

minutes

MEETING HELD ON **TUESDAY 10 DECEMBER 2013**

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CITY OF JOONDALUP

**COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP ON TUESDAY 10 DECEMBER 2013.**

DECLARATION OF OPENING

The Mayor declared the meeting open at 7.00pm.

ANNOUNCEMENT OF VISITORS

Mayor:

TROY PICKARD

Absent from 7.31pm to 7.35pm

Councillors:

CR KERRY HOLLYWOOD	North Ward	
CR TOM McLEAN, JP	North Ward	
CR PHILIPPA TAYLOR	North-Central Ward	
CR SAM THOMAS	North-Central Ward	<i>Absent from 7.31pm to 7.35pm</i>
CR LIAM GOBBERT	Central Ward – <i>Deputy Mayor</i>	
CR GEOFF AMPHLETT, JP	Central Ward	
CR CHRISTINE HAMILTON-PRIME	South-West Ward	
CR MIKE NORMAN	South-West Ward	<i>Absent from 7.40pm to 7.43pm</i>
CR JOHN CHESTER	South-East Ward	<i>Absent from 7.31pm to 7.35pm</i>
CR BRIAN CORR	South-East Ward	<i>Absent from 7.31pm to 7.35pm</i>
CR RUSS FISHWICK, JP	South Ward	<i>Absent from 7.31pm to 7.35pm</i>
CR TERESA RITCHIE, JP	South Ward	<i>Absent from 7.31pm to 7.35pm</i>

Officers:

MR GARRY HUNT	Chief Executive Officer
MR MIKE TIDY	Director Corporate Services
MR JAMIE PARRY	Director Governance and Strategy
MS DALE PAGE	Director Planning and Community Development
MR NICO CLAASSEN	Director Infrastructure Services
MR BRAD SILLENCE	Manager Governance
MR JOHN CORBELLINI	Manager Planning Services
MR STUART McLEA	Media and Communications Officer
MR JOHN BYRNE	Governance Coordinator
MRS LESLEY TAYLOR	Governance Officer
MRS DEBORAH GOUGES	Governance Officer

There were 10 members of the public and one member of the press in attendance.

DECLARATIONS OF INTEREST**Disclosures of Financial / Proximity Interest**

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

Name/Position	Mayor Troy Pickard.
Item No./Subject	CJ236-12/13 - Draft Amendment to District Planning Scheme No. 2 – Local Housing Strategy Implementation.
Nature of interest	Financial Interest.
Extent of Interest	Mayor Pickard owns property in one of the proposed Housing Opportunity Areas.

Name/Position	Cr John Chester.
Item No./Subject	CJ236-12/13 - Draft Amendment to District Planning Scheme No. 2 – Local Housing Strategy Implementation.
Nature of interest	Financial Interest.
Extent of Interest	Cr Chester owns two properties in Housing Opportunity Areas.

Name/Position	Cr Russ Fishwick, JP.
Item No./Subject	CJ236-12/13 - Draft Amendment to District Planning Scheme No. 2 – Local Housing Strategy Implementation.
Nature of interest	Financial Interest.
Extent of Interest	Cr Fishwick owns property in Housing Opportunity Area No. 1.

Name/Position	Cr Teresa Ritchie, JP.
Item No./Subject	CJ236-12/13 - Draft Amendment to District Planning Scheme No. 2 – Local Housing Strategy Implementation.
Nature of interest	Proximity Interest.
Extent of Interest	Cr Ritchie lives adjacent to Local Housing Area No. 6 in Woodvale.

Name/Position	Cr Sam Thomas.
Item No./Subject	CJ236-12/13 - Draft Amendment to District Planning Scheme No. 2 – Local Housing Strategy Implementation.
Nature of interest	Financial Interest.
Extent of Interest	Cr Thomas lives in a Housing Opportunity Area.

Name/Position	Cr Mike Norman.
Item No./Subject	CJ238-12/13 - Proposed Telecommunication Facility at Lot 83 (109) Winton Road, Joondalup - Reconsideration of Decision Following State Administrative Tribunal Mediation.
Nature of interest	Financial Interest.
Extent of Interest	Cr Norman holds Telstra shares above the threshold.

Disclosures of interest affecting impartiality

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

Name/Position	Cr Brian Corr.
Item No./Subject	CJ230-12/13 - Draft Local Commercial Strategy – Consideration following Public Consultation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Corr is the Secretary of the Joondalup Business Association Inc.

Name/Position	Cr Brian Corr.
Item No./Subject	CJ230-12/13 - Draft Local Commercial Strategy – Consideration following Public Consultation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Corr is a committee member of the Small Business Centre NWM Inc.

Name/Position	Cr Brian Corr.
Item No./Subject	CJ230-12/13 - Draft Local Commercial Strategy – Consideration following Public Consultation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Corr is the Chairman of the Business Development Association NWM Inc.

Name/Position	Cr John Chester.
Item No./Subject	CJ236-12/13 - Draft Amendment to District Planning Scheme No. 2 – Local Housing Strategy Implementation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Chester's son and daughter own properties in Housing Opportunity Areas.

Name/Position	Cr Brian Corr.
Item No./Subject	CJ236-12/13 - Draft Amendment to District Planning Scheme No. 2 – Local Housing Strategy Implementation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Corr resides near a Housing Opportunity Area.

Name/Position	Cr Liam Gobbert.
Item No./Subject	CJ238-12/13 - Proposed Telecommunication Facility at Lot 83 (109) Winton Road, Joondalup - Reconsideration of Decision Following State Administrative Tribunal Mediation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Employees of the consultants are known to Cr Gobbert.

Name/Position	Cr Tom McLean, JP.
Item No./Subject	CJ238-12/13 - Proposed Telecommunication Facility at Lot 83 (109) Winton Road, Joondalup - Reconsideration of Decision Following State Administrative Tribunal Mediation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr McLean is a Board Member of the Connolly Primary School.

Name/Position	Mayor Troy Pickard.
Item No./Subject	CJ250-12/13 - West Perth Football Club Inc. Sponsorship Proposal.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mayor Pickard is a Vice Patron of the West Perth Football Club and Mr Raponi (West Perth Football Club President) donated to Mayor Pickard's 2013 Mayoral Campaign which has been disclosed in accordance with <i>Local Government Election Regulations</i> .

Name/Position	Cr Brian Corr.
Item No./Subject	CJ250-12/13 - West Perth Football Club Inc. Sponsorship Proposal.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Corr attended a function earlier in the year as a guest of the West Perth Football Club.

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	CJ250-12/13 - West Perth Football Club Inc. Sponsorship Proposal.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mr Hunt's nephew is a player with the West Perth Football Club.

PUBLIC QUESTION TIME

The following questions were submitted prior to the Council meeting on 10 December 2013:

Mr D Blackburn, Kingsley:

Re: CJ236-12/13 – Draft Amendment No. 73 to District Planning Scheme No. 2 - Local Housing Strategy Implementation.

Q1 The State Government's 'Directions 2031 and Beyond' document sets a density target of 15 dwellings per gross urban zoned hectare for greenfield developments. At Clause 3.4.2 it states and also similarly at Clause 3.12.4.2:

“.....the minimum residential density to be achieved is 25 dwellings per site hectare.”

Does this take precedence over the State Government target?

A1 The State Government's Directions 2031 and Beyond housing target is set on a 'per gross urban zoned hectare' basis, meaning it applies to broad areas and includes the area of land needed for future roads and public open space. Draft Amendment No. 73 proposes to apply this broad target more specifically, on a 'per site hectare' basis, which is essentially the area of lots created in a subdivision and excludes roads and public open space. According to the Western Australian Planning Commission's Liveable Neighbourhoods Policy, 15 dwellings per gross urban hectare equates to just under 25 dwellings per site hectare.

The target of 25 dwellings per site hectare identified for the large opportunity sites will meet the minimum target set in *Directions 2031 and Beyond*. This will be the target that developers will need to meet when developing these sites.

Q2 *Would the advertising period of 42 days for the DPS2 Scheme Amendment No. 73 be conducted over the 2013-14 summer break?*

A2 Should Council initiate the amendment for the purpose of public advertising, the advertising will not commence before the first week in February 2014.

Q3 *Recommendation 6 of the Draft Local Housing Strategy refers to a review of height policies. Are any of the following policies – Height and Scale of Buildings within Residential Areas policy and the Height of Buildings within the Coastal Area (Non-Residential Zones) policy currently being reviewed?*

A3 Yes. The City's *Height and Scale of Buildings within Residential Areas Policy* is currently being reviewed. The review of the City's *Height of Buildings within the Coastal Area (Non-Residential Zones)* was on hold pending the finalisation of the *State Planning Policy 2.6 State Coastal Planning (SPP2.6)*. However, SPP 2.6 has now been finalised and the City's policy is now being reviewed in light of this and the *Local Housing Strategy*.

Re: *CJ237-12/13 – Proposed Camberwarra Structure Plan – Lot 12811 (34) Currajong Crescent, Craigie – Consideration following Advertising.*

Q4 *Figure 12 “Tree Retention Plan” in Part two of the Structure Plan shows that out of the 153 trees with a diameter greater than or equal to 200 millimetres, only 23 trees are proposed to be considered for retention, or 15%. Of that 23, 16 are in an area zoned Residential R30-60 and are likely to be in the way of buildings. If the Structure Plan is approved isn't it definite that no more than 23 of the 153 trees will ultimately be retained?*

A4 Figure 12 in Part two of the Structure Plan indicates the retention value of the trees on the Structure Plan site and subsequently which trees will be considered for retention. At the subdivision stage those trees identified for retention will be considered, however, this will be influenced by factors such as the topography of the site and the extent and location of works required to be carried out.

In accordance with the Structure Plan provisions, those trees approved for retention through the subdivision stage will be required to be retained, whether in public open space, road reserves or private property, unless deemed to be a safety hazard by an approved arboriculture expert to the satisfaction of the City.

Until this assessment has been undertaken it is not possible to confirm exactly how many trees will be retained.

Re: *CJ245-12/13 – Status of Petitions – Lot 971, 52 Creaney Drive, Kingsley.*

Q5 *What are the “further investigations” that are referred to in Recommendation 5?*

A5 The further investigations relate to the changes that have taken place to the *Residential Design Codes of Western Australia* and the progression of an amendment to District Planning Scheme No. 2 to implement the draft *Local Housing Strategy*.

PUBLIC STATEMENT TIME

The following statements were submitted verbally at the Council meeting:

Mr S Ballem, Scarborough – Vice President, West Perth Football Club:

Re: CJ250-12/13 - West Perth Football Club Inc. Sponsorship Proposal.

Mr Ballem spoke in relation to the sponsorship proposal between the City of Joondalup and the West Perth Football Club and requested Council favourably consider the proposal.

Ms B Moharich, South Perth:

Re: CJ230-12/13 - Draft Local Commercial Strategy – Consideration following Public Consultation.

Ms Moharich stated she represented Lend Lease, the owner of Lakeside Shopping Centre, and requested that consideration be given to deferring consideration of this Item in order to allow Lend Lease sufficient time to consider modifications made to the document and to provide the City with its concerns.

APOLOGIES AND LEAVE OF ABSENCE

Apologies

Nil.

C72-12/13 REQUESTS FOR LEAVE OF ABSENCE – CRS LIAM GOBBERT AND MIKE NORMAN - [102280]

Cr Liam Gobbert requested Leave of Absence from Council duties covering the period 24 to 27 January 2014 inclusive.

Cr Mike Norman requested Leave of Absence from Council duties covering the period 1 to 11 February 2014 inclusive.

MOVED Cr Chester, SECONDED Cr Hamilton-Prime that Council APPROVES the Requests for Leave of Absence covering the following dates:

- | | | |
|----------|------------------------|---|
| 1 | Cr Liam Gobbert | 24 to 27 January 2014 inclusive; |
| 2 | Cr Mike Norman | 1 to 11 February 2014 inclusive. |

The Motion was Put and

CARRIED (13/0)

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

CONFIRMATION OF MINUTES

C73-12/13 MINUTES OF COUNCIL MEETING HELD 19 NOVEMBER 2013

MOVED Cr Hamilton-Prime, SECONDED Cr McLean that the Minutes of the Council Meeting held on 19 November 2013 be CONFIRMED as a true and correct record.

The Motion was Put and

CARRIED (13/0)

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

ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Recycle Right

Mayor Pickard announced the City of Joondalup is supporting a WA Local Government Association (WALGA) and Waste Authority education campaign to improve recycling efforts.

Mayor Pickard commented that 'Recycle Right' is aimed at increasing awareness about items that can and cannot be recycled, as well as improving the rate of recycling across the Perth metropolitan area.

Mayor Pickard advised that in his capacity as President of WALGA, he recently helped launch the campaign alongside Environment Minister and Ocean Reef MLA Albert Jacob.

Mayor Pickard believed City of Joondalup residents have worked hard to improve the rate of recycling in recent years, but a few simple changes could see further improvements.

Mayor Pickard added that City households recycled or reused 48% of all waste generated in 2012-13, compared to 2007-08 figures of only 14%.

Mayor Pickard stated that the City has achieved these improved results by composting organic waste in the green lidded bin and introducing recycling bins, however, there is still a lot more that can be done.

Mayor Pickard reiterated the 'Recycle Right' campaign highlights the issues faced by recycling services and will see local government engage with residents through newspaper advertisements and shopping centre information stands.

Valentine's Day Concert

Mayor Pickard commented that tickets to the 2014 City of Joondalup Valentine's Concert are sure to be in high demand when they are made available on Saturday 18 January 2014.

Mayor Pickard announced that in what was a massive coup for Joondalup, the City had secured The Music of Queen: A Rock and Symphonic Spectacular as the headline act for the concert, which will again be held on the fairways of the world-renowned Joondalup Resort.

Mayor Pickard advised the musical extravaganza will feature stars from the Australian and London West End productions of the smash hit musical *We Will Rock You*, a five-piece rock band and the Perth Symphony Orchestra who return to the Valentine's Day stage for a second consecutive year.

Mayor Pickard believed this free concert was one of the most popular events held in the northern suburbs, bringing the community together for a relaxing night with family and friends while having the opportunity to witness world-class entertainment.

Mayor Pickard stated the 2014 Valentine's Concert will be held on Thursday 13 February 2014 from 7.00pm and is a free, ticketed and smoke-free event.

Season's Greetings

On behalf of the City and the Council, Mayor Pickard took the opportunity to publicly wish everyone in the City of Joondalup a very happy Christmas and a safe and prosperous New Year.

Mayor Pickard stated it had been another busy and exciting year in Joondalup.

Mayor Pickard thanked the many individuals and groups who have made invaluable contributions to the continued growth and development of Joondalup in 2013.

Mayor Pickard commented that the City's hard-working Elected Members would be taking a short break to recharge the batteries in January before returning to work in February 2014.

Mayor Pickard advised that the first Council meeting for 2014 would be held on Monday 17 February.

Mayor Pickard encouraged those who were in a position to do so to please remember to help those doing things tough this Christmas by donating to a worthwhile cause.

IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

Nil.

PETITIONS

C74-12/13 PETITION IN RELATION TO RECONSIDERATION OF OPERATING HOURS OF THE LOCAL AREA GAMERS LOCATED AT WESTFIELD WHITFORD CITY – [101634]

Mayor Pickard tabled a 116 signature petition on behalf of residents of the City of Joondalup requesting that Council reconsider the operating hours of the Local Area Gamers (LAG) located at Westfield Whitford City due to the potential for significant negative impact on the health and well-being of teenagers and their families.

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

1 A petition in relation to reconsideration of the operating hours of the Local Area Gamers located at Westfield Whitford City.

The Motion was Put and

CARRIED (13/0)

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

REPORTS**CJ229-12/13 DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS - OCTOBER 2013**

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	07032, 101515
ATTACHMENTS	Attachment 1 Monthly Development Applications Determined – October 2013 Attachment 2 Monthly Subdivision Applications Processed – October 2013 Attachment 3 Monthly Building R–Code Applications Decision – October 2013
AUTHORITY / DISCRETION	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 October 2013 (Attachments 1, 2 and 3 refer):

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

BACKGROUND

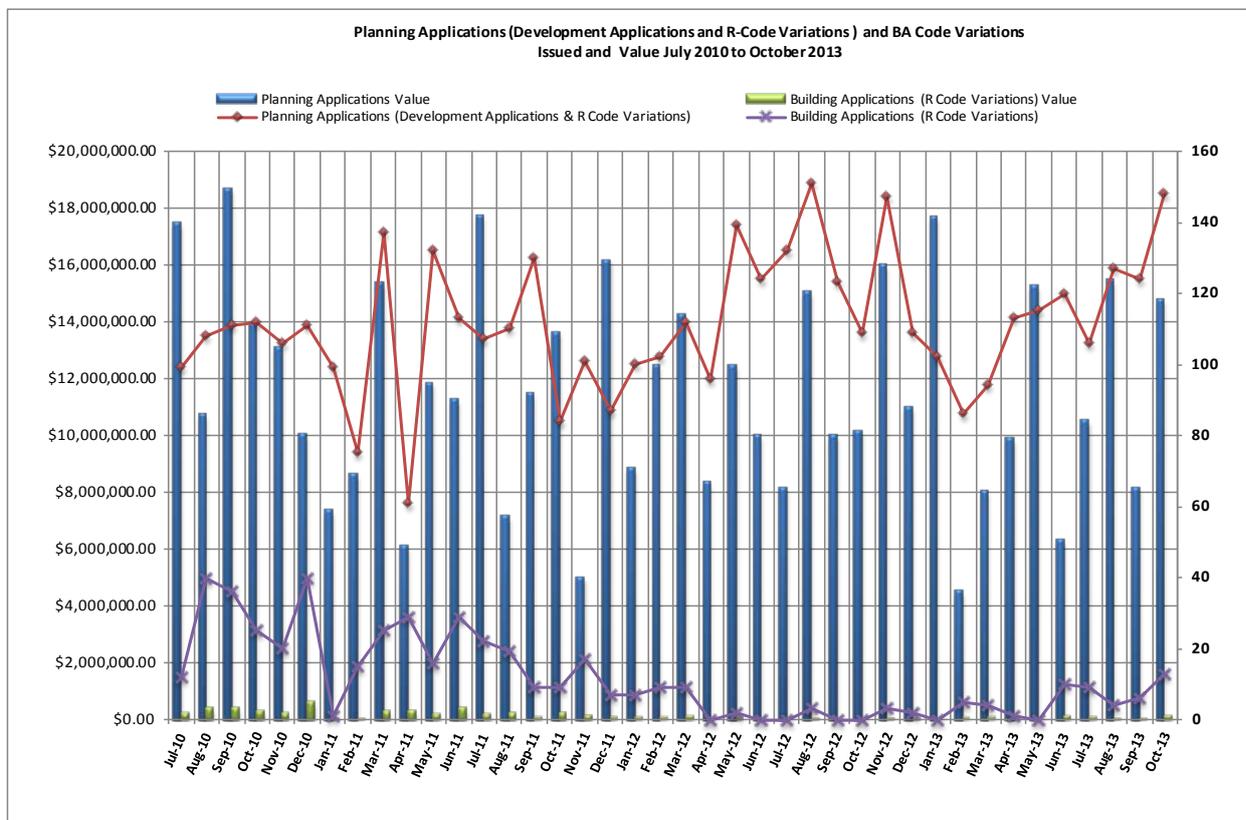
DPS2 requires that delegations be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 25 June 2013 (CJ094-06/13 refers), Council considered and adopted the most recent Town Planning Delegations via its review of the Register of Delegation of Authority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

DETAILS

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

Applications determined under delegated authority – October 2013		
Type of Application	Number	Value (\$)
Planning applications (development applications and R-Codes applications)	147	\$ 16,858,952
Building applications (R-Codes applications)	13	\$122,650
TOTAL	161	\$ 16,981,602

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



The number of development applications received during October was 145. (This figure does not include any applications that may become the subject of an R-Code application as part of the building permit approval process).

The number of development applications current at the end of October was 272. Of these, 62 were pending additional information from applicants, and 45 were being advertised for public comment.

In addition to the above, 385 building permits were issued during the month of October with an estimated construction value of \$28,427,488.

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

Subdivision referrals processed under delegated authority for October 2013		
Type of referral	Number	Potential additional new lots
Subdivision applications	4	5
Strata subdivision applications	1	1

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 161 applications were determined for the month of October with a total amount of \$63,515 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 147 development applications determined during October 2013 consultation was undertaken for 95 of those applications. R-Codes applications for assessment against the applicable Design Principles (previously known as Performance Criteria), 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 five subdivision applications processed during October 2013 were not advertised for public comment.

COMMENT

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

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

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Hamilton-Prime, SECONDED Cr Amphlett 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 CJ229-12/13 during October 2013;**
- 2 Subdivision applications described in Attachment 2 to Report CJ229-12/13 during October 2013;**
- 3 Building Residential Design Code applications described in Attachment 3 to Report CJ229-12/13 during October 2013.**

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ252-12/13, page 185 refers.

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

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf031213.pdf](#)

Disclosures of interest affecting impartiality

Name/Position	Cr Brian Corr.
Item No./Subject	CJ230-12/13 - Draft Local Commercial Strategy – Consideration following Public Consultation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Corr is the Secretary of the Joondalup Business Association Inc.

Name/Position	Cr Brian Corr.
Item No./Subject	CJ230-12/13 - Draft Local Commercial Strategy – Consideration following Public Consultation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Corr is a committee member of the Small Business Centre NWM Inc.

Name/Position	Cr Brian Corr.
Item No./Subject	CJ230-12/13 - Draft Local Commercial Strategy – Consideration following Public Consultation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Corr is the Chairman of the Business Development Association NWM Inc.

CJ230-12/13 DRAFT LOCAL COMMERCIAL STRATEGY – CONSIDERATION FOLLOWING PUBLIC CONSULTATION

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	101610, 101515
ATTACHMENT	Attachment 1 Local Commercial Strategy (Part A) Attachment 2 Local Commercial Strategy (Part B) Attachment 3 Local Commercial Strategy (Part C) Attachment 4 Summary of general submissions Attachment 5 Summary of technical submissions
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the outcomes of the public consultation on the draft *Local Commercial Strategy* and consider adopting the modified draft *Local Commercial Strategy*.

EXECUTIVE SUMMARY

The purpose of a *Local Commercial Strategy* is to provide a guide for the City for future decision making in regard to commercial centres. The *Local Commercial Strategy* will form the framework for decision making for commercial centres with respect to the development of new structure plans, amendments to existing structure plans and future rezoning and development applications.

The recommendations of the *Local Commercial Strategy* will be included in the draft Local Planning Strategy. The *Local Planning Strategy*, when endorsed by the Western Australian Planning Commission, will inform the development of the new Local Planning Scheme.

At its meeting held on 17 April 2012 (CJ072-04/12 refers), Council resolved to advertise the draft *Local Commercial Strategy* for public comment, noting that modifications to the strategy may be required following this consultation and further analysis of the draft strategy.

Public consultation was undertaken from 23 August to 22 October 2012 with 57 submissions being received. The majority of submissions related to current and future development of commercial centres, and were not specific comments on the draft strategy. Three substantial submissions of a detailed, technical nature were received, which included analysis by economic consultants on behalf of the land owners.

Following public consultation, a review of the complex submissions and a peer review of the draft *Local Commercial Strategy* was undertaken by economic consultants RPS on behalf of the City. It was identified that, while the strategy met the minimum requirements of *State Planning Policy 4.2 – Activity Centres for Perth and Peel*, it could be improved by the analysis of the development and distribution of bulky goods retail and commercial office accommodation. As a result, the draft *Local Commercial Strategy* has been revised to address these and other matters.

It is considered that the revised draft *Local Commercial Strategy* represents a more comprehensive analysis of activity centre development in the City of Joondalup. The revised Local Commercial Strategy includes recommendations specific to shop-retail floorspace, bulky goods retail floorspace and commercial office development to guide future decision making. It is recommended that Council adopts the revised draft *Local Commercial Strategy* as final, noting that the recommendations of the strategy will be included in the draft *Local Planning Strategy*.

BACKGROUND

Purpose of a Local Commercial Strategy

Generally, the purpose of a Local Commercial Strategy is to provide a guide for future decision making in regard to commercial centres and related facilities.

The Local Commercial Strategy requires the consideration of the:

- population and demographic changes (historical and projected)
- growth of centres in adjacent local government areas
- employment self sufficiency (the proportion of jobs located in a geographic area relative to the residents in that same area who are employed in the workforce)
- State Government policies, specifically *State Planning Policy 4.2 - Activity Centres for Perth and Peel* (SPP 4.2).

The development of the Local Commercial Strategy also entails assessment of the:

- retail needs
- economic trends
- existing activity and commercial areas
- the role and function of the Joondalup City Centre.

The outcome of the above will create a framework for decision-making for activity centres with respect to:

- future rezoning applications
- future development applications
- new activity centre structure plans
- amendments to existing structure plans.

As outlined in SPP 4.2, an activity centre is a community focal point which includes activities such as commercial, retail, higher density housing, entertainment, civic / community, higher education and medical services. Activity centres vary in size and diversity and are designed to be well serviced by public transport.

Background to the draft Local Commercial Strategy

Consultants were appointed in December 2010 to prepare the City's *Local Commercial Strategy*.

The development of the initial draft *Local Commercial Strategy* was divided into two parts:

- Part A being the background research and retail needs analysis.
- Part B being the recommendations and strategies to be implemented.

At its meeting held on 17 April 2012 (CJ072-04/12 refers), Council considered the draft *Local Commercial Strategy*, and resolved as follows:

"That Council:

- 1 *AGREES to advertise for public comment the draft Local Commercial Strategy forming Attachments 1 and 2 to Report CJ072-04/12 for a period of 60 days;*
- 2 *NOTES that although the draft Local Commercial Strategy currently sets out maximum retail floorspace allocations for each centre, the City has been undertaking further analysis of and is still in the process of testing the allocations currently proposed for the Strategic Metropolitan Centre of Joondalup and the Secondary Centres of Whitford and Warwick and that this analysis and testing may result in changes to the floorspace allocations in the final draft Local Commercial Strategy;*
- 3 *NOTES that, following advertising of the document for public comment, the document, including any changes made as a result of public comment received or the further analysis and testing outlined in Recommendation 2, will be brought back to Council for final consideration and endorsement."*

The draft *Local Commercial Strategy* was advertised from 23 August to 22 October 2012.

Following public consultation, the City engaged economic consultants RPS to undertake a peer review of the draft *Local Commercial Strategy* as well as provide commentary on the technical submissions received.

As a result of the review undertaken by RPS, modifications have been made to the draft *Local Commercial Strategy* and the revised strategy is the subject of this report.

DETAILS

The revised draft *Local Commercial Strategy* consists of three parts:

- Part A includes background research, economic analysis and retail needs assessment.
- Part B outlines the recommended strategies for shop retail.
- Part C outlines the recommended strategies for bulky goods retail and commercial offices.

The above parts are provided as Attachments 1, 2, and 3 to this Report.

The recommendations of the draft *Local Commercial Strategy* will be implemented through the new Local Planning Scheme, policy measures, or other appropriate mechanisms. The specific recommendations of the draft *Local Commercial Strategy* are outlined in the Comment section below.

Issues and options considered

Council has the option to:

- adopt the revised draft *Local Commercial Strategy* and agree to include the recommendations in the draft *Local Planning Strategy*
- adopt the revised draft *Local Commercial Strategy* subject to modifications, and agree to include the recommendations in the draft *Local Planning Strategy*
or
- not adopt the revised draft *Local Commercial Strategy*.

Legislation / Strategic Community Plan / policy implications

Legislation

Town Planning Regulations 1967.

Strategic Community Plan

Key theme

Economic Prosperity, Vibrancy and Growth.

Objective

Activity centre development.

Strategic initiative

Understand local commercial needs and opportunities.

Policy

State Planning Policy 4.2 - Activity Centres for Perth and Peel.

Town Planning Regulations 1967

The *Town Planning Regulations 1967* establish the statutory process for review of planning schemes, and the need for a local planning strategy. The strategies and actions of the Local Commercial Strategy are to be incorporated in the Local Planning Strategy.

Regulation 12A (3) states:

“A Local Planning Strategy shall:

- (a) set out the long-term planning directions for the local government;*
- (b) apply state and regional planning policies; and*
- (c) provide the rationale for the zones and other provisions of the Scheme.”*

The draft *Local Planning Strategy* endorsed by Council at its meeting held on 16 February 2010 (CJ007-02/10 refers) will be reviewed following finalisation of the Local Commercial Strategy and Local Housing Strategy prior to being submitted to the Western Australian Planning Commission for endorsement.

State Planning Policy 4.2 (SPP 4.2)

State Planning Policy 4.2 – Activity Centres for Perth and Peel, is a policy prepared and adopted by the Western Australian Planning Commission that builds on the hierarchy of activity centres established in *Directions 2031 and Beyond*.

The policy seeks to broaden the role of centres from single-purpose centres into activity centres which incorporate retail, commercial, office, health, education, entertainment, cultural, recreational and community facilities and importantly higher density residential development.

A key feature of SPP 4.2 is that the previous retail floor space caps have been removed. The provision of retail floorspace is to be provided either through an activity centre structure plan, a retail sustainability assessment or a Local Planning Strategy rather than through a Local Planning Scheme as previously prescribed.

Section 6.2.1 of SPP 4.2 indicates that a Local Planning Strategy should guide the long term distribution of retail and commercial floorspace. Local planning strategies provide an information base to support planning decision-making by including an assessment of projected retail needs of communities within a local government area and its surrounds.

A Local Planning Strategy should show the estimated retail need and indicative distribution of floorspace across the activity centres in the local government area, consistent with the activity centre hierarchy. This will be achieved through the Local Commercial Strategy.

Risk management considerations

Without a Local Planning Strategy that incorporates measures related to commercial development, there is the risk that the Western Australian Planning Commission will not support a new Local Planning Scheme. It will also be difficult for the City to encourage and guide appropriate development of commercial centres as previous controls of shop-retail floorspace have been removed from DPS2. Any development approved prior to the development and endorsement of a Local Commercial Strategy may result in a disproportionate allocation of floor space, impacting on the sustainability of the commercial centres throughout the City of Joondalup.

Financial/budget implications

The cost to prepare the draft *Local Commercial Strategy* was \$119,970, excluding GST. Public consultation costs were \$600. The cost to obtain advice on the technical submissions received and peer review the draft *Local Commercial Strategy* document was \$25,000, excluding GST.

Regional significance

The focus of the draft *Local Commercial Strategy* is on the commercial activity within the City of Joondalup. However, as activity beyond the City's boundaries influence how centres operate, analysis in Part A of the draft *Local Commercial Strategy* has considered centres within the Cities of Wanneroo and Stirling.

Sustainability implications

The strategy will provide a framework to guide commercial expansion (retail, bulky goods retail and commercial office) in the appropriate locations without impacting on other centres. This will assist in meeting the employment self sufficiency targets that have been set for the City through the WAPC's *Directions 2031 and beyond*.

Consultation

The draft *Local Commercial Strategy* was advertised for a period of 60 days, from 23 August to 22 October 2012. Consultation was undertaken in the following manner:

- Letters sent to key stakeholders including the following:
 - adjoining local governments
 - Chamber of Commerce and Industry, Business Growth Centre, Joondalup Business Association, Property Council of WA, Small Business Centre (NW metro), Business Development Association
 - shopping centre owners/management, together with an invitation to meet with City officers to discuss the draft strategy.
- Letters sent to owners of properties within 100 metres of a commercial centre boundary.
- A notice placed in the local newspaper for two consecutive weeks.
- A notice and documents placed at the City's libraries and customer service centres.
- A notice and documents placed on the City's website.

A total of 57 submissions were received. This included submissions from other economic consultants acting on behalf of some centre owners. A summary of the submissions is provided as Attachments 4 and 5. Generally, the comments received were in regard to the following:

- Current condition of centres including foreign/multi-national ownership, trading hours, impact on amenity, traffic and parking.
- Future development and the impact this will have on land owners in and adjoining commercial centres by way of amenity, trading hours, developer cost contributions and retail floor space.
- Comments about the Local Commercial Strategy including the methodology used, the method of consultation, the City outsourcing the development of the strategy, and the proposed recommendations.

- Other general comments including access to public transport, the establishment of a tree register, the removal of retail floor space limits from DPS2, and request for properties to be included in a Housing Opportunity Area.

COMMENT

The majority of submissions received during the advertising period related to the current condition or future development of centres (built form, scale and associated impacts). It is noted that a Local Commercial Strategy does not specifically deal with the current condition of individual centres, however, the recommendations set out broad strategies for the appropriate location, scale and future development of the centres. The detailed design of activity centres will be achieved through the review of the District Planning Scheme and the development of activity centre structure plans. It is through these processes that mechanisms could be put in place to address concerns of this nature. Furthermore, the new Local Planning Scheme and any activity centre structure plans will be subject to separate public consultation.

The three technical submissions received were reviewed by RPS consultants on behalf of the City, with a summary of submissions and responses provided as Attachment 5. Overall the submissions questioned the study area identified for analysis, methodology applied and allocation of floorspace.

The review of the submissions by RPS concluded that the study area used in the draft *Local Commercial Strategy* did extend too far south into the City of Stirling. RPS disagreed with the concerns raised about methodology and advised that the use of retail gravity based model was considered more appropriate than methods suggested in the submissions.

Following review of submissions, RPS consultants also undertook a peer review of the draft *Local Commercial Strategy*. This review concluded that, while the draft Local Commercial Strategy would meet the minimum requirements of SPP 4.2, there was limited analysis of the non-retail commercial activity and that this is more akin to a traditional activity centre or retail strategy, which SPP 4.2 and *Directions 2031 and Beyond* have sought to move beyond. Consequently, to ensure that the *Local Commercial Strategy* provides a strong framework to inform decision-making with respect to the growth and maturation of commercial activity within the City of Joondalup, the draft *Local Commercial Strategy* has been revised to include broader analysis of retail floorspace and recommendation for bulky goods and commercial office development.

Modifications to Part A - Background research, analysis and assessment

Part A of the draft *Local Commercial Strategy* contains background information (policy context), discussion on trends in the industry, and an assessment of retail needs through application of the Gravity Model assessment tool.

Part A has been modified to update the policy context information, and emphasises that the Gravity Model assessment, while important, now forms only one of a number of considerations that contribute to the identification of centre-specific shop retail floorspace “thresholds” – floorspace levels above which a dedicated Retail Sustainability Assessment is required as part of any proposal to expand the retail floorspace.

Part B - Shop retail

The City of Joondalup has a well established range and hierarchy of commercial (activity) centres. Analysis conducted by the consultants has confirmed that the hierarchy of these centres is appropriate, and there should be no major change to the role played by each centre in providing for the retail and commercial needs of the community.

The exception to the above is the recommendation that the Belridge centre in Beldon be elevated in the hierarchy from a Neighbourhood Centre to a District Centre. There is currently a gap in the distribution of district level centres in this area of the City of Joondalup. Belridge is considered the most appropriate centre to fill this gap due to its exposure to Ocean Reef Road; location within a Housing Opportunity Area; diversity of uses; size; and redevelopment potential.

