

# agenda

## Briefing Session

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

**ON** TUESDAY 11 FEBRUARY 2014  
**COMMENCING AT** 6.30pm

**PUBLIC QUESTION TIME**

Members of the public are requested to lodge questions in writing by close of business on **Monday 10 February 2014**

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

**QUESTIONS TO**

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

PO Box 21 Joondalup WA 6919

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

## BRIEFING SESSIONS

The following procedures for the conduct of Briefing Sessions were adopted at the Council meeting held on 19 November 2013:

### INTRODUCTION

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

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

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

and ensures that the elected body is fully informed to make the best possible decisions for the City of Joondalup community.

### PURPOSE OF BRIEFING SESSIONS

Briefing Sessions will involve Elected Members, employees as determined by the Chief Executive Officer and external advisors (where appropriate) and will be open to the public.

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

### PROCEDURES FOR BRIEFING SESSIONS

The following procedures will apply to Briefing Sessions that are conducted by the City:

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

- 4 The Mayor is to be the Presiding Member at Briefing Sessions. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable or unwilling, those Elected Members present may select one from amongst themselves to preside at the Briefing Session.
- 5 There is to be no debate among Elected Members on any matters raised during the Briefing Session.
- 6 Relevant employees of the City will be available to make a presentation or respond to questions on matters listed on the agenda for the Briefing Session.
- 7 All Elected Members will be given a fair and equal opportunity to participate in the Briefing Session.
- 8 The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered.
- 9 Elected Members, employees and relevant consultants shall disclose their interests on any matters listed for the Briefing Session. When disclosing an interest the following is suggested:
  - (a) Interests are to be disclosed in accordance with the provisions of the *Local Government Act 1995*, the *Local Government (Rules of Conduct) Regulations 2007* and the City's *Code of Conduct*.
  - (b) Elected Members disclosing a financial interest will not participate in that part of the session relating to the matter to which their interest applies and shall depart the room.
  - (c) Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered, however there is no legislative requirement to do so.
- 10 A record shall be kept of all Briefing Sessions. As no decisions are made at a Briefing Session, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all Elected Members.
- 11 Elected Members have the opportunity to request the Chief Executive Officer to prepare a report on a matter they feel is appropriate to be raised and which is to be presented at a future Briefing Session.

## PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time at Briefing Sessions were adopted at the Council meeting held on 19 November 2013:

### Questions asked verbally

- 1 Members of the public are invited to ask questions at Briefing Sessions.
- 2 Questions asked at a Briefing Session must relate to a matter contained on the agenda.
- 3 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- 4 Public question time will be limited to two minutes per member of the public, with a limit of two verbal questions per member of the public.
- 5 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 6 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 7 Public question time will be allocated a minimum of 15 minutes. Public question time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of 10 minutes, but the total time allocated for public question time is not to exceed 35 minutes in total.
- 8 Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:
  - accept or reject any question and his/her decision is final
  - nominate an Elected Member and/or City employee to respond to the question or
  - take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next Briefing Session.
- 9 Where an Elected Member is of the opinion that a member of the public is:
  - asking a question at a Briefing Session that is not relevant to a matter listed on the agenda or
  - making a statement during public question time,they may bring it to the attention of the Presiding Member who will make a ruling.

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

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

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

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

#### **DISCLAIMER**

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

## PROCEDURES FOR PUBLIC STATEMENT TIME

The following procedures for the conduct of Public Statement Time at Briefing Sessions were adopted at the Council meeting held on 19 November 2013:

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

## PROCEDURES FOR DEPUTATIONS

- 1 Prior to the agenda of a Briefing Session being discussed by Elected Members, members of the public will be provided an opportunity to make a deputation at the Briefing Session.
- 2 Members of the public wishing to make a deputation at a Briefing Session may make a written request to the Chief Executive Officer by 4.00pm on the working day immediately prior to the scheduled Briefing Session.
- 3 Deputation requests are to be approved by the Presiding Member and must relate to matters listed on the agenda of the Briefing Session.
- 4 Other requirements for deputations are to be in accordance with clause 5.10 of the *City of Joondalup Meeting Procedures Local Law 2013* in respect of deputations to a committee.

### **RECORDING OF THE PROCEEDINGS OF THE BRIEFING SESSION**

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

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

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

[Additional Information110214.pdf](#)

## CITY OF JOONDALUP – BRIEFING SESSION

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 11 February 2014** commencing at **6.30pm**.

### ORDER OF BUSINESS

#### 1 OPEN AND WELCOME

#### 2 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

##### **Disclosures of Financial / Proximity Interest**

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

<b>Name/Position</b>	<b>Cr Teresa Ritchie, JP.</b>
<b>Item No./Subject</b>	Item 27 – 2013-14 Refurbishment Projects – Timberlane Park Hall, Woodvale.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Cr Ritchie resides approximately 400 metres from Timberlane Park, Woodvale.

##### **Disclosures of interest affecting impartiality**

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

<b>Name/Position</b>	<b>Mayor Troy Pickard.</b>
<b>Item No./Subject</b>	Item 26 – 2014-15 Community Facility Refurbishment Projects.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	In his capacity as Mayor, Mayor Pickard is the patron of the Joondalup Cricket Club, Joondalup Lakers Hockey Club and Joondalup City Football Club, all members of the Beaumaris Sports Association.

<b>Name/Position</b>	<b>Mr Mike Smith, Manager Leisure and Cultural Services.</b>
<b>Item No./Subject</b>	Item 26 – 2014-15 Community Facility Refurbishment Projects.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mr Smith is a member of Joondalup Districts Cricket Club, which is a member of the Beaumaris Sports Association.

<b>Name/Position</b>	<b>Cr Brian Corr.</b>
<b>Item No./Subject</b>	Item 28 – Penistone Park, Greenwood – Proposed Redevelopment.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Corr's son is a member of the cricket club at Penistone Park.

### **3 DEPUTATIONS**

### **4 PUBLIC QUESTION TIME**

### **5 PUBLIC STATEMENT TIME**

### **6 APOLOGIES AND LEAVE OF ABSENCE**

#### **Leave of Absence previously approved**

Cr Mike Norman 1 to 11 February 2014 inclusive.

#### **Requests for Leave of Absence**

Cr Liam Gobbert requests Leave of Absence from Council duties covering the period 16 April 2014 to 17 May 2014 inclusive.

## 7 REPORTS

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

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

#### PURPOSE

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

#### EXECUTIVE SUMMARY

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

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

This Report identifies the following applications determined by the administration with delegated authority powers during November and December 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**

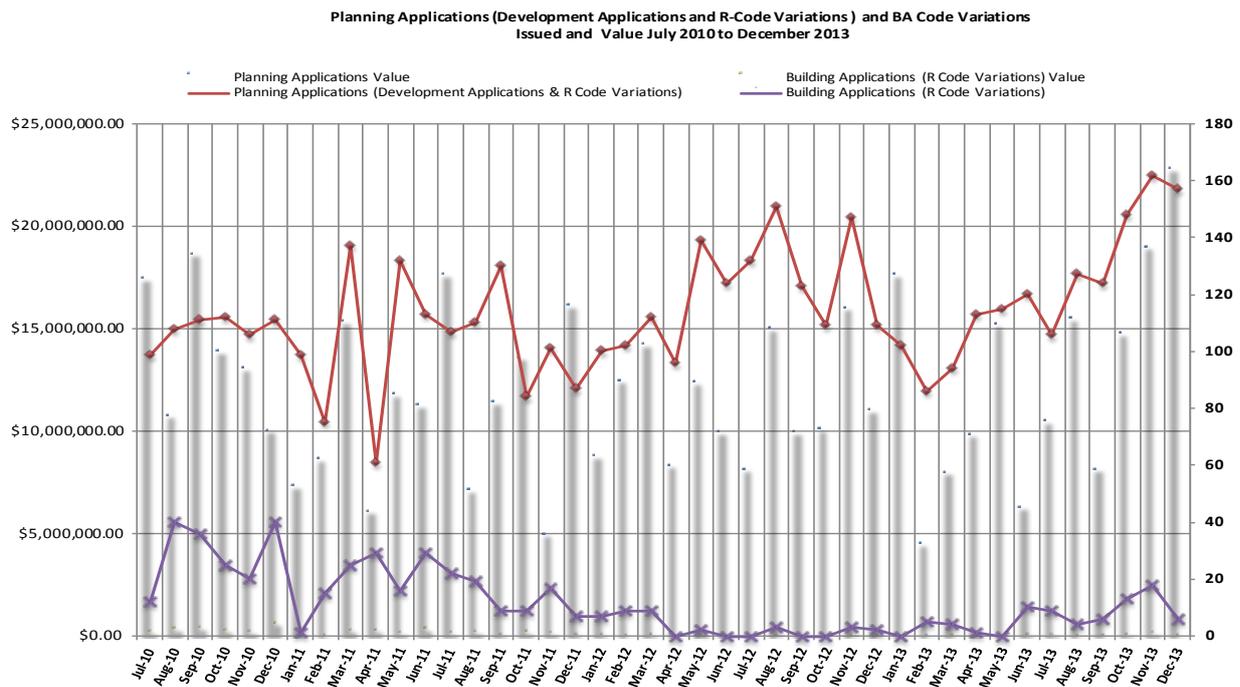
DPS2 requires that delegations be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 25 June 2013 (CJ094-06/13 refers), Council considered and adopted the most recent Town Planning Delegations via its review of the Register of Delegation of Authority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

**DETAILS**

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

Applications determined under delegated authority – November and December 2013		
Type of Application	Number	Value (\$)
Planning applications (development applications and R-Codes applications)	319	\$ 41,810,982
Building applications (R-Codes applications)	24	\$196,360
<b>TOTAL</b>	<b>343</b>	<b>\$ 42,007,342</b>

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



The number of development applications received during November and December was 287. (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 December was 217. Of these, 76 were pending additional information from applicants, and 16 were being advertised for public comment.

In addition to the above, 664 building permits were issued during the months of November and December with an estimated construction value of \$67,397,795.

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

<b>Subdivision referrals processed under delegated authority for November and December 2013</b>		
<b>Type of referral</b>	<b>Number</b>	<b>Potential additional new lots</b>
Subdivision applications	8	24
Strata subdivision applications	4	5

#### **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 343 applications were determined for the months of November and December with a total amount of \$164,106 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 319 development applications determined during November and December 2013 consultation was undertaken for 157 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 12 subdivision applications processed during November and December 2013 were not advertised for public comment.

**COMMENT**

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

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

**VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

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

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

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf110214.pdf](#)*

## **ITEM 2                    PROPOSED MARKETS (RETAIL) AT WESTFIELD WHITFORD CITY SHOPPING CENTRE - LOT 501 (470) WHITFORDS AVENUE, HILLARYS**

<b>WARD</b>	South-West
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	00081, 101515
<b>ATTACHMENT</b>	Attachment 1            Location plan Attachment 2            Development plan Attachment 3            Properties to be notified under – <i>Notification of Approved Commercial Development Policy</i>
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

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### **PURPOSE**

For Council to consider an application for planning approval for proposed retail markets at the upper western entry to Westfield Whitford City Shopping Centre, Lot 501 (470) Whitfords Avenue, Hillarys.

### **EXECUTIVE SUMMARY**

An application for planning approval has been received for retail markets at the upper western entry to Westfield Whitford City Shopping Centre, being immediately adjacent to the entrance closest to Woolworths.

The markets are proposed to consist of a maximum of 20 stalls and to generally operate on Saturdays between 9.00am and 3.00pm, with some variation due to seasonal conditions. The markets will predominantly offer fresh produce and condiments, with stall preference given to existing shopping centre tenants. The stalls may also be complemented at times by performers, children's activities and / or live music.

The site is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and 'Commercial' under the City's *District Planning Scheme No. 2 (DPS2)*. Under DPS2 the land use 'Markets (Retail)' is a discretionary ("D") land use. As the proposed development does not constitute major development under DPS2, an activity centre structure plan is not required to be endorsed prior to consideration of the development.

A specific car parking standard for the land use 'Markets (Retail)' is not provided in Table 2 of DPS2. As such the application is required to be considered by Council. It is recommended that Council determines that a car parking standard of one bay per 20m<sup>2</sup> gross leasable area (GLA) and one bay per stall be adopted, being the car parking standard previously adopted for farmers markets approved within the City at Poynter Primary School and Springfield Primary School (the latter no longer operates).

Applying the car parking standard of one bay per 20m<sup>2</sup> GLA and one bay per stall to the development, it is noted that the car parking shortfall for the site will increase by 43 bays, to a total of 112 (2.88% shortfall). This shortfall is considered appropriate taking into account the high reciprocity between the land use and the existing shopping centre, and the changes to the car parking standard for shopping centre and office under the *Omnibus Amendment No. 65*.

The proposed markets will provide an alternative retail format for customers, and will complement the existing shopping centre. It is considered that given the nature of the land use and reciprocity with the existing shopping centre, there would be low additional car parking demand, with the car parking provided on-site considered sufficient to cater for the proposed and existing development.

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

## BACKGROUND

<b>Suburb/Location</b>	Lot 501 (470) Whitfords Avenue, Hillarys.
<b>Applicant</b>	Urbis Pty Ltd.
<b>Owner</b>	Westfield Management Ltd, Reco Whitford Pty Ltd and RE1 Ltd.
<b>Zoning</b>	<b>DPS:</b> Commercial.
	<b>MRS:</b> Urban.
<b>Site area</b>	19.78ha.
<b>Structure plan</b>	Not applicable.

The subject site is the Westfield Whitford City Shopping Centre in Hillarys. It is bound by Marmion Avenue and a City owned site to the east, Whitfords Avenue to the north, Endeavour Road to the west and Banks Avenue to the south (Attachment 1 refers).

The shopping centre originally opened in 1978, and has undergone a number of major expansions, with the latest significant expansion approved in 2001. A number of development applications for minor additions and modifications to the centre have been approved since this time, such as internal works, kiosk additions and signage. The total retail nett lettable area (NLA) for the shopping centre is currently 50,003m<sup>2</sup>.

In addition to the shopping centre complex, three free-standing drive-through food outlets and a two storey business complex have been developed on the western portion of the site.

On 17 October 2013, the Metro North-West Development Assessment Panel (DAP) refused a development application for major redevelopment of, and expansions to, the existing shopping centre. This development was concentrated around the eastern portion of the shopping centre, and included a two storey department store, supermarket, and retail space. The applicant is currently seeking a review of this decision through the State Administrative Tribunal.

At its meeting held on 19 November 2013 (CJ206-11/13 refers), Council considered the adoption of a Whitford Activity Centre Structure Plan, and related scheme amendment (Amendment No. 68). Council resolved to refuse the structure plan, and to not proceed with Amendment No. 68. The applicant is currently seeking a review of Council's refusal of the structure plan through the State Administrative Tribunal. Amendment No. 68 was required to be forwarded to the Western Australian Planning Commission for consideration, and a determination on this matter has not yet been made by the Commission.

As the proposed development does not constitute major development under DPS2, an activity centre structure plan is not required to be endorsed prior to consideration of this development.

### Omnibus 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 'Shopping Centres between 30,000 to 50,000m<sup>2</sup>' is proposed to be modified from 1,950 bays for the first 30,000m<sup>2</sup> NLA plus 5.25 bays per 100m<sup>2</sup> NLA thereafter, to 1,500 bays for the first 30,000m<sup>2</sup> plus 4.5 per 100m<sup>2</sup> NLA thereafter.

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 planning proposal'.

## **DETAILS**

The proposed market will operate from the forecourt area at the upper western most entry to the shopping centre (closest to Woolworths).

The following details have been provided in relation to the operation of the markets:

- The market is intended to cater for increased consumer preferences for fresh food and produce in an external setting.
- The market will offer fresh produce and goods, primarily sourced from existing tenants within the centre. Produce approved includes dairy, fruit and vegetable, spices, baked goods, condiments, meat, potted seedlings and ready to eat food.
- The markets will operate Saturday mornings only between 9.00am and 3.00pm. Subject to seasonal conditions, the market may operate earlier (for example from 7.00am to midday) to avoid the warmest parts of the day in summer.
- The markets will be set up as temporary stalls, with a maximum of 20 stalls at any given market. The stalls may also be complemented at times by performers, children's activities and/or live music.
- All traders will adhere to the following basic criteria:
  - Produce is to be grown and/or produced by the actual trader.
  - Produce should generally be sourced locally, be seasonal, and be fresh and of good quality and value.
  - Offer information to the consumer in relation to the above.

- Market traders linked to existing tenants in the shopping centre will be given clear preference to operate from the market, and all traders require approval from Westfield prior to commencing.
- Market traders will utilise the loading dock immediately below the market area (as demonstrated in Attachment 2) for loading and unloading purposes. Security staff will be allocated to the area during loading and unloading times to ensure that the area is functioning adequately, and to move-on vehicles that cannot be accommodated within the loading areas.
- Market traders will be required to park vehicles on the upper most car parking deck, being the most under-utilised customer car parking area. This will ensure that car parking areas heavily utilised are made available to customers.

The applicant has stated that the nature, number of stalls, produce offering, and mixture of internal and external operators will fluctuate regularly. To provide flexibility, and to avoid unnecessary additional approvals, the applicant requests that conditions of approval regarding the type or number of market stalls are not applied.

The development plans are provided as Attachment 2, noting that the number and exact positioning of the stalls may change for each market day.

'Markets (Retail)' is a discretionary ("D") land use under DPS2, and therefore Council is required to consider whether the land use is appropriate within the zone taking into account the surrounding development context. 'Markets (Retail)' is defined under DPS2 as follows:

*"means retail premises at which goods are sold from temporary stalls in individual bays leased to or otherwise occupied by independent stallholders".*

### Car parking

As a car parking standard for the land use is not prescribed under DPS2, Council is required to determine a car parking standard for the use. While the activity will occur in conjunction with the shopping centre, it is not considered appropriate to apply the shopping centre standard prescribed in DPS2 as this is based on nett lettable area (NLA) (that is the area internal to permanent structures), and therefore no car parking would be required for the use. This does not allow consideration of the additional land use intensity, and possible car parking demand that the use may generate.

Two approvals have been previously issued for Farmers' Markets within the City of Joondalup, being at Poynter Primary School and Springfield Primary School, with the latter no longer operating. In both instances the car parking standard applied was one bay per 20m<sup>2</sup> GLA and one bay per stall. This was considered sufficient to cater for the market operators and customers, and given that this market will operate in a similar manner is considered appropriate to apply to the 'Markets (Retail)' land use. It is noted that this does not account for any reciprocity between other land uses that may be operating from the site, which needs to be considered on an individual basis.

The applicant has indicated that it anticipates a maximum of 20 stalls will operate at any given time. Based on the car parking standard above, the car parking required under DPS2 and *Omnibus Amendment No. 65* is outlined below. As NLA figures for individual land uses has not been provided, the car parking requirement for the existing development on the subject site has been calculated in accordance with the shopping centre car parking standard under *Omnibus Amendment No. 65*. This is the worst case scenario, as it is noted that the car parking requirement for 'Office' under Amendment No. 65 is less than the car parking standard prescribed for shopping centre.

	<b>DPS2</b>	<b>Omnibus Amendment No. 65</b>
<b>Existing development</b> (various land uses)	3,826	3,558
<b>Proposed Markets (Retail)</b>		
One bay per stall	20	20
One bay per 20m <sup>2</sup> GLA	22.5	22.5
<b>Total Bays Required</b>	3868.5 (3869)	3600.5 (3601)
<b>Total Bays Provided</b>	3,757	3,757
	<b>112 bay shortfall (2.88%)</b>	<b>156 bay surplus</b>

As demonstrated, based on the current car parking requirements under DPS2 for the existing development, the proposed development will increase the car parking shortfall by an additional 43 bays, to a total shortfall of 112 bays (2.88%) across the site. However, applying the car parking standard under the *Omnibus Amendment No. 65* to the existing development on the site, there will be a surplus of 156 bays across the site.

The applicant has provided the following justification in relation to the car parking requirement for the site:

- *Taking into account proposed Amendment No. 65, which has been endorsed by the City and is expected to be endorsed imminently by the Minister, there is a significant over provision of car parking at the Westfield Whitford City site.*
- *Given the seriously entertained nature of the amendment, and the fact it has been utilised for the assessment of recent applications (such as the recent amendment to Lakeside Joondalup at the November 28 North-West JDAP meeting), it is considered appropriate that the proposed standard is taken into account when assessing this application. We note that there is no current car parking standard for Markets (retail), and are happy to accept the City's discretion in calculating a reasonable standard for the proposed land use.*
- *The City should also note that the markets will not obstruct or occupy any car parking or circulation areas when in operation. Additionally any loading on a typical day is to take place from 7.00am to 8.30am on the day of the market, prior to the beginning of regular centre trade at 9.00am. It is acknowledged that the stall will be set up well before the centre becomes busy, and a large number of retailers still do not begin trading until 9.00am on days the centre opens early.*
- *Traffic to the centre is showing moderate decreases in response to the introduction of Sunday retail trading. Westfield maintains accurate daily centre visitor counts to its centre and is able to compare and contrast these counts across time. From the introduction of Sunday trading in August 2012, there has been a statistically repeated decrease in recorded foot traffic comparing Saturday's to the equivalent period one year prior. Overall, there has been an approximate 4.3% decrease in overall Saturday visitors to the centre. This has been complemented by a significant increase in Sunday trade; however Saturday remains the busiest trading day by a significant margin. The consequence of this is that the peak day of the centre has had a reduction in traffic, which has spread throughout the rest of the week, particularly to Sundays.*

## Issues and options considered

Council is required to consider the following:

- The appropriateness of the land use 'Markets (Retail)' as it is a discretionary ("D") use under DPS2.
- An appropriate car parking standard for the land use, as a car parking standard is not set out under Table 2 of DPS2.
- The appropriateness of the proposed car parking shortfall.

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

### Strategic Community Plan

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

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

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

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

The land use 'Markets (Retail)' is a discretionary ("D") land use in the 'Commercial' zone. The objectives of the 'Commercial' zone are set out in Clause 3.7.1

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

*The objectives of the Commercial Zone are to:*

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

Clause 4.5 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; and*
- (b) *Have regard to any expressed views prior to making its decision to grant the variation.*

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

- (a) *Approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
- (b) *The non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

As a car parking standard for the land use 'Markets (Retail)' 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.*

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; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

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

- (a) *the nature of the proposed use and its relationship to the use of other land within the locality;*
- (b) *the size, shape and character of the parcel of land to which the application relates and the nature and 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; and*
- (f) *such other matters as the Council considers relevant, whether of the same nature as the foregoing or otherwise.*

### **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 \$147 (excluding GST) in accordance with the fees and charges schedule for the assessment of the application.

### **Regional significance**

Not applicable.

## Sustainability implications

Not applicable.

## Consultation

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

In accordance with *the Notification of Approved Commercial Development Policy*, land owners in the 'Residential' zone and within 30 metres of the shopping centre site will be notified should the development be approved. The land owners to be notified are identified as Attachment 3.

## COMMENT

### Land use

'Markets (Retail)' is a discretionary ("D") land use within the 'Commercial' zone. The land use is considered to complement the existing shopping centre and other land uses on the site by providing a different retailing format. This is consistent with the objectives of the 'Commercial' zone, and the land use is therefore considered appropriate for the site.

### Car parking

As set out in the details section of this report, the car parking standard considered appropriate for the land use is one bay per 20m<sup>2</sup> GLA and one bay per stall. Applying this standard to the development, the car parking shortfall for the site will increase by 43 bays, to a total of 112 bays (2.88% shortfall).

Council is required to determine whether the 3,757 car parking bays provided on the site are sufficient to service the proposed and existing development. The options available to Council are:

- determine that the provision of 3,757 car parking bays is appropriate and that no cash-in-lieu payment for car parking is necessary
- determine that the provision of 3,757 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 \$1,114,947 for the 43 car bay shortfall as a result of this development, and indicate where this cash-in-lieu will be utilised in the locality to provide replacement parking. This is discussed further below.

The land use is complementary to the existing shopping centre, providing a different format of retail, however, similar goods are offered that are also available from within the shopping centre. The minor nature of the markets and the compatibility with the existing shopping centre mean that the markets are not likely to generate a significant increase in customers to the centre. Furthermore, it is likely that there will be a high reciprocity between the markets and the shopping centre, therefore lowering the car parking demand directly generated by the markets. It is also noted that the total car parking required for the site also includes Endeavour House, with many of the offices located within this building closed over weekends.

While Saturdays are the busiest period for the centre, on the basis of the above, it is considered that adequate parking will be available to accommodate the proposed and existing land uses. However in order to control the intensity of the land use it is considered appropriate that a condition is imposed restricting the number of stalls to 20, and to be located within the area on indicated on the development plan (Attachment 2 refers).

Should the application be approved and require a cash in lieu payment, a figure of \$1,114,947 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 markets, and it is not considered appropriate in this instance to require a cash in lieu payment.

### Operation of the markets

As Saturdays remain one of the busiest trading days for the shopping centre, it is considered that appropriate measures should be taken to ensure that the operation of the markets minimises the impact on car parking availability, and access to the shopping centre. To this effect it is considered appropriate that conditions are imposed to address the following:

- The loading and unloading of stall holder vehicles shall be from the loading dock only, and not the drop off/pick up facility immediately adjacent the market area.
- Stall holder vehicles shall park on the uppermost car parking deck at the shopping centre as this is the most underutilised car park, and ensures that car parking areas heavily utilised by customers remain available.
- Pedestrian clearance shall remain at a minimum of 1.5 metres from the drop-off/pick-up facility, and not less than four metres within the market area to the shopping centre to ensure that pedestrian movement is not restricted.

Should the markets be approved, an advice note is also recommended advising that any additional permanent signage outside of the market area will require a separate application for planning approval.

In addition to the planning requirements above, stall holders will also be required to obtain the relevant licences under the *Food Act 2008* and *Food Regulations 2009*.

### Conclusion

The proposed markets will provide an alternative retail format for customers, and will complement the existing retail format of the shopping centre. As a standalone land use, the car parking required for the use increases the shortfall of car parking for the site in accordance with DPS2. However, it is considered that given the nature of the land use and reciprocity with the existing shopping centre, there would be low additional car parking demand, and the car parking provided on-site will be adequate to cater for the existing and proposed land use.

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

## **VOTING REQUIREMENTS**

Simple Majority.

## RECOMMENDATION

### That Council:

- 1 DETERMINES under clause 6.6.2 of the *City of Joondalup District Planning Scheme No. 2* that the land use 'Markets (Retail)' is an appropriate land use in this instance;
- 2 DETERMINES under clause 4.8.2 of the *City of Joondalup District Planning Scheme No. 2* that the car parking standard for the land use 'Markets (Retail)' shall be one bay per 20m<sup>2</sup> gross leasable area and one bay per stall;
- 3 EXERCISES discretion under clause 4.5.1 of the *City of Joondalup District Planning Scheme No. 2* and determines that the car parking provision of 3,757 car bays in lieu of 3,869 car bays is appropriate in this instance;
- 4 APPROVES under Clause 6.9 of the *City of Joondalup District Planning Scheme No. 2* the application for planning approval dated 11 December 2013 for the proposed Markets (Retail) at Lot 501 (470) Whitfords, Avenue, Hillarys, subject to the following conditions:
  - 4.1 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;
  - 4.2 A maximum of 20 stalls are permitted to operate at any given time within the market area indicated on the approved plans;
  - 4.3 A minimum clearance of 1.5 metres shall be maintained between the drop-off and pick-up facility and market activities;
  - 4.4 A pedestrian path from the car parking area to the shopping centre shall be maintained at a minimum width of 4 metres as indicated on the approved plans;
  - 4.5 All loading and unloading of stall holder vehicles shall be from the loading area only as indicated on the approved plans;
  - 4.6 All stall holder vehicles shall park on the upper most car parking deck during the operation of the markets;
  - 4.7 The area containing the market shall be kept in a clean and tidy condition at all times during and following the markets.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf110214.pdf](#)

### **ITEM 3                    AMENDMENT NO. 71 TO DISTRICT PLANNING SCHEME NO. 2 - LOT 549 (11) MOOLANDA BOULEVARD KINGSLEY - CONSIDERATION FOLLOWING PUBLIC CONSULTATION**

<b>WARD</b>	South-East	
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development	
<b>FILE NUMBER</b>	103244, 101515	
<b>ATTACHMENT</b>	Attachment 1	Location plan
	Attachment 2	Scheme amendment plan
	Attachment 3	Schedule of submissions
	Attachment 4	Scheme amendment process flowchart
	Attachment 5	Consultation map
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.	

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#### **PURPOSE**

For Council to consider the adoption of proposed Amendment No. 71 to *District Planning Scheme No. 2*, following public consultation.

#### **EXECUTIVE SUMMARY**

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

At its meeting held on 16 July 2013 (CJ121-07/13 refers), Council resolved to initiate Amendment No. 71 to *District Planning Scheme No. 2* (DPS2). The amendment proposes to rezone a portion of Lot 549 (11) Moolanda Boulevard, Kingsley, from 'Civic and Cultural' to 'Residential' (Attachment 2 refers).

The proposed scheme amendment was advertised for public comment for a period of 42 days, closing on 13 November 2013. A total of five submissions were received comprising of two comments from service authorities and three comments from residents of Kingsley. A schedule of submissions is provided as Attachment 3. The comments received were in relation to the future development of the site, the advertising undertaken and the retention of trees on the site.

If the scheme amendment is adopted, it is likely the site will be developed by MASONIC Care WA for aged care facilities.

The proposed scheme amendment was advertised via letters to landowners adjoining the subject site, a notice in the local newspaper, a notice on the City's website and a sign on site. It is considered that the method of consultation was transparent and accords with the *Town Planning Regulations 1967*, the City's DPS2 and Council policy.

The retention of specific trees is considered at later stages of the planning process through the assessment of development applications. In accordance with Council's resolution at its meeting held on 16 July 2013 (CJ121-07/13 refers), the City will continue to work with any purchaser of the subject site to minimise the loss of trees through the development process.

The proposed amendment is considered to be appropriate as the portion of Lot 549 being rezoned to 'Residential' is intended to be amalgamated with the adjoining site owned by MASONIC Care WA which is also zoned 'Residential'. This will provide the opportunity for additional aged care accommodation to be developed which will be of benefit to the community.

It is recommended that Council adopts the scheme amendment, and forwards the amendment to the Western Australian Planning Commission (WAPC) for consideration.

## BACKGROUND

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

Lot 549 (11) Moolanda Boulevard is a City owned site currently zoned 'Civic and Cultural', with a density code of R20. The site is located behind a single storey commercial development to the east, a church and park (Calthorpe Park) to the north, residential properties to the west, and a retirement village and service station (owned by MASONIC Care WA) to the south (Attachment 1 refers).

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

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

At its meeting held on 20 November 2012 (CJ245-11/12 refers), Council resolved as follows:

*That Council:*

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

At its meeting held on 16 July 2013 (CJ121-07/13 refers), Council resolved to initiate Amendment No. 71 to DPS2 to rezone a portion of Lot 549 (11) Moolanda Boulevard, Kingsley, from 'Civic and Cultural' to 'Residential' (as shown on Attachment 2). Council's resolution on the initiation of the requested scheme amendment was as follows:

*That Council:*

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

The proposed amendment was referred to the Environmental Protection Authority (EPA) for its comment. The EPA decided that a formal environmental review of the amendment was not required and subsequently Amendment No. 71 was advertised for public comment commencing on 2 October 2013.

The process flow chat for amendments to DPS2 is provided as Attachment 4.

## **DETAILS**

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

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

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

### **Issues and options considered**

The issues to be considered by Council are:

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

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 Western Australian Planning Commission (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** 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** Not applicable.

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

Part 5 of the *Planning and Development Act 2005* along with the *Town Planning Regulations 1967* enables local government to amend a Local Planning Scheme and sets out the process to be followed. Council supported the initiation of the proposed amendment and adopted it for the purposes of public advertising at its meeting held on 16 July 2013 (CJ121-07/13 refers). The proposed amendment was then referred to the EPA for its comment. The EPA decided that a formal environmental review of the amendment was not required.

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

### District Planning Scheme No. 2 (DPS2)

Lot 549 is zoned 'Civic and Cultural' and it is proposed under Amendment No. 71 to rezone a portion of the site to 'Residential'.

The following clauses of the DPS2 relate to the 'Residential' zone:

#### 3.14 *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; and*
- (c) provide the opportunity for aged persons housing in most residential areas in recognition of an increasing percentage of aged residents within the City.*

#### **Risk management considerations**

Not applicable.

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

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

#### **Regional significance**

Not applicable.

#### **Sustainability implications**

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

## Consultation

The proposed scheme amendment was advertised for public comment for a period of 42 days closing on 13 November 2013, by way of:

- letters to nine surrounding land owners (being those adjacent the site as indicated in Attachment 5)
- 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
- a sign on the subject site, positioned at the entrance to the site.

A total of five submissions were received comprising of two comments from service authorities and three comments from residents of Kingsley. The comments from the service authorities relate to the future development of the site. The comments from the residents were in relation to the consultation undertaken and the trees on the subject site.

The schedule of submissions is provided in Attachment 3.

## COMMENT

### Response to submissions

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

Three submissions were received from landowners within the Kingsley area in relation to the advertising undertaken and the retention of trees on the site.

Submissions from two residents raised concerns regarding the number of residents that were written to as part of the advertising. Consultation was undertaken as outlined in the report to Council on 16 July 2013 (CJ121-07/13 refers). This included letters to landowners adjoining the subject site, including six residential properties, two commercial properties, and the retirement village. The purpose of the letters was to advise those landowners directly adjacent the subject site of the proposal, with information widely available to the public through other means including a notice in the local newspaper, a notice on the City's website, and a sign on site. It is considered that the method of consultation was transparent and accords with the *Town Planning Regulations 1967*, the City's DPS2 and Council Policy.

Concerns were also raised in regard to the retention of trees on site. In initiating the amendment Council resolved as follows:

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

The retention of specific trees is considered at later stages of the planning process through the assessment of development applications. Where vegetation is located on private property the City can encourage retention, however, the ability to ensure the trees are retained by the developer is limited. MASONIC Care WA has been made aware of Council's resolution on 16 July 2013 (CJ121-07/13 refers), and it has indicated that the retention of trees would add value to an aged persons development. The City will continue to work with the purchaser to minimise the loss of trees through the development process.

### Conclusion

The advertising of the proposed scheme amendment has not raised any issues that would warrant not proceeding with the proposal. It is recommended that the proposed amendment be adopted without modification and the amending documents be endorsed and submitted to the WAPC for the Minister for Planning's determination.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

### **That Council:**

- 1 Pursuant to Regulation 17(2) of the *Town Planning Regulations 1967*, **ADOPTS Amendment No. 71 to the *City of Joondalup District Planning Scheme No. 2* to rezone a portion of Lot 549 (11) Moolanda Boulevard, Kingsley, from 'Civic and Cultural' to 'Residential', as depicted in Attachment 2 to this Report;****
- 2 AUTHORISES the affixation of the Common Seal and signing of the documents associated with Amendment No. 71 to the *City of Joondalup District Planning Scheme No. 2*;**
- 3 Pursuant to Regulation 18 of the *Town Planning Regulations 1967*, **FORWARDS Amendment No. 71 and Council's decision to the Western Australian Planning Commission for consideration;****
- 4 NOTES the submissions received and advises the submitters of Council's decision.**

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf110214.pdf](#)

## **ITEM 4                      COMMUNITY GARDEN PILOT PROJECT - DUNCRAIG EDIBLE GARDEN**

<b>WARD</b>	South	
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development	
<b>FILE NUMBER</b>	69612, 101515	
<b>ATTACHMENT</b>	Attachment 1	Duncraig edible garden proposal
	Attachment 2	Proposed location site map
	Attachment 3	Concept Drawing of Option One
	Attachment 4	Budget breakdown - Options One and Two
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.	

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### **PURPOSE**

For Council to consider and endorse a community request for the establishment of a two year pilot community garden project at the front entrance to the Duncraig library.

### **EXECUTIVE SUMMARY**

Community gardens are outdoor spaces that are planned and managed by the community, or with significant community involvement. Community gardens may be used for food production, although native, decorative and therapeutic plants can also be grown.

Growing plants in community gardens is becoming increasingly popular and gardens can become hubs for community members to meet and develop friendships and links, as well as providing opportunities to learn about environmental and sustainability matters.

The City has received a formal proposal from a group of residents, the Duncraig Edible Garden Committee, to establish a two year pilot community garden project at the front entrance to the Duncraig library.

Council's approval is being sought to utilise this space, and to provide start up funding to assist with the establishment of the Duncraig edible garden through the purchase of materials, plants and tools, a rainwater tank, as well as installation of a sink, external power point, outdoor furniture, a noticeboard and signage. Operational and in-kind support is also requested in the form of landscape design by the City, assistance with promotion, waste removal, minor infrastructure works, City Watch patrols, public liability insurance, access to utilities and toilet facilities.

Given this is a newly formed community group and pilot project, it is proposed that the City partner with the Duncraig Edible Garden Committee for the duration of the two year pilot period, to allow the group time to develop the necessary structure and procedures for good governance and sustainability.

At the end of the two year pilot period the project will be reviewed and a report presented to Council for consideration prior to any further action or resource allocation. If considered a success, management of the Duncraig edible garden can be completely taken over by the committee which would be expected to be incorporated and operate independently by the time this occurred.

*It is therefore recommended that Council:*

- 1 *APPROVES the use of the front entrance area of the Duncraig library for the location of a two year pilot community garden project, the Duncraig edible garden;*
- 2 *CONSIDERS the inclusion of \$22,881 in the City's 2014-15 Budget to purchase materials, plants and tools, installation of a sink, lockbox, external power point, workbench, community noticeboard and signage to assist with the establishment of the Duncraig edible garden;*
- 3 *APPROVES operational and in-kind support for the Duncraig edible garden in the form of City landscape design assistance, assistance with promotion, waste removal, minor infrastructure works, City Watch patrols, public liability insurance, utility costs and access to toilet facilities for an initial period of two years, after which a report will be brought back to the Council for consideration prior to any further action or resource allocation.*

## **BACKGROUND**

Community gardens are becoming increasingly popular in urbanised communities. There are 25 established community gardens in Western Australia, with several more currently in the planning stages. Community gardens provide an opportunity for local people to meet, share skills, and are highly effective in fostering positive mental health and wellbeing, improved physical health, connection to community and consideration and preservation of the local environment. Community gardens also provide demonstration sites for sustainable living and an informal learning environment. At present there are no community gardens within the City of Joondalup.

At the Council meeting held on 22 June 2010 (CJ28-06/10 refers), a Notice of Motion was presented to Council requesting investigation into the establishment of community gardens in the City of Joondalup.

At the Council meeting held on 15 February 2011 (CJ009-02/11 refers), a report was presented to Council outlining the potential processes, issues and costs associated with the establishment of community gardens. At that time Council resolved to initiate a targeted community consultation to investigate the level of community interest in the establishment and ongoing management of community gardens.

As part of this targeted consultation the City sent a letter, survey and brochure to 196 community organisations and interested individuals, seeking expressions of interest. 31 responses were received. While the number of responses received was relatively low, the outcomes from the consultation were generally positive in terms of support for the establishment of a community garden. During this period however a petition was received from a small number of residents in north Joondalup, which requested that Charing Cross Park and Regents Park not be considered as a potential future community garden location.

At its meeting held on 21 February 2012 (CJ007-02/12 refers), Council considered a summary of the feedback received during the community consultation, and requested the Chief Executive Officer facilitate a meeting with interested submitters to investigate the establishment of a community garden at a preferred location within the City of Joondalup, and to report back to Council on the findings.

