

# minutes

MEETING HELD ON **TUESDAY, 16 SEPTEMBER 2014**

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## CITY OF JOONDALUP

**COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP ON TUESDAY 16 SEPTEMBER 2014.**

### DECLARATION OF OPENING

The Deputy Mayor Cr Liam Gobbert declared the meeting open at 7.00pm.

### ANNOUNCEMENT OF VISITORS

#### Deputy Mayor:

CR LIAM GOBBERT

#### Councillors:

CR TOM McLEAN, JP	North Ward	
CR PHILIPPA TAYLOR	North-Central Ward	
CR SAM THOMAS	North-Central Ward	
CR GEOFF AMPHLETT, JP	Central Ward	
CR CHRISTINE HAMILTON-PRIME	South-West Ward	
CR MIKE NORMAN	South-West Ward	<i>Absent from 7.12pm to 7.13pm</i>
CR JOHN CHESTER	South-East Ward	
CR BRIAN CORR	South-East Ward	
CR TERESA RITCHIE, JP	South Ward	

#### Officers:

MR MIKE TIDY	Acting Chief Executive Officer	
MR JAMIE PARRY	Acting Director Corporate Services	
MR BRAD SILLENCE	Acting Director Governance and Strategy	
MS DALE PAGE	Director Planning and Community Development	
MR NICO CLAASSEN	Director Infrastructure Services	
MR JOHN BYRNE	Acting Manager Governance	
MR JOHN CORBELLINI	Manager Planning Services	<i>to 7.26pm</i>
MR STUART McLEA	Media and Communications Officer	<i>Absent from 7.37pm to 7.42pm</i>
MRS LESLEY TAYLOR	Acting Governance Coordinator	
MRS DAWN ANDERSON	Governance Officer	

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

## DECLARATIONS OF INTEREST

### Disclosures of Financial / Proximity Interest

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

<b>Name/Position</b>	<b>Cr Mike Norman.</b>
<b>Item No./Subject</b>	CJ152-09/14 – Modifications to previously approved telecommunication facility at Lot 83 (109) Winton Road, Joondalup.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Norman has a shareholding of Telstra shares in excess of the threshold.

### Disclosures of interest affecting impartiality

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

<b>Name/Position</b>	<b>Cr Liam Gobbert.</b>
<b>Item No./Subject</b>	CJ154-09/14 – Proposed Change of Use from Shop to Medical Centre and Restaurant at Lot 12 and Lot 13 (923) Whitfords Avenue, Woodvale.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Gobbert is a repeat customer of the existing business.

<b>Name/Position</b>	<b>Cr Brian Corr.</b>
<b>Item No./Subject</b>	CJ166-09/14 – Implications of all City Controlled On and Off Street Parking being made free on Saturdays and Sundays.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Corr is secretary of the Joondalup Business Association.

<b>Name/Position</b>	<b>Cr Brian Corr.</b>
<b>Item No./Subject</b>	CJ167-09/14 - Community Sporting and Recreation Facilities Fund 2014-15 Round.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Corr's son plays cricket at Penistone Park, Greenwood.

**PUBLIC QUESTION TIME**

The following question was taken on notice at the Ordinary Council Meeting held on 19 August 2014:

**Mr J Varley, Iluka:**

Q1 *What was the cost of the Mayor's trip to China?*

A1 The cost of the Mayor's component of the trip to China in 2007 was \$5,552.78. Council approved the delegation and its associated costs at its meeting held on 17 July 2007 (CJ120-07/07 refers) and in a subsequent report submitted to the Council meeting held on 28 August 2007 (CJ184-08/07), Council confirmed its position to send a delegation and:

*"5 NOTES that all costs associated with partners' attendance are to be borne by the partners."*

A full report on the delegation was provided to Council at its meeting held on 20 November 2007 (CJ258-11/07 refers).

The cost of the Mayor's trip to China in September 2010 was \$4,193.00. Council approved the delegation and associated costs at its meeting held on 17 August 2010 (CJ139-08/10 refers). A full report on the delegation was subsequently provided to Council at its meeting held on 14 December 2010 (CJ217-12/10 refers). The Mayor was not accompanied by a travel partner and the CEO did not visit China as part of this delegation.

The following questions were submitted prior to the Council meeting on 16 September 2014:

**Mr D Blackburn, Kingsley:**

Re: *The development of the ex-East Greenwood Primary School site at Lot 9867, (63) Mulligan Drive Greenwood.*

Q1 *Will the Local Development Plan be subject to public advertising and public comment?*

A1 If a *Local Development Plan* (LDP) is submitted to the City for determination it will be advertised for public comment in accordance with the provisions of the City's *District Planning Scheme No. 2*.

Q2 *If so, will this occur concurrently with the advertising of the Local Structure Plan?*

A2 There is no obligation for the *Local Development Plan* (LDP) to be advertised with a *Local Structure Plan* however, if the LDP is received with the *Local Structure Plan* then the two applications can be advertised concurrently.

**Mr M Sideris, Mullaloo:**

*Re: CJ149-09/14 - Proposed Showroom Development at Lot 2 (15) Honeybush Drive, Joondalup.*

*Q1 A shortfall in car parking with a cash-in-lieu value being \$ 240,261 has been identified. Please advise why the monetary value is not clearly identified in the officer recommendation section of the Report.*

*A1 As the officer recommendation is that discretion is exercised under the City's District Planning Scheme No. 2 and the car parking provided is appropriate, the cash-in-lieu value is not required to be depicted in the recommendation.*

The cash-in-lieu value is contained within the Report, along with all the other information necessary for the Elected Members to make a determination.

*Re: CJ150-09/14 – Proposed Showroom Development at Lot 8 (19) Sundew Rise, Joondalup.*

*Q2 A shortfall in car parking with a cash-in-lieu value being \$907,515 has been identified. Please advise why the monetary value is not clearly identified in the officer recommendation section of the Report.*

*A2 See A1 above.*

*Re: Cash-in-Lieu payments for car parking shortfalls.*

*Q3 For the period 1 July 2013 to 30 June 2014, provide a listing complete with the Report [CJ] reference number and the monetary value (\$ amount) of cash-in-lieu, where Council used its discretionary powers not to impose cash-in-lieu for the identified car parking shortfall.*

*A3 All Council decisions to approve a car parking shortfall have been made on the basis that the amount of parking proposed is appropriate for the needs of the proposed development or site. Cash-in-lieu is only required when Council does not believe there is adequate parking for a proposal and where Council believes that the City can provide parking in the vicinity of the site with the money obtained through cash-in-lieu.*

The minutes of all Council meetings are contained on the City's website, and the Reports contain all relevant detail about parking shortfalls and cash-in-lieu that could have been requested, if it had been appropriate to do so.

**PUBLIC STATEMENT TIME**

Nil.

## **APOLOGIES AND LEAVE OF ABSENCE**

### **Apology**

Mayor Troy Pickard.

### **Leave of Absence Previously Approved**

Cr Russ Fishwick, JP	4 August to 23 September 2014 inclusive;
Cr Kerry Hollywood	16 September to 19 September 2014 inclusive;
Cr Tom McLean, JP	17 September to 10 October 2014 inclusive;
Cr Teresa Ritchie, JP	10 November to 14 November 2014 inclusive.

### **C44-09/14                    REQUESTS FOR LEAVE OF ABSENCE – CRS JOHN CHESTER, LIAM GOBBERT, TERESA RITCHIE, JP AND CHRISTINE HAMILTON-PRIME – [103782]**

Cr John Chester requested Leave of Absence from Council duties covering the period 1 October to 7 October 2014 inclusive.

Cr Liam Gobbert requested Leave of Absence from Council duties covering the period 4 October to 11 October 2014 inclusive.

Cr Teresa Ritchie requested Leave of Absence from Council duties covering the period 6 November to 9 November 2014 inclusive.

Cr Christine Hamilton-Prime requested Leave of Absence from Council duties covering the periods 5 November to 20 November 2014 inclusive and 6 December 2014 to 5 January 2015 inclusive.

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

- |          |                                    |   |
|----------|------------------------------------|---|
| <b>1</b> | <b>Cr John Chester</b>             | <b>1 to 7 October 2014 inclusive;</b>   |
| <b>2</b> | <b>Cr Liam Gobbert</b>             | <b>4 October to 11 October 2014 inclusive;</b>  |
| <b>3</b> | <b>Cr Teresa Ritchie, JP</b>       | <b>6 November to 9 November 2014 inclusive;</b>   |
| <b>4</b> | <b>Cr Christine Hamilton-Prime</b> | <b>5 November to 20 November 2014 inclusive;<br/>6 December 2014 to 5 January 2015 inclusive.</b> |

**The Motion was Put and**

**CARRIED (10/0)**

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

## CONFIRMATION OF MINUTES

### **C45-09/14                    MINUTES OF COUNCIL MEETING HELD ON 19 AUGUST 2014**

**MOVED Cr Chester, SECONDED Cr McLean that the minutes of the Council Meeting held on Tuesday 19 August 2014 be CONFIRMED as a true and correct record.**

**The Motion was Put and**

**CARRIED (10/0)**

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

## ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

### First Sod Turned on Multi Storey Car Park

Deputy Mayor Cr Gobbert stated that work has officially started on the construction of the Reid Promenade multi-storey car park in the Joondalup City Centre.

Deputy Mayor Cr Gobbert went on to say that representatives from Georgiou Group, whose winning tender for the project was endorsed by Council at its meeting held on 24 June 2014, joined Elected Members, CEO Garry Hunt and Joondalup MLA Jan Norberger at a recent ground breaking ceremony, signalling the commencement of one of the largest construction projects ever undertaken by the City.

Deputy Mayor Cr Gobbert advised that the multi-storey car park will ease pressure for parking spaces necessitated by the growth of the Joondalup City Centre through an increase in local businesses and residential dwellings.

Deputy Mayor Cr Gobbert commented that once complete, the building will deliver a private lower ground car park for 28 car bays, available for leasing on a 24/7 basis, and five levels for public car parking.

Deputy Mayor Cr Gobbert stated that the City looks forward to seeing developments over the coming months and the finished multi-storey car park next year.

### E-waste Collection/Garage Sale Trail

Deputy Mayor Cr Gobbert advised that following on from the success of the City of Joondalup's first e-waste collection earlier this year, the popular service returns to Craigie Leisure Centre on Saturday 27 September and Sunday 28 September.

Deputy Mayor Cr Gobbert believed that it was the ideal chance for residents to get rid of their unwanted TV sets, computers and associated materials in an environmentally responsible way, ensuring that valuable resources such as tin, nickel, aluminium, copper, lead and mercury are recovered and re-used to keep old technology out of landfill, while preventing potentially hazardous materials from leaking into the environment.

Deputy Mayor Cr Gobbert advised that the City is also encouraging local residents to either host or attend a garage sale on Saturday 25 October in support of a national campaign which aims to build community spirit and encourages people to reuse and recycle before placing their bulk rubbish on their verge for collection.

Deputy Mayor Cr Gobbert stated that the 2014 Garage Sale Trail will involve co-ordinated garage sales throughout Australia and residents, local community groups, schools, charities, libraries and businesses can all get involved.

Deputy Mayor Cr Gobbert suggested visiting the City's website for more details about both initiatives.

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

CJ170-09/14      CONFIDENTIAL - TENDER 01410 PROCESSING CO-MINGLED RECYCLABLES

**PETITIONS**

Nil.

**REPORTS****CJ148-09/14 DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS – JULY 2014**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	07032
<b>ATTACHMENTS</b>	Attachment 1 Monthly Development Applications Determined – July 2014 Attachment 2 Monthly Subdivision Applications Processed – July 2014 Attachment 3 Monthly Building R-Code Applications Decision – July 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 number and nature of applications considered under delegated authority.

**EXECUTIVE SUMMARY**

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

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

This report identifies the following applications determined by the administration with delegated authority powers during July 2014 (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

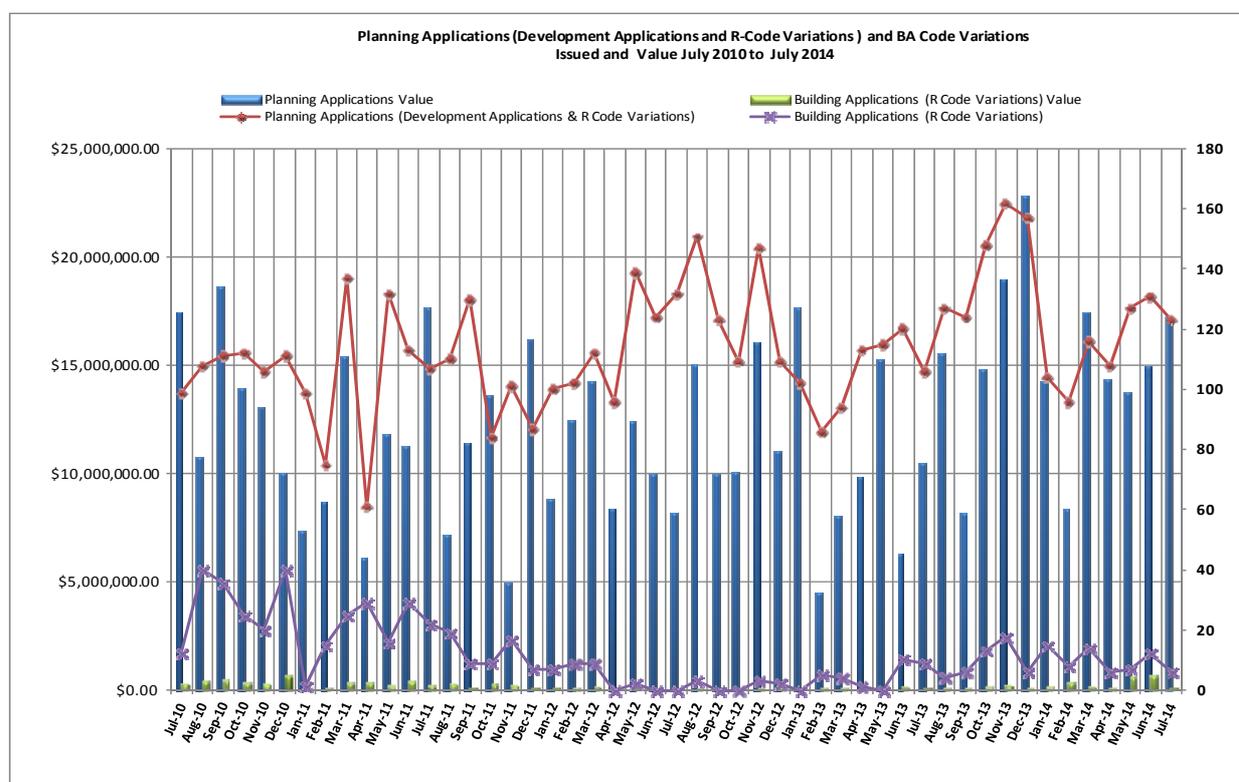
DPS2 requires that delegations be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 25 June 2013 (CJ094-06/13 refers), Council considered and adopted the most recent Town Planning Delegations via its review of the Register of Delegation of Authority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

## DETAILS

The number of applications determined under delegated authority during July 2014, is shown in the table below:

Applications determined under delegated authority – July 2014		
Type of Application	Number	Value (\$)
Planning applications (development applications and R-Codes applications)	123	\$ 17,191,159
Building applications (R-Codes applications)	6	\$79,763
<b>TOTAL</b>	<b>129</b>	<b>\$ 17,270,922</b>

The total number and value of planning and building R-Code applications determined between July 2010 and July 2014 is illustrated in the graph below:



The number of planning applications received during July was 156. (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 planning applications current at the end of July was 308. Of these, 64 were pending additional information from applicants, and 89 were being advertised for public comment.

In addition to the above, 350 building permits were issued during the month of July with an estimated construction value of \$53,678,910.

The number of subdivision and strata subdivision referrals processed under delegated authority during July 2014 is shown in the table below:

<b>Subdivision referrals processed under delegated authority for July 2014</b>		
<b>Type of referral</b>	<b>Number</b>	<b>Potential additional new lots</b>
Subdivision applications	1	0
Strata subdivision applications	5	4

#### **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 129 applications were determined for the month of July with a total amount of \$66,090 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 DPS2.

Of the 123 planning applications determined during July 2014 consultation was undertaken for 61 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 be dealt with by Planning Approvals. The six subdivision applications processed during July 2014 were not advertised for public comment.

### **COMMENT**

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

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

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Hamilton-Prime, SECONDED Cr Norman that Council NOTES the determinations and recommendations made under delegated authority in relation to the:**

- 1 Applications for planning approval and R-Codes applications described in Attachment 1 to Report CJ148-09/14 during July 2014;**
- 2 Subdivision applications described in Attachment 2 to Report CJ148-09/14 during July 2014;**
- 3 Building Residential Design Code applications described in Attachment 3 to Report CJ148-09/14 during July 2014.**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of CJ169-09/14, page 160 refers.**

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

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf090914.pdf](#)*

## **CJ149-09/14      PROPOSED SHOWROOM DEVELOPMENT AT LOT 2 (15) HONEYBUSH DRIVE, JOONDALUP**

<b>WARD</b>	North		
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development		
<b>FILE NUMBER</b>	103084		
<b>ATTACHMENT</b>	Attachment 1	Location plan	
	Attachment 2	Development plans	
	Attachment 3	Building perspective	
	Attachment 4	Environmentally sustainable design checklist	
	Attachment 5	Minutes of the Joondalup Design Reference Panel	
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.		

### **PURPOSE**

For Council to determine an application for a proposed showroom development at Lot 2 (15) Honeybush Drive, Joondalup.

### **EXECUTIVE SUMMARY**

An application for planning approval has been received for a new showroom development at Lot 2 (15) Honeybush Drive, Joondalup. The development is proposed to be single storey and incorporates a showroom comprising 850m<sup>2</sup> of net lettable area (NLA).

The site is zoned 'Central City Area' under the *Metropolitan Region Scheme* (MRS) and 'Centre' under the *City of Joondalup District Planning Scheme No. 2* (DPS2), and is covered by the *Joondalup City Centre Development Plan and Manual* (JCCDPM). Under the JCCDPM, the site is located within the 'Southern Business' district and subject to the Bulk Retail/Showroom provisions.

In addition to the requirements of the JCCDPM, regard is also required to be given to the draft *Joondalup City Centre Structure Plan* (JCCSP) as a "seriously entertained planning proposal". Under the draft JCCSP, the site is subject to the provisions of the 'Business Support' district.

The proposed land use 'Showroom' is a permitted ("P") use under both the JCCDPM and the draft JCCSP.

The development is generally consistent with the requirements of DPS2, the JCCDPM and the draft JCCSP with the exception of the following:

- 22 car bays are proposed on-site in lieu of 29 car bays. However, under the City's Scheme Amendment No. 65 (Amendment No. 65) a parking surplus of five bays would result.
- The minimum requirement for 8% of the site to be landscaped has been met, however, a short section of the landscaping along the property frontage has a depth of 2.8 metres in lieu of three metres. In addition, three shade trees are proposed within the car park in lieu of five.
- The provision of glazing of the street facade does not meet the required 50% under the JCCDPM or the draft JCCSP. Considering that the street elevation is staggered, the proposed extent of glazing measured along the primary facade closest to the street meets the requirements of the draft JCCSP at 54%.

The application was referred to the Joondalup Design Reference Panel (JDRP) on 29 July 2014. The panel was generally supportive of the proposal with comments provided in Attachment 5.

It is considered that the overall design of the development is appropriate taking into account the requirements of the draft JCCSP, and that the car parking on site is sufficient when taking into account the requirements of the draft JCCSP and Amendment No. 65.

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

## BACKGROUND

<b>Suburb/Location</b>	Lot 2 (15) Honeybush Drive, Joondalup.
<b>Applicant</b>	Vespoli Constructions.
<b>Owner</b>	Samsara Developments Pty Ltd.
<b>Zoning</b>	<b>DPS</b> Centre. <b>MRS</b> Central City Area.
<b>Site area</b>	1,676m <sup>2</sup> .
<b>Structure plan</b>	<i>Joondalup City Centre Development Plan and Manual (JCCDPM).</i> <i>Draft Joondalup City Centre Structure Plan (JCCSP).</i>

The site is located on the west side of Honeybush Drive, the third property north of Eddystone Avenue (Attachment 1 refers). The southern boundary is defined by the access way that serves a drainage site to the west. Bunnings Warehouse is located across the road to the east. The approved land uses in the immediate vicinity of the application site include showrooms, warehouses and hardware stores.

The site is currently vacant.

An application for a two storey showroom and ancillary office development was previously approved by the City under delegated authority on 17 December 2013. The land owners have elected not to proceed with that development.

### Scheme 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 a 'Showroom' is proposed to be modified.

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 development is comprised of the following:

- A showroom with a NLA of 850m<sup>2</sup>.
- An external bin store.
- An external car park comprising 22 car parking bays.

The development does not provide specific bicycle parking facilities or end of trip facilities.

The development plans and building perspective are provided as Attachments 2 and 3.

The development meets all of the requirements of the JCCDPM and draft JCCSP with the exception of car parking, landscaping and glazing.

### Car parking

Under both the JCCDPM and draft JCCSP car parking for the development is calculated in accordance with the standards prescribed under DPS2. In addition, regard has also been given to Amendment No. 65 to DPS2 as a 'seriously entertained planning proposal' which is proposed to amend the car parking standard for 'Showroom' from one parking bay per 30m<sup>2</sup> to one parking bay per 50m<sup>2</sup> of NLA. The following table sets out the car parking requirement for the site under both DPS2 and Amendment No. 65:

	Car parking standard	
	DPS2	Amendment No. 65
Showroom (850m <sup>2</sup> )	1 bay per 30m <sup>2</sup> NLA	1 bay per 50m <sup>2</sup> NLA
<b>Car parking required</b>	28.33 bays (29)	17
<b>Total car parking provided</b>	<b>22</b>	<b>22</b>

As demonstrated in the above table, while there is a shortfall of seven car bays (24%) under the current standard set out in DPS2, there will be a five car bay surplus under the new standard as per Amendment No. 65.

### Landscaping

The overall provision of landscaping in relation to the size of the lot meets the requirement of 8%, however, the required three metre landscaping strip along the street frontage is not met for a short section (less than 1.6 metres), having a minimum depth of 2.8 metres. In addition, shade trees within the car park have been provided at a rate of one tree per seven bays, in lieu of one tree per four bays.

## Glazing

While both the JCCDPM and draft JCCSP require 50% glazing, the method for calculating glazing varies. Under the JCCDPM the calculation for glazing is based on the total area of the street facing building facade, whereas under the draft JCCSP the calculation is based on the ground floor street facing facade (being to a height of four metres). The glazing provided to the street facade equates to 15.2% under the JCCDPM, and 32.3% under the draft JCCSP.

It is noted that the proposed development incorporates a split street facade with the primary elevation set back a minimum of 21 metres from the street boundary and the secondary elevation set back 38 metres. Glazing is incorporated into the elevation closest to the street, as well as along the south-facing building elevation, not directly visible from the street. No glazing is provided to the facade set back 38 metres.

## **Issues and options considered**

Council is required to consider whether the proposed amount of car parking, glazing and landscaping is appropriate or not.

Council has the discretion to:

- approve the application without conditions
- approve the application with conditions
- refuse the application
- or
- defer determination of the application if it is considered that additional information or a more detailed investigation of the proposal is required.

## **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**

*Environmentally Sustainable Design in the City of Joondalup Policy.*  
*Signs Policy.*

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

Clause 4.5 of DPS2 gives 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.*

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

#### 4.8 CAR PARKING STANDARDS

- 4.8.1 *The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.*
- 4.8.2 *The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.*

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

## 6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

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

### **Risk management considerations**

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

### **Financial / budget implications**

The applicant has paid a fee of \$3,156.36 (excluding GST) in accordance with the fees and charges for the assessment of the application.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The applicant has completed the City's Environmentally Sustainable Design Checklist to the extent that it is applicable to the development. The completed checklist is provided as Attachment 4.

### **Consultation**

The proposal has not been advertised as it is considered the development and proposed land use meets the intent of the draft JCCSP and Amendment No. 65 and does not have any negative impact on the locality.

### **COMMENT**

The application is for a new single storey development for a showroom. The development meets the requirements of the JCCDPM and draft JCCSP with the exception of car parking, landscaping and glazing.

#### Car parking

The applicant proposes a car parking shortfall of seven bays (24%) based on the current amount of car parking required under DPS2. However, under Amendment No. 65 the car parking standard for 'Showroom' is to be reduced, resulting in a five bay surplus.

Council is required to determine whether the 22 bays provided on the site are sufficient to service the proposed development. The options available to Council are:

- determine that the provision of 22 car parking bays is appropriate
- determine that the provision of 22 car parking bays is not appropriate  
or
- determine that a cash-in-lieu payment of \$34,323 per bay is required for the shortfall in car parking being \$240,261 for the seven bay shortfall as a result of the development.

As Amendment No. 65 has been adopted by Council and is considered a 'seriously entertained planning proposal' it is appropriate to apply to this development. It is also noted that this standard has been consistently applied to other similar developments, including within The Quadrangle. Therefore, while the car parking provision does not meet the current standard required under DPS2, it meets the requirements of Amendment No. 65 and therefore it is considered that sufficient car parking has been provided.

Should the application be approved and a cash-in-lieu payment required, an amount of \$240,261 will be payable. Any cash funds received must be used to provide for additional parking in the immediate locality. Given the above, it is considered that sufficient car parking will be provided on-site to cater for the development, and it is not considered appropriate in this instance to require a cash-in-lieu payment.

### Landscaping

While the development satisfies the overall amount of landscaping required for the site, there is a small portion of the landscaping at the street boundary that is proposed at a depth of 2.8 metres in lieu of the required three metres. Given the minor nature of the variation, extending for only 1.6 metres of the overall street frontage, and the landscape depth increases to a maximum depth of six metres at the northern end of the site it is considered appropriate in this instance.

It is considered that shade trees within the car park should be provided at the required one shade tree per four bays. Should the application be supported a condition of approval is recommended requiring additional shade trees to be provided within the car park.

As part of the landscaping for the site, the applicant has indicated a “landscape wall” along the dividing fence with the access-way to the drainage site along the southern boundary. This will further enhance the aesthetics of the area, and screen the existing chain mesh fence. Further details will form part of the landscaping plans to be submitted to the City for approval prior to the commencement of development.

### Glazing

The percentage of the street facade that incorporates glazing does not meet the minimum 50% required under the JCCDPM and draft JCCSP.

While the glazing requirements are not met in regard to the total area of the street facing elevations, a distinction needs to be drawn between the facade, given that a portion is setback 38 metres from the street boundary. This portion of facade accommodates the service / delivery entrance to the building and is located adjacent to the storage bin. There is limited scope for glazing along this elevation of the building as a result, and additional glazing of this area would have minimal impact on the appearance of the building from the street.

Given that glazing has been provided to the ground floor of the building facade closest to the street, and this continues along the side elevation to provide surveillance to the car park, it is considered appropriate in this instance. It is noted that should the glazing be calculated just on the facade closest to the street that it would equate to 54% of the facade under the draft JCCSP.

The JDRP also did not raise concerns with the frontage.

### Signage

Blank signage panels are incorporated into the drawings as part of this application, however, full details on the nature of the signs have not been provided. Therefore, should the application be supported a condition of approval is recommended requiring any signage to be subject to a further development application.

### Joondalup Design Reference Panel

The JDRP met on 29 July 2014 to discuss the proposal. The notes of this meeting are provided in Attachment 5. The key points, as well as additional comments are provided below:

- 1 *Queried whether the development will be a single storey showroom development.*

The proposal is for a single storey showroom.

- 2 *Queried the location of the development above a sewer/stormwater easement.*

The applicant advised that the proposal follows the correct Water Corporation processes and discussions were held with the City to ensure the building will be constructed without obstructing access to infrastructure.

- 3 *General discussion held on the City Centre parking standards and Amendment No. 65.*

The JDRP and applicant were advised that the existing DPS2 car parking standards apply, however, given the amendment was adopted by Council, it has been given due regard during the assessment of this application as a 'seriously entertained planning proposal'.

- 4 *The primary elevation is set back from the street much further than the previous development application for the site, approved in December 2013.*

The subject development does not line-up with the approved front elevation and boundary wall of the building on the adjoining lot to the north, which is currently under construction. The subject development is proposed to be setback six metres behind the front of the adjoining building.

Despite this, the impact of the exposed boundary wall can be mitigated through the use of landscaping and wall treatments, such as painting. The increased setback of the building will allow for a portion of the parking to be provided between the primary building elevation and the street frontage. It is also noted that the setback to the street boundary meets the requirements of the JCCDPM and draft JCCSP.

Should the application be supported a condition of approval will require a full schedule of colours and material to be submitted to the City for approval. This will ensure that any portion of the building not otherwise screened by other development is of a high standard and meets the requirements of the JCCDPM and draft JCCSP.

- 5 *The Panel queried whether the City follows up on the Environmentally Sustainable Design Checklist form, as it was noted that grey-water reuse and rain water tanks have been indicated on the form but not incorporated into the plans.*

Although the applicant indicated on the Environmentally Sustainable Design (ESD) checklist that the proposed development would incorporate grey-water reuse and / or rain water storage facilities the applicant has now advised that this will no longer form part of the proposal. The ESD checklist seeks to *encourage the integration of environmentally sustainable design principles into the construction of all new residential, commercial and mixed-use buildings and developments*, however, the City is unable to mandate these requirements. The City will endeavour to continue this process and to work with developers to achieve ESD outcomes.

## Conclusion

The development requirements of the JCCDPM and the draft JCCSP are generally met by the proposal, with the exception of the amount of car parking, the width of part of the front landscaping strip, and glazing. Notwithstanding it is considered that the overall design of the development is consistent with approved developments in the surrounding area. The generous use of glass windows along the primary elevation and the corresponding awning provide an appropriate level of articulation and visual interest for the building.

