

agenda

Briefing Session

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

ON **TUESDAY 14 OCTOBER 2014**
COMMENCING AT **6.30pm**

GARRY HUNT
Chief Executive Officer
10 October 2014

www.joondalup.wa.gov.au

PUBLIC QUESTION TIME

Members of the public are requested to lodge questions in writing by close of business on **Monday 13 October 2014**

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

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

BRIEFING SESSIONS

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

INTRODUCTION

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

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

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

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

PURPOSE OF BRIEFING SESSIONS

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

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

PROCEDURES FOR BRIEFING SESSIONS

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

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

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

PROCEDURES FOR PUBLIC QUESTION TIME

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

Questions asked verbally

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

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

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

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

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

DISCLAIMER

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

PROCEDURES FOR PUBLIC STATEMENT TIME

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

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

PROCEDURES FOR DEPUTATIONS

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

RECORDING OF THE PROCEEDINGS OF THE BRIEFING SESSION

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

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LATE ITEMS / ADDITIONAL INFORMATION

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

[Additional Information141014.pdf](#)

CITY OF JOONDALUP – BRIEFING SESSION

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 14 October 2014** commencing at **6.30 pm**.

ORDER OF BUSINESS

1 OPEN AND WELCOME

2 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Disclosures of Financial Interest/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.

Disclosure of interest affecting impartiality

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

Name/Position	Mayor Troy Pickard.
Item No./Subject	Item 27 – Confidential – Status Report on City Freehold Properties Proposed for Disposal.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Both the operator and owner of the Kingsley Tavern are known to Mayor Pickard.

3 DEPUTATIONS

4 PUBLIC QUESTION TIME

5 PUBLIC STATEMENT TIME

6 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

Cr Teresa Ritchie, JP	6 November to 14 November 2014 inclusive;
Cr Christine Hamilton-Prime	5 November to 20 November 2014 inclusive;
Cr Christine Hamilton-Prime	6 December 2014 to 5 January 2015 inclusive.

7 REPORTS

ITEM 1 DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS - AUGUST 2014

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	07032, 101515
ATTACHMENTS	<div>Attachment 1 Monthly Development Applications Determined – August 2014</div> <div>Attachment 2 Monthly Subdivision Applications Processed – August 2014</div> <div>Attachment 3 Monthly Building R-Code Applications Decision – August 2014</div>
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

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

EXECUTIVE SUMMARY

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

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

This report identifies the following applications determined by the administration with delegated authority powers during August 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

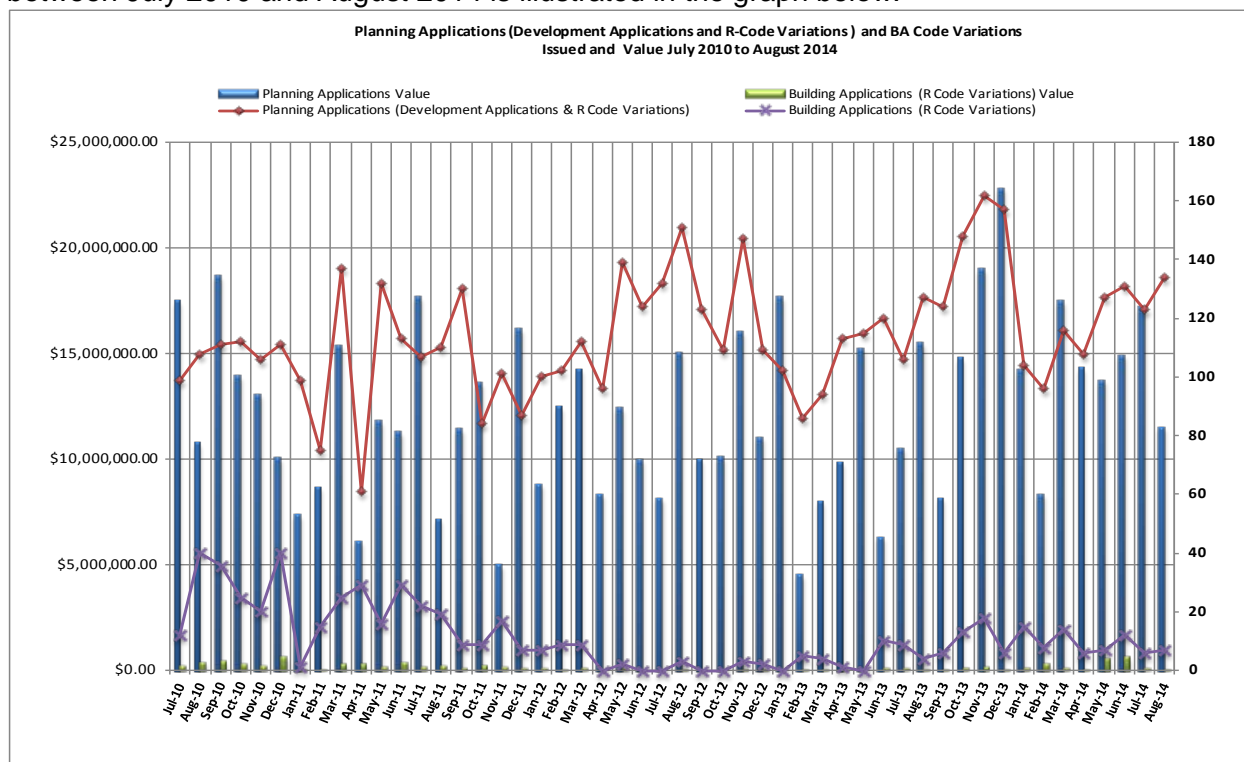
DPS2 requires that delegations be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 25 June 2013 (CJ094-06/13 refers), Council considered and adopted the most recent Town Planning Delegations via its review of the Register of Delegation of Authority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

DETAILS

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

Applications determined under delegated authority – August 2014		
Type of Application	Number	Value (\$)
Planning applications (development applications and R-Codes applications)	134	\$ 11,471,385
Building applications (R-Codes applications)	7	\$46,631
TOTAL	141	\$ 11,518,016

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



The number of planning applications received during August was 146. (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 August was 312. Of these, 62 were pending additional information from applicants, and 87 were being advertised for public comment.

In addition to the above, 311 building permits were issued during the month of August with an estimated construction value of \$44,640,649.

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

Subdivision referrals processed under delegated authority for August 2014		
Type of referral	Number	Potential additional new lots
Subdivision applications	7	150
Strata subdivision applications	4	5

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

Policy Not applicable. All decisions made under delegated authority have due regard to any of the City's policies that apply to the particular development.

Clause 8.6 of DPS2 permits development control functions to be delegated to persons or committees. All subdivision applications were assessed in accordance with relevant legislation and policies, and a recommendation made on the applications to the Western Australian Planning Commission.

Risk management considerations

The delegation process includes detailed practices on reporting, checking and cross checking, supported by peer review in an effort to ensure decisions taken are lawful, proper and consistent.

Financial/budget implications

A total of 141 applications were determined for the month of August with a total amount of \$54,980 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 134 planning applications determined during August 2014 consultation was undertaken for 70 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 eleven subdivision applications processed during August 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.

RECOMMENDATION

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

- 1 Applications for planning approval and R-Codes applications described in Attachment 1 to this Report during August 2014;**
- 2 Subdivision applications described in Attachment 2 to this Report during August 2014;**
- 3 Building Residential Design Code applications described in Attachment 3 to this Report during August 2014.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf141014.pdf](#)

ITEM 2 RETROSPECTIVE ADDITIONS TO LANDSCAPE SUPPLIES PREMISES AT LOT 396 (29) CANHAM WAY, GREENWOOD

WARD	South-East	
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development	
FILE NUMBER	26113, 101515	
ATTACHMENT	Attachment 1	Location plan
	Attachment 2	Development plans
	Attachment 3	Feature Wall plan
	Attachment 4	Landscape plan
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.	

PURPOSE

For Council to determine an application for retrospective additions to a landscape supplies premises at Lot 396 (29) Canham Way, Greenwood.

EXECUTIVE SUMMARY

An application for retrospective planning approval has been received for two existing sand containment bins; the reconfiguration of a landscaping area; and for the expansion of a vehicle access and stock storage area to an existing landscape supplies premises at Lot 396 (29) Canham Way, Greenwood.

The site is zoned 'Urban' under the *Metropolitan Region Scheme* and 'Service Industrial' under the *City of Joondalup District Planning Scheme No. 2* (DPS2). Under DPS2 'Landscape Supplies' is a discretionary ("D") land use within the 'Service Industrial' zone.

The reconfiguration of the landscaping area was required to facilitate the expansion of the vehicle access and stock storage area in the north-western corner of the site. In accordance with DPS2 any area within three metres of a road reserve boundary should only be used for access, landscaping or a trade display in the 'Service Industrial' zone. The applicant proposes the storage of stock in this area, with a setback of one metre from the Hepburn Avenue boundary, and therefore the proposal does not meet the requirements of DPS2. A condition of approval imposed on a previous application determined by Council for the site required landscaping in this area (CJ079-05/11 refers). Additional landscaping is now proposed on site to the remainder of the Hepburn Avenue and Wanneroo Road boundaries and incorporated with the landscaping of the adjacent verge areas.

The stock storage and vehicle access area will be screened by a limestone fence to be constructed along part of the Hepburn Avenue frontage of the site. This fence is exempt from the need to obtain development approval under DPS2 as it is a boundary fence.

In addition to the proposed modifications to the landscaping area, there are four existing sand containment bins in the north-western corner of the site. Two of these bins (closest to Canham Way) previously received development approval, and two were constructed without the necessary approvals and form part of this application. The location of the sand containment bins meets the requirements of DPS2.

At its meeting held on 17 April 2012 (CJ052-04/12 refers), Council considered this application and resolved to defer a determination until such time as suitable landscape plans were provided in accordance with a condition of approval imposed on a previous application.

A suitable landscape plan has now been received by the City (Attachment 4 refers), and is considered to meet the requirements of Council's previous condition of approval for the site (CJ052-04/12 refers). However, as the landscape plan reflects development the subject of this application, formal approval of the submitted plan will not be given by the City until this application is determined. It is noted that the proposal previously presented to Council included landscaping to 6.5% of the site in lieu of the 8% required under DPS2. Landscaping is now proposed to 8% of the site, satisfying DPS2 requirements.

The proposed retrospective additions comply with the requirements of DPS2, with the exception of the expanded stock storage area in the north-west corner of the site being within three metres of the Hepburn Avenue road reserve. The proposal is considered appropriate given the stock storage area will be screened from view by the proposed limestone fence, existing vegetation in the Hepburn Avenue road reserve and further landscaping required as part of Council's previous approval for the site.

It is therefore recommended that the application be approved.

BACKGROUND

Suburb/Location	Lot 396 (29) Canham Way, Greenwood.
Applicant	Zealous Resources Pty Ltd t/as Fremantle Stone.
Owner	Tait Nominees Pty Ltd, Winmee Pty Ltd, Bernard Marie Clement Nageon. De Lestang & Helen Roberta Nageon De Lestang.
Zoning	DPS Service Industrial.
	MRS Urban.
Site area	5,116.07m ² .
Structure plan	Not applicable.

The subject site is located in the north-eastern part of Canham Way in Greenwood. The site backs on to Hepburn Avenue and Wanneroo Road (Attachment 1 refers).

The site has approval to operate as a 'Landscape Supplies' premises, and is utilised as a display centre, showroom and stock storage area for the purpose of storage and distribution of paving stone and other related products. The site has been extensively refurbished by Fremantle Stone since commencement of the business in 2009, including renovation of an existing site office and showroom, improvements to the driveway and traffic surfaces, improvements to the site drainage and the addition of various product displays, patios, shade sails, and a gazebo. The site generally operates with between two and four staff.

At its meeting held on 17 May 2011(CJ079-05/11 refers), Council approved a retrospective application for a change of use from 'Office' and 'Workshop' to 'Landscape Supplies' on the site. A condition of that approval required the applicant to lodge a detailed landscaping plan for the site and adjoining road verges.

In February 2012, the City received the application for the reconfiguration of the landscaping areas, for the purpose of an extension to an existing vehicle access and a stock storage area, and retrospective approval for the sand containment bins. At its meeting held on 17 April 2012 (CJ052-04/12 refers), Council considered the application and resolved as follows:

"That Council:

- 1 *pursuant to clause 6.9.1(d) of the City of Joondalup District Planning Scheme No 2 DEFERS the application for planning approval, dated 3 February 2012 submitted by Zealous Resources Pty Ltd trading as Fremantle Stone on behalf of the owners, Tait Nominees Pty Ltd, Winmee Pty Ltd, Bernard Marie Clement Nageon De Lestang & Helen Roberta Nageon De Lestang, for proposed landscaping area reconfiguration and retrospective additions to the Landscape Supplies premises at Lot 396 (29) Canham Way, Greenwood until such time as the following additional information has been provided:*
 - 1.1 *Detailed landscaped plans, to the satisfaction of the City, for the site and adjoining road verges. The landscaping plan(s) shall;*
 - 1.1.1 *Be drawn to a scale of 1:100;*
 - 1.1.2 *Provide all details relating to the paving, treatments of verges and tree plantings in the car park;*
 - 1.1.3 *Be based on water sensitive urban design principles to the satisfaction of the City;*
 - 1.1.4 *Be based in Designing out Crime principles to the satisfaction of the City; and*
 - 1.1.5 *Depict appropriate species for Hepburn Avenue verge area, and the landscaped area within the property boundary adjacent to the Hepburn Avenue, that is of a sufficient height and density to screen the stock storage area, and to minimise the visual impact of the limestone boundary fence as viewed from the surrounding streets."*

A suitable landscape plan has now been received by the City (Attachment 4 refers) and provides for the following:

- Landscaping to 8% of the site, satisfying DPS2 requirements, including the additional one metre garden bed within the property boundary adjacent to the Hepburn Avenue and Wanneroo Road boundaries. It is noted that the proposal previously presented to Council included landscaping to 6.5% of the site in lieu of the 8% required under DPS2.
- Shade trees in the car parking area at a rate of one tree per four car bays, satisfying DPS2 requirements.
- Extensive landscaping to part of Hepburn Avenue and Wanneroo Road within the verge area that will be of a sufficient height and density to screen the stock storage area.
- Additional landscaping to the Canham Way road verge area.

In this instance it is considered that the landscaping proposed within the site and to the Wanneroo Road and Hepburn Avenue road reserves is appropriate. To request the applicant to fully landscape the entire extensive verge area, which is between 15 and 25 metres wide, would be unreasonable, with the landscaping proposed sufficient to screen the stock storage area.

The landscaping plan is now considered to meet the requirements of Council's previous condition of approval for the site (CJ052-04/12 refers). However, as the landscape plan reflects development the subject of this application, formal approval of the submitted plan will not be given by the City until this application is determined.

DETAILS

The development that is the subject of this application consists of:

- reconfiguration of the previously approved landscaping area adjacent to the Hepburn Avenue boundary, for the purpose of an extension to an existing vehicle access and stock storage area
- two additional limestone sand containment bins (existing).

To screen the vehicle access and stock storage area from the street area the applicant proposes to construct a 36 metre long limestone fence along the Hepburn Avenue boundary. This fence does not form part of the proposal, as it is exempt from the need to obtain planning approval under clause 6.1.3 of DPS2.

The site currently contains two approved 40 cubic metre sand containment bins used for containing clean paving sand. The two sand containment bins forming part of this application are also used for containing clean sand. The bins are 5.10 metres long, five metres wide and 1.47 metres high, and are constructed of limestone blocks.

The development plans are provided as Attachment 2.

Issues and options considered

Council must consider whether the location of the vehicle access and stock storage area in the north-west corner of the site within three metres of a road reserve 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.

Legislation / Strategic Community Plan / policy implications

Legislation

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

Strategic Community Plan

Key theme	Quality Urban Environment.
Objective	Quality built outcomes.
Strategic initiative	Buildings and landscaping is suitable for the immediate environment and reflect community values.
Policy	Not applicable.

Clause 3.10 of DPS2 sets out the objectives and general provisions for development within the 'Service Industrial' zone.

3.10 THE SERVICE INDUSTRIAL ZONE

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

The objectives of the Service Industrial Zone are to:

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

Clause 4.5 of DPS2 allows for 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.*

Clause 6.1 indicates development that is exempt from the requirement for planning approval including boundary fences:

6.1 APPLICATION FOR PLANNING APPROVAL

6.1.3 *The Council's prior Planning Approval on land zoned by the Scheme is not required if the development consists of:*

- (a) *The erection of a boundary fence.*

In exercising discretion under clause 4.5, the matter listed under clause 6.8 requires consideration.

6.8 MATTERS TO BE CONSIDERED BY THE COUNCIL

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

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

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

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

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

(a) *the nature of the proposed use and the relationship to the use of the land within the locality;*

(b) *the size, shape and character of the parcel of the land to which the application relates and the nature of the 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 requirement 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 consider relevant, whether of the same nature as the foregoing or otherwise.*

Risk management considerations

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

Financial / budget implications

The applicant has paid the fees of \$417.00 (excluding GST) in accordance with the fees and charges schedule for the assessment of the application.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Clause 6.7.2 of DPS2 enables public consultation to be undertaken prior to the consideration of an application for planning approval where this is considered necessary and/or appropriate. In this instance, it is considered that the proposal is consistent with the objectives of the 'Service Industrial' zone, and will not adversely impact on the surrounding landowners. As such, public comment has not been sought.

COMMENT

The application is for retrospective approval for two existing sand containment bins; the reconfiguration of a landscaping area for the purpose of an expanded vehicular access and stock storage area, which are set back one metre from the Hepburn Avenue boundary. The application meets all the requirements of DPS2 with exception of the location of the stock storage area within three metres of the Hepburn Avenue road reserve.

Stock storage area

In accordance with the development requirements for the 'Service Industrial' zone under DPS2, the portion of any lot within three metres of a boundary with a road reserve, in this instance, Hepburn Avenue, shall only be used for:

- an approved means of access
- landscaping
or
- an approved trade display.

The applicant proposes to utilise part of the area set back one metre from the Hepburn Avenue, as a stock storage area which does not comply with the standards of DPS2. The stock storage area is utilised to store pallets of pavers, stone products and other paving related stores.

As a result of the addition of the limestone boundary fence the stock storage area will be partially screened as viewed from a portion of Hepburn Avenue. However, a portion of the stock storage area will remain visible from Hepburn Avenue and at a greater distance from Wanneroo Road.

There are existing mature trees within the Hepburn Avenue verge which will assist in screening of the stock storage area. Additional dense landscaping is proposed to the Hepburn Avenue verge that will be of a sufficient height and density to further screen the stock storage area and will assist in minimising the visual impact of the limestone boundary fence as viewed from the surrounding streets. It is considered that this landscaping, in addition to the limestone boundary fence ensures the visual amenity of the surrounding streets is not compromised.

There is some concern that the limestone boundary fence will present a target to graffiti. In accordance with the *City of Joondalup Private Property Local Law*, the fence is required to be treated with non-sacrificial graffiti protection. In addition the proposed landscaping to be provided along the Hepburn Avenue frontage, both in the verge area and within the property boundary will aid in screening the stock storage area from view. This will also assist in reducing the visibility of the wall and potential for it to become a target for graffiti.

Conclusion

The development is considered to be consistent with the objectives and purpose of the 'Service Industrial' zone, and meets all requirements of DPS2 with the exception of the land within three metres of Hepburn Avenue being used for storage purposes. The proposed configuration of landscaping on the site and adjacent verges is considered to meet the intent of the requirements of DPS2 as areas visible from the street remain landscaped and the portion to be reconfigured and used for other purposes will be screened as viewed directly from the street adjacent to the site.

It is recommended that the application be approved.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 EXERCISES discretion under clause 4.5.1 of the *City of Joondalup District Planning Scheme No. 2* and determines that a portion of the lot within three metres of its boundary with Hepburn Avenue being used for the purposes of stock storage area is appropriate in this instance;
- 2 APPROVES the application for planning approval, dated 3 February 2012 submitted by Zealous Resources Pty Ltd trading as Fremantle Stone on behalf of the owners, Tait Nominees Pty Ltd, Winmee Pty Ltd, Bernard Marie Clement Nageon De Lestang & Helen Roberta Nageon De Lestang, for proposed landscaping area reconfiguration and retrospective additions to the Landscape Supplies premises at Lot 396 (29) Canham Way, Greenwood;
- 3 NOTES that the boundary fence does not constitute part of this approval, and that in accordance with *City of Joondalup Private Property Local Law* the Hepburn Avenue (northern) face of the boundary fence is required to be treated with non-sacrificial graffiti protection upon construction of the wall and this treatment is to be thereafter maintained to the satisfaction of the City;
- 4 NOTES that landscaping will be required to be established in accordance with landscaping plans to be approved by the City in accordance with condition 2.2 of the May 2011 approval.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf141014.pdf](#)

ITEM 3 PROPOSED SHOWROOM DEVELOPMENT AT LOT 14 (16) SUNDEW RISE, JOONDALUP

WARD	North
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	104253, 101515
ATTACHMENTS	Attachment 1 Location plan Attachment 2 Development plans Attachment 3 Building perspective Attachment 4 Environmentally sustainable design checklist
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to determine an application for a new showroom development at Lot 14 (16) Sundew Rise, Joondalup.

EXECUTIVE SUMMARY

An application for planning approval has been received for a new showroom development at Lot 14 (16) Sundew Rise, Joondalup. The development is proposed to be a single storey showroom inclusive of a mezzanine level, with 1,457m² 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 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.

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

- 28 car bays are proposed on-site in lieu of 49 car bays. However, under the City's Scheme Amendment No. 65 (Amendment No. 65) a parking shortfall of two bays would result.
- This application proposes a total of 7.25% soft landscaping in lieu of the minimum requirement for 8% of the site to be landscaped. A 1.5 metre and 2.6 metre wide landscaping strip has been proposed to the southern and western street frontage respectively, in lieu of the three metre minimum requirement.

The application was referred to the Joondalup Design Reference Panel (JDRP) on 7 August 2014 and the panel were generally supportive of the proposal, recommending that the car park be integrated with that proposed on the adjoining lot to the west in order to enhance the overall customer arrival/departure experience. The City is currently considering an application for a showroom development on the adjoining site and the two bay shortfall under Amendment No. 65 is a direct result of changes made by the applicant to address the JDRP's comments and create an integrated car parking area between the two lots.

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 fact that the car park will be integrated with that of the adjoining site to the west. The landscaping is also considered sufficient given the adjoining road verge is to be landscaped by the owner and a condition is recommended requiring additional shade trees be provided to the car park.

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

BACKGROUND

Suburb/Location	Lot 14 (16) Sundew Rise, Joondalup.
Applicant	Meyer Shircore & Associates.
Owner	Bunker Investments Pty Ltd.
Zoning	DPS Centre.
	MRS Central City Area.
Site area	2,765m ² .
Structure plan	<i>Joondalup City Centre Development Plan and Manual (JCCDPM).</i> <i>Draft Joondalup City Centre Structure Plan (JCCSP).</i>

The subject site is located west of the Bunnings and Masters developments on the corner of Sundew Rise and Honeybush Drive, Joondalup (Attachment 1 refers). The site is bounded by two vacant lots to the north-west, Honeybush Drive to the east and Sundew Rise to the south. A development application for a showroom development on the adjoining lot to the west is currently being considered by the City.

The site is currently vacant and has an easement which restricts vehicle access from Honeybush Drive.

Amendment No. 65

Scheme Amendment No. 65 proposes to make changes to DPS2. These changes are intended to improve the operation of DPS2 by updating and modernising standards, correcting minor deficiencies and anomalies and introducing provisions which will provide clarity and certainty for applicants and decision makers. In relation to this development, it is noted that the car parking standard for 'Showroom' is proposed to be modified. 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 1,457m² inclusive of a 108m² office located on the mezzanine level.
- An internal bin store.
- An external car park with 28 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.

A total of five golf nets as well as a miniature putting green are proposed within the showroom, to be utilised by customers on a 'try-before-you-buy' basis. There is to be no charge associated with utilisation of these facilities, and on this basis the land use can be categorised as 'Showroom' and not 'Recreation Centre' for the purposes of the DPS2.

The development does not provide bicycle parking facilities or end of trip facilities, although toilet facilities have been provided.

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

The development meets all of the requirements of the DPS2 and JCCDPM and draft JCCSP with the exception of car parking and landscaping.

Car Parking

The required number of car parking bays for this site has been 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 proposes to modify the car parking standard for 'Showroom'. The table below 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 (1,457m ²)	1 bay per 30m ² NLA	1 bay per 50m ² NLA
Car parking required	48.56 (49 bays)	29.14 (30 bays)
Total car parking provided	28	28

As demonstrated above, the calculated shortfall on the site is to be reduced from 21 bays (42.8%) under the current standard set out in DPS2 to two bays (6.6%) under Amendment No. 65.

It is important to note that original development plans submitted by the applicant proposed 30 car bays across the site, which would meet the car parking required under Amendment No. 65. However, in response to comments made by the JDRP regarding reciprocal vehicular access arrangements with the adjoining Lot 13 (18) Sundew Rise, Joondalup, amended plans were received to provide an additional access way, resulting in the loss of two bays across the site.

Landscaping

The applicant has provided a landscaping plan indicating 413.4m² set aside for landscaping, including hard landscaping and the verge. A total of 200.59m² of soft landscaping is proposed within the lot boundary, being a total of 7.25% of the site area, in lieu of the 8% required under DPS2.

A 1.5 metre and 2.6 metre wide landscaping strip has been proposed to the southern and western street frontages respectively, in lieu of the three metres requirement under DPS2.

Issues and options considered

Council is required to consider whether the proposed amount of car parking and landscaping on site 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	<i>City of Joondalup District Planning Scheme No. 2.</i>
Strategic Community Plan	
Key theme	Quality Urban Environment.
Objective	Quality built outcomes.
Strategic initiative	Buildings and landscaping is suitable for the immediate environment and reflect community values.
Policy	<i>Environmentally Sustainable Design in the City of Joondalup Policy.</i> <i>Signs 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 \$4,527.00 (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

Clause 6.7.2 of DPS2 enables public consultation to be undertaken prior to the consideration of an application for planning approval where this is considered necessary and/or appropriate. In this instance, it is considered that the proposal meets the intent of the draft JCCSP and Amendment No. 65 and does not have any negative impact on the locality. As such, public comment has not been sought.

COMMENT

The application is for a new single storey showroom with a mezzanine level. The development meets the requirements of the DSP2 and JCCDPM and draft JCCSP with the exception of car parking and landscaping.

Car parking

The application proposes a car parking shortfall of 21 bays (42.8%) 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 parking shortfall of two bays (6.6%).

Council is required to determine whether the 28 bays provided on the site are sufficient to service the proposed development. The options available to Council are:

- determine that the provision of 28 car parking bays is appropriate
- determine that the provision of 28 car parking bays is not appropriate
- or
- determine that a cash-in-lieu payment of \$34,323 per bay, being \$720,783 for the 21 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 it to this development. It is also noted that this standard has been consistently applied to other similar developments, including within 'The Quadrangle'.

While the car parking provision does not meet the current amount required under DPS2 or Amendment No. 65, the two bay shortfall calculated under Amendment No. 65 is a direct result of feedback given to the applicant from the JDRP. The panel's comments were specific in the need to create an integrated car parking area between the two showroom developments on the subject site and adjoining lot to the west in order to enhance the overall customer arrival/departure experience. The City is currently considering an application for a showroom development on the adjoining site.

The change made to the car park, enabling integration with the adjoining site, and landscaping, is considered to significantly improve the overall design of the development, function of the car park and experience for pedestrians. The number of bays is also considered to be sufficient when taking into account the fact that the car park will be integrated with that of the adjoining site to the west. As such, it is not recommended that cash-in-lieu be required for parking.

However, should the application be approved and a cash-in-lieu payment required, the cash funds received must be used to provide for additional parking in the immediate locality. 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.

Landscaping

The overall provision of soft landscaping in relation to the size of the lot does not meet the requirement of 8% under DPS2, with 7.25% soft landscaping proposed across the site.

The amount of landscaping is considered to be appropriate given that it is all to be forward of the proposed showroom development and all visible from the streets. It will also be integrated with the proposed verge landscaping areas. The applicant has proposed internal hard, brick paved landscaping which allow for the connection with external pedestrian links already established within the Honeybush Drive and Sundew Rise verge areas.

In regard to the proposed 1.5 metre and 2.6 metre wide landscaping strips at the street frontage, it is considered that these reductions in lieu of the three metre requirements are sufficient and given the reduction is of a direct result of feedback from the JDRP in order to accommodate car park layout changes, are considered appropriate.

However, it is recommended that the number of shade trees provided to the car park be increased to address the shortfall in overall landscaping and the reduced landscaping strip along the car park frontage. The applicant has indicated that it will be providing nine shade trees, with five of these along the boundary with the adjoining property to the west and two along the front of the car park. It is considered that seven shade trees can be provided along this western boundary and that an additional shade tree can be provided on the eastern side of the crossover in front of the car park. This will increase shade for pedestrians and soften the appearance of the showroom. Therefore a condition is recommended requiring a minimum of 12 shade trees be provided to the car park.

Signage

Although the proposed site plan and building elevations indicate future wall and pylon signage, no signage is to be approved as part of this application. Any future signage will require further development approval. Should the application be supported, a condition will be included to this effect.

Joondalup Design Reference Panel

The JDRP met on 7 August 2014 to discuss the proposal. The key points raised by the panel, as well as additional comments are provided below:

- 1 *General discussion held on the benefits of integrated vehicular access arrangements across the shared western boundary.*

The JDRP recommended that Lots 13 and 14 Sundew Rise, Joondalup should integrate more effectively with one another by having integrated pedestrian and vehicular access arrangements across the shared boundary. The applicant has worked with the adjoining land owner and has provided amended plans with changes reflecting these comments for the subject site. The City is currently assessing a development application for a showroom development on the adjoining lot, and this development will integrate with the car parking and access on the subject site.

2 *General discussion regarding the pedestrian entrance to the building.*

The JDRP expressed concern with the location of the pedestrian entrance to the building as it currently addresses the proposed car park rather than Honeybush Drive or Sundew Rise, Joondalup. The relocation of the entrance from its current location would further animate the future Sundew Rise and Honeybush Drive streetscape and add to/create a customer arrival experience and not be exposed to the hot, northern summer sun.

No changes to the building design have been made to address this feedback. Additional justification was provided from the applicant reiterating the access restrictions to the site from Honeybush Drive have prevented the car park being oriented to the street and that it is considered preferable to orientate the pedestrian entrance towards the car park.

Given the development has been modified to integrate its car park, pedestrian access and landscaping with the adjoining site to the west, it is considered appropriate that the entrance front be integrated into this space. Substantial amounts of glazing are provided along both the Honeybush Drive and Sundew Rise building facade, which will provide an appropriate frontage to the street and allow for active mutual surveillance between the showroom development and Sundew Rise and Honeybush Drive.

3 *General discussion regarding the proposed landscaping of the site.*

The JDRP discussed the need for significant landscape treatments within the verge which would soften the impact of the 'big box' development. The use of only grass would be both difficult to maintain in summer months and would not alleviate the bulk of the showroom development. The panel also indicated that the selection of *Banksia Attenuata* as the chosen car parking tree was not ideal.

An amended landscaping plan was subsequently received indicating additional verge landscaping and a new species of car parking tree, *Jacaranda Mimosifolia*. Should the application be supported a condition of approval will require detailed landscaping and reticulation plans to be submitted to the City for approval. These landscaping plans will be assessed taking into account the feedback from the JDRP, the requirement for a minimum of 12 shade trees to be provided to the car park (as is discussed in the landscaping section above) and the need to create a consistent landscaped streetscape for Honeybush Drive and Sundew Rise, Joondalup.

4 *Commented that the blank wall facing north may be a target for graffiti*

The northern wall is proposed to be painted tilt-up panel walls, constructed to the lot boundary. The JDRP commented that this wall could be a target for graffiti. To ensure that the external surface of the development is maintained to a high standard, a condition of approval is recommended requiring the external walls to be of a clean finish and free of vandalism, at all times. It is also noted that future development on the adjoining lots to the north may screen the northern wall, reducing the possibility of it being a target for graffiti.

Conclusion

The development requirements of DPS2 and JCCDPM and the draft JCCSP are generally met by the proposal, with the exception of the amount of car parking and the minimum landscaping requirements. 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 Sundew Rise and Honeybush Drive elevations, textured paint finishes, future signage 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.

RECOMMENDATION

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 28 bays in lieu of 49 bays;**
 - 1.2 **Landscaping minimum width of 1.5 metres along the street frontage in lieu of three metres;**
 - 1.3 **Landscaping provision of 7.25% in lieu of 8%,**

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 24 June 2014, submitted by Meyer Shircore and Associates on behalf of the owners, Bunker Investments Pty Ltd for a Showroom at Lot 14 (16) 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 A minimum of 12 shade trees are to be provided to the car park;
- 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 Be based on water sensitive urban design principles to the satisfaction of the City;
 - 2.7.5 Be based on Designing out Crime principles to the satisfaction of the City;
 - 2.7.6 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 by the City 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 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 No obscure or reflective glazing is permitted to ground floor facades;**
- 2.14 Any signage shall be the subject of a separate Development Application.**

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf141014.pdf](#)

ITEM 4 **CHANGE OF USE FROM SHOWROOM TO MEDICAL CENTRE AT LOT 5010 (13) HOBSONS GATE, CURRAMBINE**

WARD	North
RESPONSIBLE DIRECTOR	Dale Page Planning and Community Development
FILE NUMBER	103011, 101515
ATTACHMENTS	Attachment 1 Location plan Attachment 2 Development plans
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to determine an application for a change use from 'Showroom' to 'Medical Centre' at Lot 5010 (13) Hobsons Gate, Currambine.

EXECUTIVE SUMMARY

An application for planning approval has been received for a change of use from 'Showroom' to 'Medical Centre' at Lot 5010 (13) Hobsons Gate, Currambine.

The centre is intended to accommodate five practitioners working on-site at any one time and will serve to provide psychological services to children and adolescents. The site currently has approval for the land uses 'Showroom', 'Office' and another 'Medical Centre' which similarly consists of five practitioners.

The site is zoned 'Urban' under the *Metropolitan Region Scheme* and 'Business' under the City's *District Planning Scheme No. 2 (DPS2)*. Under DPS2, a 'Medical Centre' is a permitted ("P") land use within the 'Business' zone. In addition, the site is located within the *Currambine District Centre Structure Plan (CDCSP)* area. Land use permissibility under the CDCSP is as per DPS2.

In accordance with DPS2, a shortfall of 25 car bays (31%) currently exists across the site, with this proposal increasing the shortfall to 46 car bays (45%). Under the City's Scheme Amendment No. 65 to DPS2 (Amendment No. 65), the car parking standards for land uses 'Showroom' and 'Office' are proposed to be reduced. Therefore, if the amended car parking standards proposed were to be applied to the development as a whole, there would be a shortfall of 25 car bays (30.8%).

Given the extent of the parking shortfall outlined above, it is considered that the number of on-site car parking bays is not sufficient to cater for the demand of the existing and proposed development.

It is therefore recommended that the application be refused.

BACKGROUND

Suburb/Location	Lot 5010 (13) Hobsons Gate, Currambine.
Applicant	TPG Town Planning, Urban Design and Heritage.
Owner	Chesapeake Property Syndicate Pty Ltd.
Zoning	DPS Business.
	MRS Urban.
Site area	3,397m ² .
Structure plan	Currambine District Centre Structure Plan (CDCSP).

The Currambine District Centre is bound by Marmion Avenue to the west, Shenton Avenue to the south and Delamere Avenue to the north and east. The subject site itself is bound by Hobsons Gate to the south, Chesapeake Way to the west and residential developments to the north and east (Attachment 1 refers).

The site is subject to the 'Business' zone provisions of DPS2 and the CDCSP.

At its meeting held on 22 November 2011 (CJ213-11/11 refers), Council resolved to approve an application for a two storey showroom and office development at the site, with the provision of 56 car bays, this being a five car bay (8%) shortfall under DPS2 standards. Construction of the building is nearing completion but construction of the car park is yet to occur.

