

# minutes

MEETING HELD ON **TUESDAY 24 SEPTEMBER 2013**

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## CITY OF JOONDALUP

**COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP ON TUESDAY 24 SEPTEMBER 2013.**

### DECLARATION OF OPENING

The Mayor declared the meeting open at 7.04pm.

### ANNOUNCEMENT OF VISITORS

#### Mayor:

TROY PICKARD

#### Councillors:

|                             |                    |
|-----------------------------|--------------------|
| CR KERRY HOLLYWOOD          | North Ward         |
| CR TOM McLEAN, JP           | North Ward         |
| CR PHILIPPA TAYLOR          | North-Central Ward |
| CR SAM THOMAS               | North-Central Ward |
| CR LIAM GOBBERT             | Central Ward       |
| CR GEOFF AMPHLETT, JP       | Central Ward       |
| CR CHRISTINE HAMILTON-PRIME | South-West Ward    |
| CR JOHN CHESTER             | South-East Ward    |
| CR RUSS FISHWICK, JP        | South Ward         |
| CR TERESA RITCHIE, JP       | South Ward         |

#### Officers:

|                   |  |   |
|-------------------|--|---|
| MR GARRY HUNT     | Chief Executive Officer                        | <i>Absent from 7.43pm to 7.48pm</i>                               |
| MR MIKE TIDY      | Director Corporate Services                    |   |
| MR JAMIE PARRY    | Director Governance and Strategy               |   |
| MS DALE PAGE      | Director Planning and Community<br>Development | <i>Absent from 7.43pm to 7.48pm</i>                               |
| MR NICO CLAASSEN  | Director Infrastructure Services               | <i>Absent from 7.43pm to 7.48pm</i>                               |
| MR BRAD SILLENCE  | Manager Governance                             | <i>Absent from 7.36pm to 7.37pm<br/>and from 7.39pm to 7.40pm</i> |
| MR DANIEL DAVINI  | Media Advisor                                  | <i>Absent from 7.43pm to 7.48pm</i>                               |
| MR JOHN BYRNE     | Governance Coordinator                         | <i>Absent from 7.43pm to 7.48pm</i>                               |
| MRS LESLEY TAYLOR | Governance Officer                             | <i>Absent from 7.43pm to 7.48pm</i>                               |
| MRS ROSE GARLICK  | Governance Officer                             | <i>Absent from 7.43pm to 7.48pm</i>                               |

There were 30 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 20 August 2013:**

**Mrs D Mason, Currambine:**

*Re: CJ147-08/13 - Proposed Telecommunication Facility at Lot 83 (109) Winton Road, Joondalup.*

*Q1 In relation to the application for the Telstra tower on Winton Road Joondalup, the agenda stated it consulted 508 property owners, 380 of which were residential houses. Could the City confirm which streets were notified, as many residents I have spoken to who live within 400 metres of the proposed tower have stated that they did not receive notification and are now willing to sign a petition against the tower?*

*A1 The proposal was advertised to all owners and occupiers of properties with a boundary within 400 metres of the proposed telecommunication facility. This includes the Lake Joondalup Baptist College, a number of properties in the northern part of the Winton Road area and properties in a portion of the residential streets of Congressional Crescent, Indooroopilly Place, Cypress Point Retreat, Medinah Mews, Cherry Hills Crescent, Portmarnock Circuit and Southern Terrace in Connolly. It also includes residential properties in a portion of Christchurch Terrace in Currambine.*

**Mrs O Davies, Currambine:**

*Re: CJ147-08/13 - Proposed Telecommunication Facility at Lot 83 (109) Winton Road, Joondalup.*

*Q1 With regards to my previous question, the occupants of 83 Winton Road were not consulted. Can you answer why they were not consulted, given the proposed development is only 150 metres from their premises?*

*A1 The City's records indicate that there is no property identified as 83 Winton Road, Joondalup. However, consultation did include letters to the land owners and occupiers of No. 81, 87, 89 and 93 Winton Road, Joondalup.*

**The following questions were submitted prior to the Council meeting on 24 September 2013:**

**Mr D Blackburn, Kingsley:**

*Q1 What was the cost to the City of Joondalup for the 2013 International BiodiverCities Conference held 9-11 September 2013?*

*A1 The question will be taken on notice.*

*Q2 Will the proceedings of the BiodiverCities conference be made available to the public?*

*A2 Conference presentations will be made available on the City's website.*

*Q3 Does the City's Geographic Information System register street trees and/or trees and other vegetation of natural areas?*

A3 No.

Q4 *When was the development application to build the Corinthian Court Villas on Lot 501 (3A) Moolanda Boulevard, Kingsley approved?*

A4 A development approval was issued in December 2000 for the construction of 38 aged or dependent persons dwellings on the subject site. A nursing home and other rental units were already existing on the site.

Q5 *What are the herbicides, trade name/purpose, currently approved for use in the City of Joondalup?*

A5 The question will be taken on notice.

**The following questions were submitted verbally at the Council meeting:**

**Mr R Repke, Kallaroo:**

*Re: Performing Arts and Cultural Facility Centre.*

Q1 *Given that the state government has budget issues and its credit rating has recently been down-graded, what strategies does the City have to finance the cultural centre?*

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

Q2 *In the event that the state government does not provide funding, does the Council intend to sell more bushland to finance the cultural centre, or will this project be shelved?*

A2 Mayor Pickard advised that the City of Joondalup had not sold any bushland or local park land and it was incorrect to suggest that this was the case. The City has in place a series of strategies to effectively manage its finances while meeting the aspirations of its community for a performing arts and cultural facility. The City has developed a range of funding initiatives that will provide a significant reserve to fund the facility and are developing appropriate strategies to seek alternative funding sources from both state and federal governments, as well as philanthropic avenues.

**PUBLIC STATEMENT TIME**

Nil.

**APOLOGIES AND LEAVE OF ABSENCE****Apology**

Cr Mike Norman

**Leave of Absence previously approved**

Cr Brian Corr            8 September to 27 September 2013 inclusive.

**C59-09/13            REQUEST FOR LEAVE OF ABSENCE – CR SAM THOMAS - [102280]**

Cr Sam Thomas requested Leave of Absence from Council duties covering the period 5 to 9 October 2013 inclusive.

**MOVED Cr Amphlett, SECONDED Cr Gobbert that Council APPROVES the request from Cr Sam Thomas for Leave of Absence from Council duties covering the period 5 to 9 October 2013 inclusive.**

**The Motion was Put and**

**CARRIED (11/0)**

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

**CONFIRMATION OF MINUTES****C60-09/13            MINUTES OF COUNCIL MEETING HELD 20 AUGUST 2013**

**MOVED Cr Hamilton-Prime, SECONDED Cr McLean that the Minutes of the Council Meeting held on 20 August 2013 be CONFIRMED as a true and correct record.**

**The Motion was Put and**

**CARRIED (11/0)**

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



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

### City shines at BiodiverCities Conference

Mayor Pickard stated the City's reputation as a world leader in environmental management was enhanced after it successfully hosted the 2013 International BiodiverCities Conference at Joondalup Resort earlier this month.

Mayor Pickard commented this important conference, held in partnership with the ICLEI Local Governments for Sustainability and the Western Australian Local Government Association, attracted some of the world's leading environmental experts to Western Australia.

Mayor Pickard added that former Australian of the Year Professor Tim Flannery opened the conference with an engaging presentation, while international keynote speakers came from as far and wide as India, South Africa, New Zealand and Sweden to address the issue of Biodiversity in a Changing Climate.

Mayor Pickard stated that conference delegates and guests were taken on a guided night stalk and Nyungar bushtucker tour at Neil Hawkins Park and received first-hand experience of many of the City's wonderful natural areas including the Hepburn Heights Conservation Area.

Mayor Pickard commented international and interstate visitors were suitably impressed by Joondalup's natural bushland and lake areas and green open spaces.

Mayor Pickard believed that as Joondalup continued to grow and develop into a bold, creative and prosperous City on the global stage, it is fitting that the City is acknowledged internationally for its focus and work on protecting its local environment and providing healthy and sustainable lifestyle opportunities for the community.

Mayor Pickard indicated it was up to all residents to protect this way of life for future generations.

### Community Invitation Art Award

Mayor Pickard advised the 2013 Community Invitation Art Award Exhibition will be held at Lakeside Joondalup Shopping City from Sunday 27 October to Friday 15 November 2013.

Mayor Pickard commented this prestigious award recognises the artistic, creative and innovative skills of professional artists that reside in the City or who are members of the Joondalup Community Art Association

Mayor Pickard stated the 2013 Community Invitation Art Award would showcase a series of work from eight selected artists – David Attwood, Thea Constantino, Mike Gray, Clare McFarlane, Mark Parfitt, Judy Rogers, Helen Smith and Roderick Sprigg.

Mayor Pickard believed this exhibition would further enhance the City's reputation as a local government that is dedicated to encouraging and fostering culture and the arts for the benefit of its local community.

Mayor Pickard encouraged members of the community to visit Lakeside Joondalup and inspect the artwork on display.

Mayor Pickard added that visitors can also nominate their favourite artwork for the People's Choice Award.

#### West Perth wins WAFL Premiership

Mayor Pickard advised that the West Perth Football Club won the WAFL premiership.

Mayor Pickard commented that the City was a major sponsor of the West Perth Football Club and it was a great delight to see first hand the Falcons win the 2013 West Australian Football League premiership after defeating East Perth by 49 points in last Sunday's Grand Final.

Mayor Pickard added the Falcons have called the northern suburbs their home since relocating to Arena Joondalup 19 years ago.

Mayor Pickard commented that 2013 has already been a big year for the club with the City committing funding for extensive upgrades at Arena Joondalup, which will allow the club to build long-awaited clubrooms.

Mayor Pickard believed the Falcons played a significant role in developing junior football talent in the community through their family events and school football days.

On behalf of the City of Joondalup, Mayor Pickard congratulated President Brett Raponi, CEO David Crute and the hard-working staff and players.

Mayor Pickard indicated the City would be hosting a civic reception to celebrate this wonderful achievement.

#### Wanneroo Wolves Basketball Club

Mayor Pickard advised the City will shortly be hosting a civic reception to recognise the Wanneroo Wolves, whose female team won the state title a month ago.

Mayor Pickard added that the City of Joondalup currently holds the state senior championship for football, basketball and cricket and felt there would not be many other cities in Western Australia to hold three state crowns simultaneously.

Mayor Pickard reiterated the City was definitely on a high at the moment in the sporting arena, which was wonderful.

## 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>Mr Garry Hunt – Chief Executive Officer.</b>   |
| <b>Item No./Subject</b>   | CJ188-09/13 – Confidential – Chief Executive Officer Concluded Annual Performance Review. |
| <b>Nature of interest</b> | Financial.  |
| <b>Extent of Interest</b> | Mr Hunt holds the position of CEO.  |

|                           |  |
|---------------------------|--|
| <b>Name/Position</b>      | <b>Mr Garry Hunt – Chief Executive Officer.</b>                              |
| <b>Item No./Subject</b>   | CJ189-09/13 – Confidential – Annual Salary Review – Chief Executive Officer. |
| <b>Nature of interest</b> | Financial.   |
| <b>Extent of Interest</b> | Mr Hunt holds the position of CEO.   |

### 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 Teresa Ritchie, JP.</b>   |
| <b>Item No./Subject</b>   | CJ167-09/13 – Change of use from restaurant to cinema complex at Lot 904 (639) Beach Road, Warwick. |
| <b>Nature of interest</b> | Interest that may affect impartiality.  |
| <b>Extent of Interest</b> | The Property Manager and owners of DOME within the building are personally known to Cr Ritchie.     |

|                           |   |
|---------------------------|---|
| <b>Name/Position</b>      | <b>Mayor Troy Pickard.</b>  |
| <b>Item No./Subject</b>   | CJ169-09/13 – Proposed Addition to Kingsley Village Shopping Centre at Lot 4 (100) Kingsley Drive, Kingsley.  |
| <b>Nature of interest</b> | Interest that may affect impartiality.  |
| <b>Extent of Interest</b> | An adjoining land owner to the subject lot made a donation to Mayor Pickard's 2009 Mayoral campaign as previously declared in accordance with <i>Election Regulations</i> . |

|                           |   |
|---------------------------|---|
| <b>Name/Position</b>      | <b>Cr Kerry Hollywood.</b>  |
| <b>Item No./Subject</b>   | CJ175-09/13 – Bramston Park, Burns Beach – Proposed Development.                                    |
| <b>Nature of interest</b> | Interest that may affect impartiality.  |
| <b>Extent of Interest</b> | Cr Hollywood is a paid up member of the Burns Beach Residents and Community Recreation Association. |

|                           |   |
|---------------------------|---|
| <b>Name/Position</b>      | <b>Mr Mike Tidy – Director Corporate Services.</b>  |
| <b>Item No./Subject</b>   | CJ188-09/13 – Confidential – Chief Executive Officer Concluded Annual Performance Review. |
| <b>Nature of interest</b> | Interest that may affect impartiality.  |
| <b>Extent of Interest</b> | Due to the nature of his employment relationship with the CEO.                            |

|                           |  |
|---------------------------|--|
| <b>Name/Position</b>      | <b>Mr Mike Tidy – Director Corporate Services.</b>                           |
| <b>Item No./Subject</b>   | CJ189-09/13 – Confidential – Annual Salary Review – Chief Executive Officer. |
| <b>Nature of interest</b> | Interest that may affect impartiality.                                       |
| <b>Extent of Interest</b> | Due to the nature of his employment relationship with the CEO.               |

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

|             |   |
|-------------|---|
| CJ188-09/13 | Confidential – Chief Executive Officer Concluded Annual Performance Review. |
| CJ189-09/13 | Confidential – Annual Salary Review - Chief Executive Officer.              |

#### **PETITIONS**

|           |  |
|-----------|--|
| C61-09/13 | <u>PETITION REQUESTING THE INSTALLATION OF A ROUNDABOUT AT HEPBURN AVENUE AND LILBURNE ROAD, DUNCRAIG - [02883, 14276, 13276, 05386]</u> |
|-----------|--|

Cr Fishwick tabled a 595 signature petition on behalf of residents of the City of Joondalup requesting that Council install a roundabout at Hepburn Avenue and Lilburne Road, Duncraig to facilitate safer traffic flow.

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

- Petition in relation to the proposal to install a roundabout at Hepburn Avenue and Lilburne Road, Duncraig to facilitate safer traffic flow.**

**The Motion was Put and**

**CARRIED (11/0)**

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

**REPORTS****CJ166-09/13 DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS - JULY 2013**

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | All   |
| <b>RESPONSIBLE DIRECTOR</b>   | Ms Dale Page<br>Planning and Community Development  |
| <b>FILE NUMBER</b>            | 07032, 101515   |
| <b>ATTACHMENTS</b>            | Attachment 1 Monthly Development Applications Determined – July 2013<br>Attachment 2 Monthly Subdivision Applications Processed – July 2013<br>Attachment 3 Monthly Building R–Code Applications Decision – July 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 July 2013 (Attachments 1, 2 and 3 refers):

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

**BACKGROUND**

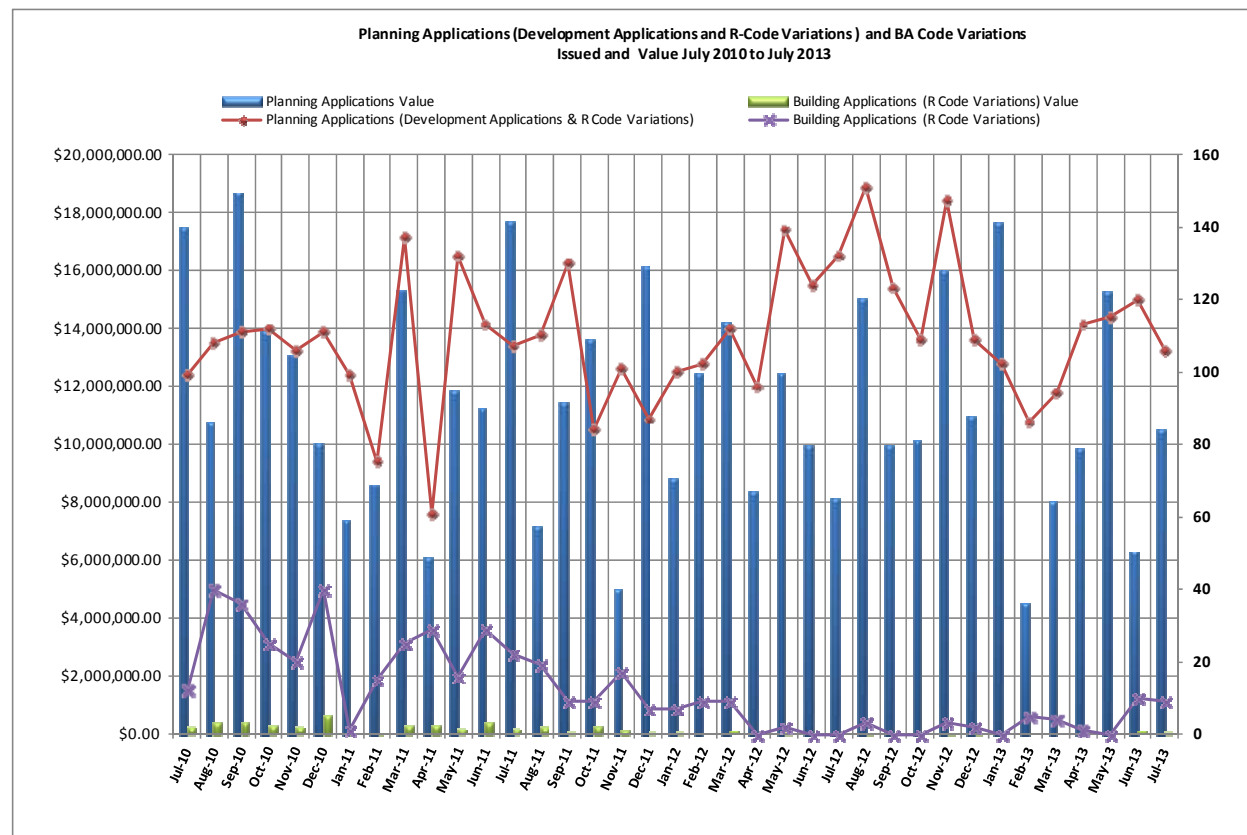
DPS2 requires that delegations be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 25 June 2013 (CJ094-06/13 refers), Council considered and adopted the most recent Town Planning Delegations via its review of the Register of Delegation of Authority.

**DETAILS**

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

| Applications determined under delegated authority – July 2013             |            |                      |
|---|------------|----------------------|
| Type of Application   | Number     | Value (\$)           |
| Planning applications (development applications and R-Codes applications) | 106        | \$ 10,503,379        |
| Building applications (R-Codes applications)                              | 9          | \$88,287             |
| <b>TOTAL</b>  | <b>115</b> | <b>\$ 10,591,666</b> |

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



The number of development applications received during July was 152. (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 July was 274. Of these, 61 were pending additional information from applicants, and 78 were being advertised for public comment.

In addition to the above, 329 building permits were issued during the month of July with an estimated construction value of \$19,777,869.

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

| <b>Subdivision referrals processed under delegated authority for July 2013</b> |               |                                      |
|--|---------------|--------------------------------------|
| <b>Type of referral</b>  | <b>Number</b> | <b>Potential additional new lots</b> |
| Subdivision applications   | 1             | 1                                    |
| 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 July with a total amount of \$41,304 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 106 development applications determined during July 2013 consultation was undertaken for 49 of those applications. R-Codes applications for assessment against applicable Performance Criteria (now referred to as Design Principles), which are made as part of building applications, are required to include comments from adjoining landowners. Where these comments are not provided, the application will remain the subject of an R-codes application, but dealt with by Planning Approvals. The three subdivision applications processed during July 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 Chester, SECONDED Cr Hamilton-Prime 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 CJ166-09/13 during July 2013;**
- 2 subdivision applications described in Attachment 2 to Report CJ166-09/13 during July 2013;**
- 3 Building Residential Design Code applications described in Attachment 3 to Report CJ166-09/13 during July 2013.**

**The Motion was Put and**

**CARRIED (11/0)**

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

*Appendix 1 refers*

To access this attachment on electronic document, click here: [Attach1brf170913.pdf](#)

**Disclosure of interest affecting impartiality.**

|                           |   |
|---------------------------|---|
| <b>Name/Position</b>      | <b>Cr Teresa Ritchie, JP.</b>   |
| <b>Item No./Subject</b>   | CJ167-09/13 – Change of use from restaurant to cinema complex at Lot 904 (639) Beach Road, Warwick. |
| <b>Nature of interest</b> | Interest that may affect impartiality.  |
| <b>Extent of Interest</b> | The Property Manager and owners of DOME within the building are personally known to Cr Ritchie.     |

## **CJ167-09/13 CHANGE OF USE FROM RESTAURANT TO CINEMA COMPLEX AT LOT 904 (639) BEACH ROAD, WARWICK**

|                               |  |
|-------------------------------|--|
| <b>WARD</b>                   | South  |
| <b>RESPONSIBLE DIRECTOR</b>   | Ms Dale Page<br>Planning and Community Development   |
| <b>FILE NUMBER</b>            | 09653, 101515  |
| <b>ATTACHMENT</b>             | Attachment 1      Location plan<br>Attachment 2      Development plan  |
| <b>AUTHORITY / DISCRETION</b> | Administrative – Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the right of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal. |

**PURPOSE**

For Council to determine an application for a change of use from 'Restaurant' to 'Cinema Complex' at Lot 904 (639) Beach Road, Warwick.

**EXECUTIVE SUMMARY**

An application for planning approval has been received for a change of use from 'Restaurant' to 'Cinema Complex' and modification of two existing cinemas to gold class cinemas at Lot 904 (639) Beach Road, Warwick.

The proposal involves the conversion of an existing restaurant tenancy located adjacent to the main entrance of the cinema to a gold class cinema lounge and bar.

The subject site is located on the corner of Beach Road and Dorchester Avenue, adjoining the Warwick Shopping Centre to the east and is commonly known as the Warwick Entertainment Centre (Attachment 1 refers). The subject site accommodates a number of existing land uses in addition to the cinema complex, including restaurants and offices.

The land use 'Cinema Complex', which is a discretionary ("D") use within the 'Commercial' zone, does not have a car parking standard outlined within *District Planning Scheme No. 2* (DPS2). Council is therefore required to determine an appropriate car parking standard for the land use. It is recommended a car parking standard of one bay per four seats be applied on the basis that this is consistent with the parking standard proposed for the land use 'Cinema/Theatre' under the proposed Omnibus Amendment No. 65 to DPS2 (CJ088-06/13 refers). It is noted that the land uses 'Cinema' and 'Cinema Complex' are proposed to be deleted under Amendment No. 65 and will be replaced with the land use 'Cinema/Theatre'.

The gold class lounge will consist of an additional 44 seats, and should Council consider the standard of one bay per four seats appropriate, the change of use will generate the need for 11 car bays. Taking into account the car parking required for the previous land use, an additional four car bays will be required, however a surplus of three bays will remain across the site.

The proposed land use is considered appropriate on the basis that it will form part of the existing cinema complex, and there will remain adequate car parking on the site. It is therefore recommended that the application be approved subject to conditions.

## BACKGROUND

|                        |  |
|------------------------|--|
| <b>Suburb/Location</b> | Lot 904 (639) Beach Road, Warwick.           |
| <b>Applicant</b>       | Grand Theatre Company Pty Ltd.               |
| <b>Owner</b>           | Burhan Suwandi and Landriwati Wirya.         |
| <b>Zoning</b>          | <b>DPS2</b> Commercial.<br><b>MRS</b> Urban. |
| <b>Site area</b>       | 14,150m <sup>2</sup>                         |
| <b>Structure plan</b>  | Not applicable.                              |

The subject site is located on the corner of Beach Road and Dorchester Avenue, adjoining the Warwick Shopping Centre to the east, and is known as the Warwick Entertainment Centre (Attachment 1 refers).

Development approval was granted in 1992 for an entertainment complex including hotel/tavern, food hall, restaurants, eight cinemas, entertainment/business uses and offices. A parking ratio of 6.4 car bays per 100m<sup>2</sup> of gross leasable area was considered appropriate for the development approved as part of that application. A total of 390 car bays were required, with 391 car bays provided on-site.

Since the original approval of the entertainment complex, a number of change of use applications have been approved. The land uses approved were 'Recreation Centre', 'Shop' and 'Take Away Food Outlet'. As a result of these applications, the car parking requirement for the site has reduced from 390 bays to 384 bays.

A reciprocal access and parking arrangement exists between the subject site and the adjoining shopping centre site. This agreement is not considered to be impacted by the proposed development.

Amendment No. 65

Amendment No. 65 proposes to make changes to DPS2. These changes are intended to improve the operation of DPS2 by correcting minor deficiencies and anomalies and to introduce provisions which would provide clarity and certainty for applicants and decision makers. Of relevance to this development, the land uses 'Cinema' and 'Cinema Complex' are proposed to be deleted, and replaced with the land use 'Cinema/Theatre', with a car parking standard of one car bay per four seats applying to the land use. This car parking standard was considered appropriate based on car parking standards for other land uses in DPS2 that generate a similar car parking demand, such as 'Place of Assembly' and 'Place of Worship'. As the amendment has been adopted by Council and forwarded to the Western Australian Planning Commission, it is considered a 'seriously entertained proposal' and has been given regard to in the assessment of this application.

**DETAILS**

The applicant seeks approval for a change of use of an existing tenancy from 'Restaurant' to 'Cinema Complex', with the proposed land use being a discretionary ("D") use in the 'Commercial' zone. The area, which is located adjacent to the main entrance of the existing cinema, will be used as a gold class cinema lounge and bar. This facility will only be used by customers with a valid gold class ticket. In addition, two of the existing cinemas will be modified to gold class cinemas however as these are internal changes only and consistent with the approval granted in 1992, these modifications do not require further planning approval.

The land use 'Cinema Complex' does not have a specific parking standard set out in Table 2 of DPS2, and as such Council is required to determine an appropriate parking standard. It is recommended that Council consider a parking standard of one bay per four seats which is consistent with the standard proposed under Amendment No. 65. The table below sets out the car parking requirement for the site based on this parking standard.

|   | Car parking required under DPS2.                         |
|---|--|
| Existing development (excluding the area the subject of this application) | 376.32<br>(note: existing restaurant required 7.68 bays) |
| Proposed development  | 1 bay per 4 seats<br>(44 seats)<br>= 11 bays             |
| <b>Total car parking required</b>   | <b>388 (387.32)</b>                                      |
| <b>Total car parking provided</b>   | <b>391</b>   |

Based on the above calculations the proposed change of use of will result in a car parking surplus of three bays for the site.

**Issues and options considered**

Council must determine an appropriate car parking standard for the land use 'Cinema Complex' as Table 2 of DPS2 does not specify a parking standard for this land use. While a standard of one bay per four seats is recommended, Council may determine another parking standard to be appropriate in this instance.

Council has discretion to:

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

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

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

### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

**Strategic initiative** Building and landscape is suitable for the immediate environment and reflect community values.

**Policy** *Notification of Approved Commercial Development Policy.*

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

Clause 3.7 of DPS2 set out the general objectives for development within the 'Commercial Zone'.

#### *3.7 The Commercial Zone*

*3.7.1 The Commercial Zone is intended to accommodate existing or proposed Shopping and business centres where it is impractical to provide an Agreed Structure Plan in accordance with Part 9 of the Scheme.*

*The objectives of the Commercial Zone are to:*

- (a) make provision for existing or proposed retail and commercial areas that are not covered by an Agreed Structure Plan;*
- (b) provide for a wide range of uses within existing commercial areas, including retailing, entertainment, professional offices, business services and residential.*

Clause 4.8 of DPS2 sets out the requirements for the provision of car parking.

#### *4.8 Car Parking Standards*

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

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

Clause 6.8 sets out the matters to be considered by Council when determining an application for planning approval.

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

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

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

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

- (a) the nature of the proposed use and its relationship to the use of other land within the locality;*
- (b) the size, shape and character of the parcel of land to which the application relates and the nature and siting of any proposed building;*
- (c) the nature of the roads giving access to the subject land;*

- (d) *the parking facilities available or proposed and the likely requirements for parking, arising from the proposed development;*
- (e) *any relevant submissions or objections received by the Council;*
- (f) *such other matters as the Council considers relevant, whether of the same nature as the foregoing or otherwise.*

#### Notification of Approved Commercial Development Policy

In accordance with this policy, the City is required to advise residential properties directly abutting, or within 30 metres of approved development for applications where consultation has not otherwise been undertaken.

As no consultation has been undertaken, should the application be supported the City will advise four land owners opposite the development site on Dorchester Avenue who are within 30 metres of the development site.

#### **Risk management considerations**

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

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

The applicant has paid fees of \$295 (excluding GST) for the assessment of the application.

#### **Regional significance**

Not applicable.

#### **Sustainability implications**

There are not considered to be any sustainability implications as a result of the proposed change of use.

#### **Consultation**

The application was not advertised as there is considered to be no adverse impact on the locality as a result of the proposed change of use.

As outlined above, in accordance with the *Notification of Approved Commercial Development Policy*, four residential properties on Dorchester Avenue which are within 30 metres of the development site will be advised of the development, if the proposal is supported.

#### **COMMENT**

The application is for a change of use from 'Restaurant' to 'Cinema Complex'. Under DPS2 'Cinema Complex' is a discretionary ("D") use within the 'Commercial' zone. As the proposed development forms part of the existing cinema complex operating from the site, the land use is considered compatible with the existing land uses, and therefore appropriate.

It is recommended that Council consider that a car parking standard of one bay per four seats is appropriate in this instance, which is consistent with the standard proposed under Amendment No. 65. Should Council consider this standard appropriate, there will be a surplus of three car bays for the site.

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

## **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Fishwick, SECONDED Cr Ritchie that Council:**

- 1 DETERMINES in accordance with clause 4.8.2 the *City of Joondalup District Planning Scheme No. 2*, that the car parking standard for the use 'Cinema Complex' shall be one car bay per four seats in this instance;**
- 2 The land use 'Cinema Complex' under clause 6.6.2 of the *City of Joondalup District Planning Scheme No. 2* is appropriate in this instance;**
- 3 APPROVES the application for planning approval dated 10 July 2013 submitted by Grand Theatre Company Pty Ltd, on behalf of the owners, Burhan Suwandi & Landriwati Wirya, for a change of use from 'Restaurant' to 'Cinema Complex' at Lot 904 (639) Beach Road, Warwick, subject to the following condition:**
  - 3.1 This decision constitutes planning approval only and is valid for a period of two years from the date of the decision letter. If the subject development is not substantially commenced with a two year period, the approval shall lapse and be of no further effect.**

**The Motion was Put and**

**CARRIED (11/0)**

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

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf170913.pdf](#)



**CJ168-09/13      PROPOSED RETAINING WALL AT LOT 21 (12)  
WINTON ROAD, JOONDALUP**

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | North   |
| <b>RESPONSIBLE DIRECTOR</b>   | Ms Dale Page<br>Planning and Community Development  |
| <b>FILE NUMBER</b>            | 62520, 101515   |
| <b>ATTACHMENT</b>             | Attachment 1      Location plan<br>Attachment 2      Development plan<br>Attachment 3      Site photos  |
| <b>AUTHORITY / DISCRETION</b> | Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal. |

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**PURPOSE**

For Council to determine an application for a proposed retaining wall at Lot 21 (12) Winton Road, Joondalup.

**EXECUTIVE SUMMARY**

An application for planning approval has been received for a proposed retaining wall on Lot 21 (12) Winton Road, Joondalup.