In line with Council's resolution, a meeting to further explore community interest in a community garden project was hosted by the City in April 2012. Several follow up meetings between interested residents and community organisations took place to explore in more detail what form a community garden project within the City of Joondalup might take, and where it might best be located.

During the course of these follow up discussions, two different groups began to emerge, and a decision was subsequently made to form two separate community garden working groups. One indicated an interest in the establishment of a small community garden project within the Joondalup City Centre, while the second group opted to focus on establishing a small community garden project at the southern end of the City, in Duncraig.

In April 2013, a meeting was held between the City and key stakeholders from each of the two community garden working groups, to discuss each group's planning progress and the information required to submit a formal request for community gardens. Discussions focussed on pilot projects initially, commencing with smaller plots of land, start up funding, in kind support and a review process for the pilot projects. A template was provided to the working groups to assist with the development of their proposals.

The Duncraig Edible Garden Committee has submitted a proposal which has moved ahead of the Joondalup Garden proposal due to a higher level of community cohesiveness and ownership of the project. This critical level of organisation and community ownership has yet to be achieved by the Joondalup based groups and residents, however should these issues be resolved by the Joondalup group a future report will be submitted to Council.

This Report pertains only to the Duncraig proposal.

## **DETAILS**

The establishment of a community garden requires a group of committed community members to establish, nurture and manage the project. There are also costs associated with the establishment of a garden and ongoing maintenance.

Community gardens cannot exist without clear expectations, guidelines and goals. Local governments can assist groups by providing expertise in the areas of community development, environmental sustainability, assistance with sourcing a suitable location and provide start up funding, operational and in-kind support to ensure basic infrastructure and establishment costs are met.

The City has been approached by a group of committed community members living in the Duncraig area, who seek Council's support to establish a two year community garden pilot project, the Duncraig edible garden (DEG), at the front entrance to the Duncraig library.

### Who will the project involve?

The Duncraig Edible Garden Committee currently consists of five core members, three of whom have taken on the roles of Coordinator, Secretary and Resource Co-ordinator for the project, with additional roles (such as a communication and outreach volunteer) pending formal support of a pilot project.

More than 60 residents have registered their interest with the DEG Committee in becoming actively involved in a community garden, as have a number of local organisations, churches, educational institutions and businesses. These include Valued Independent People, Duncraig Playgroup, Uniting Church Duncraig, Anglican Church Carine/Duncraig, Anglican Church Greenwood/South Kingsley, Warwick Church of Christ, the Poynter Primary School Parents and Citizens Association, the University of Western Australia (Social Work Department), Wonderland Childcare Centre, Duncraig Shopping Centre IGA, T Bone Temptation and Gourmet Butcher, Farm House Fresh, Absolutely Organic, and Terra Perma Design and Education.

Given this is a newly formed community group and pilot project involving City land, it is proposed that the City partner with the Duncraig Edible Garden Committee for the duration of the two year pilot period, to allow the group time to develop the necessary structure and procedures for good governance and sustainability.

At the end of the two year pilot period the project will be reviewed and a report presented to Council for consideration prior to any further action or resource allocation. If considered a success, management of the Duncraig edible garden will then be completely taken over by the Duncraig Edible Garden Committee who would be expected to incorporate and operate independently at that time.

Criteria for measurement of the success of the project would include:

- that the garden area has been maintained to a high standard
- demonstrated significant level of participation by local residents and community groups throughout the two year period. The DEG will be asked to keep a record of this, of events or workshops they hold, as well as any community feedback they receive
- identification of any issues associated with the community garden or space during the two year pilot period (for example any incidences of anti social behaviour).

#### What will the Duncraig Edible Garden look like?

The Duncraig Edible Garden Committee has submitted a proposal detailing how it would approach the establishment of the community garden, its ongoing maintenance and management (Attachment 1 refers).

The Duncraig edible garden will have a communal, educational focus, and be of a manageable size, well suited to a pilot project and the sustainable development of this newly established community group and volunteer base.

Physically the Duncraig edible garden will consist of a small number of communal vegetable plots in raised beds, together with some dwarf fruit trees and a central space to be retained for workshops, public use and community group meetings. A draft concept plan of the proposed Duncraig edible garden has been prepared and forms Attachment 3 to this Report.

#### Start up assistance requested from the City

- A quarterly allowance of \$250 (total \$2,000) for the two year pilot project to cover planting and incidental garden maintenance costs.
- Construction materials (limestone blocks, piping etc) and minor infrastructure works to establish the shell of the community garden to meet City standards.
- Waste removal (operational support).
- Power supply and installation of an external power point (operational support).
- Water supply (installation of an external sink, rainwater tank and reticulation).

- Relocation of existing reticulation and site materials.
- Installation of a lock box for storage of a garden hose and some small tools.
- Access to toilets (in-kind support).
- Shade trees.
- Installation of signage, and a small community noticeboard to acknowledge sponsors, and to announce workshops and events.
- Outdoor furniture to encourage use of the space by the community gardeners and the wider community.
- City assistance with landscape design.

#### Ongoing maintenance assistance requested from the City

- Utility costs (operational support).
- Waste removal (operational support).
- Public liability insurance (operational support).
- Promotional support (operational support).
- Security/City Watch patrols (operational support).

#### Memorandum of Understanding

Should Council decide to support the establishment of the Duncraig edible garden, a Memorandum of Understanding (MOU) between the City and the DEG Committee will be developed to clearly outline the responsibilities of both parties in relation to this project. The MOU would address the interface between the community garden group, library staff and patrons, as well as operational matters such as garden maintenance, area tidiness expectations, and what course of action would be taken in the event that the terms of the MOU are not adhered to, or community participation in the community garden project wanes and the site falls into disuse.

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

Traditionally community gardens have been located in urbanised areas of high residential density where land for the cultivation of private gardens is limited. There are however several examples in WA where successful community gardens have been established in regional areas or form part of an educational or cultural site, where the opportunity for social interaction and connection are as important as providing gardening opportunities.

#### Site location

After considerable research into a number of sites within Percy Doyle Reserve, the front entrance area to the Duncraig library has been identified as the preferred site for the location of a Duncraig edible garden pilot project. The advantages and disadvantages of this site location are:

#### *Advantages*

- Duncraig library within the Percy Doyle Reserve is already an established community hub, where passing foot/vehicle traffic will increase opportunities to generate community interest and involvement in this project.
- The size of the location will ensure the project scale itself is manageable at a high level of presentation through the efforts of local community volunteers, without becoming a burdensome workload. This will assist the sustainability of the community garden project while both garden and group are in the early stages of their development and most vulnerable to risk.

- The location of the Duncraig edible garden within the Percy Doyle Reserve, in a space already reserved for community use, and which does not abutt any residential dwellings, minimises the risk of any negative residential feedback.
- There are no conflicts with existing sport or recreation groups for use of this space.
- A community garden will be a significant aesthetic improvement to the identified space, which is currently quite barren and not being utilised, and provide a new community asset in this area which aims to attract the participation of interested local residents, as well as local seniors groups, parents groups, schools, disability support organisations and the wider community.
- Co-location with the Duncraig library provides the Duncraig Edible Garden Committee and community garden members convenient access to free Wi-Fi, computers and other information resources.
- Co-location with the Duncraig library also provides access to toilets, lighting, parking, connecting footpaths and utility sources, which are highly desirable infrastructure components of a community garden site, and which are costly to install.
- The site is located close to public transport and major traffic routes.
- Good universal access (level surface, ramps to courtyard and the like) already in place.
- An increased community presence will improve passive surveillance, providing a deterrent to antisocial behaviour at Duncraig library, and the nearby leisure centre.
- The smaller sized plot of land provides a lower cost option to a larger plot that may require a significantly higher investment in infrastructure such as sheds, fencing, rainwater tanks, reticulation, parking and toilets.

#### *Disadvantages*

- The proposed Percy Doyle Master Plan does not provide for the long term location of a community garden at this site, and likewise does not currently allow for a broad range of alternative location options within the Percy Doyle Reserve. Should a pilot project be established in this location, there is a risk that the Duncraig Edible Garden Committee may develop an expectation that the garden will be included in the redevelopment of the overall site, which is scheduled to commence in 2022-2023.
- The size of the proposed location is relatively small, being approximately 68m<sup>2</sup> in total from the back of the library courtyard wall to the edge of the verandah. This will limit the space available for garden beds.
- The selected site has only limited scope for expansion. If at the end of a two year pilot period the Duncraig edible garden is considered to be a success, it is likely the Duncraig Edible Garden Committee will seek support for a larger area of land in a more permanent location sometime in the future. This will require a significantly higher level of resource investment.
- It is not feasible to fence the Duncraig edible garden at the proposed location, which may leave the garden vulnerable to antisocial behaviour.

### Community Safety

Community safety aspects will need to be considered in the event a pilot community garden project is approved at the proposed location.

A number of suggestions have been made in relation to encouraging community safety including not locating structures such as rainwater tanks or tables near the existing building to prevent access to the library roof, having any screening suitable for passive surveillance and installing vandal resistant hardware.

Risks associated with potential anti-social behaviour in this space can be minimised through careful management. It is not however feasible to fence the proposed site to prevent access to the garden beds.

### Public Liability Insurance

The Duncraig Edible Garden Committee is not currently incorporated and, as a new initiative, does not yet have the ability or income to acquire insurance in its own name. The group has requested the City's assistance with the provision of public liability insurance.

The City's insurance providers have advised that the Duncraig edible garden volunteers can be covered by the City's existing public liability insurance at no extra cost, since the pilot project is proposed to be a City project for the initial two year pilot period. If the project is considered to be successful at the conclusion of the two year pilot period, the garden will then be formally handed over to the group, which will be expected to be incorporated by this time and apply for insurance in its own name.

### Options considered

#### *Option One:*

Council could determine to support the establishment of the Duncraig edible garden as a two year pilot project in the front entrance area of the Duncraig library, as requested by the Duncraig Edible Garden Committee and outlined in their proposal (Attachment 1 refers) and associated budget breakdown (Attachment 4 refers).

#### *Option Two:*

Council could determine to support the establishment of the Duncraig edible garden as a two year pilot project in the front entrance area of the Duncraig library, with the following amendments to the Duncraig edible garden proposal, which would reduce the costs associated with its development (refer to Attachment 4 for breakdown):

<b>Identified savings</b>	<b>Comments</b>
Landscape Designer fees (value \$3,300).	The City could waive this internal costing, by way of in kind support.
Irrigation adjustments and work - bubblers to trees, timer to back of garden beds (value \$5,000).	Instead of reticulation the Duncraig Edible Garden Committee could arrange a hand watering roster amongst its volunteers.
Supply/installation of picnic bench for members and public use (value \$3,400).	While a desirable element, the Duncraig Edible Garden Committee could be encouraged to apply for corporate sponsorship or community funding for this item.

Identified savings	Comments
Supply/installation of rainwater tank (value \$1,500).	It is unlikely that rainwater collection will be sufficient to meet the water needs of the Duncraig Edible Garden Committee throughout the year, and scheme water use is anticipated regardless of the rainwater tank presence. Therefore the Duncraig Edible Garden Committee could be encouraged to apply for corporate sponsorship or community funding for this item/s, and make use of the tap water in the interim.
Supply of 100ltr fruit trees for planting on raised embankment (value \$1,050).	A desirable but non essential element. It is recommended these not be considered at this early stage of the pilot project due to associated cost versus benefits.
Install public notification sign during construction works period (value \$1,173).	A lower cost option for advisory signage will be investigated.
Provision of shade trees requested around raised rim of forecourt.	Installation of shade trees at this specific location requires extensive and costly additional retaining works, and is not recommended for a pilot project.

Option Two is recommended for approval.

*Option Three:*

Council could resolve to support the establishment of the Duncraig edible garden at an alternative location to the Duncraig library entrance. This will require further consultation and investigation of alternative sites with the Duncraig Edible Garden Committee and will delay the pilot project.

*Option Four:*

Council could determine not to support the establishment of a pilot community garden project in Duncraig.

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

**Legislation**

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

**Strategic Community Plan**

**Key theme**

Community Wellbeing.

**Objective**

Community spirit.

**Strategic initiative**

- Deliver a program of community-based events and education that encourage social interaction within local neighbourhoods.
- Support and encourage opportunities for local volunteering.
- Support and facilitate the development of community leaders.

**Policy**

*Community Development Policy.*

**Risk management considerations**

<b>Risk Description</b>	<b>Risk Management Controls</b>
<p>Location suitability</p> <p>The proposed Percy Doyle Master Plan does not provide for the long term location of a community garden at this site, and should a pilot project be established in this location, there is a risk that the Duncraig Edible Garden Committee may develop an expectation that the garden will be included in the redevelopment of Percy Doyle Reserve in 2022-2023.</p> <p>Selecting an alternative site in a more permanent location with greater room for expansion represents a greater financial risk to the City, through the need to install costly supportive infrastructure such as fencing, toilet and hand washing facilities, sheds, lighting, car parking, connecting footpaths and installation of utility sources.</p>	<p>The Duncraig edible garden is proposed to be a two year pilot project, which will be formally assessed at the end of this period prior to consideration of any further resource allocation. This will be clearly communicated to the DEG Committee through the proposed MOU.</p> <p>Co-location with the Duncraig library provides access to toilets, lighting, parking, connecting footpaths and utility sources, which are highly desirable infrastructure components of a community garden site, and are costly to install. Given this is the first community garden proposed to be installed in the City, starting small with a lower cost impact is recommended.</p>
<p>Risk of disruption to library access or operations</p>	<p>Access to the Duncraig library will not be impeded by the development of the Duncraig edible garden, and the risk of disruption to library operations is considered to be low. The noticeboard requested by the group will include contact information for the Duncraig Edible Garden Committee, who can be approached with any community queries or complaints. A process will also be developed which library staff can refer to in the event they are approached with community queries or feedback.</p>
<p>Risk to the ongoing sustainability of a community garden if it is not community-driven and managed.</p>	<p>Parameters for the management of the garden to be developed as part of an MOU.</p>
<p>Possible failure by group to maintain community interest in the DEG project.</p>	<p>Active promotion of the project combined with its high profile location, broad support base, and small size should maintain sufficient levels of community interest.</p>
<p>Possible dissolution of Duncraig Edible Garden Committee (which at this stage is an informal association - not an incorporated body).</p>	<p>If the pilot project proves successful the Duncraig Edible Garden Committee will be strongly encouraged to incorporate.</p>
<p>Potential for the City to be left with the cost of removing the garden materials in the event the project is not successful.</p>	<p>The DEG concept plans have been designed in such a way that should the project cease, only minimal resources will be required to convert the space from a Duncraig edible garden to a passive recreation space.</p>

Risk Description	Risk Management Controls
Potential to attract antisocial behaviour and lack of fencing to prevent access to the garden beds.	<p>Regular participation in the garden will increase passive surveillance and reduce opportunities for antisocial behaviour.</p> <p>Install vandal proof fixtures and fittings and locate new assets to minimise opportunities for access to the library roof.</p> <p>Increase City Watch security patrols to area as it is not feasible to fence the proposed site.</p>
Potential for the site to become unsightly if the Duncraig edible garden is not carefully maintained.	Maintenance standards for the site to be included in the MOU.
Risk of injury to gardening participants due to the nature of activity and the tools utilised.	<p>As part of the MOU the Duncraig Edible Garden Committee will be required to develop a user manual and induction process for new members to reduce the risk of injury.</p> <p>If Council supports the Duncraig edible garden request, the community gardeners will register as City volunteers for the duration of the pilot project and be covered by the City's insurance policy at no additional cost during this time.</p>

## Financial/budget implications

### Establishment Costs

The cost to establish a basic garden can range between \$20,000 and \$100,000 dependant on the scale of the project, what infrastructure is available, requirements for contracted work and availability of skilled volunteers.

Preliminary research into the costs associated with the establishment of the proposed Duncraig edible garden has been carried out, and is summarised in Attachment 4. These figures are exclusive of GST, and do not include any potential co-contributions possible through the proposed application to the state government grant scheme, local community donations or corporate support/sponsorship.

No funds are allocated in the City's budget for a contribution to community gardens. Based on the following information, start up funding of \$34,926 is estimated to establish the pilot community garden as proposed in Option One (the Duncraig edible garden proposal).

Option Two presents opportunities for project savings, and should Council support this option the establishment of the pilot community garden is estimated to cost \$22,881. Option Two is recommended for approval.

As there are no funds in the current budget, it is recommended that an amount of \$22,881 be listed for consideration as part of the City's 2014-15 Budget. If approved the funds will be managed and utilised by the City for the purpose of establishing the Duncraig edible garden.

### Ongoing Maintenance/Operational Costs

The following ongoing operational support has been requested by the Duncraig Edible Garden Committee.

Item	Comments
Access to toilet facilities.	Access to toilet facilities within the Duncraig library is available between 9.30am and 7.00pm on Mondays and Tuesdays, 9.30am and 6.00pm Wednesday to Friday, and 9.30am and 1.00pm on Saturdays.  Should the Duncraig edible garden proposal be approved by Council the City will investigate alternative options for toilet access within Percy Doyle Reserve outside of library opening hours.
Utility costs (power and water).	Likely to be minor (power required for a kettle/radio and water required for plant hydration/growth) and can be absorbed by the existing operational budget.
Waste removal.	Regular waste removal already occurs in this locality. Due to its small size additional waste produced by the Duncraig edible garden is likely to be minor after its establishment.
Public Liability Insurance.	No cost if Council supports the inclusion of the community gardeners as City volunteers for the duration of the pilot project.
City Watch Patrols.	The locality is on the City Watch patrol schedule, and additional surveillance would not entail any changes to the existing contract.
Promotional support.	The City can promote the Duncraig edible garden through existing networks and promotional materials. The Duncraig Edible Garden Committee can promote through its own networks and engage with the community newspaper and Twin Cities FM at no cost.
Quarterly seasonal allowance to DEG for planting, tools and maintenance costs.	\$2,000 (in quarterly instalments of \$250) has been requested over the two year pilot period. It is proposed that this cost be included in an application for a state government grant.

### External Funding Opportunities

The Department of Local Government and Communities has recently launched a *Community Garden Grants Program*, with \$400,000 available over a four year period to assist with the establishment, or ongoing maintenance of community gardens.

The City has drafted an application for Round One of this program, requesting \$15,000 in start up funding to assist with contribution towards infrastructure, plants and Duncraig Edible Garden Committee member training. While grants of up to \$20,000 are available through the State Government grant scheme, only \$100,000 is available in total for distribution this financial year, and the City has been advised that contributions towards infrastructure costs are likely to be minimal in order to spread the funding further amongst applicants. The \$15,000 funding request is based upon this advice and aims to reflect a combination of the Duncraig edible garden's requirements and State Government funding priorities.

Should Council approve the Duncraig edible garden proposal, this application for funding will be submitted by the due date of 27 February 2014. If the funding application is successful, this will offset some of the City's expenditure on the establishment of the Duncraig edible garden and contribute towards the sustainability and success of the project.

The Duncraig Edible Garden Committee can assist with funding the community garden through membership fees, fundraising/donations, seeking external grant funding, partnership formation, and by hosting special events such as educational community workshops for a nominal participation fee.

### **Regional significance**

It is anticipated that the Duncraig edible garden will be used predominantly by local residents.

### **Sustainability implications**

#### Environmental

The proposed Duncraig edible garden has an educative focus. Informal teaching/learning opportunities will be available to participants including knowledge sharing in relation to organic gardening practices, water wise gardening, waste minimisation through composting, herb, fruit and vegetable gardening (food sustainability) and planting to suit the environment.

#### Social

A community garden can provide a community hub, informal education opportunities, community leadership development, passive recreation and wellbeing, and networking of people with similar interests. Community gardens can provide a facility that supports community cohesiveness and creates an opportunity for all community members to contribute to and belong in the City of Joondalup.

The Duncraig edible garden will enhance the amenity of the front entrance area to the Duncraig library if carefully managed, which will be of benefit to community gardeners, the City, library staff and patrons. As the library site is an existing community hub, it is anticipated that ongoing interest will be generated in the community garden and its activities which will further assist with volunteer and member recruitment.

#### Economic

There will be initial and ongoing costs to the City, as outlined within the 'Financial Implications' section of this Report. The intention is that over time the Duncraig edible garden will become self-sustaining.

While the Duncraig edible garden proposal is the only substantive community garden proposal received to date it is possible that future proposals will be received. Any future proposal will need to be considered by Council on a case by case basis which would take into account the proposed location (and proximity to other community gardens), identified levels of community need and support, as well as the availability of City resources.

## **Consultation**

No formal community consultation has been undertaken by the City on the proposed Duncraig edible garden.

In developing the Duncraig edible garden proposal however, the Duncraig Edible Garden Committee undertook its own research to ascertain the level of local support for the establishment and ongoing maintenance of a local pilot community garden project. This research and consultation included an information stand at the Poynter Farmers Market, a survey of the northern active permaculture enthusiasts, door knocking in Duncraig, and visits to businesses and organisations in the surrounding areas.

This informal consultation suggested to the Duncraig Edible Garden Committee a high level of initial interest and local goodwill at an individual, organisational and business level.

## **COMMENT**

Community gardens are a valuable and worthwhile approach for community connectedness and can generate many benefits with regard to reducing social isolation, the promotion of sustainable horticultural practices, healthy lifestyle practices including good nutrition, educational opportunities and community leadership development.

It is essential that a community garden be community driven in order for it to be successful, and that community garden projects involve partnerships between community members with a diverse range of skills and interests, and other local stakeholders such as educational institutions, community organisations, church groups, local businesses and local government.

Community gardens come in many different shapes and sizes, and generally develop in stages in line with growth in community interest and resources.

The cost to establish a basic garden can range between \$20,000 and \$100,000 dependant on the scale of the project, what infrastructure is available, requirements for contracted work and availability of skilled volunteers.

Once established there are ongoing maintenance and utilities costs and it is essential this is taken into consideration.

The Duncraig Edible Garden Committee consists of a dedicated group of residents with the contacts and expertise required to establish a successful community garden, and significant levels of support have been expressed to the Duncraig Edible Garden Committee in relation to supporting a pilot project at the front of the Duncraig library.

Should Council decide to support the establishment of the Duncraig edible garden, a Memorandum of Understanding (MOU) between the City and the Duncraig Edible Garden Committee will need to be developed to clearly outline the responsibilities of both parties in relation to this project. Further, careful consideration would need to be given to how the community garden is laid out in order to minimise opportunities for anti-social behaviour.

It is recommended that Council supports the establishment of the Duncraig edible garden at the front entrance to the Duncraig library for a two year pilot period, following which a review of the project can be undertaken and a report presented back to Council for consideration prior to any further action or resource allocation.

In relation to the garden design and implementation it is recommended that Council support Option Two, in order to minimise the costs associated with its establishment. It is also recommended that the City partner with the Duncraig Edible Garden Committee for the duration of the two year pilot period, to allow the group time to develop the necessary structure and procedures for good governance and sustainability. If successful, management of the Duncraig edible garden can be formally handed over to the group at the end of the two year pilot period, with the expectation that they incorporate and operate independently from this time.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

### That Council:

- 1 **APPROVES** the use of the front entrance area of the Duncraig library for the location of a two year pilot community garden project, the Duncraig edible garden;
- 2 **CONSIDERS** the inclusion of \$22,881 in the City's 2014-15 Budget to purchase materials, plants and tools, installation of a sink, lockbox, external power point, workbench, community noticeboard and signage to assist with the establishment of the Duncraig edible garden;
- 3 **APPROVES** operational and in-kind support for the Duncraig Edible Garden in the form of City landscape design assistance, assistance with promotion, waste removal, minor infrastructure works, City Watch patrols, public liability insurance, utility costs and access to toilet facilities for an initial period of two years, after which a report will be brought back to the Council for consideration prior to any further action or resource allocation.

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf110214.pdf](#)

## **ITEM 5                    AMENDMENT NO. 57 TO DISTRICT PLANNING SCHEME NO. 2 – LOTS 700, 701 AND 703 BURLOS COURT, JOONDALUP – CONSIDERATION FOLLOWING PUBLIC CONSULTATION**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	101422, 101515
<b>ATTACHMENT</b>	Attachment 1        Scheme amendment plan Attachment 2        Subdivision Plan Attachment 3        Schedule of submissions Attachment 4        Location plan Attachment 5        Scheme amendment process flowchart Attachment 6        Consultation map
<b>AUTHORITY / DISCRETION</b>	Legislative – includes the adoption of local laws, planning schemes and policies.

### **PURPOSE**

For Council to consider the adoption of proposed Amendment No. 57 to *District Planning Scheme No. 2* (DPS2), following public consultation.

### **EXECUTIVE SUMMARY**

Former Lot 977 (15) Burlos Court, Joondalup, was a City owned site. At its meeting held on 15 February 2011 (CJ003-02/11 refers), Council resolved to initiate Amendment No. 57 to DPS2 (Amendment No. 57) to rezone this lot from 'Civic and Cultural' to 'Residential', amend the residential density code from 'R20' to 'R60' and restrict the use of the site to 'Aged Persons' Dwellings' (Attachment 1 refers). A portion of Lot 977 was also to be designated 'Public Use' to accommodate the existing telecommunication tower and ancillary infrastructure (depicted in the location plan included as Attachment 4).

However, before Amendment No. 57 could be progressed negotiations were needed with the owners of the adjoining property to the west (formerly Lot 976, now Lot 700) to ensure vehicle access to that site was maintained. Lot 977 also needed to be formally surveyed to determine the land area required to accommodate the telecommunications infrastructure.

As a result of these actions, the scheme amendment was placed on hold while an application for subdivision was lodged with the Western Australian Planning Commission (WAPC) to ensure vehicle access was maintained to Lot 976, and to clearly identify the area to accommodate the aged persons dwellings and telecommunications infrastructure. The result of the subdivision was the creation of three new lots (Attachment 2 refers), as follows:

- Lot 700 (previously Lot 976) – the residential lot to the west of the City’s site.
- Lot 701 (previously Lot 977) – the site owned by the City including the existing telecommunications infrastructure.
- Lot 702 (previously part of Lot 977) – created to maintain pedestrian access to the existing pedestrian accessways between Burley Griffin Mews to the north east and Water Tower Park.

It was then necessary to revise Amendment No. 57 to reflect the new lots created and the intended use of these lots.

Revised Amendment No. 57 (shown in Attachment 1) seeks to amend DPS2 as follows:

- Rezone the portion of Lot 700 currently zoned ‘Civic and Cultural’ (the portion of the City’s site that was amalgamated into the residential lot to the west) to ‘Residential’.
- Remove the ‘Civic and Cultural’ zone from a portion of Lot 701 being the location of the telecommunication infrastructure (284m<sup>2</sup>) and designating it as ‘Public Use’.
- Rezone the remainder of Lot 701 from ‘Civic and Cultural’ to ‘Residential’, with a density code of ‘R60’, and restricting the use to ‘Aged and Dependent Persons’ Dwellings’.
- Rezone Lot 702 (the pedestrian accessway) from ‘Civic and Cultural’ to ‘Residential’.

At its meeting held on 20 August 2013 (CJ148-08/13 refers), Council resolved to initiate Amendment No. 57 to DPS2 for the purpose of public consultation. The proposed scheme amendment was advertised for public comment for a period of 42 days, closing on 21 November 2013. A total of four submissions were received comprising of one non objection, two objections and a comment from a service authority. The objections received relate to the future development of the site, loss of pedestrian access to the shopping centre via Lot 701 and a perceived potential for property values to decrease due to the future development. A schedule of submissions is provided as Attachment 3.

The proposed amendment is considered to be appropriate given the portion of Lot 701 being rezoned to ‘Residential’ and restricted to the land use of ‘Aged and Dependent Persons’ Dwellings’ will provide the opportunity for additional aged care accommodation to be developed which will be of benefit to the community.

It is recommended that Council adopts the scheme amendment, and forwards the amendment to the Western Australian Planning Commission (WAPC) for consideration.

## BACKGROUND

<b>Suburb/Location</b>	Lot 700, 701 and 702 Burlos Court, Joondalup.
<b>Applicant</b>	City of Joondalup.
<b>Owner</b>	City of Joondalup (Lots 701 and 702) and Department of Housing (Lot 700).
<b>Zoning</b>	<b>DPS2</b> Civic and Cultural (R20).
	<b>MRS</b> Urban.
<b>Site area</b>	5125.73m <sup>2</sup> (total area subject of the scheme amendment).
<b>Structure plan</b>	Not applicable.

Lots 700, 701 and 702 (formerly lots 976 and 977) are adjacent to the Candlewood Shopping Centre and are surrounded by low to medium density housing. Lot 702 (formerly part of Lot 977) is bounded by existing portions of pedestrian access ways which connect to Water Tower Park to the west and Burley Griffin Mews to the north-east. Lot 701 is undeveloped except for a telecommunications tower and ancillary infrastructure. A location plan is provided as Attachment 4.

At its meeting held on 15 February 2011 (CJ003-02/11 refers), Council resolved, in part, as follows:

*“That Council:*

- 1 *pursuant to Part 5 of the Planning and Development Act 2005, CONSENTS to initiate the Amendment to the City of Joondalup District Planning Scheme No 2 to:*
  - 1.5 *Rezone Lot 977 (15) Burlos Court, Joondalup from ‘Civic and Cultural’ to ‘Residential’, excluding the area accommodating an existing telecommunication facility, and recode from R20 to R60;*
  - 1.6 *Rezone the area accommodating an existing telecommunication facility from Lot 977 (15) Burlos Court, Joondalup from ‘Civic and Cultural’ to ‘Public Purpose’;*
  - 1.7 *Include Lot 977 (15) Burlos Court, Joondalup in Schedule 2 –Section 2 – Restricted Uses – Aged Persons’ Dwelling; for the purpose of public advertising for a period of 42 days;*
- 2 *NOTES that the area accommodating an existing telecommunication facility on Lot 977 (15) Burlos Court, Joondalup will be required to be subdivided into a separate lot. This will be undertaken as a separate process.”*

The amendment was not advertised following Council’s resolution as vehicle access arrangements needed to be resolved with the owners of Lot 700 (formerly Lot 976) and the City’s site needed to be surveyed to determine the area required to accommodate the telecommunication infrastructure and prepare for subdivision of the site.

As a result of these actions, it was determined that subdivision of the land needed to occur before the rezoning could be progressed. An application for subdivision for the former Lot 977 (now Lot 701) was therefore lodged with the WAPC to facilitate the boundary realignment for:

- the portion of the PAW (Lot 702)
- the vehicle access way for the adjoining development on former Lot 976 (now Lot 700), owned by the Department of Housing
- the creation of a new lot for the telecommunication infrastructure.

The subdivision was largely supported by the WAPC, however the WAPC did not support the creation of the new lot for the telecommunication infrastructure under the ‘Civic and Cultural’ zoning as the Commission was concerned that this would result in a 284m<sup>2</sup> lot which, if redeveloped in the future, would be too small to develop for a civic and cultural purpose. The subdivision proposal was therefore amended to allow new lots to be created for the vehicle accessway and the PAW, but to retain the telecommunications site as part of the parent lot (the intent being to separately subdivide this off once the rezoning had been finalised).

Once the subdivision had been finalised, Council was able to progress a revised scheme amendment, to reflect the new lots created and the intended use of these lots. Consequently, at its meeting held on 20 August 2013 (CJ148-08/13 refers), Council resolved in part as follows:

*That Council PROCEEDS with revised Amendment No. 57 to the City of Joondalup District Planning Scheme No. 2 to:*

- 1 *Rezone portion of Lot 700 and Lot 702 Burlos Court, Joondalup, from 'Civic and Cultural' to 'Residential';*
- 2 *Remove the 'Civic and Cultural' zoning from a portion of Lot 701 Burlos Court, Joondalup, and designate the area as 'Public Use' as depicted in Attachment 3 to Report CJ148-08/13;*
- 3 *Rezone the remainder of Lot 701 Burlos Court, Joondalup, from 'Civic and Cultural' to 'Residential' and recode this portion to a density code of R60 as depicted in Attachment 3 to Report CJ148-08/13;*
- 4 *Include the portion of Lot 701 Burlos Court, Joondalup, to be zoned 'Residential' in Schedule 2 –Section 2 – Restricted Uses – 'Aged and Dependent Persons' Dwelling' as follows:*

NO	STREET/ LOCALITY	PARTICULARS OF LAND	RESTRICTED USE
2-7	15 Burlos Court Joondalup	Portion of Lot 701 zoned 'Residential'	Aged and Dependent Persons' Dwelling.

The proposed amendment was referred to the Environmental Protection Authority (EPA) for its comment. The EPA decided that a formal environmental review of the amendment was not required and subsequently Amendment No. 57 was advertised for public comment commencing on 10 October 2013.

The process flow chart for amendments to DPS2 is provided as Attachment 5.

## DETAILS

In accordance with the Council resolution above, the proposal seeks to amend DPS2 as follows:

- Rezone the portion of Lot 700 currently zoned 'Civic and Cultural' (the portion of the City's site that was amalgamated into the residential lot to the west) to 'Residential'.
- Rezone a portion of Lot 701 being the location of the telecommunication infrastructure (284m<sup>2</sup>) from 'Civic and Cultural' to 'Public Use'.
- Rezone the remainder of Lot 701 from 'Civic and Cultural' to 'Residential', with a density code of R60, and restricting the use to 'Aged and Dependent Persons' Dwellings'.
- Rezone Lot 702 (the pedestrian accessway) from 'Civic and Cultural' to 'Residential'.

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

## Issues and options considered

The issues to be considered by Council are:

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

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 Western Australia Planning Commission (WAPC) for the Minister for Planning's determination.

## 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 a 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. Council supported the initiation of the proposed amendment and adopted it for the purposes of public advertising at its meeting held on 20 August 2013 (CJ148-08/13 refers). The proposed amendment was then referred to the EPA for its comment. The EPA decided that a formal environmental review of the amendment was not required.

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

### District Planning Scheme No. 2 (DPS2)

Lots 700, 701 and 702 are zoned 'Civic and Cultural' and it is proposed under Amendment No. 57 to rezone Lots 700 and 702 to 'Residential' and rezone Lot 701 to 'Residential' with restricted uses.

The following clauses of the DPS2 relate to the 'Residential' zone and restricted uses and as such require consideration:

#### 3.14 *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; and*
- c) *provide the opportunity for aged persons housing in most residential areas in recognition of an increasing percentage of aged residents within the City.*

#### 3.16 *Restricted Uses (Schedule 2 –Section 2)*

*Notwithstanding anything contained in the Zoning Table, the land specified in Section 2 of Schedule 2 may only be used for the specific use or uses that are listed subject to the conditions set out in Schedule 2 with respect to that land.*

### 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**

Not applicable.

### **Financial/budget implications**

The City, as the applicant, will be required to cover the costs associated with the scheme amendment process. The costs incurred are for the advertising of the amendment which includes placing a notice in the relevant newspapers and erecting a sign on the subject site. The cost of advertising was \$1,799.17.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The proposed amendment would enable aged and dependent persons' dwellings on Lot 701 which will contribute to the environmental, economic and social sustainability by providing dwellings near existing facilities and infrastructure within established suburbs. It will also allow aging in a place where people can continue to reside in their local area over the longer term.

### **Consultation**

The proposed scheme amendment was advertised for public comment for a period of 42 days closing on 21 November 2013, by way of:

- letters to surrounding land owners (being those adjacent to the site as indicated in Attachment 6) and service authorities
- 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
- a sign on the subject site.

A total of four submissions were received comprising of one non objection, two objections and one comment from a service authority. The comments from the service authority relate to future infrastructure on the site. The objections were in relation to the future development of the site, loss of pedestrian access to the shopping centre via Lot 701 and a perceived potential for property values to decrease due to the future development.

The schedule of submissions is provided as Attachment 3.

### **COMMENT**

#### Response to submissions

One submission was received from a service authority, being the Water Corporation. The comments provided relate to advice for the proponents on the infrastructure requirements for later stages of the planning process.

Three submissions were received from nearby landowners being one non objection and two objections. Concerns raised by submitters included a perceived potential for property values to decrease, loss of privacy and the loss of the use of the footpath through the site to the nearby shopping centre.

In response to the concern raised about the impact of future development on land values, this is not a planning consideration as land values are impacted by a range of factors outside the controls of planning. As such it is unable to be taken into consideration.

The comments about the impact on privacy relate to the future development of the site rather than the proposed scheme amendment. The future development, being 'aged persons' dwellings', will be assessed against the R-Codes which provide privacy setbacks. In the event the City is required to exercise its discretion in regards to the provisions of the R-Codes then comment will be sought from any impacted nearby adjoining landowner.

The footpath referred to in the submissions is an informal pathway that has been developed over time as a result of people using Lot 701 to access Burlos Court and the shopping centre. The pathway is located on the City owned land and is not a formal pedestrian access. The formal pedestrian access way (PAW) located along the northern boundary of Lot 700 and 701 is not proposed to be closed as part of this proposal. Pedestrians using Lot 701 to gain access to the shopping centre can use Burley Griffin Mews to access the site via Candlewood Drive. The additional distance to the shopping centre via Burley Griffin Mews is approximately 222 metres (compared to the 110 metres from the PAW to the shopping centre via Lot 701) from the start of the formal PAW that is accessible from Burley Griffin Mews. This distance is not considered to be unreasonable and access via Burley Griffin Mews is considered to be safer for pedestrians as surveillance is offered from the dwellings along the street and there is a formal footpath along Candlewood Boulevard.

### Conclusion

The advertising of the proposed scheme amendment has not raised any issues that would warrant not proceeding with the proposal. It is recommended that the proposed amendment be adopted without modification and the amending documents be endorsed and submitted to the WAPC for the Minister for Planning's determination.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

### **That Council:**

- 1 Pursuant to Regulation 17(2) of the *Town Planning Regulations 1967*, ADOPTS Amendment No. 57 to the *City of Joondalup District Planning Scheme No. 2* to:**
  - 1.1 Rezone portion of Lot 700 and Lot 702 Burlos Court, Joondalup, from 'Civic and Cultural' to 'Residential', as depicted in Attachment 2 to this Report;**
  - 1.2 Remove the 'Civic and Cultural' zoning from a portion of Lot 701 Burlos Court, Joondalup, and designate the area as 'Public Use' as depicted in Attachment 2 to this Report;**
  - 1.3 Rezone the remainder of Lot 701 Burlos Court, Joondalup, from 'Civic and Cultural' to 'Residential' 'Restricted Use: 2-7 "Aged and Dependent Persons' Dwellings"' and recode this portion to a density code of R60 as depicted in Attachment 2 to this Report;**

- 1.4 Include the portion of Lot 701 Burlos Court, Joondalup, to be zoned 'Residential' in Schedule 2 –Section 2 – Restricted Uses – 'Aged and Dependent Persons' Dwelling' as follows:**

<b>NO</b>	<b>STREET/LOCALITY</b>	<b>PARTICULARS OF LAND</b>	<b>RESTRICTED USE</b>
<b>2-7</b>	<b>15 Burlos Court, Joondalup</b>	<b>Portion of Lot 701 zoned 'Residential'</b>	<b>Aged and Dependent Persons' Dwelling</b>

- 2 AUTHORISES** the affixation of the Common Seal and signing of the documents relevant to Amendment No. 57 to *City of Joondalup District Planning Scheme No. 2*;
- 3 Pursuant to Regulation 18 of the *Town Planning Regulations 1967*, FORWARDS** Amendment No. 57 and Council's decision to the Western Australian Planning Commission for consideration;
- 4 NOTES** the submissions received and advise the submitters of Council's decision.

