suggested that these remain included within the scope of the refurbishment.

Removal of the internal access toilets/showers will reduce the project costs to \$695,595. However, the internal access toilets/showers are considered important to the Kingsley Tennis Club and general hall hirers, therefore it is suggested that these remain included within the scope of the refurbishment.

Option 3 – Proceed with the refurbishment in 2013-14

This option is for the refurbishment to proceed within full scope and within the 2013-14 financial year. The current annual budget for the refurbishment is \$400,000, while the full scope of works is estimated at \$813,900. Therefore, if this option was to proceed, an additional \$413,900 would be required within the 2013-14 budget.

Option 4 – Proceed with the refurbishment and phase costs over two financial years (2013-14 and 2014-15)

If option 4 was to proceed, funding of the project will occur over two financial years (2013-14 and 2014-15) in order to meet the additional project costs. However, if this option is pursued, Council will need to review the scheduled projects within the City's 2014-15 Capital Works Program.

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

**Policy** Not applicable.



### Risk management considerations

If there is a reduction in the overall scope of works, a number of risks have been identified. If the changerooms are not constructed the proposal to enable sporting groups from Chichester Park to spread their usage to Timberlane Park will not be possible. Therefore the challenges in maintaining a quality sporting surface at Chichester Park will continue.

In addition, if the universal access 'park' toilet is not constructed, residents and the community utilising the park informally will not have access to toilet facilities. Furthermore, if the internal access toilet/showers are not constructed the tennis club's needs will not be met and general hire groups using the hall will only have access to external 'park' toilets.

Notably, all capital projects bring risks in relation to contingencies and over runs against original design. The capital cost estimate is based on concept designs and may differ once further detailed designs are undertaken for the project.

### Financial/budget implications

An amount of \$400,000 is currently listed within the City's 2013-14 Capital Works Program for the detailed design and construction of this project. The \$400,000 was an indicative figure based on potential project costs only as project scoping, concept design and cost estimates had not been undertaken at the time. Typically, refurbishment project planning is undertaken prior to October each year to allow for amendment of budget funds through the Capital Works Program process. Given the delays for the 2013-14 project (due to endorsing a change in listed projects) this amendment process was unable to occur.

Based on the capital cost estimate for the project, a further \$413,900 would be required to complete the entire scope of works. However, if cost savings are required the BBQ could be removed from the scope (\$15,000) and could be included in a future capital works budget. On this basis, a further \$398,900 is required to complete the recommended refurbishment works.

A breakdown of the proposed refurbishment project is outlined below as a way of comparison to the size and cost of developing the Seacrest Park Community Sporting Facility and the planned redevelopment of the Hawker Park Community Sporting Facility.

Project	Floor space	Facility cost per square metre	Total project cost (\$)	Comments
Seacrest	616m <sup>2</sup>	\$1,950/m <sup>2</sup>	1,450,000	Total project cost includes new building.
Hawker	443.10m <sup>2</sup>	\$1,772/m <sup>2</sup>	2,740,000	Total project includes building; floodlighting; playground; cricket nets; 3 on 3 basketball; tennis hit up wall; car park resurfacing.
Timberlane	226.40m <sup>2</sup> (extension only)	*\$2,823/m <sup>2</sup>	798,900	Refurbishment includes two new changerooms, umpire room, universal access 'park' toilet, CCTV room, additional storage, alarm system, bin wash down area, and internal toilets and shower extension.

\* Facility extensions in general cost more per square metre (m<sup>2</sup>) than a new building due to retrofitting of existing building elements.

In 2013-14, the estimated net operating cost for Timberlane Park Hall is \$31,636 based on an expected expenditure of \$42,530 and an income of \$10,894.

If the proposed refurbishment works are approved, the net operating cost of the building is estimated at \$37,000 per annum based on an expected expenditure of \$50,000 and an income of \$13,000.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

#### Environmental

All facility refurbishment projects are planned to reduce the impact of the carbon footprint and consider environmental sustainability design features where possible within the project budget. Notably, six trees will need to be removed to cater for the increase in size of the building footprint; however these trees are not within the *District Planning Scheme No. 2* 'Schedule 5' area.

#### Social

The project has included consultation with existing and potential user groups of the hall and oval to ensure that feedback received represents their diverse needs. It is expected that if the majority of refurbishment works occur, the project will lead to higher utilisation rates of the hall and oval. Furthermore, any development at the site will consider access and inclusion principles and will aim to enhance the amenity of the public space.