The one metre high retaining wall is proposed to replace a failing brick retaining wall, which starts at the front property boundary and runs parallel to the side (northern) boundary of the property for 27.5 metres. The subject site is zoned 'Service Industrial' under the *City of Joondalup District Planning Scheme No. 2 (DPS2)*. Under DPS2 retaining walls are considered buildings and therefore are subject to the same building setback requirements. Within the 'Service Industrial' zone buildings are required to be set back six metres from a street boundary, however the applicant seeks approval for a building (retaining wall) with a nil setback to the street boundary to support an existing level difference between the adjoining property. As the setback exceeds the DPS2 requirement by more than 1.5 metres, the application is required to be determined by Council.

The retaining wall is considered to be of a minor nature and will not have a detrimental impact on the locality. It is therefore recommended that the application be approved subject to conditions.

## BACKGROUND

|                        |   |
|------------------------|---|
| <b>Suburb/Location</b> | Lot 21 (12) Winton Road, Joondalup.         |
| <b>Applicant</b>       | Ace Limestone Retaining Walls.              |
| <b>Owner</b>           | Church of the Foursquare Gospel.            |
| <b>Zoning</b>          | <b>DPS2</b> Service Industrial.             |
|                        | <b>MRS</b> Urban.                           |
| <b>Site area</b>       | 3,107m <sup>2</sup>                         |
| <b>Structure plan</b>  | Draft Joondalup City Centre Structure Plan. |

Lot 21 (12) Winton Road, Joondalup, is located in the southern half of the Winton Road Business Park (Attachment 1 refers). The original approval for the site was in 1982 for a 'Milk Depot'. An application for a change of use to 'Place of Worship' was approved in 2010 and is the current use of the site. A number of applications have also been approved for ancillary structures, including a patio and an outbuilding.

In 2008 a building licence was issued for the existing brick retaining wall which is to be replaced by the proposed development. The existing retaining wall was installed by the adjoining land owners (Lot 20), despite it being located on Lot 21. Both land owners have given their consent to the development by signing the application form.

## DETAILS

The proposal is for a one metre high retaining wall along the northern boundary of Lot 21, to support the adjoining level on Lot 20. The retaining wall will replace an existing retaining wall in the same location, which is now failing. The retaining wall runs along the northern boundary of Lot 21 for 27.5 metres.

The development plan is provided as Attachment 2 and site photos showing the existing retaining wall are provided as Attachment 3.

The development meets the requirements of DPS2 and draft JCCSP with the exception of the setback of nil to the street boundary, which is required to be six metres under DPS2.

## Issues and options considered

Council has the discretion to:

- approve the application without conditions
- approve the application with conditions  
or
- refuse the application.

## Legislation / Strategic Community Plan / policy implications

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

### 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.

City of Joondalup District Planning Scheme No. 2

Clause 4.5 of allows standards or requirements to be varied by Council:

*4.5 Variations to site and development standards and requirements*

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

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

*(a) Consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1;*

*(b) Have regard to any expressed views prior to making its decision to grant the variation.*

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

*(a) Approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8;*

*(b) The non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

Clause 6.8 sets out the matters to be considered by Council when determining an application for planning approval

*6.8 Matters to be considered by Council*

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

*(a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*

*(b) any relevant submissions by the applicant;*

*(c) any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*

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

#### **Risk management considerations**

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

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

The applicant has paid fees of \$147 (excluding GST) for the assessment of the application.

#### **Regional significance**

Not applicable.

#### **Sustainability implications**

The proposal is minor in nature, consisting of a retaining wall along the boundary of two commercial properties. As such there are not considered to be any sustainability implications.

#### **Consultation**

The application was not advertised as the proposed development will not have an adverse impact on surrounding properties. The adjoining property owner to the north (Lot 20) has provided consent to the development.

## COMMENT

The proposed retaining wall is required to replace an existing one metre high retaining wall which is failing. The retaining wall is a minor structure, will not pose excessive building bulk or have any detrimental impact on the street or locality in general.

The application is therefore recommended for approval subject to conditions.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Fishwick, SECONDED Cr McLean that Council:**

- 1 **EXERCISES** discretion under clause 4.5.1 of the *City of Joondalup District Planning Scheme No. 2* and determines that building (retaining wall) setback from the street boundary of nil in lieu of six metres is appropriate in this instance;
- 2 **APPROVES** the application for planning approval dated 25 July 2013, submitted by ACE Limestone Retaining Walls on behalf of the owners, Church of the Foursquare Gospel in Australia, for a retaining wall addition at Lot 21 (12) Winton Road, Joondalup, subject to the following conditions:
  - 2.1 This decision constitutes planning approval only and is valid for two years from the date of this decision letter. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect;
  - 2.2 Retaining walls shall be of a clean finish and made good to the satisfaction of the City;
  - 2.3 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
  - 2.4 All development shall be contained within the property boundary.

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution after consideration of CJ183-09/13, page 130 refers.**

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

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf170913.pdf](#)

**Disclosure of interest affecting impartiality.**

|                           |   |
|---------------------------|---|
| <b>Name/Position</b>      | <b>Mayor Troy Pickard.</b>  |
| <b>Item No./Subject</b>   | CJ169-09/13 – Proposed Addition to Kingsley Village Shopping Centre at Lot 4 (100) Kingsley Drive, Kingsley.  |
| <b>Nature of interest</b> | Interest that may affect impartiality.  |
| <b>Extent of Interest</b> | An adjoining land owner to the subject lot made a donation to Mayor Pickard's 2009 Mayoral campaign as previously declared in accordance with <i>Election Regulations</i> . |

## CJ169-09/13      PROPOSED ADDITION TO KINGSLEY VILLAGE SHOPPING CENTRE AT LOT 4 (100) KINGSLEY DRIVE, KINGSLEY

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | South-East  |
| <b>RESPONSIBLE DIRECTOR</b>   | Ms Dale Page<br>Planning and Community Development  |
| <b>FILE NUMBER</b>            | 00862, 101515   |
| <b>ATTACHMENTS</b>            | Attachment 1      Location and reciprocal parking and access plan<br>Attachment 2      Development plan<br>Attachment 3      Extent of consultation   |
| <b>AUTHORITY / DISCRETION</b> | Administrative – Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the right people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal. |

**PURPOSE**

For Council to determine an application for a proposed 80m<sup>2</sup> addition to the Kingsley Village Shopping Centre, Lot 4 (100) Kingsley Drive, Kingsley.

**EXECUTIVE SUMMARY**

An application for planning approval has been received for an addition to an existing supermarket at the Kingsley Village Shopping Centre. The proposed addition comprises an extension to the existing stock room of 80m<sup>2</sup> net lettable area (NLA).

A similar proposal for a stock room of 70m<sup>2</sup> was approved by Council at its meeting held on 21 February 2012 (CJ002-02/12 refers). The applicant now seeks approval to increase the size of the stock room to 80m<sup>2</sup>.

The proposed development is to be located along the northern boundary of the lot and will adjoin the western facade of the existing supermarket. The application site is bounded by Kingsley Tavern and Kingsley Professional Centre to the north, by Creaney Drive Medical Centre to the east and by Kingsley Commercial Centre to the east and south. Kingsley Drive adjoins the lot to the west (Attachment 1 refers).

The site is zoned 'Commercial' under the *City's District Planning Scheme No. 2 (DPS2)*. The existing supermarket and proposed addition are consistent with the use class 'Shop' which is a permitted ("P") use in the 'Commercial' zone.

The application has been assessed against the requirements of DPS2 and the proposal generally complies with the exception of a nil setback to the northern boundary and a reduced supply of car parking. As the setback to the northern boundary is less than the setback required under DPS2 by more than 1.5 metres, and the car parking shortfall exceeds 10%, the application is required to be determined by Council.

The proposal was advertised for a period of 21 days via a letter to 11 nearby landowners. No submissions were received.

It is considered that the proposed development with a nil setback to the northern boundary will not detract from the amenity of the adjoining property and that the car parking provided on site will be sufficient to service the existing land uses together with the proposed addition.

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

## BACKGROUND

|                        |  |
|------------------------|--|
| <b>Suburb/Location</b> | Lot 4 (100) Kingsley Drive, Kingsley.              |
| <b>Applicant</b>       | Hodge Collard Preston Architects.                  |
| <b>Owner</b>           | Mr Peter Edward Grant and Nicolette Therese Grant. |
| <b>Zoning</b>          | <b>DPS:</b> Commercial.<br><b>MRS:</b> Urban.      |
| <b>Site area</b>       | 8,174m <sup>2</sup>                                |
| <b>Structure plan</b>  | Not applicable.                                    |

The site is bound to the north by Kingsley Tavern and Kingsley Professional Centre, to the east by Creaney Drive Medical Centre and to the east and south by Kingsley Commercial Centre. Kingsley Drive adjoins the lot to the west (Attachment 1 refers).

A legal agreement pertaining to reciprocal access and parking is in effect over Lot 970 (Service Station), Lot 972 (Tavern) and Lot 4 (subject site), which are accessed from Kingsley Drive and Lot 971 (City owned land), which is accessed from Creaney Drive. At its meeting held on 29 May 1985, Council granted approval for a commercial development on Lot 3 (Commercial Centre) Creaney Drive subject to a legal agreement being established to ensure reciprocal right of access and parking between Lot 3 (Commercial Centre) and Lot 4 (subject site). The lots that are bound by the legal agreements pertaining to parking and access are depicted in Attachment 1.

Council at its meeting held on 21 February 2012 (CJ002-02/12 refers), approved an application for a 70m<sup>2</sup> NLA extension to the existing storage area associated with the supermarket. This development has not commenced, and approval is now being sought for an additional 10m<sup>2</sup> NLA.

Amendment No. 65

Scheme Amendment No. 65 proposes to make changes to DPS2. These changes are intended to improve the operation of DPS2 by correcting minor deficiencies and anomalies and introduce provisions which would provide clarity and certainty for applicants and decision makers. In relation to this development, it is noted that the car parking standard for 'Shop' is proposed to be modified from seven bays per 100m<sup>2</sup> NLA to five bays per 100m<sup>2</sup> NLA. As the amendment has been adopted by Council (CJ088-06/13 refers) and forwarded to the Western Australian Planning Commission, it has been considered as a 'seriously entertained proposal' in the assessment of this application.

**DETAILS**

The proposed development is an 80m<sup>2</sup> NLA extension to the existing storage area of the supermarket. The addition is to be located in the existing service yard for the Kingsley Village Shopping Centre. The development plan is provided as Attachment 2.

The proposal complies with DPS2 with the exception of building setback and car parking requirements which are discussed further below.

Building setback

DPS2 requires the addition to be set back three metres from the northern boundary, however a nil setback is proposed. It is noted that the shopping centre currently has a nil setback to this boundary with a wall length of 42 metres. The proposed addition will result in a 5.5 metre extension to the boundary wall, which will bring the total wall length to 47.5 metres.

Car parking

Car parking for the site is required to be provided in accordance with Table 2 of DPS2. The table below summarises the car parking requirement for the subject site. It is noted that the 157 on-site car bays indicated in the table is more than the 149 amount indicated as being on-site in the report to Council on 21 February 2012. This is the result of site inspections and further information from the applicant.

|  | Car parking required under DPS2                                       | Car parking required under Amendment No. 65                            |
|--|---|--|
| Existing car parking requirement           | 7 bays per 100m <sup>2</sup> NLA<br>(3,257m <sup>2</sup> )<br>= 227.9 | 5 bays per 100m <sup>2</sup> NLA<br>(3,257m <sup>2</sup> )<br>= 162.85 |
| Car parking required for proposed addition | 7 bays per 100m <sup>2</sup> NLA<br>(80m <sup>2</sup> )<br>= 5.6 (6)  | 5 bays per 100m <sup>2</sup> NLA<br>(80m <sup>2</sup> )<br>= 4         |
| <b>Total car parking required</b>          | <b>234 (233.5)</b>  | <b>167 (166.85)</b>  |
| <b>Total car parking provided</b>          | <b>157</b>  | <b>157</b>   |

As a result of the development the current car parking shortfall of 71 bays will increase to 77 bays (or 32.9%) on the subject site in accordance with DPS2. However, should the standard that is proposed under Amendment No. 65 be applied, the shortfall would decrease to 10 bays (5.9%).



## Issues and options considered

Council is required to determine if the proposed setback and shortfall in parking are appropriate, having consideration to the matters listed under Clause 6.8.1 of DPS2.

Council has the discretion to:

- approve the application without conditions
- approve the application with conditions  
or
- refuse the application.

## Legislation / Strategic Community Plan / policy implications

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

### 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.

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

#### 4.5 *Variations to Site and Development Standards and Requirements*

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

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

(c) *consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1; and*

(d) *have regard to any expressed views prior to making its decision to grant the variation.*

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

(c) *approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*

- (d) *the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

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

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

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

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

#### **Risk management considerations**

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

**Financial/budget implications**

The applicant has paid fees of \$139 (excluding GST) for the assessment of the application.

**Regional significance**

Not applicable.

**Sustainability implications**

There are not considered to be any sustainability implications associated with this development.

**Consultation**

The proposal was advertised via a letter to 11 nearby landowners for a period of 21 days from 17 June 2013 to 8 July 2013. No submissions were received.

The proposal was advertised to all owners of the tenancies within the subject site due to the potential impact the addition may have in the communal service area for the shopping centre. The proposal was also advertised to the tavern site owner due to the nil setback to the common boundary (Attachment 3 refers).

**COMMENT**

The application is for an extension to the west of the existing supermarket to enlarge the existing storage space. The supermarket is located at the north of the shopping centre site.

The requirements of DPS2 have been met except where discussed below.

**Building setback**

The proposed addition has a nil setback to the northern boundary, however DPS2 requires a three metre setback. It is noted that the shopping centre was previously approved with a nil setback from the northern boundary, over a length of 42 metres. The application proposes a matching (that is height and materials) 5.5 metre extension of the wall with a nil setback, which will bring the total wall length to 47.5 metres. The addition will adjoin the car parking area of the adjacent tavern site. The adjacent car spaces are approximately 0.5 metres lower than the finished floor level of the addition. As viewed from the tavern site, the new wall will be approximately 5.3 metres high. It is considered that the proposed addition will not significantly restrict surveillance towards the tavern site as the addition is located in the existing delivery yard, which is predominantly used during business hours.

Due to the location of the proposed development, the addition will be set back approximately 53 metres from the Kingsley Drive frontage, which is well in excess of the minimum nine metre setback required under DPS2. It is therefore considered that the addition with a nil setback to the northern boundary will not be detrimental to the amenity of the streetscape nor will it have any adverse impact on the adjoining tavern site.

**Car parking**

The proposed addition will technically require the provision of six additional car bays under DPS2. No additional car parking is to be provided, however, it is considered that the addition, being a storage area, will not generate additional customers due to the nature of

the extension. Therefore the proposed storage addition will not result in an increase in parking demand.

The City is not aware of there being a history of car parking problems on the site, nor has the City received any complaints regarding a lack of car parking. Site visits have indicated that there is generally an availability of parking at the shopping centre and surrounding sites.

Considering the car parking requirement against the 'Shop' standard proposed under Amendment No. 65, it is noted that a shortfall of ten bays (5.9%) would result. However, as noted above, the addition is not intended to create additional floor area that would generate additional demand for services at the site. As such, a shortfall of 77 car bays is considered to remain appropriate.

On the basis of the above, it is considered that the car parking on site is sufficient to serve the proposed addition.

#### Service vehicle manoeuvring

The proposed addition is to be located in the existing delivery yard for the centre. A report from a Traffic Engineer supplied by the applicant has confirmed that the addition will not adversely affect the ability of delivery vehicles to manoeuvre in and out of the delivery yard.

#### Conclusion

As discussed above it is considered that the car parking provided is sufficient to accommodate the proposed development and that the nil setback of the wall will not detract from the amenity of the adjoining site.

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

### **VOTING REQUIREMENTS**

Simple Majority.

#### **MOVED Cr Chester, SECONDED Cr Hamilton-Prime that Council:**

- 1 EXERCISES discretion under clause 4.5.1 of the *City of Joondalup District Planning Scheme No. 2* and determines that:**
  - 1.1 The building with a nil setback to the northern boundary;**
  - 1.2 Car parking provision of 157 bays in lieu of 234 bays,**

**are appropriate in this instance;**
- 2 APPROVES the application for planning approval dated 14 June 2013, submitted by Hodge Collard Preston Architects, on behalf of the owners, Mr Peter Edward Grant & Nicolette Therese Grant, for the proposed addition at Lot 4 (100) Kingsley Drive, Kingsley, subject to the following conditions:**
  - 2.1 This decision constitutes planning approval only and is valid for a period of two years from the date of the decision letter. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect;**

- 2.2 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
- 2.3 The colours, materials and design of the addition shall match the existing shopping centre to the satisfaction of the City;
- 2.4 All development shall be contained within the property boundary;
- 2.5 The boundary wall shall be of a clean finish and made good to the satisfaction of the City.

**The Motion was Put and**

**CARRIED (11/0)**

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

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf170913.pdf](#)

**CJ170-09/13 EXECUTION OF DOCUMENTS**

|                               |  |
|-------------------------------|--|
| <b>WARD</b>                   | All  |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Jamie Parry<br>Governance and Strategy  |
| <b>FILE NUMBER</b>            | 15876, 101515  |
| <b>ATTACHMENT</b>             | Attachment 1 Documents executed by affixing the Common Seal for the period 13 August 2013 to 21 August 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 13 August 2013 to 21 August 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 13 August 2013 to 21 August 2013, executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ170-09/13.*

**BACKGROUND**

During the period 13 August 2013 to 21 August 2013, four documents were executed by affixing the Common Seal. A summary is provided below:

| Type                     | Number |
|--------------------------|--------|
| Section 70A Notification | 2      |
| Power of Attorney        | 1      |
| Deed                     | 1      |

**Issues and options considered**

Not applicable.

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

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

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

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

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Fishwick, SECONDED Cr McLean that Council NOTES the Schedule of Documents covering the period 13 August 2013 to 21 August 2013, executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ170-09/13.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution after consideration of CJ183-09/13, page 130 refers.**

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

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf170913.pdf](#)*



**CJ171-09/13 MINUTES OF EXTERNAL COMMITTEES**

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | All   |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Jamie Parry<br>Governance and Strategy   |
| <b>FILE NUMBER</b>            | 48543, 41196  |
| <b>ATTACHMENTS</b>            | Attachment 1 Minutes of the WALGA Annual General Meeting held 7 August 2013<br>Attachment 2 Minutes of the Local Emergency Management Committee meeting held 8 August 2013<br>Attachment 3 Minutes of the Tamala Park Regional Council meeting held 22 August 2013<br><br><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').  |

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**PURPOSE**

For Council to note the minutes of the various meetings of the WALGA Annual General Meeting, Local Emergency Management Committee and Tamala Park Regional Council.

**EXECUTIVE SUMMARY**

The following minutes are provided:

- Minutes of the WALGA Annual General Meeting held on 7 August 2013.
- Minutes of the Local Emergency Management Committee meeting held on 8 August 2013.
- Minutes of the Tamala Park Regional Council meeting held on 22 August 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.

**WALGA Annual General Meeting – 7 August 2013**

The Annual General Meeting of WALGA was held on 7 August 2013.

Cr Geoff Amphlett and Cr Mike Norman were the City's voting delegates and Cr Russ Fishwick and the City's Chief Executive Officer were the City's 'Proxy' voting delegates at the 2013 Annual General Meeting of WALGA.

For the information of Council, the following matters of interest to the City of Joondalup were resolved at the WALGA Annual General Meeting:

5.1B Matter of Special Urgent Business: Local Government Metropolitan Reform

*That WALGA condemns the removal of the “poll provisions” from Schedule 2.1 of the Local Government Act 1995 and the forced amalgamations of Local Government Councils.*

5.1 Association Constitution – Impacts of Amalgamations (01-001-01-0001TB)

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.”*

Council at its meeting held on 16 July 2013 resolved to support the amendments (CJ126-07/13 refers).

5.2 Proposed Amendments to the Western Australian Local Government Association Constitution – State Council Commencement Date (01-001-01-0001TB)

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.

Council at its meeting held on 16 July 2013 resolved to support the amendments (CJ126-07/13 refers).

5.3 Election of Shire President or Mayor (05-034-01-0001 TB)

*That the Western Australian Local Government Association lobby the State Government not to amend the Local Government Act 1995 with regard to election of Shire Presidents or Mayors.*

5.4 Proposed Local Government Act Amendment – Exemption from Liability (05-034-01-0001 MB/JMc)

*That WALGA prepare a position paper to support the lobbying of the Minister of Local Government to amend the Local Government Act (1995) to allow Local Governments an exemption from liability on flood liable land, land subject to bushfire and land in coastal zones where that Council has acted in good faith in relation to its decision on the land in question.*

5.5 Impacts of Climate Change (05-028-03-0015 MB)

*That WALGA seek a more committed and coordinated approach through the Western Australian State Government, Western Australian Local Government Association and Western Australian Local Governments in addressing the impacts of Climate Change on coastal infrastructure management, development control, land use planning and other potentially affected functions and activities.*

5.6 Proposed Local Government Amendment – Council Controlled Organisations (05-034-01-0015 TB)

*That the proposed amendments to the Local Government Act 1995 in relation to Council Controlled Organisations prepared by WALGA in October 2011 be endorsed and resubmitted to the State for consideration.*

5.7 Effects of Structural Reform On WALGA (05-034-01-0015 TB)

*That State Council advise the membership of WALGA if and how State Council has considered the possible impacts on the organisation as a result of the amalgamation of Local Governments on the ability of WALGA to maintain the purchasing, lobbying power and what are currently well resourced services supplied at better than competitive rates to the membership if new larger Local Governments prefer to manage their affairs in-house separate from WALGA.*

5.9 Political Advertising (06-024-01-0001 JMc)

*That WALGA prepares a position paper to lobby the relevant State Government ministers to ensure that all Local Governments have certainty with respect to their local laws and local planning requirements in relation to political signage and the protection of the amenity of local areas, without unduly restricting the principle of freedom of political expression.*

5.10 Rate Exemption (05-034-01-0007 JMc)

*That the Western Australian Local Government Association continues to lobby the State and Federal governments for:*

- 1 The rate exemption status for Not for Profit organisations to be removed; and*
- 2 If the rate exemption status is not removed that all Local Governments be compensated for loss of revenue associated with the area of land used for independent living units on estates operated by registered charities and religious bodies, and that the compensation be an annual direct payment to the Local Governments on the production of an invoice to the State Revenue Department and Federal Treasury.*

**Local Emergency Management Committee - 8 August 2013**

An ordinary meeting of the Local Emergency Management Committee was held on 8 August 2013.

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

For the information of Council, the following matter of interest to the City of Joondalup was resolved at the Local Emergency Management Committee (LEMC) meeting:

### General Business

- *Cr Newton made mention of the Local Government elections which are scheduled to take place on 19 October 2013 and that she would not be presiding the next LEMC meeting. As per the Terms of Reference, the position of chair is for a two year period and is aligned with Local Government elections. Therefore, commencing November 2013, the chair will transfer over to the City of Joondalup for the next two year period.*

### **Tamala Park Regional Council – 22 August 2013**

An ordinary meeting of the Tamala Park Regional Council was held on 22 August 2013.

Cr Geoff Amphlett and Cr Tom McLean are Council's representatives on the Tamala Park Regional Council (TPRC).

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

#### 9.6 Review of Purchaser Terms and Conditions

- 1 *APPROVE the following sales terms/conditions and incentives for all public release lots:*
  - a. *Use of the 2011 REIWA Offer and Acceptance Contract with Special Conditions and Annexures.*
  - b. *A \$5,000 deposit to be used in the Sales Contracts.*
  - c. *A 28 day finance approval period.*
  - d. *A 21 day settlement period from finance approval or the issue of titles, whichever is the later.*
  - e. *Waterwise front landscaping packages.*
  - f. *A \$2,000 rebate for all homes constructed with a minimum 1.5kV capacity photovoltaic solar power system.*
  - g. *Side and rear boundary fencing (behind the building line).*
  - h. *A non-potable water supply to all front loaded lots within Stages 4, 5 & 7 of Catalina.*
  - i. *Sales incentives (items 1e, 1f, 1g and 1h) being subject to homes being constructed in accordance with the approved Catalina Design Guidelines within 18 months of settlement for single storey homes and 24 months of settlement for two storey homes.*
- 2 *RESOLVE not to proceed with the Shared Bore Trial for front loaded lots within Stages 8 and 9 and not to extend to the trial to future stages until a review of the Shared Bore Trial has been completed.*
- 3 *APPROVE the following sales terms/conditions and incentives for all builders allocation lots after Stage 8:*
  - a. *Use of the 2011 REIWA Offer and Acceptance Contract with Special Conditions and Annexures.*
  - b. *A \$5,000 deposit to be used in the Sales Contracts.*
  - c. *A 28 day finance approval period.*
  - d. *A 21 day settlement period from finance approval or the issue of titles, whichever is the later.*

- e. *Provision of a \$2,000 rebate for all homes constructed with a minimum 1.5kV capacity photovoltaic solar power system.*
  - f. *Provision of a \$2,000 cash rebate to builders that provide side and rear boundary fencing and front landscaping with house and land packages.*
  - g. *Sales incentives (items 3e and 3f) being subject to homes being constructed in accordance with the approved Catalina Design Guidelines within 18 months of settlement for single storey homes and 24 months of settlement for two storey homes.*
- 4 *REQUEST the SPG to review the sales terms/conditions and incentives for public release and builder allocation lots in 12 months and provide a report to Council.*

#### 9.7 TPRC Draft Budget for the Financial Year 2013/2014

- 1 *ADOPT the Budget for the Tamala Park Regional Council for the year ending 30 June 2014, incorporating:*
- a. *Statement of Comprehensive Income, indicating an operating deficit of \$518,884.*
  - b. *Statement of Financial Activity, showing cash at end of year position of \$15,639,627.*
  - c. *Rate Setting Statement, indicating no rates levied.*
  - d. *Notes 1 to 27 forming part of the Budget.*
- 2 *ADOPT the Significant Accounting Policies as detailed in pages 14 -20.*
- 3 *ADOPT a percentage of 10% or \$5,000 whichever is the greater for the purposes of the reporting of material variances by Nature and Type monthly for the 2012/13 financial year, in accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996.*
- 4 *Authorise the CEO to arrange a finance facility for the purpose of ensuring that the TPRC has sufficient cash holdings to fund the proposed subdivision works for subsequent presentation to Council.*

#### 9.9 Elected Member Allowances

- 1 *An Annual Allowance for the Chairman of the Council to be \$19,000 per annum.*
- 2 *An Annual Attendance fee for the Chairman of the Council to be \$15,000 per annum.*
- 3 *An Annual Allowance for Deputy Chairman be 25% of the amount paid to the Chairman per annum.*
- 4 *An Attendance fee for Council members be an amount of \$10,000 per annum.*
- 5 *Council members do not claim separate telecommunications, IT allowances or travelling allowance to meetings.*
- 6 *A per meeting fee of \$140 for alternate Council members.*

- 7 *Fees to be reviewed following the next ordinary Council elections (next scheduled for October 2013) for the intent that the Council in place sets the fees that will apply in its tenure of office and is responsible for the budget allocations that will be needed to facilitate the payments.*
- 8 *Elected member allowances are to be made quarterly in arrears.*

#### 9.10 Sponsored Charity Home Proposal

- 1 *NOT PROCEED with tender number 03\_2012 dated 30 June 2012 Charity Home proposal.*
- 2 *APPROVE Lot 192 Elsbury Approach for sale by public release, based on the public release sales process contained within the Lot Sale and Release Strategy, February 2013.*
- 3 *APPROVE the disposal of Lot 192 Elsbury Approach by Private Treaty in accordance with Section 3.58(3) and (4) of the Local Government Act 1995.*
- 4 *RECOMMEND that the SPG investigate alternative locations and parameters for a charity home in the future consistent with the Council's Charity Home Sponsorship Policy (May 2012) .*

#### **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 Chester, SECONDED Cr Hollywood that Council NOTES the minutes of the:**

- 1 WALGA Annual General Meeting held on 7 August 2013 forming Attachment 1 to Report CJ171-09/13;**
- 2 Local Emergency Management Committee meeting held on 8 August 2013 forming Attachment 2 to Report CJ171-09/13;**
- 3 Tamala Park Regional Council meeting held on 22 August 2013 forming Attachment 3 to Report CJ171-09/13.**

**The Motion was Put and**

**CARRIED (11/0)**

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

*To access this attachment on electronic document, click here: [Externalminutes170913.pdf](#)*



## **CJ172-09/13 WESTERN AUSTRALIAN LOCAL GOVERNMENT DECLARATION ON CLIMATE CHANGE**

|                               |  |
|-------------------------------|--|
| <b>WARD</b>                   | All  |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Jamie Parry<br>Governance and Strategy  |
| <b>FILE NUMBER</b>            | 59091, 101515  |
| <b>ATTACHMENT</b>             | Attachment 1      The Western Australian Local Government Declaration on Climate Change                                  |
| <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 approve the City becoming a signatory to the Western Australian Local Government's Declaration on Climate Change.

### **EXECUTIVE SUMMARY**

The Western Australian Local Government Declaration on Climate Change is a voluntary declaration open to all Western Australian local governments and is designed to strengthen the local government sector's advocacy position by articulating a shared policy position on climate change. The declaration has been prepared by the Western Australian Local Government Association (WALGA).

The declaration provides a platform to assert and promote the local government sector's commitment to and leadership in addressing climate change. The declaration is consistent with the intent of WALGA's Climate Change Policy Statement, and has been endorsed by the WALGA State Council.

The City of Joondalup has for the past decade made significant achievements in reducing its greenhouse gas emissions. This has included monitoring and reporting greenhouse gas emissions, setting targets for greenhouse gas reduction and implementing strategic plans for action including the *Greenhouse Action Plan 2003* and *Greenhouse Action Plan 2007 - 2010*.

The City is now in the process of setting a new direction for the City's mitigation activities as well as establishing an approach for the City to adapt to the impacts of climate change. This is being achieved through the development of a new Climate Change Strategy for the City which will address both mitigation and adaptation.

By becoming a signatory to the Declaration on Climate Change the City will continue to publicly demonstrate its strong commitment to climate change management and maintain a leadership role in the region.

*It is therefore recommended that Council APPROVES the City becoming a signatory to the Western Australian Local Government Declaration on Climate Change developed by the Western Australia Local Government Association shown as Attachment 1 to Report CJ172-09/13.*

## **BACKGROUND**

The declaration is consistent with the intent of WALGA's Climate Change Policy Statement, and was endorsed at the August 2011 meeting of the WALGA State Council. The declaration is voluntary and the wording can be amended to make it more locally relevant and to ensure consistency with the City's strategic documents.

The declaration is an opportunity for local governments to demonstrate their commitment to locally appropriate climate change management and to participate in a sector wide leadership approach. Currently 25 Western Australian local governments and two regional councils are signatories.

WALGA has encouraged all local governments to become signatories to the declaration, which will also support the association's policy and advocacy work on climate change, including the development of a funded sector-wide program to assist local governments to respond to climate change risks and impacts

## **DETAILS**

The declaration does not specify actions that the City should take to respond to climate change at a local level. However the City will do this through the development and implementation of its new Climate Change Strategy.

The proposed City of Joondalup Climate Change Strategy 2013-2018 (still in development) will provide guidance to the City's climate change activities over the next five years. The strategy has a dual purpose as follows:

- Mitigation – to continue to reduce greenhouse gas emissions to minimise the severity of climate change.
- Adaptation – to ensure the City is prepared and able to adapt to current and future impacts of climate change.

