

minutes

MEETING HELD ON **TUESDAY 9 DECEMBER 2014**

TABLE OF CONTENTS

ITEM NO.	TITLE	PAGE NO.
	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	1
	DECLARATIONS OF INTEREST	2
	PUBLIC QUESTION TIME	4
	PUBLIC STATEMENT TIME	4
	APOLOGIES AND LEAVE OF ABSENCE	5
C67-12/14	REQUEST FOR LEAVE OF ABSENCE – CR MIKE NORMAN - [103782]	5
	CONFIRMATION OF MINUTES	5
C68-12/14	MINUTES OF COUNCIL MEETING HELD 18 NOVEMBER 2014	5
C69-12/14	MINUTES OF SPECIAL COUNCIL MEETING HELD 2 DECEMBER 2014	5
	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	6
	IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC	7
	PETITIONS	7
	REPORTS	8
CJ224-12/14	DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS - OCTOBER 2014 – [07032]	8
CJ225-12/14	MODIFICATIONS TO CAMBERWARRA STRUCTURE PLAN – LOT 12811 (34) CURRAJONG CRESCENT, CRAIGIE – [103150]	13
CJ226-12/14	MODIFICATIONS TO PREVIOUS CONDITION OF APPROVAL FOR CHILD CARE CENTRE AT LOT 100 (34) BRIDGEWATER DRIVE, KALLAROO – [45219]	20
CJ227-12/14	RETROSPECTIVE APPLICATION FOR ADDITIONAL CLASS SESSIONS AND MODIFICATIONS TO CONDITIONS OF APPROVAL FOR CHILD CARE CENTRE AT LOT 11977 (31) CHADLINGTON DRIVE, PADBURY – [03591]	29
CJ228-12/14	PROPOSED TWO LARGE-FORMAT DIGITAL SIGNS WITHIN THE MITCHELL FREEWAY ROAD RESERVE, DUNCRAIG AND GREENWOOD – [44431, 43932]	39

ITEM NO.	TITLE	PAGE NO.
CJ229-12/14	DRAFT REVISED STATE PLANNING POLICY 5.2: TELECOMMUNICATIONS INFRASTRUCTURE – DRAFT SUBMISSION – [00415]	46
CJ230-12/14	YOUTH DROP-IN PILOT PROGRAM AND YOUTH NEEDS IN WOODVALE AND KINGSLEY – [18027]	54
CJ231-12/14	MINUTES OF EXTERNAL COMMITTEES – [03149]	64
CJ232-12/14	STATUS OF PETITIONS – [05386]	67
CJ233-12/14	LOCAL GOVERNMENT AND PUBLIC PROPERTY LOCAL LAW 2014 – [22513]	70
CJ234-12/14	REQUEST FOR ANNUAL LEAVE – CHIEF EXECUTIVE OFFICER – [98394]	77
CJ235-12/14	MOBILE CCTV OPTIONS IN THE CITY OF JOONDALUP – [09360]	80
CJ236-12/14	LIST OF PAYMENTS MADE DURING THE MONTH OF OCTOBER 2014 – [09882]	86
CJ237-12/14	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 OCTOBER 2014 – [07882]	89
CJ238-12/14	REQUEST FOR ADDITIONAL SUBSIDIES - FACILITY HIRE SUBSIDY POLICY – [101271]	92
CJ239-12/14	PERTH GLORY MEMORANDUM OF UNDERSTANDING - PERCY DOYLE RESERVE, DUNCRAIG – [104638, 05139, 07512, 02056]	100
CJ240-12/14	TENDER 025/14 – PROVISION OF CLEANING SERVICES FOR LEISURE CENTRES – [104333]	104
CJ241-12/14	PETITION TO REPLACE THE CHICANE WITH SPEED HUMP BETWEEN 113 AND 115 CLONTARF STREET, SORRENTO – [01091]	112
CJ242-12/14	ICLEI WORLD CONGRESS: 8-12 APRIL 2015, SEOUL, REPUBLIC OF KOREA – [78616]	119
C70-12/14	COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION - [02154, 08122]	125
	REPORTS – POLICY COMMITTEE – 1 DECEMBER 2014	126
CJ243-12/14	REVIEW OF FACILITY HIRE SUBSIDY POLICY – [101271]	126
CJ244-12/14	REVOCATION OF THE TENNIS COURT LIGHTING STANDARDS POLICY – [101290]	136
CJ245-12/14	USE OF SEA CONTAINERS WITHIN THE CITY OF JOONDALUP – [18058]	142

ITEM NO.	TITLE	PAGE NO.
C71-12/14	MOTION TO GO BEHIND CLOSED DOORS – [02154, 08122]	150
	REPORT OF THE CHIEF EXECUTIVE OFFICER	151
C72-12/14	CONFIDENTIAL: MEMORANDUM OF UNDERSTANDING - JOONDALUP CITY CENTRE DEVELOPMENT – [103036]	151
C73-12/14	MOTION TO OPEN MEETING TO MEMBERS OF THE PUBLIC – [02154, 08122]	153
	URGENT BUSINESS	154
	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	154
	ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING	154
	CLOSURE	154

CITY OF JOONDALUP

**COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP ON TUESDAY 9 DECEMBER 2014.**

DECLARATION OF OPENING

The Mayor declared the meeting open at 7.04pm.

ANNOUNCEMENT OF VISITORS

Mayor:

TROY PICKARD

Absent from 7.50pm to 7.56pm

Councillors:

CR KERRY HOLLYWOOD

North Ward

CR TOM McLEAN, JP

North Ward

CR PHILIPPA TAYLOR

North-Central Ward – *Deputy Mayor*

CR SAM THOMAS

North-Central Ward

CR LIAM GOBBERT

Central Ward

CR GEOFF AMPHLETT, JP

Central Ward

CR MIKE NORMAN

South-West Ward

Absent from 7.52pm to 7.56pm

CR JOHN CHESTER

South-East Ward

CR BRIAN CORR

South-East Ward

CR RUSS FISHWICK, JP

South Ward

CR TERESA RITCHIE, JP

South Ward

Officers:

MR GARRY HUNT

Chief Executive Officer *Absent from 7.50pm to 7.56pm*

MR MIKE TIDY

Director Corporate Services

MR JAMIE PARRY

Director Governance and Strategy

MS DALE PAGE

Director Planning and Community Development

MR NICO CLAASSEN

Director Infrastructure Services

MR BRAD SILLENCE

Manager Governance

MR JOHN CORBELLINI

Manager Planning Services

to 8.18pm

MR BLIGNAULT OLIVIER

Manager City Projects

MR DANIEL DAVINI

Media Advisor

Absent from 8.18pm to 8.22pm

MR JOHN BYRNE

Governance Coordinator

MRS LESLEY TAYLOR

Governance Officer

MRS DAWN ANDERSON

Governance Officer

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

DECLARATIONS OF INTEREST

Disclosures of Financial / Proximity Interest

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

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	CJ234-12/14 - Request for Annual Leave - Chief Executive Officer.
Nature of interest	Financial interest.
Extent of Interest	Mr Hunt holds the position of Chief Executive Officer.

Name/Position	Mayor Troy Pickard.
Item No./Subject	CJ242-12/14 - ICLEI World Congress: 8-12 April 2015, Seoul, Republic of Korea.
Nature of interest	Financial interest.
Extent of Interest	Mayor Pickard is a participant in the ICLEI World Congress.

Name/Position	Cr Mike Norman.
Item No./Subject	CJ242-12/14 - ICLEI World Congress: 8-12 April 2015, Seoul, Republic of Korea.
Nature of interest	Financial interest.
Extent of Interest	Cr Norman is a proposed participant in the ICLEI World Congress.

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	CJ242-12/14 - ICLEI World Congress: 8-12 April 2015, Seoul, Republic of Korea.
Nature of interest	Financial interest.
Extent of Interest	Mr Hunt is a participant in the ICLEI World Congress.

Disclosures of interest affecting impartiality

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

Name/Position	Ms Dale Page, Director Planning and Community Development.
Item No./Subject	CJ226-12/14 – Modifications to Previous Condition of Approval for Child Care Centre at Lot 100 (34) Bridgewater Drive, Kallaroo.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	The owners of the childcare centre and their family are known to Ms Page.

Name/Position	Mayor Troy Pickard.
Item No./Subject	CJ226-12/14 - Modifications to Previous Condition of Approval for Child Care Centre at Lot 100 (34) Bridgewater Drive, Kallaroo.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Relatives of Mayor Pickard live in close proximity to the site subject to the application.

Name/Position	Mayor Troy Pickard.
Item No./Subject	CJ227-12/14 - Retrospective Application for Additional Class Sessions and Modifications to Conditions of Approval for Child Care Centre at Lot 11977 (31) Chadlington Drive, Padbury.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Members of the child care centre at Hepburn Heights are known to Mayor Pickard and both Mayor Pickard's children attended a pre-kindy program delivered by the centre.

Name/Position	Cr Liam Gobbert.
Item No./Subject	CJ228-12/14 - Proposed Two Large-Format Digital Signs within the Mitchell Freeway Road Reserve, Duncraig and Greenwood.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Employees of the applicant are known to Cr Gobbert.

Name/Position	Cr Brian Corr.
Item No./Subject	CJ239-12/14 - Perth Glory Memorandum of Understanding - Percy Doyle Reserve, Duncraig.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Corr's wife is secretary of the Undercroft Bridge Club at Percy Doyle Reserve.

Name/Position	Cr Mike Norman.
Item No./Subject	CJ243-12/14 - Review of Facility Hire Subsidy Policy.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Norman is the chairman of the Joondalup Coast Care Community Forum that use a 100% subsidised facility for bi-monthly meetings.

PUBLIC QUESTION TIME

The following question was submitted verbally at the Council meeting:

Dr P Turner, Hillarys:

Re: CJ235-12/14 - Mobile CCTV Options in the City of Joondalup.

Q1 In relation to page 71 of the agenda and on behalf of Harbour Rise Homeowners Association, would the City consider assisting the Police and Harbour Rise residents in catching and prosecuting hoons in the location of the Hillarys Boat Harbour by deploying several covert CCTV cameras which the City owns to the City's roadways in front of the harbour?

A1 Mayor Pickard replied that as a result of Dr Turner's representation, he has met with the new District Superintendent of Police and the City is currently working with the Police Service on a range of operations to address the issue of anti-social behaviour and hooning, however he is unable to reveal what the components of these strategies are.

PUBLIC STATEMENT TIME

The following statements were submitted verbally at the Council meeting:

Mr M Rose, Sorrento:

Re: CJ241-12/14 - Petition to Replace the Chicane with Speed Hump between 113 and 115 Clontarf Street, Sorrento.

Mr Rose spoke in relation to the petition to consider the replacement of the chicane with a speed hump between 113 and 115 Clontarf Street, Sorrento.

Dr P Turner, Hillarys:

Re: CJ235-12/14 - Mobile CCTV Options in the City of Joondalup.

Dr Turner spoke in relation to the campaign by Harbour Rise residents to have CCTV cameras located at Hillarys Boat Harbour car park entrance and exits and on public road ways in front of the venue.

APOLOGIES AND LEAVE OF ABSENCE**Leave of Absence previously approved**

Cr Christine Hamilton-Prime 6 December 2014 to 5 January 2015 inclusive.

C67-12/14 REQUEST FOR LEAVE OF ABSENCE – CR MIKE NORMAN - [103782]

Cr Mike Norman requested Leave of Absence from Council duties covering the periods 1-10 February 2015 inclusive and 21-28 March 2015 inclusive.

MOVED Cr Thomas, SECONDED Cr Amphlett that Council APPROVES the Request for Leave of Absence from Council Duties covering the following dates:

1 Cr Norman 1 – 10 February 2015 inclusive;
21 – 28 March 2015 inclusive.

The Motion was Put and

CARRIED (12/0)

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

CONFIRMATION OF MINUTES**C68-12/14 MINUTES OF COUNCIL MEETING HELD 18 NOVEMBER 2014**

MOVED Cr Amphlett, SECONDED Cr McLean that the Minutes of the Council Meeting held on 18 November 2014 be CONFIRMED as a true and correct record.

The Motion was Put and

CARRIED (12/0)

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

C69-12/14 MINUTES OF SPECIAL COUNCIL MEETING HELD 2 DECEMBER 2014

MOVED Cr Gobbert, SECONDED Cr Norman that the Minutes of the Special Council Meeting held on 2 December 2014 be CONFIRMED as a true and correct record.

The Motion was Put and

CARRIED (12/0)

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

ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Valentine's Concert

Mayor Pickard advised that '*Broadway music from New York City*' comes to the internationally-renowned Joondalup Resort for the City's Valentine's Concert on Thursday 12 February 2014.

Mayor Pickard commented that popular Australian performers David Hobson and Silvie Paladino will team with the Perth Symphony Orchestra for a celebration of music that has made Broadway a destination for music lovers worldwide.

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

Mayor Pickard stated tickets are sure to be in high demand when they are made available on Saturday 17 January 2015. For more information visit joondalup.wa.gov.au or the City's social media platforms.

Twilight Markets

Mayor Pickard commented the free events keep coming this Friday night, 12 December with the City's Twilight Markets continuing throughout December at Central Walk, Joondalup.

Mayor Pickard advised the markets open from 5.30pm each Friday night until 19 December 2014, offering visitors a diverse range of products such as fresh and packaged gourmet food and the best of local arts, crafts and fashion.

Picture our Past

Mayor Pickard announced that the City has launched a stunning pictorial publication on the history of Joondalup and the region called '*Picture Our Past*'.

Mayor Pickard commented the 356-page book documents the rich and significant history through a series of black and white and colour images, newspaper clippings, archived items and collectables from the City's local history collection.

Mayor Pickard advised the City acknowledged the support of the Federal Government for a Your Community Heritage Grant of \$25,000 to produce '*Picture Our Past*'.

Mayor Pickard believed that at \$42.00, '*Picture Our Past*' makes an ideal Christmas present. It is available from all City of Joondalup libraries and the City's administration building.

Season's Greetings

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

Mayor Pickard thanked the many individuals and groups who have made invaluable contributions to the continued growth and development of Joondalup in 2014.

Mayor Pickard commented our hard-working Elected Members will be taking a short break to recharge the batteries in January before returning to work in February 2015.

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

C72-12/14 Confidential: Memorandum of Understanding - Joondalup City Centre Development.

PETITIONS

Nil.

REPORTS**CJ224-12/14 DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS - OCTOBER 2014**

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	07032, 101515
ATTACHMENTS	Attachment 1 Monthly Development Applications Determined – October 2014 Attachment 2 Monthly Subdivision Applications Processed – October 2014 Attachment 3 Monthly Building R-Code Applications Decision – October 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 number and nature of applications considered under delegated authority.