#### Economic

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

### **Consultation**

As part of the planning phase of the project, consultation was undertaken with existing and potential user groups of the hall and oval. Details of the consultation have been highlighted in the Background section of this report.

### **COMMENT**

Given the importance of the changerooms, umpire room and universal access 'park' toilet to senior sporting groups using Timberlane Park, it is suggested that these facilities remain within the scope of the refurbishment. With the retention of these elements and the high usage of Chichester Park; the relocation of one of the users of Chichester Park is a distinct possibility. Furthermore, internal toilets/showers are considered important to the Kingsley Tennis Club and general hall hirers therefore it is suggested that these also remain included within the scope of the refurbishment.

Overall it is suggested all works be undertaken as it provides a strong social return on investment for the current users and the wider community. Although, due to the estimated cost (\$813,900) of the refurbishment significantly exceeding the budget allocation of \$400,000 for this project, it is recommended that Council gives consideration to the four options presented in this report and decides on how the City will proceed with the refurbishment of Timberlane Park Hall.

## **VOTING REQUIREMENTS**

Simple Majority.

## **COMMITTEE RECOMMENDATION**

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Capital Works Committee at its meeting held on 2 July 2013.

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

*That Council:*

- 1 *NOTES that \$400,000 is currently listed in 2013-14 in the City's Five Year Capital Works Program for the Timberlane Park Hall refurbishment;*
- 2 *GIVES consideration to the preferred option relating to the refurbishment of Timberlane Park Hall, Woodvale.*

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

*That Council:*

- 1 *NOTES that \$400,000 is currently listed in 2013-14 in the City's Five Year Capital Works Program for the Timberlane Park Hall refurbishment;*
- 2 *AGREES to put forward the Timberlane Park Hall refurbishment project as the nominated project to Round 5 of the Regional Development Australia Fund (RDAF);*
- 3 *SUPPORTS any unallocated portion of the Timberlane Park Hall refurbishment project budget to be included in the 2014-15 Capital Works Program.*

**MOVED Cr McLean, SECONDED Cr Hollywood that Council:**

- 1 NOTES that \$400,000 is currently listed in 2013-14 in the City's Five Year Capital Works Program for the Timberlane Park Hall refurbishment;**
- 2 AGREES to put forward the Timberlane Park Hall refurbishment project as the nominated project to Round 5 of the Regional Development Australia Fund (RDAF);**
- 3 SUPPORTS any unallocated portion of the Timberlane Park Hall refurbishment project budget to be included in the 2014-15 Capital Works Program.**

**The Motion was Put and**

**CARRIED (12/0)**

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

*Cr Ritchie entered the Chamber at 8.04pm.*

*Appendix 22 refers*

*To access this attachment on electronic document, click here: [Attach22brf090713.pdf](#)*

**REPORT OF THE CHIEF EXECUTIVE OFFICER****Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Mayor Troy Pickard.</b>
<b>Item No./Subject</b>	CJ144-07/13 – Ocean Reef Marina – Metropolitan Region Scheme Amendment Request.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mayor Pickard is a patron of Whitford Volunteer Sea Rescue Group.

<b>Name/Position</b>	<b>Cr Sam Thomas.</b>
<b>Item No./Subject</b>	CJ144-07/13 – Ocean Reef Marina – Metropolitan Region Scheme Amendment Request.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Thomas is a member of Whitford Volunteer Sea Rescue Group.

**CJ144-07/13 OCEAN REEF MARINA – METROPOLITAN REGION SCHEME AMENDMENT REQUEST**

<b>WARD</b>	North-Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Chief Executive Officer
<b>FILE NUMBER</b>	04171B, 101515
<b>ATTACHMENTS</b>	Attachment 1 Ocean Reef Marina: MRS Amendment Request Attachment 2 MRS Amendment Request Process Attachment 3 Environmental and Planning Approvals Strategy – Timeline  (Please Note: Attachment 1 is only available electronically)
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to consider the Ocean Reef Marina Metropolitan Region Scheme (MRS) Amendment Request report.

## EXECUTIVE SUMMARY

### Glossary of Terms

DER	Department of Environment Regulation.
DoL	Department of Lands.
DoP	Department of Planning.
DPS	<i>District Planning Scheme No. 2.</i>
DSEWPC	Department of Sustainability, Environment, Water, Population and Communities (Cwlth).
EPA	Environmental Protection Authority.
EP Act	<i>Environmental Protection Act 1986.</i>
EPBC	<i>Environmental Protection and Biodiversity Conservation Act 1999 (Cwlth).</i>
MRS	<i>Metropolitan Region Scheme.</i>
MOU	The Ocean Reef Marina Memorandum of Understanding between the City and State Government (formally signed February 2012).
OEPA	Office of the Environmental Protection Authority.
WAPC	Western Australian Planning Commission.