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf110214.pdf](#)

## **ITEM 6                    CHANGE OF USE FROM STORE ROOM TO BEAUTY PARLOUR AT LOT 50 (58) CONSTELLATION DRIVE, OCEAN REEF - RETROSPECTIVE**

<b>WARD</b>	North-Central
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	64603, 101515
<b>ATTACHMENT</b>	Attachment 1        Location plan Attachment 2        Development plans Attachment 3        Properties to be notified under – <i>Notification of Approved Commercial Development Policy</i>
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

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### **PURPOSE**

For Council to determine a retrospective application for a change of use from a store room to 'Beauty Parlour' at Lot 50 (58) Constellation Drive, Ocean Reef.

### **EXECUTIVE SUMMARY**

An application for planning approval has been received for a change of use from a store room to 'Beauty Parlour' at Lot 50 (58) Constellation Drive, Ocean Reef.

The site is zoned 'Urban' under the *Metropolitan Region Scheme* and 'Commercial' under the *City's District Planning Scheme No. 2 (DPS2)*. Under DPS2 a 'Beauty Parlour' is a permitted ("P") land use within the 'Commercial' zone.

As storage areas are not included in Net Lettable Area (NLA), as per the definition in DPS2, the change in land use will increase the NLA of the site by 10.67m<sup>2</sup> and increase the car parking shortfall of the site from two to three car bays (15%) under the current parking standards of DPS2.

Under the City's draft *Omnibus Amendment No. 65* to DPS2 (*Omnibus Amendment No. 65*), the car parking standards of the land uses 'Office' and 'Shop' are proposed to be reduced. If this amended car parking standard was to be applied to the development as a whole, a two car bay surplus would result.

Taking into consideration the car parking demands of the other businesses on the site, including the peak periods of operation, as well as the modifications to the car parking standards under *Omnibus Amendment No. 65*, it is considered that there is sufficient car parking provided on site to accommodate the beauty parlour and the other land uses approved within the development.

It is therefore recommended that the development application be approved.

## BACKGROUND

<b>Suburb/Location</b>	Lot 50 (58) Constellation Drive, Ocean Reef.
<b>Applicant</b>	Trudy Iovene.
<b>Owner</b>	John Paul Kemsley.
<b>Zoning</b>	<b>DPS</b> Commercial.
	<b>MRS</b> Urban.
<b>Site area</b>	900m <sup>2</sup> .
<b>Structure plan</b>	Not Applicable.

Lot 50 (58) Constellation Drive, Ocean Reef, is bordered by residential properties to the south-east and north-east and the Beaumaris Medical Centre to the north-west (Attachment 1 refers). A two storey office development was approved at the site by Council at its meeting held on 20 November 2007 (CJ250-11/07 refers). Modifications to this development, including the addition of the store room the subject of this application, were approved by Council at its meeting held on 19 May 2009 (CJ117-05/09 refers). Since these approvals two change of use applications have been approved by the City under delegated authority. These applications include a change of use from 'Office' to 'Hairdresser' and a change of use from 'Office' to 'Recreation Centre.'

### Omnibus 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 'Office' is proposed to be modified from one bay per 30m<sup>2</sup> NLA to one bay per 50m<sup>2</sup> NLA and the car parking standard for 'Shop' is proposed to be modified from seven bays per 100m<sup>2</sup> NLA to five bays per 100m<sup>2</sup> NLA.

In addition, under Omnibus Amendment No. 65 the use class 'Beauty Parlour', is proposed to be deleted from Table 1 of DPS2 and included in the definition of 'Shop.' Within the 'Commercial' zone a 'Shop' is a permitted ("P") use.

As the amendment has been adopted by Council (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 retrospective approval for a change of use from a store room to a 'Beauty Parlour' at Lot 50 (58) Constellation Drive, Ocean Reef. Development Plans are included as Attachment 2.

The beauty parlour has one beauty therapist and operates from 9.00am – 3.00pm Tuesday to Friday, with extended hours on Wednesday until 8.30pm, and 9.00am – 5.30pm Saturday.

The application does not propose any modifications to the external facade of the building.

DPS2 does not specify a car parking standard for 'Beauty Parlour', however, previously the City has applied the car parking standard for 'Shopping Centre under 10,000m<sup>2</sup>' of seven bays per 100m<sup>2</sup> NLA to this land use. It is noted that under the *Omnibus Amendment No. 65*, the use class 'Beauty Parlour' is to be incorporated into the use class 'Shop'. The car parking standard for 'Shop' proposed under *Omnibus Amendment No. 65*, being five bays per 100m<sup>2</sup> NLA, has not been reflected in the table below, or in the City's calculations.

The change in land use will increase the NLA of the site and therefore increase the car parking requirements of the site. Upon applying the current car parking standards contained within DPS2 and the proposed parking standard contained within *Omnibus Amendment No. 65*, the following car parking requirements would result:

	<b>Car parking required under DPS2</b>	<b>Car parking required under Amendment No. 65</b>
<b>Office</b> NLA = 228.096m <sup>2</sup>	1 per 30m <sup>2</sup> NLA = 7.60 car bays required	1 per 50 m <sup>2</sup> NLA = 4.56 car bays required
<b>Hairdresser</b> NLA = 84.24m <sup>2</sup>	7 per 100m <sup>2</sup> NLA = 5.90 car bays required	5 per 100m <sup>2</sup> NLA = 4.21 car bays required
<b>Recreation centre</b> 13 Persons	1 per 2.5 persons = 5.2 car bays required	1 per 2.5 persons = 5.20 car bays required
<b>Beauty Parlour</b> NLA = 10.6704m <sup>2</sup>	7 per 100m <sup>2</sup> NLA = 0.74 car bays required	7 per 100m <sup>2</sup> NLA = 0.74 car bays
<b>Total car parking required</b>	<b>19.44 (20) bays</b>	<b>14.71 (15) bays</b>
<b>Total car parking provided</b>	<b>17 car bays</b>	<b>17 car bays</b>
	<b>3 bay shortfall (15%)</b>	<b>2 bay surplus</b>

The change in land use to 'Beauty Parlour' will increase the car parking required under DPS2, resulting in a three car bay shortfall (15%). It is noted that in applying the car parking standards under *Omnibus Amendment No. 65*, the proposed change of use would result in a car parking surplus of two car bays.

### Issues and options considered

Council is required to determine and appropriate car parking standard for the land use 'Beauty Parlour' and 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.

<b>Objective</b>	Quality built outcomes.
<b>Strategic initiative</b>	Buildings and landscaping is suitable for the immediate environment and reflect community values.
<b>Policy</b>	<i>Notification of Approved Commercial Development Policy.</i>

*District Planning Scheme No. 2 (DPS2)*

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:*
- (c) Consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1; and*
  - (d) Have regard to any expressed views prior to making its decision to grant the variation.*
- 4.5.3 The power conferred by this clause may only be exercised if the Council is satisfied that:*
- (c) Approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
  - (d) The non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

As a car parking standard for the land use 'Beauty Parlour' 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**

- 4.8.1 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; and*
- (k) any other matter which in the opinion of the Council is relevant.*

### **Risk management considerations**

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

### **Financial/budget implications**

The applicant has paid fees of \$885 (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 change of use.

In accordance with the *Notification of Approved Commercial Development Policy*, land owners in the 'Residential' zone and within 30 metres of the site will be notified should the development be approved. The land owners to be notified are identified as Attachment 3.

## COMMENT

### Land Use

'Beauty Parlour' is a permitted ("P") use within the 'Commercial' zone. Under Amendment No. 65 the land use 'Beauty Parlour' is to be deleted and included within the definition of 'Shop' as per the Model Scheme Text. Under DPS2 the land use 'Shop' is also a permitted ("P") use within the 'Commercial' zone.

### Car Parking

The site currently has a two bay car parking shortfall (10%) across the site. As part of this application the car parking shortfall across the site will increase to three car bays, resulting in a 15% shortfall.

Council is required to determine whether the 17 car bays provided on the site are sufficient to service the proposed development. The options available to Council are:

- determine that the provision of 17 car parking bays is appropriate and that no cash-in-lieu payment for car parking is necessary
- determine that the provision of 17 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 \$25,929 for the one car bay shortfall as a result of this development, and indicate where this cash-in-lieu will be utilised in the locality to provide replacement parking. This is discussed further below.

In considering the appropriateness of the car parking shortfall it is noted that the nature of the business which operates out of the approved offices, a real estate agent, has a low customer demand and therefore low car bay requirements. A search of the opening hours of the businesses currently operating from the approved 'Recreation Centre', a gym, confirms that this business experiences peak periods during mornings and late afternoons, when group fitness classes are run. As the beauty parlour operates from 9.00am to 3.00pm most days its hours of operation do not conflict with the peak periods of this business.

Furthermore, under the car parking standards of the *Omnibus Amendment No. 65* the car parking requirements of Lot 50 reduce such that there is a car parking surplus of two car bays.

Should the application be approved and require a cash in lieu payment, a figure of \$25,929 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 beauty parlour, and it is not considered appropriate in this instance to require a cash-in-lieu payment.

### Conclusion

The proposed variation to the car parking standard of DPS2 is considered appropriate taking into consideration the parking requirements and peak periods of operation of the businesses operating from the development, as well as the proposed modifications to the car parking standard for 'Office' and 'Shop' as contained within *Omnibus Amendment No. 65* demonstrating that adequate car parking will be available across the site.

It is recommended that the application for change of use be approved.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

#### **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 'Beauty Parlour' shall be seven car bays per 100m<sup>2</sup> 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 17 bays in lieu of 20 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 9 December 2013 submitted by Trudy Iovene, for a retrospective change of use from store room to 'Beauty Parlour' at Lot 50 (58) Constellation Drive, Ocean Reef.**

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6brf110214.pdf](#)

## **ITEM 7                    ADOPTION OF AMENDMENT NO. 3 TO THE BURNS BEACH STRUCTURE PLAN - RECONSIDERATION OF DECISION FOLLOWING STATE ADMINISTRATIVE TRIBUNAL HEARING**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	29557, 101515
<b>ATTACHMENT</b>	Attachment 1        Revised structure plan wording Attachment 2        Revised structure plan map
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

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### **PURPOSE**

For Council to reconsider its refusal of an application to amend the Burns Beach Structure Plan, in accordance with orders made by the State Administrative Tribunal (SAT).

### **EXECUTIVE SUMMARY**

At its meeting held on 27 May 2013 (CJ065-05/13 refers), Council reaffirmed its decision not support a proposal to amend the Burns Beach Structure Plan to increase the residential density of part of the undeveloped land in the Northern Residential Precinct, from R20 to R25.

The proponent subsequently sought review of Council's decision by the SAT. Mediation on the issue was unsuccessful, and a full hearing was scheduled to be heard on 29 and 30 January 2014. At the hearing, the appellant proposed an amendment whereby the number of dwellings within the proposed R25 area would be capped at 305 dwellings, and the size of R40 and R60 coded areas would be limited to 6,072m<sup>2</sup> and 10,452m<sup>2</sup> respectively.

This proposal effectively limits the number of dwellings within the (proposed) R25 coded area to the maximum number that would currently be permitted as a right under the R20 code. The application of the R25 code would, however, allow additional flexibility in the lot sizes and lot frontage widths. Given that the impact of this proposal upon traffic and residential amenity would be no more than that under the R20 code, the proposal is considered to have merit.

Placing a restriction on the size of the R40 and R60 is simply formalising in the structure plan the approvals that have been issued through the subdivision process. This restriction will ensure that the sizes of these areas don't expand further. Even if successful in the SAT proceeding, the City would not achieve a better outcome in terms of the number of additional vehicle movements on internal roads within the structure plan area. This is the principal issue in the proceeding.

In light of the revised proposal, the SAT has invited Council to reconsider its previous decision. It is recommended that Council set aside its previous decision and approve the revised proposal.

## BACKGROUND

<b>Suburb/Location</b>	Burns Beach.
<b>Applicant</b>	Development Planning Solutions.
<b>Owner</b>	Burns Beach Trust.
<b>Zoning</b>	<b>DPS:</b> Urban Development.
	<b>MRS:</b> Urban.
<b>Site area</b>	147ha.
<b>Structure plan</b>	Burns Beach Structure Plan.

At its meeting held on 22 November 2011 (CJ212-11/11 refers), Council considered an application to amend the Burns Beach Structure Plan. The proposal included:

- increasing the residential density of undeveloped land currently coded R20 in the Northern Residential Precinct, to R25
- increasing the residential density of part of the undeveloped land coded R20 in 'Stage 7', to R40
- text and mapping modifications to reflect the coding change.

After advertising the proposed amendment, Council considered the submissions received and adopted Amendment No. 3 at its meeting held on 17 April 2012 (CJ045-04/12 refers), subject to the proposed density increase in the Northern Residential Precinct being deleted from the amendment.

The modified structure plan was then forwarded to the Western Australian Planning Commission (WAPC) for adoption and certification. The WAPC adopted Amendment No. 3 subject to it being further modified to re-include the recoding of the Northern Residential Precinct from R20 to R25, contrary to Council's decision to have this part of the amendment deleted.

As the decision made by Council was different to that made by the WAPC, the Council was required to consider the WAPC's decision and decide whether or not to accept the modification required by the WAPC to Amendment No. 3. At its meeting held on 27 May 2013 (CJ065-05/13 refers), Council resolved to reaffirm its previous decision to adopt Amendment No. 3, subject to the proposed density increase in the Northern Residential Precinct being deleted from the amendment.

The applicant subsequently requested a review of Council's decision by the SAT. Mediation on the matter did not result in any agreement between the parties and a hearing was subsequently held on 29 January 2014.

At the hearing, the appellant proposed a modification to the structure plan amendment, and the hearing was adjourned to allow Council to reconsider its decision in light of the proposed modification.

## DETAILS

The applicant's revised proposal is to modify the Burns Beach Structure Plan by:

- increasing the residential density of undeveloped land currently coded R20 in the Northern Residential Precinct, to R25 and placing a cap of 305 dwellings on the R25 coded land
- placing a maximum size for the R40 and R60 areas within the Northern Residential Precinct of 6,072m<sup>2</sup> and 10,452m<sup>2</sup> respectively
- increasing the residential density of part of the undeveloped land coded R20 in 'Stage 7', to R40 (existing unmodified proposal)
- text and mapping modifications to reflect the above changes.

The proposed cap of 305 dwellings in the (proposed) R25 area effectively limits the number of dwellings to the maximum number that would currently be permitted as a right under the existing R20 code. The application of the R25 code would, however, allow lot sizes down to a minimum lot size of 300m<sup>2</sup> versus the 350m<sup>2</sup> minimum size permitted under the R20 code. Lot frontage widths could also be a minimum of 8 metres versus the 10 metre width required under the R20 code.

The proposed maximum sizes of the R40 and R60 coded areas reflect the existing size of these areas within the current approved subdivision plan for the Northern Residential Precinct.

The proposed structure plan text and mapping modifications to implement the above are outlined at Attachment 1.

## Issues and options considered

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.

If Council agrees with the revised proposal, the current SAT proceedings will be concluded. The revised structure plan will then be forwarded to the WAPC for final consideration. If the WAPC does not endorse the revisions, a further right of review to SAT will be generated.

If Council does not agree with the proposed revisions, the SAT hearing on the matter will proceed on 14 March 2014.

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

<b>Legislation</b>	<i>District Planning Scheme No. 2. State Administrative Tribunal Act 2004.</i>
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Quality built outcomes.
<b>Strategic initiative</b>	Buildings and landscaping is suitable for the immediate environment and reflect community values.
<b>Policy</b>	<i>Directions 2031 and beyond (WAPC). Draft Outer Metropolitan Sub-Regional Strategy (WAPC).</i>

*District Planning Scheme No. 2*

Clause 9.7 of *District Planning Scheme No. 2* (DPS2) enables Council to amend an Agreed Structure Plan subject to the agreement of the Commission.

An amendment submitted to Council (either when initially lodged or after modifications are required to it by the Commission) is considered under clause 9.4. Should Council determine that the amendment is satisfactory under clause 9.4, advertising of the proposal is undertaken in accordance with clauses 6.7 and 9.5 of DPS2 for a minimum of 21 days.

Advertising may be waived for minor modifications, in accordance with Clause 9.4.1(a) of DPS2.

The amendment and all submissions received during any advertising period are then required to be considered under Clause 9.6. If Council determines that the amendment is satisfactory, the amendment is forwarded to the Commission for adoption.

Under clause 9.6.3(c) of DPS2, if the Commission requires modifications, the amendment shall be resubmitted to Council for consideration under clause 9.4.

*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.*

### **Risk management considerations**

Not applicable.

### **Financial/budget implications**

To date, the cost of defending the SAT proceedings is \$18,903, excluding officer time, and costs associated with legal and expert witnesses attending the hearing as those costs are not known at this point.

In the event Council does not agree with the revised proposal, additional costs will be incurred at a further hearing.

### **Regional significance**

*Directions 2031 and beyond* 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 green field development sites.

Under the modifications proposed by the appellant, no additional dwellings would be accommodated within the Burns Beach Structure Plan area which is contrary to the aspirations of the above strategies, however, it is consistent with the existing R20 coding of the area.

### **Sustainability implications**

Although the revised proposal does not permit any additional dwellings beyond that of the R20 density code, the R25 code will allow flexibility in the lot sizes and frontage widths that can be provided, which could provide for different housing products and sizes.

### **Consultation**

The original Structure Plan amendment request was advertised for a period of 21 days by way of:

- written notification to 18 nearby landowners
- documents being available at the City's administration building
- a notice being placed in The Joondalup Community newspaper
- a notice and documents on the City's website.

Ten submissions were received during the comment period, and a 72 signature petition was received after the close of the comment period.

DSP2 allows an amendment to be re-advertised where the WAPC requires modifications to that amendment. However, given that the proposed dwelling numbers in the Northern Residential Precinct are not greater than that which could be developed under the R20 code, it is not considered necessary to re-advertise the proposal.

## COMMENT

At its meeting held on 27 May 2013 (CJ065-05/13 refers), Council gave the following reason for deleting the proposed increase in density code to R25 in the Northern Residential Precinct:

*“the road network is not appropriately designed to support an increase in housing density; the increased density is not supported by the local community; and the adverse impact an increase in densification would create on the existing residential amenity.”*

The revised proposal put forward by the appellant at the SAT hearing effectively addresses the above concerns as the cap of 305 dwellings in the proposed R25 coded area is the same number of dwellings that could be achieved under the existing R20 code. If no cap was imposed, the potential number of dwellings under the R25 code is 390.

The effect of the R25 code will allow lots to be created with a minimum lot size of 300m<sup>2</sup> and minimum frontage of 8 metres, in lieu of a minimum lot size of 350m<sup>2</sup> and minimum frontage of 10 metres at the R20 code. It is noted that not all lots will be developed at the R25 lot size as a mixture of lot sizes will be necessary to achieve the maximum of 305 lots. In accordance with the proposed wording modifications to the structure plan, the same structure plan provisions that apply to the R20 coded development in Burns Beach will apply to the R25 coded area.

The revised proposal also ensures that the existing size of the R40 and R60 coded land will remain the same under any configured subdivision design as exists under the current approved subdivision plan. This method, rather than a dwelling cap, is proposed as it is not possible under the current *Residential Design Codes* to determine the specific number of multiple dwellings that could be developed on a particular parcel of land at the R40 and R60 codes.

In summary, it is considered that the revised proposal will address concerns in regard to additional traffic movement and impact on residential amenity within the existing Burns Beach area, given that the number of dwellings within the proposed R25 coded area will effectively be the same as that which could be developed at a density code of R20. Even if successful in the SAT proceeding, the City would not achieve a better outcome in terms of the number of additional vehicle movements on internal roads within the structure plan area. This is the principal issue in the proceeding.

It is recommended that Council set aside its decision of 27 May 2013 (CJ065-05/13 refers), and support the revised proposal.

## VOTING REQUIREMENTS

Simple Majority.

**RECOMMENDATION**

**That Council, pursuant to Section 31 of the *State Administrative Tribunal Act 2004*, SETS ASIDE its decision of 27 May 2013, and substitutes as follows:**

***“That Council:***

- 1     pursuant to clauses 9.4 and 9.7 of District Planning Scheme No. 2, WAIVES the re-advertising of Amendment No. 3 to the Burns Beach Structure Plan;***
- 2     pursuant to clauses 9.4, 9.6 and 9.7 of District Planning Scheme No. 2, DETERMINES that Amendment No. 3 to the Burns Beach Structure Plan forming Attachment 1 to this Report, is satisfactory;***
- 3     SUBMITS Amendment No. 3 to the Burns Beach Structure Plan to the Western Australian Planning Commission for final adoption and certification.”***

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf110214.pdf](#)*

## ITEM 8 FUTURE WARWICK ACTIVITY CENTRE STRUCTURE PLAN AND SCHEME AMENDMENT

<b>WARD</b>	South	
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development	
<b>FILE NUMBER</b>	09312, 101515	
<b>ATTACHMENT</b>	Attachment 1	Location plan
	Attachment 2	Proposed structure plan boundary
	Attachment 3	Scheme amendment and structure plan process flowcharts
<b>AUTHORITY / DISCRETION</b>	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.	

### PURPOSE

The purpose of this report is for Council to:

- formally require the preparation of a draft activity centre structure plan for the Warwick Activity Centre as a precursor to development in the centre (excluding minor or incidental development proposals)
- agree the boundary of the activity centre structure plan area
- agree certain parameters the City proposes for the future draft Warwick Activity Centre Structure Plan.

### EXECUTIVE SUMMARY

Under *State Planning Policy 4.2 – Activity Centres for Perth and Peel* (SPP 4.2), the Warwick commercial area is designated a secondary centre and as such, requires an activity centre structure plan to be prepared prior to any major retail development being undertaken. Notwithstanding this requirement, given the multiple and fragmented landownership within the centre, it is appropriate that a structure plan be required prior to any development or subdivision (excluding minor applications) being undertaken in order to ensure coordinated and cohesive development within the centre.

The structure plan will outline the vision and objectives for the centre and the development and subdivision requirements to realise this. As well as progressing an activity centre structure plan for the Warwick commercial area, an amendment to *District Planning Scheme No. 2* (DPS2) would also be progressed to rezone the site to 'Centre'.

This Report seeks to inform Council of the process that will be followed for the preparation and adoption of this scheme amendment and structure plan, and the fundamentals that the structure plan will seek to achieve. It also sets the structure plan boundary and the City's non-negotiables when engaging with the proponents of the structure plan.

To ensure that no significant development occurs prior to the adoption of the structure plan that may prejudice its outcome, it is also recommended that Council makes a resolution under clause 9.1 of DPS2 to require a structure plan for the centre prior to the consideration of subdivision and development.

It should be noted that Council will still be able to consider any development proposed for minor and incidental development prior to the adoption of a structure plan in accordance with 9.11 of DPS2, where the proposal is considered to be in the interest of orderly and proper planning.

## BACKGROUND

<b>Suburb/Location</b>	Warwick.
<b>Applicant</b>	Not applicable.
<b>Owner</b>	Federation Centres; Silkchime Pty Ltd; City of Joondalup; various other individual owners.
<b>Zoning</b>	<b>DPS</b> Commercial and Public Use.
	<b>MRS</b> Urban.
<b>Site area</b>	16.5 hectares.
<b>Structure plan</b>	The subject of this Report.

### Location and context

The Warwick commercial area is located at the corner of Erindale Road and Beach Road and, with the exception of a site zoned 'Public Use' (used for drainage), is made up of 'Commercial' zoned sites. These sites include the Warwick Grove Shopping Centre, Warwick Commercial Park, Warwick Entertainment Centre, three City-owned lots and several separate commercial lots (Attachment 1 refers). The Warwick commercial area accommodates over 25,000m<sup>2</sup> of shop retail and a mix of other uses to have a commercial floor space of almost 54,000m<sup>2</sup>.

The surrounding areas to the south and west of the subject site are made up of predominantly low density, privately owned residential lots. A Bethanie Care Nursing Home (R80) and R40 coded residential lots are located to the north of the site. Warwick Open Space is located to the east.

The commercial area is located within Housing Opportunity Area 1 under the City's *Local Housing Strategy* (LHS) and there is a density increase proposed for the surrounding residential properties to R20/40 and R20/60.

### Developer intentions

The City has recently been separately approached by representatives of two of the main landowners within the commercial area, each seeking to develop their land within the near future.

The new owners of the Warwick Grove Shopping Centre, Federation Centres, are considering a possible upgrade and expansion to the shopping centre. Similarly, a landowner with several landholdings within the Warwick Commercial Park, which adjoins the shopping centre, is looking to develop a mixed use, medium to high density residential development.

### City owned land

The City owns three properties within the Warwick commercial area. There is an opportunity to explore the potential interface between the existing/future commercial development and the City-owned properties, as well as an opportunity to upgrade and/or replace the ageing community facilities and rationalise the City's landholdings. A separate Council report is included on this agenda on these opportunities.

## **DETAILS**

### Need for a structure plan and subdivision and development approval prior to the adoption of a structure plan

Clause 9.1 of DPS2 allows Council to require the preparation and presentation to it of a structure plan as a prerequisite to the support for a proposal to rezone, subdivide or amalgamate land, or consideration of an application for planning approval.

Given the major development intentions, it is considered appropriate that a structure plan be prepared and adopted for the Warwick shopping centre and commercial area. This is particularly important as land within the area is held in fragmented and multiple ownerships, and a structure plan will ensure the integrated and coordinated approach to any future development and subdivision.

Notwithstanding this, should an application for subdivision or development be received prior to the endorsement of a structure plan, the City could still consider the application having regard to clause 9.11 of DPS2. This clause sets out that in addition to other matters listed under the DPS2, regard shall be given to:

- the intent of the application as an overriding consideration
- the desirability from a planning point of view of having an Agreed Structure Plan in place before development or subdivision occurs
- the interests of orderly and proper planning, and concern for the amenity of the relevant locality in the short, intermediate and long term
- the provisions of *State Planning Policy 4.2 – Activity Centres for Perth and Peel* in the case of major development in an activity centre requiring an activity centre structure plan under clauses 3.7.2 and 3.11.4.

However, in order not to prejudice the future preparation of a structure plan, it is considered appropriate that only applications for minor or incidental development be considered prior to the adoption of a structure plan in accordance with clause 9.11 of DPS2. Minor and incidental development is proposed to be limited to:

- the amalgamation of lots or part lots
- the consolidation of land for 'superlot' purposes to facilitate land assembly for future development
- the purpose of allowing access or the provision of services or infrastructure that would not prejudice future development outcomes
- change of use applications
- minor modifications to existing buildings
- minor modifications to car parking
- signage
- changes to landscaping
- patio, verandah, shade sail, portico or outbuilding additions to an existing development.

### Structure plan requirement for major retail development

It is noted that should Council not require a structure plan at this point in time, the preparation of a structure plan will still be required in accordance with DPS2 and SPP4.2 in the event that major retail development is proposed. 'Major development' is defined within SPP4.2 as development of any building or extension/s to an existing building where the building or extensions are used or proposed to be used for shop-retail purposes and where the shop retail nett lettable area (NLA) of the proposed building is more than 10,000m<sup>2</sup>; or extension/s is more than 5,000m<sup>2</sup>.

### Structure plan boundary

In accordance with DPS2, Council is required to determine the area to be covered by a structure plan.

It is considered appropriate for the extent of the structure plan to include all the areas within the roads that encircle the Warwick commercial area and separate these areas from the surrounding land uses. Specifically, the Warwick Activity Centre is proposed to be bounded by Dugdale Street to the north-west, Dorchester Avenue to the south-west, Beach Road to the south, Erindale Road to the east and Ellersdale Avenue to the north-east.

Attachment 2 outlines the City's recommended structure plan boundary.

### Non-negotiable areas

To provide clarity on the City's expectations for the Warwick activity centre, including the City's land holdings, the following 'non-negotiables' have been prepared as a basis for engagement with the proponents:

- An activity centre structure plan must be developed and approved for the Warwick Activity Centre before any significant development within the activity centre occurs.
- The boundary of the Warwick Activity Centre will be broader than just the shopping centre and at a minimum will include all the commercial area.
- The proponents must engage the other landholders in the planning process.
- The City will seek to rationalise its land holdings within the Warwick Activity Centre.
- The City will investigate potential for the provision of a multi-use community facility within the Warwick Activity Centre.
- A proposal for development contributions will need to be submitted and approved by the City prior to the structure plan being submitted. While it is envisaged that certain costs will be met directly by developing landowners, it is likely that certain components of the cost of land and infrastructure works required will need to be funded by development contributions.

### Structure plan purpose

The structure plan will apply zoning, land uses and residential densities to the land and provide a framework for the coordinated provision of development for the existing area described above within the proposed structure plan boundary.

The structure plan will need to be consistent with the *Model Centre Framework* within SPP 4.2 which addresses elements such as centre context, activity, movement and urban form. It will also manage and direct the provision of development standards and community and other infrastructure investment and staging programs. Specifically, the structure plan must contain:

- statutory provisions that ensure (or at least facilitate) that land use diversity targets for all stages of development are met
- a clear implementation and staging strategy with triggers for infrastructure upgrades, timing of infrastructure upgrades and actions to be undertaken to achieve the diversity targets mentioned above
- a transport report forming part of the structure plan to adequately address the transport issues that will arise from the development envisaged by the structure plan
- the requirements, responsibilities and timing for infrastructure upgrades to ensure an appropriate and coordinated approach to the redevelopment of the activity centre.

#### Structure plan preparation, amendment to *District Planning Scheme No. 2* and fiscal responsibility

The structure plan may be prepared by local government or the private sector (land owners, developers). In this instance, the preparation of the structure plan and the financing and project management will be undertaken by the private landowners/proponents in consultation with the other landowners within the centre, including the City.

An amendment to DPS2 will also be initiated to rezone the different lots within the activity centre boundary. DPS2 does not prescribe any development provisions or standards for the 'Centre' zone as those provisions and standards are to be contained within an adopted structure plan. The existing 'R20' residential density code over the land within the activity centre will also be removed as an approved structure plan will contain the appropriate density and associated provisions.

It is envisaged that the structure plan and scheme amendment will be progressed at the same time. If the area is zoned 'Centre' prior to the endorsement of a structure plan there may be a period of time where specific development provisions are not applied to the land, and a lack of land use and development controls may encumber even minor or incidental development.

The structure plan process and scheme amendment flow charts are provided as Attachment 3.

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

The issues for Council to consider are:

- the need for a structure plan
- the structure plan boundary.

The options available to Council in considering the need for a structure plan are:

- require a structure plan
- not require a structure plan.

The options available to Council in considering the structure plan boundary are:

- adopt the structure plan boundary as shown on the attached plan  
or
- adopt the structure plan boundary as shown on the attached plan with modifications.

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

##### **Legislation**

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

## Strategic Community Plan

<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Quality built outcomes.
<b>Strategic initiative</b>	<p>Planning frameworks promote and support adaptive, mixed-use developments with the active ground floor uses on appropriately zoned sites.</p> <p>Housing infill and densification is encouraged and enabled through a strategic, planned approach in appropriate locations.</p> <p>The community is able to effectively age-in-place through a diverse mix of facilitates and appropriate urban landscapes.</p>
<b>Policy</b>	<p><i>Directions 2031 and beyond.</i></p> <p><i>State Planning Policy 4.2 - Activity Centres for Perth and Peel.</i></p> <p><i>Local Commercial Strategy.</i></p>

### Directions 2031 and beyond

*Directions 2031 and beyond* establishes a vision for the future growth of the metropolitan Perth and Peel region and provides a framework for the detailed planning and delivery of housing, infrastructure and services necessary to accommodate this growth.

An important aspect of this spatial framework is the identification of a network and hierarchy of activity centres to ensure the equitable distribution of jobs, services and amenity. The recommendations relating to activity centres found in *Directions 2031 and beyond* are implemented by SPP 4.2.

### State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP 4.2)

This policy seeks to establish diverse mixed use centres and guide the preparation and review of structure plans relating to these centres.

Under clause 6.4(1) of SPP 4.2, activity centre structure plans are to be prepared for strategic metropolitan, secondary, district and specialised centres, but not for neighbourhood or local centres. SPP 4.2 identifies Warwick as a ‘secondary centre’.

Under clause 6.3 of SPP 4.2, activity centres should be zoned to reflect the activity centre hierarchy. The appropriate zoning classification for a secondary centre (such as Warwick) is ‘Centre’ zone.

SPP 4.2 also states that activity centre structure plans are required to be endorsed prior to a major development being approved to ensure a centre’s development is integrated, cohesive and accessible.

The *Model Centre Framework* (Appendix 2 of SPP 4.2) provides guidance on the preparation of activity centre structure plans. It addresses elements such as centre context, activity, movement and urban form. This framework must be considered when preparing and assessing activity centre structure plans.

### Local Commercial Strategy

The purpose of the *Local Commercial Strategy* (LCS) is to provide a guide for the City for future decision making in regard to commercial centres. The LCS forms 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 LCS recommends an indicative retail floorspace for Warwick of 50,000 sqm. Although not a 'cap' on the amount of retail floorspace, any proposed floorspace above this figure would require specific justification by way of a retail sustainability assessment.

### **Risk management considerations**

Given the multiple land ownership, without a structure plan for the entire commercial area, future development and management of the area will be ad hoc which will make achieving the requirements and aspirations of SPP4.2 difficult.

The multiple land ownership may be a barrier to the development of a structure plan that is agreed between all parties. However, it is noted that while desirable, not all landowners need to agree prior to the submission of the structure plan application to the City.

### **Financial/budget implications**

The private landowners will be fiscally responsible for the development and preparation of the scheme amendment and structure plan applications.

However, there may be costs associated with the City seeking independent advice from suitably qualified consultants in relation to the proposed structure plan and any associated supporting documents.

### **Regional significance**

*Directions 2031 and beyond* 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 and activity centres which promote the provision of infrastructure, goods and services in an economically, socially and environmentally sustainable way. The implementation of a structure plan will help deliver the aspirations of *Directions 2031 and beyond* and the draft *Outer Metropolitan Perth and Peel Sub-Regional Strategy* for the City of Joondalup.

### **Sustainability implications**

Any proposed structure plan will aim to ensure that planning for the centre sustains the economic, environmental and social needs of its users and promotes the opportunity for people to live and work in the same area in accordance with the aims of City of Joondalup and state government strategic documents.

### **Consultation**

In regard to the matter before Council, consultation is not applicable or required. However, if and when a scheme amendment application and structure plan are lodged, public advertising will be undertaken in accordance with DPS2 and a community consultation and engagement strategy that has been endorsed by the City.

It is noted that the City has not engaged with the smaller landowners within the centre at this point, as any engagement will occur through the statutory advertising period required for the draft structure plan.

## COMMENT

### Proposed activity centre boundary

The proposed structure plan boundary, and therefore activity centre boundary, has been drafted taking into account the roads that separate the centre from surrounding uses. It is not considered appropriate to include the following areas within the structure plan area:

- The residential dwellings east and west of the existing commercial area. The structure plan is likely to include the provision for medium and high density housing within the north part of the proposed structure plan area. This will contribute to the land use and diversity targets for the centre, as set out by SPP 4.2. Furthermore, it is expected that the future residential density increases associated with the LHS will provide adequate development control to support the growth and coordination of the existing residential areas that surround the commercial area.
- Warwick Open Space to the east of the centre. This area has not been include as direction for the ongoing management of Warwick Open Space will be provided for by the draft *Warwick Open Space Bushland Management Plan*. Erindale Road also provides a significant barrier that prohibits proper integration of this area into the proposed structure plan area.

### Subdivision and development approval prior to structure plan adoption

It is considered that the requirement for a structure plan prior to any development or subdivision (excluding minor development/subdivision) is an important step in ensuring the further development of the Warwick Activity Centre occurs in an appropriately planned and co-ordinated manner. This is particularly important given the centre is held in fragmented and multiple ownership.

It is also considered appropriate for the Council to agree certain parameters as a basis for the City's future engagement with the structure plan proponents.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

### That Council:

- 1 Pursuant to clause 9.1 and 9.11 of *District Planning Scheme No. 2*, **REQUIRES the preparation and presentation of a structure plan to Council prior to support for an application to subdivide and/or consideration of an application for planning approval;**

- 2 **DETERMINES** that the area to be covered by the Warwick Activity Centre Structure Plan is the boundary that is shown at Attachment 2 to this Report;
- 3 **AGREES** that any of the following minor and incidental development proposed prior to the structure plan becoming operational will be considered under clause 9.11 of the *District Planning Scheme No. 2*:
  - 3.1 the amalgamation of lots or part lots;
  - 3.2 the consolidation of land for 'superlot' purposes to facilitate land assembly for future development;
  - 3.3 the purpose of allowing access or the provision of services or infrastructure that would not prejudice future development outcomes;
  - 3.4 change of use applications;
  - 3.5 minor modifications to existing buildings;
  - 3.6 minor modifications to car parking;
  - 3.7 signage;
  - 3.8 changes to landscaping;
  - 3.9 patio, verandah, shade sail, portico or outbuilding additions to an existing development;
- 4 **ENDORSES** the following as parameters the City will use as a basis for engagement with the structure plan proponents and other owners within the activity centre:
  - 4.1 a structure plan must be developed and approved for the Warwick Activity Centre before any significant development within the activity centre occurs;
  - 4.2 the boundary of the Warwick Activity Centre will be broader than just the shopping centre and at a minimum will include all the commercial area;
  - 4.3 the proponents must engage the other landholders in the planning process;
  - 4.4 the City will seek to rationalise its land-holdings within the Warwick Activity Centre;
  - 4.5 the City will investigate potential for the provision of a multi-use community facility within the Warwick Activity Centre;
  - 4.6 a proposal for development contributions will need to be submitted and approved by the City prior to the structure plan being submitted. While it is envisaged that certain costs will be met directly by developing landowners, it is likely that certain components of the cost of land and infrastructure works required will need to be funded by development contributions;
- 5 **NOTES** that the Warwick Activity Centre Structure Plan will be prepared in accordance with the requirements of *District Planning Scheme No. 2* and *State Planning Policy 4.2 – Activity Centres for Perth and Peel*.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf110214.pdf](#)

## **ITEM 9                    OPPORTUNITY FOR UPGRADE OF COMMUNITY FACILITIES - WARWICK ACTIVITY CENTRE: PROJECT PHILOSOPHY AND PARAMETERS**

<b>WARD</b>	South-West
<b>RESPONSIBLE</b>	Mr Garry Hunt Chief Executive Officer
<b>FILE NUMBER</b>	09312, 101515
<b>ATTACHMENT</b>	Attachment 1            Map of City-owned properties in Warwick Activity Centre
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to affirm the philosophies and parameters on which the Opportunity for Upgrade of Community Facilities – Warwick Activity Centre project will be based to assist in clarifying and confirming its future direction.

### **EXECUTIVE SUMMARY**

The City has been approached by representatives from Federation Centres, who are the owners of the Warwick Shopping Centre, to discuss a potential expansion and upgrade of the shopping centre.

The City owns three properties adjacent to or in close proximity to the Warwick Shopping Centre. There is an opportunity to explore the potential interface between the shopping centre and the City-owned properties, as well as an opportunity to upgrade and/or replace the ageing community facilities and rationalise the City's landholdings.

A separate Council report is being prepared on a proposed Structure Plan for the Warwick Activity Centre that will address the town planning considerations.