A change of use from 'Showroom' to 'Medical Centre' for a physiotherapy practice at Unit 4 was approved by Council at its meeting held on 8 October 2013 (CJ192-10/13 refers). This application increased the overall car parking shortfall at the site from five bays to 25 bays (30%) in accordance with the car parking standards contained within DPS2. This shortfall was deemed appropriate as there was considered to be sufficient reciprocity between the three land uses along with differing peak periods. Furthermore, application of Amendment No. 65 only resulted in a parking shortfall of three car bays (5.3%).

Amendment No. 65

Scheme Amendment No. 65 proposes to make changes to DPS2. These changes are intended to improve the operation of DPS2 by correcting minor deficiencies and anomalies and introduce provisions which would provide clarity and certainty for applicants and decision makers. In relation to this development, it is noted that the car parking standard for 'Showroom' and 'Office' is proposed to be modified from one bay per 30m² net lettable area (NLA) to 1 bay per 50m² NLA. As the amendment was 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 considered as a 'seriously entertained proposal' in the assessment of this application.

DETAILS

The applicant seeks approval for a change of use from 'Showroom' to 'Medical Centre' at Unit 12, on the first floor level at Lot 5010 (13) Hobsons Gate, Currambine. The proposed medical centre will be comprised of 10 part-time practitioners, with five practitioners and two support staff working in the practice at any one time.

The business will provide psychological services to children and adolescents, with one patient per practitioner at each appointment and 10 minute intervals between each 50 minute appointment.

The subject tenancy has a NLA of 113.3m² which, if approved as a 'Medical Centre', will reduce the overall 'Showroom'/'Office' NLA to 1,548.7m².

As the proposal will result in five practitioners on site at any one time, 25 car bays are required to be provided under DPS2. Upon applying the current car parking standards contained with DPS2 and the proposed car parking standards contained within Amendment No. 65, the following car parking requirements would result:

	Car parking required under DPS2	Car parking required under Amendment No. 65
Showroom/Office (1,548.7m ² NLA)	1 bay per 30m ² NLA = 51.6 (52) bays	1 bay per 50m ² NLA = 30.9 (31) bays
Medical Centre (Unit 4) (5 practitioners)	5 bays per practitioner = 25 bays	5 bays per practitioner = 25 bays
Medical Centre (Unit 12) (5 practitioners)	5 bays per practitioner = 25 bays	5 bays per practitioner = 25 bays
Total car parking required	101.6 (102)	80.9 (81)
Total car parking provided	56	56

The proposed change in land use to 'Medical Centre' would increase the amount of car parking required under DPS2, resulting in a 46 car bay shortfall (45%). 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 25 car bays (30.8%).

In support of the above car parking shortfall, the applicant has provided the following justification:

- *Considering that the practice is a child psychological practice, the clients are children that are predominantly dropped off by parents for their sessions, as such reducing the car parking demand of the practice.*
- *The limited parking demand is evident with the practice currently operating successfully...with only three allocated car parking bays at Unit 2/7 Wise Street, Joondalup. The extent of the car parking bays required is further reduced through that the surrounding area lend[s] itself to the use of bus services along Marmion Avenue and on street car parking within 800 metres of the practice.*
- *The proposed consulting room will provide similar or more frequent pedestrian movement in the area than the existing 'Showroom' use due to the regular appointments. The proposed change of use will therefore provide increased levels of street activation than would have been possible with the current use class, without adversely affecting the surrounding properties. The proposed consulting room will also assist in creating a diverse District Centre that effectively caters for the local community.*

Issues and options considered

Council is required to consider whether the amount of on-site 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

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

Policy Not applicable.

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

3.6 THE BUSINESS ZONE

3.6.1 *The Business Zone is intended to accommodate wholesaling, retail warehouses, showrooms and trade and professional services and small scale complementary and incidental retailing uses, as well as providing for retail and commercial businesses which require large areas such as bulky goods and category/theme based retail outlets that provide for the needs of the community but which due to their nature are generally not appropriate to or cannot be accommodated in a commercial area.*

The objectives of the Business Zone are to:

- (a) *provide for retail and commercial businesses which require large areas such as bulky goods and category/theme based retail outlets as well as complementary business services;*
- (b) *ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas.*

Clause 4.5 of DPS2 allows for certain standards and requirements of the scheme to be varied by Council.

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

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

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

- (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1; 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 \$295 (excluding GST) in accordance with the fees and charges schedule for the assessment of the application.

Regional significance

Not applicable.

Sustainability implications

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

Consultation

Clause 6.7.2 of DPS2 enables public consultation to be undertaken prior to the consideration of an application for planning approval where this is considered necessary and/or appropriate. In this instance, it is considered that the proposal is consistent with the objectives of 'Business' zone, given that the land use is a permitted use. As such, public comment has not been sought.

COMMENT

Land Use

The applicant seeks approval for a change in land use from 'Showroom' to 'Medical Centre'. A 'Medical Centre' is a permitted ("P") land use under DPS2 and is consistent with the objectives of the 'Business' zone contained within both DPS2 and the CDCSP.

Car Parking

The applicant proposes to increase the existing car parking shortfall across the site to 46 car bays, resulting in a 45% shortfall across the site.

Council is required to determine whether the 56 car bays provided on the site are sufficient to service the proposed development. The options available to Council are:

- determine that the provision of 56 car parking bays is appropriate
 - determine that the provision of 56 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 \$544,509 for the 21 car bay increase in the existing shortfall as a result of this development, or a lesser amount as deemed appropriate by Council. This is discussed further below.

The applicant has advised that it is intended to operate a psychology practice for children and adolescents from Unit 12 with five practitioners on site at any one time. The applicant has indicated that the practice will be open from 8.30am to 5.30pm on weekdays and will occasionally operate on Saturdays from 8.00am to 1.00pm.

It is considered that the remaining tenancies, mostly consisting of showrooms and offices, are likely to operate during similar business hours. There will be less conflict with the operating hours of the approved physiotherapy practice at Unit 4, which has peak periods between 7.00am and 10.00am and 4.00pm and 8.00pm on weekdays and 8.00am and 12.00noon on Saturdays. However, given the nature of the proposed use as a child and adolescent psychology practice, it is likely that minimal reciprocity will exist between this use and the existing offices and showrooms.

The subject site was approved in 2011 with a shortfall of five car bays under DPS2. This car parking shortfall was subsequently increased to 25 car bays under DPS2 and three car bays under Amendment No. 65 in 2013 with the approval of the physiotherapy practice at Unit 4. As the car park for the site is still under construction, it is not possible to gauge whether it will be operating at full capacity with the current approved uses when complete. However, there are already issues regarding parking on the verge from users of the gymnasiums across the road at 1 Hobsons Gate. These users are also likely to use the subject car park once completed.

The approval of incremental car parking shortfalls on the site is likely to lead to further parking issues in the vicinity. While it is acknowledged that the applicant's current proposal only entails one client per practitioner at any one time, there is still not considered to be adequate parking to accommodate the number of patients, practitioners and support staff that will be on site at any one time. For instance, even if the number of bays required was reduced, with seven bays required for practitioners and support staff, as well as one bay for each patient, this would still lead to a 10 bay (15%) shortfall on the site under Amendment No. 65. Given there will be minimal reciprocity between the uses on site, such a shortfall is likely to lead to significant parking issues on and around the site.

In regard to the applicant's comments that the practice is currently operating successfully within the Joondalup City Centre, it must be noted that there are numerous public parking options available within the City Centre to accommodate parking overflow. There are no public parking options available near the proposed subject site.

Any cash in lieu funds received must be used to provide additional parking in the immediate locality. The City would not be able to use this money to provide parking in the area unless the funds were used for street parking. It is noted that a cash in lieu payment was not required for the 25 car bay shortfall that was approved for the previous application. As such, should the subject application be approved and require a cash in lieu payment, it is not considered appropriate to base this on the total shortfall of 46 car bays. There is the option to require a cash in lieu payment based on the 21 car bay increase to the approved shortfall, resulting in a figure of \$544,509 being payable.

However, given that there will only be five practitioners, five patients and two support staff on site at any one time, it is likely that only 12 bays will be required by the proposed development. There is the potential to construct 12 on-street bays along the full length of Chesapeake Way. Therefore, a cash in lieu payment based on 12 car bays, combined with conditions limiting the number of staff and patients, could address the parking concerns with the development. This would result in a figure of \$311,148 being payable should Council choose to approve the application subject to a cash in lieu payment. However, this is not recommended due to the nature of the application as a change of use for a small business.

Given the above, it is considered that there will not be sufficient car parking provided on the site to cater for the proposed 'Medical Centre' use, resulting in an adverse impact on the amenity of surrounding and nearby landowners.

It is therefore recommended that the application be refused.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council REFUSES under Clause 6.9 of the *City of Joondalup District Planning Scheme No. 2* the application for planning approval dated 13 August 2014 submitted by TPG Town Planning, Urban Design and Heritage, on behalf of the owners, Chesapeake Property Syndicate Pty Ltd, for a change of use from 'Showroom' to 'Medical Centre' at Lot 5010 (13) Hobsons Gate, Currambine, for the following reason:

- 1 The proposed development does not meet the requirements of the *City of Joondalup District Planning Scheme No. 2* in relation to the amount of on-site car parking required, being 56 bays in lieu of 102 bays. It is considered that the amount of on-site car parking is not sufficient to cater for the demand of the existing and proposed development, and will have an adverse impact on occupiers and users of the subject and adjoining developments.**

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf141014.pdf](#)

ITEM 5 MINUTES OF EXTERNAL COMMITTEES

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	00033, 03149, 60514, 29094, 101515
ATTACHMENTS	<p>Attachment 1 Minutes of the meeting of the Joondalup Lotteries House Management Committee held on 12 June 2014.</p> <p>Attachment 2 Minutes of the meeting of the West Australian Local Government Association North Metropolitan Zone held on 28 August 2014.</p> <p>Attachment 3 Summary Minutes of the Western Australian Local Government Association State Council held on 3 September 2014.</p> <p>Attachment 4 Minutes of the ordinary meeting of the Mindarie Regional Council held on 4 September 2014.</p> <p><i>(Please Note: These minutes are only available electronically).</i></p>
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

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

EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of the meeting of the Joondalup Lotteries House Management Committee held on 12 June 2014.
- Minutes of the meeting of the West Australian Local Government Association North Metropolitan Zone held on 28 August 2014.
- Summary Minutes of the Western Australian Local Government Association (WALGA) State Council held on 3 September 2014.
- Minutes of the ordinary meeting of the Mindarie Regional Council held on 4 September 2014.

BACKGROUND

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

Joondalup Lotteries House Management Committee – 12 June 2014.

A meeting of the Joondalup Lotteries House Management Committee (JLHMC) was held on 12 June 2014.

The City's representative on the Joondalup Lotteries House Management Committee is the Community Development Coordinator, Julie Forrester.

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

5 Nominations for Committee Positions.

It was resolved by the JLHMC as follows:

“Christopher Paull nominated and accepted the position of New Chairperson for Joondalup Lotteries House. Nominations received and accepted from Roia Atmar, Pat Giles Centre; Nicole Hanigan, Joondalup Netball Association; and Jenny Drury, ICA. A nomination was also received and accepted from Joeline Mandzufas who was unable to attend meeting.

All nominations ratified by the Committee.”

14 City of Joondalup – Community Development Plan.

It was noted by the JLHMC as follows:

“Meetings have been held to work on the Community Development Plan 2014-2019. The next step is for the City to put out a draft proposal. The committee request to look at the proposal once drafted.”

Western Australian Local Government Association North Metropolitan Zone – 28 August 2014

A meeting of the Western Australian Local Government (WALGA) North Metropolitan Zone was held on 28 August 2014.

The Council's representatives on the WALGA North Metropolitan Zone are Crs Geoff Amphlett, Russ Fishwick, Sam Thomas and Philippa Taylor. On this occasion Cr Russ Fishwick was an apology, with Cr Kerry Hollywood acting as deputy.

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

4.1 Strategic Assessment of the Perth and Peel Regions.

It was resolved by the WALGA North Metropolitan Zone as follows:

“That WALGA request the State Government, through the Ministers for Planning and Environment, and the Department of Premier and Cabinet, to:

- 1 Provide WALGA with an update regarding the current position regarding progression of the Strategic Assessment of the Perth and Peel Regions (SAPPR) and associated proposals, in a form which WALGA can then convey to all affected local governments;*
- 2 Ensure that all possible steps are taken, and resources made available, to facilitate the progression of the SAPPR and associated proposals as soon as possible, as continual delays are in turn delaying other key initiatives in the region, or where such initiatives are having to be progressed regardless, posing a risk of eventual possible misalignment with the SAPPR;*
- 3 Authorise provision to relevant local governments, on a confidential basis, of some of the research associated with preparation of the SAPPR and related proposals, to ensure that prior to public release of such information, local governments may be in a position to align their current strategic planning and other major projects in a manner which may have a greater likelihood of alignment with the eventual outcomes of the SAPPR and associated proposals.”*

9.1 Strategic Assessment of the Perth Peel Region.

It was resolved by the WALGA North Metropolitan Zone as follows:

“That the North Metropolitan Zone invite Mr Simon Taylor, Department of Premier and Cabinet together with Kym Davis, Department of Planning to present to the Zone on the Strategic Assessment of the Perth Peel Region at their next meeting, 6pm 27 November 2014 at the City of Joondalup.”

Western Australian Local Government Association State Council – 3 September 2014.

A meeting of the Western Australian Local Government Association (WALGA) State Council was held on 3 September 2014.

The Council's representatives on the WALGA State Council for this meeting were Mayor Troy Pickard (President) and Cr Geoff Amphlett.

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

4.1 EMERGING ISSUE: Councils for Democracy.

It was resolved by the WALGA State Council as follows:

“State Council reaffirm its strong support for WALGA, its President, CEO and Staff.”

5.1 2014 Annual General Meeting Minutes (01-003-02-0003 WS).

It was resolved by the WALGA State Council as follows:

“That Annual General Meeting Motions:

- 1 *4.6B & 4.7B Part (a) be noted as in accordance with Association Policy;*
- 2 *4.1, 4.2, 4.3, 4.4 and 4.5 be noted and forwarded to the relevant WALGA business unit for consideration;*
- 3 *4.7B Part (b) endorse WALGA’s proposed extension of the poll provisions to include significant boundary adjustments subject to further research and sector consultation being carried out on any associated criteria and for a report to be presented through the next Zone/State Council Meetings;*
- 4 *4.7B Part (c) be endorsed.”*

5.2 Metropolitan Local Government Reform (05-014-02-0018 TL).

It was resolved by the WALGA State Council as follows:

“That WALGA:

- 1 *Continues to advocate for the State Government to fully fund the implementation of Metropolitan Local Government Reform and a response from the State Government be requested by 30th September 2014;*
- 2 *Works with affected Local Governments, following the Minister for Local Government’s announcement relating to the Metropolitan Local Government Reform process, to quantify the cost of implementation of reform.”*

5.3 Interim Submission to the Department of Local Government and Communities – Review of the Local Government (Functions and General) Regulations 1996 (05-034-01-0007 JM).

It was resolved by the WALGA State Council as follows:

“That the Association’s interim submission to the Department of Local Government and Communities on the review of the Local Government (Functions and General) Regulations 1996 be endorsed subject to the following change:

- 1 *Regulation 18 - That the panel tender Request for Tender (RFT) specification clearly state the contract period determined by the Local Government;*
- 2 *Regulation 11(1) be amended to read within a one-year period.”*

5.5 Housing for the Aged: Understanding the Issues (05-036-03-0020 CG).

It was resolved by the WALGA State Council as follows:

“That State Council endorse the discussion paper ‘Aged Housing: Understanding the Issues’ and;

- 1 Support the development of Local Government guidance and tools to assist in the preparation of local housing strategies as part of the Association’s Planning Improvement Program;*
- 2 Investigate potential residential property tax reforms that may improve the efficiency of the housing market;*
- 3 Reaffirm WALGA’s policy position that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth Aged Care Act 1997.”*

5.8 LGIS Components of Policy on Access by Non Member Local Governments to WALGA Programs and Services (04-002-01-0014 NW).

It was resolved by the WALGA State Council as follows:

“That the Policy on Access by Non-Member Local Governments to WALGA Programs and Services as it relates to LGIS be amended as follows:

A Local Government that participates as a member of WALGA and a member of all eligible Scheme segments is classed as a “Full Member”. All of the following shall apply to members that do not satisfy the Full Membership criteria:

- Loss of 25% member discount on LGIS Scheme Contributions;*
- Loss of LGIS member dividend payments (where the Member is not a member of WALGA or not a member of all LGIS Schemes as at the date of distribution);*
- Loss of risk management funding pool entitlements;*
- Loss of access to Health and Wellbeing Services that are funded by LGIS for Local Government staff and elected members; and*
- Loss of subsidy for asset valuation costs by licensed valuer.”*

Mindarie Regional Council – 4 September 2014.

An ordinary meeting of the Mindarie Regional Council (MRC) was held on 4 September 2014.

Cr Russ Fishwick (Chair) and Cr Kerry Hollywood are Council’s representatives on the Mindarie Regional Council. On this occasion Cr Russ Fishwick was an apology and Cr Mike Norman was appointed as Cr Fishwick’s replacement at this meeting.

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

9.3 Review of Council Policies and Delegations to the Chief Executive Officer.

It was resolved by the MRC as follows:

“A That the Council acknowledges that the current Register of Delegations from the Council to the CEO are appropriate subject to amending Delegation 9 to clarify that the CEO has authority to write-off assets that are no longer serviceable or saleable as drafted in the Details section of, and attached to, this report.

B That the Council acknowledges:

1 that the current Council Policies are appropriate subject to:

a. amendments to Council Policies CP01, CP06 and CP09; and

b. the addition of two new policies CP11 - Use of Corporate Credit Cards and CP12 - Gate Fee Setting,

as drafted in the Details section of, and attached to, this report.

2 that the change to CP01 - Annual Fees, Allowances and Expenses for Councillors results in an additional expenditure of \$4,463, which is unfunded in the 2014/15 budget.

3 that the additional expenditure of \$4,463 detailed in B.2. above be funded in the mid-year review of the 2014/15 Budget.

That the recommendation be adopted with the inclusion of an amendment to delete the word “conceptual” from the Policy Statement for Policy No. CP12 – Gate Fee Setting.”

9.4 Appointment of a Councillor on the Municipal Waste Advisory Council.

It was resolved by the MRC as follows:

“That Council appoint Cr Hollywood as its deputy on the Municipal Waste Advisory Council.”

9.5 Recommendations arising from the Audit Committee.

It was resolved by the MRC as follows:

“A That the Council endorses the CEO’s financial management review;

B That the Council endorses the Risk Management Framework and Risk Register.”

9.6 Stage 2 Phase 3 – Landfill Wall Liner.

It was resolved by the MRC as follows:

“That the Council:

- 1 *Contract Golders to develop design specifications for the use of a Geosynthetic Clay Liner to complete the lining of the walls of Stage 2 Phase 3 of the landfill at a cost of \$43,000 excluding GST;*
- 2 *Approve the use of the design specifications in (1) above as the basis for the tendering of the new works;*
- 3 Receive a report on the responses to the tender detailed in (2) above.

Legislation / Strategic Community Plan / policy implications

Legislation	Not applicable.
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Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong leadership.

Strategic initiative	Seek out City representation on key external and strategic bodies.
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Policy	Not applicable.
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Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the:

- 1 Minutes of the meeting of the Joondalup Lotteries House Management Committee held on 12 June 2014 forming Attachment 1 to this Report;**
- 2 Minutes of the meeting of the West Australian Local Government Association North Metropolitan Zone held on 28 August 2014 forming Attachment 2 to this Report;**
- 3 Summary Minutes of the Western Australian Local Government Association State Council held on 3 September 2014 forming Attachment 3 to this Report;**
- 4 Minutes of the ordinary meeting of the Mindarie Regional Council held on 4 September 2014 forming Attachment 4 to this Report.**

To access this attachment on electronic document, click here: [External Minutes141014.pdf](#)

ITEM 6 SETTING OF MEETING DATES FOR 2015

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	08122, 101515
ATTACHMENTS	Nil.
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to set its meeting dates for the 2015 calendar year.

EXECUTIVE SUMMARY

In accordance with the *Local Government Act 1995*, it is necessary for a local government to give local public notice of its ordinary meeting dates for the next 12 months.

It is recommended that the current monthly timeframe for meetings be maintained, and that deputation sessions continue to be held at the commencement of Briefing Sessions.

BACKGROUND

At its meeting held on 12 December 2006 (CJ236-12/06 refers), Council introduced a rolling four-weekly cycle, which enabled the fourth week to be used to hold additional information sessions, or for scheduling various committee meetings.

At its meeting held on 30 September 2008 (CJ196-09/08 refers), Council adopted a revised cycle based on a monthly timeframe; that is each Tuesday was set aside for either a Strategy Session (first Tuesday), Briefing Session (second Tuesday) or Council meeting (third Tuesday). This allowed the fourth and fifth Tuesdays (when they occur) of the month to be available for various other non-standard meetings to be scheduled where required.

DETAILS

Issues and options considered

The proposed meeting schedule is based on the monthly timeframe that commenced in 2009. Maintaining the monthly meeting cycle will provide a level of continuity for members of the public.

The meeting scheduled for August 2015 has a proposed commencement time of 12.00 noon, to enable attendance and participation by high school students.

It will be necessary to schedule the October 2015 meetings one week earlier due to the 2015 local government elections and subsequent Elected Members' induction program.

In order to accommodate the Christmas holiday period, the December meetings have been scheduled one week earlier, as is current practice.

In respect of other changes to the regular monthly meeting cycle, the Australian Local Government Association (ALGA) will be holding its Annual National General Assembly Conference in Canberra between 14 and 17 June 2015. Therefore it is recommended that the Council meeting in June (scheduled to occur in that week of June) be moved to the fourth week in June to enable Elected Members to attend the conference, should they wish to do so.

Legislation / Strategic Community Plan / Policy Implications

Legislation

Section 5.3 of the *Local Government Act 1995*.

Ordinary and Special Council meetings:

- (1) *A Council is to hold ordinary meetings and may hold special meetings;*
- (2) *Ordinary meetings are to be held not more than three months apart; and*
- (3) *If a Council fails to meet as required by subsection (2) the Chief Executive Officer is to notify the Minister of that failure.*

Regulation 12 of the *Local Government (Administration) Regulations 1996* states:

Public Notice of Council or Committee meetings:

- 12(1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which:*
 - (a) *the ordinary Council meetings; and*
 - (b) *the Committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public;*

are to be held in the next 12 months;
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).*

Strategic Community Plan

Key Theme Governance and Leadership.

Objective Corporate capacity.

Policy Not applicable.

Risk management considerations

Failure to set and advertise Council's meeting dates will contravene the requirements of the *Local Government Act 1995*.

Financial / Budget Implications

Account No	1-522-A5202-3277-0000
Budget Item	Advertising – Public Statutory
Budget Amount	\$6,000
Amount Spent To Date	\$ 0
Proposed Cost	\$ 500
Balance	\$5,500

All figures quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

It is recommended that the current monthly timeframe for meetings be maintained for 2015, subject to the:

- August Council meeting commencing at 12.00 noon, to enable attendance and participation by high school students.
- October meetings being scheduled one week earlier due to the 2015 local government elections and subsequent Elected Members' induction program.
- December meetings being scheduled one week earlier in order to accommodate the Christmas holiday period.

It is also recommended that deputation sessions continue to be held at the commencement of Briefing Sessions; that where possible, no meetings are to be scheduled in the fourth week of every month; and that designated Council committee meetings be scheduled to occur on Mondays, Tuesdays or Wednesdays of weeks one, two or three of any month in order to minimise potential conflicts with other Council activities.

A schedule of committee meeting dates is currently being developed, cognisant of the desire to streamline the scheduling of committee meetings so they are held on the same day as other scheduled meetings, thereby making more effective use of Elected Members' attendance and time.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 SETS the following meeting dates and times for the Council of the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup:

Briefing Sessions To be held at 6.30pm in Conference Room 1	Council meetings To be held in the Council Chamber
Tuesday, 10 February 2015	7.00pm on Monday, 17 February 2015
Tuesday, 10 March 2015	7.00pm on Tuesday, 17 March 2015
Tuesday, 14 April 2015	7.00pm on Tuesday, 21 April 2015
Tuesday, 12 May 2015	7.00pm on Tuesday, 19 May 2015
Tuesday, 9 June 2015	7.00pm on Tuesday, 23 June 2015
Tuesday, 14 July 2015	7.00pm on Tuesday, 21 July 2015
Tuesday, 11 August 2015	12 noon on Tuesday, 18 August 2015
Tuesday, 8 September 2015	7.00pm on Tuesday, 15 September 2015
Tuesday, 29 September 2015	7.00pm on Tuesday, 6 October 2015
Tuesday, 10 November 2015	7.00pm on Tuesday, 17 November 2015
Tuesday, 1 December 2015	7.00pm on Tuesday, 8 December 2015
January 2016 - Recess	

- 2 AGREES to hold deputation sessions in conjunction with the Briefing Sessions;
- 3 in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*, GIVES local public notice of the meeting dates detailed in Part 1 above;
- 4 INVITES a number of students from each of the high schools within the district of the City of Joondalup to attend the Council meeting to commence at 12.00 noon on Tuesday, 18 August 2015;
- 5 NOTES that the Mindarie Regional Council, Tamala Park Regional Council and the Western Australian Local Government Association North Zone meetings are generally scheduled to be held on Thursdays;
- 6 AGREES that, where possible, no meetings are to be scheduled in the fourth week of every month;
- 7 NOTES that, where possible, meetings for designated Council committees be scheduled to occur on Mondays, Tuesdays or Wednesdays of weeks one, two or three of any month to minimise potential conflicts with other Council activities.

ITEM 7 2014 ANNUAL GENERAL MEETING OF ELECTORS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	102883, 101515
ATTACHMENTS	Nil.
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to determine the meeting date for the 2014 Annual General Meeting of Electors.

EXECUTIVE SUMMARY

Section 5.27 of the *Local Government Act 1995* requires that the Annual General Meeting of Electors be held on a day selected by the local government, but not more than 56 days after the annual report is accepted. It is anticipated that Council will accept the annual report at its meeting to be held on 21 October 2014.

Furthermore, section 5.29 of the *Local Government Act 1995* states that the Chief Executive Officer is to convene an electors meeting by giving at least 14 days public notice, with the notice commencing on the day of publication.

Should Council adopt the annual report at its meeting to be held on 21 October 2014, the earliest date to issue local public notice is Thursday 23 October 2014, meaning that the earliest date the Annual General Meeting of Electors can be held is Thursday 6 November 2014, with the last date being Wednesday 17 December 2014.

It is considered that the most appropriate date for holding the Annual General Meeting of Electors is Tuesday 2 December 2014, prior to the scheduled Briefing Session. Elected Members are more likely to be available at this time due to their attendance at the Briefing Session and it also provides opportunity for the public to attend who may also be attending the scheduled Briefing Session.

It is therefore recommended that Council AGREES to convene the 2014 Annual General Meeting of Electors on Tuesday 2 December 2014, commencing at 5.30pm in the Council Chamber.

BACKGROUND

At its meeting held on 16 October 2007 (CJ206-10/07 refers), Council resolved to *“AGREE to hold all future Annual General Meeting of Electors as soon as practical following the adoption of the Annual Report, but in a year where an ordinary election is held, not before the first ordinary meeting of the newly elected Council”*.

The Annual General Meeting of Electors is a statutory requirement under the *Local Government Act 1995* and the meeting is to consider, among other things, the annual report for the previous financial year.

DETAILS

The audited financial statements have been finalised by the City's Auditor and will be presented to Council as a separate report to this meeting. The audited financial statements are a key component of the City's annual report, which has also been presented to Council in a separate report to this meeting. The finalised annual report will include an abridged version of the audited financial statements.

The receipt of the City's annual report by Council and the holding of an AGM of Electors are both statutory requirements of the *Local Government Act 1995*. A decision is required on the date to hold the AGM of Electors, being aware of Council's decision on 16 October 2007, and in view of the limitations to finalise the necessary documentation as well as complying with the required public notice period.

Issues and options considered

It is a statutory requirement that Council sets a meeting date for the AGM of Electors.

Legislation / Strategic Community Plan / policy implications

Legislation	<i>Local Government Act 1995.</i> <i>Local Government (Administration) Regulations 1996.</i>
Strategic Community Plan	
Key theme	Governance and Leadership.
Objective	Active democracy.
Strategic initiative	<ul style="list-style-type: none">• Optimise opportunities for the community to access and participate in decision-making processes.
Policy	Not applicable.

Section 5.27 states the following in regard to the Annual General Meeting of Electors:

5.27 Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

Section 5.29 states the following in respect to convening electors meetings:

5.29 Convening electors' meetings

- (1) *The Chief Executive Officer is to convene an electors' meeting by giving:*
 - (a) *at least 14 days' local public notice; and*
 - (b) *each council member at least 14 days' notice,**of the date, time, place and purpose of the meeting.*
- (2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.*

Regulation 15 of the *Local Government (Administration) Regulations 1996* details the matters for discussion at the AGM of Electors. They are the contents of the annual report for the previous financial year and then any other general business. It is suggested therefore, that the agenda format for the Annual Meeting of Electors be:

- Attendances and apologies.
- Contents of the 2013-14 Annual Report.
- General business.

Risk management considerations

The risk associated with failing to set a date for the 2014 Annual General Meeting of Electors will result in non-compliance with the requirements of the *Local Government Act 1995*.

Financial/budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The *Local Government Act 1995* requires an Annual General Meeting of Electors to be held once every year and the annual report to be made publicly available.

At the 2011 Annual General Meeting of Electors, it was resolved that the announcement for the Annual General Meeting of Electors be placed three weeks prior to the event on the City's website and that the announcement has to include the Annual Report and the starting time to be set for 7.00pm. At its meeting held on 21 February 2012 (CJ011-02/12 refers), Council noted the date, time and place of the Annual General Meeting of Electors is set by the Council and publicised in accordance with the provisions of the *Local Government Act 1995*.

While the City advertises the meeting in accordance with the *Local Government Act 1995*, the City will promote the scheduled meeting date as soon as possible and will publicise the annual report through the City's website once it is adopted by Council at its meeting to be held on 21 October 2014.

COMMENT

The audited financial statements for 2013-14 are the subject of a separate report to Council. Once these statements are adopted by Council, an abridged version will be inserted into the 2013-14 Annual Report.

In recent years, the Annual General Meeting of Electors has been convened at 5.30pm and was held immediately prior to the scheduled Briefing Session in December 2012 and immediately prior to the Council meeting in December 2013. This format has resulted in an improved elector turnout compared to previous years.

In order for the City to meet its legislative requirements, it is recommended that Council convenes the 2014 Annual General Meeting of Electors on Tuesday 2 December 2014, commencing at 5.30pm, prior to the scheduled Briefing Session.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council AGREES to convene the 2014 Annual General Meeting of Electors on Tuesday 2 December 2014, commencing at 5.30pm in the Council Chamber.

ITEM 8 EXECUTION OF DOCUMENTS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	15876, 101515
ATTACHMENTS	Attachment 1 Documents executed by affixing the Common Seal for the period 2 September 2014 to 23 September 2014.
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 2 September 2014 to 23 September 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 2 September 2014 to 23 September 2014 executed by means of affixing the Common Seal, as detailed in Attachment 1 to this Report.

BACKGROUND

During the period 2 September 2014 to 23 September 2014, 10 documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Section 70A Notification	3
Licence Agreement	2
Structure Plan	1
Withdrawal of Caveat	2
Deed of Agreement	1
Surrender of Easement	1

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / policy implications

Legislation *Local Government Act 1995.*

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

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

Policy Not applicable.

Risk management considerations

Not applicable.

Financial/budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Schedule of Documents covering the period 2 September 2014 to 23 September 2014, executed by means of affixing the Common Seal, as detailed in Attachment 1 to this Report.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf141014.pdf](#)

ITEM 9 REVIEW OF DELEGATIONS MADE UNDER VARIOUS LEGISLATION AND OTHER INSTRUMENTS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	07032, 101515
ATTACHMENTS	Attachment 1 New or revised instruments of delegation made under legislation. Attachment 2 Instruments of delegation to be removed.
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to review its delegations made under legislation and other enabling powers outside of the *Local Government Act 1995*.

EXECUTIVE SUMMARY

Section 5.46 of the *Local Government Act 1995* requires that at least once every financial year, delegations made under that Act are to be reviewed by the delegator. Council at its meeting held on 24 June 2014 (CJ091-06/14 refers) undertook its formal review of delegations made under the *Local Government Act 1995*.

During the course of this review, an assessment was also undertaken on various instruments of delegation that have been made under other legislation or enabling powers. This review resulted in a detailed assessment of the legislation that purported to give such power of delegation and an adjustment to those instruments of delegation where required.

In keeping with the legislative environment in which the City operates, it is therefore recommended that Council approves the delegations as detailed in this Report and endorses the revised instruments of delegation being placed in, or removed from, the City's Register of Delegation of Authority.

BACKGROUND

Local governments are generally responsible for administering and enforcing numerous legislative provisions that require certain functions to be exercised. These functions are extensive in number; range in scope; and are generally performed by either:

- the local government itself (that is the corporate entity)
- the Council
- the Chief Executive Officer
- a Committee, the Chief Executive Officer or City employee where certain powers have been delegated by the Council (in accordance with the *Local Government Act 1995* or some other enabling legislation)
- or
- an 'authorised person' (or similar titled person) where the local government has appointed a person or class of persons to be authorised to perform the particular function(s).

The term 'local government'

Before determining who can actually perform local government functions in legislation, it is important to determine whether the term 'local government' means the corporate entity; the governing body (that is Council); or the administrative body.

In most legislation it is quite clear a 'local government' function is not exercisable (at least on a day-to-day basis) by Council but by the administration (through the Chief Executive Officer or other employees). However in other cases it is not clear as to whether Parliament, when drafting the legislation, intended for Council or the Chief Executive Officer to exercise those functions. This can cause confusion as to whether the Chief Executive Officer and employees of the City are able to perform those functions without reference to, or approval from, Council.

If the term 'local government' is narrowly viewed as to mean the 'Council' itself, the business of Council (through its meetings) would be that extensive, it would not be able to function properly to provide effective and efficient governance. Considering the amount and volume of decisions the corporate entity such as the City of Joondalup has to make, the City's business would be substantially delayed, to the community's detriment.

Many of the functions of a local government within legislation are administrative in nature. In this sense, the *Local Government Act 1995* makes it clear that:

- a Council's role is not to exercise administrative (or management) powers, but to exercise broader governance powers (section 2.7 of the *Local Government Act 1995*)
- a Chief Executive Officer has the principal administration or management role of the local government as reflected in the specific statutory function to 'manage the day to day operations of the local government' (section 5.4(e) of the *Local Government Act 1995*).

In view of this, the term 'local government' in legislation is therefore contextual and must be assessed on a case-by-case basis to determine who or what entity is required to perform the required function.

Delegation of functions

In accordance with Sections 5.16 and 5.42 of the *Local Government Act 1995* a local government can delegate certain functions to a committee of Council, or the Chief Executive Officer. However these provisions only apply to the delegation of powers and duties conferred under the *Local Government Act 1995* and do not apply to functions under other legislation. Delegations under other legislation can only be made in accordance with, and to the extent permitted by, the particular legislation conferring the function sought to be delegated.

As a general rule and before a function can be delegated, it is necessary to identify:

- a) the specific legislative provision conferring the function
- b) the context in which the term is used including an assessment of the surrounding text in the provision
- c) any specific provision enabling the function to be delegated, including any conditions on delegation.

DETAILS

Various delegations have been made, or purported to be made, by Council over the years including delegations under the *Building Act 2011*, the *Bush Fires Act 1954*, the *Cat Act 2011*, the *Planning and Development Act 2005*, the *District Planning Scheme No. 2* and the *Strata Titles Act 1985*. Many of the delegations have been made as a result of an enabling legislative provision that exists or which is thought to exist.

To highlight this point, the current Register of Delegated Authority (the register) contains an instrument of delegation titled “Appointment of Authorised Persons” (Attachment 1 refers).