The draft *Local Commercial Strategy* places emphasis on the Joondalup City Centre as the primary focus of the region, and outlines that the development of the activity centre structure plan for the city centre should ensure that employment and residential opportunities are maximised.

Other key recommendations of the draft *Local Commercial Strategy* include the following:

- Further subdivision and strata titling of activity centres should not be supported and mechanisms to prevent this are to be investigated.
- Expansion of commercial and retail activity, particularly bulky goods, should not further reduce the overall quantity of industrial use floorspace and mechanisms to help retain appropriate industrial uses will be investigated.
- The intensification of uses in the City Centre above the current 1,800m² per hectare level, up to an average intensity above 2,000m² per hectare in the city zones, should be encouraged and mechanisms to promote this should be investigated.
- Commercial offices should not be permitted on land zoned for industrial purposes except where incidental to or servicing industrial developments.
- Indicative retail threshold floorspace allocations for all centres.

With respect to the last dot point, it is important to note that the allocations are not floorspace “caps” but instead provide guidance to the City on what the appropriate amount of retail floorspace should be for each centre without impacting on the economic health or sustainability of other centres. If a centre seeks to extend its retail floorspace above the threshold in the Local Commercial Strategy, it would need to demonstrate, via a Retail Sustainability Assessment, that the additional retail floorspace would not detrimentally impact on the economic health of other centres and would not undermine the hierarchy of centres in both the strategy and SPP4.2.

Further review and testing of the indicative retail floorspace allocations for the centres was undertaken and has resulted in some proposed revisions to those allocations. The proposed changes to the larger centres are outlined in the following table, with all centres outlined in Attachment 2.

SPP4.2 Hierarchy	Centre	Shop retail floorspace 2010 (sqm)	Retail growth impact scenario (sqm) draft LCS	Recommended allocation (sqm) revised LCS
Strategic Metropolitan	Joondalup	92,990	125,000 No Limit	125,000 No Limit
Secondary	Whitford	49,924	50,000	75,000
Secondary	Warwick	25,614	38,000	50,000
District*	Belridge	6,148	10,000	10,000
District	Sorrento Quay	7,261	9,000	8,000
District	Currambine	6,549	15,000	15,000
District	Greenwood	4,976	10,000	10,000
District	Woodvale	7,460	12,000	15,000

* proposed to be elevated to from Neighbourhood to District centre status

Substantial analysis of the Whitford centre has been undertaken through the assessment of the draft *Whitford Activity Centre Structure Plan* and development application for additions to the Whitford Shopping Centre. That analysis has indicated that expansion above the 50,000sqm retail currently proposed can be supported; however, there is no justification for a retail allocation above the 75,000sqm proposed in the above table.

The Warwick allocation is proposed to be increased to reflect the strong retail turnover density and potential growth of the centre. Woodvale also demonstrates a strong retail turnover density and as a consequence an increase in the retail floorspace is proposed.

Part C - Bulky goods retail and commercial office

Following public consultation and peer review, it was identified that there was a need for further analysis of bulky goods and commercial office development. Part C is a new inclusion in the draft *Local Commercial Strategy* which provides additional analysis of commercial activity focusing on these types of development, providing guidance on the sizing, timing and location of potential future development and recommendations for incorporation into the draft Local Planning Strategy and new Local Planning Scheme.

Bulky Goods Retail

Bulky goods retail is the sale of more cumbersome goods often in large format stores, and includes the sale of goods such as furniture, white and electronic goods, hardware, and floor coverings.

The draft *Local Commercial Strategy* summarises the future needs in the bulky goods retail market for Joondalup as follows:

- There is total demand across the two catchments (Joondalup and Wanneroo) of 219,000sqm of bulky goods space in 2013. There is a total estimated supply of only 120,000sqm in the catchment at present leading to a current market gap of almost 100,000sqm of floorspace.
- Demand is expected to grow by over 100,000sqm in the coming decade, with areas of future supply likely to yield only around 90,000sqm being the Quadrangle (60,000sqm) and Butler (30,000sqm). This will result in a continued floorspace gap or shortfall for Joondalup/Wanneroo of over 100,000sqm in the coming decade.

Future needs are expected to largely be delivered in closer proximity to the large scale growth in population in the City of Wanneroo (for example at Alkimos and Yanchep); however, the consultants feel a degree of this future need should be delivered in the City of Joondalup.

It is expected that there will be a convergence of demand and supply over the coming five years as a result of the large scale bulky goods developments in and around the Quadrangle, and the development of the bulky goods site near the Butler Town Centre. This will reduce the overall market gap for the region to around 40,000sqm, which will grow again to current levels by 2023 as the population growth to the north continues.

The recommended location and size of bulky goods development has been proposed as follows:

Location containing bulky goods	Current Size (sqm)	Recommended Size (sqm)
The Quadrangle/ Joondalup Square	47,485 (approx)	100,000
Lot 104 Joondalup Drive (Edgewater Quarry)	0	10,000
Joondalup Gate/Edgewater	28,500	30,000
Service Commercial/Winton Road Precinct	20,250	20,000
Whitford City	15,500	15,500
The Gateway	9,500	9,500
Joondalup City Centre	8,600	10,000
Joondalup South	6,500	6,500
Currambine District Centre	3,250	5,000
Alternative locations (main road locations etc)	5,000	10,000

The recommendations proposed in the revised *Local Commercial Strategy* in regard to bulky goods are as follows:

- That bulky goods developments be concentrated within the City at strategic nodes (as listed above) to ensure a critical mass of offering to customers. Any developments with a cumulative total of 4,000 sqm GLA or more outside these locations will require a Retail Needs Assessment.
- That investigation be undertaken into allowing shop retail, café/restaurant and personal services uses to be permitted within bulky goods developments so long as they remain ancillary in nature and service bulky goods customers.
- That car parking allowances for bulky goods developments in the City Centre (where permitted) be accommodating. It is also recommended that parking and servicing, where possible, be primarily located at the rear of the bulky goods developments, sited behind built form, to enhance urban and pedestrian amenity and accessibility.
- That the planning framework allows for the transition of high amenity/accessible bulky goods developments to higher density activities in the medium term be supported, in line with changing market conditions.

The table above indicates a potential floorspace allocation within the Edgewater Quarry site that is currently subject to the preparation of a masterplan. Assessment by the consultant indicates that the development of bulky goods along the Joondalup Drive frontage of the Edgewater Quarry site (Lot 104) would create the critical mass necessary for this area to become a bulky goods destination in the north-west corridor. In addition, locating bulky goods along the portion of the Joondalup Drive frontage opposite Eddystone Avenue, would allow the potential for signalised access to such a development, complement the developments currently under construction on the opposite site of Joondalup Drive and create a gateway and focal point, reinforcing the area as a bulky goods destination.

Commercial office accommodation

The draft *Local Commercial Strategy* indicates that developers, investors and tenant groups commonly assess the attractiveness and suitability of a location for commercial office based on a range of criteria. These criteria include the following:

- High exposure location, for example, on a main road frontage.
- Collocated with anchor activities like government offices, health and education institutions.
- Collocated with amenities such as major retail, parks.
- Concentrated around public transport nodes – in line with Transit Orientated Design (TOD) principles, maximising the size of tenant labour force catchments.
- Large land parcels – providing flexibility in the type and structure of office development including supporting parking.

Based on current estimated supply and need, the revised *Local Commercial Strategy* suggests that the Joondalup commercial office market currently has a small supply shortage of up to 10,000sqm. However, a projected growth in total floorspace need, to in excess of 227,000sqm in 2031, is expected to increase this market gap to 42,500sqm by 2021 and almost 110,00sqm by the end of 2031.

Based on this assessment of the suitability and expansion capacity of current and potential commercial office locations within the City of Joondalup, the revised *Local Commercial Strategy* recommends the following indicative floorspace distribution be used by the City of Joondalup to inform the Local Planning Strategy.

Centre	Current Size (sqm 2008)	Recommended Size (sqm)
Joondalup City Centre (Excluding Edgewater) Health Precinct Education Campus	61,990	180,000
Joondalup Gate, Edgewater	285	20,000
South East (Woodvale, Kingsley, Greenwood, Warwick)	10,338	15,000
South West (Hillarys, Padbury, Hillarys, Duncraig, Sorrento, Marmion)	14,287	15,000
Western (Ocean Reef, Connolly, Heathridge, Mullaloo, Kallaroo, Beldon, Craigie)	1,984	4,000
Northern (Burns Beach, Kinross, Iluka, Currambine)	340	10,000

The recommendations proposed in the revised *Local Commercial Strategy* in regard to commercial office accommodation are as follows:

- While maintaining the primacy of the Central Core and City Fringe districts of the City Centre, it is recommended that commercial office development be supported outside of these areas at specific locations including:
 - within 200 metres of Edgewater train station in line with Transit Orientated Design (TOD) principles.
 - co-located within secondary activity centres.
- That investigation be undertaken into restricting the strata subdivision of development and the introduction of minimum lot sizes in the City Centre to maximise future redevelopment potential.
- That the ground floor of commercial office developments within the Central Core of the City Centre, and over three storeys outside of the Central Core of the City Centre, be 'activated'.
- That investigation be undertaken into the further facilitation of office precincts within the City Centre clustered around the key drivers of commercial office development.
- That investigation be undertaken into the restriction of commercial office floorspace from bulky goods, service commercial and service industrial areas within the City, except where the floorspace is ancillary to the service commercial or service industrial activity.
- That a parking strategy be developed for the City Centre that allows car parking to be established in the short-medium term, transitioning to higher intensity uses in the medium-long term.

The above recommendations are proposed to ensure that commercial office development occurs in appropriate locations that take advantage of clustering opportunities and access to public transport.

It is noted that the City is currently in negotiation with a preferred developer for the provision of up to 15,000sqm of office accommodation and associated car parking to be located in the City Centre at 90 Boas Avenue, Joondalup.

Conclusion

The revised draft *Local Commercial Strategy* represents a more comprehensive analysis of shop-retail floorspace, bulky goods retail and commercial office to guide future decision-making. The recommendations of the strategy will be incorporated into the draft *Local Planning Strategy* which will support the development of the new Local Planning Scheme provisions and associated Local Planning Policies and Council Policies.

It is recommended that Council adopts the revised draft *Local Commercial Strategy* as final, noting that the recommendations of the strategy will be included the draft *Local Planning Strategy*.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

- 1 ADOPTS the revised *Local Commercial Strategy* forming Attachments 1, 2 and 3 to Report CJ230-12/13 as final;
- 2 AGREES that the recommendations of the *Local Commercial Strategy* will be incorporated in the draft *Local Planning Strategy*, which when completed, will be forwarded to the Western Australian Planning Commission for endorsement;
- 3 NOTES the submissions received, and that submitters will be advised of Council's decision.

MOVED Cr Amphlett, SECONDED Cr McLean that Council:

- 1 **NOTES that an incorrect shop retail floorspace threshold for the Joondalup City Centre has been included in:**
 - 1.1 the table on page 13 of Report CJ230-12/13;
 - 1.2 Table 23 of Attachment 1 to Report CJ230-12/13;
 - 1.3 Table 3 of Attachment 2 to Report CJ230-12/13,and the figure of "125,000" quoted in the tables should be replaced with "No Limit";
- 2 **ADOPTS the revised *Local Commercial Strategy* forming Attachments 1, 2 and 3 to Report CJ230-12/13 as final and as amended per Part 1 above;**
- 3 **AGREES that the recommendations of the *Local Commercial Strategy* will be incorporated in the draft *Local Planning Strategy*, which when completed, will be forwarded to the Western Australian Planning Commission for endorsement;**
- 4 **NOTES the submissions received, and that submitters will be advised of Council's decision.**

The Motion was Put and

CARRIED (13/0)

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

Appendices 2 and 24 refer

To access this attachment on electronic document, click here: [Attach2brf031213.pdf](#)
[Attach24min101213.pdf](#)

CJ231-12/13 PROPOSED CHANGE OF USE FROM OFFICE TO HAIRDRESSER AT LOT 5002 (74) DELAMERE AVENUE, CURRAMBINE

WARD	North
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	87607, 101515
ATTACHMENT	Attachment 1 Location plan Attachment 2 Development plan
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to determine an application for a change of use from 'Office' to 'Hairdresser' at Lot 5002 (74) Delamere Avenue, Currambine.

EXECUTIVE SUMMARY

An application for planning approval has been received for a change of use from 'Office' to 'Hairdresser' for one tenancy within an existing ten unit commercial development at Lot 5002 (74) Delamere Avenue, Currambine.

The site is zoned 'Urban' under the *Metropolitan Region Scheme* and 'Business' under the *City's District Planning Scheme No. 2 (DPS2)*. The site is also located within the *Currambine District Centre Structure Plan (CDCSP)* area. The permitted land uses under the CDCSP are as per DPS2.

'Hairdresser' is a permitted ("P") land use within the 'Business' zone. Under the City's Omnibus Amendment No. 65 to DPS2 (Amendment No. 65), the land use 'Hairdresser' is to be deleted and included in the definition of a 'Shop'. 'Shop' is a "X*" land use within the 'Business' zone and can only be considered in specific circumstances set out in clause 3.6.3 of DPS2.

At the meeting of the Metro North West Joint Development Assessment Panel (JDAP), held on 17 October 2012, amendments were approved for two previously approved commercial developments on Lot 5002 (74) and Lot 5001 (86) Delamere Avenue, Currambine (DP11/1358 refers). The development on Lot 5002 was approved with a car parking shortfall on site of 55 car bays (36.2%). This shortfall was proposed to be accommodated on Lot 5001 (adjacent site) which has a car parking surplus of 78 car bays. Since this approval the City has approved two change of use applications on the site under delegated authority, one of which decreased the car parking shortfall on site from 55 to 54 car bays.

The change in land use will increase the current car parking shortfall on Lot 5002 from 54 car bays (36.2%) to 58 car bays (37.9%). Under Amendment No. 65, the car parking standards for the land uses 'Office' and 'Showroom' are proposed to be amended. If the amended car parking standard proposed was to be applied to the development as a whole, a reduced 41 car bay (30.1%) shortfall would result on the site.

It is considered that sufficient car parking is to be provided on the adjacent site, Lot 5001, to accommodate the proposed hairdresser and the other land uses approved within the development. It is therefore recommended that the development application be approved subject to conditions.

BACKGROUND

Suburb/Location	Lot 5002 (74) Delamere Avenue, Currambine.
Applicant	Sharon Johnson and Joy Smith.
Owner	Currambine District Centre One Pty Ltd.
Zoning	DPS2: Business. MRS: Urban.
Site area	4,627m ² .
Structure plan	<i>Currambine District Centre Structure Plan (CDCSP).</i>

The subject site is located within the CDCSP area. The Currambine District Centre is bounded by Marmion Avenue to the west, Shenton Avenue to the south, and Delamere Avenue to the north and east. The subject site itself is bounded by Delamere Avenue to the east, Currambine Marketplace Shopping Centre to the west and the site containing the Currambine Community Centre (currently under construction) to the north (Attachment 1 refers).

As part of the amended development application for the proposed development on Lot 5002 and Lot 5001, approved by the Metro North West JDAP at its meeting held on 7 March 2012, the applicant for that application provided a car parking management strategy which indicated that staff parking bays for those employees who work on Lot 5002 could, for the most part, be provided within the undercroft of Lot 5001. To enforce the reciprocal parking rights proposed in this application it was required as a condition of approval that a notification under section 70A of the Transfer of Land Act be placed on the Certificate of Titles regarding access of the surplus car bays on Lot 5001 to the patrons and employees of Lot 5002. Furthermore, a condition requiring the car bays on Lot 5001 to be provided with 24 months of the issuing of titles of the two properties was also placed on the approval.

Since the above approvals of the Metro North West JDAP the City has received two change of use applications for the site, including one change of use from 'Office'/'Showroom' to 'Recreation Centre' (Pilates Studio) and one change of use from 'Office'/'Showroom' to 'Consulting Room' (Dentist). These applications did not increase the car parking shortfall of the site, and in one instance decreased the car parking shortfall from 55 to 54 car bays, and therefore were able to be approved under delegated authority.

Amendment No. 65

Amendment No. 65 proposes to make changes to DPS2. These changes are intended to improve the operation of DPS2 by updating and modernising standards; correcting minor deficiencies and anomalies; and introduce provisions that will provide clarity and certainty for applicants and decision makers. In relation to this development, it is noted that the car parking standard for 'Showroom' and 'Office' is proposed to be modified from one bay per 30m² net lettable area (NLA) to one bay per 50m² NLA.

In addition, the amendment proposes to delete the land use 'Hairdresser' and for it to be included under the definition of a 'Shop'. Within the 'Business' zone the shop land use is a "X*" use and is subject to the provisions set out in clause 3.6.3 of DPS2. The amendment also changes the car parking standard for Shop, and Shopping Centre less than 10,000m² to be five bays per 100m² NLA. As the amendment has been adopted by Council at its meeting held on 25 June 2013 (CJ088-06/13 refers) and forwarded to the Department of Planning, it has been given due regard during the assessment of this application, as a 'seriously entertained proposal'.

DETAILS

The applicant proposes a change of use from 'Office' to 'Hairdresser' at Lot 5002 (74) Delamere Avenue, Currambine.

The business will include three hair washing stations, 10 hair cutting stations and a beauty therapy room, which is considered ancillary to the hairdressing business. The development plans are provided as Attachment 2.

The application does not propose any modifications to the external facade of the building and any signage will be subject to a separate application.

DPS2 does not specify a car parking standard for 'Hairdresser', however, previously the City has applied the car parking standard for 'Shopping Centre' under 10,000m² of seven bays per 100m² NLA to this land use. Therefore as the subject tenancy has a NLA of 86m² the development would require seven car bays using this standard, four more than required when originally approved as an 'Office'.

Using the 'Shopping Centre' standard, the change in land use will require a higher amount of car parking than currently required when approved as an 'Office' and will increase the car parking shortfall across the site. Amendment No. 65 proposes to change the parking standards for a number of uses currently approved on the site. Upon applying the current car parking standards contained within DPS2 and the proposed parking standard contained within Amendment No. 65, to the entire site, the car parking requirements for the site would be as per those set out in the table below. It is noted however, that the car parking standard for 'Shop' proposed under Amendment No. 65, being five bays per 100m² NLA, has not been reflected in the table below, or in the City's calculations. This is on the basis that Council is being asked to determine an appropriate car parking standard for this proposal, and therefore this would not alter upon Amendment No. 65 being finalised.

	Car parking required under DPS2	Car parking required under Amendment No. 65
Unit 1 Showroom/office = 84 m ²	1 bay per 30m ² NLA = 2.8 (3) bays	1 bay per 50m ² NLA = 1.68 (2) bays
Unit 2 Recreation Centre = 12 persons	1 per 2.5 persons based on facility capacity = 4.8 (5) bays	1 per 2.5 persons based on facility capacity = 4.8 (5) bays
Unit 3 Medical Centre = 1 practitioner	Five bays per practitioner = 5 bays	Five bays per practitioner = 5 bays
Unit 4 Showroom/office = 172m ²	1 bay per 30m ² NLA = 5.7 (6) bays	1 bay per 50m ² NLA = 3.44 (4) bays
Unit 5 Showroom/office = 141m ²	1 bay per 30m ² NLA = 4.7 (5) bays	1 bay per 50m ² NLA = 2.82 (3) bays
Unit 6 Showroom/office = 213m ²	1 bay per 30m ² NLA = 7.1 (8) bays	1 bay per 50m ² NLA = 4.26 (5) bays
Unit 7 Restaurant = 312 m ² of dining area	Greater of 1 per 5m ² of dining room or one per four guests =62.4 (63) bays	Greater of 1 per 5m ² of dining room or one per four guests =62.4 (63) bays
Unit 8 Restaurant = 84 guests	Greater of 1 per 5m ² of dining room or one per four guests =21 bays	Greater of 1 per 5m ² of dining room or one per four guests = 21 bays
Unit 9 Hairdresser = 86m²	No standard specified 7 bays per 100sqm recommended = 6.02 (7) bays	Non-conforming use, previous standard applied 7 bays per 100sqm = 6.02 (7) bays
Unit 10 Dental = 2 practitioners	Five bays per practitioner = 10 bays	Five bays per practitioner = 10 bays
Unit 10 Dental = 2 practitioners	Five bays per practitioner = 10 bays	Five bays per practitioner = 10 bays
Total car parking required	152.12 (153) bays	135.3 (136) bays
Total car parking provided	95 bays	95 bays

The proposed change in land use to 'Hairdresser' will increase the number of car parking bays required under DPS2, resulting in a 58 car bay shortfall (37.9%). It is noted that in applying the car parking standards under Amendment No. 65, the proposed change of use would result in a car parking shortfall of 41 car bays (30.1%).

Issues and options considered

Council is required to consider whether the proposed car parking shortfall is appropriate or not.

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	<i>City of Joondalup District Planning Scheme No. 2.</i>
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	Not applicable.

City of Joondalup District Planning Scheme No.2 (DPS2) and Scheme Amendment No. 65

Amendment No. 65 proposes to make changes to the existing DPS2 to better align the scheme with the Model Scheme Text, this being the current standard wording used for local planning schemes. Currently the land use 'Hairdresser' is a permitted ("P") uses within the 'Business' zone. However, with modifications to DPS2 under Amendment No. 65 this use is proposed to be deleted and included under the definition of a 'Shop', which is a prohibited land use unless the provisions of clause 3.6.3 in DPS2 are met ("X**").

Clause 3.6.3 of DPS2 allows a Shop (otherwise a prohibited ("X") use) within the 'Business' zone under certain conditions.

3.6 THE BUSINESS ZONE

3.6.3 *A shop may be permitted in the Business Zone, subject to Council's discretion after giving notice in accordance with Clause 6.7, and provided the following conditions have been met:*

- (a) *Shopping floor space does not exceed 200m² NLA;*
- (b) *The parcel of land is on a separate green title lot of not less than 1,000m²;*
- (c) *The aggregate shopping NLA on any group of adjoining or adjacent lots in the Business and Mixed Use Zones must not exceed 1,000m²;*
- (d) *The direct street frontage of any lot containing a shop must be at least 20 metres in width.*

- 3.6.4 *The conditions specified in Clause 3.6.3 are not standards or requirements for the purpose of Clause 4.5.1.*

Clause 4.5 of DPS2 allows for certain standards and requirements of the scheme 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 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.*

Risk management considerations

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

Financial / budget implications

The applicant has paid fees of \$295 (excluding GST) in accordance with the fees and charges schedule for the assessment of the application.

Regional significance

Not applicable.

Sustainability implications

As the application is for a change of use only there are not considered to be any sustainability implications.

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.

COMMENT

Land Use

The applicant seeks approval for a change of use from 'Office' to 'Hairdresser.' Currently, 'Hairdresser' is a permitted ("P") use within the 'Business' zone of DPS2. However, it is proposed under Amendment No. 65 that the land use 'Hairdresser' be deleted and included within the definition of 'Shop' as per the Model Scheme Text. Under DPS2 the land use 'Shop' is a "X*" use within the 'Business' zone and can only be considered in specific circumstances. Clause 3.6.3 of DPS2 states that a 'Shop' may be permitted within the 'Business' zone, subject to Council's discretion, provided that the following conditions are met:

- (a) Shopping floor space does not exceed 200m² NLA.
- (b) The parcel of land is on a separate green title lot of not less than 1,000m².
- (c) The aggregate shopping NLA on any group of adjoining or adjacent lots in the Business and Mixed Use Zones must not exceed 1,000m².
- (d) The direct street frontage of any lot containing a shop must be at least 20 metres in width.

The proposed change of use is considered to meet all of the above mentioned conditions of Clause 3.6.3, for the reasons set out below:

- The proposed 'Shop' on the subject site has a maximum floor area of 86m². No other shops are approved on the site.
- The area of the parent lot is 4,627m² and therefore while the lot has been strata titled it still meets the intention of this clause.
- The aggregate shop NLA on the adjoining and adjacent sites zoned 'Business' is less than 1,000m².
- The direct street frontage of the lot is greater than 20 metres in width.

Car parking

The site currently has a 36.2% car parking shortfall on the site. This application will increase this shortfall by an additional four car bays to 37.9%. The development was originally approved in conjunction with a commercial development on the adjacent site at Lot 5001 (86) Delamere Avenue, Currambine. The proposed development on the adjoining site was approved with a 78 car parking surplus and overall both developments proposed a car parking surplus of 23 car bays. Following this application the car parking surplus across both sites will be 20 car bays.

As part of the original development application for the proposed development of Lot 5002 and Lot 5001 the applicant provided a car parking management strategy which indicated that staff parking bays for those employed to work on Lot 5002 could, for the most part, be provided within the undercroft of Lot 5001. The additional car bays on Lot 5001 are to be provided within 24 months from the date of issue of a certificate of classification of the development on Lot 5001 and are required to be available at all times for the patrons of, visitors to and employees of Lot 5002.

In support of the reciprocal parking arrangements across both sites a notification was required to be placed on both titles giving notice that the provision of 55 car bays on Lot 5001 are to be available to employees of, visitors to and patrons of Lot 5002 at all times. This condition has since been met.

Under the car parking standards of Amendment No. 65 the car parking requirements of Lot 5002 reduces from 153 to 136 car bays and results in the car parking shortfall on site decreasing to 41 car bays (30.1%). Therefore as 55 car bays are available for the subject site on the adjoining property, Lot 5001, it is considered that there is adequate car parking available to both developments.

As the number of car bays across both sites remains a surplus it is considered that the proposed land use is appropriate.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Hamilton-Prime, SECONDED Cr Amphlett that Council:

- 1 DETERMINES under Clause 4.8.2 of the *City of Joondalup District Planning Scheme No. 2* that the car parking standard for the use 'Hairdresser' shall be seven car bays per 100m² of net lettable area;**
- 2 Subject to Part 1 above, EXERCISES discretion under Clauses 4.5.1 and 4.8.2 of the *City of Joondalup District Planning Scheme No. 2* and determines that the car parking provision of 95 bays in lieu of 153 bays is appropriate in this instance;**
- 3 APPROVES under Clause 6.9.1 of the *City of Joondalup District Planning Scheme No. 2* the application for planning approval dated 2 October 2013 submitted by Sharon Johnson and Joy Smith, for a change of use from 'Office' to 'Hairdresser' at Lot 5002 (74) Delamere Avenue, Currambine, subject to the following conditions:**
 - 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 within the two year period, the approval shall lapse and be of no further effect;**
 - 3.2 No obscure or reflective glazing is permitted at ground level on the building facade facing Delamere Avenue;**

- 3.3 This approval only pertains to tenancy D as indicated on the approved plans;
- 3.4 Any signage shall be the subject of a separate development application;
- 4 NOTES that the land use 'Hairdresser' is currently a Permitted ("P") use in the Business Zone under *District Planning Scheme No. 2*, and that under Amendment No. 65 to *District Planning Scheme No. 2*, this use will be deleted and incorporated into the definition of the land use 'Shop'.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ252-12/13, page 185 refers.

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

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf031213.pdf](#)

CJ232-12/13 PROPOSED CHANGE OF USE FROM 'SHOWROOM' TO 'LAUNDRY' AT LOT 6 (6/71) WINTON ROAD, JOONDALUP

WARD	North
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	41644, 101515
ATTACHMENT	Attachment 1 Location plan Attachment 2 Development plans
AUTHORITY / DISCRETION	Administrative – Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to determine an application for a change of use from 'Showroom' to 'Laundry' at Lot 6 (6/71) Winton Road, Joondalup.

EXECUTIVE SUMMARY

An application for a change of use from 'Showroom' to 'Laundry' has been received for one tenancy within an existing nine unit development at Lot 6 (6/71) Winton Road, Joondalup. The proposal is to enable the extension of an existing laundry currently operating from the adjacent tenancy.

The subject site is bound by Mitchell Freeway to the west, two commercial developments to the north and south, and Winton Road to the east (Attachment 1 refers). The site is zoned 'Urban' under the *Metropolitan Region Scheme* and 'Service Industrial' under the City's *District Planning Scheme No. 2 (DPS2)*. The site is also subject to the draft *Joondalup City Centre Structure Plan (JCCSP)*, where it is located within the 'Business Support' district.

The land use 'Laundry' is a permitted ("P") use within the 'Service Industrial' zone and the 'Business Support' district, and therefore the application cannot be refused based on the inappropriateness of the use. The proposed laundry is an extension of an existing facility operating from an adjoining tenancy on the site. A laundry by definition does not have customer visits, and this business currently picks up and delivers all laundry.

A specific car parking standard for the land use 'Laundry' is not provided in Table 1 of DPS2. Council has not delegated authority to City officers to determine the car parking standard applicable to use classes where development is not specified in Table 2 of DPS2. As such the application is required to be considered by Council.

The car parking standard applied to the existing 'Laundry' on-site was one bay per 30m² based on the 'Industrial' use class standard under the former *Town Planning Scheme No. 1* (TPS1). The current standard for 'Industrial' use classes under DPS2 is one bay per 50m² net lettable area (NLA). It is considered that this standard would also be applicable to this land use given that it operates in a similar manner to an industrial land use. By applying this standard to the development 61 bays would be required for the site with 68 bays provided. Therefore there is adequate car parking to cater for the development.

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

BACKGROUND

Suburb/Location	Lot 6 (6/71) Winton Road, Joondalup.
Applicant	Terry Etherton.
Owner	AR & CL Fulton.
Zoning	DPS: Service Industrial.
	MRS: Urban.
Site area	4,768m ² .
Structure plan	<i>Draft Joondalup City Centre Structure Plan.</i>

The subject site is bound by the Mitchell Freeway to the west, two commercial developments to the north and south and Winton Road to the east (Attachment 1 refers).

The development was originally approved in 1992 for nine showrooms. Since this approval, a number of planning approvals have been issued for changes of use, being 'Laundry' in 1999, 'Place of Assembly' (funeral parlour) in 2008, and 'Vehicle Repairs' in 2009.

DETAILS

The applicant is proposing to extend an existing laundry into the adjoining tenancy. The following details have been provided in relation to the operation of the business:

- The internal layout of the tenancy will consist of two commercial washers and dryers, with the remainder of the area to be used as storage.
- Two additional staff will be employed, with the remainder of the staff being those who currently operate the existing laundry.
- The hours of operation for the business are Monday to Friday from 8.00am to 12.00pm.
- As the business is a commercial operation, delivery vans pick up each morning and return to the laundry the same afternoon. The drivers take vehicles home, so there is no need for storage of vehicles on-site.
- The only other delivery vehicles are from suppliers, which have historically been twice a month. This is not proposed to change.
- No additional external signage is proposed.

The development plans are provided as Attachment 2.

'Laundry' is a permitted ("P") land use under DPS2, and therefore the application cannot be refused on the basis of the land use being inappropriate. 'Laundry' is defined under DPS2 as meaning a "premises, generally not open to the public, used for the purposes of washing, ironing or dry cleaning of clothes or fabrics".

A car parking standard for the land use is not prescribed under DPS2 and, due to Council's delegations, an appropriate standard is required to be determined by Council. The current laundry operating from the site was approved under the former TPS1 which applied a car parking standard of one bay per 30m², being the generic standard that applied to industrial land uses at the time. It is considered that the land use operation is of an industrial nature, generating no customer visits, with car parking only required for staff and the occasional delivery vehicle. Under DPS2 a car parking standard of one bay per 50m² now applies to industrial land uses.

The subject tenancy was previously approved as 'Showroom', which required car parking at a rate of one bay per 30m². Should Council consider that one bay per 50m² NLA is appropriate to apply to the land use, then the car parking requirement for the site will reduce by two bays, with the site requiring a total of 61 bays. 68 bays are provided on the site.

Issues and options considered

Council is required to consider an appropriate car parking standard for the land use 'Laundry'.

Council has the discretion to:

- approve the application
- approve the application subject to conditions
or
- refuse the application.

Legislation / Strategic Community Plan / policy implications

Legislation	<i>City of Joondalup District Planning Scheme No. 2.</i>
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	Not applicable.

City of Joondalup District Planning Scheme No. 2

As a car parking standard for the land use 'Laundry' is not set out in Table 2 of DPS2, Council is required to determine an appropriate car parking standard as set out in Clause 4.8.

4.8 *Car Parking Standards*

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

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

6.8 Matters to be considered by the Council

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

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

Risk management considerations

The applicant has a 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 \$295 (excluding GST) in accordance with the fees and charges schedule for the assessment of the application.

Regional significance

Not applicable.

Sustainability implications

The applicant has provided the following information regarding sustainability of the business:

- The business uses best practice within the industry for small to medium size laundry services.
- All equipment is new and complies with current standards which minimises utility costs and usage.
- Purchasing of supplies in bulk minimises delivery and packaging.
- All linen and cloth is recycled.

Consultation

The proposal was not advertised as 'Laundry' is a permitted ("P") use under DPS2, and there is considered to be no impact on the surrounding development as a result of the change of use.

COMMENT

The application is for a change of use from 'Showroom' to 'Laundry'. The land use 'Laundry' is a permitted ("P") land use under DPS2, and therefore the application cannot be refused on the basis of the land use being inappropriate within the 'Service Industrial' zone.

A car parking standard for the land use is not prescribed in DPS2, and therefore Council is required to determine an appropriate standard. The land use 'Laundry' is considered to operate as an industrial use class with no customer visits generated and car parking only required for staff and the occasional delivery vehicle. Under DPS2 a car parking standard of one bay per 50m² now applies to 'Industrial' use classes. It is therefore recommended that a car parking standard of one bay per 50m² be applied in this instance. Should Council consider this standard appropriate, the car parking provided on-site will be sufficient to cater for the proposed and existing land uses, with 61 bays required and 68 bays provided on-site.

Given the above, it is recommended that the application be approved subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Hamilton-Prime, SECONDED Cr Amphlett that Council:

- 1 DETERMINES** under clause 4.8.2 of the *City of Joondalup District Planning Scheme No. 2* that the car parking standard for the use 'Laundry' shall be one bay per 50m² net lettable area;
- 2 APPROVES** under Clause 6.9.1 of the *City of Joondalup District Planning Scheme No. 2* the application for planning approval dated 12 November 2013 submitted by Terry Etherton, for a change of use from 'Showroom' to 'Laundry' at Lot 6 (6/71) Winton Road, Joondalup, subject to the following condition:
 - 2.1 This decision constitutes planning approval only and is valid for two years from the date of the decision letter. Should the development not be substantially commenced within the two year period, the approval shall lapse and be of no further effect.**

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ252-12/13, page 185 refers.

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

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf031213.pdf](#)

CJ233-12/13 PROPOSED CHANGE OF USE FROM SHOWROOM AND WAREHOUSE TO PLACE OF WORSHIP AND SIGNAGE ADDITIONS AT LOT 83 (109) WINTON ROAD, JOONDALUP

WARD	North
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	43006, 101515
ATTACHMENT	Attachment 1 Location plan Attachment 2 Development plans
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to determine an application for a change of use, from 'Showroom' and 'Warehouse' to 'Place of Worship', and associated signage at Lot 83 (109) Winton Road, Joondalup.