In the first instance and prior to the commencement of investigations, it is appropriate that Council considers and adopts the philosophy and parameters that will underpin the provision of community facilities within the Warwick Activity Centre. This includes consideration of governance, land use and built form, fiscal responsibility and commerciality, sustainability and liaison issues.

It is therefore recommended that Council endorses the Opportunity for Upgrade of Community Facilities – Warwick Activity Centre: Project Philosophy and Parameters.

## BACKGROUND

The City owns three properties adjacent to or in close proximity to the Warwick Shopping Centre. Details of these properties are:

<b>Suburb/Location</b>	12 Dorchester Avenue, Warwick (Warwick Community Centre).
<b>Applicant</b>	Not applicable.
<b>Owner</b>	City of Joondalup.
<b>Zoning</b>	<b>DPS</b> Commercial.
	<b>MRS</b> Urban.
<b>Site area</b>	8,908m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

<b>Suburb/Location</b>	2 Dugdale Street, Warwick (Dorchester Hall).
<b>Applicant</b>	Not applicable.
<b>Owner</b>	City of Joondalup.
<b>Zoning</b>	<b>DPS</b> Commercial.
	<b>MRS</b> Urban.
<b>Site area</b>	2,323m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

<b>Suburb/Location</b>	6 Dugdale Street, Warwick (Jellybeans Child Care Centre).
<b>Applicant</b>	Not applicable.
<b>Owner</b>	City of Joondalup.
<b>Zoning</b>	<b>DPS</b> Commercial.
	<b>MRS</b> Urban.
<b>Site area</b>	1,813.9m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

The three community facilities are currently utilised by a number of groups under various occupancy arrangements. These facilities are approximately 40 years old and are in need of major upgrades and/or replacement.

## DETAILS

The purpose of the philosophy and parameters is to articulate, for historical purposes, the intent of Council with respect to the objectives and outcomes of the Opportunity for Upgrade of Community Facilities – Warwick Activity Centre project. A similar approach was taken with the community facilities elements of the Whitford Activity Centre (CJ220-10/12 refers) and has proven to be a beneficial model for managing these types of projects.

### 1 Philosophy/Project Vision

The City has three community facilities located within the Warwick Activity Centre – Warwick Community Centre, Dorchester Hall and the Jellybeans Child Care Centre. The opportunity exists for the City to undertake a review of these facilities and landholdings in light of the current proposal to expand and upgrade the Warwick Shopping Centre.

The City considers the provision of facilities and services as a vital component of the community fabric of the City Joondalup. Such facilities contribute to the sustainability of the local community through the provision of opportunities for all members of the community to participate in cultural, social and leisure activities. The City has a continuing role in the provision of such facilities and services for the community in, or near the Warwick Activity Centre, including access to City services.

The project will identify, investigate and make recommendations regarding the opportunities for the provision of facilities and services currently provided at 12 Dorchester Avenue, 2 Dugdale Street and 6 Dugdale Street, Warwick. The project will also consider the potential for the rationalisation of the City's landholdings within the Warwick Activity Centre.

A review of the existing facilities and services provided on these three sites enables the City to consider the continued role of the facilities and to ensure that the services and facilities provided are of the highest quality and reflect the needs of the community now and into the future.

## **2 Key Parameters**

### Governance

The City acknowledges that the project is to undertake a review of the opportunities available for the provision of facilities and services currently provided at facilities located at 12 Dorchester Avenue, 2 Dugdale Street and 6 Dugdale Street, Warwick. Any key initiatives or redevelopment proposals will only be instigated following consideration of the options by Council.

Any commercial negotiation for the development or redevelopment of the City's existing facilities with other landowners within the Warwick Activity Centre will be undertaken with the highest levels of probity, in accordance with legislative requirements, the City's governance procedures and at all times in the City's best interests.

Any development or improvement proposal should incorporate high ethical standards; probity, legal and legislative compliance and transparency are of vital importance. To ensure these objectives are achieved the City will undertake:

- the implementation of sound probity to ensure transparency of process and decision making
- internal audit review and monitoring
- comprehensive financial analyses
- extensive Risk Management assessment and monitoring
- legal and statutory compliance.

### Land Use and Built Form

The City recognises that any development or improvement proposal should optimise land use and built form in order to enhance the amenity available to residents and users of the facilities. To ensure maximum usage for a wide variety of activities and services, facilities provided should be highly adaptable and incorporate the latest relevant design principles. Any facilities provided will be multi-purpose and allow for multi-use.

The location of facilities and services is a critical factor underpinning their success. Consideration of the incorporation of facilities and services into the proposed *Warwick Activity Centre Structure Plan* or subsequent detailed area plans and/or development applications will be an important component of the review. The project will investigate all options in terms of location criteria, access, site capability, car parking, complementary services and amenity, aspect and potential for rationalisation of landholdings.

The design and provision of facilities and services will align with the City's Access and Inclusion Plan including but not limited to:

- recognition of the diversity of needs, interests and backgrounds
- the design of facilities to be universally accessible to all people including those over the age of 50 and people with disabilities.

### Environmental Considerations

The City is committed to the utilisation of contemporary architectural and construction techniques and environmentally sustainable design principles which provide the opportunity to show leadership in sustainable developments including:

- energy reduction, efficiency and supply
- design efficiency to reduce water consumption and utilising alternative courses (eg rainwater)
- minimise environmental impact.

The City will ensure that any proposed development or redevelopment complies with Council's *Environmentally Sustainable Design for City Buildings Policy*.

### Fiscal Responsibility and Commerciality

As the owner of the three sites located at 12 Dorchester Avenue, 2 Dugdale Street and 6 Dugdale Street, Warwick, the City acknowledges its responsibility to investigate all options to maximise the value of the land both in terms of potential commercial return for sale or lease or the optimisation of existing infrastructure.

The investigation of potential options will include:

- retention of current site and facilities
- exchange of land and premises within the Warwick Activity Centre Site
- leasing of alternative premises within the Warwick Activity Centre Site
- disposal of all or part of the landholdings
- replacement of all or some of the facilities elsewhere
- other potential opportunities.

The City also acknowledges its responsibility for the financial cost of providing community facilities and services for its residents. Any development or redevelopment of existing facilities requires independent financial feasibility studies, cash flow projections and/or the establishment of commercial venture models.

### Sustainability Considerations

In considering the available opportunities for the facilities and services at the Warwick Activity Centre, the options proposed will employ design principles that will provide for longevity, diversity, accessibility and inclusiveness.

Centres providing community facilities and services should provide a program of community-based events and activities that encourage social interaction between all members of the community. The facilities provided should encourage participation, anticipate the needs of community, be adaptable to community preferences in terms of access to services, and support local organisations and community groups in their service delivery.

### Liaison Protocol

Of key importance to the project is the identification of, and liaison with, community and City stakeholders. Consultation will be undertaken in accordance with the City's *Community Consultation and Engagement Policy*.

Any liaison regarding the development or redevelopment of the City's existing facilities with the landowners within the Warwick Activity Centre will be undertaken with the highest levels of probity, in accordance with the City's governance procedures and at all times in the City's best interests.

Identification and consideration of the needs and opinions of key stakeholders will also be necessary to ensure the centre, and the facilities and services provided, reflect the needs of the community now and into the future.

## **3 Summary**

It is viewed appropriate and necessary that Council considers and affirms the philosophy for the provision of community facilities within the Warwick Activity Centre and endorses the key parameters for the project as outlined above, and summarised below:

### Philosophy / Project Vision

- The provision of community facilities and services is a vital component of the fabric of the City of Joondalup community.
- The City recognises its continued role in the provision of facilities and services for the community in, or near the Warwick Activity Centre, including access to City services.
- The investigation of and recommendations for the provision facilities and services currently provided at 12 Dorchester Avenue, 2 Dugdale Street and 6 Dugdale Street, Warwick.
- The outcome of the above enables the City to consider the continued role of these facilities and to ensure that the services and facilities provided are of the highest quality and reflect the needs of the community now and into the future.

### Key Parameters

#### *Governance*

- Key initiatives or redevelopment proposals will only be instigated following consideration of the options by Council.
- Commercial negotiation to be in accordance with legislative requirements and good governance processes.
- Incorporation of high ethical standards.
- Probity, legal and legislative compliance.
- Consistency with existing Council strategies and plans.

*Land Use and Built Form*

- Optimisation of land use and built form to enhance the amenity available to residents and users.
- Maximise usage for a wide variety of activities and services.
- Highly adaptable, incorporating latest design principles.
- Facilities to be provided will be multi-purpose and allow for multi-use.
- Aligned with the City's *Access and Inclusion Plan 2012 – 2014*.
- Provide equitable access to all residents and users.

*Fiscal Responsibility and Commerciality*

- Maximise the value of the land both in terms of potential commercial return for sale or lease or the optimisation of existing infrastructure.
- Due diligence and financial/cost benefit analysis.

*Sustainability Considerations*

- Proposed options to employ design principles that will provide for longevity, diversity, accessibility and inclusiveness.
- Facilities provided should encourage participation, anticipate the needs of the community, be adaptable to community preferences, and support local organisations and community groups in their service delivery.

*Liaison Protocol*

- Identification of, and liaison with, key stakeholders.
- Liaison to be undertaken in accordance with the City's governance procedures.
- Community consultation in accordance with City's *Community Consultation and Engagement Policy*.

**Issues and options considered**

The philosophy and parameters are intended to provide a high-level strategic overview of the Opportunity for the Upgrade of Community Facilities – Warwick Activity Centre project.

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

**Legislation** *Local Government Act 1995.*  
*Local Government (Functions and General) Regulations 1996.*

**Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

**Strategic initiative**

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

**Policy**

*Access and Inclusion Plan 2012 – 2014.  
Community Consultation and Engagement Policy.  
Environmentally Sustainable Design for City Buildings Policy.*

**Risk management considerations**

The City will undertake extensive risk management assessment and monitoring as part of the key parameters for the project.

**Financial/budget implications**

In 2012-13 the City received income of \$86,550 (rental and hire), and expended \$133,738 (building maintenance, utilities, cleaning and the like) on these three facilities.

There is \$4 million listed in the City's *20 Year Strategic Financial Plan* in 2017-18 for the rationalisation of the three City properties at 12 Dorchester Avenue, 2 Dugdale Street and 6 Dugdale Street, Warwick. Details in the plan indicate that the intention is for the rationalisation to be cost-neutral therefore assumes that proceeds of land of \$4.3 million will support any capital costs for redevelopment.

In considering the financial implications, it is important to note that from an asset management perspective, significant upgrades will be required to enable the existing facilities to maintain their useability and safety, and to continue to meet the needs of user groups. As such, it may be more cost effective to consider replacement rather than major upgrades and / or refurbishment, particularly given the age of the facilities and the amount of maintenance that will be required in future years.

**Regional significance**

Not applicable.

**Sustainability implications**

The sustainability considerations are outlined above.

**Consultation**

All community consultation will be in accordance with the City's *Community Consultation and Engagement Policy*.

**COMMENT**

The philosophy and parameters for the Opportunity for Upgrade of Community Facilities – Warwick Activity Centre project have been developed for Council endorsement.

**VOTING REQUIREMENTS**

Simple Majority.

## RECOMMENDATION

That Council ENDORSES the Opportunity for Upgrade of Community Facilities – Warwick Activity Centre Philosophy and Parameters in order to articulate for the record and for historical purposes the intent and purpose of the City in progressing the project:

### 1 Philosophy / Project Vision

- 1.1 The provision of community facilities and services is a vital component of the fabric of the City of Joondalup community;
- 1.2 The City recognises its continued role in the provision of facilities and services for the community in, or near the Warwick Activity Centre, including access to City services;
- 1.3 The investigation of and recommendations for the provision facilities and services currently provided at 12 Dorchester Avenue, 2 Dugdale Street and 6 Dugdale Street, Warwick;
- 1.4 The outcome of the above enables the City to consider the continued role of these facilities and to ensure that the services and facilities provided are of the highest quality and reflect the needs of the community now and into the future;

### 2 Key Parameters

#### 2.1 Governance

- 2.1.1 Key initiatives or redevelopment proposals will only be instigated following consideration of the options by Council;
- 2.1.2 Commercial negotiation to be in accordance with legislative requirements and good governance processes;
- 2.1.3 Incorporation of high ethical standards;
- 2.1.4 Probity, legal and legislative compliance;
- 2.1.5 Consistency with existing Council strategies and plans;

#### 2.2 Land Use and Built Form

- 2.2.1 Optimisation of land use and built form to enhance the amenity available to residents;
- 2.2.2 Maximise usage for a wide variety of activities and services;
- 2.2.3 Highly adaptable, incorporating latest design principles;
- 2.2.4 Facilities to be provided will be multi-purpose and allow for multi-use;
- 2.2.5 Aligned with the City's *Access and Inclusion Plan 2012 - 2014*;
- 2.2.6 Provide equitable access to all residents and users;

#### 2.3 Fiscal Responsibility and Commerciality

- 2.3.1 Maximise the value of the land both in terms of potential commercial return for sale or lease or the optimisation of existing infrastructure;
- 2.3.2 Due diligence and financial/cost benefit analysis;

## **2.4 Sustainability Considerations**

- 2.4.1 Proposed options to employ design principles that will provide for longevity, diversity, accessibility and inclusiveness;**
- 2.4.2 Facilities provided should encourage participation, anticipate the needs of the community, be adaptable to community preferences, and support local organisations and community groups in their service delivery;**

## **2.5 Liaison Protocol**

- 2.5.1 Identification of, and liaison with, key stakeholders;**
- 2.5.2 Liaison to be undertaken in accordance with the City's governance procedures;**
- 2.5.3 Community consultation in accordance with Council's *Community Consultation and Engagement Policy*.**

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf110214.pdf](#)

## ITEM 10 MINUTES OF EXTERNAL COMMITTEES

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy	
<b>FILE NUMBER</b>	60514, 00033, 41196, 03149, 101515	
<b>ATTACHMENT</b>	Attachment 1	Minutes of the meeting of the West Australian Local Government Association North Metropolitan Zone held on 21 November 2013
	Attachment 2	Minutes of the special meeting of the Tamala Park Regional Council held on 28 November 2013
	Attachment 3	Minutes of the ordinary meeting of the Mindarie Regional Council held on 12 December 2013
	<i>(Please Note: These minutes are only available electronically)</i>	
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').	

### PURPOSE

For Council to note the minutes of various external bodies on which the City has current representation.

### EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of the meeting of the West Australian Local Government Association (WALGA) North Metropolitan Zone held on 21 November 2013.
- Minutes of the special meeting of the Tamala Park Regional Council (TPRC) held on 28 November 2013.
- Minutes of the ordinary meeting of the Mindarie Regional Council (MRC) held on 12 December 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.

#### **Western Australian Local Government North Metropolitan Zone meeting – 21 November 2013**

An ordinary meeting of the Western Australian Local Government (WALGA) North Metropolitan Zone was held on 21 November 2013.

The Council's representatives on the WALGA North Metropolitan Zone are Crs Geoff Amphlett, Russ Fishwick, Cr Sam Thomas and Cr Philippa Taylor.

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

1.1 Elections of Chair and Deputy Chair of the North Metropolitan Zone

The North Metropolitan Zone Secretariat declared the following positions for a period of two years from November 2013 to November 2015:

- Cr Geoff Amphlett                      Chairperson.
- Cr David Michael                      Deputy Chairperson.

1.2 Elections of State Council Representative and Deputy State Council Representative of the North Metropolitan Zone

The North Metropolitan Zone Secretariat declared the following positions for a period of two years from December 2013 to December 2015:

Representatives of the North Metropolitan Zone to the State Council:

- Cr Geoff Amphlett                      City of Joondalup.
- Cr David Michael                      City of Stirling.
- Mayor Tracey Roberts                      City of Wanneroo.

Deputy Representatives of the North Metropolitan Zone to the State Council:

- Cr Frank Cvitan JP                      City of Wanneroo.
- Cr Giovanni Italiano JP                      City of Stirling.
- Cr Sam Thomas                      City of Joondalup.

**Tamala Park Regional Council special meeting – 28 November 2013**

A special meeting of the Tamala Park Regional Council meeting was held on 28 November 2013.

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

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

Election of Chairman and Deputy Chairman

- Cr Giovanni Italiano                      Chairman.
- Cr Trevor Vaughan                      Deputy Chairman.

Election of Committee Members

- Cr Tom McLean                      Tamala Park Regional Council Audit Committee.
- Cr Geoff Amphlett                      Tamala Park Regional Council Management Committee.

### **Mindarie Regional Council meeting – 12 December 2013**

A meeting of the Mindarie Regional Council (MRC) was held on 12 December 2013.

Cr Russ Fishwick (Chair) and Cr Kerry Hollywood are Council's representatives on the Mindarie Regional Council.

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

#### **9.4 Mindarie Regional Council Change of Meeting Date for 2014**

It was resolved by the MRC that its February 2014 ordinary Council meeting be held on 20 February 2014 at the City of Joondalup. Previously at its meeting held on 10 October 2013 the date for the February 2013 had been set for 13 February 2014.

#### **9.5 Clay Lining Project**

It was resolved by the MRC as follows:

*“That Council:*

- 1 Approve the next stage of the clay lining work at a value of \$1.33M being made up of:
  - a. \$1.23 million for the cost of the works;*
  - b. \$60,000 for contingencies; and*
  - c. \$40,000 for the role of the Superintendent.**
- 2 The cost of the works detailed in (1) above be funded from borrowings; and*
- 3 In accordance with Section 6.20 of the Local Government Act 1995 the Council provide one month public notice advising of its decision to undertake the additional clay lining work and borrow to fund the works as detailed in (1) and (2) above.”*

#### **14.1 Resource Recovery Facility – Amended and Restated Second Standstill Deed**

It was resolved by the MRC as follows:

*“That Council:*

- 1 Receive the Amended and Restated Second Standstill Deed presented by BioVision;*
- 2 Advise BioVision that it is prepared to endorse the Amended and Restated Second Standstill Deed subject to the changes detailed in this report and marked up in the attachment to this report;*
- 3 Authorise the Chairperson and the Chief Executive Officer to make non-material amendments to the Deed agreed between BioVision and the MRC;*
- 4 Be presented with a further report should there be any material changes to the Deed;*

- 5 *Seek the consent of the ANZ Bank to the Amended and Restated Second Standstill Deed once agreement with BioVision has been reached on the changes to the Deed and prior to the MRC and BioVision signing the Deed;*
- 6 *Authorise the Chairperson and the Chief Executive Officer to sign the Deed under common seal once the ANZ Bank has consented to the Deed detailed in (5)."*

#### 14.2 New Sub-Lease with Landfill Gas and Power for Future Landfill Gas Extraction at Tamala Park

It was resolved by the MRC as follows:

*"That Council"*

- 1 *Endorses the negotiated parameters of the new sub-lease with Landfill Gas and Power as contained in the "Details" section of this report;*
- 2 *Advise Landfill Gas and Power that it is prepared to enter into a new sub-lease detailed in (1) above in accordance with Part 11.2 (b) of the Local Government (Functions and General) Regulations 1996 using WALGA's Councils Purchasing Services subject to the MRC meeting the requirements of s.3.59 of the Local Government Act 1995 and Regulation 8A of the Local Government (Functions and General) Regulations 1996 by:*
  - a) *Preparing a Business Plan;*
  - b) *Providing state-wide public notice and local public notice advising where and when the Business Plan detailed in 2 a) above will be available to the public during the Public Notice period; and*
  - c) *Reviewing any comments received from the notice detailed in 2 b) above prior to making a determination whether to proceed with the lease;*
- 3 *Receives a further report detailing any comments provided on the Business Plan as a result of the notices issued in 2 b) above;*
- 4 *If no response is received following the Public Notices the Chairperson and the Chief Executive Officer be authorised to finalise and sign the sub-lease under common seal;*
- 5 *Provide the Participants (owners of Tamala Park) the information and a copy of the fully executed sub-lease, required by virtue of clause 6.3 of the Deed of Extension, Variation and Partial Surrender of Lease relating to Tamala Park, Marmion Avenue, Mindarie."*

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

**Legislation** Not applicable.

#### **Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Strong leadership.

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

**Policy**    Not applicable.

**Risk management considerations**

Not applicable.

**Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

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

- 1            WALGA North Metropolitan Zone meeting held on 21 November 2013 forming Attachment 1 to this Report;**
- 2            Special Tamala Park Regional Council meeting held on 28 November 2013 forming Attachment 2 to this Report;**
- 3            Mindarie Regional Council meeting held on 12 December 2013 forming Attachment 3 to this Report.**

*To access this attachment on electronic document, click here: [Externalminutes110214.pdf](#)*

## ITEM 11 EXECUTION OF DOCUMENTS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	15876, 101515
<b>ATTACHMENT</b>	Attachment 1 Documents executed by affixing the Common Seal for the period 19 November 2013 to 7 January 2014
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

### PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 19 November 2013 to 7 January 2014 (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 19 November 2013 to 7 January 2014, executed by means of affixing the Common Seal, as detailed in Attachment 1 to this Report.*

### BACKGROUND

During the period 19 November 2013 to 7 January 2014, 14 documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Section 70A Notification	2
Withdrawal of Caveat	3
Lease Agreement	2
Licence Agreement	3
Contract of Sale	1
Amendment	2
Deed	1

**Issues and options considered**

Not applicable.

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

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

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

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

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council NOTES the Schedule of Documents covering the period 19 November 2013 to 7 January 2014, executed by means of affixing the Common Seal, as detailed in Attachment 1 to this Report.**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf110214.pdf](#)*

## **ITEM 12                    MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON 10 DECEMBER 2013**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	103250, 101515
<b>ATTACHMENT</b>	Attachment 1            Minutes of the Annual General Meeting of Electors held on 10 December 2013
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to note the Minutes of the Annual General Meeting of Electors held on 10 December 2013 and to give consideration to the motion carried at that meeting.

### **EXECUTIVE SUMMARY**

The Annual General Meeting of Electors of the City of Joondalup was held on 10 December 2013 in accordance with Section 5.27 of the *Local Government Act 1995* (the Act). Section 5.33(1) of the Act requires that all decisions made at an Electors' Meeting are to be considered at the next Ordinary Meeting of Council, where practicable.

### **BACKGROUND**

The City's Annual General Meeting of Electors was held on 10 December 2013 in accordance with Section 5.27 of the *Local Government Act 1995*. The meeting was attended by six members of the public, with a total of one motion carried at the meeting.

Decisions made by electors at an Electors' Meeting are the recommendations of those electors present, on the matters discussed and considered at the meeting. Any motions passed at an Electors' meeting are not binding on the Council, however, Council is required to consider them.

### **DETAILS**

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

The Motion passed at the Annual General Meeting of Electors is set out below:

MOTION NO. 1

MOVED Dr M Apthorpe, 69 Bacchante Circle, Ocean Reef, SECONDED Mr D Broad, 4B Daylight Close, Beldon that the City of Joondalup change from herbicide spraying to hydrothermal spraying in all children's playgrounds, parks, public path ways, verges, beach accessways, car parks and median strips.

Officer's comment

In order to efficiently and cost effectively undertake weed control within public areas it is necessary for the City to selectively apply herbicides. However, the City ensures that the application of herbicides is undertaken with due consideration to the interests of public health and safety. Herbicides that are applied are registered by the *Australian Pesticides and Veterinary Medicines Authority* (APVMA) which is the Australian government authority responsible for the assessment, registration and regulation of pesticides (including herbicides) and veterinary medicines. The role of APVMA is to independently evaluate the safety and performance of chemical products intended for sale, making sure that the health and safety of people, animals and the environment are protected. Only products that meet these high standards are allowed to be supplied.

In addition to this, the City undertakes herbicide application in accordance with material safety data sheets and manufacturers' guidelines. Herbicides are only applied at the rates specified on the manufacturer's label and in the environmental conditions prescribed in the ChemCert Risk Management in Pesticide Use Training Manual. The City is confident that the selective use of herbicides does not pose a public health and safety risk.

It should be noted that during 2008-09 the City conducted a hydrothermal weed control trial involving the treatments of hydrothermal, herbicide, and unsprayed control zones, to compare their cost and control effectiveness. A report on the effectiveness and cost of hydrothermal and herbicide trial treatments through their application at various locations throughout the City of Joondalup was reported to Council at its meeting held on 15 December 2009 (CJ282-12/09 refers).

It was resolved at this meeting that Council:

- “1     *NOTES the findings in Report CJ282-12/09 on the Hydrothermal Weed Control trial that hydrothermal was the least effective and most expensive method of controlling weeds;*
- 2     *ENDORSES the use of Glyphosate and Pendimethalin for the control of weeds within the City in accordance with manufacturers' specifications;*
- 3     *REQUESTS that the City continues to investigate techniques and technologies to reduce the City's reliance on herbicides for the control of weeds;*
- 4     *REQUESTS that the City provide information to the public, via the City's website on the ways in which the use of pesticides (herbicides, insecticides and fungicides) can be reduced in the garden.”*

At the Annual General Meeting of Electors held on 4 December 2012, the following motion was carried which related to a similar request:

*“That the City of Joondalup change from herbicide spraying to hydrothermal weed control on all public paths and verges, beach access ways, playgrounds, parks, car parks and median strips.”*

In consideration of the motion passed at the Annual General Meeting of Electors, Council at its meeting held on 19 February 2013 (Item CJ005-02/13 refers) resolved, in part, the following:

*“That Council:*

- 2 *In relation to Motion No. 1 carried at the Annual General Meeting of Electors NOTES:*
  - 2.1 *the outcomes of the use of Hydrothermal weed control has been previously reported to Council at its meeting held on 15 December 2009 (CJ282-12/09 refers);*
  - 2.2 *the City will CONTINUE to investigate techniques and technologies to reduce the City’s reliance on herbicides for the control of weeds;”*

Since the February Council meeting, the City has commenced conducting independent trials on the comparative merits of weed control utilising hand weeding as opposed to herbicide control methodologies. The use of thermal (steam) control, does not form part of this trial as the City has undertaken extensive trials utilising steam where it was found that it was not an effective, practical control.

The current trial includes an analysis of alternate weed control methodologies, different technique trials and post treatment monitoring and is progressing according to the agreed project timetable. The outcome of the trial will guide the City in its future weed control activities, as will the City’s proposed Weed Management Plan when it is completed.

#### Officer’s recommendation

*That Council NOTES:*

- 1 *the use of Hydrothermal Weed Control is not an effective practical control for weed management as previously reported to Council at its meetings held on 15 December 2009 (CJ282-12/09 refers) and 19 February 2013 (CJ005-02/13 refers);*
- 2 *the City’s current trial into alternate weed controls will guide its weed control operational activities and the City’s proposed Weed Management Plan.*

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

##### **Legislation**

Section 5.33 of the *Local Government Act 1995* states:

##### **Decisions made at Electors’ Meetings**

- 5.33 (1) *All decisions made at an Electors’ Meeting are to be considered by the Council at the next ordinary council meeting or, if this is not practicable –*
- (a) *at the first ordinary council meeting after that meeting; or*
  - (b) *at a special meeting called for that purpose,*
- whichever happens first.*

- (2) *If at a meeting of the Council a local government makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the minutes of the Council Meeting.*

### **Strategic Community Plan**

<b>Key theme</b>	Governance and Leadership.
<b>Objective</b>	Active democracy.
<b>Strategic initiative</b>	Optimise opportunities for the community to access and participate in decision-making processes.
<b>Policy</b>	Not applicable.

### **Risk management considerations**

The failure to consider the decisions made at the Annual General Meeting of Electors will mean that the City has not complied with Section 5.33 of the *Local Government Act 1995*.

### **Financial/budget implications**

Not applicable.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **COMMENT**

Decisions made by electors at an Electors' Meeting are the recommendations of those electors present, on the matters discussed and considered at the meeting. Any recommendations are not binding on the Council, however, Council is required to consider them.

The motion carried at the Annual General Meeting of Electors held on 10 December 2013 is presented to Council in accordance with the requirements of the legislation.

### **VOTING REQUIREMENTS**

Simple Majority.

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

- 1** **NOTES the Minutes of the Annual General Meeting of Electors held on 10 December 2013 forming Attachment 1 to this Report;**
- 2** **in relation to Motion No. 1 carried at the Annual General Meeting of Electors**  
**NOTES:**
  - 2.1** **the use of Hydrothermal Weed Control is not an effective practical control for weed management as previously reported to Council at its meetings held on 15 December 2009 (CJ282-12/09 refers) and 19 February 2013 (CJ005-02/13 refers);**
  - 2.2** **the City's current trial into alternate weed controls will guide its weed control operational activities and the City's proposed Weed Management Plan.**

*Appendix 11 refers*

To access this attachment on electronic document, click here: [Attach11brf110214.pdf](#)

## **ITEM 13                    ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 OCTOBER TO 31 DECEMBER 2013**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	20560, 101515
<b>ATTACHMENT</b>	Attachment 1      Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2013 Attachment 2      Capital Works Quarterly Report for the period 1 October – 31 December 2013
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

### **PURPOSE**

For Council to receive the Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2013.

### **EXECUTIVE SUMMARY**

The Annual Plan contains the major projects and priorities which the City proposes to deliver in the 2013-14 financial year.

The Annual Plan Quarterly Progress Report provides information on the progress of projects and programs documented in the *Annual Plan 2013-14*. The Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2013 is shown as Attachment 1 to this Report.

A Capital Works Quarterly Report, which details all projects within the Capital Works Program, is provided as Attachment 2 to this Report.

*It is therefore recommended that Council RECEIVES the:*

- 1      *Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2013, which is shown as Attachment 1 to this Report;*
- 2      *Capital Works Quarterly Report for the period 1 October – 31 December 2013, which is shown as Attachment 2 to this Report.*

## BACKGROUND

The City's *Corporate Reporting Framework* requires the development of an Annual Plan to achieve the objectives of the *Strategic Community Plan*, and the provision of reports against the Annual Plan to be presented to Council on a quarterly basis.

The City's Annual Plan and Quarterly Reports are in line with the *Department of Local Government and Communities Integrated Planning Framework* which requires planning and reporting on local government activities.

## DETAILS

### Issues and options considered

The Annual Plan contains a brief description of the key projects and programs that the City proposes to deliver in the 2013-14 financial year. Milestones are set for the key projects and programs to be delivered in each quarter.

The Quarterly Progress Report provides information on progress against the milestones and a commentary is provided against each milestone.

The milestones being reported this quarter are the shaded sections of Attachment 1.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

*The Local Government Act 1995* provides a framework for the operations of local governments in Western Australia. Section 1.3 (2) 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 governments*
- c) *greater accountability of local governments to their communities*
- d) *more efficient and effective government.*

#### 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

The City's *Governance Framework* recognises the importance of effective communication, policies and practices in Section 7.2.4. Section 10.2 further acknowledges the need for accountability to the community through its reporting framework which enables an assessment of performance against the *Strategic Community Plan*, *Strategic Financial Plan*, *Annual Plan* and *Annual Budget*.

**Risk management considerations**

The Quarterly Progress Reports against the Annual Plan provide a mechanism for tracking progress against milestones for major projects and programs.

**Financial/budget implications**

All projects and programs in the *Annual Plan 2013-14* were included in the 2013-14 Budget.

**Regional significance**

Not applicable.

**Sustainability implications**

The projects and programs in the Annual Plan are aligned to the key themes in the City's *Strategic Community Plan, Joondalup 2022* which have been developed to ensure the sustainability of the City.

The key themes are:

- Governance and Leadership
- Financial Sustainability
- Quality Urban Environment
- Economic Prosperity, Vibrancy and Growth
- The Natural Environment
- Community Wellbeing.

**Consultation**

Not applicable.

**COMMENT**

The *Annual Plan 2013-14* was received by Council at its meeting held on 20 August 2013 (CJ156-08/13 refers).

A detailed report on progress of the Capital Works Program has been included with the Annual Plan Quarterly Progress Report. This Report provides an overview of progress against all of the projects and programs in the *2013-14 Capital Works Program*.

**VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council RECEIVES the:**

- 1 Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2013, which is shown as Attachment 1 to this Report;**
- 2 Capital Works Quarterly Report for the period 1 October – 31 December 2013, which is shown as Attachment 2 to this Report.**

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf110214.pdf](#)*

## **ITEM14 CONTRIBUTION TO THE LORD MAYOR'S DISTRESS RELIEF FUND - 2014 PARKERVILLE BUSHFIRE APPEAL**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	08032, 101515
<b>ATTACHMENT</b>	Nil.
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to give consideration to donating an amount of \$7,500 to the Lord Mayor's Distress Relief Fund to assist victims of the recent Parkerville bushfires.

### **EXECUTIVE SUMMARY**

In January 2014, a large bushfire engulfed areas in the Perth Hills in and around Parkerville which has seen many people lose their property.

In response to the disaster, the City of Perth has activated the Lord Mayor's Distress Relief Fund to assist individuals and communities affected by the bushfires in and around Parkerville.

The City of Joondalup has a long-standing history of contributing donations to the fund in the wake of significant disasters and as such, it is recommended that the Council approves a donation of \$7,500 to the 2014 Parkerville Bushfire Appeal to assist victims and demonstrate support to the broader Perth community.

### **BACKGROUND**

In January 2014, a large bushfire engulfed areas in the Perth Hills in and around Parkerville which has seen many people lose their property.

Historically, the Council has donated the following to assist with similar significant disasters:

#### **October 2002**

\$5,000 to the Lord Mayor's Distress Relief Fund for the victims and their families of the Bali bombing tragedy.

**January 2005**

\$10,000 (\$5,000 to Save the Children Australia and \$5,000 to CARE Australia) as part of the Asian Tsunami Disaster.

**February 2009**

\$10,000 to the Victorian Bushfire Appeal (managed by Red Cross Australia).

**February 2010**

\$5,000 to the Lord Mayor's Distress Relief Fund for the Toodyay Fires.

**February 2011**

\$7,500 each to the Lord Mayor's Distress Relief Fund for the Carnarvon and Gascoyne Region floods and the Perth Hill's bushfires.

**December 2011**

\$10,000 to the Lord Mayor's Distress Relief Fund for the Margaret River Bushfire Appeal.

**DETAILS**

In January 2014 more than 50 homes were destroyed in the Perth Hills area in and around Parkerville. As a result the Lord Mayor's Distress Relief Fund has been activated to coordinate donations to assist victims. In accordance with the City's donation guidelines and historical association with the fund Council is requested to consider approval for a donation of \$7,500 towards the fund.

The Lord Mayor's Distress Relief Fund was established in 1961 to provide relief of personal hardship and distress arising from natural disasters occurring within Western Australia. The perpetual fund is a registered charitable body and has the approval of the Australian Taxation Office for tax deductibility of contributions.

The objectives of the fund are as follows:

- To provide a permanent fund for the alleviation and relief of distress, suffering, hardship and misfortune to individuals brought about by any disaster or emergency of a general application which has been declared as such by the Western Australian government through the Fire and Emergency Services Authority of Western Australia (FESA).
- To provide relief and aid as determined by the Lord Mayor Distress Relief Fund Board to individuals undergoing such distress, suffering, hardship or misfortune brought about by any event mentioned above.
- To provide assistance to individuals for the alleviation and relief of distress, suffering, hardship or misfortune following a minor localised disaster.

The Lord Mayor's Distress Relief Fund has a history of coordinating the raising of funds to assist Western Australians in times of disaster. Recent examples where the fund has been used to directly support Western Australian communities include the:

- 2003 Bridgetown fires
- Western Australians affected by the 2002 Bali bombings
- 2007 Dwellingup fires
- 2009 Toodyay bushfires
- 2010 Gascoyne and Mid-West Floods
- 2011 Perth Hills fires
- 2011 Margaret River fires.

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

The Council may:

- agree to donate an amount to the Parkerville Bushfire Appeal (recommended \$7,500)  
or
- not agree to donate to the Parkerville Bushfire Appeal.

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

<b>Legislation</b>	Not applicable.
<b>Strategic Community Plan</b>	Not applicable.
<b>Key theme</b>	Not applicable.
<b>Objective</b>	Not applicable.
<b>Strategic initiative</b>	Not applicable.
<b>Policy</b>	Not applicable.

#### **Risk management considerations**

Not applicable.

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

The 2013-14 budget does not include funds for such a donation, therefore, it will be necessary to approve the expenditure by an Absolute Majority.

<b>Account no.</b>	1.130.A1301.3292.00
<b>Budget Item</b>	Council Administration – Donations.
<b>Budget amount</b>	\$ 0
<b>Amount spent to date</b>	\$ 0
<b>Proposed cost</b>	\$ 7,500
<b>Balance</b>	\$ (7,500)

All amounts quoted in this report are exclusive of GST.

#### **Regional significance**

Supporting a broader Perth community.

**Sustainability implications**

Donations to the appeal will greatly assist individuals and communities affected by the devastation caused by the bushfires.

**Consultation**

Not applicable.

**COMMENT**

The impact of the bushfire has been devastating for the communities in Parkerville and surrounding areas. A donation of \$7,500 from Council to the 2014 Parkerville Bushfire Appeal is comparable with the donations made to previous natural disasters and tragedies. There are many ways that the community and organisations can donate to the Lord Mayor Distress Relief Fund, including through any BankWest branch (either in person, EFT, cheque or credit card payment) or at the City of Perth Council offices.

**VOTING REQUIREMENTS**

Absolute Majority.

**RECOMMENDATION**

**That Council BY AN ABSOLUTE MAJORITY DONATES an amount of \$7,500 to the Lord Mayor's Distress Relief Fund 2014 Parkerville Bushfire Appeal in response to the disaster.**

## ITEM 15                    APPOINTMENT OF STRATEGIC COMMUNITY REFERENCE GROUP MEMBER

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	102605, 101515, 75521
<b>ATTACHMENT</b>	Attachment 1        Terms of Reference Attachment 2        (Confidential) Nominations
	<i>(Please Note: Attachment 2 is confidential and will appear in the official Minute Book only)</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### PURPOSE

For Council to appoint a North Ward member to the Strategic Community Reference Group.

### EXECUTIVE SUMMARY

At its special meeting held on 5 November 2013, Council appointed members to the Strategic Community Reference Group (JSC06-11/13 refers). Council also authorised Expressions of Interest being sought to fill the vacant North Ward position.

Letters and information packs containing nomination forms were mailed to all North Ward Ratepayer Associations in the City inviting nominations for membership of the Strategic Community Reference Group. Advertisements seeking nominations were also placed in the local community paper and on the City's website.

Nominations closed Friday, 29 November 2013 with a total of three nominations received from community representatives, representing the North Ward.

The Council is requested to give consideration to appointing one community representative from the North Ward of the City.

*It is therefore recommended that Council APPOINTS one community representative for the North Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 2 to this Report.*

## BACKGROUND

At its special meeting held on 5 November 2013, Council was presented a report (JSC06-11/13 refers) regarding reestablishment of the Strategic Community Reference Group.