EXECUTIVE SUMMARY

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

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

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

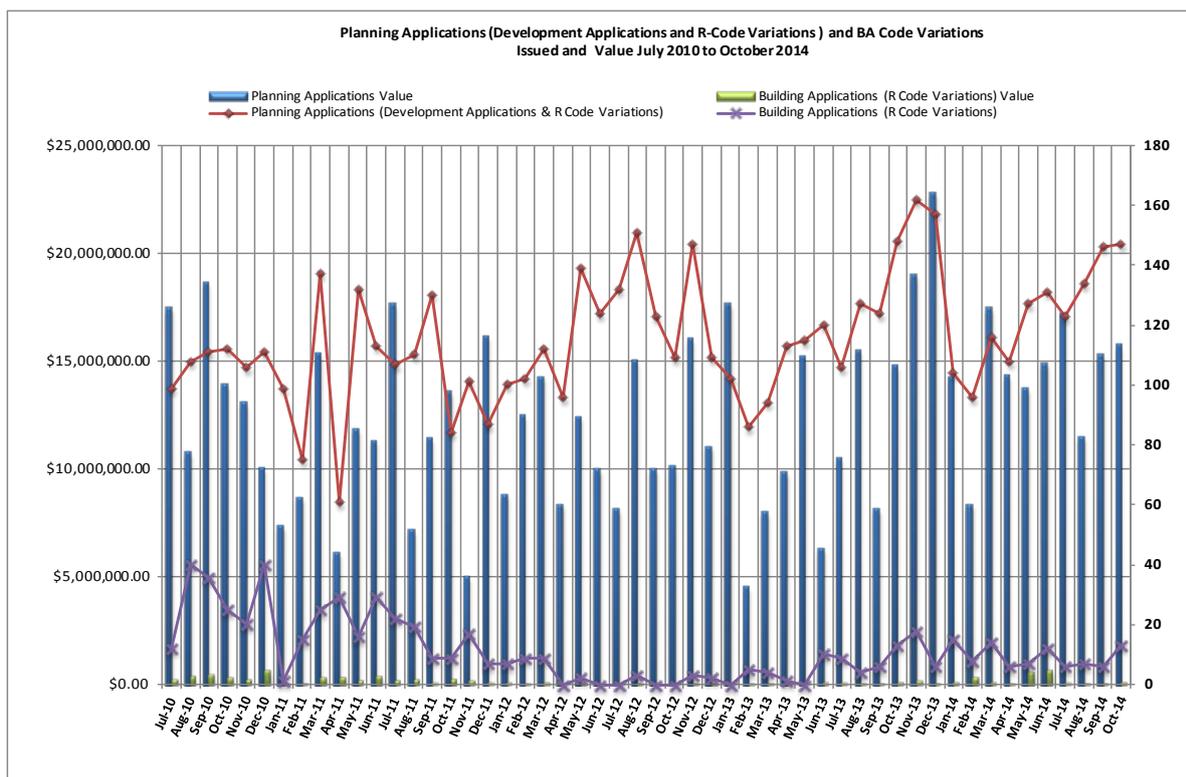
DPS2 requires that delegations be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 21 October 2014 (CJ180-10/14 refers), Council considered and adopted the most recent Town Planning Delegations via its review of the Register of Delegation of Authority manual.

DETAILS

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

Applications determined under delegated authority – October 2014		
Type of Application	Number	Value (\$)
Planning applications (development applications and R-Codes applications)	147	\$ 15,730,650
Building applications (R-Codes applications)	13	\$114,752
TOTAL	160	\$ 15,845,402

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



The number of planning applications received during October was 160. (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 October was 300. Of these, 84 were pending additional information from applicants, and 31 were being advertised for public comment.

In addition to the above, 461 building permits were issued during the month of October with an estimated construction value of \$114,267,563.

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

Subdivision referrals processed under delegated authority for October 2014		
Type of referral	Number	Potential additional new lots
Subdivision applications	9	11
Strata subdivision applications	8	40

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / policy implications

Legislation	<i>City of Joondalup District Planning Scheme No. 2.</i>
Strategic Community Plan	
Key theme	Quality Urban Environment.
Objective	Quality built outcomes.
Strategic initiative	Buildings and landscaping is suitable for the immediate environment and reflect community values.
Policy	Not applicable. 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 160 applications were determined for the month of October with a total amount of \$77,075 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 147 planning applications determined during October 2014 consultation was undertaken for 48 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 17 subdivision applications processed during October 2014 were not advertised for public comment.

COMMENT

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

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

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, SECONDED Cr Hollywood that Council NOTES the determinations and recommendations made under delegated authority in relation to the:

- 1 Applications for planning approval and R-Codes applications described in Attachment 1 to Report CJ224-12/14 during October 2014;**
- 2 Subdivision applications described in Attachment 2 to Report CJ224-12/14 during October 2014;**
- 3 Building Residential Design Code applications described in Attachment 3 to Report CJ224-12/14 during October 2014.**

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ242-12/14, page 125 refers.

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

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf021214.pdf](#)

CJ225-12/14 MODIFICATIONS TO CAMBERWARRA STRUCTURE PLAN - LOT 12811 (34) CURRAJONG CRESCENT, CRAIGIE

WARD	Central
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	103150, 101515
ATTACHMENTS	Attachment 1 Location plan Attachment 2 Modified structure plan Attachment 3 Modified plan 1 (Please Note: Attachment 2 is only available electronically.)
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to consider the modifications to the *Camberwarra Structure Plan* required by the Western Australian Planning Commission (WAPC) and decide whether the modifications to the structure plan are satisfactory.

EXECUTIVE SUMMARY

At its meeting held on 10 December 2013 (CJ237-12/13 refers), Council resolved that the *Camberwarra Structure Plan* was satisfactory and it was subsequently forwarded to the WAPC for adoption and certification. The WAPC has adopted the structure plan subject to modifications.

Since the structure plan was adopted by Council, the applicant has submitted an application for subdivision approval to the WAPC and approval has been granted. As part of the subdivision application, a plan was submitted indicating the lot configuration and road network, as well as the specific residential densities for each lot. This additional information has been considered by the WAPC in the assessment of the structure plan.

The required modifications include updating the proposed residential density ranges on Plan 1 in Part 1 of the structure plan with specific residential density codes for the proposed lots, identifying areas based on the approved subdivision that will have specific requirements regarding the location of outdoor living areas and modified front setback requirements, and text changes to provide additional clarity to the development requirements.

The required modifications are considered to be minor and will not change the intent of the structure plan. Therefore in this instance it is considered readvertising of the structure plan is not required and it is recommended that pursuant to clause 9.4 of *District Planning Scheme No. 2* (DPS2), the public advertising requirements be waived. It is also recommended that the required modifications to the structure plan are satisfactory and the document be forwarded to the WAPC for final adoption.

BACKGROUND

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

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

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

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

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

At its meeting held on 20 August 2013 (CJ149-08/13 refers), Council resolved that the draft *Camberwarra Structure Plan* was satisfactory for the purpose of public advertising for a period of 28 days. Following the public consultation period the structure plan was referred back to Council to consider the submissions and determine the suitability of the structure plan.

At its meeting held on 10 December 2013 (CJ237-12/13 refers), Council resolved as follows:

“That Council:

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

The structure plan was forwarded to the WAPC for determination, where it was resolved to adopt it subject to modifications.

DETAILS

The modifications requested to the structure plan by the WAPC are included in the modified document at Attachment 2. The main modification is to Plan 1 in Part 1 to:

- delete the residential density code ranges and replace with a residential density coding plan (Attachment 3 refers)
- add areas ‘A’ and ‘B’ to the plan to identify areas subject to specific requirements regarding the location of outdoor living areas and modified front setback requirements.

The text throughout Part 1 and Part 2 has also been modified to delete references to the previous plan and align with the details of the modified plan.

The other proposed modifications are to the text as follows:

- Minor rewording of provisions to provide clarification on wording.
- Greater flexibility for the shorter ‘squat’ lots in relation to the front setback requirements.
- Alternative locations for boundary walls for corner lots.
- Provisions to facilitate the retention of street trees within the road reserve so as to avoid conflict with the future crossovers to the lots.

Issues and options considered

In accordance with DPS2, the options available to Council in considering the proposal are to:

- determine that the modifications as determined by the WAPC are satisfactory with or without further modifications and agree to waive readvertising
- readvertise the modifications and defer determination of modification until after advertising
or
- determine that the modifications as determined by the WAPC should not be agreed to for stated reasons.

If Council does not agree to the structure plan modifications as determined by the WAPC, in whole or in part, or requires further modifications, the applicant may either request a reconsideration of Council's decision or request that State Administration Tribunal review Council's decision.

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

Legislation / Strategic Community Plan / policy implications

Legislation

City of Joondalup District Planning Scheme No. 2.

Strategic Community Plan

Key theme

Quality Built Environment.

Objective

Quality built outcomes.

Strategic initiative

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

Policy

*Liveable Neighbourhoods (State Policy).
Subdivision and Dwelling Development Adjoining Areas of
Public Space Policy (Local Planning Policy).*

City of Joondalup District Planning Scheme No. 2

Modifications that are required to the structure plan by the WAPC are considered under clause 9.4. Should Council determine that the modifications are satisfactory under clause 9.4, advertising of the proposal is undertaken in accordance with clauses 6.7 and 9.5 of DPS2 for a minimum of 21 days. Advertising may be waived for minor modifications, in accordance with clause 9.4.1(a) of DPS2.

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

Under clause 9.6.3(c) of DPS2, if the WAPC requires modifications, the modifications shall be resubmitted to Council for consideration under clause 9.4 and the above process repeats.

Liveable Neighbourhoods

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

Subdivision and Dwelling Development Adjoining Areas of Public Space Policy

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

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

Risk management considerations

Should Council resolve that the required modifications are not considered satisfactory, or resolve that further modifications are required to the structure plan, then the proponent has the right to request the State Administrative Tribunal to review Council's decision.

Financial / budget implications

The applicant has paid fees of \$9,663.55 (including GST) for the assessment of the structure plan.

Regional significance

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

Sustainability implications

Environmental

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

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

Social

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

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

Consultation

Should Council determine that the modifications are minor such as not to materially alter the intent or purpose of the structure plan or cause any significant detriment to land within or abutting the structure plan area, it may waive the public advertising of the proposed amendments in accordance with clause 9.4 of DPS2.

In the event that Council considers that the modifications are not minor in nature, advertising is proposed to be undertaken for a period of 21 days as follows:

- A notice placed in the local newspaper.
- A notice and documents placed on the City's website.

COMMENT

Following the submission of the structure plan to the WAPC for consideration and determination, additional information was sought by the WAPC from the City and the applicant. This has resulted in a number of modifications being requested by the WAPC which are outlined in Attachment 2.

Since the structure plan was adopted, the applicant has submitted an application for subdivision approval to the WAPC and approval has been granted. As part of the subdivision application a plan was submitted indicating the lot configuration and road network as well as the specific residential densities for each lot. This additional information has been considered by the WAPC in the assessment of the structure plan.

The modifications to the text will ensure the development provisions are specific to the lots created through the subdivision and are clearer for those planning future developments within the structure plan area. The proposed structure plan modifications are considered to be minor in nature and will generally not impact on any surrounding landowners or the locality. In addition, the modifications requested are not considered to materially change the intent or the provisions of the structure plan that Council determined were satisfactory at its meeting held on 10 December 2013 (CJ237-12/13 refers).

On this basis, it is considered that public advertising is not necessary on this occasion. It is therefore recommended that, pursuant to clause 9.4 of DPS2, the public advertising requirements are waived, and that the modifications to the structure plan are considered satisfactory and be forwarded to the WAPC for final adoption.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, SECONDED Cr Hollywood that Council:

- 1 Pursuant to clause 9.4 of *District Planning Scheme No. 2*, WAIVES the advertising of the modifications to the *Camberwarra Structure Plan*;**
- 2 Pursuant to clauses 9.4 and 9.6 of *District Planning Scheme No. 2*, DETERMINES that the modifications to the *Camberwarra Structure Plan*, included as Attachment 2 to Report CJ225-12/14, are satisfactory;**
- 3 SUBMITS the modified to the Western Australian Planning Commission for final adoption and certification.**

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ242-12/14, page 125 refers.

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

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf021214.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Ms Dale Page, Director Planning and Community Development.
Item No./Subject	CJ226-12/14 – Modifications to Previous Condition of Approval for Child Care Centre at Lot 100 (34) Bridgewater Drive, Kallaroo.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	The owners of the childcare centre and their family are known to Ms Page.

CJ226-12/14 MODIFICATIONS TO PREVIOUS CONDITION OF APPROVAL FOR CHILD CARE CENTRE AT LOT 100 (34) BRIDGEWATER DRIVE, KALLAROO

WARD	Central
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	45219, 101515
ATTACHMENTS	Attachment 1 Location plan Attachment 2 Previously approved development plan Attachment 3 Map of submitters
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 modifications to a previous condition of approval for the child care centre at Lot 100 (34) Bridgewater Drive, Kallaroo.

EXECUTIVE SUMMARY

An application for planning approval has been received for modifications to a previous condition of approval for the child care centre currently operating at Lot 100 (34) Bridgewater Drive, Kallaroo.

The site is zoned 'Urban' under the *Metropolitan Region Scheme* and 'Residential' under the *City of Joondalup District Planning Scheme No. 2 (DPS2)*. Under DPS2, a 'Child Care Centre' is a discretionary ("D") land use within the 'Residential' zone.

At its meeting held on 12 December 2006 (CJ251 - 12/06 refers), Council resolved to refuse the original application for the 'Child Care Centre' use based on concerns that the intensity and location of the development would adversely impact adjoining neighbours and the residential locality in terms of amenity, noise and traffic.

The proponent subsequently sought review of the decision with the State Administrative Tribunal (SAT) where approval for the development was granted by SAT subject to conditions, including a condition which does not permit children to play outside between the hours of 10.00am and 3.00pm.

The applicant now seeks to modify this condition to reduce the hours that children are not permitted to play outside to be between 11.00am and 2.00pm.

The application has been assessed against and deemed to meet the requirements of DPS2 and the objective of the City's *Child Care Centres Policy*. It is considered that the impact of these extra hours of outdoor play on adjoining and surrounding properties will be minimal due to existing noise attenuation measures on the site.

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

BACKGROUND

Suburb/Location	Lot 100 (34) Bridgewater Drive, Kallaroo.
Applicant	Craig Scafidas.
Owner	Nicholas Scafidas.
Zoning	DPS Residential.
	MRS Urban.
Site area	1,548m ² .
Structure plan	Not applicable.

The subject site is located on the southern side of Bridgewater Drive, Kallaroo and is bound by Whitfords West Park to the east with Springfield Primary School on the opposite side of Bridgewater Drive, to the north east. The surrounding areas to the north, south and west of the site are made up of low density, privately owned residential lots (Attachment 1 refers).

The subject site is zoned 'Residential' under DPS2, where a 'Child Care Centre' is a discretionary ("D") use.

The subject site originally constituted two lots (53 and 54) with separate residential dwellings. In 1981, the existing dwelling at Lot 53 was approved for use as a Surgery, requiring internal modifications and the development of a car park at the front of the property, which still exists today.

An application for a change of use from 'Medical Centre' and 'Single House' to 'Child Care Centre' at Lots 53 and 54 was received by the City in November 2005. The proposed development sought to retain the existing dwellings but adapt them for the use and construct a new kitchen in the middle to connect the two buildings.

The application was presented to Council at its meeting held on 12 December 2006 (CJ251-12/06 refers). Council resolved to refuse the application based on concerns that the intensity of the development would adversely impact adjoining neighbours and the residential locality in terms of amenity, noise and traffic. The City was also concerned that the location of the child care centre was in conflict with the location requirements of the *Child Care Centres Policy*, which details that child care centres should be located adjacent to non-residential land uses and that only in exceptional circumstance be considered on access roads. Bridgewater Drive is classified by Main Roads WA as an access road.

The proponent sought a review of the decision by SAT. Mediation sessions were held on 13 March and 22 March 2007 to discuss the matter under appeal and, following these sessions, the applicant submitted revised plans. Changes made included the addition of new buffer areas, a realignment of the proposed storeroom and laundry additions, and an increased fence height along the southern boundary to attenuate potential noise issues (Attachment 2 refers).