The City's new Climate Change Strategy will build upon the City's existing climate change management activities. Key activities for the City in recent years have included:

- increasing the use of renewable energy by installing solar photovoltaic cells on ten of its community facilities
- purchasing 75% GreenPower from Synergy for Craigie Leisure Centre, the City's Administration building, and Joondalup Library and Civic Centre
- monitoring and reporting greenhouse emissions through participation in the Planet Footprint program
- undertaking energy and water efficiency audits on key City buildings
- undertaking coastal vulnerability assessment studies of the City's coastline to determine the impact of climate change on coastal infrastructure
- reducing groundwater use through the implementation of the City's Water Plan
- delivering an environmental education program to educate the City's residents on energy and water efficiency, waste management and sustainable living.

Becoming a signatory to the declaration will complement the development of the City's new Climate Change Strategy and its existing climate change management activities. The declaration is shown as Attachment 1.

The City of Joondalup is already addressing many of the commitments listed in the declaration, including:

- inclusion of the development of a Climate Change Strategy as a transformational project in the City's *Strategic Community Plan, Joondalup 2022*
- undertaking coastal vulnerability assessments to understand and address climate change impacts on coastal infrastructure
- significant progress towards developing a Climate Change Strategy, which will include mitigation and adaptation targets
- delivering programs to assist the community to reduce greenhouse gas emissions, increase water efficiency and increase waste recycling.

### **Issues and options considered**

#### **Option One:**

Council may choose to support the City become a signatory to the WALGA Local Government Climate Change Declaration.

Option One is the preferred option as the declaration is consistent with the City's commitment to climate change management.

#### **Option Two:**

Council may choose not to support the City becoming a signatory to the WALGA Local Government Climate Change Declaration.

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

#### **Legislation**

There are no statutory or legal implications associated with this report. However section 1.3(3) of the *Local Government Act 1995*, states 'in carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity'.

#### **Strategic Community Plan**

##### **Key theme**

The Natural Environment.

##### **Objective**

Environmental leadership.

##### **Strategic initiative**

Demonstrate leadership in environmental enhancement and protection activities.

##### **Policy**

*Sustainability Statement Policy.*

**Risk management considerations**

By not signing the Western Australian Local Government Declaration on Climate Change the City may risk being perceived as lacking commitment towards climate change action.

**Financial/budget implications**

There are no financial implications associated with this report. Any future mitigation or adaptation actions developed as part of the City's new Climate Change Strategy will form part of the annual budget process.

**Regional significance**

The Local Government Declaration on Climate Change recognises that a collaborative approach is required to adapt to any impacts of climate change. The declaration will be strengthened if all Western Australian local governments are signatories. Currently 25 Western Australian local governments and two regional councils are signatories.

**Sustainability implications**

The projected impacts of climate change will affect almost every aspect of local government including provision of infrastructure, recreational facilities, health services, land use planning and park and bushland management

Projected changes to the climate include increased temperatures, increased number of extreme heat days, decreased rainfall, increased intensity of storm events as well as sea level rise and increased storm surge.

**Environmental**

These changes to the climate will have significant impact on the natural environment, impacting on groundwater levels, habitats, biodiversity and bushfire risk. Undertaking climate change mitigation and adaptation measures is fundamental to managing the City's local natural environment.

**Social**

Projected climate changes may also impact on the City's residents and communities. Vulnerable residents such as the elderly may be at risk from increased temperatures and extreme heat days. Increasing cost of utilities may place more stress on families and communities and may lead to a greater need for City services. Residents and communities may also be more likely to be at risk from increases in vector diseases, flooding, bushfire or extreme weather events.

**Economic**

Early investment in preparation and adaptation planning will help the City avoid or minimise climate change impacts and reduce the costs of adaptation and impacts when they occur. Reduction of greenhouse gas emissions through increasing energy efficiency in a range of sectors such as buildings, street lighting and vehicle fleet will return, in the medium to long term, financial savings for the City.

## Consultation

Not applicable.

## COMMENT

The City has already implemented many climate change management actions and has made significant progress towards mitigating and adapting to climate change. The City is in the process of developing a new Climate Change Strategy which will guide mitigation and adaptation activities for the next five years including reducing greenhouse gas emissions and identifying activities to increase the resilience of the City and the community in addressing the impacts of climate change.

There are a number of benefits associated with the City signing the Western Australian Local Government Declaration on Climate Change including:

- public demonstration of the City's support and commitment to reducing greenhouse gas emissions and acknowledging potential impacts of climate change
- opportunities for the City to be involved in future climate change programs and projects developed or facilitated by WALGA
- the City would be part of a large group of local governments that would have strong voice and would play a significant role in influencing state climate change policy development.

Becoming a signatory of the Declaration on Climate Change re-affirms the City's commitment to the environment and sustainability and demonstrates leadership to the community.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Chester, SECONDED Cr Hamilton-Prime that Council APPROVES the City becoming a signatory to the Western Australian Local Government Declaration on Climate Change developed by the Western Australian Local Government Association shown as Attachment 1 to Report CJ172-09/13.**

**The Motion was Put and**

**CARRIED (11/0)**

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

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf170913.pdf](#)*

**CJ173-09/13 STATUS OF PETITIONS**

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|                              |  |
|------------------------------|--|
| <b>WARD:</b>                 | All  |
| <b>RESPONSIBLE DIRECTOR:</b> | Mr Jamie Parry<br>Governance and Strategy  |
| <b>FILE NUMBER:</b>          | 05386, 101515  |
| <b>ATTACHMENTS:</b>          | Attachment 1      Status of Petitions – 21 February 2012<br>to 20 August 2013  |
| <b>AUTHORITY/DISCRETION:</b> | Information – includes items provided to Council for<br>information purposes only that do not require a decision of<br>Council (that is for 'noting'). |

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**PURPOSE**

For Council to note the status of outstanding petitions.

**BACKGROUND**

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

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

**DETAILS****Issues and options considered**

Attachment 1 provides a list of all outstanding petitions, which were received during the period 21 February 2012 to 20 August 2013, with a comment on the status of each petition.

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

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

*"22. Petitions*

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

- (b) *to be addressed to the Council and forwarded to a member or the CEO;*  
(c) *to state the name and address of the person to whom correspondence in respect of the petition may be served;*

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

### **Strategic Community Plan**

**Key Themes** Governance and Leadership.

**Objective** Active democracy.

### **Strategic Initiatives**

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

### **Policy Implications**

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

### **Risk Management Considerations**

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

### **Financial/Budget Implications**

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

### **Regional Significance**

Not applicable.

### **Sustainability Implications**

Not applicable.

### **Consultation**

Not applicable.

### **COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1** the status of outstanding petitions submitted to Council during the period 21 February 2012 to 20 August 2013, forming Attachment 1 to Report CJ173-09/13;
- 2** that in relation to the petition requesting Council oppose the establishment of a community garden in Regents Park or Charing Cross Park, Joondalup, proposals for pilot community gardens in Duncraig and Joondalup are being evaluated and it is anticipated that a report will be presented to Council at its meeting to be held on 19 November 2013;
- 3** that a report in relation to the petition requesting Council complete the Marri Park playground precinct by the installation of shade sails over the play equipment and BBQs to further enhance the area was considered by Council at its meeting held on 25 June 2013 (CJ104-06/13 refers);
- 4** that a report in relation to the petition requesting the removal of the 13 metre light poles installed within the small roundabout at the intersection of Iluka Avenue and Oceanside Promenade, Mullaloo was considered by Council at its meeting held on 25 June 2013 (CJ096-06/13 refers);
- 5** that a report in relation to the petition from residents of the City of Joondalup endorsing the application of the WASP Paramotor Club being given access to suitable areas of the City of Joondalup's coastal land, so that they may safely participate in their sport was considered by Council at its meeting held on 20 August 2013 (CJ168-08/13 refers);
- 6** that a report in relation to the petition requesting the provision of an additional 20 parking bays being developed on the Whitfords West Park area opposite the Whitford Shopping Centre and Whitfords Avenue Medical Centre is proposed to be presented to Council at its meeting to be held on 24 September 2013;
- 7** that a report in relation to the petition requesting the permanent closing off of access into Tyinga Crescent from the roundabout located at the north end of Tyinga Crescent and Grand Ocean Entrance, Burns Beach is proposed to be presented to Council at its meeting to be held on 19 November 2013;
- 8** that in relation to the petition requesting the immediate demolition of the unapproved construction of Units 2 and 3 at Lot 1 (14) Mertz Court, Hillarys:
  - 8.1** the development was approved under Delegated Authority on 4 June 2013;
  - 8.2** the lead petitioner has been advised accordingly;
- 9** that further investigations are required in relation to the petition requesting that Council does not approve the sale of any portion of Lot 971, 52 Creaney Drive, Kingsley and it is anticipated that a report will be presented to Council once these investigations have been concluded;



- 10** that a report in relation to the two petitions with respect to Mirror Park skate park requesting that:
- 10.1** no lights be placed over or near the skate park;
  - 10.2** 'no parking' be enforced along Ocean Reef Road and Venturi Road, Ocean Reef;
  - 10.3** Council enforce adherence to the times of use of the skate park;
- was considered by Council at its meeting held on 25 June 2013 (CJ093-06/13 refers), and that a further report on the proposal to install lighting at Mirror Park skate park will be presented to Council in 12 months time;
- 11** that in relation to the petition requesting that Council review the current one way traffic management island layout on Hobsons Gate, Currambine in order to fund changes in the 2014-15 Budget, further traffic analysis is required to ascertain the extent of the issues and it is anticipated that a report will be presented to Council at its meeting to be held on 19 November 2013;
- 12** that a report in relation to the petition requesting that Council introduce a verge permit system, similar to the City of Stirling's verge permits to allow caravans and trailers to be stored on the verge is proposed to be presented to Council at its meeting to be held on 8 October 2013;
- 13** that a report in relation to the petition requesting that Council give consideration to erecting an amenities block (including male and female toilets, with a disabled/parent facilities) and a drinking fountain in Galston Park, Duncraig is proposed to be presented to Council at its meeting to be held on 19 November 2013;
- 14** that in relation to the petition objecting to the proposed telecommunication facility at Lot 83 (109) Winton Road, Joondalup, and requesting that an alternative, more suitable location be identified:
- 14.1** Council resolved not to support the proposed telecommunication facility at its meeting held on 20 August 2013 (CJ147-08/13 refers);
  - 14.2** the lead petitioner has been advised accordingly;
- 15** that a report in relation to the petition requesting the installation of exercise equipment on Kanangra Park, Greenwood is proposed to be presented to Council at its meeting to be held on 19 November 2013.

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution after consideration of CJ183-09/13, page 130 refers.**

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

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7agn240913.pdf](#)

## **CJ174-09/13      PARKING ISSUES AT MIRROR PARK SKATE PARK, OCEAN REEF**

|                               |   |  |
|-------------------------------|---|--|
| <b>WARD</b>                   | North-Central   |  |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mike Tidy<br>Corporate Services  |  |
| <b>FILE NUMBER</b>            | 22103, 101515   |  |
| <b>ATTACHMENT</b>             | Attachment 1  | Plan of Proposed Bollard Installation                              |
|                               | Attachment 2  | Example of Problem Parking at Mirror Park Skate Park               |
|                               | Attachment 3  | Example of Bollard Installation proposed at Mirror Park Skate Park |
| <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 a report on parking issues at Mirror Park, Ocean Reef.

### **EXECUTIVE SUMMARY**

At its meeting held on 25 June 2013, when considering a report on the Mirror Park skate park (CJ093-06/13 refers), Council requested a report in regard to a mechanism to deter the use of car headlights to illuminate the Mirror Park skate park after dark and the design and installation of bollards adjoining Mirror Park skate park to prevent illegal parking between the existing formal parking area adjoining Ocean Reef Road and the skate park.

The installation of frangible bollards approximately one metre from the verge along the southern boundary of Mirror Park Ocean Reef in the vicinity of the skate park is considered the most appropriate solution for maintaining sight lines, deterring the use of car headlights to illuminate the skate park, removing illegal parkers and still providing a safe verge treatment on a busy thoroughfare.

*It is therefore recommended that Council ENDORSES the installation of frangible bollards along the northern verge of Ocean Reef Road at the Mirror Park skate park facility to address concerns of illegal parking and the use of car headlights to illuminate the skate park.*

### **BACKGROUND**

A report on a proposal to install floodlighting at Mirror Park Skate Park, Ocean Reef (CJ093-06/13 refers) was considered by Council at its meeting held on 25 June 2013. An additional recommendation to the report was passed by Council requested a report from the Chief Executive Officer on ways that could be introduced to deter the use of headlights to

illuminate the skate park after dark and the option to install bollards on Ocean Reef Road, Ocean Reef to deter illegal parking on the verge.

The verge between the skate park and Ocean Reef road is very deep as it encompasses the majority of what will become the second carriageway, eastbound, when Ocean Reef Road is upgraded. There is currently a temporary car park formed within the reserve which many users believe is the principal or only car park and why many users subsequently choose to ignore the "no parking on verge" sign. The City will not be upgrading Ocean Reef Road without grant funding from Main Roads and the earliest this could possibly occur is 2015-16 assuming a current grant submission is successful. This is considered unlikely.

Drivers parking their vehicles so as to illuminate the skate park at night can be a nuisance for local residents because this enables use of the skate park after the nominated closing time of 7.00pm as well as the potential for lights shining into their property. To illuminate the skate park with headlights requires the driver to approach right up to the existing barriers just to the south and south east of the skate park so that the headlights can be effective. Between 1 January 2013 and 31 July 2013 there were five reported incidents of headlights being on with cars on the verge. One report was in January and four reports were in May.

## **DETAILS**

Council was previously informed at its meeting held on 25 June 2013 (CJ093-06/13 refers), that 108 complaints had been received in regards to the Mirror Park skate park facility, 96 of which can be attributed to three households that abut Mirror Park on the north-eastern side. Of the complaints received by City Watch, most related to:

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

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

There are three options related to illegal parking and the use of headlights which would address the first two complaints identified above, and they are discussed in more detail below. The preferred option is a modest engineering solution.

### **Issues and options considered**

There are three options that could be considered to address the issue of illegal parking on the verge and the use of car headlights to illuminate the skate park.

#### Option 1

Build a solid wall, approximately 1.5 metres high across the verge adjacent to the thoroughfare. This would solve the problem but it is important to maintain good sight lines into the skate park for pedestrians, other users and passers-by as this improves elements of safety for users and discouraging graffiti and anti-social behaviour through passive

surveillance. Additionally a wall would provide a natural graffiti target. For these reasons, a solid wall or other structure is not considered to be a suitable option.

### Option 2

Install bollards that are concreted into the ground placed approximately one metre from the kerb. Placement of the bollards in this way prevents vehicles parking “nose in” on the verge as the majority of the vehicle will be projecting back into the busy thoroughfare. Equally, parallel parking on the edge of the verge would be risky for drivers and would still attract penalties for parking on the verge contrary to the signs. This option would reduce the parking problem and vehicles would be too far away from the skate park to be able to use their lights to illuminate it.

However, concreted bollards pose a road safety / crash hazard if they are hit at speed as the concrete block has the potential, after being hit by a car at speed, to cause considerable damage. It is very likely that Main Roads would object to such a treatment adjacent to a 70 km per hour road. This option is not recommended.

### Option 3

The installation of frangible (not concreted into the ground) bollards along the northern verge of Ocean Reef Road is considered an effective means of diverting drivers from parking illegally on the verge both during the day and at night when headlights can be used to artificially illuminate the skate park. The bollards could be placed approximately one metre from the kerb into the verge. This option would reduce the parking problem and vehicles would still be too far away from the skate park to be able to use their lights to illuminate it. If the bollards are not concreted into the ground they are not considered to be a road safety/crash hazard as they “fall over” relatively easily. Much of Ocean Reef Road past its intersection with Oceanside Promenade heading towards Ocean Reef Boat Harbour already has bollards installed.

Placement of the bollards in this way prevents vehicles parking “nose in” on the verge as the majority of the vehicle will be projecting back into the busy thoroughfare. Equally, parallel parking on the edge of the verge would be risky for drivers and would still attract penalties for parking on the verge contrary to the signs.

An example of the proposed bollard installation is shown at Attachment 3.

This is the preferred option.

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

|                                 |   |
|---------------------------------|---|
| <b>Legislation</b>              | <i>City of Joondalup Parking Local Law 2013.</i>                                |
| <b>Strategic Community Plan</b> |   |
| <b>Key theme</b>                | Community Wellbeing.  |
| <b>Objective</b>                | Quality facilities.   |
| <b>Strategic initiative</b>     | Support a long term approach to significant facility upgrades and improvements. |
| <b>Policy</b>                   | Not applicable.   |

**Risk management considerations**

There are no inherent risks created by installing frangible bollards or signage beyond those that arise anywhere else in the City of Joondalup where signs and bollards are used.

**Financial/budget implications**

Funds for the installation of frangible bollards and ancillary directional parking signage are approximately \$3,600. This can be met from existing the operational budget for parking and parking signage amendments.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

There is already adequate parking for normal skate park use in the dedicated car park within Mirror Park which is accessed from Venturi Drive. Drivers parking on the verge during facility opening hours are generally unwilling to use that car park and walk across the oval to the skate park and prefer instead to park illegally, often to sit in their vehicles to watch their friends or family members who are using the facility. If additional parking were to be required at peak times, safe street parking is currently available on Venturi Drive on the south side of Ocean Reef Road, Mullaloo.

The engineering solution described in Option 3 is considered temporary. Options are being developed to increase the availability of car parking in the area, including an increased number of bays in the current verge side car park and to use the sump area in the south west corner of the park. Eventually it is expected that Ocean Reef Road will become dual carriageway in which case the existing verge side car park will be removed. The widening of Ocean Reef Road to dual carriageway will also remove the possibility of 90 degree, nose in parking on the verge.

Night time use of the facility after the permitted opening hours with the consequent use of headlights is a different issue. This is older users choosing to ignore the verge parking restrictions and the facility opening hours to skate at a time convenient to them. Preventing verge parking will deter the use of car headlights to illuminate the skate park and may help minimise after-hours usage of the facility.

Attachment 1 shows the proposed installation of frangible bollards. The car park sign at the temporary car park on Ocean Reef Road will also have improved wording applied to assist drivers to find the main car park on Venturi Drive.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED** Cr Taylor, **SECONDED** Cr Thomas that Council **ENDORSES** the installation of frangible bollards along the northern verge of Ocean Reef Road at the Mirror Park skate park facility to address concerns of illegal parking and the use of car headlights to illuminate the skate park.

**AMENDMENT MOVED** Mayor Pickard, **SECONDED** Cr Taylor that an additional Part 2 be added to the Motion as follows:

**“2 REQUESTS that the provision of car parking at Mirror Park be incorporated in the detailed design for the dualling of Ocean Reef Road to replace the existing car parking that will need to be removed.”**

**The Amendment was Put and**

**CARRIED (11/0)**

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

**The original Motion as amended:**

**That Council:**

- 1 ENDORSES** the installation of frangible bollards along the northern verge of Ocean Reef Road at the Mirror Park skate park facility to address concerns of illegal parking and the use of car headlights to illuminate the skate park;
- 2 REQUESTS** that the provision of car parking at Mirror Park be incorporated in the detailed design for the dualling of Ocean Reef Road to replace the existing car parking that will need to be removed.

**was Put and**

**CARRIED (11/0)**

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

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf170913.pdf](#)

**Disclosure of interest affecting impartiality.**

|                           |   |
|---------------------------|---|
| <b>Name/Position</b>      | <b>Cr Kerry Hollywood.</b>  |
| <b>Item No./Subject</b>   | CJ175-09/13 – Bramston Park, Burns Beach – Proposed Development.                                    |
| <b>Nature of interest</b> | Interest that may affect impartiality.  |
| <b>Extent of Interest</b> | Cr Hollywood is a paid up member of the Burns Beach Residents and Community Recreation Association. |

## **CJ175-09/13      BRAMSTON PARK, BURNS BEACH - PROPOSED DEVELOPMENT**

|                               |  |
|-------------------------------|--|
| <b>WARD</b>                   | North  |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mike Tidy<br>Corporate Services   |
| <b>FILE NUMBER</b>            | 87611, 101515  |
| <b>ATTACHMENT</b>             | Attachment 1      Bramston Park aerial map<br>Attachment 2      Proposed multi-purpose community sporting facility floor plan<br>Attachment 3      Project capital cost estimate<br>Attachment 4      Proposed development site plan<br>Attachment 5      Active public open space review – supplementary report<br>Attachment 6      Community consultation results analysis report |
| <b>AUTHORITY / DISCRETION</b> | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.  |

**PURPOSE**

For Council to consider the results of the community consultation undertaken for the proposed development at Bramston Park, Burns Beach and endorse progression of the project.

**EXECUTIVE SUMMARY**

Bramston Park is 3.93 hectares in area and is located on Bramston Vista, Burns Beach. The park is classified as Crown Land and was managed by the developer (Peet Limited) until it was handed over to the City in July 2013. It is proposed that Bramston Park be developed to include a multi-purpose sporting community facility and additional infrastructure such as sports floodlighting, car park, BBQ/picnic area with drink fountain, synthetic centre cricket wicket and playground.

A City internal review of active public open space (POS) utilisation (2011) and research conducted by Curtin University (over 2011 and 2012) demonstrated that in the City's north (Burns Beach, Iluka, Kinross, Currambine and Joondalup), there is a high rate of utilisation of active POS and a shortage of available and usable active POS for organised sporting activities.

At its meeting held on 11 December 2012 (CJ280-12/12 refers), Council requested the development of concept plans for the Bramston Park site. These concept plans were developed and a capital cost estimate was obtained for the proposed development. The total project has been estimated at \$2,930,000.

At its meeting held on 16 July 2013 (CJ142-07/13 refers), Council requested that the City arrange community consultation on the proposed development. The City undertook community consultation from 22 July – 12 August 2013 and received a total of 121 valid responses. Respondents were requested to indicate their level of support for the various elements proposed at Bramston Park. The following is a summary of the results:

- New multi-purpose community sporting facility and car park - 52% support, 45% oppose and 3% unsure/no response.
- Playground with new connecting pathway - 81% support, 14% oppose and 5% unsure/no response.
- Drinking fountain - 86% support, 8% oppose and 6% unsure/no response.
- Barbecue and picnic shelter - 75% support, 17% oppose and 8% unsure/no response.
- Sports floodlighting - 57% support, 36% oppose and 7% unsure/no response.
- Cricket pitch - 65% support, 24% oppose and 11% unsure/no response.

Respondents who indicated that they opposed or strongly opposed the various features of the development were asked to indicate their reasons. A summary of the reasons opposing the development indicated through the consultation has been included in the consultation section of this report.

Given the results of the community consultation demonstrated that less than 50% of respondents opposed the development of a multi-purpose community facility and the majority of respondents supported the additional infrastructure elements proposed, it is recommended that Council approves the development at Bramston Park.

*It is recommended that Council:*

- 1 *NOTES the findings of the Community Consultation process undertaken for the Bramston Park, Burns Beach development project;*
- 2 *APPROVES the proposed development project including construction of the community sporting facility, four new floodlights, playground, BBQ/picnic area with drinking fountain, car park and synthetic centre cricket wicket at Bramston Park as detailed in Report CJ175-09/13 at a project cost estimate of \$2,930,000;*
- 3 *NOTES its decision at its meeting held on 16 July 2013 (CJ142-07/13 refers), 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.*



## BACKGROUND

Bramston Park is 3.93 hectares in area and is located on Bramston Vista, Burns Beach (Attachment 1 refers). The park is classified as Crown Land and was managed by the developer (Peet Limited) until it was transferred to the City in July 2013. There are currently no facilities or floodlights at the park.

In 2009 the City adopted its *20 Year Strategic Financial Plan* where \$2,000,000 was allocated in 2011-12 financial year towards the refurbishment/redevelopment of Jack Kikeros Hall, located 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 proposed that given the dimensions of Bramston Park, it be allocated to a junior rectangle sport for winter and a suitable junior 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 to the wider local community for community based meetings and activities. Other infrastructure proposed for the site includes a car park, BBQ/picnic area with drink fountain, synthetic centre cricket wicket and playground.

In August 2012, community consultation was undertaken on a proposal to develop Bramston Park and the City received a response rate of over 39%. Slightly less than 50% of respondents did not oppose the development of a community sporting facility and floodlighting at the site. Slightly more than 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 requested the development of concept plans for the Bramston Park site. These concept plans were developed and a capital cost estimate was obtained for the proposed development. At its meeting held on 16 July 2013 (CJ142-07/13 refers), it was resolved:

*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, car park 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 \$966,666.*

## DETAILS

At its meeting held on 16 July 2013 (CJ142-07/13 refers), Council resolved that the City was to arrange community consultation on the proposed development at Bramston Park. Community consultation was undertaken for a period of 21 days from Monday 22 July – Monday 12 August 2013. The results of the community consultation have been provided in the consultation section of this report.

### Site and facility concept plans

At its meeting held on 16 July 2013 (CJ142-07/13 refers), Council resolved to revise the Multi-purpose Community Sporting Facility floor plan (Attachment 2 refers). The additional storeroom (21m<sup>2</sup>) requested in the north-east corner of the facility requested has increased the project cost by \$30,000. Notably, the capital cost estimate (Attachment 3 refers) provided by a Quantity Surveyor (QS) has not been updated, however as there are no major changes to the existing roofline it has been estimated that the construction of the requested storeroom would be approximately \$1,400 - \$1,500 per square metre. No changes were made to the site concept plan (Attachment 4 refers).

### Estimated capital costs

Construction cost for developing Bramston Park has been based on site and facility concept plans (Attachments 2 and 4 respectively). A summary of the total project estimate has been broken down into the following components:

| Item  | Cost      |
|---|-----------|
| Community sporting facility – building*         | \$939,170 |
| 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  |
| Site Services (gas, power, water, sewerage etc) | \$182,110 |
| Photovoltaic (solar) panels                     | \$52,500  |
| Access gate to oval                             | \$2,500   |

| Item                                | Cost               |
|-------------------------------------|--------------------|
| Earthworks / siteworks              | \$133,150          |
| Car park – 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>\$2,930,000</b> |

\* Amended amount for additional storeroom

### Active public open space utilisation

In 2011, the City undertook an internal review of the utilisation of active public open space (POS) across the City of Joondalup. The review found that in the City's northern suburbs, most active public open spaces had high utilisation rates during peak periods (Monday – Friday 3.00pm – 9.00pm and Saturday – Sunday 8.00am – 6.00pm). The following is a summary of the active reserve utilisation rates for the winter (2010) and summer (2010-11) seasons.

| Public Open Space                | Utilisation Winter (2010) | Utilisation Summer (2010-11) |
|----------------------------------|---------------------------|------------------------------|
| Falkland Park                    | 41-60%                    | 61-80 %                      |
| McNaughton Park                  | 61-80%                    | 41-60%                       |
| Windermere Park                  | 61-80%                    | 61-80%                       |
| Bramston Park                    | 0-20%                     | 0-20%                        |
| Caledonia Park                   | 21-40%                    | 61-80%                       |
| Iluka District Open Space (West) | 81-100%                   | 81-100%                      |
| Iluka District Open Space (East) | 41-60%                    | 81-100%                      |
| Christchurch Park                | 0-20%                     | 0-20%                        |

Since the inception of the KidSport™ program in 2011 and population growth in the City's northern suburbs, sporting groups have anecdotally experienced significant junior participation growth which places a demand on active POS in the area.

### Growth in Burns Beach, North Joondalup and active public open space review

According to the City's current forecast (forecast.id) Burns Beach remains as the only area still undergoing significant population growth in the City. In 2011, the population in Burns Beach was 1,686, while it is expected that by 2021, the Burns Beach population will grow to 5,175. Furthermore, in 2011 Iluka's population was 4,782 and by 2021 is expected to grow to 5,790.

In 2011 Curtin University was engaged by the Department of Sport and Recreation to undertake research to determine if insufficient active POS was being provided in the outer metropolitan suburbs of Perth for the purpose of accommodating organised sports.

The City of Joondalup was included in the study, however at the time of reporting newer suburbs of Iluka and Burns Beach were not included due to insufficient planning information regarding details of the active POS in the area. Information is now available and Curtin University was asked to update the data for Joondalup (Supplementary report Attachment 5).

In summary, Burns Beach (and North Joondalup – Burns Beach, Iluka, Kinross, Currambine, Joondalup, and Connolly) is one of the most 'active public open space poor' of all of Joondalup's suburbs and is well below the determined guidelines for active POS (6.5m<sup>2</sup> per resident or 1.4% of active POS per suburb).

Based on forecast population numbers, the following table is a summary of the possible scenarios regarding active POS in Burns Beach and North Joondalup in 2021:

| <b>Data</b>  | <b>Burns Beach – without Bramston Park</b> | <b>Burns Beach – with Bramston Park</b> | <b>North Joondalup – without Bramston Park</b> | <b>North Joondalup – with Bramston Park</b> |
|--|--|---|--|---|
| Area of active POS (hectares)  | 0  | 1.75                                    | 16.24  | 17.99                                       |
| % of suburb active POS (guideline = 1.4%)                                | 0  | 1.1                                     | 1.34   | 1.48  |
| m <sup>2</sup> per resident (guideline = 6.5m <sup>2</sup> per resident) | 0  | 3.38                                    | 4.3  | 4.77  |

Bramston Park is the only opportunity in Burns Beach to facilitate organised sport. Without supporting facilities (multi-purpose community sporting facility, car parking and floodlighting), Bramston Park would not be used effectively as active POS. The proposed development at Bramston Park would go some-way to addressing the shortfall and spatial inequality of active POS in Burns Beach.

### **Potential usage of facilities**

It is proposed that given the dimensions of Bramston Park, it be allocated to a junior rectangular sport. 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. Some of these reserves are experiencing usage pressure 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 would assist with this issue.

The City will call for expressions of interest from local sporting clubs and groups through its annual/seasonal booking process to determine actual usage. It is proposed that the facility will cater for the sporting groups using the oval and the local wider community for community based meetings and activities.

### **Issues and options considered**

It is considered that Council has two options, either to endorse to proceed with the project or not proceed with the project. If Council endorses to proceed, the City will submit an application to the Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund (CSRFF) for up to one-third of the project costs. Notably, applications are due on 27 September 2013. A report to Council will be considered at its September 2013 meeting.

If Council chooses not to proceed with the project, Burns Beach and North Joondalup will continue to experience population growth which potentially will lead into participation growth in sporting and community groups. It is likely that sporting groups will still utilise Bramston Park in the future for organised sporting activities, however if the development project does not proceed there will not be any infrastructure to support these activities which may lead to other management issues in relation to car parking, toilets and changing areas. Furthermore, the existing shortage of active public open space in the area may be compounded as groups may choose not to use Bramston Park without any additional infrastructure.

### **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.

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**

The following amounts are currently listed in the City's *Five Year Capital Works Program*:

| Year    | Description                                      | Amount      |
|---------|--|-------------|
| 2013-14 | Bramston Park Detailed design                    | \$317,000   |
| 2014-15 | Bramston Park Construction                       | \$1,750,000 |
| 2014-15 | Bramston Park Floodlighting (originally 2015-16) | \$140,000   |

As outlined in the July 2013 report (CJ142-07/13 refers) a capital cost estimate has been undertaken based on the developed site and floor plans and totals \$2,930,000 which includes detailed design, tender documentation, forward works and construction.

While a CSRFF application may result in a contribution of up to one third for the works (in this case up to \$976,667), if Council supports the project proceeding without external grant funding, a budget allocation for the whole project would be required.

Based on the total project cost estimate, a further \$863,000 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 at the ordinary meeting held by Council in July 2013, the additional required budget allocation for the project would be reduced to \$723,000. Council resolved to consider this in the 2014-15 year of the City's *Five Year Capital Works Program* (CJ142-07/13 refers).

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, barbeque and synthetic centre wicket are estimated to cost \$11,100 per annum to maintain.