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

## VOTING REQUIREMENTS

Simple Majority.

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

- 1 **EXERCISES** discretion under clauses 4.5.1 and 4.8 of the *City of Joondalup District Planning Scheme No. 2* and determines that:
  - 1.1 Car parking provision of 22 bays in lieu of 29 bays;
  - 1.2 Landscaping minimum width of 2.8 metres along the street frontage in lieu of three metres;
  - 1.3 15.2% of the total area of the street facade incorporating a glass finish in lieu of 50%,are appropriate in this instance;
- 2 **APPROVES** under Clause 6.9 of the *City of Joondalup District Planning Scheme No. 2* the application for planning approval, dated 10 June 2014, submitted by Vespoli Constructions on behalf of the owners, Samsara Developments Pty Ltd for a Showroom at Lot 2 (15) Honeybush Drive, Joondalup subject to the following conditions:
  - 2.1 This decision constitutes planning approval only and is valid for two years from the date of the decision letter. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect;
  - 2.2 A Construction Management Plan being submitted and approved by the City prior to the commencement of development. The management plan shall detail how it is proposed to manage:
    - 2.2.1 all forward works for the site;
    - 2.2.2 the delivery of materials and equipment to the site;
    - 2.2.3 the storage of materials and equipment on the site;
    - 2.2.4 the parking arrangements for the contractors and subcontractors;
    - 2.2.5 other matters likely to impact on the surrounding properties;

- 2.3 The car parking bays, driveways and access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009) and Off-street Commercial Vehicle Facilities (AS2890.2:2002), prior to the occupation of the development. These bays are to be thereafter maintained to the satisfaction of the City;**
- 2.4 An on-site stormwater drainage system, with the capacity to contain a 1:100 year storm of 24-hour duration, is to be provided prior to the development first being occupied, and thereafter maintained to the satisfaction of the City. Plans showing the proposed stormwater drainage system are to be submitted to the City for approval prior to the commencement of development;**
- 2.5 A refuse management plan indicating the method of rubbish collection is to be submitted to the City prior to the commencement of development, and approved by the City prior to the development first being occupied;**
- 2.6 The car parking area shall be provided with one shade tree for every four bays prior to the development first being occupied. The trees shall be located within tree-wells protected from damage by vehicles and maintained to the satisfaction of the City;**
- 2.7 Detailed landscaping plans shall be submitted to the City for approval prior to the commencement of development. These landscaping plans are to indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:**
- 2.7.1 Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;**
  - 2.7.2 Provide all details relating to paving, treatment of verges and tree planting in the car park;**
  - 2.7.3 Show spot levels and/or contours of the site;**
  - 2.7.4 Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;**
  - 2.7.5 Be based on water sensitive urban design principles to the satisfaction of the City;**
  - 2.7.6 Be based on Designing out Crime principles to the satisfaction of the City;**
  - 2.7.7 Show all irrigation design details;**
- 2.8 Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the City;**
- 2.9 A full schedule of colours and materials for all exterior parts to the building is to be submitted and approved prior to the commencement of development. Development shall be in accordance with the approved schedule;**
- 2.10 All external walls of the proposed building shall be of a clean finish and made good, and shall at all times be maintained to a high standard, including being free of vandalism, to the satisfaction of the City;**

- 2.11 Any proposed external building plant, including air conditioning units, piping, ducting and water tanks, being located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings, with details of the location of such plant being submitted for approval by the City prior to the commencement of development;
- 2.12 All development shall be contained within the property boundaries;
- 2.13 The driveway and crossover are to be designed and constructed to the satisfaction of the City;
- 2.14 No obscure or reflective glazing is permitted to ground floor facades;
- 2.15 Any signage shall be the subject of a separate Development Application.

**The Motion was Put and**

**CARRIED (10/0)**

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

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf090914.pdf](#)

## **CJ150-09/14      PROPOSED SHOWROOM DEVELOPMENT AT LOT 8 (19) SUNDEW RISE, JOONDALUP**

<b>WARD</b>	North		
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development		
<b>FILE NUMBER</b>	104111		
<b>ATTACHMENT</b>	Attachment 1	Location plan	
	Attachment 2	Development plans	
	Attachment 3	Building perspectives	
	Attachment 4	Environmentally sustainable design checklist	
	Attachment 5	Minutes of the Joondalup Design Reference Panel	
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.		

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### **PURPOSE**

For Council to determine an application for a proposed showroom development at Lot 8 (19) Sundew Rise, Joondalup.

### **EXECUTIVE SUMMARY**

An application for planning approval has been received for a new showroom at Lot 8 (19) Sundew Rise, Joondalup.

The development is proposed to be a maximum height of two storeys and incorporates a showroom with a total of 747.16m<sup>2</sup> net lettable area (NLA), including an ancillary office of 98m<sup>2</sup>.

The site is zoned 'Central City Area' under the *Metropolitan Region Scheme* (MRS) and 'Centre' under the *City of Joondalup District Planning Scheme No. 2* (DPS2), and is covered by the *Joondalup City Centre Development Plan and Manual* (JCCDPM). Under the JCCDPM, the site is located within the 'Southern Business' district and subject to the Service Industry provisions.

In addition to the requirements of the JCCDPM, regard is also required to be given to the draft *Joondalup City Centre Structure Plan* (JCCSP) as a "seriously entertained planning proposal". Under the draft JCCSP, the site is subject to the provisions of the 'Business Support' district.

The proposed land use 'Showroom' is a permitted ("P") use under both the JCCDPM and the draft JCCSP. It should be noted that the land use 'Office' is prohibited ("X") in this location, however, as the ancillary office proposed will be used to service the broader showroom development only, it is considered to form part of the 'Showroom' land use for the purposes of the DPS2.

Car parking provided on-site does not meet the requirements of both the JCCDPM and draft JCCSP, with 16 car bays provided in lieu of 25. However under the City's Scheme Amendment No. 65 (Amendment No. 65) the car parking standard for 'Showroom' is proposed to be reduced. If this amended car parking standard is applied, a one bay surplus would result.

The application was referred to the Joondalup Design Reference Panel (JDRP) on 29 July 2014. The panel was generally supportive of the proposal with comments provided as Attachment 5. The JDRP commented that the verge should be landscaped as part of the development. Amended plans have since been received showing landscaping to this verge area.

It is considered that the overall design of the development is appropriate, and that the car parking on site is sufficient when taking into account the requirements of the draft JCCSP and Amendment No. 65.

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

## BACKGROUND

<b>Suburb/Location</b>	Lot 8 (19) Sundew Rise, Joondalup.
<b>Applicant</b>	Vespoli Constructions.
<b>Owner</b>	Leeway Group Investments P/L.
<b>Zoning</b>	<b>DPS</b> Centre. <b>MRS</b> Central City Area.
<b>Site area</b>	1,366m <sup>2</sup> .
<b>Structure plan</b>	<i>Joondalup City Centre Development Plan and Manual</i> (JCCDPM). <i>Draft Joondalup City Centre Structure Plan</i> (JCCSP).

The subject site is located on Sundew Rise between a drainage basin to the south, Honeybush Drive to the east, and the Mitchell Freeway to the west (Attachment 1 refers). The approved land uses in the immediate vicinity of the proposal consist of showrooms, warehouses and an educational establishment.

The site is currently vacant.

### Scheme Amendment No. 65

Amendment No. 65 proposes to make changes to DPS2. These changes are intended to improve the operation of DPS2 by updating and modernising standards; correcting minor deficiencies and anomalies; and introducing provisions which will provide clarity and certainty for applicants and decision makers. In relation to this development, it is noted that the car parking standard for 'Showroom' is proposed to be modified.

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 development is comprised of the following:

- One showroom with a total NLA of 649.16m<sup>2</sup>.
- One office associated with the showroom with a total NLA of 98m<sup>2</sup>.
- An external bin store.
- An external car park comprising 16 car parking bays.

The office will be used to service the showroom development only and is therefore classified as the land use 'Showroom' for the purposes of the DPS2.

The development does not provide specific bicycle parking facilities or end of trip facilities, although amenities such as toilet and shower facilities have been provided.

The development plans and building perspectives are provided as Attachments 2 and 3.

The development meets the requirements of the JCCDPM and draft JCCSP with the exception of car parking.

Car parking for the development is calculated in accordance with the standards prescribed under DPS2. In addition, regard has also been given to Amendment No. 65 to DPS2 as a 'seriously entertained planning proposal' which is proposed to modify the car parking standard for 'Showroom'. The following table sets out the car parking requirement for the site under both DPS2 and Amendment No. 65:

	Car Parking Standard	
	DPS2	Amendment No. 65
Showroom and ancillary office (747.16m <sup>2</sup> )	1 bay per 30m <sup>2</sup> NLA	1 bay per 50m <sup>2</sup> NLA
<b>Car parking required</b>	<b>24.9 (25 bays)</b>	<b>14.94 (15 bays)</b>
<b>Total car parking provided</b>	<b>16</b>	<b>16</b>

As demonstrated, while there is a shortfall of nine car bays (36%) under the current standard set out in DPS2, there will be a one bay surplus under Amendment No. 65.

### Issues and options considered

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

Council has the discretion to:

- approve the application without conditions
- approve the application with conditions
- refuse the application
- or
- defer determination of the application if it is considered that additional information or a more detailed investigation of the proposal is required.

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

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

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

Clause 4.5 of DPS2 gives 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.*

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

#### 4.8 CAR PARKING STANDARDS

- 4.8.1 *The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.*
- 4.8.2 *The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.*

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

#### 6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

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

### **Risk management considerations**

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

### **Financial / budget implications**

The applicant has paid a fee of \$1,957.00 (excluding GST) in accordance with the fees and charges for the assessment of the application.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The applicant has completed the City's Environmentally Sustainable Design Checklist to the extent that it is applicable to the development. The completed checklist is provided as Attachment 4.

### **Consultation**

The proposal has not been advertised as it is considered the development and proposed land uses meet the intent of the draft JCCSP and Amendment No. 65 and does not have a negative impact on the locality.

### **COMMENT**

The application is for a new two storey development for a showroom. The development meets the requirements of the JCCDPM and draft JCCSP with the exception of car parking.

#### Car parking

The applicant proposes a car parking shortfall of nine bays (36%) based on the current amount of car parking required under DPS2. However under Amendment No. 65 to the car parking standard for 'Showroom' is to be reduced, resulting in a one bay surplus.

Council is required to determine whether the 16 bays provided on the site are sufficient to service the proposed development. The options available to Council are:

- determine that the provision of 16 car parking bays is appropriate
- determine that the provision of 16 car parking bays is not appropriate  
or
- determine that a cash-in-lieu payment of \$34,323 per bay, being \$308,907 for the nine bay shortfall as a result of the development.

As Amendment No. 65 has been adopted by Council and is considered a 'seriously entertained planning proposal' it is appropriate to apply to this development. It is also noted that this standard has been consistently applied to other similar development, including within The Quadrangle. Therefore while the car parking provision does not meet the current amount required under DPS2, it meets the requirements of Amendment No. 65, and therefore it is considered that sufficient car parking has been provided.

Should the application be approved and a cash-in-lieu payment required, an amount of \$308,907 will be payable. Any cash funds received must be used to provide for additional parking in the immediate locality. Given the above, it is considered that sufficient car parking will be provided on-site to cater for the development, and it is not considered appropriate in this instance to require cash-in-lieu payment.

### Signage

No signage has been proposed as part of this application. Any future signage will require further development approval. Should the application be supported an advice note will be included in the decision letter.

### Joondalup Design Reference Panel

The Joondalup Design Reference Panel met on 29 July 2014 to discuss the proposal. The notes of this meeting are provided in Attachment 5. The key points raised by the panel, as well as additional comments are provided below:

1 *General discussion held on the City Centre parking standards and Amendment No. 65.*

The applicant was advised that the existing DPS2 parking standards apply, however, given the amendment was adopted by Council, it has been given due regard during the assessment of this application as a 'seriously entertained planning proposal'.

2 *The panel noted that the plans indicate the verge to remain sand.*

Amended plans have subsequently been received indicating the verge to be landscaped.

### **Conclusion**

The development requirements of the JCCDPM and the draft JCCSP have been met with the exception of car parking. It is considered that the overall design of the development is appropriate, and that the car parking on site is sufficient when taking into account the requirements of the draft JCCSP and Amendment No. 65.

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

### **VOTING REQUIREMENTS**

Simple Majority.

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

- 1 EXERCISES** discretion under clause 4.5.1 and 4.8 of the *City of Joondalup District Planning Scheme No. 2* and determines that car parking provision of 16 bays in lieu of 25 bays is appropriate in this instance;
- 2 APPROVES** under Clause 6.9 of the *City of Joondalup District Planning Scheme No. 2* the application for planning approval, dated 22 May 2014, submitted by Vespoli Constructions on behalf of the owners, Leeway Group Investments P/L for a Showroom and ancillary Office at Lot 8 (19) Sundew Rise, Joondalup subject to the following conditions:
  - 2.1** This decision constitutes planning approval only and is valid for two years from the date of the decision letter. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect;
  - 2.2** A Construction Management Plan being submitted and approved by the City prior to the commencement of development. The management plan shall detail how it is proposed to manage:
    - 2.2.1** all forward works for the site;
    - 2.2.2** the delivery of materials and equipment to the site;
    - 2.2.3** the storage of materials and equipment on the site;
    - 2.2.4** the parking arrangements for the contractors and subcontractors;
    - 2.2.5** other matters likely to impact on the surrounding properties;
  - 2.3** The car parking bays, driveways and access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009) and Off-street Commercial Vehicle Facilities (AS2890.2:2002), prior to the occupation of the development. These bays are to be thereafter maintained to the satisfaction of the City;
  - 2.4** An on-site stormwater drainage system, with the capacity to contain a 1:100 year storm of 24-hour duration, is to be provided prior to the development first being occupied, and thereafter maintained to the satisfaction of the City. Plans showing the proposed stormwater drainage system are to be submitted to the City for approval prior to the commencement of development;
  - 2.5** A refuse management plan indicating the method of rubbish collection is to be submitted to the City prior to the commencement of development, and approved by the City prior to the development first being occupied;

- 2.6 Detailed landscaping plans shall be submitted to the City for approval prior to the commencement of development. These landscaping plans are to indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:**
- 2.6.1 Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;**
  - 2.6.2 Provide all details relating to paving, treatment of verges and tree planting in the car park;**
  - 2.6.3 Show spot levels and/or contours of the site;**
  - 2.6.4 Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;**
  - 2.6.5 Be based on water sensitive urban design principles to the satisfaction of the City;**
  - 2.6.6 Be based on Designing out Crime principles to the satisfaction of the City;**
  - 2.6.7 Show all irrigation design details;**
- 2.7 Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the City;**
- 2.8 The car parking area shall be provided with one shade tree for every four bays prior to the development first being occupied. The trees shall be located within tree wells protected from damage by vehicles and maintained to the satisfaction of the City;**
- 2.9 A full schedule of colours and materials for all exterior parts to the building is to be submitted and approved prior to the commencement of development. Development shall be in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard to the satisfaction of the City;**
- 2.10 Any proposed external building plant, including air conditioning units, piping, ducting and water tanks, being located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings, with details of the location of such plant being submitted for approval by the City prior to the commencement of development;**
- 2.11 Retaining walls shall be of a clean finish and made good to the satisfaction of the City;**
- 2.12 All external walls of the proposed building shall be of a clean finish, and shall at all times be maintained to a high standard, including being free of vandalism, to the satisfaction of the City;**
- 2.13 All development shall be contained within the property boundaries;**
- 2.14 No obscure or reflective glazing is permitted to ground floor facades.**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of CJ169-09/14, page 160 refers.**

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

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf090914.pdf](#)*

**CJ151-09/14      MODIFICATIONS TO USE OF APPROVED CAR PARK AT ST STEPHENS SCHOOL AT LOT 9693 (100) DOVERIDGE DRIVE, DUNCRAIG**

<b>WARD</b>	South
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	07560
<b>ATTACHMENT</b>	Attachment 1      Location plan Attachment 2      Approved development plan Attachment 3      Traffic report
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

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**PURPOSE**

For Council to determine an application for the utilisation of the recently approved car park for staff, parents, students and visitors at St Stephens School at Lot 9693 (100) Doveridge Drive, Duncraig.

**EXECUTIVE SUMMARY**

At its meeting held on 19 November 2013 (CJ204-11/13 refers), Council considered and approved an application for a car park addition to the Doveridge Drive frontage of St Stephens School located at Lot 9693 (100) Doveridge Drive, Duncraig.

The proposal formalised an existing unsealed car park by creating 107 car bays, with Council required to exercise discretion for a landscaping strip width of 2.4 metres in lieu of three metres. The City was advised that the car park would allow for the parking of staff vehicles only.

The development was approved subject to a number of conditions, including condition 2.5 which reads as follows:

“2.5      The car park shall be utilised for the purposes of staff parking only.”

Upon the completion of the car park, City officers were made aware that the car park was being used by parents as a pick up and drop off car park, in addition to being utilised by students. Use of the car park in this manner has now ceased. Subsequently a new development application has been lodged with the City for the use of the car park by staff, parents and students. The school has provided further clarification and additional information in regards to the operation of the car park throughout the school day and during after school activities to support the proposed use.

The additional information provided demonstrates that there will be sufficient management measures implemented including signage, communication with parents and staff monitoring, to ensure that the car park is used in a safe manner. It is recommended that the application for use of the car park by the wider school community be approved subject to conditions.

## BACKGROUND

<b>Suburb/Location</b>	Lot 9693 (100) Doveridge Drive, Duncraig.
<b>Applicant</b>	St Stephens School.
<b>Owner</b>	St Stephens School.
<b>Zoning</b>	<b>DPS</b> Private Clubs/Recreation. <b>MRS</b> Urban.
<b>Site area</b>	9.65 ha.
<b>Structure plan</b>	Not applicable.

Lot 9693 (100) Doveridge Drive, is bound by Hepburn Avenue to the north, the Mitchell Freeway to the east, Doveridge Drive to the south and residential properties to the west. The car park the subject of this application is located with access from the Doveridge Drive frontage. A location plan is provided as Attachment 1.

The site is zoned 'Urban' under the Metropolitan Region Scheme and 'Private Clubs/Recreation' under the *City of Joondalup District Planning Scheme No. 2* (DPS2). An Educational Establishment is a discretionary ("D") land use within the 'Private Clubs/Recreation' zone.

Initially approved in 1983, the St Stephens campus is split, with the primary school and high school located at the subject site. An early learning centre associated with the school is located on a separate lot, being Lot 18216 (9) Brookmount Ramble, Padbury.

At its meeting held on 19 November 2013 (CJ204-11/13 refers) Council considered an application for a 107 bay car park addition which would formalise an existing unsealed car park. The car park forms stage one of the reconfiguration of the site which will take place over a period of ten years as part of the school's overall master plan. Stage two of the master plan will involve the removal of the existing staff park.

Following Council's approval of the car park, a development application was received by the City and subsequently approved under delegated authority for modifications to the car park including the removal of one tree, three car bays and amendments to internal tree islands. The works were necessary to ensure that the existing trees being retained within the car park could be done so in accordance with recommendations provided within the Arborist assessment, a condition of the approval granted by Council.

Upon the completion of the car park the City identified that the car park was not being used in accordance with the condition of approval limiting its use to staff only and that parents were using the car park as a drop off and pick up point. It was also identified that students with a provisional drivers licence were using the car park. Use of the car park in this manner has now ceased, at the request of the City.

## DETAILS

The applicant seeks the utilisation of the recently constructed car park at the Doveridge Drive frontage of the school for the parking of vehicles of staff, students, parents and the wider school community (Attachment 2 refers). A condition of approval previously imposed by Council at its meeting held on 19 November 2013 (CJ204-11/13 refers) does not currently permit use of the car park other than for the purposes of staff parking and reads as follows:

*“2.5 The car park shall be utilised for the purposes of staff parking only.”*

The car park is located with direct access from Doveridge Drive and formalises an existing informal car park arrangement. In support of the application, the school has provided a traffic report and proposed management plan (Attachment 3 refers) identifying measures to ensure use of the car park is undertaken in a safe manner for all users and pedestrians.

The condition of approval was previously recommended by the City to address concerns that had been raised with the design of the car park, particularly the exit arrangement and pedestrian linkages. The City supported the design of the car park on the basis of advice from the applicant and the school at that time that the car park was to be for the purposes of staff parking only and would generate vehicle and pedestrian movements after typical peak periods.

Additional information, including a management plan, has since been submitted as part of this application to support the extension of use of the car park by parents, students and for after school activities where required. The management plan provided outlines measures that the school will implement to ensure safe pedestrian linkages are prioritised and that “kiss and drive” activities are deterred. These measures include, but are not limited to:

- installation of signage at the car park entry
- communication with parents
- staff monitoring
- encouragement of existing “kiss and drive” facilities.

In addition to the above, condition 2.11 was imposed by Council at its meeting held on 19 November 2013 (CJ204-11/13 refers) which required that a mechanism be installed to restrict access into the car park after school hours:

*“2.11 Prior to occupation of the car park, a mechanism shall be installed preventing access after school hours. Details shall be provided to and approved by the City prior to the commencement of construction.”*

The school has installed pull up bollards and have been restricting access to the car park after school hours. As part of this application, the school is proposing to extend the use of the car park to include utilisation for after school activities as required. The school has outlined how the car park will be managed during these events, with an emphasis on using the car park as a last alternative where all other car parking has first been utilised.

### Issues and options considered

Council must consider whether the use of the car park by staff, students, parents and visitors is appropriate.

Council has the discretion to:

- approve the application without conditions
- approve the application with conditions
- refuse the application
- or
- defer determination of the application if it is considered that additional information or a more detailed investigation of the proposal is required.

It should be noted that the car park itself has been granted approval and is not the subject of this report. The car park has been constructed and is currently operational. This application relates only to the use of the car park.

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

<b>Legislation</b>	<i>City of Joondalup District Planning Scheme No. 2.</i>
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Quality built outcomes.
<b>Strategic initiative</b>	Buildings and landscaping is suitable for the immediate environment and reflect community values.
<b>Policy</b>	Not applicable.

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

Clause 6.8 of DPS2 sets out the matters to be considered by Council when determining an application for planning approval.

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

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

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

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

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

- (a) *the nature of the proposed use and its relationship to the use of other land within the locality;*
- (b) *the size, shape and character of the parcel of land to which the application relates and the nature and siting of any proposed building;*
- (c) *the nature of the roads giving access to the subject land;*
- (d) *the parking facilities available or proposed and the likely requirements for parking, arising from the proposed development;*
- (e) *any relevant submissions or objections received by the Council; and*
- (f) *such other matters as the Council considers relevant, whether of the same nature as the foregoing or otherwise.*

### **Risk management considerations**

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

### **Financial / budget implications**

The applicant has paid fees of \$147 (excluding GST) in accordance with the fees and charges for the assessment of the application.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

The application was advertised to 19 adjoining and nearby land owners for a period of 21 days from 30 April 2014 to 21 May 2014. A total of two submissions were received, being two objections. The concerns raised during the consultation period included:

- the removal of trees as part of the development of the car park resulting in loss of privacy
- use of the car park after school hours and weekends
- increased traffic along Doveridge Drive after school hours.

Responses to the issues raised in the submissions are discussed in the Comment section below.

**COMMENT**

The applicant seeks approval for the wider use of the car park recently constructed at the Doveridge Drive frontage of St Stephens School. The 107 bay car park was granted approval by Council at its meeting held on 19 November 2013 (CJ204-11/13 refers) subject to conditions. Condition 2.5 of that approval required that the car park be utilised by staff only.

During the assessment of the initial application, the City was advised that the car park was being developed as a temporary car park for the purposes of staff parking. The school envisions that the subject car park will be in operation for a period of seven years while a major redevelopment is undertaken as part of the overall master plan for the site. The construction of the car park formed stage one of this process. Stage two proposes the removal of the existing staff car park to make way for a new school building. The applicant has advised that stage two of the master plan is likely to be submitted with the City for approval in approximately 18 months.

The car park formalised a previously unsealed car parking area that was being used informally by students and parents. The City was involved in discussions with the applicant throughout the process to improve the overall design of the car park to bring about a reasonable outcome. Many of these items were agreed to and are considered to be successfully implemented, improving the overall design and function. The condition of approval limiting the use of the car park to staff only was also included on the previous approval to address concerns regarding the design of the car park, particularly the exit arrangement and pedestrian linkages. This condition was included on the basis of advice from the applicant and the school at that time that the car park was to be for the purposes of staff parking only and would generate vehicle and pedestrian movements after typical peak periods.

The City has reassessed, as part of this application, the impact of opening up this car park for students, parents and visitors, with the applicant engaging a traffic consultant. The consultant has reviewed the use of the car park and prepared a report and associated management intent to support this amendment (Attachment 3 refers). In reviewing this documentation it is noted that the school proposes to undertake initial and ongoing management of the car park to ensure that the car park operates in a safe manner.

While the design of the car park is considered suitable for the general parking of vehicles, the car park has not been designed in such a way to allow for safe “kiss and drive” activities to occur, namely the dropping off and picking up of students without parking a vehicle within a designated car bay. The City however is satisfied that the school is able to actively manage and discourage “kiss and drive” activity from occurring, providing a safe environment for the general movement of students throughout the car park. It is recommended that a condition of approval require that the car park not be used for the purposes of “kiss and drive” given that this could possibly create safety issues with students crossing or migrating through the car park during periods where there are a high number and variety of vehicle movements.

Extending the use of the car park will also allow for the car park to be utilised for after school activities and events. The school has outlined as a part of the application that the car park would be used after school hours only upon all other available bays being full. It is noted that after school events are not a common occurrence. The previous approval granted by Council on 19 November 2013 (CJ204-11/13 refers) was subject to a condition which required the installation of a mechanism to prevent access after school hours. The City has consequently granted approval for pull up bollards at the entrance and exit of the car park which restrict the use of the car park after school hours. Given the change in utilisation now proposed, that condition of approval will require modifications to ensure that use of the car park can occur for after school activities as required, but remain restricted at all other times.

Concerns were raised during the consultation period regarding the use of the car park after school hours and the increase in traffic and privacy issues this may cause. The traffic report provided by the applicant identifies that there would be no increase in traffic as a result of this modification during non peak periods. Given that after school events and activities are held infrequently and that existing car parks located within closer proximity to the school buildings are utilised in the first instance, it is considered that there would not be a significant impact on nearby landowners as a result of traffic. In addition, a condition is recommended requiring access to the car park to be restricted outside of the hours of use. Given the infrequent use of the car park outside of school hours and the manner in which the car park will be required to operate, it is not considered that the proposal to allow students and parents to utilise the car park will result in privacy implications for adjoining and nearby land owners.

It is recommended that Council approves the use of the car park by staff, parents, students and visitors to the school, subject to conditions.

## **VOTING REQUIREMENTS**

Simple Majority.

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

- 1 APPROVES** under clause 6.9 of the *City of Joondalup District Planning Scheme No. 2* the application for planning approval dated 10 April 2014, submitted by St Stephens as the applicant and owner, for consideration of the use of the car park addition at Lot 9693 (100) Doveridge Drive, Duncraig, subject to the following conditions:
  - 1.1** The car park shall not be used for the purposes of kiss and drive activities and all cars shall only park in designated bays;
  - 1.2** Access to the car park shall be restricted through a mechanism which prevents access at all times after school hours when the car park is not in use for after school activities;
- 2 NOTES** that management of the car park shall be the responsibility of the school and that such management will include enforcement of a “no kiss and drive” policy through communication with and education of parents and students, and encouragement of the use of car bays along the northern boundary of the car park. A copy of the management plan and any amendments shall be provided to the City.

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of CJ169-09/14, page 160 refers.**

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

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf090914.pdf](#)

**Disclosure of Financial Interest.**

<b>Name/Position</b>	<b>Cr Mike Norman.</b>
<b>Item No./Subject</b>	CJ152-09/14 – Modifications to previously approved telecommunication facility at Lot 83 (109) Winton Road, Joondalup.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Norman has a shareholding of Telstra shares in excess of the threshold.

*Cr Norman left the Chamber at 7.12pm.*

## **CJ152-09/14      MODIFICATIONS TO PREVIOUSLY APPROVED TELECOMMUNICATION FACILITY AT LOT 83 (109) WINTON ROAD, JOONDALUP**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	43006
<b>ATTACHMENT</b>	Attachment 1      Location plan Attachment 2      Development plan Attachment 3      Electromagnetic energy assessment report Attachment 4      Western Australian Planning Commission Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure Attachment 5      City's <i>Installation of Telecommunications Facilities 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.

**PURPOSE**

For Council to determine an application for modifications to a previously approved telecommunication facility at Lot 83 (109) Winton Road, Joondalup.

**EXECUTIVE SUMMARY**

An application for planning approval has been received for modifications to a previously approved telecommunication facility at Lot 83 (109) Winton Road, Joondalup. The modifications to the development include replacing the 20 metre concrete monopole with an 18.8 metre steel monopole with a galvanised finish. In addition, upgrades have been made

to the types of antennas to be installed to allow better coverage of the 4G network. It is noted that the number and configuration of antennas is unchanged from what was previously approved. All other aspects of the development are to remain unchanged.

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

An application for a 20 metre concrete monopole and associated infrastructure was presented to Council at its meeting held on 20 August 2013 (CJ147-08/13 refers). Council resolved to refuse the application based on concerns expressed by the community and nearby schools about potential health impacts of any electromagnetic emissions from the proposed facility.

The proponent subsequently sought review of the decision by the State Administrative Tribunal (SAT). Through the SAT process Council was invited to reconsider its decision on the application and at its meeting held on 10 December 2013 (CJ238-12/13 refers), resolved to set aside its previous decision and approved the development application, subject to conditions.