The revised plans were considered by Council at its meeting held on 22 May 2007 (CJ093-05/07 refers) where Council resolved to reaffirm its concerns about the proposed child care centre and that the proposal was not suited to the location. However, Council also noted that it was compelled (under SAT regulations) to provide a list of conditions of notional approval, and accordingly submitted several conditions to SAT.

Following the hearing on 31 July 2007 SAT ordered that the previous decision to refuse the development of a 'Child Care Centre' at Lots 53 and 54 be set aside and approval for the development be granted subject to conditions. These conditions were more extensive than the list of conditions of notional approval submitted by the City and included a condition which does not permit children to play outside between the hours of 10.00am and 3.00pm.

DETAILS

The condition imposed by SAT restricting the hours children were permitted to play outside reads as follows:

“(xi) No children are to play outside before 8 am or outside between the hours of 10 am and 3 pm. Any metal play equipment is to be treated, such as the filling of metal pipes, to reduce noise.”

The purpose of the above condition was to bring certainty to surrounding properties as to when outside play is most likely to occur and was in line with the plan outlined by the applicant at the 2007 SAT hearing on how outdoor play would be managed to ensure “sun smart” practices.

The applicant seeks approval to modify the hours pertaining to when children are not permitted to play outside to be between 11.00am and 2.00pm at the child care centre at Lot 100 (34) Bridgewater Drive, Kallaroo.

In support of the above, the applicant has provided justification which is summarised below:

- *The addition of these two extra hours would enable us that little bit of extra flexibility in the children's routines.*
- *This will [not] affect any of our neighbours as from 10h00 some of the children in the centre are sitting down for mat sessions and some babies are still sleeping, therefore not all the children will be playing outside and the groups that are going outside are always controlled and supervised.*
- *Likewise at 14h00 we still have some of the younger children transitioning from their sleep routine, which means that everyone in the centre is very conscious of noise control.*
- *As the push towards more outdoor activities increases, as indicated in the EYLF (Early Years Learning Framework), the more beneficial it would be for the children under our care to spend time outside.*

Issues and options considered

Council must consider whether reducing the hours children are not permitted to play outside to be between 11.00am and 2.00pm 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.

Strategic Community Plan

Key theme

Quality Urban Environment.

Objective

Quality built outcomes.

Strategic initiative

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

Policy

Child Care Centres Policy.

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

Clause 3.4 of DPS2 sets out the objectives and purposes of the 'Residential' zone:

3.4 THE RESIDENTIAL ZONE

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

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

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

The objectives of the Residential Zone are to:

- (a) *Maintain the predominantly single residential character and amenity of established residential areas;*

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

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

6.8 *Matters to be considered by Council*

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

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

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

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

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

Child Care Centres Policy

The City's *Child Care Centres Policy* sets out development standards and requirements specifically for child care centres to ensure they do not have an adverse impact on the amenity of nearby residents. While the proposed development has been assessed against the objective of this policy, it is important to note that the details in the policy mainly relate to the establishment of new child care centres.

The objective of this policy is:

To provide guidelines for the location, siting and design of child care centres.

Risk management considerations

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

Financial / budget implications

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

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The application was advertised to eight adjoining and nearby land owners and occupiers for a period of 21 days from 19 August 2014 to 9 September 2014. A total of four submissions were received, being three objections and one non objection (Attachment 3 refers). The concerns raised during the consultation period include:

- The increased noise level from children playing outside for longer hours.
- The impact from existing noise and traffic disruptions from this centre and the neighbouring school.

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

COMMENT

The applicant seeks approval for the modification of a condition of approval imposed by SAT pertaining to the hours children are permitted to play outside at the child care centre at 34 Bridgewater Drive, Kallaroo. Currently, children at the centre are not permitted to play outside between the hours of 10.00am and 3.00pm. However, the applicant seeks to reduce this time to be between 11.00am and 2.00pm.

Child Care Centres Policy

Following the hearing on 31 July 2007, SAT determined that the development met the objective of the City's *Child Care Centres Policy*. This proposal does not result in any additional elements of non-compliance with this policy, which details physical noise attenuation measures but does not limit hours relating to outdoor play.

Noise impact

When the original application for the child care centre was reviewed, three independent acoustic consultants confirmed that, subject to certain noise attenuation measures, in terms of noise generated by child play activities, compliance with the *Environmental Protection (Noise) Regulations 1997* would be achieved at all residential locations. This included an acoustic assessment report prepared for the proposed child care centre and submitted to the City in August 2006 as part of the original application. The City and the applicant each called an acoustic engineer as an expert witness at the 2007 hearing, with their joint report concluding that noise regulations would be satisfied in respect of the adjoining neighbours provided that the following measures were taken:

- Staff arriving before 7.00am using the marked bays to the east of the subject site.
- The construction of a southern boundary fence at 2.2 metres high for part of the length of the boundary and two metres high for the remainder, with the fence material having a surface mass of at least 10kg/m², such as brick.
- A boundary fence constructed to the west of the car parking area at 1.8 metres high and either made of brick or limestone.
- The extension of the storeroom and laundry along the western boundary with a 1.5 metre setback from the western boundary and with no openings on the western elevation, providing an acoustic barrier from the outdoor play area.

The above measures have since been implemented. Further to this, the approved plans also depict several outdoor play areas located at the rear of the site, each for use by different age categories, demarcated with one metre high fences. The outdoor play area for the 0-2 year olds has been located along the western portion of the southern boundary to provide a buffer zone between the outdoor play area for older children and the neighbouring noise sensitive premises to the south. It is important to note that children older than six years of age will be at school during the hours that the extension of outdoor play time has been requested.

It is also important to note that SAT approved a maximum number of 76 children to be permitted at the child care centre. However, pursuant to the *Child Care Services Act 2007*, the centre is only licenced for 58 children. As such, the number of children on site and, therefore, the expected noise levels are less than originally anticipated.

As part of this application, an acoustic assessment was undertaken by an independent consultant in regard to the noise emitted from the extended periods of outdoor play time. The acoustic report concluded that noise emissions from the outdoor play periods will actually be less than previously assessed. Further to this, noise received at neighbouring residence will be less than the maximum assigned noise levels under the *Environmental Protection (Noise) Regulations 1997*. As such, noise received at neighbouring residences is not considered unreasonable.

Response to submissions received

During the consultation period, concerns were raised in relation to on-going noise issues from the site. The City's records indicate that no noise complaints have been received in regard to the child care centre since the granting of approval in 2007, with all complaints received pertaining only to the breach of planning conditions, such as the time of day children are playing outside.

In regard to concerns raised regarding the potential for increased noise as a result of children playing outside for longer hours, as outlined above, it is considered that noise emissions will continue to comply with required noise limits.

The amended plans for the child care centre, approved by SAT, sought to limit the impact of the proposal on the western and southern adjoining properties. The extension of the western portion of the building as outlined above has since been constructed and, with the presence of a large outbuilding in the southern corner of Lot 55, ensures that there is no direct interface between Lot 55 and the rear outdoor play area. As such, the adjoining residence to the west is separated from the outdoor play area.

Due to the form of the development, any impact caused by the extended hours for outdoor play will mostly be felt by the adjoining property at the rear (Lot 56). Since approval was granted by SAT for the child care centre in 2007, this adjoining property has changed ownership. The current owner has indicated that they have no objection to the proposal (Attachment 3 refers).

Conclusion

Since approval was granted in 2007, the applicant has completed all the noise attenuation measures recommended by the three independent consultants for the original application. An acoustic report provided with this application has confirmed that noise levels are less than previously calculated and well within the maximum assigned noise levels. Further to this, comments of no objections have been received from the property to the south, where the impact from the extended outdoor play hours is most likely to be felt.

The extended hours of outdoor play will provide greater flexibility for the child care centre to manage play and sleeping routines. As some of the children will still be asleep during these hours, the centre is likely to always ensure that noise levels outside are minimal. Furthermore, the proposal is considered to comply with the objectives of the City's *Child Care Centres Policy*.

The application is therefore recommended for approval subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, SECONDED Cr Gobbert that Council:

- 1 APPROVES** under clause 6.9 of the *City of Joondalup District Planning Scheme No. 2* the application for planning approval dated 7 July 2014 submitted by Craig Scafidas, on behalf of the owner, Nicholas Scafidas, for modifications to previous condition of approval for child care centre at Lot 100 (34) Bridgewater Drive, Kallaroo, subject to the following condition:
 - 1.1 No children are to play outside before 8.00am or outside between the hours of 11.00am and 2.00pm. Any metal play equipment is to be treated, such as the filling of metal pipes, to reduce noise;**
- 2 ADVISES** the applicant that, with the exception of condition (xi) set out in the Orders from the State Administrative Tribunal decision dated 26 October 2007, all other conditions remain valid and shall be complied with.

The Motion was Put and

CARRIED (12/0)

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

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf021214.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Mayor Troy Pickard.
Item No./Subject	CJ227-12/14 - Retrospective Application for Additional Class Sessions and Modifications to Conditions of Approval for Child Care Centre at Lot 11977 (31) Chadlington Drive, Padbury.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Members of the child care centre at Hepburn Heights are known to Mayor Pickard and both Mayor Pickard's children attended a pre-kindy program delivered by the centre.

CJ227-12/14 RETROSPECTIVE APPLICATION FOR ADDITIONAL CLASS SESSIONS AND MODIFICATIONS TO CONDITIONS OF APPROVAL FOR CHILD CARE CENTRE AT LOT 11977 (31) CHADLINGTON DRIVE, PADBURY

WARD	South-West
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	03591, 101515
ATTACHMENTS	Attachment 1 Location plan Attachment 2 Development plans Attachment 3 Map of submitters
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 a retrospective application for additional class sessions and modifications to previous conditions of approval for the 'Child Care Centre' at Lot 11977 (31) Chadlington Drive, Padbury.

EXECUTIVE SUMMARY

An application for retrospective planning approval has been received for additional class sessions and modifications to conditions of approval for the 'Child Care Centre' at Lot 11977 (31) Chadlington Drive, Padbury.

The site is zoned 'Urban' under the *Metropolitan Region Scheme* and 'Residential' under the *City of Joondalup District Planning Scheme No. 2 (DPS2)*. Planning approval was granted for a 'Public Worship' in 1998, with a crèche facility considered an ancillary use. Subsequent planning approval was granted in 2007 for 'Child Care Centre' as the scale of the centre was such that it could no longer be considered ancillary. Under DPS2, a 'Child Care Centre' is a discretionary ("D") land use within the 'Residential' zone.

The current planning approval for the child care centre restricts class sessions to Monday and Wednesday between the hours of 9.30am to 11.45am and 12.15pm to 2.15pm. In addition, the number of children permitted is limited to 22 with three staff members.

The applicant now seeks retrospective approval to operate an additional two class sessions on Tuesday and Thursday between the hours of 9.00am and 3.00pm. In addition, the applicant also seeks approval for extending the current permitted session times to account for drop off and pick up and allow lunchtime supervision, and to increase the number of children and staff to a total of 37, being 30 children and seven staff members, to align with the *Education and Care Services National Regulations 2012*.

The application has been assessed against and generally complies with the relevant provisions of DPS2 and the City's *Child Care Centres Policy* with the exception of car parking. The child care centre requires a total of thirteen car bays in accordance with DPS2. There is an overall parking requirement for the site of 313 car bays. The site currently has 300 bays available being 61 sealed bays and 239 bays on the grassed area. It is considered that as the 'Child Care Centre' does not operate during the times when the 'Public Worship' land use is operating at capacity, sufficient car parking is provided to accommodate the additional class sessions, increase in numbers and extension of operating hours.

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

BACKGROUND

Suburb/Location	Lot 11977 (31) Chadlington Drive, Padbury.
Applicant	North City Christian Centre Inc.
Owner	North City Christian Centre Inc.
Zoning	DPS Residential.
	MRS Urban.
Site area	23.25 ha.
Structure plan	Not applicable.

Lot 11977 (31) Chadlington Drive, Padbury is bound by Chadlington Drive to the south, and Brookmount Ramble to north. The Al Hidayah Mosque is located to the west of the site, with the Anglo Indian Cultural Centre to the east. The site is accessible from both Chadlington Drive and Brookmount Ramble (Attachment 1 refers).

Planning approval was granted by Council in 1998 under the City of Wanneroo Town Planning Scheme No. 1 for the North City Christian Centre to operate from the site as 'Public Worship'. This approval also included ancillary uses, including a crèche that operated during church services.

In 2005, the City was approached by surrounding landowners who identified that the site was not operating in accordance with its original planning approval, including the operation of the crèche throughout the week. At its meeting held on 18 December 2007 (CJ284-12/07 refers), Council granted retrospective approval for a 'Child Care Centre', subject to conditions.

Recent investigations by the City have subsequently identified that the child care centre is not operating in accordance with the planning approval granted in 2007, with additional class sessions held on Tuesdays and Thursdays.

The 'Child Care Centre' is located internally within the south-east portion of the existing building and includes a laundry, storeroom, office and activity room, with direct access to an outdoor play area. No other activities are undertaken by the church during the hours of operation aside from general administrative tasks.

DETAILS

The applicant seeks approval for the following:

- An increase in the number of days the child care centre can operate, being Monday to Thursday. The current approval permits the child care centre to operate on Monday and Wednesday only.
- An extension to the operating hours being from 9.00am to 3.00pm, to permit children to stay on-site between class session times. The current approval permits a session between 9.30am to 11.45am and 12.15pm to 2.15pm;
- An increase in the number of children permitted from 22 to 30.
- An increase in the number of staff permitted from three to seven.

The development plans are provided as Attachment 2.

The 'Child Care Centre' is subject to the provisions contained within the City's *Child Care Centres Policy*. The development generally complies with the requirements of this policy, with exception of car parking. In addition, the policy states that child care centres should minimise the impact on residential amenity, safety and aesthetics through appropriate location, vehicular access points and building design. The location of the child care centre was considered by Council at its meeting held on 18 December 2007 (CJ284-12/07 refers) and determined as being appropriate.

Car Parking

Car parking for the site is calculated in accordance with the standards prescribed under DPS2. The car parking requirement for 'Child Care Centre' as contained within Table 2 is "not less than five and one per staff member and in accordance with the Local Planning Policy." The *Child Care Centres Policy* requires that a minimum of six bays be provided where the amount of children in attendance is from 26 to 30.

The modifications under this application increase the car parking requirement for the centre by five bays, with 13 car bays required for the child care centre. In addition, the 'Public Worship' land use requires 300 bays, with a total of 313 car bays therefore required across the site. A total of 300 bays are available being 61 sealed bays and 239 grassed bays.

Issues and options considered

Council must consider whether the modifications to the child care centre are appropriate within the 'Residential' zone and whether sufficient parking is provided to accommodate the development.

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

Policy *Child Care Centres Policy.*

City of Joondalup District Planning Scheme No. 2

Clause 3.4 of DPS2 sets out the objectives and purposes of the 'Residential' zone.

3.4 THE RESIDENTIAL ZONE

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

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

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

The objectives of the Residential Zone are to:

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

Clause 4.5 of DPS2 allows standards or requirements to be varied by Council.

4.5 *Variations to site and development standards and requirements*

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

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

(a) *Consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1; 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 of DPS2 sets out the matters to be considered by Council when determining an application for planning approval.

6.8 *Matters to be considered by Council*

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

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

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

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

Child Care Centres Policy

The City's *Child Care Centres Policy* sets out development standards and requirements specifically for child care centres to ensure they do not have an adverse impact on the amenity of nearby residents. The proposed development has been assessed and is deemed to meet the requirements of this policy.

The objective of this policy is:

To provide guidelines for the location, siting and design of child care centres.