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**

Consultation for this project was conducted in accordance with the City's approved *Community Consultation and Engagement Policy and Protocol* and was undertaken for a period of 21 days from Monday 22 July – Monday 12 August 2013. The consultation was advertised through the following methods:

- Direct mail out - a cover letter, information brochure, frequently asked questions sheet and a comment form was sent to all stakeholders.
- Site signage – two signs were placed at Bramston Park during the consultation period.
- City's website – information brochure, frequently asked questions sheet and comment form was added to the 'Community Consultation' section during the consultation period.
- A3 poster – displayed at Jack Kikeros Hall and the Recreation Services Booking Officer during the consultation period.

Targeted consultation was undertaken with the following stakeholders:

- Residents living within a 200 metre radius of the site (330 residents).
- Representatives from any identified potential oval user groups.
- Representatives from any identified potential facility user groups.
- Representative from the local Residents' Association

The community consultation was aimed to determine the level of support for the following various features of the proposed development:

- Multi-purpose community sporting facility and car park.
- Playground with connecting pathway.
- Drinking fountain.
- Barbeque and picnic shelter.
- Sports floodlighting.
- Cricket pitch.

In addition, a meeting arranged by the Burns Beach Residents Association was held on 5 August 2013 to discuss the proposed development, which was attended by City representatives.

## Consultation results

The full results of the community consultation are included as Attachment 6. The City received 121 valid responses of which 82 were from residents living within a 200 metre radius of the site, which is a response rate of 35.7%. There were 39 submissions made from people living outside a 200 metre radius of the site. 33 submissions were respondents affiliated to the Burns Beach Ratepayers, Residents and Community Association, while 19 were affiliated to potential oval/facility user groups and 72 had no affiliation.

### *Demographics*

Of the 121 valid responses, almost two-fifths of these were completed by people aged 55–64, almost one-third by people aged 45–54 and almost one sixth by people aged 65–74. Less than one-sixth of respondents were under the age of 44.

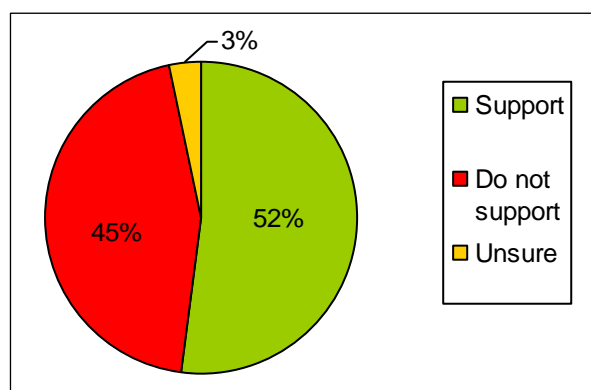
### *Use of Bramston Park*

The majority of respondents use Bramston Park for informal recreation (66.1%). 35 respondents (28.9%) don't use Bramston Park, however are interested in the project. 6 respondents (5.0%) use Bramston Park for 'other' uses. As there is limited available infrastructure on the site and the park has not been prepared for active sport, only one respondent (0.8%) suggested they use Bramston Park for organised sport and recreation. (Note: the percentage of total responses is greater than 100% as respondents were permitted to select more than one response).

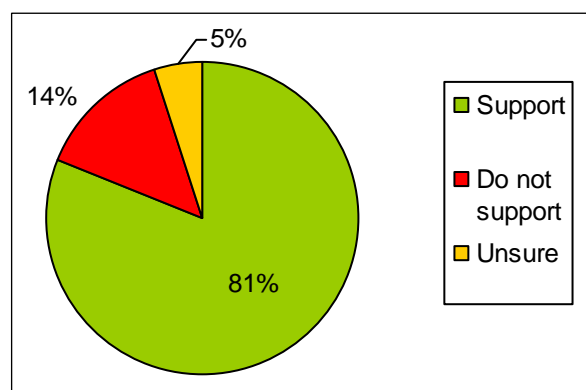
### *Proposed infrastructure*

As outlined previously, respondents were asked to indicate their level of support for the proposed infrastructure to be developed. The following charts summarise the level of support from the community consultation undertaken:

Multi-purpose community sporting facility and car park

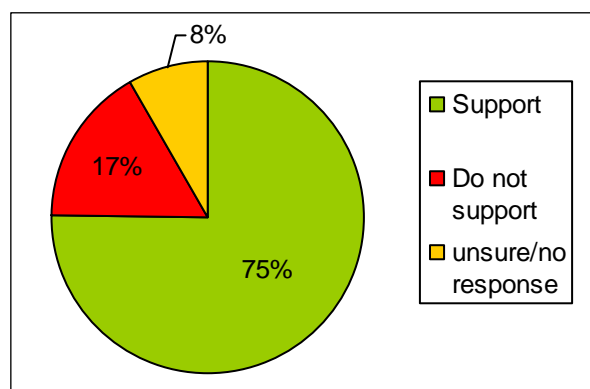


Playground with connecting pathway

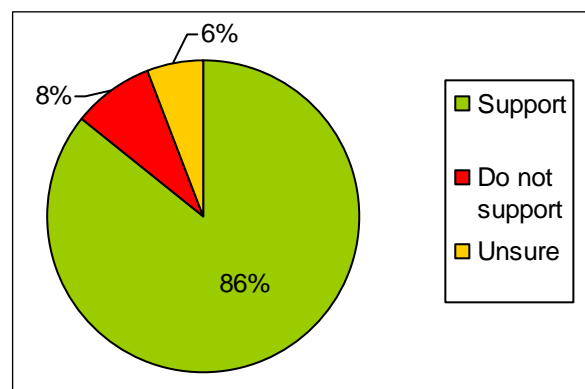




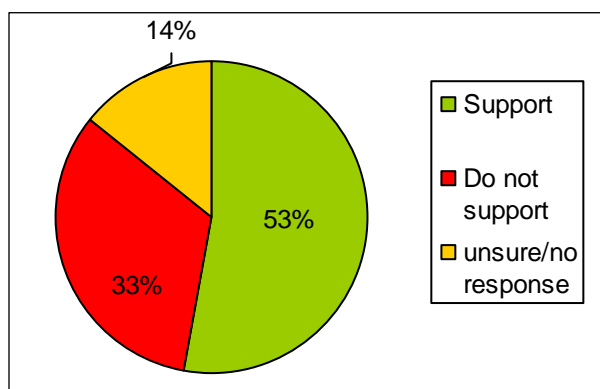
Barbeque and picnic shelter



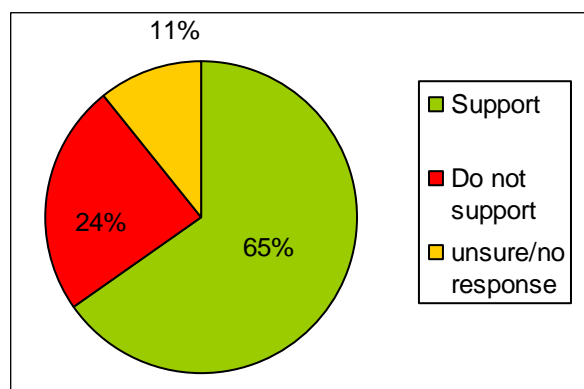
Drinking fountain



Sports floodlighting



Cricket pitch



### Additional Comments

Respondents who indicated that they opposed or strongly opposed the various features of the development were asked to indicate their reasons. A summary of all reasons/concerns opposing the development indicated through the consultation have been included in the following table with a comment response.

| Reason/concern   | Response   |
|--|--|
| Removal of vegetation from the park.                     | As per the Council resolution in December 2012 (CJ280-12/12 refers) the design of the development is aimed to retain as much vegetation as possible. In addition, 144 hectares of vegetation has been retained in the overall Burns Beach development site with 1.4 hectares of vegetation retained at the nearby Huxley Park.                   |
| Facility will be a 'hang-out' for anti-social behaviour. | The facility has been designed in accordance with 'Design Out Crime' principles by keeping clear sightlines and passive surveillance opportunities. Furthermore, perimeter lighting will limit anti-social behaviour and loitering around the facility. The City's City Watch service will patrol Bramston Park as part of their regular patrol. |

| Reason/concern   | Response  |
|--|---|
|  | Residents can also contact City Watch directly if anti-social behaviour occurs. In addition, if the development proceeds the area will be more 'activated' therefore more opportunities for passive surveillance reducing anti-social behaviour.  |
| Increase in noise from sports and late night users.            | It is expected that there will be an increase in noise from sporting groups only using the grounds for training and competition, however it is expected that training will not occur past 7.30 – 8.00pm due to junior sporting groups using Bramston Park. Late night users (after 9.00pm) of the facility generally book the facility on Friday or Saturday nights and will still need to adhere to the <i>Environmental Protection Act 1997 (Noise)</i> . It is also noted that the Council resolved 16 July 2013 that the facility would not be hired for functions that create risk for anti-social behaviour.  |
| Increase in traffic around Bramston Park                       | The new developments of the Burns Beach area have been designed using 'Liveable Neighbourhoods' planning policy and the roads surrounding Bramston Park are classified to carry up to 3,000 vehicles per day. A recent traffic count survey along Mattingleys Approach near the proposed access/egress point of the car park in August 2013 suggested on average (over a seven day period) that 1,284 vehicles per day use Mattingleys Approach. It is expected that there will be an increase in traffic whether or not the development proceeds as it is likely that Bramston Park will be used as an active POS due to the limited number of reserves in the area. |
|  | It is expected at peak times vehicles uses per day will increase, however will still remain under the number of vehicles the surrounding roads are designed to carry.   |
| 'Hoon' type behaviour in the car park and surrounding streets. | No correlation can be made between hooning in streets and community facilities. In addition, the final car park design will include traffic calming devices which will limit hooning and speeding in the car park. If traffic movement in the car park becomes an issue, management procedures can be put into place that restricts access to the car park especially when the facility is not being used.  |

| Reason/concern  | Response   |
|---|--|
| The facility will not be aesthetically pleasing.  | Elevations shown in the concept plan may vary from the final design. If the project proceeds, the architect will be directed to design the facility to fit in with the existing streetscape and the overall Burns Beach area.  |
| Adequate facilities in surrounding areas/close by.  | Bramston Park will assist the shortfall of active POS within the northern suburbs of the City. Additionally, the multi-purpose facility is needed to facilitate organised sporting activities. The facility has been designed to accommodate two smaller groups at once (dividable wall) and to assist groups who are out-growing Jack Kikeros Hall, however still would like to remain in the local area.                               |
| Insufficient car parking.   | If the development proceeds, the maximum capacity of the facility will be 130 patrons. As guided by the <i>City's District Planning Scheme No. 2 (DPS2)</i> , the ratio for this type of development is 1 car park to 2.5 patrons. Therefore the 42 parking bays indicated on the site concept plan in addition to the 12 bays along Bramston Vista is in-line with the DPS2.  |
| The developer (Peet limited) and the City not informing residents the intentions of the development prior to purchasing in Burns Beach. | The Burns Beach development plan has indicated that Bramston Park would be classified as active POS. Peet Limited's stage 6 and 7 marketing material suggests that Bramston Park would be utilised for sporting activities with marketing material showing overlays of sporting pitches and car parking.   |
| The City/Council not being transparent about the plans.   | The City and Council has provided the community adequate information through two separate consultation periods. A site concept plan, elevations and relevant background information was provided during the second round of consultation. Council and City officers also met with the Burns Beach community during each consultation period and the community had the opportunity to contact the City if they required more information. |
| Development will decrease the value properties in the area.   | Nearby available community facilities are known to increase property prices as those looking to purchase generally seek access to local facilities.  |

| Reason/concern   | Response  |
|--|---|
| Floodlights will be too close to residential homes/too bright.     | The final floodlighting design will consider the use of glare shields, different luminaire types and the height of the towers to control and direct light onto Bramston Park. Spill light is required to be controlled under Australian Standard A.S.4282-1997 (Control the obtrusive effects of outdoor lighting). The floodlighting levels provided are only to 50 lux, which is sufficient for large ball sports (Australian Rules Football, Soccer, Rugby) training only. |
| Sports floodlighting is not necessary.                             | Sports floodlighting is necessary for winter sports due to the available light after 5.30pm. Most junior sporting teams train until 7.30-8.00pm due to work commitments of volunteers who organise/coach teams.   |
| Will encourage late night sports training.                         | Floodlighting will be on a timer system set by the City. The latest time floodlighting can be set is 9.30pm.  |
| Costs will directly impact the residents.                          | Operating and maintenance costs will be funded through the City's operating budget. No special area rates are required for this development to proceed and operate.   |
| Sports should use floodlighting at other nearby parks.             | Due to the limited available active POS, parks in close proximity are already being used at night and cannot accommodate more usage.  |
| Activities such as cricket will cause damage to surrounding areas. | Boundaries for cricket are determined by age group, due to their capability to hit the ball certain distances. From the central cricket wicket the shortest boundary distance is 50 metres, therefore only junior cricket can be played at Bramston Park.   |
| The amenities will encourage organised sporting activities.        | The development has been proposed to be utilised for sporting activities due to the limited available active POS in the area. Regardless if the development proceeds, it is likely that Bramston Park will be used for organised sport as there is limited active POS in the area.  |
| Believe the facility is too large.                                 | The facility is in-line with other local/neighbourhood level facilities for organised sport and local community use.  |

| Reason/concern   | Response   |
|--|--|
| Access to car park and facility should be from Burns Beach Road. | Access from Burns Beach Road is only permissible from the roundabout at Delgado Parade. The drainage swale at the southern end of Bramston Park (perpendicular to Burns Beach Road) accommodates large rain events to prevent the local surrounding area flooding. It is possible to create access from Delgado Parade and retrofit the drainage swale, however preliminary costs were estimated at \$500,000 - \$840,000 which is cost prohibitive. |

## COMMENT

The recent community consultation regarding the proposed development at Bramston Park allowed the community to provide comment on the City's proposal. The results of the consultation demonstrated that less than 50% of respondents opposed the development of a multi-purpose community facility and the majority of respondents supported the additional infrastructure elements proposed as part of the project.

The City did receive various reasons and concerns of why residents opposed the proposed development, however all of these concerns have either been mitigated or can be managed if the facility proceeds to construction.

Given the high utilisation of active public open space (POS) in Burns Beach and North Joondalup, and the shortage of active POS as demonstrated by Curtin University, it is recommended that Council approves the development at Bramston Park.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Hollywood, SECONDED Cr McLean that Council:**

- 1 **NOTES** the findings of the Community Consultation process undertaken for the Bramston Park, Burns Beach development project;
- 2 **APPROVES** the proposed development project including construction of the community sporting facility, four new floodlights, playground, BBQ/picnic area with drinking fountain, car park and synthetic centre cricket wicket at Bramston Park as detailed in Report CJ175-09/13 at a project cost estimate of \$2,930,000;
- 3 **NOTES** its decision at its meeting held on 16 July 2013 (CJ142-07/13 refers), 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.

**AMENDMENT MOVED** Cr Hollywood, **SECONDED** Cr McLean that Part 3 be renumbered as Part 4 and a new Part 3 be added to the Motion as follows:

**“3 REQUESTS prior to the preparation of construction tender documentation that the final detailed design for the proposed community sporting facility at Bramston Park Burns Beach be submitted to the Council for its consideration;”.**

**The Amendment was Put and**

**CARRIED (11/0)**

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

**The original Motion as amended:**

**That Council:**

- 1 NOTES the findings of the Community Consultation process undertaken for the Bramston Park, Burns Beach development project;**
- 2 APPROVES the proposed development project including construction of the community sporting facility, four new floodlights, playground, BBQ/picnic area with drinking fountain, car park and synthetic centre cricket wicket at Bramston Park as detailed in Report CJ175-09/13 at a project cost estimate of \$2,930,000;**
- 3 REQUESTS prior to the preparation of construction tender documentation that the final detailed design for the proposed community sporting facility at Bramston Park Burns Beach be submitted to the Council for its consideration;**
- 4 NOTES its decision at its meeting held on 16 July 2013 (CJ142-07/13 refers), 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.**

**was Put and**

**CARRIED (11/0)**

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

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf170913.pdf](#)

## **CJ176-09/13      COMMUNITY    SPORTING    AND    RECREATION FACILITIES    FUND    APPLICATIONS    FOR ANNUAL/FORWARD PLANNING GRANTS 2013-14**

|                               |   |   |
|-------------------------------|---|---|
| <b>WARD</b>                   | All   |   |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mike Tidy<br>Corporate Services  |   |
| <b>FILE NUMBER</b>            | 22209, 101515   |   |
| <b>ATTACHMENT</b>             | Attachment 1  | Seacrest Park Lighting Design                           |
|                               | Attachment 2  | Seacrest Park Community Consultation Summary of Results |
| <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 applications for the Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund (CSRFF) Annual and Forward Planning Grant in 2013-14.

### **EXECUTIVE SUMMARY**

The Department of Sport and Recreation has \$20 million allocated statewide for the annual Community Sporting and Recreation Facilities Fund (CSRFF).

The CSRFF program aims to increase participation in physical activity through the provision of funding that assists the development of well planned and designed infrastructure for sport and recreation. The City of Joondalup is required to assess and rank all applications received from sport and recreation clubs located within the City as well as any City projects, prior to their submission to the Department of Sport and Recreation.

One community organisation submitted an application to the City for consideration, and three applications have been prepared by the City, for a total of one annual and three Forward Planning Grant applications. Applications must be received by the Department of Sport and Recreation by 4.00pm Friday 30 September 2013.

*It is recommended that Council:*

- 1      *NOTES the findings of the Community Consultation process undertaken for the Seacrest Park, Sorrento project;*
- 2      *Subject to a successful Community Sporting and Recreation Facilities Fund grant application of \$104,775 and a contribution of \$104,775 from the Sorrento Duncraig Junior Football Club APPROVES the proposed floodlighting project at Seacrest Park, Sorrento at a capital cost estimate of \$314,325;*

- 3 *ENDORSES the ranking and rating of Community Sporting and Recreation Facilities Fund applications below:*

| <i>Applicant's Rank</i>  | <i>Applicant's Rating</i>                              |
|--|--|
| <i>1 Warwick Open Space, Warwick –Hockey Infrastructure development at Warwick Open Space, Warwick</i> | <i>Well planned and needed by the local government</i> |
| <i>2 Bramston Park, Burns Beach – Proposed Development at Bramston Park, Burns Beach</i>               | <i>Well planned and needed by the local government</i> |
| <i>3 Hawker Park, Warwick – Proposed Redevelopment at Hawker Park, Warwick</i>                         | <i>Well planned and needed by the local government</i> |
| <i>4 Seacrest Park, Sorrento – Floodlighting Upgrade Project at Seacrest Park, Sorrento</i>            | <i>Well planned and needed by the applicant</i>        |

- 4 *ENDORSES an application to Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund program for \$2,341,333 (ex GST) to part fund the Warwick Open Space, Warwick Proposed Synthetic Hockey Pitch Project;*
- 5 *ENDORSES an application to Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund program for \$976,667 (ex GST) to part fund the Bramston Park, Burns Beach, Development Project;*
- 6 *ENDORSES an application to Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund program for \$913,333 (ex GST) to part fund the Hawker Park, Warwick, Redevelopment Project;*
- 7 *ENDORSES an application to Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund program for \$104,775 (ex GST) to part fund the Seacrest Park, Sorrento, Floodlighting Project;*
- 8 *Subject to endorsement of the CSRFF grant application in Part 7 above REQUESTS that \$314,325 be listed for consideration within 2014-15 of the City's Five Year Capital Works Budget for the Seacrest Park, Sorrento floodlighting project.*

## **BACKGROUND**

The CSRFF program aims to increase participation in physical activity through the provision of funding that assists the development of well designed infrastructure for sport and recreation.

The CSRFF program represents a partnership opportunity for community organisations to work with local governments and the Department of Sport and Recreation. Applications for funding may be submitted by a community organisation or a local government. A CSRFF grant will not exceed one third of the total completed cost of the project, with the remaining funds to be contributed by the applicant's own cash or 'in-kind' contribution, and/or the local government.



The state government allocates \$20 million per year for CSRFF grants in three categories:

**Small Grants (\$1.5 million per year; \$750,000 each round)**

Small Grants are offered on a bi-annual basis for projects that have a total value of between \$7,500 and \$150,000. Applications close in August and March of each year.

**Annual Grants (\$3 million per year)**

Annual Grants require greater detail and planning and have a total project value of between \$150,001 and \$500,000. Applications close in September of each year.

**Forward Planning Grants (\$15.5 million per year)**

Forward Planning Grants are for projects requiring a period of between one and three years to complete with a maximum grant amount of \$4 million (total project value up to \$12 million). Applications close in September of each year.

The City of Joondalup is required to place a priority ranking and rating on applications from organisations that fall within its boundaries based on the following criteria:

- Well planned and needed by the local government.
- Well planned and needed by the applicant.
- Needed by the local government, more planning required.
- Needed by the applicant, more planning required.
- Idea has merit, more preliminary work needed.
- Not recommended.

The Department of Sport and Recreation places a strong emphasis on a planned approach towards CSRFF applications.

**DETAILS**

The City received one application for the CSRFF Annual Grant round and has prepared three applications for the 2013-14 CSRFF Forward Planning Grant round with successful projects to be delivered in future years.

The City assessed the applications, and developed a project summary and justification for the recommendations for the projects as part of the assessment process.

Warwick Open Space – Hockey Infrastructure Development – (Application by the City)

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

At its meeting held on 25 June 2013 (CJ103-06/13 refers), Council approved the project and listed \$7,024,000 for consideration within 2015-16 of the City's *Five Year Capital Works Program* subject to a successful CSRFF grant application of \$2,341,333.

The Warwick Open Space Hockey Infrastructure Development project includes the development of:

- a synthetic hockey pitch with perimeter fencing
- two grass hockey pitches
- associated sports floodlighting to Australian Standards (50 lux)
- clubroom facility including benches function room, change rooms, toilets, kitchen/kiosk/bar, meeting room and storage
- additional car parking
- relocation of existing softball infrastructure and cricket infrastructure to alternate venues.

|                                 |                             |
|---------------------------------|-----------------------------|
| <b>Total Project Cost:</b>      | <b>\$7,024,000 (ex GST)</b> |
| City of Joondalup Contribution: | \$4,082,667 (ex GST)        |
| Whitford Hockey Club            | \$ 600,000 (ex GST)         |
| CSRFF Grant requested:          | \$2,341,333 (ex GST)        |

The total project cost listed above includes a 5% consideration for construction contingency and a 10% consideration for planning contingency as included by the quantity surveyor. The total project cost also includes consideration through July 2015 for cost escalation.

#### Assessment Summary

| Assessment Criteria                     | Evidence Provided |                |              |
|---|-------------------|----------------|--------------|
|   | Satisfactory      | Unsatisfactory | Not relevant |
| Project justification                   | ✓                 |                |              |
| Planned approach                        | ✓                 |                |              |
| Community input                         | ✓                 |                |              |
| Management planning                     | ✓                 |                |              |
| Access and opportunity                  | ✓                 |                |              |
| Design                                  | ✓                 |                |              |
| Financial viability                     | ✓                 |                |              |
| Co-ordination                           | ✓                 |                |              |
| Potential to increase Physical activity | ✓                 |                |              |
| Sustainability                          | ✓                 |                |              |

#### Recommendation Summary

|                  |  |
|------------------|--|
| Ranking:         | 1 (of 4).  |
| Rating:          | Well planned and needed by the local government. |
| Funding request: | \$2,341,333 (ex GST).                            |
| Funding type:    | Forward Planning Grant for funding in 2015-16.   |

#### Bramston Park, Burns Beach – Proposed Development – (Application by the City)

Bramston Park is 3.93 hectares and is located on Bramston Vista, Burns Beach. The park is classified as Crown Land that has recently been handed over for management by the developer (Peet Limited) to the City. There are currently no facilities or floodlights at the park.

In a separate report on this agenda, it has been recommended that Council approve the project and list for consideration \$2,930,000 within 2014-15 of the City's *Five Year Capital Works Program* subject to a successful CSRFF grant application of \$976,667.

The Bramston Park Development project includes of the development of:

- a multi-purpose community use facility including, change rooms, toilets, kitchen/kiosk/bar, meeting rooms, umpires room and storage
- two grass soccer pitches
- a cricket wicket
- associated sports floodlighting to Australian Standards (50 lux);
- picnic and BBQ area
- playground and drinking fountain
- additional car parking.

|                                 |                             |
|---------------------------------|-----------------------------|
| <b>Total Project Cost:</b>      | <b>\$2,930,000 (ex GST)</b> |
| City of Joondalup Contribution: | \$1,953,333 (ex GST)        |
| CSRFF Grant requested:          | \$ 976,667 (ex GST)         |

The total project cost listed above includes a 5% consideration for construction contingency and a 5% consideration for planning contingency as included by the quantity surveyor. The total project cost also includes consideration through July 2014 for cost escalation.

#### Assessment Summary

| Assessment Criteria                     | Evidence Provided |                |              |
|---|-------------------|----------------|--------------|
|   | Satisfactory      | Unsatisfactory | Not relevant |
| Project justification                   | ✓                 |                |              |
| Planned approach                        | ✓                 |                |              |
| Community input                         | ✓                 |                |              |
| Management planning                     | ✓                 |                |              |
| Access and opportunity                  | ✓                 |                |              |
| Design                                  | ✓                 |                |              |
| Financial viability                     | ✓                 |                |              |
| Co-ordination                           | ✓                 |                |              |
| Potential to increase Physical activity | ✓                 |                |              |
| Sustainability                          | ✓                 |                |              |

#### Recommendation Summary

|                  |  |
|------------------|--|
| Ranking:         | 2 (of 4).  |
| Rating:          | Well planned and needed by the local government. |
| Funding request: | \$976,667 (ex GST).                              |
| Funding type:    | Forward Planning Grant for funding in 2014-15.   |

#### Hawker Park, Warwick – Proposed Development – (Application by the City)

Hawker Park, Warwick is classified as a 'Neighbourhood Park' as part of the City's existing Parks and Public Open Spaces Classification Framework and is located on Hawker Avenue, Warwick. The park is currently utilised by Warwick Greenwood Junior Football Club in winter and Warwick Greenwood Junior Cricket Club and Warwick Greenwood Senior Cricket Club in summer. Current infrastructure at the park includes a toilet/change room facility built in

1987, cricket centre wicket, '3 on 3' basketball practice hardstand, tennis 'hit up wall', playground, two floodlights and 42 car parking bays.

At its meeting held on 27 May 2013 (CJ085-05/13 refers), Council approved the project and listed \$2,740,000 for consideration within 2014-15 of the City's Five Year Capital Works Program for the Hawker Park redevelopment project subject to a successful CSRFF grant application of \$913,333.

The Hawker Park redevelopment project includes the development of:

- a multi-purpose community use facility including, change rooms, toilets, kitchen/kiosk/bar, meeting room, umpires room and storage
- sports floodlighting to Australian Standards (50 lux)
- four cricket practice nets
- a new 3 on 3 basketball court and tennis hit up wall
- playground and drinking fountain.

|                                 |                             |
|---------------------------------|-----------------------------|
| <b>Total Project Cost:</b>      | <b>\$2,740,000 (ex GST)</b> |
| City of Joondalup Contribution: | \$1,826,667 (ex GST)        |
| CSRFF Grant requested:          | \$ 913,333 (ex GST)         |

The total project cost listed above includes a 5% consideration for construction contingency and a 5% consideration for planning contingency as included by the quantity surveyor. The total project cost also includes consideration through July 2014 for cost escalation.

#### Assessment Summary

| Assessment Criteria                     | Evidence Provided |                |              |
|---|-------------------|----------------|--------------|
|   | Satisfactory      | Unsatisfactory | Not relevant |
| Project justification                   | ✓                 |                |              |
| Planned approach                        | ✓                 |                |              |
| Community input                         | ✓                 |                |              |
| Management planning                     | ✓                 |                |              |
| Access and opportunity                  | ✓                 |                |              |
| Design                                  | ✓                 |                |              |
| Financial viability                     | ✓                 |                |              |
| Co-ordination                           | ✓                 |                |              |
| Potential to increase Physical activity | ✓                 |                |              |
| Sustainability                          | ✓                 |                |              |

#### Recommendation Summary

|                  |  |
|------------------|--|
| Ranking:         | 3 (of 4).  |
| Rating:          | Well planned and needed by the local government. |
| Funding request: | \$913,333 (ex GST).                              |
| Funding type:    | Forward Planning Grant for funding in 2014-15.   |

Seacrest Park, Sorrento – Floodlighting Upgrade Project – (Application by the Club)

Seacrest Park is located on the corner of Seacrest Drive and St Helier Drive in Sorrento and comprises of two AFL ovals and a multi-purpose community facility. The eastern oval is currently lit to the Australian Standard for large ball sports training of 50 lux. The western oval currently has two 12 metre poles each with two 1,000 watt lights, lighting only a small section to a lux level that is under the Australian Standard for large ball sports training. The proposed project will involve the installation of lights to the western oval to provide sufficient lighting for training for large ball sports (50 lux). This will include installing four 30 metre floodlighting towers each fitted with four to five luminaries.

The Sorrento Duncraig Junior Football Club submitted an expression of interest to the City for the proposed CSRFF application for the floodlighting project. As per CSRFF guidelines community organisations can submit application through their local government for an eligible project. The group must as part of their application agree to joint funding of the project of 1/3 for each party (the club, the City and the DSR). The Sorrento Duncraig Junior Football Club has approximately 1,000 members and utilises Seacrest Park, Sorrento, Percy Doyle Reserve, Duncraig, Glengarry Park, Glengarry, Melene Park, Duncraig and Robin Park, Sorrento. The upgrade of the existing floodlighting infrastructure at Seacrest Park will provide the club with an additional oval with lighting that meets the Australian Standards for large ball training.

The project also has the potential to positively impact on the community's ability to participate in physical activity and provides increased opportunities for the safe use of the City's parks. The upgrade of the existing floodlighting infrastructure will also provide the City with greater flexibility to manage and conduct park bookings and maintenance.

The project provides value for money and the approach taken with the City managing any works provides assurance that the project will be delivered in accordance with City and Australian Standards.

A consultant was engaged to develop the lighting plan (Attachment 1) as well as provide a cost estimate for the project. The final figure includes removal of existing floodlight towers, a consideration for cost escalation and a design/construction contingency. A power survey was completed and the site was determined not to require a power upgrade, with existing power to the site sufficient for the proposed new infrastructure.

The Sorrento Duncraig Junior Football Club has provided financial statements to prove financial sustainability and an ability to contribute financially to this project should the CSRFF application be successful. The club has also provided a letter of support ensuring their 1/3 financial contribution to the project (up to \$104,775).

As this project has been a club submitted CSRFF application there are no funds currently listed within the City's *Five Year Capital Works Program*. Council is requested to list \$314,325 for consideration within 2014-15 of the City's Five Year Capital Works Program subject to a successful CSRFF grant application of \$104,775 and a contribution of \$104,775 from the Sorrento Duncraig Junior Football Club.

|                                 |                           |
|---------------------------------|---------------------------|
| <b>Total Project Cost:</b>      | <b>\$314,325 (ex GST)</b> |
| City of Joondalup Contribution: | \$104,775 (ex GST)        |
| CSRFF Grant requested:          | \$104,775 (ex GST)        |
| Club contribution:              | \$104,775 (ex GST)        |

The total project cost includes 10% for design and 5% for construction contingency and 4.5% for cost escalation through June 2014.

Assessment Summary

| Assessment Criteria                     | Evidence Provided |                |              |
|---|-------------------|----------------|--------------|
|   | Satisfactory      | Unsatisfactory | Not relevant |
| Project justification                   | ✓                 |                |              |
| Planned approach                        | ✓                 |                |              |
| Community input                         | ✓                 |                |              |
| Management planning                     | ✓                 |                |              |
| Access and opportunity                  | ✓                 |                |              |
| Design                                  | ✓                 |                |              |
| Financial viability                     | ✓                 |                |              |
| Co-ordination                           | ✓                 |                |              |
| Potential to increase Physical activity | ✓                 |                |              |
| Sustainability                          | ✓                 |                |              |

## Recommendation Summary

Ranking: 4 (of 4).  
 Rating: Well planned and needed by the applicant.  
 Funding request: \$104,775 (ex GST).  
 Funding type: Annual Grant for funding in 2014-15.