The proposed development has been assessed having due regard to DPS2, the Western Australian Planning Commission Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure (SPP 5.2) (Attachment 4 refers) and the City's *Installation of Telecommunications Facilities Policy* (Attachment 5 refers).

Public consultation was not undertaken as part of this application as advertising was conducted as part of the original development application and it was considered the modifications to the development are minor in nature and would not result in an adverse impact upon the surrounding owners and occupiers.

It is recommended that Council approve the application subject to conditions.

## BACKGROUND

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

The subject site is bound by the Mitchell Freeway to the west, two commercial developments to the north and south and Winton Road to the east. Located on site is an existing showroom and place of worship. Attachment 1 illustrates the location of the site.

Attached to the rear of the commercial development is an existing telecommunication facility, which was installed in 2003. As the size of the antennas, radio-communication dish and supporting structure complied with the requirements of the *Telecommunications (Low-impact Facilities) Determination 1997* this facility was classified as 'low impact' and therefore approval from Council was previously not required. This facility has not been operational for

over two years, and is proposed to be removed. An associated equipment shelter is also in place and is proposed to be utilised in conjunction with the new facility.

Council previously considered an application for a telecommunication facility, including a 20 metre concrete monopole and associated infrastructure, at this location at its meeting held on 20 August 2013 (CJ147-08/13 refers) and resolved as follows:

*“That Council:*

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

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

A mediation session was held on 25 October 2013 and subsequently the applicant provided additional information detailing the level of EME to be generated by the proposal, which is in compliance with federal legislation pertaining to EME levels, as well as fact sheets regarding the health impacts of EME and telecommunication facilities. Following mediation Council was invited by the SAT to reconsider its decision.

At its meeting held on 10 December 2013 (CJ238-12/13 refers), Council reconsidered the development application and resolved as follows:

*“That Council:*

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

*That Council:*

- 1 *DETERMINES under clause 3.3 of the City of Joondalup District Planning Scheme No. 2 that:*
  - 1.1 *the land use ‘Telecommunication Facility’ is an Unlisted Use;*
  - 1.2 *the proposed use is consistent with the purpose and objectives of the ‘Service Industrial’ zone and is therefore permitted;*
- 2 *subject to Part 1 above, APPROVES under Clause 6.9.1 of the City of Joondalup District Planning Scheme No. 2 the application for planning approval dated 8 May 2013 submitted by Urbis Pty Ltd, for a proposed telecommunication facility, at Lot 83 (109) Winton Road, Joondalup, subject to the following conditions:*
  - 2.1 *This decision constitutes planning approval only and is valid for two years from the date of this decision letter. If the subject development is*

- not substantially commenced within the two year period, the approval shall lapse and be of no further effect;*
- 2.2 *All obsolete telecommunication facilities at the above site shall be removed, at the cost of the carrier within 28 days of the installation of the new facility;*
  - 2.3 *All development shall be contained within the property boundary;*
  - 2.4 *All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;*
  - 2.5 *The application shall make good any damage to the existing verge vegetation within the Mitchell Freeway reservation.”*

## DETAILS

The applicant, acting on behalf of Telstra, proposes to modify the previously approved development and replace the 20 metre concrete monopole with an 18.8 metre steel monopole, the height to the top of the head frame will be 20.45 metres (Attachment 2 refers). The applicant has advised that the change to the monopole is due to an inability to source concrete poles. The development will still contain six panel antennas, as per the original approval, however the technology of these antennas has been updated to provide better coverage of the 4G network. These upgrades result in the predicted electromagnetic energy (EME) increasing to a maximum of 1.76% of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) exposure limits measured at 1.5 metres above ground level at 100 to 200 metres from the facility. Previously, the estimated maximum EME was 0.99% of the ARPANSA exposure limits at the same distance. The predicted EME levels at the Connolly Primary School and Lake Joondalup Baptist College are proposed to be 0.24% and 0.44% respectively, of the maximum cumulative EME levels set by the ARPANSA.

All other aspects of the proposed development, including the number and configuration of the antennas as well as the ground level infrastructure, are to remain unchanged from what was previously approved.

EME standards are set, controlled and regulated by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and the Australian Communication and Media Authority (ACMA), which are Federal Government agencies responsible for protecting the health and safety of people, and the environment, from the effects of radiation. A fact sheet available on the ARPANSA website titled “About base stations and telecommunication towers – are there any health effects” states that “*levels of RF EME from mobile phone base stations are well below the limits specified by the Australian Communications and Media Authority (ACMA). In fact, surveys conducted by ARPANSA have found typical exposure levels from mobile phone base stations to be hundreds and sometimes thousands of times below the regulated limit.*”

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

It is a mandatory requirement for all telecommunications carriers to comply with the *Australian Safety Standards* set by the ACMA and the EME limits established by the ARPANSA. A report submitted with this application (Attachment 3 refers) indicates predictions for the maximum cumulative EME levels that will be present at different areas surrounding the proposed telecommunication facility as a percentage of the ARPANSA exposure limits. These exposure limits already incorporate safety margins to address

concerns for potentially sensitive groups in the community such as children, pregnant women, the infirm and aged.

### Issues and options considered

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

Council has the discretion to:

- approve the application without conditions
- approve the application with conditions
- refuse the application
- or
- defer determination of the application if it is considered that additional information or a more detailed investigation of the proposal is required.

### Legislation / Strategic Community Plan / policy implications

<b>Legislation</b>	<i>City of Joondalup 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>Installation of Telecommunications Facilities Policy. Statement of Planning Policy No. 5.2 – Telecommunication Infrastructure.</i>

### Risk management considerations

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

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

#### *3.3 Unlisted Use*

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

- (a) *determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*

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

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

### 3.10 *The Service Industrial Zone*

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

*The objectives of the Service Industrial Zone are to:*

- (a) *accommodate a range of light industries, showrooms and warehouses, entertainment and recreational activities, and complementary business services which, by their nature, would not detrimentally affect the amenity of surrounding areas;*
- (b) *ensure that development within this zone creates an attractive facade to the street for the visual amenity of surrounding areas.*

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

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

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

- (a) *Interest of proper and orderly planning and the preservation of the amenity of the relevant locality;*
- (b) *Any relevant submissions by the applicant;*
- (c) *Any agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) *Any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) *Any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) *Any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*

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

#### *Installation of Telecommunications Facilities Policy*

The City's *Installation of Telecommunications Facilities Policy*, included as Attachment 5, sets out provisions for telecommunications facilities deemed not to be 'low impact' under the *Telecommunications (Low-impact Facilities) Determination Act 1997*. The policy sets out the following criteria which Council is to have regard for when determining an application:

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

#### *Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure*

The Western Australian Planning Commission's *Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure*, included as Attachment 4, provides 15 guiding principles for the location, siting and design of telecommunications infrastructure as well as eight matters to be considered when determining planning applications. These are detailed below and should be considered by Council when making a determination on the matter:

- *Extent to which the proposal contributes to the social and economic benefits of affordable and convenient access to modern telecommunications services for people and businesses throughout the State.*
- *Need to ensure continuity of supply of telecommunications services to people and businesses in the local area or region.*
- *Effect of the proposal on the environment and natural landscape and the extent to which the proposal affords protection of these elements.*
- *Effect of the proposal on any place of cultural heritage significance on or near the land.*

- *Extent to which the proposal enhances or maintains visual amenity including Streetscape and minimises adverse visual impacts.*
- *Degree to which the proposal is co-ordinated with other services.*
- *Extent to which the proposal fulfils the requirements of Section 5.3 of this Policy.*
- *Extent to which the proposal adheres to the Guiding Principles for the Location, Siting and Design of Telecommunications Infrastructure set out in Section 5.1 of this Policy.*

### **Financial / budget implications**

The applicant has paid fees of \$147 (excluding GST) in accordance with the fees and charges for the assessment of the application.

### **Regional significance**

Not applicable.

### **Sustainability implications**

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

### **Consultation**

This application has not been advertised as it is considered that the proposed modifications are minor and will not alter the visual impact the development has on the surrounding area.

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

Following the 13 August 2013 Council Briefing Session the City received a significant number of objections to the proposal. The majority of these submissions were received from parents of children who attend Connolly Primary School and Lake Joondalup Baptist College as well as some submissions from residents within the locality.

### **COMMENT**

The applicant has advised that the modification of the monopole from a 20 metre concrete monopole with an 18.8 metre steel monopole is due to an inability to source concrete poles. The steel monopole will have a galvanised finish. The number and configuration of the antennas at the top of the monopole is to remain unchanged however the technology of these panels is to be updated to allow better coverage of the 4G network. All other aspects of the development remain unchanged. It is considered that the modification to the monopole will not alter the visual impact of the telecommunication facility on the surrounding area as the telecommunication tower is located at the rear of the property and is predominately obstructed from view within the Winton Road service industrial area. In addition, it is

considered that the modifications to the monopole tower will not result in an additional visual impact upon any residential properties as the closest residential properties is located 200 metres to the west of the facility and is separated by the Mitchell Freeway road reserve.

### Land Use

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

The primary objective of the 'Service Industrial' zone is to provide for a wide variety of business, industrial and recreational developments which would be inappropriate in the 'Commercial' or 'Business' zone without detrimentally affecting the amenity of the surrounding area. It is considered that the proposed telecommunication facility meets the objectives of the 'Service Industrial' zone. It is considered that the modifications to the facility will not have detrimental impact on the amenity of the area while at the same time the facility will provide a vital service to surrounding residential, commercial and business areas.

### EME

The maximum predicted EME levels from this site measured at 1.5 metres above ground level is 1.76% of the ARPANSA public exposure limit. The previously proposed facility had a maximum predicted EME levels at 1.5 metres above ground level of 0.99% of the ARPANSA public exposure limit. The increase to the predicted EME levels is due to updates to technology of the antennas to provide better coverage of the 4G network.

It is noted that the EME levels at the Lake Joondalup Baptist College and Connolly Primary School, the two closest schools, are predicted to be 0.44% and 0.24% of the ARPANSA limits, respectively. The ARPANSA limits are conservative as they have safety thresholds built into them.

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

### Conclusion

Having considered the modifications to the initial proposal in accordance with the City's *Installation of Telecommunications Facilities Policy* and the Western Australian Planning Commission's *Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure* it is deemed that the proposed modifications to the development will not result in any additional visual impact upon the surrounding area and that the facility will have negligible visual impact on nearby residential properties and schools.

It is recommended that Council approves the application subject to conditions.

## **VOTING REQUIREMENTS**

Simple Majority.

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

- 1 DETERMINES under clause 3.3 of the *City of Joondalup District Planning Scheme No. 2* that:**
  - 1.1 The land use 'Telecommunication Facility' is an Unlisted Use;**
  - 1.2 The proposed use is consistent with the purpose and objectives of the 'Service Industrial' zone and is therefore permitted;**
  
- 2 Subject to Part 1.1 above, APPROVES under Clause 6.9 of the *City of Joondalup District Planning Scheme No. 2* the application for planning approval dated 24 July 2014 submitted by Aurecon Australia for modifications to a previously approved telecommunication facility, at Lot 83 (109) Winton Road, Joondalup, subject to the following conditions:**
  - 2.1 This decision constitutes planning approval only and is valid for two years from the date of this decision letter. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect;**
  - 2.2 All obsolete telecommunication facilities at the above site shall be removed, at the cost of the carrier within 28 days of the installation of the new facility;**
  - 2.3 All development shall be contained within the property boundary;**
  - 2.4 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;**
  - 2.5 The application shall make good any damage to the existing verge vegetation within the Mitchell Freeway reservation.**

**The Motion was Put and**

**CARRIED (9/0)**

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

*Cr Norman entered the Chamber at 7.13pm.*

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf090914.pdf](#)*

**CJ153-09/14 PROPOSED EXTENSION TO THE APPROVAL PERIOD FOR THE BURNS BEACH DISPLAY VILLAGE, AND RETROSPECTIVE MODIFICATIONS TO THE CAR PARKS, LOCATED OVER LOTS IN GRAND OCEAN ENTRANCE, LARVOTTO TURN AND UMINA WAY, BURNS BEACH**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	85614
<b>ATTACHMENT</b>	Attachment 1      Location plan Attachment 2      Development plans
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

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**PURPOSE**

For Council to determine an application to extend the planning approval period for the Burns Beach Display Village and for retrospective car park modifications, located over various lots in Grand Ocean Entrance, Larvotto Turn and Umina Way, Burns Beach.

**EXECUTIVE SUMMARY**

An application has been received to extend the period of planning approval for the Burns Beach Display Village and for retrospective car park modifications, located over various lots in Grand Ocean Entrance, Larvotto Turn and Umina Way, Burns Beach (Attachment 1 refers).

The City previously granted approval for the land sales office and associated car park on 16 September 2011. A condition of this approval was that it was only valid for a period of three years, therefore expiring on 16 September 2014. Modifications to the display village were also approved by the City on 18 January 2012, however this did not change the timeframe of the approval.

The subject application seeks to extend the timeframe for the use of the sites as a display village (including land sales office, display homes and associated car parking) to 16 March 2016, and for retrospective approval for the layout of the car parking areas that was not constructed in accordance with previous approvals.

The sites are zoned 'Urban' under the *Metropolitan Region Scheme* and 'Urban Development' under the *City of Joondalup District Planning Scheme No. 2* (DPS2), and development is subject to the requirements of the *Burns Beach Structure Plan* (BBSP). Under the BBSP the sites are located within the 'Residential R20' precinct. Land use permissibility within this precinct is the same as the 'Residential' zone under DPS2, with 'Land Sales Office' and 'Display Home' being permitted ("P") uses within the zone.

The development meets the requirements of DPS2 and the BBSP, with the exception of the setbacks for the land sales office, the car park on Lot 319 Grand Ocean Entrance being within one metre of the street boundary, and shade trees not being provided within the car parks. Notwithstanding, it is considered that there is no impact on the amenity of the area as a result of the location of the land sales office and car park.

It is considered that the extension to the approval period of Burns Beach Display Village is appropriate, with the display village providing a service to the local community and future residents within the north western corridor.

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

## BACKGROUND

<b>Suburb/Location</b>	Lots 317-319, 321-324 and 326-328 Grand Ocean Entrance. Lots 320, 1185, 1211, 1220-1221 and 1224-1227 Umina Way. Lots 1186-1191 and 1208-1210 Larvotto Turn.
<b>Applicant Owner</b>	Development Planning Strategies. Peet Ltd, DA & KJ Barnes, LH Exclusive Property Group Pty Ltd, APG Homes Pty Ltd, GB and K Connell, DN Sachania and AJV Doshi, JA and EA Galante and BW and SM Hegarty, J-Corp Pty Ltd, Content Living Pty Ltd, BGC Residential, CA and MJ Power, Atrium Homes, C and RW Norman, BBDG Pty Ltd, Minniti Displays Pty Ltd, Jevington Pty Ltd, Ventura Homes Pty Ltd, Tangent Nominees Pty Ltd, Novus Homes, L and S Salomone, Stannard Investments Pty Ltd.
<b>Zoning</b>	<b>DPS</b> Urban Development. <b>MRS</b> Urban.
<b>Site area</b>	Lot sizes range from 512m <sup>2</sup> to 1,000m <sup>2</sup> (total 1.74ha).
<b>Structure plan</b>	<i>Burns Beach Structure Plan No.10.</i>

The subject sites are located within the Burns Beach Estate. The lots are situated immediately to the north of Grand Ocean Entrance, and immediately to the west of the circular recreation reserve, as indicated in Attachment 1. The sites are surrounded by residential development.

On 16 September 2011, the City approved an application for a land sales office and temporary car parks, with a total of 148 bays provided to service a 23 dwelling display village. A subsequent application was approved by the City on 18 January 2012 for modifications to some of the car parking areas, with a total of 127 bays being provided to service a 24 dwelling display village.

At its meeting held on 13 December 2011 (CJ229-12/11 refers) and 21 February 2012 (CJ003-02/12 refers) Council resolved to delegate authority to the Director Planning and Community Development to determine development applications for the display homes on the proposed lots. Subsequently the delegation was included in the Town Planning Delegations, with the Manager Planning Services and Director Planning and Community Development delegated the power to determine applications for display homes on the lots.

Numerous development approvals and building permits for display homes within the village have been issued since 2011. It is noted that while previous approvals have identified a maximum of 24 display homes, it is now proposed that the village will only comprise of 20 display homes, all of which are now developed, or nearing completion.

## **DETAILS**

The subject application is for the extension to the period of approval for the display village, and retrospective approval for changes to the car parking layout.

The display village is comprised of:

- a land sales office
- twenty display homes
- five car parking areas throughout the display village, with a total of 120 car parking bays.

The modifications to the car parks relate to changes to internal circulation, with two additional driveways constructed on Grand Ocean Entrance. These crossovers are considered to be appropriately located and are in accordance with Australian Standards. The total number of car bays has also reduced from 127 to 120, however under DPS2 a total of 105 bays are required.

The overall display village plan and detailed car park plans are provided as Attachment 2.

The development has been assessed against the requirements of DPS2 and the BBSP. The development generally complies with these requirements, with the exception of the following:

- The land sales office is located across an internal boundary resulting in nil setbacks to this boundary, and also has a rear setback of 5.77 metres, which does not meet the required three and six metre setbacks respectively under DPS2.
- A portion of the car park on Lot 319 (85) Grand Ocean Entrance being a minimum of one metre from the street boundary, which does not meet the required three metres under DPS2.
- No shade trees provided within the car parks, which does not meet the one shade tree per four car bays required under DPS2.

## **Issues and options considered**

Council is required to determine the appropriateness of the development and whether to extend the period of approval until 16 March 2016.

Council has the discretion to:

- approve the application without conditions
- approve the applications with conditions
- refuse the application
- or
- defer determination of the application if it is considered that additional information or a more detailed investigation of the proposal is required.

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

<b>Legislation</b>	<i>City of Joondalup District Planning Scheme No. 2.</i>
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Quality built outcomes.
<b>Strategic initiative</b>	Buildings and landscaping is suitable for the immediate environment and reflect community values.
<b>Policy</b>	Not applicable.

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

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

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

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

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

**6.8 Matters to be considered by Council**

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

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

**Risk management considerations**

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

**Financial / budget implications**

The applicant has paid fees of \$447 (excluding GST) in accordance with the schedule of fees and charges for the assessment of the application.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

The application was advertised to 16 adjoining and nearby land owners of the Burns Beach Display Village for a period of 21 days, from 28 May 2014 to 18 June 2014.

One response was received, being a non objection.

**COMMENT**

The applicant seeks to extend the period of approval for the land sales office, display homes and car park until 16 March 2016, with the current approval expiring on 16 September 2014. In addition, the applicant also seeks retrospective approval for changes to the car parks as these were not constructed in accordance with previous approvals.

It is considered that the extension to the timeframe for the planning approval is appropriate, with the display village providing a service to the local community and future residents within the north western corridor. The City has not received any complaints in relation to the display village, and consultation as part of this application has not raised any concerns.

A condition of the previous approval required a deed of agreement between Peet Ltd and the City to ensure that all car parking areas, temporary accesses, and land sales office were removed, and verge and kerbing reinstated upon expiration of the approval. It is noted that this deed states that this shall be undertaken upon expiration, unless otherwise agreed by the City in writing. Therefore should this application be approved, this deed will still continue to apply until 16 March 2016.

While the land sales office does not meet the setbacks required under DPS2, it is noted that this does not impact on any adjoining residential properties or the street, being to internal display villages only. The minimum setback of the car park on Lot 319 (85) Grand Ocean Entrance of one metre is at the truncation and is only a small portion of the car park. Extensive landscaping has been provided across the remainder of the site and within the verge which is considered adequate to offset the protrusion of the car park. As the car parks are only temporary, it is considered that shade trees should not be required. It is noted that both the car park setback and shade trees not provided within the car parks is consistent with the previous approvals issued for the development.

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

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 EXERCISES discretion under Clause 4.5 of the *City of Joondalup District Planning Scheme No. 2* and determines that:**
  - 1.1 Building setback of 5.77 metres to the rear boundary of Lot 327 Grand Ocean Entrance;**
  - 1.2 Building setback of nil to the northern boundary of Lot 326 and southern boundary of Lot 327 Grand Ocean Entrance;**
  - 1.3 Shade trees not provided within the car parks of Lots 318, 319, 327 and 328 Grand Ocean Entrance, Lots 1190 and 1191 Grand Ocean Entrance, and Lot 1211 Umina Way;**
  - 1.4 Car park at Lot 319 Grand Ocean Entrance located within one metre of the street boundary,**

**are appropriate in this instance;**
- 2 APPROVES under clause 6.9 of the *City of Joondalup District Planning Scheme No. 2* the application for planning approval dated 7 April 2014, submitted by Development Planning Strategies, on behalf of the various land owners, for extension to the date of development approval and retrospective car park modifications for the Burns Beach Display Village at Lots 1186-1191 and 1208-1210 Larvotto Turn, Lots 320, 1185, 1211, 1220-1221 and 1224-1227 Umina Way, Lots 317-319, 321-324 and 326-328 Grand Ocean Entrance, subject to the following conditions:**
  - 2.1 This approval is valid until 16 March 2016;**
- 3 NOTES that the Deed of Agreement between Peet Ltd and the City requires the car parking and associated works to be removed, and verge and kerbing reinstated at the expiry of this approval, unless otherwise agreed.**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of CJ169-09/14, page 160 refers.**

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

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf090914.pdf](#)*



Under the City's Scheme Amendment No. 65 to DPS2 (Amendment No. 65), the car parking standards for 'Showroom', 'Shop' and 'Office' are proposed to be reduced. If this amended car parking standard was to be applied to the overall development, which consists of varying land uses, a 15 bay shortfall would result.

It is considered that, taking into account the shared nature of the parking across the existing land uses at the site, as well as at the shopping centre site, and the car parking standards proposed under Amendment No. 65, sufficient parking will be available to accommodate the proposed development.

It is therefore recommended that the application be approved.

## BACKGROUND

<b>Suburb/Location</b>	Lot 12 and Lot 13 (923) Whitfords Avenue, Woodvale.
<b>Applicant</b>	Hindley & Associates Pty Ltd.
<b>Owner</b>	Printfile Pty Ltd.
<b>Zoning</b>	<b>DPS</b> Business. <b>MRS</b> Urban.
<b>Site area</b>	10,091.2m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

The subject site is located north of Whitfords Avenue and is bounded by Woodvale Boulevard Shopping Centre to the east and north and residential properties to the west. The subject site is commonly known as "Woodvale Park". Access into the site is provided directly from Whitfords Avenue and through internal roads and car parking areas of the adjoining shopping centre. The subject site and the shopping centre are parties to a reciprocal access agreement, allowing for a right of carriage through either site.

Woodvale Park was approved in 1991 as a single storey commercial unit development, with additional extensions approved in 1994. Since the granting of these approvals a number of applications for change of use have been determined resulting in a variety of different land uses.

At its meeting held on 20 August 2013 (CJ146-08/13 refers), Council resolved to approve an application for a change of use from 'Bank' to 'Convenience Store' within Lot 8. That application decreased the overall car parking shortfall at the site from 23 bays to 22 bays (15.1%) in accordance with the car parking standards contained within DPS2.

### Scheme Amendment No. 65

Amendment No. 65 proposes to make changes to DPS2. These changes are intended to improve the operation of DPS2 by updating and modernising standards; correcting minor deficiencies and anomalies; and 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 a number of units within Woodvale Park are proposed to be modified including 'Showroom', 'Shop' and 'Office.'

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 application seeks approval for a change of use from 'Shop' to 'Restaurant' and 'Medical Centre' (Attachment 2 refers). The proposal seeks to split the existing tenancy, which was previously operating as a video store, along the existing strata line with Lot 12 to operate as an 85 seat restaurant and Lot 13 to operate as a four practitioner medical centre for the purposes of a dental surgery.

The restaurant is expected to generate a typical peak period during the evenings, while the medical centre is expected to operate predominately during typical business hours. The change in land use will require a higher amount of car parking than currently required and will result in an increase to the existing car parking shortfall across the site. Upon applying the current car parking standards contained within DPS2 and the proposed parking standards contained within 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>
Take Away Food Outlet (3 & 18)	1 per 4 guests in seated areas plus 7 per 100m <sup>2</sup> NLA for non-seated serving areas (50m <sup>2</sup> , No seats) = 3.5 bays	no change = 3.5 bays
Veterinary Consulting Room (10)	5 bays per practitioner (1 practitioner) = 5.0 bays	no change = 5.0 bays
Showroom (2, 9, 11 & 16)	1 per 30m <sup>2</sup> NLA (919m <sup>2</sup> ) = 30.6 bays	1 per 50m <sup>2</sup> of NLA (919m <sup>2</sup> ) = 18.3 bays
Restaurant (5 & 17)	Greater of 1 per 5m <sup>2</sup> of dining room or 1 per 4 guests Tenancy 5 = 18.1 bays Tenancy 17 = 22.5 bays = 40.6 bays	no change = 40.6 bays
Bank (1)	1 per 30m <sup>2</sup> NLA (87m <sup>2</sup> ) = 2.9 bays	1 per 50m <sup>2</sup> NLA (87m <sup>2</sup> ) = 1.7 bays
Office (4 & 15)	1 per 30m <sup>2</sup> NLA (231m <sup>2</sup> ) = 7.7 bays	1 per 50m <sup>2</sup> (231m <sup>2</sup> ) = 4.6 bays
<b>Restaurant (12)</b>	<b>Greater of 1 per 5m<sup>2</sup> of dining room or 1 per 4 guests (85 seats) = 21.25 bays</b>	<b>no change = 21.25 bays</b>
<b>Medical Centre (13)</b>	<b>5 bays per practitioner (4 practitioners) = 20 bays</b>	<b>no change = 20 bays</b>
Convenience Store (8)	4 per 100m <sup>2</sup> of NLA (197m <sup>2</sup> NLA) = 7.8 bays	no change = 7.8 bays

	<b>Car parking required under DPS2</b>	<b>Car parking required under Amendment No. 65</b>
Recreation Centre (14 & 18a)	1 per 2.5 persons accommodated Tenancy 14 (8 guests) = 3.2 bays Tenancy 18a (8 guests) = 3.2 bays = 6.4 bays	no change = 6.4 bays
Beauty Salon (6 & 7)	7 bays per 100m <sup>2</sup> NLA (173m <sup>2</sup> ) = 12.1 bays	5 per 100m <sup>2</sup> NLA (173m <sup>2</sup> ) = 8.6 bays
<b>OVERALL BAYS REQUIRED</b>	<b>157.85 (158)</b>	<b>137.75 (138)</b>
<b>OVERALL BAYS PROVIDED</b>	<b>123</b>	<b>123</b>

The proposed change in land use to 'Restaurant' and 'Medical Centre' will increase the parking required under DPS2, resulting in a 35 car bay shortfall (22.15%). It is noted that in applying the car parking standards under Amendment No. 65, the proposed change of use would result in a car parking shortfall of 15 car bays (10.8%).

The applicant has engaged a traffic consultant to review the existing and future parking supply and demand (Attachment 3 refers). A review of car parking at the site found that the car park is not currently operating at capacity and that sufficient parking is provided within the subject site to accommodate the change in land use proposed as a part of this application.

### Issues and options considered

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

Council has the discretion to:

- approve the application without conditions
- approve the application with conditions
- refuse the application
- or
- defer determination of the application if it is considered that additional information or a more detailed investigation of the proposal is required.

### 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>	Building and landscape is suitable for the immediate environment and reflect community values.
<b>Policy</b>	Not applicable.

Clause 4.5 of DPS2 gives 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.*

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

#### 4.8 CAR PARKING STANDARDS

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

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

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

#### 6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

- (a) *interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) *any relevant submissions by the applicant;*
- (c) *any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) *any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) *any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) *any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; 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 \$147 (excluding GST) in accordance with the fees and charges 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 advertised to 44 adjoining and nearby land owners and occupiers for a period of 21 days from 23 May 2014 to 13 June 2014. A total of three submissions were received, being three objections. The concerns raised during the consultation period included the following:

- The site already has existing restaurants and nearby medical centres capable of servicing the local community.
- There are issues with customers not parking in bays allocated to each strata lot.
- There is a need for other land uses such as a post office and grocery shop.
- Some businesses depend on the regular movements of customers, a medical centre will result in longer periods of parking and reduce movements.
- Reduced parking availability will effect business.

Responses to the issues raised in the submissions are discussed in the Comment section below.

## COMMENT

### Land Use

The application seeks approval for a change in land use from 'Shop' to 'Restaurant' and 'Medical Centre'. Both land uses are permitted ("P") land uses within the 'Business' zone of DPS2, and are therefore considered appropriate.

### Car Parking

The applicant proposes a car parking shortfall across the site of 35 car bays (22.15%).

Council is required to determine whether the 123 car bays provided on the site are sufficient to service the proposed development. The options available to Council are:

- determine that the provision of 123 car parking bays is appropriate
- determine that the provision of 123 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 \$907,515 for the 35 car bay shortfall as a result of this development. This is discussed further below.

The applicant seeks approval for a 'Restaurant' and 'Medical Centre' to be created from an existing tenancy which has previously incorporated both strata Lots 12 and 13. It is proposed that the restaurant will operate from Lot 12 and the medical centre from Lot 13.

The restaurant proposed as a part of this application will accommodate a maximum of 85 guests, requiring a total of 21.25 (22) bays. It is anticipated that the restaurant will have a peak evening trading period. "Woodvale Park" currently has two take away food outlets and two restaurants in operation. These land uses typically operate with a peak period in the evening. During this peak period, other land uses at the centre are generally closed for trading.

The medical centre proposed will accommodate a four practitioner dental surgery and will require a total of 20 bays. It is envisaged that the medical centre will operate during standard business hours at which time, the evening land uses of take away food outlet and restaurant will either not be open for trading or not be at capacity. In considering the appropriateness of the car parking shortfall proposed, it is noted that reciprocity between land uses will occur given the different peak trading times of various business within the centre.