Risk management considerations

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

Financial / budget implications

The applicant has paid fees of \$441 (excluding GST) in accordance with the fees and charges for the assessment of the application.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The application initially submitted to the City was for the additional operating dates of Tuesday and Thursday. This was advertised to 47 adjoining and nearby land owners and occupiers for a period of 21 days, from 29 May 2014 to 19 June 2014. A total of four submissions were received, being four objections. The concerns raised during the consultation period included:

- the additional traffic the extra classes will generate during the week and lack of use of the rear access road
- the use of non-church related uses which are of little benefit to local residents
- expansion of commercial activities
- the child care business does not fully comply with current regulations in Western Australia
- regular ongoing issues with noise from the church.

Upon the completion of advertising the applicant modified the application to include an extension in the hours permitted and an increase in the number of children and staff permitted. Subsequently the application was re-advertised to the same 47 adjoining and nearby land owners and occupiers for a period of 21 days, from 24 September 2014 to 15 October 2014. A total of four submissions were received, being four objections. Two of these objectors previously provided comment in the initial consultation period. The concerns raised during this consultation period include:

- the additional traffic will be more frequent
- overuse of the site that is not fitting within a residential area
- the estate was not designed for the amount of extra traffic
- the church should never have been approved within a residential area
- access should be via Brookmount Ramble
- current noise issues from band music emanating from the church
- the slamming of car doors will create additional noise.

A map of submitters is included as Attachment 3. The concerns raised are discussed further in the comments section of Report CJ227-12/14.

COMMENT

The initial approval granted by Council in 2007 (CJ284-12/07 refers) took into consideration a number of factors which remain relevant to this application. These include:

- Chadlington Drive was operating at 15% capacity on the days that the child care centre was operating and that the proposal would not create any traffic conflict or excess traffic on nearby access roads
- the child care centre was located a sufficient distance from residential properties so as to not have an adverse impact on the residential amenity of the area
- the car park does not operate at capacity during the child care centres operating hours.
- noise emissions from the child care centre complied with the *Environmental Protection (Noise) Regulations 1997*.

The location of the child care centre on an access road where the *Child Care Centres Policy* requires that such centres be located on Local Distributor Roads was previously considered appropriate due to the minimal increase in traffic caused by the existing operating hours. Concerns raised by adjoining landowners regarding additional traffic that the additional days will generate are noted, however given the additional traffic generated on Tuesday and Thursday will be equivalent to that currently experienced on Monday and Wednesday, the City considers that the development does not generate a substantial amount of traffic so as to detrimentally impact on nearby land owners. The applicant has also advised that parents are continually encouraged to access the child care centre through Brookmount Ramble to assist in alleviating the volume of traffic along Chadlington Drive.

The increase in the number of children and staff accounts for maximum numbers only. The centre typically has between 20 to 25 children in each session but holds a service approval with the Education and Care Regulatory Unit for a maximum of 30 children. The increase in staff numbers will account for the educator to child ratios set out in the *Education and Care National Regulations 2012*. The centre proposes to have a maximum of six carers in attendance during the sessions, but may on occasions require an additional carer to meet the needs of any children with special needs that require an education assistant. The increase in staff members will generate the need for a maximum of seven car bays out of the required 13. Given that staff take up the majority of the required parking, are less likely to access their vehicles during operating hours and are more likely to utilise Brookmount Ramble, there will be minimal interruption to nearby residential properties.

As outlined above, the centre will continue to run two classes per day, with a morning time of 9.00am proposed and an afternoon finish time of 3.00pm to allow for pick up and drop off times. The modified times will in addition allow children to stay and attend the afternoon session if required. Currently parents who have children attending both the morning and afternoon sessions are required to pick their children up at lunch and drop them off at the commencement of the afternoon session. It is considered that the provision for lunchtime supervision will assist in reducing the amount of cars accessing the child care centre.

Car parking

The child care centre requires a total of 13 bays in accordance with the car parking standards of Table 2 of DPS2 and the *Child Care Centres Policy*, and including the 'Public Worship' land use, a total of 313 car bays are required across the site. A total of 300 car bays are provided across the site, being 61 sealed bays and 239 bays within the existing grassed area. Council previously determined that sufficient parking was provided to accommodate the child care centre on Mondays and Tuesdays. The basis for this reasoning was that the car park did not operate at capacity during the times of operation of the child care centre, with 90% of the available bays vacant during survey periods undertaken during the hours of operation.

Recent site visits undertaken at the time of operation of the child care centre by City officers indicates that sufficient parking continues to remain available to accommodate daily church activities and the child care centre.

Response to submissions

During the consultation period, concerns were raised in relation to on-going noise issues from the site. The City's records indicate that no noise complaints have been received in regard to the child care centre itself. In addition, the child care centre is located away from existing residential properties, ensuring that it is unlikely to create any adverse impact on the nearby area.

Additional comments were also received in regard to the nature of the North City Christian Centre and its continued use of non-church related activities. Previous legal advice obtained by the City and referred to in the previous report to Council (CJ284-12/07 refers), indicates that activities that have no relationship to the main use would require planning approval if engaged on a systematic and frequent basis. In this instance, Council is only being asked to consider the appropriateness of the child care centre which has an existing approval. It is noted that compliance with the relevant child care regulations is not a planning consideration and is monitored through separate bodies.

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

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, SECONDED Cr Hollywood that Council:

- 1 EXERCISES discretion under clauses 4.5.1 and 4.8.2 of the *City of Joondalup District Planning Scheme No. 2* and determines that the car parking provision of 300 bays in lieu of 313 is appropriate in this instance;**
- 2 APPROVES under clause 6.9 of the *City of Joondalup District Planning Scheme No. 2* the application for retrospective planning approval dated 8 May 2014 submitted by North City Christian Centre Inc, for modifications to conditions of approval for the child care centre at Lot 11977 (31) Chadlington Drive, Padbury, subject to the following conditions:**
 - 2.1 The child care centre shall operate between the hours of 9.00am to 3.00pm on Mondays, Tuesdays, Wednesdays and Thursdays only. The children shall arrive no earlier than 9.00am;**
 - 2.2 There shall be a maximum of two class sessions on the days of operation;**
 - 2.3 A maximum of 30 children and seven staff are permitted per session.**

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ242-12/14, page 125 refers.

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

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf021214.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Cr Liam Gobbert.
Item No./Subject	CJ228-12/14 - Proposed Two Large-Format Digital Signs within the Mitchell Freeway Road Reserve, Duncraig and Greenwood.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Employees of the applicant are known to Cr Gobbert.

CJ228-12/14 PROPOSED TWO LARGE-FORMAT DIGITAL SIGNS WITHIN THE MITCHELL FREEWAY ROAD RESERVE, DUNCRAIG AND GREENWOOD

WARD	South and South-East
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	44431, 43932, 101515
ATTACHMENTS	Attachment 1 Location plans Attachment 2 Development plans Attachment 3 Sign perspectives
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 make a recommendation to the Department of Transport (DoT) regarding two applications for two large-format digital signs to be erected in the Mitchell Freeway road reserve, in the suburbs of Duncraig and Greenwood.

EXECUTIVE SUMMARY

Two applications for planning approval have been received for two large-format digital signs to be erected in the Mitchell Freeway road reserve, in the suburbs of Duncraig and Greenwood.

The subject sites are located in a *Metropolitan Region Scheme* (MRS) Primary Regional Road reserve (Mitchell Freeway) and, therefore, the proposals are subject to determination by the DoT. Council is required to make a recommendation to the DoT.

Due to the reservation of the land under the MRS, the provisions of the City's *District Planning Scheme No. 2* (DPS2) and *Signs Policy* do not apply in this instance. However, regard has still been given to these requirements.

The proposals have not been advertised as the signs will not be visible to surrounding residential dwellings.

Having regard to the purpose for which the land is reserved, along with the relevant objectives of the City's *Signs Policy* and DPS2, the development of the subject land for the purposes of digital signs is considered to be inconsistent with the intent of the reservation.

It is therefore recommended that Council advises the DoT that it does not support the proposed development.

BACKGROUND

Suburb/Location	Mitchell Freeway road reserve, Duncraig and Greenwood.
Applicant	APN Outdoor Pty Ltd C/- Urbis.
Owner	Crown Land (State of Western Australia).
Zoning	DPS Primary Regional Road Reserve.
	MRS Primary Regional Road Reserve.
Site area	Not applicable.
Structure plan	Not applicable.

The subject land is the Mitchell Freeway road reserve, which is designated as a Primary Regional Road under the MRS.

One of the proposed development sites is in the western verge of the Mitchell Freeway road reserve, in the suburb of Duncraig. This site is 670 metres south of the Greenwood Train Station and 440 metres south of the commencement of the Hepburn Avenue off-ramp.

The second site is in the eastern verge of the Mitchell Freeway road reserve, in the suburb of Greenwood. This site is approximately 1.2 kilometres south of the Greenwood Train Station and 900 metres north of the Warwick Road freeway exit.

The surrounding areas to the east and west of both subject sites are made up of predominantly low density, privately owned residential lots (Attachment 1 refers).

As the applications relate to large-format digital signs located on a MRS Primary Regional Road reserve, they are required to be determined by the DoT in accordance with the Notice of Delegation published in the *Government Gazette* No. 83 on 10 June 2014. Council is required to make a recommendation to the DoT as to the manner in which the applications should be determined.

DETAILS

The proposals consist of the following:

- A static digital sign measuring 12.66 metres in length and 3.35 metres in height, located on the western verge of the Mitchell Freeway road reserve and visible to traffic moving northbound.
- A static digital sign measuring 12.66 metres in length and 3.35 metres in height, located on the eastern verge of the Mitchell Freeway road reserve and visible to traffic moving southbound.

These signs will primarily be used for commercial advertising campaigns. However, they will also advertise Main Roads WA related activities and community and safety messaging.

The proposed signs will only display static images with no form of animation, movement, flashing or sound.

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

In support of the development, the applicant has provided the following justification:

The sign[s] will primarily be used for commercial advertising campaigns however [they] will also incorporate community and traffic safety messaging, which will provide a level of public benefit. This proposal offers a unique opportunity to not only enhance the role and function of one of Perth's major thoroughfares, but provide an opportunity for architecturally designed signage to be appropriately integrated into the urban environment and contribute to the overall sense of place. This innovative and coordinated proposal forms part of a broader national strategy with State and local Government agencies as well as private organisations to construct digital signs in appropriate and strategic locations.

Issues and options considered

Council has the discretion to:

- make a recommendations for consideration by the Department of Transport supporting the proposal
- make a recommendations for consideration by the Department of Transport requesting that the applications be refused
or
- choose not to make a recommendation for consideration by the Department of Transport.

Legislation / Strategic Community Plan / policy implications

Legislation

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

Strategic Community Plan

Key theme

Quality Urban Environment.

Objective

Quality built outcomes.

Strategic initiative

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

Policy

Signs Policy.

Metropolitan Region Scheme (MRS)

The DoT, in considering the application, will have regard to the matters listed under Clause 30(1) of the MRS, which states:

- 30(1) *The Commission or local authority exercising the powers of the Commission so delegated to it under the Planning and Development Act 2005 may consult with any authority that in its circumstances it thinks appropriate; and having regard to the purpose for which the land is zoned or reserved under the Scheme, the orderly and proper planning of the locality and the preservation of the amenities of the locality may, in respect of any application for approval to commence development, refuse its approval or may grant its approval subject to conditions if any as it may deem fit.*

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

As the applications relate to large-format digital signs located on a MRS 'Primary Regional Road' reserve, in accordance with the Notice of Delegation published in the Government Gazette No. 83 on 10 June 2014, the DoT is the decision maker in this instance. No approval is required under DPS2, with approval only required by the DoT under the MRS. However, regard has still been given to the provisions of DPS2.

Clause 5.1 of DPS2 deals specifically with the control of advertisements within the City. While the sign is exempt from the approval requirements outlined in DPS2, the application has been assessed with regard given to this clause.

5.1 CONTROL OF ADVERTISEMENTS

5.1.1 Objectives

The objectives of the provisions for control of advertisements are:

- (a) to ensure that the visual quality and character of particular localities and transport corridors are not eroded;*
- (b) to achieve advertising signs that are not misleading or dangerous to vehicular or pedestrian traffic;*
- (c) to minimize the total area and impact of outdoor advertising commensurate with the realistic needs of commerce for such advertising;*
- (d) to prohibit outdoor advertising which is considered to be superfluous or unnecessary by virtue of their colours, height, prominence, visual impact, size, relevance to the premises on which they are located, number and content;*
- (e) to reduce and minimise clutter; and*
- (f) to promote a high standard of design and presentation in outdoor advertising.*

Signs Policy

Regard has also been given to the City's *Signs Policy*, which provides guidance for the types and location of signage within the City.

The objectives of the *Signs Policy* are:

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

Risk management considerations

The proponent has a right of review with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*. However, the DoT would need to defend such a decision, not the City.

Financial / budget implications

As the proposed applications are exempt from requiring approval under DPS2 and the City is not required to make a determination on the application, the relevant local government fee is not payable. As such, the applicant has paid no fees to the City.

Regional significance

The proposals form part of a larger joint venture between Main Roads WA and APN Outdoor to erect various digital signs across the Perth Metropolitan Area. At this stage, two other sites are also being proposed, with one in the City of Stirling and one in the City of Cockburn. However, the City has not been informed of the specific details regarding these locations.

Sustainability implications

The sites for the signs were cleared of natural vegetation as part of the construction of the Mitchell Freeway. As such, site vegetation comprises rehabilitated shrubs and trees. However, the applicant has indicated that native and rehabilitated vegetation will be retained where possible.

The digital signs feature light emitting diode (LED) technology with brightness levels controlled through the use of light sensors. This is designed to conserve energy and results in improved environmental sustainability compared with a traditional illuminated sign.

Consultation

Public comments were not sought as the signs will not be visible to surrounding residential dwellings and, therefore, it is considered that the proposal will not result in any adverse effects on surrounding residential land owners.

COMMENT

The applicant seeks approval for two large-format static digital signs to be erected in the Mitchell Freeway road reserve. As the development is located in an MRS 'Primary Regional Road' reserve, Council is required only to provide a recommendation to the DoT, who is the decision making authority in this instance.

MRS requirements

Under the MRS, there are a number of matters that must be given consideration in determining the appropriateness of the land use and development for the site, being:

- the purpose for which the land is reserved under the scheme
- the orderly and proper planning of the locality
- the preservation of the amenities of the locality.

The land is reserved under the MRS for the purposes of Primary Regional Roads only. The intent of the reserve is not to facilitate opportunities for advertising.

It is noted that the use of signs as traffic control devices, or limited to the delivery of road related information to road users, is in greater accord with the intent of the reservation. However, the proposed signs will primarily be used for third party commercial advertising campaigns, with Main Roads WA related activities only displayed occasionally.

As such, use of the signs for the advertising of unrelated goods and services is superfluous to the intended use of the reserve and it is considered that approval of the development would not be in the interests of orderly and proper planning for the locality.

DPS2 requirements

While the provisions of DPS2 are not applicable to the development, as it is located in an MRS reserve, regard has still been given to the objectives of Clause 5.1 of DPS2, for the control of advertisements, and the City's *Signs Policy*.

It is acknowledged that the signs are of a high standard of design and presentation. Furthermore, the development sites have been independently assessed by Main Roads WA, and have been determined to be safe, with the location and design of the signs in accordance with Austroads and Main Roads WA guidelines.

However, similar to the matters listed in the MRS, the City's DPS2 and *Signs Policy* emphasise that signs should be site specific and not superfluous or unnecessary to the land on which they relate. There are also concerns that approval of the proposed development may set a precedent for use of the road reserve for advertising purposes, leading to a potential proliferation and clutter of signs in the City's transport corridors.