At its meeting held on 11 December 2012 (CJ286-12/12 refers) Council agreed, in part to:

“1 *ENDORSE an integrated Environmental and Planning Approvals Strategy for the Ocean Reef Marina development and the preparation of a request for a major MRS amendment and corresponding Section 48A Environmental Protection Act 1986 assessment.*”

To facilitate the above, extensive consultation and liaison occurred with the following State Government departments and agencies:

- WA Planning Commission (WAPC).
- Department of Environment Regulation (DER – formerly Department of Environment and Conservation).
- Office of the Environmental Protection Authority (OEPA).
- Water Corporation.
- Department of Fisheries (DoF).
- Department of Transport (DoT).
- Department of Lands (DoL – formerly Department of Regional Development and Lands).

Through its role as lead agency for the project, advice from the Department of Planning (DoP) was integral to the preparation of the MRS amendment request report (Attachment 1 refers).

Details of the activities undertaken to support the MRS amendment request and to progress the development of a Local Structure Plan are provided in the report to the Ocean Reef Marina Committee titled *Ocean Reef Marina: Project Status Report*.

The MRS amendment request is for the rezoning and rationalisation of 76.502ha in Ocean Reef from ‘Parks and Recreation, Waterways and Public Purpose’ to ‘Urban, additional Waterways zones and new Parks and Recreation Reserve Lands’. The amendment also includes a proposal to exclude a parcel of water from the Marmion Marine Park.

Based on existing knowledge and experience derived from similar marina-type developments, an MRS amendment program has been prepared (Attachment 2 refers). It should be noted that the timelines and milestones highlighted are dependent on the determinations of both the WAPC and the EPA.

The MRS amendment request report will be submitted to the WAPC for consideration and, if successful, will enable the development of the Ocean Reef Marina.

It is not a legal requirement for the Chief Executive Officer to submit the MRS amendment request to Council for endorsement. However, in view of the complexity and extensive community interest in the project, it is considered appropriate that Council formally endorse the submission of the MRS Amendment to the WAPC.

*It is therefore recommended that Council:*

- 1 *NOTES the Metropolitan Region Scheme amendment request report;*
- 2 *NOTES the Metropolitan Region Scheme amendment process and the Environmental and Planning Approvals Strategy Timeline provided as Attachments 2 and 3 to Report CJ144-07/13;*
- 3 *REQUESTS the Chief Executive Officer to submit the Metropolitan Region Scheme amendment request, provided as Attachment 1 to Report CJ144-07/13 to the Western Australian Planning Commission for consideration.*

## **BACKGROUND**

In August 2011 the City commissioned consultants Taylor Burrell Barnett in collaboration with environmental consultants Strategen to formulate an environmental and planning approvals strategy for the Ocean Reef Marina.

The resultant strategy, formulated with input, advice and opinion from the DEC, DoP and OEPA, recommended that the EPA be approached with a request to provide strategic advice on the development pursuant to Section 16 of the *Environmental Protection Act 1986* (EP Act). It was proposed that this process would enable the City to receive upfront advice on the likely environmental acceptability of the project and the management of the key environmental issues.

At its meeting held on 11 October 2011 (C52-10/11 refers) Council endorsed obtaining strategic advice from the EPA via a Section 16 EP Act submission and noted the actions to be taken to obtain this advice.

Through discussions with the various agencies, it became more apparent that a Section 38 and/or 48A environmental assessment process may be more appropriate because the adjustment to the marine park boundary (if required) to accommodate the development should occur as part of an overall MRS amendment process. This ensures that the merits of the project, adjustments, offsets, sustainability and access issues are considered holistically. Impact upon and adjustment to the marine park should be considered in light of the overall project rather than in isolation as a single issue. As a major amendment to the MRS, the project would go before both Houses of Parliament and the project benefits and disbenefits weighed against each other.

At its meeting held on 11 December 2012 (CJ286-12/12), it was agreed, in part, that:

- “1 Council ENDORSES an integrated Environmental and Planning Approvals Strategy for the Ocean Reef Marina development and the preparation of a required for a Major MRS Amendment and corresponding Section 48A Environmental Protection Act 1986 assessment.”