The reciprocity that currently exists between land uses and availability of car bays has been confirmed through a review of parking at the site by the applicant's traffic consultant (Attachment 3 refers). The review undertaken was completed during the two peak periods for "Woodvale Park" and the adjoining shopping centre, being the Thursday afternoon and evening peak period and Saturday morning peak period, to establish the existing parking demand during these times. The review took into account not only car parking at the subject site, but also available car parking at the shopping centre.

The Thursday evening review indicated that the highest recorded parking demand on the subject site was 65 vehicles between the hours of 4.30pm and 5.30pm, representing 53% occupancy of the 123 bays available. The Saturday morning review identified that the highest recorded parking demand was 57 vehicles between 11.00am and 11.30am, representing 46% occupancy of the 123 bays available. The report also took into account the likely future demand of the car parking on the basis of the restaurant and medical centre being supported by Council. The survey suggests that given the amount of unoccupied parking spaces noted during the peak periods, sufficient parking would be provided to support these land uses. It was also identified that ample parking was available at the adjoining shopping centre site during these peak periods. It is also noted that should the parking standards set out in Amendment No. 65 be applied, the overall car parking shortfall would decrease, resulting in a shortfall of 15 car bays or 10.8%.

Concerns were raised during the advertising period with customers not parking in the bays allocated to each tenancy. The car parking standards as contained within DPS2 do not take into account bays allocated under a strata agreement or any other agreement and require that an assessment only be undertaken with due regard to the car parking requirements of individual land uses. While the medical centre may warrant parking of vehicles for longer periods of time, it is considered that the land use will assist in encouraging a diversity of business types within the overall development whilst providing for the needs of the community.

Advertising of the application also identified concerns from adjoining occupiers with the land uses proposed as a part of this application. As both 'Restaurant' and 'Medical Centre' are permitted ("P") uses within the 'Business' zone, the City is unable to place limitations on these land uses within the centre.

Should the application be approved and require a cash-in-lieu payment, a figure of \$907,515 will be payable. Any cash-in-lieu funds received must be used to provide additional parking in the immediate locality. However, given the reciprocity between land uses and the overall parking demand at the site, it is considered that sufficient parking is provided to cater for the proposed restaurant and medical centre.

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

## VOTING REQUIREMENTS

Simple Majority.

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

- 1 EXCERISES** 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 123 bays in lieu of 158 bays is appropriate in this instance;
- 2 APPROVES** under clause 6.9 of the *City of Joondalup District Planning Scheme No. 2* the application for planning approval dated 13 May 2014 submitted by Hindley & Associates Pty Ltd, for a change of use from 'Shop' to 'Restaurant' and 'Medical Centre' at Lot 12 and Lot 13 (923) Whitfords Avenue, Woodvale, subject to the following conditions:
  - 2.1 This decision constitutes planning approval only and is valid for a period of two years from the date of the decision letter. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect;**
  - 2.2 A maximum of 85 guests shall be permitted within the restaurant any given time;**
  - 2.3 No more than four practitioners generating their own patient load shall be permitted to operate from the medical centre at any given time.**

**The Motion was Put and**

**CARRIED (9/1)**

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

**Against the Motion:** Cr Corr.

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf090914.pdf](#)

## **CJ155-09/14      SCHEME AMENDMENT NO. 74 – LOT 9021 (3) LOCHNAGAR WAY, KINROSS - CONSIDERATION FOLLOWING PUBLIC CONSULTATION**

<b>WARD</b>	North	
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development	
<b>FILE NUMBER</b>	103935	
<b>ATTACHMENT</b>	Attachment 1	Location plan
	Attachment 2	Scheme amendment maps
	Attachment 3	Scheme amendment process flowchart
	Attachment 4	Schedule of submissions
	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. 74 to *District Planning Scheme No. 2* (DPS2), following public consultation.

### **EXECUTIVE SUMMARY**

Lot 9021 (3) Lochnagar Way, Kinross, is partly zoned 'Residential' and partly designated 'Local Reserve – Public Use (Primary School)' under DPS2. The 4.0267 hectare lot is undeveloped except for the southern portion, which includes part of the MacNaughton Park sports oval. The site is owned by Peet Limited and was originally identified as the location for the East Kinross Primary School, however, the Department of Education has indicated that it no longer has any need for the site.

The owner now wishes to develop the site for residential purposes. In order to facilitate this process, the owner lodged an application which seeks to zone the site 'Urban Development'. The owner's ultimate objective is to prepare the property for residential subdivision and development.

At its meeting held on 15 April 2014 (CJ047-04/14 refers), Council considered the proposal and resolved to initiate Amendment No. 74 to DPS2, for the purposes of public consultation. The amendment proposes to remove the 'Public Use' reservation and 'Residential' zoning from the site and zone the property 'Urban Development'. In addition, the amendment proposes to change the density code of the site from R20 to un-coded.

The proposed scheme amendment was advertised for public comment for a period of 42 days, closing on 6 August 2014. A total of 23 submissions were received including one comment from the Water Corporation and one late submission. The comments received were generally in response to the prospective future development of the site and expressed concerns around factors such as traffic congestion, perceptions of high-density housing, infrastructure capacity, loss of open space and amenity, loss of vegetation of conservation worthiness, noise during construction and a need for additional sporting amenities. Not all

the submissions constituted objections, with a number providing a list of factors to be considered in the event the site is developed.

The issues raised in the submissions such as traffic, potential density, infrastructure and vegetation retention are issues relating to the structure planning process for the site. The site is not designated public open space and therefore zoning of the site 'Urban Development' is not removing existing open space from the area, nor can the City mandate that the site be given up for public open space. Council has, however, expressed the need to incorporate the part of MacNaughton Park that extends onto the subject site into the public open space required for any residential development.

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 9021 (3) Lochnagar Way, Kinross.
<b>Applicant</b>	Development Planning Strategies (town planning consultants).
<b>Owner</b>	Peet Limited.
<b>Zoning</b>	<b>DPS</b> Residential and Local Reserve – Public Use (Primary School). <b>MRS</b> Urban.
<b>Site area</b>	4.0267 hectares.
<b>Structure plan</b>	Not applicable.

Lot 9021 is located in the north-eastern quadrant of Kinross and approximately 250 metres from the common boundary between the Cities of Joondalup and Wanneroo. The site is bounded on three of its four sides by Grangemouth Turn (west), Lochnagar Way (north) and MacNaughton Crescent (east). MacNaughton Park adjoins the site along its southern boundary (Attachment 1 refers).

The site is located within a well-established residential area with Residential Design Code densities ranging from R20 to R25. To the south of the site, beyond MacNaughton Park, is the Kinross Central Shopping Centre.

The site was intended to be developed as one of two primary schools in Kinross, but has remained undeveloped. The Department of Education has advised that it no longer requires the site due to insufficient demand. The site is currently sparsely covered with vegetation and contains informal pathways, suggesting that the site is being used by local residents or visitors either as a thoroughfare or for recreational purposes.

During 1999, an application to subdivide the northwest portion of the site into seven residential lots, varying in size from 500m<sup>2</sup> to 644m<sup>2</sup> (CJ312-09/99 refers), was lodged with the WAPC. Conditional subdivision approval was issued by the WAPC, and this portion of the site was subsequently zoned 'Residential' under DPS2 when it came into effect in 2000. However, the subdivision approval was never acted upon.

At its meeting held on 15 April 2014 (CJ047-04/14 refers), Council resolved 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. 74 to the City of Joondalup District Planning Scheme No. 2 to:
 
  - 1.1 *remove the ‘Public Use’ reservation and ‘Residential’ zoning from Lot 9021 (3) Lochnagar Way, Kinross, and zone the site ‘Urban Development’;*
  - 1.2 *change the density code of Lot 9021 (3) Lochnagar Way, Kinross from R20 to uncoded,*

*as depicted in Attachment 2 to Report CJ047-04/14, and ADOPT S Amendment No.74 for the purposes of public advertising for a period of 42 days;**
- 2 *In the event that Amendment No 74 is approved, REQUIRES a structure plan to be prepared and presented to the City in accordance with Part 9 of the City of Joondalup District Planning Scheme No. 2, as a prerequisite to Council’s consideration of an application for Planning Approval or support for an application to subdivide Lot 9021 (3) Lochnagar Way, Kinross, pursuant to clause 9.1.1 of the City of Joondalup District Planning Scheme No. 2;*
- 3 *ADVISES the applicant that the City requires that, through the structure planning and subsequent subdivision processes, the extent of the MacNaughton Park oval that extends onto Lot 9021 (3) Lochnagar Way, Kinross, will be incorporated into public open space and ceded at no cost;*
- 4 *ADVISES the applicant that the City would anticipate a high level of community interest in the subdivision and development of the site, and therefore requests a community involvement and consultation plan be submitted to the City prior to the preparation of the structure plan, undertaken at the applicant’s cost, to supplement the formal consultation process required under District Planning Scheme No. 2.”*

The proposed amendment was referred to the Environmental Protection Authority (EPA) for its comment. While the EPA provided comments, it decided that a formal environmental review of the amendment was not required and subsequently Amendment No. 74 was advertised for public comment.

## **DETAILS**

Scheme Amendment No. 74 seeks to zone Lot 9021 (3) Lochnagar Way, Kinross, ‘Urban Development’. This would be achieved by reclassifying the ‘Public Use (Primary School)’ local reserve and rezoning the portion of the lot currently zoned ‘Residential’ (Attachment 2 refers). The determination of the future zonings and density codes for the site will form part of the structure planning process. The structure planning process will also be used to resolve the future status and ownership of the portion of the MacNaughton Park sports oval that falls within the site.

In support of the proposal, the applicant has stated the following:

- The subject site was originally identified by the Department of Education for a Primary School, however, the Department of Education has confirmed that the site is no longer required for this purpose.
- Future structure planning and development of the site will take into account the needs of the City and the local community with regard to the abutting open space, and the retention of its current function.

Correspondence previously received from the Department of Education to the City states:

- This site was set aside in the structure planning for the Kinross locality in the early 1990's. It was expected that as the areas grew, a new primary school would be needed to be developed on this site. However, the actual pattern of growth in the areas has allowed all students to be accommodated at the Kinross Primary School.
- Development in the area is now very mature and the Department has determined that it will not be necessary to develop a school on the East Kinross site. The only significant area of growth is in Burns Beach and a future primary school site has been set aside in Bramston Vista to serve this area. The Department therefore confirms that the East Kinross site will not be required for a public primary school.

### **Issues and options considered**

The issues to be considered by Council are:

- the suitability of the proposed scheme amendment
- the impact of the proposed scheme amendment on surrounding development.

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

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

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

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

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

### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality open spaces.  
Quality built outcomes.

**Strategic initiative** Apply a strategic approach to the planning and development of public open spaces.

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

**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 a local government to amend a local planning scheme and sets out the process to be followed.

At its meeting held on 15 April 2014 (CJ047-04/14 refers), Council resolved to initiate the scheme amendment and adopted it for the purposes of public advertising. The proposed amendment was then referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review was necessary. The EPA did not consider that Amendment No. 74 should be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* and as such the amendment was advertised for public comment. The EPA did provide advice and recommendations on the proposal and these are discussed in the Comment section below.

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

It is important to note that the scheme amendment process is separate from the structure plan approval process. If the scheme amendment is ultimately approved by the Minister for Planning following the statutory advertising period, the applicant would be required to submit a structure plan proposal for the site which would be subject to a further comment period.

Clause 3.12.2 of DPS2 requires that no subdivision or development should occur in the 'Urban Development' zone until a structure plan has been prepared and adopted in accordance with Part 9 of DPS2. The proposal presently before Council is to consider the scheme amendment only.

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

**Risk management considerations**

Nothing of specific relevance to this proposal has been identified other than the need to adequately address the issue of the sports oval, which is to be retained in its current form, as outlined in Council's April 2014 resolution.

**Financial / budget implications**

The applicant has paid \$5,313.06 plus GST for the assessment of the scheme amendment. The fee includes the cost for the City to prepare the scheme amendment documents, but does not include costs for advertising signs, as the applicant is required to cover these additional costs associated with the scheme amendment process.

## Regional significance

Not applicable.

## Sustainability implications

Development of the site for predominantly residential purposes in the form of infill will provide new residents with access to existing facilities such as shopping centres, open spaces and public transport, all within walking distance, as well as to make better use of infrastructure within an established suburb.

The ability of existing infrastructure and facilities to accommodate additional development will form an integral part of the structure planning process, which requirement is also acknowledged by the service utilities such as Water Corporation.

Any environmental implications will need to be examined by the proponent during the structure planning process, including the EPA's advice in regard to consideration of the retention of tree habitat for Carnaby's black cockatoo.

## Consultation

The proposed scheme amendment was advertised for public comment for a period of 42 days closing on 6 August 2014, by way of:

- letters to 586 surrounding landowners and residents who are not owners, as indicated at Attachment 5
- a notice placed in the *Joondalup Weekender* and *The West Australian* newspaper
- a notice placed on the E-screen at the City's Administration building
- two signs in the northwest and southeast corners of the site
- a notice on the City's website.

A total of 23 submissions (including one late submission and one service authority comment) were received.

The comments raised issues about the prospective future development of the site and included concerns around factors such as traffic congestion, perceptions of high-density housing, infrastructure capacity, loss of open space and amenity, loss of vegetation of conservation worthiness, noise during construction, the need for additional sporting amenities and property values. Not all the submissions constituted objections, with a number providing a list of factors to be considered in the event the site is developed.

The comment from the service authority (Water Corporation) relates to the capacity of water and wastewater infrastructure to support future development.

A schedule of submissions is provided as Attachment 4.

## COMMENT

### EPA Advice and recommendations

Though the EPA did not require a formal assessment of Amendment No. 74 under the *Environmental Protection Act 1986*, they did advise that the area may provide habitat for Carnaby's black cockatoo, which are protected under the Federal *Environmental Protection*

*and Biodiversity Conservation Act 1999*. The EPA recommended that the landowner be made aware of the requirements under this Act and that referral to the Commonwealth Department of Sustainability, Environment, Water, Population and Communities may be required under this Act.

The EPA also advised that it expects habitat trees within the amendment area to be retained as part of the detailed design of the structure plan. The EPA went further to recommend that provisions and subdivision conditions requiring the retention of habitat trees be incorporated to the satisfaction of the Department of Parks and Wildlife and other relevant agencies.

The EPA's comments relate to the structure planning stage of the planning process and it is recommended that Council advises the applicant and landowner of the EPA's advice and recommendations.

#### Response to submissions

Many issues raised in the submissions relate to the details that are to be considered as part of the structure planning process, rather than the proposed scheme amendment. Matters raised relating to traffic issues, residential densities, infrastructure capacity, the preservation of the area of MacNaughton Park that extends onto the site and environmental issues are relevant and will be required to be considered in detail by the applicant and addressed at the structure planning stage.

It is noted, however, that the site is not designated public open space and therefore zoning of the site 'Urban Development' does not constitute the removal of public open space from the area. Given this, the City cannot mandate that the entire site be given up for public open space. However, Council has expressed the need to incorporate the part of the MacNaughton Park oval that extends onto the subject site into the public open space required for any residential development.

The Water Corporation submission indicates that any density increases above R20/R25 may require that existing water and wastewater infrastructure be upgraded, at the developer's cost.

#### Suitability of the proposed zoning

The applicant has indicated that the site is intended to be developed for residential purposes. Given the surrounding development is residential, from a land use perspective, development of this surplus school site for residential purposes is considered to be appropriate.

The purpose of the 'Urban Development' zone is to provide for the orderly and proper planning of larger areas of land in an integrated manner. DPS2 requires the preparation and adoption of a local structure plan over the site, prior to subdivision and development of the site occurring.

#### Conclusion

While the advertising of the proposed scheme amendment has raised a number of issues that are pertinent to be addressed at the structure planning stage, it is not considered that any issues have been raised that would warrant not proceeding with the scheme amendment proposal. It is therefore recommended that the proposed amendment be adopted without modification and the amending documents be endorsed and submitted to the WAPC for determination by the Minister for Planning.

## VOTING REQUIREMENTS

Simple Majority.

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

- 1 Pursuant to Regulation 17(2) of the *Town Planning Regulations 1967*, **ADOPTS Amendment No. 74 to the *City of Joondalup District Planning Scheme No. 2* to:**
  - 1.1 remove the ‘Public Use’ reservation and ‘Residential’ zoning from Lot 9021 (3) Lochnagar Way, Kinross, and zone the site ‘Urban Development’;
  - 1.2 change the density code of Lot 9021 (3) Lochnagar Way, Kinross from R20 to uncoded,

as depicted in Attachment 2 to Report CJ155-09/14;
- 2 **AUTHORISES** the affixation of the Common Seal and signing of the documents associated with Amendment No. 74 to the *City of Joondalup District Planning Scheme No. 2*;
- 3 Pursuant to Regulation 18 of the *Town Planning Regulations 1967*, **FORWARDS Amendment No. 74 and Council’s decision to the Western Australian Planning Commission for consideration;**
- 4 In the event that Amendment No. 74 is approved, **REQUIRES** a structure plan to be prepared and presented to the City in accordance with Part 9 of the *City of Joondalup District Planning Scheme No. 2*, as a prerequisite to Council’s consideration of an application for Planning Approval or support for an application to subdivide Lot 9021 (3) Lochnagar Way, Kinross, pursuant to clause 9.1.1 of the *City of Joondalup District Planning Scheme No. 2*;
- 5 **ADVISES** the applicant that the City requires that, through the structure planning and subsequent subdivision processes, the extent of the MacNaughton Park oval that extends onto Lot 9021 (3) Lochnagar Way, Kinross, will be incorporated into public open space and ceded at no cost;
- 6 **ADVISES** the landowner and applicant that the vegetation on the site may provide habitat for Carnaby’s black cockatoo, which are protected under the *Environmental Protection and Biodiversity Conservation Act 1999*, and that there are specific requirements for the landowner under this legislation;
- 7 **ADVISES** the applicant that the Environmental Protection Authority expects Carnaby’s black cockatoo habitat trees to be retained as part of the detailed design of the structure plan and recommends that provisions requiring the retention of habitat trees be incorporated into the structure plan to the satisfaction of the Department of Parks and Wildlife and other relevant agencies;

- 8** **ADVISES** the applicant that the City would anticipate a high level of community interest in the subdivision and development of the site, and therefore requests a community involvement and consultation plan be submitted to the City prior to the preparation of the structure plan, undertaken at the applicant's cost, to supplement the formal consultation process required under the *City of Joondalup District Planning Scheme No. 2*;
- 9** **NOTES** the submissions received and advises the submitters of Council's decision.

**The Motion was Put and**

**CARRIED (10/0)**

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

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf090914.pdf](#)

**CJ156-09/14 AFTER HOURS CALL HANDLING SERVICE**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	00755
<b>ATTACHMENT</b>	Attachment 1      Call Handling Statistics 2013-14
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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**PURPOSE**

For Council to receive information on the City's after-hours call handling service.

**EXECUTIVE SUMMARY**

At its meeting held on 18 March 2014 (Item C10-03/14 refers) Council requested the Chief Executive Officer to prepare a report (among other things) on the City's after-hours call centre's effectiveness and efficiency (relative to the City's management of its City Watch and Ranger services) and to conduct a review of potential alternate telephonic structures.

The City has been using Insight Contact Centre Services (Insight) since July 2003 and is the Western Australian Local Government Association's (WALGA) preferred supplier for after-hours call handling services for local governments. Insight currently provides after-hours call centre services for 39 local governments throughout Western Australia which includes most metropolitan local governments, as well as some regional local governments. The current contract between the City and Insight is due to expire on 31 October 2014 and it is anticipated that WALGA will be reviewing this panel supplier contract in September 2014.

Insight provides after-hours telephone call handling for City Watch and Ranger enquiries, as well as call handling for environmental health matters and operations (such as damage to City infrastructure), and the City's general out-of-hours call handling. Following an assessment of the possible alternative structures for after-hour telephone services it is recommended that the current arrangement continue as it provides the best value for money and service delivery model for the City's customers. An assessment of the contract and available suppliers will be undertaken once WALGA has established a panel of suppliers for local government after hours call handling services.

*It is there fore recomme nded that C ouncil NOTES an asse ssmnt of the City' s after-hours call handlin g provider will be undertaken foll owing the establishment of the Western Australian Local Government Association's preferred supplier panel for this service.*

## **BACKGROUND**

Following the introduction of the City Watch service in 1999, the Water Authority was initially contracted for the City's after-hours call handling services to support this service initiative. Following the Water Authority's withdrawal from this service delivery model in August 2002, the City sought expressions of interest from experienced suppliers to provide after-hours call centre services to enable this service to continue.

Following a term of interim arrangements with a number of suppliers, the Joint Commissioners, at their meeting held on 12 October 2004 (Item CJ223-10/04 refers) authorised the then Acting Chief Executive Officer to enter into a contract with Insight for the provision of after hour call centre services, following Insight being listed on the Western Australian Local Government Association's (WALGA) panel of preferred suppliers. Insight has continued to provide this service to the City since that time.

Insight not only provide after-hour call handling service for City Watch and the City's Ranger enquiries, but also after-hours call handling for environmental health and operations (such as damage to City infrastructure) as well after-hours call handling for the City in general. Calls received by Insight operators follow a scripted call matrix that guides the operators on how the call is to be handled; what information is to be obtained from, and given to, the customer; and the appropriate action in view of the type of request received.

The call matrix is reviewed regularly by the City and as matters arise (such as service delivery changes) to ensure the appropriate advice is given to the City's customers. The City during the course of its contract with Insight has maintained a strong and professional working relationship that enables service problems or call handling issues to be resolved quickly and expeditiously. Call handling responses are reliant on the information provided by the caller and when the information provided by the customer is not clear, an appropriate call handling response through the call matrix may not have been developed. Notwithstanding if such situations occur on a regular basis, an appropriate solution and response is discussed, resolved and developed with Insight.

In the case of City Watch and Ranger calls (and other services needing immediate City officer attention) the information is passed to the rostered or duty officer by email to attend to the enquiry/request as required. Processes that are in place require the duty officer to call back to Insight to confirm job details so that the matter can be attended to within the required timeframes. Non-urgent enquiries are forwarded to the City and actioned by City officers the next business day or as required.

## **DETAILS**

### After-hours call handling

Before implementing any alternative telephonic structure for after-hours call handling, the current service delivery model, operational needs and overall cost benefit need to be assessed as well as other matters.

The City's current service provider not only assists the City's customers with enquiries for City Watch, Ranger services, environmental health and operations services, but it also provides information on other services, activities and events the City supplies or provides, and also performs the City's general after hours call handling. Attachment 1 to Report CJ156-09/14 provides a breakdown of the type of enquiries received during 2013-14, including the volume of calls and the average time of day and week, in which they occur.

Any alternative structure must consider whether the City's main City switchboard number (9400 4000) is diverted to the service provider outside of business hours, or whether the service should only focus on after-hour call handling support for the City's Rangers and City Watch services. Should any alternative after-hour telephonic structure focus only on enquiries for City Watch and Ranger type services, this additional customer service benefit of providing general information to the City's customers outside of business hours, as well as enquiries relating to environmental health and operations, would be lost.

An alternative structure for an after-hour call centre service would also need to consider the current hours of operation, as follows (not including public holidays in which case all calls are directed to Insight during that public holiday):

- Monday to Friday – daily from 5.00pm to 8.30am the next day.
- Saturday and Sunday – from 8.30am Saturday to 8.30am Monday.

As the hours of operation are outside of normal business hours, any alternative option to provide the service in-house would need to be cognisant of employment limitations and other working conditions that may apply. Should a service be provided by a third party, then the ability to undertake the service and the scope of the service (as well as other operational needs) must be considered and within the resourcing restrictions of that third party organisation. Traditionally after-hours call handling services for local governments have been provided by third party contractors due to the cost prohibitive levels of expenditure a local government would need to budget annually for this service.

#### Alternative telephonic structures

In view of the above, the following alternative telephonic structures (and their respective advantages and disadvantages) are offered, based on the operational considerations detailed above:

Option	Advantages	Disadvantages
Utilising current supplier	<ul style="list-style-type: none"> <li>• Long term business relationship.</li> <li>• Experienced in providing after hours call handling service for the City.</li> <li>• Supplier achieves economies of scale through WALGA preferred supplier contract, thereby reducing overall service cost to the City.</li> <li>• Extensive call type matrix for enquiries established and functional.</li> <li>• Working relationship established to resolve issues that arise.</li> <li>• No requirement for City to initiate a tender process as it is through WALGA preferred supplier contract.</li> <li>• Additional information on City services provided to City customers other than Ranger and City Watch enquiries.</li> <li>• WA based company.</li> </ul>	<ul style="list-style-type: none"> <li>• Rates may not be as competitive as an alternative supplier.</li> </ul>

Option	Advantages	Disadvantages
City tender for after hours call handling service	<ul style="list-style-type: none"> <li>• Another supplier may be more experienced in providing after hours call centre services to local governments.</li> </ul>	<ul style="list-style-type: none"> <li>• Limited suppliers in WA.</li> <li>• Disruption to current service delivery and standards.</li> <li>• Formal tender process required.</li> <li>• Schedule of rates may not be as competitive as achieved under WALGA preferred supplier arrangement.</li> <li>• Tender submissions may include WA based company.</li> <li>• Extensive liaison, commitment and lead time required to set up call matrix system for another supplier.</li> <li>• Working relationship would need to be established.</li> <li>• Knowledge of City operations (and local government in general) may be lacking.</li> </ul>
Provide service in-house	<ul style="list-style-type: none"> <li>• City employee's knowledge of internal operations.</li> <li>• Corporate knowledge maintained.</li> <li>• Direct control and management of customer service levels and standards.</li> </ul>	<ul style="list-style-type: none"> <li>• Significant financial liability in employee cost and corporate overheads (over 500% more current contractor costs for one employee to cover required shifts).</li> <li>• Staff establishment would need to increase.</li> <li>• Workplace systems / processes would need to be established.</li> </ul>
City Watch contractor provides after-hours call handling service	<ul style="list-style-type: none"> <li>• City Watch contractor would provide service, not a third party.</li> <li>• Direct link to City Watch staff.</li> </ul>	<ul style="list-style-type: none"> <li>• Only focus on City Watch matters.</li> <li>• Additional contract cost for City Watch service.</li> <li>• Service provider not currently equipped to undertake service.</li> <li>• Call handling not core business and may divert attention away from core contract requirements.</li> <li>• Additional customer service benefit lost (that is only services that relate to City Watch service could be actioned).</li> </ul>

## Issues and options considered

Council can either:

- continue to utilise one of WALGA's preferred suppliers for after-hours call handling services (currently Insight) noting the WALGA panel supplier contract is to be reviewed in 2014, and the City's contract with Insight expires in October 2014
- request the Chief Executive Officer to tender for after-hour call handling services for the City  
or
- progress an alternative option presented in this Report.

## Legislation / Strategic Community Plan / policy implications

**Legislation** Not applicable.

### Strategic Community Plan

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

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

**Policy** Not applicable.

## Risk management considerations

Not applicable.

## Financial / budget implications

The cost of Insight's service over the last two financial years (and YTD for 2013-14) is as follows:

- 2011-12 - \$79,459.73.
- 2012-13 - \$71,730.68.
- 2013-14 (July 2013 to June 2014) - \$70,676.77.

Should the after-hour service be provided by City staff, it should be noted that the current Workplace Agreement does not cater for this type of working arrangement (that is staffing outside of normal business hours), and therefore penalty rates would apply. In view of this, and should the after-hours service be provided in-house by City employees, it is anticipated that the salary cost for a single person to cover the required shifts over the hours of operation for any after-hours call handling service, would be in the vicinity of \$361,000 per annum. This is an estimate of basic salary costs for one employee only and does not cater for corporate overheads or additional employee costs and liabilities (such as worker compensation, sick leave and annual leave loading costs).

A single person could not provide the required shifts on their own and therefore a pool of operators would be required, should the service be provided in-house. In view that any after hour service would need to be serviced by more than one staff member, the financial burden is extensive and therefore potentially cost prohibitive. This does not include the need to establish corporate systems to handling call handling of this type.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

The overall performance of the current contractor is reviewed yearly and the City's call matrix / work flow and day-to-day performance is monitored and refined where necessary and when identified. Any areas of improvement that need to be referred to Insight are discussed with Insight on a regular and as needed basis.

WALGA has confirmed that it will be tendering for its preferred supplier panel contract in September, in which it is hoped that a new panel will be established for the service. However due to the limited number of providers in Western Australia a panel may need to consist of companies outside of the state. WALGA has not received any complaints from local governments in respect of the service provided by Insight and anecdotal evidence would suggest that local governments are generally satisfied with their service.

### **COMMENT**

Insight is an Australian owned and Western Australian operated company and specialises in after hours call management services for 39 local governments in Western Australia, as well as a range of other private organisations. It is anticipated that WALGA will commence a re-tender exercise for its preferred supplier contract in September, with a view of creating a panel of suppliers for this service.

Due to the limited providers within Western Australia it may be necessary for WALGA's preferred supplier panel to also include eastern states companies, or indeed international based companies however this will be a decision of WALGA when the time comes. Local governments can choose to engage, or elect to tender for such services independently of the WALGA preferred supplier agreement. It should be noted that local governments are free to negotiate with a WALGA preferred supplier on services and other service levels it requires within that contract.

Through the WALGA preferred supplier arrangement and engaging the business of numerous local governments, the after hour call handling suppliers achieve economies of scale by providing inbound and outbound call handling services for a number of clients, thereby reducing operational costs per call handled. Insight currently provides call centre services for 39 local governments across Western Australia (through the WALGA preferred supplier arrangement) as well as numerous private organisations. Such economies of scale allow this provider to adequately staff call centre operations so that resources are effectively and efficiently utilised within the boundaries of their employment parameters.