Conclusion

It is acknowledged that the proposals provide a high standard of design and presentation in outdoor advertising. However, it is considered that the development is inconsistent with the reservation of the land under the MRS, with proposed large-format digital signs superfluous to the use of the reserve as a Primary Regional Road.

It is therefore recommended that Council advises the DoT that it does not support the proposed development.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Chester, SECONDED Cr McLean that Council ADVISES the Department of Transport that it does not support the applications for planning approval dated 16 October 2014, submitted by APN Outdoor Pty Ltd C/- Urbis, the applicant on behalf of the land owner, Crown Land (State of Western Australia), for two large-format digital signs within the Mitchell Freeway road reserve, in Duncraig and Greenwood, for the following reason:

- 1 The signage for the purposes of commercial advertising is not consistent with the reservation of the land under the Metropolitan Region Scheme, this being Primary Regional Road, is superfluous, unnecessary, not site specific and would not be in the interests of orderly and proper planning.**

The Motion was Put and

CARRIED (12/0)

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

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf02 12 14.pdf](#)

CJ229-12/14 DRAFT REVISED STATE PLANNING POLICY 5.2: TELECOMMUNICATIONS INFRASTRUCTURE - DRAFT SUBMISSION

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	00415, 101515
ATTACHMENTS	Attachment 1 Draft State Planning Policy 5.2: Telecommunications Infrastructure Attachment 2 City's <i>Installation of Telecommunications Facilities Policy</i> Attachment 3 Draft submission
AUTHORITY / DISCRETION	Advocacy – Council advocates on its own behalf or on behalf of its community to another level of government body/agency.

PURPOSE

For Council to consider the City's draft submission on the Western Australian Planning Commission's (WAPC) draft revised *State Planning Policy 5.2 Telecommunications Infrastructure*.

EXECUTIVE SUMMARY

In October 2014, the WAPC released the draft revised *State Planning Policy 5.2 Telecommunications Infrastructure* (SPP 5.2) for public comment (Attachment 1 refers). The WAPC states that the policy review has been undertaken to reflect changes in technology and to provide clearer guidance to local government and industry on the provision of telecommunications infrastructure. The draft SPP 5.2 aims to facilitate better mobile telecommunications coverage, by streamlining the development approval processes and requires:

- consideration of the need for telecommunications infrastructure as 'essential infrastructure' in future planning processes, including structure planning
- local planning schemes to include telecommunications infrastructure in their use class tables
- visual amenity setbacks to be no greater than the height of the tower
- public notification to be limited to a 200 metre radius of a development proposal
- no additional setbacks for health and safety reasons, as this is already covered by Commonwealth laws.

Given the recent changes to telecommunication technology over the past few years, an updated SPP 5.2 is welcomed. However the City's draft submission to the WAPC seeks greater clarification on the manner in which the 200 metres maximum radius for public notification has been determined and on the guiding principles for the location, siting and design of telecommunications infrastructure can mitigate visual impacts.

It is recommended that Council endorses the draft submission to the WAPC on draft revised draft *State Planning Policy 5.2 Telecommunications Infrastructure*.

BACKGROUND

The current version of SPP 5.2 was produced in 2004. In June 2014, the Department of Planning undertook, as part of the review of the current version of SPP 5.2, an initial round of public consultation via an online survey. The key summary findings of the survey were as follows:

- The majority of respondents advised mobile and data connection services were either important, very important or extremely important to them and that they would rely on their mobile phone in an emergency situation.
- The majority of respondents were concerned about the quality of mobile phone services in their local area, noting ineffective service, times of slow service/interruptions and black spots.
- Themes emerging from general respondent comments overwhelmingly indicate the main area of concern is the poor quality of service in regional areas and the impacts this has on emergency response times and business viability.

Various local authorities have generated their own policies on telecommunication infrastructure which have differing requirements in terms of consultation, location, amenity, health and safety. As a result, applications for telecommunications infrastructure are treated differently by different local governments and in some cases have been refused on the basis of health and safety.

State Administrative Tribunal (SAT) hearings have effectively overturned local government determinations that refuse applications for telecommunications infrastructure on the grounds of health and safety. This has been on the basis that the health impacts of electromagnetic energy (EME) emitted from mobile phone towers are controlled by federal legislation and no evidence has been found to suggest that health and safety is affected when this federal legislation is complied with.

The revised SPP 5.2 document has been prepared in response to changes in telecommunications technology and in an effort to provide clearer guidance to local government and industry.

DETAILS

The draft SPP 5.2 applies to the planning, zoning, subdivision and development of land throughout Western Australia in respect of all telecommunications infrastructure other than those facilities exempted under the Commonwealth *Telecommunications Act 1997*, such as 'low-impact' telecommunications infrastructure.

The stated objectives of the draft SPP 5.2 are to:

- facilitate the provision of telecommunications infrastructure in an efficient, cost-effective and environmentally responsible manner to adequately and effectively meet community needs
- manage the aesthetic and community impacts of telecommunications infrastructure
- ensure that telecommunications infrastructure is included in relevant future structure planning as essential infrastructure
- promote a consistent approach in the preparation, assessment and determination of development applications for telecommunications infrastructure.

These policy objectives are either expressed or implied in the current version of SPP 5.2.

Draft revised SPP 5.2 states that telecommunications infrastructure should only be included as a relevant planning consideration in local planning schemes, policies, strategies and structure plans in accordance with the following guiding principles (summarised):

- Where possible, sites should be identified for inclusion in future structure plans and preferably with the potential for co-location with other utility providers (such as power, road, rail).
- For local planning schemes:
 - telecommunications infrastructure should be included as a specific use in the use class tables
 - local governments should consider exempting defined types of proposals in non-sensitive areas from planning approval, using areas adjacent to residential land uses such as industrial, commercial, business and rural areas to provide maximum network coverage
 - the requirement for the advertising of telecommunications infrastructure proposals is at the discretion of the local government. Where it is considered necessary, notice should be given to surrounding landowners up to a maximum of 200metres of the proposed infrastructure, unless exceptional circumstances exist that may require broader coverage.

The guiding principles for the location, siting and design of telecommunications infrastructure are stated as follows: (summarised):

- Telecommunications infrastructure should be located to facilitate continuous network coverage as far a possible.
- Telecommunications infrastructure should be designed and located so not to unduly compromise local heritage, aesthetic or conservation values.
- Telecommunications infrastructure cables should be placed underground wherever practical.
- The design and siting of telecommunications infrastructure should be integrated with existing buildings and structures to minimise adverse visual impact using concealment, colour coordination, camouflage and landscaping.
- Wherever possible, telecommunications infrastructure should be co-located with existing infrastructure and/or within existing infrastructure corridors.
- If visual amenity setbacks are to be put in place, they should be no greater than the height of the tower.

Draft revised SPP 5.2 states when considering development applications, the relevant authority should only have regard for the following (summarised):

- The extent to which co-location opportunities are available and have been investigated.
- The need to ensure continuity of supply of telecommunications services and the degree to which the proposal will improve network coverage.
- Providing emergency services coverage.
- The proposal's local environmental, heritage and aesthetic impacts.
- The extent to which the proposal adheres to the principles of SPP 5.2.

Issues and options considered

The options available to Council in considering the draft revised *State Planning Policy 5.2: Telecommunications Infrastructure* and the proposed submission are:

- endorse the draft submission, with or without modifications, and forward it to the WAPC
or
- not endorse the draft submission.

Legislation / Strategic Community Plan / policy implications

Legislation

Telecommunications Act 1997.
Telecommunications (Low-impact Facilities) Determination Act 1997.
Planning and Development Act 2005.
City of Joondalup District Planning Scheme No. 2.

Strategic Community Plan

Key theme

Quality Urban Environment.

Objective

Quality built outcomes.

Strategic initiative

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

Key theme

Economic Prosperity, Vibrancy and Growth.

Objective

Business capacity.

Strategic initiative

Actively seek opportunities for improving local communication network infrastructure.

Policy

Installation of Telecommunications Facilities Policy.

Installation of Telecommunications Facilities Policy

Council has adopted the above policy (Attachment 2 refers) which states wherever practicable, the City does not support the installation of telecommunication facilities unnecessarily close to schools, childcare establishments, hospitals and general residential areas. Owners and occupiers of property within a radius of 400 metres from the location of the proposed facility will be advised in writing.

The policy also states that, in making a recommendation to the Western Australian Planning Commission or in determining the application, the Council will have regard to:

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

Risk management considerations

Given that the draft SPP 5.2 states that its provisions will prevail over non-aligned local planning policies, there will be an onus on the City to revise its current policy position. In the absence of the City's policy being aligned with SPP 5.2, there is the risk that SAT will not uphold decisions of Council based on the local planning policy in circumstances where the proposal would otherwise comply with SPP 5.2.

Financial / budget implications

In the event that the revisions to SPP 5.2 are adopted in the form currently being advertised, this will necessitate a revision of the City's *Installation of Telecommunications Facilities Policy* to align with SPP 5.2, and an amendment to DPS2 to include a specific use class 'Telecommunications Infrastructure' and potentially additional exemptions. The policy revision and DPS2 amendment would be accommodated as part of normal City planning activities, with public advertising costs being approximately \$1,000 for each revision/amendment.

Alternatively, an amendment to DPS2 may be accommodated as part of the current review of DPS2, depending on when SPP 5.2 is finalised.

Regional significance

The draft revised policy will apply across Western Australia and will have significance for urban and rural areas alike.

Sustainability implications

One of the key strategic initiatives of the City's *Strategic Community Plan 2012 – 2022* is to actively seek opportunities for improving local communication network infrastructure. SPP 5.2 seeks to facilitate the more cost-effective and timely planning, assessment and determination of proposals for telecommunications infrastructure across Western Australia. The challenge, however, is to balance this objective with the visual amenity for adjoining landowners and residents, and the community in general.

Consultation

Prior to the release of the draft revised SPP 5.2, the Department of Planning undertook an online survey related to community attitudes toward telecommunications infrastructure. The draft revised SPP 5.2 was released by the WAPC for public comment on 21 October 2014 with the submission period closing on 19 December 2014.

COMMENT

General intent

The overall objective of SPP 5.2 is to provide a framework for the preparation, assessment and determination of applications for planning approval of telecommunications infrastructure within the context of the planning system of Western Australia. It seeks to rationalise the considerations that govern the installation of telecommunications infrastructure in an effort to bring about more consistent and timely outcomes. As an objective, this is supported. The revised draft policy states that where there are inconsistencies in local planning policies, SPP 5.2 will prevail. In terms of providing a consistent outcome, this is also supported, however, a number of concerns with the draft revised policy have been identified, as outlined below.

Identification of sites

Revised SPP 5.2 states that, where possible, telecommunications infrastructure planning should be incorporated into the structure planning process, including the potential for co-location with other utility providers. There is no indication, however, as to how this can practically be achieved. In principle, the idea is supported, as is the case with other utilities, however, telecommunications is a dynamic service that requires adjustments to changes in demand, changes in technology, the introduction of new carriers and changes in the urban landscape. What are deemed suitable sites or locations now may not be suitable in the future. More guidance is required in revised SPP 5.2 as to how telecommunications infrastructure can be meaningfully accommodated into the structure planning processes, if this is to be a consideration.

Inclusion as a use class within the planning scheme

Revised SPP 5.2 states that telecommunications infrastructure should be included as a specific land use within use class tables of the local planning scheme. DPS2 currently does not include a use class for telecommunications infrastructure as the land use 'Communication Antenna' specifically excludes telecommunications infrastructure. As such, this use does not fall within any of the use classes listed in DPS2 and is considered to be an unlisted use. Therefore, other than for low-impact facilities Council is required to make a determination under Clause 3.3 of DPS2 having due regard for matters of legislation (eg. *Planning and Development Act 2005* and *Telecommunications Act 1997*) and policy (eg. SPP 5.2 and City Policy *Installation of Telecommunications Facilities*).

The inclusion of the use 'Telecommunications Infrastructure' within the planning scheme is considered appropriate as this will provide consistency when dealing with telecommunications infrastructure within particular zones.

The revised policy does, however, state that local governments should consider exempting defined types of proposals in non-sensitive areas from planning approval, for example, within industrial, commercial, business and rural areas. This may be appropriate for some locations within particular zone, such as industrial zones in locations away from areas of high amenity. As such this would need to be considered closely by the City in the event that the use is incorporated into the planning scheme.

Public consultation

The current version of SPP 5.2 does not address public consultation matters. The revised draft, however, stipulates that if consultation is considered necessary, the maximum consultation radius should be 200 metres from the proposed installation. The revised policy indicates that there may be some exceptional circumstances that require broad consultation, however, no example or definition of exceptional circumstances is provided.

The City's current policy stipulates a 400 metres consultation radius which is based on the City's standard practice. No justification of reason for the radius stipulated within the revised SPP 5.2 has not been given. While it is acknowledged that part of the reason for the revised policy is to provide a consistent approach to the consideration of telecommunications infrastructure, it is considered that some flexibility or a larger range of consultation options should be incorporated into the revised policy.

Visual amenity

Issues relating to potential visual and amenity impacts are valid planning considerations and need to be incorporated in the strategies and policies that seek to guide the installation of telecommunications infrastructure. To this end revised SPP 5.2 represents a relatively superficial framework for the effective management of new and upgraded telecommunications infrastructure installations as it imposes simplistic standards for achieving amenity and mitigating visual impacts.

Specifically, allowing for maximum setbacks from lot boundaries equal to the height of the installation may prove inadequate when viewed in the context of the surrounding area.

Electromagnetic Energy (EME)

The draft revised SPP 5.2 does not deal with health and safety matters associated with telecommunications infrastructure by virtue of its reliance on the requirement that carriers comply with the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) (Electromagnetic Radiation – Human Exposure) Standard (2003) (Standard). The revised policy states that the standards set by ARPANSA incorporate substantial safety margins to address human health and safety matters. According to ARPANSA, and based on current medical research, very low levels of environmental radiofrequency near base stations and the relatively low power of transmitters does not warrant additional setbacks for telecommunications infrastructure in local planning schemes or local planning policies.

Local government is not responsible for the monitoring and control of EME that emanates or could potentially emanate from telecommunications infrastructure. Issues relating to EME levels are not deemed to be valid planning considerations in the determination of applications for telecommunications infrastructure, as evidenced by recent SAT decisions. Revised SPP 5.2 continues to reinforce this position, and this is considered appropriate. It is recommended that Council endorses the City of Joondalup's draft submission (Attachment 3 refers) on SPP 5.2 which is based on the comments outlined in Report CJ229-12/14.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Chester, SECONDED Cr Norman that Council:

- 1 **ENDORSES** the City of Joondalup's submission on the draft revised *State Planning Policy 5.2: Telecommunications Infrastructure* shown as Attachment 3 to Report CJ229-12/14 and forwards it to the Western Australian Planning Commission;
- 2 **NOTES** that in the event that draft revised *State Planning Policy 5.2: Telecommunications Infrastructure* is finalised, the City will be required to review its *Installation of Telecommunications Facilities Policy* to ensure consistency with the state policy.

The Motion was Put and

CARRIED (12/0)

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

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf021214.pdf](#)

CJ230-12/14 YOUTH DROP-IN PILOT PROGRAM AND YOUTH NEEDS IN WOODVALE AND KINGSLEY

WARD	North-Central and South-East
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	18027, 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 outcomes of the pilot youth drop-in program at the Heathridge Leisure Centre and to endorse continuation of this service
- the information in relation to youth needs in Woodvale and Kingsley.