## DETAILS

The Ocean Reef Marina MRS amendment request report (Attachment 1 refers) constitutes a request to the WAPC for the initiation of an amendment to the MRS boundary to enable the development of the Ocean Reef Marina. The report is supported by Concept Plan 7.2, technical information and detailed studies on the environment, water quality, landscape, traffic and transport.

The purpose of the amendment is to rezone and rationalise 76.502 hectares in Ocean Reef from 'Parks and Recreation, (including some Bush Forever), Waterways and Public Purpose' to 'Urban and additional Waterways zones and new Parks and Recreation Reserved Lands'. The amendment also includes a proposal to exclude a parcel of water from the Marmion Marine Park.

The amendment is consistent with a Memorandum of Understanding (MOU) which the City signed with the State Government which recognises the importance of the Ocean Reef Marina. In accordance with the MOU, the City will prepare a Local Structure Plan, to be adopted under Part 9 of the City's *District Planning Scheme No. 2*. The Local Structure Plan will provide additional detail on the concept plan to guide future development.

The proposed amendment represents a logical advancement in the planning for the land, which responds to the changing context of the site, while at the same time providing for the enhanced protection of sensitive environmental features on and adjacent to the Ocean Reef marina site.

The MRS amendment request report proposes that:

- the land is suitable and capable of being developed for an urban use
- there are no impediments to the development of the land for an urban purpose
- additional community-based parks and recreation would allow greater access and enjoyment of the coast
- the need for boating and marine facilities in the City has been identified over some decades
- the Ocean Reef Marina has been designed to recognise the key environmental and landscape attributes of the location.



The City is requesting that a minor MRS amendment be initiated in accordance with the *Planning and Development Act 2005* (PD Act). While it is procedurally correct for the submission to request a minor MRS Amendment, WAPC will make a determination on how the amendment will be processed (either minor or major) based on the relevant criteria.

It should be noted, that a minor amendment does not signify the project is unimportant or insignificant. Other large capital investment projects have been considered to be minor MRS amendments, for example 70ha of land in Wellard from 'Rural' to 'Urban Deferred' and 80ha of land at Wangara from 'Rural' to 'Industrial'.

The PD Act provides no guidance to the WAPC and the difference between major and minor amendments is essentially a matter of the degree of impact on the region as a whole.

*WAPC Development Control Policy 1.9 Amendment to Region Schemes, March 2010*, sets out criteria the WAPC takes into account including, present use, impact of future use, history of proposal, area of land involved, future needs, number of land owners involved, consistency with strategic planning and complexity of the proposal.

The MRS amendment may trigger an amendment to the current Marmion Marine Park boundary which requires administration through Parliament. It is anticipated that Marmion Marine Park will be reviewed as part of an upcoming State Government review process. Both the Marmion Marine Park boundary change and an MRS amendment could be administered under a parallel arrangement.

The City is requesting that the MRS amendment be facilitated via Section 48A of the EP Act to allow for consideration of social, economic and environmental factors in a holistic planning and environmental assessment, where environmental elements are considered in a regional planning context rather than as isolated issues. This determination will be made by the OEPA.

The request also seeks that the WAPC act in its lead agency role to facilitate a smooth passage through the process and for the amendment to be recommended for assessment under section 48A of the EP Act.

A program has been prepared, based on the MRS amendment and section 48A assessment processes (including timelines and milestones) (Attachments 2 and 3 refer).

The process undertaken to prepare the MRS amendment request, including the consultation with the relevant agencies, is in line with that carried out for similar marina type developments in recent years. Given the complexity and nature of the issues surrounding obtaining approvals for the development, it should be noted that the timelines provided are subject to the vagaries of the process.

### **Issues and options considered**

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

## Legislation / Strategic Community Plan / policy implications

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

Other applicable legislation includes:

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

## Strategic Community Plan

**Key theme** Economic prosperity, vibrancy and growth.

**Objective** Destination City.

**Strategic initiative**

- Facilitate the establishment of major tourism infrastructure.
- Encourage diverse accommodation options.

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

## Risk management considerations

As previously advised environmental assessment of the Ocean Reef Marina, either via Section 48A or Section 38 of the EP Act will be determined by the OEPA. The activities undertaken to date are relevant and appropriate to either process.

Notwithstanding the considerable amount of work undertaken to ensure the relevant approvals are obtained, the conditions of approval may require modifications to the concept plan. The priority actions in engaging with the relevant departments and agencies were to:

- obtain comment on the concept plan and to identify potential issues that would require further investigation or mitigation strategies
- seek in principle support for the approvals strategy proposed by the City
- develop relationships enabling the City to work closely with these departments and agencies in progressing the project through the approvals process and beyond.