As the WALGA preferred supplier for after-hours call handling services is a volume aggregated initiative (that is cost benefits are achieved through the aggregated volume of calls from a number of local governments) it is recommended that the City continue with the current arrangement of using WALGA's preferred supplier for this service as they have an intimate knowledge of the City's operations, and any alternative structure is potentially cost prohibitive and would not deliver the same service advantages that are currently provided by the current operator. An assessment of WALGA's panel of preferred suppliers for this service will be undertaken following the establishment of their panel, to be completed in September, thereby allowing the City to assess the suitability of suppliers identified by WALGA.

The engagement of any new provider, be that internally provided or through a third party supplier, will require extensive change management and possible set-up delays and issues, to set up a new supplier from scratch, in view of the performance levels the City requires.

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Hamilton-Prime, SECONDED Cr Norman that Council NOTES an assessment of the City's after-hours call handling provider will be undertaken following the establishment of the Western Australian Local Government Association's preferred supplier panel for this service.**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of CJ169-09/14, page 160 refers.**

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

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf090914.pdf](#)*

## **CJ157-09/14      MINUTES OF EXTERNAL COMMITTEES**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy	
<b>FILE NUMBER</b>	00033	
<b>ATTACHMENT</b>	Attachment 1	Minutes of the West Australian Local Government Association Annual General Meeting held on 6 August 2014.  <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:

- West Australian Local Government Association (WALGA) Annual General Meeting held on 6 August 2014.

### **DETAILS**

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

#### **West Australian Local Government Association Annual General Meeting - 6 August 2014**

The Annual General Meeting of the West Australian Local Government Association was held on 6 August 2014.

Cr Geoff Amphlett and Cr Christine Hamilton-Prime were the City's voting delegates and Cr John Chester and Cr Brian Corr were the City's 'Proxy' voting delegates at the 2014 Annual General Meeting of WALGA. On this occasion Cr Geoff Amphlett was an apology, with Cr John Chester acting as deputy.

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

4.1 Emergency Service Levy (ESL) Administration Fees Paid to Local Governments (05-024-02-0059 AH)

That WALGA:

- 1 Prepare a business case to Department of Fire and Emergency Services (DFES) to demonstrate that the fee payments to local governments no longer cover all of the ESL related costs incurred by local government in collecting the ESL;
- 2 Negotiate an annual increase to the ESL Administration Fee paid to local governments by price and property growth indexation;
- 3 Negotiate with DFES to make a once off increase to the total funds allocated for the ESL Administration Fee funds paid to local governments in 2015/16. This increase is recommended to be compounded on annual property growth and price (CPI) since the introduction of the ESL.

4.2 Implications of Structural Reform (05-034-01-0103 TB)

That WALGA:

- 1 Facilitate a meeting between country local government Elected Members with Professor Brian Dollery making a presentation on the implications of structural reform, by December 2014;
- 2 Supports the position that, if WALGA is to facilitate further presentations on Local Government Reform, then more than 1 presenter should be invited to ensure that a range of views and opinions are given, and that balanced and objective deliberation and debate can be undertaken.

4.3 Bushfire Management – Support Vehicles (05-024-03-0010 AH)

That WALGA lobby the Minister for Emergency Services seeking the inclusion of fire support vehicles as eligible items for capital and operational funding under the Emergency Services Levy.

4.4 Contaminated Sites – Auditing Requirements (05-020-01-0001 MB)

That WALGA:

- 1 Requests the State Government to transfer the responsibility for auditing of contaminated sites reports to the Department of Environment Regulation as either a statutory requirement or on a fee for service basis;
- 2 Investigates and implements measures to reduce the cost of resolving contaminated site issues on local government (for example discounted consultant fees under WALGA preferred supplier panel contracts).

4.5 Review of Section 6.28 of the Local Government Act 1995 – Valuation of Land (0 5-034-01-0007 JMc)

*That WALGA requests the Minister for Local Government to review Section 6.28 of the Local Government Act that limits the methods of valuation of land to Gross Rental Value or Unimproved Value, and explores other alternatives.*

4.6B Matter of Special Urgent Business: Opposition to Commission of Audit Recommendations

*That the WA Local Government Association engage with the Federal Minister for Infrastructure and Regional Development; all Federal Members of Parliament from Western Australia; and the Australian Local Government Association to lobby against any proposed removal or amendment of Commonwealth funding to Local Government by way of Financial Assistance Grants (FAG's) and the Roads to Recovery Program (R2R).*

4.7B Matter of Special Urgent Business: Local Government Reform – Dadour Poll Provisions

*That this Annual General Meeting, recognising the current approach by the State Government to the manipulation of the principles of the 'Dadour' poll provisions:*

- 1 endorse WALGA's position of providing community access to the poll provisions where 1 or more districts are to be abolished rather than the 2 or more districts as currently provided for in the Local Government Act 1995;*
- 2 endorse WALGA's proposed extension of the poll provisions to significant boundary adjustments subject to any associated criteria and any percentages being agreed to by a majority of all local governments in Western Australia;*
- 3 reaffirm as policy, that WALGA is opposed to the removal or dilution of the 'Dadour' poll provisions including the temporary dilution or removal of those provisions.*

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

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Strong leadership.

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

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Hamilton-Prime, SECONDED Cr Norman that Council NOTES the minutes of the West Australian Local Government Association Annual General Meeting held on 6 August 2014 forming Attachment 1 to Report CJ157-09/14.**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of CJ169-09/14, page 160 refers.**

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

To access this attachment on electronic document, click here: [ExternalMinutesf090914.pdf](#)

**CJ158-09/14 EXECUTION OF DOCUMENTS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	15876
<b>ATTACHMENT</b>	Attachment 1 Documents executed by affixing the Common Seal for the period 5 August 2014 to 19 August 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 5 August 2014 to 19 August 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 5 August 2014 to 19 August 2014 executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ158-09/14.*

**BACKGROUND**

During the period 5 August 2014 to 19 August 2014, four documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Lease Agreement	3
Withdrawal of Caveat	1

**Issues and options considered**

Not applicable.

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

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

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

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

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Hamilton-Prime, SECONDED Cr Norman that Council NOTES the Schedule of Documents covering the period 5 August 2014 to 19 August 2014, executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ158-09/14.**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of CJ169-09/14, page 160 refers.**

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

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf090914.pdf](#)*

## CJ159-09/14 STATUS OF PETITIONS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	05386
<b>ATTACHMENT</b>	Attachment 1      Status of Petitions – 23 June 2013 to 15 July 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 status of outstanding petitions.

### BACKGROUND

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

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

### DETAILS

#### Issues and options considered

Attachment 1 provides a list of all outstanding petitions, which were received during the period 23 June 2013 to 15 July 2014, with a comment on the status of each petition.

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

**Legislation**                      *City of Joondalup Meeting Procedures Local Law 2013.*

#### Strategic Community Plan

**Key Themes**                      Governance and Leadership.

**Objective**                        Active democracy.

#### Strategic Initiatives

- Fully integrate community consultation practices into City activities.

- Optimise opportunities for the community to access and participate in decision-making processes.
- Adapt to community preferences for engagement formats.

**Policy Implications**

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

**Risk Management Considerations**

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

**Financial/Budget Implications**

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

**Regional Significance**

Not applicable.

**Sustainability Implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Hamilton-Prime, SECONDED Cr Norman that Council NOTES:**

- 1 The status of outstanding petitions submitted to Council during the period 23 June 2013 to 15 July 2014, forming Attachment 1 to Report CJ159-09/14;**
- 2 That a report in relation to the petition requesting that Council does not approve the sale of any portion of Lot 971, 52 Creaney Drive, Kingsley, was presented to Council at its meeting held on 24 June 2014 (CJ109-06/14 refers);**
- 3 That a report in relation to the petition requesting the installation of a basketball court and a tennis hit-up wall at Ellersdale Oval, Warwick, or at the alternate location of Aberdare Park, Warwick is proposed to be presented to Council at its meeting to be held on 21 October 2014;**
- 4 That a report in relation to the petition requesting that Council erects shade sails over the playground area at Mawson Park, Hillarys is proposed to be presented to Council at its meeting to be held on 21 October 2014;**
- 5 That a report in relation to the petition requesting that the chicane between 113 and 115 Clontarf Street, Sorrento be replaced with a speed hump similar to what has been constructed between 23 and 25 Clontarf Street, Sorrento is proposed to be presented to Council at its meeting to be held on 9 December 2014.**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of CJ169-09/14, page 160 refers.**

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

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf090914.pdf](#)*

## **CJ160-09/14 STRATEGIC COMMUNITY REFERENCE GROUP – 2014-15 WORKPLAN**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy	
<b>FILE NUMBER</b>	102605	
<b>ATTACHMENT</b>	Attachment 1	Notes of the SCRG Meeting – Dec 2013
	Attachment 2	Notes of the SCRG Meeting – Apr 2014
	Attachment 3	Notes of the SCRG Meeting – Jun 2014
	Attachment 4	Proposed 2014-15 Work 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.	

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### **PURPOSE**

For Council to adopt a new 2014-15 Work Plan for the Strategic Community Reference Group; to note the Group's achievements throughout 2013-14; and to authorise the Chief Executive Officer to seek nominations to fill the vacant North-Central Ward position on the group.

### **EXECUTIVE SUMMARY**

In 2012, Council established a Strategic Community Reference Group as a new participation mechanism for the external provision of advice to Council. The group consists of appointed community representatives from each Ward, Elected Members and seconded experts utilised on an as-needs basis.

Throughout 2013-14, the Strategic Community Reference Group engaged with the City on five occasions to finalise the review of the City's *Community Safety and Crime Prevention Plan* and *Environment Plan* and to commence reviewing the *Community Development Plan*. As a result of the group's contributions, Council has since adopted its new *Environment Plan 2014-2019*, is finalising its *Community Safety and Crime Prevention Plan* and developing a new *Community Development Plan 2014-2019*.

The third program on the group's 2013-14 Work Plan, namely the review of the *Strategic Waste Minimisation Plan*, was not considered within this period and will be carried forward into the group's 2014-15 Work Plan.

The proposed 2014-15 Work Plan for the group includes consideration of the following matters:

- Finalise review of the *Community Development Plan* (continued from 2013-14).
- Review of the *Strategic Waste Minimisation Plan* (carried forward from 2013-14).

- Review of the *Bike Plan*.

The City also received a recent resignation from the North-Central Ward representative, requiring the position to be advertised for nominations to fill the vacant role.

As such, it is recommended that Council notes the achievements of the Strategic Community Reference Group in 2013-14, adopts a new Work Plan for the group in 2014-15 and authorises the Chief Executive Officer to seek nominations to fill the vacant North-Central Ward position.

## BACKGROUND

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

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

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

At its special meeting held on 5 November 2013 (JSC06-11/13 refers), Council adopted the following format for the group:

- One Council-appointed community representative from each Ward.
- Up to four Elected Members, one of whom acts as a Presiding Member.
- Up to four temporary-appointed professionals to provide expert advice and information on specific matters as required.
- Resident and/or ratepayer group representatives if matters presented to the Group are relevant to a specific location.

Over the past two years, the group has considered the following matters:

Date/s	Meeting Type	Matter Considered	Status	Seconded Experts
Feb 2013 Sept 2013 Aug 2014	Face-to-face Online Online	Community Safety and Crime Prevention Plan	Draft ready for public consultation	<ul style="list-style-type: none"> <li>• Michael Coole – ECU</li> <li>• Inspector Geoff DeSanges – WA Police</li> <li>• A/Sergeant Neil McMahon – WA Police</li> <li>• Peter Lancaster – Neighbourhood Watch</li> </ul>

Date/s	Meeting Type	Matter Considered	Status	Seconded Experts
Mar 2013 Apr 2014	Face-to-face Face-to-face	Environment Plan	Finalised	<ul style="list-style-type: none"> <li>• Associate Professor Ray Froend – ECU</li> <li>• Dr Mike Bamford – Bamford Consulting Ecologists</li> <li>• Craig Olejnik – Department of Parks and Wildlife</li> <li>• Kieron D'Arcy – Next Power</li> </ul>
Dec 2013 Jun 2014	Face-to-face Face-to-face	Community Development Plan	In development	<ul style="list-style-type: none"> <li>• Tim Muirhead – CSD Network</li> <li>• Ken Marston – Council on the Ageing</li> <li>• Melissa Rudez – Department of Sport and Recreation</li> <li>• Philip Kieran – Joondalup Lotteries House Management Committee</li> <li>• Kenny Annand – KGA Consulting</li> <li>• Craig Comrie – Youth Affairs Council WA</li> </ul>

## DETAILS

### Achievements in 2013-14

In 2013-14, the Strategic Community Reference Group met face-to-face on three occasions and engaged online twice to consider the following matters:

- Finalisation of the *Community Safety and Crime Prevention Plan* – following a request from Council to consider how an overarching 'towards zero' philosophy could be integrated throughout the plan (CJ222-11/13 refers).
- Finalisation of the *Environment Plan* – following initial advice received from the group in March 2013.
- Review of the *Community Development Plan* – having been carried forward from the previous 2012-13 work plan for the group.

The review of the *Waste Minimisation Plan* was not considered by the group within the 2013-14 period, due to a delay in the commencement of the project. As such, it is proposed that this matter be deferred for consideration in 2014-15.

The full notes of each face-to-face meeting are provided at Attachments 1-3 of Report CJ160-09/14 for Council's consideration.

The City also recently received a resignation from the North-Central Ward community representative on the Strategic Community Reference Group, requiring authorisation from Council to seek nominations to fill the vacant position. Advertising for the position will commence immediately after authorisation is provided to ensure that representation from this Ward is maintained on the group.

### Proposed 2014-15 Work Plan

Following the finalisation of the City's *Annual Plan 20 14-15*, the City has identified the following relevant items for consideration by the Strategic Community Reference Group:

- Finalisation of the *Community Development Plan* (continued from 2013-14).
- Review of the *Strategic Waste Minimisation Plan* (carry forward from 2013-14).
- Review of the *Bike Plan*.

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

### **Issues and options considered**

Council has the option to adopt the proposed 2014-15 Work Plan for the Strategic Community Reference Group as outlined in Attachment 4 of Report CJ160-09/14, or to amend the program according to alternative preferences or additional matters for consideration.

It should be noted that if additional matters are added to the Work Plan, facilitation fees to conduct the meetings will increase outside of the current adopted 2014-15 budget for the management of the Strategic Community Reference Group.

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

#### **Legislation**

*Local Government Act 1995* – 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 government;*
- (c) *Greater accountability of local governments to their communities; and*
- (d) *More efficient and effective local government.*

## 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.  Adapt to community preferences for engagement formats.
<b>Policy</b>	<i>Community Consultation and Engagement Policy.</i>

## Risk management considerations

If the adopted 2014-15 Work Plan for the Strategic Community Reference Group is expanded too much, there is a risk that the program will not be deliverable within existing resources. As such, it is recommended that the identification of three key projects is referred to the group for advice within the 2014-15 period that would benefit the most from input by the group.

## Financial / budget implications

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

### Current financial year impact

<b>Account no.</b>	1.534.A5304.3359.0000. 1.534.A5304.3281.0000.
<b>Budget Item</b>	External Contractors and Services. Catering.
<b>Budget amount</b>	\$ 6,600.
<b>Amount spent to date</b>	\$ 0.
<b>Proposed cost</b>	\$ 6,600.
<b>Balance</b>	\$ 6,600.

## Regional significance

Not applicable.

## Sustainability implications

The proposed 2014-15 Work Plan for the Strategic Community Reference Group has been developed with an intention of considering a variety of matters that cover social, environmental and financial-related issues.

## Consultation

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

## COMMENT

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

The Strategic Community Reference Group continues to demonstrate its value in providing a unique and relevant platform for effective engagement with the community.

## VOTING REQUIREMENTS

Simple Majority.

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

- 1 NOTES the achievements of the Strategic Community Reference Group in the 2013-14 period;**
- 2 ADOPTS the proposed 2014-15 Work Plan for the Strategic Community Reference Group, as shown in Attachment 4 of Report CJ160-09/14;**
- 3 AUTHORISES the Chief Executive Officer to seek nominations to fill the vacant North-Central Ward position on the Strategic Community Reference Group.**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of CJ169-09/14, page 160 refers.**

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

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf090914.pdf](#)*

## **CJ161-09/14 LIST OF PAYMENTS DURING THE MONTH OF JULY 2014**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services	
<b>FILE NUMBER</b>	09882	
<b>ATTACHMENT</b>	Attachment 1	Chief Executive Officer's Delegated Municipal Payment List for the month of July 2014
	Attachment 2	Chief Executive Officer's Delegated Trust Payment List for the month of July 2014
	Attachment 3	Municipal and Trust Fund Vouchers for the month of July 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 list of accounts paid under the Chief Executive Officer's delegated authority during the month of July 2014.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of July 2014 totalling \$12,046,110.42.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for July 2014 paid under delegated authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 in Attachments 1, 2 and 3 to Report CJ161-09/14, totalling \$12,046,110.42.*

### **BACKGROUND**

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

## DETAILS

The table below summarises the payments drawn on the funds during the month of July 2014. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 98824-99008 & EF040685 – EF041694 Net of cancelled payments	\$7,906,987.65
	Vouchers 1307A – 1310A & 1315A - 1318A	\$4,115,104.01
Trust Account	Trust Cheques 206424 - 206466 Net of cancelled payments	\$24,018.76
<b>Total</b>		<b>\$12,046,110.42</b>

### Issues and options considered

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

#### Option 1

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

#### Option 2

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

### Legislation / Strategic Community Plan / policy implications

#### Legislation

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

#### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

### **Risk management considerations**

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

### **Financial / budget implications**

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

### **Regional significance**

Not applicable.

### **Sustainability implications**

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

### **Consultation**

Not applicable.

### **COMMENT**

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the 2014-15 Annual Budget as adopted by Council at its meeting held on 24 June 2014 (CJ080-06/14 refers) and subsequently revised or has been authorised in advance by the Mayor or by resolution of Council as applicable.

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED** Cr Hamilton-Prime, **SECONDED** Cr Norman that Council **NOTES** the Chief Executive Officer's list of accounts for July 2014 paid under Delegated Authority in accordance with regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachments 1, 2 and 3 to Report CJ161-09/14, totalling \$12,046,110.42.

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of CJ169-09/14, page 160 refers.**

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

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf090914.pdf](#)*

## **CJ162-09/14 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JULY 2014**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	07882
<b>ATTACHMENT</b>	Attachment 1 Financial Activity Statement for the period ended 31 July 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 Financial Activity Statement for the period ended 31 July 2014.

### **EXECUTIVE SUMMARY**

At its meeting held on 24 June 2014 (CJ080-06/14 refers), Council adopted the Annual Budget for the 2014-15 Financial Year. The figures in this report are compared to the Adopted Budget.

The July 2014 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$1,671,857 for the period when compared to the 2014-15 Adopted Budget.

The variance can be summarised as follows:

The operating surplus is \$738,115 higher than budget, made up of higher operating revenue \$212,545 and lower operating expenditure of \$525,570.

Operating revenue is higher than budget on Fees and Charges \$113,531, Contributions, Reimbursements and Donations \$85,784, Interest Earnings \$19,873, Grants and Subsidies \$13,029 and Rates \$7,610 offset by lower revenue for Other Revenue \$23,324 and Profit on Asset Disposal \$3,957.

Operating Expenditure is below budget mainly on Materials and Contracts \$714,905, Insurance Expenses \$47,907, Utilities \$47,858 and Interest Expenses \$775. These are partly offset by higher expenditure on Employee Costs \$242,817, Depreciation and Amortisation \$38,151 and Loss on Asset Disposals \$4,907.

The Capital Surplus is \$947,562 higher than budget primarily owing to lower than budgeted expenditure on Capital Works \$1,067,519 and Capital Projects \$258,729 as well as higher revenue from Capital Contributions \$5,000. These are partially offset by lower revenue from Capital Grants and Subsidies \$343,454 and lower expenditure on Motor Vehicle Replacements \$40,232.

Further details of the material variances are contained in Appendix 3 of the Attachment to Report CJ162-09/14.

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 July 2014 forming Attachment 1 to Report CJ162-09/14.*

## **BACKGROUND**

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

## **DETAILS**

### **Issues and options considered**

The Financial Activity Statement for the period ended 31 July 2014 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 funds for an additional purpose except where the expenditure is authorised in advance by an absolute majority of Council.

**Financial / budget implications**

Not applicable.

All amounts quoted in this report are exclusive of GST.

**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 expenditure included in the Financial Activity Statement are incurred in accordance with the provisions of the 2014-15 Adopted Budget or have been authorised in advance by Council where applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED** Cr Hamilton-Prime, **SECONDED** Cr Norman that Council **NOTES** the Financial Activity Statement for the period ended 31 July 2014 forming Attachment 1 to Report CJ162-09/14.

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of CJ169-09/14, page 160 refers.**

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

*Appendix 14 refers*

To access this attachment on electronic document, click here: [Attach14brf090914.pdf](#)

## **CJ163-09/14 TENDER 012/14 - CASH COLLECTION FROM PARKING TICKET AND PAYMENT MACHINES AND ASSOCIATED SERVICES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	104097
<b>ATTACHMENT</b>	Attachment 1      Schedule of Items Attachment 2      Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to accept the tender submitted by West-Sure Group Pty Ltd trading as West-Sure Security for the provision of cash collection from parking ticket and payment machines and associated services.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 12 July 2014 through statewide public notice for the provision of cash collection from parking ticket and payment machines and associated services for a period of three years. Tenders closed on 29 July 2014. Submissions were received from the following:

- West-Sure Group Pty Ltd trading as West-Sure Security.
- Counter Terrorism International Pty Ltd (CTi Risk Management).
- ARA Security Services Pty Limited.
- Linfox Armaguard Pty Ltd trading as Armaguard.

Linfox Armaguard Pty Ltd trading as Armaguard was non-compliant and was not considered further.

The submission from West-Sure Group Pty Ltd trading as West-Sure Security represents best value to the City. West-Sure Security has industry experience and the capacity to provide the cash collection services for the City. The company is currently undertaking cash collection from parking ticket and payment machines and association services for local governments including the Cities of South Perth, Stirling and Joondalup. It demonstrated a thorough understanding and appreciation of the City's requirements.

*It is therefore recommended that Council ACCEPTS the tender submitted by West-Sure Group Pty Ltd trading as West-Sure Security for the provision of cash collection from parking ticket and payment machines and associated services as specified in Tender 012/14 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups) Index.*

## **BACKGROUND**

The City has a requirement to engage a contractor to provide cash collection from parking ticket and payment machines and associated services.

There are 117 'Pay and Display' parking ticket machines in the City Centre and two machines in the Ocean Reef Boat Harbour.

The City is currently constructing a new 565 bay multi-storey car park in the City Centre which is expected to be completed by mid 2015. This car park will have a minimum of four 'Pay on Foot' parking payment machines that will also be included in the requirements of this contract.

The City currently has a single contract for cash collection from parking ticket machines and associated services with West-Sure Group Pty Ltd which expires on 28 September 2014.

West-Sure Group has provided a high quality service throughout the term of the contract.

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

## **DETAILS**

The tender for the provision of cash collection from parking ticket and payment machines and associated services was advertised through statewide public notice on 12 July 2014. The tender period was for two weeks and tenders closed on 29 July 2014.

### **Tender Submissions**

Submissions were received from the following:

- West-Sure Group Pty Ltd trading as West-Sure Security.
- Counter Terrorism International Pty Ltd (CTi Risk Management).
- ARA Security Services Pty Limited.
- Linfox Armaguard Pty Ltd trading as Armaguard.

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

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

### **Evaluation Panel**

The evaluation panel was composed of three members being:

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

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

## Evaluation Method and Weighting

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. Prior to assessment of individual submissions a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the tenderer to satisfactorily deliver the services. The predetermined minimum acceptable qualitative score was set at 60%.

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

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

## Compliance Assessment

The following submissions were assessed as compliant:

- West-Sure Group Pty Ltd trading as West-Sure Security.
- Counter Terrorism International Pty Ltd (CTi Risk Management).
- ARA Security Services Pty Limited.

The submission from Linfox Armaguard Pty Ltd trading as Armaguard was assessed as non-compliant. Armaguard submitted an alternative offer not accompanied by a conforming offer. It did not comply with clause 4.8 of the tender which specified an alternative offer must be accompanied by a conforming offer. The panel sought clarifications from Armaguard and the company confirmed it was unable to withdraw its proposed alternative terms and conditions.

The submission was assessed as non-compliant and was not considered further.

## Qualitative Assessment

ARA Security Services Pty Limited scored 67.1% and was ranked third in the qualitative assessment. The company demonstrated experience in providing similar services. Examples of works carried out for local governments were provided and these included Campbelltown City Council and Wollongong City Council. It demonstrated a thorough understanding of the required tasks. Although the structure of business and the number of full-time employees were not supplied, ARA Security Services has been in business for 10 years, the panel is reasonably confident the company has sufficient capacity to provide the services.

CTi Risk Management scored 67.4% and was ranked second in the qualitative assessment. The company demonstrated a sound understanding of the required tasks. It is currently undertaking cash collection from ticket machines for the City of Perth, however, counting of the cash collected by the company is completed by another contractor. Other examples of works completed in the past were provided and these included cash collection, counting and reconciling services for Mobil Petroleum. CTi Risk Management has the capacity and experience required to carry out the services for the City.

West-Sure Security scored 89.7% and was ranked first in the qualitative assessment. The company has extensive experience in providing similar services. It is currently undertaking cash collection from parking ticket and payment machines and association services for local governments including the Cities of South Perth, Stirling and Joondalup. It demonstrated a thorough understanding and appreciation of the City's requirements. West-Sure Security has industry experience and the capacity to provide the cash collection services for the City.

Given the minimum acceptable qualitative score of 60%, West-Sure Security, CTi Risk Management and ARA Security Services qualified for stage two of the assessment.

### Price Assessment

The panel carried out a comparison of the submitted rates offered by those that passed the stage one evaluation to assess value for money to the City.

To calculate estimated expenditure, the rates offered for cash collection per parking ticket machine for all parking ticket machines and multi-storey car park payment machines (from year 2) have been used.

The rates are fixed for the first year of the contract, but are subject to a price variation in years two and three of the contract to a maximum of the percentage change in the Perth CPI (All Groups) for the preceding year. For estimation purposes, a 3.5% CPI increase in years two and three was applied to the tendered rates.

Tenderer	Year 1	Year 2	Year 3	Total
West-Sure Security	\$90,480	\$104,047	\$107,688	<b>\$302,215</b>
CTi Risk Management	\$99,905	\$110,702	\$114,577	<b>\$325,185</b>
ARA Security Services	\$131,950	\$146,968	\$152,112	<b>\$431,030</b>

During 2013-14, the City incurred \$83,219 for cash collection from parking ticket machines and associated services.

### Evaluation Summary

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

Tenderer	Price Ranking	Estimated Total Contract Price	Qualitative Ranking	Weighted Percentage Score
West-Sure Security	1	\$302,215	1	89.7%
CTi Risk Management	2	\$325,185	2	67.4%
ARA Security Services	3	\$431,030	3	67.1%

### Issues and options considered

The City has a requirement for the provision of cash collection from parking ticket and payment machines and associated services. The City does not have the internal resources

to provide the required services and requires the appropriate external contractor to undertake the works.

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

**Legislation** A statewide public tender was advertised, opened and evaluated in accordance with Clause 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000.

### **Strategic Community Plan**

**Key theme** Financial Sustainability.

**Objective** Financial diversity.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

### **Risk management considerations**

Should the contract not proceed, the risk to the City will be high as the City needs to ensure cash collection from parking ticket and payment machines is maintained.

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

### **Financial / budget implications**

<b>Account no.</b>	343-A3403-3254-0000.
<b>Budget Item</b>	Cash collection from parking ticket and payment machines and associated services.
<b>Budget amount</b>	\$90,000.
<b>Amount spent to date</b>	\$7,274.
<b>Proposed cost</b>	\$67,860.
<b>Balance</b>	\$14,866.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The City operates paid parking within the City Centre to address the current and future requirement of the residents, businesses and visitors and to ensure that there is fair and equitable use of limited parking facilities. Cash collection from parking ticket and payment machines and associated services by a well established security service provider is a vital component of the City's CBD Parking Strategy. This provision will support economic prosperity with increased revenue opportunities and growth within the City.

**Consultation**

Not applicable.

**COMMENT**

The evaluation panel carried out the evaluation of the submission in accordance with the City's evaluation process and concluded that the offer submitted by West-Sure Group Pty Ltd trading as West-Sure Security represents best value to the City.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED** Cr Hamilton-Prime, **SECONDED** Cr Norman that Council **ACCEPTS** the Tender submitted by West-Sure Group Pty Ltd trading as West-Sure Security for the provision of cash collection from parking ticket and payment machines and associated services as specified in Tender 012/14 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups) Index.

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of CJ169-09/14, page 160 refers.**

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

*Appendix 15 refers*

To access this attachment on electronic document, click here: [Attach15brf090914.pdf](#)

## **CJ164-09/14      TENDER 017/14 - PROVISION OF LANDSCAPE MAINTENANCE SERVICES - ILUKA ESTATE**

<b>WARD</b>	North	
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services	
<b>FILE NUMBER</b>	104272	
<b>ATTACHMENT</b>	Attachment 1	Schedule of Items
	Attachment 2	Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.	

### **PURPOSE**

For Council to accept the tender submitted by Environmental Industries Pty Ltd for the provision of landscape maintenance services – Iluka Estate.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 5 July 2014 through statewide public notice for the provision of landscape maintenance services – Iluka Estate for a period of three years, with an option for a further two years. Tenders closed on 22 July 2014. Submissions were received from the following:

- Sanpoint Pty Ltd trading as LD Total.
- Greenworx Commercial Maintenance Pty Ltd.
- Horizon West Landscape and Irrigation Pty Ltd.
- Environmental Industries Pty Ltd.
- K & A Shardlow Pty Ltd trading as Shardlow's Complete Garden Care.