It was resolved at this meeting inter alia that Council:

- “1     *ESTABLISHES the Strategic Community Reference Group to provide advice to Council on:*
- 1.1     *Matters of significant community interest;*  
 1.2     *Strategic initiatives,*
- as determined by the Council;*
- 2     *ENDORSES the Terms of Reference of the Strategic Community Reference Group, as detailed in Attachment 3 to report JSC06-11/13;*
- 3     *APPOINTS the following members and deputy members to the Strategic Community Reference Group:*

### **Members**

- *Mayor*
- *Cr Fishwick*
- *Cr Hamilton-Prime*
- *Cr Hollywood*

### **Deputy Members**

- *Cr Ritchie (1<sup>st</sup> deputy)*
- *Cr Norman (2<sup>nd</sup> deputy)*
- *Cr Chester (3<sup>rd</sup> deputy)*

### **Community Representatives**

- |                             |                           |
|-----------------------------|---------------------------|
| • <i>North Ward</i>         | <i>Vacant</i>             |
| • <i>North-Central Ward</i> | <i>Mr Ross Grey</i>       |
| • <i>Central Ward</i>       | <i>Mr Bryan Saunders</i>  |
| • <i>South-West Ward</i>    | <i>Mr Brian Yearwood</i>  |
| • <i>South-East Ward</i>    | <i>Dr Zarrin Siddiqui</i> |
| • <i>South Ward</i>         | <i>Dr Susan King</i>      |

4.     *AUTHORISES the Chief Executive Officer to seek nominations to fill the vacant North Ward position on the Strategic Community Reference Group."*

## DETAILS

Public advertising commenced on Thursday, 14 November 2013 for a two week period inviting members of the community to express an interest in becoming a member of the group. Notices were also placed on the City's website. Further information, including the terms of reference were also made available on the City's website from 14 November 2013.

A letter of invitation was sent directly to all North Ward ratepayer associations within the City.

A total of three nominations were received from community representatives.

These nominations have been forwarded to Elected Members under separate cover.

Membership of the Reference Group is limited to ten individuals, including:

- up to four Elected Members, one of whom acts as Presiding Member
- one resident/ratepayer from each of the six wards of the district (six in total).

### **Issues and options considered**

Council is now required to assess the nominations and appoint one community representative for the North Ward.

The following options are available to the Council:

- accept all nominations to date and appoint a North Ward community representative from that pool of nominations
- not accept the nominations and re-advertise  
or
- extend the advertising period for nominations from the North Ward.

Option 1 is the recommended option.

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

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

#### **Strategic Community Plan**

**Key theme** Leadership and governance.

**Objective** To engage proactively with the community.

**Strategic initiative** Seek out a North Ward community representative to appoint to the Strategic Community Reference Group.

**Policy** *Community Consultation and Engagement Policy.*

### **Risk management considerations**

Extending the period for nominations is likely to indicate a low level of interest in the Reference Group and disenfranchise those nominees that have already submitted an expression of interest.

### **Financial/budget implications**

The 2013-14 Budget includes resources to conduct meetings of the Strategic Community Reference Group.

The resources required for meetings of the Strategic Community Reference Group include attendance of an external facilitator and officers at each meeting, officer time for report preparation, and catering. The cost is estimated at \$2,000-\$2,500 per meeting.

**Regional significance**

Not applicable.

**Sustainability implications**

The Strategic Community Reference Group contributes to social cohesion as participants interact with one another on matters associated with the common good of the community. They are also a mechanism for involvement by the community on matters of social, economic and environmental matters and for better informing the Council to assist with decision making.

Supporting social connectivity and effective community engagement and other participatory processes can increase social capital within a community.

**Consultation**

The Strategic Community Reference Group is a mechanism for community consultation on strategic issues.

**COMMENT**

There have been no enquiries received by City staff regarding further nomination opportunities and it is considered that a satisfactory number and suitable quality of nominations has been received to enable Council to appoint community representative members to the Strategic Community Reference Group.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council CONSIDERS appointing one community representative for the North Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 2 to this Report.**

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf110214.pdf](#)*

## ITEM 16                    DRAFT ECONOMIC DEVELOPMENT STRATEGY 2014

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	43458, 101515
<b>ATTACHMENT</b>	Attachment 1      Achievements      Against      Economic Development Plan 2007-2011 Attachment 2      Draft Economic Development Strategy 2014 Attachment 3      Community Consultation Plan
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### PURPOSE

For Council to be presented with the City of Joondalup draft *Economic Development Strategy 2014* and to seek endorsement to release the strategy for community consultation for a period of 28 days as per the Community Consultation Plan included as Attachment 3.

### EXECUTIVE SUMMARY

Following the expiration of the City's *Economic Development Plan 2007-2011* in 2011 a significant review process was undertaken, which took into consideration new strategic directions under the *Strategic Community Plan 2012-2022: "Joondalup 2022"* and the state government's planning strategy; *Directions 2031 and Beyond*.

A proposed framework for the new *Economic Development Strategy 2014* was presented to Elected Members in June and December 2013, where consideration was given to a draft vision, framework, core themes and activities for the new strategy.

As a result of this process a draft *Economic Development Strategy 2014* has been developed, which details the specific strategies and key performance indicators that will be implemented to achieve and measure the City's long-term economic development goals.

*It is therefore recommended that Council ENDORSES the release of the draft Economic Development Strategy 2014, included as Attachment 2 to this Report, for community consultation for a period of 28 days as per the Community Consultation Plan, included as Attachment 3 to this Report.*

**BACKGROUND**

Economic Development Plan 2007-2011

The City’s *Economic Development Plan 2007-2011* was adopted by Council on 18 December 2007 (CJ266-12/07 refers). Attachment 1 provides an overview of progress achieved against the plan, with the following highlights noted:

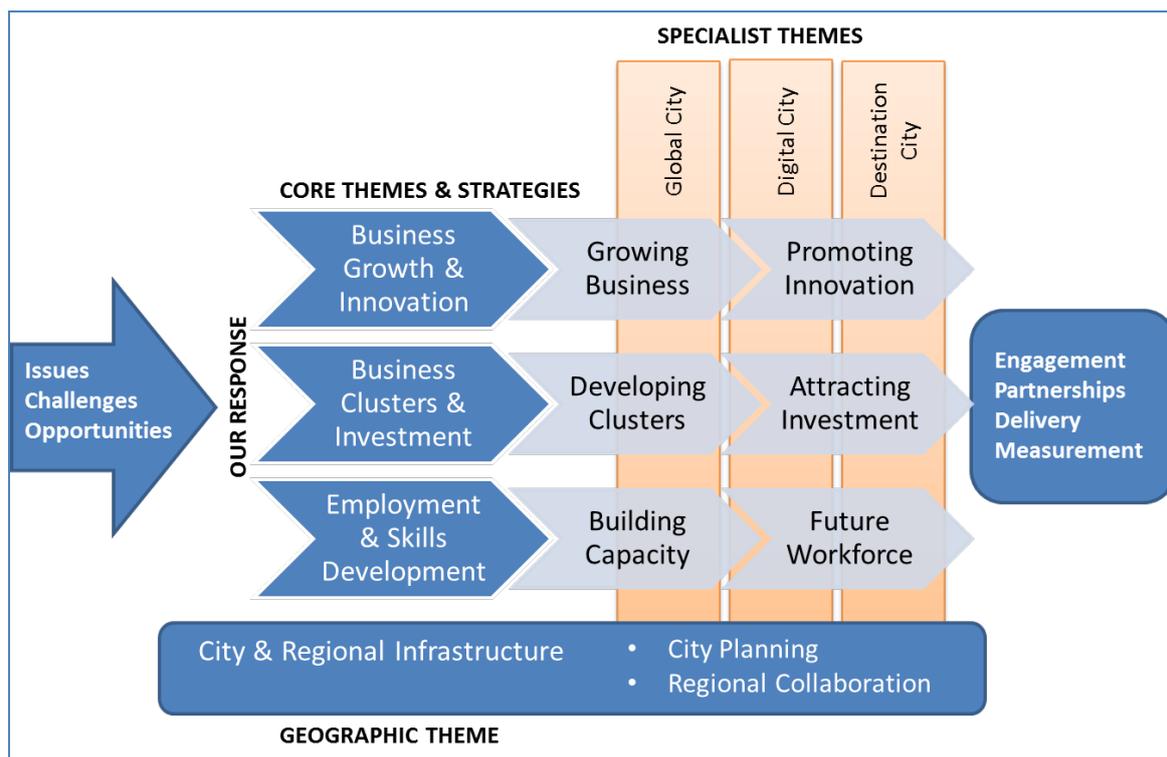
- Action 1.2.4: The development and implementation of the Eco-Business Program and industry accreditation.
- Action 3.2.2: Completion of the Joondalup City Centre Structure Plan.
- Action 3.4.1: Commercial Office Feasibility Analysis undertaken.
- Action 3.4.2: Development of a Business Case for Government office accommodation in the Joondalup City Centre.
- Action 4.2.2: Regular Business Forums and newsletters provided to highlight industry and regional economic development matters.
- Action 4.1.1: The development of a Regional Governance Framework, in partnership with the City of Wanneroo to facilitate strategic economic and infrastructure provision in the North West Region.

**DETAILS**

Structure of New Economic Development Strategy

The draft *Economic Development Strategy 2014*, as shown in Attachment 2, provides a new ‘step change’ model for economic development activities at the City, which cover various market sectors, geographic areas and core/specialist themes that relate directly to issues addressed within *Joondalup 2022* and the City’s *Corporate Business Plan*.

The framework for the strategy is illustrated as follows:



The approach to economic development is focussed on ‘quality’, sustainable growth for the City, rather than accepting any form of growth regardless of its value and alignment with broader strategic objectives. This applies to both the City’s physical development and job creation activities. The intention of the strategy is to strategically attract investment in commercial building developments that will support knowledge-based, higher-value jobs for a growing regional workforce.

The core themes identified to achieve this include:

*Business Growth and Innovation*

Goal: To support and encourage the growth of more sustainable, innovative and productive businesses to enhance local strategic employment in key regional business clusters.

*Business Clusters and Investment Attraction*

Goal: To diversify the local economy and increase strategic employment opportunities through enhancing growth in key regional business clusters and targeting and attracting new investment to the City.

*Employment and Skills Development*

Goal: To encourage, attract and retain a creative, talented and skilled workforce, enhancing productivity and participation, to meet the needs of current and future business growth opportunities.

*City and Regional Infrastructure*

Goal: To encourage and promote vibrant activity centres, coordinate regional economic development and infrastructure planning and enhance state and federal government engagement and support.

The specialist themes from which the abovementioned core themes will be targeted include:

- Global City
- Digital City
- Destination City.

These themes are drawn from the aspirational outcomes and strategic objectives contained within *Joondalup 2022*, as they relate to economic development activities.

*Proposed Timeframe and Measurements for Success*

The previous *Economic Development Plan 2007-2011* outlined specific actions for delivery over a four-year period. In assessing the City’s achievements against this plan it was acknowledged that many actions within this timeframe were relatively ambitious and as such, the new *Economic Development Strategy 2014* considers objectives over a longer period that align more effectively with *Joondalup 2022*. This will enable short, medium and long term strategies to be pursued in a more achievable and realistic manner and enable flexibility to be built into the strategy, should external factors influence the delivery of specific projects.

Further to this, critical success factors have been identified under each core theme to highlight the important actions from which other projects are reliant. If these projects do not progress as intended, they will act as a catalyst for reviewing the *Economic Development Strategy 2014* outside of its scheduled review period.

In terms of the strategy's performance, a set of high level 'external' indicators have been identified which will enable the City to measure and track performance of the local economy as well as some 'internal' indicators that relate to specific strategies and project activity. Regular monitoring of these KPIs will allow for more informed decision-making and a more responsive and agile approach to project delivery.

### Issues and options considered

#### Option 1:

Council may choose to release the draft *Economic Development Strategy 2014* for community consultation without modification.

#### Option 2:

Council may choose to release draft *Economic Development Strategy 2014* for community consultation with amendments.

Option 1 is the preferred option.

### Legislation / Strategic Community Plan / policy implications

<b>Legislation</b>	Not applicable.
<b>Strategic Community Plan</b>	The draft <i>Economic Development Strategy 2014</i> is aligned to many sections of <i>Joondalup 2022</i> , with the most relevant relating to the Economic Prosperity, Vibrancy and Growth theme.
<b>Key theme</b>	All themes.
<b>Objective</b>	See above.
<b>Strategic initiative</b>	See above.
<b>Policy</b>	The City's current <i>Economic Development Policy</i> will require review in 2014 as part of the process of developing and finalising the new <i>Economic Development Strategy 2014</i> .

### Risk management considerations

Economic development is a key role of local government. Ensuring the City has a strategic framework that is aligned to federal, state and regional priorities is critical to the success of future economic development activities within the City of Joondalup.

Furthermore, it is essential that the new *Economic Development Strategy 2014* is realistically scoped with regard to the City's role and capacity to deliver on stated projects and strategies. The draft strategy provided at Attachment 2, takes into consideration these risk factors.

### Financial/budget implications

Implementation of the City's draft *Economic Development Strategy 2014* will have financial implications for the City. A number of the projects and initiatives proposed within the strategy will require financial contribution through the City's Capital Works and Operating Budgets. Approval of these projects will be subject to the City's Annual Budget process.

## Regional significance

The draft *Economic Development Strategy 2014* is underpinned by a commitment to undertake economic development activities within a regional context. A core theme identified within the draft strategy also considers the implementation of regional infrastructure planning and development for the benefit of the broader northwest metropolitan area.

## Sustainability implications

The City places emphasis on economic growth for the benefit of the local community and the region.

The implementation of the *Economic Development Plan 2007 – 2011* and the development of the new *Economic Development Strategy 2014* sets a direction to achieve sustainable growth and prosperity outcomes that benefit the community socially, financially and environmentally.

In addition, the draft strategy addresses an identified need to increase employment self sufficiency in the region to reduce the number of people travelling outside the region to work. This will result in a number of benefits including reduced traffic congestion, increased local expenditure and the opportunity for local people to work in close proximity to their homes.

## Consultation

This report seeks Council approval to release of the draft *Economic Development Strategy 2014* for community consultation for a period of 28 days. A Community Consultation Plan is included as Attachment 3.

## COMMENT

The draft *Economic Development Strategy 2014* was developed on the basis of significant research into current strategies and reports to ensure alignment with state and federal government agendas and international best practices.

Furthermore, the drafting process has highlighted the significant level of content pertaining to economic development that is currently contained within *Joondalup 2022*. In fact, there are many transformational projects listed within *Joondalup 2022* that are considered to be major economic development activities and of which the successful achievement of the corresponding aspirational outcome is dependent upon.

For example:

- Regional Governance Framework.
- Social Media and Digital Tools.
- City Centre Commercial Office Development.
- Activity Investment.
- Communication Technology Infrastructure.
- Ocean Reef Marina.

The strategy also aims to provide targeted responses to key areas within the economy that will have a beneficial impact on the City's economy and that are consistent with the City's ambitions of establishing itself as the first primary centre within the Perth Metropolitan Area.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council ENDORSES the release of the draft *Economic Development Strategy 2014*, included as Attachment 2 to this Report, for community consultation for a period of 28 days as per the Community Consultation Plan, included as Attachment 3 to this Report.**

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14brf110214.pdf](#)*

## ITEM 17 INVESTIGATION INTO THE MAKING OF AN UNKEMPT LAND LOCAL LAW

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	23513, 101515
<b>ATTACHMENT</b>	Attachment 1 Process flowchart for issuing notices and entering private property Attachment 2 Schedule 3.1 of the <i>Local Government Act 1995</i> Attachment 3 Schedule 3.2 of the <i>Local Government Act 1995</i>
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

### PURPOSE

For Council to note the outcome of the investigations into the making of an unkempt land local law.

### EXECUTIVE SUMMARY

At its meeting held on 19 November 2013 (CJ205-11/13 refers) Council resolved in part as follows:

*“That Council REQUESTS the Chief Executive Officer to prepare a report for Council’s consideration to create an Unkempt Land Local Law to be used as a mechanism to address problems encountered with storage of disused vehicles and materials in front yards of properties which unduly impact on the streetscape and the amenity of neighbouring land owners.”*

An assessment and review was undertaken of the regulatory framework available to the City to address issues relating to the storage of disused materials on private property. Components of this assessment included what mechanisms currently exist in legislation and the extent of a local government’s local law-making power relating to private property.

The assessment highlighted that local laws affecting private property are restricted to those matters listed in Schedules 3.1 and 3.2 of the *Local Government Act 1995* (the Act) and the power for a local government to enter private land must follow the statutory process detailed through sections 3.25 to 3.35 of the Act. While a local law can be made relating to unkempt private property, it does not provide the City with any additional power or mechanisms to expedite the process of removing disused material from private land, as the power to enter private land must follow the process detailed in the Act. If a local law was created, infringement notices could not be issued as the notice is served under the Act not a local law, and any penalty through the courts for non-compliance, need to replicate and be similar to the penalties specified in section 9.14 of the Act (being a fine of \$5,000 and if the offence is of a continuing nature, a further \$500 in respect of each day during which the offence has continued).

In this regard a local law created for such purposes cannot go beyond the provisions stated in the Act and adequate regulatory mechanisms exist through the Act and outside of a local law, to pursue unkempt land issues on private property.

*It is therefore recommended that Council NOTES the preparation of an unkempt land local law is not warranted as provisions are contained within the Local Government Act 1995 to address such matters.*

## **BACKGROUND**

At its meeting held on 19 November 2013 (CJ205-11/13 refers) Council resolved in part as follows:

*“That Council REQUESTS the Chief Executive Officer to prepare a report for Council’s consideration to create an Unkempt Land Local Law to be used as a mechanism to address problems encountered with storage of disused vehicles and materials in front yards of properties which unduly impact on the streetscape and the amenity of neighbouring land owners.”*

Council’s resolution was in response to a long-term issue at a property in Mullaloo where the owner is storing disused machinery, vehicles and materials in the property’s front yard, which is impacting on the streetscape and amenity of neighbouring properties. Despite repeated requests, notices and orders issued by the City (including a previous decision of Council to assist the landowner) the amenity issue for this property is taking some time to resolve. Investigations by City officers reveal that while removal of items sometimes occurs on the City’s request, they are subsequently replaced by other disused materials.

The serving of notice provisions under the Act are very specific, including the need to detail those items that are required to be removed in the notice. When new disused materials are placed on private property, a new notice must therefore be issued that lists the new disused materials required to be removed. This can cause lengthy delays where additional disused material is placed on private property, however cannot be avoided.

It is interpreted that the intent of Council’s resolution of 19 November 2013 was to investigate whether a local law on unkempt land would expedite the removal of disused materials from private property or compel the property owner to do so in a more timely manner.

## **DETAILS**

Following Council’s decision, a review was undertaken of the regulatory framework available to the City to address issues that arise from the storage of disused materials on private property. The review included an assessment of the provisions within the *Local Government Act 1995*, the City’s *District Planning Scheme No. 2 (DPS2)* and the ability and appropriateness of local governments to make local laws around such matters.

Legal advice was also obtained in considering the most appropriate mechanism(s) to address the issue of unkempt land.

### Local Government Act 1995

Local governments have the statutory power to make local laws under section 3.5 of the Act. The purpose of a local law is to prescribe matters that are required to be prescribed, or are necessary or convenient to be prescribed, to enable the local government to perform any of its functions under the Act.

However there is no express provision in the Act dealing with local law-making powers affecting private land or authorising entry onto private land. Local laws must be consistent with the Act and any other written law otherwise they would be inoperative to the extent of their inconsistency.

Notwithstanding, the Act does provide an ability for local governments to serve a notice on owners and occupiers of private land in certain circumstances, and to enter private land if the notice is not complied with. In accordance with sections 3.25 and 3.27 of the Act, a local government has the ability to serve a notice to an owner or occupier of private property to remedy or mitigate certain issues on their private land and those matters are limited to those prescribed in Schedule 3.1 and Schedule 3.2 of the Act (Attachments 2 and 3 refer respectively). However a private property owner or occupier has the ability to apply to the State Administrative Tribunal (SAT) for a review of the decision to give the notice (see section 3.25(5) of the Act). These entry provisions do not derogate the power of entry in other legislation, such as the *Bush Fires Act 1954*, the *Health Act 1911* or the *Planning and Development Act 2005*.

Clause 5A of Schedule 3.1 of the Act specifically relates to unkempt land and provides that a notice can be served on an owner or occupier of private land to ensure overgrown vegetation, rubbish, or disused material, as specified, is removed from the land that the local government considers to be untidy. Disused material is defined to include motor vehicles, old motor vehicle bodies and old machinery. This provision is currently being used for the offending property in Mullaloo.

Where a notice has been served on an owner or occupier of private land and the person fails to comply with the requirements of the notice, the general procedure for entering the property must follow the legislative provisions as detailed in section 3.31 to 3.33 of the Act (a flowchart illustrating this is provided in Attachment 1). In summary, entry to private property by local government employees or agents (outside of an emergency) is only authorised if:

- the consent of the owner or occupier has been obtained
- a notice of entry has been given under section 3.32 of the Act  
or
- entry is authorised by the warrant of a justice (under section 3.33 of the Act).

A person who fails to comply with a section 3.25 notice commits an offence, the penalty of which is \$5,000 and if the offence is of a continuing nature, a further \$500 in respect of each day during which the offence has continued. However, penalties of this nature and costs associated with the City undertaking work as prescribed in the notice can only be imposed and recovered through the courts, subject to a successful prosecution.

External legal advice has confirmed that the existing provisions of the Act provide the most appropriate statutory mechanism to enable local governments to address issues emanating from unkempt private land.

Views of the Joint Standing Committee on Delegated Legislation on local laws affecting private land

The Joint Standing Committee on Delegated Legislation (JSCDL) is a Western Australian Parliamentary Committee that reviews subsidiary legislation, including local laws made by local governments. The principal purpose of the JSCDL is to maintain parliamentary scrutiny of the local law-making power of local governments to ensure local laws are not made that go beyond the mandate permitted by Parliament. Where a local law offends the committee's terms of reference (for instance inconsistent with prevailing law or outside an agencies law-making powers) it will recommend to Parliament, through tabled reports and findings, that the offending law be disallowed.

Of particular relevance to the unkempt land issue, the JSCDL prepared a report for Parliament in relation to the powers of entry and powers to make local laws that affect private land under the *Local Government Act 1995* (7<sup>th</sup> Report dated May 2003). This particular report was prepared as the JSCDL had increasing concerns about local laws being made by local governments which sought to:

- 1 regulate the activities of owners and occupiers of private land conducted on that land
- 2 authorise local government employees to enter land,

in circumstances that went beyond the matters listed in Schedules 3.1 and 3.2 of the Act.

The JSCDL's view with regard to a local government's powers over private land is that Schedules 3.1 and 3.2 provide an exhaustive list of the circumstances in which a local government may interfere with the quiet enjoyment of that land by the owner or occupier. The JSCDL also considers that local laws:

- seeking to regulate an owner or occupiers conduct on private land, and authorising entry onto private land in situations that fall outside of Schedule 3.1 and 3.2
- including entry provisions that are inconsistent with the entry procedures specified in the Act,

are not authorised or contemplated by the Act.

The result of the findings above (and advice contained in other reports referencing the same matter) is that where a local government relies on the Act to make a local law regulating activities on private land, or authorising a local government employee to enter private land, the local government is restricted to the matters specified in Schedules 3.1 and 3.2 of the Act and must comply with the procedures for entering private land set out in Part 3, Division 3, Subdivision 3 of the Act. As the provisions in the Act that must be followed, an unkempt land local law serves no additional purpose or expedited benefit to resolve such issues relating to unkempt land.

Of note, where notice and entry does not follow the correct procedures, the local government could be exposed to possible legal action for trespass and the prospect of having to pay compensation to the affected owners or occupiers.

### Unkempt land under the *District Planning Scheme No. 2 (DPS2)*

Clause 8.3 of the City's *District Planning Scheme No. 2 (DPS2)* states the following provision relating to unkempt land:

#### “8.3 UNKEMPT LAND

- 8.3.1 *On any land within the Scheme Area any undergrowth, refuse, rubbish or disused material which in the opinion of the Council is likely to affect adversely the value of adjoining property or the health, comfort or convenience of the inhabitants thereof, the Council may cause a notice to be served on the owner or occupier of such land requiring that the land is cleared of trees, scrub, undergrowth, refuse or rubbish, or such refuse, rubbish or disused material is removed from such land within a specified period.*
- 8.3.2 *Every owner or occupier of land upon whom a notice is served shall comply with such notice within the time period therein specified.*
- 8.3.3 *Where the owner or occupier does not clear the land or remove the refuse, rubbish or disused material as required by the notice given by the Council, the Council may without payment or any compensation in respect thereof, clear or remove it and dispose of it at the expense of and recover in a court of competent jurisdiction the amount of the expense from the owner or occupier to whom the notice is given.*
- 8.3.4 *Failure to comply with a notice under this clause shall be a breach of the provisions of the Scheme.”*

While clause 8.3 is a possible avenue for the City to use in pursuing unkempt land matters on private property, a problematic evidentiary issue exists in that unkempt land “*in the opinion of the Council is likely to affect adversely the value of adjoining property or the health, comfort or convenience of the inhabitants thereof.*” Obtaining such evidence would be burdensome and costly for the City before a notice is served, especially in relation to adversely affected property values. Such evidence would generally require property valuations, which are affected by many external market variables and conditions. Affect on a person's health, comfort and convenience would also be subjective and difficult to prove.

Advice from City officers has also indicated that courts in the past have taken an unfavourable view of local governments using scheme provisions to address matters of unkempt land, considering the minor scale of the issue and the extensive penalties that apply in respect of non-compliance with the scheme under the *Planning and Development Act 2005* (being a fine of \$200,000 or \$25,000 for an offence of a continuing nature). The courts also take the view that unkempt land issues of this nature are not broader development or land use planning considerations that a scheme should address and that other statutory mechanisms are in place to address these matters such as the *Local Government Act 1995*, the *Health Act 1911* or the *Litter Act 1979*.

In view of this the City has not used the scheme clause to address issues of unkempt land on private property, as the procedures in the Act provide a simpler and less burdensome mechanism of pursuit and more likely to be defended in court. As part of the development of a new local planning scheme for the City, this clause is intended to be removed.

### Other considerations under DPS2

Of relevance, DPS2 includes a definition of ‘salvage yard’ as being “*any land or buildings used for the storage of goods, equipment, plant or materials related to a particular trade*”. ‘Salvage yards’ under the scheme are a “D” discretionary land use in the ‘Service Industrial’ zone and are not permitted in any other zones under DPS2. However the difficulty in using this scheme provision for unkempt land issues is that a ‘salvage yard’ is defined as land used for the storage of materials *related to a particular trade* (emphasis added). If the materials stored cannot be aligned or associated with a particular trade (relevant to most unkempt land issues), the land use could not be considered a ‘salvage yard’ for the purposes of DPS2 and therefore could not be pursued for a non-conforming use.

Should Council wish to pursue such matters under the planning scheme a new land use would be required to be include in DPS2. This could be achieved via the Scheme review process or a separate Scheme Amendment. The State Government’s Model Scheme Text (MST) includes a land use “storage” which is defined as meaning “*premises used for the storage of goods, equipment, plant or materials*”. Including a land use ‘storage’ or ‘storage yard’ which the definition set out in the MST could possibly allow the City to then prosecute any residential property being used to store goods, equipment, plant or materials, provided the City could establish this was not simply storage that was incidental to a dwelling on the site. Distinguishing between what storage is considered to be incidental to a dwelling and what is actually a ‘storage yard’ will be the difficulty from an evidentiary point of view.

### City of Joondalup Private Property Local Law 1998

The City’s current *Private Property Local Law* contains provisions relating to the wrecking and storage of vehicles, however it does not address matters relating to unkempt land. Clause 37 of the *City of Joondalup Private Property Local Law 1998* states the following:

*“A person must not on any residential lot:*

- (a) store any vehicle, part or body of a vehicle or machinery, in a state of disrepair;*
  - (b) allow to remain on any land, a vehicle, part or body of a vehicle or machinery, in a state of disrepair;*
  - (c) wreck, dismantle or break up any vehicle, part or body of a vehicle or machinery; unless:
    - (i) inside a building; or*
    - (ii) within an area enclosed by a fence or wall of not less than 2 metres in height and of such a nature as to screen all vehicles, parts or bodies of vehicles or machinery from the street and from adjoining properties;**
- or*
- (d) wreck, dismantle or break up a vehicle so as to cause a nuisance.”*

Although in existence, City officers do not rely on the provisions of the local law to address matters related to unkempt private property (that is vehicle wrecking) and utilise the mechanisms and legislative provisions within the Act as detailed above. This is because the local law is likely to be invalid as it contains provisions that are inconsistent with the Act, namely the notice provisions and the procedures for entry to private property.

It should be noted however that the City's current local law was adopted before the JSCDL handed down its report. It was also created soon after the *Local Government Act 1995* came into effect and before its provisions were fully understood, tested and implemented in practice.

#### Local laws of other local governments

A search of the Local Laws Register maintained by the Department of Local Government and Communities has revealed there are no unkempt land local laws that remain in existence, with the last one being repealed in 2004 (City of Melville).

A number of local governments have a private property local law that contain provisions similar to the *City of Joondalup Private Property Local Law 1998* in respect of vehicle wrecking. Some local governments (such as the City of Bunbury 2003 local law and the Town of Cambridge 2001 local law) have provisions within their local laws relating to unkempt land and the *City of Kwinana Urban Nuisance and Environment Local Law 2003* also contains similar provisions relating to unsightly land and disused materials.

However considering the views of the JSCDL in its seventh report, the serving of a notice for private land issues and the power for local governments to enter private land, must follow the procedures in the Act, and the above mentioned local laws endeavour to go above those provisions. The abovementioned local laws also provide an infringement notice penalty for non-compliance with a notice served under the local law to remove the disused material (\$200 for the City of Bunbury and the Town of Cambridge, and \$250 for the City of Kwinana for vehicle wrecking only).

In respect of infringement notices, Section 9.16(1) and (2) of the Act states the following:

#### 9.16. Notice, giving of to alleged offender

- (1) *An authorised person who has reason to believe that a person has committed a prescribed offence against a regulation or local law made under this Act may, within 28 days after the alleged offence is believed to have been committed, give an infringement notice to the alleged offender.*
- (2) *A local government can only prescribe an offence for the purposes of subsection (1) if a prosecution for the offence could be commenced by the local government or any of its employees and the local government is satisfied that -*
  - (a) *commission of the offence would be a relatively minor matter; and*
  - (b) *only straightforward issues of law and fact would be involved in determining whether the offence was committed, and the facts in issue would be readily ascertainable.*

The infringement penalties of the local laws mentioned above are void as a notice to remove disused materials from private property is served under the Act not a local law (therefore being inconsistent with section 9.16(1) of the Act). Section 3.25 of the Act, in respect of serving notices on owners or occupiers of land, does not allow for an infringement penalty.

In view of this, the above local laws are inconsistent with the Act relating to serving of notices, entry into property and infringement ability and these local laws are more than likely void and unenforceable due to their inconsistency.

## Issues and options considered

The Council can:

- rely on the provisions of the *Local Government Act 1995* to serve notices on private property owners or occupiers relating to unkempt land issues
- request a new unkempt land local law be created
- request that the *City of Joondalup Private Property Local Law 1998* be amended to include provisions relating to unkempt land  
or
- initiate an amendment to the scheme by including a new land use for storage.

In view of the above information, it is considered that the establishment of a local law is not needed to address problems encountered with the storage of disused vehicles and materials on private property, as the provisions of the Act satisfactorily provide this mechanism. Any local law cannot go against the procedures and processes set out in the Act in respect to notices and entry onto private property, and therefore a local law provides no statutory benefit.

As part of its wider review of the City's local law framework, it is proposed that the current *City of Joondalup Private Property Local Law 1998* be repealed in its entirety, with the exception of the relevant fencing provisions being included into a new *Fencing Local Law*. All other matters in the current local law are not required as they are covered by prevailing legislation.

## Legislation / Strategic Community Plan / policy implications

### Legislation

*Local Government Act 1995.*  
*Planning and Development Act 2005.*  
*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.

## Risk management considerations

Should the City not consider the views of the JSCDL, the local law may be considered void and inoperable to the extent of any inconsistency.

## Financial/budget implications

Should the establishment of a specific local law relating to unkempt land be pursued costs will be incurred that are associated with the statutory advertising processes and publishing in the *Government Gazette*.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Consultation has occurred with a number of relevant Business Units throughout the organisation and legal advice was obtained in considering the most appropriate mechanism(s) to address the issue of unkempt land.

**COMMENT**

During the period January 2013 to January 2014, the City received 97 complaints regarding untidy land. The majority of property owners responded within 40 days of the City issuing a written request to rectify the untidy land issue, mitigating the need to formally issue a section 3.25 notice. However, two section 3.25 notices were issued during this period; one for an ongoing issue at a property in Mullaloo, and the other case pending compliance by the property owner.

In this regard, the City's processes are adequate in addressing unkempt land issues as amicably as possible with property owners. However, where cooperation cannot be obtained with property owners, the provisions of the Act can be used to achieve the desired outcome, albeit in a longer timeframe. Significant penalties can result should an owner or occupier not comply with a notice served under the Act, and have been applied in extreme circumstances.

In its seventh report, the JSCDL acknowledged that in modern society, there will be an inevitable tension between the rights of private property owners to the quiet enjoyment of their land and the need to restrict or prohibit certain activities on that land in the public interest. Many laws place a variety of restrictions and prohibitions on property owners that are designed to maintain the health, safety and wellbeing of citizens as well as the amenity of the area in which the law has effect. A power to enter private land often accompanies such laws to enable effective enforcement. However there is a common law right of an owner or occupier to the quiet enjoyment of private land.

In this regard the Act respects and preserves this common law right by confining the power of local governments to enter private land in specific and expressed circumstances and in accordance with the procedures set out in the Act.

External legal advice has confirmed that the existing provisions of the Act provide the most appropriate statutory mechanism to enable local governments to address issues emanating from unkempt private land. It is acknowledged that the process required to be followed under the Act is onerous and time consuming; however it has been developed on the premise of protecting a person's common law right.

Any local law relating to unkempt land could not go beyond that which is already provided for in the Act, would not strengthen existing legislative mechanisms, or provide a more convenient method of addressing problems associated with unkempt land.

The scheme could be amended by adding a new land use for storage, which if adopted, could provide another avenue to pursue unkempt land issues when it relates to the storage of materials on private land. As detailed above however, sufficient mechanisms already exist under the Act to address unkempt land issues without the need for a scheme amendment, although such amendment could provide another mechanism for pursuit in extreme cases. Penalties through the courts under the *Planning and Development Act 2005* are more severe than under the *Local Government Act 1995* however it still would not provide a mechanism for the City to enter the land to remove the materials as this still would need to be undertaken through the provisions in the Act.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council NOTES the preparation of an unkempt land local law is not warranted as provisions are contained within the *Local Government Act 1995* to address such matters.**

*Appendix 15 refers*

To access this attachment on electronic document, click here: [Attach15brf110214.pdf](#)

## ITEM 18                      FUNDING SUPPORT FOR CO-WORKING SPACE

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	43458, 101515
<b>ATTACHMENT</b>	Attachment 1      Business Case from West Coast Institute  <i>(Please Note: Attachment 1 is confidential and will appear in the official Minute Book only)</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### PURPOSE

For Council to approve funding support for a co-working space to be located at West Coast Institute (WCI).

### EXECUTIVE SUMMARY

WCI has approached the City with regard to a proposal for a co-working space situated within WCI. WCI have requested funding support from the City of \$60,000 in 2013-14, 2014-15 and 2015-16.

WCI has provided a business case which outlines the objectives of the co-working space and provides information on the benefits to the small business sector, WCI, and the City of Joondalup of creating a co-working space. The business case includes commercially confidential information (for example details of WCI's financial contribution). (Attachment 1 refers).

WCI has identified an 180m<sup>2</sup> prime lake-facing space in the existing Aroma Café (Building D on Kendrew Crescent Campus site). This strategic location has excellent connectivity to the Joondalup Learning Precinct, City Centre commercial and retail precincts, main transport interchange and is in close proximity to freeway access. The location is also adjacent to the Joondalup Performing Arts and Cultural Facility proposed site.

The business case outlines a number of benefits of the co-working space including but not limited to:

- creation of new activity in the Joondalup City Centre and greater interaction with local businesses and other agencies
- increasing net growth in local entrepreneurial establishment and the creation of an entrepreneurial culture

- greater opportunities for home based businesses to utilise a dedicated space to meet and collaborate with similar businesses and access specific support programs and information to enable further business growth (beyond the home).

*It is therefore recommended that Council agrees to contribute funding support to the co-working space to be located at West Coast Institute subject to the development of service delivery plans and achievement of agreed key performance indicators.*

## **BACKGROUND**

The City of Joondalup has an objective, as stated in the *Strategic Community Plan 2012 – 2022, Joondalup 2022*, for the Joondalup City Centre to be the first Strategic Metropolitan Centre in Western Australia to achieve Primary Centre Status.

*Joondalup 2022* outlines a number of strategic initiatives to achieve this objective including:

- develop and promote a recognised industry niche that builds on existing strength
- support advanced technology opportunities that will foster a thriving business environment.

The City's draft *Economic Development Strategy, 'Expanding Horizons'*, also contains targeted responses consistent with the Primary Centre Status objective including:

- business growth and innovation
- business clusters and investment
- employment and skills development
- City and regional infrastructure.

Background research for the draft *Economic Development Strategy* highlighted low levels of self containment and employment self sufficiency for Joondalup, particularly in the knowledge sectors and strategic employment with as many as 80% of local resident workers commuting out of the City of Joondalup each day for employment elsewhere.

The draft *Economic Development Strategy* also identifies a low net increase in business stock within the City of Joondalup and lower levels of business growth in the knowledge and creative sectors. Opportunities exist to increase new business start-up and growth activity in these key and niche sectors to enhance local strategic employment levels.

In addition, the *Joondalup: Digital City Strategy* contains priority actions in relation to establishing a space that creates opportunities for start-up businesses and that offers capacity building programs as well as opportunities for creative, freelance knowledge workers and teleworkers.

In relation to supporting the small business sector and encouraging business start-up activity, the City has been providing funding support to the Small Business Centre North-West Metro (SBCNWM) since 2004 in order to support existing and new small business development in Joondalup. Funding support has also been provided by the City of Wanneroo and the Small Business Development Corporation.

At its meeting held on 14 December 2010 (CJ218-12/10 refers) Council requested that the SBCNWM undertake an economic analysis of relocating to the ECU Business and Innovation Centre (ECUBIC) from 1 July 2011, and submit a report to the City of Joondalup on its findings by 31 March 2011. The Council also agreed in principle to contribute \$60,000 (excluding GST) per annum for the period 2010 – 2013. The request for the SBCNW to relocate to ECUBIC was to provide a consolidation of services to small businesses in Joondalup in one location.

At its meeting held on 28 June 2011 (CJ100-06/11 refers) Council considered the report from the SBCNWM on the Economic Analysis of Relocation to the ECUBIC. The report stated that it was not financially viable for the SBCNWM to relocate at that time. Council requested that an updated relocation report be provided by the SBCNWM in April 2012 and agreed to contribute \$60,000 (exc GST) to the SBCNWM for 2012-13 to support small business growth and development within the City of Joondalup.

At its meeting held on November 2012 (CJ231-11/12 refers) Council received an updated relocation report whereby the SBCNWM advised that re-location of the centre to ECUBIC would not occur. Council therefore resolved, inter alia, that it:

*“ADVISES the Small Business Centre (North West Metro) Inc that future funding from the City will be conditional on relocation of the Centre to the Edith Cowan University Business Innovation Centre and the City will contribute \$5,000 towards relocation costs.”*

The SBCNW subsequently advised the City that relocation would not occur and the \$60,000 has, in accordance with the Council’s resolution, not been provided to the SBCNWM for 2013-14.

The City has now been approached by WCI to partner in the delivery of a co-working space to be located at WCI in order to support start-up and existing small businesses in Joondalup.

Co-working spaces facilitate independent working in shared facilities and provide new spaces for entrepreneurs, start-up businesses, micro enterprises, freelance creative/knowledge workers and teleworkers. Co-working spaces also provide space for mobile collaborative project teams and maximise the sustainability of new enterprises during their critical first months.