However this particular instrument causes confusion in that Part 3 purports to delegate authority to “*appoint and authorise persons to exercise the powers and duties of a local government to administer and enforce provisions*” of numerous pieces of legislation, whereas Parts 1 and 2 refer to the authority to appoint and authorise persons to perform the functions of an authorised person under the *Local Government Act 1995* and the City’s local laws respectively.

To avoid confusion it is appropriate to remove Part 3 from the above instrument of delegation. More importantly however is the need to assess the legislation stated to determine whether the power of delegation exists, and where appropriate, create specific instruments of delegation from Council to the Chief Executive Officer (or direct to other officers).

Building Act 2011 - Building and demolition permit applications, building approval certificates, certificates of building compliance, construction compliance and design compliance.

This instrument of delegation contains City employees that are authorised to deal with building and demolition permit applications, building approval certificates, certificates of building compliance, construction compliance and design compliance. It is recommended that the position of Administration Team Leader (00110) be added to the schedule attached to this instrument of delegation, as it was inadvertently omitted when Council at its meeting held on 20 March 2012 (Item CJ027-03/12 refers) made the initial delegation when the legislation came into effect.

A formal resolution of Council is required to include this position into the delegation listing, and is therefore supported. The revised instrument of delegation is included in Attachment 1 to this Report.

Bush Fires Act 1954

The functions of a local government under the *Bush Fires Act 1954* include, but are not limited to:

- the power to vary the prohibited burning times in the district (section 17(7))
- the power to make arrangements for the burning of firebreaks and, in those cases, the duty to notify occupiers of adjoining land (section 22(6))
- the power to give notice to an owner or occupier of land to take action in respect of firebreaks (section 33(1))
- the power to purchase and maintain appliances and equipment for the prevention, control and extinguishment of bush fires (section 36(a))
- the power to clear a street, road or reserve (section 36(b))
- the power to establish and maintain bush fire brigades (section 36(d))
- the power to use any vehicle to control or extinguish a bush fire (section 36(f))
- the duty to obtain and keep specified insurance policies (section 37(1))
- the power to appoint its bush fire control officers, including its Chief Bush Fire Control Officer and its Deputy Chief Bush Fire Control Officer (section 38(1)).
- the duty to maintain various records (section 50).

The conferral of a function on a local government under the *Bush Fires Act 1954* does not, of itself, determine whether it was intended, as to whether the Council or an employee of the local government should exercise that function. Most of the above matters are clearly exercisable, on a day-to-day basis, by the Chief Executive Officer, or other appropriate employees of the City.

Council through its instrument of delegation titled “Appointment of Authorised Persons” has purported to confer the powers of the local government under the *Bush Fires Act 1954* to the Chief Executive Officer, however it appears that no formal resolution to this effect has been made. In view of this and to remove this uncertainty it is recommended that Council formally delegate to the Chief Executive Officer the functions of a local government under the *Bush Fires Act 1954* as section 48 of the *Bush Fires Act 1954* provides this power of delegation for Council. A new instrument of delegation is included in Attachment 1 to this Report, and will be inserted into the City’s register if supported by Council.

Cat Act 2011

At its meeting held on 25 June 2013 (Item CJ102-06/13 refers) Council delegated to the Chief Executive Officer authority to exercise the powers and discharge the duties of the local government under the *Cat Act 2011*. This delegation was again placed within the instrument of delegation titled “Appointment of Authorised Persons” however the delegation is broader than just appointing authorised persons. Therefore a separate instrument of delegation has been developed relating to the *Cat Act 2011* in its entirety, based on Council’s previous decision (Attachment 1 refers).

Dog Act 1976

A new instrument of delegation is recommended for the Chief Executive Officer to undertake the powers and duties of the local government under the *Dog Act 1976*. Many of the powers and duties of a local government under the *Dog Act 1976* are administrative in nature and include:

- appointing authorised persons and registration officers
- maintaining registers
- issuing directions to registered veterinary surgeons as a condition of the receipt of payment
- authorising payments to veterinary surgeons towards the cost of sterilising a dog
- determining whether a veterinary surgeon has complied with a written direction
- determining whether a person would suffer hardship in paying the whole cost of sterilising a dog
- establishing and maintaining one or more public pounds.

Similar to the *Bush Fires Act 1954* and the *Cat Act 2011*, the *Dog Act 1976* powers and duties of a local government are clearly intended to be exercisable by the Chief Executive Officer on a day-to-day basis, or other appropriate employees of the local government, rather than Council.

To remove any uncertainty it is recommended that Council formally delegates the powers and duties of a local government to the Chief Executive Officer, as per the intent in the current instrument of delegation titled “Appointment of Authorised Persons”. The power to delegate exists under section 10AA of the *Dog Act 1976*. There also needs to be an express intent in Council’s resolution to delegate authority from the Chief Executive Officer to other employees under that Act (under section 10AA(3) of the Act) and will be considered following Council’s delegation to the Chief Executive Officer, if supported.

Food Act 2008

Under the *Food Act 2008* local governments are enforcement agencies and are required to exercise a range of functions. Specifically, the *Food Act 2008* confers the following functions on an enforcement agency:

- Serve prohibition orders when certain contraventions have been made or where there is a need to prevent or mitigate a serious danger to public health.
- Issue a certificate of clearance to a prohibition order.
- Appoint authorised officers.
- Issue an authorised person with a certificate of authority.
- Appoint designated officers (that are authorised officers) for the purposes of issuing infringement notices and other related functions.

The above listed functions can be generally viewed as the day-to-day functions of the Chief Executive Officer and City employees rather than a specific function of Council. Furthermore, for the timeliness of appointments under sections 122 and 126(13), it is more appropriate for the Chief Executive Officer to make these appointments to employees, rather than having to undertake a report to Council every time an appointment has to be made.

In this regard the functions listed for an enforcement agency should be appropriately delegated (under section 118(2) of the *Food Act 2008*) to the Chief Executive Officer, as per the current implied intent in the current instrument of delegation titled “Appointment of Authorised Persons”. A new instrument of delegation will be created accordingly, if supported (Attachment 1 refers).

Health Act 1911

The current instrument of delegation titled “Appointment of Authorised Persons” identifies the Chief Executive Officer as having the authority to appoint and authorise employees to exercise the powers and duties of a local government to administer and enforce the provisions of the *Health Act 1911*. However the *Health Act 1911* does not have a general provision enabling a local government to delegate its powers under that Act, such as to the Chief Executive Officer or any other employee.

Instead, section 26, which imposes an obligation on each local government ‘to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder’ gives each local government power to:

‘appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself or any power or function.’

Many of the functions listed in the *Health Act 1911* and associated regulations are able to be performed by the City’s Environmental Health Officers, outside of any form of delegation or authorisation from Council. However there are numerous functions performed by a local government under that Act that are deemed day-to-day functions of the local government, and therefore appropriate to be performed by the Chief Executive Officer.

In this regard it is recommended that Council appoint and authorise the Chief Executive Officer as its deputy, and therefore in that capacity to exercise and discharge all or any of the functions of the local government under the *Health Act 1911*. If supported a new instrument of delegation will be inserted into the City’s register (Attachment 1 refers).

Planning and Development Act 2005

The *Planning and Development Act 2005* has no provision to delegate the functions of the local government under the *Planning and Development Act 2005* to the Chief Executive Officer (or other employee). This is different to the delegated planning functions under the City’s *District Planning Scheme No. 2*, where a power of delegation does exist.

The *Planning and Development Act 2005* confers a range of functions on a local government. For instance, section 142 of the *Planning and Development Act 2005* requires the Western Australian Planning Commission (WAPC) to submit a plan of subdivision to a local government where it may affect the functions of the local government. The local government, within 42 days, is to provide advice to the WAPC on any objections, recommendations or conditions on the plan of subdivision.

Within the City's register, a delegation exists titled "Subdivision and Development Control: Part 10 - Planning and Development Act 2005" (Attachment 2 refers) which relates to this particular function to be performed under section 142 of the *Planning and Development Act 2005*. Council at its meeting held on 22 June 2010 (CJ095-06/10 refers) agreed to include this delegation into the City's register.

This function was originally within the town planning delegations under the scheme but was subsequently separated as it related to the *Planning and Development Act 2005* and not the scheme. However as indicated above the *Planning and Development Act 2005* has no capacity for a local government to delegate this function to the Chief Executive Officer or another employee.

Notwithstanding the above, the context of the local government's function under section 142 of the *Planning and Development Act 2005* is administrative in nature and therefore no formal delegation is required, and the existing instrument can therefore be removed. This conclusion is reached on the basis that:

- the function being performed is one of providing information in response to the WAPC concerning a subdivision application (that is there is no decision-making role for the local government although planning officers exercise professional judgment in preparing their responses)
- the process under section 142 consists of a single consultation exercise by the WAPC with no further engagement by it
- under section 143 the WAPC has only to 'consider' a local government's response in deciding whether to approve the subdivision application
- the time allocated for the consultation exercise is 42 days, suggesting that involvement by a governing body is not envisaged to be part of the process of obtaining comment.

Section 214(2) of the *Planning and Development Act 2005* allows the responsible authority (being the local government in this instance) to provide written direction to an owner or developer in respect of a contravention of a planning scheme or interim development order. Again, Section 214(3) provides for the local government to direct the removal, pull down or alter a non-complying development and/or restore land to its original condition prior to the development. Section 214(5) allows for a local government the power to authorise work where it would prejudice the operation of a planning scheme or interim development order. Reference to this section of the *Planning and Development Act 2005* currently exists in the town planning delegations made under the *District Planning Scheme No. 2*, however it is not a function under the scheme that can be delegated.

To correct this, section 5.42(1)(b) of the *Local Government Act 1995* was inserted into that Act in 2010 to give Council the ability to delegate to the Chief Executive Officer the powers and discharge the duties under section 214(2), (3) and (5) of the *Planning and Development Act 2005*. In view of this, and as the functions of a local government under section 214 of the *Planning and Development Act 2005* are determined by that Act not the scheme, it is recommended that this reference to the Act be removed from the Town Planning Delegations, and a separate instrument of delegation be created along these lines (Attachment 1 refers). The Chief Executive Officer can then on-delegate those powers to appropriate compliance officers, once this delegation is made.

District Planning Scheme No. 2 – Delegations - General

A number of changes are proposed to the Delegations (Attachment 1 refers). Although there are some additional proposed inclusions listed, a large portion of the changes serve to correct the terminology used as a result of changes to the Residential Design Codes (R-Codes) that took place in August 2013, or are suggested to provide a greater level of clarity for Council and employees who utilise the delegations. The first of the changes proposed is a change to the name of these delegations to better reflect that they are delegations made under the Scheme, rather than 'Town Planning' delegations.

The changes proposed to Part 1 of the Delegations – General – Matters Delegated to Senior Urban Planners, Coordinator Planning Approvals, and Coordinator Urban Design and Policy – are as follows:

- *The inclusion of position 00778 to the Delegations.*

In early 2014 a third Senior Urban Planner Position was created within the Planning Approvals team through the conversion of a vacant role. This change to the Delegations is required to ensure that the person occupying this position can exercise the same level of delegated authority as the four other Senior Urban Planners. It should also be noted that the two Senior Planning Officers are now also classed as Senior Urban Planners and the terminology in the Delegations has been amended to reflect this change.

- *Adding the word 'following' to the preamble under Part 1.*

This change is proposed simply to make this consistent with Part 2, and to ensure that it was clear that not all powers provided under the scheme are delegated to various officers.

- *Including 'the exercise of discretion under the Residential Design Codes' as part of delegation Part 1(a) and Part 2(b).*

This simply clarifies that applications for 'single houses', which are currently exempt from the need for planning approval under the Scheme still require approval under the R-Codes, are included as part of the delegations.

- *Adding the land uses 'Ancillary Dwelling' and 'Aged or Dependent Persons' Dwellings' to the applications delegated to Senior Urban Planners and Coordinators under Part 1(a) and Part 1(b); and adding the words 'up to 10' before the words 'grouped dwelling'.*

This change is simply to ensure that all 'residential' land uses that are listed under the Scheme and dealt with by the R-Codes are covered by the appropriate part of the delegations. Although these developments are by nature 'grouped dwellings', they are also land uses in their own rights under the Scheme and the R-Codes. This change will remove any ambiguity about whether developments of this nature should be considered under this part of the delegations, or the part of the delegations relating to 'other' land uses listed under the scheme.

The addition of the words ‘up to ten’ before ‘grouped dwellings’ is to ensure that developments are not presented to the Manager Planning Services or Director Planning and Community Development simply due to the number of dwellings proposed. A development could not generally be refused based on the number of dwellings proposed only. As such, it is considered appropriate for the Senior Urban Planners or Coordinators to be able to determine applications for more than one grouped dwelling, multiple dwelling, or aged and dependent persons’ dwelling, provided these fully satisfy the conditions of their delegation set out in (i) and (ii).

- *Changing the words ‘Acceptable Development Standards or Criteria’ to ‘Deemed-to-Comply Requirements’ under Part 1(a)(i) and elsewhere in the delegations.*

This is a terminology change as a result of the August 2013 changes to the R-Codes only.

- *Adding the words ‘Local Planning’ in front of the word policies in Part 1(a)(i) and elsewhere in the delegations.*

This is simply to provide better clarity that this relates only to the City’s Planning Policies, and does not relate to policies which are not created in accordance with the Scheme. For example, it does not relate to other City Policies, or to State Planning Policies.

- *Changing the words ‘Performance Criteria’ to ‘Design Principles’ in Part 1(a)(ii) and elsewhere in the delegations.*

This is a terminology change as a result of the August 2013 changes to the R-Codes only.

- *Moving the statement regarding objections being received from Part 1(a)(ii)(h) to Part 1(a)(ii).*

This change is to set out, up front, that the Senior Urban Planners and Coordinators cannot determine any applications where objections to an application are received. These must be determined by the Manager Planning Services or Director Planning and Community Development. This is not new wording; it has been moved from the end of the list of delegations to the start.

- *Adding the words ‘provided’ to Part 1(a)(ii).*

This change has been made to add clarity to the delegation and ensure that the Senior Urban Planners and Coordinators are able to approve applications where several of those items listed under Part 1(a)(ii) occur. This is not a change to the extent of delegation, simply a modification to the wording. Each aspect of the development must still be considered against the relevant Design Principles and the impact of the development overall must still be assessed.

- *Deleting 1(a)(ii)(a) and subsequently changing subsequent numbering.*

This is a change to the extent of delegated authority provided to the Senior Urban Planners and Coordinators. Previously these officers could only determine applications where the open space requirements were no more than 10% less than the Deemed-to-Comply requirements of the R-Codes. However, this change will mean that any application that does not meet the Deemed-to-Comply requirements in relation to open space, but is considered to satisfy the relevant Design Principles can be approved by a Senior Planner or Coordinator. Where the proposal is not considered to meet the relevant Design Principles it must be presented to the Manager Planning Services or Director Planning and Community Development for refusal. This change is being suggested as generally applications that do not satisfy the relevant open space requirements do not impact on the streetscape or adjoining landowners.

- *Adding the word 'building' into Part 1(a)(ii)(b)*

This addition is simply to provide clarity to the nature of the setbacks being referred to by this part of the delegations.

- *Adding a new Part 1(a)(ii)(c) that reads 'a porch, balcony, verandah, chimney or equivalent does not project more than 50% into the primary street setback stipulated in Table 1 of the Residential Design Codes'.*

Previously, minor incursions such as porticos, verandahs, patios or balconies were considered to be covered by the delegation set out under the new Part 1(a)(ii)(b), meaning that a minor incursion of up to 1.5 metres could be approved by Senior Urban Planners or Coordinators, where they were considered to satisfy the relevant Design Principles. However, this Part has been added in order to provide better clarity for readers about whether or not officers in these positions are able to consider applications of this nature.

As these structures are, as the name suggests, minor in nature, and are generally open structures and often promote surveillance of the street, they are considered to have less impact by way of building bulk and scale than other buildings. As such, there is a minor change to the extent of delegation proposed. This means that at R20, minor incursions of up to three metres could be approved by the Senior Urban Planners or Coordinators, whereas previously only 2.5 metres could be approved. However, at R40 density, a minor incursion of two metres is now the maximum able to be considered, rather than 2.5 metres. This modification is considered to be a more appropriate way of describing the extent of delegated authority and means that it varies depending on density, rather than a fixed figure being provided.

- *Changing previous Part 1(a)(ii)(d) so that it reads 'any outbuilding is not in the primary or secondary street setback area stipulated in Table 1 or Table 4 of the Residential Design Codes'.*

This is a change to the extent of delegated authority provided to the Senior Urban Planners and Coordinators. Previously these officers could only determine applications where the area, wall height, or ridge height of an outbuilding(s) were no more than 15% greater than the Deemed-to-Comply requirements of the R-Codes. However, this change will mean that where an application for an outbuilding is considered to satisfy the relevant Design Principles, it can be approved by a Senior Planner or Coordinator, provided it is not in the front setback area of a property. Where the proposal is not considered to meet the relevant Design Principles, or is proposed in the front setback area, it must be presented to the Manager Planning Services or Director Planning and Community Development for determination.

- *Adding the word 'fill' before the word retaining wall, the words 'non-visually permeable' in front of fence in 1(a)(ii)(f), and changing the words 'as measured from' to 'above'.*

These changes are to provide clarity around what applications for retaining walls and front fences require consideration by the Manager Planning Services or Director Planning and Community Development. The only change to the extent of delegated authority is that Senior Urban Planners and Coordinators would be able to approve applications for excavation and retaining in the street setback area. Generally these applications have minimal impact on the streetscape, particularly by way of building bulk, and will not have any impact on surveillance given the fencing above must be visually permeable above 1.2 metres. Therefore it is considered that consideration by the Manager Planning Services or Director Planning and Community Development is not necessary in this case. As with all other applications, these proposals must still satisfy the relevant Design Principles if they are to be approved.

- *Deleting 1(a)(ii)(g).*

Officers are obligated to ensure that the relevant Design Principles of the R-Codes are satisfied before an application can be approved. As such, it is considered not to be necessary to reiterate this requirement through the Delegations.

- *Modifying the wording of Part 1(b)(ii) to refer to patio(s), verandah(s), shade sail(s), portico(s), and outbuilding(s) rather than patio, verandah, shade sail, portico and outbuilding additions to an existing development; and adding 'retaining wall(s) less than 1.2 metres above natural ground level in height'.*

The minor wording changes are not a change to the extent of delegated authority. The intent of these modifications is to ensure that an application can be determined under delegated authority irrespective of whether the patio or other structure is a component of a new development, or an addition to an existing development.

The addition of the words 'retaining walls less than 1.2 metres in height' is a change to the extent of delegated authority. This will mean that Council is not required to consider applications for retaining walls, up to 1.2 metres in height, where they are not set back in accordance with the non-residential building setback requirements of the Scheme. The height of 1.2 metres was selected as this is consistent with the deemed-to-comply height of residential walls and fences set under the R-Codes to ensure passive surveillance can occur. There is minimal likelihood of such a structure causing a detrimental impact on the streetscape or adjoining property(s). The intent of this change was simply to remove the need for Council to determine otherwise compliant developments, because a low level retaining wall was needed to create adequate levels for a car park or building.

- *Adding a new Part 1(b)(iii) which reads ‘the application is for the renewal of a Home Business - Category 2 or Home Business – Category 3, where no complaints or objections have been received since the previous approval was issued’.*

This is a change to the extent of delegated authority. Senior Urban Planners or Coordinators are already able to consider applications for Home Business renewals where the initial application was able to be determined at that level of Delegated Authority. However, where the proposal does not satisfy an aspect(s) of the Home Business Policy, both the initial application and any subsequent renewals must be determined by the Manager Planning Services or Director Planning and Community Development. It is considered that it would be appropriate for these renewals to be approved by the Senior Urban Planners or Coordinators, where no objections or complaints have been received since the previous determination, and the business continues to operate in the manner it did when the initial determination was issued.

- *Changing the word ‘proposal’ in the new 1(b)(v) to read ‘application’.*

This change is simply a terminology change to ensure better consistency throughout the document.

The changes proposed to Part 2 of the Delegations – General – Matters Delegated to Manager Planning Services and Director Planning and Community Development - are as follows:

- *Deleting Part 2(b), and associated renumbering.*

This delegation has been deleted as Amendment 70 to the scheme has now been gazetted, and the land use ‘Ancillary Dwelling’ is no longer an unlisted use. As such this delegation is no longer necessary.

- *Adding the words ‘Ancillary Dwelling’ and ‘Aged or Dependent Persons’ Dwellings’ to the new Part 2(b) and the new Part 2(c).*

This change ensures that all ‘residential’ land uses that are listed under the scheme and dealt with by the R-Codes are covered by the appropriate part of the delegations. Although these developments are by nature ‘grouped dwellings’, they are also land uses in their own rights under the scheme and the R-Codes. This change will remove any ambiguity about whether developments of this nature should be considered under the residential part of the delegations, or the part of the delegations relating to ‘other’ land uses listed under the scheme.

- *Including ‘the exercise of discretion under the Scheme, a local planning policy, an Agreed Structure Plan or the Residential Design Codes’ as part of new Part 2(b).*

This clarifies that applications for ‘single houses’, which are currently exempt from the need for planning approval under the Scheme but which still require approval under the R-Codes or a structure plan, are included as part of the delegations.

- *Deleting old Part 2(d)(i).*
- *Adding the word ‘provided’ to the new Part 2(c).*

- *Adding the words ‘as set out in the scheme or any applicable Agreed Structure Plan’ to the new Part 2(c)(i).*
- *Modifying the new Part 2(c)(ii) to read ‘the amount of car parking provided is not less than:*
 - (a) the standards and requirements set out in the Scheme or any applicable Agreed Structure Plan by more than 10%; or*
 - (b) a car parking shortfall for that site previously approved by Council; or*
 - (c) the standards and requirements set out in Amendment No. 65 to the Scheme, as adopted by Council’.*
- *Including a new Part 2(c)(iii) to read ‘the landscaping strip provided achieves an average width of not less than 1.5 metres’.*
- *Including a new Part 2(c)(iv) to read ‘the overall amount of landscaping provided for the site does not vary the standards and requirements set out in the scheme or any applicable Agreed Structure Plan by more than 10% of that requirement’.*
- *Moving old Part 2(e) and (f) to become Parts 2(c)(v) and 2(c)(vi).*

These changes detailed above have been proposed in order to provide better clarity to Council and readers of the delegations as to exactly what does and does not require consideration by Council.

Changes are proposed to the extent of delegated authority in that not all applications that seek to vary Scheme or Structure Plan requirements by more than 10% will be presented to Council for determination. This means that the Manager Planning Services or Director Planning and Community Development will be able to determine applications for variations to scheme or structure plan provisions other than certain setback, landscaping, and car parking provisions, and proposals that do not comply with the *Height of Buildings Within The Coastal Area (Non-Residential Zones) Policy*.

In relation to setback requirements, the extent of delegated authority has not changed. In relation to car parking requirements, the extent of delegated authority has also not changed, except to the extent that the Manager Planning Services or Director Planning and Community development would be able to determine applications where the amount of car parking provided satisfies the requirements of Amendment No. 65 to DPS2, until such time as this amendment is gazetted. In relation to landscaping requirements, the extent of delegated authority has been changed for car park shade trees, which is no longer listed as an item that requires consideration by Council and the width of landscaping strips, where the Manager Planning Services or Director Planning and Community Development would be able to determine applications where the average width of the landscaping strip is proposed to be 1.5 metres or greater.

These changes are considered appropriate for the following reasons:

- The decision maker still has an obligation to ensure that the objectives of the scheme and any applicable policies are satisfied.
- Development is more likely to impact on the streetscape or adjoining landowners as a result of reduced landscaping strip widths, and reduced building setbacks – and applications of this nature where significant variations are proposed, will still be presented to Council for determination.
- Any large-scale developments are likely to be determined by the Development Assessment Panel (DAP), and not by the City or Council.
- Any other new developments will likely have been reviewed by the Joondalup Design Reference Panel and its feedback influences the final design outcome.

- Car parking shortfalls are currently being justified by officers and approved by Council on the basis that the requirements of Amendment No. 65 to DPS2 have been met.
- *Adding the words ‘all applicable Local Planning Policies, with the exception of development that does not satisfy the standards of the Height of Buildings Within the Coastal Area (Non-Residential Zones) Policy’ to the end of the new Part 2(c)(vi).*

This change is to make it clear that any applications that do not satisfy the requirements of this particular policy will not be determined under Delegated Authority. In circumstances where proposals are not required to be considered by the DAP, and do not meet the requirements of this policy, these will be presented to Council for determination.

- *Adding the words ‘except where the proposed development is for Telecommunications Facilities’ to the end of the new Part 2(e).*

Officers presently cannot deal with applications for telecommunications facilities (mobile phone towers) on land zoned under the scheme. This is because these facilities are considered to be ‘unlisted uses’ for the purposes of the scheme. This additional wording is to ensure that all recommendations to the Western Australian Planning Commission (WAPC) that relate to telecommunications facilities are dealt with by Council and not the Director Planning and Community Development or Manager Planning Services. All other recommendations to the WAPC will continue to be provided by the Manager Planning Services and Director Planning and Community Development in accordance with the current delegations.

- *Adding a new Part 2(g) which reads “the determination under Clause 6.1.3(i) of the Scheme whether works are temporary for the purposes of the Scheme, and the length of time that such ‘development’ is permitted to remain in the requested location’ and subsequent renumbering.*

Clause 6.1.3(i) of the Scheme sets out that works that are temporary and in existence for less than 48 hours or such longer time as the local government agrees are exempt from the need to obtain planning approval under the Scheme. The City applies the provisions of the Scheme to temporary events and developments that may occupy private or public land for a short period of time, but will exceed 48 hours. For example, a circus on a reserve, or the works associated with the Outdoor Cinemas at Edith Cowan University may be subject to this clause. This addition is simply to provide clarity that the Manager Planning Services or Director Planning and Community Development have authority to sign correspondence confirming that certain ‘developments’ that are temporary but in existence for longer than 48 hours are exempt from the need to obtain planning approval.

- *Removing part (k) with the words ‘the issue of a direction/notice under Sections 214 and 215 of the Planning and Development Act 2005’.*

This is detailed under the previous section in this report for the *Planning and Development Act 2005*. A separate instrument of delegation has been prepared as the delegation is under the *Planning and Development Act 2005* not the *District Planning Scheme No. 2*.

Control of Vehicles (Off-road Areas) Act 1978 and the Caravan Parks and Camping Grounds Act 1995

Under both the *Control of Vehicles (Off-road Areas) Act 1978* and the *Caravan Parks and Camping Grounds Act 1995* employees of the City are appointed to perform particular functions under these two legislative provisions.

Under the current instrument of delegation in the City's Register of Delegation of Authority titled "Appointment of Authorised Persons", it purports that Council has delegated to the Chief Executive Officer the authority to appoint authorised persons to perform particular function under numerous legislative provisions, including the *Control of Vehicles (Off-road Areas) Act 1978* and the *Caravan Parks and Camping Grounds Act 1995* (see Part 3 of the instrument detailed in Attachment 1). However under both pieces of legislation, Council cannot delegate this function to another person (in this case the Chief Executive Officer) and Council must therefore make the appointments itself.

In view of this it is recommended that Council appoint various employees of the City to be authorised persons for the purposes of the *Control of Vehicles (Off-road Areas) Act 1978* and the *Caravan Parks and Camping Grounds Act 1995*. The recommendation detailed in this Report lists those officers to be so authorised under those Acts and makes provision for the Chief Executive Officer to issue the required identity card / certificate of appointment.

Other delegation instruments within the register to be removed

Under the *Local Government Act 1995*, local governments are required to maintain a register of delegations made under that Act. However it is also usual practice to include in this register those delegations made under other legislation or other enabling powers.

In the register two instruments of delegation exist titled "Authority to Enter into an Agreement with Synergy for Provision of Street Lighting" and "Distribution of Community Newspaper". Both were inserted into the register as a result of Council's previous decisions on 20 November 2007 (CJ240-11/07 refers) and 18 August 2009 (CJ174-08/09 refers) respectively.

As detailed in this Report, the power to delegate must arise out of a head of power being a legislative provision. Where no head of power exist it is more appropriate to authorise a person to perform a particular function than to delegate that function. Previous decisions of Council have used the term delegate instead of the more appropriate term authorise, as in the case of the two stated delegations above.

It is recommended that these two delegations be removed from the register, as they do not arise from a legislative power, but more so a decision that has been made by Council, and will stand unless revoked at a future time.

A third instrument of delegation exists in the register titled "Assessment – Community Funding". This delegation arises from the *Community Funding Policy* which allows the Chief Executive Officer to approve applications for funding up to and including \$10,000 (excluding GST). As the position and intent of Council is stated in the adopted policy, and the Chief Executive Officer has delegated authority to incur liabilities and make payments from the municipal and trust fund (as per another existing delegation), it is also suggested that this instrument be removed from the register.

A fourth instrument of delegation also exists in relation to employees that are authorised to issue occupancy permits and building approval certificates for strata plans and survey strata plans (see Certificate of Local Government in Attachment 2). Reference was made to these permits and certificates being issued in accordance with section 5B of the *Strata Titles Act 1985*. However, these permits and certificates are issued in accordance with section 127 of the *Building Act 2011* in which a current delegation already exists titled (see Instrument of Delegation titled “Building Act 2011 – Occupancy Permits, Building Orders and Associated Functions in Attachment 1). Furthermore as the positions of Coordinator Urban Design and Policy (00111) and Coordinator Planning Approvals (00112) are not qualified to issue these permits or certificates it is recommended that the instrument of delegation be removed.

Issues and options considered

Council can either:

- accept the proposed delegations or changes to delegations as detailed in this Report
- vary or condition the proposed delegations as presented
- or
- reject the proposed delegations or changes to the delegations.

Legislation / Strategic Community Plan / policy implications

Legislation Various.

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

Where delegations are not in place there may be a risk that day-to-day operations of the City in relation to certain legislative responsibilities are not undertaken in a timely manner or overly burden the Council's business activity. Additional reporting to Council will lengthen Council meetings, thereby removing Council's focus on important strategic and policy matters.

Delegations under legislation also need to be made in accordance with an appropriate legislative provision where the function arises.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Consultation with affected Business Units, a review of applicable legislation, consideration of previous external legal advice and review by the City's Principal Legal Officer were all undertaken in respect to reviewing the instruments of delegation detailed in this Report.

COMMENT

Local governments utilise levels of delegated authority to undertake day-to-day statutory functions, thereby allowing Council to focus on policy development, representation, strategic planning and community leadership and the organisation to focus on the day-to-day administration of the City. The use of delegated authority means the large volume of routine work of a local government can be effectively managed and acted on promptly, which in turn facilitates efficient service delivery to the community.

Reviews undertaken on delegations in recent years have focussed on minor adjustments and administrative corrections to the register however the 2014 annual review has been a major review and resulted in:

- an in depth analysis of legislative provisions affecting local governments and whether the power to delegate functions of a local government exist
- a new structure to the register
- a revised layout for each instrument of delegation
- improvements to the wording and referencing of individual delegations
- new and increased scope of individual delegations
- removal of redundant delegations from the register or that are no appropriate to be listed in the register.

The register will continue to be formally reviewed annually, with specific changes submitted to Council where necessary.

The recommendations presented to Council do not go against or add to, any powers to the Chief Executive Officer which have purported to be appropriately delegated by Council in the past. More so the recommendations are presented to Council and supported to ensure the correct process has been undertaken to formally delegate those functions or authorise officers to perform particular functions.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council:

- 1 in accordance with section 127 of the *Building Act 2011* DELEGATES to the Administration Team Leader (position number 00110) the power to approve permit applications, as detailed in Attachment 1 to this Report, on the condition that the position is restricted to approving permit applications that have been certified by a suitably qualified Building Surveyor;
- 2 in accordance with section 48 of the *Bush Fires Act 1954* DELEGATES to the Chief Executive Officer the authority to exercise the functions of a local government under that Act;
- 3 BY AN ABSOLUTE MAJORITY and in accordance with section 10AA of the *Dog Act 1976* DELEGATES to the Chief Executive Officer the authority to exercise the powers and duties of a local government under that Act, including the authority to delegate the powers and duties of a local government to other persons;
- 4 in accordance with section 118(2) of the *Food Act 2008* DELEGATES to the Chief Executive Officer the authority to exercise all of the functions conferred or imposed on the local government, as an enforcement agency, under that Act;
- 5 in accordance with section 26 of the *Health Act 1911* APPOINTS and AUTHORISES the Chief Executive Officer to be its deputy, and in that capacity to exercise all of the powers and functions of a local government under the *Health Act 1911*;
- 6 BY AN ABSOLUTE MAJORITY and in accordance with section 5.42(1)(b) of the *Local Government Act 1995* DELEGATES to the Chief Executive Officer the authority to exercise the powers and duties of a local government under section 214(2), (3) and (5) of the *Planning and Development Act 2005*;
- 7 ENDORSES the removal of the delegation made under section 142 of the *Planning and Development Act 2005* as no power of delegation exists under the *Planning and Development Act 2005* and the function under that section is performed administratively by the City;
- 8 BY AN ABSOLUTE MAJORITY and in accordance with section 5.42 of the *Local Government Act 1995* and clause 8.6.1 of the *City of Joondalup District Planning Scheme No. 2* DELEGATES the local government functions as listed in the amended instrument of delegation forming Attachment 1 to this Report;
- 9 APPOINTS and AUTHORISES the following employees under sections 17(1) and 23(11) of the *Caravan Parks and Camping Grounds Act 1995* to be an authorised person for the purposes of that Act:
 - 9.1 Environmental Health Officer (position numbers 01152, 00135, 00136, 00137, 00138, 00139, 00140, 00142 and 00143);
 - 9.2 Senior Environmental Health Officer (position numbers 00134 and 00608);
 - 9.3 Principal Environmental Health Officer (position number 00114);
 - 9.4 Manager Compliance and Regulatory Services (position number 01093);

- 10 **REQUIRES** that each employee appointed and authorised in part 9 above is to be issued with an identity card, in the prescribed form, certifying that the person is an authorised person under the *Caravan Parks and Camping Grounds Act 1995*;
- 11 **APPOINTS** and **AUTHORISES** the following employees under section 38(3) of the *Control of Vehicles (Off-road Areas) Act 1978* to be an authorised officer for the purposes of that Act:
 - 11.1 Administration Officer (position numbers 00191, 00193, 01191 and 00865);
 - 11.2 Administration Officer – City Watch (position number 00673);
 - 11.3 Senior Administrator – City Watch (position number 00636);
 - 11.4 Senior Administration Officer – Rangers (position number 00215);
 - 11.5 Trainee Ranger (position number 00948);
 - 11.6 Ranger (position numbers 00213, 00214, 00216, 00217, 00218, 00219, 00646, 00647, 00807, 01190 and 01073);
 - 11.7 Senior Ranger (position number 00212);
 - 11.8 Coordinator Rangers and City Watch (position number 00607);
 - 11.9 Manager Rangers, Parking and Community Safety (00912);
- 12 **REQUIRES** that each employee appointed and authorised in part 11 above is to be issued with a certificate of appointment, in the prescribed form, evidencing the area of jurisdiction entrusted to them as an authorised person under the *Control of Vehicles (Off-road Areas) Act 1978*;
- 13 **NOTES** the new, revised instruments of delegation as detailed in Attachment 1 this Report will be inserted in the City's Register of Delegation of Authority;
- 14 **ENDORSES** the removal of the instruments of delegation as detailed in Attachment 2 this Report from the City's Register of Delegation of Authority.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf141014.pdf](#)

ITEM 10 APPOINTMENT OF MEMBER TO TAMALA PARK REGIONAL COUNCIL

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	41196, 101515
ATTACHMENTS	Nil.
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to note the resignation of Cr Geoff Amphlett from Tamala Park Regional Council (TPRC) and consider appointing a new representative to the TPRC.

EXECUTIVE SUMMARY

At its meeting held on 22 October 2013 (Item JSC04-10/13 refers), Council appointed Crs Geoff Amphlett, JP and Tom McLean, JP as its representatives to the TPRC.