## Financial/budget implications

<b>Account no.</b>	C1001
<b>Budget Item</b>	Ocean Reef Marina
<b>Budget amount</b>	\$ 862,045 (2012-13)
<b>Amount spent to date</b>	\$ 376,393
<b>Proposed cost</b>	\$ N/A
<b>Balance</b>	\$ 485,651

All amounts quoted in this report are exclusive of GST.

The 2013-14 budget allocates an amount of \$922,338 (excluding carry forwards from 2012-13) to progress the Ocean Reef Marina development. The budgeted amount includes provision for undertaking detailed studies to support the environmental assessment process and to progress the development of a Structure Plan and Business Case(s) for the development.

### **Regional significance**

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

### **Sustainability implications**

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

### **Consultation**

Extensive consultation was undertaken with State and Commonwealth Government departments and agencies as well as the City's consultants.

### **COMMENT**

The submission of the MRS amendment request represents a major milestone for the Ocean Reef Marina project. Given the recent attention the development has received through the State Government and media, it is considered opportune that the request is submitted to the WAPC.

The MRS amendment request will test the philosophy and intent of the MOU and enable the relevant departments and agencies to take an active role in progressing the project. It will also trigger discussions regarding the ultimate development proponent as well as potential partnership arrangements.

### **VOTING REQUIREMENTS**

Simple Majority.

### **COMMITTEE RECOMMENDATION**

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Ocean Reef Committee at its meeting held on 15 July 2013.

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

**MOVED Cr Taylor, SECONDED Cr Thomas that Council:**

- 1 NOTES the Metropolitan Region Scheme amendment request report;**
- 2 NOTES the Metropolitan Region Scheme amendment process and the Environmental and Planning Approvals Strategy Timeline provided as Attachments 2 and 3 to Report CJ144-07/13;**
- 3 REQUESTS the Chief Executive Officer to submit the Metropolitan Region Scheme amendment request, provided as Attachment 1 to Report CJ144-07/13 to the Western Australian Planning Commission for consideration.**

**C45-07/13 PROCEDURAL MOTION TO DEFER – [02154, 08122]**

**MOVED Cr Corr, SECONDED Cr Ritchie** that consideration of CJ144-07/13 – Ocean Reef Marina – Metropolitan Region Scheme Amendment Request be DEFERRED until the ordinary meeting of Council to be held on Tuesday 20 August 2013.

**The Procedural Motion was Put and**

**LOST (5/8)**

**In favour of the Procedural Motion:** Crs Corr, Hamilton-Prime, Norman, Ritchie and Thomas.

**Against the Procedural Motion:** Mayor Pickard, Crs Amphlett, Chester, Fishwick, Gobbert, Hollywood, McLean and Taylor.

**The Motion as Moved by Cr Taylor, and Seconded by Cr Thomas was Put and**

**CARRIED (11/2)**

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

**Against the Motion:** Crs Corr and Ritchie.

*In accordance with Clause 37(3) of the Standing Orders Local Law 2005 Cr Corr requested that words used by the Mayor be recorded in the minutes. The following has been taken from the audio file of the Council meeting proceedings, with the words considered by the member to be objectionable being:*

*Mayor Pickard: You don't have the floor ... I've got the floor ... I think the community, rightly, should be disturbed by these antics, as I am and I think most of my colleagues are.  
Cr Corr: Mr Mayor, you need to withdraw that statement. That's defamatory.*

*An audio file of the meeting forms an official record of the City of Joondalup.*

*Appendix 23 refers*

*To access this attachment on electronic document, click here: [Attach23min160713.pdf](#)*

**C46-07/13 JOONDALUP PERFORMING ARTS AND CULTURAL FACILITY - ARCHITECTURAL DESIGN COMPETITION – STATUS REPORT**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Chief Executive Officer
<b>FILE NUMBER</b>	75577, 101515
<b>ATTACHMENT</b>	Nil.
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

---

**PURPOSE**

For Council to note the progress of the Joondalup Performing Arts and Cultural Facility (JPACF) architectural design competition and to consider public voting on conceptual design submissions as part of the competition process.

**EXECUTIVE SUMMARY**

The City is currently undertaking a two stage architectural design competition for the development of a conceptual design for the JPACF.

The City received 21 submissions for Stage 1 of the competition (request for Expressions of Interest). These submissions were evaluated and four finalists were chosen to develop a conceptual design for Stage 2 of the competition. The four submissions have now been received by the City and will be assessed by an evaluation panel.