EXECUTIVE SUMMARY

In December 2013, the City expanded the youth programs offered from the Heathridge Leisure Centre to include a weekly drop-in program. As the 12-month pilot program is nearing completion, has been well-attended and received positive feedback, this report provides an update to Council with recommendations to continue the program into the future.

Further, as requested by Council in April 2013 (CJ045-04/13 refers), analysis has been done on youth needs in Woodvale and Kingsley and has identified there is no current need for additional youth services in these areas, though the needs of the youth will continue to be monitored.

It is therefore recommended that Council:

- 1 *Subject to a source for the additional required funds of \$12,372 being identified in the 2014-15 mid-year budget review, APPROVES the continuation of the weekly youth drop-in program at the Heathridge Leisure Centre for the period 1 February to 30 June 2015;*
- 2 *REQUESTS the Chief Executive Officer conduct further investigation into the options for the provision of transport for the program detailed in part 1 above, and other youth programs offered by the City;*

- 3 *NOTES the information regarding youth needs in Woodvale and Kingsley;*
- 4 *NOTES that the youth needs in Woodvale and Kingsley will continue to be monitored and a further report will be presented if required.*

BACKGROUND

As a result of a Notice of Motion in February 2012 (C08-02/12 refers), an external consultant was appointed to undertake research into the feasibility of a permanent youth drop-in centre at the Heathridge Leisure Centre. The findings were presented to Council on 16 April 2013 (CJ045-04/13 refers) and Council resolved to:

- 1 *EXPAND its current level of youth service delivery to include:*
 - 1.1 *An additional weekly Youth Drop-In session at Heathridge Leisure Centre during after school hours on a 12 month trial basis commencing 1 December 2013;*
 - 1.2 *Offering space at Heathridge Leisure Centre via an Expression of Interest to community-based Youth Services providers so that the Centre is better utilised and identified community needs are met;*
 - 1.3 *Provision of transport for young people, using the Community Transport Program buses;*
 - 1.4 *Development of partnerships with community-based Youth Services providers to offer programs at the Heathridge Leisure Centre;*
 - 1.5 *Exploring opportunities for funding from external sources to support the implementation of the recommended expanded services;*
- 2 *LIST for consideration in the 2013/14 budget an amount of \$24,554 to cover the costs of the purchase of the required furniture and equipment, and the expanded service for a period of seven months;*
- 3 *NOTE the research findings that indicate needs for the provision of youth activities in the Woodvale/Kingsley area;*
- 4 *REQUEST that the Chief Executive Officer, at the conclusion of the trial in Heathridge, provides options for consideration by Council on activities that could be provided for young people in the Woodvale/Kingsley area.*

DETAILS

Since April 2013, a number of actions have been undertaken to implement the Council resolution. The following provides an update on each of these actions.

Youth drop-in pilot program

A weekly youth drop-in program at the Anchors Youth Centre located in the Heathridge Leisure Centre started as a pilot on Friday 4 December 2013. During this time the numbers of young people attending the drop-in have steadily grown. The following table details the number of young people attending per month.

Month	Number of Attendees	Comment
December 2013	16	
January 2014	36	School holiday period.
February 2014	90	
March 2014	123	
April 2014	67	Two Friday public holidays in this month.
May 2014	189	
June 2014	90	Closed for one Friday due to staff unavailability.
July 2014	115	
August 2014	144	
September 2014	141	
October 2014	171	
Total	1,182	Average 118 per month and 30 per week.

Program

During the past eleven months that the Friday night drop-in program has been running, there has been a variety of ongoing and one-off activities provided.

During the course of the program, young people have been supported with issues including family and household breakdown; work and study options, adoption of healthy lifestyles and presented with high-level and complex health, mental health and family relationship needs.

Participant Satisfaction

In November 2014, 40 participants of the program completed a survey with the results as follows:

Information Sought	Result	Comment
Gender	30 males 10 females	The majority of respondents are attending the program weekly
Participant Age Range	12 years to 16 years	
Average Age of participants	14 years	
Level of satisfaction	100% satisfied	

All participants surveyed said they were satisfied or better, with 76% indicating they were extremely satisfied with Friday night drop-in. Fifty percent of survey participants indicated their reasons for attending the program were to hang out with friends and the remaining 50% indicated that friendly staff, access to support and advice, and games and activities were the reasons for attending.

Use of Heathridge Leisure Centre by Community Youth Services

Expressions of interest to use the space at the Heathridge Leisure Centre occurred with partner organisations and through existing networks. Organisations that have used the space over the past eleven months include Headspace which offered art programs for young people experiencing mental health issues; the Patricia Giles Centre which offered family violence workshops; Women's Health Works and Youth Futures WA.

It is envisaged that youth and community service providers will welcome the opportunity to continue to access the space and provide programs for young people in the future.

Transport for the youth drop-in program

The City's community transport buses have been used to provide transport to young people for Friday night drop-in from Mirror Park and Kinross skate parks. Passenger numbers are shown in the table below.

Month	Passenger Numbers
December 2013	0 – while method for attaining parental permission was under development
January 2014	0 – as per December 2013
February 2014	0 – while parental permission for transport was being attained
March 2014	9
April 2014	5
May 2014	27
June 2014	25
July 2014	26
August 2014	29
September 2014	34
October 2014	47
Total	202

After trialling different options, it was decided that the most cost-efficient and safe way to manage the provision of transport is to have the youth workers driving the bus and participate in the drop-in program upon arriving at the leisure centre.

Partnership opportunities

A number of key local organisations including Headspace (youth mental health), Alta 1 (alternative education programs), West Coast Institute and Youth Futures WA (various youth services) have been approached about utilising the Heathridge Leisure Centre.

As a result, Youth Futures WA will be using the Anchors Youth Centre at Heathridge Leisure Centre from February 2015 to run an alternative education program.

Other agencies have also expressed interest in continuing their presence at the Heathridge Leisure Centre and will be offered timeslots as available.

Opportunities for external funding

In March 2014 the City secured \$50,000 in external funding to set up and run youth programs at Edge, the City's new youth space in the Currambine Community Centre. Discussions with external funding bodies such as LotteryWest have indicated that as a result of this funding, it is unlikely that the City will receive more funding for youth programs in the foreseeable future. The City will however continue to explore external funding opportunities for youth programs.

Activities for young people in Woodvale/Kingsley

According to the latest Australian Bureau of Statistics census figures, Woodvale (1,123) and Kingsley (1,055) have the second and third highest number of young people aged 12 - 17 years in the City behind Duncraig (1,267).

The City's Youth Outreach program is currently offered in public spaces around Woodvale and Kingsley up to three times a week and the Mobile Youth service is located at Timberlane Park in Woodvale one day per week.

Youth activity/needs in Kingsley

In Kingsley, small groups of young people are regularly observed in public space. There has been limited contact sought by young people with City staff.

Youth activity/needs in Woodvale

Woodvale has shown different age groups of young people compared to Kingsley. In July 2014, the City trialled offering youth-appropriate activities from the Timberlane clubrooms, however this attracted minimal response from young people.

The mobile youth bus has been located at Timberlane Park in Woodvale since September 2014 and there have been 120 contacts, averaging 15 young people per shift.

Those young people who have come into contact with the City's youth services in the Woodvale and Kingsley areas have not expressed a need for any further youth service delivery.

Issues and options considered

In making a decision about future directions for responding to youth needs, consideration is needed in three key focus areas:

- issues and options for the Friday night drop-in program at Heathridge Leisure Centre
- issues and options for identifying and addressing youth needs in Woodvale and Kingsley
- Transport.

Drop-in program - Heathridge Leisure Centre

After running the pilot youth drop-in program on Friday nights at Anchors Youth Centre, the key issues identified were staffing the program and the logistics of providing transport to and from the program. After implementing various trials during the pilot, it is recommended that if the Drop-In program is to continue, it is staffed by four youth workers who provide the program as well as transport.

Option One - Continue with the current model of Friday night drop-in

The participation rates of young people, their feedback about the value of the program and the take up of the offer of transport during the pilot program have provided a strong indication that the pilot Friday night drop-in program at Anchors Youth Centre is a success.

Option Two - Continue to offer Friday night drop-in without transport

The provision of transport has increased the number of participants accessing the program and has added value. If transport is not available there may be a drop in participation as a result.

Option Three - Do not continue with Friday night drop-in

Friday nights are well known times where young people get together (often in public space) to socialise and engage in leisure activities. The Friday night drop-in program has provided a safe environment for young people to socialise with friends and access positive activities that divert them from antisocial behaviour. If the program were to cease, this may result in increased boredom and an increase in the need for City Watch services or graffiti removal.

Given the participation rates, the utilisation of transport to access the program and the positive feedback and satisfaction levels of young people, Option One is recommended. This option provides for the continued expansion of the services offered by the City to young people, promotes working in partnership with other community-based youth service providers and increases the utilisation of the Heathridge Leisure Centre.

Identifying and addressing youth needs in Woodvale and Kingsley

Population statistics show that the youth population in Woodvale and Kingsley are the second and third highest of all the City's suburbs. Given that there was an indication of high need from the research conducted in 2012, and Council requested a report about youth needs in Woodvale and Kingsley, City staff have focussed some resources in those suburbs to further explore the needs.

Through the presence of City staff in public spaces in the two suburbs since 1 September 2014, it has been established that young people are satisfied with the current level of service provision and are not seeking expansion of youth programs.

Option One – Do nothing

While there are some identified needs for young people in Woodvale and Kingsley, these are not assessed as high-level at this stage. As there are still significant numbers of young people aged 12 to 17 years residing in Woodvale and Kingsley, the needs could be monitored into the future.

Option Two – Offer centre-based youth services

The findings of the pilot program in Heathridge demonstrate that centre-based activities (such as Friday night drop-in) can be a successful service provision model. To construct a new building or refurbish an existing building, however, is costly and not a preferred option in terms of the resource requirements. The provision of the City's existing mobile youth service is an affordable way of providing activities to young people without high costs involved.

Option Three – Continue existing services and monitor situation

As outlined in reports from City staff on the Youth Outreach program and mobile youth service, young people are present in various public spaces in Woodvale and Kingsley. In addition, information collated suggests that there are no major issues of antisocial behaviour and that the activities offered by the mobile youth service at Timberlane Park are welcome. At this point in time, based on feedback from the young people, this level of service provision is meeting the need and there have been no requests for expansion.

It is acknowledged however that this situation could change and as such, it is recommended that the City continue providing the existing youth services in Woodvale and Kingsley and monitor the situation over the next 12 months.

With the existing presence of the mobile youth service and the possible offer of transport to Heathridge Leisure Centre for Friday night drop-in, Option Three is recommended. Continuing to offer youth programs in this way allows City staff to monitor the needs over the next 12 months and make recommendations on potential service expansion if required.

Transport

Transport has proven to be a valuable component to the Friday night drop-in program. While time does not currently allow the transportation of large groups of young people from multiple locations to the drop-in program, there are some tangible benefits of providing transport to support drop-in (and possibly other youth programs) in the future.

While the use of the community transport buses has been beneficial, there have been some challenges including the buses not being available due to bookings by community groups and the buses being large and difficult to manoeuvre in places that young people frequent (such as car parks and train stations).

Further investigation is required to ascertain the feasibility of securing alternative transport for youth programs, including the Friday night drop-in program that may be more fit-for-purpose.

Option One

Continue to use the community transport buses to provide transport to the Friday night drop-in program should it continue.

Option Two

Do not offer transport to the Friday night drop-in program.

Option Three

Continue to use the community transport buses to provide transport for drop-in and commence research into options for securing an appropriate vehicle for transport for the City's youth programs, together with options for external funding.

As there could be significant benefits for all youth programs by offering transport, Option Three is recommended.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key Theme Community Wellbeing.

Objective Quality facilities.
Community spirit.

Strategic Initiative Understand the demographic context of local communities to support effective facility planning.

Promote and support the needs of disadvantaged communities.

Policy Not applicable.

Risk management considerations

The risk management considerations relate to social implications such as antisocial behaviour and possible crime should people in disadvantage not have their needs addressed.

Financial / budget implications

The total cost of operating the Friday night drop-in program at the Heathridge Leisure Centre for the 12 month pilot period was \$42,892 (this included furniture and equipment, consumables, vehicle running and staffing costs). This expenditure was spread over two financial years in line with the timing of the pilot being December to December.

Should there be a decision to continue with the Drop-In program, an allocation of \$12,372 will be needed in the current financial year to fund the provision of the service from February to June 2015 (to cover staffing, consumables and vehicle running expenses). There is no allowance in the current 2014-15 budget to provide this service beyond January 2015.

From 1 July 2015 the program costs will be \$30,710 per annum plus applicable increases.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implicationsEnvironmental

The continuation of the Friday night drop-in program utilises existing City-owned facilities and has no significant environmental implications.

Social

Social sustainability is enhanced through the development of resilience and empowerment in young people, their families and members of the community. The provision of youth services offers activities and programs that work to enhance these traits in the community.

As a result of an increase in personal resilience, self esteem and empowerment in individuals, a decrease in antisocial behaviour and community based opportunistic crime occurs.

Continuing the weekly youth drop-in program will be improve services to the community, meet an already determined need and enhance the use of the Heathridge Leisure Centre.

Economic

The continuation of the youth drop-in program will incur expenditure funded from City resources. There is the capacity to work with other community-based organisations to offset some of this expenditure and/or apply for grant funding to reduce costs.

Consultation

Consultation was undertaken between September and December 2012 as part of the initial feasibility study. This consultation process engaged 248 young people, 35 parents and 21 service providers through online surveys, discussions and workshops.

Young people participating in the Friday night drop-in pilot were surveyed in November 2014, with the findings outlined above.

COMMENT

The success of the 12-month pilot Friday night drop-in program at the Heathridge Leisure Centre strongly indicates the need for the continued provision of this service. The provision of transport has proven beneficial in terms of young people accessing the program and it is recommended that this model continue. Given the issues experienced with utilising the community transport buses however, it is recommended that further investigation be undertaken into alternative means of transport for young people to access the City's youth programs.

The City has increased the provision of youth services in the Woodvale and Kingsley areas utilising existing resources. Indications are that this has met the existing demand in these areas and at this point in time, young people are not expressing a need for an expansion of youth services. It is recommended that the existing youth services continue to be provided in Woodvale and Kingsley and the situation be monitored over the next 12 months.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, SECONDED Cr Hollywood that Council:

- 1 Subject to a source for the additional required funds of \$12,372 being identified in the 2014-15 mid-year budget review, APPROVES the continuation of the weekly youth drop-in program at the Heathridge Leisure Centre for the period 1 February to 30 June 2015;**
- 2 REQUESTS the Chief Executive Officer conduct further investigation into the options for the provision of transport for the program detailed in part 1 above, and other youth programs offered by the City;**
- 3 NOTES the information regarding youth needs in Woodvale and Kingsley;**
- 4 NOTES that the youth needs in Woodvale and Kingsley will continue to be monitored and a further report will be presented if required.**

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ242-12/14, page 125 refers.

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

CJ231-12/14 MINUTES OF EXTERNAL COMMITTEES

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	03149, 101515
ATTACHMENTS	Attachment 1 Minutes of the ordinary meeting of the Mindarie Regional Council held on 30 October 2014 <i>(Please Note: These minutes are only available electronically).</i>
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the minutes of the ordinary meeting of the Mindarie Regional Council.

EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of the ordinary meeting of the Mindarie Regional Council (MRC) held on 30 October 2014.

DETAILS

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

Mindarie Regional Council Ordinary meeting – 30 October 2014.