**Issues and options considered**

The City has received a number of expressions of interest for CSRFF this year. The assessment and ranking of these applications is important in terms of the City's strategic approach to these types of projects.

Council may endorse any or all of the CSRFF applications being submitted for consideration.

**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.

**Policy** The assessment process undertaken for the CSRFF program is in line with the following City policies:

- *Community Funding.*
- *Community Consultation and Engagement.*
- *Asset Management.*
- *Leisure.*

## **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 are several major projects for which the City is seeking CSRFF funding in this Annual/Forward Planning Grant funding round. They will effectively be competing against each other and there is a likelihood that not all projects will be funded.

## **Financial/budget implications**

### Warwick Open Space – Hockey Infrastructure Development

At its meeting held on 25 June 2013 (CJ103-06/13 refers), Council endorsed the allocation of \$7,024,000 within 2015-16 of the City's *Five Year Capital Works Program* for the Warwick Open Space Hockey Project.

Should the application to the DSR not be successful a report will be submitted to council outlining options for project continuation.

### Bramston Park, Burns Beach – Proposed Development

In a separate report on this agenda, it has been recommended that Council list for consideration \$2,930,000 within 2014-15 of the City's *Five Year Capital Works Program* for the Bramston Park Development Project.

Should the application to the DSR not be successful a report will be submitted to Council outlining options for project continuation.

### Hawker Park, Warwick – Proposed Redevelopment

At its meeting held on 27 May 2013 (CJ085-05/13 refers), Council endorsed the allocation of \$2,740,000 within 2014-15 of the City's *Five Year Capital Works Program* for the Hawker Park Redevelopment Project.

Should the application to the DSR not be successful a report will be submitted to Council outlining options for project continuation.

### Seacrest Park, Sorrento – Floodlighting Upgrade Project

As this project has been a club submitted CSRFF application there are no funds currently listed within the City's *Five Year Capital Works Program*. Council is requested to list \$314,325 for consideration within 2014-15 of the City's *Five Year Capital Works Program* subject to a successful CSRFF grant application of \$104,775 and a contribution of \$104,775 from the Sorrento Duncraig Junior Football Club.

Should the application to the DSR not be successful the project will not go ahead.

## **Regional significance**

### Warwick Open Space – Hockey Infrastructure Development

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

## **Sustainability implications**

Not applicable.

## **Consultation**

Consultation for all applications was conducted in accordance with the City's approved *Community Consultation and Engagement Policy and Protocol*.

### Warwick Open Space – Hockey Infrastructure Development

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

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

### Bramston Park, Burns Beach – Proposed Development

Community consultation with City of Joondalup residents living within a 200 metre radius from the site (330 households) was conducted for 21 days from 22 July –12 August 2013. The consultation provided the local community with an opportunity to provide feedback on the proposed development at Bramston Park, Burns Beach.

Respondents were asked to indicate their level of support for the development of a multi-purpose community sporting facility and car park (52% supported), playground with connecting pathway (81% supported), drinking fountain (86% supported), barbeque and picnic shelter (75% supported), sports floodlighting (53% supported) and a cricket pitch (65% supported).

### Hawker Park, Warwick – Proposed Redevelopment

Community consultation with City of Joondalup residents living within a 200 metre radius from the site (243 households) was conducted for 21 days from 9 July 2012 to 27 July 2012. The consultation provided the local community with an opportunity to provide feedback on the proposed redevelopment at Hawker Park.



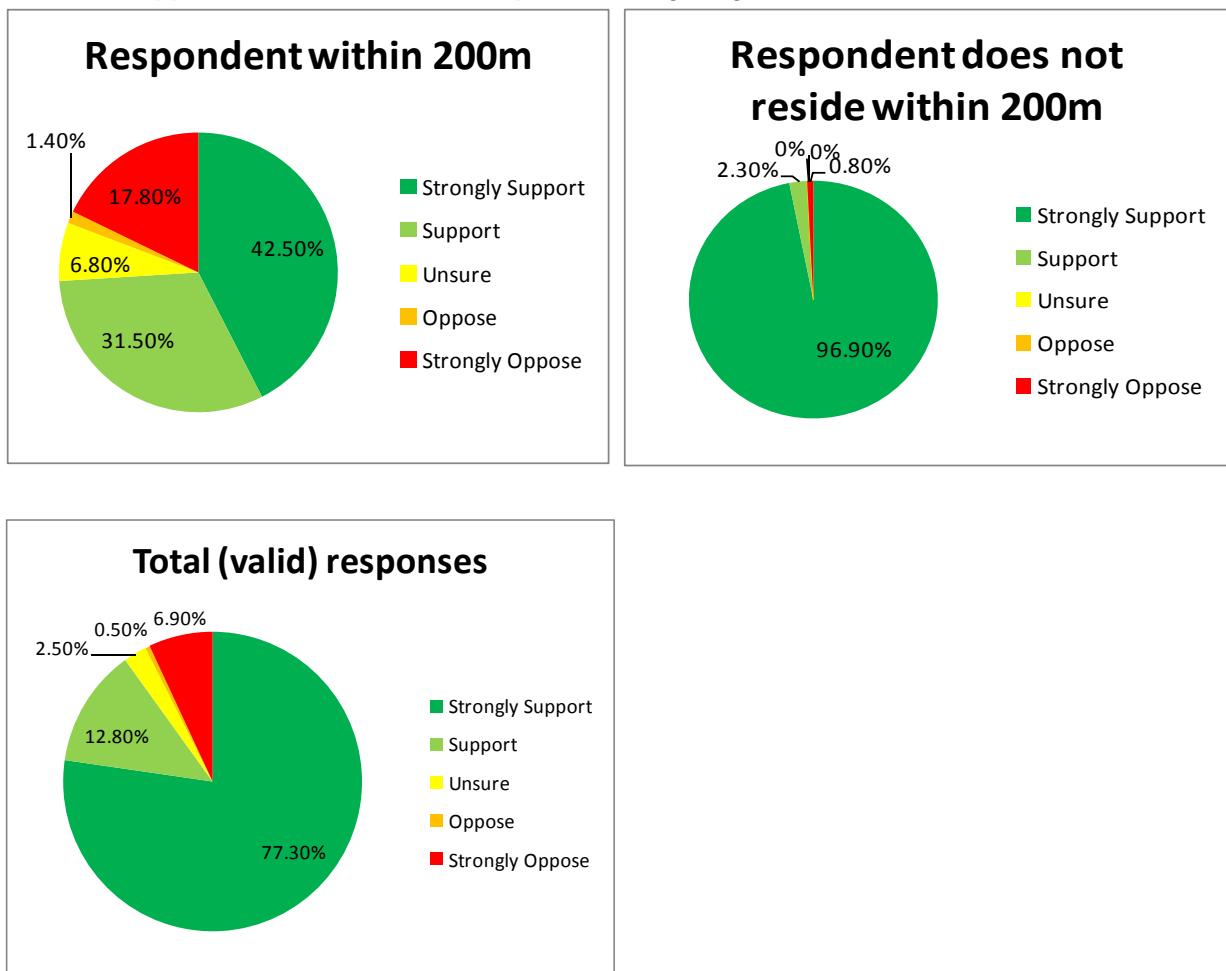
Respondents were asked to indicate if they supported the development of a multi-purpose community sporting facility, floodlighting and cricket practice nets. Of the responses received, the majority indicated support for all proposed works at Hawker Park.

Seacrest Park, Sorrento – Floodlighting Upgrade Project

Community consultation with City of Joondalup residents living within a 200 metre radius from the site (414 households) was conducted for 21 days from 8 July to 29 July 2013. The consultation provided the local community with an opportunity to provide feedback on the proposed floodlighting upgrade project at Seacrest Park.

Respondents were asked to indicate a level of support for the proposed upgrade of floodlighting infrastructure at Seacrest Park. Of the responses received, the majority indicated support for the works as shown in the below chart. A comprehensive community consultation report has been included as Attachment 2.

Level of support for the installation of sports floodlighting



### Additional Comments

Respondents who indicated that they did not support the new infrastructure proposed as part of the project were asked why. A total of 15 individual respondents were opposed or strongly opposed to the proposed floodlighting upgrade. The main reasons for opposition was in relation to the high level of parking on resident verges within the surrounding area especially on Saturday morning. It is noted that these parking issues do not usually occur when the proposed floodlights would be in operation, ie on weekday evenings.

Additional reasons for opposition included:

- Believe it will attract more noise to the area (in general).
- Believe it will have a greater impact on parking (in general).
- Believe it will attract more traffic and impact the safety around the park (in general).
- Believe it will increase the electricity costs for the City.
- Believe lighting is too close to residential properties.
- Believe lights will be too bright (in general).

### COMMENT

The DSR, through the CSRFF, aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of sustainable, good quality, well-designed and well-utilised facilities. The CSRFF provides the City with an excellent opportunity to upgrade community facilities and City infrastructure with the support of the state government (Department of Sport and Recreation) and the community organisations that will directly benefit from the upgrades.

Supporting the four projects represents a sound financial contribution toward sport and recreation in the Joondalup region for clubs and the community. While the City has submitted four projects and assigned a priority, it is understood that if a higher priority project is unsuccessful, it will not impact on the possibility of the lower prioritised projects being funded.

### VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Fishwick, SECONDED Cr McLean that Council:**

- 1 NOTES the findings of the community consultation process undertaken for the Seacrest Park, Sorrento project;**
- 2 Subject to a successful Community Sporting and Recreation Facilities Fund grant application of \$104,775 and a contribution of \$104,775 from the Sorrento Duncraig Junior Football Club APPROVES the proposed floodlighting project at Seacrest Park, Sorrento at a capital cost estimate of \$314,325;**
- 3 ENDORSES the ranking and rating of Community Sporting and Recreation Facilities Fund applications below:**

| Applicant's Rank |  | Applicant's Rating                              |
|------------------|--|---|
| 1                | Warwick Open Space, Warwick – Hockey Infrastructure development at Warwick Open Space, Warwick | Well planned and needed by the local government |
| 2                | Bramston Park, Burns Beach – Proposed Development at Bramston Park, Burns Beach                | Well planned and needed by the local government |
| 3                | Hawker Park, Warwick – Proposed Redevelopment at Hawker Park, Warwick                          | Well planned and needed by the local government |
| 4                | Seacrest Park, Sorrento – Floodlighting Upgrade Project at Seacrest Park, Sorrento             | Well planned and needed by the applicant        |

- 4 **ENDORSES** an application to Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund program for \$2,341,333 (ex GST) to part fund the Warwick Open Space, Warwick Proposed Synthetic Hockey Pitch Project;
- 5 **ENDORSES** an application to Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund program for \$976,667 (ex GST) to part fund the Bramston Park, Burns Beach, Development Project;
- 6 **ENDORSES** an application to Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund program for \$913,333 (ex GST) to part fund the Hawker Park, Warwick, Redevelopment Project;
- 7 **ENDORSES** an application to Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund program for \$104,775 (ex GST) to part fund the Seacrest Park, Sorrento, Floodlighting Project;
- 8 **Subject to endorsement of the CSRFF grant application in Part 7 above REQUESTS** that \$314,325 be listed for consideration within 2014-15 of the City's Five Year Capital Works Program for the Seacrest Park, Sorrento floodlighting project.

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution after consideration of CJ183-09/13, page 130 refers.**

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

*Appendix 10 refers*

To access this attachment on electronic document, click here: [Attach10brf170913.pdf](#)

## **CJ177-09/13 LIST OF PAYMENTS DURING THE MONTH OF JULY 2013**

|                               |  |   |
|-------------------------------|--|---|
| <b>WARD</b>                   | All  |   |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mike Tidy<br>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 July 2013 |
|                               | Attachment 2   | Chief Executive Officer's Delegated Trust Payment List for the month of July 2013     |
|                               | Attachment 3   | Municipal and Trust Fund Vouchers for the month of July 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 July 2013.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of July 2013 totalling \$11,425,642.86.

*It is recommended that Council NOTES the Chief Executive Officer's list of accounts for July 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 CJ177-09/13, totalling \$11,425,642.86.*

### **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 July 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<br>96106 - 96297 & EF032986 -EF033595<br>Net of cancelled payments | \$7,559,495.03         |
|                   | Vouchers 1145A – 1151A  | \$3,836,648.28         |
| Trust Account     | Trust Cheques 205765 - 205822<br>Net of cancelled payments  | \$29,499.55            |
| <b>Total</b>      |   | <b>\$11,425,642.86</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 2013–14 Annual Budget as adopted by Council at its meeting held on 25 June 2013 (CJ117-06/13 refers) and subsequently revised or has been authorised in advance by the Mayor or by resolution of Council as applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Fishwick, SECONDED Cr McLean that Council NOTES the Chief Executive Officer's list of accounts for July 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 CJ177-09/13, totalling \$11,425,642.86.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution after consideration of CJ183-09/13, page 130 refers.**

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

*Appendix 11 refers*

To access this attachment on electronic document, click here: [Attach11brf170913.pdf](#)

## **CJ178-09/13 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JULY 2013**

|                               |  |
|-------------------------------|--|
| <b>WARD</b>                   | All  |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mike Tidy<br>Corporate Services   |
| <b>FILE NUMBER</b>            | 07882, 101515  |
| <b>ATTACHMENT</b>             | Attachment 1 Financial Activity Statement for the period ended 31 July 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 July 2013.

### **EXECUTIVE SUMMARY**

Council adopted the Annual Budget for the 2013-14 Financial Year at its meeting held on 25 June 2013, (CJ117-06/13 refers). The figures in this report are compared to the adopted budget figures.

The July 2013 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$346,959 for the period when compared to the 2013-14 adopted budget.

The variance can be summarised as follows:

The Operating Surplus is \$2,091,929 higher than budget, made up of higher operating revenue of \$473,240 and lower operating expenditure of \$1,618,689.

Higher operating revenues are primarily as a result of Rates \$389,180, Profit on Asset Disposal \$216,535, Grants and Subsidies \$15,023 and Interest Earnings \$13,780. These are offset by revenue below budget on Contributions, Reimbursements and Donations \$115,818, Fees and Charges \$40,411 and Other Revenue \$5,047.

Operating expenditure is below budget on Materials and Contracts \$671,124, Depreciation \$516,074, Employee Costs \$222,197, Utilities \$146,630, Loss on Asset Disposal \$35,036 Insurance Expenses \$26,129 and Interest Expenses \$1,498.

The Capital Deficit is \$1,092,283 above budget as a result of higher expenditure on Capital Works \$1,333,937 and Tamala Park Development Costs \$135,564. This is partially offset by lower than budget expenditure on Capital Projects \$283,218 and Motor Vehicle Replacement \$519,000. In addition capital revenue is \$425,000 lower than budget.

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

*It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 July 2013 forming Attachment 1 to Report CJ178-09/13.*

## **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 July 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 2013-14 Adopted Budget or have been authorised in advance by Council where applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED** Cr Fishwick, **SECONDED** Cr McLean that Council **NOTES** the Financial Activity Statement for the period ended 31 July 2013 forming Attachment 1 to Report CJ178-09/13.

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution after consideration of CJ183-09/13, page 130 refers.**

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

*Appendix 12 refers*

To access this attachment on electronic document, click here: [Attach12brf170913.pdf](#)

## **CJ179-09/13      PENISTONE PARK, GREENWOOD PROPOSED REDEVELOPMENT**

|                               |   |  |  |
|-------------------------------|---|--|--|
| <b>WARD</b>                   | South-East  |  |  |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mike Tidy<br>Corporate Services  |  |  |
| <b>FILE NUMBER</b>            | 02184   |  |  |
| <b>ATTACHMENT</b>             | Attachment 1  | Penistone Park Aerial Map                      |  |
|                               | Attachment 2  | Penistone Park Clubroom Floor Plan             |  |
|                               | Attachment 3  | City's Endorsed Master Planning Process        |  |
|                               | Attachment 4  | Community Consultation Results Analysis Report |  |
| <b>AUTHORITY / DISCRETION</b> | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |  |  |

### **PURPOSE**

For Council to consider the results of the community consultation undertaken for the proposed redevelopment of Penistone Park, Greenwood and to seek endorsement to proceed to the concept design stage of 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, change rooms, furniture store and user group storage. In 2007-08 the facility was refurbished with an upgrade to the toilets and change rooms and painting.

As a district park, the ovals and infrastructure service the local area and several surrounding suburbs. Currently, eight regular user groups with over 1,300 members 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 existing site and facility layout is poor therefore limiting its functionality for user group and wider community needs. In addition, a number of challenges have been highlighted as follows:

- Limited available storage.
- Rain water 'pooling' around the facility.
- Service road disconnects users from the main oval and clubroom/change rooms.
- Car park areas are at northern area of site are separated, 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.

At its meeting held on 16 July 2013 (CJ135-07/13 refers), Council endorsed the commencement of the proposed redevelopment project at Penistone Park, Greenwood and resolved the City to arrange community consultation from Thursday 18 July – Wednesday 7 August 2013.

The City received 170 valid responses of which 142 were from residents living within a 500 metre radius of the site, which is a response rate of 11.5%. Respondents were asked to indicate their support of the following redevelopment works at Penistone Park:

- Redevelopment of the existing clubroom facility into a new multi-purpose community sporting facility (92% support, 8% unsure/no response).
- Replacement of the existing concrete basketball courts with a 3-on-3 basketball pad (76% support, 20% unsure/no response, and 4% oppose).
- Replacement of the existing cricket practice nets (80% support, 19% unsure/no response, and 1% oppose).
- Removal of the outdoor storage shed and tennis shelter and consolidation of these into the new multi-purpose community sporting facility (88% support, 11% unsure/no response, and 1% oppose).

An amount of \$2 million has been listed for construction in 2015-16 within the City's *Five Year Capital Works Program*. However, an amount for detailed design and tender documentation has not been listed and if the project proceeds to this stage, this activity will occur approximately one year prior to construction (2014-15). In recent projects (Bramston Park and Hawker Park), the Quantity Surveyor who provided cost estimates on the projects allocated 12% of the total construction cost toward this activity. On the basis of the construction listing in 2015-16 of \$2 million within the City's *Five Year Capital Works Program*, it is recommended that an amount of \$240,000 be listed for detailed design and tender documentation in 2014-15 within the City's *Five Year Capital Works Program*.

Given the overwhelming support from the community consultation, it is proposed that the Penistone Park Redevelopment project be endorsed to progress to Stage 3 of the City's endorsed Master Planning process – Concept Design. If endorsed, draft concept plans and cost estimates will be presented to Council in early 2014 for feedback before taking these designs to the community for public comment.

*Therefore it is recommended that Council:*

- 1 *NOTES the findings of the Community Consultation process undertaken for the Penistone Park redevelopment project;*
- 2 *NOTES the timeline proposed for the Penistone Park redevelopment project;*
- 3 *NOTES the listing of \$2 million within 2015-16 of the City's Five Year Capital Works Program for construction of the redevelopment of Penistone Park;*

- 4 *REQUESTS the Chief Executive Officer to arrange for the development of Concept Plans for the Penistone Park site with the inclusion of the following:*
  - 4.1 *Multi-purpose Community Sporting Facility;*
  - 4.2 *Replacement of the existing concrete basketball courts with a 3-on-3 basketball pad;*
  - 4.3 *Replacement of the existing cricket practice nets;*
  - 4.4 *Removal of outdoor storage sheds and tennis shelter and consolidation of these into the new Multi-purpose Community Sporting Facility;*
- 5 *NOTES that the Concept Plan to be developed will give consideration to the comments of the Community Consultation;*
- 6 *REQUESTS an amount of \$240,000 be listed in 2014-15 of the City's Five Year Capital Works Program for the detailed design and tender documentation for the Penistone Park Redevelopment Project.*

## **BACKGROUND**

Penistone Park located on Penistone Street, Greenwood (Attachment 1 refers) is approximately 11.4 hectares in size 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. Recently, the City upgraded floodlighting on both sporting ovals with four towers on each oval. The upper (east) oval provides lighting levels of 250 lux (Australian Standard small ball sports training), whilst the lower (west) oval provides levels of 50 lux (Australian Standard large ball sports training). The additional lux levels above the City's standard level of provision (50 lux) on the upper (east) oval has been provided on the basis that the Wanneroo Lacrosse Club contributed approximately \$29,052 (ex GST) to the project to improve the level of the lighting.

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

As a district park, the ovals and infrastructure service the local area and several surrounding suburbs. Currently, eight regular user groups with over 1,300 registered members 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 existing site and facility layout is poor therefore limiting its functionality for user group and wider community needs. In addition, a number of challenges had been highlighted:

- 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/change rooms.
- The two main car park areas at the northern end of the site are separated and main access for one car park 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.

At its meeting held on 16 July 2013 (CJ135-07/13 refers), Council endorsed the commencement of the proposed redevelopment project at Penistone Park, Greenwood and resolved the following:

- 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 this Report;*
- 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.*

## **DETAILS**

Due to the existing challenges at Penistone Park, the proposed scope of the redevelopment project consists of:

- 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 Penistone Park Redevelopment is being 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 scheduled in the City's *Five Year Capital Works Program* (and meet CSRFF deadlines), planning of the project commenced in July 2013. The major project timelines have been determined and are outlined in the following table.

| Item No.   | Task  | Timeframe                  |
|--|---|----------------------------|
| <b>1 – Project Initiation and Planning</b>                 |   |                            |
| 1  | Seek Council endorsement to commence project and undertake first round of community consultation.                                 | Completed                  |
| <b>2 – Site and Needs Analysis</b>                         |   |                            |
| 2  | Undertake first round of community consultation (residents/interest groups/user groups).  | Completed                  |
| 3  | Update Council on results of community consultation and seek endorsement to proceed to Stage 3 – Concept Design.                  | September 2013             |
| <b>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>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>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 2015                 |
| <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 Recreation's Community Sporting and Recreation Facilities Fund (CSRFF) program. Notably, detailed design will occur while 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 the project to proceed to the concept design or not endorse the project to proceed to the concept design. If Council endorses the project to proceed, the City will develop concept plans for both the facility and site which will be presented to Council in early 2014. Furthermore, Council can choose to defer or cease the project.

If Council resolves not to proceed with the project, Penistone Park user groups will continue to operate at the facility.

It is recommended that the project proceeds and the City undertakes Stage 3 of the City's endorsed Master Planning process - Concept Design 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 progress, Penistone Park user groups will continue to operate, although the facility provides limited functionality and may 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.

If the project does not progress, appropriate planning will not be undertaken to satisfy the requirements of an eligible CSRFF application. As a result, the opportunity to potentially minimise City funds on the project will be missed.

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. 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

|                             |  |
|-----------------------------|--|
| <b>Account no.</b>          | Various.   |
| <b>Budget Item</b>          | 2012-13 Leisure Planning Operating Budget: Standard Labour Charge and External Contractors (Penistone Park). |
| <b>Budget amount</b>        | \$ 11,750 (combined)*.   |
| <b>Amount spent to date</b> | \$ Nil.  |
| <b>Balance</b>              | \$ 11,750*.  |
| <b>Account no.</b>          | MPP2047.   |
| <b>Budget Item</b>          | 2015-16 Penistone Park – Facility Redevelopment.   |
| <b>Budget amount</b>        | \$ 2,000,000**.  |
| <b>Amount spent to date</b> | \$ Nil.  |
| <b>Balance</b>              | \$ 2,000,000.  |

\* The amount of \$11,750 listed in the 2013-14 operating budget is to undertake the development of concept design and obtain a capital cost estimate.

\*\* This figure has been 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. If the project proceeds to detailed design and development of tender documentation, this activity would commence one year prior to construction (2014-15). In recent projects (Bramston Park and Hawker Park), the Quantity Surveyor who provided cost estimates on the projects allocated 12% of the total construction cost toward this activity. On the basis of the construction listing in 2015-16 of \$2,000,000 within the City's *Five Year Capital Works Program*, it is recommended that an amount of \$240,000 be listed for detailed design and tender documentation in 2014-15 within the City's *Five Year Capital Works Program*.

As the project progresses through concept designs and the obtainment of a cost estimate, the amount for detailed design and tender documentation may need to be adjusted.

All amounts quoted in this report are 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 has included consultation with existing and potential user groups and the local wider community to ensure that the proposed redevelopment represents the communities' 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 endorsed 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 was conducted in accordance with the City's approved *Community Consultation and Engagement Policy and Protocol* and was undertaken for a period of 21 days from Thursday 18 July – Wednesday 7 August 2013. The consultation was advertised through the following methods:

- Direct mail out - a cover letter, information brochure, frequently asked questions sheet and a comment form was sent to all stakeholders.
- Site signage – two signs were placed at Penistone Park during the consultation period.
- City's website – information brochure, frequently asked questions sheet and comment form was 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.

Targeted consultation was undertaken with the following stakeholders:

- Residents living within a 500 metre radius of the site (1,469 residents).
- Representatives from the oval user groups.
- Representatives from facility user groups.
- Representative from the local Residents' Association.
- Representative(s) from the Greenwood Primary School.

The community consultation was aimed to determine the level of support for the following various features of the proposed redevelopment:

- Redevelopment of the existing clubroom facility into a new multi-purpose community sporting 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.

Consultation documentation was available on the City's website for the public to comment. In addition, the City met with all user groups who on a regular basis utilise the facility and ovals to inform them of the consultation process and sought direct feedback in order to assist the development of concept plans, subject to the project proceeding.

## Consultation results

The full results of the community consultation are included as Attachment 4. The City received 170 valid responses of which 142 were from residents living within a 500 metre radius of the site, which is a response rate of 11.5%. Notably, there were 28 submissions made from people living outside of 500 metres radius of the site. All existing user groups of the facilities and ovals submitted a consultation form, in addition to the Kingsley and

Greenwood Residents Association. The following is a summarisation of the consultation results.

### *User Groups*

The City met with the eight regular user groups to discuss the proposed project. All user groups responded to the consultation giving a 100% response rate. All groups supported the redevelopment of the existing clubroom into a new multi-purpose community sporting facility, whilst six groups were supportive of the replacement of the existing basketball courts with a 3-on-3 basketball pad and two groups were unsure. Furthermore, six groups were also supportive of replacing the existing cricket nets, whilst two groups were unsure. In addition, seven groups were in support of removal of the outdoor storage shed and tennis shelter and consolidation of these into the new multi-purpose community sporting facility, whilst one group was unsure.

### *Demographics*

Of the 170 valid responses, almost one quarter of these were completed by people aged 55–64, over one fifth by people aged 35–44 and one sixth by people aged 45–54 and 65–74. These age groups represent significant segments of the local population.

### *Use of Penistone Park*

The majority of respondents use Penistone Park for informal recreation (70.6%). 37 respondents (21.8%) use Penistone Park for organised sport and recreation, whilst 24 respondents (14.1%) indicated that they do not use Penistone Park, however are interested in the project. 11 responses (6.5%) were also received indicating that they use Penistone Park for 'other' uses. (Note: the percentage of total responses is greater than 100% as respondents were permitted to select more than one response).

### *Use of existing Basketball Courts*

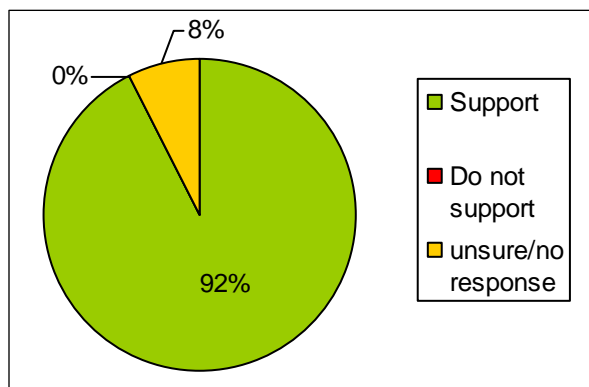
Respondents were asked how often they had used the basketball courts at Penistone Park in the past 12 months in order to indicate the level of usage. Of the 165 respondents to the question, the majority of respondents had indicated that they had not used the basketball courts in the last 12 months (67.1%).

In addition to the community consultation, the City undertook a usage count of the Basketball Courts on Monday, Wednesday, Friday, Saturday and Sunday's from 29 June 2013 to 29 July 2013 as the City does not hire the courts to the community and allows unrestricted use. The City's City Watch patrol service where possible visited the site at 10.30am and 2.00pm on each specified day throughout the period. Of the 28 times data was collected (of the possible 32 opportunities), it was recorded that the courts were not being utilised 18 times. Of the 10 times the courts were used, anywhere from two to six people were using the court at any one time.

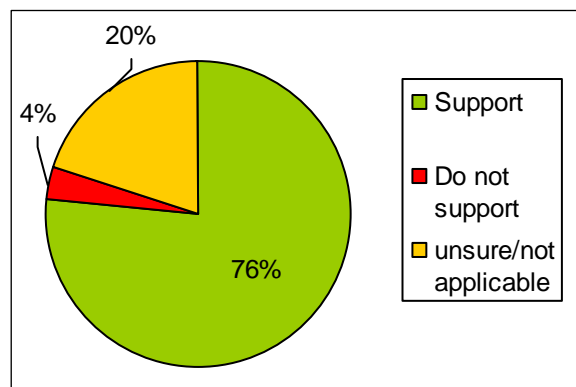
### *Redeveloped infrastructure*

As outlined previously, respondents were asked to indicate if there level of support for the proposed infrastructure to be redeveloped. Of the responses, the majority were in favour of all proposed infrastructure to be redeveloped. The following charts summarise the level of support from the community consultation undertaken:

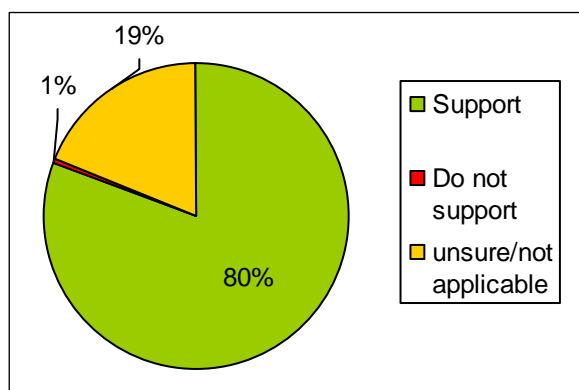
#### Redevelopment of existing clubroom into a Multi-purpose Community Sporting Facility



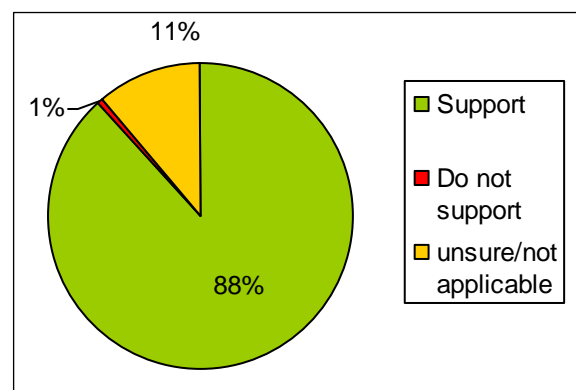
#### Replacement of existing basketball courts with a 3-on-3 basketball pad



#### Replacement of cricket practice nets



#### Removal of outdoor storage sheds and tennis shelter



#### Additional Feedback/Comments

Respondents who indicated that they opposed or strongly opposed the various features of the redevelopment were asked to indicate their reasons. Of the minimal amount of opposition (total of 22 responses), the three most common responses were related to the basketball courts get used for other informal activities (total = 5), the amount of storage space available (total = 4) and more information is required on the proposed layout of the redevelopment to make an informed decision (total = 3).