The submission from Environmental Industries Pty Ltd represents best value to the City. The company demonstrated a thorough understanding and appreciation of the required tasks. It is well established and has the capacity to provide the services. The company demonstrated considerable experience providing similar landscape maintenance services for the City of Wanneroo and the Department of Treasury and is the City's current contractor for landscaping services for Harbour Rise Estate.

*It is therefore recommended that Council ACCEPTS the tender submitted by Environmental Industries Pty Ltd for the provision of landscape maintenance services – Iluka Estate for a period of three years with an option for a further two years for the fixed lump sum of \$655,254 (GST Exclusive) and schedule of rates for any additional works and deletions with annual price variations subject to the Perth Consumer Price Index (All Groups).*

## **BACKGROUND**

The City has a requirement to engage a contractor for the landscape maintenance services for public open space and landscaped areas within the suburb of Iluka.

The scope of work includes the following activities and frequencies:

- Turf Maintenance – grass shall be mowed at maximum intervals of every seven days from October to April, and every 21 days from May to September.
- Garden Bed Maintenance – weekly service.
- Sumps and Tiers – fortnightly service.
- Restricted Access Garden Beds (Island and along waterline of Moonflight Crescent in Sir James McCusker Park) - monthly basis.
- Restoration of established garden beds as required.

The City currently has a single contract for the provision of landscape services in Iluka with Sanpoint Pty Ltd trading as LD Total, which expires on 31 October 2014.

## **DETAILS**

Tenders were advertised on 5 July 2014 through statewide public notice for the provision of landscape maintenance services – Iluka Estate for a period of three years, with an option for a further two years. The tender period was for two weeks and tenders closed on 22 July 2014.

This contract is for a fixed lump sum for the provision of landscape maintenance services with a schedule of rates for additions and deletions to the landscape, and any additional rectification works.

### **Tender Submissions**

Submissions were received from the following:

- Sanpoint Pty Ltd trading as LD Total.
- Greenworx Commercial Maintenance Pty Ltd.
- Horizon West Landscape and Irrigation Pty Ltd.
- Environmental Industries Pty Ltd.
- K & A Shardlow Pty Ltd trading as Shardlow's Complete Garden Care.

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

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

### **Evaluation Panel**

The evaluation panel was composed of three members being:

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

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

### **Compliance Assessment**

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

### **Evaluation Method and Weighting**

The comprehensive weighting method of tender evaluation (includes weighting to each selection criterion and price) was selected to evaluate the offers for this requirement, details of which were as follows:

<b>Qualitative and Price Criteria</b>		<b>Weighting</b>
1	Demonstrated understanding of the required tasks	30%
2	Capacity	25%
3	Demonstrated experience in providing similar services	25%
4	Social and economic effects on the local community	5%
5	Price	15%

### **Qualitative Assessment**

Shardlow's Complete Garden Care scored 41.4% and was ranked fifth in the qualitative assessment. It did not demonstrate sufficient understanding of the required tasks. The company is resourced but did not demonstrate experience in providing services of a similar scale to the City's requirements.

Horizon West Landscape and Irrigation Pty Ltd scored 42% and was ranked fourth in the qualitative assessment. It demonstrated adequate capacity but did not demonstrate sufficient understanding of the requirements. The company demonstrated experience in providing similar landscape services for the City of Fremantle, PEET Limited and Acumen Development Solutions.

Greenworx Commercial Maintenance Pty Ltd scored 52% and was ranked third in the qualitative assessment. The company is resourced and demonstrated experience in providing landscape services for the Cities of Vincent and Wanneroo. It is the City's current contractor for landscape maintenance services for Woodvale Waters Estate in Woodvale. It demonstrated an understanding of the requirements.

Environmental Industries scored 60.2% and was ranked second in the qualitative assessment. The company demonstrated a thorough understanding and appreciation of the required tasks. It is well established and has the capacity to provide the services. The company demonstrated considerable experience providing similar landscape maintenance services for the Department of Treasury, Serco, LWP Property Group and the City of Wanneroo. The company is the City's current contractor for landscaping services for Harbour Rise Estate.

LD Total scored 61.5% and was ranked first in the qualitative assessment. It demonstrated extensive experience in providing similar services for Satterley Property Group and the Cities of Kwinana, Cockburn, Wanneroo and Armadale. It is the City's current contractor for landscape maintenance services at Iluka Estate. The company demonstrated its capacity and a thorough understanding of the City's requirements.

## Price Assessment

The panel carried out a comparison of the submitted lump sum prices, rates and allocated hours offered by each tenderer to assess value for money to the City.

The cost of any renovation works and additional unscheduled services were not included in the calculation of contract cost, as they cannot be accurately estimated.

Tenderer	Year 1	Year 2	Year 3	Total	Price Weighted Score
Environmental Industries Pty Ltd	\$214,107	\$218,390	\$222,757	\$655,254	15
LD Total	\$239,490	\$239,490	\$245,478	\$724,458	13.5
Greenworx Commercial Maintenance Pty Ltd	\$263,165	\$272,376	\$281,909	\$817,450	12
Shardlow's Complete Garden Care	\$374,400	\$374,400	\$393,120	\$1,141,920	8.6
Horizon West Landscape and Irrigation Pty Ltd	\$374,040	\$392,760	\$400,680	\$1,167,480	8.4

During 2013-2014, the City incurred \$224,862 for the provision of landscape services for Iluka and the expenditure is estimated at \$1,114,222 over a five year period if the extension option is exercised.

## Evaluation Summary

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

Tenderer	Qualitative Weighted Score	Price Weighted Score	Total Weighted Percentage Score	Rank	Contract Price
Environmental Industries Pty Ltd	60.2	15	75.2	1	\$655,254
LD Total	61.5	13.5	75	2	\$724,458
Greenworx Commercial Maintenance Pty Ltd	52	12	64	3	\$817,450
Horizon West Landscape and Irrigation Pty Ltd	42	8.4	50.4	4	\$1,167,480
Shardlow's Complete Garden Care	41.4	8.6	50	5	\$1,141,920

Based on the evaluation result the panel concluded that the tender that provides best value to the City is that of Environmental Industries and is therefore recommended.

## Issues and options considered

Landscape services for the suburb of Iluka are required to satisfy the service level agreement standards agreed between the City and Iluka Home Owners Association. The City does not have the internal resources to supply the required services and require an appropriate external service provider.

## Legislation / Strategic Community Plan / policy implications

**Legislation** A statewide public tender was advertised, opened and evaluated in accordance with Clause 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000.

## Strategic Community Plan

**Key theme** Quality Urban Environment.

**Objective** Quality open spaces.

**Strategic initiative** Establish landscapes that are unique to the City and provide statements within prominent network areas.

**Policy** *Specified Area Rates Policy.*

## Risk management considerations:

Should the contract not proceed, the risk to the City will be high as the City does not have the internal resources to provide the landscape maintenance services. These services are funded in part from specified area rates and subject to a service level agreement between the City and the Iluka Home Owners Association.

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

## Financial/budget implications:

<b>Account no:</b>	633-P3353-3359-6413. 633-P3357-3359-6413.
<b>Budget Item:</b>	Iluka Specified Area Rating Landscape Services.
<b>Estimated Budget Amount 2014-15:</b>	\$254,000
<b>Estimated expenditure (1 July 2014 to 31 October 2014)</b>	\$ 41,550
<b>Proposed cost (1 November 2014 to 30 June 2015)</b>	\$142,738
<b>Balance:</b>	\$ 69,712

The above expenditure is for the scheduled landscape services only. The balance of funds available will be used for any required renovation and unscheduled works.

All figures quoted in this report are exclusive of GST.

**Regional significance:**

Not applicable.

**Sustainability implications:**

The provision of landscape maintenance services in Iluka Estate enhances the amenity of public open space for residents.

**Consultation:**

Consultation was undertaken with the Iluka Home Owners Association regarding the areas that will form part of the service level agreement during the term of the Contract. It supports the City's intention to recommend Environmental Industries Pty Ltd as the preferred contractor.

**COMMENT**

The evaluation panel carried out the evaluation of the Submissions in accordance with the Qualitative Criteria in a fair and equitable manner and concluded that the Offer representing best value to the City is that as submitted by Environmental Industries Pty Ltd.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Hamilton-Prime, SECONDED Cr Norman that Council ACCEPTS the tender submitted by Environmental Industries Pty Ltd for the provision of landscape maintenance services – Iluka Estate for a period of three years with an option for a further two years for the fixed lump sum of \$655,254 (GST Exclusive) and schedule of rates for any additional works and deletions with annual price variations subject to the Perth Consumer Price Index (All Groups).**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of CJ169-09/14, page 160 refers.**

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

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16brf090914.pdf](#)*

## **CJ165-09/14 TENDER 019/14 - SUPPLY AND LAYING OF ASPHALT - MAJOR WORKS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	104271
<b>ATTACHMENT</b>	Attachment 1      Schedule of Items Attachment 2      Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to accept the tender submitted by Asphaltech Pty Ltd for the supply and laying of asphalt – major works.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 26 July 2014 through statewide public notice for the supply and laying of asphalt – major works for a period of three years. Tenders closed on 12 August 2014. A submission was received from:

- Asphaltech Pty Ltd.
- Roads 2000 Pty Ltd.
- Downer EDI Works Pty Ltd.
- Fulton Hogan Industries Pty Ltd.
- Boral Construction Materials Group Ltd.

Fulton Hogan Industries Pty Ltd and Boral Construction Materials Group Ltd were non-compliant and were not considered further.

The submission from Asphaltech Pty Ltd represents best value to the City. The company demonstrated a thorough understanding and appreciation of the City's requirements. It has been in the asphalt industry for 20 years and is currently undertaking similar works for local governments including the Cities of Wanneroo, Melville, Stirling and Joondalup. Asphaltech has the capacity and industry experience to provide the goods and services for the City.

*It is therefore recommended that Council ACCEPTS the tender submitted by Asphaltech Pty Ltd for the supply and laying of asphalt – major works as specified in Tender 019/14 for a period of three years at the submitted schedule of all tonnage rates, with any price variations subject to bitumen rise and fall and the percentage change in the Perth CPI (All Groups).*

## **BACKGROUND**

The City has a requirement for the supply of asphalt and associated services for both capital works and general maintenance requirements of roads and associated infrastructure.

The City currently has a single contract for asphalt – major works with Asphaltech Pty Ltd which expires on 13 October 2014.

Asphaltech has provided a quality service throughout the term of the contract.

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

## **DETAILS**

The tender for the supply and laying of asphalt – major works was advertised through statewide public notice on 26 July 2014. The tender period was for two weeks and tenders closed on 12 August 2014.

### **Tender Submissions**

Submissions were received from the following:

- Asphaltech Pty Ltd.
- Roads 2000 Pty Ltd.
- Downer EDI Works Pty Ltd.
- Fulton Hogan Industries Pty Ltd.
- Boral Construction Materials Group Ltd.

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

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

### **Evaluation Panel**

The evaluation panel was composed of three members being:

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

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

### **Evaluation Method and Weighting**

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. Prior to assessment of individual submissions a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the tenderer to satisfactorily deliver the services. The predetermined minimum acceptable qualitative score was set at 60%.

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

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

### Compliance Assessment

The following submissions were assessed as compliant:

- Asphaltech Pty Ltd.
- Roads 2000 Pty Ltd.
- Downer EDI Works Pty Ltd.

The submissions from Fulton Hogan Industries Pty Ltd and Boral Construction Materials Group Ltd were assessed as non-compliant. Fulton Hogan Industries indicated the company was unable to supply a number of items. One of these items is an essential product and constitutes 20% of the City's asphalt requirements. Boral Construction Materials Group submitted an incomplete tender. It did not address any of the selection criteria. These submissions were assessed as non-compliant and were not considered further.

### Qualitative Assessment

Downer EDI Works Pty Ltd scored 73.7% and was ranked third in the qualitative assessment. The company is well resourced and has the capacity to undertake the works. It has demonstrated experience in providing similar services to WA local governments including the Cities of Mandurah, Perth and Melville. It demonstrated a thorough understanding of the required tasks.

Roads 2000 Pty Ltd scored 75.6% and was ranked second in the qualitative assessment. The company has demonstrated experience in providing similar services. Numerous examples of works were provided and these included supply and laying of asphalt for the Cities of Wanneroo, Melville and Fremantle. It demonstrated a thorough understanding of the required tasks. Roads 2000 has the capacity and experience required to carry out the works.

Asphaltech Pty Ltd scored 84.3% and was ranked first in the qualitative assessment. The company demonstrated a thorough understanding and appreciation of the City's requirements. It has been in the asphalt industry for 20 years and is currently undertaking similar works for local governments including the Cities of Wanneroo, Melville, Stirling and Joondalup. Asphaltech has the capacity and industry experience to provide the goods and services for the City.

Given the minimum acceptable qualitative score of 60%, Asphaltech, Roads 2000 and Downer EDI Works qualified for stage two of the assessment.

### Price Assessment

The panel carried out a comparison of the submitted rates offered by those that passed the stage one evaluation to assess value for money to the City.

To provide an estimated expenditure over a 12 month period, the most commonly used items and their typical usage based on historical data and all tonnage rates have been used. Rates for a medium job size have been used where a single rate for all tonnages was not offered. Any future requirements will be based on demand and subject to change in accordance with the operational needs of the City.

The rates are subject only to the rise and fall in bitumen prices in the first year of the contract. In years two and three of the contract, the rates are subject to bitumen rise and fall and the maximum of the percentage change in the Perth CPI (All Groups) for the preceding year. For estimation purposes, a 3.5% CPI increase in years two and three was applied to the tendered rates. The bitumen price rise and fall cannot be accurately estimated and did not form part of this assessment.

<b>Tenderer</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Total</b>
Asphaltech Pty Ltd	\$2,606,351	\$2,697,573	\$2,791,988	<b>\$8,095,913</b>
Roads 2000 Pty Ltd	\$2,693,604	\$2,787,880	\$2,885,456	<b>\$8,366,941</b>
Downer EDI Works Pty Ltd	\$2,834,789	\$2,934,007	\$3,036,697	<b>\$8,805,492</b>

During 2013-14, the City incurred \$2,664,080 for the supply and laying of asphalt - major works.

### **Evaluation Summary**

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

<b>Tenderer</b>	<b>Price Ranking</b>	<b>Estimated Total Contract Price</b>	<b>Qualitative Ranking</b>	<b>Weighted Percentage Score</b>
Asphaltech Pty Ltd	1	\$8,095,913	1	84.3%
Roads 2000 Pty Ltd	2	\$8,366,941	2	75.6%
Downer EDI Works Pty Ltd	3	\$8,805,492	3	73.7%

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

### **Issues and options considered**

The City has a requirement for the supply of asphalt and associated services for both capital works and general maintenance requirements of roads and associated infrastructure. The City does not have the internal resources to provide the required goods and services and requires the appropriate external contractor to undertake the works.

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

**Legislation** A statewide public tender was advertised, opened and evaluated in accordance with Clause 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General Regulations) 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000.

**Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Integrated spaces.

**Strategic initiative** Provide for diverse transport options that promote enhanced connectivity.

**Policy** Not applicable.

**Risk management considerations**

Should the contract not proceed, the risk to the City will be high as the City will be unable to efficiently complete the capital works road resurfacing program in a timely manner and attend to road maintenance as required.

**Financial / budget implications**

<b>Account no.</b>	Various accounts.
<b>Budget Item</b>	Supply and laying of asphalt – major works.
<b>Budget amount</b>	\$3,000,000.
<b>Amount spent to date</b>	\$212,557.
<b>Proposed cost</b>	\$1,954,763.
<b>Balance</b>	\$832,680.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Hamilton-Prime, SECONDED Cr Norman ACCEPTS the tender submitted by Asphaltech Pty Ltd for the supply and laying of asphalt – major works as specified in tender 019/14 for a period of three years at the submitted schedule of rates, with any price variations subject to bitumen rise and fall and the percentage change in the Perth CPI (All groups).**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of CJ169-09/14, page 160 refers.**

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

*Appendix 17 refers*

To access this attachment on electronic document, click here: [Attach17brf090914.pdf](#)

*Manager Planning Services left the Chamber at 7.26pm.*

**Disclosure of interest affecting impartiality.**

<b>Name/Position</b>	<b>Cr Brian Corr.</b>
<b>Item No./Subject</b>	CJ166-09/14 – Implications of all City Controlled On and Off Street Parking being made free on Saturdays and Sundays.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Corr is secretary of the Joondalup Business Association.

**CJ166-09/14      IMPLICATIONS OF ALL CITY CONTROLLED ON AND OFF STREET PARKING BEING MADE FREE ON SATURDAYS AND SUNDAYS**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	29136
<b>ATTACHMENT</b>	Attachment 1      Map of Area of Fee Paying Parking Bays
<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 implications to the City, including potential positioning opportunities, of all on-street and off-street parking, operated or managed by the City, being free on Saturdays and Sundays in the Joondalup Central Business District (CBD).

**EXECUTIVE SUMMARY**

At its meeting held on 17 March 2014 (C10-03/14 refers), Council requested that the Chief Executive Officer prepare a report on *“the implications, including potential positioning opportunities for the City Centre, of all on-street and off-street parking operated or managed by the City being “free” on Saturdays and Sundays in the Joondalup City Centre.”*

On the weekend in the Joondalup CBD paid parking currently applies between 8.00am and 12.00 noon on the Saturday. While this period is not the majority of the weekend, it does prevent a free parking all weekend positioning opportunity.

The removal of paid parking and parking restrictions on a Saturday morning could represent a point of difference for marketing the City when compared to those areas that have weekend paid parking which is primarily the Perth and Fremantle CBDs. There is likely to be positive media coverage from this point of difference demonstrating the City’s willingness to forego short-term financial gain in a bid to increase vibrancy and visitation to the CBD. In

addition this proposal may assist in removing the negative perceptions that the City uses paid parking solely as a revenue raising exercise.

*It is therefore recommended that Council:*

- 1 *AMENDS the Parking Scheme – Joondalup City Centre by removing the requirement to pay for parking on Saturday mornings;*
- 2 *RETAINS the existing time restrictions on Saturday morning parking.*

## **BACKGROUND**

At its meeting held on 18 March 2014 (C10-03/14 refers), Council considered a notice of motion and resolved in part:

*“That Council REQUESTS the Chief Executive Officer to prepare reports on:*

- 1 *the implications, including potential positioning opportunities for the City Centre, of all on-street and off-street parking operated or managed by the City being “free” on Saturdays and Sundays in the Joondalup City Centre;”*

The supporting commentary accompanying this part of the resolution was:

*The Joondalup Trading Precinct was established in October 2010, enabling outlets within the City Centre to, among other benefits, trade on Sundays. This created a unique point of difference for the Joondalup CBD relative to other metropolitan centres and stimulated significant economic activity. Since then, the government has introduced deregulated trading hours, with the Joondalup City Centre now competing with all other metropolitan centres for retail activity. On the weekends, the current City Centre paid parking regime is applied in the morning on Saturdays and not on Sundays. This is not in line with current trading hours and causes confusion for visitors. Given current revenue derived from Saturday paid parking comprises only 3.4% of total parking revenue (less than \$64,000), it is suggested that the City investigate the removal of the paid parking regime on Saturdays, creating an opportunity for the Joondalup City Centre to once again differentiate itself from other metropolitan centres and create positive marketing campaigns for free parking all weekend in conjunction with the business community to stimulate further economic activity within the City of Joondalup.*

Currently in the Joondalup CBD paid parking applies Saturday mornings from 8.00am to 12.00 noon. Parking is free on Saturday afternoon and all day Sunday. This paid parking arrangement has been in place since paid parking was introduced in 2008. At that time there was no Sunday trading and parking demand on Sunday was negligible. The basis for paid parking applying only until 12.00 noon on Saturday was that prior to paid parking there were timed restrictions in various on-street locations that applied until 12.00 noon on a Saturday. The unrestricted Saturday afternoon parking that previously existed was carried over to the paid parking regime that was adopted.

It should be noted also that parking on Saturday afternoons and Sundays is not only free but it is also unrestricted. There are no time limits and consequently there is no enforcement required during these times. Parking Officers only patrol on Saturday mornings.

Council adopted the parking scheme at its meeting held on 13 May 2008 (CJ073-05/08 refers) and in the report the aims of the scheme were described as:

*The time restrictions are to be supported by a range of fees based on application of the highest fee to apply to those areas of the highest parking demand and reducing proportionately to have the lowest fees apply at periphery parking facilities suitable to meet long term parking demand.*

*The Parking Scheme has been prepared with the following aims:*

- *To support business operations and development in the CBD by encouraging high turnover of parking bays closest to businesses that have high customer numbers and short time business transaction needs;*
- *To encourage people wanting long term parking to park on the periphery of the CBD where there is limited short term parking demand in the areas set aside for long term parking;*
- *To encourage those people entitled to on-site parking in the CBD to use that parking and leave the public parking facilities available for those who have no alternative;*
- *To provide some support for residents and visitor parking in areas not subject to parking fees;*
- *To provide for safety of pedestrian and vehicle movement;*
- *To limit the volume of vehicular traffic movement in the CBD due to motorists searching for a parking bay; and*
- *To achieve best utilisation of all public parking facilities managed by the City.*

Since the introduction of paid parking in 2008 there have been considerable changes to trading laws and the trading activity that is taking place in the Joondalup CBD. Late night and particularly Sunday trading have spread the commercial/retail activity over the whole week. It is acknowledged however that much of that activity is focussed around Lakeside Joondalup Shopping City and the nearby retail establishments. The impact on commercial/retail activity in the Joondalup CBD other than at Lakeside Joondalup Shopping City is less. For example not all of the businesses in this area are open all of Saturday afternoon.

## DETAILS

### Comparisons

The table below shows the comparative position of paid parking between the City of Joondalup and other metropolitan local governments:

<b>Local Government</b>	<b>Parking fee per hour – lower range *</b>	<b>Parking fee per hour – higher range *</b>	<b>Days and hours of operation</b>
<b>City of Perth</b>	\$2.40	\$4.10	Monday – Sunday all day
<b>City of Fremantle</b>	\$1.20	\$2.40	Monday – Sunday all day

Local Government	Parking fee per hour – lower range *	Parking fee per hour – higher range *	Days and hours of operation
City of Subiaco	\$1.50	\$3.00	In Off Street Car Parks Monday – Sunday 8.00am – 6.00pm (In some locations the first hour is free)
	Free	Free	On Street Monday – Sunday (Time restricted)
City of Vincent	\$2.20	\$2.20	Monday – Sunday 7.00am – midnight (The first hour is free)
Town of Victoria Park	\$1.50	\$2.00	Monday – Friday 8.00am – 6.00pm
City of Joondalup	\$0.60	\$1.20	Monday – Friday (8.00am – 6.00pm) and Saturday 8.00am to 12.00pm

\* These are 2013-14 fees.

The range of fees, from lowest to highest, charged by the City of Joondalup are much lower than other comparable local governments, however, the City is the only local government that charges only for Saturday mornings on weekends. Three of the others charge for Saturday and Sunday parking.

#### Affected businesses

There are 56 businesses in proximity to the City's current paid parking areas where paying on a Saturday morning applies:

Business type	Number of Businesses	Comments
Food/ Drink/ Cafe	24	A number of restaurant businesses close mid afternoon and reopen in the evening and the licensed premises are open all day until late.
Health related businesses	8	Includes a gym, weight loss, physiotherapy and chiropractors. Sanori House treated as one location.
Hairdressing	7	
Beauty	5	
Other	4	Migration Agent, Church outlet, Gaming and Estate Agent
Jewellers	3	
Clothing	3	Includes specialist lingerie and second hand
Adult shopping	2	
Total	56	

These businesses close at various times on a Saturday as below.

<b>Closing time on Saturday</b>	<b>Number of Businesses</b>
At or before 2 pm	6
Between 2 pm and 3 pm	6
Between 3 pm and 4 pm	14
Between 4 pm and 5 pm	7
After 5 pm	17
Close mid afternoon and re-open later	6
Total	56

#### Joondalup CBD occupancy levels

In 2013-14 the overall occupancy level for parking on Saturday mornings in the Joondalup CBD is 11.4%. The occupancy rate indicates that parking bays in the Joondalup CBD on Saturday mornings are underutilised. The average payment in 2013-14 of \$1.37 for parking in the Joondalup CBD on Saturday mornings (maximum hourly fee was \$1.20 during this period) identifies that most drivers were only using the parking bays for a short period of between one and two hours.

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

##### Option 1: Remove Paid Parking and Restrictions on Saturday mornings

Under this option the paid parking on Saturday mornings would be removed as would the time restrictions so that the same parking arrangements as currently apply on Saturday afternoon would also apply in the morning. Timed parking restrictions would also be removed so there would be no requirement for enforcement and there would be no Parking Officers patrolling on weekends in the CBD.

The removal of paid parking in the Joondalup CBD on Saturday mornings could be a potential benefit for businesses in the areas other than at Lakeside Joondalup Shopping City that trade on Saturday mornings. By providing unrestricted parking there may be an expectation that further business could be generated because the access to business is less costly as a result of free parking.

The removal of paid parking and parking restrictions on a Saturday morning could represent a point of difference for marketing the City when compared to those areas that have weekend paid parking which is primarily the Perth and Fremantle CBDs. There is likely to be positive media coverage from this point of difference demonstrating the City's willingness to forego short-term financial gain in a bid to increase vibrancy and visitation to the CBD. In addition this proposal may assist in removing the negative perceptions that the City uses paid parking solely as a revenue raising exercise.

As the only local government that currently has paid parking on a weekend on Saturday morning only, this can be confusing for those not used to it. Removing this paid parking would resolve this issue.

It is possible that with the removal of time restrictions parking bays could be occupied for extended periods of time restricting access to other customers. In total terms the Saturday parking occupancy rates suggest that there is plenty of capacity but extended usage could be a problem in some locations. One of the aims of the introduction of paid parking was to free up parking availability and encourage turnover.

Removal of paid parking would result in a net reduction in parking revenue. Currently, annual parking fees for Saturday mornings are approximately \$62,000, infringements are approximately \$91,000 and the cost to provide enforcement is approximately \$14,000. The net reduction in revenue would be \$139,000 over a full year.

#### Option 2: Remove Paid Parking but Retain Restrictions on Saturday mornings

This option proposes the removal of paid parking on Saturday mornings the same as option 1 but time restrictions on parking are retained.

This would ensure that parking bays could not be occupied for extended periods of time restricting access to other customers and encourage turnover and availability of parking bays. This option would require enforcement and the current patrolling by Parking Officers on Saturday mornings in the CBD would continue.

Removal of paid parking but the retention of enforcement would result in a reduction in parking fee revenue per year of approximately \$62,000, infringements of approximately \$83,600 and would continue to incur the cost to provide enforcement of approximately \$14,000. The net loss compared to the current position would be \$145,600 over a full year.

This option is recommended.

#### Option 3: Extend Paid Parking to Saturday Afternoon and All Day Sunday

Recognising that those other local governments that charge for parking on weekends, charge for all day Saturday and Sundays and that the City of Joondalup's hourly parking fees are already substantially less than those other local governments an option for consideration is that the City increase the existing hours of paid parking to include all of Saturday and Sunday to 5.30pm and 6.00pm respectively as applies in these areas currently on weekdays.

Half of the businesses in the Joondalup CBD that are not in Lakeside Joondalup Shopping City trade until 4.00pm or later on Saturday afternoons; several pubs, restaurants and the deli trade on Sundays as well. The Lakeside Joondalup Shopping City which is the main retail operator that is open has abundant free parking available.

This would increase the existing parking revenue, but it is questionable as to how much. It would also require further enforcement and associated costs. Potentially fees and infringement revenue could increase to \$203,000 (very low usage expected) but if enforcement was applied at the same level as currently applies on Saturday morning these costs would increase to \$70,000 resulting in net revenue of only \$133,000. This is less than current Saturday morning only due to the cost of enforcement.

The current hours of operation for paid parking allow residents who live in the inner City Centre, and their visitors, to park free of charge after 12.00pm on Saturday until 8.00am on Monday morning. Any increase in paid parking hours would have an impact on these members of the community.

#### Option 4: Retain Existing Saturday Morning Paid Parking and Restrictions.

If the City retains the existing hours of operation of paid parking, that is Saturday 8.00am to 12.00pm only, this would not have any impact on existing revenue or the financial circumstances for businesses in the City Centre. There would not be a negative financial impact on residents who live in the inner City Centre, and their visitors, as they would be able to continue to park free of charge after 12.00pm on Saturday until 8.00am on Monday.

Timed and paid parking in the Joondalup CBD generates only moderate revenue from parking fees. It's more important function, however, is to provide fair and equitable access to available bays, particularly in on-street bays which are in the highest demand by customers using street side businesses while they are trading. Regulation of the bays would continue to ensure short term on-street bays were available for short term specialist shopping and not occupied for extended periods of time.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

*City of Joondalup Parking Local Law 2013.*

#### Strategic Community Plan

#### Key theme

Economic Prosperity, Vibrancy and Growth.

#### Objective

Primary Centre status.

#### Strategic initiative

Provide an efficient and integrated transport network that can support the needs of a high-functioning City Centre.

#### Policy

*Joondalup City Centre Car Parking for Commercial Development Policy.  
Parking Schemes Policy.*

### Risk management considerations

Paid parking schemes are primarily intended to regulate access in a fair and equitable way to a finite number of parking bays in a particular area. While revenue may be generated as a consequence of the scheme, it is the efficient use of resources on a user pays basis that underpins their establishment. Where there is no or very little demand and availability is high, then regulation is not required. This is generally true of Saturday afternoon and Sunday trading in the City Centre. While bay occupancy is currently low at 11.4% overall, de-regulation could potentially encourage economically unsound use of bays on Saturday mornings for extended periods, reducing turnover of bays and limiting opportunities for trade. If paid parking were removed then maintaining time restrictions with enforcement would mitigate any economically unsound use of bays.