EXECUTIVE SUMMARY

An application for planning approval has been received for a change of use, from 'Showroom' and 'Warehouse' to 'Place of Worship', and associated signage at an existing three unit development at Lot 83 (109) Winton Road, Joondalup.

The site is zoned 'Urban' under the Metropolitan Region Scheme and 'Service Industrial' under the City's *District Planning Scheme No. 2 (DPS2)*. A 'Place of Worship' is a discretionary ("D") land use within the 'Service Industrial' zone. The site is also subject to the provisions of the draft *Joondalup City Centre Structure Plan (JCCSP)* where it falls within the 'Business Support' district. A 'Place of Worship' is proposed to be a permitted ("P") land use within the draft JCCSP.

The change in land use will result in a car parking shortfall of 12 car bays (18.4%) across the site under the current parking standards of DPS2. Under the City's draft Omnibus Amendment No. 65 to DPS2 (Amendment No. 65), the car parking standards for the land use 'Showroom' is proposed to be reduced. If this amended car parking standard was to be applied to the development as a whole, a four car bay (7%) shortfall would result.

As a place of worship has different peak operating times to the showroom and warehouse developments on the site, it is considered that there is adequate parking to accommodate the change of use in addition to the existing land uses approved on the site. Both the land use and associated signage are considered appropriate and it is therefore recommended that the development application be approved subject to conditions.

BACKGROUND

Suburb/Location	Lot 83 (109) Winton Road, Joondalup.
Applicant	Anton Fouche.
Owner	F & V Furniture Pty Ltd.
Zoning	DPS: Service Industrial.
	MRS: Urban.
Site area	4,060m ² .
Structure plan	Draft <i>Joondalup City Centre Structure Plan (JCCSP)</i> .

Lot 83 (109) Winton Road, Joondalup, is located along the western boundary of the Winton Road Business Park (Attachment 1 refers). A three unit showroom and warehouse development was approved at the site in 2001, with no applications to change the land use received since that approval. An application for telecommunication infrastructure is also being reconsidered as part of this agenda and is proposed to be located at the rear of the subject site. The future operator of the business is aware of the proposal for this telecommunication infrastructure.

The site falls within the 'Business Support' district of the draft JCCSP. At its meeting held on 11 December 2012 (CJ271-12/12 refers), Council resolved to adopt the JCCSP. The document has been referred to the Western Australian Planning Commission (WAPC) for determination and has been given due regard during the assessment of this application.

Amendment No. 65

Scheme Amendment No. 65 proposes to make changes to DPS2. These changes are intended to improve the operation of DPS2 by updating and modernising standards; correcting minor deficiencies and anomalies; and introducing provisions which will provide clarity and certainty for applicants and decision makers. In relation to this development, it is noted that the car parking standard for 'Showroom' is proposed to be modified from one bay per 30m² net lettable area (NLA) to one bay per 50m² NLA.

The amendment in addition seeks to modify the wording of the car parking standard for 'Place of Worship' from one per four seats to one per four persons accommodated. As the amendment has been adopted by Council at its meeting held on 25 June 2013 (CJ088-06/13 refers) and forwarded to the Department of Planning, it has been given due regard during the assessment of this application, as a 'seriously entertained proposal'.

DETAILS

The applicant seeks approval for a change of use from 'Showroom' and 'Warehouse' to 'Place of Worship' and wall signage to the front facade of unit two of the existing development at Lot 83 (109) Winton Road, Joondalup. The development plans are included as Attachment 2. The place of worship will accommodate a maximum of 152 persons, with sermons to be held on Sunday mornings and afternoons only.

The change in land use will require a higher amount of car parking than currently required and will result in a car parking shortfall across the site. Upon applying the current car parking standards contained within DPS2 and the proposed parking standard contained within Amendment No. 65, the following car parking requirements would result:

	Car parking required under DPS2	Car parking required under Amendment No. 65
Unit 1 Showroom = 295m ² Warehouse = 148m ²	Showroom: One bay per 30m ² NLA = 9.8 (10) bays Warehouse: One bay per 50m ² NLA = 2.96 (3) bays	One bay per 50m ² NLA = 8.86 (9) bays
Unit 2 Place of Worship 152 seats	One per 4 seats = 38 bays	One per four persons accommodated = 38 bays
Unit 3 Showroom = 327m ² Warehouse = 164m ²	Showroom: One bay per 30m ² NLA = 10.9 (11) bays Warehouse: One bay per 50m ² NLA = 3.28 (4) bays	One bay per 50m ² NLA = 9.82 (10) bays
Total car parking required	64.94 (65) bays	56.68 (57) bays
Total car parking provided	53 bays	53 bays

The proposed change in land use to 'Place of Worship' will increase the car parking required under DPS2, resulting in a 12 car bay shortfall (18.4%). It is noted that in applying the car parking standards under Amendment No. 65, the proposed change of use would result in a car parking shortfall of four car bays (7%).

Issues and options considered

As 'Place of Worship' is a discretionary ("D") use under DPS2, Council is required to consider the appropriateness of the land use.

Council is also required to consider whether the proposed car parking shortfall is appropriate or not.

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 *Signs Policy.*

Clause 4.5 of DPS2 gives the Council discretion to consider the variations sought to the standards and requirements.

4.5 *Variations to Site and Development Standards and Requirements*

- 4.5.1 *Except for development in respect of which the Residential Design Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.*
- 4.5.2 *In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:*
- (a) *Consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1;*
 - (b) *Have regard to any expressed views prior to making its decision to grant the variation.*
- 4.5.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*
- (a) *Approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
 - (b) *The non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

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.*

Signs Policy

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

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

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

The development complies with the requirements of the policy.

Risk management considerations

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

Financial/budget implications

The applicant has paid fees of \$295 (excluding GST) in accordance with the fees and charges schedule for the assessment of the application.

Regional significance

Not applicable.

Sustainability implications

As the application is for a change of use only there are not considered to be any sustainability implications.

Consultation

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

COMMENT

Land Use

The application seeks approval for a change in land use from 'Showroom' and 'Warehouse' to 'Place of Worship.' A place of worship is a discretionary ("D") land use within the 'Service Industrial' zone of DPS2 and is proposed to be a permitted ("P") land use under the draft JCCSP, falling within the 'Business Support' district. The land use is consistent with the objectives of the 'Service Industrial' zone, which seeks to accommodate a range of land uses and complementary business services without having a detrimental effect on the amenity of the surrounding area.

Car Parking

The applicant proposes a car parking shortfall across the site of 12 car bays, resulting in a 18.4% shortfall.

Council is required to determine whether the 53 car bays provided on the site are sufficient to service the proposed development. The options available to Council are:

- determine that the provision of 53 car parking bays is appropriate
- determine that the provision of 53 car parking bays is not appropriate
or
- determine that a cash-in-lieu payment of \$25,929 per bay is required for the shortfall in car parking being \$311,148 for the 12 car bay shortfall as a result of this development. This is discussed further below.

The applicant seeks approval for the operation of a place of worship. The church, which was established in 2012, proposes to hold sermons on Sunday mornings between the hours of 9.30am and 11.30am and Sunday afternoons between the hours of 4.30pm and 5.30pm. The applicant has advised that the Sunday morning service attracts the most number of persons with an attendance of 152 church members. A maximum of 50 members are expected to attend during afternoon services.

In considering the appropriateness of the car parking shortfall it is noted that the businesses currently occupying units one and three are approved and remain operating as showroom and warehouse land uses. Showroom and warehouse land uses typically experience peak periods during Monday to Friday business hours and on Saturdays. A search of the opening hours of the businesses currently operating from the site also confirms that there will be no conflict between the peak operating hours of the land uses, with both businesses closed during the church's peak Sunday periods. As a result it is considered that sufficient car parking is provided at the site to accommodate the church proposed as a part of this application and the existing land uses.

Furthermore, should the parking standards set out in Amendment No. 65 be applied, the overall car parking shortfall would decrease, resulting in a shortfall of four car bays or 7%.

Should the application be approved and require a cash-in-lieu payment, a figure of \$311,148 will be payable. Any cash-in-lieu funds received must be used to provide additional parking in the immediate locality. Given the above, it is considered that sufficient car parking will be provided on the site to cater for the proposed church, and it is not considered appropriate in this instance to require a cash-in-lieu payment.

Signage

The applicant also seeks approval for a wall sign to be located above the entrance door of the front facade. The sign has been assessed in accordance with the City's *Signs Policy* which allows for wall signage to occupy a maximum of 25% of the facade within the service industrial zone. The sign, which will contain the name and logo of the church only, has been found to be in accordance with the both the objectives and provisions of the signage policy.

Conclusion

The proposed variation to the car parking standard of DPS2 is considered appropriate, with the reciprocity between the land uses and the proposed modifications to the car parking standard for 'Showroom' as contained within Amendment No. 65 demonstrating that adequate car parking will be available across the site. It is recommended that the application for change of use and signage be approved, subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Hamilton-Prime, SECONDED Cr Amphlett that Council:

- 1 EXERCISES discretion under Clauses 4.5.1 and 4.8.2 of the *City of Joondalup District Planning Scheme No. 2* and determines that the car parking provision of 53 bays in lieu of 65 bays is appropriate in this instance;**
- 2 DETERMINES that the land use 'Place of Worship' under clause 6.6 of the *City of Joondalup District Planning Scheme No. 2* is appropriate in this instance;**
- 3 APPROVES under Clause 6.9.1 of the *City of Joondalup District Planning Scheme No. 2* the application for planning approval dated 28 October 2013 submitted by Anton Fouche, for a change of use from 'Showroom' and 'Warehouse' to 'Place of Worship' and associated signage at Lot 83 (109) Winton Road, Joondalup, subject to the following conditions:**
 - 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 within the two year period, the approval shall lapse and be of no further effect;**
 - 3.2 A maximum of 152 persons shall be permitted at the premises at any given time;**

- 3.3 The sign must not include fluorescent, reflective or retro reflective colours;**
- 3.4 The signage is to be established and thereafter maintained to a high standard to the satisfaction of the City.**

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ252-12/13, page 185 refers.

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

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf031213.pdf](#)

CJ234-12/13 PROPOSED UNLISTED USE (SEA CONTAINER) ON A RESIDENTIAL LOT - LOT 17 (28) MARINE TERRACE, SORRENTO

WARD	South-West
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	71417, 101515
ATTACHMENT	Attachment 1 Location plan Attachment 2 Development plans
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to determine an application for an Unlisted Use (Sea Container) at Lot 17 (28) Marine Terrace, Sorrento.

EXECUTIVE SUMMARY

An application has been received to use a sea container at Lot 17 (28) Marine Terrace, Sorrento.

Lot 17 is located on the south western corner of Marine Terrace and Cliff Street, with a laneway to the rear and is surrounded by other residential properties with an R20 density coding (Attachment 1 refers). The site is zoned 'Residential' under the City's *District Planning Scheme No. 2* (DPS2).

A sea container is not a form of development that can be associated with a Single House or any other use permissible in the 'Residential' zone under DPS2, and is therefore required to be considered as an unlisted use. As an unlisted use, Council must consider the appropriateness of the land use having regard to the objectives of the 'Residential' zone.

The sea container is proposed to be set back from the western boundary 600 millimetres, and will be clearly visible from Cliff Street. There is no other development on this portion of the lot with a two storey dwelling located on the northern portion.

It is considered that the sea container does not meet the objectives of the 'Residential' zone as it is not consistent with the residential character of the area and will have a negative impact on the streetscape and the amenity of the surrounding properties. Therefore the land use is not considered to be permitted in the 'Residential' zone.

Given that the land use is not considered a permitted use in the 'Residential' zone, it is recommended that Council refuse the application.

BACKGROUND

Suburb/Location	Lot 17 (28) Marine Terrace, Sorrento.
Applicant	Michael McMahon.
Owner	Maria Bluhe.
Zoning	DPS: Residential.
	MRS: Urban.
Site area	711m ² .

The subject site is bounded by Marine Terrace to the north, Cliff Street to the east, a laneway to the south and a residential lot to the west. (Attachment 1 refers). The subject site and surrounds are zoned 'Residential' with a density code of 'R20'. Development in the area typically consists of single two storey dwellings.

A two storey dwelling has been constructed to the northern part of the lot, facing Marine Terrace. The southern portion of the lot facing Cliff Street and the laneway remains undeveloped and forms part of an unmaintained garden area. The sea container is proposed to be placed on this undeveloped southern part of the lot.

DETAILS

The applicant proposes a sea container, to be used as a storage shed, at the rear of the subject lot. The sea container measures 2.4m x 6.1m and is 2.6m high. The 14.64m² sea container is proposed to be placed 600 millimetres from the western boundary and approximately two metres south of the house. The development plans are provided as Attachment 2.

Issues and options considered

Council is required to determine whether the proposed land use is consistent with an existing use class under Table 1 of DPS2, or whether it should be considered an unlisted land use. If it is considered to be an unlisted use Council is required to determine whether it meets the objective and purpose of the 'Residential' zone.

The options available to Council in this regard are to:

- determine that the proposed use is a listed use class, in which case the application must be determined in accordance with the permissibility of that use in the 'Residential' Zone
- determine that the proposed use is an unlisted use and meets the objectives and purpose of the 'Residential' zone and is therefore a permitted use
- determine that the proposed use is an unlisted use and may be consistent with the objectives and purpose of the 'Residential' zone, in which case the application must be advertised in accordance with Clause 6.6.3, before being determined
or
- determine that the proposed use is an unlisted use and is not consistent with the objectives and purposes of the 'Residential' zone and is therefore not permitted.

If Council considers that the proposed land use is a permissible use, 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	<i>City of Joondalup District Planning Scheme No. 2.</i>
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

When determining the application Clauses 3.2, 3.3, 3.4 and 6.8 of DPS2 apply.

Clause 3.2 indicates the manner in which Table 1, the Zoning Table sets out the permissibility of uses within zones. However, a sea container is not specifically mentioned as a use in DPS2. Therefore Council is required to make a determination under Clause 3.3 of DPS2.

3.3 Unlisted Use

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

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

In considering the appropriateness of the development within the 'Residential' zone, Council shall have regard to the purpose and objectives of the zone under DPS2:

3.4 The Residential Zone

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

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

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

The objectives of the Residential Zone are to:

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

Clause 6.8 of DPS2 sets out the matters to be considered in determining a development application.

6.8 Matters to be considered by the Council

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

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

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

Risk management considerations

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

Financial/budget implications

The applicant has paid a fee of \$147, excluding GST, for assessment of the application.

Regional significance

Not applicable.

Sustainability implications

There are not considered to be any sustainability implications as a result of the proposal.

Consultation

The application was not advertised as it is considered that the development is not consistent with the purpose and objectives of the 'Residential' zone and is therefore recommended for refusal.

COMMENT

The applicant seeks approval for a sea container to be used for storage. A sea container, by its temporary nature and built form, is not considered to be associated with a 'Single House' or any other use class permissible in the 'Residential' zone specified under DPS2. As such it is recommended that it be considered as an unlisted use. As an unlisted use, regard is required to be given to the purpose and objectives of the 'Residential' zone in this instance.

The primary objective of the 'Residential' zone that is relevant to this proposal is to maintain a predominantly single residential character and high standard of amenity. It is considered that a sea container on a residential lot that is highly visible from the street and adjoining properties does not meet this as it is not a built form that is consistent with the residential character or streetscape. In general sea containers have a bulky appearance and have the potential to adversely impact on the visual amenity and character of a residential area.

It is therefore considered that the unlisted use sea container is not consistent with the objectives of the 'Residential' zone, and is a use that is not permitted within the zone.

Considering the above, the application is recommended for refusal.

VOTING REQUIREMENTS

Simply Majority.

MOVED Cr Hamilton-Prime, **SECONDED** Cr Amphlett that Council:

- 1 **DETERMINES** under clause 3.3 of the *City of Joondalup District Planning Scheme No. 2* that:
 - 1.1 The land use 'sea container' is an Unlisted Use;
 - 1.2 The proposed land use is not consistent with the purpose and objectives of the Residential Zone, as it does not maintain the predominantly single residential character and amenity of the area, and is therefore not permitted;
- 2 Subject to Part 1 above, **REFUSES** under Clause 6.9.1 of the *City of Joondalup District Planning Scheme No. 2* the application for planning approval dated 15 October 2013, submitted by Michael McMahon, the applicant on behalf of the landowner, Maria Bluhe, for an unlisted use (sea container) at Lot 11 (28) Marine Terrace, Sorrento, for the following reason:
 - 2.1 The land use is not permitted within the Residential Zone.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ252-12/13, page 185 refers.

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

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf031213.pdf](#)

CJ235-12/13 AMENDMENT NO. 70 TO DISTRICT PLANNING SCHEME NO. 2 TO INCLUDE THE LAND USE 'ANCILLARY DWELLING' - CONSIDERATION FOLLOWING PUBLIC CONSULTATION

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

PURPOSE

For Council to consider the adoption of proposed Amendment No. 70 to *District Planning Scheme No. 2* following public consultation.

EXECUTIVE SUMMARY

At its meeting held on 16 July 2013 (CJ120-07/13 refers), Council resolved to initiate an amendment to *District Planning Scheme No. 2* (DPS2) to modify DPS2 to include the land use 'Ancillary Dwelling'.

The proposed amendment is in response to one of the changes resulting from the Department of Planning's review of the *State Planning Policy 3.1 Residential Design Codes of Western Australia* (R-Codes). Specifically the dwelling type 'Ancillary Accommodation' has been removed and is replaced with a new use class titled 'Ancillary Dwelling'. Unlike with the previous 'Ancillary Accommodation' use class, the occupiers of an 'Ancillary Dwelling' do not need to be related to the occupier(s) of the main dwelling. In addition, as of right standards for the 'Ancillary Dwelling' use class have been included in the new R-Codes which allow for different maximum floor space and car parking requirements to that allowed previously for 'Ancillary Accommodation'.

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

In accordance with Council's resolution, the Western Australian Planning Commission (WAPC) was requested to consider allowing the advertising period to be reduced from 42 days to 21 days given the minor nature of the proposal. That permission was subsequently granted. The proposed scheme amendment was advertised for public comment for a period of 21 days, closing on 10 October 2013. No submissions were received.

Considering the above, it is recommended that Council adopts the proposed scheme amendment, and forwards the proposed amendment to the WAPC for consideration.

BACKGROUND

The Department of Planning has undertaken a review of the R-Codes, with the revised R-Codes becoming effective on 2 August 2013. This has resulted in the dwelling type 'Ancillary Accommodation' being removed and replaced with a new use class titled 'Ancillary Dwelling'. The occupier(s) of an 'Ancillary Dwelling' do not need to be related to the occupier(s) of the main dwelling under this new land use.

In addition to the change in land use, the R-Codes also include 'deemed to comply' criteria (as of right standards) for 'Ancillary Dwellings' which allow for different maximum floor area and car parking requirements to that allowed previously for 'Ancillary Accommodation'.

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

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

At its meeting held on 16 July 2013 (CJ120-07/13 refers), it was resolved that Council:

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

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

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

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

"Ancillary Accommodation Dwelling: has the same meaning as is given to it in the Residential Planning Design Codes";

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

DETAILS

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

Table 1- Zoning Table:

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

Schedule 1 - Interpretations:

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

Issues and options considered

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

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

In all of the above options, the proposal is forwarded to the WAPC for the Minister for Planning's determination.

Legislation / Strategic Community Plan / policy implications

Legislation

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

Strategic Community Plan

Key theme

Quality Urban Environment.

Objective

Quality built outcomes.

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

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

Policy Not applicable.

Planning and Development Act 2005 and Town Planning Regulations 1967

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

Risk management considerations

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

If the proposed scheme amendment is not progressed, applications for an 'Ancillary Dwelling' will become an 'unlisted use' under DPS2, and will be determined on a case by case basis. This will increase the time required to process and determine these applications and create a risk of inconsistent decisions and uncertainty for land owners.

The existing use class in DPS2 'Ancillary Accommodation' is now not defined in the R-Codes, despite it still being a permissible use in DPS2. If the proposed scheme amendment is not progressed, the now redundant use 'Ancillary Accommodation' will remain as a permissible use in DPS2, without any guidance on the definition of that land use.

Financial/budget implications

The City, as the applicant, will be required to cover the costs associated with the scheme amendment process. The cost incurred for the advertising of the amendment which consists of placing a notice in the relevant newspapers, is estimated to be approximately \$1,425.

Regional significance

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

Sustainability implications

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

Consultation

The proposed scheme amendment was advertised for public comment for a period of 21 days closing on 10 October 2013. Consultation included:

- a notice placed in the Joondalup Weekender and *The West Australian* newspaper
- a notice placed on the notice board at the City's Administration building
- a notice on the City's website.

No submissions were received.

COMMENT

The revised R-Codes have replaced the use class 'Ancillary Accommodation' with a new use class titled 'Ancillary Dwelling'. It is now necessary for the City to amend DPS2 to align with this change to the R-Codes by allocating land use permissibility to the new use class 'Ancillary Dwelling' and removing the now redundant use class 'Ancillary Accommodation'. This will ensure applications for 'Ancillary Dwellings' are processed in a consistent and timely manner and will create certainty for applicants and landowners when proposing ancillary dwellings.

Although the R-Codes now allow for greater flexibility for the use of an ancillary dwelling (in that the occupier(s) may be unrelated to the occupier(s) of the main dwelling) the intent of the type of development is retained. As a result, the scheme amendment proposes that the land use permissibility for 'Ancillary Dwelling' be the same as currently applies to 'Ancillary Accommodation', being a discretionary ("D") use in the 'Residential' zone, and not permitted ("X") use in all other zones.

No submissions were received during the advertising of the proposed scheme amendment. As such, it is recommended that the proposed amendment be adopted and that the documents be endorsed and submitted to the WAPC for the Minister for Planning's determination.

VOTING REQUIREMENTS

Simple Majority.

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

1 pursuant to Regulation 17(2) of the *Town Planning Regulations 1967*, **ADOPTS** Amendment No. 70 to the City of Joondalup *District Planning Scheme No. 2* to:

1.1 amend the use class 'Ancillary Accommodation' in Table 1 - Zoning Table by replacing the word 'Accommodation' with 'Dwelling' as follows:

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

1.2 amend the definition of 'Ancillary Accommodation' in Schedule 1 – Interpretations by replacing the word 'accommodation' with 'dwelling' and the word 'Planning' with 'Design' as follows:

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

2 **AUTHORISES** the affixation of the Common Seal and signing of the documents;

3 pursuant to Regulation 18 of the *Town Planning Regulations 1967*, **FORWARDS** Scheme Amendment No. 70 and Council's decision to the Western Australian Planning Commission for consideration.

The Motion was Put and

CARRIED (13/0)

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

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf031213.pdf](#)

Disclosures of Financial/Proximity Interest

Name/Position	Mayor Troy Pickard.
Item No./Subject	CJ236-12/13 - Draft Amendment to District Planning Scheme No. 2 – Local Housing Strategy Implementation.
Nature of interest	Financial Interest.
Extent of Interest	Mayor Pickard owns property in one of the proposed Housing Opportunity Areas.

Name/Position	Cr John Chester.
Item No./Subject	CJ236-12/13 - Draft Amendment to District Planning Scheme No. 2 – Local Housing Strategy Implementation.
Nature of interest	Financial Interest.
Extent of Interest	Cr Chester owns two properties in Housing Opportunity Areas.

Name/Position	Cr Russ Fishwick, JP.
Item No./Subject	CJ236-12/13 - Draft Amendment to District Planning Scheme No. 2 – Local Housing Strategy Implementation.
Nature of interest	Financial Interest.
Extent of Interest	Cr Fishwick owns property in Housing Opportunity Area No. 1.

Name/Position	Cr Teresa Ritchie, JP.
Item No./Subject	CJ236-12/13 - Draft Amendment to District Planning Scheme No. 2 – Local Housing Strategy Implementation.
Nature of interest	Proximity Interest.
Extent of Interest	Cr Ritchie lives adjacent to Local Housing Area No. 6 in Woodvale.

Name/Position	Cr Sam Thomas.
Item No./Subject	CJ236-12/13 - Draft Amendment to District Planning Scheme No. 2 – Local Housing Strategy Implementation.
Nature of interest	Financial Interest.
Extent of Interest	Cr Thomas lives in a Housing Opportunity Area.

Disclosures of interest affecting impartiality

Name/Position	Cr John Chester.
Item No./Subject	CJ236-12/13 - Draft Amendment to District Planning Scheme No. 2 – Local Housing Strategy Implementation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Chester's son and daughter own properties in Housing Opportunity Areas.

Name/Position	Cr Brian Corr.
Item No./Subject	CJ236-12/13 - Draft Amendment to District Planning Scheme No. 2 – Local Housing Strategy Implementation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Corr resides near a Housing Opportunity Area.

Mayor Pickard and Councillors Chester, Fishwick, Ritchie and Thomas left the Chamber at 7.31pm.

Councillor Gobbert assumed the Chair at 7.31pm.

Explanation – Disclosures of Interest

The Chief Executive Officer advised when Council last considered the Local Housing Strategy at the Council meeting held on 16 April 2013 (Item CJ044-04/13 refers), a motion was passed that allowed disclosing members to participate in discussion and voting on this item as Council was satisfied that the interests so declared by Elected Members were trivial and insignificant and unlikely to influence the conduct and voting in relation to the matter.

Should Council wish to do so again, there is opportunity for Council, in accordance with section 5.68 of the *Local Government Act 1995* and having again considered the extent of those Elected Member's interest declarations in relation to this item, to resolve that the interests in each case are trivial or insignificant as to allow those Elected Members to return to the Chamber and participate in any debate.

C75-12/13 MOTION TO ALLOW DISCLOSING MEMBERS TO PARTICIPATE – [02154, 08122]

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

- 1 acting in accordance with section 5.68 of the *Local Government Act 1995*;**
- 2 having considered the extent of the interest of Mayor Troy Pickard, Cr John Chester, Cr Russ Fishwick, Cr Teresa Ritchie and Cr Sam Thomas who have made disclosures under section 5.65 of the *Local Government Act 1995* in relation to Item CJ236-12/13;**
- 3 being satisfied that the interest in each case is so trivial or insignificant as to be unlikely to influence Mayor Troy Pickard, Cr John Chester, Cr Russ Fishwick, Cr Teresa Ritchie and Cr Sam Thomas conduct in relation to the matters being considered for Item CJ236-12/13,**

RESOLVES to allow Mayor Troy Pickard, Cr John Chester, Cr Russ Fishwick, Cr Teresa Ritchie and Cr Sam Thomas to be present and to participate fully in the discussion and decision-making procedures relating to Item CJ236-12/13.

The Motion was Put and

CARRIED (8/0)

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

Mayor Pickard and Councillors Chester, Fishwick, Ritchie and Thomas returned to the Chamber at 7.35pm.

Mayor Pickard resumed the Chair at 7.35pm.

CJ236-12/13 DRAFT AMENDMENT TO DISTRICT PLANNING SCHEME NO. 2 – LOCAL HOUSING STRATEGY IMPLEMENTATION

WARD	All	
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development	
FILE NUMBER	30622, 101515	
ATTACHMENT	Attachment 1	Scheme amendment wording
	Attachment 2	Proposed coding changes for Housing Opportunity Areas
	Attachment 3	Overall coding proposals
	Attachment 4	Proposed zoning changes
	Attachment 5	Scheme amendment process flowchart
AUTHORITY / DISCRETION	Legislative – includes the adoption of local laws, planning schemes and policies.	

PURPOSE

For Council to consider initiating an amendment to *District Planning Scheme No. 2 (DPS2)* as the basis for the implementation of the recommendations of the *Local Housing Strategy*, for the purpose of public advertising.

EXECUTIVE SUMMARY

At its meeting held on 16 April 2013 (CJ044-04/13 refers), Council resolved to adopt the draft revised *Local Housing Strategy (LHS)* and requested the preparation of a report for Council to consider the initiation of a scheme amendment to implement the recommendations of the LHS.

The draft LHS was subsequently forwarded to the Western Australian Planning Commission (WAPC) via the Department of Planning for endorsement. On 12 November 2013, the WAPC resolved to support the LHS as a basis for guiding future amendments to *District Planning Scheme No. 2 (DPS2)*.

The purpose of this amendment is to implement the majority of the recommendations of the draft LHS through DPS2 by:

- updating the Scheme Maps to reflect the recommendations of the LHS
- introducing development criteria for dual coded areas
- introducing a density bonus to encourage the amalgamation of lots for the development of Aged and Dependent Persons' dwellings
- increasing the density code applicable to 'Commercial', 'Mixed Use' and 'Business' zoned lots
- introducing minimum residential densities for development on large opportunity sites.

The remaining recommendations of the draft LHS are proposed to be implemented through policy provisions which are currently being developed.

It is recommended that Council adopts proposed Scheme Amendment No. 73 for the purposes of public advertising.

BACKGROUND

The City is undertaking a review of its current *District Planning Scheme No. 2* (DPS2) with a view to putting in place a new Local Planning Scheme. Before the new scheme can be finalised, a number of supporting documents need to be developed, including a *Local Planning Strategy*, supported by a *Local Housing Strategy* (LHS) and a *Local Commercial Strategy*.

The draft LHS was extensively advertised in 2010, with approximately 7,000 submissions received. Council considered these submissions and, at its meeting held on 15 February 2011 (CJ006-02/11 refers), resolved to adopt the strategy with the minor expansion of two Housing Opportunity Areas (HOAs). The document was then forwarded to the Western Australian Planning Commission (WAPC), via the Department of Planning, for endorsement.

The Department of Planning then requested the City to amend the draft LHS to respond more strongly to state planning documents and policies, specifically by reviewing the size and proposed densities of the HOAs. Council considered this feedback at its meeting held on 11 December 2012 (CJ289-12/12 refers), and resolved to adopt revised HOAs for the purposes of community consultation.

Following community consultation, Council, at its meeting held on 16 April 2013 (CJ044-04/13 refers), resolved to adopt the draft LHS as follows:

“That Council:

1 *ADOPTS the revised Local Housing Strategy forming Attachment 1 to Report CJ044-04/13 as final, subject to:*

1.1 *Recommendation 4 being amended to read:*

“Scheme and/or policy provisions to be developed to encourage amalgamation and development of between two and four residential lots for aged persons’ housing in appropriate locations and to encourage the inclusion of universal access design elements and environmentally responsible design elements into the developments. This recommendation will apply across the whole City with the exception of lots located in Housing Opportunity Areas and the Joondalup City Centre.”;

1.2 *Recommendation 5 being amended to read:*

“a Replace the residential coding of R20 which currently applies to all commercial and mixed use land over 1000sqm with R80, and develop Scheme and/or policy provisions to encourage the incorporation of environmentally responsible design elements into the developments. This recommendation will apply across the whole City with the exception of the Joondalup City Centre.

- b Replace the residential coding of R20 which currently applies to all commercial and mixed use zoned land under 1000sqm with R40, and develop Scheme and/or policy provisions to encourage the incorporation of environmentally responsible design into the developments. This recommendation will apply across the whole City with the exception of the Joondalup City Centre.”;*

1.3 Recommendation 6 being amended to read:

“Scheme provisions should be considered and/or Council's height policies should be reviewed to allow additional height on:

- (i) large parcels of land being developed for aged persons' accommodation such as retirement villages;*
- (ii) large parcels of land with a density code of R60 and higher.”;*

- 2 SUBMITS the revised Local Housing Strategy forming Attachment 1 to Report CJ044-04/13 as amended to the Western Australian Planning Commission for its endorsement;*
- 3 NOTES that a copy of the 30 submissions received will be forwarded to the Western Australian Planning Commission;*
- 4 ADVISES submitters of Council's decision;*
- 5 REQUESTS the preparation of a report in order for Council to consider the initiation of an amendment to District Planning Scheme No. 2 to enable implementation of the recommendations of the draft Local Housing Strategy ahead of the finalisation of the City's new planning scheme.”*

On 12 November 2013, the WAPC resolved to support the LHS as a basis for guiding future amendments to DPS2.

DETAILS

The purpose of this draft scheme amendment is to progress the implementation of the majority of the recommendations of the LHS by way of new provisions within DPS2. The LHS recommendations and the manner in which they are to be addressed within DPS2 are provided below:

Recommendation 1

Accept the Housing Opportunity Areas shown on the Local Housing Strategy Plan Map in Section 10.4 as areas suitable for higher residential density codings in the new District Planning Scheme.

Scheme amendment proposal:

The Housing Opportunity Areas shown within the LHS are the basis for the proposed amendments to the DPS2 text and maps, included in Attachments 1, 3 and 4.

Recommendation 2

Use the proposed new residential densities and zonings in each of the Housing Opportunity Areas described in Section 10.5 as the basis for new density codings and rezonings in the new District Planning Scheme. The rest of the City is unchanged.

Scheme amendment proposal:

The new residential densities and zonings have been reflected in the proposed amendments to the Residential Density Code Map (Attachment 3 refers) and Scheme Map (Attachment 4 refers). The proposed residential density map for each housing opportunity area is illustrated in Attachment 2.

Recommendation 3

As part of the District Planning Scheme review process, develop design provisions to ensure development at the higher density of the dual density code will enhance/maintain streetscapes and incorporate environmentally responsible design.

Scheme amendment proposal:

Development criteria for dual coded areas are proposed to be included in both DPS2 as well as in policies. The provisions proposed for inclusion in DPS2 promote good design at the subdivision stage, including regulating lot shapes, requiring vehicular access from a laneway (where applicable) and restricting multiple dwellings to larger lots. As subdivision applications are determined by the WAPC, provisions relating to subdivision must be incorporated into DPS2 in order for them to be able to be implemented effectively - ahead and independently of the development application and / or building approval processes.

The consolidation of vehicular access has not been proposed as a scheme provision. Despite this being a desirable objective, it would restrict the ability of landowners to create green title subdivisions, unless easements were entered into over the shared vehicular access, which would create a significant administrative burden for the City and landowners. The issue of the number of crossovers and separation distances between crossovers for lots created from the same parent lot will be addressed through policy provisions that will control the form of strata developments proposed.

Other provisions which aim to enhance / maintain streetscape and promote environmentally responsible design at the development application stage of the process are also proposed to be implemented through policy provisions. The WAPC is not responsible for determining residential development applications and therefore provisions relating to this stage of the process are most appropriately provided through the City's own local planning policies as well as through other Council policies.

Recommendation 4

Scheme and / or policy provisions to be developed to encourage amalgamation and development of between two and four residential lots for aged persons' housing in appropriate locations and to encourage the inclusion of universal access design elements and environmentally responsible design elements into the developments. This recommendation will apply across the whole City with the exception of lots located in Housing Opportunity Areas and the Joondalup City Centre.

Scheme amendment proposal:

Currently, in accordance with the Residential Design Codes, a one-third reduction to the applicable lot size is granted to developments of five or more aged or dependent persons' dwellings. At a density coding of R20, a minimum development site of 1,500m² is required in order to develop five aged or dependent persons' dwellings, considering the minimum average lot size (with the one-third reduction) is 300m².