The outcome of the evaluation process will be presented to the JPACF Steering Committee for consideration, followed by a recommendation on the winning design being presented to Council for its decision.

Notwithstanding the determination of the winning design by Council, in order to create additional recognition for the work of the architect's involved in the competition and to generate greater public awareness of the JPACF project, it is proposed that a voting process be undertaken to determine a people's choice conceptual design.

*It is therefore recommended that the Council:*

- 1 *NOTES the Joondalup Performing Arts and Cultural Facility - Architectural Design Competition - Status Report;*
- 2 *ENDORSES the public voting process for the People's Choice Award for the four submitted conceptual designs.*

## BACKGROUND

At its meeting held on 19 March 2013 (CJ04-03/13 refers), it was agreed that Council:

- 1 *APPROVES the “Art Box” as the preferred model for the basis of an architectural design competition for the development of a refined conceptual design for the Joondalup Performing Arts and Cultural Facility;*
- 2 *AUTHORISES the Chief Executive Officer to initiate an architectural design competition for the development of a refined conceptual design for the Joondalup Performing Arts and Cultural Facility;*
- 3 *AUTHORISES the Chief Executive Officer to appoint a selection panel for the purpose of assessing respondents’ submissions to a request for Expressions of Interest for the architectural design competition;*
- 4 *NOTES the proposal of \$10,000 being the amount of an honorarium to be paid to a maximum of four selected respondents’ submissions; and*
- 5 *AUTHORISES the Chief Executive Officer to pursue funding options for external contributions to the capital costs of the Joondalup Performing Arts and Cultural Facility.”*

In accordance with these resolutions and the process described in the report titled *Joondalup Performing Arts and Cultural Facility – Project Progression* (CJ04-03/13 refers), the City commenced a two stage architectural design competition in April 2013.

## DETAILS

### Competition status

The City commenced the architectural conceptual design competition with a request for Expressions of Interest in April 2013 (Stage 1). The City received 21 submissions from local and international architects and subsequently identified the following four suitably experienced and qualified architects to continue through to Stage 2 of the competition (in alphabetical order):

- ARM Architecture
- Cook Robotham Architectural Bureau Pty Ltd & Iredale Pederson Hook Pty Ltd
- Cox Howlett & Bailey Woodland
- Kerry Hill Architects Pty Ltd.

During Stage 2 of the competition the four architects developed their conceptual designs in response to an architectural design brief provided by the City. Developed over a 40 day period, the conceptual designs were received by the City on 10 July 2013.

The submissions are currently being assessed by the Stage 2 evaluation panel consisting of:

- Mr Garry Hunt – Chief Executive Officer, City of Joondalup
- Councillor Kerry Hollywood – Presiding member of the JPACF Steering Committee, City of Joondalup
- Professor Simon Anderson – Dean, Architecture, Landscape and Visual Arts, University of Western Australian
- Mr Thomas de Mallet Burgess – Coordinator Cultural Services, City of Joondalup.

The City has engaged an architectural advisor (Mr Rod Mollett) to assist with the evaluation process by providing the Stage 2 evaluation panel with technical interpretation and other advice as required. However, Mr Mollett is not a voting member of the evaluation panel.

The evaluation panel will consider presentations from the four architects late in July 2013 and will assess the submissions against the criteria provided in the Stage 2 architectural design brief. The outcome of the evaluation process will be presented to the JPACF Steering Committee for consideration followed by a recommendation to Council on the winning design.

### **Public voting**

As detailed in the report titled *Joondalup Performing Arts and Cultural Facility – Project Progression* (CJ04-03/13 refers), there is an opportunity for the community to participate by voting for its favourite design during the Stage 2 evaluation phase. The results of the public voting would identify a 'Peoples' Choice' conceptual design and the winning architect would be presented with a non-monetary award in recognition of the popularity of their design.

As part of their Stage 2 conceptual design submissions, the participating architects provided artistic impressions of their design together with a brief description of the philosophy of the design. The community would be able to view the artistic impressions and design philosophy, together with the name of each architect and vote on their preferred design. It is intended to display the designs on the City's website and in the City's libraries and other selected community facilities. Detailed functional elements and the capital and operational costs of the proposed design will not be released to the community during the voting process.

The primary objectives of the 'Peoples' Choice' award is to create an additional form of recognition for the work of the architects involved in the competition and generate greater awareness of the JPACF project by ratepayers, residents and the general public.