### Financial / budget implications

A summary comparison of the budget implications of the options is as follows:

	Remove Paid Parking & Restrictions (Option 1)	Remove Paid Parking & Retain Restrictions (Option 2)	Extend Paid Parking to All Weekend (Option 3)	Current Position (Option 4)
Parking Fees & Infringements	\$0	\$7,400	\$203,000	\$153,000
Less Operating Costs	\$0	(\$14,000)	(\$70,000)	(\$14,000)
Annual Net Revenue (Loss)	\$0	(\$6,600)	\$133,000	\$139,000
Once Off Signage Costs	(\$12,000)	(\$12,000)	(\$12,000)	\$0

## Regional significance

The City of Joondalup is expected to have moderate increases only in population over the next 20 years, with a 12% overall increase, approx 0.5% per year. However the north-west metropolitan region is growing at a much greater rate. As a regional commercial/retail destination this growth will impact on the demand for services within the Joondalup CBD and therefore on the demand for parking.

## Sustainability implications

Not applicable.

## Consultation

There has been no external consultation specifically in relation to the issue of paid parking on Saturday mornings.

The annual Customer Satisfaction survey canvasses parking in the City Centre and the scores for the last four years show steadily increasing levels of satisfaction.

Parking in the City Centre	2010-11	2011-12	2012-13	2013-14
<b>Very satisfied</b>	15.8%	21.6%	22.6%	25.9%
<b>Satisfied</b>	45.4%	55.0%	55.0%	54.3%

54.3% of respondents in the 2013-14 survey were either satisfied or very satisfied with the current City Centre parking. This is similar to the last two years although those that are very satisfied have increased steadily.

## COMMENT

The City recently commenced construction of a multi-storey car park on the site of the Reid Promenade Car Park. In preparing the financial modelling for this facility the City did not intend for it to open on weekends at this stage. On current weekend parking demand it certainly would not be viable to open at any time over the weekend unless there was paid parking.

Half of the businesses in the Joondalup CBD that are not in Lakeside Joondalup Shopping City do not trade past 4.00pm on Saturday afternoons, despite the absence of parking controls. They are generally open on Saturday mornings when there is paid parking and close at various times during the afternoon when parking is free. This would suggest their primary business is conducted on week days and Saturday mornings.

The removal of paid parking and parking restrictions on a Saturday morning could represent a point of difference for marketing the City when compared to those areas that have weekend paid parking which is primarily the Perth and Fremantle CBDs. There is likely to be positive media coverage from this point of difference demonstrating the City's willingness to forego short-term financial gain in a bid to increase vibrancy and visitation to the CBD. In addition this proposal may assist in removing the negative perceptions that the City uses paid parking solely as a revenue raising exercise.

Any changes to the existing Saturday morning parking regime that are adopted may result in some initial confusion with regular parkers. An appropriate marketing and awareness campaign will be required to highlight the changes.

## VOTING REQUIREMENTS

Simple Majority.

## OFFICER'S RECOMMENDATION

That Council:

- 1 AMENDS the Parking Scheme – Joondalup City Centre by removing the requirement to pay for parking on Saturday mornings;
- 2 RETAINS the existing time restrictions on Saturday morning parking.

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

- 1 **AMENDS the Parking Scheme – Joondalup City Centre by removing the requirement to pay for parking on Saturday mornings;**
- 2 **REMOVES the existing time restrictions on Saturday morning parking in the city centre;**
- 3 **REQUESTS the Chief Executive Officer to monitor the changes in Parts 1 and 2 above over six months with a report being submitted to Council at the end of the six months period;**
- 4 **REQUESTS the Chief Executive Officer to implement an integrated communications campaign to take advantage of the parking restriction changes made in Parts 1 and 2 above to promote the Joondalup City Centre as a destination of choice for visitors on the weekends.**

**The Motion was put and**

**CARRIED (10/0)**

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

*Appendix 18 refers*

*To access this attachment on electronic document, click here: [Attach18brf090914.pdf](#)*

**Disclosure of interest affecting impartiality.**

<b>Name/Position</b>	<b>Cr Brian Corr.</b>
<b>Item No./Subject</b>	CJ167-09/14 - Community Sporting and Recreation Facilities Fund 2014-15 Round.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Corr's son plays cricket at Penistone Park, Greenwood.

## **CJ167-09/14      COMMUNITY   SPORTING   AND   RECREATION FACILITIES FUND 2014-15 ROUND**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	22209
<b>ATTACHMENT</b>	Attachment 1      Chichester Park Floodlight Plan Attachment 2      Ocean Reef Park Floodlight Plan Attachment 3      Chichester Park Community Consultation Report Attachment 4      Ocean Reef Park Community Consultation Report.
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to consider the applications for the Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund (CSRFF) Annual and Forward Planning Grant in 2014-15.

**EXECUTIVE SUMMARY**

The Department of Sport and Recreation (DSR) allocates approximately \$16 million annually for the Community Sporting and Recreation Facilities Fund.

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

One sporting club submitted an application to the City for consideration, and two applications have been prepared by the City, for a total of three applications. Applications must be received by the DSR by 4.00pm Tuesday 30 September 2014.

*It is therefore recommended that Council:*

- 1 **BY AN ABOLUTE MAJORITY AMENDS** part 4 of its decision of 19 August 2014 (CJ14-08/14 refers) to read as follows:
  - “4 **REQUESTS** that a revised amount of \$3,288,700 be listed for consideration within 2015-16 of the City’s Five Year Capital Works Program for the construction of the Penistone Park redevelopment project (subject to a successful CSRFF grant application of \$907,133);”;
- 2 **NOTES** the findings of the Community Consultation process undertaken for the Chichester Park, Woodvale project;
- 3 **ENDORSES** an application to the Department of Sport and Recreation’s Community Sporting and Recreation Facilities Fund program for \$234,015 (ex GST) to part fund the Chichester Park, Woodvale, Floodlighting Project;
- 4 Subject to a successful Community Sporting and Recreation Facilities Fund grant application of \$234,015 **APPROVES** the proposed floodlighting project at Chichester Park, Woodvale at a capital cost estimate of \$702,045;
- 5 **REQUESTS** that an additional \$202,045 be listed for consideration within 2015-16 of the City’s Five Year Capital Works Program for the Chichester Park, Woodvale floodlighting project;
- 6 **NOTES** the findings of the Community Consultation process undertaken for the Ocean Reef Park, Ocean Reef project;
- 7 **ENDORSES** an application to the Department of Sport and Recreation’s Community Sporting and Recreation Facilities Fund program for \$167,546 (ex GST) to part fund the Ocean Reef Park, Ocean Reef, Floodlighting Project;
- 8 Subject to a successful Community Sporting and Recreation Facilities Fund grant application of \$167,546 and a contribution from the Ocean Ridge Junior Football Club of \$167,546 **APPROVES** the proposed floodlighting and cricket infrastructure project at Ocean Reef Park, Ocean Reef at a capital cost estimate of \$502,640;
- 9 Subject to endorsement of the Community Sporting and Recreation Facilities Fund grant application in Part 7 above **REQUESTS** that \$502,640 be listed for consideration within 2015-16 of the City’s Five Year Capital Works Program for the Ocean Reef Park, Ocean Reef floodlighting and cricket infrastructure project;
- 10 **ENDORSES** the ranking and rating of Community Sporting and Recreation Facilities Fund applications below:

	<i>Applicant’s Rank</i>	<i>Applicant’s Rating</i>
1	<i>Penistone Park, Greenwood – Proposed Redevelopment at Penistone Park, Greenwood</i>	<i>Well planned and needed by the local government</i>
2	<i>Chichester Park, Woodvale – Proposed Floodlighting Project at Chichester Park, Woodvale</i>	<i>Well planned and needed by the local government</i>

<i>Applicant's Rank</i>		<i>Applicant's Rating</i>
3	<i>Ocean Reef Park, Proposed Floodlighting and Cricket Infrastructure Project at Ocean Reef Park, Ocean Reef</i>	<i>Well planned and needed by the applicant</i>

## **BACKGROUND**

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

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

The state government allocates approximately \$16 million per year for CSRFF grants in three categories:

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

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

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

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

### **Forward Planning Grants (\$11.5 million per year)**

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

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

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

The DSR places a strong emphasis on a planned approach towards CSRFF applications.

## DETAILS

The City received one sporting club application and has prepared two City applications for the 2014-15 CSRFF grant round with successful projects to be delivered in future years.

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

### Penistone Park, Greenwood – Proposed Redevelopment Project – (Application by the City)

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*. The park has two active sporting fields, 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, canteen/kitchen, bar and user group storage. In 2007-08 the facility was refurbished with an upgrade to the toilets and change rooms and painting.

At its meeting held on 19 August 2014 (CJ146-08/14 refers), Council approved the project of \$3,529,000 and listed \$240,000 for consideration within 2014-15 and \$3,289,000 for consideration to be within 2015-16 of the City's *Five Year Capital Works Program* subject to a successful CSRFF grant application of \$1,176,333.

The total project cost of \$3,529,000 was rounded to the nearest thousand based on the cost estimate of \$3,528,700. The QS cost estimate of \$3,528,700 is used as the total project cost as part of the City's application to meet CSRFF guidelines.

The Penistone Park redevelopment project includes the development of:

- a new multi-purpose community facility
- a four lane cricket practice net
- 3 on 3 basketball pad and tennis hit up wall
- additional car parking
- new playground with connected pathways
- barbecue and picnic shelter.

The CSRFF program only provides funding for projects that can exhibit a direct link to an increase in participation in sport and recreation with an emphasis on physical activity. While a majority of the proposed works at Penistone Park would be eligible for funding several elements would not.

These items include:

- planning in 2014-15 (\$240,000) (grants can only be for future years, that is, 2015-16 and beyond)
- relocation of playground (\$117,400)
- picnic shelter and setting, BBQ and light pole at playground (\$48,300)
- new car park and entrance road, including external lighting (\$387,000)
- public artwork (\$14,600).

The works that would not be eligible for CSRFF funding total \$807,300. This means that the total budget eligible for CSRFF funding would be \$2,721,400 with the one third contribution of this amount being \$907,133. It is recommended that this is the amount the City should seek funding for through the CSRFF program.

<b>Total Project Cost:</b>	<b>\$3,529,000 (ex GST)</b>
City of Joondalup Contribution:	\$2,621,567 (ex GST)
CSRFF Grant requested:	\$ 907,133 (ex GST)

The total project cost listed above includes figures for construction contingency and planning contingency as included by the quantity surveyor. The total project cost also includes consideration through July 2015 for cost escalation (approx 3.9%).

### Assessment Summary

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

### Recommendation Summary

Ranking:	1 (of 3).
Rating:	Well planned and needed by the local government.
Funding request:	\$907,133 (ex GST).
Funding type:	Forward Planning Grant for funding in 2015-16 and 2016-17.

### Chichester Park, Woodvale – Floodlighting Upgrade Project – (Application by the City)

Chichester Park is located on Trappers Drive in Woodvale and comprises two playing fields separated by a large passive space. The park to the north which abuts the North Woodvale Primary School is currently under a shared use agreement with the school and is used by AFL and cricket, the field to the south lies between Trappers Drive and Standish Way and is utilised by soccer and cricket. This project is considering a floodlight upgrade to the southern field to meet Australian Standards for football (all codes) training (50 lux). The park currently has six 12 metre poles each fitted with two 1,000 watt lights, lighting only isolated sections of the park to a lux level that is under the Australian Standard. The proposed project will involve the installation of lights to the southern playing fields to provide sufficient lighting for training for large ball sports (50 lux). This will include installing six 25-35 metre floodlighting towers each fitted with up to five luminaries.

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

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

A consultant was engaged to develop the lighting plan (Attachment 1 refers) as well as provide a cost estimate for the project. The final figure includes removal of existing floodlight towers, a consideration for cost escalation and a design/construction contingency. A power survey was completed and the site was determined to also require a power upgrade, with a quote from consultants included in the project budget.

The City has listed within the five year capital works program \$500,000 in 2015-16 (STL2047) for a floodlight upgrade at Chichester Park (includes \$165,000 listed as CSRFF income).

The project as planned by the City has been costed at \$702,045. Council is requested to list an additional \$202,045 in the 2015-16 five year capital works program for the Chichester Park, floodlighting project subject to a successful CSRFF grant application of \$234,045.

<b>Total Project Cost:</b>	<b>\$702,045 (ex GST)</b>
City of Joondalup Contribution:	\$468,030 (ex GST)
CSRFF Grant requested:	\$234,015 (ex GST)

The total project cost includes 2.5% for design and 10% for construction contingency and 2.75% for cost escalation through June 2015.

#### Assessment Summary

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

#### Recommendation Summary

Ranking:	2 (of 3).
Rating:	Well planned and needed by the applicant.
Funding request:	\$234,015 (ex GST).
Funding type:	Annual Grant for funding in 2015-16.

#### Ocean Reef Park, Ocean Reef – Floodlighting and Cricket Infrastructure Upgrade Project – (Application by the Club)

Ocean Reef Park is located on the corner of Clinker Road and Marina Boulevard in Ocean Reef and comprises one junior AFL oval and a toilet/change room facility. The oval currently has two 12 metre poles each with two 1,000 watt lights, lighting only an isolated section to a

lux level that is under the Australian Standard for large ball sports training. The proposed project will involve the installation of lights to the oval to provide sufficient lighting that meets Australian Standards for football (all codes) training (50 lux) as well as the relocation of the existing two lane cricket practice net. The floodlight works will include installing four 25 metre floodlighting towers each fitted with three luminaries. The cricket infrastructure will include the removal of the existing two lane cricket practice nets, remediation works to that site and construction of a new two lane cricket practice net to the south-eastern side of the oval with stone pitching to provide retaining to the south-eastern bank.

The Ocean Ridge Junior Football Club submitted an expression of interest to the City for the proposed CSRFF application for the project. As per CSRFF guidelines community organisations can submit application through their local government for an eligible project. The group must as part of their application agree to joint funding of the project of 1/3 for each party (the club, the City and the DSR). The Ocean Ridge Junior Football Club has approximately 350 members and utilises Heathridge Park, Heathridge, Ocean Reef Park, Ocean Reef, Mirror Park, Ocean Reef, and Littorina Park, Heathridge. The upgrade of the existing floodlighting infrastructure at Ocean Reef Park will provide the club with an additional oval with lighting that meets the Australian Standards for large ball training. The relocation of the cricket practice nets will allow the club to fit a full size AFL field onto the site allowing older age groups to utilise the park as well as the younger players.

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

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

A consultant was engaged to develop the lighting plan (Attachment 2 refers) as well as provide a cost estimate for the project. The final figure includes removal of existing floodlight towers and existing cricket nets, a consideration for cost escalation and a design/construction contingency. A power survey was completed and the site was determined to also require a power upgrade, with a quote from consultants included in the project budget.

The Ocean Ridge Junior Football Club has provided financial statements to prove financial sustainability and an ability to contribute financially to this project should the CSRFF application be successful. The club has also provided a letter of support guaranteeing their 1/3 financial contribution to the project (up to \$167,546). The club will make a 50% part payment of their contribution upon tender award with the balance due on project completion.

As this project has been a club submitted CSRFF application there are no funds currently listed within the City's *Five Year Capital Works Program*. Council is requested to list \$502,640 for consideration within 2015-16 of the City's *Five Year Capital Works Program* subject to a successful CSRFF grant application of \$167,546 and a contribution of \$167,546 from the Ocean Ridge Junior Football Club.

<b>Total Project Cost:</b>	<b>\$502,640 (ex GST)</b>
City of Joondalup Contribution:	\$167,546 (ex GST)
CSRFF Grant requested:	\$167,546 (ex GST)
Club contribution:	\$167,546 (ex GST)

The total project cost includes 2.5% for design and 10% for construction contingency and 2.75% for cost escalation through June 2015.

### Assessment Summary

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

### Recommendation Summary

Ranking: 3 (of 3).  
 Rating: Well planned and needed by the applicant.  
 Funding request: \$167,546 (ex GST).  
 Funding type: Annual Grant for funding in 2015-16.

### Issues and options considered

The assessment and ranking of these applications is important in terms of the City's strategic approach to these projects.

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

The Ocean Reef Park project may also be altered to minimise the costs associated. By removing the cricket net relocation from the project the total cost would be reduced to:

<b>Total Project Cost:</b>	<b>\$446,523 (ex GST)</b>
City of Joondalup Contribution:	\$148,841 (ex GST)
CSRFF Grant requested:	\$148,841 (ex GST)
Club contribution:	\$148,841 (ex GST)

### Legislation / Strategic Community Plan / policy implications

**Legislation** Not applicable.

#### Strategic Community Plan

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

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

**Policy**

The assessment process undertaken for the CSRFF program is in line with the following:

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

**Risk management considerations**

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

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

**Financial/budget implications**Penistone Park, Greenwood – Proposed Redevelopment Project

At its meeting held on 19 August 2014 (CJ146-08/14 refers), Council approved the project and listed \$3,289,000 for consideration within 2015-16 of the City's *Five Year Capital Works Program* subject to a successful CSRFF grant application of \$1,176,333.

It is recommended that the CSRFF grant sought from the DSR is \$907,133 due to \$807,300 of the works not being eligible for CSRFF funding.

The reduced CSRFF grant amount results in a net additional cost to the City of \$269,200.

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

Chichester Park, Woodvale – Proposed Floodlighting Project

Council has listed for consideration \$500,000 within 2015-16 of the City's *Five Year Capital Works Program* for the Chichester Park Floodlighting Project, this includes income of \$166,667 from the State Government.

The project as planned by the City has been costed at \$702,045. If successful for CSRFF funding this would include income from the State Government of \$234,015.

Council is requested to list an additional \$202,045 in the 2015-16 *Five Year Capital Works Program* for the Chichester Park, floodlighting project subject to a successful CSRFF grant application of \$234,015.

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

### Ocean Reef Park, Ocean Reef – Floodlighting and Cricket Infrastructure Upgrade Project

As this project has been a club submitted CSRFF application there are no funds currently listed within the City's *Five Year Capital Works Program*. Council is requested to list \$502,640 for consideration within 2015-16 of the City's *Five Year Capital Works Program* subject to a successful CSRFF grant application of \$167,546 and a contribution of \$167,546 from the Ocean Ridge Junior Football Club.

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

#### **Regional significance**

Not applicable.

#### **Sustainability implications**

Not applicable.

#### **Consultation**

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

### Penistone Park – Proposed Redevelopment Project.

The City has undertaken two rounds of Community Consultation for the Penistone Park Redevelopment project.

Results of the initial community consultation for this project were included in the September 2013 report to Council (CJ179-09/13 refers).

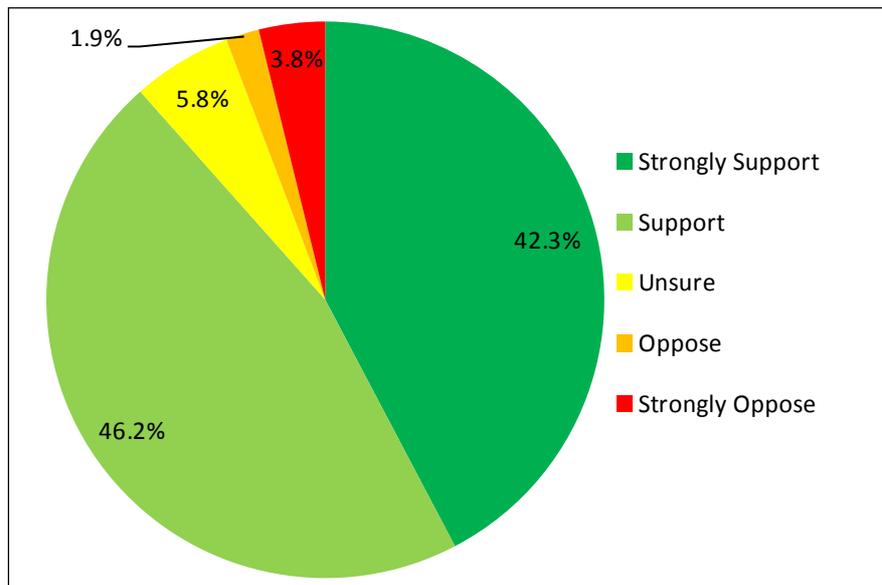
Results of the second round of community consultation were included in the August 2014 report to Council (CJ146-08/14 refers) and have been summarised below.

### Chichester Park, Woodvale – Floodlighting Upgrade Project

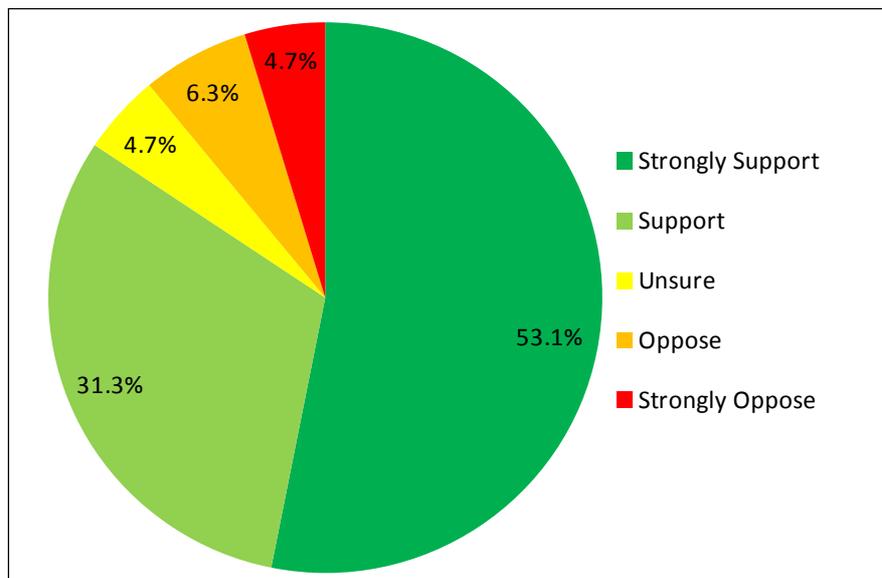
Community consultation was conducted for 21 days from 27 June to 18 July 2014 for the Chichester Park project. The consultation provided the local community with an opportunity to provide feedback on the proposed floodlighting upgrade project at Chichester Park. Consultation packs were posted to all residents within a 200 metre radius of the park (348 households) and to all park user groups.

The City received a total of 78 valid responses. Respondents were asked to indicate a level of support for the proposed upgrade of floodlighting infrastructure to both 50 and 100 lux at Chichester Park. Of the responses received, the majority indicated support for the works as shown in the below chart. A comprehensive community consultation report has been included as Attachment 3.

Level of support for the installation of 50 lux sports floodlighting (respondents who reside within 200 metres of Chichester Park).



Level of support for the installation of 100 lux sports floodlighting (Respondents who reside within 200 metres of Chichester Park).



It should also be noted that the City received two valid responses from respondents who do not reside within 200 metres of Chichester Park. One of these responses strongly supported the project (both 100 lux and 50 lux) and the other supported it (both 100 lux and 50 lux). Both of these responses came from members of park user groups.

#### Additional Comments

The City received a total of 55 valid responses. Respondents who indicated that they did not support the new floodlighting proposed as part of the project were asked why. A total of seven individual respondents were opposed or strongly opposed to the proposed floodlighting upgrade. The main reason for opposition was in relation to the high level of

parking on resident verges within the surrounding area. It is noted that these parking issues do not usually occur when the proposed floodlights would be in operation, such as on weekday evenings.

Additional reasons for opposition included the following:

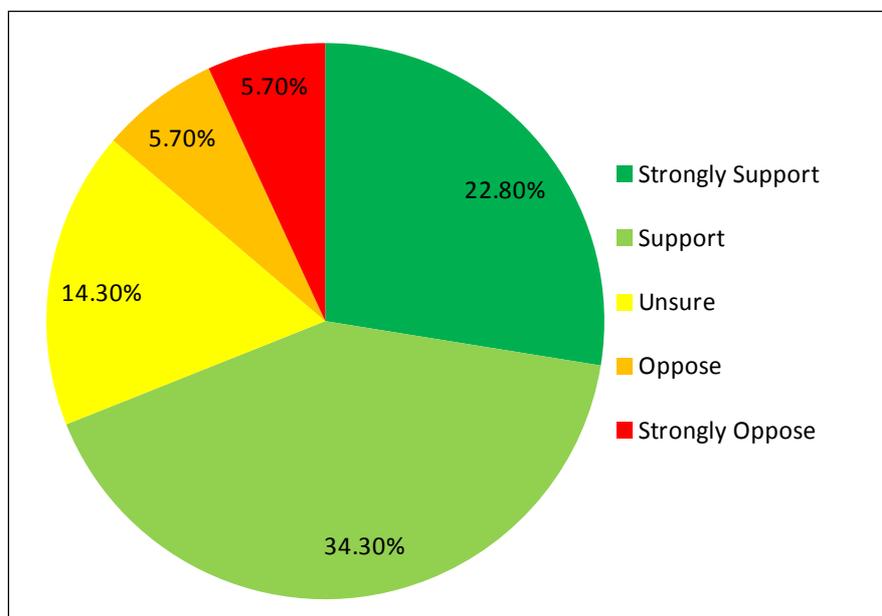
- Believe it will attract more noise to the area (in general).
- Believe it will have a greater impact on parking (in general).
- Believe it will attract more traffic and impact the safety around the park (in general).
- Believe it will increase the electricity costs for the City.
- Believe lighting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

#### Ocean Reef Park, Ocean Reef – Floodlighting and Cricket Infrastructure Upgrade Project

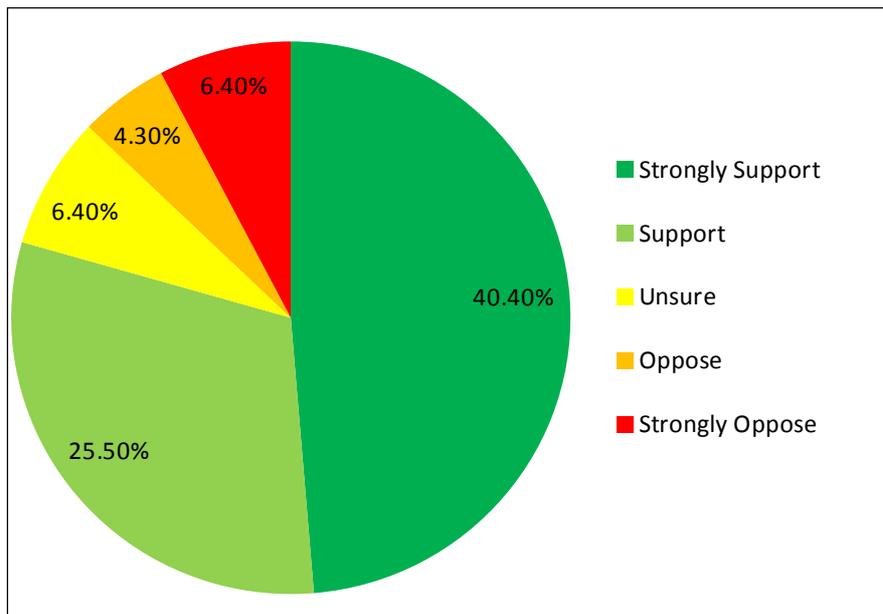
Community consultation was conducted for 21 days from 27 June to 18 July 2014 for the Ocean Reef Park project. The consultation provided the local community with an opportunity to provide feedback on the proposed floodlighting upgrade project at Ocean Reef Park. Consultation packs were posted to all residents within a 200 metres radius of the park (258 households), to all park user groups and local resident/ratepayer organisations.

Respondents were asked to indicate a level of support for the proposed upgrade of floodlighting infrastructure to 50 and 100 lux at Ocean Reef Park as well as the proposal to relocate the existing cricket practice nets to the south-east corner of the park. Of the responses received, the majority indicated support for the works as shown in the below chart. A comprehensive community consultation report has been included as Attachment 4.

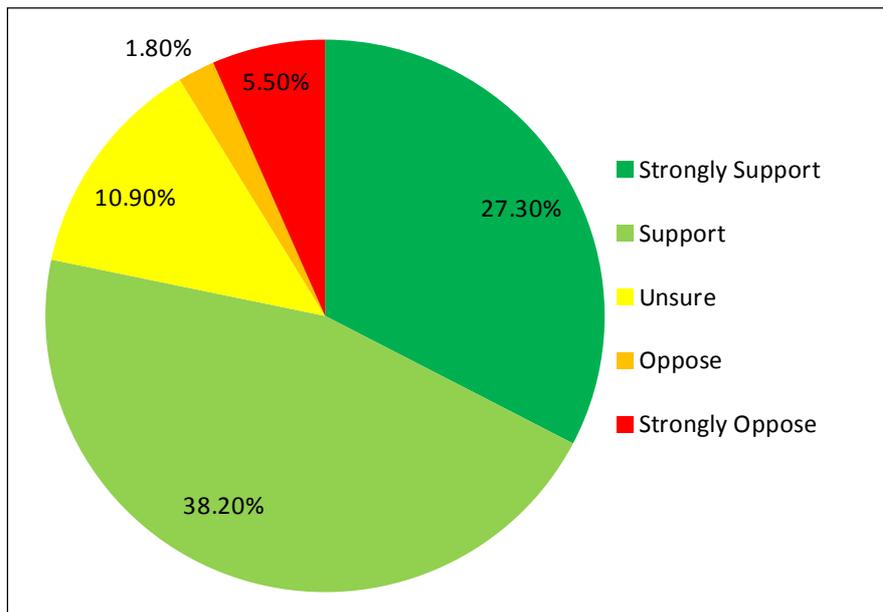
Level of support for the installation of 50 lux sports floodlighting (Respondents who reside within 200 metres of Ocean Reef Park).