There are currently two co-working spaces established in the Perth City which receive financial support from the City of Perth.

## **DETAILS**

The City is committed to providing funding support to the small business sector as a strong and diverse small business sector is critical for job creation and employment self sufficiency.

The *Joondalup: Digital City Strategy* was endorsed by Council and publically launched in June 2013. The City of Joondalup is the first metropolitan Perth local government to develop and launch a digital strategy.

At the heart of the *Joondalup: Digital City Strategy* are three priority actions:

- 1 Establish a virtual and physical space that creates opportunities for start-ups.
- 2 Deliver capacity building programs for Joondalup businesses.
- 3 Build a teleworking facility.

The co-working space as outlined in the business case provided by WCI shown as Attachment 1 provides an opportunity to meet all three priority actions as well as directly address the following main strategic objectives highlighted within the digital strategy:

- Lead and position Joondalup as a digital city.
- Realise Joondalup's potential as an education city.
- Build small business capacity and confidence.
- Grow and attract new business in innovative sectors.

The City has consistently worked in partnership with other organisations to support the small business sector in order to achieve the most effective and efficient use of City resources. WCI approached the City with regard to a proposal for a co-working space situated within WCI and have provided a detailed business case.

The business case outlines the objectives of the co-working space and provides information on the benefits to the small business sector, WCI, and the City of Joondalup of creating a co-working space.

WCI has identified prime lake-facing space in the existing Aroma Café (Building D on Kendrew Crescent Campus site) and has already relocated the gym on the same ground floor to commence fit out of that 180m<sup>2</sup> space in readiness for an anchor tenant.

This strategic location has excellent connectivity to the Joondalup Learning Precinct, City Centre commercial and retail precincts, main transport interchange and is in close proximity to freeway access. The location is also adjacent to the Joondalup Performing Arts and Cultural Facility proposed site.

The business case outlines justification for, and benefits of, the co-working space including:

- creation of new activity in the Joondalup City Centre and greater interaction with local businesses and other agencies
- creation of ideas that generate new and innovative program creation and opportunities for the larger City of Joondalup business community
- increasing net growth in local entrepreneurial establishment and the creation of an entrepreneurial culture
- providing access to new programs that enable and support higher growth businesses in key sectors (adding value to existing standard service provision via the SBCNWM, Small Business Development Commission, and ECUBIC)
- greater interaction between students, researchers (across the JLP) and local micro enterprises and entrepreneurs to enhance local employment opportunities
- greater opportunities for home based businesses to utilise a dedicated space to meet and collaborate with similar businesses and access specific support programs and information to enable further business growth (beyond the home).

Programs to be offered through the co-working space include:

- business and support services
- business after hours events
- professional development opportunities
- product and service showcases
- community open days
- start-up weekends.

The co-working space will provide an open, flexible space which is more conducive for businesses and entrepreneurs to develop creative ideas and commercial opportunities within a collaborative and supportive environment.

As entrepreneurs and enterprises using the co-working space mature and become more established, they may seek a more fixed space solution – either short-medium term in ECU Business Innovation Centre (ECUBIC) or potentially longer term within City Centre commercial office options.

The co-working space would complement the activities of the ECUBIC and also has potential to attract students and researchers from ECU and WCI. Opportunities exist to encourage and promote greater commercialisation activity and economic benefit leveraging key research activity within the Joondalup Learning Precinct and the co-working space creates an important physical focal point or hub.

The co-working space also provides an opportunity for new and existing businesses operating in a range of knowledge based or digital business sectors from digital animation and web development to health, education and finance, to collaborate, network and develop new commercial opportunities.

There is a strong indication that this facility would attract interest from businesses from outside of the City of Joondalup as well resulting in new opportunities for investment attraction and raising the profile of the City as an innovative, digital City and bringing greater economic benefit to existing City Centre businesses (cafes, restaurants, retail and the like).

The business case requests funding support of \$60,000 per annum from the City for the period from 1 April 2014 to 30 June 2016 and also details the funding contribution from WCI.

The City's funding contribution will contribute to operations of the co-working space including the delivery of a range of business training and support programs and networking events for new and established small businesses in Joondalup.

The business case nominates a major partnership role for the City in the co-working space and provides for unrestricted access by the City to all of the facilities in the space. The City will also share joint branding presence and profile in all promotional activities associated with the co-working space.

The governance arrangements are yet to be finalised however initial discussion with WCI indicate that a Board will be convened to take responsibility for the strategic direction of the co-working space, development of service delivery plans, review of performance and budgets, compliance issues and so on. The City would be offered a position/s on the board to represent its interests.

### **Issues and options considered**

Council may:

- agree to provide funding support to the co-working space to be located at WCI  
or
- not agree to provide funding support to the co-working space to be located at WCI.

Option 1 is the preferred option as the co-working space provides an opportunity for the City to be involved in a project that will provide significant support to new and existing small businesses in Joondalup, as well as providing the City the prospect of being involved in a project that will attract innovative companies and address employment self sufficiency and self containment by increasing local employment opportunities.

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

**Legislation** Not applicable.

#### **Strategic Community Plan**

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

**Objective** Primary centre status.

**Strategic initiative** Develop and promote a recognised industry niche that builds on existing strengths.

**Policy** *Economic Development Policy.*

### **Risk management considerations**

There are some risks associated with the City's financial support for the co-working space if it fails to attract tenants. Such risks will be mitigated through extensive promotional activity in the first few months as well as the engagement of a qualified and experienced management entity to direct the day to day operations of the space as well as identify grant funding opportunities.

There are risks associated with the City failing to provide financial support for the co-working space as the project provides an opportunity to work in partnership with West Coast Institute to nurture and support business start-ups and existing small businesses in Joondalup which are important to the local economy and self sufficiency and self containment targets.

### **Financial/budget implications**

The proposal will require a \$60,000 funding contribution in 2013-14, 2014-15 and 2015-16. \$60,000 has been allocated in the 2013-14 under the budget item Grants and Contributions.

### **Regional significance**

The population of the North-West Metropolitan Region is estimated to grow by 39% to 395,000 by 2031. The regional level of employment self sufficiency will, therefore, need to increase significantly. The co-working space provides an opportunity to address employment self-sufficiency by increasing employment opportunities locally and within the region.

### **Sustainability implications**

Facilitating the growth of local businesses and supporting new start-up activity is critical to the continued diversification of the local economy.

The co-working space presents an opportunity for the City to nurture and support business and business growth activity in the City of Joondalup and generate new employment for local residents to increase self sufficiency and self containment levels critical to the growth and sustainability of the local economy.

## Consultation

Not applicable.

## COMMENT

The City currently has \$60,000 allocated in 2013-14 for supporting the needs of the small business sector in Joondalup (which has previously been provided to the SBCNWM). Due to the Council resolution on 28 June 2011 (CJ100-06/11 refers), funding for 2013-14 has not been provided to the centre.

The City advised the SBCNWM that future funding beyond 2012-13 would be dependent on relocation to the ECUBIC and that the City would contribute \$5,000 towards relocation costs. The SBCNWM subsequently advised the City that the centre would not be relocating.

The WCI proposal for the establishment of a co-working space provides the City with an opportunity to partner in a project which will provide support, in terms of office space, collaboration opportunities, and the delivery of training programs and networking events for new and existing small businesses in Joondalup.

The City's contribution of \$60,000 will contribute to providing essential support for as well as the delivery of programs relevant to start-up and existing business with a focus on the digital economy and supporting entrepreneurs and innovators.

WCI have already invested in the capital costs associated with establishing the co-working space and the City's contribution of \$60,000 for 2013-14 will be used to promote the space to attract tenants as well as deliver a number of high profile networking events and training and development programs for small businesses in Joondalup. The City's funding support in 2014-15 and 2015-16 will be used to deliver networking and training and development programs for new and existing businesses in Joondalup.

The co-working space will be managed by an experienced management entity with experience in co-working spaces and delivering events and workshops for small businesses that will be subject to a service delivery plan and achievement of key performance indicators.

By providing funding support for the co-working space at WCI, the City has the opportunity to work with WCI to nurture and grow its start up and existing business community and to position itself as the leading centre for innovation and technology in northern metropolitan Perth, leveraging the existing education and research activity and niche business clusters.

The opportunity for the City to be involved in developing the co-working space will not only attract and nurture innovative and creative companies but will also help generate more strategic employment for the City of Joondalup and, therefore, address employment self sufficiency and self containment by increasing local employment opportunities.

Identifying and supporting high growth companies is also important. Business accelerator and mentoring programs to nurture the growth of existing micro and small businesses, potentially into medium sized enterprises, also present significant opportunities for enhancing local economic growth and future job creation.

The City has the opportunity to lead this strategic project, with West Coast Institute and to, therefore, provide significant support to new start-up businesses and home based businesses as well as encouraging a culture of innovation and entrepreneurship.

This project would be a first for metropolitan Perth (outside Perth CBD) and would significantly lead and position Joondalup as a highly innovative and creative, digital city and provide the City with an opportunity to provide significant support to new and existing small businesses in Joondalup as well as developing programs that promote business mentoring, peer support, business networking and specialist events with a view to strengthen and foster the innovative ecosystem in the Joondalup region and maximise the sustainability of new enterprises during their critical first 18 months as well as adding value to existing programs

Importantly, the co-working space will not be in competition with existing service provision such as the ECU Business and Innovation Centre which provides fixed office accommodation and support to new and established small businesses, but will provide an open space where companies can develop their ideas within a collaborative and supportive environment. As enterprises using the co-working space mature and become more established they may seek a more fixed space solution – either short-medium term in ECUBIC or potentially longer term within City Centre commercial office options.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

### **That Council:**

- 1 AGREES to contribute \$60,000 to the co-working space, to be located at West Coast Institute, for the financial year 2013-14 subject to the Chief Executive Officer's satisfaction with a service delivery plan for 2013-14;**
- 2 LISTS FOR CONSIDERATION a contribution of \$60,000 to the co-working space, to be located at West Coast Institute, in 2014-15 and 2015-16 subject to the Chief Executive Officer being satisfied with:**
  - 2.1 a review of the 2013-14 service delivery plan;**
  - 2.2 the provision of audited financial statements for 2013-14 and 2014-15;**
  - 2.3 the provision of service delivery plans for 2014-15 and 2015-16.**

## **ITEM 19                      FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 NOVEMBER 2013**

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

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### **PURPOSE**

For Council to note the Financial Activity Statement for the period ended 30 November 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 November 2013 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$3,692,395 for the period when compared to the 2013-14 Adopted Budget.

The variance can be summarised as follows:

The operating surplus is \$2,932,853 higher than budget, made up of lower operating revenue of \$69,664 and lower operating expenditure of \$3,002,517.

Operating revenue is below budget on Grants and Subsidies \$1,053,189 and Specified Area Rates \$8,056. This is offset by higher revenues on Rates \$364,559, Profit on Asset Disposal \$199,287, Fees and Charges \$204,544, Interest Earnings \$148,186, Other Revenue \$53,409 and Contributions, Reimbursements and Donations \$21,597.

Operating expenditure is below budget on Materials and Contracts \$1,758,065, Depreciation \$720,888, Utilities \$196,367, Employee Costs \$408,583 and Interest Expenses \$1,897. This is partially offset by higher expenditure on Loss on Asset Disposal \$67,427 and Insurance Expenses \$15,856.

The Capital Deficit is \$1,521,406 below budget primarily due to higher revenue from Capital Contributions \$1,376,818 and Capital Grants and Subsidies \$1,038,379, as well as lower than budgeted expenditure on Capital Projects \$1,493,182 and Motor Vehicle Replacement \$1,069,397. This is partially offset by higher expenditure on Capital Works \$2,721,361 and Tamala Park Development Costs \$735,010.

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

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

## **BACKGROUND**

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

## **DETAILS**

### **Issues and options considered**

The Financial Activity Statement for the period ended 30 November 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.

**RECOMMENDATION**

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

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16brf110214.pdf](#)*

## **ITEM 20                      FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 DECEMBER 2013**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services	
<b>FILE NUMBER</b>	07882, 101515	
<b>ATTACHMENT</b>	Attachment 1	Financial Activity Statement for the period ended 31 December 2013
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').	

### **PURPOSE**

For Council to note the Financial Activity Statement for the period ended 31 December 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 December 2013 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$6,092,927 for the period when compared to the 2013-14 Adopted Budget.

The variance can be summarised as follows:

The operating surplus is \$4,353,762 higher than budget, made up of higher operating revenue of \$882,403 and lower operating expenditure of \$3,471,359.

Operating revenue is below budget on Grants and Subsidies \$1,103,349. This is offset by higher revenues on Rates \$596,215, Specified Area Rates \$3,437, Profit on Asset Disposal \$977,234, Fees and Charges \$116,776, Interest Earnings \$167,242, Other Revenue \$71,645 and Contributions, Reimbursements and Donations \$53,103.

Operating expenditure is below budget on Materials and Contracts \$2,087,898, Depreciation \$865,535, Utilities \$249,545, Employee Costs \$338,404 and Interest Expenses \$1,349. This is partially offset by higher expenditure on Loss on Asset Disposal \$53,328 and Insurance Expenses \$18,045.

The Capital Deficit is \$3,412,702 below budget primarily due to higher revenue from Capital Contributions \$1,376,818, Capital Grants and Subsidies \$998,960 and Equity Distribution (TPRC) \$666,666, as well as lower than budgeted expenditure on Capital Projects \$1,510,880 and Motor Vehicle Replacement \$1,317,689. This is partially offset by higher expenditure on Capital Works \$2,581,273 and Tamala Park Development Costs \$196,001 in addition to a favourable Equity Investment movement of \$318,963.

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

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 December 2013 forming Attachment 1 to this Report.*

## **BACKGROUND**

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

## **DETAILS**

### **Issues and options considered**

The Financial Activity Statement for the period ended 31 December 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.

**RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 31 December 2013 forming Attachment 1 to this Report.**

*Appendix 17 refers*

To access this attachment on electronic document, click here: [Attach17brf110214.pdf](#)

## ITEM 21 LIST OF PAYMENTS MADE DURING THE MONTH OF NOVEMBER 2013

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

### PURPOSE

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

### EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of November 2013 totalling \$12,800,760.92.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for November 2013 paid under delegated authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 in Attachments 1, 2 and 3 to this Report, totalling \$12,800,760.92.*

### 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 November 2013. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Municipal Account	Municipal Cheques & EFT Payments - 97041 - 97271 & EF035234 – EF036372 Net of cancelled payments Vouchers 1192A & 1194A – 1196A & 1198A-1202A	\$8,575,823.49  \$4,194,979.77
Trust Account	Trust Cheques 205991 - 206054 Net of cancelled payments	\$29,957.66
<b>Total</b>		\$12,800,760.92

### 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.

**RECOMMENDATION**

**That Council NOTES the Chief Executive Officer's list of accounts for November 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 this Report, totalling \$12,800,760.92.**

*Appendix 18 refers*

*To access this attachment on electronic document, click here: [Attach18brf110214.pdf](#)*

## ITEM 22 LIST OF PAYMENTS MADE DURING THE MONTH OF DECEMBER 2013

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

### PURPOSE

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

### EXECUTIVE SUMMARY

This Report presents the list of payments made under delegated authority during the month of December 2013 totalling \$17,086,265.26.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for December 2013 paid under delegated authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 in Attachments 1, 2 and 3 to this Report, totalling \$17,086,265.26.*

### 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 December 2013. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Municipal Account	Municipal Cheques & EFT Payments - 97272 - 97485 & EF036373 – EF036925 Net of cancelled payments	\$12,743,981.76
	Vouchers 1203A – 1216A	\$4,298,877.20
Trust Account	Trust Cheques 206055 - 206128 Net of cancelled payments	\$43,406.30
	<b>Total</b>	\$17,086,265.26

### 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.

**RECOMMENDATION**

**That Council NOTES the Chief Executive Officer's list of accounts for December 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 this Report, totalling \$17,086,265.26.**

*Appendix 19 refers*

*To access this attachment on electronic document, click here: [Attach19brf110214.pdf](#)*

## **ITEM 23                    PETITION REQUEST FOR FITNESS EQUIPMENT ON KANANGRA PARK, GREENWOOD**

<b>WARD</b>	South-East
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	101515, 06627
<b>ATTACHMENT</b>	Attachment 1            Plan of Kanangra Park
<b>AUTHORITY / DISCRETION</b>	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to consider the petition requesting the installation of fitness equipment on Kanangra Park, Greenwood.

### **EXECUTIVE SUMMARY**

At its meeting held on 20 August 2013 (C41-08/13 refers), Council received a 28 signature petition from residents of the City of Joondalup requesting the installation of fitness equipment on Kanangra Park, Greenwood. The wording of the petition is as follows:

*“Kanangra Park Greenwood is a well used facility for our local community. It would be greatly enhanced by having exercise equipment installed to assist our community to stay fit and well.*

*We the undersigned are rate payers who live near Kanangra Park Greenwood and urge the City of Joondalup to act now to install exercise equipment on the park.”*

The popularity of outdoor fitness equipment has increased in recent years resulting in numerous requests for the provision of fitness equipment on local parks particularly with the most recent installations undertaken by the City in 2013.

Kanangra Park is a passive reserve currently classified as a local open space and in the City’s draft *Parks and Public Open Space Classification Framework* (PPOSCF), adopted as a management guideline, it is classified as a local recreation park. There are 215 parks in this classification and notwithstanding the existing locations of recent fitness equipment installations; Kanangra Park does not meet the required criteria for the provision of fitness equipment.

*It is therefore recommended that Council:*

- 1 *DOES NOT SUPPORT the request for Fitness Equipment on Kanangra Park, Greenwood;*
- 2 *ADVISES the lead petitioner of Council's decision.*

## **BACKGROUND**

Kanangra Park is located at 74 Kanangra Crescent, Greenwood, within the South-East Ward and is approximately 3.2 hectares in area. The park, located adjacent to the Mitchell Freeway, is classified as a Local Recreation Park in the *Parks and Public Open Space Classification Framework* (PPOSCF). The City has adopted the PPOSCF as management guideline to assist in the planning and provision of park and public open space assets.

Infrastructure and equipment existing on Kanangra Park comprises soccer goals, bench seating, play equipment and a connecting path network. The existing play equipment is rated Category 6 for replacement (Condition and Safety Audit 2012) and is not listed for replacement within the current *Five Year Capital Works Program*. The connecting path network feeds into a pedestrian bridge crossing the freeway to Doveridge Drive, Duncraig and exits within walking distance to St Stephens School.

The City has installed fitness equipment in six locations to date, the first being Barridale Park, Kingsley, as a requirement of the Kingsley Woodvale Special Areas Funding the City received. Subsequent installations have been undertaken by request and funded by municipal funds, with the exception of Harbour View Park, which was funded from a Lotterywest grant applied for by the Harbour Rise Home Owners Association (HRHOA) with support from the City.

Details of existing fitness equipment installations:

<b>LOCATION (SIZE)</b>	<b>SUBURB</b>	<b>WARD</b>	<b>INSTALL DATE</b>	<b>CURRENT PARK CLASSIFICATION</b>	<b>PPOSCF (MANAGEMENT GUIDELINE)</b>
Barridale Park (4.2Ha)	Kingsley	South East	2010	Local Park (Active)	Local Sports Park
Falklands Park (5Ha)	Kinross	North Ward	2011	Local Park (Active)	Local Sports Park
Harbour View Park (1Ha)	Hillarys	South West	2013	Neighbourhood Park (Active - tennis)	Local Recreation Park
Flinders Park (8.2Ha)	Hillarys	South West	2013	Local Park (Active)	Local Mixed Use Park
Fairway Park (1Ha)	Connolly	North Ward	2013	Local Open Space (Passive)	Local Recreation Park
Baltusrol Park (1.9Ha)	Connolly	North Ward	2013	Local Open Space (Passive)	Local Recreation Park

The Delamere Park Project MPP2024 (District Recreation Park) has fitness equipment proposed for installation early in 2014.

## DETAILS

The popularity of outdoor fitness equipment has increased in recent years and outdoor fitness equipment, installed by the City during 2013, has stimulated interest from residents and community groups resulting in numerous requests for the provision of fitness equipment on their respective local park.

The PPOSCF allocation for fitness equipment and number of parks in each classification is as follows:

- Regional Sports Park: (1 Park) Optional — up to 10 fitness equipment items.
- District Sports Park: (8 Parks) Optional — up to five fitness equipment items.
- Local Sports Park: (39 Parks) Optional — up to five fitness equipment items.
- Local Mixed-Use Park: (3 Parks) Optional — up to five fitness equipment items.
- Regional Recreation Park: (5 Parks) Optional — up to five fitness equipment items.
- District Recreation Park: (5 Parks) Optional — up to five fitness equipment items.
- Local Recreation Park: (215 Parks) — not supported.

The park allocation criteria should demonstrate:

- sufficient space is available within the park to install fitness equipment items at a reasonable distance from play spaces (to avoid potential injury to children)
- a major pedestrian/cycling route is located through or around the park and/or the park is regularly hired by fitness groups/instructors.

### Issues

Requests from residents and community groups have determined the locations of outdoor fitness equipment to date with no substantive criteria applied in the selection of those locations.

Careful consideration of proposed locations is important to ensure the equitable distribution and accessibility of outdoor exercise equipment throughout the City.

Kanangra Park does not demonstrate the required criteria for the provision of fitness equipment.

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

<b>Legislation</b>	Not applicable.
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Quality open spaces.
<b>Strategic initiative</b>	Employ quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity.
<b>Policy</b>	<i>Sustainability Statement Policy.</i>

## **Risk management considerations**

Implementation of the Fitness Equipment Program progressively on major parks within each ward provides equitable distribution and accessibility of outdoor fitness equipment throughout the City mitigating the risk of marginalising access for the wider community.

## **Financial/budget implications**

<b>Account no.</b>	
<b>Budget Item</b>	Fitness Equipment Program.
<b>Budget amount</b>	No budget in 2013-14 financial year.
<b>Proposed cost</b>	\$ 50,000 per park (Five fitness equipment items).
<b>Annual maintenance</b>	\$ 7,500.

## **Regional significance**

Outdoor fitness equipment installed in higher profile parks connected, where possible, to major pedestrian/cycling routes will service the needs of both the local and wider Joondalup community, promoting a healthy lifestyle and interaction between communities.

## **Sustainability implications**

Fitness equipment provides the community with opportunities to use clustered exercise stations in an outdoor setting.

To maximise utilisation levels, fitness equipment should be located in parks that have high usage by the local and wider community, connected to major pedestrian/cycling routes or are popular locations for fitness training.

## Social

The installation of outdoor exercise equipment is free to use, promotes a healthy lifestyle and interaction within the community.

## Economic

To maximise equipment utilisation levels and the City's capital investment in the provision of fitness equipment, the focus is best placed on the Regional and District Sport Parks and Local Mixed Use Parks. A long term program for implementation will assist with prioritising installations and schedule funding allocations.

## **Consultation**

No community consultation has been undertaken to gauge the community's wishes on the provision of outdoor fitness equipment in the City's parks. However the City has received a number of requests for the provision of the equipment from residents and local homeowners / residents associations.

Consultation with the local community and sporting groups that utilise the parks will be undertaken prior to installing the outdoor exercise equipment in accordance with the City's process.

**COMMENT**

Providing outdoor fitness equipment on local sports and recreation parks throughout the City is cost prohibitive in the long term and fails to provide facilities accessible to the majority of residents.

The development of an implementation program is essential for budgeting purposes and equitable distribution and accessibility throughout the City.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 DOES NOT SUPPORT the request for Fitness Equipment on Kanangra Park, Greenwood;**
- 2 ADVISES the lead petitioner of Council's decision.**

*Appendix 20 refers*

To access this attachment on electronic document, click here: [Attach20brf110214.pdf](#)

## REPORTS - CAPITALS WORKS COMMITTEE

### ITEM 24 HADDINGTON PARK, BELDON - PROPOSED BASKETBALL COURT INSTALLATION

<b>WARD</b>	Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	06659, 102873, 101515
<b>ATTACHMENTS</b>	Attachment 1      Aerial Map of Haddington Park Attachment 2      Concept Plan of Haddington Park Attachment 3      Cost estimate
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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#### PURPOSE

For Council to review Project PEP2651, proposed installation of a full size basketball court, approved for construction in the *2013-14 Capital Works Program*.

#### EXECUTIVE SUMMARY

The Project PEP2651 was included for installation in the *2013-14 Capital Works Program* (CWP) as an outcome of the 2013 Mid Year Review (MYR).

Project scoping undertaken in September 2013 revealed that Haddington Park, Beldon was not a suitable site for the installation of a full size basketball court. The topography, size, existing infrastructure and classification of the park constrains the installation (Attachment 1 refers). In addition, on further investigation with Leisure and Cultural Services, no specific user group could be identified.

Issues and options considered for this park do not support the installation of a full size basketball court on Haddington Park. In lieu of the basketball court it is recommended that an enhanced amenity be provided around the BBQ installation scheduled for installation in 2014 and the play space replacement listed for consideration in 2014-15 (Attachment 2 refers).

A funding reallocation from PEP2651 to PEP2650 is proposed as detailed under Financial/Budget Implications (Attachment 3 refers).

*It is therefore recommended that Council APPROVES:*

- 1 *the deletion of project PEP2651 Basketball Court installation proposed for Haddington Park;*
- 2 *the inclusion of connecting access paths with project PEP2650 BBQ Facility installation, approved in the 2013-14 Capital Works Program;*
- 3 *BY AN ABSOLUTE MAJORITY the reallocation of \$35,026 from project PEP2651 Basketball Court installation to project PEP2650 BBQ Facility installation to provide additional infrastructure and works as identified and detailed for PEP2650.*

## **BACKGROUND**

As part of the 2013 MYR, held on 7 February 2013, two projects were requested for listing in the 2013-14 CWP for Haddington Park, Beldon.

Both projects were listed and approved in the budget for construction in 2013-14 as follows:

- PEP2650 - BBQ facility - \$15,000.
- PEP2651 - Full size Basketball Court - \$70,000.

Other work programmed for Haddington Park includes the replacement of the play equipment which is listed for consideration in the 2014-15 CWP.

## **DETAILS**

Haddington Park is currently classified as Local Open Space and is just over two hectares in area, inclusive of 0.26 hectares of fenced bushland and 0.1 hectare dedicated to a BMX track. The existing play equipment comprises a combo unit, two single spring rockers, one double spring rocker and one double swing. The topography of this park slopes into the centre of the park from the kerb line on all bounding roads, ranging from 6.7 metres at the highest point to 2.5 metres at the lowest point (Attachment 1 refers).

The City's *Parks and Public Open Space Classification Framework* (PPOSCF) has been adopted as an internal protocol to assist in the planning and provision of park and public open space assets. The PPOSCF outlines the classification of all parks within the City of Joondalup and determines the type of infrastructure supported within each classification. Haddington Park is currently classified as Local Open Space (proposed classification Local Recreation Park) and the only supported asset for this level of park is park signage.

Project scoping was undertaken in September 2013 and concerns were raised regarding the suitability of Haddington Park for the installation of a sporting facility as approved. A meeting was held with Leisure and Cultural Services on 11 October 2013 to discuss the proposed installation and its potential use.

The project scoping undertaken included an assessment of the BBQ facility which comprised one double BBQ and one picnic structure and associated works. The provision of lighting to the BBQ facilities has increased the electrical works component creating a budget shortfall of \$12,320.

The enhanced BBQ amenity proposed for Haddington Park includes connecting access paths estimated at \$22,706. The total funding required for the enhanced BBQ project, inclusive of the identified shortfall of \$12,320, is \$35,026. The play space is a separate project and is budgeted independently in the 2014-15 CWP.

Design documentation and construction scheduling will be carried out for both the BBQ facility and play space simultaneously to facilitate the installation of the two projects as a whole. Timing for the BBQ facility installation is proposed for late in the 2013-14 financial year. This will potentially be a carried forward project, to align with the construction of the play space.

### **Issues and options considered**

#### Constraints

A new full size basketball court installed at Haddington Park, Beldon is constrained by the following:

- The park classification, being Local Recreation Park, does not support the installation of sporting infrastructure.
- The topography of the park limits the locations available for a full basketball court installation without impacting local residents or the existing and future planned infrastructure (Attachment 1 refers).
- The booking potential of this facility as a hireable space is jeopardised without supporting amenities such as toilets and parking.
- Historically it is shown that the majority of the City's existing outdoor basketball courts are not booked out by user groups but are mainly used informally by local residents.

#### Options

No alternative options to the installation of a full size basketball court on Haddington Park, Beldon are recommended, however notwithstanding the park classification, it is proposed that an enhanced amenity be provided with the inclusion of connecting access paths with the BBQ and shelter installation in the 2013-14 financial year.

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

<b>Legislation</b>	Not applicable.
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Quality open spaces.
<b>Strategic initiative</b>	Employ quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity.
<b>Policy</b>	Not applicable.

**Risk management considerations**

There is no risk to the City if this project does not proceed.

Proceeding with this project without a comprehensive assessment of potential users for this infrastructure, risks investment with no valuable amenity return.

**Financial/budget implications**

The recommendation to Council is for the reallocation of \$35,026 from PEP2651 to PEP2650 as detailed below:

<b>Account no.</b>	PEP2651
<b>Budget Item</b>	Basketball Court installation
<b>Budget amount</b>	\$70,000
<b>Amount spent to date</b>	\$ 0
<b>Proposed reallocation</b>	\$35,026
<b>Balance</b>	\$34,974

<b>Account no.</b>	PEP2650
<b>Budget Item</b>	BBQ Facility installation
<b>Budget amount</b>	\$15,000
<b>Amount spent to date</b>	\$ 0
<b>Estimated actual cost</b>	\$27,320
<b>Enhanced proposal cost</b>	\$50,026
<b>Proposed reallocation</b>	\$35,026
<b>Balance</b>	\$ 0

**Annual maintenance** \$ 7,510

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

No consultation has been undertaken for the proposed basketball court installation.

**COMMENT**

There is no additional historical information available supporting the installation of a full size basketball court on Haddington Park, Beldon.

**VOTING REQUIREMENTS**

Absolute Majority.

## COMMITTEE RECOMMENDATION

The committee recommendation to the Council for this report (as detailed below) was resolved by the Capital Works Committee at its meeting held on 4 February 2014.

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

## RECOMMENDATION

### That Council APPROVES:

- 1 the deletion of project PEP2651 Basketball Court installation proposed for Haddington Park;
- 2 the inclusion of connecting access paths with project PEP2650 BBQ Facility installation, approved in the 2013-14 Capital Works Program;
- 3 **BY AN ABSOLUTE MAJORITY** the reallocation of \$35,026 from project PEP2651 Basketball Court installation to project PEP2650 BBQ Facility installation to provide additional infrastructure and works as identified and detailed for PEP2650.

*Appendix 21 refers*

To access this attachment on electronic document, click here: [Attach21brf110214.pdf](#)

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Mayor Troy Pickard.</b>
<b>Item No./Subject</b>	Item 26 – 2014-15 Community Facility Refurbishment Projects.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	In his capacity as Mayor, Mayor Pickard is the patron of the Joondalup Cricket Club, Joondalup Lakers Hockey Club and Joondalup City Football Club, all members of the Beaumaris Sports Association.

<b>Name/Position</b>	<b>Mr Mike Smith, Manager Leisure and Cultural Services.</b>
<b>Item No./Subject</b>	Item 26 – 2014-15 Community Facility Refurbishment Projects.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mr Smith is a member of Joondalup Districts Cricket Club, which is a member of the Beaumaris Sports Association.

## **ITEM 25                    2014-15 COMMUNITY FACILITY REFURBISHMENT PROJECTS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	08127, 02046, 77575, 101515
<b>ATTACHMENT</b>	Attachment 1      Aerial Map of Beaumaris Community Centre Attachment 2      Beaumaris Community Centre floor plan (existing) Attachment 3      Aerial Map of Iluka Sports Complex Attachment 4      Iluka Sports Complex floor plan (existing) Attachment 5      Aerial Map of Heathridge Park Clubroom Attachment 6      Heathridge Park Clubroom floor plan (existing) Attachment 7      City's Endorsed Master Planning Process Attachment 8      Beaumaris Community Centre Concept Plan Attachment 9      Beaumaris Community Centre Cost Estimate Attachment 10     Iluka Sports Complex Concept Plan Attachment 11     Iluka Sports Complex Cost Estimate Attachment 12     Heathridge Park Clubroom Concept Plan Attachment 13     Heathridge Park Clubroom Cost Estimate
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

## PURPOSE

For Council to consider the concept plans and estimated capital costs for the proposed refurbishment of Beaumaris Community Centre, Ocean Reef; Iluka Sports Complex, Iluka; and Heathridge Park Clubroom, Heathridge.

## EXECUTIVE SUMMARY

Each year the City plans to undertake one or two refurbishments of community and sporting facilities.

In 2011, the City undertook an internal review of community facilities in order to identify and prioritise future redevelopment and refurbishment projects for the City's *Five Year Capital Works Program*. As a result of this review, three community facilities were identified for refurbishment listed in the *2014-15 Capital Works Program*.

The three community facilities proposed for refurbishment in the *2014-15 Capital Works Program* include (with their respective budget listings):

- Beaumaris Community Centre, Ocean Reef - \$130,000.
- Iluka Sports Complex, Iluka - \$350,000.
- Heathridge Park Clubroom, Heathridge - \$262,840.

A budget of \$265,225 was also listed for Kingsley Memorial Clubrooms within the *2014-15 Capital Works Program*. As the City is unable to undertake four refurbishment projects in one year, planning for this has not been completed and it is proposed that this project be deferred to 2015-16, where adequate funds are available to undertake this project.

The three proposed refurbishment projects were presented at the Capital Works Committee meeting held on 26 November 2013. At this meeting, the three projects were referred back to the Chief Executive Officer for further review to consider the comments provided by the Capital Works Committee and to consider a separate report on the potential to masterplan the Heathridge Park site. The comments received by the Capital Works Committee have been considered in this report and a report on a potential masterplan of Heathridge Park will be presented for consideration at a later date.

As part of the needs analysis stage of the project, stakeholder consultation was undertaken with existing user groups who hire each facility on a regular basis. Considering the feedback from user groups and priorities identified by the City, a scope of works was developed in order to develop concept plans and a cost estimate for each project.

Each project's cost estimate has been itemised and the feasibility of each item determined. As the cost estimates exceed the current amounts listed in the *2014-15 Capital Works Program*, it is recommended to remove certain items from the scope of works for the Beaumaris Community Centre and the Iluka Sports Complex to enable cost savings. The proposed works at the Heathridge Park Clubroom significantly exceeded the budget listed in the *2014-15 Capital Works Program*. While cost savings are evident, the priority scope of work still exceeds the budget allocation therefore it is recommended to investigate a masterplan for Heathridge Park site, including the Heathridge Park Clubroom, Heathridge Leisure Centre and Guy Daniel Clubrooms.

*It is therefore recommended that Council:*

- 1 *NOTES the following amounts are currently listed within the City's Five Year Capital Works Program for 2014-15:*
  - 1.1 *\$130,000 for Beaumaris Community Centre;*
  - 1.2 *\$350,000 for Iluka Sports Complex;*
  - 1.3 *\$262,840 for Heathridge Park Clubroom;*
- 2 *APPROVES the proposed refurbishment works at the Beaumaris Community Centre as detailed in this Report at a project cost estimate of \$124,000;*
- 3 *APPROVES the proposed refurbishment works at the Iluka Sports Complex as detailed in this Report at a project cost estimate of \$225,000;*
- 4 *APPROVES the remaining \$125,000 listed for the refurbishment of Iluka Sports Complex be used for items not scoped, subject to the City working with the Beaumaris Sports Association and the total project expenditure does not exceed \$350,000;*
- 5 *APPROVES the proposed refurbishment works at the Heathridge Park Clubroom as detailed in this Report at a project cost estimate of \$78,000;*
- 6 *REQUESTS the Chief Executive Officer to prepare a 'Philosophy and Parameters' report in relation to a masterplan for Heathridge Park that includes the Heathridge Park Clubroom, Heathridge Leisure Centre and Guy Daniel Clubrooms to be presented to Council for consideration;*
- 7 *LISTS for consideration in the City's draft 2015-16 Capital Works Program the refurbishment of the Kingsley Memorial Clubrooms.*

## **BACKGROUND**

Since 2007, the City has planned to undertake one or two refurbishments of community and sporting facilities each year. Refurbishment projects intend to improve the functionality and aesthetics of the facility and are not designed to undertake general maintenance. The scope of each project is generally confined to:

- painting
- replacing fixtures and fittings
- upgrading external environments such as pathways, landscaping, signage
- kitchen facilities
- floor coverings
- toilets and change rooms (including refurbishment or new extensions)
- storage facilities (extensions to the facility)
- heating/cooling system
- window treatments.

Construction of new buildings, major facility extension works and/or re-design works are considered a redevelopment project. These projects are outside the scope of a refurbishment project and are normally addressed as a separate redevelopment project within the *Capital Works Program*.

In 2011, the City undertook an internal review of community facilities in order to identify and prioritise future redevelopment and refurbishment projects for the City's *Five Year Capital Works Program*. As a result of this review, three community facilities were identified for refurbishment listed in the *2014-15 Capital Works Program*.

### Beaumaris Community Centre

The Beaumaris Community Centre is located at 66 Constellation Drive, Ocean Reef (Attachment 1 refers). The building was constructed in 1994 and includes a main hall, kitchen, furniture store, two meeting rooms, toilets and storage (Attachment 2 refers).

Eight groups (approximately 475 participants) utilise the hall annually for functions and regular meetings. The facility design and layout meets the needs of the user groups well, however the current kitchen is outdated and is proposed to be refurbished. Currently, there is a listing of \$130,000 in the City's *2014-15 Capital Works Program* for this project.

### Iluka Sports Complex

Iluka Sports Complex is located at 6 Miami Beach Promenade, Iluka (Attachment 3 refers). The facility is currently occupied by the Beaumaris Sports Association (approximately 1,800 members) which includes the following sporting groups:

- Joondalup Bowling Club.
- Joondalup District Cricket Club.
- Joondalup City Soccer Club.
- Joondalup Lakers Hockey Club.

A number of regular hirers book the facility through the association and the facility is used for weddings, events and functions. Currently, the facility includes two function rooms, kitchen, bar, two meeting rooms, four change rooms, office space and storage areas (Attachment 4 refers). The existing kitchen limits the opportunities the association can provide to those who hire the facility and currently those who use the facility for functions are required to arrange catering off-site. The association would like to expand their opportunities to provide catering for functions for facility hirers and the option to deliver counter meals to assist overall revenue streams and financial sustainability. Furthermore, due to the recent addition of the Joondalup City Soccer Club to the association, there is increased pressure on storage available for sporting club equipment, furniture and the association's food and beverage stock which have become an environmental health issue. Currently, there is a listing of \$350,000 in the City's *2014-15 Capital Works Program* for this project.

### Heathridge Park Clubroom

Heathridge Park Clubroom was built in 1991 and is located at 16 Sail Terrace, Heathridge (Attachment 5 refers). The facility was constructed at an approximate cost of \$90,000 and records indicate the Ocean Ridge Senior Cricket Club contributed \$5,000 and the Ocean Ridge Junior Football Club contributed \$15,000 towards the construction.

In 2009-10, floodlighting for Heathridge Park was installed at a total project cost of \$201,600. The project was funded on a one-third basis between the City, the Ocean Ridge Junior Football Club and the Department of Sport and Recreation's *Community Sporting and Recreation Facilities Fund* (CSRFF) program with each contributing \$67,200.