Public voting during the competition process is not intended to substitute a thorough community consultation process which will be undertaken in accordance with the City's public consultation policies and protocols as the project progresses.

### **Issues and options considered**

Not applicable.

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

<b>Legislation</b>	The City is governed by the requirements of the <i>Local Government Act 1995</i> in relation to dealings involving commercial undertakings and land development.
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Community Wellbeing.
<b>Objective</b>	Cultural development.
<b>Strategic initiative</b>	Establish a significant cultural facility with the capacity to attract world-class visual and performing arts events.
<b>Policy</b>	The JPACF will be developed in accordance within the City's policies and procedures.

### **Risk management considerations**

A comprehensive Risk Management Assessment Report outlining the risks apparent to the project will be prepared and updated as the project progresses.

### **Financial/budget implications**

The development of a Performing Arts and Cultural Facility will require a significant financial contribution towards the capital cost and a significant ongoing subsidy for the facility's operations.

<b>Account no.</b>	1-210-C1002
<b>Budget Item</b>	Joondalup Performing Arts and Cultural Facility
<b>Budget amount</b>	\$ 859,528 (2013/14)
<b>Amount spent to date</b>	\$ 0
<b>Balance</b>	\$ 0

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

The construction of the JPACF will enhance the City Centre as the major commercial, educational, recreational and arts and culture centre for the northern corridor of the Perth metropolitan area.

### **Sustainability implications**

Environmental sustainability considerations were included in the concept design brief for the competition. The development parameters for the facility include the achievement of best practice in environmentally sustainable design principles.

Continued engagement of the general community and bodies representing the arts community in the design and development stage of the project will cultivate a sense of ownership over the facility. This sense of ownership will provide the impetus for the ongoing sustainability of the facility by ensuring maximum use by a wide variety of individuals and groups.

The JPACF project includes the undertaking of a Social Impact Assessment of the facility. The results of the Social Impact Assessment will further inform the City of the social and economic implications of the development of the JPACF.

### **Consultation**

Community Consultation will be undertaken in accordance with the City's public consultation policies and protocols as the project progresses.

The architectural design competition process provides the opportunity for ratepayers, residents and the boarder community to participate in the project at this early conceptual stage.

The 'Peoples' Choice' award may not reflect the winning conceptual design as decided by Council however public voting would be an opportunity for the community to have its say on the submissions and will provide for public awareness of the JPACF project.



**COMMENT**

Not applicable.

**VOTING REQUIREMENTS**

Simple Majority.

*Cr Chester left the Chamber at 8.26pm.*

**MOVED Cr Hollywood, SECONDED Cr Amphlett that Council:**

- 1 **NOTES the Joondalup Performing Arts and Cultural Facility - Architectural Design Competition - Status Report;**
- 2 **ENDORSES the public voting process for the People's Choice Award for the four submitted conceptual designs.**

**The Motion was Put and**

**CARRIED (12/0)**

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

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****C47-07/13                    NOTICE OF MOTION – COUNCILLOR BRIAN CORR – AMENDMENT TO TOWN PLANNING DELEGATIONS – [102280, 07032]**

In accordance with Clause 26 of the *Standing Orders Local Law 2005*, Councillor Brian Corr gave notice of his intention to move the following Motion at the Council meeting to be held on 16 July 2013:

***“That Council:***

- 1        *BY AN ABSOLUTE MAJORITY APPROVES a new Part 3 being inserted into the Town Planning Delegations in the City of Joondalup Register of Delegation of Authority, to read as follows:***

***CONDITIONS AND EXCEPTIONS***

***Notwithstanding the delegations to specified officers outlined in Parts 1 and 2 of the aforementioned Town Planning Delegations, any application is to be referred to Council for determination if two or more elected members request such referral by written request to the Director Planning and Community Development (or any person acting in that position) within 3 days of receiving notification about the application.***

- 2        *NOTES that Part 3 of the existing Town Planning Delegations will become Part 4; and Part 4 will become Part 5.”***

**BACKGROUND**

Delegation of authority happens all over the place. In the business world, every job description is a delegation of authority. However, circumstances do arise where the owner of a business says to a manager: "I want to be involved in this decision".

In a similar way, this Council gives a lot of delegation to the CEO and staff, as we should. It's our decision. And, like in the business world, there may be a decision that we want Council to decide, hence this 'Notice of Motion'.

Delegation is not abdication. Council shares accountability. Also, Council shares responsibility for the success of the delegation process.