An ordinary meeting of the Mindarie Regional Council (MRC) was held on 30 October 2014.

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

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

9.3 10 Year Asset Management Plan

It was resolved by the MRC as follows:

“That the 10 Year Asset Management Plan (2013-14 to 2022-23) be adopted.”

9.4 Proposed Merger of the Forum of Regional Councils and Municipal Waste Advisory Council

It was resolved by the MRC as follows:

“That the Council inform the Forum of Regional Councils (FORC) that it supports its position to consider merging with WALGA/MWAC and that the negotiations for this merger should be conducted as a matter of urgency, failing which the MRC will commence discussions with WALGA/MWAC independently for them to advocate on the MRC’s behalf with the Federal/State Governments and their agencies.”

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong leadership.

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

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, **SECONDED** Cr Hollywood that Council **NOTES** the minutes of the Mindarie Regional Council meeting held on 30 October 2014 forming Attachment 1 to Report CJ231-12/14.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ242-12/14, page 125 refers.

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

To access this attachment on electronic document, click here: [External Minutes 02 12 14.pdf](#)

CJ232-12/14 STATUS OF PETITIONS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	05386, 101515
ATTACHMENTS	Attachment 1 Status of Petitions – 18 March 2014 to 18 November 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 status of outstanding petitions.

BACKGROUND

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

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

DETAILS

Issues and options considered

Attachment 1 provides a list of all outstanding petitions, which were received during the period 18 March 2014 to 18 November 2014, with a comment on the status of each petition.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key Themes Governance and Leadership.

Objective Active democracy.

Strategic Initiatives

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

- Adapt to community preferences for engagement formats.

Policy Implications

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

Risk Management Considerations

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

Financial/Budget Implications

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

Regional Significance

Not applicable.

Sustainability Implications

Not applicable.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, SECONDED Cr Hollywood that Council:

- 1 the status of outstanding petitions submitted to Council during the period 18 March 2014 to 18 November 2014, forming Attachment 1 to Report CJ232-12/14;
- 2 that a report in relation to the petition requesting the installation of a basketball court and a tennis hit-up wall at Ellersdale Oval, Warwick, or at the alternate location of Aberdare Park, Warwick was presented to Council at its meeting held on 21 October 2014 (CJ189-10/14 refers);
- 3 that a report in relation to the petition requesting that Council erects shade sails over the playground area at Mawson Park, Hillarys was presented to Council at its meeting held on 18 November 2014 (CJ221-11/14 refers);
- 4 that a report in relation to the petition requesting that the chicane between 113 and 115 Clontarf Street, Sorrento be replaced with a speed hump similar to what has been constructed between 23 and 25 Clontarf Street, Sorrento is proposed to be presented to Council at its meeting to be held on 9 December 2014;
- 5 that a report in relation to the petition requesting that Council improve the facilities available for visitors at Granadilla Park, Duncraig is proposed to be presented to Council at its meeting to be held on 17 February 2015;
- 6 that a report in relation to the petition requesting that Council reconsider its previous decision to prohibit dogs from Craigie Open Space (CJ169-09/14 refers) and to now allow dogs on a leash to utilise this area while still conserving the wildlife is proposed to be presented to Council at its meeting to be held on 21 April 2015;
- 7 that a report in relation to the petition requesting that Council make an adjustment to the City's *Parking Local Law 2013* to allow City of Joondalup residential parking permit vehicles exempt from parking time restrictions in the street adjacent to the premises so issued is proposed to be presented to Council at its meeting to be held on 17 February 2015.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ242-12/14, page 125 refers.

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

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf021214.pdf](#)

CJ233-12/14 LOCAL GOVERNMENT AND PUBLIC PROPERTY LOCAL LAW 2014

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	22513, 101515
ATTACHMENTS	Attachment 1 Summary of submissions Attachment 2 <i>City of Joondalup Local Government and Public Property Local Law 2014</i> (official version without notes) Attachment 3 <i>City of Joondalup Local Government and Public Property Local Law 2014</i> (unofficial version - with notes) Attachment 4 Comparison matrix
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to note the submissions received and the City's responses on the proposed *City of Joondalup Local Government and Public Property Local Law 2014*, and resolve to make the local law.

EXECUTIVE SUMMARY

At its meeting held on 15 April 2014 (CJ049-04/14 refers), Council resolved to commence the local law-making process and that the proposed *City of Joondalup Local Government and Public Property Local Law 2014* be advertised for public consultation.

In accordance with section 3.12(3) of the *Local Government Act 1995* the City publicly advertised the proposed local law for a period of six weeks and forwarded a copy of the local law to the Minister for Local Government.

At the close of the public consultation period the City had received two submissions. The Department of Local Government and Communities requested, and was subsequently afforded, an extension of time in which to provide comment. One submission was subsequently received from the Department of Local Government and Communities after the public comment period closed.

The Governor's approval has been obtained to extend the application of the proposed local law 200 metres seaward from the low water mark along the City's western boundary.

It is therefore recommended that Council:

- 1 *NOTES the submissions received for the proposed City of Joondalup Local Government and Public Property Local Law 2014, as detailed in Attachment 1 to Report CJ233-12/14;*
- 2 *NOTES the Governor's approval has been obtained to extend the City's western boundary 200 metres seaward from the low water mark, for the purposes of the proper administration of the City of Joondalup Local Government and Public Property Local Law 2014;*
- 3 *BY AN ABSOLUTE MAJORITY MAKES the City of Joondalup Local Government and Public Property Local Law 2014 as detailed in Attachment 2 to Report CJ233-12/14 and AUTHORISES the Common Seal to be affixed;*
- 4 *NOTES the progression of the remaining actions to finalise the local law adoption process as detailed in sections 3.12 and 3.15 of the Local Government Act 1995.*

BACKGROUND

At its meeting held on 7 December 1999 (CJ419-12/99 refers), the Joint Commissioners adopted the *City of Joondalup Local Government and Public Property Local Law 1999*. The purpose of the local law was to provide for the regulation, control and management of activities and facilities on local government and public property within the district. The current local law was published in the *Government Gazette* on 18 January 2000 and has been in operation since 1 February 2000 (14 days after its publication in the *Government Gazette*).

A local government is required to review its local laws within a period of eight years from the day the local law commenced or was last reviewed by Council. The *City of Joondalup Local Government and Public Property Local Law 1999* has been amended a number of times, most recently in December 2009.

At its meeting held on 15 April 2014 (CJ049-04/14 refers), Council considered the proposed *City of Joondalup Local Government and Public Property Local Law 2014* and resolved as follows:

"That Council:

- 1 *MAKES the City of Joondalup Local Government and Public Property Local Law 2014, as detailed in Attachment 3 to this Report, for the purposes of public advertising;*
- 2 *In accordance with section 3.6 of the Local Government Act 1995, SEEKS the Governor's approval to extend the City's western boundary 200 metres seaward from the low water mark, for the purposes of the proper administration of the local law detailed in Part 1 above."*

In accordance with section 3.12(3) of the *Local Government Act 1995* the City publicly advertised the proposed local law for a period of six weeks through:

- statewide notice in *The West Australian* newspaper
- local public notice in the *Joondalup Weekender*
- public notice boards at the City's administration building, customer service centres and public libraries
- a public notice on the City's website.

A copy of the local law was forwarded to the Minister for Local Government.

At the close of the public consultation period the City had received two submissions, being from real estate agents in relation to portable direction (home open) signs.

The Department of Local Government and Communities requested, and was subsequently afforded, an extension of time in which to provide comment. One submission was subsequently received from the Department of Local Government and Communities after the public comment period closed.

Correspondence was also sent to the Department of Local Government and Communities seeking the Governor's approval to extend the application of the proposed local law 200 metres seaward from the low water mark along the City's western boundary.

DETAILS

The purpose of the *City of Joondalup Local Government and Public Property Local Law 2014* is to provide for the regulation, control and management of activities and facilities on local government and public property within the district.

The effect of the *City of Joondalup Local Government and Public Property Local Law 2014* is to establish the requirements with which any persons using or being on local government and public property within the district, must comply.

The comments received from the public and the Department of Local Government and Communities, and the City's responses to those comments are provided in Attachment 1. Where changes have been supported they have been included in the local law submitted to Council for adoption (Attachment 2 refers).

One of the significant requirements of the local law relates to the application of the local law in clause 1.4, requiring the Governor's approval to include the application of the local law for a distance of 200m seawards from the low water mark along the western boundary of the City of Joondalup. The extension of the City's boundary seaward enables the provisions relating to beaches and activities of surf life saving clubs to be appropriately enforced.

The City requested the Department of Local Government and Communities to make the Governor's Order to enable gazettal of the local law. This action was progressed through the Executive Council and the Governor's Order was published in the *Government Gazette*.

Following consideration of the public submissions and comments from the Department of Local Government and Communities, the City's local law working group reviewed the proposed local law to assess potential impacts on the operation of the local law.

As a result of the review, the following changes were made to the proposed local law:

Clause	Change	Comment
7.1	Definition of 'jetty' amended by adding the words 'breakwater, groyne'	The added words reflected the intent to be able to regulate activity on breakwaters and groynes that are local government property.
8.2	In sub clause 8.2(1)(h)(ii) the words "crushed limestone" were added to indicate that a permit is required to install this type of verge treatment.	The added words reflect the City's current permissible verge treatments.
8.6	Under the definition of 'acceptable material', an information box has been inserted to advise the public on how to obtain a copy of the list of acceptable materials.	It was considered that the information box would assist the public in identifying what the local government considers an acceptable material.
8.9	In clause 8.9(e) the words "planted by the local government" were deleted.	The words unintentionally limited the application of the clause.
8.16	The clause contained an incorrect reference to itself and was amended to reference clause 8.15.	
11.4	Deleted the word 'on' in clause 11.4(2)(a).	The deleted word was grammatically incorrect.

These changes are considered to not significantly change the local law from what was originally proposed.

Issues and options considered

Council can either:

- make the *City of Joondalup Local Government and Public Property Local Law 2014* as presented
- make the *City of Joondalup Local Government and Public Property Local Law 2014* with amendments
or
- decline to make the *City of Joondalup Local Government and Public Property Local Law 2014* and retain the existing local laws.

Option 1 is the preferred option considering the outcomes of the City's eight year statutory review.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

Strategic initiative Not applicable.

Policy Not applicable.

Risk management considerations

Should the City not follow the local law creation process as detailed in the Act, the local law may be disallowed by the Joint Standing Committee on Delegated Legislation (JSCDL). The local law must also be cognisant of previous findings of the JSCDL, specifically with regard to provisions that the JSCDL has stated are outside the local law making power of local governments.

Financial / budget implications

The cost associated with the local law making process is approximately \$2,500, being public advertising costs and costs for publishing the local law in the *Government Gazette*. Funds are available in the *2014-15 Budget* for statutory advertising.

Should the local law be adopted and come into effect, there may be some signs on local government property that will require updating to reflect the new local law and its provisions. These updates will occur as the affected signs are identified and be funded through the annual signs maintenance budget.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The development of local laws requires statutory advertising and consultation with members of the public throughout the local law-making process. Consultation in respect of making this local law included:

- giving statewide public notice advertising the proposed local law and inviting submissions to be made within no less than six weeks from the date of advertising, including:
 - advertising in a newspaper circulating throughout the state

- displaying public notices at the City of Joondalup Administration Centre, public libraries and customer service centres
- advertising on the City's website
- providing a copy of the notice and a copy of the proposed local law to the Minister responsible for the Act under which the proposed local law is being made
- providing an email to the Real Estate Institute of Western Australia (REIWA) to advise them of the proposed local law and the potential changes to administration and enforcement of home open signs.

COMMENT

The proposed *City of Joondalup Local Government and Public Property Local Law 2014* is a consolidation of various existing local laws, and takes into account the WALGA Model Local Laws and previous findings of the JSCDL. It has been developed following extensive review and consultation with officers from across the organisation.

As a result of this consolidation, various existing local laws will need to be repealed, including the current *Local Government and Public Property Local Law 1999*, *Trading in Public Places Local Law 1999* and certain provisions within the *Signs Local Law 1999*.

Following the public comment period and consideration of those matters identified, the local law has been amended slightly to that which was adopted by Council for the purposes of public advertising. Notwithstanding, the changes to the local law are not considered significant to require the City to recommence the local law-making process.

The Governor's approval to extend the application of the local law 200 metres seaward was sought and subsequently obtained.

In view of this it is recommended that Council makes the local law and undertakes the required actions under the *Local Government Act 1995* to enable the local law to come into effect.

VOTING REQUIREMENTS

Absolute Majority.

MOVED Cr Fishwick, SECONDED Cr Amphlett that Council:

- 1** NOTES the submissions received for the proposed *City of Joondalup Local Government and Public Property Local Law 2014*, as detailed in Attachment 1 to Report CJ233-12/14;
- 2** NOTES the Governor's approval has been obtained to extend the City's western boundary 200 metres seaward from the low water mark, for the purposes of the proper administration of the *City of Joondalup Local Government and Public Property Local Law 2014*;
- 3** BY AN ABSOLUTE MAJORITY MAKES the *City of Joondalup Local Government and Public Property Local Law 2014* as detailed in Attachment 2 to Report CJ233-12/14 and AUTHORISES the Common Seal to be affixed;
- 4** NOTES the progression of the remaining actions to finalise the local law adoption process as detailed in sections 3.12 and 3.15 of the *Local Government Act 1995*.

The Motion was Put and

CARRIED (12/0)

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

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8agn091214.pdf](#)

Disclosure of Financial Interest

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	CJ234-12/14 - Request for Annual Leave - Chief Executive Officer.
Nature of interest	Financial interest.
Extent of Interest	Mr Hunt holds the position of Chief Executive Officer.

CJ234-12/14 REQUEST FOR ANNUAL LEAVE - CHIEF EXECUTIVE OFFICER

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	98394, 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 give consideration to the request for annual leave submitted by the Chief Executive Officer (CEO).

EXECUTIVE SUMMARY

The CEO has requested annual leave for the period 22 December 2014 to 16 January 2015, inclusive.

BACKGROUND

The CEO commenced his employment with the City of Joondalup on 31 January 2005.

DETAILS

The CEO has requested leave from duties for the period 22 December 2014 to 16 January 2015 inclusive for annual leave. The CEO has delegated authority to appoint an Acting CEO for periods where he is absent from work while on leave, where such periods are for less than 35 days.

Issues and options considered

During the employment of the CEO there will be periods of time where he will be absent from the City of Joondalup on annual leave.

The CEO, in accordance with his employment contract, is entitled to 25 days leave per annum.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

Strategic initiative Maintain a highly skilled and effective workforce.

Policy Not applicable.

Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

Provision included in Budget for 2014-15.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The CEO has an entitlement in accordance with his employment contract for periods of annual leave. The dates requested are conducive to the operations of the City.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Hollywood, SECONDED Cr Ritchie that Council APPROVES the request from the Chief Executive Officer for annual leave for the period 22 December 2014 to 16 January 2015 inclusive.

The Motion was Put and

CARRIED (12/0)

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

CJ235-12/14 MOBILE CCTV OPTIONS IN THE CITY OF JOONDALUP

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	09360, 101515
ATTACHMENTS	Nil.
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 a report the current and potential deployment of mobile Closed Circuit Television (CCTV) by the City of Joondalup.

EXECUTIVE SUMMARY

At its meeting held on 16 September 2014 (CJ49-09/14 refers), Council requested the Chief Executive Officer prepare a report in regard to mobile CCTV equipment.