Level of support for the installation of 100 lux sports floodlighting (Respondents who reside within 200 metres of Ocean Reef Park).



Level of support for the relocation of the cricket infrastructure (Respondents who reside within 200 metres of Ocean Reef Park).



It should be noted that the City received nine valid responses from respondents who do not reside within 200 metres of Ocean Reef Park. Of these responses one respondent was strongly opposed to the relocation of the cricket infrastructure. This response was from the Ocean Ridge Junior Cricket Club who utilise the venue.

#### Additional Comments

Respondents who indicated that they did not support the new infrastructure proposed as part of the project were asked why. A total of 12 individual respondents were opposed or strongly opposed to the proposed floodlighting and cricket infrastructure project. The main reason for

opposition was in relation to the high level of parking on resident verges within the surrounding area and concerns regarding the necessity and safety of relocating the cricket infrastructure. It is noted that these parking issues do not usually occur when the proposed floodlights would be in operation, such as on weekday evenings.

Additional reasons for opposition included the following:

- Believe lights will be too bright (in general).
- Believe the height of the poles is not appropriate in a residential area.

## COMMENT

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

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

## VOTING REQUIREMENTS

Absolute Majority.

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

- 1 BY AN ABOLUTE MAJORITY AMENDS** part 4 of its decision of 19 August 2014 (CJ146-08/14 refers) to read as follows:  
  
*“4 REQUESTS that a revised amount of \$3,288,700 be listed for consideration within 2015-16 of the City’s Five Year Capital Works Program for the construction of the Penistone Park redevelopment project (subject to a successful CSRFF grant application of \$907,133);”*
- 2 NOTES** the findings of the Community consultation process undertaken for the Chichester Park, Woodvale project;
- 3 ENDORSES** an application to Department of Sport and Recreation’s Community Sporting and Recreation Facilities Fund program for \$234,015 (ex GST) to part fund the Chichester Park, Woodvale, Floodlighting Project;
- 4 Subject to a successful Community Sporting and Recreation Facilities Fund grant application of \$234,015 APPROVES** the proposed floodlighting project at Chichester Park, Woodvale at a capital cost estimate of \$702,045;

- 5 **REQUESTS** that an additional \$202,045 be listed for consideration within 2015-16 of the City's *Five Year Capital Works Program* for the Chichester Park, Woodvale floodlighting project;
- 6 **NOTES** the findings of the Community consultation process undertaken for the Ocean Reef Park, Ocean Reef project;
- 7 **ENDORSES** an application to Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund program for \$167,546 (ex GST) to part fund the Ocean Reef Park, Ocean Reef, Floodlighting Project;
- 8 Subject to a successful Community Sporting and Recreation Facilities Fund grant application of \$167,546 and a contribution from the Ocean Ridge Junior Football Club of \$167,546 **APPROVES** the proposed floodlighting and cricket infrastructure project at Ocean Reef Park, Ocean Reef at a capital cost estimate of \$502,640;
- 9 Subject to endorsement of the Community Sporting and Recreation Facilities Fund grant application in Part 7 above **REQUESTS** that \$502,640 be listed for consideration within 2015-16 of the City's *Five Year Capital Works Program* for the Ocean Reef Park, Ocean Reef floodlighting and cricket infrastructure project;
- 10 **ENDORSES** the ranking and rating of Community Sporting and Recreation Facilities Fund applications below:

	<b>Applicant's Rank</b>	<b>Applicant's Rating</b>
1	Penistone Park, Greenwood – Proposed Redevelopment at Penistone Park, Greenwood	Well planned and needed by the local government
2	Chichester Park, Woodvale – Proposed Floodlighting Project at Chichester Park, Woodvale	Well planned and needed by the local government
3	Ocean Reef Park, Ocean Reef – Proposed Floodlighting and Cricket Infrastructure Project at Ocean Reef Park, Ocean Reef	Well planned and needed by the applicant

**The Motion was Put and**

**CARRIED (10/0)**

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

*Appendix 19 refers*

To access this attachment on electronic document, click here: [Attach19brf090914.pdf](#)

## **CJ168-09/14      COMMUNITY SAFETY AND CRIME PREVENTION PLAN 2014-2018 - COMMUNITY CONSULTATION**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services	
<b>FILE NUMBER</b>	63511	
<b>ATTACHMENT</b>	Attachment 1	Draft <i>Community Safety and Crime Prevention Plan 2014-2018</i>
	Attachment 2	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.	

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### **PURPOSE**

For Council to consider recent amendments to the draft *Community Safety and Crime Prevention Plan 2014-2018* and to approve the plan's release for community consultation.

### **EXECUTIVE SUMMARY**

At its meeting held on 19 November 2013 (CJ222-11/13 refers), Council considered the draft *Community Safety and Crime Prevention Plan 2014-2018* following its development on the advice of the City's Strategic Community Reference Group.

Council subsequently referred the draft plan back to the Chief Executive Officer to re-engage the Strategic Community Reference Group on the incorporation of an overarching 'towards zero' crime prevention philosophy within the document.

Amendments have since been incorporated into the draft plan that align with a 'towards zero' philosophy. The Strategic Community Reference Group has also considered and endorsed these amendments.

Approval to release the document for community consultation is now sought from Council.

### **BACKGROUND**

At its meeting held on 19 November 2013 (CJ222-11/13 refers), Council was presented with a report which:

- outlined the City's achievements against the *Community Safety and Crime Prevention Plan 2009-2011*
- presented a draft *Community Safety and Crime Prevention Plan 2014-2018* that was developed on the advice of the Strategic Community Reference Group

- sought approval to release the draft *Community Safety and Crime Prevention Plan 2014-2018* for community consultation.

In considering the draft plan, Council resolved the following:

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

This report outlines the outcome of the City’s re-engagement with the Strategic Community Reference Group in revising the draft *Community Safety and Crime Prevention Plan 2014-2018* in accordance with Council’s direction above.

## **DETAILS**

In developing a ‘towards zero’ crime prevention philosophy, the Presiding Member of the Strategic Community Reference Group sought initial commentary from standing community members at its meeting held in April 2014. No objections to the development of a ‘towards zero’ vision were indicated by members at this meeting.

As a result, the City developed an overarching ‘towards zero’ vision and additional strategies (highlighted in yellow in Attachment 1), in discussion with local WA Police representatives, that were subsequently circulated electronically to Strategic Community Reference Group members for consideration.

The new strategies aim to:

- empower the community to take an active role in reducing local crime and antisocial behaviour
- better clarify the role of the City in distributing information and providing tools for the community to become more active
- promote the ‘towards zero’ philosophy
- incorporate any new planned activities/initiatives/direction by the WA Police.

No objections to the amendments were indicated by Strategic Community Reference Group members following the City’s request for comments.

## **Issues and options considered**

Council may choose to:

- approve the release of the draft *Community Safety and Crime Prevention Plan 2014-2018* for community consultation, as shown in Attachment 1
- approve the release of the draft *Community Safety and Crime Prevention Plan 2014-2018* for community consultation, subject to specific amendments  
or
- not approve the release of the draft *Community Safety and Crime Prevention Plan 2014-2018* for community consultation.

In light of the significant level of engagement pursued with the Strategic Community Reference Group in the plan's review, it is recommended that Option 1 is pursued to facilitate the finalisation of the review process.

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

**Legislation** Not applicable.

### **Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Community safety and community spirit.

**Strategic initiative** Deliver a program of community-based events and education that encourage social interaction within local neighbourhoods.

Build a community that works in partnership with government and non-government organisations to achieve real and long-lasting improvement in safety and wellbeing.

**Policy** Not applicable.

### **Risk management considerations**

Not applicable.

### **Financial / budget implications**

The proposed community consultation process will incur minimal costs for printing and advertising, which will be less than \$1,000.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

A proposed Community Consultation Plan is provided at Attachment 2 of Report CJ169-09/14. The plan highlights two phases in the development of the draft *Community Safety and Crime Prevention Plan 2014-2018*, namely:

- Phase One – engagement with the Strategic Community Reference Group to develop a draft Plan.
- Phase Two – consultation with the community and identified stakeholders to obtain feedback on the draft Plan.

This report seeks approval from the Council to release the draft *Community Safety and Crime Prevention Plan 2014-2018* to the community for feedback in alignment with Phase Two, as outlined in Attachment 2.

## COMMENT

The City is satisfied that the advice and input received from the Strategic Community Reference Group in the development of the draft *Community Safety and Crime Prevention Plan 2014-2018* was of a high standard and reflective of the expert knowledge and experience of the group members.

Following further engagement with the group, the City is confident that the draft plan shown at Attachment 1 represents an effective alignment between the City's strategic objectives within *Joondalup 2022* and the community's perspective on how future programs and services relating to community safety and crime prevention should be delivered by the City.

## VOTING REQUIREMENTS

Simple Majority.

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

- 1      CONSIDERS the draft *Community Safety and Crime Prevention Plan 2014-2018*, as shown in Attachment 1 of Report CJ168-09/14;**
- 2      APPROVES the release of the *Community Safety and Crime Prevention Plan 2014-2018*, as shown in Attachment 1 of Report CJ168-09/14, for community consultation.**

**The Motion was Put and CARRIED (10/0) by Exception Resolution after consideration of CJ169-09/14, page 160 refers.**

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

*Appendix 20 refers*

To access this attachment on electronic document, click here: [Attach20brf090914.pdf](#)

**CJ169-09/14      DOG CONTROL MEASURES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	04132
<b>ATTACHMENT</b>	Nil.
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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**PURPOSE**

For Council to approve specification of Dog Exercise and Prohibited Areas in accordance with Section 31 of the *Dog Act 1976*.

**EXECUTIVE SUMMARY**

At its meeting held on 24 June 2014 (CJ096-06/14 refers) Council resolved by absolute majority to advertise its intention to specify dog prohibited and dog exercise areas.

There were five responses received and all related to Windermere Park. Section 31(2B)(b) of the *Dog Act 1976* provides for dog prohibitions to apply at specified times and the resolution of 24 June 2014 specified Council's intention that Windermere Park was to have dogs prohibited during seasonal scheduled sporting activities. It has subsequently been identified that this description is not specific enough to satisfy the requirements of the *Dog Act 1976* and that applying the provisions of section 31(2B)(b) of the *Dog Act 1976* is not practical.

An alternative to a prohibition is to not specify Windermere Park as either dog prohibited or a dog exercise area in which case it would remain as a dog on leash at all times park in accordance with the *Dog Act 1976*. Requiring dogs to be on leash at all times is the best compromise that would address conflict between sporting and dog activities.

*It is therefore recommended that Council:*

1      *BY AN ABSOLUTE MAJORITY SPECIFIES the following areas as places where dogs are prohibited at all times pursuant to section 31(2B)(a) of the Dog Act 1976:*

- 1.1      *Neil Hawkins Park, Joondalup, being Reserve No. 28544;*
- 1.2      *Central Node Foreshore Reserve, Hillarys, being Reserve 39497;*
- 1.3      *Mawson Park, Hillarys, being Reserve No. 33401;*
- 1.4      *MacDonald Reserve, Padbury, being Reserve No. 33072;*
- 1.5      *Heathridge Park, Heathridge, being Reserve No. 34330;*
- 1.6      *Blue Lake Park, Joondalup, being Reserve No. 41893;*
- 1.7      *Percy Doyle Reserve, Duncraig, being Reserve No. 33894;*
- 1.8      *"Central Pa rk", Lakeside Drive and Grand Boulevard, Joondalup being Lot 1101, Reserve No. 48354;*

- 1.9 Tom Simpson Park, Mullaloo, being Reserve No. 32074 and Lot 1 (5) Oceanside Promenade, Mullaloo;
  - 1.10 Foreshore Reserve 47831 within the City of Joondalup other than that area of the foreshore reserve, from the constructed horse access path southwards for a distance of 750 metres as designated by signs;
  - 1.11 Foreshore Reserve 42219 west of the coastal dual use path;
  - 1.12 Craigie Open Space, being Reserve No.'s 38362 and 32858;
- 2 NOTES that the following are places where dogs must be on leash at all times pursuant to section 31(1) of the Dog Act 1976:
- 2.1 Warwick Open Space, being Reserve No 50441;
  - 2.2 Lilburne Park Conservation Area, being Reserve No 35545;
  - 2.3 Hepburn Conservation Area, being Reserve No 42987;
  - 2.4 Shepherds Bush Park, being Reserve No's 26052 and 39941;
  - 2.5 On the coastal dual use path that extends through Foreshore Reserve 47831;
  - 2.6 Horse beach, being part of Foreshore Reserve 47831, from the constructed horse access path northwards for 160 metres as designated by signs;
  - 2.7 Windermere Park being Reserve No. 42556;
- 3 BY AN ABSOLUTE MAJORITY SPECIFIES that all public places that are under the care, control or management of the City excluding road and street reserves, areas detailed in Part 1 above and the areas detailed in Part 2 above, as dog exercise areas pursuant to section 31(3A) of the Dog Act 1976.

## BACKGROUND

In accordance with section 31(3C) of the Dog Act 1976, Council must advertise its intention to specify areas where dogs are prohibited at all times or at specified times and dog exercise areas. At its meeting held on 24 June 2014 (CJ096-06/14 refers), it was resolved that Council:

- "1 BY AN ABSOLUTE MAJORITY determines its intention to SPECIFY the following areas as places where dogs are prohibited at all times pursuant to section 31(2B)(a) of the Dog Act 1976:
- 1.1 Neil Hawkins Park, Joondalup, being Reserve No. 28544;
  - 1.2 Central Node Foreshore Reserve, Hillarys, being Reserve 39497;
  - 1.3 Mawson Park, Hillarys, being Reserve No. 33401;
  - 1.4 MacDonald Reserve, Padbury, being Reserve No. 33072;
  - 1.5 Heathridge Park, Heathridge, being Reserve No. 34330;
  - 1.6 Blue Lake Park, Joondalup, being Reserve No. 41893;
  - 1.7 Percy Doyle Reserve, Duncraig, being Reserve No. 33894;
  - 1.8 "Central Park", Lakeside Drive and Grand Boulevard, Joondalup being Lot 1101, Reserve No. 48354;
  - 1.9 Tom Simpson Park, Mullaloo, being Reserve No. 32074 and Lot 1 (5) Oceanside Promenade, Mullaloo;
  - 1.10 Foreshore Reserve 47831 within the City of Joondalup other than that area of the foreshore reserve, from the constructed horse access path southwards for a distance of 750 metres as designated by signs;
  - 1.11 Foreshore Reserve 42219 west of the coastal dual use path;
  - 1.12 Craigie Open Space, being Reserve No.'s 38362 and 32858;

- 2 *BY AN ABSOLUTE MAJORITY determines its intention to specify the following area as a place where dogs are prohibited during seasonal scheduled sporting activities pursuant to section 31(2B)(b) of the Dog Act 1976;*
- 2.1 *Windermere Park being Reserve No. 42556;*
- 3 *NOTES that the following are places where dogs must be on leash at all times pursuant to section 31(1) of the Dog Act 1976:*
- 3.1 *Warwick Open Space, being Reserve No 50441;*  
 3.2 *Lilburne Park Conservation Area, being Reserve No 35545;*  
 3.3 *Hepburn Conservation Area, being Reserve No 42987;*  
 3.4 *Shepherds Bush Park, being Reserve No's 26052 and 39941;*  
 3.5 *On the coastal dual use path that extends through Foreshore Reserve 47831;*  
 3.6 *Horse beach, being part of Foreshore Reserve 47831, from the constructed horse access path northwards for 160 metres as designated by signs;*
- 4 *BY AN ABSOLUTE MAJORITY determines its intention to SPECIFY that all public places that are under the care, control or management of the City excluding road and street reserves, areas detailed in Part 1 above for the times as detailed in Part 2 above and the areas detailed in Part 3 above, as dog exercise areas pursuant to section 31(3A) of the Dog Act 1976;*
- 5 *APPROVES the advertising by local public notice of its intention to specify the areas detailed in Parts 1, 2, 3 and 4 above, in accordance with section 31(3C) of the Dog Act 1976."*

The purpose of part 2 of the resolution was to try and address concerns that dogs being exercised off the lead and people engaging in sporting activity were in conflict when these occurred at the same time.

## DETAILS

Following advertising there were five responses received and all related to Windermere Park and Council's intention in part 2 of its resolution of 24 June 2014 to specify Windermere Park being Reserve No. 42556, as a place where dogs are prohibited during seasonal scheduled sporting activities pursuant to section 31(2B)(b) of the *Dog Act 1976*.

The responses were all from people who exercise dogs at Windermere Park. They expressed concerns in regard to:

- how they could continue to exercise their dogs
- what constituted seasonal scheduled sporting activities
- what would be the situation if users such as the school booked the park all day
- what other alternatives were there in the area to exercise dogs
- what was the concern that was trying to be addressed.

Some also expressed the view that the use of the park should be able to be shared between those exercising dogs and other users.

In addition to the responses received the City also reviewed the application of the Council's intention in regard to Windermere Park and the requirements of the *Dog Act 1976*. Section 31(2B)(b) of the *Dog Act 1976* provides for dog prohibitions to apply at specified times and it

has been determined that the description, prohibited during scheduled seasonal sporting activities, is not specific enough. To meet the requirements of the *Dog Act 19 76* for a prohibition to apply at specified times it would need to stipulate specific days and times. This would be quite impractical to do as the schedule of sport training varies from day to day and on game day, activity varies according to fixtures.

### **Issues and options considered**

The other dog exercise options for dog owners in this area of Joondalup are limited. Of the other parks, Blue Lake Park is a dog prohibited at all times because of the wildlife in the lake and Water Tower Park, Candlewood Park and Manapouri Park which are in close proximity to Blue Lake Park are relatively small and do not offer the wide open space exercise options presently available at Windermere Park.

An alternative to a complete prohibition would be to not specify Windermere Park as either dog prohibited or a dog exercise area in which case it would remain as a dog on leash at all times park in accordance with the *Dog Act 19 76*. Some of the responses indicated that there should be an ability to share access to the park between those exercising dogs and other users and although having the dog on a leash may restrict some of the exercise options available it does still provide the opportunity to exercise the dog on the park.

In listing Windermere Park as a place where dogs must be on leash at all times, the area ceases to be an exercise area in terms of dog owners being able to let dogs off leash and providing there is compliance there should be no interference with sporting activity.

It is suggested that to achieve the desired outcome, namely ensuring dogs do not interfere with sporting activities, dogs should be permitted at Windermere Park but must be on leash at all times.

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

<b>Legislation</b>	<i>Dog Act 1976.</i>
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Quality open spaces.
<b>Strategic initiative</b>	Adopt consistent principles in the management and provision of urban community infrastructure.
<b>Policy</b>	Not applicable.

### **Risk management considerations**

Not applicable.

### **Financial / budget implications**

The cost of installation of appropriate signage at the required parks is estimated at \$3,900 and can be accommodated within the current budget funds.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

The notice of Council's intention to specify dog prohibited and dog exercise areas was advertised on Wednesday 2 July 2014 in *The West Australian* newspaper. The 28 day advertising period expired on 30 July 2014.

Following advertising there were five responses received and all related to Windermere Park and Council's intention in part 4 of its resolution of 24 June 2014 to specify Windermere Park being Reserve No. 42556, as a place where dogs are prohibited during seasonal scheduled sporting activities pursuant to section 31(2B)(b) of the *Dog Act 1976*.

The responses were all from people who exercise dogs at Windermere Park. They expressed concerns in regard to:

- how they could continue to exercise their dogs
- what constituted seasonal scheduled sporting activities
- what would be the situation if users such as the school booked the park all day
- what other alternatives were there in the area to exercise dogs
- what was the concern that was trying to be addressed.

From the comments received in response to the specified areas it is suggested that there is support to have Windermere Park listed as an area where dogs must remain on leash at all times.

No comments were received to any other specification made.

**COMMENT**

The provisions of the *Dog Act 1976* in relation to dog prohibited areas and dog exercise areas make it difficult to apply a reasonable outcome that will satisfy everyone's needs. There is no provision in the Act to allow for a dog exercise area to apply only at specific times and while it does allow dog prohibited areas to apply at specific times the detail required for those times make it impractical to apply in this situation.

Not specifying Windermere park as either a dog prohibited area or a dog exercise area and thus requiring dogs to be on leash at all times is the best compromise that would address conflict between sporting and dog activities.

**VOTING REQUIREMENTS**

Absolute Majority.

**OFFICER'S RECOMMENDATION**

That Council:

- 1 BY AN ABSOLUTE MAJORITY SPECIFIES the following areas as places where dogs are prohibited at all times pursuant to section 31(2B)(a) of the *Dog Act 1976*:
  - 1.1 Neil Hawkins Park, Joondalup, being Reserve No. 28544;
  - 1.2 Central Node Foreshore Reserve, Hillarys, being Reserve 39497;
  - 1.3 Mawson Park, Hillarys, being Reserve No. 33401;
  - 1.4 MacDonald Reserve, Padbury, being Reserve No. 33072;
  - 1.5 Heathridge Park, Heathridge, being Reserve No. 34330;
  - 1.6 Blue Lake Park, Joondalup, being Reserve No. 41893;
  - 1.7 Percy Doyle Reserve, Duncraig, being Reserve No. 33894;
  - 1.8 "Central Park", Lakeside Drive and Grand Boulevard, Joondalup being Lot 1101, Reserve No. 48354;
  - 1.9 Tom Simpson Park, Mullaloo, being Reserve No. 32074 and Lot 1 (5) Oceanside Promenade, Mullaloo;
  - 1.10 Foreshore Reserve 47831 within the City of Joondalup other than that area of the foreshore reserve, from the constructed horse access path southwards for a distance of 750 metres as designated by signs;
  - 1.11 Foreshore Reserve 42219 west of the coastal dual use path;
  - 1.12 Craigie Open Space, being Reserve No.'s 38362 and 32858;
  
- 2 NOTES that the following are places where dogs must be on leash at all times pursuant to section 31(1) of the *Dog Act 1976*:
  - 2.1 Warwick Open Space, being Reserve No 50441;
  - 2.2 Lilburne Park Conservation Area, being Reserve No 35545;
  - 2.3 Hepburn Conservation Area, being Reserve No 42987;
  - 2.4 Shepherds Bush Park, being Reserve No's 26052 and 39941;
  - 2.5 On the coastal dual use path that extends through Foreshore Reserve 47831;
  - 2.6 Horse beach, being part of Foreshore Reserve 47831, from the constructed horse access path northwards for 160 metres as designated by signs;
  - 2.7 Windermere Park being Reserve No. 42556;
  
- 3 BY AN ABSOLUTE MAJORITY SPECIFIES that all public places that are under the care, control or management of the City excluding road and street reserves, areas detailed in Part 1 above and the areas detailed in Part 2 above, as dog exercise areas pursuant to section 31(3A) of the *Dog Act 1976*.

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

- 1 **BY AN ABSOLUTE MAJORITY SPECIFIES the following areas as places where dogs are prohibited at all times pursuant to section 31(2B)(a) of the *Dog Act 1976*:**
  - 1.1 **Neil Hawkins Park, Joondalup, being Reserve No. 28544;**
  - 1.2 **Central Node Foreshore Reserve, Hillarys, being Reserve 39497;**
  - 1.3 **Mawson Park, Hillarys, being Reserve No. 33401;**
  - 1.4 **MacDonald Reserve, Padbury, being Reserve No. 33072;**
  - 1.5 **Heathridge Park, Heathridge, being Reserve No. 34330;**
  - 1.6 **Blue Lake Park, Joondalup, being Reserve No. 41893;**
  - 1.7 **Percy Doyle Reserve, Duncraig, being Reserve No. 33894;**

- 1.8 “Central Park”, Lakeside Drive and Grand Boulevard, Joondalup being Lot 1101, Reserve No. 48354;
  - 1.9 Tom Simpson Park, Mullaloo, being Reserve No. 32074 and Lot 1 (5) Oceanside Promenade, Mullaloo;
  - 1.10 Foreshore Reserve 47831 within the City of Joondalup other than that area of the foreshore reserve, from the constructed horse access path southwards for a distance of 750 metres as designated by signs;
  - 1.11 Foreshore Reserve 42219 west of the coastal dual use path;
  - 1.12 Craigie Open Space, being Reserve No.’s 38362 and 32858;
- 2 NOTES that the following are places where dogs must be on leash at all times pursuant to section 31(1) of the *Dog Act 1976*:
- 2.1 Warwick Open Space, being Reserve No 50441;
  - 2.2 Lilburne Park Conservation Area, being Reserve No 35545;
  - 2.3 Hepburn Conservation Area, being Reserve No 42987;
  - 2.4 Shepherds Bush Park, being Reserve No’s 26052 and 39941;
  - 2.5 On the coastal dual use path that extends through Foreshore Reserve 47831;
  - 2.6 Horse beach, being part of Foreshore Reserve 47831, from the constructed horse access path northwards for 160 metres as designated by signs;
  - 2.7 Windermere Park being Reserve No. 42556;
- 3 BY AN ABSOLUTE MAJORITY SPECIFIES that all public places that are under the care, control or management of the City excluding road and street reserves, areas detailed in Part 1 above and the areas detailed in Part 2 above, as dog exercise areas pursuant to section 31(3A) of the *Dog Act 1976*;
- 4 REQUESTS the Chief Executive Officer arrange for Windermere Park to be actively patrolled in accordance with the *Dog Act 1976* during scheduled sporting activities;
- 5 REQUESTS the Chief Executive Officer write to the Minister for Local Government; Community Services; Seniors and Volunteering; Youth requesting that the current inflexibility of the *Dog Act 1976* in relation to local governments being able to specify dog prohibited and dog exercise area times be reviewed.

**The Motion was Put and**

**CARRIED (10/0)**

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

**C46-09/14****COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION -  
[02154, 08122]**

**MOVED** Cr Hamilton-Prime, **SECONDED** Cr Norman that pursuant to the *Meeting Procedures Local Law 2013* – Clause 4.8 – Adoption by exception resolution, Council **ADOPTS** the following items:

**CJ148-09/14, CJ150-09/14, CJ151-09/14, CJ153-09/14, CJ156-09/14, CJ157-09/14, CJ158-09/14, CJ159-09/14, CJ160-09/14, CJ161-09/14, CJ162-09/14, CJ163-09/14, CJ164-09/14, CJ165-09/14 and CJ168-09/14.**

**The Motion was Put and**

**CARRIED (10/0)**

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

**C47-09/14                    MOTION TO GO BEHIND CLOSED DOORS – [02154, 08122]**

**MOVED Cr McLean SECONDED Cr Amphlett that Council:**

- 1        In accordance with Sections 5.23(2)(c) and (d) of the *Local Government Act 1995* and clause 5.2(2) of the City's *Meeting Procedures Local Law 2013*, RESOLVES to close the meeting to members of the public to consider the following Item:
  - 1.1        CJ170-09/14 – Confidential – Tender 01410 Processing Co-Mingled Recyclables;****
  
- 2        PERMITS the following employees to remain in the Chamber during discussion on Item CJ170-09/14, while the meeting is sitting behind closed doors as detailed in Part 1.1 above:
  - 2.1        Acting Chief Executive Officer, Mr Mike Tidy;**
  - 2.2        Acting Director Corporate Services, Mr Jamie Parry;**
  - 2.3        Director Planning and Community Development, Ms Dale Page;**
  - 2.4        Director Infrastructure Services, Mr Nico Claassen;**
  - 2.5        Acting Director Governance and Strategy, Mr Brad Sillence;**
  - 2.6        Acting Manager Governance, Mr John Byrne;**
  - 2.7        Acting Governance Coordinator, Mrs Lesley Taylor;**
  - 2.8        Governance Officer, Mrs Dawn Anderson.****

**The Motion was Put and**

**CARRIED (10/0)**

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

*Members of the staff (with the exception of the Acting Chief Executive Officer; Acting Director Corporate Services; Director Planning and Community Development; Director Infrastructure Services; Acting Director Governance and Strategy; Acting Manager Governance; Acting Governance Coordinator; and Governance Officer) and members of the public and press left the Chamber at this point; the time being 7.37pm.*

## **CJ170-09/14      CONFIDENTIAL - TENDER 01410 PROCESSING CO-MINGLED RECYCLABLES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	53119
<b>ATTACHMENT</b>	Attachment 1      Summary of Tender Submissions  <i>(Please Note: This attachment 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.

This report is confidential in accordance with section 5.23(2)(c) and (d) of the *Local Government Act 1995*, which also permits the meeting to be closed to the public for business relating to the following:

- *A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*
- *Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.*

A full report was provided to Elected Members under separate cover. The report is not for publication.

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

- 1      NOTES that this is an interim contract that allows the City the time to further investigate options for managing the City's waste streams and gives immediate significant financial benefits;**
- 2      ACCEPTS the Tender submitted by Transpacific Cleanaway Pty Ltd (Option 3) for processing co-mingled recyclables as specified in Tender 01410 for a period of three years with two options to extend for a period of one year to be exercised at the Cities' discretion at the submitted schedule of rates subject to minor contract condition negotiations.**

**The Motion was Put and**

**CARRIED (10/0)**

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



**MOVED Cr Gobbert, SECONDED Cr Corr that Council REQUESTS the Chief Executive Officer prepare a report on the feasibility of the City purchasing mobile CCTV equipment to be used throughout the City of Joondablup and the implications associated with their purchase and use.**

**The Motion was Put and**

**CARRIED (10/0)**

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

#### **ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

Nil.

#### **CLOSURE**

There being no further business, the Deputy Mayor declared the Meeting closed at 7.51pm the following Elected Members being present at that time:

DEPUTY MAYOR CR LIAM GOBBERT  
CR TOM MCLEAN, JP  
CR PHILIPPA TAYLOR  
CR SAM THOMAS  
CR GEOFF AMPHLETT, JP  
CR CHRISTINE HAMILTON-PRIME  
CR MIKE NORMAN  
CR JOHN CHESTER  
CR BRIAN CORR  
CR TERESA RITCHIE, JP