**Officer's Comment**

Some local planning schemes contain very different provisions relating to the delegation of development control powers and functions to that contained in the *City of Joondalup's District Planning Scheme No. 2 (DPS2)*.

As a result, some other local governments' planning delegations are general, delegating the power to determine ALL development applications to specified officers, but are subject to conditions to allow Council to exercise the power given to it under the scheme provision.

In contrast to these local governments, the City of Joondalup's planning delegations are very specific and prescribe the exact functions and powers to be performed by specified officers. This ensures that both Elected Members and staff know exactly who will be dealing with a certain type of application and are confident in the decisions they can expect to make.

Creating the ability for an Elected Member to "call in" an application for consideration by the Council through such an amendment to the Town Planning Delegations, will result in administrative challenges, procedural inefficiencies and delays in the timing of planning decisions.

Elected Members will not know which applications to request to be referred to Council if they do not have the detail about the applications.

If it is the intention for Council to have the capacity to review all planning applications, then it would be necessary for the administration to provide all Elected Members with details of every application lodged with the City, over 1,500 per annum.

If the City wants to avoid coming up against the 'deemed refusal' statutory time limits, referral of all applications to Elected Member would need to occur at the outset of the process when applications are first received. This is problematic as the City would need to develop new administrative processes with respect to the registering and distribution of applications. It would also not assist the Council in determining what the 'problem' applications are as this cannot always be determined until the applications have been assessed by an Urban Planner and referred to neighbours.

An alternative approach would be to provide Elected Members with details of applications once they have been assessed and referred to neighbours. This would require the preparation and circulation of a weekly memorandum, detailing the applications that have been assessed, the areas of discretion sought and any concerns raised by the community.

This is a time consuming, additional administrative process that is utilised by certain other (smaller) local governments who deal with significantly fewer development applications than the City of Joondalup does. Elected Members would then need to review the memorandum and, if there is an application of concern, then at least two Elected Members would need to request in writing, within a certain time period, that the application be considered by Council.

This process will almost certainly result in the City exceeding its statutory timeframes on all applications and open the City up to a multitude of appeals through the State Administrative Tribunal.

Elected Members could choose to only 'call in' an application which appears on the list of Major Planning Applications which is published in the *Desk of the CEO*. This would have lesser impact, by reducing the administrative burden and some of the uncertainty around how an application is ultimately determined. However, this process would not necessarily capture all 'problem' applications. Many of the applications that potentially cause concern with neighbours are not major applications at all. They are more often than not the simple applications that would not appear on the weekly list.

Around 98.5% of all development applications received by the City are determined under delegation. All determinations made under delegated authority undergo significant amounts of scrutiny, and are checked, at minimum, by at least one officer other than the assessing officer. Where an objection has been received, or the departure from the applicable standards is such that the application must be determined by the Manager Planning Services or Director Planning and Community Development, these applications are checked by three officers other than the assessing officer.

Some decisions made under delegated authority result in applicant or neighbour dissatisfaction, which is unavoidable and which would likely occur irrespective whether the decision was made by a delegated officer or by the Council on the recommendation of that officer.

It is important to note that it only infrequently occurs that the Council reverses an officer's recommendation in a report to Council. Requests are made for extra information or additional / amended recommendations or conditions of approval; but it is seldom that Council totally disagrees with a recommendation made by the officers. This in itself should speak to the fact that the officers most often do get it right, and highlights how little benefit there would be to create a new, inefficient system to allow Elected Members to "call in" applications.

*Cr Chester entered the Chamber at 8.28pm.*

**MOVED Cr Corr, SECONDED Cr Norman that Council:**

- 1 BY AN ABSOLUTE MAJORITY APPROVES a new Part 3 being inserted into the Town Planning Delegations in the City of Joondalup Register of Delegation of Authority, to read as follows:

**CONDITIONS AND EXCEPTIONS**

Notwithstanding the delegations to specified officers outlined in Parts 1 and 2 of the aforementioned Town Planning Delegations, any application is to be referred to Council for determination if two or more elected members request such referral by written request to the Director Planning and Community Development (or any person acting in that position) within 3 days of receiving notification about the application.

- 2 NOTES that Part 3 of the existing Town Planning Delegations will become Part 4; and Part 4 will become Part 5."

**The Motion was Put and**

**LOST (4/9)**

**In favour of the Motion:** Crs Chester, Corr, Norman and Ritchie,

**Against the Motion:** Mayor Pickard, Crs Amphlett, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Taylor and Thomas.

## **ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

Nil.

## **CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 8.40pm the following Elected Members being present at that time:

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