Cr Amphlett has recently resigned as a representative and it is recommended that Council appoint another Elected Member to represent its interests on the TPRC.

BACKGROUND

The TPRC was established for the development of approximately 165 hectares of Lot 118, Mindarie and represents the interest of seven local governments in the urban development of the Catalina Estate in Perth's northern suburbs. The seven local government represented by the TPRC are the Cities of Joondalup, Perth, Stirling, Wanneroo and Vincent, and the Towns of Cambridge and Victoria Park.

The regional purpose for which the TPRC is established is:

- (a) to undertake, in accordance with the objectives, the rezoning, subdivision, development, marketing and sale of the land
- (b) to carry out and do all other acts and things which are reasonably necessary for the bringing into effect of the matters referred to in paragraph (a) of the clause.

The objectives of the TPRC are:

- (a) to develop and improve the value of the land
- (b) to maximise, with prudent risk parameters, the financial return to the participants
- (c) to balance economic, social and environmental issues
- (d) to produce a quality development demonstrating the best urban design and development practice.

Each local government is represented on the TPRC and the City of Joondalup has two positions allocated to it. Following Cr Amphlett's resignation, the City of Joondalup will continue to be represented by Cr Tom McLean. The TPRC meets bi-monthly, with its next meeting scheduled to be held on Thursday, 18 December 2014, at the Town of Victoria Park.

DETAILS

At its meeting held on 5 April 2005 (Item CJ050-04/05 refers), Council resolved in part that:

“in the interests of good governance, AGREES that the City of Joondalup nominated representatives on the Tamala Park Regional Council shall not be a member of the Mindarie Regional Council.”

At the Council meeting held on 20 September 2005, during discussion on the appointment of representatives to the Tamala Park Regional Council (Item CJ202-09/05 refers), it was recommended that when a report is presented to a future incoming Council, consideration be given to the TPRC and Mindarie Regional Council (MRC) each being represented by either the Mayor or Deputy Mayor, in order that a senior level of representation be maintained.

However, it should be noted that this is a recommendation of Council only, and not a formal resolution (Item CJ202-09/05 refers).

The current Council-appointed representatives to the MRC are as follows:

- Mindarie Regional Council

Cr Russ Fishwick (Chairman) and Cr Kerry Hollywood.

Issues and options considered

Council may either:

- appoint a new representative to the Tamala Park Regional Council
or
- not appoint a new representative to the Tamala Park Regional Council.

Legislation / Strategic Community Plan / policy implications

Legislation Section 3.61 of the *Local Government Act 1995*.
Section 51 of the *Interpretation Act 1984*.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong leadership.

Strategic initiative	Seek out City representation on key external and strategic bodies.
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Policy	Not applicable.
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Risk management considerations

The risk to the City of Joondalup is that if another member is not appointed to represent the City following the resignation of Cr Amphlett, then the City will not be fully represented and therefore not have its allocated voting rights on matters before the TPRC.

Financial / budget implications

The following fees and allowances are payable to representatives of the TPRC, however these are paid by the TPRC and do not impact the City of Joondalup budget:

	Meeting fee per annum (\$)	Allowance per annum (\$)
Chairperson	15,450	19,570
Deputy Chairperson	10,300	4,892.50
Councillor	10,300	
Deputy Councillor	\$140 per meeting	

Regional significance

The TPRC is a significant regional organisation undertaking land development within the north-west metropolitan corridor.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The timely appointment of a replacement representative to the TPRC will ensure the City maintains full representation and therefore effectively contributes to decision-making that may impact the City.

No deputies are appointed to the TPRC. Previous legal advice has confirmed that the appointment of deputies to serve on a Regional Council can only be made under specific circumstances and not an ongoing basis.

It is important to note therefore that should any of the Council's appointed representatives not be available to attend a meeting of the TPRC, a resolution of Council is required to appoint an alternate member for the specific period that the member will not be available.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 NOTES the resignation of Cr Geoff Amphlett as a representative to the Tamala Park Regional Council;**
- 2 NOMINATES an Elected Member to represent the City of Joondalup on the Tamala Park Regional Council.**

ITEM 11 CUSTOMER SATISFACTION MONITOR 2013-14

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	69609, 101515
ATTACHMENTS	Attachment 1 Customer Satisfaction Monitor 2013-14 improvement Actions
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to receive the detailed results of the *2013-14 Customer Satisfaction Monitor*.

EXECUTIVE SUMMARY

The Customer Satisfaction Monitor is conducted annually to measure the level of overall satisfaction with the City, and its performance in delivering specific services and facilities.

Overall results for the *2013-14 Customer Satisfaction Monitor* continue to reflect a high level of community satisfaction with the City and services delivered to the community.

The 2013-14 monitor shows an overall satisfaction rating of 87.8%. This compares with 89.1% recorded for the 2012-13 survey.

Customer satisfaction with services provided by the City in 2013-14 was 92.7% compared to 94.1% in 2012-13, reflecting continuing high levels of satisfaction with services delivered to the community.

At an individual service level the majority of satisfaction levels have remained fairly constant compared to the 2012-13 monitor. There have, however, been significant increases in satisfaction levels for planning and building services.

The 2013-14 satisfaction levels related to community consultation have decreased from the 2012-13 rating.

A number of service areas have maintained high levels of community satisfaction including:

- weekly rubbish collection
- libraries
- parks and public open spaces
- sport and recreation
- graffiti removal
- fortnightly recycling
- festivals
- street appearance.

78.2% percent of respondents to the 2013-14 monitor agreed that the City has a good understanding of community needs compared to 82.2% in 2012-13 and 70.7% of respondents were satisfied with value for money from rates compared to 72.7% in 2012-13.

The separate survey conducted in relation to planning and building services indicates a significant increase in overall satisfaction levels from 2012-13. The 2013-14 satisfaction rating for building applications was 90.5% compared to 79% in 2012-13. The 2013-14 satisfaction rating for planning applications was 91.3% compared to 72% in 2012-13.

BACKGROUND

Customer satisfaction monitors have been conducted on an annual basis since 2000. The most recent survey was conducted by an independent market research company, Research Solutions.

The broad objective of the study is to determine resident perceptions of the facilities and services provided by the City. Specifically, the study measures the following:

- Overall satisfaction with the City.
- Satisfaction with:
 - services provided by the City
 - value for money provided by rates
 - city facilities (libraries, sports and recreation centres, parks and public open spaces)
 - city services (festivals and events, security patrols, graffiti removal, ranger services, rubbish collections, streetscape, management and control of traffic, city centre parking, residential parking, parking adjacent to schools and railway stations)
 - community consultation and information
 - key issues of concern and suggestions for improvement.

This latest community research was undertaken during May and June 2014 and involved random sampling and telephone interviewing of 613 respondents from within the City of Joondalup. The sample was cross-checked to ensure that it significantly matched the demographic profile and population spread of Joondalup in terms of age, gender and location to obtain a representative sample.

The sampling size for the overall Customer Satisfaction Monitor produces a sampling precision of plus/minus 4% at the 95% confidence interval – that is, there is a 95% certainty that the results obtained will be within plus/minus 4% if a census was conducted of all households within the City of Joondalup. This percentage is in accordance with the level specified by the Auditor General.

A separate survey was also conducted of residents who had used the City's building and planning services over the last 12 months. This separate survey of specific applicants was first introduced in 2008-09. Previously this area was included as part of the annual Customer Satisfaction Monitor however the methodology was altered due to minimal numbers of people surveyed having contact with planning or building services. The smaller sampling size for the separate survey of planning and building applicants produces a sampling precision of plus/minus 10% at the 95% confidence interval.

DETAILS

Satisfaction levels were recorded from those respondents who felt familiar enough with the service or facility to be able to comment. Respondents expressing dissatisfaction were asked to provide suggestions for improvement.

The overall satisfaction rating in 2013-14 was 87.8% compared to the 2012-13 rating of 89.1%.

Respondents were prompted with a list of 17 services provided by the City, and asked how satisfied they were with the City's performance. To maintain comparability across monitors, the questionnaire used was based on the version used in previous years. Changes were made to the monitor in 2012-13, and retained in the 2013-14 monitor, to provide greater clarity with regard to parking issues, namely the separation of satisfaction with parking into the following areas:

- Parking in the City Centre.
- Parking adjacent to schools.
- Parking adjacent to railway stations.
- Parking in residential areas.

A separate survey of planning and building applicants was conducted to measure specific levels of satisfaction with planning and building services. This survey was aimed at determining the satisfaction of those residents that had directly used the planning and building services over the previous 12 months.

The monitor results indicate that for the majority of services high satisfaction ratings have continued. The monitor also shows that in 2013-14 overall satisfaction ratings remained high for a number of City services. Satisfaction with services provided by the City in 2013-14 was 92.7% compared to 94.1% in 2012-13.

At an individual service level the majority of satisfaction levels have remained fairly constant compared to the 2012-13 monitor. There have, however, been significant increases in satisfaction levels for planning and building services.

The 2013-14 satisfaction levels related to community consultation have decreased significantly from the 2012-13 rating.

Those service areas maintaining high levels of community satisfaction include:

- weekly rubbish collection
- libraries
- parks and public open spaces
- sport and recreation
- graffiti removal
- fortnightly recycling
- festivals
- street appearance.

78.2% percent of respondents to the 2013-14 Monitor agreed that the City has a good understanding of community needs compared to 82.2% in 2012-13 and 70.7% of respondents were satisfied with value for money from rates compared to 72.7% in 2012-13.

The changes in the 2012-13 and 2013-14 Monitor to differentiate satisfaction with parking into four separate areas of City Centre parking, parking adjacent to schools, parking adjacent to railway stations, and residential parking indicates that satisfaction levels for residential parking remain high in 2013-14 (81.1%) whereas satisfaction levels with City Centre parking remain low in 2013-14 (54.3%).

This is the second year that questions related to parking adjacent to schools and parking adjacent to railway stations have been separated. In the 2013-14 monitor the question related to parking adjacent to schools attracted a rating of 55.4% compared to the 2012-13 rating of 61.6%. Satisfaction in 2013-14 with parking adjacent to railway stations attracted a satisfaction rating of 38.7% compared to 44.9% in 2012-13.

The following table provides comparisons of satisfaction ratings with previous customer satisfaction monitors undertaken in the previous three years:

Service	2010-2011	2011-2012	2012-2013	2013-2014
Overall Satisfaction	84.1%	87.5%	89.1%	87.8%
Satisfaction with Services Provided	92%	92.7%	94.1%	92.7%
Value for Money from Rates	66%	66.8%	72.7%	70.7%
Libraries	95.1%	97.2%	95.6%	95.6%
Festivals, Events and Cultural Activities	93.1%	89.8%	90.5%	88.9%
Sport and Recreation	95.6%	94.2%	94.5%	92.2%
Mobile Security Patrols	66.7%	71.1%	71.0%	69.3%
Graffiti Removal	92.1%	89.8%	92.5%	90.0%
Ranger Services	78.3%	85.0%	82.0%	82.0%
Weekly Rubbish Collection	98.5%	97.4%	97.4%	97.0%
Fortnightly Recycling	89.9%	91.4%	91.8%	89.8%
Parks and Public Open Space	90.8%	93.0%	93.2%	92.4%
Street Appearance	83.4%	88.0%	91.1%	88.3%
Planning	95.2%	84.1%	72.0%	91.3%
Building	94.7%	84.1%	79.0%	90.5%
Management and Control of Traffic on Local Roads	73.5%	81.8%	83.0%	78.5%
Parking City Centre	45.5%	55.0%	55.0%	54.3%
Parking Residential Areas	76.8%	83.9%	86.1%	81.1%

Service	2010-2011	2011-2012	2012-2013	2013-2014
Parking Adjacent to Schools	Not measured separately	42.7%	61.6%	55.4%
Parking Adjacent to Railway Stations	Not measured separately	Not measured separately	44.9%	38.7%
The City Consults with the Community about Local Issues	67.4%	71.3%	73.9%	63.4%
The City Informs the Community about Local Issues	72.9%	76.0%	77.5%	70.7%
Understand Community Needs	68.8	74.5%	82.2%	78.2%

The City introduced a new question in the 2013-14 monitor related to confidence in the community that the City is planning for the future. 76.3% percent of respondents had confidence that the City has plans in place for the future.

Issues and options considered

Although overall satisfaction levels remain high, and satisfaction with City services is high, the City will continue to improve service delivery in all areas, with particular focus on those service areas that have recorded decreases in satisfaction ratings.

The top line results, shown in Attachment 1, include details of actions taken in 2013-14 to improve service delivery, and planned actions and priorities for 2014-15 for all service areas.

In previous years, the City has undertaken a benchmarking exercise against other local governments who have carried out surveys with similar methodology and timeframes. Comparable results from other local government surveys are however not available for benchmarking at this time.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Active democracy.

Strategic initiative Fully integrate community consultation practices into City activities.

Policy *Community Consultation and Engagement Policy.*

Risk management considerations

Monitoring levels of customer satisfaction with services provided by the City is essential to assist in the delivery of effective and efficient services to the community.

Financial/budget implications

Account no.	531 A5301 3265 0000.
Budget Item	Customer Satisfaction Monitor.
Budget amount	\$ 35,000.
Amount spent to date	\$ 35,000.
Balance	\$ 0.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Customer satisfaction is a measure of an organisation's sensitivity to customer needs and from an organisational perspective, is essential for long-term success and sustainability.

Consultation

The *2013-14 Customer Satisfaction Monitor* was conducted by surveying 613 residents of the City of Joondalup, and the planning and building survey was conducted by surveying 80 residents who had made contact with the City regarding a planning matter and 80 residents who had made contact with the City regarding a building matter in 2013-14.

COMMENT

The *2013-14 Customer Satisfaction Monitor* results show that overall satisfaction ratings remain high and, in the main, residents are satisfied with the services provided by the City of Joondalup. A number of service areas continue to attract extremely high satisfaction ratings indicating that residents are very satisfied with service levels and service activities. Given the plus/minus 4% confidence level of the survey, the overall satisfaction ratings, satisfaction with services, and the majority of individual service ratings remain at the high levels established in 2012-13.

The satisfaction ratings for planning services and building services have increased significantly from 2012-13. The overall satisfaction rating for planning services was 91.3% in 2013-14 compared to 72% in 2012-13. The overall satisfaction rating for building services was 90.5% in 2013-14 compared to 79% in 2012-13. The 2013-14 survey for both planning and building services also showed high levels of satisfaction with availability of staff, willingness of staff to help, the outcome of the enquiry, staff explanation of the process, and the time taken to deal with the enquiry.

The majority of respondents (78.2%) to the 2013-14 survey agreed that the City has a good understanding of community needs.

The City will put significant emphasis on implementing improvement strategies, where possible, to address those areas that have recorded decreases in satisfaction levels from 2012-13 as well as continuing to look for improvements in all service areas.

A number of improvements to services are planned for 2014-15 with some improvements already underway. These are detailed in Attachment 1.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council RECEIVES the 2013-14 Customer Satisfaction Monitor results and proposed improvement actions forming Attachment 1 to this Report.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf141014.pdf](#)

ITEM 12 ANNUAL REPORT 2013-14

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	104030, 101515
ATTACHMENTS	Attachment 1 Annual Report 2013-14
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to adopt the *2013-14 Annual Report*.

EXECUTIVE SUMMARY

In accordance with Section 5.53 of the *Local Government Act 1995* the *2013-14 Annual Report* has been prepared, summarising the year's highlights and achievements, as well as including specific statutory requirements.

The City's external auditor has completed the audit of Council's financial statements for the 2013-14 financial year and these statements are the subject of a separate report to Council. A concise version of the Financial Statements forms part of the *2013-14 Annual Report*.

The *2013-14 Annual Report* forms the main item of business discussed at the Annual General Meeting of Electors. Section 5.27 of the *Local Government Act 1995* requires that the Annual General Meeting of Electors is to be held on a day selected by the local government, but not more than 56 days after the annual report is accepted. A separate report has been prepared for Council to determine the meeting date for the 2014 Annual General Meeting of Electors.

It is therefore recommended that Council BY AN ABSOLUTE MAJORITY ACCEPTS the Annual Report of the City of Joondalup for the financial year 2013-14, forming Attachment 1 to this Report.

BACKGROUND

The *Local Government Act 1995* requires every local government to prepare an annual report. The annual report provides progress on the performance, highlights and achievements of the previous financial year to the community. The annual report also contains a concise summary of audited financial statements from the previous financial year. It is a statutory requirement that Council accepts an annual report and for the report to be presented to the Annual General Meeting of Electors.

DETAILS

The *2013-14 Annual Report* has been prepared addressing the highlights and achievements against the six key themes of *Joondalup 2022*:

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

As in previous years, the *2013-14 Annual Report* includes a range of sustainability indicators to report against the City's environmental, economic and social performance. The sustainability indicators are in line with the revised *2011 Global Reporting Initiative Sustainability Guidelines*.

The annual report also includes measurements against the Strategic Performance Indicators developed within each key theme of *Joondalup 2022*. Measurements are provided against targets which can be reported.

Reports against statutory requirements are also included in the annual report.

Legislation / Strategic Community Plan / policy implications

Legislation	<i>Local Government Act 1995.</i> <i>Local Government (Administration) Regulations 1996.</i>
Strategic Community Plan	
Key theme	Governance and Leadership.
Objective	Corporate Capacity.
Strategic initiative	Demonstrate accountability through robust reporting that is relevant and easily accessible to the community.
Policy	Not applicable.

Section 5.53 of the *Local Government Act 1995* states the following in relation to the contents of the annual report:

5.53 Annual reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
 - a. *a report from the mayor or president;*
 - b. *a report from the Chief Executive Officer;*
 - c. *deleted;*
 - d. *deleted;*
 - e. *an overview of the plan for the future of the district made in accordance with Section 5.56 including major initiatives that are proposed to commence or to continue in the next financial year;*
 - f. *the financial report for the financial year;*

- g. *such information as may be prescribed in relation to the payments made to employees;*
- h. *the auditor's report for the financial year;*
- ha. *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;*
- hb. *details of entries made under section 5.121 during the financial year in the register of complaints, including –*
 - (i) *the number of complaints recorded in the register of complaints;*
 - (ii) *how the recorded complaints were dealt with; and*
 - (iii) *any other details that the regulations may require; and*
- i. *such other information as may be prescribed.*

Section 5.54 of the *Local Government Act 1995* states the following in relation to the acceptance of the annual report:

5.54 Acceptance of annual reports

- (1) *Subject to subsection (2) the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

**absolute majority required*

- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than two months after the auditor's report becomes available.*

Section 5.55 of the *Local Government Act 1995* states the following in regard to the notice regarding the availability of the annual report:

5.55 Notice of annual reports

The Chief Executive Officer is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Regulation 15 of the *Local Government (Administration) Regulations 1996* details the matters for discussion at the Annual General Meeting of Electors. They include the contents of the annual report for the previous financial year and then any other general business.

Risk management considerations

Not adopting the *2013-2014 Annual Report* will result in non-compliance with the requirements of the *Local Government Act 1995*.

Financial / budget implications

Not applicable.

Regional significance

The *2013-14 Annual Report* sets out the achievements of the City which have significance for the development and growth for the region.

Sustainability implications

The programs and projects in the *2013-14 Annual Report* are aligned to the Key Themes in *Joondalup 2022* which have been developed to ensure the sustainability of the City.

The City has included Global Reporting Initiative Indicators in the Annual Report. This is a best practice sustainability reporting framework that establishes guidelines, principles and indicators for organisations to report against their economic, environmental and social performance.

Consultation

There is no legislative requirement to consult the community on the preparation of the annual report; however the *Local Government Act 1995* requires an Annual General Meeting of Electors to be held once every year and the annual report to be made publicly available.

COMMENT

The Department of Local Government and Communities *Integrated Planning and Reporting Framework* sets out the requirements for local governments to undertake planning and reporting on their activities. This includes annual reporting to the community on achievements and a concise version of the financial statements.

The Annual Report is also seen as an essential tool to inform the community and key stakeholders about its performance and future plans.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council BY AN ABSOLUTE MAJORITY ACCEPTS the Annual Report of the City of Joondalup for the 2013-14 financial year, forming Attachment 1 to this Report.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf141014.pdf](#)

ITEM 13 STRATEGIC COMMUNITY PLAN 2012-2022 – MINOR REVIEW: ADOPTION OF AMENDMENTS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	01529, 101515
ATTACHMENTS	Attachment 1 Revised Strategic Community Plan 2012-2022
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to adopt minor amendments to the *Strategic Community Plan 2012-2022*, following the completion of a public comment period.

EXECUTIVE SUMMARY

In August 2014 (CJ134–08/14 refers), Council approved the release of the revised *Strategic Community Plan 2012-2022*, as shown in Attachment 1, for public comment.

The City has received no feedback as a result of the public comment process and as such, recommends that Council adopts the amendments to the plan as shown in Attachment 1.

BACKGROUND

At its meeting held on 19 August 2014 (CJ134–08/14 refers), Council considered the outcome of a desktop review process for the City's *Strategic Community Plan 2012-2022*.

A preliminary assessment had not revealed the need for significant amendments to the document, with the City's general strategic direction and transformational projects remaining relevant. However, there was a need to adjust some of the City's strategic KPIs. These adjustments were considered minor in nature, as they did not alter the overall intent or delivery of the plan's strategic direction.

Although consultation with the community was not a requirement of the desktop review process, it was recommended to Council that the community should be provided with an opportunity for feedback, should an intention to amend the SCP be supported.

DETAILS

At its meeting held on 19 August 2014 (CJ134–08/14 refers), Council endorsed the release of the amended *Strategic Community Plan 2012-2022* for community consultation, for a period of 21 days.

The amended *Strategic Community Plan 2012-2022* was promoted on the City's website from the 20 August to 10 September 2014. Consultation for the project was conducted in accordance with the City's approved *Community Consultation and Engagement Policy* and Protocol. Stakeholders and members of the general public were encouraged to provide feedback on the aspects of the plan. However, the City received no submissions from the community or stakeholders.

Issues and options considered

Given that the City received no responses from the community consultation process, it is recommended that Council adopts the proposed amendments to the *Strategic Community Plan 2012-2022* (Attachment 1 refers).

Legislation / Strategic Community Plan / policy implications

Legislation	<i>Local Government (Administration) Regulations 1996.</i>
Strategic Community Plan	This report relates to the review of the <i>Strategic Community Plan 2012-2022</i> .
Key theme	Not applicable.
Objective	Not applicable.
Strategic initiative	Not applicable.
Policy	<i>Community Consultation and Engagement Policy.</i>

Risk management considerations

Provided that there were no comments from the stakeholders and the general public, the City perceived minimal risks in implementing the minor changes to the *Strategic Community Plan 2012-2022*.

Financial / budget implications

There are no identified financial or budget implications associated with the implementing the draft changes to the *Strategic Community Plan 2012-2022*.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

As described in the details section of this report.

COMMENT

Not applicable.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council by an ABSOLUTE MAJORITY ADOPTS the minor amendments to the *Strategic Community Plan 2012-2022*, as shown in Attachment 1 of this Report.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf141014.pdf](#)

ITEM 14 POLL PROVISIONS UNDER THE LOCAL GOVERNMENT ACT 1995

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	51577
ATTACHMENTS	Nil.
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to provide comment to the Western Australian Local Government Association (WALGA) in respect of the poll provisions under the *Local Government Act 1995*, regarding amalgamations through boundary changes.

EXECUTIVE SUMMARY

The Western Australian Local Government Association (WALGA) has requested feedback from local governments regarding possible changes to the poll provisions contained in Schedule 2.1 of the *Local Government Act 1995* (the Act) to enable electors of a local government that will be 'significantly affected' by a boundary change, to demand a poll. There are currently no provisions under the Act to allow electors affected by a boundary change to demand a poll and Council has not previously made any formal resolution in respect of the poll provisions under the Act.

Two options have been presented by WALGA: being the ability to demand a poll for any boundary change; or the ability to demand a poll where a local government's population, revenue, or rateable properties is affected by a certain percentage.

It is suggested that minor boundary changes which may correct an anomaly in a local government's district boundary should not be subject of a poll, however where a boundary adjustment affects more than 10% of a local government's rateable properties, revenue or electors, the local government should be considered as being 'significantly affected' and poll provisions therefore triggered. A 10% change in any of these criteria could have significant impact on the future financial sustainability of a local government, post any boundary change being implemented.

It is therefore recommended that Council ADVISES the Western Australian Local Government Association that the City of Joondalup supports the Local Government Act 1995 being amended so that the community of a local government could demand a poll where there is a 10% variation in rateable properties, revenue or electors as a result of a local government boundary change.

BACKGROUND

On 24 June 2011 the then Minister for Local Government, Hon John Castrilli MLA, announced an independent review of Perth metropolitan local government and broader governance structures. The then Minister appointed an independent panel, the Metropolitan Local Government Review Panel, to examine the social, economic and environmental challenges facing metropolitan Perth.

The Metropolitan Local Government Review Panel released its final report in relation to the proposed reform of local government in the Perth Metropolitan Area in October 2012. Council at its meeting held on 2 April 2013 (JSC01-04/13 refers) made several resolutions in response to the Metropolitan Local Government Review Panel's Final Report.

Since that time, the new Minister for Local Government, Hon Tony Simpson MLA has been progressing the outcomes of the review and forwarding the State Government's metropolitan reform agenda and has submitted proposals to the Local Government Advisory Board (LGAB) for its consideration.

It is understood the proposals submitted by the Minister to the LGAB suggested boundary changes to various local government districts rather than abolishing local governments and creating new entities. By undertaking boundary changes to amalgamate local governments, rather than abolishing existing local governments and creating new entities, has caused some comment from the local government industry as avoiding the current poll provisions under the Act.

In view of this, at its meeting held on 2 July 2014 WALGA State Council resolved that it:

- "1. reaffirm its policy position opposing forced amalgamations and supporting voluntary reform; and*
- 2. adopt, and advocate for, a policy position that the poll provisions contained in the Local Government Act 1995 should be amended so that electors of a Local Government where 1 or more Local Governments will be abolished or significantly affected by a boundary change proposal are able to demand a poll on the proposal, with significantly affected being specifically defined as causing a fifty percent variation in:*
 - i. Populations; or,*
 - ii. Rateable properties; or,*
 - iii. Revenue.*

The poll provisions within the Act were a matter of debate at the WALGA Annual General Meeting held on 6 August 2014, where it was resolved:

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

- a) 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;*
- b) endorse WALGA's proposed extension of the poll provisions to significant boundary adjustments subject to and associated criteria and any percentages being agreed to by a majority of all local governments in Western Australia; and*
- c) 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.*

WALGA State Council at its meeting held on 3 September 2014, endorsed parts (a) and (c) of the AGM resolution above, however resolved the following in relation to part (b):

- b) *endorse WALGA's proposed extension of the poll provisions to include significant boundary adjustments subject to further research and sector consultation being carried out on any associated criteria and for a report to be presented through the next Zone/State Council Meetings.*

The City of Joondalup Council has not adopted a formal position in relation to the poll provisions contained in Schedule 2.1 of the Act and Council's position is requested to enable a response to be provided to WALGA within the required consultation period.

DETAILS

Schedule 2.1 of the Act stipulates the provisions about creating, changing the boundaries of, and abolishing local government districts. In respect of the current metropolitan reform process currently being undertaken by the State Government and the LGAB, the provisions contained within this schedule form the basis of the process and requirements that the LGAB and the Minister are to follow.

In particular clause 8 of Schedule 2.1 of the Act provides the following in respect of poll provisions for amalgamations:

"8. Electors may demand poll on a recommended amalgamation

- (1) *Where the Advisory Board recommends to the Minister the making of an order to abolish 2 or more districts (the **districts**) and amalgamate them into one or more districts, the Board is to give notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation about the recommendation.*
- (2) *The notice to affected electors has to notify them of their right to request a poll about the recommendation under subclause (3).*
- (3) *If, within one month after the notice is given, the Minister receives a request made in accordance with regulations and signed by at least 250, or at least 10%, of the electors of one of the districts asking for the recommendation to be put to a poll of electors of that district, the Minister is to require that the Board's recommendation be put to a poll accordingly.*
- (4) *This clause does not limit the Minister's power under clause 7 to require a recommendation to be put to a poll in any case."*

The above provisions within the Act are generally clear in respect of orders made by the LGAB to abolish two or more local governments and to amalgamate them, and the right of affected electors to request a poll.

As stated above however, it is understood the Minister for Local Government has submitted amalgamation proposals to the LGAB as boundary adjustments so that one local government would subsume the district of one or more local governments, thereby avoiding the required poll provisions stated above. This action has been stated as providing a more seamless transition between effected local governments and to enable an existing local government to continue its administrative requirements on behalf of the new entity.

Some local governments have viewed this action as avoiding the principles of community democracy for the benefit of administrative efficiency and therefore it has been suggested the poll provisions within the Act should be amended (or included) to require an elector poll where a boundary change ‘significantly affects’ a local government, and not just where a local government is abolished.

However, defining the criteria for whether a boundary change significantly affects a local government is difficult and there are divergent views in the local government industry. There is a general view that a minor boundary change, perhaps to fix an anomaly, should not be the subject of a potential poll of electors. There is also a general view that, where one or more local governments will be abolished, or a local government’s viability could be affected by a boundary change proposal, electors should have the right to demand a poll.

The criteria defining whether a local government would be ‘significantly affected’ could be defined in the Act. This was WALGA State Council’s original approach (as stated by its resolution on 2 July 2014) where it was resolved that a 50 percent variation in population, or rateable properties or revenue would be the trigger for the community to have the option to call a poll.

In addressing this matter it needs to be determined whether these are the appropriate criteria or whether there should be an alternative method to determine whether a local government would be ‘significantly affected’ by a boundary change proposal. This forms the basis of WALGA’s request for feedback from the local government industry, and two options have been presented:

Option 1.

The first option presented is that all boundary change proposals could be the subject of a poll. While there is a general view that minor boundary changes should not be subject to a poll of the community, as a minor boundary change that only affects a small number of properties would be unlikely to attract enough interest from the community for a poll to be called or to ultimately be successful in overturning the proposal. This would remove the need for criteria to be established to define ‘significantly affected’.

Option 2.

The other option suggests a criterion to define whether a local government would be ‘significantly affected’ and therefore appropriate provisions would need to be inserted in the Act. WALGA has suggested a percentage variation in population, or rateable properties, or revenue could be defined as the appropriate criterion to trigger the community’s right to call a poll. Three percentages have been presented as options:

- a. 10 percent.
- b. 25 percent.
- c. 50 percent.

Issues and options considered

In regard to option 1, it is supported that undertaking a poll for minor boundary change would be an unnecessary expense and process that the LGAB, and the local government, would need to undertake. Minor boundary adjustments are generally seen as correcting abnormalities in respect of a local government’s district boundary and would not affect the majority of inhabitants and therefore the majority of ratepayers within a district as a whole.

In regard to option 2, it is open to Council to determine what it considers to be 'significant' in terms of requiring a poll to be offered to affected electors through a boundary change. To provide some context in respect of the percentages put forward by WALGA, the following table represents the effect on the City of Joondalup, before a poll provision would become open to electors under the percentages suggested by WALGA:

Suggested criteria	10%	25%	50%
Population (2013 ERP 167,623)	16,763	41,906	83,812
Rateable properties (2014-15 budget – 63,296)	6,330	15,824	31,648
Revenue (2014-15 budget - \$135,724,569)	\$13,572,457	\$33,931,143	\$67,862,284
Electors * (2013 Electoral Roll – 107,845)	10,785	26,962	53,923

* the criteria of electors was not a criteria suggested by WALGA.

The table above also includes percentage effect on electors of a district as it may be an alternate criterion that a poll provision, through a boundary change, could be based on.

It is suggested that a 10% variation in rateable properties or revenue would be considered the best percentage to determine a local government as being 'significantly affected'. Furthermore it is also suggested that 10% variation in a local government's elector base, rather than population be a criteria, as all three are easily quantified, as opposed to population.

In City of Joondalup terms for 2014-15, a 10% affect on rateable properties would result in 6,330 rateable properties being removed from the City's district. This reduction of rateable properties from the City's district, would substantially impact on the City's rate yield, thereby placing strain on the City's finances.

The impact of a boundary on the City's rate yield cannot be quantified with any real certainty as the affected area would need to be known before being accurately calculated. Different geographical areas will consist of properties with a different categories of GRV ratings and valuations (that is depending upon an area proposed to be affected by a boundary change, there would be a different number of properties GRV rated as Residential Improved; Residential Vacant; Commercial Improved; Commercial Vacant and the like).

However for the purposes of identifying an effect should a boundary change that results in 10% of rateable properties being removed from the district, a 10% reduction of the City's rate yield on average, would be \$8,585,200. This equates to a 6.3% reduction in revenue in 2014-15 budget terms.

In view of this a 10% variation in revenue, rateable properties and elector numbers could be viewed as being statistically significant in affecting a local government's operations and potential viability.

Legislation / Strategic Community Plan / policy implications

Legislation Schedule 2.1 of the *Local Government Act 1995*.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong leadership.

Strategic initiative Participate in State and Federal policy development processes affecting local government.

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

WALGA has requested feedback from the local government industry to refine its advocacy position relating to the poll provisions contained in Schedule 2.1 of the Act. Although the City of Joondalup is not affected by the current metropolitan reform process, it is considered prudent for the City to provide comment in support of the local government industry.

COMMENT

In abolishing two or more districts and therefore amalgamating them into one, the provisions under the Act give the ability of at least 250, or least 10%, of the electors of one of the districts, the right to request the Minister to call a poll once notice of the LGAB's recommendation is given to affected local governments, affected electors and other electors. The Act also gives the Minister the power in his own right, the ability to put the recommendation of the LGAB to a poll of affected electors in order to assist in deciding whether or not to accept a recommendation of the LGAB.

The current poll provisions under the Act do not apply to boundary adjustments, and only the abolition of local governments, hence WALGA's call for feedback on the issue and advocacy for legislative change. Through an assessment of legislation of other Australian states and territories, it appears at this stage that only South Australian legislation contains provisions in respect of the ability of electors to call a poll on a boundary adjustment.

It is understood that the LGAB has submitted its recommendations to the Minister in respect of the metropolitan local government reform process; however the decision of the Minister is not known at the time of writing this report. In view of this the LGAB is to recommend:

- a) that the Minister reject the proposal
- b) that an order be made in accordance with the proposal
- or
- c) if the LGAB thinks fit, the making of some other order (in accordance with certain provisions).

Of significance to this issue, the following motion that was passed by the Legislative Council on 24 September 2014:

That this house:

- (a) expresses its view that the Local Government Act 1995 never contemplated the use of boundary changes to amalgamate local governments;*
- (b) believes that the correct approach under the act is to abolish existing local governments and to create new local governments as this ensures that local communities are given a voice as intended by the Dadour provisions of the act;*
- (c) is of the view that any attempt to force local government amalgamations by using boundary changes to circumvent the intent of the Dadour provisions is an abuse of the act; and*
- (d) therefore calls on the government to ensure that any proposals for amalgamation of existing local governments involve the abolition of all affected councils and the creation of new councils.*

Although the above motion was passed by the Legislative Council, it is unlikely that changes to the Act will be made to influence the current metropolitan reform process, as the reform is due to be implemented by 1 July 2015. However if amendment to the Act is supported by the WA Parliament, then future reform processes will provide some protection of poll provisions should it be undertaken through boundary adjustments, rather than just through the abolition of affected local governments.

In order to provide comment to WALGA, it is suggested that Council advises that the City's position is that a poll should occur where there is a 10% variation in rateable properties, revenue and elector numbers as a result of a boundary change.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ADVISES the Western Australian Local Government Association that the City of Joondalup supports the *Local Government Act 1995* being amended so that the community of a local government could demand a poll where there is a 10% variation in rateable properties, revenue or electors as a result of a local government boundary change.

ITEM 15 LIST OF PAYMENTS DURING THE MONTH OF AUGUST 2014

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	09882, 101515
ATTACHMENTS	<p>Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of August 2014</p> <p>Attachment 2 Chief Executive Officer's Delegated Trust Payment List for the month of August 2014</p> <p>Attachment 3 Municipal and Trust Fund Vouchers for the month of August 2014</p>
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of August 2014.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of August 2014 totalling \$12,547,223.53.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for August 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 this Report, totalling \$12,547,223.53.