To encourage the amalgamation and development of lots for aged or dependent persons' dwellings, it is proposed that the minimum size of a development site required to develop five aged or dependent persons' dwellings be reduced further to 1,100m². This would allow a minimum average lot size of 220m² in accordance with the R40 standard under the codes.

This is proposed to be achieved by allowing a density increase from R20 to R40 to be awarded to developments of five or more aged and dependent persons' dwellings on lots of 1,100m² and above. A table comparing the required average lot sizes at the different densities is provided below:

	Average lot size (m ²)	Minimum required lot size (m ²) (5 dwellings)
R20	450	2,250
R20 – Aged and Dependent Persons (including one-third size reduction)	300	1,500
R40	220	1,100

The DPS2 amendment also proposes a provision stating that the bonus will not apply where the development takes the form of multiple dwellings. Universal access design and environmentally responsible design are proposed to be specifically encouraged through local planning policies and other Council policy provisions.

Recommendation 5

- (a) *Replace the residential coding of R20 which currently applies to all commercial and mixed use land over 1,000sqm with R80, and develop Scheme and / or policy provisions to encourage the incorporation of environmentally responsible design elements into the developments. This recommendation will apply across the whole City with the exception of the Joondalup City Centre.*
- (b) *Replace the residential coding of R20 which currently applies to all commercial and mixed use zoned land under 1,000sqm with R40, and develop Scheme and/or policy provisions to encourage the incorporation of environmentally responsible design into the developments. This recommendation will apply across the whole City with the exception of the Joondalup City Centre.*

Scheme amendment proposal:

In order to implement this recommendation, the existing density coding for 'Commercial', 'Business' and 'Mixed Use' zoned lots is proposed to be removed from the scheme maps, and wording is proposed to be included in DPS2 to outlined the applicable density code depending on the size of the lot.

The incorporation of environmentally responsible design elements is proposed to be encouraged through local planning policies and other Council policies.

Recommendation 6

Scheme provisions should be considered and/or Council's height policies should be reviewed to allow additional height on:

- (i) large parcels of land being developed for aged persons' accommodation such as retirement villages*
- (ii) large parcels of land with a density code of R60 and higher.*

Height is currently controlled through existing policies, including the *Height and Scale of Buildings within Residential Areas* policy and the *Height of Buildings within the Coastal area (Non-Residential Zones)* policy. As such, this recommendation is proposed to be implemented through the subsequent review of these policies.

Recommendation 7

As part of the District Planning Scheme review process, develop provisions for large opportunity sites which sets a minimum 'target' density in line with government policy. The requirements will apply to large opportunity sites across the whole City with the exception of the City Centre.

Scheme amendment proposal:

The State Government's *Directions 2031 and Beyond* document sets a density target of 15 dwellings per gross urban zoned hectare for greenfield developments. This equates to just under 25 dwellings per site hectare, or an average lot size of 400m², which is a much easier target to regulate and track through the subdivision process.

Considering the above, it is proposed that a minimum residential density of 25 dwellings per site hectare be required for the development of lots one hectare or greater within the 'Residential' zone, as well as for development within the 'Urban Development' zone where a structure plan is required to be prepared. Site hectare is the total site area of a subdivision proposal less deductions for non-residential uses including streets, laneways, open space and community facilities and is the simplest way to implement density requirements.

Definitions for the terms 'battleaxe site' and 'site hectare' are proposed to be included in DPS2.

The wording of the above scheme amendment proposals is shown as Attachment 1 with the scheme amendment maps included as Attachments 3 and 4.

Issues and options considered

The issue to be considered by Council is the suitability of the proposed amendment to implement the recommendations of the LHS.

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

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

Legislation / Strategic Community Plan / policy implications

Legislation

*Planning and Development Act 2005.
Town Planning Regulations 1967.
District Planning Scheme No. 2.*

Strategic Community Plan

Key theme

Quality Urban Environment.

Objective

Quality built outcomes.

Strategic initiative

Housing infill and densification is encouraged and enabled through strategic, planning approach in appropriate locations.

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

Policy

State Planning Policy 3.1: Residential Design Codes of Western Australia (R-Codes).

Planning and Development Act 2005 and Town Planning Regulations 1967

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

Should Council resolve to proceed with the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the WAPC for consent to advertise. This is due to the requirements included in the scheme amendment which are in addition to those included in the R-Codes.

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

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

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

Residential Design Codes of Western Australia (R-Codes)

The R-Codes stipulate development standards for residential development which includes aged and dependent persons' dwellings.

The R-Codes define 'aged person' as: '*a person who is aged 55 years or over*', while a 'dependent person' is defined as: '*a person with a recognised form of disability requiring special accommodation for independent living or special care.*'

Risk management considerations

Without the provisions contained within the proposed scheme amendment the City will be unable to implement the recommendations of the LHS. Furthermore, without controls in place development would occur in an ad hoc manner, which has the potential to have greater impact on surrounding landowners.

The proposed provisions outline the City's expectations / approach to development at higher density which provides certainty for landowners and developers as to the form of subdivision and development required.

Financial/budget implications

The City, as the applicant, will be required to cover the costs associated with the scheme amendment process. The costs incurred are for the advertising of the amendment which includes placing a notice in the relevant newspapers. It is estimated that the cost of advertising will be approximately \$1,000.

Regional significance

Implementation of the *Local Housing Strategy* will not have any direct regional impact, however will enable the expansion of the current residential population of the City and the north-west corridor in line with the requirements of *Directions 2031 and Beyond* and the associated sub-regional strategy.

Sustainability implications

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

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

Consultation

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

- notices placed in the Joondalup Community newspaper and *The West Australian* newspapers
- a notice placed on the e-screen at the City's administration building
- a notice and documents placed on the City's website.

COMMENT

In accordance with Council's resolution at its meeting held on 16 April 2013 (CJ044-04/13 refers), this report has been prepared for Council to consider the initiation of an amendment to DPS2 to implement the recommendations of the *Local Housing Strategy*. The majority of the recommendations can be implemented through DPS2 as described in the 'Details' section above, however, where appropriate, other provisions are to be implemented through policy.

The draft scheme amendment is proposed to be supported by local planning policies and other Council policies, which will both set criteria, required to be met by residential development proposing to take advantage of the dual coding, and encourage the incorporation of environmentally responsible design into these developments.

Advice from the Department of Planning on the former draft *Dual Density Policy*, which was developed and advertised in 2010, indicated that a number of the provisions contained within that draft policy were not consistent with the State Government's *Residential Design Codes*. The Department advised that these provisions could only be included in a local planning policy if this policy was first endorsed by the WAPC. In addition, an amendment to the *Planning and Development Act 2005*, made in 2011, makes it clear that requirements covered by the *Building Act 2011*, such as universal access and green building standards, cannot be superseded by a planning scheme or local planning policies and that a local government must have regard to the regulations made under the *Building Act 2011* when implementing its scheme.

The draft *Dual Density Policy* is proposed to be reviewed in light of the above and a revised local planning policy and Council policy developed. As is discussed under the Recommendation 6 heading above, the Council's *Height and Scale of Buildings within Residential Areas Policy* and *Height of Buildings within the Coastal area (Non-Residential Zones) Policy* are also proposed to be reviewed. The result of this review, along with the revised local planning policies and Council policies, will be presented to Council in early 2014. It is anticipated that the policies will be in place prior to the finalisation of the proposed scheme amendment.

It is noted that, if initiated, the proposed scheme amendment will be referred to the servicing authorities to specially analyse the infrastructure capacity and requirements needed to implement the new residential densities in each of the HOAs.

It is recommended that Council initiate proposed Amendment No. 73 to DPS2, included in Attachments 1, 3 and 4 for the purposes of public advertising for a period of 42 days.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Gobbert, **SECONDED** Cr Amphlett that Council, pursuant to Part 5 of the *Planning and Development Act 2005* and regulations 13 and 25 of the *Town Planning Regulations 1967*, **PROCEEDS** with Amendment No. 73 to the *City of Joondalup District Planning Scheme No. 2* as outlined at Attachments 1, 3 and 4 to Report CJ236-12/13, for the purposes of public advertising for a period of 42 days.

The Motion was Put and

CARRIED (13/0)

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

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf031213.pdf](#)

CJ237-12/13 PROPOSED CAMBERWARRA STRUCTURE PLAN - LOT 12811 (34) CURRAJONG CRESCENT, CRAIGIE - CONSIDERATION FOLLOWING ADVERTISING

WARD	Central
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	103150, 101515
ATTACHMENT	Attachment 1 Location and zoning plan Attachment 2 Structure plan map Attachment 3 Draft Structure Plan (available electronically only) Attachment 4 Structure plan process flow chart Attachment 5 Schedule of submissions
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to consider submissions received during the public advertising of the draft *Camberwarra Primary School Site Structure Plan* and the suitability of the structure plan for adoption.

EXECUTIVE SUMMARY

Lot 12811 Currajong Crescent, Craigie was previously used for the former Camberwarra Primary School. The subject site was zoned 'Urban Development' in May 2011 to allow for the future development of the site (Attachment 1 refers). A draft structure plan has been prepared by Taylor Burrell Barnett on behalf of Landcorp to guide the future subdivision and development on the site.

The draft structure plan proposes the development of a minimum of 60 dwellings, ranging in density from R25 to R60, an area of public open space and the associated road network (Attachment 2 refers).

At its meeting held on 20 August 2013 (CJ149-08/13 refers), Council resolved to adopt the draft *Camberwarra Primary School Site Structure Plan* for the purpose of public advertising.

The draft structure plan was to be advertised for public comment for a period of 28 days closing on 31 October 2013. However, due to a two week delay in the sign being placed on site, the advertising period was extended until 14 November 2013. Six submissions were received during the advertising period consisting of two objections from nearby landowners, one comment from a nearby landowner, one comment from a resident within the local government area and two comments from service authorities.

The comments and objections received from the nearby landowners were in regard to the perceived impact of traffic from the structure plan area; the appropriateness of the proposed densities and building heights; and retention of trees.

The traffic report submitted with the draft structure plan indicated that the road network surrounding the structure plan site has the capacity to accommodate the anticipated increase in traffic. The proposed densities and building heights are considered to be appropriate as they will facilitate the provision of housing choice in the area; accord with the targets set by State Government in *Directions 2013 and Beyond*; and align with the recommendations of the City's *Local Housing Strategy* (LHS). The resultant building heights and built form is likely to be similar to that expected to be developed in other areas covered by the LHS including the proposed R20/40 area surrounding the structure plan site. The retention of trees is proposed to be determined during the subdivision stage of the planning process, based on the Tree Survey Assessment included in the structure plan and the subdivision works necessary on site. The draft structure plan includes provisions requiring those trees to then be retained, whether they are in public open space, road reserves or private lots.

Minor modifications are proposed to the structure plan text to clarify which provisions of the Residential Design Codes (R-codes) are replaced or supplemented by the structure plan provisions. The title of the structure plan is also proposed to be modified from '*Camberwarra Primary School Site Local Structure Plan*' to the simpler '*Camberwarra Structure Plan*'.

It is considered that the draft structure plan provides an appropriate framework to guide the future development of the site and it is recommended that Council resolve that the structure plan is satisfactory with modifications.

BACKGROUND

Suburb/Location	Lot 12811 (34) Currajong Crescent, Craigie.
Applicant	Taylor Burrell Barnett.
Owner	Department of Education.
Zoning	DPS: Urban development.
	MRS: Urban.
Site area	3.0519 hectares.
Structure plan	<i>Draft Camberwarra Structure Plan.</i>

The subject site is located on the northern edge of Craigie and is bordered by Camberwarra Drive to the south, Currajong Crescent to the north, Argus Close to the west and residential development to the east. The land surrounding the subject site is currently zoned 'Residential' with a density code of R20 and consists primarily of single storey dwellings on lots ranging between 500m² - 900m² in area (Attachment 1 refers).

The subject site and surrounding properties fall within Housing Opportunity Area 5 under the LHS. The subject site was not proposed to be recoded under the LHS, however, a dual density code of R20/R40 is proposed for the surrounding properties. Under the density proposed in the LHS the majority of surrounding lots will gain development potential of between two to three dwellings.

The Camberwarra Primary School was considered surplus to the requirements of the Department of Education and ceased operating in December 2007. In 2011, all buildings on the site were demolished.

At its meeting held on 15 February 2011 (CJ005-02/11 refers), Council resolved to adopt as final Amendment No. 50 to DPS2 to remove the 'Public Use - primary school' designation of the subject site and zone it 'Urban Development'. The scheme amendment came into effect on 7 May 2011. Under the 'Urban Development' zone a structure plan is required to be prepared and adopted for the site prior to subdivision or development occurring.

At its meeting held on 20 August 2013 (CJ149-08/13 refers), Council resolved as follows:

"That Council:

- 1 *Pursuant to clause 9.4 of the City of Joondalup District Planning Scheme No. 2 DETERMINES the draft Camberwarra Primary School Site Structure Plan (Structure Plan No. 16) forming Attachment 3 to Report CJ149-08/13 is satisfactory for the purpose of public advertising;*
- 2 *ADVERTISES the Structure Plan No. 16 in accordance with clause 9.5 of the City of Joondalup District Planning Scheme No. 2 for public comment for a period of 28 days."*

DETAILS

A draft structure plan has been prepared by the applicant, Taylor Burrell Barnett, on behalf of the Department of Education and Landcorp, to guide the future subdivision and development of the subject site (Attachment 3 refers).

The proposed structure plan consists of two parts. Part One of the structure plan is the statutory planning section which determines the overall form of development within the structure plan area. It sets out the objectives, residential densities, and development provisions which future subdivision and development will be assessed against.

Part Two of the structure plan document is the explanatory report that supports the details provided in Part One. It sets out the background and description of the site, context, opportunities and constraints, design philosophies and principles. It also includes background information and technical reports relating to traffic, vegetation, infrastructure and site conditions.

The draft structure plan proposes that the site accommodate the development of the following:

- A minimum of 60 dwellings predominantly in the form of single and grouped dwellings, with multiple dwellings able to be considered.
- Residential densities ranging from R25 to R40 (average lot size of 350m² to 220m²) for the majority of the structure plan area, with residential densities ranging from R30 to R60 (average lot size of 300m² to 150m²) for land in the north west portion of the site (Attachment 2 refers).
- Single and grouped dwellings to a maximum height of two storeys and multiple dwellings to a maximum height of three storeys.
- An area of public open space (3,441m²) as well as a drainage basin (550m²) in the south west corner of the site.
- External vehicle access points onto Camberwarra Drive, Currajong Crescent and Argus Close.
- Consideration of retention of selected vegetation.

Issues and options considered

The issues to be considered by Council include:

- the suitability of the draft structure plan
- the public submissions received.

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

- resolve that the structure plan is satisfactory
- resolve that the structure plan is satisfactory, with modifications
or
- refuse to adopt the structure plan.

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

Legislation / Strategic Community Plan / policy implications

Legislation	<i>City of Joondalup District Planning Scheme No. 2.</i>
Strategic Community Plan	
Key theme	Quality Built Environment.
Objective	Quality built outcomes.
Strategic initiative	Housing infill and densification is encouraged and enabled through a strategic, planned approach in appropriate locations.
Policy	<i>Liveable Neighbourhoods</i> (State Policy). <i>Subdivision and Dwelling Development Adjoining Areas of Public Space</i> policy (Local Planning Policy).

City of Joondalup District Planning Scheme No.2

In accordance with clause 9.5 and 6.7 of DPS2, Council determined that the structure plan was satisfactory for the purpose of public consultation and advertised it for a minimum period of 28 days. Upon completion of the public advertising, Council is required to review all submissions within 60 days and refuse to adopt the structure plan, or resolve that the structure plan is satisfactory with or without modifications (Attachment 4 refers).

Should Council not agree to the structure plan, the applicant may request Council reconsider its decision, or lodge an application for review of the decision with the State Administrative Tribunal.

Liveable Neighbourhoods

Liveable Neighbourhoods is an operational policy of the WAPC and is used for the design and assessment of structure plans and subdivision on both greenfield and large urban infill sites. It provides guidance on urban structure elements such as road layout and widths, lot layout and provision of public open space.

Subdivision and Dwelling Development Adjoining Areas of Public Space Policy

The policy sets out design criteria for subdivisions and other development adjoining areas of public space and aims to maximise the outlook and the casual surveillance on to areas of public space while maintaining an appropriate level of privacy for those living on adjoining properties.

Regard has been given to this policy in relation to residential development adjoining the proposed public open space.

Risk management considerations

Should Council resolve to require modifications or not to adopt the structure plan then the proponent has the right of review against Council's decision 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 \$9,663.55 (including GST) for assessment of the structure plan.

Regional significance

The State Government's *Directions 2031 and Beyond* document and the *draft Outer Metropolitan Perth and Peel Sub-Regional Strategy* provide aspirations for the better utilisation of urban land through the establishment of dwelling targets for both greenfield and infill development sites for the Perth Metropolitan Region. The proposed redevelopment of the former Camberwarra Primary School site, through the adoption and implementation of this structure plan, will provide a minimum of 60 additional dwellings. This minimum density aligns with the objectives and strategies set out in *Directions 2031 and Beyond* and the *draft Outer Metropolitan Perth and Peel Sub-Regional Strategy* and will assist in delivering the aspirations of these documents for the City of Joondalup.

Sustainability implications

Environmental

The structure plan includes some specific built form requirements which will contribute to the development of more energy efficient dwellings. This includes provisions relating to north facing lots permitted to have their outdoor living area within the front setback, and eaves being required to all habitable rooms with the exception of south facing walls.

Future residents of the development will utilise existing infrastructure such as bus and rail systems, reducing the need for additional services to be provided.

Social

The proposed structure plan would facilitate the development of a variety of housing products on lots of variable sizes, ranging from low to medium density, thereby providing housing choices to meet the various needs of the community.

The structure plan proposes 3,441m² of usable public open space which includes recreational features such as playground equipment. The area is designed to encourage residents to walk and socialise within their community.

Consultation

The structure plan was initially advertised for public comment for period of 28 days, to conclude on 31 October 2013. However, as the applicant was unable to place the signs on site until the second week of advertising, the period was extended until 14 November 2013 to ensure adequate notice was provided.

Public comment was carried out as follows:

- Letters were sent to landowners surrounding the site which included a draft structure plan map, FAQs, and details on where additional information could be obtained.
- Letters were sent to service authorities (Telstra, Western Power and Water Corporation).
- Documents were made available at the City's Administration Building and the Customer Service Centre at Craigie Leisure Centre.
- Two signs were placed on the subject site.
- A notice was placed in the Joondalup Community newspaper.
- A notice and documents were placed on the City's website.

During the consultation period six submissions were received consisting of two objections from nearby landowners, a comment from a nearby landowner and a comment from a resident within the local government area. Comments were also received from two service authorities. A summary of the comments is provided as Attachment 5.

COMMENT

Submissions resulting from public consultation

Two submissions were received from servicing agencies, being the Water Corporation and Western Power. The comments provided relate to advice for the proponents on the infrastructure requirements at later stages of the planning process.

Two submissions were received from nearby landowners in relation to the impact of the traffic from the structure plan area, with one submitter specifically concerned with the impact on Bullara Road. The traffic report submitted with the draft structure plan does not anticipate any adverse impacts as a result of the proposed structure plan and indicates that the road network surrounding the structure plan site has the capacity to accommodate the anticipated increase in traffic.

A submission from a resident within the City but outside of the advertising area was also received. The submission was in relation to the tree retention plan in Part Two of the structure plan which indicates the trees that will be considered for retention at the subdivision stage. Another submission was also received from a nearby landowner regarding the retention of trees in the structure plan area. The draft structure plan includes an assessment of the retention value of the trees on the site. The appropriateness of retaining particular trees cannot be adequately determined at this stage of the planning process, as the necessary level of detail associated with site works has not yet been determined. As a result, the retention of trees is proposed to be determined during the subdivision stage of the planning process, based on the Tree Survey Assessment included in the structure plan as well as the subdivision works necessary on the site. The draft structure plan includes provisions requiring those trees to then be retained, whether they are in public open space, road reserves or private lots.

Two objections were also submitted from nearby landowners who objected to the proposed densities and building heights. The proposed densities and building heights are considered to be appropriate as they will facilitate the provision of housing choice in the area; accord with the targets set by State Government in *Directions 2013 and Beyond*; and align with the recommendations of the City's *Local Housing Strategy* (LHS). The resultant building heights and built form are likely to be similar to that expected to be developed in other areas covered by the LHS, including the proposed R20/40 area surrounding the structure plan site.

A full summary of these comments and the City's responses are provided as Attachment 5.

Minor text and formatting changes

Following the advertising period minor modifications are proposed to the structure plan document. It is proposed to add details in Section 6 'Development Requirements' to provide clarity as to which provisions of the R-codes are replaced or supplemented by the structure plan provisions. The additions do not change the provisions themselves, and are shown within Attachment 3.

It is also proposed to modify the title of the document from '*Camberwarra Primary School Site Local Structure Plan*' to '*Camberwarra Structure Plan*'. It is considered the reference to the primary school can be removed so there is no confusion in regard to the purpose of the structure plan which is to guide residential development rather than provide provisions for another educational facility.

Public advertising of the draft structure plan has not raised any issues that would warrant not proceeding with the structure plan. It is therefore recommended that Council adopt the draft structure plan, with the modifications outlined in this Report.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Hamilton-Prime, SECONDED Cr Amphlett that Council:

- 1 RESOLVES** that the *Camberwarra Structure Plan No. 16*, included as Attachment 3 to Report CJ237-12/13, is satisfactory and authorises the affixation of the Common Seal to, and the signing of the Structure Plan document, subject to adoption and certification by the Western Australian Planning Commission;
- 2 NOTES** the submissions received and **ADVISES** the submitters of Council's decision.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ252-12/13, page 185 refers.

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

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9agn101213.pdf](#)

Disclosure of Financial/Proximity Interest

Name/Position	Cr Mike Norman.
Item No./Subject	CJ238-12/13 - Proposed Telecommunication Facility at Lot 83 (109) Winton Road, Joondalup - Reconsideration of Decision Following State Administrative Tribunal Mediation.
Nature of interest	Financial Interest.
Extent of Interest	Cr Norman holds Telstra shares above the threshold.

Disclosures of interest affecting impartiality

Name/Position	Cr Liam Gobbert.
Item No./Subject	CJ238-12/13 - Proposed Telecommunication Facility at Lot 83 (109) Winton Road, Joondalup - Reconsideration of Decision Following State Administrative Tribunal Mediation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Employees of the consultants are known to Cr Gobbert.

Name/Position	Cr Tom McLean, JP.
Item No./Subject	CJ238-12/13 - Proposed Telecommunication Facility at Lot 83 (109) Winton Road, Joondalup - Reconsideration of Decision Following State Administrative Tribunal Mediation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr McLean is a Board Member of the Connolly Primary School.

Cr Norman left the Chamber at 7.40pm.

CJ238-12/13 PROPOSED TELECOMMUNICATION FACILITY AT LOT 83 (109) WINTON ROAD, JOONDALUP - RECONSIDERATION OF DECISION FOLLOWING STATE ADMINISTRATIVE TRIBUNAL MEDIATION

WARD	North	
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development	
FILE NUMBER	43006, 101515	
ATTACHMENT	Attachment 1	Location plan
	Attachment 2	Development plans and photomontage
	Attachment 3	Western Australian Planning Commission's <i>Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure</i>
	Attachment 4	City's <i>Installation of Telecommunications Facilities Policy</i>
	Attachment 5	Location of submitters
	Attachment 6	Electromagnetic energy assessment report
	Attachment 7	Mobile Carriers Forum (MCF) Fact Sheets

AUTHORITY / DISCRETION Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to reconsider its refusal of an application for a telecommunication facility at Lot 83 (109) Winton Road, Joondalup, in accordance with orders made by the State Administrative Tribunal (SAT).

EXECUTIVE SUMMARY

An application for planning approval was received for a proposed 20 metre high concrete monopole telecommunications tower at Lot 83 (109) Winton Road, Joondalup.

The subject site is bound by the Mitchell Freeway to the west, two commercial developments to the north and south and Winton Road to the east (Attachment 1 refers). The site is zoned 'Urban' under the *Metropolitan Region Scheme* and 'Service Industrial' under the City's *District Planning Scheme No. 2 (DPS2)*. The site is also subject to the draft *Joondalup City Centre Structure Plan (JCCSP)*.

The proposed development was assessed having due regard to DPS2, the *Western Australian Planning Commission Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure (SPP 5.2)* (Attachment 3 refers) and the City's *Installation of Telecommunications Facilities Policy* (Attachment 4 refers).

Public consultation was undertaken in accordance with the City's policy prior to consideration of the application by Council at its meeting held on 20 August 2013, with 21 submissions received. Following the Briefing Session for this meeting, held on 13 August 2013, the City received a significant number of objections to the proposal. The majority of submissions received focused on the perceived health impacts caused by electromagnetic emissions (EME).

At its meeting held on 20 August 2013 (CJ147-08/13 refers), Council refused the application due to the concerns expressed by the community and nearby schools about potential health impacts of any electromagnetic emissions from the proposed facility.

The proponent subsequently sought review of the decision by the SAT. During the first Directions Hearing on the matter, the SAT presiding member's initial judgement was that the City's grounds of refusal were unmeritorious given that the SAT and other planning appeal courts or tribunals elsewhere in Australia have considered the health impacts of EMEs emitted from mobile phone towers and found no evidence to support a finding that such health impacts exist. As such, the SAT member made the unusual decision to reserve costs against the City.

A mediation session was held on 25 October 2013 and the applicant provided additional information detailing the level of EMEs to be generated by the proposal, which is in compliance with federal legislation pertaining to EME levels, as well as fact sheets regarding the health impacts of EME and telecommunication facilities (Attachment 7 refers).

In light of the SATs view of Council's decision and the additional information provided by the applicant, the SAT has invited Council to reconsider its decision.

It is recommended that Council set aside its previous decision and approve the application subject to conditions.

BACKGROUND

Suburb/Location	Lot 83 (109) Winton Road, Joondalup.
Applicant	Urbis Pty Ltd.
Owner	F&V Furniture Pty Ltd.
Zoning	DPS2: Service Industrial.
	MRS: Urban.
Site area	4,060m ² .
Structure plan	<i>Draft Joondalup City Centre Structure Plan (JCCSP).</i>

The subject site is bound by the Mitchell Freeway to the west, two commercial developments to the north and south and Winton Road to the east. Located on site is an existing showroom and warehouse development. Attachment 1 illustrates the location of the site. An application for a change of use to 'Place of Worship' for one of the three units on the site is also being considered as part of this agenda.

Attached to the rear of this development is an existing telecommunication facility, which was installed in 2003. As the size of the antennas, radio-communication dish and supporting structure complied with the requirements of the *Telecommunications (Low-impact Facilities) Determination 1997* this facility was classified as 'low impact' and therefore approval from Council was previously not required. This facility has not been operational for over a year, and is proposed to be removed. An associated equipment shelter is also in place and is proposed to be utilised in conjunction with the new facility.

The property is located within the 'Business Support District' under the City's draft JCCSP. As this document was adopted by Council at its meeting held on 11 December 2012 (CJ271-12/12 refers) and is currently pending endorsement by the Western Australian Planning Commission, it has been given due regard in the assessment of this application, as a 'seriously entertained proposal'.

At its meeting held on 10 August 2013 (CJ147-08/13 refers), Council considered the application for the proposed telecommunication facility and resolved as follows:

"That Council REFUSES the application for planning approval dated 8 May 2013 submitted by Urbis Pty Ltd, for a proposed telecommunication facility at Lot 83 (109) Winton Road, Joondalup, due to the concerns expressed by the community and nearby schools about potential health impacts of any electromagnetic emissions from the proposed facility."

The applicant has subsequently lodged an application for review with the SAT. Through this process, additional information has been provided and the SAT has issued orders inviting Council to reconsider its decision.

DETAILS

The applicant, acting on behalf of Telstra, is proposing a 20 metre high concrete monopole telecommunications tower which will utilise an existing equipment shelter on site. Fixed on the upper part of the pole will be six antennas (2,494mm x 353mm x 209mm). These antennas will not extend beyond the top of the pole and therefore the overall height of the development is 20 metres. Attachment 2 contains the development plans and photomontage lodged with the application.

The site currently contains a commercial development, on top of which are five antennas fixed to a single pole which measures 9.9 metres above ground level. The applicant proposes to remove the current antennae and install the concrete monopole telecommunications tower at the rear of the property.

The Federal Government's *Telecommunications (Low-impact Facilities) Determination 1997* contains criteria for 'low impact' telecommunication facilities. Facilities which meet these criteria are exempt from requiring planning approval. The criteria for 'low impact' facilities do not relate to the level of EMEs which the structure produces, but rather issues relating to planning matters including the size of the antenna or dish and the height of the proposed supporting structure. The proposed telecommunication facility does not meet the criteria for 'low impact' facilities as its supporting structure is greater than two metres high.

EME standards are set, controlled and regulated by the *Australian Radiation Protection and Nuclear Safety Agency (ARPANSA)* and the *Australian Communication and Media Authority (ACMA)*, which are federal government agencies responsible for protecting the health and safety of people, and the environment, from the effects of radiation. A fact sheet available on the ARPANSA website titled "About base stations and telecommunication towers – are there any health effects" states that:

"levels of RF EME from mobile phone base stations are well below the limits specified by the Australian Communications and Media Authority (ACMA). In fact, surveys conducted by ARPANSA have found typical exposure levels from mobile phone base stations to be hundreds and sometimes thousands of times below the regulated limit."

Furthermore ARPANSA states within its fact sheets that *"public exposure levels from base station antennas are very much lower than the maximum exposures from handsets. The balance of evidence does not indicate a risk to the health of people, including children, living in the vicinity of base stations where the exposure levels are only small fractions of the ARPANSA Standard."*

It is a mandatory requirement for all telecommunications carriers to comply with the *Australian Safety Standards* set by the ACMA and the EME limits established by the ARPANSA. A report submitted with this application (Attachment 6 refers) indicates predictions for the maximum cumulative EME levels that will be present at different areas surrounding the proposed telecommunication facility as a percentage of the ARPANSA exposure limits. These exposure limits already incorporate safety margins to address concerns for potentially sensitive groups in the community such as children, pregnant women, the infirm and aged.

The predicted maximum level of cumulative EME 1.5m above ground level is 0.99% of the ARPANSA general public exposure limit. The predicted EME levels at the Connolly Primary School and Lake Joondalup Baptist College is proposed to be 0.1% and 0.18%, respectively, of the maximum cumulative EME levels set by the ARPANSA.

Over the past six months the City has received 24 notifications from telecommunication companies regarding the installation of 'low impact' facilities within the City of Joondalup. While these facilities do not require planning approval, as per the federal government's *Telecommunications (Low-impact Facilities) Determination 1997*, notification of each proposal is referred to the City. As part of these notifications the City is provided with a summary of estimated EME levels around the base station. The table below summaries the predicted maximum cumulative EME level as a percentage of the ARPANSA exposure limit of the proposed telecommunication facility compared to the same figures for four of the 'low impact' facility sites the City has been notified of.

	Proposed Facility	Beldon Shopping Centre	33 Moondarra Way Joondalup	9 Coolibah Drive Greenwood	CALM Reserve Ocean Reef
0m to 50m	0.08%	0.77%	0.24%	1.75%	0.078%
50m to 100 m	0.99%	3.75%*	2.25%*	2.4%*	0.1%
100m to 200m	0.99%*	3.63%	2.22%	1.14%	1.058%
200m to 300m	0.40%	1.11%	0.73%	0.3%	1.059%*
300m to 400m	0.18%	0.50%	0.33%	0.14%	0.67%
400m to 500m	0.10%	0.28%	0.19%	0.076%	0.38%

***Maximum predicted cumulative EME level**

It is noted that in the four examples of 'low impact' facility sites the maximum cumulative EME level exceeds the maximum cumulative EME level of the proposed telecommunication facility.

Issues and options considered

Council is required to determine whether the proposed land use is consistent with an existing use class under Table 1 of DPS2, or whether it should be considered an unlisted land use.

The options available to Council in this regard are:

- determine that the proposed use is a listed use class, in which case the application must be determined in accordance with the permissibility of that use in the 'Service Industrial' zone
- determine that the proposed use is an unlisted use and meets the objectives and purpose of the 'Service Industrial' zone and is therefore a permitted use
- determine that the proposed use is an unlisted use and may be consistent with the objectives and purpose of the 'Service Industrial' zone, in which case the application must be advertised in accordance with Clause 6.6.3, before being determined
or
- determine that the proposed use is an unlisted use and is not consistent with the objectives and purposes of the 'Service Industrial' zone and is therefore not permitted.

Council, in reconsidering its previous decision in accordance with the *State Administrative Tribunal Act 2004*, has the discretion to:

- affirm the decision
- vary the decision
or
- set aside the decision and substitute it with a new decision.

Legislation / Strategic Community Plan / policy implications

Legislation	<i>City of Joondalup District Planning Scheme No. 2. State Administrative Tribunal Act 2004.</i>
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	<i>Installation of Telecommunications Facilities Policy. Development Proposals before the State Administrative Tribunal Policy.</i>

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

Clause 3.2 indicates the manner in which Table 1, the Zoning Table sets out the permissibility of uses within zones. However, due to the nature of the proposed development a Telecommunication Facility does not fall within any of the land uses under Table 1 of DPS2. Therefore Council is required to make a determination under Clause 3.3 of DPS2.

3.4 Unlisted Use

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

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

In considering the appropriateness of the development within the Service Industrial Zone, Council shall have regard to the purpose and objectives of the Zone under DPS2:

3.10 The Service Industrial Zone

3.10.1 The Service Industrial Zone is intended to provide for a wide range of business, industrial and recreational developments which the Council may consider would be inappropriate in Commercial and Business Zones and which are capable of being conducted in a manner which will prevent them being obtrusive, or detrimental to the local amenity.

- *The objectives of the Service Industrial Zone are to:*
 - (a) accommodate a range of light industries, showrooms and warehouses, entertainment and recreational activities, and complementary business services which, by their nature, would not detrimentally affect the amenity of surrounding areas;*

- (b) *ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas.*

Clause 6.8 of DPS2 sets out the matters to be considered in determining a development application.

6.8 *Matters to be considered by Council*

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

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

State Administrative Tribunal Act 2004

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

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

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

Installation of Telecommunications Facilities Policy

The City's *Installation of Telecommunications Facilities Policy*, included as Attachment 4, sets out provisions for telecommunications facilities deemed not to be 'low impact' under the *Telecommunications (Low-impact Facilities) Determination Act 1997*. In addition to provisions regarding the advertising of an application, the policy sets out the following criteria which Council is to have regard to when determining an application:

- The comments and concerns of the local community.
- The merits of the particular proposal.
- Compliance with the *Telecommunications Code of Practice 1997*.
- Compliance with matters required to be considered under the *City of Joondalup District Planning Scheme No. 2*.
- The general concerns of the Council regarding the potential effects of telecommunication facilities.
- The topography of the site and surrounding area, the size, height and type of the proposed facility, the location and density of surrounding vegetation, and the nature and density of adjacent development.

Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure

The Western Australian Planning Commission's *Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure*, included as Attachment 3, provides 15 guiding principles for the location, siting and design of telecommunications infrastructure, as well as eight matters to be considered when determining planning applications. These are detailed below and should be considered by Council when making a determination on the matter:

- *Extent to which the proposal contributes to the social and economic benefits of affordable and convenient access to modern telecommunications services for people and businesses throughout the State.*
- *Need to ensure continuity of supply of telecommunications services to people and businesses in the local area or region.*
- *Effect of the proposal on the environment and natural landscape and the extent to which the proposal affords protection of these elements.*
- *Effect of the proposal on any place of cultural heritage significance on or near the land.*
- *Extent to which the proposal enhances or maintains visual amenity including streetscape and minimises adverse visual impacts.*
- *Degree to which the proposal is co-ordinated with other services.*
- *Extent to which the proposal fulfils the requirements of Section 5.3 of this Policy.*

- *Extent to which the proposal adheres to the Guiding Principles for the Location, Siting and Design of Telecommunications Infrastructure set out in Section 5.1 of this Policy.*

Development Proposals before the State Administrative Tribunal Policy.

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

The application is referred back to Council in accordance with the provisions of this policy, which require that where the City attends mediation sessions relating to development proposals before the SAT for the purposes of defending a decision made by the Council, any potential solutions or outcomes identified must be referred back to the Council for approval.

Risk management considerations

The proponents are currently exercising their right of review against Council's decision of 20 August 2013 (CJ147-08/13 refers) in accordance with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*.

In the initial Directions Hearing the SAT member made the unusual decision to reserve costs against the City. This reflected the presiding member's initial judgement that the City's grounds of refusal were unmeritorious given that the SAT and other planning appeal courts or tribunals elsewhere in Australia have considered the health impacts of EMEs emitted from mobile phone towers and found no evidence to support a finding that such health impacts exist.

Should Council resolve to affirm the previous decision, or to approve the application subject to conditions that are not satisfactory to the applicant, the proposal will continue to proceed to a full hearing through the SAT process. In order for the City to be successful in such a hearing, it is likely the City would need to demonstrate that there are potential health impacts as a result of electromagnetic emissions from the proposed facility. In the likely event the City is unable to do this, there is a risk that the costs borne by the applicant and Telstra could be awarded against the City. It is difficult at this stage to predict the costs of pursuing this matter to conclusion through the SAT process, but they are likely to be significant.

Financial/budget implications

The applicant has paid fees of \$809 (excluding GST) to cover all costs associated with the assessment of the application for the development.

No additional fees are required to be paid for the reconsideration of the proposal.

Regional significance

Not applicable.

Sustainability implications

The City recognises the importance of telecommunication facilities in supporting industry development. One of the key strategic initiatives of the City's *Strategic Community Plan 2012 – 2022* is to actively seek opportunities for improving local communication network infrastructure. The proposal will provide improved telecommunication services within the City of Joondalup to meet the demand for such services from the local community.

Consultation

Prior to the consideration of the application by Council at its meeting held on 20 August 2013 (CJ147-08/13 refers), the application was advertised to 508 property owners and occupiers within a 400 metre radius of the development site, including Lake Joondalup Baptist College, for a period of 30 days. A total of 21 submissions were received, being nine submissions stating no objections and 12 objections (two of which were from the same person). The location of these submitters is shown in Attachment 5.

The concerns raised generally related to:

- the negative visual impact of the proposed structure
- the site being an inappropriate location and the development setting a precedent for similar structures within the area
- reduction of residential property values
- the perception of health impacts associated with EME.

Following the Council Briefing Session held on 13 August 2013, the City received a significant number of objections to the proposal. This included a 113 signature petition, received by Council at its meeting held on 20 August 2013 (C53-08/13 refers), objecting to the proposed location of the facility and requesting an alternative, more suitable location be considered. The majority of these submissions were received from parents of children who attend Connolly Primary School and Lake Joondalup Baptist College as well as some submissions from residents within the locality. Lake Joondalup Baptist College was sent an advertising letter during the initial consultation period, however Connolly Primary School was not consulted with as the school is over 400 metres away from the subject site and was not required to be consulted with under the City's *Installation of Telecommunications Facilities Policy*. The majority of the concerns expressed related to the perceived health impacts caused by EME.

COMMENT

The telecommunication facility is proposed by Telstra and is in response to analysis of its mobile network in the Connolly area, which identified that the performance and quality of their network fails to satisfy coverage requirements. Telecommunication facilities can only handle a finite number of users at any one time and a tower can become overloaded if there is a high demand for service. An overloaded tower causes users to experience 'drop-out' or poor quality signals. To overcome this problem, additional mobile phone base stations are necessary to service the extra load. The location and height of the telecommunication tower is necessary as telecommunication towers transmit radio signals which travel in straight lines.

It is desirable to have a clear path between the transmitter and receiver in order to reduce interference. The higher the tower is sited, the greater the range at which the signal can be received.

Land Use

Telecommunication infrastructure is specifically excluded from the definition of the land use 'Communication Antenna' under DPS2. As such, the proposal does not fall within any of the use classes listed in DPS2 and is considered to be an unlisted use. As an unlisted use, regard is required to be given the purpose and objectives of the 'Service Industrial' zone in this instance.

The primary objective of the 'Service Industrial' zone is to provide for a wide variety of business, industrial and recreational developments which would be inappropriate in the 'Commercial' or 'Business' zone without detrimentally affecting the amenity of the surrounding area. It is considered that the proposed telecommunication facility meets the objectives of the 'Service Industrial' zone. The proposed development will not have an adverse impact on the character of the area as the telecommunication tower is located at the rear of the property and is predominantly obstructed from view within the Winton Road service industrial area. The visual impact of the proposed facility on the residential properties to the west is also minimal as the nearest residential property is over 200 metres away and is separated by the Mitchell Freeway road reserve. Considering the above, the proposal will not have any detrimental impact on the amenity of the area while at the same time providing a vital service to surrounding residential, commercial and business areas.

EME

While a number of concerns were raised during the initial advertising period of the application, including the negative visual impact of the proposed structure, inappropriate location and reduction of residential values, the Council's refusal was based on the concerns expressed by the community about the potential health impacts of EME from the proposed facility.

Additional information provided by the applicant details the development's compliance with the ARPANSA exposure limit. The maximum predicted EME levels from this site measured at 1.5 metres above ground level is 0.99% of, or 100 times under, the ARPANSA public exposure limit. Furthermore, the EME levels at the Lake Joondalup Baptist College and Connolly Primary School will only be 0.18% and 0.1% of the ARPANSA limits, respectively. The ARPANSA limits are conservative as they have safety thresholds built into them.

Local government is not responsible for the monitoring and control of EME that emanates or could potentially emanate from telecommunications infrastructure. All telecommunications carriers are required to comply with EME standards outlined by relevant federal government agencies, including the ARPANSA limits. Issues relating to EME levels are not deemed to be valid planning considerations in the determination of applications for telecommunications infrastructure.

Therefore, while the opposition to the proposal is acknowledged, having considered the proposal in accordance with the City's *Installation of Telecommunications Facilities Policy* and the Western Australian Planning Commission's *Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure* the proposed location is considered suitable given the negligible visual and other impact on nearby residential properties and schools.

It is recommended that Council sets aside its previous decision, and approves the application subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr McLean, SECONDED Cr Hollywood that Council:

- 1** pursuant to Section 31 of the *State Administrative Tribunal Act 2004*, SETS ASIDE its decision of 20 August 2013, and substitutes as follows:

“That Council:

- 1** DETERMINES under clause 3.3 of the *City of Joondalup District Planning Scheme No. 2* that:

1.1 the land use ‘Telecommunication Facility’ is an Unlisted Use;

1.2 the proposed use is consistent with the purpose and objectives of the ‘Service Industrial’ zone and is therefore permitted;

- 2** subject to Part 1 above, APPROVES under Clause 6.9.1 of the *City of Joondalup District Planning Scheme No. 2* the application for planning approval dated 8 May 2013 submitted by Urbis Pty Ltd, for a proposed telecommunication facility, at Lot 83 (109) 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 All obsolete telecommunication facilities at the above site shall be removed, at the cost of the carrier within 28 days of the installation of the new facility;

2.3 All development shall be contained within the property boundary;

2.4 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;

2.5 The application shall make good any damage to the existing verge vegetation within the Mitchell Freeway reservation.”;

- 2** ADVISES the submitters on the original proposal of Council’s decision.

The Motion was Put and

CARRIED (12/0)

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

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf031213.pdf](#)

Cr Norman returned to the Chamber at 7.43pm.

CJ239-12/13 PLANNING MAKES IT HAPPEN: PHASE TWO DISCUSSION PAPER – DRAFT SUBMISSION

WARD	All	
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development	
FILE NUMBER	07147, 101515	
ATTACHMENT	Attachment 1	Planning Makes It Happen: Phase Two Discussion Paper
	Attachment 2	Review of the Planning and Development Act 2005
	Attachment 3	Review of the Development Assessment Panels
	Attachment 4	Draft submission
AUTHORITY / DISCRETION	Advocacy - Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.	

PURPOSE

For Council to consider endorsing the City's draft submission on the Western Australian Planning Commission's (WAPC) *Planning Makes It Happen – Planning Reform Discussion Paper*.

EXECUTIVE SUMMARY

In September 2009, the Minister for Planning released the first stage of a comprehensive reform agenda for the Western Australian Planning System. A discussion paper on the second phase of proposed and possible reforms has now been released.

Phase Two has a primary focus on statutory decision-making, governance and administrative reforms. The discussion paper encompasses a large number of matters, and includes a separate paper on a review of the *Planning and Development Act 2005* and an information paper on the operation of Development Assessment Panels.

Reform and streamlining of the planning process is supported, with many of the proposals welcomed. However, a number, including private certification of development applications and 'track-based' assessment models, do not have sufficient information within the discussion paper for the City to form a particular view at this point. Further detailed consultation with local government and industry is needed on these and a range of other issues raised in the discussion paper.

It is recommended that Council endorses the City's submission to the Western Australian Planning Commission on the *Planning Makes It Happen – Planning Reform Discussion Paper*, shown as Attachment 4.

BACKGROUND

In September 2009, the Minister for Planning released *Planning Makes it Happen: a blueprint for planning reform*. This was the first stage of the reform agenda for the Western Australian planning system.

It is stated in the current discussion paper that the first phase of planning reform delivered the following key outcomes:

- A draft *State Planning Strategy*.
- The *Directions 2031 and Beyond Strategy*.
- An *Economic and Employment Lands Strategy*.
- The *Multi-unit Housing Code*.
- Development Assessment Panels.
- A review of key WAPC policies.
- Delivery of the Urban Development Program Online.
- Structure Plan Guidelines.
- Model Subdivision Conditions.
- The Section 76 process.

DETAILS

Phase Two of this reform, released in September 2013, has identified more opportunities for improvements to the planning system, with a primary focus on statutory decision making, governance and administrative reforms.

The stated key aims of the Phase Two reforms are to:

- embed best practice in the Western Australian planning system at both the State and local government level
- ensure further streamlining of planning processes, aligning statutory outcomes with strategic frameworks
- enable more integrated land use and infrastructure planning and support the timely release of development land in accordance with Government policy objectives
- reinforce the state and regional strategic focus of the WAPC, supported by the Department of Planning (DoP).

Specific topics raised within the discussion paper include:

- a review of the *Metropolitan Region Scheme* text and the amendment process, including exempting all developments except those listed as requiring planning approval and reducing the requirements for most amendments
- streamlining of the processes surrounding local planning schemes including setting information requirements for local planning strategies, increasing the time periods for major scheme reviews, and reducing and simplifying the requirements surrounding minor and procedural scheme amendments
- improving the structure planning process by standardising content and introducing a single point of determination
- expanding the electronic subdivision application system
- considering track-based assessment electronic application systems, and private certification of development applications
- the need for a model delegation schedule for local planning schemes

- a review of the Development Assessment Panels, including removing mandatory DAP application requirements and extending DAP applications to regionally significant development.

Issues and options considered

The options available to Council in considering the Planning Makes it Happen: Phase Two Discussion Paper and the proposed submission are:

- endorse the proposed submission and forward it to the WAPC
- endorse the draft submission with modifications and forward it to the WAPC
or
- not endorse the draft submission.

Legislation / Strategic Community Plan / policy implications

Legislation

*Planning and Development Act 2005.
Town Planning Regulations 1967.
Metropolitan Region Scheme Act.
Planning and Development (Development Assessment Panels) Regulations 2011.*

Strategic Community Plan

Key theme

The discussion paper has a general connection to the following themes:

- Quality Urban Development.
- Economic Prosperity, Vibrancy and Growth.
- The Natural Environment.

Objective

Not applicable.

Strategic initiative

Not applicable.

Policy

Not applicable.

Risk management considerations

The discussion paper outlines possible reforms to the state's planning system. Local government is a key stakeholder in the planning system and it is important for the City to provide a submission on the discussion paper.

Financial/budget implications

Any potential financial implications are difficult to quantify at this stage. An increase in delegation from the WAPC may have implications on staff resourcing.

Regional significance

The potential planning reforms have significance for all Western Australia.

Sustainability implications

Not applicable.

Consultation

The discussion paper was released by the WAPC for comment, with the submission period closing on 13 December 2013.

COMMENT

Proposals to streamline the planning system by reducing time frames and duplication, and improving clarity within the processes are welcomed. Many of the proposed reforms will assist in achieving these aims.

However, a number of issues raised in the discussion paper can only be addressed through full reviews of some major pieces of state legislation and policy, including the outdated and complicated *Town Planning Regulations 1967*, the burdensome and restrictive *State Planning Policy 3.6: Developer Contributions* and the inadequate Metropolitan Region Improvement Fund.

Major reform proposals such as private certification of planning applications, applying statutory power to the high level strategic subregional structure plans, and introducing a single point of determination of structure plans, must also be carefully considered. There is considerable risk that the community's confidence in the planning system could be undermined if these proposals are implemented without careful consideration. For example, private certification is considered completely inappropriate for discretionary based decisions, and will lead to inconsistent and incorrect decision-making if applied to this area of planning assessment. At this point, it is considered that greater detail relating to private certification of planning applications, automatic rezoning through a subregional structure plan, and introducing a single point of determination of structure plans, is required before these specific proposals are supported.

In regard to Development Assessment Panels, the discussion paper indicates that some stakeholders have argued that wider opt-in thresholds should apply. It is suggested, however, that it would be more appropriate to remove the mandatory threshold and only retain the opt-in option for applications with a development value of over seven million dollars. This would allow the proponent to choose the decision mechanism most appropriate for that application's particular circumstance. This would also allow applications that would normally be determined under delegated authority not to be caught in the DAP process purely due to the cost of the development.

Comments on the specific proposals are provided as Attachment 4 which will become the City's submission on the discussion paper. As noted in the draft submission, a number of the proposals require further detailed information and discussion with local government and industry prior to pursuing the reform.

It is recommended that Council endorses the City of Joondalup's submission (Attachment 4 refers) on *Planning Makes It Happen: Phase Two Planning Reform Discussion Paper*.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Hamilton-Prime, **SECONDED** Cr Amphlett that Council **ENDORSES** the City of Joondalup's submission on the *Planning Makes It Happen: Phase Two Planning Reform Discussion Paper* shown as Attachment 4 to Report CJ239-12/13 as the basis of its submission to the Western Australian Planning Commission.

The Motion was Put and **CARRIED (13/0)** by Exception Resolution after consideration of CJ252-12/13, page 185 refers.

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

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf031213.pdf](#)

CJ240-12/13 CITY WATER PLAN 2012-2015 - ANNUAL REVIEW FOR 2012-13

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	78616, 101515
ATTACHMENT	Attachment 1 City Water Plan 2012–2015 Attachment 2 2012-13 Annual Review of City Plan 2012–2015
AUTHORITY / DISCRETION	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 annual progress report against the *City Water Plan 2012 – 2015*.

EXECUTIVE SUMMARY

The *City Water Plan 2012 – 2015* was endorsed by Council at its meeting held on 25 June 2012 (CJ107-06/12 refers).

The plan provides strategic direction for the delivery of water conservation and water quality improvement initiatives within the City with the major aims being to:

- reduce the City's groundwater consumption
- reduce the City's scheme water consumption
- encourage the community to reduce scheme water consumption
- improve water quality of receiving water bodies
- manage water quantity in a drying climate.

The plan includes 35 projects across eight Water Management Project Areas to be implemented during 2012–15. The water management project areas include the following:

- Water monitoring and reporting.
- Built environment.
- Management of natural areas and public open space.
- Water sensitive urban design.
- Contracts and purchasing.
- Staff education and participation.
- Community education and participation.
- Partnerships and policy.

All projects that were scheduled for implementation in 2012-13 have commenced or been completed. The projects aim to:

- decrease groundwater consumption
- manage water quality and quantity
- decrease community scheme water consumption.

This report details the progress made in implementing *City Water Plan 2012 – 2015* projects in 2012-13.

BACKGROUND

The City has recognised the importance of continued sustainable water use within its operations and facilities and the need to promote water conservation and water efficiency within the community by adopting the *City Water Plan 2012 – 2015* at its meeting held on 25 June 2012 (CJ107-06/12 refers). The City Water Plan is included as Attachment 1 to this Report.

The City of Joondalup relies heavily on both scheme and groundwater resources. Scheme water is used within community buildings and facilities, administrative buildings and the Works Operations Centre. Groundwater is used for irrigating parks and reserves managed by the City.

The *City Water Plan 2012 – 2015* identifies water related issues for the City and sets targets for the reduction of scheme and groundwater use and water quality improvement. The following targets were endorsed by Council as part of the *City Water Plan 2012 – 2015*.

- 1 Reduce corporate groundwater use by 10% per capita below 2010-11 consumption by 2014-15.
- 2 Reduce corporate scheme water use by 5% per capita below 2010-11 consumption by 2014-15.
- 3 Reduce community scheme water use by 5% per capita below 2010-11 consumption by 2014-15.
- 4 Implement water quality improvement projects through best practice City operations, procedures and policy in at least three water management areas per year by 2014-15.
- 5 Implement water quality improvement projects that encourage community responsibility and promote partnerships for water quality improvement in at least two Water Management Areas per year by 2014-15.

In order to achieve the above targets, the following water management project areas were included in the *City Water Plan 2012 – 2015*:

- Water Monitoring and Reporting.
- Built Environment.
- Management of Natural Areas and Public Open Space.
- Water Sensitive Urban Design.
- Contracts and Purchasing.
- Staff Education and Participation.
- Community Education and Participation.
- Partnerships and Policy.

DETAILS

The City's progress against the *City Water Plan 2012 – 2015* targets is detailed below. It should be noted that water consumption is often estimated by the Water Corporation and not adjusted until the following monitoring period. The City utilises the most current water data for reporting purposes, therefore consumption figures have been updated since the development of the City Water Plan.

CORPORATE

Groundwater Use

Target: Reduce corporate groundwater use by 10% per capita below 2010-11 consumption by 2014-15.

Groundwater use for 2012-13 was 3,319,673kL. This is a reduction of 12.5% compared to the baseline year of 2010-11. The City has also reduced per capita consumption from 23.44kL per capita in 2010-11 to 20.21kL per capita in 2012-13.

Groundwater consumption in 2011-12 and 2012-13 remained constant due to continued efficiencies in watering practices and use of monitoring technology.

The City is on target to achieve the City Water Plan's endorsed groundwater target of 10% reduction per capita from 2010-11 usage. A number of projects under the City's *Water Plan 2012 – 2015* have been implemented to achieve the reduction in groundwater, these include the following:

- Monitoring of all bore meters on a monthly basis to track groundwater use.
- Assessing weekly evaporation rates and daily rainfall to determine watering regimes.
- Installation of 17 soil moisture monitors at City parks.
- Installation of three new bores and pumps and replacement of five pumps as part of the Bore Maintenance Program.
- Mawson and Hillarys Parks, Hillarys were upgraded as part of the *Parks Redevelopment Program* and included improving irrigation design, reducing irrigated areas, removing turf, and landscaping and mulching.

Scheme Water Use

Target: Reduce corporate scheme water use by 5% per capita below 2010-11 consumption by 2014-15.

The City's corporate scheme water consumption increased from 0.40kL per capita in 2010-11 to 0.43kL per capita in 2012-13. This is an increase of 7.5%.

Scheme water is used within the City's community facilities, recreation centres, libraries and Civic Centre.

A significant leak was identified at the City's Works Operations Centre, which accounts for the majority of the increase in scheme water consumption. The issue was rectified and the leak was reported to the Water Corporation and the City was compensated for the costs associated with the leak. The City will undertake routine monitoring of water consumption at the Works Operations Centre, including regular meter reading to identify changes in water use.

Other increases from 2011-12 to 2012-13 related to a number of toilet blocks, Ellersdale Park Clubrooms, Warwick Leisure Centre, Woodvale Library and Mullaloo Surf Life Saving Club, with the increases due to leaks to cisterns and a water fountain which have now been rectified.

There were also a significant number of decreases in water use from 2011-12 to 2012-13 at some of the City's major facilities such as Craigie Leisure Centre. Water use at the Centre decreased by 12% in 2012-13 compared to 2011-12 due to initiatives such as automated water metering and water and energy audits of the facility to identify and address issues impacting negatively on water use.

Decreases in the use of scheme water were also recorded at:

- Joondalup Civic Centre and Library.
- Kingsley Community Vision and Silver Chain.
- Iluka Foreshore Toilets.
- Whitfords Library Senior Citizens and Community Vision.
- Sorrento Surf Lifesaving Club.
- Heathridge Leisure Centre and Football Club.

The City will continue to look for opportunities to reduce corporate scheme water use by 2014-15 in order to meet the *City Water Plan 2012 – 2015* target of a 5% reduction to 0.37kL per capita.

The following projects will be implemented in 2013-14 to work towards this target:

- Environmental Building Audits of the Administration Building and Works Operations Centre will be conducted in 2013-14.
- Installation of sub-meters at City buildings as part of the Building Sub-metering Project.
- Continual monitoring through the Planet Footprint Program.
- Lessee Water Education Program.
- Continued participation in the Waterwise Council Program.
- Continuation of the 'Think Green' Green Office program aimed at raising awareness and encouraging sustainable behaviour among City of Joondalup employees.

Corporate Water Quality Management

Target: Implement water quality improvement projects through best practice City operations, procedures and policy in at least three Water Management Areas per year by 2014-15.

The City has implemented several water quality improvement projects within the *City Water Plan* during 2012-13 to achieve the target for corporate water quality management.

The following projects are key achievements for 2012-13:

- Continuation of the water quality monitoring and mapping project to monitor the state of surface and groundwater quality within the Yellagonga catchment area.
- Implementation of the Yellagonga Acid Sulphate Soils Project.

- Continued participation in the Midge Steering Group. In 2012-13 a sampling schedule for Lake Goollelal and Lake Joondalup was developed and a brochure was developed to provide residents with information relating to nuisance midge.
- A draft *Wetlands Management Plan* has been developed to guide the management of the City's artificial wetlands.
- Continuation of the City's Sump Retrofit Program with four sumps being upgraded in 2012-13, including Waterford Park Sump Hillarys, Whitfords West Sump in Kallaroo, Twickenham Drive Sump in Kingsley and Trailwood Drive Sump in Woodvale.

COMMUNITY

Community Scheme Water Use

Target: Reduce community scheme water use by 5% per capita below 2010-11 consumption by 2014-15.

Community scheme water consumption in 2010-11 was 124kL per capita. This has reduced to 115kL per capita in 2012-13, meaning that the City is tracking well towards reaching the target of 5% reduction by 2014-15 from 2010-11 use.

The Water Corporation WA has implemented a number of strategies to reduce community water consumption across Perth, including enforcing water restrictions and watering days, the H₂O Assist™ program, the H₂ome Smart Program, free showerhead swap program, rewards for installing rain water tanks and their website provides information about saving water around the home and garden.

The City will continue to encourage water efficiency within the community in order to progress towards the endorsed community reduction target.

Community Water Quality Management

Target: Implement water quality improvement projects that encourage community responsibility and promote partnerships for water quality improvement in at least two Water Management Areas per year by 2014-15.

A number of water quality improvement projects encouraging community responsibility and promoting partnerships for water quality improvement have been implemented during 2012-13.

The following projects are highlights for 2012-13:

- Yellagonga Community Awareness Project.
- World Wetlands Day activities.
- Yellagonga School Program.
- Garden Wise workshops.

The City has achieved its target for 2012-13 of implementing community projects in at least two water management areas per year by 2014-15.

Full details regarding the progress made in implementing projects for 2012-13 are provided at Attachment 2.

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Natural Environment.

Objective Environmental resilience.

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

Policy *Sustainability Policy.*

Risk management considerations

The *City Water Plan 2012 – 2015* establishes Council endorsed targets for corporate groundwater use and corporate scheme water use. The projects in the *City Water Plan* have been developed to achieve the required reductions in ground and scheme water use.

While the City is on track to meet the target for groundwater use, the use of scheme water increased in 2012-13 and there is a risk that the target for a reduction in corporate scheme water use of 5% per capita below 2010-11 consumption by 2014-15 will not be achieved without remedial action.

Financial/budget implications

Funding for *City Water Plan 2012 – 2015* projects is allocated within the Annual Budget. Future allocations are subject to the City's budget approvals process.

All *City Water Plan* projects are subject to the annual budget process. All 2012-13 projects were approved as part of the 2012-13 budget deliberations.

Regional significance

The *City Water Plan 2012 – 2015* includes some projects that have regional significance – particularly projects associated with the City's wetlands. The City works collaboratively with the City of Wanneroo and State Government agencies to develop regional partnerships to reduce water consumption and improve water quality.

Sustainability implications

Water is a finite and valuable resource. A drying climate and population growth are placing water resources under pressure. The *City Water Plan 2012 – 2015* outlines the key strategic actions that the City will undertake to reduce water consumption, improve the quality of local waterways and encourage the community to reduce water consumption.

Reducing water consumption may also lead to financial savings for the City by reducing the costs associated with scheme water usage.

Consultation

Not applicable.

COMMENT

The *City Water Plan 2012 – 2015* includes a number of projects to ensure that the City continues to lead by example as a progressive local government within its own operations as well as engaging with the community to encourage and implement practical and achievable water conservation and management activities.

During 2012-13 the City has made significant progress in implementing projects within the *City Water Plan*. All projects that were scheduled for 2012-13 have either been completed or have commenced and are on-going.

The key achievements against the *City Water Plan 2012 – 2015* for 2012-13 are summarised below:

- Monthly monitoring of groundwater consumption as part of the Groundwater Monitoring and Data Management Program. Daily rainfall and evaporation rates are identified using electronic tablets to inform watering regimes.
- Mawson and Hillarys Parks, Hillarys were upgraded as part of the *Parks Redevelopment Program*. This included hydrozoning, ecozoning, landscaping and redesigning irrigation systems.
- The *Stormwater Management Policy* was endorsed by Council at its meeting held on 21 August 2012 (CJ172-08/12 refers). The policy encourages water sensitive urban design in land use planning processes and better practice in stormwater management.
- As part of the *Environmental Building Audits Program*, Craigie Leisure Centre was audited for water and energy use and efficiency and recommendations for improvements were made.
- Ground and surface water monitoring of Yellagonga wetlands was conducted as part of the water quality monitoring and mapping project.
- Participation in the Midge Steering Group included midge sampling at Lake Goollelal and Lake Joondalup, development of an informational midge brochure and planning for a weather station.
- Continued participation in the Waterwise Council Program to enable the City to receive industry updates and training opportunities for staff.

The City is making progress to achieving the endorsed *City Water Plan* targets and will investigate options for reducing corporate scheme water use over the next two years in order to achieve a 5% reduction by 2014-15.

A number of projects scheduled for commencement during 2013-14 will assist the City to achieve the endorsed targets, these include:

- irrigation infrastructure audits
- lessee water education project
- green stamp program
- review of contaminant disposal at the Works Operations Centre
- interactive parks and reserves database
- water recycling feasibility study.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Hamilton-Prime, **SECONDED** Cr Amphlett that Council **NOTES** the 2012-13 Annual Review of the City *Water Plan 2012 – 2015* shown as Attachment 2 to Report CJ240-12/13.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ252-12/13, page 185 refers.

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

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf031213.pdf](#)

CJ241-12/13 STRATEGIC COMMUNITY REFERENCE GROUP – 2013-14 WORKPLAN

WARD	All	
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy	
FILE NUMBER	102605, 101515	
ATTACHMENT	Attachment 1	Notes of the Strategic Community Reference Group Meeting held on 4 February 2013
	Attachment 2	Notes of the Strategic Community Reference Group Meeting held on 21 March 2013
	Attachment 3	Proposed 2013-14 Work Plan
	Attachment 4	Revised Terms of Reference
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.	

PURPOSE

For Council to adopt a new 2013-14 Work Plan for the Strategic Community Reference Group and to note the group's achievements within its inaugural year of 2012-13.

EXECUTIVE SUMMARY

At its meeting held on 26 June 2012 (CJ112-06/12 refers), Council adopted a new participation mechanism for the external provision of advice to Council, namely, a City of Joondalup Strategic Community Reference Group. The group consists of appointed community representatives from each Ward, Elected Members and seconded experts utilised on an as needs basis.

Throughout 2012-13, the Strategic Community Reference Group met on two occasions to consider the review of the City's *Community Safety and Crime Prevention Plan* and *Environment Plan*. As a result of the group's contributions, a draft *Community Safety and Crime Prevention Plan* has been developed and referred back to the group for further feedback and a draft *Environment Plan* is currently in development and will be considered by the group later in 2013-14.

The third program on the group's 2012-13 Work Plan, (namely the review of the *Community Development Plan*), was not considered within this period and will be carried forward into the group's 2013-14 Work Plan.

Following the recent Council elections in October 2013, the Strategic Community Reference Group was disbanded and reformed at the special meeting of Council held on 5 November 2013 (JSC06-11/13 refers) with the inclusion of an additional Elected Member representative. To account for this change to the membership format, an amended Terms of Reference for the group is provided to Council for adoption.

Overall, the Strategic Community Reference Group has demonstrated its effectiveness as a unique and appropriate means of obtaining community advice in the consideration of high-level, strategic matters at the City.

The proposed 2013-14 Work Plan for the Group includes consideration of the following matters:

- Review of the *Community Development Plan* (carried forward from 2012-13).
- Consideration of the draft *Community Safety and Crime Prevention Plan* (as per Council decision CJ222-11/13).
- Review of the *Strategic Waste Minimisation Plan*.
- Consideration of the draft *Environment Plan*.

It is recommended that Council notes the achievements of the Strategic Community Reference Group in 2012-13, as outlined within this report, and adopts a new Work Plan and amended Terms of Reference for the group in 2013-14 as shown in Attachments 3 and 4.

BACKGROUND

At its meeting held on 26 June 2012 (CJ112-06/12 refers), Council considered options for future engagement with the community in reviewing the existing Working Group and Community Forum formats.

As an alternative option, Council supported the establishment of a Strategic Community Reference Group with the objective of providing advice to the Council on:

- matters of significant community interest
- strategic initiatives, as determined by the Council.

The format of the group was to include:

- Council-appointed community representatives from each Ward who were subject to a nomination process addressing their experience in strategic planning and decision-making.
- Up to three Elected Members, one of whom acts as a Presiding Member.
- Up to four temporary-appointed professionals to provide expert advice and information on specific matters as required.
- Resident and / or ratepayer group representatives if matters presented to the Group are relevant to a specific location.

At its meeting held on 26 June 2012 (CJ112-06/12 refers), Council also adopted the Terms of Reference and the 2012-13 Work Plan for the Strategic Community Reference Group, which included the following programs:

- Review of the *Community Safety and Crime Prevention Plan*.
- Review of the *Environment Plan*.
- Review of the *Community Development Plan*.

At its meeting held on 21 August 2012 (CJ156-08/12 refers), Council appointed all standing members of the Strategic Community Reference Group for a tenure of two years to deliver the approved Work Plan. As a result of the recent Council elections in October 2013, the group was disbanded and reformed at the Special meeting of Council held on 5 November 2013 (JSC06-11/13 refers) with the inclusion of an additional Elected Member representative. To give effect to this change, revised Terms of Reference for the Group are provided at Attachment 4 for adoption by the Council.

This report outlines the group's achievements to date and proposes a new Work Plan for 2013-14 based on any outstanding matters from 2012-13 and upcoming strategic projects listed in the City's Annual Plan 2013-14 that would benefit from the Strategic Community Reference Group's advice.

DETAILS

Achievements in 2012-13:

In 2012-13, the Strategic Community Reference Group met on two occasions to consider the following:

- Review of the *Community Safety and Crime Prevention Plan*: 4 February 2013.
- Review of the *Environment Plan*: 21 March 2013.

(The full notes of each meeting are provided at Attachments 1 and 2 for Council's consideration).

The review of the *Community Development Plan* was not considered by the group within the 2012-13 period, due to a delay in the commencement of the project. As such, it is proposed that this matter be deferred for consideration by the group in 2013-14.

The format of both meetings provided members of the group the opportunity to consider progress against the current plans; to discuss potential areas of focus in the future with regard to community safety and crime prevention and environmental management; and to determine the alignment of future objectives in these areas with the City's *Strategic Community Plan 2012 – 2022: "Joondalup 2022"*.

With regard to the first meeting on the review of the *Community Safety and Crime Prevention Plan*, the following major points were raised by the group:

- There should be an increased focus on the use of CCTV to act as a deterrent and assist in evidence gathering for prosecutions. The costs associated with the maintenance and use of the infrastructure was also discussed, noting that sustainable practices should be considered to ensure its ongoing affordability.
- City Watch was acknowledged as a useful service that could be better leveraged for improved outcomes in the future.
- The issue of achieving enhanced community spirit, participation and activation in the delivery of community safety and crime prevention initiatives was discussed. It was believed that greater resident awareness and systems for volunteering could be pursued in the future.

- Social media was considered a largely untapped communication platform the City could consider leveraging for future community safety and crime prevention initiatives.

The second meeting, regarding the review of the *Environment Plan*, raised the following major points by the Group under the proposed key themes of the new Plan:

- Biodiversity: general support for the proposed objective was provided with acknowledgment of its aspirational nature. Clarifying technical terms for the community's benefit was discussed (for example "pathogens"), in addition to revising the wording of some of the identified pressures and threats within the environment. Concerns on how to measure climate change threats was raised with the suggestion to include additional information within the Plan on mitigation strategies.
- Water: general support for the proposed objective was provided. It was suggested that further recognition of the environmental uses of water was required within the plan and that water conservation should also be an identified pressure / threat. Emphasis on the need for water recycling within the Plan was also discussed.
- Energy and Greenhouse Gas Emissions: the group suggested a focus on leadership within the objective and to simplify its current wording. Traffic management was raised as a key pressure / threat and that sustainable housing design should also be considered and promoted within the plan. Consideration was given to separating climate change as a separate theme.
- Waste: the group suggested that the objective include improving the processing of waste and that household hazardous waste be listed as a pressure / threat. It was discussed that the waste theme should have a strong community focus.
- Community: consideration was given to include community involvement across all themes within the plan. It was discussed that the community requires education, participation, appreciation and ownership of the natural environment, as well as greater community engagement. Population growth and increased consumption were highlighted as major issues under this theme.