In addition, respondents were asked if they had any additional comments regarding the proposed development. A total of 99 responses were received and common comments included:

- support for the proposal in general (total = 18)
- shade sail over the existing playground (total = 15)
- additional barbecues/picnic shelters (total = 13)
- additional cycle/walking paths around the park (total = 8)
- concerns about increased traffic and parking (total = 7)

## COMMENT

Penistone Park is one of eight district level parks within the City and its infrastructure supports eight user groups with over 1,300 total registered members on a regular basis. The consultation results suggest that numerous members of the community use the park for informal recreation activities, therefore it is considered a significant asset to the community.

The results of the community consultation suggest that there is overwhelming support to progress this project to Stage 3 of the City's endorsed Master Planning Process – Concept Design.

If the project is endorsed to proceed, the concept plans will consider the additional feedback/comments from the consultation period in conjunction with the proposed scope, the City's *Parks and Public Open Spaces Classification Framework* and any other relevant documentation. Furthermore, the concept design stage will consider environmentally sustainable design features, access and inclusion principles and 'Designing Out Crime' planning guidelines.

If the project is endorsed to proceed to concept design, an allocation of \$240,000 should be considered for listing within City's *Five Year Capital Works Program* in 2014-15, on the basis that this amount will be reviewed once concept plans have been developed and cost estimates have been obtained.

If endorsed, draft concept plans and cost estimates will be presented to Council in early 2014 for feedback before taking these designs to the community for public comment.

## VOTING REQUIREMENTS

Simple Majority.

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

- 1 NOTES the findings of the Community Consultation process undertaken for the Penistone Park redevelopment project;**
- 2 NOTES the timeline proposed for the Penistone Park redevelopment project;**
- 3 NOTES the listing of \$2 million within 2015-16 of the City's *Five Year Capital Works Program* for construction of the redevelopment of Penistone Park;**
- 4 REQUESTS the Chief Executive Officer to arrange for the development of Concept Plans for the Penistone Park site with the inclusion of the following:**
  - 4.1 Multi-purpose Community Sporting Facility;**
  - 4.2 Replacement of the existing concrete basketball courts with a 3-on-3 basketball pad;**
  - 4.3 Replacement of the existing cricket practice nets;**
  - 4.4 Removal of outdoor storage sheds and tennis shelter and consolidation of these into the new Multi-purpose Community Sporting Facility;**

- 5 **NOTES** that the Concept Plan to be developed will give consideration to the comments of the Community Consultation;
- 6 **REQUESTS** an amount of \$240,000 be listed in 2014-15 of the City's *Five Year Capital Works Program* for the detailed design and tender documentation for the Penistone Park Redevelopment Project.

**AMENDMENT MOVED** Cr Chester, **SECONDED** Mayor Pickard that a new Part 4.5 be added to the Motion as follows:

**"4.5 Consideration of the existing two tennis courts located on the southern portion of Penistone Park Greenwood;"**.

The Amendment was Put and

**CARRIED (11/0)**

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

The original Motion as amended:

That Council:

- 1 **NOTES** the findings of the Community Consultation process undertaken for the Penistone Park redevelopment project;
- 2 **NOTES** the timeline proposed for the Penistone Park redevelopment project;
- 3 **NOTES** the listing of \$2 million within 2015-16 of the City's *Five Year Capital Works Program* for construction of the redevelopment of Penistone Park;
- 4 **REQUESTS** the Chief Executive Officer to arrange for the development of Concept Plans for the Penistone Park site with the inclusion of the following:
- 4.1 **Multi-purpose Community Sporting Facility;**
- 4.2 **Replacement of the existing concrete basketball courts with a 3-on-3 basketball pad;**
- 4.3 **Replacement of the existing cricket practice nets;**
- 4.4 **Removal of outdoor storage sheds and tennis shelter and consolidation of these into the new Multi-purpose Community Sporting Facility;**
- 4.5 **Consideration of the existing two tennis courts located on the southern portion of Penistone Park Greenwood;**
- 5 **NOTES** that the Concept Plan to be developed will give consideration to the comments of the Community Consultation;
- 6 **REQUESTS** an amount of \$240,000 be listed in 2014-15 of the City's *Five Year Capital Works Program* for the detailed design and tender documentation for the Penistone Park Redevelopment Project.

was Put and

**CARRIED (11/0)**

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

*Appendix 13 refers*

To access this attachment on electronic document, click here: [Attach13brf170913.pdf](#)

## **CJ180-09/13      REQUEST FOR ADDITIONAL SUBSIDY - FACILITY HIRE SUBSIDY**

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | All   |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mike Tidy<br>Corporate Services  |
| <b>FILE NUMBER</b>            | 101271, 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. |

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### **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.

### **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, while 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 been liaising with groups who hire City facilities and consequently, has received a request from the Hindu Swayamsevak Sangh Australia group for consideration of an additional subsidy above what they are entitled to under the policy.

#### Hindu Swayamsevak Sangh Australia

| <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> |
|-----------------------|---|--------------------------|--|--|----------------------------------|
| Dorchester Hall       | Other Not-For-Profit Community Groups – All other groups defined as not-for-profit community groups as per this Policy. | 50% (continually)        | 3  | N/A                                      | \$1,709.01                       |

The Hindu Swayamsevak Sangh Australia group hires Dorchester Hall for three hours per week on a Thursday morning to provide yoga, exercise and health activities for its members. While membership to the group is not exclusive to people aged 55 years or over, all of their members who attend the session at Dorchester Hall are over 55. The group is a not-for-profit group with more than 50% of members residing within the City of Joondalup. They have previously been provided a 100% subsidy, however with the revised policy 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 Council 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.

#### **Issues and options considered**

The Council may:

- approve the request for additional subsidy
- approve in part the request  
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 request for subsidised use of City facilities:

- The user group 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 group 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 this group, the City will forego approximately \$1,709 in income for 2013.

**Regional significance**

Requests for subsidised use only apply 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 Fishwick, SECONDED Cr McLean that Council:**

- 1 DOES NOT AGREE to the request for an additional subsidy as per the '*Facility Hire Subsidy Policy*' for the Hindu Swayamsevak Sangh Australia group;**
- 2 AGREES to waive the fees for the Hindu Swayamsevak Sangh Australia group for 2013 that is over and above the level of subsidisation contained within the *Facility Hire Subsidy Policy* to a maximum of three hours per week, subject to the group demonstrating that 50% of its active members/participants reside within the City of Joondalup;**
- 3 NOTES that 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 (11/0) by En Bloc Resolution after consideration of CJ183-09/13, page 130 refers.**

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

*Manager Governance left the Chamber at 7.36pm and returned at 7.37pm.*

## **CJ181-09/13 TENDER 023/13 - PROVISION OF ARCHITECTURAL AND SPECIALIST CONSULTANCY SERVICES FOR FIVE LEVEL MULTI-STOREY CAR PARK**

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | North   |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mike Tidy<br>Corporate Services  |
| <b>FILE NUMBER</b>            | 103241, 101515  |
| <b>ATTACHMENT</b>             | Attachment 1      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. |

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### **PURPOSE**

For Council to accept the tender submitted by Hames Sharley (WA) Pty Ltd for the provision of architectural and specialist consultancy services for a five level multi-storey car park.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 29 June 2013 through statewide public notice for the provision of architectural and specialist consultancy services for a five level multi-storey car park. Tenders closed on 30 July 2013. Seventeen submissions were received from:

- Ashton Raggatt McDougall Pty Ltd T/as ARM Architecture
- Hames Sharley (WA) Pty Ltd
- Peter Hunt Pty Ltd T/as Peter Hunt Architect
- Worley Parsons Services Pty Ltd
- Woodhead Pty Ltd
- Designinc Perth Pty Ltd
- Gresley Abas Pty Ltd
- S.T.H. Architects Pty Ltd T/as Silver Thomas Hanley
- Fratelle Group Pty Ltd
- Jones Coulter Young Pty Ltd T/as JCY Architects & Urban Designers
- Woods Bagot Pty Ltd
- Hodge Collard Preston Architects
- The Architecture Group Pty Ltd T/as TAG Architects
- Eames Architects Pty Ltd
- Christou Design Group Pty Ltd
- CADDs Group Pty Ltd T/as CADDs Architectural Drafting
- RAD Architecture Pty Ltd.

The submission from Hames Sharley (WA) Pty Ltd represents best value to the City. The company demonstrated significant experience completing large-scale multi-storey car park projects including the Elder Street car park for the City of Perth, Fiona Stanley Hospital staff and public car parks, State Rehabilitation Centre car park, Crown Burswood Entertainment Complex car park and QE II Medical Centre car park. It is a large architectural firm with staff experienced in similar projects and confirmed its ability to complete the project in accordance with the City's timeline. It demonstrated a good understanding of the requirements of the project and its submitted price breakdown has sufficient allowance for each nominated discipline.

*It is recommended that Council ACCEPTS the tender submitted by Hames Sharley (WA) Pty Ltd for the provision of architectural and specialist consultancy services for a five level multi-storey car park for requirements as specified in Tender 023/13 for the fixed lump sum of \$601,400 (GST Exclusive).*

## **BACKGROUND**

At its meeting held on 12 December 2012 (CJ283-12/12 refers), Council approved the business case for the development of a multi-storey car park and requested that the Chief Executive Officer develop a project plan, detailed design and specification and a sourcing strategy for the construction of the multi-storey car park on Boas Avenue.

The City requires an appropriately qualified and experienced architect to provide both architectural and specialist project consultancy services for the design, documentation and contract administration of the construction of a five level multi-storey car park at Lot 535 (93) Boas Avenue Joondalup (Site).

The adjoining Lot 537 (83) Boas Avenue is owned by Western Power and has a high voltage sub-station erected on the site. The City is currently negotiating with Western Power to integrate this site and the existing stand alone sub-station into the proposed car park development.

## **DETAILS**

Tenders were advertised on 29 June 2013 through statewide public notice for the provision of architectural and specialist consultancy services for a five level multi-storey car park. The tender period was for four weeks and tenders closed on 30 July 2013.

This contract is for a fixed lump sum with completion of the services at conclusion of the defects liability period of the construction contract.

### **Tender Submissions**

Seventeen submissions were received from:

- Ashton Raggatt McDougall Pty Ltd T/as ARM Architecture
- Hames Sharley (WA) Pty Ltd
- Peter Hunt Pty Ltd T/as Peter Hunt Architect
- Worley Parsons Services Pty Ltd
- Woodhead Pty Ltd
- Designinc Perth Pty Ltd
- Gresley Abas Pty Ltd

- S.T.H. Architects Pty Ltd T/as Silver Thomas Hanley
- Fratelle Group Pty Ltd
- Jones Coulter Young Pty Ltd T/as JCY Architects & Urban Designers
- Woods Bagot Pty Ltd
- Hodge Collard Preston Architects
- The Architecture Group Pty Ltd T/as TAG Architects
- Eames Architects Pty Ltd
- Christou Design Group Pty Ltd
- CADDs Group Pty Ltd T/as CADDs Architectural Drafting
- RAD Architecture Pty Ltd.

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

### **Evaluation Panel**

The evaluation panel comprises four members:

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

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

### **Compliance Assessment**

The following offers received were assessed as fully compliant:

- Ashton Raggatt McDougall Pty Ltd T/as ARM Architecture
- Hames Sharley (WA) Pty Ltd
- Peter Hunt Pty Ltd T/as Peter Hunt Architect
- Worley Parsons Services Pty Ltd
- Woodhead Pty Ltd
- Designinc Perth Pty Ltd
- S.T.H. Architects Pty Ltd T/as Silver Thomas Hanley
- Fratelle Group Pty Ltd
- Jones Coulter Young Pty Ltd T/as JCY Architects & Urban Designers
- Hodge Collard Preston Architects
- The Architecture Group Pty Ltd T/as TAG Architects
- Eames Architects Pty Ltd
- Christou Design Group Pty Ltd
- CADDs Group Pty Ltd T/as CADDs Architectural Drafting.

The following offers received were assessed as partially compliant:

- Woods Bagot Pty Ltd
- Gresley Abas Pty Ltd
- RAD Architecture Pty Ltd.

The offer from Woods Bagot Pty Ltd was subject to a mutually agreed cap on overall liability, exclusion of consequential and indirect losses and aligning the warranties and indemnities with its insurance cover.

The offer from Gresley Abas Pty Ltd was subject to negotiation of implied unlimited liability.

The professional indemnity insurance cover of RAD Architecture Pty Ltd does not fully comply with the required \$5 million level of cover. Its policy is limited to claims of \$2 million for one occurrence and \$6 million in the aggregate.

Although the partially complaint submissions were not fully compliant with the City's contract terms, each was included for further assessment on the basis that the clarification could be sought on the proposed contractual amendments and professional indemnity insurance coverage should any of the submissions be considered for recommendation prior to the final assessment decision.

### Qualitative Assessment

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

| Qualitative Criteria |  | Weighting |
|----------------------|--|-----------|
| 1                    | Demonstrated experience in completing similar projects | 45%       |
| 2                    | Capacity   | 30%       |
| 3                    | Demonstrated understanding of the required tasks       | 20%       |
| 4                    | Social and economic effects on the local community     | 5%        |

RAD Architecture Pty Ltd scored 20.4% and was ranked last in the qualitative assessment. The company demonstrated limited experience in multi-storey car park projects and did not sufficiently demonstrate the experience and capability of its architectural staff. The response demonstrating an understanding of the project was lacking detail and did not adequately address the tasks to be undertaken by the lead architectural consultant.

CADDS Architectural Drafting scored 39.4% and was ranked fifteenth in the qualitative assessment. It demonstrated an adequate capacity to perform the services. The company did not demonstrate experience in multi-storey car parks of a similar size and nature to the City's project. It also did not provide sufficient detail demonstrating a full appreciation of the tasks in each stage of the project.

Christou Design Group Pty Ltd scored 43.5% and was ranked fourteenth in the qualitative assessment. The company demonstrated some understanding of the project and has the capacity to undertake the project; however no information was supplied on its nominated sub-consultant team members. It demonstrated limited experience in stand-alone multi-storey car parks.

Eames Architects Pty Ltd scored 44.8% and was ranked thirteenth in the qualitative assessment. The company demonstrated an adequate understanding of the requirements. It demonstrated some capacity to perform the services, however the experience of the staff of its nominated sub-consultant did not clearly state the experience they have in multi-storey car parks. Eames Architects Pty Ltd demonstrated limited experience in multi-storey car park projects.

TAG Architects scored 45.3% and was ranked twelfth in the qualitative assessment. It is a small company with limited capacity. The architectural firm demonstrated limited experience in projects incorporating car parking; however several of its staff have experience with previous employers. The company demonstrated a good understanding of the project.

Hodge Collard Preston Architects scored 46.8% and was ranked eleventh in the qualitative assessment. It demonstrated a good understanding of the requirements and experience in projects with car parking facilities, although some of the supplied examples were on a smaller scale than the City's project. The company has the capacity to provide the services; however its response did not address the ability to provide additional resources and safety management.

Woods Bagot Pty Ltd scored 47.4% and was ranked tenth in the qualitative assessment. The company has the capacity to undertake the services, however its response did not address the ability to provide additional resources or safety management. It demonstrated an understanding of the requirements, although it was noted that the submission indicated no involvement in construction documentation, which is a requirement of the tender. Woods Bagot Pty Ltd demonstrated limited experience in providing architectural services for multi-storey car park projects.

JCY Architects & Urban Designers scored 48.1% and was ranked ninth in the qualitative assessment. It demonstrated experience in a variety of projects in terms of size, scope and value. A small proportion of the projects were for a stand-alone car park. The company is a large architectural firm with the capacity to perform the services, although its response did not specifically address the ability to provide additional resources. The response addressing its understanding of the project was brief and lacked detail on the tasks to be undertaken in each stage of the project.

Fratelle Group Pty Ltd scored 50.3% and was ranked equal eighth in the qualitative assessment. The company demonstrated a well developed understanding of the requirements. It demonstrated some experience in completing multi-storey car parks within buildings rather than stand-alone facilities. The company demonstrated the capacity to perform the services. Its response did not address safety management.

Worley Parsons Services Pty Ltd scored 50.3% and was ranked equal eighth in the qualitative assessment. It demonstrated an understanding of the requirements. The company is a large multi-disciplinary engineering consultancy firm. It has one architectural employee supported by a sub-consultant firm to provide the architectural services. The company demonstrated experience providing engineering services to projects with car park facilities. Its nominated architectural sub-consultant demonstrated experience in commercial and office buildings with basement car parking only.

Silver Thomas Hanley scored 54.5% and was ranked seventh in the qualitative assessment. It demonstrated an understanding of the requirements. The company has the capacity to undertake the project; however its response did not provide information on its nominated sub-consultant team members or safety management. Silver Thomas Hanley demonstrated experience in car park projects at health facilities such as St John of God, Hollywood and Joondalup hospitals.

Gresley Abas Pty Ltd scored 56.3% and was ranked sixth in the qualitative assessment. It demonstrated a good understanding of the requirements and the capacity to perform the services. The company demonstrated some experience in completing similar car park facility projects, although two of the five projects were for concept design or planning stage only.

Designinc Perth Pty Ltd scored 58.3% and was ranked fifth in the qualitative assessment. The company demonstrated experience completing similar car park projects including the QEII car park and Sydney international and domestic terminal car parks. It demonstrated a good understanding of the requirements and has the capacity to perform the services, however safety management was not addressed in its submission.

Woodhead Pty Ltd scored 58.9% and was ranked fourth in the qualitative assessment. It demonstrated experience completing similar stand-alone multi-storey car parks at Adelaide central bus station, Adelaide airport and the South Australia aquatic centre as design architects only. The company has the capacity to perform the services and demonstrated a good understanding of the requirements, although most of the resources with relevant multi-storey car park experience is not West Australian based.

Peter Hunt Architect scored 67.6% and was ranked third in the qualitative assessment. It demonstrated a thorough understanding of the requirements. The company has the capacity to perform the services. It demonstrated experience completing multi-storey car park projects including the Joondalup and Midland Health Campus car parks in joint venture with Silver Thomas Hanley and the Gold Coast Convention & Exhibition Centre.

Hames Sharley (WA) Pty Ltd scored 68.6% and was ranked second in the qualitative assessment. It demonstrated significant experience in multi-storey car park projects including the Elder Street car park for the City of Perth, Fiona Stanley Hospital staff and public car parks, State Rehabilitation Centre car park and QE II Medical Centre car park. It is a large architectural firm with the capacity to perform the services. All the nominated architectural team have recent experience in car park projects in Western Australia. The company demonstrated a good understanding of the requirements.

ARM Architecture scored 69.3% and was ranked first in the qualitative assessment. It demonstrated the most comprehensive understanding of the requirements. The company is a large architectural firm with the capacity to perform the services. It demonstrated substantial experience in completing multi-storey car parks including the Perth Arena and various office buildings in Melbourne and Brisbane.

### Price Assessment

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

| <b>Tenderer</b>                  | <b>Contract Price (ex GST)</b> |
|----------------------------------|--------------------------------|
| Cadds Architectural Drafting     | \$457,000                      |
| Woodhead Pty Ltd                 | \$476,500                      |
| Gresley Abas Pty Ltd             | \$488,250                      |
| Hodge Collard Preston Architects | \$507,200                      |
| Eames Architects Pty Ltd         | \$523,200                      |
| Designinc Perth Pty Ltd          | \$553,750                      |
| Peter Hunt Architect             | \$554,910                      |
| Woods Bagot Pty Ltd              | \$598,800                      |
| Hames Sharley (WA) Pty Ltd       | \$601,400                      |
| Silver Thomas Hanley             | \$647,735                      |
| RAD Architecture Pty Ltd         | \$652,800                      |
| Christou Design Group Pty Ltd    | \$658,450                      |
| TAG Architects                   | \$668,800                      |



| <b>Tenderer</b>                  | <b>Contract Price (ex GST)</b> |
|----------------------------------|--------------------------------|
| Fratelle Group Pty Ltd           | \$736,015                      |
| ARM Architecture                 | \$755,000                      |
| Worley Parsons Services Pty Ltd  | \$779,098                      |
| JCY Architects & Urban Designers | \$870,080                      |

### **Evaluation Summary**

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

| <b>Tenderer</b>                  | <b>Total Contract Price</b> | <b>Price Rank</b> | <b>Evaluation Score</b> | <b>Qualitative Rank</b> |
|----------------------------------|-----------------------------|-------------------|-------------------------|-------------------------|
| ARM Architecture                 | \$755,000                   | 15                | 1                       | 69.3%                   |
| Hames Sharley (WA) Pty Ltd       | \$601,400                   | 9                 | 2                       | 68.6%                   |
| Peter Hunt Architect             | \$554,910                   | 7                 | 3                       | 67.6%                   |
| Woodhead Pty Ltd                 | \$476,500                   | 2                 | 4                       | 58.9%                   |
| Designinc Perth Pty Ltd          | \$553,750                   | 6                 | 5                       | 58.3%                   |
| Gresley Abas Pty Ltd             | \$488,250                   | 3                 | 6                       | 56.3%                   |
| Silver Thomas Hanley             | \$647,735                   | 10                | 7                       | 54.5%                   |
| Worley Parsons Services Pty Ltd  | \$779,098                   | 16                | 8                       | 50.3%                   |
| Fratelle Group Pty Ltd           | \$736,015                   | 14                | 8                       | 50.3%                   |
| JCY Architects & Urban Designers | \$870,080                   | 17                | 9                       | 48.1%                   |
| Woods Bagot Pty Ltd              | \$598,800                   | 8                 | 10                      | 47.4%                   |
| Hodge Collard Preston Architects | \$507,200                   | 4                 | 11                      | 46.8%                   |
| TAG Architects                   | \$668,800                   | 13                | 12                      | 45.3%                   |
| Eames Architects Pty Ltd         | \$523,200                   | 5                 | 13                      | 44.8%                   |
| Christou Design Group Pty Ltd    | \$658,450                   | 12                | 14                      | 43.5%                   |
| Cadds Architectural Drafting     | \$457,000                   | 1                 | 15                      | 39.4%                   |
| RAD Architecture Pty Ltd         | \$652,800                   | 11                | 16                      | 20.4%                   |

Based on the evaluation result the panel concluded that the tender that provides best value to the City is that of Hames Sharley (WA) Pty Ltd and is therefore recommended.

While ARM Architecture achieved the highest qualitative score, its price was 25.5% more expensive than Hames Sharley (WA) Pty Ltd and it did not provide any value-added services that would warrant the additional cost to the City.

Peter Hunt Architect was ranked third in the qualitative assessment and was 7.7% less expensive than Hames Sharley (WA) Pty Ltd. It did not demonstrate as comprehensive experience in multi-storey car parks as the recommended tenderer and its price for the electrical engineering sub-consultant was deemed insufficient for the tasks required in the project. On this basis it was not recommended.

### Issues and options considered

Architectural and specialist consultancy services are required for the design and documentation of the five level multi-storey car park. The City does not have the internal resources to provide the required specialised services and as such requires an appropriate external service provider.

### Legislation / Strategic Community Plan / policy implications

|                                 |  |
|---------------------------------|--|
| <b>Legislation</b>              | A statewide public tender was advertised, opened and evaluated in accordance with Clause 11(1) of Part 4 of the <i>Local Government (Functions and General) Regulations 1996</i> , 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. |
| <b>Strategic Community Plan</b> |  |
| <b>Key theme</b>                | Economic Prosperity, Vibrancy and Growth.  |
| <b>Objective</b>                | Primary centre status.   |
| <b>Strategic initiative</b>     | Pursue the construction of multi-storey car park facilities within the Joondalup City Centre to facilitate greater accessibility.  |
| <b>Policy</b>                   | Not applicable.  |

### Risk management considerations

Should the contract not proceed, the risk to the City will be medium to high as while the City's current parking arrangements are sufficient for the present level of parking required by residents and visitors to the City, the growth in parking demand will not be catered for.

It is considered that the contract will represent a low risk to the City as the recommended tenderer is a well-established architectural firm with substantial experience in the design of multi-storey car parks.

### Financial/budget implications

|                             |                                      |
|-----------------------------|--------------------------------------|
| <b>Account no.</b>          | MPP2035.                             |
| <b>Budget Item</b>          | Multi Storey Car Park – Boas Avenue. |
| <b>Budget amount</b>        | \$ 5,355,000                         |
| <b>Amount spent to date</b> | \$ 0                                 |
| <b>Proposed cost</b>        | \$ 601,400                           |
| <b>Balance</b>              | \$ 4,753,600                         |

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

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

### **Sustainability implications**

The development of a multi-storey car park may be seen as encouraging the use of cars for transport with possible negative environmental implications.

A car park facility in the Joondalup City Centre will facilitate greater accessibility to the surrounding businesses for residents and visitors to the City. It will also provide an additional income stream to the City that may be used to further develop the City Centre.

### **Consultation**

Extensive consultation was undertaken with relevant officers and a transport survey was conducted with members of the public as part of the business case for the multi-storey car park approved by Council at its meeting held on 11 December 2012 (CJ283-12/12 refers).

### **COMMENT**

The evaluation panel carried out the evaluation of the submissions in accordance with the qualitative criteria in a fair and equitable manner and concluded that the offer representing best value to the City is that as submitted by Hames Sharley (WA) Pty Ltd.

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr McLean, SECONDED Cr Hollywood that Council ACCEPTS the tender submitted by Hames Sharley (WA) Pty Ltd for the provision of architectural and specialist consultancy services for a five level multi-storey car park for requirements as specified in Tender 023/13 for the fixed lump sum of \$601,400 (GST Exclusive).**

**The Motion was Put and**

**CARRIED (11/0)**

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

*Appendix 14 refers*

To access this attachment on electronic document, click here: [Attach14brf170913.pdf](#)

**CJ182-09/13 LEASE FOR TELECOMMUNICATIONS FACILITY AT LOT 9005 (1700) MARMION AVENUE, TAMALA PARK**

|                               |  |
|-------------------------------|--|
| <b>WARD</b>                   | Not applicable.  |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Nico Claassen<br>Infrastructure Services  |
| <b>FILE NUMBER</b>            | 41196, 101515  |
| <b>ATTACHMENT</b>             | Attachment 1      Location Plan  |
| <b>AUTHORITY / DISCRETION</b> | Executive - 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 agree to the holding over of the lease held by Crown Castle Australia Pty Ltd, on behalf of a number of telecommunication providers, at Lot 9005 (1700) Marmion Avenue, Tamala Park.

**EXECUTIVE SUMMARY**

Lot 9005 (1700) Marmion Avenue, Tamala Park is owned by seven local governments (City of Joondalup, City of Stirling, City of Wanneroo, City of Perth, City of Vincent, Town of Cambridge and Town of Victoria Park). The seven owners lease land at Tamala Park to Crown Castle Australia Pty Ltd for telecommunication purposes. The lease will expire on 31 October 2013 and insufficient time remains for the seven owners to agree to the terms of a new lease prior to 31 October 2013. Clause 6.2 of the lease allows for the tenancy to continue on a six monthly basis. Agreement to implement clause 6.2 will enable the seven owners to negotiate the conditions and terms of a new lease.

It is recommended that Council agrees to Crown Castle Australia Pty Ltd remaining in occupancy of portion of Lot 9005 Marmion Avenue, Tamala Park as a six monthly tenant under the terms of clause 6.2 of the lease which expires on 31 October 2013, subject to the agreement of the City of Stirling, City of Wanneroo, City of Perth, City of Vincent, Town of Cambridge and Town of Victoria Park.

**BACKGROUND**

The Cities of Stirling, Joondalup and Perth entered into a lease, which commenced 1 November 1998, over a portion of Lot 17 Marmion Avenue, Tamala Park with Vodafone Network Pty Ltd (Vodafone) for use as a telecommunications base station (Attachment 1 refers). Due to past subdivisions to create the 'Catalina' estate Lot 17 became Lot 118 which is now Lot 9005. The initial lease was for a five year term with the option for two further terms of five years each. As a result of the two further terms having been exercised, the lease is due to expire on 31 October 2013.

With regard to the ownership of the land, in 2001 the City of Perth's original interest in the land was divided equally between the City of Perth, the Town of Cambridge, the Town of Victoria Park and the City of Vincent. The former City of Wanneroo divided into two separate councils to form the City of Joondalup and the City of Wanneroo. Currently, there are seven owners (Owner Councils) of Lot 9005 who jointly own the land as tenants in common, each with its own allotment of shares, as shown in the following table:-

| Local Government      | Portion of Ownership of Lot 9005 |
|-----------------------|----------------------------------|
| City of Stirling      | 4/12                             |
| City of Joondalup     | 2/12                             |
| City of Wanneroo      | 2/12                             |
| City of Perth         | 1/12                             |
| City of Vincent       | 1/12                             |
| Town of Cambridge     | 1/12                             |
| Town of Victoria Park | 1/12                             |

Crown Castle owns the telecommunications tower on the leased site and has agreements with five telecommunications carriers for them to install low impact equipment on and at the base of the tower.

The Owner Councils receive an aggregate annual rent from the lessee of \$54,296.49, distributed to each local government in accordance with their respective ownership allotment as shown in the above table.

## DETAILS

The current lease expires 31 October 2013. Officers of the Owner Councils have sought a market valuation from licenced valuer Burgess Rawson and are in discussion with the lessee in an attempt to reach an agreed position on a new lease for the site. A further report will be presented to the Owner Councils following completion of lease discussions with Crown Castle.

There is insufficient time remaining for the seven owners to agree in principle to the terms of a new lease and have reports presented to and endorsed by the Owner Councils prior to 31 October 2013.

Clause 6.2 of the existing lease states:

### 6.2 *Holding Over*

*If the Lessee with the consent of the Lessor continues to occupy the Premises after the termination of this Lease, then the Lessee is a six monthly Lessee of the Premises and:*

- (a) *The tenancy may be terminated by the Lessor or the Lessee giving to the other at least six month's written notice which may expire on any day:*
- (b) *The six monthly rent is an amount equal to 6/12<sup>th</sup> of the aggregate of the Annual Rent and Outgoings payable for the twelve (12) months immediately preceding the termination; and*
- (c) *Subject to this clause 6.2, all the provisions of this Lease apply (with necessary modifications) to the six monthly tenancy except any option for a new lease of the Premises.*

While the lease does provide a mechanism for the lease to be held over at the expiration of the lease as detailed in the above Holding Over clause, this provision is subject to the consent of the lessor, being the Owner Councils. As is the subject of this report, each local government that forms part of the Owner Councils will be seeking consent from their respective Councils for Crown Castle to remain in occupation of the leased premises as a six monthly tenant to allow for a proposed new lease to be negotiated and agreed upon. At the conclusion of the negotiation process, each local government will revert to their respective Councils to seek approval to the proposed new lease.

### **Issues and options considered**

It is considered that six months should be sufficient time for all seven local governments involved in the negotiation process, to come to an agreement.

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

|                                 |  |
|---------------------------------|--|
| <b>Legislation</b>              | Section 3.58 of the <i>Local Government Act 1995</i> .<br><i>Telecommunications Act 1997</i> . |
| <b>Strategic Community Plan</b> |  |
| <b>Key theme</b>                | Community Wellbeing.   |
| <b>Objective</b>                | Quality facilities.  |
| <b>Strategic initiative</b>     | Support a long-term approach to significant facility upgrades and improvements.                |
| <b>Policy</b>                   | Not applicable.  |

There will be no impact on Section 3.58 of the *Local Government Act 1995*, which deals with the disposal of property, if the proposal to implement the holdover clause in the lease was supported as it is an existing provision in the lease.

### **Risk management considerations**

Not applicable.

### **Financial/budget implications**

The current rental for the site is \$54,296.49 per annum (plus GST), in aggregate, distributed to each of the seven owners in proportion with each local government's portion of ownership. The City will continue to recoup rent during the holdover period.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

## Sustainability implications

### Social

Adequate and reliable mobile communications reception is in demand and on the increase. The City needs to ensure it assists the mobile carriers establish in the most convenient and receptive areas.