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 August 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 99009 - 99268 & EF041695 – EF042669 Net of cancelled payments	\$8,125,448.26
	Vouchers 1320A-1323A & 326A – 1329A	\$4,387,199.07
Trust Account	Trust Cheques 206467 - 206520 Net of cancelled payments	\$34,576.20
Total		\$12,547,223.53

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.

RECOMMENDATION

That Council NOTES the Chief Executive Officer's list of accounts for August 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 this Report, totalling \$12,547,223.53.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf141014.pdf](#)

ITEM 16 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 AUGUST 2014

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	07882, 101515
ATTACHMENTS	Attachment 1 Financial Activity Statement for the period ended 31 August 2014
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the Financial Activity Statement for the period ended 31 August 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 August 2014 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$4,057,227 for the period when compared to the 2014-15 Adopted Budget.

The variance can be summarised as follows:

The operating surplus is \$19,043 higher than budget, made up of higher operating revenue \$221,529 and higher operating expenditure of \$202,485.

Operating revenue is higher than budget on Contributions, Reimbursements and Donations \$190,768, Interest Earnings \$96,054, Grants and Subsidies \$36,009, Profit on Asset Disposals \$32,785, Other Revenue \$10,882 and Rates \$7,610 offset by lower revenue for Fees and Charges \$152,578.

Operating Expenditure is higher than budget on Employee Costs \$171,886, Depreciation and Amortisation \$1,378,744 and Loss on Asset Disposals \$14,521. These are partly offset by lower than budget expenditure on Materials and Contracts \$1,247,302, Insurance Expenses \$46,631, Utilities \$66,526 and Interest Expenses \$2,207.

The Capital Surplus is \$2,774,219 higher than budget primarily owing to lower than budgeted expenditure on Capital Works \$1,996,369 and Capital Projects \$453,622 as well as higher revenue from Capital Grants and Subsidies \$508,009 and Capital Contributions \$5,000. These are partially offset by higher expenditure on Motor Vehicle Replacements \$40,951 and unbudgeted Tamala Park Development Costs \$147,830.

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

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 August 2014 forming Attachment 1 to this Report.

BACKGROUND

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

DETAILS

Issues and options considered

The Financial Activity Statement for the period ended 31 August 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

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.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 31 August 2014 forming Attachment 1 to this Report.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf141014.pdf](#)

ITEM 17 TENDER 025/14 - PROVISION OF CLEANING SERVICES FOR LEISURE CENTRES

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	104333, 101515
ATTACHMENT	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted by Quayclean Australia Pty Ltd for the provision of cleaning services for leisure centres.

EXECUTIVE SUMMARY

Tenders were advertised on Wednesday, 20 August 2014 through state wide public notice for the provision of cleaning services for leisure centres. Tenders closed on 4 September 2014. A submission was received from the following:

- TJS Services (WA) Pty Ltd t/as TJS Facility Services Perth.
- AMC Commercial Cleaning (WA) Pty Ltd.
- CMC Property Services Pty Ltd ATF The CMC Unit Trust (Conforming Offer).
- CMC Property Services Pty Ltd ATF The CMC Unit Trust (Alternative Offer)
- Office Cleaning Experts Pty Ltd t/as OCE Corporate.
- Integrated Facility Solutions (IFS) Pty Ltd.
- DMC Cleaning Corporation Pty Ltd ATF Panich Family Trust t/as DMC Cleaning.
- The CR & MP Grover Family Trust t/as Charles Service Company.
- Quayclean Australia Pty Ltd.
- Cleandustrial Services Pty Ltd.
- Rowjack Environmental Services.

The submission from Quayclean Australia Pty Ltd represents best value to the City. The company demonstrated extensive experience in providing similar services to VenuesWest and local governments including the Cities of Vincent, Gosnells and Melville. It has the capacity to provide the services to the City and demonstrated a thorough understanding of the requirements.

That Council ACCEPTS the tender submitted by Quayclean Australia Pty Ltd for the provision of cleaning services for leisure centres for a period of three years, in accordance with the requirements specified in Tender 025/14, for the fixed lump sum of \$333,008 (GST Exclusive) for scheduled cleaning services for year one of the Contract and the schedule of rates for unscheduled cleaning services, with annual price variations subject to the Perth Consumer Price Index (All Groups).

BACKGROUND

The City has a requirement for professional cleaning services to be provided to the following Leisure Centres:

- Craigie Leisure Centre, 751 Whitfords Avenue, Craigie.
- Duncraig Leisure Centre, 40 Warwick Road, Duncraig.
- Heathridge Leisure Centre, 16 Sail Terrace, Heathridge.

The City currently has a single Contract for the provision of cleaning services for leisure centres with Academy Services (WA) Pty Ltd, which expires on 31 October 2014.

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

Tenders were advertised on Wednesday, 20 August 2014 through state wide public notice for the provision of cleaning services for leisure centres for a period of three years. The tender period was for two weeks and tenders closed on 4 September 2014.

Tender Submissions

Submissions were received from the following:

- TJS Services (WA) Pty Ltd t/as TJS Facility Services Perth.
- AMC Commercial Cleaning (WA) Pty Ltd.
- CMC Property Services Pty Ltd ATF The CMC Unit Trust (Conforming Offer).
- CMC Property Services Pty Ltd ATF The CMC Unit Trust (Alternative Offer)
- Office Cleaning Experts Pty Ltd t/as OCE Corporate.
- Integrated Facility Solutions (IFS) Pty Ltd.
- DMC Cleaning Corporation Pty Ltd ATF Panich Family Trust t/as DMC Cleaning.
- The CR & MP Grover Family Trust t/as Charles Service Company.
- Quayclean Australia Pty Ltd.
- Cleandustrial Services Pty Ltd.
- Rowjack Environmental Services.

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 comprised of four members:

- One with tender and contract preparation skills.
- Three 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

The following offers received were assessed as fully compliant:

- TJS Services (WA) Pty Ltd t/as TJS Facility Services Perth.
- AMC Commercial Cleaning (WA) Pty Ltd.
- CMC Property Services Pty Ltd ATF The CMC Unit Trust (Conforming Offer).
- Office Cleaning Experts Pty Ltd t/as OCE Corporate.
- Integrated Facility Solutions (IFS) Pty Ltd.
- DMC Cleaning Corporation Pty Ltd ATF Panich Family Trust t/as DMC Cleaning.
- The CR & MP Grover Family Trust t/as Charles Service Company.
- Quayclean Australia Pty Ltd.
- Cleandustrial Services Pty Ltd.
- Rowjack Environmental Services.

The following offer was assessed as non compliant:

- CMC Property Services Pty Ltd ATF The CMC Unit Trust (Alternative Offer) proposed to change the periodical program stated in tender 025/14.

This offer was deemed to be non-conforming and was not considered further.

Qualitative Assessment

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. The minimum acceptable score was set at 60%.

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

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

Integrated Facility Solutions Pty Ltd scored 28.8% and was ranked tenth in the qualitative assessment. The company did not demonstrate its capacity, sufficient understanding of the requirements or any experience undertaking cleaning services of leisure or aquatic centres.

Rowjack Environmental Services scored 33.6% and was ranked ninth in the qualitative assessment. The company did not demonstrate the capacity, sufficient understanding of the requirements or any experience undertaking cleaning services of leisure or aquatic centres.

DMC Cleaning Corporation scored 34.5% and was ranked eighth in the qualitative assessment. The company did not provide adequate information supporting its capacity and demonstrate sufficient understanding of the requirements. No specific methodology was provided for the cleaning tasks to be undertaken. It did not demonstrate adequate experience providing cleaning services in a leisure centre or aquatic environment with all eleven project examples for office, laboratories and building cleaning.

Office Cleaning Experts scored 47.16% and was ranked seventh in the qualitative assessment.

The company demonstrated experience undertaking cleaning services for WA Police, Public Transport Authority, Main Roads Headquarters, Police Headquarters Northbridge, the City of Wanneroo and the Town of Claremont. While the work has high turnovers of students/public, none are in a leisure or aquatic centre environment. The company did not demonstrate sufficient capacity to provide the services. The response addressing understanding provided a general description of contract administration and supervision procedures and did not provide a methodology addressing the actual cleaning tasks and what they entail.

AMC Commercial Cleaning (WA) Pty Ltd scored 47.2% and was ranked sixth in the qualitative assessment. The company did not demonstrate experience undertaking cleaning services in a leisure centre environment. It demonstrated an understanding of the City's requirements with a general response but did not demonstrate sufficient capacity to provide the services.

CMC Property Services Pty Ltd (Conforming Offer) scored 50.5% and was ranked fifth in the qualitative assessment. It demonstrated sufficient information addressing its understanding of the requirements but did not demonstrate sufficient capacity to provide the services. It provided numerous project examples for office/building cleaning services to the City of Fremantle, Australia Post, Philip Morris, Cromwell and GE Capital but none are in a leisure or aquatic centre environment.

TJS Cleaning Services Perth scored 55.4% and was ranked fourth in the qualitative assessment. It provided sufficient information demonstrating its capacity to provide the services. The response addressing its understanding of the requirements satisfied the general work requirements. The company demonstrated experience cleaning IKEA (WA), Guildford Grammar School, St Brigid's College and general cleaning of offices and recreation/leisure centres for the City of Melville. Only one of the contracts is for a leisure facility (City of Melville recreation/leisure centre) held for seven months which was not considered long enough by the evaluation panel to establish a depth of experience in a leisure facility environment.

Cleandustrial Services Pty Ltd scored 59.8% and was ranked third in the qualitative assessment. It demonstrated a thorough understanding of the requirements. The company demonstrated experience undertaking cleaning of office buildings, community centres, child health centres and gymnasiums, and has a current contract for the cleaning of Armadale Aquatic Centre. It demonstrated the capacity to provide the services but did not specifically address its ability to provide additional personnel and resources and after-hours contacts.

Charles Service Company scored 70.7% and was ranked second in the qualitative assessment. It is well established and has the capacity to provide the services. The company demonstrated considerable experience providing cleaning services for the University of Western Australia, University of Notre Dame, Fremantle Port Authority, the Town of Victoria Park and the City of Kwinana. It is the City's current Contractor for cleaning services for the City buildings. The company demonstrated a thorough understanding of the requirements.

Quayclean Australia Pty Ltd scored 72.4% and was ranked first in the qualitative assessment. The company demonstrated a thorough understanding of the requirements and has the capacity to provide the services to the City. It demonstrated extensive experience providing similar services for Melbourne Sports and Aquatic Centre, Sydney Olympic Park, South Australian Aquatic Leisure Centre, VenuesWest and the Cities of Vincent, Gosnells and Melville.

Based on the minimum acceptable score (60.0%), Quayclean Australia Pty Ltd and Charles Service Company qualified for stage 2 (price) assessment.

Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the submitted rates offered by each tenderer qualified for stage 2 assessment to assess conformance to the specification and value for money to the City.

The lump sum prices 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 CPI for the preceding year. For estimation purposes, a 3.5% CPI increase was applied to the rates in years two and three.

Tenderer	Year 1	Year 2	Year 3	Total
Quayclean Australia Pty Ltd	\$333,008	\$344,663	\$356,727	\$1,034,398
The CR & MP Grover Family Trust t/as Charles Service Company	\$377,507	\$390,720	\$404,395	\$1,172,622

During the financial year 2013-14, the City incurred \$313,607 for the provision of cleaning services for leisure centres and is expected to incur in the order of \$1,034,398 over the three year Contract period.

Evaluation Summary

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

Tenderer	Estimated Year 1 Contract Price	Estimated Total Contract Price	Price Ranking	Weighted Percentage Score	Qualitative Ranking
Quayclean Australia Pty Ltd	\$333,008	\$1,034,398	1	72.4%	1
The CR & MP Grover Family Trust t/as Charles Service Company	\$377,507	\$1,172,622	2	70.7%	2

Based on the evaluation result, the Panel concluded that the tender that provides best value to the City is that of Quayclean Australia Pty Ltd and is therefore recommended.

Issues and options considered:

Cleaning services for the City's leisure centres is required to maintain the cleanliness of the centres. The City does not have the internal resources to provide the services and as such requires an appropriate external service provider.

Legislation/Strategic Plan/Policy Implications

Legislation

A state wide public tender was advertised, opened and evaluated in accordance with Clauses 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 Community wellbeing.

Objective Quality facilities.

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

Policy Not applicable.

Risk Management considerations:

Should the contract not proceed, the risk to the City will be high. The venues have a high volume of public using the facilities and can quickly become unhygienic and any reduction in the cleanliness may increase the risk to public safety.

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 City.

Financial/Budget Implications:

Account nos:	444-A4411-3359-0000. 444-A4412-3359-0000. 444-A4413-3359-0000.
Budget Item:	Cleaning Services for Leisure Centres.
Estimated Budget Amount 2014-15:	\$360,000.
Estimated Expenditure (1 July 2014 to 31 October 2014):	\$116,199.
Committed:	\$ 0.
Proposed cost (1 November 2014 to 30 June 2015):	\$232,397.
Balance:	\$ 11,404.

All figures quoted in this report are exclusive of GST.

Regional Significance:

Not Applicable.

Sustainability Implications:

The provision of appropriate cleaning services enhances the amenity of the City's leisure centres.

Consultation:

Not Applicable.

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 Quayclean Australia Pty Ltd.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by Quayclean Australia Pty Ltd for the provision of cleaning services for leisure centres for a period of three years, in accordance with the requirements specified in Tender 025/14, for the fixed lump sum of \$333,008 (GST Exclusive) for scheduled cleaning services for year one of the Contract and the schedule of rates for unscheduled cleaning services, with annual price variations subject to the Perth Consumer Price Index (All Groups).

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf141014.pdf](#)

ITEM 18 TENDER 030/14 - PROVISION OF TREE MAINTENANCE SERVICES

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	104376, 101515
ATTACHMENTS	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted by The Trustee for the Jansen Gray Family Trust trading as Geoff's Tree Services for the provision of tree maintenance services.

EXECUTIVE SUMMARY

Tenders were advertised on Saturday 16 August 2014 through statewide public notice for the provision of tree maintenance services. Tenders closed on 2 September 2014. A submission was received from the following:

- Arbor West Pty Ltd trading as Classic Tree Services.
- The Trustee for the Jansen Gray Family Trust trading as Geoff's Tree Services.
- Tom's Tree Service.
- Australian Tree Contractors.

The submission from Geoff's Tree Services represents best value to the City. The company demonstrated considerable experience in providing similar services to local governments including the Cities of Wanneroo and Bayswater and the Town of Bassendean. It is the City's current contractor for the tree maintenance services. It has the capacity to provide the services to the City and demonstrated a comprehensive understanding of the requirements.

It is therefore recommended that Council ACCEPTS the tender submitted by The Trustee for the Jansen Gray Family Trust trading as Geoff's Tree Services for the provision of tree maintenance services for a period of three years for requirements as specified in Tender 030/14 at the submitted schedule of rates with annual price variations subject to the Perth Consumer Price Index (All Groups).

BACKGROUND

The City has a requirement to engage a contractor to undertake the tree maintenance services at various locations within the City.

The City had a three year single contract with Geoff's Tree Service which expired on 10 August 2014. The services are currently being provided on a quotation basis.

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

Tenders were advertised on Saturday 16 August 2014 through statewide public notice for the provision of tree maintenance services for a period of three years. The tender period was for two weeks and tenders closed on 2 September 2014.

Tender Submissions

Submissions were received from the following:

- Arbor West Pty Ltd trading as Classic Tree Services.
- The Trustee for the Jansen Gray Family Trust trading as Geoff's Tree Services.
- Tom's Tree Service.
- Australian Tree Contractors.

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 comprised of three members:

- One with tender and contract preparation skills.
- Two with the appropriate technical expertise and involvement in supervising the contract.

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

Compliance Assessment

The following offers received were assessed as fully compliant:

- Arbor West Pty Ltd trading as Classic Tree Services.
- The Trustee for the Jansen Gray Family Trust trading as Geoff's Tree Services.

The following offers were assessed as non compliant:

- Australian Tree Contractors.
- Tom's Tree Service.

Australian Tree Contractors did not address any qualitative criteria and submitted rates for 14 of the 39 specified items.

Tom's Tree Service provided only referee contacts and number of years of operation of the company in addressing the qualitative criteria.

These offers did not provide adequate information to undertake the qualitative assessment and were not considered further.

Qualitative Assessment

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. The minimum acceptable score was set at 60%.

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

Qualitative Criteria		Weighting
1	Capacity	35%
2	Demonstrated experience in providing similar services	35%
3	Demonstrated understanding of the required tasks	25%
4	Social and economic effects on the local community	5%

Classic Tree Services scored 70.5% and was ranked second in the qualitative assessment. It demonstrated a thorough understanding of the requirements. It is well established and has the capacity to provide the services. The company demonstrated considerable experience providing similar services to the Town of Cambridge, Shire of Esperance, the Cities of Perth, Stirling, Subiaco, Belmont, Kalgoorlie-Boulder and the Botanic Gardens and Parks Authority (for Kings Park and Bold Park).

Geoff's Tree Services scored 72.9% and was ranked first in the qualitative assessment. It demonstrated considerable experience in providing similar services to local governments including the Cities of Wanneroo and Bayswater and the Town of Bassendean. The company is the City's current contractor for the tree maintenance services. It has the capacity to meet the City's volume of work and demonstrated a comprehensive understanding of the work requirements.

Based on the minimum acceptable score (60%), Classic Tree Services and Geoff's Tree Services qualified for Stage 2 (price) assessment.

Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the submitted rates offered by each tenderer qualified for Stage 2 assessment to assess conformance to the specification and value for money to the City.

To provide a comparison of the rates offered by each tenderer, the 12 most commonly used items were identified and used in the calculation. The following table provides a summary of the comparison of the estimated expenditure of each tenderer. Any future mix of requirements will be based on demand and subject to change in accordance with operational needs of the City.

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

Tenderer	Year 1	Year 2	Year 3	Total
Geoff's Tree Services	\$456,941	\$472,933	\$489,486	\$1,419,360
Classic Tree Services	\$785,103	\$812,581	\$841,021	\$2,438,705

During the financial year 2013-14, the City incurred \$608,133 for the provision of tree maintenance services and is expected to incur in the order of \$1,419,360 over the three year contract period.

Evaluation Summary

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

Tenderer	Estimated Year 1 Contract Price	Estimated Total Contract Price	Price Ranking	Weighted Percentage Score	Qualitative Ranking
Geoff's Tree Services	\$456,941	\$1,419,360	1	72.9%	1
Classic Tree Services	\$785,103	\$2,438,705	2	70.5%	2

Based on the evaluation result, the panel concluded that the tender that provides best value to the City is that of Geoff's Tree Services and is therefore recommended.

Issues and options considered:

Tree maintenance services are required to maintain the health and appearance of the City's streetscape trees and shrubs. The City does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

Legislation/Strategic Plan/Policy Implications

Legislation A statewide public tender was advertised, opened and evaluated in accordance with Clauses 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 The Natural Environment.

Objective Accessible environments.

Strategic initiative Build an effective interface between humans and the natural environment.

Policy Not applicable.

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 undertake large-scale pruning across the City. The City requires this pruning to reduce the risk of property damage from verge trees and also to meet Western Power guidelines regarding pruning of trees around power lines.

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 City.

Financial/Budget Implications:

Account no:	Various accounts.
Budget Item:	Tree maintenance services.
Estimated Budget Amount 2014-15:	\$650,000.
Estimated Expenditure (1 July 2014 to 31 October 2014):	\$172,326.
Committed:	\$0.
Proposed cost (1 November 2014 to 30 June 2015):	\$433,333.
Balance:	\$44,341.

The projected expenditure on these services is subject to change and dependent on the quantity and type of requirements throughout the contract period.

All figures quoted in this report are exclusive of GST.

Regional Significance:

Not applicable.

Sustainability Implications:

The provision of tree maintenance services enhances the appearance of the City's streetscape trees and shrubs. It also provides an important tool in reducing the risk of damage to property and persons by diseased or damaged trees.

Consultation:

Not applicable.

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 The Trustee for the Jansen Gray Family Trust trading as Geoff's Tree Services.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by The Trustee for the Jansen Gray Family Trust trading as Geoff's Tree Services for the provision of tree maintenance services for a period of three years for requirements as specified in Tender 030/14 at the submitted schedule of rates with annual price variations subject to the Perth Consumer Price Index (All Groups).

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf141014.pdf](#)

ITEM 19 PETITION TO CONSIDER THE INSTALLATION OF A BASKETBALL COURT AND A TENNIS HIT-UP WALL AT EITHER ELLERSDALE PARK OR ABERDARE PARK, WARWICK

WARD	South
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	18014, 46917, 101515
ATTACHMENTS	Attachment 1 Aerial map of Ellersdale Park, Warwick Attachment 2 Aerial map of Aberdare Park, Warwick Attachment 3 Aerial map showing proximity of Ellersdale Park and Aberdare Park, Warwick
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider the petition received by the City requesting the installation of a basketball court and tennis hit-up wall at Ellersdale Park or Aberdare Park, Warwick.

EXECUTIVE SUMMARY

At its meeting held on 18 March 2014 (C08-03/14 refers), Council received an 81 signature petition from residents of the City of Joondalup requesting Council give consideration to installing a basketball court and tennis hit-up wall at either Ellersdale Park or Aberdare Park, Warwick. The wording on the petition was as follows:

“We, the undersigned, all being electors of the City of Joondalup do respectfully request that the Council build a basketball court and a tennis hit up wall at Ellersdale Oval for the use of the general public, or at the alternate location of Aberdare Park.”

Ellersdale Park, Warwick is classified as a local park in the City's existing *Parks and Public Open Spaces Classification Framework* (PPOSCF). Aberdare Park, Warwick is classified as a local open space in the City's PPOSCF. In addition to the existing PPOSCF, the City has adopted as a management guideline a revised PPOSCF. In the revised PPOSCF, Ellersdale Park is classified as a local sports park and Aberdare Park is classified as a local recreation park.

The existing PPOSCF states that major sports infrastructure such as full-sized basketball courts are only supported to be installed at regional or district parks. Minor sports infrastructure such as tennis hit-up walls and basketball rings or 3-on-3 basketball pads are supported to be installed at both local and neighbourhood parks. In the revised PPOSCF, sports infrastructure (permanent) such as full-sized basketball courts are only supported to be installed at regional sports parks. Sports infrastructure (recreational) such as tennis hit-up walls and basketball pads are listed as an optional asset at all parks.

The existing and revised classification of Aberdare Park, Warwick would not support the installation of the requested sporting infrastructure as local open spaces are designed for passive or unorganised recreation and generally only accommodate the needs of the surrounding streets. The topography of this site and the location of many established trees also limit the possible locations where a full-sized basketball court and tennis hit-up wall could be installed.

The existing classification of Ellersdale Park, Warwick would support the installation of a 3-on-3 basketball pad and tennis hit-up wall as local parks are designed for organised sporting activities and passive recreation and the installation of the requested infrastructure would provide the local residents with additional recreation opportunities at the park. An initial assessment of the site confirms that there would be sufficient space to install this infrastructure at an estimated capital cost of \$29,471.

It is therefore recommended that Council:

- 1 *SUPPORTS the request for the installation of a 3-on-3 basketball pad and tennis hit-up wall at Ellersdale Park, Warwick;*
- 2 *REQUESTS that \$29,471 be listed for consideration within the 2015-16 Capital Works Program for the installation of a 3-on-3 basketball pad and tennis hit-up wall at Ellersdale Park, Warwick;*
- 3 *NOTES that if the installation of a 3-on-3 basketball pad and tennis hit-up wall at Ellersdale Park, Warwick is endorsed as part of the 2015-16 Capital Works Program budget process, community consultation would be undertaken with nearby residents and existing regular user groups of the park, in accordance with the City's approved Community Consultation and Engagement Policy and Protocol;*
- 4 *ADVISES the lead petitioner of Council's decision.*

BACKGROUND

At its meeting held on 18 March 2014 (C08-03/14 refers), Council received an 81 signature petition from residents of the City of Joondalup. The petition requested that the City consider the following for Ellersdale Park or Aberdare Park, Warwick:

- Installation of a basketball court.
- Installation of a tennis hit-up wall.

All parks are classified under the City's *Parks and Public Open Spaces Classification Framework* (PPOSCF). In addition to the existing PPOSCF, the City has adopted as a management guideline a revised PPOSCF. These frameworks allow for the classification of parks and public open spaces according to their size, purpose and users it attracts. They also assist in the planning and provision of park assets (for example playgrounds and sporting infrastructure).

Ellersdale Park located on Ellersdale Avenue, Warwick is approximately 3.6 hectares in size and is classified as a local park in the City's PPOSCF and in the revised PPOSCF; it is classified as a local sports park (Attachment 1 refers). Local parks are designed for organised sporting activities and passive recreation and generally cater to the needs of the community within the suburb.

Ellersdale Park has one active sporting oval, a clubroom and toilets/changerooms, verge parking, two cricket training nets, a synthetic centre cricket wicket, a playground, and sports floodlighting. The existing clubroom at Ellersdale Park was constructed in two stages with the toilets/changerooms built in 1970 and the clubroom built in 1979 which consists of a meeting room, kitchen, toilets and user group storage. In 2007-08 the clubroom was refurbished with a new kitchen, toilets and repainting. In 2010-11 the verandah adjoining the two buildings was replaced and in 2011-12 the playground was replaced.

The following user groups hire the oval and/or the clubroom on a regular basis:

- Warwick/Greenwood Junior Football Club.
- Warwick/Greenwood Junior Cricket Club.
- Warwick/Greenwood Cricket Club.
- University of Third Age (WA) Inc.
- Wanneroo Shooting Complex Inc.
- Mahjong Club.

Aberdare Park located on Aberdare Way, Warwick is approximately 1.2 hectares in size and is classified as a local open space in the City's PPOSCF and in the revised PPOSCF; it is classified as a local recreation park (Attachment 2 refers). Local open spaces are designed for passive or unorganised recreation and generally only accommodate the needs of the surrounding streets/residents. The park has a playground and verge parking and is located approximately 93 metres from Ellersdale Park, Warwick (Attachment 3 refers).

DETAILS

The existing PPOSCF provides guidelines as to the level and type of infrastructure appropriate for the classification of the park. Major sports infrastructure such as full-sized basketball courts are only supported to be installed at regional or district parks. Minor sports infrastructure such as tennis hit-up walls and basketball rings (or 3-on-3 basketball pads) are supported to be installed at local or neighbourhood parks. In the revised PPOSCF, sports infrastructure (permanent) such as full-sized basketball courts are only supported to be installed at regional sports parks. Sports infrastructure (recreational) such as tennis hit-up walls and basketball pads are listed as an optional asset at all parks.

A standard outdoor full-sized basketball court is approximately 35m x 21m (735m²). The surface is generally concrete with a synthetic layer and the court has a basketball ring at either end of the court. In comparison, 3-on-3 basketball pad is generally a five metre x eight metre (40m²) concrete pad with one basketball ring. A tennis hit-up wall is generally a 7.5m x 8m (60m²) concrete pad with a solid wall at one end of the pad.

Historically it is shown that the majority of the City's existing outdoor full-sized basketball courts are not booked by user groups but are mainly used informally by local residents in a half court configuration. For this reason, 3-on-3 basketball pads are the preferred option as they still provide community members with opportunities for active recreation.

Currently the City provides basketball and tennis infrastructure available for community use in various parks and listed below are the details of parks within close proximity to Ellersdale Park:

Park	Existing infrastructure	Proposed infrastructure (redevelopment project)	Distance from Ellersdale Park
Hawker Park, Warwick.	3-on-3 basketball pad and tennis hit-up wall.	New 3-on-3 basketball pad and tennis hit-up wall.	700 metres
Penistone Park, Greenwood.	Two tennis courts and two full-sized basketball courts.	3-on-3 basketball pad and tennis hit-up wall.	750 metres
Warwick Open Space (Warwick Sports Centre).	12 tennis courts.	Not applicable.	760 metres

Currently there are no funds listed for this project in the City's *Five Year Capital Works Program*.

Issues and options considered

Based on the existing and revised PPOSCF, the classification of Aberdare Park does not support the installation of a full-sized basketball court, 3-on-3 basketball pad or tennis hit-up wall. This park is designed for passive recreation and the location of many established trees and the parks topography restricts the installation of this infrastructure.

The installation of a full-sized basketball court at Ellersdale Park, Warwick is not recommended for a number of reasons:

- The existing park classification (local park) and the revised park classification (local sports park) do not support the installation of major sporting infrastructure which a full-sized basketball court is considered.
- The topography of the park limits the locations that are available for a full sized basketball court (approximately 735m²) to be installed without impacting local residents or the existing infrastructure.
- Historically it is shown that the majority of the City's existing outdoor full-sized basketball courts are predominantly used informally by local residents typically in a half court configuration.
- There is full-sized indoor basketball courts located at Warwick Leisure Centre which is approximately 760 metres from Ellersdale Park, Warwick (fees payable).

There are a number of options for the installation of infrastructure at Ellersdale Park, Warwick that may be considered and these are outlined below:

Option 1 - Do not install basketball or tennis hit-up wall infrastructure

If this option was supported, it would mean that the residents in the local area would continue to need to utilise the nearby basketball and tennis infrastructure at Hawker Park, Warwick Penistone Park, Greenwood or Warwick Open Space (Warwick Sports Centre). This infrastructure is all within 760 metres of Ellersdale Park. There would be no additional financial impact to the City if this option was preferred.

Option 2 - Install a full-sized basketball court and tennis hit-up wall at Ellersdale Park

This option would see installation of major sports infrastructure at a park which is not classified to support it. The topography of the park and location of existing sporting infrastructure and established trees at Ellersdale Park, Warwick limits the locations that a full-sized basketball court could be installed. The estimated capital cost for a full-sized basketball court and tennis hit-up wall is \$85,921. Additional detailed designs of the site would be required if this option was preferred and this may impact on the estimated costs. This option would provide the local residents with additional recreation opportunities at the park.

Option 3 - Install a 3-on-3 basketball pad and tennis hit-up wall at Ellersdale Park

An initial assessment of the site confirms that there is sufficient space to install this infrastructure, without impacting on the existing sporting infrastructure or established trees. The estimated capital cost for the installation of a 3-on-3 basketball pad and tennis hit-up wall is \$29,471. Additional detailed designs of the site would be required if this option was preferred and this may impact on the estimated costs. The existing classification of Ellersdale Park, Warwick supports this option and would provide the local residents with additional recreation opportunities at the park.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality open spaces.

Strategic initiative Employ quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity.

Policy *Community Consultation and Engagement Policy and Protocol.*

Risk management considerations

Any capital project brings risks in relation to contingencies and over runs against original design. The capital cost estimate for the 3-on-3 basketball pad and tennis hit-up wall was based on concept designs for other recent projects and may differ once detailed designs and cost estimates are undertaken for this project.

Financial / budget implications

Estimated capital costs

The estimated capital costs for the installation of basketball and tennis infrastructure is detailed below. These cost estimates have been sourced from actual costs of recent projects and quotes for proposed projects.

- Full-sized basketball court: \$66,450.
- Three-on-three basketball pad: \$10,000.
- Tennis hit-up wall: \$15,471.
- Allowance for irrigation modification works: \$4,000.

The estimated capital costs for the full-sized basketball court, 3-on-3 basketball pad and tennis hit-up wall are not site specific and once detailed designs and cost estimates are undertaken these costs may change.

Current financial year impact

Currently there are no funds listed for this project in the City's *Five Year Capital Works Program*.

Future financial year impact

Option 2

Annual operating cost	The annual operating costs are estimated at \$3,100 for the full-sized basketball court and tennis hit-up wall based on estimated operating costs of this type of infrastructure as part of the PPOSCF.
Estimated annual income	There is no income expected from the installation of this infrastructure.
Capital replacement	A full-sized basketball court would require replacement after 20 years at an estimated cost of \$66,450. A tennis hit-up wall would require replacement after 10 years at an estimated cost of \$15,471.
20 Year Strategic Financial Plan impact	The estimated net cash impact on the current adopted <i>20 Year Strategic Financial Plan</i> is \$163,392.
Impact year	If supported, funds could be listed for consideration in 2015-16 of the City's <i>Five Year Capital Works Program</i> .

Option 3

Annual operating cost	The annual operating costs for a 3-on-3 basketball pad and tennis hit-up wall are estimated at \$200 based on estimated operating costs of this type of infrastructure as part of the PPOSCF.
Estimated annual income	There is no income expected from the installation of this infrastructure.

Capital replacement	A 3-on-3 basketball pad and tennis hit-up wall would require replacement after 10 years at an estimated cost of \$25,471.
20 Year Strategic Financial Plan impact	The estimated net cash impact on the current adopted <i>20 Year Strategic Financial Plan</i> is \$58,942.
Impact year	If supported, funds could be listed for consideration in 2015-16 of the City's <i>Five Year Capital Works Program</i> .

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

If the installation of a 3-on-3 basketball pad and tennis hit-up wall at Ellersdale Park, Warwick is endorsed as part of the 2015-16 *Capital Works Program* budget process, community consultation would be undertaken with nearby residents and existing regular user groups of Ellersdale Park. This would be conducted in accordance with the City's approved *Community Consultation and Engagement Policy and Protocol*.

COMMENT

The existing PPOSCF states that major sports infrastructure such as full-sized basketball courts are only supported to be installed at regional or district parks. Minor sports infrastructure such as tennis hit-up walls and 3-on-3 basketball pads are supported to be installed at local or neighbourhood parks. In the revised PPOSCF, sports infrastructure (permanent) such as full-sized basketball courts are only supported to be installed at regional sports parks. Sports infrastructure (recreational) such as tennis hit-up walls and basketball pads are listed as an optional asset at all parks.

Based on the existing and revised frameworks, the installation of the requested infrastructure at Aberdare Park, Warwick is not recommended. This park is designed for passive recreation and the location of many established trees and the topography of the park restricts the installation of this infrastructure.

The installation of a full-sized basketball court at Ellersdale Park, Warwick is not recommended for a number of reasons:

- The existing park classification (local park) and the revised park classification (local sports park) do not support the installation of major sporting infrastructure which a full-sized basketball court is considered.
-
- The topography of the park limits the locations that are available for a full sized basketball court (approximately 735m²) to be installed without impacting local residents or the existing infrastructure.
- Historically it is shown that the majority of the City's existing outdoor full-sized basketball courts are predominantly used informally by local residents typically in a half court configuration.

- There are parks in close proximity that also have basketball infrastructure.

Due to the existing classification of Ellersdale Park, Warwick as a local park the installation of a 3-on-3 basketball pad and tennis hit-up wall would be the preferred option for this site and would provide local residents with additional recreation opportunities at the park.

If supported, community consultation would be undertaken with the nearby residents and existing regular user groups of Ellersdale Park, Warwick to gain feedback on the proposed installation of this additional infrastructure.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 SUPPORTS the request for the installation of a 3-on-3 basketball pad and tennis hit-up wall at Ellersdale Park, Warwick;**
- 2 REQUESTS that \$29,471 be listed for consideration within the *2015-16 Capital Works Program* for the installation of a 3-on-3 basketball pad and tennis hit-up wall at Ellersdale Park, Warwick;**
- 3 NOTES that if the installation of a 3-on-3 basketball pad and tennis hit-up wall at Ellersdale Park, Warwick is endorsed as part of the *2015-16 Capital Works Program* budget process, community consultation would be undertaken with nearby residents and existing regular user groups of the park, in accordance with the City's approved *Community Consultation and Engagement Policy* and Protocol;**
- 4 ADVISES the lead petitioner of Council's decision.**

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf141014.pdf](#)

ITEM 20 JOONDALUP COMMUNITY ARTS ASSOCIATION

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	15555, 101515
ATTACHMENTS	Nil.
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to agree to entering into new lease arrangements with the Joondalup Community Arts Association (JCAA) with regard to the former blend(er) gallery space now known as Joondalup Art Gallery.