As a result of the advice received from the Strategic Community Reference Group, the City has developed a new *Community Safety and Crime Prevention Plan* that was referred back to the Group for feedback in October 2013 and an *Environment Plan* is currently in development that will be provided the group for comment later in 2013-14.

At its meeting held on 19 November 2013 (CJ222-11/13 refers), Council considered the draft *Community Safety and Crime Prevention Plan 2013-2017* and resolved the following:

"That Item CJ222-11/13 - Draft Community Safety and Crime Prevention Plan 2014-2018 - Community Consultation be REFERRED BACK to the Chief Executive Officer so that the Strategic Community Reference Group can consider an overarching crime prevention philosophy of 'towards zero' and determine how best it can be integrated throughout the plan."

As a result of this decision, consideration of the draft *Community Safety and Crime Prevention Plan* has been added to the proposed 2013-14 Work Plan for the Strategic Community Reference Group.

Proposed 2013-14 Work Plan:

Following the finalisation of the City's *Annual Plan 2013-14*, the City has identified the following relevant items for consideration by the Strategic Community Reference Group within 2013-14:

- Review of the Community Development Plan (carried forward from 2012-13).
- Consideration of the draft *Community Safety and Crime Prevention Plan* (as per Council decision CJ222-11/13).
- Review of the *Strategic Waste Minimisation Plan*.
- Consideration of the draft *Environment Plan*.

The listing of four items within the Work Plan is considered an appropriate and manageable number of projects to prepare for consideration by the group within the new financial period. It should be noted that the proposed Work Plan does not restrict the Council from referring additional matters to the Strategic Community Reference Group if they are considered to be of significant community interest or of a strategic nature.

Issues and options considered

Council has the option to adopt the proposed 2013-14 Work Plan for the Strategic Community Reference Group as outlined in Attachment 3 of this Report, or to amend the program according to alternative preferences or additional matters for consideration.

It should be noted that if additional matters are added to the Work Plan, facilitation fees to conduct the meetings will increase outside of the current adopted 2013-14 budget for the management of the Strategic Community Reference Group.

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

Section 1.3(2) of the Local Government Act 1995 states:

This Act is intended to result in –

- (a) *Better decision making by local governments;*
- (b) *Greater community participation in the decisions and affairs of local government;*
- (c) *Greater accountability of local governments to their communities;*
- (d) *More efficient and effective local government.*

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.

Adapt to community preferences for engagement formats.

Policy

Community Consultation and Engagement Policy.

Risk management considerations

If the adopted 2013-14 Work Plan for the Strategic Community Reference Group is expanded too much, there is a risk that the program will not be deliverable within existing resources. As such, it is recommended that the identification of four key projects is referred to the group for advice within the 2013-14 period that would benefit the most from input by the group.

Financial/budget implications

The budget below reflects the costs associated with conducting three meetings for the Strategic Community Reference Group, including external facilitation and catering costs.

Account no.	1.534.A5304.3359.0000
	1.534.A5304.3281.0000
Budget Item	External Contractors and Services.
	Catering
Budget amount	\$ 11,000
Amount spent to date	\$ 0
Proposed cost	\$ 11,000
Balance	\$ 11,000

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

The proposed 2013-14 Work Plan for the Strategic Community Reference Group has been developed with an intention of considering a variety of matters that cover social, environmental and financial-related issues.

Consultation

The Strategic Community Reference Group provides an innovative forum for the City to conduct meaningful consultation and engagement activities with community representatives and local experts on strategic matters affecting the City.

COMMENT

Local government undertakes a variety of roles within the community all of which have the potential to be enhanced and influenced by community participation and engagement. Increasingly, communities are concerned about their future and in many areas community networks are being driven by active citizens.

As a result of the Strategic Community Reference Group's meetings to date, the City is satisfied that the new format of a Strategic Community Reference Group has provided a unique and relevant platform for effective engagement with the community.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Hamilton-Prime, **SECONDED** Cr Amphlett that Council:

- 1** NOTES the achievements of the Strategic Community Reference Group in the 2012-13 period;
- 2** **ADOPTS** the proposed 2013-14 Work Plan for the Strategic Community Reference Group, as shown in Attachment 3 of Report CJ241-12/13;
- 3** **ADOPTS** the amended Terms of Reference for the Strategic Community Reference Group to include an additional Elected Member on the group's membership, as shown in Attachment 4 of Report CJ241-12/13.

The Motion was Put and **CARRIED (13/0)** by Exception Resolution after consideration of CJ252-12/13, page 185 refers.

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

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf031213.pdf](#)

CJ242-12/13 EXECUTION OF DOCUMENTS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	15876, 101515
ATTACHMENT	Attachment 1 Documents executed by affixing the Common Seal for the period 16 October 2013 to 29 October 2013
AUTHORITY / DISCRETION	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 16 October 2013 to 29 October 2013 (Attachment 1 refers).

EXECUTIVE SUMMARY

The City 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 therefore recommended that Council NOTES the Schedule of Documents covering the period 16 October 2013 to 29 October 2013, executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ242-12/13.

BACKGROUND

During the period 16 October 2013 to 29 October 2013, two documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Lease	1
Section 70A Notification	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 Hamilton-Prime, SECONDED Cr Amphlett that Council NOTES the Schedule of Documents covering the period 16 October 2013 to 29 October 2013, executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ242-12/13.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ252-12/13, page 185 refers.

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

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf031213.pdf](#)

CJ243-12/13 MINUTES OF EXTERNAL COMMITTEES

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	03149, 09151, 48543, 101515
ATTACHMENT	Attachment 1 Minutes of the special meeting of the Mindarie Regional Council held on 7 November 2013 Attachment 2 Minutes of the Local Emergency Management Committee meeting held on 7 November 2013 <i>(Please Note: These minutes are only available electronically)</i>
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the minutes of various external bodies on which the City has current representation.

EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of the special meeting of the Mindarie Regional Council (MRC) held on 7 November 2013.
- Minutes of the Local Emergency Management Committee meeting held on 7 November 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.

Mindarie Regional Council Special Council Meeting – 7 November 2013

A special meeting of the Mindarie Regional Council (MRC) was held on 7 November 2013.

Cr Russ Fishwick (Chair) and Cr Kerry Hollywood were Council's representatives on the MRC for this meeting.

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

8.1 Appointment on Committees

It was resolved by the MRC as follows:

“That Council:

- 1 *appoint Cr Stewart, Cr Fishwick, Cr Boothman and Cr Proud on to the Audit Committee.*
- 2 *appoint Cr Fishwick, Cr Bissett, Cr Carey and Cr Hollywood on to the Chief Executive Officer’s Performance Review Committee.*
- 3 *appoint Cr Newton as a Member and Cr Davidson as a Deputy Member on to the Resource Recovery Facility – Project Advisory Group.*
- 4 *appoint Cr Bissett on to the Municipal Waste Advisory Council.*

Local Emergency Management Committee – 7 November 2013

An ordinary meeting of the Local Emergency Management Committee was held on 7 November 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.

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

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 Hamilton-Prime, **SECONDED** Cr Amphlett that Council **NOTES** the minutes of the:

- 1 special meeting of the Mindarie Regional Council held on 7 November 2013 forming Attachment 1 to Report CJ243-12/13;**
- 2 meeting of the Local Emergency Management Committee held on 7 November 2013 forming Attachment 2 to Report CJ243-12/13.**

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ252-12/13, page 185 refers.

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

To access this attachment on electronic document, click here:
[EXTERNALMINUTES031213.pdf](#)

CJ244-12/13 CITY OF JOONDALUP CODE OF CONDUCT

WARD	All	
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy	
FILE NUMBER	09358, 101515	
ATTACHMENT	Attachment 1	Draft <i>City of Joondalup Code of Conduct for Employees, Elected Members and Committee Members</i>
	Attachment 2	Existing <i>Code of Conduct Policy</i>
	Attachment 3	Comparison matrix
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.	

PURPOSE

For Council to adopt a new *City of Joondalup Code of Conduct for Employees, Elected Members and Committee Members*.

EXECUTIVE SUMMARY

Section 5.103 of the *Local Government Act 1995* requires every local government to prepare or adopt a code of conduct (the Code) to be observed by Elected Members, committee members and employees. The *Local Government (Rules of Conduct) Regulations 2007* also sets out the conduct rules that apply to Elected Members while performing in their statutory role. The Act provides a disciplinary framework for breach of the *Local Government (Rules of Conduct) Regulations 2007* by Elected Members which can range from training to suspension.

In 2010, the former Minister for Local Government requested the former Department of Local Government undertake a review of the Local Government Standards Panel (the Panel) and supporting legislation. As part of this review a uniform code of conduct for Elected Members was suggested. However the Department of Local Government and Communities has informally advised that a uniform code is not being pursued at this time and WALGA has also indicated that their model code for local governments (which was prepared in 2008) is also not being reviewed. In view of this and to strengthen the governance arrangements at the City, it is suggested that the City's Code be reviewed.

It is therefore recommended that Council:

- 1 *ADOPTS the City of Joondalup Code of Conduct for Employees, Elected Members and Committee Members as detailed in Attachment 1 to Report CJ244-12/13;*
- 2 *REVOKES the Code of Conduct Policy as detailed in Attachment 2 to Report CJ244-12/13.*

BACKGROUND

Section 5.103 of the *Local Government Act 1995* requires every local government to prepare or adopt a code of conduct to be observed by Elected Members, committee members and employees. In fulfilling this legislative requirement, the City's existing Code was adopted by Council at its meeting held on 15 April 2008 (Item CJ052-04/08 refers) and provides guidance to Elected Members, committee members and employees in relation to:

- the duties and responsibilities that apply to each of those persons
- the minimum standard of conduct that the City expects from Elected Members, committee members and employees.

Prior to this, the *Local Government (Rules of Conduct) Regulations 2007* came into effect in 2007 and sets out the rules of conduct that apply to Elected Members, while performing their statutory role. Breaches of the *Local Government (Rules of Conduct) Regulations 2007* follow a disciplinary framework and process set out by the Act, which establishes a Local Government Standards Panel to investigate complaints relating to local government Elected Members.

In 2010, the former Minister for Local Government requested the former Department of Local Government undertake a review of the Local Government Standards Panel (the Panel) and supporting legislation. The *Local Government Standards Panel Review Report* identified an opportunity to implement a process for resolving low-level misconduct matters by Elected Members more effectively. In March 2012 the former Department of Local Government released a *Consultation Paper - Resolution of Misconduct Complaints at the Local Level*. Council, at its meeting held on 17 April 2012 (Item CJ070-04/12 refers) considered the discussion paper and resolved that it:

- “1 *SUPPORTS the intent of the Minister for Local Government's 'Resolution of Misconduct Complaints at the Local Level' consultation Paper aimed at dealing with low-level misconduct at the local level;*
- 2 *ENDORSES the City of Joondalup submission provided at Attachment 2 to Report CJ070-04/12, in response to the Minister for Local Government's request for WA Local Government Association comment on the 'Resolution of Misconduct Complaints at the Local Level' Consultation Paper;*
- 3 *NOTES that a copy of the City of Joondalup's submission referred to in Part 2 above will be forwarded to the WA Local Government Association.”*

The consultation paper, among other things, suggested the development of a uniform code of conduct for Elected Members across Western Australian local governments and would encompass the *Local Government (Rules of Conduct) Regulations 2007* and also reflect the existing general principles to guide behaviour of Elected Members included in that legislation. However the Department of Local Government and Communities has informally advised that a uniform code of conduct is not being pursued at this time.

In 2008 WALGA prepared a model code of conduct for local governments in view of the introduction of the *Local Government (Rules of Conduct) Regulations 2007*, however no update to this model code is proposed by WALGA at this time.

The City has been waiting the development of this uniform code of conduct to consider the impact and the extent of review required for the City's existing *Code of Conduct Policy*. However as it appears that a uniform code of conduct for Elected Members is not being progressed, it is recommended that the City existing *Code of Conduct Policy* be reviewed and updated.

DETAILS

The *City of Joondalup Code of Conduct* (the Code) has been prepared for the purposes of the Act and to ensure the roles and responsibilities of Elected Members, committee members and employees are understood and respected so that a professional working relationship is established and maintained.

The new Code (Attachment 1 refers) has been set out in a new format and details the principles and standards of behaviour Elected Members, committee members and employees must observe when performing their duties. It addresses the key areas of:

- professional conduct
- communication and official information
- use of City resources and information
- conflicts of interests and gifts and benefits
- reporting suspected breaches of the Code.

The Code must be read in conjunction with the *Local Government Act 1995*, the *Local Government (Rules of Conduct) Regulations 2007* and other legislation that affect Elected Members, committee members and employees while performing their role and duties and the Code does not override or affect those provisions. Where relevant the provisions of the Act, the *Local Government (Rules of Conduct) Regulations 2007* and other legislation apply, the provisions have been referenced as text boxes to provide a single point of reference in respect of conduct for persons while acting in their official capacity at the City.

It is a legislative requirement that the Code contain certain matters for employees as listed in Part 9 of the *Local Government (Administration) Regulations 1996* (in relation to gifts and declarations of impartiality interests).

Differences between the *Code of Conduct Policy* and the new Code

The existing *Code of Conduct Policy* (Attachment 2 refers) has served the City well however some improvements have been identified. It is suggested that the new *City of Joondalup Code of Conduct* replace the existing *Code of Conduct Policy* with the view of not only elevating its importance as a key corporate document, but also in recognition that it is a stand-alone document as required by the Act and not a policy of the City.

In the main the two documents are similar in their content (see comparison matrix detailed in Attachment 3) however some improvements have been included in the new Code as detailed below:

- Clarification that the Code must be read in conjunction with the Act, the *Local Government (Rules of Conduct) Regulations 2007* and other legislation that affect Elected Members, committee members and employees. Where relevant, those legislative provisions have been stated in the Code within text boxes. The Code does not over-ride those legislative provisions.

- The new Code includes the primary values and distinguishing values as articulated in the City's *Strategic Community Plan* (Joondalup 2022) as it is considered important that Elected Members, committee members and employees recognise these values to enable the City to achieve its strategic goals.
- The new Code includes an omitted provision within the City's existing *Code of Conduct Policy* in relation to the appropriate use of City resources as well as provisions around the reimbursement of expenses.
- The new Code includes principles around identifying interests and acts to encourage thought and questioning around appropriate decision-making.
- The new Code has removed wording and information that is not appropriate being retained in a code of conduct, or where such information is detailed in other corporate documents (such as the City's *Governance Framework*, *Recordkeeping Plan* or established management protocols).
- The new Code includes information in respect of the need to disclose certain information in annual returns for Elected Members and employees as well as clarity around the disclosure of election campaign contributions by Elected Members. These matters reflect legislative provisions that are in place.
- The new Code includes revised provisions in respect of reporting breaches and suspected breaches of the Code and in particular how breaches are reported and how investigatory and disciplinary matters are addressed. Other relevant provisions relating to the *Local Government (Rules of Conduct) Regulations 2007* and the *Corruption and Crime Commission Act 2003* are retained.
- The new Code has removed the complaint form and employee declaration form as the City will determine and prescribe these forms as required from time to time.

The new Code brings the City's conduct provisions for Elected Members, committee members and employees up to date and in view of the prevailing legislation for Elected Members, committee members and employees.

Other matters for consideration

In the main, an Elected Member's conduct is controlled by the *Local Government (Rules of Conduct) Regulations 2007* not a local government's code of conduct, although the Act requires that Elected Members are to observe the Code. In this regard conduct breaches by Elected Members should only relate to breaches of the *Local Government (Rules of Conduct) Regulations 2007* and not a local government's Code. Any breaches of that legislation must follow the provisions and procedures set out in the Act, not a local government's code of conduct. The complaints officer in this regard is a point of reference within a local government to report such matters of conduct. The complaints officer does not become involved with investigations or disciplinary action as this is undertaken by the Local Government Standards Panel or the State Administrative Tribunal. The existing provisions within the *Code of Conduct Policy* are in conflict with the *Local Government (Rules of Conduct) Regulations 2007*. In this regard the new Code separates those matters that fall within the auspices of the *Local Government (Rules of Conduct) Regulations 2007* and those matters that fall outside of that Regulation.

In respect to the declaration of gifts, the new Code maintains that gifts received are to be declared and recorded in a gifts' register however it is suggested that gifts that are declined by employees are to be recorded in the City's gifts register. The Public Sector Commissioner has suggested it could be prudent for organisations to consider the need to record gifts that have been declined, in view of trying to establish any potential influence patterns of third parties, but to also further protect employees from any claims of impropriety.

Issues and options considered

Council can either:

- adopt the new Code of Conduct
- adopt the new Code of Conduct with amendments
or
- retain the existing *Code of Conduct Policy*.

Legislation / Strategic Community Plan / policy implications

Legislation Section 5.103 of the *Local Government Act 1995*.
Local Government (Rules of Conduct) Regulations 2007.
Part 9 of the *Local Government (Administration) Regulations 1996*.
City of Joondalup Meeting Procedures Local Law 2013.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

Strategic initiative Maintain a highly skilled and effective workforce.

Policy *Code of Conduct Policy*.

The Code also needs to be read in conjunction with the City's *Governance Framework* which sets out how good governance is practised at the City.

Risk management considerations

All Western Australian local governments are required to adopt a code of conduct to be observed by Elected Members, committee members and employees, and failure to do so would put the City in breach of its legislative obligations.

Establishing a conduct framework that guides behaviours and ethical and accountable decision-making also lessens the likelihood for misconduct, fraudulent and corrupt behaviour as conduct expectations are clearly articulated and documented.

Financial/budget implications

There are no financial implications associated with the adoption of a new Code. The City has made a provisional sum within its 2013-14 budget to develop and refine corporate induction and training tools for the City's employees to assist them in understanding the code of conduct and the expected standards of behaviour whilst employed at the City.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

One of the challenges facing the local government industry is how a local government's code of conduct relates to the conduct of Elected Members and how breaches of the code are treated and investigated. Elected Members are required to declare that they will abide by the *Local Government (Rules of Conduct) Regulations 2007* while performing in their role. This declaration of Office does not require an Elected Member to abide by a local government's code of conduct, however the Act requires that an Elected Member must observe the local government's Code. Employees are subject to the provisions of the Code upon their acceptance of employment and while they remain employed by the City. This therefore is reflected in the Code.

The *Local Government (Rules of Conduct) Regulations 2007* and the Act provide the disciplinary framework for conduct matters relating to Elected Members, rather than a local government's code of conduct. Breaches of the *Local Government (Rules of Conduct) Regulations 2007* need to be investigated in accordance with the disciplinary framework and process as set out in the Act, and a local government's code of conduct cannot override these requirements. A breach of a local government's code of conduct by Elected Members, committee members or employees should follow due process and in accordance with the management protocols, procedures or practices adopted by the City and any applicable law.

A review of the City's Code provides an important mechanism to strengthen the governance arrangements at the City by reflecting the standards of behaviour and conduct that is expected of employees, Elected Members and committee members. It also illustrates to the community the desired behaviours and conduct that the City expects from all parties that form the local government.

With a review and adoption of a new Code, the City can begin to progress a range of other governance improvements, such as on-line code of conduct training, creation of short guides and training programs on ethical and accountable decision-making, as well as a range of guides and information that can be used by employees to assist them in understanding their employment obligations at the City.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Hamilton-Prime, SECONDED Cr Amphlett that Council:

- 1 ADOPTS the *City of Joondalup Code of Conduct for Employees, Elected Members and Committee Members* as detailed in Attachment 1 to Report CJ244-12/13;**
- 2 REVOKES the *Code of Conduct Policy* as detailed in Attachment 2 to Report CJ244-12/13.**

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ252-12/13, page 185 refers.

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

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf031213.pdf](#)

CJ245-12/13 STATUS OF PETITIONS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	05386, 101515
ATTACHMENT	Attachment 1 Status of Petitions – 21 February 2012 to 24 September 2013
AUTHORITY / DISCRETION	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 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 24 September 2013, with a comment on the status of each petition.

Legislation / Strategic Community Plan / policy implications

Legislation *City of Joondalup Meeting Procedures Local Law 2013.*

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 Hamilton-Prime, SECONDED Cr Amphlett that Council NOTES:

- 1** the status of outstanding petitions submitted to Council during the period 21 February 2012 to 24 September 2013, forming Attachment 1 to Report CJ245-12/13;
- 2** that a report in relation to the petition requesting Council oppose the establishment of a community garden in Regents Park or Charing Cross Park, Joondalup, will be presented to Council during 2014 following assessment of the pilot community garden in Duncraig. The Joondalup proposal is still currently being evaluated;
- 3** 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 was presented to Council at its meeting held on 24 September 2013 (CJ183-09/13 refers);
- 4** 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 was presented to Council at its meeting held on 19 November 2013 (CJ225-11/13 refers);
- 5** 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;
- 6** 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, was presented to Council at its meeting held on 19 November 2013 (CJ226-11/13 refers);
- 7** that a report in relation to the two petitions with respect to Mirror Park skate park requesting that:
 - 7.1** no lights be placed over or near the skate park;
 - 7.2** 'no parking' be enforced along Ocean Reef Road and Venturi Road, Ocean Reef;
 - 7.3** 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 June 2014;
- 8** 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 was presented to Council at its meeting held on 19 November 2013 (CJ216-11/13 refers);

- 9 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 presented to Council at its meeting held on 19 November 2013 (CJ224-11/13 refers);
- 10 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 17 February 2014;
- 11 that a report in relation to the petition requesting the installation of a roundabout at Hepburn Avenue and Lilburne Road, Duncraig to facilitate safer traffic flow is proposed to be presented to Council at its meeting to be held on 18 March 2014.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ252-12/13, page 185 refers.

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

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf031213.pdf](#)

CJ246-12/13 WARD NAMES, BOUNDARIES AND COUNCILLOR REPRESENTATION LEVELS – OUTCOME OF REVIEW

WARD	All	
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy	
FILE NUMBER	51577, 101515	
ATTACHMENT	Attachment 1	Released Discussion Paper
	Attachment 2	Proposed new Ward Boundary Map
	Attachment 3	Final Report to the Local Government Advisory Board
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.	

PURPOSE

For Council to consider the submissions into the review of the City's ward names, boundaries and councillor representation levels and recommend to the Local Government Advisory Board that an order be made to change the City's ward boundaries.

EXECUTIVE SUMMARY

The *Local Government Act 1995* (the Act) requires every local government to review its ward boundaries, names and councillor representation levels every eight years. With the City of Joondalup being established on 1 July 1998 and adopting its preferred ward structure and representation model on 27 August 1999, the first review of the City's ward boundaries and councillor representation occurred in December 2005. In accordance with the Act, Council is required to undertake another review by 13 December 2013.

At its meeting held on 27 May 2013 (CJ073-05/13 refers) Council commenced the formal review through the adoption of a discussion paper that was released for public comment. At the close of the public comment period, five comments were received.

The comments received during the public consultation process support the retention of the current six ward structure, the retention of current councillor representation levels per ward and the retention of the current ward names.

However in view of the factors that need to be considered as part of a formal review, a boundary change between the North and North-Central wards is recommended, which results in the suburb of Connolly being transferred from the North Ward to the North-Central Ward.

It is therefore recommended that Council:

- 1 *BY AN ABSOLUTE MAJORITY in accordance with clause 9 of Schedule 2.2 of the Local Government Act 1995 PROPOSES to the Local Government Advisory Board that:*
 - 1.1 *an Order be made under section 2.2(1)(c) of the Local Government Act 1995 to change the ward boundaries of the City of Joondalup North Ward and North-Central Ward, by transferring the suburb of Connolly from the North Ward to the North-Central Ward as detailed in Attachment 2 of Report CJ246-12/13;*
 - 1.2 *the changes in part 1.1 above be implemented from the 2015 ordinary Local Government Elections;*
 - 1.3 *no change occurs to the councillor representation levels for the City's wards and that all councillors will continue to represent their respective wards and that their terms continue in line with their relevant Local Government Election result;*
- 2 *NOTES a further review of its ward boundaries, ward names and councillor representation levels may need to occur before the next eight year statutory review is required in 2021;*
- 3 *FORWARDS its decision, and the City's Final Report as detailed in Attachment 3 to Report CJ246-12/13, to the Local Government Advisory Board for its consideration.*

BACKGROUND

The City of Joondalup was established by virtue of the *Joondalup and Wanneroo Order 1998* which came into operation as of 1 July 1998. The order created two new local governments, the City of Joondalup and the now City of Wanneroo. At that time, the City of Joondalup was established without a ward system.

On 27 August 1999 a seven ward system for the City was agreed to, with the wards being named as follows:

- North Coastal.
- Marina.
- Whitfords.
- South Coastal.
- Pinnaroo.
- South.
- Lakeside.

Schedule 2.2 of the *Local Government Act 1995* (the Act) requires all local governments to carry out reviews of their ward boundaries and the number of councillors for each ward, so that no more than eight years elapse between successive reviews.

In 2005 the City conducted a review of its ward names, boundaries and councillor representation levels. At its meeting held on 13 December 2005 (C73-12/05 refers), Council recommended to the Local Government Advisory Board that an order be made to:

- abolish the seven ward system and divide the City of Joondalup district into six wards
- name the new six wards as:
 - North
 - North-Central
 - Central
 - South-West
 - South-East
 - South
- designate two Councillors for each of the new wards.

The Governor in Executive Council made the *District of the City of Joondalup (Change of Wards and Representation) Order 2006*, as published in the *Government Gazette* on 17 February 2006 putting into effect Council's recommendations after the 2006 Local Government Election. This ward structure and level of councillor representation levels has remained in place since that time.

Schedule 2.2 of the Act requires all local governments to carry out reviews of their ward boundaries and councillor representation levels for each ward, so that no more than eight years elapse between successive reviews. As the last review occurred and was reported to Council at its meeting held on 13 December 2005 (C73-12/05 refers), Council is legislatively required to undertake a review before 13 December 2013.

In conducting a review, the Act states a local government is to have regard to factors such as:

- community of interests
- physical and topographic features
- demographic trends
- economic factors
- the ratio of councillors to electors in the various wards.

At its meeting held on 27 May 2013 (CJ073-05/13 refers) Council endorsed the commencement of the formal review through the adoption of a discussion paper that was released for public comment. The discussion paper detailed the various factors detailed above and provided several ward boundary options for consideration and to promote discussion. Any advantages and disadvantages of changing ward boundaries or councillor representation levels based on the above criteria and other considerations were also provided within the discussion paper (Attachment 1 refers).

The City publicly advertised the discussion paper for a six week comment period through:

- local public notices placed in the *Joondalup Weekender*
- public notices on the notice boards at the City's Administration Building, customer service centres and all City libraries
- a public notice on the City's website.

The discussion paper was made available at all customer service centres and the City's libraries. Letters were also sent to each ratepayer and resident association within the City of Joondalup inviting comments and submissions on the discussion paper. At the close of the comment period five comments were received.

DETAILSRatio of councillors to electors

The Local Government Advisory Board considers that the ratio of councillors to electors is always significant in determining a review of ward boundaries. It is expected that a local government will have similar ratios of councillors to electors across the wards of its district thereby ensuring that there is equity across the electorate in respect to councillor representation.

The former Minister for Local Government previously indicated that he would not consider changes to ward boundaries and representation levels that result in councillor/elector ratios that are greater than plus/minus 10% of the average councillor/elector ratio for the local government, and this has been the consistent position of the Local Government Advisory Board.

The current average ratio of councillors to electors across the district is one councillor to every 8,751 electors. Based on the 2011 elector figures, the councillor/elector ratio for each of the City's wards is detailed below:

Ward Suburb (Electors)	Number of Electors	Number of Councillors	Councillor : Elector Ratio	% Ratio Deviation
North Burns Beach (756) Connolly (2,499) Currambine (4,089) Iluka (2,866) Joondalup (5,166) Kinross (4,128) Silent (346)	19,850	2	1 : 9,925	- 13.41%
North-Central - Edgewater (3,103) Heathridge (4,475) Mullaloo (4,026) Ocean Reef (5,479) Silent (209)	17,292	2	1 : 8,646	1.20%
Central - Beldon (2,643) Craigie (3,719) Kallaroo (3,639) Woodvale (6,512) Silent (213)	16,726	2	1 : 8,363	4.43%
South-West - Hillarys (7,446) Padbury (5,662) Sorrento (5,530) Silent (235)	18,873	2	1 : 9,436	- 7.83%
South-East - Greenwood (6837) Kingsley (9628) Silent (164)	16,629	2	1 : 8,314	4.99%
South - Dun Craig (11,049) Marmion (1,647) Warwick (2,789) Silent (157)	15,642	2	1 : 7,821	10.63%
Total	105,012	12	1 : 8,751	

As detailed above, only the North and South wards do not currently fall within the plus/minus 10% guideline (-13.41% and 10.63% respectively). Currently the North-Central, Central, South-West and South-East wards currently fall within the tolerance levels set by the former Minister.

As it is not possible at this time to accurately reflect elector growth throughout the district due to various demographic and enrolment uncertainties, the following table demonstrates the possible elector numbers in the City's Wards as of 2021 based on Australian Bureau of Statistic population estimates as well as current population to elector ratios for each suburb in 2011:

Ward	Suburb (No. Electors)	No. Electors	No. Councillors	Councillor : Elector Ratio	% Ratio Deviation
North Ward	Burns Beach (2,432) Connolly (2,599) Currambine (4,537) Iluka (3,642) Joondalup (6,075) Kinross (3,932) Silent (346)	23,563	2	1 : 11,782	- 27.10%
North-Central Ward	Edgewater (2,132) Heathridge (4,625) Mullaloo (4,161) Ocean Reef (5,786) Silent (209)	16,913	2	1 : 8,457	8.77%
Central Ward	Beldon (2,732) Craigie (4,252) Kallaroo (3,782) Woodvale (6,361) Silent (213)	17,340	2	1 : 8,670	6.47%
South-West Ward	Hillarys (7,683) Padbury (5,843) Sorrento (5,790) Silent (235)	19,551	2	1 : 9,776	-5.46%
South-East Ward	Greenwood (7,342) Kingsley (9,836) Silent (164)	17,342	2	1 : 8,671	6.46%
South Ward	Duncraig (11,600) Marmion (1,748) Warwick (3,022) Silent (157)	16,527	2	1 : 8,264	10.85%
Total		111,236	12	1 : 9,270	

Based on the above and the direction of the former Minister in respect to the desired councillor/elector ratio deviation, the City's ward are in the main within the required tolerance levels however an adjustment to the City's North Ward boundary is required. The Local Government Advisory Board may consider deviations greater than plus or minus 10% of the ratio of councillors to electors if the City can justify exceptional circumstances and presents arguments accordingly.

Public submissions on the discussion paper

At the close of the public submission period, four submissions were received from private individuals and one resident association and the details of the submission are included in the Final report to be submitted to the Local Government Advisory Board (Attachment 3 refers). An assessment of the submissions is as follows:

Discussion Paper Options	Support	Not support	Unsure
Option 1 (current structure)	3 (60%)		2 (40%)
Option 2 (current structure moving Connolly from North Ward to North-Central Ward)	3 (60%)	1 (20%)	1 (20%)
Option 3 (six new wards, two Councillors per ward)	3 (60%)	2 (40%)	
Option 4 (three new wards, four councillors per ward)		5 (100%)	
Option 5 (three new wards, four councillors per ward)		5 (100%)	
Option 6 (four new wards, three councillors per ward)		5 (100%)	
Option 7 (no wards)		5 (100%)	
Maintain Councillor representation levels	5 (100%)		
Retain Ward names	4 (80%)	1 (20%)	

The above table demonstrates, of the submissions received, there was support for options 1, 2 and 3 (60%). Options 4, 5, 6 and 7 were not considered viable options from those who made a submission.

The level of councillor representation was overwhelmingly supported (100%) and the retention of the current ward names was strongly supported (80%).

Formal assessment of presented options

Option 1, (the current ward system) is not considered a viable option that will be acceptable to the Local Government Advisory Board due to the imbalance in councillor/elector representation which is expected to worsen at the time of the next review. Strengths and weaknesses of the options presented in the discussion paper, as well as a possible alternate option (Option 3a) is presented in the Final Report prepared for the Local Government Advisory Board (see Attachment 3).

Of the options presented in the discussion paper, Option 2 (transferring the suburb of Connolly from the North Ward to the North-Central Ward) appears to be the best option in view of the formal assessment factors, potential population growth that may affect councillor/elector ratios and the views obtained from the community through the public consultation process.

While it is difficult to anticipate future elector number based on a number of population and elector uncertainties, the City has identified the possible future councillor/elector ratio for this option at the time of the next review (2021) as follows:

Ward	Suburb	Est. 2021 Pop.	Est. 2021 Electors	No. Electors Ward (2021)	Councillor : Elector Ratio (2021)	% Ratio Deviation (2021)
1	Burns Beach	5,175	2,432	20,618	1 : 10,309	-12.5%
	Currambine	7,512	4,537			
	Iluka	5,790	3,642			
	Joondalup	10,829	6,075			
	Kinross	6,839	3,932			
2	Connolly	3,756	2,599	19,303	1 : 9,652	-5.4%
	Edgewater	4,810	2,132			
	Heathridge	7,029	4,625			
	Mullaloo	6,048	4,161			
	Ocean Reef	8,546	5,786			
3	Beldon	4,115	2,732	17,127	1 : 8,563	6.5%
	Craigie	6,384	4,252			
	Kallaroo	5,349	3,782			
	Woodvale	8,984	6,361			
4	Hillarys	11,007	7,683	19,316	1 : 9,658	-5.4%
	Padbury	8,632	5,843			
	Sorrento	7,751	5,790			
5	Duncraig	15,740	11,600	16,370	1 : 8,185	10.6%
	Marmion	2,273	1,748			
	Warwick	4,128	3,022			
6	Greenwood	10,312	7,342	17,178	1 : 8,589	6.2%
	Kingsley	13,511	9,836			
Total		164,520	109,912	109,912	1 : 9,159	

This option presents a range of advantages and disadvantages in respect of the formal assessment factors as well as other matters Council and the Local Government Advisory Board should consider in respect of any formal review. However on balance this option, being a slight change to the existing ward structure, allows the City to gain some equality in representation levels across its wards into the future.

Issues and options considered

The discussion paper (Attachment 1 refers) was developed to assist the community in formulating ideas and comments on the review as well as clarify the matters and factors that are required when a local government undertakes a formal review of its ward boundaries and councillor representation levels.

The discussion paper outlined several options, which were developed by way of example to encourage discussion. The City did not promoting any particular option, and the community were able to suggest alternative options for Council's consideration.