The facility is used by the following groups:

- Ocean Ridge Junior Cricket Club (160 members).
- Ocean Ridge Senior Cricket Club (100 members).
- Ocean Ridge Junior Football Club (730 members).
- Ocean Ridge Amateur Football Club (170 members).

The existing facility includes a 145m<sup>2</sup> meeting room, kitchen/kiosk/bar and small store (Attachment 6 refers). Hirers currently use the toilets and change rooms at the rear of the Heathridge Leisure Centre, and furniture (tables and chairs) and user group belongings are kept within the meeting room reducing its usable size and aesthetics. Currently, there is a listing of \$262,840 in the City's 2014-15 *Capital Works Program* for this project.

A budget of \$265,225 was also listed for Kingsley Memorial Clubrooms within the 2014-15 *Capital Works Program*. As the City is unable to undertake four refurbishment projects in one year, planning for this has not been undertaken and it is proposed that this project be deferred to 2015-16, where adequate funds are available to undertake this project.

The three proposed community facility refurbishment projects in the City's 2014-15 *Capital Works Program* were presented to the Capital Works Committee at its meeting held on 26 November 2013. At this meeting, the committee referred the report back to the Chief Executive Officer:

- “1 for further review of the three projects considering the views expressed by the Capital Works Committee;
- 2 to allow a separate report being prepared for the Capital Works Committee's consideration on the potential for a master planning exercise for Heathridge Park including the Heathridge Leisure Centre, Guy Daniel Clubrooms, tennis courts and surrounding car parks.”

As a result, this report includes a review of the three proposed community facility refurbishment projects based on the comments received from the Capital Works Committee. A separate report will be presented for consideration at a later date on the potential to master plan Heathridge Park.

## DETAILS

### Stakeholder Consultation

Planning for the projects commenced in line with the City's endorsed *Master Planning Process* (Attachment 7 refers). As part of the needs analysis stage of the project, stakeholder consultation was undertaken with existing user groups who hire each facility on a regular basis. A consultation package was sent to each regular user group which included a cover letter, frequently asked questions sheet and comment form. Stakeholder consultation was undertaken for a period 21 days from Monday 24 June to Friday 12 July 2013.

The following is a summary of the stakeholder consultation.

#### *Beaumaris Community Centre*

The regular user groups of the Beaumaris Community Centre were asked to indicate their feedback on the inclusions of the following items as part of the refurbishment project:

- replacement of the kitchen sink, taps, bench tops and cabinets
- painting of hall and foyer
- sanding and polishing of floorboards in main hall
- new alarm system.

The majority of user groups supported all of the above items to be included as part of the refurbishment project. In addition, user groups were allowed to make additional comments. Various groups requested consideration of the following items and these were included in the scope of work to progress to concept design:

- smoke detectors
- false ceiling for main hall (for more efficient heating/cooling).

Other requests such as a shade sail to the playground and reducing noise from the air-conditioning ducts were not included in the scope as they were deemed either not feasible, a building maintenance issue or outside the scope of a refurbishment project.

### *Iluka Sports Complex*

The Beaumaris Sports Association was asked to provide comments on the proposed scope of the refurbishment project. The association requested the following items as part of their refurbishment in order of priority:

- 1 Upgrade kitchen to a commercial standard.
- 2 New storage area for furniture and sporting equipment.
- 3 Painting of internal and external areas of the building.
- 4 Brick pave the northern external area of the facility and provide an additional shade shelter.

During the consultation period, the City met with the association to provide an overview of the project. The association was made aware of the existing project budget and that a financial contribution to the project from the association may be required. Furthermore, the association outlined the desire for a commercial kitchen as it provides a revenue opportunity while the main function area is hired out externally during times the member clubs of the association are not using the space.

In October 2013, the City met with the association to provide an overview of the concept plans and cost estimate. The project scope of work was discussed with the association and subsequent information has been provided in the 'Issues and options considered' section of this Report.

### *Heathridge Park Clubroom*

The regular user groups of the Heathridge Park Clubroom were asked to indicate their support on new toilets being accessible from inside the clubroom, a new furniture store and a new community group storage area. The majority of user groups supported all the above items to be included as part of the refurbishment project. In addition, user groups were allowed to make additional comments and some groups requested consideration of the following items which were included in the scope of works to progress to concept design:

- Undercover verandah extension.
- Increased shade around BBQ areas.
- Extension of the meeting area to accommodate 200 patrons.
- Bi-fold style glass doors opening on to verandah for better viewing over the oval.

In October 2013, the City met with all regular user groups to provide an overview of the concept plans and cost estimate. The project scope of works was discussed with the user groups and subsequent information has been provided in the 'Issues and options considered' section of this Report.

### Concept Plans and Capital Cost Estimates

A scope of works was developed for each facility based on addressing the challenges identified by the internal review undertaken in 2011, any new challenges identified during a site tour by City officers and stakeholder consultation with user groups. Facility concept plans were developed based on the scope of works for each facility and a cost estimate was obtained by an external Quantity Surveyor. It should be noted that at the concept design stage of a project, cost estimates are broader and allow for larger margins in comparison to those obtained during the detailed design stage of the project (pre-tender estimate). The following is a summary of each facility's scope of works, concept plan and capital cost estimate.

#### *Beaumaris Community Centre*

The internal review of community facilities in 2011 outlined the kitchen was the main priority to be refurbished at the Beaumaris Community Centre. Subsequently the facility concept plan (Attachment 8 refers) has focused on this area. A number of other items were included as part of the scope to investigate as they were identified as part of the stakeholder consultation. The following is a summary of the items and a cost estimate (Attachment 9 refers):

<b>Item</b>	<b>Cost</b>
Refurbishment of existing kitchen	\$104,700
Painting of hall and foyer	\$12,000
Sanding and polishing of floor boards (main hall)	\$30,300
False ceiling for main hall (including modification of existing gas heaters and lighting) <sup>1</sup>	\$77,300
Bin wash down area	\$2,400
New locks and re-keying	\$4,400
Push bars and modifications to external gates	\$6,100
Toilet grab rails	\$1,700
Signage (Disability)	\$2,100
Smoke detectors and alarm system	\$6,000
<b>TOTAL</b>	<b>\$247,000</b>

<sup>1</sup>Reverse cycle air-conditioning could be installed as an additional option for the false ceiling to efficiently heat and cool the facility. Including this item in the scope would cost an extra \$55,000.

The above summary includes:

- preliminaries and small works margin
- professional fees in order to undertake detailed design
- design contingencies
- building contingencies and cost escalation to January 2015.

*Iluka Sports Complex*

The main priority identified by the Beaumaris Sports Association in the facility refurbishment is to include a commercial kitchen. Early during concept design, the existing kitchen location was deemed not suitable for the purpose the association desired due to the physical size, layout and access to sewer for a grease trap. In addition, storage for furniture and two user groups is a high priority. Also, some additional items have been included as part of the facility concept plan (Attachment 10 refers) which have been identified by the association and subsequently itemised in the following capital cost estimate (Attachment 11 refers):

Item	Cost
New commercial kitchen area (no fit-out)	\$160,000
Commercial kitchen fit-out (including cool room, freezer and kitchen exhaust)	\$320,000
Grease trap (requirement for commercial kitchen)	\$40,000
Refurbishment of existing kitchen to bar store	\$20,000
New office store	\$60,000
New sport store	\$80,000
Bin wash down area	\$3,000
Repainting to lobby/internal foyer	\$6,000
Refurbishment of existing changerooms	\$25,000
External brick paving and shade shelter	\$16,000
Relocate existing dance floor (required for new location of commercial kitchen)	\$15,000
Allowance for modifications and extensions to external services (as necessary)	\$35,000
<b>TOTAL</b>	<b>\$780,000</b>

The above summary includes:

- preliminaries and small works margin
- professional fees in order to undertake detailed design
- design contingencies
- building contingencies and cost escalation to January 2015.

*Heathridge Park Clubroom*

A concept plan (Attachment 12 refers) and a capital cost estimate (Attachment 13 refers) was presented at the Capital Works Committee meeting held on 26 November 2013. The proposed works included new toilets and storage areas, an undercover verandah extension, bi-fold doors (aluminium sliding), heating and cooling system and new internal flooring. The total cost estimate of these works was \$582,000.

Given the cost estimate presented at the Capital Works Committee meeting held on 26 November 2013 exceeded the listing of \$262,840 and the committee's view that the Heathridge Park site including the Heathridge Park Clubrooms, Heathridge Leisure Centre and Guy Daniel Clubrooms provided an opportunity for the City to master plan the site, the City has investigated a reduced scope of works to meet the immediate needs of the existing user groups. These works include undertaking the undercover verandah extension and minor modifications to enable access to the ground floor activity room within the Heathridge Leisure Centre and suit the immediate needs of the existing user groups.

These works have been estimated at \$78,000. If a cost saving is required, a single pitch undercover verandah extension option could be undertaken which will reduce the total cost estimate by \$6,000.

Given the minor cost saving, the double pitch undercover verandah extension is recommended as it will provide more shade and shelter to the outside area overlooking the oval. In addition, it is more resistant to uplift forces from wind gusts and the design aligns with the existing building profile.

### **Issues and options considered**

The budget amounts within the *2014-15 Capital Works Program* for each facility were indicative and the figures were not based on any project scoping, concept plan or cost estimate.

Each project's cost estimate has been itemised and the feasibility of each item determined. As the cost estimates exceed the current amounts listed in the *2014-15 Capital Works Program*, there is an option to remove certain items from each project to enable cost savings.

#### *Beaumaris Community Centre*

The total cost estimate to undertake the refurbishment project is \$247,000, although a number of items included in the scope were added as desirable items and are not required for the facility to meet compliance standards, safety and user functionality. In addition, a number of items can be undertaken as programmed maintenance items.

Upgrading the kitchen, installing a new bin wash down area, installing push bars and modifications to external gates, installing toilet grab rails, new signage (disability), and smoke detectors and alarm system are considered items that meet compliance standards or are important to the user group's (predominately senior groups) functionality of the facility. Therefore the following items have been removed from the project scope:

- Painting of hall and foyer – \$11,000.
- Sanding and polishing of floorboards – \$30,300.
- False ceiling (including modification of existing gas heaters and lighting) – \$77,300.
- New locks and re-keying - \$4,400.

Painting of the hall and foyer, and sanding and polishing of floor boards are deemed as building maintenance and will be listed within the operating budget. New locks and re-keying are part of the City's program of re-keying facilities and are scheduled to be updated in early 2014. The false ceiling was deemed not feasible or necessary as modifications to the existing heating and cooling system are required or a new reverse cycle air-conditioning system would need to be installed.

Removing these items from the project will reduce the total project cost to \$124,000, which is within the project budget of \$130,000 within the City's *2014-15 Capital Works Program*.

In addition to the works to be undertaken as part of the refurbishment project, a number of maintenance items have been identified including the replacement of the external building sign and external clock. These items are classified as general maintenance items and will be undertaken in 2014-15 as part of the City's general maintenance of the building.

#### *Iluka Sports Complex*

During initial stakeholder consultation, four main items were requested by the association. This included upgrade of the kitchen to a commercial standard; additional storage for furniture, food and beverage and sporting groups; re-painting of the internal lobby/foyer and external brick paving and a shade shelter.

The total cost estimate to undertake all items in the refurbishment project is \$780,000, although during the stakeholder consultation in October 2013 the City outlined to the association that the proposed kitchen fit-out specification is higher than the level provided at other community facilities across the City. For example, the Currambine Community Centre (currently under construction) will have the highest standard of fit-out for a kitchen across the City. A pre-tender estimate for the Currambine Community Centre outlined that the estimated fit-out cost for the kitchen is \$77,500.

The Currambine Community Centre pre-tender estimate does not include additional fees such as, preliminaries, professional fees, and design and building contingencies. Therefore, in order to make a comparison, the Iluka Sports Complex proposed kitchen should have additional fees removed resulting in a cost estimate of \$217,500. Therefore the cost difference between the highest standard of fit-out the City provides for a kitchen (Currambine Community Centre) and the proposed kitchen at the Iluka Sports Complex is \$140,000. The City requested that the association contribute the financial difference between Currambine Community Centre kitchen fit-out and the cost estimate for the kitchen fit-out at the Iluka Sports Complex proposed refurbishment (\$140,000).

Subsequently, the association deemed that making a financial contribution to the project was not feasible and has requested that the following scope of work be undertaken:

Item	Cost
New office store	\$60,000
New sport store	\$80,000
Bin wash down area	\$3,000
Repainting to lobby/internal foyer	\$6,000
Refurbishment of existing changerooms	\$25,000
External brick paving and shade shelter	\$16,000
Allowance for modifications and extensions to external services (as necessary)	\$35,000
<b>TOTAL</b>	<b>\$225,000</b>

Undertaking the abovementioned works are estimated to cost \$225,000, which is within the listing of \$350,000 within the City's *2014-15 Capital Works Program*. This will leave \$125,000 remaining from the budget for the Iluka Sports Complex. This amount could be allocated towards alternative projects within 2014-15 or could be considered as an overall saving for the City. However, the association has requested these funds be used for non-scoped items for the project including upgrading/replacement of existing kitchen equipment and re-painting to all internal and external areas of the Iluka Sports Complex. The association has requested that the \$350,000 budget remains and the association and the City work towards expending the remaining funds on the Iluka Sports Complex, keeping within the project budget.

If the \$125,000 remains part of the project budget, the City will work with the association to develop an updated scope of works. The association will be required to provide the City information regarding the use of the proposed refurbished kitchen to ensure the use and purpose remains within the *Food Act 2008* guidelines and relevant Australian Standards. As part of this process the City will develop kitchen concept designs in consultation with the association and a new cost estimate will be sought.

In addition to the works to be undertaken as part of the refurbishment project, a number of maintenance items have been identified including cracks in the render on the external facade and calcium build-up and corrosion on the external window frames. These items are classified as general maintenance items and will be undertaken in the 2014-15 financial year as part of the City's general maintenance of the building.

*Heathridge Park Clubroom*

The initial proposed works included new toilets and storage areas, an undercover verandah extension, bi-fold doors (aluminium sliding), heating and cooling system and new internal flooring at a total cost estimate of \$582,000. Given the cost estimate for the works and the nearby location of the Heathridge Leisure Centre and Guy Daniel Clubrooms also located on the site, there is an opportunity to redevelop the site with a master plan in the future.

Therefore a reduced scope of works is recommended to be undertaken at the clubrooms to support the existing user group's immediate needs. The reduced scope of works is estimated to cost \$78,000.

A cost saving of \$6,000 is an option to construct a single pitch undercover verandah extension. However, this option is not recommended given the reduction in shade, lower resistance to wind gusts and the design not fitting the existing clubroom profile.

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

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

**Strategic initiative**

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

**Policy** Not applicable.

**Risk management considerations**

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

**Financial/budget implications***Beaumaris Community Centre*

The following is listed within the City's 2014-15 Capital Works Program:

<b>Account no.</b>	BCW2523.
<b>Budget Item</b>	2014-15 Beaumaris Community Centre Refurbishment.
<b>Budget amount</b>	\$ 130,000
<b>Amount spent to date</b>	\$ 0
<b>Balance</b>	\$ 130,000

The estimated capital cost as provided by the external Quantity Surveyor for this project is \$247,000. However, this estimate includes desirable items as outlined in the 'Issues and options considered' section of this report. Subsequently, the following items are recommended to be completed as part of the refurbishment project:

- Refurbishment of existing kitchen.
- Bin wash down area.
- Push bars and modifications to external gates.
- Toilet grab rails.
- Signage (Disability).
- Smoke detectors and alarm system.

The overall estimated cost for these items is \$124,000.

Furthermore, the refurbishment works will not have any impact on future operational and maintenance costs for the facility.

#### *Iluka Sports Complex*

The following is listed within the City's 2014-15 Capital Works Program:

<b>Account no.</b>	BCW2106.
<b>Budget Item</b>	2014-15 Iluka Sports Complex Refurbishment.
<b>Budget amount</b>	\$ 350,000
<b>Amount spent to date</b>	\$ 0
<b>Balance</b>	\$ 350,000

The estimated capital cost as provided by the external Quantity Surveyor for this project is \$780,000. However, the estimate includes scoping the cost for a commercial kitchen which has been deemed not feasible to construct for the association as outlined in the 'Issues and options considered' section of this report. Subsequently, the following items have been requested by the association:

- New office store.
- New sport store.
- Bin wash down area.
- Repainting to lobby/internal foyer.
- Refurbishment of existing change rooms.
- External brick paving and shade shelter.
- Allowance for modifications and extensions to external services (as necessary).

The overall estimated cost for these items is \$225,000.

Currently, the Iluka Sports Complex operates on a lease arrangement between the City and the association. The City has explained that as part of the existing lease arrangement, the association will be responsible for all increases in rent, utility, maintenance and any additional operating costs associated with any refurbishment works as outlined in the lease agreement.

*Heathridge Park Clubroom*

The following is listed within the City's *2014-15 Capital Works Program*:

<b>Account no.</b>	BCW2522.
<b>Budget Item</b>	2014-15 Heathridge Park Clubroom Refurbishment.
<b>Budget amount</b>	\$ 262,840
<b>Amount spent to date</b>	\$ 0
<b>Balance</b>	\$ 262,840

It is recommended that the reduced scope of works be undertaken at the Heathridge Park Clubroom at the total estimated cost of \$78,000. Subsequently, this will result in a cost saving of \$184,840 in the City's *2014-15 Capital Works Program*.

In 2013-14, the estimated net operating cost for Heathridge Park Clubroom is \$38,179 based on an expected expenditure of \$43,817 and an income of \$5,638.

If the proposed refurbishment works are approved, the net operating cost is estimated at \$41,179 per annum based on an expected expenditure of \$46,817 and an income of \$5,638 (in today's dollars).

*Kingsley Memorial Clubrooms*

It is also important to note that as an outcome of a review of community facilities undertaken in 2011, Kingsley Memorial Clubrooms was originally listed for refurbishment in the City's *2015-16 Capital Works Program* with a budget of \$265,225 (BCW2524). As part of the capital works budget process last year, these funds were brought forward to 2014-15 however, as the City is unable to undertake four refurbishment projects in one year, planning for this project has not been completed. This project will need to be deferred back to 2015-16, where adequate funds are available.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**Environmental

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

Social

The project has included consultation with existing user groups to ensure that feedback received represents their needs. Furthermore, any refurbishment works will consider access and inclusion principles and will aim to enhance the amenity of the public space.

## Economic

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

## **Consultation**

Consultation was undertaken with existing user groups of three facilities during the site and needs analysis stage of the project. In addition, the City also consulted with users of the Iluka Sports Complex and Heathridge Park Clubroom during the concept design stage of the project. Details of the consultation have been highlighted in the 'Details' and 'Issues and options considered' sections of this report. Notably, the option to master plan the Heathridge Park site has not been mentioned to the user groups of the Heathridge Park Clubroom.

## **COMMENT**

Refurbishment projects aim to address the functionality and aesthetic issues the City has with facilities. Given that all three facilities service over 3,400 patrons on a regular basis, it is recommended that refurbishment works are undertaken on all three facilities.

As outlined, a number of items can be removed from the proposed refurbishment at Beaumaris Community Centre and it is recommended that the following works be undertaken at this facility:

- Refurbishment of existing kitchen.
- Bin wash down area.
- Push bars and modifications to external gates.
- Toilet grab rails.
- Signage (Disability).
- Smoke detectors and alarm system.

These works are estimated to cost \$124,000 which is within the \$130,000 project budget.

As agreed by the Beaumaris Sports Association, the following works are recommended for inclusion in the refurbishment of the Iluka Sports Complex:

- New office store.
- New sport store.
- Bin wash down area.
- Repainting to lobby/internal foyer.
- Refurbishment of existing changerooms.
- External brick paving and shade shelter.
- Allowance for modifications and extensions to external services (as necessary).

The total amount for these works is \$225,000 which is currently within the \$350,000 budget in the City's *2014-15 Five Year Capital Works Program*. The remaining \$125,000 could be considered as an overall saving to the City, however the association has requested that the remaining \$125,000 be allocated towards other items not yet scoped. It is recommended that the City scope the new works and develop a new concept plan to use the remaining \$125,000, ensuring that the final project does not exceed \$350,000.

It is recommended that the reduced scope of works at Heathridge Park Clubroom, which includes an undercover verandah extension and modifications to the ground floor activity room at an estimated cost of \$78,000, be undertaken. The remaining \$184,840 will result in a cost saving within the City's 2014-15 Capital Works Program. Furthermore given the opportunity to master plan the Heathridge Park site, a 'Philosophy and Parameters' report will be developed and presented to Council for consideration.

## 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 4 February 2014.

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

*That Council:*

- 1 *NOTES the following amounts are currently listed within the City's 2014-15 Five Year Capital Works Program:*
  - 1.1 *\$130,000 for Beaumaris Community Centre;*
  - 1.2 *\$350,000 for Iluka Sports Complex;*
  - 1.3 *\$262,840 for Heathridge Park Clubroom;*
- 2 *APPROVES the proposed refurbishment works at the Beaumaris Community Centre as detailed in this Report at a project cost estimate of \$124,000;*
- 3 *APPROVES the proposed refurbishment works at the Iluka Sports Complex as detailed in this Report at a project cost estimate of \$225,000;*
- 4 *APPROVES the remaining \$125,000 listed for the refurbishment of Iluka Sports Complex be used for items not scoped, subject to the City working with the Beaumaris Sports Association and the total project expenditure does not exceed \$350,000;*
- 5 *APPROVES the proposed refurbishment works at the Heathridge Park Clubroom as detailed in this Report at a project cost estimate of \$78,000;*
- 6 *REQUESTS the Chief Executive Officer to prepare a 'Philosophy and Parameters' report in relation to a masterplan for Heathridge Park that includes the Heathridge Park Clubroom, Heathridge Leisure Centre and Guy Daniel Clubrooms to be presented to Council for consideration;*
- 7 *LISTS for consideration in the City's 2015-16 Capital Works Program the refurbishment of the Kingsley Memorial Clubrooms.*

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

*That Council:*

- 1 *NOTES the following amounts are currently listed within the City's 2014-15 Five Year Capital Works Program:*
  - 1.1 *\$130,000 for Beaumaris Community Centre;*
  - 1.2 *\$350,000 for Iluka Sports Complex;*
  - 1.3 *\$262,840 for Heathridge Park Clubroom;*
- 2 *APPROVES the proposed refurbishment works at the Beaumaris Community Centre as detailed in this Report at a project cost estimate of \$124,000;*
- 3 *APPROVES the full original refurbishment works at the Iluka Sports Complex as detailed in this Report which was estimated at \$780,000, however removing the fit out of the commercial kitchen costed at \$320,000 to bring the total City of Joondalup project to \$460,000;*
- 4 *REQUESTS an additional \$110,000 be listed for consideration in the City's 2014-15 Capital Works Program for the refurbishment of the Iluka Sports Complex subject to:*
  - 4.1 *The Beaumaris Sports Association providing the City with a copy of the committee's resolution and proof of financial capability to fund the fit out of equipment for the commercial kitchen;*
  - 4.2 *The fit out to be completed within two years of the completion of the City's works;*
  - 4.3 *The Beaumaris Sports Association working with the City on the kitchen fit out to ensure commercial grade and equipment standards are met;*
  - 4.4 *That in the event the Beaumaris Sports Association does not complete the fit out within the terms as per Part 4.2 above that they be required to repay the additional \$110,000 to the City of Joondalup;*
- 5 *APPROVES the proposed refurbishment works at the Heathridge Park Clubroom as detailed in this Report at a project cost estimate of \$78,000;*
- 6 *REQUESTS the Chief Executive Officer to prepare a 'Philosophy and Parameters' report in relation to a master plan for Heathridge Park that includes the Heathridge Park Clubroom, Heathridge Leisure Centre and Guy Daniel Clubrooms to be presented to Council for consideration;*
- 7 *LISTS for consideration in the City's 2015-16 Capital Works Program the refurbishment of the Kingsley Memorial Clubrooms.*

## RECOMMENDATION

### That Council:

- 1 **NOTES** the following amounts are currently listed within the City's 2014-15 Five Year Capital Works Program:
  - 1.1 \$130,000 for Beaumaris Community Centre;
  - 1.2 \$350,000 for Iluka Sports Complex;
  - 1.3 \$262,840 for Heathridge Park Clubroom;
- 2 **APPROVES** the proposed refurbishment works at the Beaumaris Community Centre as detailed in this Report at a project cost estimate of \$124,000;
- 3 **APPROVES** the full original refurbishment works at the Iluka Sports Complex as detailed in this Report which was estimated at \$780,000, however removing the fit out of the commercial kitchen costed at \$320,000 to bring the total City of Joondalup project to \$460,000;
- 4 **REQUESTS** an additional \$110,000 be listed for consideration in the City's 2014-15 Capital Works Program for the refurbishment of the Iluka Sports Complex subject to:
  - 4.1 The Beaumaris Sports Association providing the City with a copy of the association's resolution and proof of financial capability to fund the fit out of equipment for the commercial kitchen;
  - 4.2 The fit out to be completed within two years of the completion of the City's works;
  - 4.3 The Beaumaris Sports Association working with the City on the kitchen fit out to ensure commercial grade and equipment standards are met;
  - 4.4 That in the event the Beaumaris Sports Association does not complete the fit out within the terms as per Part 4.2 above that they be required to repay the additional \$110,000 to the City of Joondalup;
- 5 **APPROVES** the proposed refurbishment works at the Heathridge Park Clubroom as detailed in this Report at a project cost estimate of \$78,000;
- 6 **REQUESTS** the Chief Executive Officer to prepare a 'Philosophy and Parameters' report in relation to a master plan for Heathridge Park that includes the Heathridge Park Clubroom, Heathridge Leisure Centre and Guy Daniel Clubrooms to be presented to Council for consideration;
- 7 **LISTS** for consideration in the City's 2015-16 Capital Works Program the refurbishment of the Kingsley Memorial Clubrooms.

*Appendix 22 refers*

To access this attachment on electronic document, click here: [Attach22brf110214.pdf](#)

**Disclosure of Financial / Proximity Interest**

<b>Name/Position</b>	<b>Cr Teresa Ritchie, JP.</b>
<b>Item No./Subject</b>	Item 27 – 2013-14 Refurbishment Projects – Timberlane Park Hall, Woodvale.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Cr Ritchie resides approximately 400 metres from Timberlane Park, Woodvale.

## **ITEM 26                    2013-14    REFURBISHMENT    PROJECTS                    — TIMBERLANE PARK HALL, WOODVALE**

<b>WARD</b>	Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	02387, 101515
<b>ATTACHMENT</b>	Nil.
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to be updated on the outcome of the Regional Development Australia Fund - Round Five grant application for the refurbishment of Timberlane Park Hall, Woodvale and defer the project to the *2015-16 Capital Works Program*.

**EXECUTIVE SUMMARY**

Timberlane Park Hall is located on Timberlane Drive, Woodvale. In the *2013-14 Capital Works Program* an indicative amount of \$400,000 (from the Strategic Asset Management Reserve) is allocated to refurbish the hall. The refurbishment will improve the level of amenity provide for existing users while also assisting to spread organised sport usage on nearby Chichester Park, which due to its high utilisation rates has led to challenges in maintaining a quality sport surface. Subsequently, a concept plan was developed and a capital cost estimate was obtained. The project was estimated to cost \$813,900.

In June 2013, the City received notification from the *Department of Regional Australia, Local Government, Arts and Sport* (the Department) that it had been allocated \$275,016 through the *Regional Development Australia Fund (RDAF) Round Five*. As a result, at its meeting held on 16 July 2013 (CJ143-07/13 refers), Council agreed to put forward the Timberlane Park Hall refurbishment project for the Round Five RDAF and supported the City funding any unallocated portion of the refurbishment in the *2014-15 Capital Works Program*.

Following a change in federal government at the election in October 2013, the City received notification in December 2013 that the new government will not fund projects from the RDAF Round Five. Given the federal funding for this project is no longer available, a decision on the future of the project needs to be determined.

The Timberlane Park Hall refurbishment project remains a priority for the City as it supports the needs of local sporting groups and will assist to spread the organised sport usage in Woodvale. Given the City did not receive funding from the RDAF and budget priorities for 2014-15 are already determined, it is recommended that the project be deferred and Council lists \$845,643 in the City's draft 2015-16 *Capital Works Program*.

*It is therefore recommended that Council:*

- 1 *NOTES that the funding for the Timberlane Park Hall refurbishment project through the Regional Development Australia Fund was withdrawn;*
- 2 *BY AN ABSOLUTE MAJORITY REVOKES Part 3 its decision of 16 July 2013 (Item CJ143-07/13 refers) as follows:*
  - “3 *SUPPORTS any unallocated portion of the Timberlane Park Hall refurbishment project budget to be included in the 2014-15 Capital Works Program*”;
- 3 *APPROVES the proposed refurbishment project including new change rooms, universal park access toilet, umpire room, extension of internal toilets and new internal showers, CCTV room, new alarm system, new BBQ area, new bin wash area and path to oval at Timberlane Park Hall as detailed in Report CJ143-07/13 at the revised project cost estimate of \$845,643 (includes cost escalation to 2015-16);*
- 4 *LISTS for consideration \$845,643 in the City's draft 2015-16 Capital Works Program for the refurbishment at Timberlane Park Hall.*

## **BACKGROUND**

Timberlane Park Hall is located on Timberlane Drive, Woodvale and is situated within Timberlane Park. In the 2013-14 *Capital Works Program* an indicative amount of \$400,000 (from the Strategic Asset Management Reserve) is allocated to the proposed refurbishment of Timberlane Park Hall. The allocation was listed based on potential project costs only as no project scoping, concept design or cost estimates were finalised when the budget was determined.

The intention of the refurbishment is to improve the level of amenity for the user groups (four groups) of the hall, however more importantly to assist to spread the organised sport usage from nearby Chichester Park, Woodvale due to its high utilisation rates which has led to challenges in maintaining a quality surface for organised sport in winter.

Subsequently a concept plan was developed which included the following:

- Internal accessible toilets/showers.
- Modification of northern storeroom to include a CCTV Room.
- Two changerooms.
- two store rooms (for relocated sporting clubs).
- Umpire changeroom.
- Universal access 'park' toilet including automated timed door lock system.
- Reconfiguration of central internal storage areas to allow for new internal access toilets.

A capital cost estimate was obtained for the proposed refurbishment works and the project was estimated to cost \$813,900 including detailed design and contingencies.

In June 2013, the City received notification from the *Department of Regional Australia, Local Government, Arts and Sport* (the Department) that it had been allocated \$275,016 through the Regional Development Australia Fund (RDAF) Round Five. The purpose of this grant funding was to assist local governments fund the immediate infrastructure needs of their communities.

At its meeting held on 16 July 2013 (CJ143-07/13 refers), Council considered concept plans and a capital cost estimate for the Timberlane Park Hall refurbishment. Given the shortfall of funds (\$413,900) for the Timberlane Park Hall refurbishment project and the project meeting all of the RDAF's criteria, the following was resolved:

*“That Council:*

- 1 *NOTES that \$400,000 is currently listed in 2013-14 in the City's Five Year Capital Works Program for the Timberlane Park Hall refurbishment;*
- 2 *AGREES to put forward the Timberlane Park Hall refurbishment project as the nominated project to Round 5 of the Regional Development Australia Fund (RDAF);*
- 3 *SUPPORTS any unallocated portion of the Timberlane Park Hall refurbishment project budget to be included in the 2014-15 Capital Works Program.”*

It was proposed that if the grant funding was successful, that the project would be undertaken over two financial years (2013-14 and 2014-15).

## **DETAILS**

As a result of the Council meeting held on 16 July 2013, an application was prepared and submitted to the Department. Following a change in federal government at the election in October 2013, the City received notification in December 2013 that the new government will not fund projects from the RDAF Round Five. Given the federal funding for this project is no longer available, a decision on the future of the project needs to be determined.

### **Issues and options considered**

There are a number of options for the project outlined below.

#### Option 1 – Not proceed with the refurbishment

If this option was preferred, it would mean the current facility would continue to function with limited ability to meet user group needs. Currently, hall users do not have access to internal toilets and use external 'park standard' toilets. Furthermore the City will be unable to spread some of the usage in winter from nearby Chichester Park as there are no change rooms at the facility.

#### Option 2 – Proceed with the project as planned

This option would see the refurbishment undertaken as planned over two years in 2013-14 and 2014-15 with the City required to fund the additional project costs within the *2014-15 Capital Works Program*. Notably three other projects, Beaumaris Community Centre, Iluka Sports Complex and Heathridge Park Clubroom refurbishment projects have been planned and are proposed as part of the *2014-15 Capital Works Program*.

Option 3 – Defer the project until 2015-16

Currently in the City's *2015-16 Capital Works Program*, it is proposed that a refurbishment be undertaken of the Kingsley Memorial Clubrooms. If the Timberlane Park Hall project was to be deferred, the Kingsley Memorial Clubroom project would also be undertaken in the same year. Deferring the Timberlane Park Hall refurbishment project would require listing of the total project cost for consideration in *2015-16 Capital Works Program* for the Timberlane Park Hall refurbishment project.

Deferring the Timberlane Park Hall refurbishment project to 2015-16 will also allow an opportunity to apply for the Department of Sport and Recreation's *Community Sporting and Recreation Facilities Fund* (CSRFF). In order to construct in 2015-16 as per the City's *Five Year Capital Works Program* (and to meet CSRFF application deadlines), an application would need to be made to the next Forward Planning Grant funding round which closes on 30 September 2014. The CSRFF program considers a contribution of up to one third for projects that demonstrate an increase in sport participation as a result of the development.

Option 4 – Defer the project until 2015-16 and defer all subsequent refurbishment projects by a year

As outlined in Option three, it is proposed that a refurbishment be undertaken of the Kingsley Memorial Clubrooms. Alternatively, if the Timberlane Park Hall project was to be deferred, the Kingsley Memorial Clubroom project could be deferred to 2016-17 so that only one refurbishment project is undertaken in each year. All subsequent refurbishment projects would then be deferred one year later.

Again, deferring the Timberlane Park Hall refurbishment project to 2015-16 will also allow an opportunity to apply for the Department of Sport and Recreation's *Community Sporting and Recreation Facilities Fund* (CSRFF).

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

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

**Strategic initiative**

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

**Policy** Not applicable.

**Risk management considerations**

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

If the City seeks CSRFF funding in the next Forward Planning Grant funding round for this project, it will effectively be competing against other City project submissions which could result in a significant risk that not all projects will be funded.

### **Financial/budget implications**

Currently, an amount of \$400,000 (from the Strategic Asset Management Reserve) is listed in the City's *2013-14 Capital Works Program* for the project. The proposed refurbishment works were estimated at \$813,900. Given the cost estimate was provided in April 2013 and if works were to be deferred to 2015-16, it is prudent to add cost escalation (3.9%). The estimated cost including cost escalation for the Timberlane Park Hall refurbishment project is \$845,643.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The sustainability implications for this project were highlighted in the report to Council at its meeting held on 16 July 2013 (CJ143-07/13 refers).

### **Consultation**

As part of the planning phase of the project, consultation was undertaken with existing and potential user groups of the hall and oval which was highlighted in the report to Council at its meeting held on 16 July 2013 (CJ143-07/13 refers).

### **COMMENT**

The Timberlane Park Hall refurbishment is a priority for the City, given the improvements it will bring to the level of the existing amenity and the assistance it will provide in maintaining a quality playing surface at Chichester Park. However, as the funding from the RDAF is no longer available, the City would need to fund the full project costs estimated at \$845,643 (including cost escalation to 2015-16).

It is recommended that the Timberlane Park refurbishment project proceed, however given the City's priorities already being set for 2014-15, it is recommended that the project be deferred to 2015-16 and the City lists \$845,643 for consideration in the City's *Five Year Capital Works Program*.

### **VOTING REQUIREMENTS**

Absolute Majority.

## COMMITTEE RECOMMENDATION

The committee recommendation to the Council for this report (as detailed below) was resolved by the Capital Works Committee at its meeting held on 4 February 2014.

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

## RECOMMENDATION

### That Council:

- 1 **NOTES** that the funding for the Timberlane Park Hall refurbishment project through the Regional Development Australia Fund was withdrawn;
- 2 **BY AN ABSOLUTE MAJORITY REVOKES** Part 3 its decision of 16 July 2013 (Item CJ143-07/13 refers) as follows:
  - “3 **SUPPORTS** any unallocated portion of the Timberlane Park Hall refurbishment project budget to be included in the 2014-15 Capital Works Program”;
- 3 **APPROVES** the proposed refurbishment project including new changerooms, universal park access toilet, umpire room, extension of internal toilets and new internal showers, CCTV room, new alarm system, new BBQ area, new bin wash area and path to oval at Timberlane Park Hall as detailed in Report CJ143-07/13 at the revised project cost estimate of \$845,643 (includes cost escalation to 2015-16);
- 4 **LISTS** for consideration \$845,643 in the City’s draft 2015-16 Capital Works Program for the refurbishment at Timberlane Park Hall.

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Brian Corr.</b>
<b>Item No./Subject</b>	Item 28 – Penistone Park, Greenwood – Proposed Redevelopment.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Corr's son is a member of the cricket club at Penistone Park.

## **ITEM 27                    PENISTONE PARK, GREENWOOD - PROPOSED REDEVELOPMENT**

<b>WARD</b>	South-East
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	02184, 101515
<b>ATTACHMENTS</b>	Attachment 1      Penistone Park aerial map Attachment 2      Penistone Park clubroom floor plan (existing) Attachment 3      Penistone Park proposed community sporting facility floor plan Attachment 4      Penistone Park proposed community sporting facility elevations Attachment 5      Penistone Park proposed site plan – Option 1 Attachment 6      Penistone Park proposed site plan – Option 2 Attachment 7      Penistone Park proposed site plan – Option 3 Attachment 8      Project capital cost estimate breakdown
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to consider the concept plan options and estimated capital costs for the proposed redevelopment at Penistone Park, Greenwood.

**EXECUTIVE SUMMARY**

Penistone Park located on Penistone Street, Greenwood is approximately 11.4 hectares in size and is classified as a 'District Park' within the City's existing *Parks and Public Open Spaces Classification Framework* (PPOSCF). The park has two active sporting ovals, a clubroom, floodlighting, car parking, three practice cricket nets, two outdoor basketball courts, two tennis courts, a tennis shelter and a playground. The clubroom was constructed in 1975, which consists of a hall, toilets, change rooms, furniture store and user group storage. In 2007-08 the facility was refurbished with an upgrade to the toilets and change rooms and painting.

In July-August 2013, the City undertook community consultation on the proposed redevelopment of the Penistone Park clubrooms and other site infrastructure. Given the support from the community on proposed redevelopment, at its meeting held on 24 September 2013 (CJ179-09/13 refers). Council requested the development of concept plans for the Penistone Park redevelopment project.

A facility floor plan and three site concept plan options have been developed for the project. The facility floor plan includes change rooms, umpire room, toilets, kitchen, 140m<sup>2</sup> main hall that overlooks both ovals, associated storage and a covered verandah area. The facility floor plan is consistent across all three site concept plan options.

Site concept plan Option one has been developed with the view of replacing the existing building and maintaining the park infrastructure in its current location. It includes:

- a new 3-on-3 basketball pad
- a picnic/BBQ area
- a tennis hit-up wall
- removal of the existing tennis shelter
- an outdoor storage shed
- basketball courts.

The total estimated cost for Option one including redevelopment of the facility is \$2,835,000.