EXECUTIVE SUMMARY

The JCAA is Joondalup's local visual arts association, formed in October 2003 with a seven member volunteer board. In 2004, the JCAA, with support from the City, opened the blend(er) Gallery (re-named Joondalup Art Gallery in July 2014) at 48 Central Walk designed to exhibit artwork, conduct workshops, provide a focal point for the enhancement of the local visual arts scene and provide a cultural focus for the City Centre.

In 2007, the City engaged extensively with the JCAA to determine their needs and analyse future relocation options. As a result, it was determined to renew the lease at 48 Central Walk, Joondalup, for a period of five years and for the JCAA to remain at the location of the Joondalup Art Gallery until July 2014.

A lease was signed commencing 1 January 2011 for a term of three years to expire 31 December 2013, with an option to renew a further two times for the period of one year each time. These options were exercised by the JCAA and the lease will expire on 31 December 2015. The lease stipulates that to extend the lease arrangements, discussions are to occur no earlier than 1 July 2015 and no later than 1 October 2015.

At its Board Meeting held in June 2014, the Board of the JCAA approved a recommendation to request a renewal of the lease facilities at the current premises from 1 January 2016 onwards.

It is therefore recommended that Council ENDORSES the Chief Executive Officer to renew the lease at 48 (site 4, 5 and 6) Central Walk, Joondalup for a period of five years (three years with a two by one year option) and for the Joondalup Community Arts Association to remain at the site for a period of the lease subject to the Joondalup Community Arts Association:

- 1 PROVIDING to the City a five year Strategic Plan by 31 March 2015;*
- 2 AGREEING to entering into an agreement to the satisfaction of the Chief Executive Officer for the occupation of 48 Central Walk, Joondalup;*
- 3 AGREEING to provide the City on an annual basis an annual Business Plan and Annual Report (including annual financial statements).*

BACKGROUND

The JCAA is a local visual arts association formed in October 2003 with a seven member volunteer board.

In 2004, the JCAA established the blend(er) art gallery (re-named in 2014 Joondalup Art Gallery) in partnership with the City of Joondalup, through the lease of commercial premises in Central Walk, Joondalup. The intent of the Gallery was to provide a cultural focus for the City Centre and was identified as fitting strategically within the objectives of the *CBD Enhancement Program* and the *Cultural Development Program* (CJ312-12/03 refers).

The City's initial agreement with the JCAA in 2003, consisted of the City leasing the premises in Central Walk for the gallery, meeting all the costs of outgoings and providing an annual administration grant for a three year period from January 2004 to allow the community to establish the venue and a program of events at a total cost of \$135,557 over the three years that included \$36,000 in administration payments.

When the lease on the gallery expired in February 2007 with two additional one year options available, the City continued with the lease on a month-to-month basis pending the finalisation of a new agreement between the City and the JCAA. As part of this decision Council agreed at this stage not to continue with a grant towards the costs of administration.

At its meeting held on 17 July 2007 (CJ140-07/07 refers), Council endorsed a City review of appropriate facilities for the potential relocation of the blend(er) Gallery in partnership with the JCAA, by July 2009. The City engaged extensively with JCAA to determine their needs and analyse future relocation options. As a result at its meeting held on 21 April 2009, Council agreed (CJ095-04/09 refers) the following:

- “1 ENDORSES the Chief Executive Officer to renew the lease at 48 Central Walk, Joondalup, for a period of five years and for the Joondalup Community Arts Association (JCAA) to remain at the location of the blend(er) gallery until July 2014;*
- 2 NOTES the housing of the JCAA and the blend(er) gallery will be considered as part of the feasibility study for the planned new Cultural Centre;*
- 3 ADVISES JCAA that a five year Strategic Plan, Annual Business Plan and Annual Report is required to be provided to the City in order to receive the City's ongoing financial support.”*

The most recent lease agreement was signed commencing 1 January 2011 for a term of three years to expire 31 December 2013, with options to renew for a further two times one year.

Both options were exercised by JCAA. The first option being: 1 January 2014 – 31 December 2014 and the second option being: 1 January 2015 – 31 December 2015.

The lease stipulates to extend existing arrangements, negotiations are to commence no earlier than 1 July 2015 and no later than 1 October 2015.

The Board of JCAA has approved a recommendation to request a renewal of the lease facilities at the current premises from 1 January 2016 onwards.

Provision of a visual arts exhibition space, storage and studios were considered as part of the feasibility study for the Joondalup Performing Arts and Cultural Facility, however a decision on housing of the JCAA and Joondalup Art Gallery has not been made.

Since 2007 the JCAA has provided the City with a basic Annual Report but is still in the process of developing an Annual Business Plan and a five year Strategic Plan.

The City has been developing a *Memorandum of Understanding* with JCAA in part to address expectations in this regard, which is currently with the Association for comment.

DETAILS

Since its inception the Joondalup Art Gallery (formerly blend(er) Gallery) has played a key role in the provision and development of arts within the region as follows:

- Conducting and hosting art workshops.
- Holding regular joint exhibitions for members.
- Providing visual arts information and networking opportunities for members and the general public.
- Offering an accessibly priced exhibition space for artists and a meeting point for the local arts community.

Leasing exhibition space to the City at preferential rates for City events including NAIDOC and Urban Couture exhibitions.

Issues and options considered

The Joondalup Art Gallery (formerly blend(er) Gallery), managed by the JCAA, has become increasingly self-sufficient. However, there is still a heavy reliance on the City for the provision of a venue. Going forward the City has two major options:

- Option 1: Continue to support the JCAA.
- Option 2: Discontinue support of the JCAA.

Option 1: Continue support of the JCAA

The JCAA offers the community a unique and valuable service through the operation of the Joondalup Art Gallery and support of local artists.

The City has previously explored other options but at the time the investigation found that alternative options were not feasible based on insufficient space or lack of host organisation support and further research was discontinued.

Renewing the current lease at 48 Central Walk avoids relocation costs as the space is already fitted out as a gallery.

Option 2: Discontinue support of the JCAA

The support of the JCAA by the City is discretionary and is not related to any legislation or formal agreement.

Should the City discontinue its support of the JCAA, the following are likely outcomes:

- No dedicated visual arts venue in the City of Joondalup.
- No community gallery in Joondalup and loss of opportunity for local artists to exhibit.
- Significant reduction in the JCAA's visual arts programs, workshops and activities.
- Significant reduction in the JCAA's ability to support local visual artists.
- A requirement for the re-structuring of core JCAA activities and the possible disbandment of the JCAA.

Funding Agreement

Initially there were no specific expectations of the JCAA with regard to regular reporting of the services they offered to the community. This was to allow the new organisation time to create foundations and build capacity. In 2007 it was agreed that a *Strategic Plan*, *Annual Business Plan* and *Annual Report* were required to be provided to the City in order to receive the City's on-going financial support.

Legislation / Strategic Community Plan / policy implications

Legislation *Local Government Act 1995.*

Strategic Community Plan

Key theme Community Wellbeing

Objective Cultural development.

Strategic initiative

- Invest in publicly accessible visual art that will present a culturally-enriched environment.
- Promote local opportunities for arts development.

Policy The Council has an adopted *Property Management Framework* (PMF), which acts as a guide to managing property under the City's ownership and control. As the proposed site is not owned by the City, the principles of the PMF do not apply in this case.

Risk management considerations

Not applicable.

Financial / budget implications

The commencing rent for the premises stood at \$52,195 per annum including the following outgoings – water rates, land tax, council rates and building insurance and in addition two car bays were provided at a cost of \$2,400 per annum. The current rent is \$56,454 per annum and current car bay cost \$2,596 per annum. In addition the City pays variable outgoings which are estimated at the start of each financial year – variable outgoings are the City's portion of the running costs of the building based on floor area. The current estimate for forward costs lies at a 4% increase per annum (note the lease year runs January to December).

Current financial year impact

Account no.	Lease Expense: 641-B2165-3219-0000. Outgoings: Various.
Budget Item	Lease: Rental and Outgoing. Outgoing: Various.
Budget amount	Lease and Car Bay Expense = \$59,049. Outgoings: to be managed within Building Maintenance budget.
Amount spent to date	\$0.00.
Proposed cost	Lease = \$57,583. Car Bay = \$2,648.
Balance	(\$1182).

(This financial year budget was based upon a single lease year which runs Jan-Dec. As such there is a timing difference causing a slight variance).

Future financial year impact

Annual operating cost	Lease = \$59,886. Car Bay = \$2,754. Plus annual lease increase (4% based upon current lease). Plus various outgoings to be added to future building maintenance budgets.
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All amounts quoted in this report are exclusive of GST.

Regional significance

The Joondalup Art Gallery (formerly known as blend(er) Gallery) is the only facility within the City of Joondalup that provides local artists with a dedicated exhibition space.

Sustainability implications

The JCAA provides an opportunity for local artists to develop their practice and facilitates an arts culture in the City of Joondalup.

A renewal of the agreement in a timely manner will allow the JCAA to plan and develop its future program.

The City has for a number of years explored options to activate Central Walk as a vibrant community space. This includes significant infrastructure upgrades, installation of public art and the hosting of pre-Christmas twilight markets. The retention of the Joondalup Art Gallery within its current location will assist in delivering the City's objective in activating Central Walk.

Investment in the cultural infrastructure of the City will pay dividends in the viability of the proposed Joondalup Performing Arts and Cultural Facility.

Consultation

The City has engaged with the JCAA Board through the Chair of the Association in May 2014 seeking comment in renewal of the lease.

COMMENT

Many local governments fund their own art gallery or assist in funding a local arts organisation and gallery, including rental, multiple staff salaries and operational costs. Examples in Western Australia include the Heathcote Cultural Precinct (Melville), Mundaring Arts Centre, Vancouver Arts Centre (Albany) and the Fremantle Arts Centre.

By partnering with the JCAA, the City of Joondalup facilitates a local visual arts facility for the costs of rental and outgoings alone due to the large amount of volunteer resources provided by the JCAA.

The JCAA provides the City with a unique opportunity to be able to support and develop arts within the region without direct facility and service provision. With agreed objectives, the City and JCAA work in partnership to develop and foster the arts industry within the region.

It is proposed that the City's on-going support of the JCAA will be through a three-year agreement providing a dedicated gallery space.

It is recommended that the City renew the current lease at 48 Central Walk, Joondalup, to allow JCAA's services to continue at the current level. This is considered to be the most effective way to maintain the organisation's financial stability while causing the least disruption to its annual program of exhibitions, events and arts workshops.

In return for the City's financial support, a level of accountability is required from the JCAA. Through the development of a five year strategic plan, annual business plan and annual report, the JCAA can clearly outline to the City, the number of exhibitions and workshop provided to the community, whilst demonstrating good governance of the association. In order to meet the negotiation period detailed in the lease, it is required that the JCAA finalise these by 31 March 2015.

The City's support of the JCAA through the lease renewal of 48 Central Walk, Joondalup, provides the City with a low cost option of providing a community gallery and art workshop space that supports the development of arts within the Joondalup region.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council **ENDORSES** the Chief Executive Officer to renew the lease at 48 (site 4, 5 and 6) Central Walk, Joondalup for a period of five years (three years with a two by one year option) and for the Joondalup Community Arts Association to remain at the site for a period of the lease subject to the Joondalup Community Arts Association:

- 1 PROVIDING to the City a five year Strategic Plan by 31 March 2015;**
- 2 AGREEING to enter into an agreement to the satisfaction of the Chief Executive Officer for the occupation of 48 Central Walk, Joondalup;**
- 3 AGREEING to provide the City on an annual basis an annual Business Plan and Annual Report (including annual financial statements).**

ITEM 21 FENTON PARK, HILLARYS - PROPOSED UPGRADES

WARD	South-West
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	103879, 101515
ATTACHMENTS	Attachment 1 Fenton Park Location Plan Attachment 2 Analysis of Consultation
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider the results of the community consultation undertaken for the proposed upgrades at Fenton Park, Hillarys.

EXECUTIVE SUMMARY

Community consultation was undertaken during the period 9 July 2014 to 30 July 2014 to gain community feedback on the proposed upgrades at Fenton Park. The survey asked respondents to indicate their level of support for the installation of new play equipment and a 3-on-3 basketball pad.

There were 26 responses (or 17.4%) received as part of the community consultation for the proposed upgrades.

Overall the outcomes from the community consultation support the installation of play equipment and the 3-on-3 basketball pad. However, based on community comment the inclusion of the 3-on-3 basketball pad is not recommended.

It is therefore recommended that Council:

- 1 *NOTES the outcomes of the community consultation undertaken on the proposed upgrades to Fenton Park, Hillarys;*
- 2 *APPROVES the installation of play equipment at Fenton Park, Hillarys;*
- 3 *DOES NOT APPROVE the installation of a 3-on-3 basketball pad at Fenton Park, Hillarys.*

BACKGROUND

Fenton Park is located on Fenton Way, Hillarys (Attachment 1 refers), and is 0.46 hectares. In the City's current *Parks and Public Open Spaces Classification Framework* (PPOSCF), Fenton Park is classified as a Passive Reserve / Local Open Space and in the revised PPOSCF, adopted as a management guideline to assist in the planning and provision of park and public open space assets; it is classified as a Local Recreation Park. Infrastructure currently installed at the park includes a small sheltered picnic setting, double swing set, drinking fountain and a park bench. The south side areas of Fenton Park are bordered on five sides by private residential property fences resulting in poor natural surveillance from surrounding areas.

At its meeting held on 11 December 2012 (CJ281-12/12 refers), it was resolved that Council:

- "1 AGREES to decommission the single tennis court located at Fenton Reserve, Hillarys;*
- 2 NOTES that community consultation will be undertaken in line with the City's Community Consultation and Engagement Policy and Protocol to seek feedback from the local residents on possible replacement infrastructure for the site and the results be presented to a future Council meeting."*

Subsequently, the community consultation process was carried out from 18 February 2013 to 11 March 2013 with residents living within a 200 metre radius of the site. Residents were asked to indicate their preferred option for the replacement of the decommissioned tennis court. The City received 37 valid responses which equated to a 20% response rate. Furthermore, a total of 15 respondents submitted additional comments requesting the following additional infrastructure:

- Basketball court/pad (five respondents).
- Play equipment (eight respondents).
- Barbeques (four respondents).
- Community garden (one respondent).
- Artificial shade (two respondents).

In both the current PPOSCF and the revised PPOSCF adopted as a management guideline, the installation of barbeques, minor sporting infrastructure, community gardens or artificial shade is not supported on this level of park.

At its meeting held on 27 May 2013 (CJ081-05/13 refers), Council resolved in part that it:

- "5 REQUESTS that \$44,100 be listed for consideration in the 2014-15 Capital Works Program to install play equipment at Fenton Park;*
- 6 REQUESTS that \$6,000 be listed for consideration in the 2014-15 Capital Works Budget to install a basketball '3-on-3' pad and basketball ring at Fenton Reserve, Hillarys."*

The letter of notification sent to inform residents of the outcome of the consultation advised that further community consultation on the proposed infrastructure upgrades would be carried out.

DETAILS

Community consultation with residents living within a 200 metre radius from the site (149 local residents) was conducted between 9 July 2014 and 30 July 2014. The consultation outlined the two proposed infrastructure upgrades – installation of new play equipment and installation of a new 3-on-3 basketball pad.

The consultation was advertised through the following methods:

- Direct mail out - cover letter, information brochure and frequently asked questions document.
- Site signage - one sign was erected at Fenton Park outlining the details of the consultation.
- Website - information and comment form was available on the community consultation page of the City's website during the consultation period.

The full results of the community consultation are provided at Attachment 2 to this Report. The City received 26 valid responses of which 25 were from residents living within a 200 metre radius of the site, which equates to a response rate of 17.4%. There was also one submission made by a person living outside the 200 metre radius of the site. A summary of the results is included below.

Demographics

Of the responses received, just over one quarter of these were submitted by people aged between 55 and 64 years. The 55-64 years age group forms a large proportion of the population for the Hillarys suburb area, so a large response from this age group would be expected.

Installation of new play equipment

Respondents were asked to indicate their level of support for the installation of new play equipment on a 5-point scale. All 26 respondents replied to this question with the majority of respondents (96%) indicating they either supported or strongly supported the installation of new play equipment.

Installation of a 3-on-3 basketball pad

Respondents were asked to indicate their level of support for the installation of a 3-on-3 basketball pad on a 5-point scale. All 26 respondents replied to this question with 23 respondents (88%) indicating they either supported or strongly supported the installation of a new 3-on-3 basketball pad. The installation of the 3-on-3 basketball pad was strongly opposed by three respondents (12%).

Additional comments

Respondents were asked if they had any further comments about Fenton Park. A total of 12 respondents provided 16 comments to this question. Of the respondents, two commented that they were not supportive of the proposed 3-on-3 basketball pad due to anticipated noise.

The following additional infrastructure was also requested:

- Barbeque facilities (one respondent).
- Fitness equipment (one respondent).
- Fencing (one respondent).

- Footpath network (one respondent).
- Additional trees (two respondents).

The proposed new infrastructure has been located to take advantage of shade from existing trees and an additional three trees have been proposed to provide further shade. Both the current PPOSCF and the revised PPOSCF adopted as a management guideline, do not support the installation of barbeques or fitness equipment on this level of park.

Issues and options considered

Issues

Issues encountered with the installation of a 3-on-3 basketball pad at Fenton Park, Hillarys are as follows:

- The small size of Fenton Park and the number of private properties directly adjoining the southern side limits suitable locations for a 3-on-3 basketball pad to be installed.
- Concerns were raised during the consultation process by residents living in close proximity to the proposed 3-on-3 basketball pad regarding anticipated noise and potential for balls to unintentionally enter their property from the park.
- Both the current PPOSCF and the revised PPOSCF adopted as a management guideline do not support the installation of sports infrastructure (recreation) on Local Open Space parks.
- Installing the 3-on-3 basketball pad in a central location will dissociate the picnic shelter and drinking fountain from the new play equipment and may result in assets being underutilised.

Options

The following options may be considered.

Option One

Install the new play equipment and 3-on-3 basketball pad in the location as shown as part of the community consultation.

Option Two

Install the new play equipment only, in the location as shown as part of the community consultation.

Option Three

Install the new play equipment in the location as shown as part of the community consultation and 3-on-3 basketball pad in a more central location in the park.

Legislation / Strategic Community Plan / policy implications

Legislation	Not applicable.
Strategic Community Plan	
Key theme	Quality Urban Environment.
Objective	Quality open spaces.
Strategic initiative	Employ quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity.
Policy	Not applicable.

Risk management considerations

There is a risk to the City if the 3-on-3 basketball pad is installed as the park is bordered by a number of properties in close proximity. These properties could be affected by noise generated from the 3-on-3 basketball pad.

There is also a risk of setting a precedent by installing infrastructure that is not supported by both the current PPOSCF and the revised PPOSCF adopted as a management guideline.

Financial / budget implicationsCurrent financial year impact (for the recommended option)

Account no.	CW001552.
Budget Item	PEP2671 Fenton Park – Play Space and Basketball Pad.
Budget amount	\$50,100.
Amount spent to date	\$746.
Proposed cost	Play equipment \$44,100.
Balance	\$49,354.

Future financial year impact

Annual operating cost	Maintenance of the play equipment will incur an additional annual operating cost of \$1,403. The annual operating cost will be included in the <i>Parks Operational Budget</i> allocation for specific parks.
Capital replacement	15-20 years.
20 Year Strategic Financial Plan impact	The capital cost for the installation of proposed infrastructure at Fenton Park is covered in the current adopted <i>20 Year Strategic Financial Plan</i> within the <i>2014-15 Capital Works Program</i> under the <i>Parks Equipment Program</i> PEP2671 with an allocated budget of \$50,100. Additional maintenance costs over 20 years is \$28,060.
Impact year	2014-15.

Regional significance

Not applicable.

Sustainability implicationsSocial

It is anticipated that the installation of additional infrastructure at Fenton Park will enhance the amenity of the public space and generate greater usage. However, there is potential for residents living in close proximity to the proposed 3-on-3 basketball pad location to be affected by anticipated noise from the facility, presenting an ongoing issue for the City.

Consultation

The results of the community consultation have been summarised in the details section of this report. The full results of the community consultation are provided at Attachment 2 to this Report.

COMMENT

The installation of a 3-on-3 basketball pad to this park which is bordered by a number of properties in close proximity may create noise complaint issues from those living nearby. The impact of noise on the local area should be taken into consideration along with both the current PPOSCF and the revised PPOSCF adopted as a management guideline, which do not support the installation of sports infrastructure (recreation) on Local Open Space parks.

The installation of play equipment, which was supported by the majority of respondents, will encourage greater use of Fenton Park and enhance its amenity.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 NOTES the outcomes of the community consultation undertaken on the proposed upgrades to Fenton Park, Hillarys;**
- 2 APPROVES the installation of play equipment at Fenton Park, Hillarys;**
- 3 DOES NOT APPROVE the installation of a 3-on-3 basketball pad at Fenton Park, Hillarys.**

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf141014.pdf](#)

ITEM 22 REQUEST FOR SPECIFIED AREA RATING IN BURNS BEACH - OUTCOME OF COMMUNITY CONSULTATION

WARD	North
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	02137, 101515
ATTACHMENTS	Attachment 1 Community Consultation and Communication Plan Attachment 2 Community Consultation Results and Analysis
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider the results of the recent community consultation process regarding the establishment of a Specified Area Rating (SAR) within the suburb of Burns Beach.

EXECUTIVE SUMMARY

At its meeting held on 15 July 2014 (CJ124-07/14 refers), Council accepted the merits of a request from the Burns Beach Residents Association to consider establishing a SAR for additional landscaping services within the suburb of Burns Beach. In accordance with the City's *Specified Area Rating Policy* ('SAR Policy'), Council approved a 30 day consultation process with all affected property owners to determine the level of support for the proposal.

Consultation was undertaken by the City in accordance with the approved *Community Consultation and Communication Plan* (Attachment 1 refers), commencing on 4 August 2014 and closing on 2 September 2014. The City received a total of 522 valid responses from 1251 households surveyed during the consultation period, equating to response rate of 44.1%.

For Council to consider agreeing to the proposal, the City's *SAR Policy* states a minimum of 75% of all surveys must be returned and supported. Although the total response rate falls below the requirement stated in the City's *SAR Policy*, the consultation process achieved one of the City's highest consultation response rates, and the sample size elicited a statistically reliable result.

The headline results from the consultation process are as follows:

Respondents	Return Rate	Support	Oppose	Unsure
New Burns Beach	43%	61.4%	33.8%	4.8%
Old Burns Beach	57%	12.3%	84.9%	2.7%
Total	44%	54.9%	40.6%	4.5%

Furthermore, further levels of analyses (Attachment 2 refers) indicates that the removal of the south-west section of Burns Beach (that is, Old Burns Beach) from the results, would still fail to achieve a high enough result to justify the introduction of a SAR within the PEET Ltd development area (that is, “New Burns Beach”), with only 61.4% of the households indicating their support for the proposal.

Based on the consultation analysis provided in Attachment 2, the City does not recommend pursuing the introduction of a SAR within Burns Beach due to the high level of opposition to the proposal, the significant difference in the results achieved through the consultation process and the requirements of the City’s *Specific Area Rating Policy*.

It is therefore recommended that Council:

- 1 *NOTES the results of the Burns Beach Specified Area Rating consultation process, as detailed in Attachment 2 to this Report;*
- 2 *DECLINES the request submitted by the Burns Beach Residents Association to implement a Specified Area Rating within the suburb of Burns Beach due to the significant difference in the results achieved through the consultation process and the requirements of the City’s Specified Area Rating Policy;*
- 3 *ADVISES the Burns Beach Residents Association of the outcome of the consultation process.*

BACKGROUND

The establishment of SARs within the City of Joondalup is guided by a Council-endorsed *SAR Policy*, which was first introduced in March 2010. The policy requires the following criteria to be fulfilled before Council will accept a request to consider establishing a new SAR:

- 1 *An incorporated body representing the property owners of an established residential area requests that the City provides a specific work, service or facility to their area to be funded by a SAR imposed on the property owners.*
- 2 *For any area to be considered for a SAR, it must be a reasonable size in terms of the number of properties. As a general guide, it is expected that a SAR area would include no less than 100 properties.*
- 3 *A further requirement is that the area must be defined by clear and discernible geographic boundaries which may include main streets, or natural features.*

On 17 October 2013, the City received a formal request from the Burns Beach Residents Association to consider establishing a SAR for the suburb of Burns Beach (applying to 1,251 properties). The submission also included a request to assess the level of support for a SAR in the southwest section of Burns Beach (“Old Burns Beach”), separately to the PEET Ltd development area (“New Burns Beach”).

At its meeting held on 15 July 2014 (CJ124-07/14 refers), Council accepted that the request submitted by the Burns Beach Residents Association had merit and approved a 30 day consultation process with all affected property owners.

This is the first instance in which the City's *SAR Policy* has been applied since its introduction in 2010.

DETAILS

Consultation Process

A consultation process was undertaken by the City in accordance with the approved *Community Consultation and Communication Plan* (Attachment 1 refers), commencing on 4 August 2014 and closing on 2 September 2014. This involved the City consulting directly with all ratepayers within Burns Beach who live in the suburb of Burns Beach.

A personalised information package was sent to each ratepayer explaining the purpose of the consultation and advising them of the consultation period. Each package included the following:

- A covering letter.
- Frequently asked questions containing information on the purpose of the consultation and the process involved in establishing a new SAR.
- Hard Copy Survey (with the option to complete the survey online) to determine the level of support from households.

To validate details, ratepayers were supplied with a unique property number within their consultation package and were requested to quote the number on their survey forms. The owners of multiple properties within Burns Beach were only required to complete one survey form that was applied across all the properties they own.

Consultation Results

Hard-copy surveys were sent to all 1,251 ratepayers within the suburb of Burns Beach. The City collected a total of 481 responses throughout the advertised consultation period of which 469 were deemed valid.

Out of the 469 valid responses, 6 responses received were multiple property owners within Burns Beach, equating to 27 households. Taking into account the respondents who own multiple properties and the response from PEET Ltd (representing 63 properties), a total of 522 households responded to the consultation survey. The total response rate for the consultation was calculated at 44.1%.

The full results of the community consultation are provided at Attachment 2 to this Report.

Implications of the City's SAR policy

From a consultation perspective, the City's *SAR Policy* states that *'it is solely at the Council's discretion as to whether or not it will agree to impose a Specified Area Rate, however, the Council will not consider agreeing to a proposal unless the survey results show support by not less than 75% of all property owners surveyed.'* Under the current policy, the response rate for the *Request for Specified Area Rating — Burns Beach* survey of 44.12% falls below the policy requirements.

Notwithstanding, the result is one of the City's highest consultation response rates achieved in recent years. Furthermore, a sample size of 522 households from 1,251 responses equates to a confidence rating of 99.8% (i.e. if 100% of Burns Beach ratepayers responded to the survey, there is a 99.8% chance that the same results would be achieved with 4.92% margin of error). As such, the response rate achieved through the survey is considered statistically reliable.

Demographics

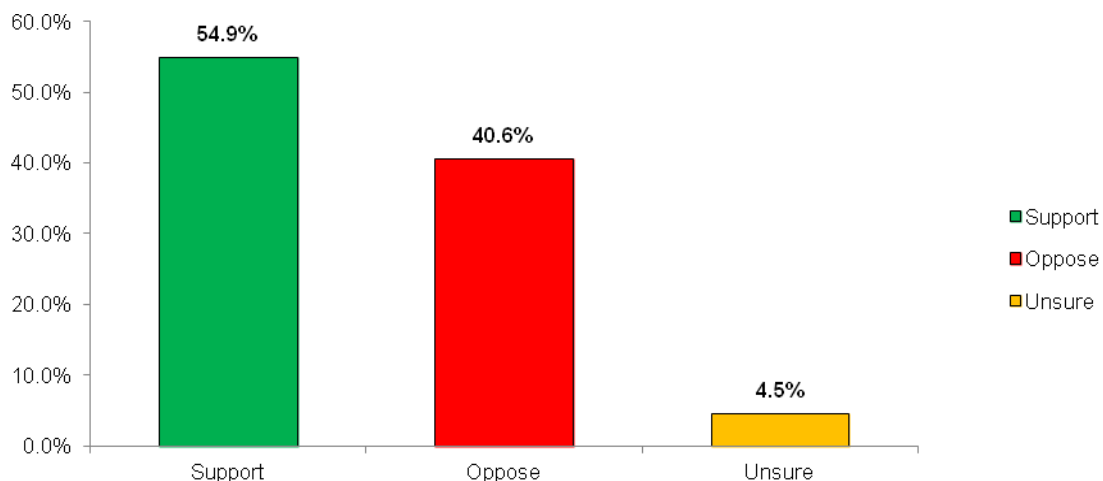
Of the 469 valid responses, only two respondents indicated they did not currently own property in Burns Beach. Those respondents who did not own property in Burns Beach were excluded from the remainder of the consultation analysis. As such, a total of 467 remained valid. The majority of respondents were aged 35–44 (31.8%), 45–54 (27.5%) and 55–64 (19.0%).

Support for the SAR

The initial results of the survey indicated that 49.9% of respondents supported the introduction of a SAR, while 45.0% of respondents opposed the proposal and 5.1% indicated they were unsure.

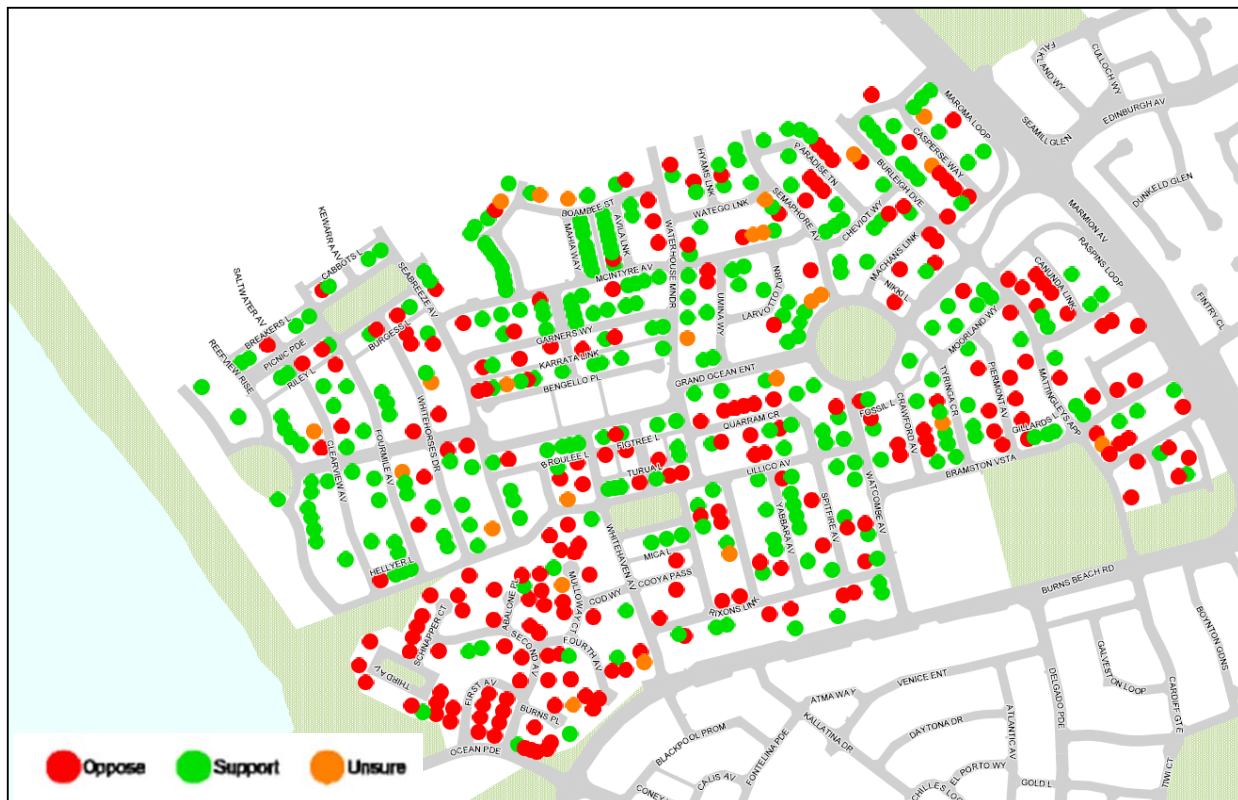
When the data was merged with the multiple property owners (including the 63 properties owned by PEET Ltd), the results indicated that 54.9% of households supported the SAR, 40.6% of households opposed and 4.5% were unsure, as shown in Chart 1.

Chart 1: Summary of households that indicated their level of support for introducing a Specified Area Rating in Burns Beach (inclusive of Multiple Property Owners).



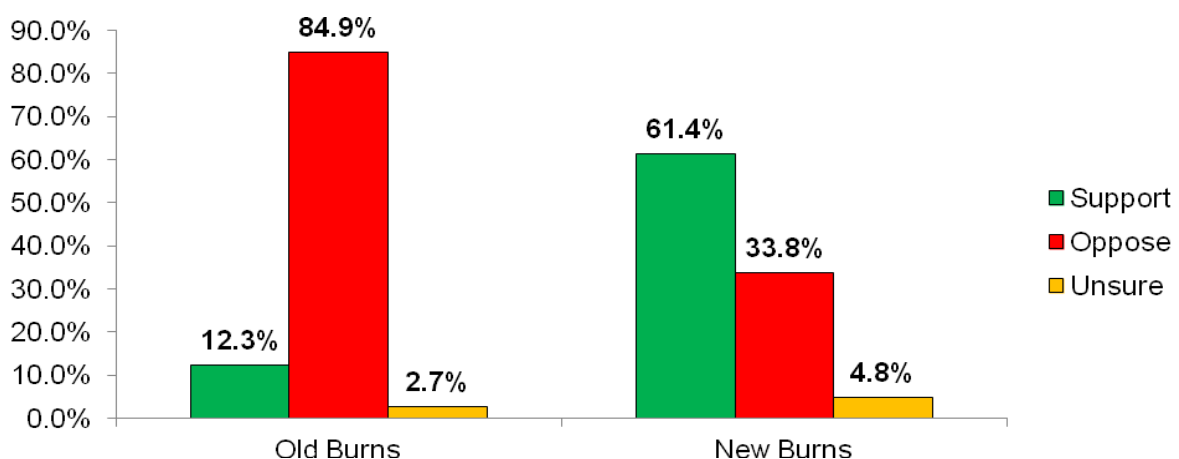
A visual representation of the results can be shown in Figure 1 below (it should be noted that in order to protect the confidentiality of respondents, locations have been randomised; the map below represents approximate locations only). This figure shows a clear opposition of the SAR in the area of "Old Burns Beach". Furthermore, it illustrates a relatively even spread of opposition across the "New Burns Beach" area, making it difficult to draw a sufficient or appropriate boundary from which a SAR could be established.

Figure 1: Visual Representation of households (inclusive of Multiple Property Owners) that indicated their level of support for introducing a Specified Area Rating in Burns Beach.



(Note: 1 dot = 1 household responding to the survey. In order to protect the confidentiality of respondents, locations have been randomised; the map below represents approximate locations only.)

Further analysis by level of support by location was also conducted. These results indicate that 84.9% of households within “Old Burns Beach” oppose the introduction of the SAR, whilst 12.3% of households support the proposal. With regard to “New Burns Beach”, 61.4% of households support the introduction of the SAR, whilst 33.8% are opposed, shown in Chart 2.



The full analysis of results can be viewed at Attachment 2 to this Report.

Maximum amount ratepayers would be willing to pay

The initial results of the survey indicated that 30.6% of respondents would not be supportive of any amount, 17.3% would be willing to pay a maximum of \$150 – \$200 per year and 15.0% would be willing to pay a maximum of \$100 – \$150.

When the data was merged with the multiple property owners, the results indicated that 27.7% of households would not be supportive of any amount. However, 20.7% of households would be willing to pay a maximum of \$200 – \$250 per year. (Note: This increase is attributed to the addition of 63 properties from PEET Ltd at this suggested rate). In addition, 15.0% would be willing to pay a maximum of \$150 – \$200 and 13.4% would be willing to pay a maximum of \$100 – \$150.