Council can:

- create new wards in a district already divided into wards
- change the boundaries of a ward or wards
- abolish any or all of the wards into which the district is divided
- change the names of wards
- change the number of offices of councillor on Council
- specify or change the number of offices of councillor per ward.

Following an assessment of the public comments received, a number of options have been formulated and are detailed in the Final Report to the Local Government Advisory Board (Attachment 3 refers). Considering the options presented, or other options the City should consider, Council must have regard to the following factors:

- Community of interests.
- Physical and topographic features.
- Demographic trends.
- Economic factors.
- The ratio of councillors to electors in the various wards.

Should Council decide to implement a new ward and representation structure, it can choose whether to re-allocate continuing councillors to the new wards or have a complete spill of positions at the next election, when the new structure will be implemented.

If Council opts to reallocate continuing councillors to new wards it needs to keep in mind that clauses 2 and 3 of Schedule 4.2 of the *Local Government Act 1995* states as near as practical to half of the total number of councillors are to retire every two years and as near as practical to half of councillors representing each ward are to retire every two years.

In accordance with section 2.19(3) of the *Local Government Act 1995* a councillor does not have to be an elector of a ward to be a councillor of that ward. In this regard and should a new structure be implemented that is substantially different to the existing structure, an indication of which councillors should be allocated to a respective ward, may need to be determined.

Legislation / Strategic Community Plan / policy implications

Legislation *Local Government Act 1995.*

Strategic Community Plan

Key theme Governance and Leadership.

Objective Effective representation.

Strategic initiative Not applicable.

Policy Not applicable.

Clauses 6 through 9 of Schedule 2.2 of the *Local Government Act 1995* requires a local government to carry out a review of its ward boundaries and number of offices of councillor for each ward at least once every eight years.

The proposed review only applies to ward boundaries, names of wards and the representation levels of councillors per ward, not how the Mayor is elected or any such change to the method of electing a Mayor. Any change to the method of filling the Office of Mayor is a separate process under the *Local Government Act 1995* and therefore will not change should Council determine to alter ward boundaries or councillor representation levels as an outcome of the review.

Risk management considerations

Should Council not undertake a review of its ward boundaries and councillor representation levels, it will be in contravention of the requirements of the *Local Government Act 1995*.

Financial/budget implications

Any consultation process and the preparation of a discussion paper will be included within the City's current operational budget. The Local Government Advisory Board may recover the amount of costs connected to any inquiry of the board from the local government.

Regional significance

Ensuring that there is an acceptable ratio of councillor to elector representation has significance for the region to ensure an appropriate level of community representation at the local government level.

Sustainability implications

The review of ward boundaries and councillor representation across the City of Joondalup will:

- attempt to provide a fair and equitable representation for the electors of the district
- ensure that the correct level of representation will assist individual Elected Members performing their role under section 2.10 of the *Local Government Act 1995*
- aid in the ability of Council to provide good government for the people in the City of Joondalup district.

Consultation

The review process involves a number of steps:

- Council resolves to undertake the review.
- Public submission period opens.
- Discussion paper provided to the community to generate comment.
- Public submission period closes.
- Council considers all submissions and relevant factors and makes a decision.
- Council submits a report to the Local Government Advisory Board for its consideration.
- The Local Government Advisory Board submits a recommendation to the Minister for Local Government (if any change is proposed by Council).

The *Local Government Act 1995* requires that any review is advertised for a six week public comment period. To aid discussion and feedback from the community, a discussion paper was developed (Attachment 1 refers). Public consultation included:

- notices in the Joondalup Community newspapers
- notices on the all public notice boards at the City's Customer Service Centres, libraries and recreation centres
- notices on the City's website
- letter to ratepayer groups and associations within the City's district inviting comment on the proposal.

Any changes recommended by the Local Government Advisory Board to the Minister for Local Government and approved by the Governor, will be in place from the 2015 Local Government Elections.

COMMENT

The purpose of the review is to evaluate the current arrangements and consider other options to find the system of representation that best reflects the characteristics of the City of Joondalup district and the desires of the City of Joondalup community. Any of the following may be considered:

- Creating new wards in a district already divided into wards.
- Changing the boundaries of a ward.
- Abolishing any or all the wards into which the district is divided.
- Changing the name of a district or ward.
- Changing the number of offices of councillor on Council.
- Specifying or changing the number of offices of councillor for a ward.

The City of Joondalup Council has formally resolved that the number of councillors for the City of Joondalup Council be retained at 12, with a Mayor being elected by the City of Joondalup electors (C52-06/09 of 16 June 2009 and CJ175-08/09 of 18 August 2009 refer). In this regard the starting point for the review was to maintain that current level of councillor representation across the district. It is not considered that changing the name of the City's wards is required at this time, as their current descriptors allows some recognition of their geographical location in proximity to the entire City of Joondalup district and are known to the community.

The City's current ward structure, and representation levels, has served the City and its community well. Mass or dramatic change to its ward structure therefore is not considered appropriate and to be in the best interests of the City's community. Notwithstanding some change is required to retain balanced representation across its ward system, especially in the North Ward, where the current under-representation is likely to worsen as the North Ward suburbs continue to grow.

Relevant to future ward reviews, Council, at its meeting held on 16 April 2013 (CJ044-04/13 refers), resolved to adopt the draft *Local Housing Strategy* (LHS) which has now been formally endorsed by the Western Australian Planning Commission. The purpose of the LHS is to provide a firm rationale for determining future housing needs within the City of Joondalup. The LHS will provide a context for the preparation of the new Local Planning Scheme in respect of the residential development and density provisions to be contained in the new scheme and associated policies.

A principal recommendation of the LHS is to introduce Housing Opportunity Areas (HOAs) being areas suitable for higher residential densities. These HOAs are located at strategic catchment areas throughout the City of Joondalup district and will potentially see, over time, greater housing choice and dwelling numbers, and therefore population and elector growth.

However such growth is not anticipated to occur in the immediate future and will require various planning mechanisms to be put into place, as well as an appropriate take-up of development opportunities from relevant property owners. At the time of the next review, the housing growth in the City's HOAs may become evident and therefore the results of this take-up, needs to be monitored and understood before substantial change to the City's ward structure is undertaken. In this regard a formal ward review may need to be undertaken again and before the next statutory review is formally required (2021) when the City's development potential and therefore population increase is known.

In view of this, it is considered appropriate to undertake a slight change to the boundary of the North and North-Central Ward, through the transfer of the suburb of Connolly from the North Ward to the North-Central Ward (as detailed in Option 2 and as per the map in Attachment 2). Although, based on 2011 statistics, this would create an under-representation in the North-Central Ward of -13.32%, it is anticipated that with minor population/elector growth throughout the district in the future, this under-representation will decline towards the required tolerance level.

One of the key principles for the review is the City's preference to keep entire suburbs within ward boundaries, thereby supporting the formal review factors of community of interest and physical and topographical features. Considering the difficulty in achieving balanced representation across all wards based on this principle, it is hoped that any +/- deviances will be acceptable to the Local Government Advisory Board.

It is not suggested that the councillor representation levels in the City's current wards change and therefore current sitting Elected Members will continue their terms as per their Local Government Election results.

VOTING REQUIREMENTS

Absolute Majority.

MOVED Mayor Pickard, SECONDED Cr Taylor that Council:

- 1 BY AN ABSOLUTE MAJORITY in accordance with clause 9 of Schedule 2.2 of the *Local Government Act 1995* PROPOSES to the Local Government Advisory Board that:**
 - 1.1 an Order be made under section 2.2(1)(c) of the *Local Government Act 1995* to change the ward boundaries of the City of Joondalup North Ward and North-Central Ward, by transferring the suburb of Connolly from the North Ward to the North-Central Ward as detailed in Attachment 2 to Report CJ246-12/13;**
 - 1.2 the changes in Part 1.1 above be implemented from the 2015 ordinary Local Government Elections;**

- 1.3 no change occurs to the councillor representation levels for the City's wards and that all councillors will continue to represent their respective wards and that their terms continue in line with their relevant Local Government Election result;**
- 2 NOTES a further review of its ward boundaries, ward names and councillor representation levels may need to occur before the next eight year statutory review is required in 2021;**
- 3 FORWARDS its decision, and the City's Final Report as detailed in Attachment 4 to Report CJ246-12/13, to the Local Government Advisory Board for its consideration.**

The Motion was Put and

CARRIED (13/0)

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

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf031213.pdf](#)

CJ247-12/13 LIST OF PAYMENTS MADE DURING THE MONTH OF OCTOBER 2013

WARD	All	
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services	
FILE NUMBER	09882, 101515	
ATTACHMENT	Attachment 1	Chief Executive Officer's Delegated Municipal Payment List for the month of October 2013
	Attachment 2	Chief Executive Officer's Delegated Trust Payment List for the month of October 2013
	Attachment 3	Municipal and Trust Fund Vouchers for the month of October 2013
AUTHORITY / DISCRETION	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 October 2013.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of October 2013 totalling \$15,957,234.28.

It is recommended that Council NOTES the Chief Executive Officer's list of accounts for October 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 CJ247-12/13, totalling \$15,957,234.28.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of October 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 - 96757 - 97040 & EF034653 - EF035233	\$9,748,290.07
	Net of cancelled payments Vouchers 1179A - 1181A ,1183A, 1187A - 1191A	\$6,170,293.76
Trust Account	Trust Cheques 205906 - 205990 Net of cancelled payments	\$38,650.45
Total		\$15,957,234.28

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 Hamilton-Prime, **SECONDED** Cr Amphlett that Council **NOTES** the Chief Executive Officer's list of accounts for October 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 CJ247-12/13, totalling \$15,957,234.28.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ252-12/13, page 185 refers.

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

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf031213.pdf](#)

CJ248-12/13 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 OCTOBER 2013

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	07882, 101515
ATTACHMENT	Attachment 1 Financial Activity Statement for the period ended 31 October 2013
AUTHORITY / DISCRETION	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 October 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 October 2013 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$3,090,294 for the period when compared to the 2013-14 Adopted Budget.

The variance can be summarised as follows:

The operating surplus is \$3,289,275 higher than budget, made up of higher operating revenue of \$665,731 and lower operating expenditure of \$2,623,545.

Operating revenue is below budget on Grants and Subsidies \$631,569, Specified Area Rates \$8,056, Other Revenue \$1,872 and Contributions, Reimbursements and Donations \$985. This is offset by higher revenues on Rates \$351,404, Profit on Asset Disposal \$598,585, Fees and Charges \$231,132 and Interest Earnings \$127,091.

Operating expenditure is below budget on Materials and Contracts \$1,655,956, Depreciation \$580,423, Utilities \$185,346, Employee Costs \$274,643 and Interest Expenses \$1,752. This is partially offset by Loss on Asset Disposal \$60,652 and Insurance Expenses \$13,923.

The Capital Deficit is \$782,406 below budget primarily due to higher revenue from Capital Contributions \$1,376,818 and Capital Grants and Subsidies \$495,589, as well as lower than budgeted expenditure on Capital Projects \$712,287 and Motor Vehicle Replacement \$847,755. This is partially offset by higher expenditure on Capital Works \$2,068,766 and Tamala Park Development Costs \$581,278.

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

It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 October 2013 forming Attachment 1 to Report CJ248-12/13.

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 October 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 Hamilton-Prime, **SECONDED** Cr Amphlett that Council **NOTES** the Financial Activity Statement for the period ended 31 October 2013 forming Attachment 1 to Report CJ248-12/13.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ252-12/13, page 185 refers.

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

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19brf031213.pdf](#)

CJ249-12/13 TENDER 033/13 - MAINTENANCE AND SUPPLY OF ORNAMENTAL STREET LIGHTS

WARD	North, North-Central and South-West	
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services	
FILE NUMBER	103510, 101515	
ATTACHMENT	Attachment 1	Schedule of Items
	Attachment 2	Summary of Tender Submissions
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.	

PURPOSE

For Council to accept the tender submitted by EAMCO Pty Ltd trading as EOS Electrical for the maintenance and supply of ornamental street lights.

EXECUTIVE SUMMARY

Tenders were advertised on 28 September 2013 through statewide public notice for the maintenance and supply of ornamental street lights for a one year with a further two twelve-month optional extensions. Tenders closed on 22 October 2013. Submissions were received from the following:

- AICA Engineering Pty Ltd trading as AICA Engineering.
- EAMCO Pty Ltd trading as EOS Electrical.
- The Trustee for B&M Unit Trust trading as High Speed Electrics.
- Shine Rise Pty Ltd trading as Alltech Electrical and Data Services.
- BGM Industries Pty Ltd.
- Stiles Electrical and Communication Services Pty Ltd trading as Stiles Electrical Services.

The submission from EAMCO Pty Ltd trading as EOS Electrical represents best value to the City. The company demonstrated a sound understanding and appreciation of the City requirements. It has industry experience and proven capacity to provide the services to the City. EOS Electrical is currently providing similar services to the Cities of Perth and Armadale.

It is therefore recommended that Council ACCEPTS the tender submitted by EAMCO Pty Ltd trading as EOS Electrical for the maintenance and supply of ornamental street lights as specified in Tender 033/13 for a period of one year with two further 12 month optional extensions at the submitted fixed lump sum and schedule of rates, with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.

BACKGROUND

The City has a requirement for the maintenance and supply of ornamental street lights in Joondalup City Centre, Beaumaris Beach Estate Iluka, Harbour Rise Estate Hillarys and Ocean Reef Road between Hodges Drive and Shenton Avenue.

The City currently has a single contract for the maintenance and supply of ornamental street lights with High Speed Electrics which will expire on 31 December 2013.

High Speed Electrics has generally performed to a satisfactory level throughout the term of its contract with some minor issues involving invoicing and the updating and timely submission of reports.

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

DETAILS

The tender for the maintenance and supply of ornamental street lights was advertised through statewide public notice on 28 September 2013. The tender period was for three weeks and tenders closed on 22 October 2013.

Tender Submissions

A submission was received from the following:

- AICA Engineering Pty Ltd trading as AICA Engineering.
- EAMCO Pty Ltd trading as EOS Electrical.
- The Trustee for B&M Unit Trust trading as High Speed Electrics.
- Shine Rise Pty Ltd trading as Alltech Electrical and Data Services.
- BGM Industries Pty Ltd.
- Stiles Electrical and Communication Services Pty Ltd trading as Stiles Electrical Services.

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

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

Evaluation Panel

The evaluation panel comprised of four members:

- One with tender and contract preparation skills.
- Three with the appropriate operational expertise and involvement in supervising the contract.

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

Compliance Assessment

All offers received were assessed as fully compliant.

Qualitative Assessment

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

AICA Engineering scored 24.5% and was ranked sixth in the qualitative assessment. The submission was brief and did not provide sufficient information addressing its experience in street lighting maintenance, the capacity to provide the services or any understanding of the City requirements.

BGM Industries Pty Ltd scored 29.9% and was ranked fifth in the qualitative assessment. It demonstrated some understanding of the required tasks but did not demonstrate the capacity and experience to provide the required services. The submission did not include the company's safety management policy, safety statistics, details of its support team and after-hours contacts.

High Speed Electrics scored 46.8% and was ranked fourth in the qualitative assessment. The company has the capacity to provide the required services but did not supply its safety statistics. The company is the City's current contractor for the maintenance and supply of ornamental street lights, however it did not provide a satisfactory response demonstrating its understanding of the City's requirements. The company has demonstrated experience in providing similar services to local governments which include the Cities of Perth and Joondalup.

Alltech Electrical and Data Services scored 55.3% and was ranked third in the qualitative assessment. The company has some experience in providing similar services as a sub-contractor to the City of Perth. It demonstrated an understanding of the requirements and capacity to provide the required services but did not provide its safety records.

EOS Electrical scored 60.1% and was ranked second in the qualitative assessment. The company has experience in providing street light maintenance services to local governments and is currently providing similar services to the Cities of Perth and Armadale. It demonstrated a sound understanding of the requirements and capacity to provide the required services.

Stiles Electrical Services scored 73.9% and was ranked first in the qualitative assessment. The company demonstrated a thorough understanding and appreciation of the City requirements. It has extensive industry experience and provided similar services to the City of Perth, Scott Construction and Mako Group. The company is well resourced with proven capacity to provide the services to the City.

Price Assessment

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

To provide a comparison of the rates offered by each tenderer, the 33 most commonly used items were identified and used in the calculation. The following table provides a summary of the comparison of the estimated expenditure of each tenderer. Any future mix of requirements will be based on demand and subject to change in accordance with operational needs of the City.

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

Tenderer	Year 1	Year 2	Year 3	Total
EOS Electrical	\$ 254,606	\$ 262,245	\$ 270,112	\$ 786,963
Alltech Electrical & Data Services	\$ 290,665	\$ 299,385	\$ 308,366	\$ 898,416
High Speed Electrics	\$ 297,090	\$ 306,003	\$ 315,183	\$ 918,275
Stiles Electrical Services	\$ 300,353	\$ 309,364	\$ 318,644	\$ 928,361
BGM Industries Pty Ltd	\$ 459,146	\$ 472,920	\$ 487,107	\$1,419,173
AICA Engineering	\$2,034,650	\$2,095,690	\$2,158,560	\$6,288,900

During the last financial year 2012-13, the City incurred \$314,250 for the maintenance and supply of ornamental street lights and is expected to incur in the order of \$800,000 over the three year contract period should the extension options be exercised.

Evaluation Summary

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

Tenderer	Estimated Year 1 Contract Price	Estimated Total Contract Price	Price Ranking	Weighted Percentage Score	Qualitative Ranking
Stiles Electrical Services	\$300,353	\$928,361	4	73.9%	1
EOS Electrical	\$254,606	\$786,963	1	60.1%	2
Alltech Electrical & Data Services	\$290,665	\$898,416	2	55.3%	3
High Speed Electrics	\$297,090	\$918,275	3	46.8%	4
BGM Industries Pty Ltd	\$459,146	\$1,419,173	5	29.9%	5
AICA Engineering	\$2,034,650	\$6,288,900	6	24.5%	6

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

Issues and options considered

The City has a requirement for the maintenance and supply of ornamental street lights. The City does not have the internal resources to provide the required goods and services and requires an appropriate external contractor to undertake the works.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key theme Community Wellbeing.

Objective Quality facilities.

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

Policy Not applicable.

Risk management considerations

Should the contract not proceed, the risk to the City will be high as this may lead to unsafe road and path conditions for users within Joondalup City Centre and other specified areas.

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

Financial/budget implications

Account Code 632 R3135/6/7 3359 000.

Budget Item Maintenance and supply of ornamental street lights.

Estimated Budget amount (2013-14) \$ 340,000

Amount spent to date (2013-14) \$ 115,200

Proposed cost (2013-14) \$ 150,343

Balance \$ 74,457

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Hamilton-Prime, **SECONDED** Cr Amphlett that Council **ACCEPTS** the tender submitted by EAMCO Pty Ltd trading as EOS Electrical for the maintenance and supply of ornamental street lights as specified in Tender 033/13 for a period of one year with two further 12 month optional extensions at the submitted fixed lump sum and schedule of rates, with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ252-12/13, page 185 refers.

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

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20brf031213.pdf](#)

Disclosures of interest affecting impartiality

Name/Position	Mayor Troy Pickard.
Item No./Subject	CJ250-12/13 - West Perth Football Club Inc. Sponsorship Proposal.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mayor Pickard is a Vice Patron of the West Perth Football Club and Mr Raponi (West Perth Football Club President) donated to Mayor Pickard's 2013 Mayoral Campaign which has been disclosed in accordance with <i>Local Government Election Regulations</i> .

Name/Position	Cr Brian Corr.
Item No./Subject	CJ250-12/13 - West Perth Football Club Inc. Sponsorship Proposal.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Corr attended a function earlier in the year as a guest of the West Perth Football Club.

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	CJ250-12/13 - West Perth Football Club Inc. Sponsorship Proposal.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mr Hunt's nephew is a player with the West Perth Football Club.

CJ250-12/13 WEST PERTH FOOTBALL CLUB INC. SPONSORSHIP PROPOSAL

WARD	North
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	103367, 101515
ATTACHMENT	Attachment 1 West Perth Football Club Inc. Sponsorship Proposal
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider a request by the West Perth Football Club Inc. (the Club) for the City to continue its sponsorship of the club and to increase the level of funding support from \$25,000 (excluding GST) per annum to \$50,000 (excluding GST) per annum for the next three years (2014-16).

EXECUTIVE SUMMARY

For the past eight years (2006-2013), the City has been a major sponsor of the West Perth Football Club. The City sponsored the club to the value of \$20,000 (excluding GST) from 2006 to 2010 and increased its sponsorship support to \$25,000 (excluding GST) from 2011 to 2013.

West Perth Football Club has stated in its October 2013 sponsorship proposal and in its recent annual reports that the City's financial support over the past eight years has been crucial to the operational viability of the club.

In its new sponsorship proposal, the club has requested that the City consider increasing its sponsorship funding from \$25,000 (excluding GST) per annum to \$50,000 (excluding GST) per annum for the next three years (2014-2016). This request represents a significant increase in financial support and the sponsorship proposal specifically outlines that this City funding would be used in the delivery of the club's "many and varied community projects".

The club runs a significant number of community-based development programs at local primary and secondary schools designed to increase football participation. In the past three years, West Perth Football Club has increased its expenditure on community-based projects, programs and junior development by \$40,000 to \$200,000 per annum.

The sponsorship proposal (Attachment 1 refers) also outlines in detail a number of new community-based programs and events that the club is implementing as part of its commitment to developing AFL in the local community and these are included in.

As an active and high-profile sporting organisation in WA, West Perth Football Club is able to offer the City a number of marketing opportunities to promote its brand, services and programs as a major sponsor. The club has included a number of new promotional benefits as part of its new sponsorship proposal (Attachment 1 refers).

An on-going issue during the City's previous sponsorship agreements with West Perth Football Club has been changing the club's name to better reflect its home in Joondalup.

This issue has not been addressed in the new sponsorship proposal, but earlier this year the club publicly stated that any move to change its name would need the support of its Board and membership base.

After assessing the West Perth Football Club's new sponsorship proposal, it is evident that the club has a strategic long-term plan to significantly increase its community-based development programs and events to improve its links with the local community through primary and secondary schools and junior and senior football clubs.

With improved marketing and promotional benefits available to the City as a major sponsor, entering into a new three-year sponsorship agreement with the club is supported but not at the level of \$50,000 (excluding GST) per annum, which is double the funding the City has provided the club over the past three years.

Providing sponsorship of \$40,000 (excluding GST) per annum over three years is a more appropriate level of funding considering the club's proposal and the benefits it will deliver to the community and the City.

It is therefore recommended that Council AGREES to the West Perth Football Club Inc. sponsorship proposal forming Attachment 1 to Report CJ250-12/13 for a three year period commencing in 2014 to 2016 at a cost of \$40,000 excluding GST per annum subject to:

- 1 annual reviews being undertaken by the City to ensure enhanced community development opportunities and promotional opportunities are being maximised;*
- 2 West Perth Football Club Inc. remaining within the City of Joondalup;*
- 3 West Perth Football Club providing a sponsorship report by December each year outlining how all agreed benefits were met.*

BACKGROUND

West Perth Football Club, established in 1885, relocated from its home at Leederville Oval to Arena Joondalup in 1994.

Its tenure at the Arena, which is owned by the State Government and managed by VenuesWest, is a different situation compared with the other eight WAFL clubs. All other clubs in the WAFL have exclusive-use arrangements (mostly facility leases) with their local government authorities.

Since October 2001, the City has been involved in ongoing negotiations between West Perth Football Club and VenuesWest, the owner of Arena Joondalup, regarding tenure arrangements and opportunities for the City to provide assistance to the club.

Since 2001, the City has provided ongoing support to the club, initially through the community sports development funding program between 2001 and 2005.

The 2006-2013 sponsorship agreements were designed to provide West Perth Football Club with longevity in the Joondalup region and financial assistance to ensure the club strengthened its community and business partnerships.

Over the past eight years of the previous sponsorship agreements, the City and West Perth Football Club has enjoyed a good working relationship.

The club has provided the following statistics to demonstrate its major achievements in supporting the local community over the past three years including increasing its expenditure on community development activities by \$40,000 to \$200,000 between 2010 and 2013:

- Increase in junior football participation to around 5,400 children annually, an increase of 9% per annum.
- Increase in senior football participation to 1,055 annually, an increase of 17% per annum.
- Increase in servicing of non-football schools – five targeted annually for extended football programs.
- Introduction of the annual West Perth Football Club Migrant Round home game and associated community events.
- Increase number of school-based visits to reach 65,000 students annually.

- Securing funding from State Government/City of Joondalup that will enable Arena Joondalup to become the premier WAFL facility and the only WAFL venue to achieve AFL facility standards.
- Creation of an Indigenous welfare and player development program.
- Retention of a senior squad with 72% of players from the local district.

West Perth Football Club has provided excellent marketing and promotional opportunities for the City as a major sponsor and the club has also supported the City's Rates Prize Draw during this time, contributing free Platinum Memberships as part of prize packs.

Other local district sporting clubs such as the Joondalup Districts Cricket Club, Sorrento Soccer Club, Joondalup Brothers Rugby Union Club and Joondalup District Rugby League Club all use City-owned facilities and parks and reserves, which are subsidised and maintained by the City.

As the West Perth Football Club's home ground is based at Arena Joondalup, which is not owned by the City, it does not receive the same benefits.

Since 2006, the Club has not been eligible for any of the City's other funding programs as a result of its sponsorship agreements with the City.

Although the Council has recently committed to spending an amount not exceeding \$4 million for the proposed upgrade of Arena Joondalup (CJ164-08/13 refers), which will include new clubrooms and facilities for West Perth Football Club, the club believes this sponsorship request should be dealt with separately given it will be used exclusively to deliver community-development programs benefitting the region and marketing and promotional benefits for the City.

DETAILS

The club's new sponsorship proposal identifies a number of new and additional benefits it plans to provide to the community and the City in the years ahead as it looks for a partnership with the City that "becomes the benchmark across WA in how a local Council and sporting organisation should work together to achieve significant and meaningful community benefits".

Over the next three years, the club has budgeted for more expenditure on community-based programs to meet the following strategic community objectives, which are listed in the sponsorship proposal (Attachment 1 refers):

- Creation of the new club facilities at the Arena that will not only become the most advanced WAFL/community facilities, but will also entrench the future of the club in Joondalup.
- 90% of children in the district will receive annual exposure to Falcons football programs.
- 80% of the league squad will be made up of local district players.
- The Falcons Developing Leaders program will be created to encourage strong community mindedness from the club's emerging players.

The new sponsorship proposal outlines in detail a number of new community-based programs as part of the club's commitment to developing AFL in the community including a focus on junior participation, multicultural development, building the growth of the new women's youth team and the introduction of a new football program to encourage children aged between 18 months and five years of age to develop fundamental motor skills.

The club has stated that it intends to double its current \$200,000 expenditure on community programs in the next 18 months as it introduces a new and "unique expansive community servicing project in 2014" called Falcons ONE.

This joint project with the West Coast Eagles aims to use football as a means of cultural and social unification for the City's multi-culturally diverse demographic while promoting a healthy lifestyle. The club has stated that it will be a unique project that is designed to encourage Indigenous and first generation Australians to use both football and West Perth Football Club as a means of both integrating with the local community and developing a physical or social interest in sport.

To ensure West Perth Football Club meets its strategic goals as listed above, the club has outlined in its sponsorship proposal the following key community projects and new initiatives it plans to undertake:

- A full time Cultural Development Officer will be based at the club to support and nurture the development of the Falcons ONE project.
- To provide every naturalised "new Australian" within the region the opportunity to become a one-off joint Falcons/Eagles honorary membership pack that provides the person with free game entry to Falcons home games, footy merchandise, as well as invitations to free skills clinics and social functions.
- The creation of the Falcons Footy Fundamentals Program. A fundamental motor skills development program run in three age groups for children between 18 months and five years, which uses football as a means of developing basic motor skills in toddlers.
- To further grow and develop the annual West Perth Football Club Migrant Round home game which promotes multiculturalism in the region and involves a range of culturally diverse activities and events including food stalls at Arena Joondalup on game day.

Further information on the club's varied community development programs is included in the West Perth sponsorship proposal (Attachment 1 refers).

As an active and high profile sporting organisation in WA that regularly attracts more than 2,400 spectators to its home games at Arena Joondalup, sponsoring West Perth Football Club also offers the City a number of marketing opportunities to promote its brand, services and programs.

The Club has included a number of new marketing and promotional benefits for the City as part of its sponsorship proposal and these include:

- Naming rights to a major match held at Joondalup Arena.
- Naming rights to a Club award – City of Joondalup Clubman Award.

- The opportunity for the City to set up promotional stalls at all WAFL and AFL games played at Arena Joondalup.
- City of Joondalup portable vinyl banner (huddle banner) to be displayed during quarter time and three-quarter time at all senior WAFL games – home and away.
- Recognition/Signage option to be involved/invited at club events/programs/awards nights including Breckler Medal and Banquet Auction.
- City of Joondalup to receive a full-page advert in all West Perth Football Club publications and program booklets including the Year Book.
- City of Joondalup banners to be displayed during all West Perth Programs/club events.
- West Perth Football Club to provide interactive activities (where possible) at City summer events like the Joondalup Festival (29-30 March 2013). Activity to be discussed and agreed with the City.
- Opportunity for the City and West Perth Football Club to review calendar of events and create joint partnerships where applicable. This discussion to occur following the release of the WAFL fixtures in December each year.
- City of Joondalup acknowledgement on club's Messages on Hold. City to provide message.
- Cross promotion of City of Joondalup and West Perth Football Club events through active social media forums.

For a full list of the marketing and promotional opportunities the club has offered the City, see Attachment 1.

A recent example of the strength of the marketing and promotional benefits available to the City as a major sponsor of the club was evident at the WA Football League (WAFL) Grand Final in which West Perth Football Club won the 2013 Premiership. As a major sponsor, the City received significant brand exposure on the day, including media coverage on television and in state newspapers.

An increase in the City's sponsorship support of West Perth Football Club is deemed appropriate given the club's intention to significantly increase its expenditure on community-based programs that will provide benefits for the wider community and the increased marketing and promotional benefits available to the City under this new proposal.

Issues and options considered

The following options are available to the City in assessing the new sponsorship proposal from West Perth Football Club:

- Option 1 Sponsor West Perth Football Club for a three-year period at \$40,000 (excluding GST), per annum with regular reviews of the partnership agreement during every season to optimise marketing and promotional benefits for the City.

This is the recommended option as three year periods are the preferred length of time for significant City sponsorship agreements and the \$40,000 level of funding is appropriate based on the club's sponsorship proposal and the benefits it will deliver to the community and the City.

Option 2 Support the sponsorship proposal from West Perth Football Club as presented for a three-year period at \$50,000 (excluding GST), per annum with regular reviews of the partnership agreement during every season to optimise marketing and promotional benefits for the City.

This option is not recommended as this level of sponsorship support is double what the City has provided the club over the past three years and is not commensurate with the benefits that will be delivered to the community and the City as outlined in the club's proposal.

Option 3 Look at other funding alternatives to provide financial assistance to West Perth Football Club to ensure the club's long-term future in the City of Joondalup. The club could apply for funding under the City's Sports Development Program, which is designed to assist district level sporting clubs with programs, projects and events.

This funding is only available to sporting clubs every two years and will not meet the needs of West Perth Football Club, which is seeking annual financial support from the City.

Option 4 To reject the sponsorship proposal from the West Perth Football Club.

Not a preferred option as the club is a significant and important organisation within the structure of sport and recreation in the City and also within Western Australia. West Perth Football Club runs a significant number of community-based junior football development programs for local football clubs and primary and secondary schools and provides important marketing and promotional benefits for the City.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.
Economic Prosperity, Vibrancy and Growth.

Objective

- Community spirit.
- Destination City.

Strategic initiative

- Promote the sustainable management of local organisations and community groups.
- Support and facilitate the development of community leaders.
- Actively promote and sponsor significant events and activities

Policy Not applicable.

Risk management considerations

There are a number of potential risks that need to be considered in assessing this sponsorship proposal.

The City has a range of district level clubs that play a management role in the development of sport within the region and continuing a sponsorship agreement with West Perth Football Club could result in an increased number of sponsorship proposals or an increase in funding requested from other sporting clubs in the City.

However, as noted previously in this report, a majority of these district level sporting clubs currently receive a significant level of support from the City through annual ground maintenance, the subsidised use of parks and community facilities and other funding streams.

Should the Council decline the sponsorship proposal put forward by West Perth Football Club, the club may not be able to deliver the community development programs it currently holds with local primary and secondary schools and football clubs.

Financial/budget implications

The City has sufficient funds to support the recommended sponsorship agreement for the next three years (2014-2016).

Account no.	1.524.A5204.3293.0000
Budget Item	Sponsorship.
Budget amount	\$220,000
Amount spent to date	\$ 23,500
Proposed cost	\$ 40,000
Balance	\$156,500

All amounts quoted in this report are exclusive of GST.

Regional significance

West Perth Football Club is one of the highest profile community sporting organisations based within the City of Joondalup and within Western Australia.

West Perth Football Club undertakes numerous community development programs within the region and the club has a commitment to developing the profile of AFL in the City's culturally diverse demographic.

The City is the only local government in Western Australia to hold such a beneficial and close partnership with a WAFL Club. This partnership puts the City on par with other WAFL major sponsors which include high profile organisations such as QBE, Bendigo Bank, Coles Myer and Allianz. This unique partnership benefits both the City and the wider community.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The City has a co-ordinated approach to reviewing and assessing all sponsorship proposals. Proposals are assessed against the sponsorship eligibility and criteria and the direct benefits they provide to the community and the City.

The City has a strong focus of receiving value for money for all sponsorship agreements entered into and the West Perth Football Club sponsorship proposal delivers a mutually beneficial partnership that meets the City's sponsorship eligibility, criteria and expected benefits for an agreement of this level of funding support.

West Perth Football Club has over 2,800 club members, proving a strong membership base in the northern corridor of Perth and currently spends in excess of \$200,000 per annum on providing a wide range of community projects and programs in the local community following.

The club has a strategic plan to double its community spend in the next 18 months as it proposes to implement a number of new expansive community servicing projects.

The club's sponsorship proposal provides the City with the opportunity to engage and partner with an organisation that has a strong interest and commitment to developing sport and recreation in the region, whilst also attracting visitors, both locally and regionally, to the Joondalup City Centre.

The new sponsorship benefits will ensure that the City receives strong brand exposure and marketing and promotional opportunities at all West Perth Football Club games, events and functions.

As part of the new sponsorship agreement, West Perth Football Club will provide the City with a range of benefits and new opportunities like using the Club's junior development and promotional days as vehicles to advertise the City's many community programs, services and events.