### Consultation

Officers of the Owner Councils met on 16 July 2013 to discuss terms for a proposed new lease and to consider the valuation referred to earlier in this report. While in-principle agreement was reached on the proposed essential terms, which have yet to be presented to Crown Castle and which will be the subject of a future report, it was also discussed that approval from each Council would need to be sought to the implementation of the holdover clause.

## COMMENT

The City supports the proposal that Crown Castle remain in holdover as there is insufficient time remaining to agree in principle to the terms of a new lease and have reports presented to and endorsed by all Owner Councils prior to 31 October 2013. It is recommended that consent to Crown Castle remaining in occupation of the premises as a six monthly tenant under clause 6.2 of the current lease be granted by Council, subject to the agreement of the other six local government owners.

Under clause 6.2 of the current lease, the owners will be required to give the lessee six month's written notice of termination of the lease once agreement is reached on the terms of a new lease, unless all parties to the lease agree to an earlier termination of the lease and execution of a new lease.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Fishwick, SECONDED Cr McLean that Council AGREES to Crown Castle Australia Pty Ltd remaining in occupancy of portion of Lot 9005 Marmion Avenue, Tamala Park as a six monthly tenant under the terms of clause 6.2 of the lease which expires on 31 October 2013, subject to the agreement of the City of Stirling, City of Wanneroo, City of Perth, City of Vincent, Town of Cambridge and Town of Victoria Park.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution after consideration of CJ183-09/13, page 130 refers.**

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

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15brf170913.pdf](#)*

**CJ183-09/13 CAR PARK REQUEST - WHITFORDS WEST PARK,  
DAMPIER AVENUE, KALLAROO**

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | Central   |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Nico Claassen<br>Infrastructure Services   |
| <b>FILE NUMBER</b>            | 03150, 56534, 101515  |
| <b>ATTACHMENT</b>             | Attachment 1      Locality Plan<br>Attachment 2      James Cook Park Hillarys<br>Attachment 3      Possible Car Park Location   |
| <b>AUTHORITY / DISCRETION</b> | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

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**PURPOSE**

For Council to consider the petition requesting the installation of parking bays at Whitfords West Park, Kallaroo.

**EXECUTIVE SUMMARY**

At its meeting held on 27 May 2013 (C023-05/13 refers) Council received a 475 signature petition on behalf of residents of the City of Joondalup requesting "a number of parking bays to be developed on the Whitfords West Park area opposite the Whitfords City Shopping Centre and Whitfords Avenue Medical Centre".

The City undertook an investigation into the demand for a car park at this location. The assessment considered parking demand, park classification and usage, possible construction issues, traffic data and comparisons to other local parks.

The conclusion of the investigation is any parking issues at this location are created by overflow parking from the Whitfords Medical Centre and not by park users. It is considered that a car park facility in Whitfords West Park is not appropriate and not justified.

*It is recommended that Council:*

- 1      *DOES NOT APPROVE the installation of car park bays at Whitfords West Park;*
- 2      *INVESTIGATES the option of installing parking restrictions on Dampier Avenue north of Whitfords Avenue*
- 3      *REQUESTS the Whitfords Medical Centre investigates options for their staff and customer parking; and*
- 4      *ADVISES the petition organiser of Council's decision.*



## BACKGROUND

At its meeting held on 27 May 2013 (C023-05/13 refers), Council received a 475 signature petition from residents of the City of Joondalup requesting that Council *“Allow a number of parking bays to be developed on the Whitfords West Park area opposite the Whitfords City Shopping Centre and Whitfords Avenue Medical Centre. The ideal number would be at least 20 bays to allow use of the park for recreation and park use. At present there is no parking and users of this park have to use the medical centre or shopping centre parking which is not convenient or ideal for the maximum enjoyment of this community park.”*

## DETAILS

Whitfords West Park is located on the corner of Whitfords Avenue and Dampier Avenue, Kallaroo and opposite the Whitfords Avenue Medical Centre which is a privately owned medical practice located on the corner of Whitfords Avenue and Dampier Avenue. The medical centre is open seven days a week and also includes a chemist and physiotherapist. Current car parking spaces within the medical centre is approximately 50 bays (Attachment 1 refers).

The City’s current *Parks and Public Open Spaces Classification Framework* (PPOSCF) provides guidance on the eligibility of a particular park for infrastructure when planning and considering requests for additional infrastructure. Under the current PPOSCF, Whitfords West Park is classified as Local Open Space and under this classification does not meet the criteria for the installation of car parking bays. Local Open Space parks and reserves encourage short-stay usage for unorganised play, walking and animal activities, if permitted under the City’s local laws. Supported assets for Local Open Space parks and reserves are play equipment and bench seating.

A review of the PPOSCF is currently underway and the draft internal framework proposes that Whitfords West Park be classified as a Local Recreation Park. The catchment for Local Recreation Parks is residents from surrounding streets with access being within walking distance from surrounding residences. The only supported assets for Local Recreation Parks is signage; parking bays are not supported or optional assets.

Assets currently in the Whitfords West Park include play equipment, lighting and benches. There is also an underpass connection via Marmion Avenue to Whitfords East Park, Craigie.

In response to the petition a technical assessment of the site was undertaken which involved a traffic survey and parking analysis. Consideration was also given to regular bookings and activities that take place at Whitfords West Park.

Current bookings for Whitfords West Park are for small exercise sessions only on the days and times shown in the following table with all sessions booked out of peak hours.

|                  |  |
|------------------|--|
| <b>Monday</b>    | 6.00am – 7.00am, 9.15am – 10.15am, 6.00pm – 7.00pm |
| <b>Tuesday</b>   | No bookings  |
| <b>Wednesday</b> | 6.00am – 7.00am, 9.15am – 10.15am, 6.00pm – 7.00pm |
| <b>Thursday</b>  | 6.00pm – 7.00pm                                    |
| <b>Friday</b>    | 6.00am – 7.00am, 9.15am – 10.15am                  |
| <b>Saturday</b>  | 8.00am – 9.00am                                    |
| <b>Sunday</b>    | No bookings  |

A number of site inspections have been undertaken at Whitfords West Park and in particular on Dampier Ave during the times listed above to determine the extent of vehicle parking at this location. It was observed that Medical Centre parking (private property) was strongly in demand with at times a small number of vehicles parked on their grass verge. Vehicle parking on the Whitfords West Park verge appeared to be non-existent or minimal (Attachment 1 refers).

### **Issues and options considered**

The *City's Five Year Capital Works Program* includes a Parking Facilities Program for the provision of parking facilities at recreation areas, public facilities and adjacent to schools. Parking facilities are determined by demand, location assessment, extent of any issues and suitability to the surrounding area.

Issues and options considered for the installation of parking bays at Whitfords West Park include:

#### Option one – do not install parking bays

The demand for vehicle parking at this location appears to be very low. Site inspections where vehicles were sighted parked on the Whitfords Park West verge on Dampier Avenue coincided with a very full Medical Centre car park. It was determined at the time that the vehicles were customers for the Medical Centre as it appeared no persons were using the park at the time.

Under the current PPOSCF, Whitfords West Park is classified as Local Open Space and does not meet the criteria for the installation of car parking bays. The review of the PPOSCF proposes that the park be classified as a Local Recreation Park and does not support the provision of car parking bays. The park contains only basic play equipment for children and is also used for local stormwater and waste water overflow which utilises a considerable area of the open space (Attachment 1 refers).

This is the preferred option.

#### Option two – install parking bays on the western side of the park adjacent to Dampier Avenue

An assessment of Whitfords West Park to evaluate car park location possibilities has identified the western side adjacent to Dampier Avenue as the most suitable for the installation of parking bays. This location would provide ingress/egress from Dampier Avenue and be the closest to Whitfords Shopping Centre and the Medical Centre. However installation of parking bays at this location raises a number issues (Attachment 3 refers):

- The park contains a sewerage and waste water pumping station located near the south western corner which has a Water Corporation easement in place. The easement runs from the pumping station to the north western corner of the park. In addition a critical water Water Corporation pipeline is located in the area of the proposed parking bays. Approval from Water Corporation to construct over the easement and pipeline is unlikely.
- It is estimated that six trees would have to be removed to construct 15 to 20 parking bays at this location. An assessment of the trees has determined that many of the trees are over 10 years old. Permission will be required from the Environmental Protection Authority if these trees are to be removed.

- Safety issue for pedestrians crossing from the proposed parking on Whitfords West Park to the medical centre on the western side of Dampier Avenue.

Due to the site constraints parking bays on the western side of the park adjacent to Dampier Avenue are not supported.

#### Option three – install parking bays in another part of the park

Locating the parking bays in another part of the park has been considered however this option is not viable due to the uneven topography and site restrictions such as mature trees and play equipment.

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

**Legislation** *City of Joondalup Parking Local Law 2013.*

#### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality open spaces.

**Strategic initiative** Adopt consistent principles in the management and provision of urban community infrastructure.

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

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

**Policy** Not applicable.

### **Risk management considerations**

There is an established pattern of large groups gathering in the park on Thursday afternoons / evenings with alcohol consumption, disturbance and anti-social behaviour reportedly affecting some nearby residents. A car park on the west side of the park could mean that these groups will then be able to also bring vehicles to the park which may compound issues on Thursday nights with hoon behaviour, easy transportation of alcohol to the site and other anti-social behavioural issues.

### **Financial/budget implications**

If option two was considered, the construction of a 20 bay car park with associated kerbing and drainage works would cost approximately \$120,000. A smaller 15 bay car park would cost approximately \$90,000. Both options would require access from Dampier Avenue.

Currently there is no funding for this project in the *Five Year Capital Works Program*.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

Under the City's current PPOSCF (and the revised version) Whitfords West Park does not meet the criteria for a car park. If option two was considered, the car park would not be in line with the City's PPOSCF.

In addition, the demand for a car park located in Whitfords West Park for park users appears to be very low. There is only one regular park booking for a personal exercise trainer with the majority of the park visitors being within walking and/or cycling distance.

The location the petition has highlighted for a car park is not suitable as a combination of mature age trees and Water Corporation assets will all but eliminate this location to be considered.

Site inspections have shown the Whitfords Medical Centre parking to be in strong demand with overflow parking frequently on the verge of the medical centre and occasionally on the opposite verge adjacent to the Whitfords West Park. It would appear the medical centre's current car parking availability is often not sufficient to cater for its staff and customers.

In permitting vehicles to park on the Whitfords West Park verge on Dampier Avenue, it creates road and pedestrian safety issues. It is not desirable for vehicles to unexpectedly slow down on Dampier Avenue to park on the verge. The limited verge space between the existing footpath and kerbing causes drivers to exit their vehicle onto the roadway. Some vehicles have been witnessed to park with one set of wheels over the 1.2 metre footpath creating pedestrian issues especially for wheelchairs, prams and motorised carts.

The installation of a small number of parking embayments on both or either side of Dampier Avenue at this location is not considered safe or necessary. The close proximity to the signalised intersection of Whitfords Avenue would create a road safety issue (Attachment 3 refers).

In the petitions covering letter, Mr Johnson MLA states that there are precedents for this type of facility at two locations - adjacent to the Seacrest Medical Centre and at James Cook Park in Hillarys. In reference to parking at Seacrest Medical Centre, staff and customer parking is provided for on private property. The adjacent Tom Walker Park is classified Local Open Space under the PPOSCF and therefore similar to Whitfords West Park does not meet the criteria for car parking bays.

James Cook Park located on the southern side of Whitfords Shopping Centre in Hillarys provides for football, cricket and tennis and is classified a district park and therefore meets the criteria for car parking facilities (Attachment 2 refers).

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Fishwick, SECONDED Cr McLean that Council:**

- 1 DOES NOT APPROVE the installation of car park bays at Whitfords West Park;**
- 2 INVESTIGATES the option of installing parking restrictions on Dampier Avenue north of Whitfords Avenue;**
- 3 REQUESTS the Whitfords Medical Centre investigates options for their staff and customer parking;**
- 4 ADVISES the petition organiser of Council's decision.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution after consideration of CJ183-09/13, page 130 refers.**

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

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16brf170913.pdf](#)*

**C62-09/13                    COUNCIL DECISION – EN BLOC RESOLUTION - [02154] [08122]**

**MOVED Cr Fishwick, SECONDED Cr McLean that pursuant to the Standing Orders Local Law 2005 – CLAUSE 48 – Adoption of Recommendations En Bloc, Council ADOPTS the following items:**

**CJ168-09/13, CJ170-09/13, CJ173-09/13, CJ176-09/13, CJ177-09/13, CJ178-09/13, CJ180-09/13, CJ182-09/13 and CJ183-09/13.**

**The Motion was Put and**

**CARRIED (11/0)**

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

*Manager Governance left the Chamber at 7.39pm and returned at 7.40pm.*

**REPORTS – AUDIT COMMITTEE – 12 AUGUST 2013****CJ184-09/13 EXTERNAL MEMBER TO AUDIT COMMITTEE**

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | All   |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Jamie Parry<br>Governance and Strategy   |
| <b>FILE NUMBER</b>            | 50068, 101515   |
| <b>ATTACHMENTS</b>            | Nil.  |
| <b>AUTHORITY / DISCRETION</b> | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

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**PURPOSE**

For Council to consider its options regarding the appointment of an external member to the Audit Committee.

**EXECUTIVE SUMMARY**

The previous external member to the Audit Committee resigned effective 10 January 2013. At its meeting held on 16 April 2013 (CJ057-04/13 refers), Council resolved to call for expressions of interest to fill the position of external member to the Audit Committee.

The expressions of interest process commenced on Thursday 16 May 2013 and concluded on Monday 3 June 2013. No submissions were received.

It is therefore recommended that Council reconsider appointing an external member to the Audit Committee following the local government elections to be held in October 2013.

**BACKGROUND**

The Audit Committee was established by Council at its meeting held on 14 March 2000 (CJ042-03/00 refers). The purpose of the committee is to oversee the internal and external audit, risk management and compliance functions of the City.

Membership of the Audit Committee comprises the Mayor; one Councillor from each Ward; and an external member. The previous external member, Mr Cowin, was first appointed as the external member to the Audit Committee by Council at its meeting held on 17 February 2009 (C06-02/09 refers) and subsequently re-appointed to the role following the 2011 local government elections by Council, at its meeting held on 3 November 2011 (JSC2-11/11 refers).

Mr Cowin submitted his resignation from the Audit Committee in a letter dated 10 January 2013, as he was relocating interstate.

The Audit Committee and subsequently Council considered the issue of appointing a replacement external member. At its meeting held on 16 April 2013 (CJ057-04/13 refers), Council resolved to call for expressions of interest to fill the position of external member to the Audit Committee.

## **DETAILS**

The expressions of interest process was commenced on Thursday 16 May 2013 and concluded on Monday 3 June 2013, with the following activities undertaken to encourage expressions of interest:

- Advertisement placed in the *Joondalup Weekender*.
- Email distributed to CPA Australia and the Institute of Chartered Accountants, requesting they inform their members of the opportunity.
- Public notice placed on the City's website directing interested applicants to an information pack developed for prospective members.
- Development of an online form to simplify the expression of interest process.

Despite the City undertaking both a community based advertising approach, as well as a targeted approach of finance professionals, no submissions were received and no enquiries were received by City officers regarding the external member vacancy.

## **Issues and options considered**

The Council now needs to consider whether or not to re-advertise the external member position on the committee; leave the committee position vacant until after the 2013 local government elections; or amend the composition of the Audit Committee by removing the position of external member.

Any appointment to the vacant position will expire in October 2013, with the option open to Council at that time to re-appoint the same person or alternatively re-commence the appointment process. The Audit Committee has only one more scheduled meeting prior to the elections in October 2013.

Council can either:

- re-advertise expressions of interest for the position of external member of the Audit Committee for a term to expire in October 2013
- leave the position of external member of the Audit Committee vacant and reconsider an appointment after the October 2013 local government elections  
or
- amend the composition of the Audit Committee and remove the position of external member.

Should Council opt to remove the external member position from the committee, it would need to amend the Audit Committee Charter.



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

*Local Government Act 1995.*  
*Local Government (Audit) Regulations 1996.*

**Strategic Community Plan****Key theme**

Governance and Leadership.

**Objective**

Active democracy.

**Strategic initiative**

Optimise opportunities for the community to access and participate in decision-making processes.

**Policy**

Although not a policy, the *Audit Committee Charter* makes provision for the objectives, functions and operation of the Audit Committee. Section 4 of the charter sets out provisions in relation to membership and that includes clauses making provision for the appointment of an external member to the Audit Committee.

**Risk management considerations**

The Audit Committee is an important element of risk management and a contributor to the mitigation of risk. It plays a significant oversight role. Having an external member on that committee adds an additional element to that oversight role by bringing a focus that is not influenced by other issues before Council. It offers the opportunity from a fresh perspective.

**Financial/budget implications**

Nil as recommended, however advertising costs seeking an expression of interest to fill the position of external member can be accommodated in operational budgets.

**Regional significance**

Not applicable.

**Sustainability implications**

The Audit Committee plays a role in providing financial oversight of the City's activities and thereby helps in securing the long-term sustainability of the City.

**Consultation**

An advertisement seeking expressions of interest was placed in a local newspaper, as well as advertising of the vacancy on the City's website. An email was sent to both CPA Australia and the Institute of Chartered Accountants, requesting they inform their members of the opportunity.

## COMMENT

It is not considered prudent to re-advertise calling for expressions of interest, given the lack of response to date and the limited timeframe for meaningful involvement of a potential appointee prior to the local government elections in October 2013.

The inclusion of an external member on the Audit Committee warrants merit; meeting strategic initiatives of the City and offering an impartial view of auditing, compliance and risk management activities at the City.

It is therefore recommended that Council leave the position of external member to the Audit Committee vacant and reconsider an appointment following the October 2013 local government elections.

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The Committee recommendation to Council for this report (as detailed below) was resolved by the Audit Committee at its meeting held on 12 August 2013.

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

**MOVED Cr McLean, SECONDED Mayor Pickard that Council leaves the position of external member to the Audit Committee vacant and reconsiders an appointment following the October 2013 local government elections.**

**The Motion was Put and**

**CARRIED (11/0)**

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

**REPORTS – POLICY COMMITTEE – 2 SEPTEMBER 2013****CJ185-09/13 ELECTED MEMBERS' ENTITLEMENTS POLICY - REVIEW**

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | All   |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Jamie Parry<br>Governance and Strategy   |
| <b>FILE NUMBER</b>            | 27122, 101515   |
| <b>ATTACHMENTS</b>            | Attachment 1 Amended <i>Elected Members' Entitlements Policy</i> (marked-up)<br>Attachment 2 Salaries and Allowances Tribunal Determination on Local Government Elected Council Members |
| <b>AUTHORITY / DISCRETION</b> | Legislative - includes the adoption of local laws, planning schemes and policies.   |

**PURPOSE**

For Council to amend the *Elected Members' Entitlements Policy* due to recent changes to the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

**EXECUTIVE SUMMARY**

From 1 July 2013 various amendments to the *Local Government Act 1995* (the Act) and the *Local Government (Administration) Regulations 1996* (the Regulations) came into effect which changed the legislative landscape in which Elected Members could be paid allowances and fees, and claim reimbursement for expenses incurred while performing their statutory role.

The change has given the Salaries and Allowances Tribunal (the Tribunal) the statutory power to set levels and ranges for allowances and fees, as well as prescribe the type of mandatory and discretionary expenses that can be reimbursed to Elected Members and their rate or level. As a result various amendments to the *Elected Members' Entitlements Policy* (the policy) are required to put into effect the legislative changes.

*It is recommended that Council ADOPTS the amended Elected Members' Entitlements Policy as detailed in Attachment 1 to Report CJ185-09/13.*

## BACKGROUND

In accordance with the Act, Elected Members are entitled to claim fees, expenses and allowances and these levels were set within the Regulations prior to 1 July 2013. Under the City's existing policy and in accordance with the levels specified in the Regulations up to that date, Council adopted the maximum amount that could be paid to Elected Members under that structure of fees, allowances and expenses.

With the relevant sections of the *Local Government Amendment Act 2012* and the *Local Government (Administration) Amendment Regulations 2012* coming into effect from 1 July 2013, the Tribunal now has the role of determining certain payments that are to be made or reimbursed to Elected Members.

The Act now provides the Tribunal with the authority to determine either particular amounts for these payments or determine a range within which local governments can set as the amount that can be paid. The fees, expenses and allowances which are legislated as entitlements of an Elected Member cannot be taken away by any decision or action of Council.

As a result of the determination handed down by the Tribunal, Council at its meeting held on 16 July 2013 (Item CJ128-07/13 refers) resolved the following:

*"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."*

Not only have the changes to the legislation given the Tribunal power to determine certain allowance levels, certain allowance types have been removed and certain provisions relating to discretionary expense reimbursements have changed. While Council has already set the payments for allowances in accordance with the Tribunal's determination, there are provisions within the current policy that now require amendment.

## DETAILS

### Legislative framework

In considering the amendments to the policy, the legislative framework in which payments to Elected Members can be lawfully made need to be highlighted and in particular Division 8 of Part 5 of the Act and Part 8 of the Regulations. In this regard, and further to Mayoral Allowances and Deputy Mayor Allowances that can be paid under the Act and Regulations, all Elected Members are entitled:

- (a) to be paid a fee for attending a council or committee meeting (section 5.98(1)) or an annual fee in lieu of a meeting fee (section 5.99)
- (b) to be reimbursed an expense for a type of expense that:
  - i. is to be reimbursed (mandatory) by all local governments (section 5.98(2)(a)) or paid an annual allowance for that type of expense (section 5.99A)
  - ii. may be reimbursed (discretionary) by a local government as determined by the local government (section 5.98(2)(b)) or be paid an annual allowance for that type of expense (section 5.99A).

In accordance with the Regulations:

- (a) the kind of (mandatory) expenses that are to be reimbursed by all local governments (regulation 31) are:
  - i. rental charges incurred by an Elected Member in relation to one telephone and one facsimile machine (regulation 31(1)(a))
  - ii. child care and travel costs incurred by an Elected Member because of their attendance at a Council meeting or a meeting of a committee of which he or she is a member (regulation 31(1)(b)).
- (b) the kind of (discretionary) expenses that may be approved by a local government for reimbursement of the local government (regulation 32) are:
  - i. expenses incurred by an Elected Member in performing a function under the express authority of the local government (regulation 32(1)(a))
  - ii. expenses incurred by an Elected Member to whom (i) applies by reason of the Elected Member being accompanied by not more than one other person while performing the function if, having regard to the nature of the function, the local government considers that it is appropriate for the Elected Member to be accompanied by that other person (regulation 32(1)(b))
  - iii. expenses incurred by an Elected Member in performing a function in his or her capacity as an Elected Member (regulation 32(1)(c)).

Where the expense has been prescribed (as per regulations 31 and 32 detailed above), the extent of the reimbursement for the expense is now as per the level determined by the Tribunal or within the range as determined by the Tribunal for that type of expense (section 5.98(3) of the Act).

In accordance with the section 5.99A of the Act, where a local government has decided to pay an allowance as determined by the Tribunal it can only reimburse expenses of that type in excess of the amount of the allowance.

Notwithstanding the above, a local government can make a cash advance to an Elected Member for an expense in which that person can be reimbursed (section 5.102 of the Act). Any cash advance is provided 'on account' and would be brought 'to account' through the production of sufficient evidence or information to acquit the advanced funds.

### Determination of the Salaries and Allowances Tribunal (the Tribunal)

The determination of the Tribunal, published in the *Government Gazette* on 3 July 2013, established a banding model for Elected Member allowance and fee payments for all local governments as well determined the level and range for certain mandatory and discretionary expense types (Attachment 2 refers). The Tribunal determined that:

- (a) the extent to which an Elected Member can be paid an annual allowance in relation to one telephone and one facsimile machine or other expenses relating to information and communication technology, is between \$500 and \$3,500 (called ICT expenses)
- (b) the extent to which an Elected Member can be reimbursed for child care costs incurred because of attending a meeting is the actual cost per hour or \$25 per hour, whichever is the lesser amount
- (c) the extent to which an Elected Member can be reimbursed travel costs, being the distance between the Elected Member's place of work or residence and back, multiplied by the rate as prescribed by the *Public Service Award 1992*
- (d) the extent to which an Elected Member can be reimbursed for intrastate or interstate travel and accommodation costs is the same rate applicable to the reimbursement of travel and accommodation costs in the same or similar circumstances described under the *Public Service Award 1992*.

### Required amendments to the policy

In view of the changes to the legislation, the determination made by the Tribunal and the resolution of Council made at its meeting held on 16 July 2013 (CJ128-07/13 refers), the policy requires a series of amendments.

The policy will need to reflect the decision of Council made at its meeting held on 16 July 2013 (CJ128-07/13 refers) indicating that the City will pay Elected Members the maximum amount within the range determined by the Tribunal for Meeting Allowances, Mayoral Allowance and Deputy Mayoral Allowance. The decision of Council at its meeting held on 16 July 2013 was that the City would also pay to Elected Members the maximum allowance for ICT expenses.

In this regard clauses 5.2 and 5.3 of the policy have been amended. Subject to further determinations made by the Tribunal in the future, the levels for these allowances are as follows from 1 July 2013:

| <b>Allowance or Fee Type</b>  | <b>Maximum</b> |
|---|----------------|
| Councillor Annual Meeting Fee (in lieu of per meeting fee)                        | \$30,000       |
| Mayoral Annual Meeting Fee (in lieu of per meeting fee)                           | \$45,000       |
| Annual Mayoral Allowance  | \$85,000       |
| Annual Deputy Mayoral Allowance (25% of Mayoral Allowance)                        | \$21,250       |
| ICT Allowance (replaces Telecommunications and Information Technology allowances) | \$3,500        |

As the ICT Allowance replaces both the Telecommunications Allowance (clause 5.4) and the Information Technology Allowance (clause 5.5) these two clauses have been deleted from the amended policy and a new ICT expense clause inserted (see new clause 5.4). This new clause provides the annual allowance for ICT expenses will be paid at the commencement of the financial year, to align with the commencement date of Tribunal determinations. In a financial year where local government elections occur, an Elected Member whose term of office expires at the election will be paid a pro-rata amount up until the date of the election. Returning Elected Members or new Elected Members will be paid the remaining pro-rata payment for the financial year following the local government election date.

Another change to the Regulations is the removal of the provision that allows a local government to pay an allowance to an Elected Member in lieu of reimbursement of travelling and accommodation expenses (regulation 34AB). It is necessary therefore to delete clause 6.6.8 from the policy as it no longer has legislative effect. Rather, a new clause 6.6.7 has been inserted that reflects the determination in respect to reimbursement of intrastate and interstate travel and accommodation costs (being rates and under the similar circumstances prescribed under the *Public Service Award 1992*). The circumstances prescribed under the *Public Service Award 1992* allow payments to be made above those rates on the provision of sufficient information and this has been reflected in the new clause.

The determination made by the Tribunal for child care expenses and travel expenses has also been reflected in the amended policy (see clause 9.2 and 9.3 respectively). A table to calculate part day percentages for cash advances for interstate and overseas conferences has also been inserted (see clause 6.6.8). This is a result of recent changes to the legislation (through the deletion of regulation 34AB) and offers clarity around the current practice in respect to the calculation of part day payments for cash advances.

### **Issues and options considered**

Council can either:

- adopt the amended policy as presented  
or
- adopt the amended policy as presented with further amendments as required.

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

|                                 |  |
|---------------------------------|--|
| <b>Legislation</b>              | <i>Local Government Act 1995.<br/>Local Government (Administration) Regulations 1996.<br/>Salaries and Allowances Determination on Local Government<br/>Elected Council Members.</i> |
| <b>Strategic Community Plan</b> |  |
| <b>Key theme</b>                | Governance and Leadership.   |
| <b>Objective</b>                | Effective representation.  |
| <b>Strategic initiative</b>     | Attract a diverse elected body that represents, promotes and reflects the composition of the community.  |
| <b>Policy</b>                   | <i>Elected Members' Entitlements Policy.</i>   |

The Act confers entitlements to claim fees, expenses and allowances for individual Elected Members and these levels are now set by the Tribunal or prescribed by the City. The payments that can be lawfully made by the City to Elected Members 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.

The Act allows expense reimbursement payments to be made over and above allowances that are set by a local government.

#### **Risk management considerations**

Not applicable.

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

Sufficient budget provisions have been made in the 2013-14 Budget to cover the Elected Member allowances, expenses and entitlements that are detailed under the policy.

#### **Regional significance**

Not applicable.

#### **Sustainability implications**

Not applicable.

#### **Consultation**

Various aspects of the recent determination were clarified with tribunal staff.

#### **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 accordance with the *Salaries and Allowances Act 1975*, the Tribunal will review determinations made on an annual basis, and publish new determinations where any increases in fees or levels are warranted.



**VOTING REQUIREMENTS**

Simple Majority.

**COMMITTEE RECOMMENDATION**

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 2 September 2013.

The Committee recommendation is the same as recommended by officers.

**MOVED Cr Gobbert, SECONDED Cr Chester that Council ADOPTS the amended Elected Members' Entitlements Policy as detailed in Attachment 1 to Report CJ185-09/13.**

**The Motion was Put and**

**CARRIED (11/0)**

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

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17brf170913.pdf](#)*

## **CJ186-09/13 SUSTAINABILITY STATEMENT POLICY – CONSIDERATION FOLLOWING ADVERTISING**

|                               |  |
|-------------------------------|--|
| <b>WARD:</b>                  | All  |
| <b>RESPONSIBLE DIRECTOR:</b>  | Mr Jamie Parry<br>Governance and Strategy  |
| <b>FILE NUMBER:</b>           | 101288, 101515   |
| <b>ATTACHMENTS:</b>           | Attachment 1 Revised Sustainability Policy<br>Attachment 2 Current Sustainability Statement Policy<br>Attachment 3 Sustainability Policy (revoked)                                     |
| <b>AUTHORITY / DISCRETION</b> | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets |

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### **PURPOSE**

For Council to adopt the revised *Sustainability Statement Policy* (renamed *Sustainability Policy*) following public advertising.

### **EXECUTIVE SUMMARY**

The City's *Sustainability Statement Policy* was reviewed in 2013 in line with the new standard policy template and to modernise the policy content to reflect the City's current approach to integrating sustainability into service delivery.

At its meeting held on 25 June 2013 (CJ115-06/13 refers), Council resolved to advertise the revised *Sustainability Statement Policy* for public comment and revoke the existing *Sustainability Policy*, due to their duplication. The revised *Sustainability Statement Policy* was advertised for 21 days, closing on 1 August 2013. No submissions were received.

As a result of the public advertising process revealing no opposition to the proposed amendments, it is recommended that Council adopt the *Sustainability Statement Policy* (renamed *Sustainability Policy*), as provided in Attachment 1.

### **BACKGROUND**

A review of the Policy Manual was conducted in 2011 to assess all current policies. As a result of the review process, a standardised policy format was developed and current policies were categorised as requiring either minor or major amendments.

The *Sustainability Statement Policy* and *Sustainability Policy* were identified as requiring major amendments, based on a preliminary review of their relevance and last review date. During the review process it was noted that significant duplication existed between the policies and an attempt was made to consolidate and update the documents.

Council agreed to this approach (CJ115-06/13 refers) by resolving to revoke the existing *Sustainability Policy* and amending the *Sustainability Statement Policy* to reflect the City's current approach to sustainable practices and service delivery.

This report recommends adoption of the revised *Sustainability Statement Policy* (renamed *Sustainability Policy*) following public advertising on the proposed amendments.