It should also be noted that the most cited reason for opposing the introduction of a SAR within Burns Beach was an unwillingness to pay additional costs for landscaping services. Other highly cited reasons were: issues of household affordability, rates being considered too high within the suburb and a presumption that landscaping costs should be covered through the existing rates.

The full analysis of results is provided at Attachment 2 to this report.

Summary

The results of the survey indicate the following:

- The survey's response rate of 44.1% falls below the policy requirements.
- When the data was merged with the multiple property owners (including the 63 properties owned by PEET Ltd), there were still 40.6% of respondents that did not support the SAR.
- When households were separated into "New Burns Beach", there were still 33.8% of respondents that did not support the SAR.

Issues and options considered

Council may choose to:

- decline the request to implement a SAR within the suburb of Burns Beach
- approve the implementation of a SAR for the entire suburb of Burns Beach
- approve the implementation of a SAR within the PEET Ltd development area of Burns Beach ("New Burns Beach")
or
- approve the implementation of a SAR in any other area of Burns Beach not previously stated that contains at least 100 properties and is defined by clear and discernible geographical boundaries.

The City recommends that Council supports option one, based on the level of opposition to the proposal; the consultation results falling significantly below the requirements of the City's *SAR Policy*; and the inability to define any clear or appropriate boundaries within the suburb of Burns Beach from which to implement a SAR, despite the presence of high levels of support within smaller pockets of the suburb.

Legislation / Strategic Community Plan / policy implications

Legislation Section 6.37 of the *Local Government Act 1995*.

Strategic Community Plan

Key theme Quality Urban Environment.
Financial Sustainability.

Objective Quality open spaces.
Effective management.

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

Balance service levels for assets against long-term funding capacity.

Policy *Specified Area Rating Policy*.

Risk management considerations

The risks associated with either supporting or not supporting the introduction of the SAR are as follows:

Risks in supporting the introduction of a SAR:

- The consultation results demonstrated a high level of opposition to the proposal, with support falling well below the requirements of the City's *SAR Policy*. Approving the introduction of a SAR may draw criticism from the community if Council chooses not to follow the parameters for support set within the policy.
- Many respondents indicated an opposition to paying additional rates and the introduction of a SAR may be perceived as failing to acknowledge a valid concern for household affordability highlighted through the consultation.
- Property owners that purchased land or dwellings within the area, prior to the introduction of a SAR may argue that their decision to purchase would not have gone ahead if prior knowledge of a SAR was known.

Risks in not supporting the introduction of a SAR (in alignment with the City's recommendation):

- Despite falling below the level of support required within the City's *SAR Policy*, the results of the consultation were still statistically valid with a majority of support demonstrated in most locations (other than "Old Burns Beach").
- The City is yet to take over the maintenance for Burns Beach from PEET Ltd. When this occurs, the City will have a better understanding of the levels of service provided by PEET Ltd and the risk of potential service level changes.

Given the issues of household affordability highlighted through the consultation process and the requirements of the City's *SAR Policy*, the risks associated with supporting the introduction of a SAR are considered to have greater implications on the broader Burns Beach community than to decline the request.

Financial / budget implications

The purpose of a SAR is to receive contributions from households to pay for the cost of additional services within a specified area. The total value of all services within a SAR area is a product of two components:

- The City's base service level contribution for public open spaces.
- The ratepayers' extra contribution for additional services (SAR).

Additional services are determined on a case-by-case basis through the negotiation of annual service reviews.

In general SARs are affected by the following factors:

- The Gross Rental Value of individual households.
- The number of households subject to the SAR (i.e. the more households subject to SAR the greater spread of the costs amongst households).
- The total value of all additional services negotiated.

The amount charged to the household will be dependent on individual households' Gross Rental Values.

Should a SAR not be implemented, standard service levels would be provided by the City from municipal funds (standard rates).

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

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

The results of the community consultation that was undertaken from 4 August to 2 September 2014 have been provided in the details section of this Report.

The full analysis of results can be viewed in Attachment 2.

COMMENT

The consultation process has highlighted mixed support for the implementation of a SAR among Burns Beach ratepayers. While the preference for introducing a SAR would be most conveniently timed during the handover process of landscaping responsibilities from PEET Ltd. to the City, general support for a SAR is unable to be demonstrated by ratepayers at this point in time.

This may be attributed to a multitude of factors such as the continued development occurring within the suburb; high property values that affect annual rates and general household affordability; and the presence of distinctly separate development areas within the suburb, (namely Old and New Burns Beach) with clear differences in existing landscaping designs applied at each location.

Notwithstanding the factors affecting ratepayers' decision to support or oppose the introduction of a SAR, establishing a SAR within a developed/developing suburb will always prove difficult. This is due to a greater propensity for existing property owners to oppose the proposal, as the payment of additional rates would not have been advised at the time of purchasing their property. As such, the City's *SAR Policy* appropriately requires a high level of demonstrated support to account for the additional financial burden that may be imposed on ratepayers subject to the SAR.

While the target for support was not met through the consultation at this point in time, there is the opportunity for further requests for a SAR to be received and considered by the City in the future, as the suburb continues to develop and expectations for levels of landscaping services are better understood across the suburb.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 NOTES the results of the Burns Beach Specified Area Rating consultation process, as detailed in Attachment 2 to this Report;**
- 2 DECLINES the request submitted by the Burns Beach Residents Association to implement a Specified Area Rating within the suburb of Burns Beach due to the significant difference in the results achieved through the consultation process and the requirements of the City's *Specified Area Rating Policy*;**
- 3 ADVISES the Burns Beach Residents Association of the outcome of the decision-making process.**

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf141014.pdf](#)

ITEM 23 COASTAL FORESHORE MANAGEMENT PLAN 2014-2024 RESULTS OF COMMUNITY CONSULTATION

WARD	All
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	04048, 101515
ATTACHMENTS	<p>Attachment 1 Coastal Foreshore Management Plan 2014-2024</p> <p>Attachment 2 Community Consultation Summary</p> <p>Attachment 3 Analysis of draft Coastal Management Plan 2014-2024 Community Consultation Comments</p> <p>(Please Note: Attachment 1 is only available electronically).</p>
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to endorse the *Coastal Foreshore Management Plan 2014 – 2024* following community consultation.

EXECUTIVE SUMMARY

The City is responsible for the management of a diverse number of natural areas and undertakes conservation activities to enhance and protect the biodiversity values within these areas in order to reduce the impact of environmental threats.

Environmental threats have the potential to degrade natural areas and reduce biodiversity values. Environmental threats include weeds, plant diseases, fire, non-native fauna species, human impacts, access and infrastructure. In order to provide strategic ongoing management of the City's natural areas and protect native vegetation and ecosystems, Natural Area Management Plans are being developed.

The *Coastal Foreshore Management Plan 2014 - 2024* (the plan) (Attachment 1 refers), has been developed to provide direction for the ongoing management of the City's coastal natural areas over the next ten years. The plan describes the potential environmental impacts, risks and threats that are likely to affect the biodiversity values of the area. It proposes management strategies to be implemented over the life of the plan in order to minimise potential impacts.

The plan is intended as an overarching plan for the City's coastal natural areas. Individual plans for discreet sections of the foreshore are being developed. These plans will contain more detail, and are specifically designed to be used by friends groups, contractors and the City's natural areas officers.

At its meeting held on 20 May 2014 (CJ078-05/14 refers), Council endorsed the release of the plan for community consultation in accordance with the *Community Consultation Plan*.

It is therefore recommended that Council ENDORSES the Coastal Foreshore Management Plan 2014 - 2024 as forming Attachment 1 to this Report.

BACKGROUND

The City is developing Natural Areas Management Plans according to the individual priority ranking of the reserve as established as part of the City's participation in the Perth Biodiversity Project. Management plans are being developed for the majority of the City's natural areas and will vary depending on whether the area is classified as:

- major conservation or coastal area
- high priority areas
- medium priority area
- generic wetlands area.

The plan has been developed to provide ongoing strategic management of the coastal natural areas managed by the City and to protect native vegetation and ecosystems for a period of ten years.

Plan Objectives

The City manages approximately 206 hectares of bushland within coastal foreshore reserves. The reserves extend from Burns Beach in the north to the suburb of Marmion, which forms the southern boundary. The coastal foreshore reserve varies in width between the coast and the major roads running parallel to the coast.

The objectives of the plan are as follows:

- Outline the current physical and management context of the coastal foreshore reserve within the City of Joondalup.
- Identify areas within the coastal foreshore reserve that are considered to have the highest conservation values, giving consideration to natural features including landform, flora and fauna, along with cultural values.
- Outline management issues apparent at various locations of the reserve, and suggest management strategies to manage those in the short and medium term.
- Identify current best practice management practices that can be implemented by the City.

The plan is designed to provide overarching management direction for natural areas found in the foreshore reserve. Individual plans are being developed for discrete sections of the coast. These individual plans will contain detailed mapping, and more concise information of flora and fauna information.

At its meeting held on 20 May 2014 (CJ078-05/14 refers), Council endorsed the release of the plan for community consultation in accordance with the Community Consultation Plan. The plan was released for public consultation for a period of 21 days, commencing Monday 27 June 2014.

DETAILS

The City consulted the general community with the City of Joondalup along with the following stakeholders:

- Representatives from friends groups including the City of Joondalup Coastal Friends Groups and the Joondalup Community Coast Care Forum.
- Representatives from the Department of Parks and Wildlife, Department of Planning (Bush Forever), Department of Fire and Emergency Services and the Marmion Angling and Aquatic Club.
- Local parliamentarians.
- Representatives from City of Joondalup's Community Engagement Network.

The consultation was advertised to the general public via the City's website, which outlined the details of the consultation and the draft document. All stakeholders received personalised hard-copy letters directing them to the City's website. The general public and stakeholders wishing to comment were encouraged to complete a survey form online via the City's website.

Feedback received indicates that the community is supportive of the strategic direction of the ongoing environmental management of natural areas managed by the City on the coastal foreshore. Eleven responses were received from community members and stakeholders. A summary of these responses is provided in Attachment 2. A more detailed breakdown detailing amendments made to the plan (following consultation) is provided in Attachment 3 to this Report.

As a result of the community consultation, two amendments were made to the plan. One of these changes is shown in Table 15: Performance Objectives, Standards and Criteria under the Management Category Access. The change allows the City to formalise informal dunal pedestrian tracks as appropriate.

The second amendment is found under the heading Biodiversity Conservation, 5.4.5 Management Strategies. This change recognises the existence of the *Cat Act 2011* and the City's cat trapping activities under the provisions of the Act.

Issues and options considered:

Council can either:

- adopt the plan
or
- not adopt the plan.

Legislation/Strategic Community Plan/Policy Implications:

Legislation: Not applicable.

Strategic Community Plan:

Key Theme: The Natural Environment.

Objective: Community involvement.

Strategic initiative To build a community that takes ownership of its natural assets and supports their ongoing preservation and conservation.

Policy The development of *Natural Area Management Plans* is listed as an action within the City's *Biodiversity Action Plan 2009 - 2019*.

Risk Management Considerations:

The plan includes a number of management actions to protect the biodiversity values of the natural areas within the foreshore reserve. If the plan is not endorsed there are risks associated with the protection of the native vegetation and ecosystems.

Financial/Budget Implications:

A number of the actions proposed are existing actions being implemented by the City or are expansions of processes and programs already in place. Consequently there is a limited additional financial implication for the City.

All actions included in the plan will collectively lead to protection and enhancement of the biodiversity values of the coastal natural areas while maintaining appropriate community access and awareness of the area.

Financial implications will be managed through the City's Operation Services annual budget approval process. Implementation of initiatives within the plan will be subject to this process and planned for accordingly.

Regional Significance:

Not applicable.

Sustainability Implications:

Environmental threats have the potential to degrade natural areas and reduce biodiversity values. The implementation of the plan will ensure that measures are taken to address threats within this natural area and provide strategies for ongoing long term management which will result in protection of City's coastal natural environment.

The plan includes actions that target community education and awareness to ensure that the community is well-informed on environmental issues. The actions proposed will enhance the City's natural assets while contributing to sustainable environmental management.

Consultation:

The plan was available for public comment from the 27 June 2014, for a period 21 days. Eleven responses were received from community members and stakeholders (Attachment 2 refers).

Comments provided from community members and stakeholders were supportive of the proposed management actions and suggest that further initiatives would be strongly supported. However, some respondents also noted that information contained within some of the maps could be updated. The processes associated with the development of natural areas management plans can take some time. The process between the initial botanic ground assessments and mapping, and the production of the final draft can lead to vegetation changes within the natural area. In relation to the overarching plan this is not crucial, as individual management plans for sections of the coast will be developed.

A summary of the feedback received as part of this process is provided in Attachment 2.

COMMENT

The plan informs and prioritises maintenance schedules and Capital Works Programs by providing prioritised management recommendations to be implemented. The plan increases opportunities for the City to apply for grant funding by having a management plan in place.

The implementation of the plan will allow the City to demonstrate leadership in addressing environmental threats, providing strategic ongoing management of natural areas and create community awareness regarding the need to protect the biodiversity values of the environment for the future.

The plan will be continually monitored to track the progress of implementation and an annual review will be undertaken. A major review will be conducted at the end of the ten year period.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ENDORSES the *Coastal Foreshore Management Plan 2014 - 2024* as forming Attachment 1 to this Report.

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf141014.pdf](#)

[Coastal Foreshore 141014.pdf](#)

REPORTS – CAPITAL WORKS COMMITTEE – 7 OCTOBER 2014

ITEM 24 LANE 5 SORRENTO - CONSTRUCTION OF LANEWAY BETWEEN CLONTARF STREET AND LANE 1

WARD	South-West	
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services	
FILE NUMBER	77530	
ATTACHMENT	Attachment 1	Preliminary Concept - Lane 5 extension
	Attachment 2	Preliminary Concept - long section
	Attachment 3	Preliminary Concept - land requirements
AUTHORITY / DISCRETION	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.	

PURPOSE

For Council to note the potential benefits, costs and technical constraints required to construct the opening of Lane 5 in Sorrento, between the existing built Lane 1 and Clontarf Street and to consider whether or not to instigate a Capital Works Project to open up Lane 5, Sorrento.

EXECUTIVE SUMMARY

The City has received requests via Elected Members and budget discussions to open up Lane 5, Sorrento to improve access for vehicles. This report outlines the costs to construct a portion of Lane 5 Sorrento, between Lane 1 and Clontarf Street and considers the relevant technical constraints that affect construction and overall cost for the project.

It is therefore recommended that Council:

- 1 *NOTES the potential benefits, estimated costs and technical constraints required to construct Lane 5, Sorrento between the existing built Lane 1 and Clontarf Street as detailed in this Report;*
- 2 *DOES NOT SUPPORT listing for consideration a project to open Lane 5, Sorrento in the current Five Year Capital Works Program due to the high cost and limited benefit of the project;*
- 3 *SUPPORTS the retention of the Lane 5 at 100, 102 and 104B West Coast Drive, Sorrento in public ownership to allow for future changes to the laneway;*
- 4 *PLACES a note on the property file noting the need for a truncation at the intersection of Lane 1 and Lane 5, Sorrento to allow turning movements for waste and service vehicles to be requested if and when lot 402 Clontarf Street is subdivided.*

BACKGROUND

Vehicular access to Lane 1 and Lane 5 is currently only available from Cliff Street as the section through to Clontarf Street was never constructed. Residents that use the lane can gain access from one end only. Waste collection services are carried out by the rubbish truck driving into the lane, emptying bins, then reversing all the way back up the laneway. The truck then reverses down the laneway, and drives out in a forward gear picking up bins from the opposite side of the laneway.

Lane 1 and Lane 5, Sorrento provides rear access to a total of 37 lots (Attachment 1 refers). Eighteen lots are constructed with access both to the rear laneway and the fronting road. Four lots are vacant with three lots likely to construct vehicular access to the lane. One lot will construct access to Clontarf Street.

Thirteen lots have built their property with sole vehicular access via the laneway and do not have vehicular access via the fronting road. Steep slopes and rock encountered in the area creates severe site constraints making the construction of vehicular access to the fronting road difficult and expensive.

Of the 37 lots, 33 have constructed vehicular access to the laneway and up to three vacant lots are expected to construct access to the laneway for a total of around 36 lots with rear lane access.

In order to assess the feasibility of construction of the unconstructed section of Lane 5, a detailed survey was undertaken to establish if it would be possible to construct a laneway at the appropriate grade to tie into Clontarf Street. Attachment 2 details a preliminary section of the proposed laneway and the extent of earthworks that would be required. The investigation found a number of constraints that would make construction difficult and therefore expensive, including:

- the existing sewerage system
- the existing drainage system
- extensive soil to be removed
- the need for permanent retaining walls
- the potential for variable ground conditions including rock and loose sand.

While these constraints would make the construction process more difficult and costly, the preliminary investigation did not identify any issues that would prohibit construction.

At its meeting held on 30 September 2008 (CJ214-09/08 refers), Council considered a request by the owners of lots 100, 102 and 104B (West Coast Drive) to close a portion of the rear laneway, with the intent to purchase and amalgamate the laneway within their property and then construct a private road through to Clontarf Street. It was resolved that Council:

- “1 *RETAINS the laneway at 100, 102 and 104B West Coast Drive, Sorrento in public ownership, so as to facilitate easier access to the laneway system in the longer term;*
- 2 *NOTES that the laneway could notionally be a key element in the future development of land in the area;*
- 3 *ADVISES the submitters that it is intended to consider a Housing Strategy and revised District Planning Scheme in the near future and that submissions will be invited from landowners about the potential and desired future of the area;*
- 4 *NOTES that appropriate signage will be reintroduced in the laneway to reaffirm that it does not have through access and that parking is not permitted in the lane.”*

The properties adjoining the laneway are located within Housing Opportunity Area 3 and are proposed as part of the *Local Housing Strategy* (LHS) to increase in density from R20 to R20/R25. At the proposed higher density, an average of 350m² and minimum of 300m² per dwelling will apply. At this higher density 31 of the properties will have the potential to subdivide/develop an additional dwelling and one property will have the potential to subdivide/develop an additional two dwellings for a total potential addition of 33 new lots.

To implement the recommendations of the LHS the City is currently in the process of preparing a Scheme Amendment. As part of this amendment a number of design provisions are proposed for dual coded areas including the requirement that where a lot abuts a laneway it shall be required to take its vehicular access from the laneway, with the exception of existing dwellings that are being retained. By requiring vehicle access from laneways the City is hoping to achieve better design outcomes through reducing the number of crossovers to the primary street and therefore encouraging improved landscaping of these streets.

Should the LHS and Scheme Amendment be implemented as currently proposed, there is the potential for lots to be developed for the addition of a maximum of 33 additional dwellings. Depending on subdivision design this could result in the probable addition of 5 to 10 dwellings with laneway access. In theory, a total of up to 33 additional dwellings with vehicle access from the laneway could be built, but this is highly unlikely due to the narrow north-south orientation of lots.

The City's *District Planning Scheme No. 2* (DPS2) does not have provision for the City to collect developer contributions towards infrastructure upgrades. As such, the City would need to fund the construction works via the *Capital Works Program* or would be required to undertake a scheme amendment to include developer contribution provision and require relevant contributions for the upgrade of Lane 5. Developer contribution schemes are complex, costly and involve lengthy approval processes from the state government. It is anticipated that it would take approximately two years for such a developer contribution arrangement to be put in place. In addition, the City would be required to employ an officer or contractor to develop the scheme amendment and would also be required to employ resources to manage the scheme. All of these costs can be covered through the developer contribution scheme itself.

DETAILS

A survey of the site and proof of design levels was undertaken to determine if appropriate grades could be achieved in the laneway. The design long section (Attachment 2 refers) shows a laneway grade of approximately 13% and that the connecting laneway can be constructed through to Clontarf Street, with approximately 25 metres of retaining on both sides of the laneway with retained heights up to two and a half metres. Approximately 450m³ of soil (sand and rock) would need to be removed from the site.

An existing sewer line located within the laneway construction zone would require concrete encasement and specialised construction techniques (subject to Water Corporation requirements) to protect it from potential damage during construction. A more likely outcome would be the replacement of the sewer line onto a central alignment due to Water Corporation construction requirements. The existing drainage system would also require modification and upgrading during the works.

Two methods of construction are considered to have merit depending on the underlying geotechnical conditions:

Option 1 (where ground conditions are predominantly sandy)

This option proposes the use of sheet piling to retain the loose soil during construction, excavation and removal of excess soil, construction of retaining walls and construction of the laneway pavement and drainage.

Option 2 (where rock is found)

This option proposes the use of open excavation, removal of excess soil, construction of retaining walls and construction of the laneway pavement and drainage.

Specific ground conditions are unknown; however, the eastern side of the laneway has an existing sewer main, with presumed loose fill used to backfill the sewer trench. This eastern side may therefore, have easier digging conditions and have the potential to use temporary steel sheet piling to retain the loose soil during the construction of a permanent retaining wall. Due to the harsh ocean conditions, steel sheet piling would be expected to rust and could not be used as a permanent retainer. Space constraints would require a reinforced two leaf structure to be constructed and poured in situ, or alternatively, a precast reinforced concrete wall. The face of the retaining structures (maximum two and a half metres high) would be approximately one metre from property boundaries, thus limiting the paved lane width to a single three and a half metre wide carriageway suitable for single vehicular traffic.

The western side of the laneway has greater potential for cap rock or rock outcrops making sheet piling or temporary retaining potentially problematic. Rock where found may need to be removed but there is a risk that it may expose nearby properties to vibration damage during construction. If a lane opening project is approved for construction, further geotechnical investigations would be required to fully investigate ground conditions and establish the extent or otherwise of rock or fill materials to allow full design and construction planning to both minimise risk to adjoining properties, allow efficient construction and thus minimise project costs.

Notwithstanding the above, a preliminary design estimate has been prepared based on the following assumptions:

- Rock likely to be found on site, with loose material over old drainage and sewer trenches.
- Either reinforced block wall (two leaf) or pre cast reinforced panels to approximately two and a half metres high.
- Removal of 450m³ material off site.
- Relocation of gas and Telstra services is not required.
- Protection of the existing shallow 150mm diameter PVC sewer is required, typically by concrete encasement and subject to Water Corporation approval. Alternatively, relocation of the sewer to a central alignment may provide an improved outcome for construction and sustainability.
- Reconstruction of the existing drainage system in the lower section of the laneway.
- Construction of laneway.

The preliminary cost estimate for the project is \$550,000 with a likely cost variation of $\pm 20\%$ subject to detailed design and review of ground conditions and construction techniques.

Issues and options considered

While the laneway reserve width is six metres wide, the proposed constructed laneway width will allow for single vehicle movements only due to the space taken by the retaining walls and offset required to the boundary. The laneway can be widened via compulsory acquisition (Attachment 3 refers), but would require the City to purchase additional land at market rates, adding cost to the overall project. In addition, compulsory acquisition would take approximately two years to process and would introduce additional complexity, cost, consultation and time to the project.

The corner of the laneway at the junction of Lane 1 and Lane 5 has no truncation making turning movements difficult, especially for waste vehicles or other service vehicles. A truncation can be sought via either compulsory acquisition or can be requested should the adjoining lot subdivide.

Options

Option A - no action (leave Lane 5 in its current configuration)

Advantages:

- No cost

Disadvantages:

- Continued development of housing in the area will add vehicle and pedestrian traffic in the laneway with a probable increase in local traffic and parking issues.
- Public pressure for the lane to be opened would be likely to remain or to increase in time.
- Weekly waste collection services would continue to be undertaken in the current manner.
- Service and delivery vehicles impeded by poor access.

Option B - Construct Lane 5 through to Clontarf Street (single lane width)

Advantages:

- Improved access amenity for existing residents.
- Improved amenity for properties to be subdivided in the future.
- Increased subdivision potential by the provision of improved property access.
- Improved waste collection serviceability, allowing the waste truck to move in a forward gear without having to reverse up or down the laneway. Note that a corner truncation would be desirable to further improve truck movements.
- Improved access for service and delivery vehicles.
- No land resumption required.

Disadvantages:

- High cost of construction works.

Option C - Construct Lane 5 through to Clontarf Street (two way flow)**Advantages:**

- Improved access amenity for existing residents including two way flow.
- Improved amenity for properties to be subdivided in the future.
- Increased subdivision potential by the provision of improved property access.
- Improved waste collection serviceability, allowing the waste truck to move in a forward gear without having to reverse up or down the laneway. Note that a corner truncation would be desirable to further improve truck movements.
- Improved access for service and delivery vehicles.

Disadvantages:

- High cost of construction works.
- Land resumption to allow for two way flow would add complexity, cost and time to the overall project as well as require additional consultation.

Regardless of the option adopted, there is a need to seek a corner truncation to allow service vehicles at the junction of Lane 1 and Lane 5. While compulsory acquisition is possible, it is considered prudent to note the requirements and seek a truncation if and when the adjoining lot is subdivided.

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

Planning and Development Act 2005.
Town Planning Regulations 1967.
City of Joondalup District Planning Scheme No. 2.

Strategic Community Plan**Key theme**

Quality Urban Environment.

Objective

Quality built outcomes.

Strategic initiative

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

Policy

City of Joondalup Local Housing Strategy.

Risk management considerations**Construction Risks**

There is a risk of vibration damage to properties in close proximity to the site derived from construction activity particularly where rock is found. Vibration monitoring and pre-works dilapidation reports may be employed to reduce risk of property damage.

Waste Management Risks

Collection of waste is undertaken with an elevated level of risk to public safety and property damage due to the waste truck reversing the full length of the laneway twice each week to pick up bins on either side of the laneway. Additional truck movements are required every fortnight for the recycling collection. Construction of the laneway through to Clontarf Street would allow improved waste collection, deliveries and all other traffic movement to create a safer road environment.

Community Support

Local community support for the project is expected to vary widely. Much of the support or otherwise may be linked to potential value either added or removed from residual property values derived primarily from potential subdivision or development factors. Community consultation would be required to ascertain support or otherwise for the project.

Financial/budget implications

Preliminary estimates indicate that the order of costs for removal of excess soil, temporary piling, and construction of retaining walls, relocation of services, construction of laneway, kerbing, drainage and connection to Clontarf Street are in the order of \$550,000 ± 20%.

Three options for funding the project are:

Option 1: Funding via the *Capital Works Program*

The project is not currently listed in the City's *Five Year Capital Works Program* and could be added to the program for consideration for future funding through the City's Annual Budget process. If listed, then the project would be considered for possible funding depending on the project merits compared with other projects, priorities and available budget. This option is based on full funding by the City.

If this option is supported, consultation with local residents would be required to establish local support or otherwise for the project to assist in making an assessment of the merits of the project and prioritisation within the *Capital Works Program*.

Option 2: Developer Contribution Scheme

Under this funding model, beneficiaries of the project pay for the works by a subdivision/development contribution scheme. Properties that are deemed to gain benefit from the project, (total of 37 lots that gain access to either Lane 1 or Lane 5) would pay a contribution when they subdivide. If all properties were to subdivide and contribute the same amount each, then the order of costs is \$14,864 per lot to construct the laneway.

Alternative funding options could be considered whereby each lot pays a base amount, and a sliding scale applies on a principle where lots closer to Clontarf Street that receives a higher improvement value pay extra. Conversely, lots closer to Cliff Street receive less benefit and would pay less. The order of contribution might then vary per lot between \$2,000 to \$5,000 minimum, up to approximately \$25,000 to \$30,000 depending on the adopted scale parameters. As the fee is only paid on subdivision of the property, there is a risk that such a scheme would slow or discourage development in the area and that contributions received would be either delayed or not eventuate.

Only new dwellings and lots that propose to gain access from the lane could be charged. It is possible that up to 67 new dwellings or lots will eventually gain access from this portion of Lane 5. However, only the additional dwellings gaining access from the laneway could be required to contribute to developer contributions, meaning a maximum of 33 new lots or dwellings could be required to contribute. This equates to a contribution of \$16,667 per new lot/dwelling accessing the laneway. In all probability, over the next 10 years, only a fraction of the lots will subdivide, resulting in a significant shortfall in contributions.

The City does not have a contribution scheme at the moment, and there would be considerable cost and time required to develop and implement such a scheme. The cost of developing and then implementing the development contribution scheme has been estimated to be in the order of several hundred thousand dollars and take up to two years to establish.

It should be noted that there is an inherent risk with developer contribution schemes, in that it is probable that some lots will not be developed or subdivided and as a result the City will be left to absorb a significant percentage of the overall contribution requirement where the works are pre-funded by the City and contributions sought from a subdivision contribution scheme.

Option 3: Specified Area Rates Scheme

Under section 6.37 of the *Local Government Act 1995*, a Specified Area Rate (SAR) could be considered and applied to rateable land for the purpose of meeting the cost of provision of the project.

Based on a construction cost of \$550,000, 37 existing rateable properties and a recovery time frame of 10 years, each lot would on average pay in the order of \$1,486 per year for a period of 10 years.

Various repayment scenarios could be considered if this option was considered to be appropriate for this type of project.

Current financial year impact

Not applicable.

Future financial year impact

Annual operating cost	This will vary depending on the funding option and any additional staff required to manage the scheme. Maintenance of the additional laneway pavement is offset by savings to the waste collection service.
Estimated annual income	None. Any income received to be applied in offsetting construction and management costs.
Capital replacement	Section of laneway to be added to the road resurfacing program. Retaining structures design life 100 years.
20 Year Strategic Financial Plan impact	There will be an impact which will vary depending on the funding option. Option 1 will have the most significant impact as this is completely unfunded.

Impact year Not applicable.

Regional significance

Not applicable.

Sustainability implications

Social

The project would improve the amenity of properties in the area by the provision of more convenient property access. The project would additionally improve the operation of waste collection and other services and reduce safety risks associated with reversing truck movements.

Economic

There are two key factors relating to the proposed laneway upgrade that works to both encourage and discourage local housing development. These factors are:

- 1 The laneway upgrade would improve local amenity and could stimulate or increase the likelihood of subdivision and development of existing lots due to the improved access for all vehicles.
- 2 The cost of constructing the upgrade could act to discourage development where the costs are wholly or partly absorbed by local residents through a developer contribution scheme or a SAR. Where the works are constructed under the *Capital Works Program*, there would be no direct financial disincentive to local residents.

Consultation

A number of local residents have expressed support for the opening of the laneway in the past and various discussions have arisen subsequent to consultations undertaken in relation to some development applications. There are also residents that are likely to be opposed to the opening of the laneway, particularly if costs or a portion of costs are to be paid via a contribution scheme.

Notification or consultation with residents is considered necessary to either inform residents of the Council's decision or to seek support for proposed works and any funding options that may arise.

COMMENT

The final section of the laneway remains unconstructed primarily due to the difficult construction conditions and high cost of the proposed works. Preliminary investigations demonstrate that it is possible to complete the project and provide a single lane width laneway connecting to Clontarf Street. Further detailed investigation and design would refine both the construction techniques and enable a more accurate cost estimate to be determined. There would be costs incurred during the detailed design phase resulting from geotechnical investigations and testing and development of design including structural assessment.

Construction of the remaining section of Lane 5 would improve amenity in the area, by allowing access to the laneway from Clontarf Street. Site constraints including the need for retaining walls would only allow the construction of a single lane width to be constructed unless the laneway is widened via land resumption. Thus, if constructed as a single lane, the laneway could operate either as a one way laneway for its entire length, or alternatively, two way flow for the majority of the laneway and single vehicle flow between Clontarf Street and Lane 1.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for this report (as detailed below) was resolved by the Capital Works Committee at its meeting held on 7 October 2014.

The Committee recommendation is the same as recommended by City officers.

RECOMMENDATION

That Council:

- 1 **NOTES** the potential benefits, estimated costs and technical constraints required to construct Lane 5, Sorrento between the existing built Lane 1 and Clontarf Street as detailed in this Report;
- 2 **DOES NOT SUPPORT** listing for consideration a project to open Lane 5, Sorrento in the current *Five Year Capital Works Program*, due to the high cost and limited benefit of the project;
- 3 **SUPPORTS** the retention of the Lane 5 at 100, 102 and 104B West Coast Drive, Sorrento in public ownership to allow for future changes to the Laneway;
- 4 **PLACES** a note on the property file noting the need for a truncation at the intersection of lane 1 and lane 5 to allow turning movements for waste and service vehicles to be requested if and when lot 402 Clontarf Street is subdivided.

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf141014.pdf](#)

ITEM 25 PROPOSED STAIRWAY AT WHITFORDS NODES PARK, HILLARYS

WARD	South-West
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	02656
ATTACHMENT	Attachment 1 Whitfords Nodes Stairway Estimation Summary
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider costs and external funding options associated with the proposal made by the Harbour Rise Homeowners Association (HRHOA) to construct a stairway at Whitfords Nodes Park, Hillarys.

EXECUTIVE SUMMARY

The HRHOA has proposed that the City construct a stairway in Whitfords Nodes Park linking the turfed area of the park with the lookout on the high dune in the north-east of the park. The proposal for the stairway has the support of the Joondalup Community Coast Care Forum (JCCCF).

At its meeting held on 3 June 2014, a report on the proposal was considered by the Capital Works Committee and it subsequently requested a further report be provided to the committee. The report was to include information about possible external funding sources and more detailed project costings for the stairway project.

An estimate of \$392,500 has been received by the City outlining the cost of constructing the stairway at Whitfords Nodes utilising galvanised steel and wood-plastic composite decking (Attachment 1 refers). Grant funding may be available through Lotterywest to a maximum of one hundred thousand dollars (\$100,000).

It is therefore recommended that Council:

- 1 NOTES the cost estimates and grant funding opportunities for the construction of a stairway at Whitfords Nodes, as detailed in this Report;*
- 2 DOES NOT SUPPORT the proposal to construct a stairway to the northern lookout at Whitfords Nodes Park.*

BACKGROUND

At the Ratepayers Group Budget Breakfast held on 26 March 2012, the HRHOA presented a proposal to the City for the construction of a stairway to link the turfed area at Whitfords Nodes Park Hillarys with the summit of the dune lookout. This lookout is located at the north-east corner of the park. The proposal was described as ‘the Jacobs Ladder of the North’.

The City subsequently commissioned environmental consultants to undertake an ecological assessment of the proposal. The assessment considered the long term environmental impacts on the site if the project went ahead. It also considered the environmental clearances at both a state and federal government level that are required prior to the commencement of construction.

At the Capital Works Committee meeting held on 3 June 2014, the Committee considered a report on the proposal. At that meeting the officer’s recommendation was as follows:

“That the Capital Works Committee DOES NOT SUPPORT the proposal to construct a stairway to the northern lookout at Whitfords Nodes Park”.

The officer’s recommendation was based on foreseeable negative impacts to the environment if the stairway was constructed. The report had an attachment containing an ecological assessment of the proposed stairway project. The assessment was undertaken by a consultant that had experience in this field and had historically undertaken similar work for the City.

The committee subsequently requested that the Chief Executive Officer provide an additional report containing information on costs and possible external funding sources for the stairway project.

The Capital Works Committee carried the following Procedural Motion:

“That the item be REFERRED BACK to the Chief Executive Officer to allow a further report to be prepared on the assessment of costings and potential external funding sources for the construction of a stairway to the southern side of the current lookout location.”

DETAILS

Whitfords Nodes Park is a heavily utilised park, located directly north of Hillarys Marina. The park has a toilet block, play equipment and access via short pathways to Whitfords Beach.

Whitfords Nodes Park was constructed within dunal swales; coastal dunes are located west of the grassed parkland area, with a highly vegetated dune system located to the east. The large dune system on the eastern edge of the park contains a network of limestone pathways, linking the parkland with two high lookouts. The pathways were upgraded three years ago and are in sound condition. The proposal is to link the turf area with the northern lookout via a stairway that traverses the southern side of the high northern dune where the lookout is located.

The City has built similar stairs on a large dune formation in Craigie bushland in 2010. The Craigie stairs were constructed of dressed, treated pine. The cost of these stairs was \$219,600 excluding associated design and engineering costs. Construction materials to be considered at Whitfords Nodes would include galvanised steel and plastic. It is envisaged that, if the proposal to construct the stairway at Whitfords Nodes proceeds, the stairs would be constructed from a wood-plastic composite material forming the decking. The framework and piers would be constructed from galvanised steel. Both these materials are designed to accommodate the harsh environmental conditions found in this coastal location.