Site concept plan Option two is identical to Option one, however it links the two existing car parks together and re-locates the playground closer to the facility. The total estimated cost for Option two including redevelopment of the facility is \$3,110,000.

Site concept plan Option three has been developed at the request of Council at its meeting held on 24 September 2013 (CJ179-09/13 refers) to consider the location of the tennis courts. This Option is identical to Option two, however it also includes the re-location of the tennis courts to the northern area of the site, the development of a new car park in the location of the existing tennis courts with access from Penistone Street and removal of the internal service road and south-western car park. This Option addresses all of the current challenges with the facility and site and creates safe and strong connections between both ovals and the new facility. It is the preferred option at a total estimated cost of \$3,707,000.

Currently listed for the project in the City's *Five Year Capital Works Program* are \$50,000 for new cricket nets (2013-14); \$240,000 for the detailed designs (2014-15); and \$2,000,000 for the construction works (2015-16). The \$2,000,000 construction works budget allocation was based on the redevelopment of the building only, with no project scoping, concept plans or cost estimates being undertaken at the time. As the project now includes infrastructure in addition to a new facility, it is reasonable to expect that the total project cost would be in excess of the budget amount that was originally estimated. As the preferred option exceeds the existing budget allocation, a further \$1,417,000 would be required to undertake all works for the project.

It has been identified that this project would be suitable for consideration as part of the Department of Sport and Recreation's *Community Sporting and Recreation Facilities Fund* (CSRFF) program. The CSRFF program considers a contribution of up to one-third for projects that demonstrate an increase in sport participation as a result of the development, in this case up to \$1,235,666.

It is recommended that the Penistone Park redevelopment project progress to a second round of community consultation on the preferred site concept plan - Option three as it provides the best outcome for regular users and the community. The second round of consultation would be undertaken in March-April 2014 and would seek comment on specific project details including the site plan and its infrastructure, facility components and changes to the project since the initial consultation. The feedback and results of the consultation will be collated and presented to Council in mid 2014.

Provided further community consultation is undertaken soon and the project timelines remain on schedule, it is recommended that a submission be made to the CSRFF Forward Planning Grant funding round. If supported, the project will be listed as part of the City's CSRFF project submission report to be considered by Council at its meeting to be held on 16 September 2014.

*It is therefore recommended that Council:*

- 1 *NOTES the following amounts are currently listed within the City's Five Year Capital Works Program in relation to Penistone Park:*
  - 1.1 *\$50,000 within 2013-14 for new cricket nets;*
  - 1.2 *\$240,000 within 2014-15 for detailed design of the redevelopment project;*
  - 1.3 *\$2,000,000 within 2015-16 for construction of the redevelopment project;*
- 2 *APPROVES the proposed redevelopment project including demolition and site works, construction of a new community sporting facility, relocated playground, new BBQ/picnic area, new 3-on-3 basketball pad, new tennis hit-up wall, relocated tennis courts, construction of new car park, relocated cricket nets at Penistone Park as included in Option three and detailed in this Report at a project cost estimate of \$3,707,000;*
- 3 *Subject to the approval of site concept plan Option three, REQUESTS that the \$50,000 allocated in the 2013-14 Capital Works Program for the Penistone Park cricket net replacement will be carried forward and listed for consideration in the 2015-16 Capital Works Program;*
- 4 *Subject to the approval of the transfer of funds in Part 3 above REQUESTS that a further \$1,417,000 be listed for consideration in the 2015-16 Capital Works Program for the Penistone Park redevelopment project subject to a successful CSRFF grant application of \$1,235,666;*
- 5 *REQUESTS the Chief Executive Officer to arrange further community consultation on site concept plan Option three as detailed in this Report for the Penistone Park redevelopment project to be conducted from 31 March – 21 April 2014.*

## **BACKGROUND**

Penistone Park located on Penistone Street, Greenwood (Attachment 1 refers) is approximately 11.4 hectares in size and is classified as a 'District Park' within the City's existing PPOSCF. The park has two active sporting ovals, a clubroom, 118 car parking bays (including verge parking), three cricket practice nets, a synthetic centre cricket pitch, two outdoor basketball courts, two tennis courts, a playground and a tennis shelter. In October 2013, the City upgraded floodlighting on both sporting ovals with four towers on each oval. The upper (east) oval provides lighting levels of 250 lux (Australian Standard small ball sports training), while the lower (west) oval provides levels of 50 lux (Australian Standard large ball sports training). The additional lux levels above the City's standard level of provision (50 lux) on the upper (east) oval was provided as the Wanneroo Lacrosse Club contributed approximately \$29,000 to the project to improve the level of the lighting.

The existing clubroom (Attachment 2 refers) was constructed in 1975 which consists of a hall, kitchen, toilets, changerooms, furniture store and user group storage. In 2007-08 the facility was refurbished with an upgrade to the toilets and change rooms, and painting. In 2009-10, the playground was upgraded with new equipment, rubber soffit and new path.

Over 1,300 registered members from the following seven user groups hire the ovals and/or the clubroom on a regular basis:

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

In July – August 2013, community consultation was undertaken with 92% supporting the redevelopment of a new multi-purpose community sporting facility and subsequently at its meeting held on 24 September 2013 (CJ179-09/13 refers), Council requested the development of concept plans for Penistone Park with the inclusion of the following:

- New multi-purpose community sporting facility.
- Replacement of the existing basketball courts with a 3-on-3 basketball pad.
- Replacement of existing cricket practice nets.
- Removal of outdoor storage sheds and tennis shelter and consolidation of these into the new multi-purpose community sporting facility.
- Consideration of the existing two tennis courts located on the southern portion of the site.

Currently, \$2,000,000 is allocated in the *2015-16 Capital Works Program* for construction of the redevelopment project. As no project scoping, concept plans or cost estimates had been undertaken at the time of setting the budget, the figure was based on redeveloping the existing building only and used the cost of the Seacrest Park Community Sporting Facility as a basis. Furthermore, this figure did not factor in cost escalation.

## **DETAILS**

Currently, there are a number of issues with the existing building and site including the age of the existing facility, drainage issues around the building, limited available storage and the service road that disconnects users from the AFL/Cricket oval and change room. Given these issues, the feedback received as part of the community consultation period and the resolutions of Council at its meeting held on 24 September 2013 (CJ179-09/13 refers), a facility concept plan and three site concept plan options have been developed for consideration.

### Facility concept plan

As part of the project, a facility concept plan has been developed for a new community sporting facility (Attachments 3 and 4 refer). The community sporting facility has been designed to meet the functional needs of the user groups using the facility, the two ovals, and playground and with the key learnings from other recently constructed facilities including Seacrest Community Sporting Facility, Sorrento and Forrest Park Community Sporting Facility, Padbury.

It is proposed that the existing facility will be demolished and a new facility be constructed approximately 30 metres north of the existing location which will require removal of the existing basketball courts. The new location aligns closer to the middle of the park allowing better views of both ovals and closer access to each oval. In addition, the proposed facility location is closer to the existing car parks and playground for easier access. Key elements of the proposed facility design include:

- Main hall (140m<sup>2</sup>) with viewing over both ovals (existing hall is 138m<sup>2</sup>).
- Two changerooms and an umpire's changeroom.
- Internal toilets and external park toilet (includes automatic timed door lock system).
- Kitchen and dedicated kitchen storage area.
- Equipment storage and a furniture store.
- Closed Circuit Television (CCTV) room and undercover viewing areas around the perimeter of the facility.

All facility elements and their level of fit-out are based on the City's standard level of provision for this type of development similar to those included in the Seacrest Park Community Sporting Facility and Forrest Park Community Sporting Facility. The main hall area replicates the hall size at the existing clubrooms and user group storage areas have been allocated based on 'standard storeroom' provisions and where necessary due to sporting groups that have additional equipment, storage areas have been sized appropriately. In addition, the facility is proposed to include environmentally sustainable design features such as waterless urinals, photovoltaic (solar) panels, energy efficient light fittings and reduced flow water fixtures.

#### Site concept plans

Three site concept plan options have been developed which aim to address the existing site challenges. It has been determined that the redevelopment project will not generate any increase in car parking demand and therefore no substantial increases in car parking are proposed across all three options. During the community consultation period members of the community and the Wanneroo Lacrosse Club requested a 'tennis hit-up wall' be included which would be used as a training aid for lacrosse training in addition to passive recreation opportunities. Furthermore, both cricket clubs suggested that the cricket nets are in a poor location as they do not utilise the natural light in the evenings for training and subsequently asked the City to investigate their re-location.

#### *Option One*

Site concept plan Option one (Attachment 5 refers) has been developed with the view of redeveloping the facility and maintaining the park infrastructure in its current location. This option addresses the current challenges with the facility, however the service road through the middle of the site still disconnects users from both sides of the park and causes pedestrian crossing issues. Furthermore, the service road enables cars to park along the service road which adds to the pedestrian crossing issues. Therefore a dedicated pedestrian crossing point is proposed which will include signage and guide rails to improve pedestrian safety.

### *Option Two*

Site concept plan Option two (Attachment 6 refers), is identical to Option one, however it links the two existing car parks together and re-locates the playground closer to the facility. The objective of linking the two car parks together is to allow easier access to the north eastern car park from Penistone Street as currently access is only through the local neighbourhood area with the entrance on Ranleigh Way. The new car park has been designed to discourage vehicles using the car park as a short-cut through to Penistone Street. This option also creates approximately 15 additional parking bays and the long-jump pit is proposed to be re-located as a result of moving the playground.

Similar to Option one, Option two addresses current challenges with the facility, however the service road still disconnects users from both sides of the park and causes pedestrian crossing issues. As in Option one, the same dedicated pedestrian crossing point is proposed to improve pedestrian safety.

### *Option Three*

Site concept plan Option three (Attachment 7 refers) has been developed to consider the location of the tennis courts. This option is identical to Option two, however includes the following:

- Re-location of the tennis courts to the northern area of the site.
- Development of a new car park (53 new car parking bays) in the location of the existing tennis courts with access from Penistone Street.
- Removal of the internal service road and south-western car park (loss of 45 car parking bays).
- Re-location of the cricket nets approximately 50 metres south-east.

This option addresses all of the current challenges with the facility and site and creates safe and strong viewing and walking connections between both ovals and the new facility. Furthermore, it takes advantage of the existing site levels which would limit the amount of earthworks required. The car park works results in approximately eight additional car parking bays.

### Estimated capital costs

An external Quantity Surveyor (QS) has provided a capital cost estimate on the facility and three site option plans (Attachment 8 refers). A summary of the total project cost has been provided for each option.

<b>Item</b>	<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>
Facility – building and fit-out	\$1,860,000	\$1,860,000	\$1,860,000
External services to facility (stormwater, sewer, water, gas, electrical)	\$261,300	\$261,300	\$261,300
Temporary toilets, changerooms and storage (during the 6 month construction period)	\$75,000	\$75,000	\$75,000
Site preparation and clearing	\$105,000	\$107,700	\$133,500
CCTV installation (equipment only)	\$92,000	\$92,000	\$92,000
Photovoltaic panels (re-use existing system)	\$45,000	\$45,000	\$45,000
Signage	\$2,100	\$2,100	\$2,100
Traffic calming devices	\$1,400	\$1,400	N/A
Paths and pedestrian paving	\$30,100	\$46,400	\$57,000
Soft landscaping and benches	\$60,400	\$73,500	\$174,000
Practice cricket nets (4)	\$171,700	\$171,700	\$171,700

Item	Option 1	Option 2	Option 3
3-on-3 basketball pad	\$14,200	\$14,200	\$14,200
Picnic shelter, setting and BBQ at playground	\$48,300	\$48,300	\$48,300
Tennis hit-up wall	\$28,300	\$28,300	\$28,300
Picnic shelter and setting at tennis courts	\$25,600	\$25,600	\$25,600
New car park with lighting	N/A	\$116,600	\$286,000
Relocation of existing playground with new equipment	N/A	\$117,400	\$117,400
Relocation of existing long jump-pit	N/A	\$8,900	\$8,900
New tennis courts (2) with retaining wall, fencing, gates and floodlights	N/A	N/A	\$292,100
Public artwork (1% of building construction costs excluding preliminaries, design and building contingencies.)	\$14,600	\$14,600	\$14,600
<b>Total</b>	<b>\$2,835,000</b>	<b>\$3,110,000</b>	<b>\$3,707,000</b>

All capital cost estimates include preliminaries, design contingencies, building contingencies, cost escalation to July 2015, professional fees and approval fees.

The City's *Art and Memorabilia Collections Policy* states that the state government's 'Percent for Art Scheme' will be utilised when developing proposals for new public buildings and extensions over the value of \$100,000. This scheme uses an allocation of up to 1% of the estimated total cost of the building project. The City's policy states that developers of public facilities will be encouraged to adopt this policy with projects being implemented according to the Public Art Implementation Process as determined by the Chief Executive Officer. Based on this, 1% of the estimated total cost of the building has been included.

The CCTV system proposed allows for the City to install a system that meets the general needs in a public space and will assist to monitor areas inside and around the proposed building. The system will allow City officers to monitor cameras from the City's CCTV control room (in the main administration building) and if the need arises will allow expansion to the park and surrounding area. Alternatively, an entry level system can be installed which will result in a cost saving of approximately \$30,000 which will not be remotely viewable from the City's CCTV control room, however this is how existing facilities with CCTV within the City are managed.

#### Tree removal

In all three site plan options, two *Eucalyptus camaldulensis* trees west of the proposed facility location have been identified as obstructions and are proposed to be removed. One of the trees branches will overhang the proposed building verandah, while the second tree's roots are currently lifting up the kerbing and asphalt in the south-western car park.

It is proposed to replace the two *Eucalyptus camaldulensis* trees with four new native trees. The *Eucalyptus camaldulensis* are not an endangered species and are densely populated among Penistone Park. A suitable location will be chosen for the four new trees to be planted during the detailed design stage of the project.

In site concept plan Option three, the tennis courts and cricket nets are proposed to be re-located and three *Jacaranda mimosifolia* planted in 2009 will require re-location. There are also some small trees and shrubs which include a tuart, New Zealand christmas tree, Callistemon, Hibiscus and Malaleucas which require removal. The tuart is the only native species to Western Australia and a recent assessment has stated that is not in good condition. Given the condition of the tree, it is proposed to be removed and replaced with two new tuart trees in a suitable location during the detailed design stage of the project.

In addition, one *Eucalyptus marginata* (Jarrah) located south of the proposed location of the tennis courts is required to be removed. The trees distance is close (approximately two metres) to the edge of the tennis courts and the tennis courts may have a detrimental impact on the trees root system. Furthermore, a recent assessment has stated that this tree is currently not in good condition as the tree canopy is showing signs of stress and is suffering from tropism. Given the condition of the tree, it is proposed to be removed and replaced with two new native trees in a suitable location during the detailed design stage of the project.

South-west of the re-located cricket nets in site concept plan Option three, one *Eucalyptus robusta* is proposed to be removed. This tree is not native to Western Australia and is known to drop limbs which are a risk to users of the cricket nets.

### Service road

During the initial community consultation period in July-August 2013, user groups of the facility and ovals expressed concerns with cars parking and travelling along the internal service road which causes a safety issue with children crossing from one side of the park to other during sports training and competition. An internal assessment of the service road indicated that the road is already heavily treated with speed humps and the main challenge is cars parking along the service road. As many children are at a similar height to car bonnets, this can cause sight line issues for drivers.

If site concept plan Options one or two proceed, it is proposed that a dedicated crossing point be marked to alert drivers and guide rails be installed to outline for pedestrians the safest place to cross. In addition, no parking signs can be installed to stop cars parking along the internal service road improving sight lines.

### Cricket nets

Currently, there is \$50,000 listed in the *2013-14 Capital Works Program* for the replacement of the three cricket nets at Penistone Park. In all three site concept plan options it is proposed that four cricket nets are constructed as part of the project based on the training requirements of the two cricket clubs. If site concept plan Options one or two is preferred the location of the cricket nets will remain and the replacement of the cricket nets can proceed as planned in 2013-14. However, if site concept plan Option three is preferred, the location of the cricket nets will move approximately 50 metres south-east of the existing location and will be carried out as part of the full construction works of the site. Therefore, if site concept plan Option three is supported, it is proposed that the \$50,000 listed in the *2013-14 Capital Works Program* be carried forward to 2015-16.

### **Issues and options considered**

There are a number of issues for consideration for the Penistone Park redevelopment project which have been outlined below.

### External grant funding

It has been identified that this project would be suitable for consideration as part of the Department of Sport and Recreation's *Community Sporting and Recreation Facilities Fund* (CSRFF) program. In order to construct part or all of the facilities in 2015-16 as per the City's *Five Year Capital Works Program* (and to meet CSRFF application deadlines), an application would need to be made to the next Forward Planning Grant funding round which closes on 30 September 2014. The CSRFF program considers a contribution of up to one-third for projects that demonstrate an increase in sport participation as a result of the development.

### Community consultation

As per the City's endorsed Master Planning Process, redevelopment projects typically undertake two rounds of community consultation. The first was undertaken in July-August 2013 and sought support from the local community on the proposed scope for the project. The second round of consultation seeks comment on the specific project details including the site plan, facility components and any changes to the project since the initial consultation.

In the first round of consultation, the City received an average response rate of 11.5%. The results are summarised as follows:

- 92% supported the redevelopment of the existing clubroom into a multi-purpose community sporting facility.
- 76% supported the replacement of the existing basketball courts with a 3-on-3 basketball pad.
- 80% supported the replacement of the cricket practice nets.
- 88% supported the removal of outdoor storage sheds and tennis shelter.

Given the above support, an option exists to not conduct further community consultation. However, as Options two and three include additional infrastructure items not initially consulted on, it is recommended that the second round of community consultation be undertaken. Furthermore, it will give the community another opportunity to make comment on the project with more detailed information on the site layout and basic facility design.

In order to meet project timelines and CSRFF requirements, it is proposed to undertake consultation with residents and stakeholders from 31 March to 21 April 2014. Community consultation will involve a direct mail out, site signage and information on the City's website and social media pages.

It is important to note that consultation tools have yet to be developed as the preferred site concept plan option and approach in delivering the project is yet to be determined. Once the second round of consultation is undertaken, the feedback received will be collated and included in a further report to Council for consideration.

### Preferred site plan

Three site concept plan options have been developed for consideration. Option One at a total estimated cost of \$2,835,000 focuses on replacing the building and maintaining the other site infrastructure. Option two at a total estimated cost of \$3,110,000 is similar to Option one, however links the two car parks together and re-locates the playground closer to the facility. Option three at a total estimated cost of \$3,707,000 is preferred, as it addresses all of the current challenges with the facility and site and also creates safe and strong viewing and walking connections between both ovals and the new facility.

### Project works

Given all site concept plan options exceed the existing construction budget of \$2,000,000, opportunities exist to reduce the project costs by removing items. The following items can either not be included in the project or could be listed for consideration in a future year of the City's *Five Year Capital Works Program*:

- CCTV – estimated cost \$92,000. This includes equipment only for a system that has the capacity to link to the City's CCTV control room. Alternatively, an entry level system could be installed which will result in a saving of \$30,000 from the estimated cost.

- Photovoltaic (solar) panels – estimated cost \$45,000. Photovoltaic panels in other similar facilities across the City are currently saving approximately \$2,500 per facility per annum in utility costs.
- Tennis hit-up wall including light pole – estimated cost \$28,300.
- 3-on-3 basketball pad – estimated cost \$14,200.
- Picnic shelter and setting, BBQ and light pole at playground – estimated cost of \$48,300.
- Public artwork – estimated cost \$14,600.

If site concept plan Option two or three is preferred, there is an option to re-use the existing playground equipment as it will be only six years old. Using the existing equipment will save \$35,500.

In the initial consultation the 3-on-3 basketball pad received a high level of support (76%), therefore it is recommended that these works remain a part of the proposed redevelopment

Furthermore, if site concept plan Option one or two is preferred, cricket nets including the additional retaining walls and power outlet can be removed as they would be carried out as planned in 2013-14 and would save \$171,700 from the final project budget.

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

**Legislation** Not applicable.

#### **Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

**Strategic initiative**

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

**Policy** Not applicable.

### **Risk management considerations**

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

There is also a risk associated with not undertaking further consultation on the project. Consultation was only undertaken on infrastructure elements in site concept plan Option one, therefore if site concept plan Option two or three is preferred, it is recommended that consultation be undertaken on these elements. Furthermore, no site plans or diagrams were included in the initial consultation therefore it is recommended that the second round of consultation be undertaken regardless of the preferred site concept plan option.

This is intended to be one of several major projects for which the City will be seeking CSRFF funding in the next Forward Planning Grant funding round. They will effectively be competing against each other and there are significant risks that not all projects will be funded.

### **Financial/budget implications**

Currently listed in the City's *Five Year Capital Works Program* is \$50,000 for new practice cricket nets (2013-14), \$240,000 for the detailed design stage of the project (2014-15) and \$2,000,000 for the construction (2015-16).

#### Current operating expenses

In 2013-14, the operating expenses for Penistone Park and Penistone Clubrooms are estimated as follows:

<b>Income</b>	<b>Amount</b>
Penistone Park Clubroom (hire fees)	\$9,794
Penistone Park (hire fees – tennis court and park)	\$7,753
<b>Total Income</b>	<b>\$17,547</b>

<b>Expenditure</b>	<b>Amount</b>
Penistone Park Clubroom	(\$51,934)
Penistone Park Tennis Shelter	(\$2,280)
Penistone Park Storage Shed	(\$339)
Penistone Park (includes irrigation and park maintenance)	(\$216,775)
<b>Total Expenditure</b>	<b>(\$271,328)</b>
<b>NET OPERATING COST – SURPLUS (DEFICIT)</b>	<b>(\$253,781)</b>

#### Future operating expenses

The following table compares the estimated operating expenses of the redevelopment options to the status quo. The operating expenses for each of the three redevelopment options are estimated to be the same. These figures are in today's dollars.

<b>Operating expenses (excluding inflation)</b>	<b>Status quo</b>	<b>Options 1, 2 or 3</b>
Penistone Park Clubroom	\$52,000	\$52,000
General irrigation, mowing, wages etc	\$181,200	\$181,200
Infrastructure maintenance (cricket nets, tennis courts etc)	\$35,600	\$43,300
Penistone Park Tennis Shelter	\$2,300	N/A
Penistone Park Storage Shed	\$400	N/A
<b>Total Expenditure</b>	<b>\$271,500</b>	<b>\$276,500</b>

The operating cost for the new clubroom is estimated at \$52,000, the same as existing cost. In reality it is expected that the costs would be lower, as the building is new (requiring less maintenance) and will have environmental sustainable design features such as waterless urinals, reduced water flow fixtures and energy efficient light fittings. In comparison to other buildings that are the same size and type (Seacrest Park Community Sporting Facility), the annual cost is approximately \$40,000 per annum. However, for purposes of being prudent at this stage the same cost is assumed.

Notably, general irrigation, mowing, wages and the like is not expected to vary between the various options. In addition, on all three redevelopment options, it is expected that it will cost approximately an additional \$7,700 for the new picnic setting and BBQ at the playground, picnic setting at the tennis courts, tennis hit-up wall and 3-on-3 basketball pad. However, given the removal of the existing tennis shelter and storage shed, this will result in a cost saving of \$2,700. Overall, the estimated operating expenses for the redevelopment are \$5,000 (1.8%) higher than the existing costs.

#### Total 20 year cash flows

The following table provides an estimate of the total cash flows to the City by comparing all three redevelopment options against the status quo over a 20 year period (2013-14 to 2033-34 and includes inflation).

<b>Overall surplus / (deficit) up to 2033-34 ('000s)</b>	<b>Status quo</b>	<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>
Capital expenditure and one-off	(\$926)	(\$2,835)	(\$3,110)	(\$3,707)
One off income (CSRFF grant)		\$945	\$1,037	\$1,236
Borrowings and reserve funding		\$1,890	\$2,073	\$2,471
Funding repayments and interest		(\$2,183)	(\$2,395)	(\$2,854)
Operating expenses	(\$8,061)	(\$8,264)	(\$8,289)	(\$8,258)
Operating income	\$503	\$503	\$503	\$503
<b>Surplus (Deficit) / Total</b>	<b>(\$8,484)</b>	<b>(\$9,943)</b>	<b>(\$10,181)</b>	<b>(\$10,609)</b>
<b>Surplus (Deficit) between options and the status quo</b>		<b>(\$1,459)</b>	<b>(\$1,697)</b>	<b>(\$2,125)</b>

The 20 year cash flows table assumes the following:

- CSRFF (one-off income) to the full amount (one-third) of project costs is received.
- The project will be funded from borrowings and interest is paid over a five year loan. In reality the City may fund the project from either reserve funds or municipal funds, although for the purposes of calculating the cost of funds, a loan is assumed in the financial evaluation.
- For the status quo option, a capital expenditure and one-off figure including inflation for replacement of the cricket practice nets (\$100,000) in 2013-14 and a refurbishment of the clubrooms (\$500,000) in 2032-33.
- In option three the tennis courts will be replaced in 2015-16 and will require re-surfacing once within the 20 year period, while in options one and two they will be required to be re-surfaced twice within the 20 year period.

## 20 Year Strategic Financial Plan

The following table provides a comparison of the three options against the City's 20 Year Strategic Financial Plan (SFP).

<b>Cash flows vs 20-Year Strategic Financial Plan ('000s)</b>	<b>SFP (updated November 2013)</b>	<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>
Capital expenditure and one-off	(\$2,240)	(\$2,835)	(\$3,110)	(\$3,707)
One off income (CSRFF)	\$667	\$945	\$1,037	\$1,236
Borrowings and reserve funding	\$1,573	\$1,890	\$2,073	\$2,471
Funding repayments and interest	(\$1,817)	(\$2,183)	(\$2,395)	(\$2,854)
Operating expenses	(\$930)	(\$203)	(\$229)	(\$197)
Operating income				
<b>Surplus (Deficit) / Total</b>	<b>(\$2,747)</b>	<b>(\$2,386)</b>	<b>(\$2,623)</b>	<b>(\$3,051)</b>
<b>Vs SFP</b>		<b>\$361</b>	<b>\$124</b>	<b>(\$304)</b>

The SFP last updated in November 2013, assumed that the building would cost an additional \$30,000 per annum to operate (approximately \$80,000). However, new estimates specific to this project suggest that the building will only cost approximately \$50,000 to operate per annum.

## Comparisons to other facility projects

The following table provides a breakdown of the proposed project as a way of comparison to the size and cost of the Seacrest Park Community Sporting Facility project as this also services two ovals.

<b>Project</b>	<b>Facility size</b>	<b>Facility cost per square metre</b>	<b>Total building cost</b>
Penistone	680m <sup>2</sup>	\$2,143/m <sup>2</sup>	\$1,860,000
Seacrest (2010)	616m <sup>2</sup>	\$1,950/m <sup>2</sup>	\$1,450,000

## Preferred option

Three different site concept plan options have been developed for consideration, however the site concept plan Option three is the recommended option as this addresses all of the existing challenges at Penistone Park and provides the best outcome in relation to connecting both sides of the park and the community sporting facility with both fields, the playground and car parking.

A Quantity Surveyor (QS) estimate has been undertaken based on the developed site and floor plans and totals \$3,707,000 for option three which includes detailed design, tender documentation, forward works and construction.

While a CSRFF application may result in a contribution of up to one-third for the works (in this case up to \$1,235,666), if Council supports the project proceeding, a budget allocation for the whole project would be required in the event the grant funding application is unsuccessful.

Based on the total project cost estimate of Option three, a further \$1,417,000 would be required to be allocated to this project to complete the works detailed in this Report.

The following table is a summary to undertake Option three as outlined in this Report with potential cost savings – to not install a CCTV system, public artwork and photovoltaic (solar) panels from the project, and in options two and three to re-use the existing playground equipment as part of the project. In addition it includes the possible grant funding if the subsequent CSRFF application is successful (up to one-third of the project costs).

<b>Option</b>	<b>Funding break-down</b>	<b>Existing project budget</b>	<b>Additional budget funds required</b>	<b>Estimated total cost (assuming a successful CSRFF application)</b>
Option 1 - Full project	City Funds CSRFF Grant Total	\$1,623,334 <u>\$666,666</u> \$2,290,000	\$266,666 <u>\$278,334</u> \$545,000	\$1,890,000 <u>\$945,000</u> \$2,835,000
Option 1 - Not install CCTV system, photovoltaic panels, and public artwork	City Funds CSRFF Grant Total	\$1,623,334 <u>\$666,666</u> \$2,290,000	\$165,600 <u>\$227,800</u> \$393,400	\$1,788,934 <u>\$894,466</u> \$2,683,400
Option 2 - Full project	City Funds CSRFF Grant Total	\$1,623,334 <u>\$666,666</u> \$2,290,000	\$450,000 <u>\$370,000</u> \$820,000	\$2,073,334 <u>\$1,036,666</u> \$3,110,000
Option 2 - Not install CCTV system, photovoltaic panels, public artwork and re-use play equipment.	City Funds CSRFF Grant Total	\$1,623,334 <u>\$666,666</u> \$2,290,000	\$325,266 <u>\$307,634</u> \$632,900	\$1,948,600 <u>\$974,300</u> \$2,922,900
Option 3 - Full project	City Funds CSRFF Grant Total	\$1,623,334 <u>\$666,666</u> \$2,290,000	\$848,000 <u>\$569,000</u> \$1,417,000	\$2,471,334 <u>\$1,235,666</u> \$3,707,000
Option 3 - Not install CCTV system, photovoltaic panels, public artwork and re-use play equipment.	City Funds CSRFF Grant Total	\$1,623,334 <u>\$666,666</u> \$2,290,000	\$723,266 <u>\$506,634</u> \$1,229,900	\$2,346,600 <u>\$1,173,300</u> \$3,519,900

Although there are potential cost savings to the project, it is preferred all works are carried out as they provide the best outcome for the community. Based on the total project cost estimate, a further \$1,417,000 would be required to complete all works for the preferred option - Option three. It is recommended that the further funds required are included in the City's 2015-16 Capital Works Program.

#### Possible funding opportunity

The Hawker Park redevelopment project which is scheduled for 2014-15 is awaiting the outcome of an application made to the Department of Sport and Recreation's CSRFF for a grant contribution. Currently the City has \$1,717,000 allocated for this project. The Hawker Park redevelopment project is one of three major projects the City applied for a CSRFF grant in September 2013 which also included the Synthetic Hockey Pitch Project (Warwick Open Space) and the Bramston Park development project (Burns Beach). It is anticipated the outcome of the CSRFF application will be announced in late February - early March 2014. Hawker Park was given the lowest priority for funding and the likelihood that the City will receive a CSRFF grant is low, therefore a potential funding solution is to use the loan funds identified for the Hawker Park redevelopment project on the Penistone Park redevelopment project.

The Penistone Park redevelopment project is considered a higher priority than the Hawker Park redevelopment project as it will provide greater benefits to the community based on the following criteria:

- It is classified as one of eight 'District Parks' in the City's PPOSCF given that it has two ovals, and services the local area and several surrounding suburbs.
- The facility and ovals currently support seven different user groups with over 1,300 participants.
- The park has the flexibility and infrastructure to accommodate multiple types of sport.
- The park is used as a primary training and competition venue.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

#### Environmental

All facility redevelopment projects are planned to reduce the impact of the carbon footprint and consider environmental sustainability design features where possible within the project budget. In addition, the site concept plans have been developed with the aim of minimising the impact on important flora and fauna at Penistone Park. As two trees have been identified as obstructions and are proposed to be removed, four new native trees will be planted in a suitable location as replacement.

#### Social

The project has included consultation with existing user groups and the local wider community to ensure that the proposed redevelopment represents the community's diverse needs. It is expected that if the redevelopment works occur, the project will lead to higher utilisation rates of the facility and potentially the oval. The proposed re-location of the playground closer to the facility will also assist the playgroup's programs and support greater interaction with other members of the community. Furthermore, any development at the site will consider access and inclusion principles and will aim to enhance the amenity of the public space.

#### Economic

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

### **Consultation**

Results of the initial community consultation for this project were included in the report considered by Council at its meeting held on 24 September 2013 (CJ179-09/13 refers). A decision needs to be made whether further community consultation will be undertaken for this project. It is recommended that the second round of consultation be undertaken given that more detailed information will be presented for the community to provide feedback on.

## COMMENT

Based on the total cost estimate for detailed design, tender documentation, forward works and construction for Option three exceeds the combined existing allocation in the *Capital Works Program* for this project of \$2,290,000, a further \$1,417,000 would be required to complete the works as detailed in this Report. The initial budget allocation was based on the redevelopment of the building only, with no project scoping, concept plans or cost estimates. As the proposed Penistone Park redevelopment project now includes infrastructure in addition to the building, it is reasonable to expect that the total project cost would be in excess of the budget amount that was originally estimated.

Although the first round of community consultation had over 92% support for the redevelopment of the facility, it is recommended that the Penistone Park redevelopment project progress to a second round of community consultation as this consultation will seek comment on specific project details including the site plan and infrastructure (site concept plan Option three), facility components and changes to the project since the initial consultation.

Given the project timelines are on schedule, it is recommended that a submission be made to the CSRFF Forward Planning Grant funding round subject to project support as part of the second community consultation period. If supported, the project will be listed as part of the City's CSRFF project submission report to be considered by Council at its meeting to be held on 16 September 2014.

At the time of the proposed redevelopment, the Penistone Park Clubrooms will be 40 years old. In addition, seven user groups hire the facility on a regular basis totalling over 1,300 active members; therefore it is recommended that site concept plan Option three and the facility concept plan be presented to the community and stakeholders for consultation as it provides the best outcome for the user groups and the community.

## 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 4 February 2014.

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

*That Council:*

- 1 *NOTES the following amounts are currently listed within the City's Five Year Capital Works Program in relation to Penistone Park:*
  - 1.1 *\$50,000 within 2013-14 for new cricket nets;*
  - 1.2 *\$240,000 within 2014-15 for detailed design of the redevelopment project;*
  - 1.3 *\$2,000,000 within 2015-16 for construction of the redevelopment project;*
- 2 *APPROVES the proposed redevelopment project including demolition and site works, construction of a new community sporting facility, relocated playground, new BBQ/picnic area, new 3-on-3 basketball pad, new tennis hit-up wall, relocated tennis courts, construction of new car park, relocated cricket nets at Penistone Park as included in Option three and detailed in this Report at a project cost estimate of \$3,707,000;*

- 3 *Subject to the approval of site concept plan Option three, REQUESTS that the \$50,000 allocated in the 2013-14 Capital Works Program for the Penistone Park cricket net replacement will be carried forward and listed for consideration in the draft 2015-16 Capital Works Program;*
- 4 *Subject to the approval of the transfer of funds in Part 3 above REQUESTS that a further \$1,417,000 be listed for consideration within the 2015-16 Capital Works Program for the Penistone Park redevelopment project subject to a successful CSRFF grant application of \$1,235,666;*
- 5 *REQUESTS the Chief Executive Officer to arrange further community consultation on site concept plan Option three as detailed in this Report for the Penistone Park redevelopment project to be conducted from 31 March – 21 April 2014.*

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

*That Council:*

- 1 *NOTES the following amounts are currently listed within the City's Five Year Capital Works Program in relation to Penistone Park:*
  - 1.1 *\$50,000 within 2013-14 for new cricket nets;*
  - 1.2 *\$240,000 within 2014-15 for detailed design of the redevelopment project;*
  - 1.3 *\$2,000,000 within 2015-16 for construction of the redevelopment project;*
- 2 *APPROVES the proposed redevelopment project including demolition and site works, construction of a new community sporting facility, relocated playground, new BBQ/picnic area, new 3-on-3 basketball pad, new tennis hit-up wall, relocated tennis courts, construction of new car park, relocated cricket nets at Penistone Park as included in Option three and detailed in this Report at a project cost estimate of \$3,707,000;*
- 3 *Subject to the approval of site concept plan Option three, REQUESTS that the \$50,000 allocated in the 2013-14 Capital Works Program for the Penistone Park cricket net replacement will be carried forward and listed for consideration in the draft 2015-16 Capital Works Program;*
- 4 *Subject to the approval of the transfer of funds in Part 3 above REQUESTS that a further \$1,417,000 be listed for consideration within the 2015-16 Capital Works Program for the Penistone Park redevelopment project subject to a successful CSRFF grant application of \$1,235,666;*
- 5 *REQUESTS the Chief Executive Officer to arrange further community consultation on site concept plan Option three as detailed in this Report for the Penistone Park redevelopment project to be conducted from 31 March – 21 April 2014;*
- 6 *GIVES further consideration to increasing the number of car parking bays as part of the proposed redevelopment of Penistone Park;*
- 7 *GIVES consideration to upgrading the sump at Penistone Park in the 2015-16 financial year.*

## RECOMMENDATION

### That Council:

- 1 **NOTES** the following amounts are currently listed within the City's Five Year Capital Works Program in relation to Penistone Park:
  - 1.1 \$50,000 within 2013-14 for new cricket nets;
  - 1.2 \$240,000 within 2014-15 for detailed design of the redevelopment project;
  - 1.3 \$2,000,000 within 2015-16 for construction of the redevelopment project;
- 2 **APPROVES** the proposed redevelopment project including demolition and site works, construction of a new community sporting facility, relocated playground, new BBQ/picnic area, new 3-on-3 basketball pad, new tennis hit-up wall, relocated tennis courts, construction of new car park, relocated cricket nets at Penistone Park as included in Option three and detailed in this Report at a project cost estimate of \$3,707,000;
- 3 Subject to the approval of site concept plan Option three, **REQUESTS** that the \$50,000 allocated in the 2013-14 Capital Works Program for the Penistone Park cricket net replacement will be carried forward and listed for consideration in the draft 2015-16 Capital Works Program;
- 4 Subject to the approval of the transfer of funds in Part 3 above **REQUESTS** that a further \$1,417,000 be listed for consideration within the 2015-16 Capital Works Program for the Penistone Park redevelopment project subject to a successful CSRFF grant application of \$1,235,666;
- 5 **REQUESTS** the Chief Executive Officer to arrange further community consultation on site concept plan Option three as detailed in this Report for the Penistone Park redevelopment project to be conducted from 31 March – 21 April 2014;
- 6 **GIVES** further consideration to increasing the number of car parking bays as part of the proposed redevelopment of Penistone Park;
- 7 **GIVES** consideration to upgrading the sump at Penistone Park in the 2015-16 financial year.

*Appendix 23 refers*

To access this attachment on electronic document, click here: [Attach23brf110214.pdf](#)

**8 REPORT OF THE CHIEF EXECUTIVE OFFICER**

**9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**10 REPORTS REQUESTED BY ELECTED MEMBERS**

**11 CLOSURE**



**DECLARATION OF  
FINANCIAL INTEREST/INTEREST THAT MAY AFFECT  
IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER  
CITY OF JOONDALUP**

<b>Name/ Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Interest that may affect impartiality* <span style="float: right;"><i>* Delete where not applicable</i></span>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

Section 5.65(1) of the *Local Government Act 1995* states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) *in a written notice given to the CEO before the meeting; or*
- (b) *at the meeting immediately before the matter is discussed.*



## DECLARATION OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

**To: CHIEF EXECUTIVE OFFICER  
CITY OF JOONDALUP**

<b>Name/ Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Interest that may affect impartiality* <span style="float: right;"><i>* Delete where not applicable</i></span>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

Section 5.65(1) of the *Local Government Act 1995* states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) *in a written notice given to the CEO before the meeting; or*
- (b) *at the meeting immediately before the matter is discussed.*