## DETAILS

At its meeting held on 25 June 2013 (CJ115-06/13 refers), Council supported the following amendments to the *Sustainability Statement Policy* as outlined in Attachment 1:

- 1 Remove references to specific principles contained within the *2002 Johannesburg World Summit of Local Governments*.
- 2 Modify the statement to succinctly describe the City's commitment to:
  - 2.1 lead the community through improved sustainable practices
  - 2.2 working and engaging with its community and stakeholders to deliver sustainable outcomes
  - 2.3 achieving a thriving business environment and community well being
  - 2.4 ensuring long term protection of the environment by applying the "Precautionary Principle".
- 3 Incorporate references to governance in the statement, to reflect a quadruple-bottom line approach to sustainability, rather than the previous triple-bottom line approach.
- 4 Remove the sustainability statement contained at the end of the policy due to its duplication of details discussed in the opening statement. This was also in accordance with the decision made by Council at its meeting held on 15 May 2012 (CJ093-05/12 refers) to remove all sustainability statements within all policies.
- 5 Reorder the structure of the policy to reflect the standardised policy template.

At its meeting held on 25 June 2013 (CJ115-06/13 refers), Council resolved to advertise the *Sustainability Statement Policy* for public comment subject to the inclusion of a definition of the "Precautionary Principle", namely:

*"the avoidance of the risk of serious or irreversible environmental damage will not be postponed because of a lack of full, scientific knowledge."*

The *Sustainability Statement Policy* was advertised for 21 days, closing on 1 August 2013. No submissions were received.

## Issues and Options Considered

Council can either:

- adopt the proposed amendments to the *Sustainability Statement Policy* (renamed *Sustainability Policy*), as outlined in Attachment 1
- further modify the *Sustainability Statement Policy*  
or
- retain the *Sustainability Statement Policy* in its current format.

It is recommended that option 1 be adopted.

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

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

### **Strategic Community Plan**

**Key Theme** Sustainability is covered across all areas of *Joondalup 2022.*

**Objective:** Refer above.

**Strategic initiative** Refer above.

**Policy** This report outlines the outcome of a review of the current *Sustainability Statement Policy.*

### **Risk Management Considerations**

In order to remain transparent and to facilitate appropriate decision-making processes, it is imperative that policies reflect the current positions of Council and work practices at the City. If not effectively maintained there are risks associated with potentially misleading the community through publicly available, unreviewed policies.

### **Financial/Budget Implications**

Not applicable.

### **Regional Significance**

Not applicable.

### **Sustainability Implications**

Achieving sustainability is an important element of good governance. It recognises the need for local governments to consider the wider environmental, social and economic implications of decisions and actions on the community. As such, it is considered important that the City has a statement through a policy mechanism to demonstrate its on-going commitment to applying and integrating sustainable practices.

### **Consultation**

The *Sustainability Statement Policy* was advertised for public comment for a period of 21 days, through the following mechanisms:

- A notice published in the Joondalup Voice for two consecutive weeks (11 July 2013 – 1 August 2013).
- A notice and documents placed on the City's website.

No submissions were received throughout the consultation period.

**COMMENT**

Not applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**COMMITTEE RECOMMENDATION**

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 2 September 2013.

The Committee recommendation is the same as recommended by officers.

**MOVED Cr Gobbert, SECONDED Cr Amphlett that Council ADOPTS the proposed amendments to the Sustainability Statement Policy (renamed Sustainability Policy) as outlined in Attachment 1 to Report CJ186-09/13.**

**The Motion was Put and**

**CARRIED (11/0)**

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

*Appendix 18 refers*

*To access this attachment on electronic document, click here: [Attach18brf170913.pdf](#)*

**CJ187-09/13 INVESTMENT POLICY – REVIEW**

|                               |  |
|-------------------------------|--|
| <b>WARD</b>                   | All  |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mike Tidy<br>Corporate Services   |
| <b>FILE NUMBER</b>            | 101272, 101515   |
| <b>ATTACHMENTS</b>            | Attachment 1 Current <i>Investment Policy</i> (with proposed track changes)<br>Attachment 2 Revised <i>Investment Policy</i> |
| <b>AUTHORITY / DISCRETION</b> | Legislative - includes the adoption of local laws, planning schemes and policies.  |

**PURPOSE**

For Council to review and consider proposed amendments to the City's *Investment Policy*.

**EXECUTIVE SUMMARY**

The *Investment Policy* governs the investment of the City's surplus operational funds that may be available from time to time as well as funds held in the City's trust and reserve accounts. The current policy was developed and subsequently adopted by Council at its meeting held on 15 April 2008 (CJ052-04/08 refers). Although the policy has been reviewed regularly since that time, no major changes have been made.

With the current review a number of changes are proposed that reflect some legislative changes and the experience of the investment climate in recent times to ensure the policy continues to best support and preserve the City's cash holdings.

*It is recommended that Council:*

- 1 *ACCEPTS the proposed changes to the Investment Policy, shown as track changes in Attachment 1 to Report CJ187-09/13;*
- 2 *ADOPTS the revised Investment Policy forming Attachment 2 to Report CJ187-09/13.*

**BACKGROUND**

There has been much uncertainty and turmoil in financial markets in recent times, which have had a significant impact on investment institutions and funds in Australia. Several classes of investments previously considered safe and reliable have been revealed to possess little real underlying value. Banking institutions globally have experienced high losses on the back of such assets and as a consequence have experienced credit rating downgrades, with resultant changes to their risk profiles. Australian banks are no exception and while their losses have not been like those experienced by other international banks it is currently the case that no Australian bank retains the highest Standard and Poor's (S&P) credit rating of AAA.

The current *Investment Policy* was adopted by Council at its meeting held on 15 April 2008 (CJ052-04/08 refers) and incorporated several aspects that underscored the City's commitment to maintaining the value of its cash assets while ensuring a reasonable return on investment without resorting to high risk or speculative activities.

Since then, the credit ratings environment has changed and at present, the only Australian institutions that enjoy the highest credit ratings are the federal government, some state governments and associated Treasury Corporations. In part, this is a reflection of the risky financial climate at present but also a possible reaction by ratings agencies to some of the irrationally high ratings assigned to investment products and institutions alike in the past.

In April 2012 changes were made to the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* to tighten the provisions in relation to the types of investments that local governments may make. The current policy does not reflect these changes although in practice the City has complied with the legislation.

A review is necessary to ensure that the investment objectives set out in the policy continue to be upheld while still enabling its practical application as well as meeting the legislative compliance obligations.

## DETAILS

### Issues and options considered

The existing *Investment Policy* sets out the:

- investment objectives
- delegated authority to invest
- types of authorised and prohibited investments
- prudential requirements for engagement of investment advisors
- policy guidelines for the management and diversification of risk
- financial reporting.

As part of the policy review process the City considered publically available current investment guidelines employed by other agencies, such as the *Treasurer's Prudential Guidelines for Investments* issued to the Government Employees Superannuation Board and the Department of Local Government and Communities' *Investment Policy Local Government Operational Guidelines*.

The Department of Local Government and Communities developed the *Investment Policy Local Government Operational Guidelines* that was published in February 2008. The primary features of this guideline have already been incorporated in the current policy.

In addition the City provided a draft amended policy to the Western Australian Treasury Corporation for comment and feedback.

The key changes proposed to the current *Investment Policy* as a result of this review are shown in Attachment 1 as track changes. In summary they are as follows:

- 1 Reformatting of the layout of the policy to conform to the current adopted policy structure including changing the numbering.

- 2 Section 1 - Add 'Definitions' as a new section 1, where certain key financial terms and abbreviations are explained for clarity.
- 3 Section 2 - Change the previous section 1, title of 'Objectives' to section 2, 'Statement' and make minor changes to the wording to render the policy clearer and more readable.
- 4 Section 3.1 – Inclusion of reference to regulation 19C of the *Local Government (Financial Management) Regulations 1996* which sets out the restrictions for the types of investments local government may make.
- 5 Section 3.2 - Remove from the 'Delegation of Authority to Invest' those elements that relate simply to process rather than delegation and some minor changes to add clarity.
- 5 Section 3.3 - Some minor changes to the wording of 'Prudent Person Standard' to improve clarity.
- 6 Section 3.4 - The list of Approved Investments has been amended to clarify that State and Commonwealth bonds can be invested in for a maximum of three years, interest bearing deposits are short term and permitted only with Authorised Deposit-taking Institutions, commercial bills are restricted to 12 months and certificates of deposit must be issued or guaranteed by an authorised institution. This reflects regulation 19C of the *Local Government (Financial Management) Regulations 1996* and also the current practice. Additionally, the previous provisions which allowed investments in managed funds and major land transactions have been removed. The City no longer invests in managed funds and investing in land is not relative to temporarily investing surplus funds which is the purpose of this policy.
- 7 Section 3.5 – A further clause has been added to the 'Prohibited Investments' section dealing with those investments that put the initial capital outlay at risk.
- 8 Section 3.6 - The '*Risk Management Guidelines*' have been clarified with the addition of paragraphs at the beginning of 3.6 to emphasise the requirement for investment diversification and to explain the use of ratings for each of the investments. There is also a reference to Appendix 1 which has been inserted at the end of the policy to explain the S&P ratings. At the end of 3.6 a paragraph has been inserted to emphasise the requirement to take account of the city's liquidity requirements when investing.
- 9 Sections 3.6.1 and 3.6.2 - The current policy sets out overall portfolio limits and a counterparty credit framework that in combination set out categories of investment limits to reduce risk. The limits are based on an S&P long term and short term rating.
  - 9.1 For the management of risk the practice under the current policy has been to treat the rating categories as requiring both the long term and the short term rating regardless of the term of the investment although the policy does not specifically state this. The requirement for both the long term and the short term rating has been clarified by making reference to the combination of both in the explanation and by changing the table to a matrix.



- 9.2 In the current policy the long term rating is expressed in the three categories as simply AAA, AA and A. In practice S&P express the rating as a point within a range and for example AAA can be seen expressed as AAA+, AAA and AAA-. In this example they are all AAA but AAA+ would be a premium very low risk while AAA- would be at the lower end of AAA. The tables in sections 3.6.1 and 3.6.2 have been amended in the long term rating section to describe the full range.

The effect of this change is that some banks such as Bendigo and AMP which are currently rated short term A-2 which currently meets the short term rating but have a long term rating of A- and technically therefore do not meet the current required long term rating will now be able to be considered for investment.

- 9.3 As noted earlier, the downgrade of bank credit ratings has now resulted in the WA Treasury Corporation (WATC) being the only institution available locally that offers long term AAA rated investments, on the back of the AAA sovereign credit rating currently enjoyed by the State of Western Australia. This creates constraints for the City's investment portfolio and its investment returns as the investment products offered by WATC are limited and its returns are generally very low.

As a result of the review the new policy proposes to increase the investment portfolio limit in the table in section 3.6.1 for AA long term rated assets issued and/or held by all the major Australian banks to 100% to allow the City to hold a larger part of its surplus cash in AA long term rated investments, as may be appropriate. With the extension of the long term ratings to encompass the full range from + to - the maximum portfolio limit for A long term rated investments has been revised to 45% and 10% depending on the short term rating.

Increases have also been made to the counterparty investment limits in the table in section 3.6.2 to increase the maximum limits from 20% to 30% for AAA long term, 20% to 25% for AA long term and 10% to 15% for A long term. Given that there are no non-government institutions in the AAA long term category the bulk of the investments will be in AA long term and some in A long term. The current maximums are not practical given the current financial institution ratings and the changes referred to in 8.1.

- 9.4 With the removal of managed funds from the list of approved investments at 3.4 there is no longer a requirement to specify a managed funds maximum and this column has been removed from the matrix that now appears in 3.6.1 and 3.6.2.
- 10 Section 3.6.3 - Given the need for liquidity and the higher risk associated with investments with longer maturity periods, the minimum level of short term investments is proposed to be raised slightly to 70%. The 13 to 24 month maturity maximum has been reduced slightly from 40% to 30% for the same reason.

- 11 Section 3.7 - In relation to the provisions regarding an investment advisor, the current policy was written in the context of the City having an investment advisor in place. Since the global financial crisis the City's cash investments have only been in term deposits and the services of an investment advisor have not been required for these types of investment. Section 3.7 has been amended to set out the requirements for the appointment of an investment advisor if one is appointed.
- 12 Section 3.8 - The current policy refers to the investment performance as being measured against both the UBS Warburg Bank Bill Index and the average Reserve Bank Cash Rate. Having two benchmarks is confusing and no actual performance level is specified. It is proposed that section 3.8 'Benchmarking' be modified to measure performance of the investment portfolio on a margin of fifty basis points above the current Reserve Bank Cash Rate.
- 13 Section 3.9 - There have been minor changes in regard to Reporting and Review to make the form of the report clear.

The proposed changes are considered necessary to ensure that the policy continues to be relevant to the present financial environment and provides the necessary framework to support the City's commitment to secure and safeguard its investment portfolio.

The proposed revised Investment Policy incorporating the above changes is at Attachment 2.

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

|                                 |   |
|---------------------------------|---|
| <b>Legislation</b>              | <i>Local Government Act 1995.<br/>Trustees Act 1962.<br/>Local Government (Financial Management) Regulations 1996.<br/>Australian Accounting Standards.</i> |
| <b>Strategic Community Plan</b> |   |
| <b>Key theme</b>                | Financial Sustainability.   |
| <b>Objective</b>                | Effective management.   |
| <b>Strategic initiative</b>     | Manage liabilities and assets through a planned, long-term approach.  |
| <b>Policy</b>                   | Not applicable.   |

### **Risk management considerations**

There are significant risks involved in the management of the City's investment portfolio. The *Investment Policy* sets out provisions for compliance and governance that are designed to diversify and mitigate these risks. In addition to the policy there are internal processes and procedures governing investment activities and these are subject to both internal and external audit.

**Financial/budget implications**

While the proposed changes to the *Investment Policy* involve minor relaxation of the credit rating limitations this reflects the current ratings being applied to financial institutions and economic reality and will assist in securing better return on investments without significant risk to the capital invested.

**Regional significance**

Not applicable.

**Sustainability implications**

Financial sustainability is imperative to the future growth and development of the City of Joondalup. The revised policy maintains its conservative approach to the City's investments which is a critical element of the long-term financial sustainability of the City.

**Consultation**

The City sought comment and feedback from the Western Australian Treasury Corporation on the proposed changes to the policy. The final revised policy at Attachment 2 reflects this comment and feedback although it is proposed to retain a conservative approach to investment in the policy.

**COMMENT**

The *Investment Policy* has been revised in view of current market conditions and legislative requirements. It preserves the City's conservative approach to investment that is being followed and is considered most appropriate to the needs of the City and provides further clarity and transparency of the City's approach to investment of surplus operational funds that may be available from time to time as well as funds held in the City's trust and reserve accounts.

**VOTING REQUIREMENTS**

Simple Majority.

**COMMITTEE RECOMMENDATION**

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 2 September 2013.

The Committee recommendation is the same as recommended by officers.

**MOVED Cr Gobbert, SECONDED Cr McLean that Council:**

- 1 ACCEPTS the proposed changes to the Investment Policy, shown as track changes in Attachment 1 to Report CJ187-09/13;**
- 2 ADOPTS the revised Investment Policy forming Attachment 2 to Report CJ187-09/13.**

**The Motion was Put and**

**CARRIED (11/0)**

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

*Appendix 19 refers*

To access this attachment on electronic document, click here: [Attach19brf170913.pdf](#)

**C63-09/13                    MOTION TO GO BEHIND CLOSED DOORS – [02154, 08122]**

**MOVED Cr Gobbert, SECONDED Cr McLean that Council:**

- 1**        in accordance with Section 5.23(2)(a) of the *Local Government Act 1995* and Clause 67 of the City's *Standing Orders Local Law 2005*, RESOLVES to close the meeting to members of the public to consider the following items:
  - 1.1**        **CJ188-09/13    Confidential – Chief Executive Officer – Concluded Annual Performance Review;**
  - 1.2**        **CJ189-09/13    Confidential – Annual Salary Review – Chief Executive Officer.**
  
- 2**        **PERMITS the following employees to remain in the Chamber during discussion on Items CJ188-09/13 and CJ189-09/13 while the meeting is sitting behind closed doors as detailed in Parts 1.1 and 1.2 above:**
  - 1.1**        **Director Corporate Services, Mr Mike Tidy;**
  - 1.2**        **Director Governance and Strategy, Mr Jamie Parry;**
  - 1.3**        **Manager Governance, Mr Brad Sillence.**

**The Motion was Put and**

**CARRIED (11/0)**

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

*Members of the staff (with the exception of the Director Corporate Services, Director Governance and Strategy and Manager Governance) and members of the public and press left the Chambers at this point; the time being 7.43pm.*

## REPORTS – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE – 16 SEPTEMBER 2013

### Disclosure of Financial Interest

|                           |   |
|---------------------------|---|
| <b>Name/Position</b>      | <b>Mr Garry Hunt – Chief Executive Officer.</b>   |
| <b>Item No./Subject</b>   | CJ188-09/13 – Confidential – Chief Executive Officer Concluded Annual Performance Review. |
| <b>Nature of interest</b> | Financial.  |
| <b>Extent of Interest</b> | Mr Hunt holds the position of CEO.  |

### Disclosure of interest that may affect impartiality

|                           |   |
|---------------------------|---|
| <b>Name/Position</b>      | <b>Mr Mike Tidy – Director Corporate Services.</b>  |
| <b>Item No./Subject</b>   | CJ188-09/13 – Confidential – Chief Executive Officer Concluded Annual Performance Review. |
| <b>Nature of interest</b> | Interest that may affect impartiality.  |
| <b>Extent of Interest</b> | Due to the nature of his employment relationship with the CEO.                            |

## **CJ188-09/13      CONFIDENTIAL – CHIEF EXECUTIVE OFFICER CONCLUDED ANNUAL PERFORMANCE REVIEW**

|                               |  |
|-------------------------------|--|
| <b>WARD</b>                   | All  |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mike Tidy<br>Corporate Services   |
| <b>FILE NUMBER</b>            | 74574, 101515  |
| <b>ATTACHMENTS</b>            | Attachment 1      Chief Executive Officer Confidential Concluded Annual Performance Review Report (previously distributed under separate cover).<br><br>(Please Note: <i>The Report and Attachment are confidential and will appear in the official Minute Book only</i> ) |
| <b>AUTHORITY / DISCRETION</b> | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.  |

This report is confidential in accordance with Section 5.23(2)(a) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

*a matter affecting an employee.*

A full report was provided to Elected Members under separate cover. The report is not for publication.

**MOVED Mayor Pickard, SECONDED Cr Amphlett that Council ADOPTS the Chief Executive Officer Performance Review Committee's Confidential Concluded Annual Performance Review Report and ENDORSES the overall rating that Mr Hunt's performance has continued to have met the Elected Member's expectations to the highest standard in his role of Chief Executive Officer.**

**The Motion was Put and**

**CARRIED (11/0)**

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

**Disclosure of Financial Interest**

|                           |  |
|---------------------------|--|
| <b>Name/Position</b>      | <b>Mr Garry Hunt – Chief Executive Officer.</b>                              |
| <b>Item No./Subject</b>   | CJ189-09/13 – Confidential – Annual Salary Review – Chief Executive Officer. |
| <b>Nature of interest</b> | Financial.   |
| <b>Extent of Interest</b> | Mr Hunt holds the position of CEO.   |

**Disclosure of interest that may affect impartiality**

|                           |  |
|---------------------------|--|
| <b>Name/Position</b>      | <b>Mr Mike Tidy – Director Corporate Services.</b>                           |
| <b>Item No./Subject</b>   | CJ189-09/13 – Confidential – Annual Salary Review – Chief Executive Officer. |
| <b>Nature of interest</b> | Interest that may affect impartiality.                                       |
| <b>Extent of Interest</b> | Due to the nature of his employment relationship with the CEO.               |

## CJ189-09/13      **CONFIDENTIAL – ANNUAL SALARY REVIEW - CHIEF EXECUTIVE OFFICER**

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | All   |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mike Tidy<br>Corporate Services  |
| <b>FILE NUMBER</b>            | 74574, 101515   |
| <b>ATTACHMENTS</b>            | Attachment 1      Confidential Report Annual Salary Review – Chief Executive Officer (previously distributed under separate cover).<br><br><i>(Please Note: The Report and Attachment are confidential and will appear in the official Minute Book only).</i> |
| <b>AUTHORITY / DISCRETION</b> | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.   |

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This report is confidential in accordance with Section 5.23(2)(a) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

*a matter affecting an employee.*

A full report was provided to Elected Members under separate cover. The report is not for publication.



**MOVED Mayor Pickard, SECONDED Cr Hamilton-Prime that giving consideration to the Confidential Report – Annual Salary Review – Chief Executive Officer, provided as Attachment 1 to Report CJ189-09/13, Council ADOPTS the Chief Executive Officer’s total reward package for the 2013 Annual Salary Review with a 4.0% increase to \$355,421.**

**The Motion was Put and**

**CARRIED (11/0)**

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

**C64-09/13                    MOTION TO GO TO OPEN DOORS – [02154, 08122]**

**MOVED** Cr Hamilton-Prime, **SECONDED** Cr Amphlett that Council in accordance with Clause 67 of the City's *Standing Orders Local Law 2005*, **RESOLVES** the meeting be now held with **OPEN DOORS**.

**The Motion was Put and**

**CARRIED (11/0)**

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

*The doors opened at 7.48pm, with members of the staff, public and press returning to the Chamber at this point.*

In accordance with the City's *Standing Orders Local Law 2005*, Mayor Pickard read aloud the motions in relation to:

- CJ188-09/13      Confidential – Chief Executive Officer – Concluded Annual Performance Review.
- CJ189-09/13      Confidential – Annual Salary Review – Chief Executive Officer.

**REPORT OF THE CHIEF EXECUTIVE OFFICER****CJ190-09/13 DRAFT RISK MANAGEMENT POLICY AND FRAMEWORK**

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | All   |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Garry Hunt<br>Office of the CEO  |
| <b>FILE NUMBER</b>            | 49586, 101515   |
| <b>ATTACHMENT</b>             | Attachment 1 Draft <i>Risk Management Policy</i> .<br>Attachment 2 Updated <i>Risk Management Framework</i> .   |
| <b>AUTHORITY / DISCRETION</b> | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

**PURPOSE**

For Council to adopt the City's draft *Risk Management Policy* and updated *Risk Management Framework*.

**EXECUTIVE SUMMARY**

The City has for the past 12 months been undertaking a review of its risk profile in order to identify areas where awareness of risk can be enhanced and a positive risk culture promoted that helps embed risk management throughout the City's operations. As part of this review the City has developed a draft *Risk Management Policy* and updated its *Risk Management Framework*.

*It is therefore recommended that Council:*

- 1 *ADOPTS the draft Risk Management Policy forming Attachment 1 to Report CJ190-09/13;*
- 2 *ENDORSES the updated Risk Management Framework forming Attachment 2 to Report CJ190-09/13.*

**BACKGROUND**

In January 2009 a *Risk Management Framework* was finalised and the Chief Executive Officer approved its deployment within the City. The framework was later updated through the City's Risk Management Taskforce to comply with the new standard *AS/NZS ISO 31000:2009 – Risk management – Principles and guidelines*.

Prior to 2009 the City did not have in place a system for formally identifying, assessing and putting in place controls to mitigate against risks that may impact on its strategies and objectives. A formal risk management process is recognised as an integral part of good corporate governance that will assist in improving business practice across the City.

Internal Business Unit risk register templates were also established in 2009 for documenting risks and include action plans for further treatment; risk management is embedded into the City's business planning process.

At its meeting held on 12 August 2013 the Audit Committee reviewed both the draft *Risk Management Policy* and updated *Risk Management Framework*, with the framework being endorsed for Council approval and the policy referred to the Policy Committee for its review.

At its meeting held on 2 September 2013, the Policy Committee reviewed the draft *Risk Management Policy* and endorsed it for adoption by Council.

## DETAILS

### Draft Risk Management Policy

Australian Standard AS/NZS 31000:2009 recommends that an organisation develops a Risk Management Policy which should "*clearly state the organisations objectives for, and commitment to, risk management.*" The draft *Risk Management Policy* is designed to align with this and make a statement on the City's objectives, approach and commitment to effective risk management across all its operations.

The policy includes:

#### 1 Application

The *Risk Management Policy* and any associated frameworks, guidelines and protocols will apply across all operations of the City. All employees within the City are encouraged to develop an understanding and awareness of risk and contribute to the risk management process.

#### 2 Definitions

- Risk.
- Risk Management.
- Risk Framework.

#### 3 Statement

The City is committed to ensuring that effective risk management remains central to all its operations while delivering a wide and diverse range of services to its residents and visitors. The management of risk is the responsibility of everyone and should be an integral part of organisational culture and be reflected in the various policies, protocols, systems and processes used to ensure efficient and effective service delivery. The *Risk Management Framework* will reflect good practice and sound corporate governance and be consistent with *AS/NZS ISO 31000:2009 Risk management – Principles and guidelines*.

#### 4 Details

##### 4.1 Risk Management Outcomes

*Five key outcomes and eight benefits have been identified in the policy.*

##### 4.2 Risk Appetite

Resources available to control risks are limited and the cost of any controls should be considered along with the value of expected benefits. The City's risk appetite will be risk prudent. The City will accept the taking of controlled risks, the use of innovative approaches and the development of new opportunities to improve service delivery provided that the risks are properly identified, analysed and evaluated to ensure that exposures are acceptable and managed accordingly.

The draft *Risk Management Policy* is included as Attachment 1.

#### Risk Management Framework

The framework details a method of formally identifying, assessing and treating risks. It also explains the benefits and basic principles of risk management and follows a process as described in the former standard *AS/NZS 4360:2004 – Risk management* and later in the updated standard *AS/NZS ISO 31000:2009 – Risk management – Principles and guidelines*.

The standard recommends that criteria is established for assessing the overall level of risk based on a combination of likelihood and consequence prior to initiating the risk management process. The framework includes a *Risk Level Matrix and Assessment Criteria* as Appendix A and a *Qualitative Measures of Risk Consequences* as Appendix B to assist in risk assessment.

The Framework includes:

- 1 An Introduction.
- 2 Common Risk Definitions and Explanations
  - Risk.
  - Risk Management.
  - Risk Framework.
  - Risk Assessment.
  - Risk Monitoring and Review.
- 3 Benefits of Risk Management.
  - Eleven benefits have been identified in the framework as examples.
- 4 Risk Appetite
  - Risk appetite may be described using various terms such as high / medium/low or risk averse, risk prudent or risk tolerant.

## 5 Principles of Risk Management

- Eleven principles have been identified in the framework.

## 6 Risk Management Process

- Communication and Consultation.
- Establish the Context.
- Risk Identification.
- Risk Analysis.
- Risk Evaluation.
- Risk Treatment.
- Monitor and Review.

## 7 Risk Categories

- Risk to Human Safety and Wellbeing.
- Legal and Economic Risk.
- Risk to the Environment.
- Risk to the City's Strategic and Governance Position or Reputation.
- Risk to the City's Capacity to Deliver Services.

## 8 Roles and Responsibilities

- Audit Committee.
- Chief Executive Officer.
- Risk Management Taskforce.
- Executive Leadership Team.
- Directors.
- Manager Executive and Risk.
- Managers.
- Internal Auditor.
- Employees.

## 9 Key Outcomes

- Five key outcomes have been identified in the framework.

The recent key changes to the framework include:

- Recognition of the amendments made on 8 February 2013 to the *Local Government (Audit) Regulations 1996* that extend the responsibilities of Audit Committees and Chief Executive Officers. The Chief Executive Officer is required to review, at least once every two years, the appropriateness and effectiveness of the City's systems and procedures in regard to 'risk management', 'internal control' and 'legislative compliance' and provide a report of that review to the Audit Committee. The Audit Committee are required to consider the Chief Executive Officer's review and report the results of their consideration to Council.
- Revision of the responsibilities for risk management to improve accountability and recognising that it is every employee's responsibility to contribute to the risk management process.

- Broadening and enhancement of the risk level matrix and risk assessment criteria.
- The addition of qualitative criteria to assist in the evaluation of the consequences of risk.
- Simplifying the risk register template.

The improvements are intended to provide a sound foundation for embedding risk management across the City through the design, implementation, monitoring and review and continual improving of risk management in a systematic and consistent manner

The updated *Risk Management Framework* is included as Attachment 2.

### **Issues and options considered**

The introduction of the draft *Risk Management Policy* will strengthen the City's commitment and approach to risk mitigation and ensure the City is able to achieve its objectives and provide the services that the community expect.

The recently updated *Risk Management Framework* is intended to provide a sound foundation for embedding risk management across the City through the design, implementation, monitoring and review, and continual improving of risk management in a systematic and consistent manner.

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

#### **Legislation**

*Local Government (Audit) Regulations 1996.*

#### **Strategic Community Plan**

#### **Key theme**

Governance and Leadership.

#### **Objective**

Corporate capacity.

#### **Strategic initiative**

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

#### **Policy**

Not applicable.

### **Risk management considerations**

The City provides a wide and diverse range of services that are subject to a variety of risks. Having in place a framework that provides a systematic and consistent approach across the City for the identification, assessment and treatment of risks will better place the City to achieve its objectives and provide the services that the community expect. Furthermore, the introduction of a *Risk Management Policy* will make a statement on the City's commitment and approach to risk management principles, systems and processes which can be made visible to the community.

### **Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Both the *Risk Management Policy* and the *Risk Management Framework* have been reviewed and endorsed by the Audit Committee at its meeting held on 12 August 2013.

The *Risk Management Policy* was further reviewed and subsequently endorsed by the Policy Committee at its meetings held on 2 September 2013.

**COMMENT**

The on-going review of the City's risk management profile is intended to raise the profile of risk, improve the City's approach to risk and embed risk management across all its systems and processes. The updating of the *Risk Management Framework* and the development of a draft *Risk Management Policy* will assist the City in achieving this.

As part of the on-going review, in May 2013 the City tested its *Business Continuity Plan* via a desktop scenario facilitated by LGIS Risk Management. This scenario was Phase 6 of the Business Continuity Management Project that commenced in October 2012 by LGIS Risk Management.

Following completion of the 2013-14 Business Unit Risk Registers, a Corporate Risk Register will be developed which will capture any risks assessed as high or extreme. The Chief Executive Officer will report on this annually to the Audit Committee.

The draft *Risk Management Policy* aligns with the Australian Standard and the Department of Local Government and Communities' *Model Risk Management Policy*.

The framework is also aligned to the City's *Project Management Framework* which ensures that all major projects, general projects, process improvement projects and events are developed using the risk management process.

**VOTING REQUIREMENTS**

Simple Majority.



## COMMITTEE RECOMMENDATIONS

### Audit Committee

The Committee recommendation to Council for this report (as detailed below) was resolved by the Audit Committee at its meeting held on 12 August 2013.

The Committee recommendation is the same as recommended by officers.

That the Audit Committee REVIEWS the:

- 1 updated *Risk Management Framework* forming Attachment 1 to this Report prior to being presented to Council;
- 2 Draft *Risk Management Policy* forming Attachment 2 to this Report and recommends that it is presented to the Policy Committee for consideration.

### Policy Committee

The Committee recommendation to Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 2 September 2013.

The Committee recommendation is the same as recommended by officers.

That Council ADOPTS the *Risk Management Policy* forming Attachment 1 to this Report.

**MOVED Cr Amphlett, SECONDED Cr Hamilton-Prime that Council:**

- 1 **ADOPTS** the draft *Risk Management Policy* forming Attachment 1 to Report CJ190-09/13;
- 2 **ENDORSES** the updated *Risk Management Framework* forming Attachment 2 to Report CJ190-09/13.

**The Motion was Put and**

**CARRIED (11/0)**

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

*Appendix 20 refers*

To access this attachment on electronic document, click here: [Attach20brf170913.pdf](#)

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

Nil.

**CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 7.51pm 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 JOHN CHESTER  
CR RUSS FISHWICK, JP  
CR TERESA RITCHIE, JP