Officers have sought possible avenues of external grant funding for the stairway proposal. Investigations have revealed that, currently the only funding available for a project of this type is from the Lotterywest Trails Grants Program. A maximum of \$100,000 may be available through this grant stream.

Issues and options considered

Option 1 - seek to obtain necessary approvals, grant funding and construct stairway

- The construction of the stairway would produce an amenity for park users wanting to undertake a vigorous exercise regime, running or walking up and down the stairs.
- The stairs would also shorten the distance and the time taken to access the lookout and the expansive views from the summit.
- Apply for grant funding to fund part of the construction costs to build the stairway.
- The project will require approvals for land clearing within the *Environmental Protection Act 1986*. Given Whitfords Nodes is within a Bush Forever site, there is a general presumption against clearing.

Option 2 - do not construct the stairway

- There is currently a fit-for-purpose pathway in place to access the two lookouts within Whitfords Nodes Park.
- To undertake the project will require obtaining external funds, environmental approvals, engineering designs and site surveys. The ongoing maintenance costs of a stairway in an exposed coastal location can also be significant.

Legislation / Strategic Community Plan / policy implications

Legislation

*Metropolitan Region Scheme.
Amendment 1082/33 Bush Forever & Related Lands.
Environmental Protection Act 1986.*

Strategic Community Plan

Key theme

The Natural Environment.

Objective

Environmental resilience.

Strategic initiative

- Understand the local environmental context.
- Identify and respond to environmental risks and vulnerabilities.
- Demonstrate current best practice in environmental management for local water, waste, biodiversity and energy resources.

Policy

Sustainability Policy.

Risk management considerations

If the stairway is constructed, there are a number of ongoing risks to the structure. These include the following:

- Future damage to the structure from bush fire, as the structure would be built in thick bushland.
- The bushland clearing to construct the structure will leave the area vulnerable to prevailing winds that may erode the sand dunes unless extensive planting and rehabilitation is undertaken post construction.
- Vegetation removal can result in weed species occupying the voids created by the removal of native species.
- Maintenance costs on coastal structures tend to be considerable because of the exposed location, salt-laden winds, erosion and acts of vandalism.
- The stairway is not utilised because the existing pathways provide an alternative access route.

Financial / budget implications

The City has received a cost estimate to construct the stairway at a cost of \$392,500. No funds have been allocated in the *Five Year Capital Works Program* to fund the project.

Currently the only funding that is available for a project of this type is from the Lotterywest Trails Grants Program. Funding for the Large Grant round opens in February-March. The Large Grant round will fund projects costing between \$25,001 and \$100,000.

The grant categories include:

- trail planning
- trail construction
- upgrades to existing trails
- promotion and marketing.

The City would be required to contribute matching funds, that is a 'dollar-for-dollar' contribution. This matching component may be:

- financial (a direct dollar-for-dollar contribution)
- in-kind (no more than 25 % of the total project cost); for example:
 - loan of machinery
 - provision of appropriate material
 - skilled labour (industry rate)
 - non-skilled or voluntary labour (calculated at \$20 per hour).

Further advice would be required before determining whether the project fully meets the Lotterywest Trail Grant funding criteria, prior to the preparation of an application.

It is considered that the Lotterywest Trail Grant program would be the only available avenue to obtain funding. This would be to a maximum of \$100,000.

Current financial year impact

Not applicable.

Future financial year impact

Annual operating cost	Maintenance costs would be approximately \$3,000 per annum. This is assuming that the stairs are not damaged by acts of vandalism, fire or storm events.
Estimated annual income	Not applicable.
Capital replacement	The asset would require replacement after a period of approximately 20 years.
20 Year Strategic Financial Plan impact	The maintenance costs over a twenty-year period are estimated at \$60,000. The whole-of-life cost for the stairway is estimated at \$452,500.
Impact year	If the stairs were constructed in the 2015-16 financial year it is envisaged they would require replacement in 2035-36.

Regional significance

Not applicable.

Sustainability implicationsEnvironmental

If the City was given the relevant approvals to construct the stairway, it would entail the removal of native coastal vegetation. These actions could result in the following environmental impacts:

- Clearing vegetation for construction has the potential to produce serious dune blowouts, due to loose sand being exposed to prevailing winds.
- The clearing of vegetation and increased public pressure on the dune will provide for a greater opportunity for weeds to invade through seed distribution and reduction in the competitive pressures of native species.
- Additional fencing would be required to keep pedestrians on the pathway; this will result in more vegetation disturbance.
- The piles required to stabilise the dune could allow rain and erosive forces to undermine the dune structure.

Social

The ability for park users to access the dune system in the day will bring additional amenity value to the park. This could have implications after dark with the easier access making it a focal point for potential anti-social behaviours.

Economic

The construction of the stairway will have implications in terms of initial capital costs, plus annual maintenance replacement costs. These implications can become unsustainable if the area is subject to frequent acts of vandalism or arson.

Consultation

The proposal for the stairway was requested by the HRHOA. Following the initial proposal, internal discussions and review were held by JCCCF in relation to this proposal and it passed a resolution in its support. A representative from the City was present during these proceedings. No formal consultation process has been entered into by the City.

COMMENT

The proposal to construct the stairway is not recommended for the following reasons:

- The current access to the northern lookout is fit-for-purpose; duplication is not required.
- Environmental approvals may prove very costly to pursue, and necessary approvals are not assured.
- The destination for the stairway (the lookout) is so small, that sufficient amenity value will not be gained from the expenditure required to build the structure.
- There are potential adverse environmental impacts, both during construction and throughout the life of the stairway.
- External grant funding will only cover partial construction costs (if the City was successful with a grant application).

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for this report (as detailed below) was resolved by the Capital Works Committee at its meeting held on 7 October 2014.

The Committee recommendation is the same as recommended by City officers.

RECOMMENDATION

That Council:

- 1 NOTES the cost estimates and grant funding opportunities for the construction of a stairway at Whitfords Nodes, as detailed in this Report;**
- 2 DOES NOT SUPPORT the proposal to construct a stairway to the northern lookout at Whitfords Nodes Park.**

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19brf141014.pdf](#)

ITEM 26 2015-16 AND 2016-17 COMMUNITY FACILITY REFURBISHMENT PROJECTS

WARD	South-West; South-East	
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services	
FILE NUMBER	07174	
ATTACHMENT	Attachment 1	Aerial map of Kingsley Park Memorial Clubrooms
	Attachment 2	Kingsley Park Memorial Clubrooms floor plan (existing)
	Attachment 3	Aerial map of Flinders Park Community Centre
	Attachment 4	Flinders Park Community Centre floor plan (existing)
	Attachment 5	City's endorsed Master Planning Process
	Attachment 6	Kingsley Park Memorial Clubrooms concept plan
	Attachment 7	Kingsley Park Memorial Clubrooms cost estimate
	Attachment 8	Flinders Park Community Centre concept plan
	Attachment 9	Flinders Park Community Centre cost estimate
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.	

PURPOSE

For Council to consider the concept plans, estimated capital costs and recommendations for the 2015-16 and 2016-17 community facility refurbishment projects.

EXECUTIVE SUMMARY

Each year the City plans to undertake one or two refurbishments of community and sporting facilities.

As part of the City's *Five Year Capital Works Program* the Kingsley Park Memorial Clubrooms is listed for refurbishment in 2015-16 and the Flinders Park Community Centre in 2016-17.

The Kingsley Park Memorial Clubrooms located in Kingsley, was constructed in various stages over the years, however the majority of the facility was constructed in 2004 as a memorial to the players of the Kingsley Amateur Football Club lost in the 2002 Bali bombings. The facility consists of two halls, two activity rooms, four kitchens/kitchenettes, toilets, changerooms, four furniture stores, memorial area and user group storage. Eleven groups/clubs utilise the facility annually for functions and regular meetings. The facility design and layout meets the needs of the user groups well, however activity room two has not been updated since construction and does not have direct access to toilet facilities. The lesser hall kitchen also needs updating. Other issues at the facility include a lack of adequate storage, the size and orientation of the existing changerooms and lack of an umpire changeroom. Currently, there is \$650,000 listed in 2015-16 of the City's *Five Year Capital Works Program* for this project.

Flinders Park Community Centre located in Hillarys, was constructed in 1996 and the hireable spaces include a main hall, kitchen, toilets, changerooms, furniture store and user group storage. Eight groups/clubs utilise the facility annually for functions and regular meetings. The facility design and layout meets the needs of the user groups well, however the current kitchen, heating/cooling system and flooring need to be replaced. Other issues at the facility include a lack of adequate storage, the existing toilets not meeting current universal access requirements and the park users not having access to a 'park toilet'. Currently, there is \$450,000 listed in 2016-17 of the City's *Five Year Capital Works Program* for this project.

As part of the needs analysis stage of the project, stakeholder consultation was undertaken with existing user groups who hire each facility on a regular basis. Considering the feedback from user groups and priorities identified by the City, a scope of works was developed in order to undertake concept plans and a cost estimate for each project. Each project's cost estimate has been itemised and the feasibility of each item determined.

The estimated capital cost for the Kingsley Park Memorial Clubroom refurbishment project is \$841,000 (includes the \$44,000 that is estimated for the temporary toilets and changerooms that would be required during the construction) which is \$191,000 over the existing budget allocation. It is recommended that the existing \$650,000 budget within the City's *2015-16 Capital Works Program* for the project is not increased. It is recommended that, based on the determined project priorities, the storeroom extension be removed from the proposed refurbishment project following the tender process if required to provide cost savings.

The estimated capital cost for the Flinders Park Community Centre refurbishment project is \$530,000, which is \$80,000 over the existing budget allocation. It is recommended that the existing \$450,000 budget within the City's *2016-17 Capital Works Program* for the project is not increased. Based on the determined project priorities, recommendations have been made on the items that can be removed from the proposed refurbishment project following the tender process if required to provide cost savings.

It is therefore recommended that Council:

- 1 *NOTES that \$650,000 is currently listed within the City's Five Year Capital Works Program in 2015-16 for Kingsley Park Memorial Clubrooms;*
- 2 *NOTES that \$450,000 is currently listed within the City's Five Year Capital Works Program in 2016-17 for Flinders Park Community Centre;*
- 3 *APPROVES the proposed refurbishment works at the Kingsley Park Memorial Clubrooms as detailed in this Report at a project cost estimate of \$841,000 (includes temporary toilets/changerooms during construction), with the storeroom extension works (estimated at \$167,000) to be removed if cost savings are required once tender quotes are received;*

- 4 *APPROVES the proposed refurbishment works at the Flinders Park Community Centre as detailed in this Report at a project cost estimate of \$530,000, with the following works to be removed in the priority order if cost savings are required once tender quotes are received:*

- 4.1 *Changeroom refurbishment (estimated at \$27,000);*
- 4.2 *Security screens to doors and windows (estimated at \$25,000);*
- 4.3 *Universal access 'park' toilet (estimated at \$34,000).*

BACKGROUND

Since 2007, the City has undertaken one or two community facility refurbishment projects each year. Refurbishment projects intend to improve the functionality and aesthetics of the facility and are not designed to undertake general maintenance. The scope of each project is generally confined to the following aspects:

- Painting.
- Replacing fixtures and fittings.
- Upgrading external environments – for example building pathways, landscaping around the building, signage.
- Kitchen facilities.
- Floor coverings.
- Toilets and changerooms (including refurbishment or new extensions).
- Storage facilities (extensions to the facility).
- Heating/cooling systems.
- Window treatments.

Construction of new buildings, major facility extension works and/or re-design works are considered a redevelopment project. These projects are outside the scope of a refurbishment project and are normally addressed as a separate redevelopment project within the *Five Year Capital Works Program*.

As part of the City's *Five Year Capital Works Program* the Kingsley Park Memorial Clubrooms is listed for refurbishment in 2015-16 and the Flinders Park Community Centre in 2016-17.

Kingsley Park Memorial Clubrooms

The Kingsley Park Memorial Clubrooms are located on 68 Kingsley Drive, Kingsley (Attachment 1 refers). The facility has been constructed in various stages over the years, however the majority of the facility was constructed in 2004 as a memorial to the players of the Kingsley Amateur Football Club lost in the 2002 Bali bombings.

The facility consists of two halls, two activity rooms, four kitchens/kitchenettes, toilets, changerooms, four furniture stores, memorial area and user group storage (Attachment 2 refers). In 2008-09 the facility was extended with an activity room, kitchenette, furniture store and user group storage. This facility is highly utilised as it has multiple spaces for hire at any given time.

Seven community groups (approximately 368 participants) utilise the facility annually for functions and regular meetings.

The facility is also used by the following sporting clubs that hire the oval on a seasonal basis:

- Kingsley Amateur Football Club (210 members).
- Kingsley Junior Football Club (716 members).
- Kingsley-Woodvale Cricket Club (150 members).
- Kingsley-Woodvale Junior Cricket Club (270 members).

The facility design and layout meets the needs of the user groups well, however activity room two (used predominately by a playgroup) has not been updated since construction and does not have direct access to toilet facilities. The lesser hall kitchen also needs updating. Other issues at the facility include a lack of adequate storage, the size and orientation of the existing changerooms and lack of an umpire changeroom. Currently, there is \$650,000 listed in 2015-16 of the City's *Five Year Capital Works Program* for this project.

Flinders Park Community Centre

Flinders Park Community Centre is located on 137 Broadbeach Boulevard, Hillarys (Attachment 3 refers). The centre was constructed in 1996 and hireable spaces include a main hall, kitchen, toilets, changerooms, furniture store and user group storage (Attachment 4 refers). In addition, the building has another separate area which is leased to the Hillarys Community Kindergarten. This area includes a hall, kitchen, office, toilets and storage. As the City only manages part of the facility, refurbishment works are planned to be undertaken only on the hireable areas of the facility.

Five community groups (approximately 130 participants) utilise the facility annually for functions and regular meetings.

The facility is also used by the following sporting clubs that hire the oval on a seasonal basis:

- Shamrock Rovers (80 members).
- Joondalup District Cricket Club (170 members – 120 of which are juniors).
- Ocean Ridge Senior Cricket Club (70 members).

The facility design and layout meets the needs of the users groups well, however the current kitchen, heating/cooling system and flooring need to be replaced. Other issues at the facility include a lack of adequate storage, the existing toilets not meeting current universal access requirements and the park users not having access to a 'park toilet'. Currently, there is \$450,000 listed in 2016-17 of the City's *Five Year Capital Works Program* for this project.

DETAILS

Stakeholder consultation

Planning for the projects commenced in line with the City's endorsed *Master Planning Process* (Attachment 5 refers). As part of the needs analysis stage of the project, stakeholder consultation was undertaken with existing user groups who hire each facility on a regular basis. A consultation package was sent to each regular user group which included a cover letter, frequently asked questions sheet and comment form. Stakeholder consultation was undertaken from Monday 3 February 2014 to Friday 28 February 2014.

The following is a summary of the stakeholder consultation.

Kingsley Park Memorial Clubrooms

The regular user groups of the Kingsley Park Memorial Clubrooms were asked to indicate their feedback on the inclusions of the following items as part of the refurbishment project:

- Activity Room two– upgrade of kitchen including new sink, taps, benches, cupboards, equipment, flooring and re-paint.
- Activity Room two – replace flooring in meeting area.
- Changerooms – extension and refurbishment.
- Construction of a new umpire changeroom.

There was no opposition from the user groups for these items to be included as part of the refurbishment project. In addition, user groups were able to make additional comments and some requested consideration of the following items which were included in the scope of works to progress to concept design:

- Upgraded cooling and/or ventilation in the kitchen in the main hall.
- Baby change area in activity room 2 or changerooms.
- Universal park toilet (on timer system).
- Additional sporting club storage.

Other requests such as the installation of dance bars and mirrors on the walls in the Lesser Hall and the installation of a public BBQ were not included as they were deemed as not a standard level of provision or outside the scope of a refurbishment project.

During May - July 2014 a number of meetings were held with the sporting clubs that use the facility to provide an overview of the concept plans and discuss the proposed changerooms and storeroom works. The project scope of works was discussed with the clubs and subsequent information has been provided in the Issues/options section of this Report.

Flinders Park Community Centre

The regular user groups of the Flinders Park Community Centre were asked to indicate their feedback on the inclusions of the following items as part of the refurbishment project:

- Kitchen refurbishment including new sink, taps, benches, cupboards and equipment.
- New flooring and skirting to main hall.

There was no opposition from the user groups for these items to be included as part of the refurbishment project. In addition, user groups were able to make additional comments. Various groups requested consideration of the following items and these were included in the scope of work to progress to concept design:

- Additional group storage.
- Additional furniture (tables and chairs) storage.
- Heating/cooling system.

Other requests such as additional parking close to the facility, dimmable lights and wooden sprung floor were not included as they were deemed either not feasible, not a standard level of provision or outside the scope of a refurbishment project.

Concept plans and capital cost estimates

A scope of works was developed for each facility based on addressing the challenges identified for the facility and stakeholder consultation with user groups. Facility concept plans were developed based on the scope of works for each facility and a cost estimate was obtained from an external Quantity Surveyor. The following is a summary of each facility's scope of works, concept plan and capital cost estimate.

Kingsley Park Memorial Clubrooms

The proposed facility concept plan (Attachment 6 refers) includes an update to the lesser hall kitchen, refurbishment of activity room two and new direct access toilet facilities. It also reconfigures the existing changerooms to provide more space and create an umpire changeroom (a separate umpire changeroom is required by the WA Amateur Football League (WAAFL) for senior football clubs playing in the league).

A storeroom extension has been proposed at the southern end of the facility to provide the sporting clubs with additional externally accessible storage areas. A number of other items were included as part of the scope for investigation as they were identified as part of the stakeholder consultation. The following is a summary of the items and cost estimate (Attachment 7 refers):

Item	Cost (\$)
Activity room two refurbishment and provision of bin wash down area	108,000
Activity room two universal access toilet	40,000
Changeroom reconfiguration and new umpire changeroom and universal access 'park' toilet ¹	353,000
Lesser hall refurbishment	49,000
New security screens to doors and windows	34,000
Activity room one and main hall repainting	4,000
Main Hall kitchen ventilation	14,000
Storeroom extension	167,000
PV (solar) panels	28,000
TOTAL	797,000

¹ temporary toilets and changerooms would be required during construction – this has been estimated at an additional \$44,000 which is not included in the above table.

The cost estimate summary table includes, preliminaries and small works margin (15%), professional fees in order to undertake detailed design (10%), design contingencies (5%), building contingencies (5%) and cost escalation to June 2015 (2.9%).

Flinders Park Community Centre

The proposed facility concept plan (Attachment 8 refers) has been developed to address the issues with the existing kitchen, heating/cooling system, flooring, storage, existing toilets not meeting current universal access requirements and the park users not having access to a 'park toilet'. A number of other items were included as part of the scope for investigation as they were identified during the stakeholder consultation. The following is a summary of the items and cost estimate (Attachment 9 refers):

Item	Cost (\$)
Refurbishment of existing kitchen and provision of bin wash down area	70,000
Storeroom extension	116,000
New flooring and skirting (main hall)	37,000
Heating/cooling system	34,000
Universal access 'park' toilet	34,000
Toilet reconfiguration and refurbishment to meet universal access requirements	160,000
New security screens to doors and windows	25,000
Changeroom refurbishment	27,000
Storeroom caging and new facility signage	11,000
Power upgrade (required for new heating/cooling system)	16,000
TOTAL	530,000

The cost estimate summary table includes preliminaries and small works margin (20%), professional fees in order to undertake detailed design (10%), design contingencies (5%), building contingencies (5%) and cost escalation to June 2016 (7.07%).

Issues and options considered

It is important to note that the budget amounts within the *Five Year Capital Works Program* for each facility were indicative and the figures were not based on any project scoping, concept plan or cost estimate.

Each project's cost estimate has been itemised and the feasibility of each item determined. As the cost estimates exceed the current amounts listed in the *Five Year Capital Works Program*, there is an option to remove certain items from each project to enable cost savings.

Kingsley Park Memorial Clubrooms

There is currently \$650,000 listed for consideration in 2015-16 of the City's *Five Year Capital Works Program* for this project. The total cost estimate to undertake all the works as part of the refurbishment project is \$797,000 which does not include the \$44,000 that is estimated for the temporary toilets and changerooms that would be required during the construction. There are therefore two options for the project – either list an additional \$191,000 for consideration as part of the 2015-16 budget or remove some of the recommended facility refurbishment items (if required once a tender price is received).

Updating the lesser hall kitchen; refurbishing and providing activity room two with direct access to toilet facilities; reconfiguring the existing changerooms to provide more space and creating an umpire changeroom; repainting of activity room one and the main hall; and addressing the main hall kitchen ventilation issues are considered items required to meet compliance standards or are important to the user group's functionality of the facility.

Therefore, based on the determined project priorities, the following item could be removed from the project scope if cost savings are required:

- Storeroom extension – \$167,000.
- TOTAL saving of \$167,000.

The storeroom extension at the southern end of the facility was proposed to provide the sporting clubs with additional externally accessible storage areas and is considered the lowest priority for the project.

Currently, the City's standard provision for sporting club storage is up to 25m² per club, based on the space available at the site and within the facility. Currently within the facility the following storage allocations are already provided:

- Kingsley Amateur Football Club - 24m²
- Kingsley Junior Football Club - 39m²
- Kingsley-Woodvale Cricket Club (seniors) - 13.5m²
- Kingsley-Woodvale Junior Cricket Club - 7.5m²

As part of the stakeholder consultation, both cricket clubs and the Amateur Football Club requested additional storage be provided as part of the refurbishment project. It is proposed to construct a 25m² new externally accessible storeroom for both cricket clubs to share. This would bring the total allocation of storage for the Junior Cricket Club to 20m² and 26m² for the Cricket Club (seniors). While not increasing the size, it is proposed to make the Junior Football Club's existing externally accessible storeroom (25m²) and goal store cage part of the facility extension to improve the aesthetics of the facility.

As part of the stakeholder consultation stage of the project, the Amateur Football Club requested a new externally accessible storeroom of 38m². While the City's standard provision for sporting club storage is up to 25m², there have been instances where larger storerooms have been proposed based on a demonstrated need. As part of the redevelopment project at Penistone Park a 36m² storeroom has been proposed for the Wanneroo Modcrosse/Lacrosse Club based on demonstrated need and the fact that this club is an amalgamation of three clubs (Wanneroo Modcrosse Club; Wanneroo Lacrosse Club and Wanneroo Women's Lacrosse Club).

The 38m² storeroom requested by the Kingsley Amateur Football Club is to address the storage issues faced by the club to support their five teams and to run the kitchen/bar area on game days. The club has indicated that the limited amount of existing storage has caused potential safety issues for the club's volunteers in reaching and accessing equipment, especially those stored at heights, and has limited the club's capacity to obtain additional infrastructure such as gym equipment and portable perspex interchange benches.

During the planning stage for the refurbishment project, the Kingsley Amateur Football Club submitted an application to the City for a 'Club Funded Upgrade' project for their requested storeroom where they proposed to construct and pay for the new 38m² storeroom to be constructed next to the Junior Football Club's existing external access storeroom. It is understood that the main purpose of the proposed storeroom is to store portable perspex interchange benches. It is noted that this is not a requirement of the WA Amateur Football League (WAAFL) for senior football clubs playing in the league. Currently the guidelines state that a sheltered bench area be provided in inclement or extremely hot weather. Currently the club provides this requirement similarly to most clubs within the City, with temporary tent areas.

The Kingsley Amateur Football Club have indicated that they are willing to make a financial contribution to the proposed storage extension based on their request for it to be larger than the City's standard storeroom provision of 25m².

It is important that any storeroom provision that exceeds the City's standard 25m² does not set a precedent for requests by other sporting clubs across other City's facilities.

Removing the storeroom extension from the project (based on the cost estimate) will reduce the total project cost to \$674,000 (which includes the estimated costs for the temporary toilets and changeroom). While this is \$24,000 over the project budget of \$650,000, it is anticipated that given the current building industry climate, the project may be achievable for the budget. It is also proposed to include the storeroom extension as part of the tender for the project. If the tender price received is over the \$650,000 budget, the storeroom extension would be the refurbishment item removed from the project.

If the storeroom extension is removed from the project due to budget constraints, the Kingsley Amateur Football Club could be given approval to proceed with their application to the City to undertake a 'Club Funded Upgrade' project for their requested storeroom where they proposed to fund the new 38m² storeroom to be constructed next to the junior football club's existing externally accessible storeroom. It is suggested that this approval is not provided until after the tender process for the project, which will determine whether it can be included in the City's refurbishment project within the existing budget.

Flinders Park Community Centre

There is currently \$450,000 listed for consideration in 2016-17 of the City's *Five Year Capital Works Program* for this project. The total cost estimate to undertake all the works as part of the refurbishment project is \$530,000. There are therefore two options for the project – either list an additional \$80,000 for consideration as part of the 2016-17 budget or remove some of the recommended facility refurbishment items (if required once a tender price is received).

Upgrading the kitchen and the provision of a bin wash down area; installing a new heating/cooling system; replacing the hall flooring; storage extension; and reconfiguration of the existing toilets to meet current universal access requirements are considered items required to meet compliance standards or are important to the user group's functionality of the facility.

Therefore, based on the determined project priorities, the following items could be removed from the project scope if cost savings are required:

- Changeroom refurbishment – \$27,000.
- Security screens to doors and windows – \$25,000.
- Universal access 'park' toilet – \$34,000.
- TOTAL saving of \$86,000.

The above items were included in the project as desirable and are not required to meet compliance or safety standards. The security screens to the facility doors and windows were proposed to replace the existing screens with the new standard operable system that allows for better cleaning of the glass and removal of graffiti – given there are existing screens at the facility, this item is a lower priority for the project.

Currently Flinders Park does not have a 'park' toilet on the City's timer system available for the community and general park users. It was proposed to construct a universal access 'park' toilet as part of the project, however if cost savings are required, this is considered a lower priority for the project.

Removing these items from the project (based on the cost estimate) will reduce the total project cost to \$444,000, which is within the project budget of \$450,000. It is proposed however, to include all the recommended works as part of the tender for the project, given the current building industry climate. If the tender price received is over the \$450,000 budget, these would be the refurbishment items removed from the project.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Quality facilities.

Strategic initiative

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

Policy *Environmentally Sustainable Design for City Buildings Policy.*

Risk management considerations

All capital projects bring risks in relation to contingencies and over runs against original design. The capital cost estimate is based on high level concept plans and may differ once further detailed designs are undertaken for the project.

The Kingsley Amateur Football Club has identified it is willing to make a financial contribution to its component of the proposed storage extension based on its request for it to be larger than the City's standard storeroom provision of 25m². As part of the City's standard process for a club to make a financial contribution to a project, financial capacity needs to be demonstrated. Until this is undertaken there is a risk that a contribution from the Kingsley Amateur Football Club may not occur.

Financial / budget implications*Kingsley Park Memorial Clubrooms*

The following is listed within the City's 2015-16 Capital Works Program:

Account no.	BCW2524.
Budget Item	Kingsley Park Memorial Clubrooms Refurbishment.
Budget amount	\$ 650,000.
Amount spent to date	\$ Nil.
Balance	\$ 650,000.

The estimated capital cost as provided by the external Quantity Surveyor for this project is \$797,000 (plus an additional amount of an estimated \$44,000 for temporary toilets and changerooms required during construction).

There are therefore two options for the project – either list an additional \$191,000 for consideration as part of the 2015-16 budget or remove some of the recommended facility refurbishment items as discussed in the issues and options section of this report (if required once a tender price is received).

Based on the determined project priorities, the following item could be removed from the project scope if cost savings are required:

- Storeroom extension – \$167,000.
- TOTAL saving of \$167,000.

Future financial year impact

Annual operating cost The operating cost for the Kingsley Park Memorial Clubrooms is estimated at \$124,147 for 2014-15.

It is estimated that with the proposed refurbishment works the annual operating costs would increase by \$16,559 to \$140,706. This increase includes additional maintenance, cleaning, utilities and air-conditioning and PV panel services as a result of the refurbishment.

Estimated annual income The income for the Kingsley Park Memorial Clubrooms is estimated at \$23,894 for 2014-15.

It is expected that the proposed refurbishment works would not have an impact on the annual income for the facility.

20 Year Strategic Financial Plan impact The estimated net cash impact over the current adopted 20 Year Strategic Financial Plan is estimated to be \$331,180. This is based on the estimated increase to the annual operating costs for a 20 year period (does not include escalation/inflation costs).

Flinders Park Community Centre

The following is listed within the City's 2016-17 Capital Works Program:

Account no.	BCW2094
Budget Item	Flinders Park Community Centre Refurbishment.
Budget amount	\$ 450,000
Amount spent to date	\$ Nil
Balance	\$ 450,000

The estimated capital cost as provided by the external Quantity Surveyor for this project is \$530,000.

There are therefore two options for the project – either list an additional \$80,000 for consideration as part of the 2016-17 budget or remove some of the recommended facility refurbishment items as discussed in the issues and options section of this report (if required once a tender price is received).

Based on the determined project priorities, the following items could be removed from the project scope if cost savings are required:

- Changeroom refurbishment – \$27,000.
- Security screens to doors and windows – \$25,000.
- Universal access 'park' toilet – \$34,000.
- TOTAL saving of \$86,000.

Future financial year impact**Annual operating cost**

The operating cost for the Flinders Park Community Centre is estimated at \$58,837 for 2014-15 (based on the costs for the whole facility – both the hireable area and the leased area).

It is estimated that with the proposed refurbishment works the annual operating costs would increase by \$1,985 to \$60,822. This increase includes additional maintenance, cleaning, utilities and air-conditioning service as a result of the refurbishment.

Estimated income**annual**

The income for the Flinders Park Community Centre is estimated at \$24,360 for 2014-15 (hireable areas).

It is expected that the proposed refurbishment works would not have an impact on the annual income for the facility.

20 Year Strategic Financial Plan impact

The estimated net cash impact over the current adopted 20 Year Strategic Financial Plan is estimated to be \$39,700. This is based on the estimated increase to the annual operating costs for a 20 year period (does not include escalation/inflation costs).

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implicationsEnvironmental

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

Social

The project has included consultation with existing user groups to ensure that feedback received represents their needs. Furthermore, any refurbishment works will consider access and inclusion principles and will aim to enhance the amenity of the public space.

Economic

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

Consultation

Consultation was undertaken with existing user groups of the facilities during the site and needs analysis stage of the projects. In addition, the City also met with the sporting clubs that use Kingsley Park Memorial Clubrooms on a number of occasions during the concept design stage of the project to discuss the proposed changeroom and storeroom works. Information on the consultation has been highlighted in the Details and Issues/options sections of this report.

COMMENT

Refurbishment projects aim to address the functionality and aesthetic issues the City has with facilities. Given that the Kingsley Park Memorial Clubrooms and Flinders Park Community Centre service over 2,164 patrons on a regular basis, it's recommended that refurbishment works are undertaken on both facilities.

The estimated capital cost for the Kingsley Park Memorial Clubroom refurbishment project is \$841,000 (includes \$44,000 that is estimated for the temporary toilets and changerooms that would be required during the construction) which is \$191,000 over the existing budget allocation. It is recommended that the existing \$650,000 budget within the City's 2015-16 *Capital Works Program* for the project is not increased as it is anticipated that given the current building industry climate, the project may be achievable for the budget. As outlined, based on the determined project priorities, the storeroom extension can be removed from the proposed refurbishment project following the tender process, if required to provide cost savings.

If the storeroom extension is removed from the project due to budget constraints, it is recommended the Kingsley Amateur Football Club be given approval to proceed with their application to the City to undertake a 'Club Funded Upgrade' project for their requested storeroom where they proposed to fund the 38m² storeroom to be constructed next to the junior football club's existing externally accessible storeroom.

The estimated capital cost for the Flinders Park Community Centre refurbishment project is \$530,000, which is \$80,000 over the existing budget allocation. It is recommended that the existing \$450,000 budget within the City's 2016-17 *Capital Works Program* for the project is not increased as it is anticipated that given the current building industry climate, the project may be achievable for the budget. As outlined, based on the determined project priorities, the changeroom refurbishment, security screens and universal access 'park' toilet can be removed from the proposed refurbishment project following the tender process if required to provide cost savings.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for this report (as detailed below) was resolved by the Capital Works Committee at its meeting held on 7 October 2014.

The Committee recommendation is the same as recommended by City officers.

RECOMMENDATION

That Council:

- 1 **NOTES** that \$650,000 is currently listed within the City's Five Year Capital Works Program in 2015-16 for Kingsley Park Memorial Clubrooms;
- 2 **NOTES** that \$450,000 is currently listed within the City's Five Year Capital Works Program in 2016-17 for Flinders Park Community Centre;
- 3 **APPROVES** the proposed refurbishment works at the Kingsley Park Memorial Clubrooms as detailed in this report at a project cost estimate of \$841,000 (includes temporary toilets/changerooms during construction), with the storeroom extension works (estimated at \$167,000) to be removed if cost savings are required once tender quotes are received;
- 4 **APPROVES** the proposed refurbishment works at the Flinders Park Community Centre as detailed in this report at a project cost estimate of \$530,000, with the following works to be removed in the priority order if cost savings are required once tender quotes are received:
 - 4.1 **Changeroom** refurbishment (estimated at \$27,000);
 - 4.2 **Security screens** to doors and windows (estimated at \$25,000);
 - 4.3 **Universal access 'park' toilet** (estimated at \$34,000).

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20brf141014.pdf](#)

REPORT – STRATEGIC FINANCIAL MANAGEMENT COMMITTEE – 6 OCTOBER 2014

Disclosure of interest affecting impartiality

Name/Position	Mayor Troy Pickard.
Item No./Subject	Item 27 – Confidential – Status Report on City Freehold Properties Proposed for Disposal.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Both the operator and owner of the Kingsley Tavern are known to Mayor Pickard.

ITEM 27 CONFIDENTIAL - STATUS REPORT ON CITY FREEHOLD PROPERTIES PROPOSED FOR DISPOSAL

WARD	All	
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO	
FILE NUMBER	63627, 101515	
ATTACHMENTS	Attachment 1	Location Plans – Lot 745 (103) Caridean Street, Heathridge and Lot 23 (77) Gibson Avenue, Padbury
	Attachment 2	Location Plans - Lot 701 (15) Burlos Court, Joondalup and Lot 549 (11) Moolanda Boulevard, Kingsley
	Attachment 3	Location Plans - Lot 1001 (14) Camberwarra Drive, Craigie and Lots 642/643 (57/59) Marri Road, Duncraig
	Attachment 4	Estimated costs for proposed road works and park upgrades in the Hepburn Heights locality
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.	

This Report is confidential in accordance with section 5.23(2)(h) of the *Local Government Act 1995*, which also permits the meeting to be closed to the public for business relating to the following:

The determination by the local government of a price for the sale or purchase of property by the local government.

A full report is provided to Elected Members under separate cover. The report is not for publication.

- 8 REPORT OF THE CHIEF EXECUTIVE OFFICER**
- 9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 10 REPORTS REQUESTED BY ELECTED MEMBERS**
- 11 CLOSURE**



DECLARATION OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

**To: CHIEF EXECUTIVE OFFICER
CITY OF JOONDALUP**

Name/ Position	
Meeting Date	
Item No/ Subject	
Nature of Interest	Financial Interest * Interest that may affect impartiality* <i>* Delete where not applicable</i>
Extent of Interest	
Signature	
Date	

Section 5.65(1) of the *Local Government Act 1995* states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) *in a written notice given to the CEO before the meeting; or*
- (b) *at the meeting immediately before the matter is discussed.*



DECLARATION OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

**To: CHIEF EXECUTIVE OFFICER
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Name/ Position	
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Item No/ Subject	
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**QUESTION TO BE ASKED AT
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

QUESTIONS

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Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to council.questions@joondalup.wa.gov.au

Please note that:

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called



**STATEMENT TO BE MADE AT
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

STATEMENT

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Please submit this form at the meeting or:

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Please note that:

- Statements made at a **Briefing Session** must relate to matters contained on the draft agenda.
- Statements made at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Statements made at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called