If the recommended option is endorsed, the City would receive a quality range of benefits that enhance the development of sport in the region through supporting a local well-established WAFL club that delivers significant junior and multicultural community development programs for the benefit of the local community. Supporting and partnering with the West Perth Football Club provides a positive image of the City and its ability to provide financial assistance to attract regionally significant sporting organisations and events that will help promote Joondalup as an attractive destination.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council AGREES to the West Perth Football Club Inc. sponsorship proposal forming Attachment 1 to Report CJ250-12/13 for a three year period commencing in 2014 at a cost of \$40,000 excluding GST per annum subject to:

- 1 annual reviews being undertaken by the City to ensure enhanced community development opportunities and promotional opportunities are being maximised;
- 2 West Perth Football Club Inc. remaining within the City of Joondalup;
- 3 West Perth Football Club providing a sponsorship report by December each year outlining how all agreed benefits were met.

MOVED Cr Amphlett, SECONDED Cr Ritchie that Council:

- 1 **AGREES to the West Perth Football Club Inc. sponsorship proposal forming Attachment 1 to Report CJ250-12/13 for a three year period commencing in 2014 at a cost of \$40,000 excluding GST per annum subject to:**
 - 1.1 **annual reviews being undertaken by the City to ensure enhanced community development opportunities and promotional opportunities are being maximised;**
 - 1.2 **West Perth Football Club Inc. remaining within the City of Joondalup;**
 - 1.3 **West Perth Football Club providing a sponsorship report by December each year outlining how all agreed benefits were met;**
- 2 **ADVISES the West Perth Football Club Inc. that the City will not enter into any further sponsorship agreements with the West Perth Football Club after the agreement in Part 1 above expires, unless the Club has changed its name to better reflect its location and home at Arena Joondalup.**

It was requested that Part 2 of the Motion be voted upon separately.

MOVED Cr Amphlett, SECONDED Cr Ritchie that Council:

- 1 **AGREES to the West Perth Football Club Inc. sponsorship proposal forming Attachment 1 to Report CJ250-12/13 for a three year period commencing in 2014 at a cost of \$40,000 excluding GST per annum subject to:**
 - 1.1 **annual reviews being undertaken by the City to ensure enhanced community development opportunities and promotional opportunities are being maximised;**
 - 1.2 **West Perth Football Club Inc. remaining within the City of Joondalup;**
 - 1.3 **West Perth Football Club providing a sponsorship report by December each year outlining how all agreed benefits were met.**

The Motion was Put and

CARRIED (13/0)

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

MOVED Cr Amphlett, SECONDED Cr Ritchie that Council:

- 2 ADVISES the West Perth Football Club Inc. that the City will not enter into any further sponsorship agreements with the West Perth Football Club after the agreement in Part 1 above expires, unless the Club has changed its name to better reflect its location and home at Arena Joondalup.**

The Motion was Put and

CARRIED (8/5)

In favour of the Motion: Crs Amphlett, Chester, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie and Thomas.

Against the Motion: Mayor Pickard, Crs Corr, Fishwick, Hollywood and Taylor.

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21brf031213.pdf](#)

CJ251-12/13 PROPOSED EXPANSION AND PROPOSED LEASE OF THE WARWICK LEISURE CENTRE

WARD	South
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	01084, 101515
ATTACHMENT	Attachment 1 Aerial site plan of Warwick Open Space Attachment 2 Existing floor plan of the Warwick Leisure Centre Attachment 3 Proposed floor plan of the expanded Warwick Leisure Centre Attachment 4 Estimated cost estimates for Warwick Leisure Centre expansion Attachment 5 Environmental Assessment Attachment 6 Response from Friends of Warwick Bushland on proposed expansion of the Warwick Leisure Centre
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to give consideration to:

- providing a capital contribution to the proposed expansion of the Warwick Leisure Centre (WLC), Warwick
- the request for a lease over the site from the Churches of Christ Sport and Recreation Association Inc. (CCSRA)
- the termination of the existing management agreement between the City and CCSRA.

EXECUTIVE SUMMARY

The Warwick Leisure Centre (WLC) was constructed in 1990 with the costs shared between the Churches of Christ Sport and Recreation Association Inc. (CCSRA), state government and the former City of Wanneroo, with the CCSRA being the major financial contributor to the project. As a result, the CCSRA accepted tenure over the site until 2020, with the initial lease being until December 2009.

The WLC is split into two separate operating areas, the community element (meeting rooms, dance studio, function room, exercise room and art studio) and the sporting area (indoor and outdoor sports courts). The reception and crèche are regarded as common areas to both operating areas.

Since 1997, in addition to the leased area, the former City of Wanneroo negotiated with CCSRA to manage the community elements via a management agreement which expired in December 2009.

In essence, the current arrangement is that the CCSRA manage the community elements for an annual fee of \$60,000, plus an agreed deficit amount that was set in 1991. This agreed deficit is indexed each year and for 2012-13 was approximately \$340,000 which is to be paid to CCSRA. However in 2001, paying the agreed deficit was renegotiated that where the CCSRA operated the facility for less than the agreed deficit those savings would be shared between the City (52.5%) and CCSRA (47.5%). The current management arrangement of the facility has been held over pending the progression of the possible expansion of the WLC.

The proposal the CCSRA has submitted to the City is to expand the existing WLC to include:

- a 590m² gym
- refurbished lobby/entrance and associated parts of the WLC
- four additional indoor basketball courts (including exhibition court).

The proposition is for CCSRA to fully fund the gym and for the City to contribute an amount for the construction of the indoor basketball courts and lobby. In return, CCSRA will assume total management of the facility through a lease arrangement at no ongoing operational cost to the City.

It is recommended that Council:

- 1 *AGREES to fund an amount of \$2.3 million for the expansion of the Warwick Leisure Centre to be funded from the City's Strategic Asset Management Reserve Fund for the following upgrades:*
 - 1.1 *Four indoor multi-use courts including an exhibition court;*
 - 1.2 *Lobby/entrance;*
 - 1.3 *Toilets/change rooms;*
 - 1.4 *Refurbished offices;*
 - 1.5 *Refurbished gym ancillaries;*
 - 1.6 *Refurbished crèche;*
 - 1.7 *Refurbished cafe;*
- 2 *SUPPORTS the funding in Part 1 above subject to:*
 - 2.1 *the Churches of Christ Sport and Recreation Association Inc. being responsible for any shortfall should the project exceed the estimated total capital construction cost;*
 - 2.2 *the Chief Executive Officer or his nominated representative being invited to serve on the relevant project team to represent the City's interests;*

- 2.3 *the Churches of Christ Sport and Recreation Association Inc. submitting a project plan and construction timeline to the satisfaction of the Chief Executive Officer;*
 - 2.4 *the Chief Executive Officer agreeing a payment scheme as part of an agreed project plan and construction time line detailed in Part 2.3 above;*
 - 2.5 *adequate recognition of the City's contribution in signage and other promotional material marketing the facility;*
 - 2.6 *the current management agreement between the City of Joondalup and the Churches of Christ Sport and Recreation Association Inc. for the ongoing management of the community element of the WLC terminates as from 30 June 2014;*
- 3 *Subject to the approval of the Minister for Lands, AGREES to enter into a lease with the Churches of Christ Sport and Recreation Association Inc. for the Warwick Leisure Centre based on the following:*
- 3.1 *The lessee (Churches of Christ Sport and Recreation Association Inc.) and the lessor (City of Joondalup) being responsible for those items detailed with the City's Property Management Framework as adopted by the Council at its meeting held on 20 November 2012 (CJ234-11/12 refers);*
 - 3.2 *The lease period be for 10 years with options to extend for 10 years, five years and five year terms, total period not to exceed 30 years;*
 - 3.3 *The lease fee be 0.1% of the capital replacement of the Warwick Leisure Centre;*
 - 3.4 *That the lease fee in Part 3.3 above be subsidised to 50% as determined within the City's Property Management Framework;*
- 4 *AUTHORISES the Chief Executive Officer to finalise lease negotiations in accordance with Part 3 above.*

BACKGROUND

The Warwick Leisure Centre was constructed in 1990 at a cost of \$2.7 million as a joint venture between the former City of Wanneroo and CCSRA. The CCSRA funded \$1.5 million (55%), with the balance coming from a state government grant of \$700,000 (26%) and the former City of Wanneroo funding \$500,000 (19%).

The WLC was constructed to replace the decommissioned Greenwood Warwick Recreation Centre located at Penistone Reserve, Greenwood which was limited in capacity with only the one sports hall. The WLC is situated in Warwick Open Space on the corner of Warwick and Wanneroo Roads, Warwick and is accessed off Lloyd Drive (Attachment 1 refers). Warwick Open Space is Crown Land with the City of Joondalup holding a management order.

The WLC is split into two main areas, the sports courts and the community facilities (Attachment 2 refers) The centre consists of indoor and outdoor sports courts, function room, dance studio, art studio, exercise room, crèche, kiosk and meeting rooms. The programs at the WLC include group fitness classes, leisure short courses, crèche services and sports competitions (tennis, basketball, volleyball, netball, badminton).

Originally the facility was managed separately between the CCSRA and the former City of Wanneroo. Essentially there were two receptions and two managers operating the separate areas of the facility. In 1997-98 the former City of Wanneroo negotiated with the CCSRA that the WLC be managed by the CCSRA.

The sports courts operate under a lease arrangement which expired in December 2009, with the lease fee set at a peppercorn rate. The current agreement has a clause contained within it that supports the CCSRA having tenure over the current leased area until 2020.

The community element of the facility is governed by a management agreement that expired in December 2009. The management agreement effectively means that the CCSRA operates the facility under a management fee (\$60,000 annually) paid by the City. In addition the City pays the CCSRA the loss between income and expenses, plus a further payment of the difference between the agreed deficit and the actual deficit, this is detailed further in the report.

DETAILS

The CCSRA has submitted a proposal to the City of Joondalup for it to construct an additional four multi-use indoor courts, gymnasium and lobby to the existing facility, in return for a capital contribution from the City, and a long term lease over the entire refurbished leisure centre.

Proposed Expansion of WLC

The CCSRA undertook a feasibility study to explore the potential of expanding the existing WLC to accommodate further recreational space. Following the outcome of the study, the CCSRA have developed concept plans for a proposed expansion to include the following (Attachment 3 refers):

- Four additional indoor multi-use courts, including show court (located to the north of the existing facility).
- New 590m² gymnasium (to be funded entirely by CCSRA).
- Reconfigured entrance/lobby and associated facilities of the WLC.

The following is an explanation of the cost estimate to expand the existing WLC (Attachment 4 refers):

Expanded facility	Square metres	Estimated Cost
Four multi-use playing courts (including an exhibition court)	3,300	\$4,125,000
Gym (to be funded by CCSRA)	590	\$1,239,000
Lobby	240	\$504,000
Toilets / change rooms	115	\$322,000
Refurbish existing areas (office, creche')	556	\$447,750
External Works and Services		\$792,250
Estimated Total Construction Cost	4,801	\$7,430,000
Design Contingency (5%)		\$370,000
Construction Contingency (5%)		\$400,000
Consultants fees (9%)		\$750,000
Estimated total project cost		\$8,950,000

As the gym element of the project will be funded by the CCSRA, this reduces the estimated construction cost to approximately \$6,191,000, with revised contingency/fees based on that reduced construction cost giving the total project estimate of \$7,444,000 that the CCSRA is seeking assistance towards.

The CCSRA has requested a one off capital contribution of \$2.2 million towards the construction of the additional indoor courts and the reconfigured entrance/lobby.

Lease conditions

In order for the project to proceed, the CCSRA has requested that it be offered a lease of the entire facility once fully refurbished. The offer of the lease will supersede the current tenure arrangements between the City and CCSRA in the form of a management agreement and lease over the facility. The CCSRA requested lease conditions are as follows:

- Lease period of 30 years (10 year initial period plus a 10 year, five year, five year options) – removal of the existing management arrangements.
- Consideration of a subsidised rental.
- City maintaining the surrounding bushland.
- City maintaining responsibility of the adjoining car park.
- Ability to hire/sublease parts of the facility to operators providing supportive services.

Council in late 2012 adopted a Property Management Framework (PMF) with the objective to apply greater consistency to property management and take a broad approach that addresses the myriad of issues involved in property management (CJ234-11/12 refers).

In accordance with the PMF, the following tenure guidelines will apply to all leases granted by the City for City-owned and managed properties (excluding *Telecommunications Carriers*):

- Leases will be entered into where the intention is to grant exclusive possession of the property or part of the property.
- Leases will be granted for a period of up to 10 years with two options to extend for further periods of up to five years.

Main responsibilities of the lessee include the following:

- Lessee will be responsible for all non-structural maintenance within the leased area (fair wear and tear accepted) and will provide documentation on the following (if applicable):
 - fire equipment servicing
 - mechanical services maintenance and service records (in accordance with Australian Standards)
 - annual gutter cleaning
 - annual pest control treatments
 - electrical compliance testing
 - sewer pump and grease-trapping servicing
 - septic system servicing.
- Lessee will be responsible for cleaning and the general presentation of the leased area.

- Lessee will be responsible for all operational / running costs, including, but not limited to:
 - refuse collection
 - emergency service levy (E.S.L.)
 - water rates
 - all utilities related to their use (for example electricity, gas, water, telecommunications).
 - Lessee will be responsible for obtaining appropriate insurance (for example public liability insurance, contents insurance).

Main responsibilities of lessor (City of Joondalup) are as follows:

- The City will be responsible for arranging appropriate building insurance.
- The City will be responsible for all structural maintenance - structural maintenance is defined by the physical building structure only and does not include: fitting and fixtures; ceiling and ceiling grids; doors, door frames and skirtings; floor coverings (including tiles, carpets and vinyls); septic systems and sewer systems; ventilation ducting and exhaust canopies; or brick paving) within the leased area.
- Lessees / licensees will be permitted to undertake capital improvements (with prior approval from the City); however, such improvements will not provide for an automatic entitlement to subsidised rental.
- Approval from the City will be required prior to any subletting of the premises (if granted the power to sublet).

Based on the provisions within the PMF, rental is set at 0.1% of the capital cost of the leased property (that is replacement value) determined by a licensed valuer and reviewed at the end of the lease agreement. Based on this methodology, the current replacement of the existing building is \$14,380,000, with the estimated value of the additions of \$8,950,000 taking the total replacement value of the WLC to \$23,330,000; therefore the proposed rental at this stage including the expansion is \$23,330.

The PMF allows for a subsidisation of the rental charge to be granted to groups who contribute at least 30% of the cost of the construction of the building; this will be determined by the Council on a case-by-case basis. Subsidy may be up to 50%. As the CCSRA contributed 55% of the capital costs for the construction of the original building and it is proposed they contribute approximately 65% of the capital cost of the proposed extension, it is recommended that the 50% subsidy be applied.

It is proposed that the lease be for the current facility and the proposed expansion. This will allow the CCSRA to make application for the numerous approvals it requires as part of the construction process. It is suggested that the subsidised rental be \$7,190 at the commencement of the lease for the existing part of the facility, with a condition that following construction of the extension the rental be reviewed and adjusted accordingly. Any lease arrangement over the site needs to be approved by the Minister for Lands and it is anticipated that the lease will be effective from 1 January 2014, subject to the City obtaining the necessary approvals.

Issues and options considered

The options available to the Council are:

- agree to contribute the requested \$2.2 million towards the expansion to the WLC
- agree to contribute an amount greater or less than the requested \$2.2 million for the expansion of the WLC
or
- agree not to contribute any funds to the expansion of the WLC.

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

Not applicable.

Risk management considerations

Any construction project of this nature will carry associated risks in regard to obtaining necessary approvals, maintaining costs and project timelines.

A risk to the City is that it would be a missed opportunity in that a third party, the CCSRA is offering to provide significant funding for additional facilities to assist the general community of Joondalup in the provision of recreational and leisure facilities at moderate cost to the City. The proposal will also relieve the City of any future ongoing operational costs for the WLC while operated by the CCSRA.

Financial / budget implications

The City's 2013-14 budget includes an amount of \$2 million (funded from the Strategic Asset Management Reserve) for the extension of the WLC. The CCSRA has requested \$2.2 million, being a \$2 million contribution to the main sport area (courts), with the \$0.2 million being part contribution for the refurbishment of the lobby area (estimated cost \$504,000) which is regarded as a shared use of the facility.

The current Management Agreement provides that the City pays CCSRA an annual management fee (\$60,000) which is to cover the day to day management of the centre through its Centre Manager and the participation of its Board of Management in the strategic development of the Centre.

In addition to the management fee, it was also agreed that the City would subsidise all operating losses at the centre and offered a deficit reduction bonus for operational performance which is below the agreed annually indexed deficit.

The agreed deficit was set in the 1990s and it was determined to be indexed each year as per CPI Perth. In 2001, the City agreed to revise the calculation that split any savings made from the benchmark 1997-98 budget deficit for the WLC. The split of savings is now based on 52.5% to the City and 47.5% to CCSRA.

In essence, any savings that CCSRA makes on the indexed operating deficit, those savings are split between the City and CCSRA. The estimated operating deficit for 2012-13 was approximately \$340,000; with the actual deficit being approximately \$250,000 (which the City funds), therefore the deficit reduction was approximately \$90,000. Based on the split of the deficit reduction, the City made a saving of approximately \$47,000 and the CCSRA received an additional payment of \$43,000.

The proposal from CCSRA to lease the entire facility will relieve the City of its ongoing financial commitment relating to the management of the community element of the facility. It is estimated to take 18 months to two years for the completion of the expansion of the WLC, therefore equating to a possible additional amount of between \$500,000 and \$700,000 paid as part of the management agreement, (includes actual subsidies, management fees and deficit reduction bonus).

The City proposes that the management agreement cease as of 30 June 2014 and the City's capital contribution be increased from the requested \$2.2 million to \$2.3 million. This will allow CCSRA to prepare for the reduction in income from the City and adjust their Centre programming, it will also relieve the City of any ongoing operational subsidisation of the facility.

Regional significance

The WLC is located on the south eastern boundary of the City of Joondalup and provides services and programs on a regional basis. Across its various services and programs, a majority of participants are City of Joondalup residents.

Sustainability implications

Environmental

The WLC is contained within Warwick Open Space which is classified as a Bush Forever site. The proposed expansion of the WLC encroaches slightly into existing bushland to the south-west of the existing facility in the form of an access way to the rear of the site to access over flow car parking.

The CCSRA undertook an environmental assessment of the site (Attachment 5 refers). The assessment was conducted in accordance with the Environmental Protection Authority and the Department of Environment and Conservation Position Statements and Guidelines. The following statement is taken from the executive summary of the assessment report:

“Given the location and extent of the proposed expansion of the established Warwick Leisure Centre, the proposed action is not likely to have a significant impact on a matter of national environmental significance as recognised under the EPBC Act.

Therefore, it is considered that the proposed expansion for the Warwick Leisure Centre does not warrant referral to the Department of Sustainability, Environment, Water, Population and Communities.

However, given that the proposed disturbance will include the clearing of native vegetation, a Clearing Permit under Part V of the Environmental Protection Act 1986 will be required. Other considerations that will minimise the impact on the bushland have been provided”.

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

Once DEC receives the application from the Department of Planning, they assess the project based on the potential impact to the adjacent bushland.

In order to obtain a clearing permit, the applicant must make application to the Department of Environment Regulation (DER). Timeframes for the assessment of applications for clearing permits depend on the complexity of the application and the native vegetation proposed to be cleared.

DER aims to complete all assessments within 90 calendar days and to complete 80 per cent of clearing permit assessments within 60 calendar days.

Social

If the expansion of the four additional courts proceeds, the WLC will become one of the largest indoor sports centres within the Joondalup / Wanneroo / Stirling region. These added facilities will greatly enhance the availability of recreational services to the residents of these areas to increase social interaction.

The commitment to a one-off capital payment for the expansion of the WLC will relieve the City of its on-going operational liability in funding the deficit experienced by the community element of the facility.

Consultation

No community consultation has been undertaken at this stage, however wider community consultation may be required later through the various approval stages that the project would be required to go through.

The City did liaise with the “Friends of Warwick Bushland (FWB)” on the proposal, who in general terms were supportive of the expansion project. The FWB preferred position is that no clearing be undertaken, but acknowledges the demand for increased recreational facilities. Following discussions with the group, it was agreed that a formal position be submitted which has been received by the City (Attachment 6 refers).

COMMENT

CCSRA has indicated an increasing demand for indoor sports courts due to their rapidly expanding indoor sports courts competitions, in particular basketball. The centre hosts the state basketball league side, the ‘Stirling Senators’. The addition of the indoor courts will make better use of the area currently housing three tennis courts which are under-utilised.

The request from the CCSRA for a 30 year lease, which exceeds the principle contained within the City's PMF is supported given the significant capital contribution made by the CCSRA to the facility and their desire for longer tenure over the site to ensure return on their investment.

The City's financial contribution is a sound decision in that the WLC will be significantly refurbished which will provide additional recreational facilities for the City of Joondalup community. In addition the City will be relieved of its operational debt as a result of the revoking of the existing management agreement over the community element of the existing WLC.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Hamilton-Prime, SECONDED Cr Amphlett that Council:

- 1 AGREES to fund an amount of \$2.3 million for the expansion of the Warwick Leisure Centre to be funded from the City's Strategic Asset Management Reserve Fund for the following upgrades:**
 - 1.1 Four indoor multi-use courts including an exhibition court;**
 - 1.2 Lobby / entrance;**
 - 1.3 Toilets change rooms;**
 - 1.4 Refurbished offices;**
 - 1.5 Refurbished gym ancillaries;**
 - 1.6 Refurbished crèche;**
 - 1.7 Refurbished cafe;**

- 2 SUPPORTS the funding in Part 1 above subject to:**
 - 2.1 the Churches of Christ Sport and Recreation Association Inc. being responsible for any shortfall should the project exceed the estimated total capital construction cost;**
 - 2.2 the Chief Executive Officer or his nominated representative being invited to serve on the relevant project team to represent the City's interests;**
 - 2.3 the Churches of Christ Sport and Recreation Association Inc. submitting a project plan and construction timeline to the satisfaction of the Chief Executive Officer;**
 - 2.4 the Chief Executive Officer agreeing a payment scheme as part of an agreed project plan and construction time line detailed in Part 2.3 above;**

- 2.5 adequate recognition of the City's contribution in signage and other promotional material marketing the facility;
 - 2.6 the current management agreement between the City of Joondalup and the Churches of Christ Sport and Recreation Association Inc. for the ongoing management of the community element of the WLC terminates as from 30 June 2014;
- 3 subject to the approval of the Minister for Lands, AGREES to enter into a lease with the Churches of Christ Sport and Recreation Association Inc. for the Warwick Leisure Centre based on the following:
- 3.1 The lessee (Churches of Christ Sport and Recreation Association Inc.) and the lessor (City of Joondalup) being responsible for those items detailed with the City's Property Management Framework as adopted by Council at its meeting held on 20 November 2012 (CJ234-11/12 refers);
 - 3.2 The lease period be for 10 years with options to extend for 10 years, five years and five year terms, total period not to exceed 30 years;
 - 3.3 The lease fee be 0.1% of the capital replacement of the Warwick Leisure Centre;
 - 3.4 That the lease fee in Part 3.3 above be subsidised to 50% as determined within the City's Property Management Framework;
- 4 AUTHORISES the Chief Executive Officer to finalise lease negotiations in accordance with Part 3 above.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ252-12/13, page 185 refers.

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

Appendix 22 refers

To access this attachment on electronic document, click here: [Attach22brf031213.pdf](#)

REPORTS – CAPITAL WORKS COMMITTEE – 26 NOVEMBER 2013**CJ252-12/13 ARTERIAL ROADS ENTRY STATEMENT: NORTH-EAST INSTALLATION**

WARD	North	
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services	
FILE NUMBER	55541, 101515	
ATTACHMENTS	Attachment 1	Proposed location
	Attachment 2	2001 Hierarchical Map
	Attachment 3	Cost Estimate
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.	

PURPOSE

For Council to consider the installation of a third priority one entry statement located in the north-east corner of the City boundary as per Attachment 1 and reallocation of funds from Capital Works project SSE2020 Suburban Entry Statements to fund the installation of a third entry statement.

EXECUTIVE SUMMARY

In 2007 the City appointed Greg Grabasch, Landscape Architect, Urban Design and Landscape Architecture (UDLA) to undertake the design of entry statements to the City. The design was developed during a number of workshops with Elected Members to create an entry statement unique to the City of Joondalup.

An amount of \$375,750 was included in the City's *2009-10 Capital Works Program* for the construction of three entry statements. A revised cost estimate provided by UDLA highlighted a funding shortfall and only two entry statements could be installed with the available budget. Tenders were called for the installation of the two entry statements on Marmion Avenue. The resulting submissions exceeded the budget and were declined. Subsequently the design was revised, reduced in scope and additional safety measures, as requested by Main Roads WA, were included.

The entry statements are currently being installed within the median in two locations on Marmion Avenue. The northern entry statement is sited 215 metres south of the local government boundary and the southern entry statement is sited 50 metres north of the local government boundary. Construction works are scheduled to be completed by the end of November 2013.

As part of the original entry statements project a map was produced determining the priority and locations of entry statements within the City of Joondalup. This map has been used in determining the location of the third entry statement. The map will also be used in determining the priority and location of future suburb entry statement signs for the City of Joondalup to be explored in a separate report.

At the Capital Works Committee meeting held on 26 November 2013, it was resolved as follows:

“That Council DOES NOT PROCEED with the installation of a third priority one entry statement in the north-east corner of the City, sited within the Joondalup Drive median.”

BACKGROUND

The concept for the City's entry statements is to provide a memorable gateway into the City of Joondalup. *“A clear Joondalup sign informs people of where they are entering while the rest of the design mimics a city skyline and the individual elements are an interpretive reflection of what is the City of Joondalup (past, present and future).”* In 2007 the City appointed Greg Grabasch, Landscape Architect Urban Design and Landscape Architecture (UDLA) to undertake the design of entry statements to the City of Joondalup. The design was developed during a number of workshops with Elected Members to create an entry statement unique to the City of Joondalup.

At its meeting held on 17 February 2009 (CJ028-02/09 refers), Council resolved to:

- 1 *ENDORSE the concept design for the entry statements for the City of Joondalup;*
- 2 *LIST for consideration in the draft budget 2009-2010 an amount of \$375,750 for entry statements.*

An amount of \$375,750 was included in the City's 2009-10 Capital Works Program for the construction of three entry statements and the entry statements were to be installed in the road verges and medians. A revised cost estimate was provided from UDLA and it was determined that there was insufficient funds to construct three entry statements and only two could be constructed with the available budget. The total cost of construction for the two entry statements was estimated to be \$293,894. The entry statements were to be constructed within the median and road verges.

It was resolved at its meeting held on 16 February 2010 (CJ026-02/10 refers), that Council:

“APPROVES the construction of two entry statements on Marmion Avenue at the following locations:

- 1 *North of Beach Road;*
- 2 *Adjacent to the northern boundary of Cranston Park.”*

Based on the revised designs for the construction of the two entry statements and associated landscaping works, tenders were advertised on 31 March 2012 through state-wide public notice. The period was for two weeks and tenders closed on 18 April 2012 with quotes ranging in value from \$572,691 to \$885,987. Consequently tenders were declined and the design revised and reduced in scope to fit the budget.

Approval was then sought from Main Roads WA for the installation of the southern entry statement north of Beach Road. The original design was required to be revised to include road safety measurements such as the inclusion of a wire rope safety barrier either side of the median strip. The inclusion of the safety barrier incurred an additional cost to the project that was not previously included.

Revised designs for the entry statements were presented to the Capital Works Committee meeting held on 2 April 2013. The entry statement design was to only be installed within Marmion Avenue median and have the interpretative poles and monolith signs contained within a landscaped garden bed. The same number and designs of poles and monolith signs were retained to mirror the original design approved in 2009.

To expedite the entry statements installation, the works were project managed in-house and constructed using approved tender contracts and contractors in lieu of calling new tenders.

The City is currently installing the northern entry statement sited 215 metres south of the local government boundary on Marmion Avenue and the southern entry statement sited 50 metres north of the local government boundary on Marmion Avenue. Construction works are scheduled to be completed by the end of November 2013.

Mapping of hierarchical locations for entry statements for the City of Joondalup was part of the original Entry Statements Project and the map at Attachment 2, was used as a guide to determine the locations of the priority one entry statements. The map also indicates the location of a third priority one entry statement within the north-east corner of Joondalup Drive.

DETAILS

Due to the high volumes of traffic that enter and exit the City of Joondalup along Joondalup Drive and via Burns Beach Road the placement of an entry statement at this location will provide a memorable gateway. Approximately 37,000 (October 2010 vehicle count) vehicles drive along Joondalup Drive entering and exiting the City of Joondalup.

Two options were assessed when positioning the entry statement within the north-east corner of the local government boundary:

Option 1

Located within the median of Joondalup Drive

It is recommended due to the clear vehicular sight lines and visibility and in keeping with the locations of the northern and southern entry statements within the median, that the entry statement be installed within the median of Joondalup Drive approximately 40 metres west of the local government boundary as shown on Attachment 1.

Option 2

Located within the roundabout at the intersection of Joondalup Drive and Burns Beach Road

It is not recommended to install the entry statement within the roundabout as three roads converge into the roundabout requiring the entry and exit signs to be installed on the same lineal plane for the statement to be visible from all entry roads and an additional exit sign would most likely be required. Secondly approximately 29 existing trees would need to be removed.

The proposed landscape treatment around the entry statement will reflect the planting species and concrete colour used at the eastern end of Burns Beach Road thus creating a uniformed harmonious drive through the City of Joondalup.

Once approval is obtained design documentation will be undertaken and the entry statement will be phased to be installed towards the end of the 2013-14 financial year and completed in the first quarter of 2014-15. No approval is required from Main Roads WA as Joondalup Drive is not within their jurisdiction. However like the northern entry statement, to minimise potential vehicular and pedestrian risk the same Main Roads WA safety requirements such as the Brifen wire rope with deflection setbacks and frangible bases to the monolith signs will be installed.

It is recommended to reallocate funds from Capital Works Project SSE2020 Suburban Entry Statements to fund the installation of the third entry statement. A cost estimate, (Attachment 3 refers), has been prepared based on rates and prices for the installation of the northern entry statement. There is an estimated project shortfall of \$41,500, which includes contingency costs. This shortfall will need to be funded from savings within the *2013-14 Capital Works Program* or listed for consideration in the *2014-15 Capital Works Program*.

By installing a third entry statement within the north-east corner of the City of Joondalup the three major entry and exit points into the City have been addressed and the City will finalise its mandate of providing a memorable gateway into the City of Joondalup.

Priority Two and Three Entry Statement Report

A separate report will be presented to Council outlining the proposed locations, designs, cost implications and programming for the priority two and three entry statements. The hierarchical entry statement map (Attachment 2 refers) will be used as a guide to locate the priority two and three entry statements.

There are no additional funds listed in the *Five Year Capital Works Program* for the installation of priority two and three entry statements. This issue will be addressed in the separate report.

Issues and options considered

Due to the high volume of traffic that pass through the roundabout and the confusion drivers experience about which lane they should be in when going around the roundabout, the entry statement has been located away from the entry and exit points of the roundabout to avoid distraction to drivers and minimise the risk of vehicular crashes.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

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.

Risk management considerations

The entry statements have been designed in accordance with Australian Standards to minimise any risks associated with vehicle and pedestrian movement through the proposed area.

Financial/budget implications

Account no.	SSE2020.
Budget Item	Construction of suburban entry statements at various locations.
Budget amount	\$ 170,000
Amount spent to date	\$ 0
Current Project Balance	\$ 170,000
Proposed cost of north-east entry statement	\$ 211,500
Estimated project shortfall	\$ 41,500

All amounts quoted in this report are exclusive of GST.

It is not anticipated that the construction of suburban entry statements at various locations throughout the City will occur this financial year, and these funds therefore can be used for the third priority one entry statement.

The proposed cost for the installation of the third priority one entry statement is based on the cost for installing the northern entry statement within Marmion Avenue, Kinross as per Attachment 3.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

Due to the high volumes of traffic that enter and exit the City of Joondalup along Joondalup Drive and via Burns Beach Road the placement of an entry statement within the median of Joondalup Drive will provide a memorable gateway into the City of Joondalup.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Capital Works Committee at its meeting held on 26 November 2013.

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

That Council:

- 1 *APPROVES the installation of a third priority one entry statement in the north-east corner of the City, sited within the Joondalup Drive median, approximately 40 metres west of the local government boundary as detailed in Attachment 1 to this Report;*
- 2 *APPROVES BY AN ABSOLUTE MAJORITY the reallocation of \$170,000 from Capital Works project SSE2020 Suburban Entry Statements, to fund the installation of a third priority one entry statement as detailed in Part 1 above;*
- 3 *APPROVES an amount of \$41,500 being listed for consideration in the 2014-15 Capital Works Program for the third priority one entry statement;*
- 4 *REQUESTS the drafting of a separate report outlining the locations and an indicative design for priority two and three entry statements as per Attachment 2 to this Report.*

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

That Council DOES NOT PROCEED with the installation of a third priority one entry statement in the north-east corner of the City, sited within the Joondalup Drive median.

MOVED Cr Hollywood, SECONDED Cr McLean that Council DOES NOT PROCEED with the installation of a third priority one entry statement in the north-east corner of the City, sited within the Joondalup Drive median.

The Motion was Put and

LOST (4/9)

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

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

MOVED Cr Gobbert, SECONDED Cr Hamilton-Prime that Council:

- 1 **APPROVES the installation of a third priority one entry statement in the north-east corner of the City, sited within the Joondalup Drive median, approximately 40 metres west of the local government boundary as detailed in Attachment 1 to this Report;**
- 2 **APPROVES BY AN ABSOLUTE MAJORITY the reallocation of \$170,000 from Capital Works project SSE2020 Suburban Entry Statements, to fund the installation of a third priority one entry statement as detailed in Part 1 above;**
- 3 **APPROVES an amount of \$41,500 being listed for consideration in the 2013-14 mid year budget review for the third priority one entry statement;**

- 4 REQUESTS the drafting of a separate report outlining the locations and an indicative design for priority two and three entry statements as per Attachment 2 to Report CJ252-12/13.**

The Motion was Put and

CARRIED (9/4)

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

Against the Motion: Crs Corr, McLean, Ritchie and Taylor.

REASON:

In accordance with Regulation 11(da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which is significantly different to what the Committee recommended is because Council wished to proceed with its original intent of three priority one statements.

Appendix 23 refers

To access this attachment on electronic document, click here: [Attach23brf031213.pdf](#)

C76-12/13 COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION - [02154] [08122]

MOVED Cr Hamilton-Prime, **SECONDED** Cr Amphlett that pursuant to the *Meeting Procedures Local Law 2013* – Clause 4.8 – Adoption by exception resolution, Council **ADOPTS** the following items:

CJ229-12/13, CJ231-12/13, CJ232-12/13, CJ233-12/13, CJ234-12/13, CJ237-12/13, CJ239-12/13, CJ240-12/13, CJ241-12/13, CJ242-12/13, CJ243-12/13, CJ244-12/13, CJ245-12/13, CJ247-12/13, CJ248-12/13, CJ249-12/13 and CJ251-12/13.

The Motion was Put and

CARRIED (13/0)

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

URGENT BUSINESS

Nil.

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 8.25pm the following Elected Members being present at that time:

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