The City of Joondalup has a number of small covert mobile CCTV units which are deployed on a frequent basis, in several locations, but has no overt mobile units. Opportunities exist to deploy existing covert CCTV units both strategically and tactically, in a range of locations within the City of Joondalup. It has also been suggested that the City consider acquiring a trailer mounted unit for use in addressing hooning and vehicle related anti social behaviour. The response to this type of activity is primarily a WA Police responsibility and the purchase of a trailer would be expensive and is not supported.

It is therefore recommended that Council NOTES the report outlining the current and potential future activities undertaken by the City of Joondalup in the use of mobile CCTV.

BACKGROUND

At its meeting held on 16 September 2014 (CJ49-09/14 refers), Council resolved to request *“the Chief Executive Officer prepare a report on the feasibility of the City purchasing mobile CCTV equipment to be used throughout the City of Joondalup and the implications associated with their purchase and use.”*

CCTV is widely used for a number of security and monitoring reasons and the City has fixed CCTV systems in the CBD, at Mirror Park skate park, Kinross skate park, Delamere Park, Currambine and Tom Simpson Reserve, Mullaloo. The deployments are all fixed locations with cameras permanently affixed to poles or other structures. As they are highly visible and accompanied by warning signs they are considered to be “overt” deployments.

Mobile cameras come in two distinct types. The first is generally affixed to a pole on a trailer and highly visible and is considered an overt system. The second type are small, hidden from obvious view, not represented by local signage and are termed “covert”, because they are designed to capture images of offenders who are unaware of the cameras presence.

The use of CCTV in public places is primarily governed by the requirements of the *Surveillance Devices Act 1998*, (the Act). The pertinent sections relate to the concept of privacy and what may be reasonably considered “private activity”. Since the CCTV units do not record sound the requirements of “private conversations” do not apply.

The definition of private activity in the Act is as follows:

“private activity means any activity carried on in circumstances that may reasonably be taken to indicate that any of the parties to the activity desires it to be observed only by themselves, but does not include an activity carried on in any circumstances in which the parties to the activity ought reasonably to expect that the activity may be observed;”

The key phrase is “ought reasonably to expect” and CCTV is used around the world on the understanding that what takes place in public is a public activity whatever the stratagems used to hide it.

Section 6(1) of the Act is shown below. The City is not affected by subsections 2 and 3 so only subsection 1 applies:

6 Regulation of use, installation and maintenance of optical surveillance devices

- (1) *Subject to subsections (2) and (3), a person shall not install, use, or maintain, or cause to be installed, used, or maintained, an optical surveillance device —*
- (a) *to record visually or observe a private activity to which that person is not a party; or*
 - (b) *to record visually a private activity to which that person is a party.*

Penalty:

- (a) *for an individual: \$5,000 or imprisonment for 12 months, or both;*
- (b) *for a body corporate: \$50,000.*

In general terms, putting the definition of private activity and the deployment requirements of Section 6 together, this can be summarised as saying that a CCTV camera in a public place is permitted provided it is pointed towards a public area, and not intruding into private property. Further any activity in a public place is unlikely to be considered private activity even if the participants in the activity do not wish to be seen, for example graffiti taggers, people consuming alcohol and the like.

The City therefore does not breach the Act in deploying its current CCTV units provided reasonable steps are taken to ensure no images are taken of what is clearly private activity on private property or on public property set aside for use in private circumstances such as a cubicle in a public toilet.

DETAILS

The City has been using mobile and semi-permanent covert CCTV since 2009. The cameras have been used primarily to identify offenders who are damaging public property by graffiti or who are illegally dumping material on public land or near charity bin collection points. These cameras come in a range of styles and sizes to suit the intended locations and depending upon whether they are intended to be placed for a short while or are semi-permanent in that location.

There are a number of factors governing the deployment of covert cameras. Typically, slim line, lipstick shaped cameras will be deployed to either view building surfaces from under the eaves, or by looking outwards through windows/doors at the approach to buildings. Larger shoe box sized cameras are typically strapped to a tree, lamp post or other tall structure and look into more open spaces such as car parks, road verges or access ways. Issues such as available light will assist in determining if a camera is suitable in that location. For example the City has only been partially effective in identifying hoon drivers because of the low ambient light and high headlight contrast at night, but with better overall success during the day.

In February 2013 the City of Joondalup was awarded a modest grant from the State Government in support of a project named "Don't Mark Our Parks" which saw six new covert cameras purchased for deployment in various parks and reserves to capture digital images of graffiti activity. The cameras were deployed on 45 occasions across 31 locations between February 2013 and January 2014 as part of the project. The City still owns the cameras and is still deploying them in various locations to assist with graffiti offender identification, illegal dumping and hoon behaviour.

Issues and options considered

Large overt trailer mounted CCTV

Trailer mounted cameras are becoming more available as industry, particularly the mining industry begins to use them for remote monitoring or recording of field operations. The City of Swan has two trailer mounted units and the City of Wanneroo has one trailer mounted unit. These units are used from time to time as a deterrent to illegal activity. They appear to work while they are in place, although the problem behaviour can often return after the trailer unit is removed.

Trailer mounted CCTV systems are relatively expensive because of the equipment they carry and the security measures that are needed to minimise theft or vandalism of the unit. Trailer mounted systems require diesel generators or very large battery arrays to power the unit. Air and fuel intakes need to be protected and a range of other anti-tampering measures are needed, including modifying the wheels which need to be secured against illegal towing away.

At this time there does not appear to be sufficient issues within the City which would warrant the full time deployment of a trailer mounted CCTV system. In addition hooning and anti social behaviour involving vehicles on public roads is primarily a WA Police matter. There could however be scope for a hired unit to be used in support of major events, festival activity or traffic monitoring on an as and when required basis.

Small mobile covert systems

Small mobile covert cameras are typically about the size of a large shoe box. They are light weight and can be placed inside hardened steel shells to protect them from damage. They can be mounted in trees, on poles and posts or other infrastructure with steel bands making them theft resistant. They are hand portable and only require a ladder or other lifting device to assist in placement. Image quality and field of view can be checked during the deployment to ensure the camera is able to perform as expected.

The City has a number of units which are currently being successfully deployed through the Community Safety team to monitor graffiti, anti-social behaviour in public places and hoon behaviour. The team also deploys cameras to assist Waste Services with illegal dumping in public places and Ranger Services with dumping near charity collection bins. Cameras have also been temporarily deployed adjacent to Craigie Open Space to assist with educating dog owners that it is a dog prohibited area.

All the City's existing mobile cameras require a manual download of data either at the end of the deployment or at intervals during the deployment. In most cases this is sufficient for the City's needs. Newer cameras have the capability of being fitted with internet enabled technology so that images can be monitored remotely and in real time. There is no current demand for a camera of this type but the option will continue to be explored.

The units that the City has and other, newer units available on the market could be used in other locations and for other purposes. For example the cameras used to observe hoon behaviour could be deployed to observe ordinary driver behaviour at locations of interest or which may be identified as traffic hot spots.

The City should continue to use its fleet of mobile cameras to assist in managing City assets and open spaces.

Use of captured CCTV footage

The City is regularly requested by WA Police for copies of CCTV footage to assist in their investigations and prosecutions where appropriate. The City's own internal Business Units also from time to time request CCTV footage to assist in investigations, for example health, building, parking.

In the 12 months to October 2014 the City responded to 94 requests for CCTV footage from WA police and internal Business Units. 50 requests were made by WA Police with images available for 20 incidents. City Business Units made 42 requests with images available for 13 incidents. While WA Police do not always advise the City of outcomes from supplied CCTV footage, it is known that there have been successful prosecutions with CCTV footage contributing to the investigation.

Legislation / Strategic Community Plan / policy implications

Legislation	<i>Surveillance Devices Act 1998.</i>
Strategic Community Plan	
Key theme	Governance and Leadership.
Objective	Corporate capacity.
Strategic initiative	Apply a work ethic of confident and responsive action.
Policy	Not applicable.

The City has a CCTV in public areas protocol which determines how images may be accessed by approved agencies or organisations as part of legitimate investigations. The City also observes the “*Australia and New Zealand Police Recommendations for CCTV – 2014*”. The City also works within the requirements of AS4806.1-2006 the current CCTV standard.

Risk management considerations

There are no additional risks associated with continuing to deploy temporary covert or mobile trailer mounted CCTV units provided the well established existing protocols and procedures are followed.

Financial / budget implications

There are no current budgeted allocations for purchasing further mobile CCTV units or upgrading existing units. Research undertaken with potential providers of trailer mounted camera solutions identified that a purpose built trailer mounted mobile unit would cost between \$85,000 and \$125,000 depending upon the final specification such as fit out, size and the amount of anti-tampering devices that would need to be applied.

Small covert CCTV systems can range from under \$1,000 to about \$2,500 depending upon functionality and specification, including protective steel sheaths.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The City of Joondalup is already well experienced in the use of mobile and temporary CCTV systems. The City currently deploys covert cameras based on assessments of localised issues to do with illegal dumping, hoon behaviour and graffiti. The issues may be raised by residents, by agencies such as the WA Police or from local knowledge of City officers. In each case the deployment is carefully managed to ensure protocols are followed, and City staff in the Community Safety team undertake all the work on behalf of other business units.

In the future, additional deployment opportunities for CCTV could include monitoring driver behaviour in the vicinity of schools, monitoring activity at major events, monitoring traffic flows in local streets and monitoring movements into and out of car parks.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, SECONDED Cr Hollywood that Council NOTES the report outlining the current and potential future activities undertaken by the City of Joondalup in the use of mobile CCTV.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ242-12/14, page 125 refers.

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

CJ236-12/14 LIST OF PAYMENTS MADE DURING THE MONTH OF OCTOBER 2014

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	09882, 101515
ATTACHMENTS	Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of October 2014 Attachment 2 Chief Executive Officer's Delegated Trust Payment List for the month of October 2014 Attachment 3 Municipal and Trust Fund Vouchers for the month of October 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 list of accounts paid under the Chief Executive Officer's delegated authority during the month of October 2014.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of October 2014 totalling \$13,488,818.04.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for October 2014 paid under delegated authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 in Attachments 1, 2 and 3 to Report CJ236-12/14, totalling \$13,488,818.04.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of October 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 99469 - 99778 & EF043372 – EF043971 Net of cancelled payments	\$9,253,617.82
	Vouchers 1345A – 1354A	\$4,197,850.22
Trust Account	Trust Cheques & EFT Payments 206562-2065941&TEF00016 TEF00042 Net of cancelled payments	\$37,350.00
Total		\$13,488,818.04

Issues and options considered

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

Option 1

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

Option 2

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

Legislation / Strategic Community Plan / policy implications

Legislation

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

Strategic Community Plan

Key theme Financial Sustainability.

Objective Effective management.

Strategic initiative Not applicable.

Policy Not applicable.

Risk management considerations

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

Financial / budget implications

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

Regional significance

Not applicable.

Sustainability implications

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

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, **SECONDED** Cr Hollywood that Council **NOTES** the Chief Executive Officer's list of accounts for October 2014 paid under Delegated Authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachments 1, 2 and 3 to Report CJ236-12/14, totalling \$13,488,818.04.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ242-12/14, page 125 refers.

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

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf021214.pdf](#)

CJ237-12/14 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 OCTOBER 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 October 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 October 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 October 2014 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$9,087,325 for the period when compared to the 2014-15 Adopted Budget.

The variance can be summarised as follows:

The operating surplus is \$1,545,867 higher than budget, made up of higher operating revenue \$1,131,805 and lower operating expenditure of \$414,062.

Operating revenue is higher than budget on Rates \$337,391, Interest Earnings \$263,741, Other Revenue \$182,421, Profit on Asset Disposals \$161,789, Contributions, Reimbursements and Donations \$97,882, Grants and Subsidies \$73,069, Specified Area Rates \$12,277 and Fees and Charges \$3,236.

Operating Expenditure is lower than budget on Materials and Contracts \$2,833,354, Utilities \$247,313, Employee Costs \$60,207 and Insurance Expenses \$38,405. These are partly offset by higher than budget expenditure on Depreciation and Amortisation \$2,750,686 and Loss on Asset Disposals \$15,454.

The Capital Deficit is \$5,042,746 lower than budget primarily owing to lower than budgeted expenditure on Capital Works \$4,418,882 and Capital Projects \$815,499 as well as higher revenue from Capital Grants and Subsidies \$155,863 and Capital Contributions \$172,585. These are partially offset by higher expenditure on Motor Vehicle Replacements \$124,426 and unbudgeted Tamala Park Development Costs \$395,657.

Further details of the material variances are contained in Appendix 3 of the Attachment to Report CJ237-12/14.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 October 2014 forming Attachment 1 to Report CJ237-12/14.

BACKGROUND

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

DETAILS

Issues and options considered

The Financial Activity Statement for the period ended 31 October 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.

MOVED Cr Amphlett, **SECONDED** Cr Hollywood that Council **NOTES** the Financial Activity Statement for the period ended 31 October 2014 forming Attachment 1 to Report CJ237-12/14.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ242-12/14, page 125 refers.

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

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf021214.pdf](#)

CJ238-12/14 REQUEST FOR ADDITIONAL SUBSIDIES - FACILITY HIRE SUBSIDY POLICY

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	101271, 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 give consideration to apply additional subsidies for the hire of City facilities.

EXECUTIVE SUMMARY

At its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted a *Property Management Framework* which is intended to provide the City with a guide to managing all property under the City's ownership, care and control. It contains specific requirements for the classifying of property and its usage.

As part of the framework, Council also reviewed various supporting policies to assist it in managing property and users of City facilities. The revised *Facility Hire Subsidy Policy* allows for various levels of subsidisation of the hire fees for certain community groups. The policy states that where a community group wishes for further subsidisation, application must be made to the City with a report presented to Council for its consideration.

The City has recently completed the bookings for use of its facilities for the 2014-15 summer sporting season. Consequently, the following groups have sought further subsidisation in accordance with the policy:

- Kingsley Tennis Club (Juniors).
- Greenwood Tennis Club (Juniors).
- Greenwood Tennis Club (Seniors).
- Ocean Ridge Tennis Club (Juniors).

It is recommended that Council consider each request on a case by case basis.

BACKGROUND

The City of Joondalup manages 148 facilities utilised by approximately 300 community groups over 19,000m² of land either as freehold or managed property which is reserved or dedicated under the *Land Administration Act 1997*. This property has been set aside for a diversity of purposes, such as recreation, public open space, drainage and administrative or infrastructure purposes.

In previous years, property management arrangements for City owned and managed property were approached on an ad-hoc basis. This resulted in varying management methods and inconsistent leasing, licensing, and facility hire conditions (including the application of subsidised use).

In an effort to apply greater consistency to property management, at its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted a framework that takes a broad approach and addresses the myriad of issues involved in property management. It is intended to provide a consistent and concise methodology for the future.

DETAILS

At its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted a new policy relating to subsidised use of City facilities that is to:

- provide guidance on determining the extent of subsidy to be offered to groups hiring City-managed facilities
- ensure facility hire subsidies are applied in a consistent, transparent and equitable manner.

The policy applies to all local not-for-profit community groups and groups from educational institutions hiring City-managed facilities on a regular or casual basis, excluding facilities contained within the City of Joondalup Leisure Centre-Craigie. The policy applies to organised groups only and does not apply to individuals.

The policy allocates a level of subsidy to user groups. The City will subsidise the cost of facility hire charges for City-managed facilities for local not-for-profit community groups and groups from educational institutions if the group is able to demonstrate that at least 50% of its active members/participants reside within the City of Joondalup. These groups are categorised within the policy based on the nature of the group, that is, groups that provide recreational, sporting activities and/or targeted services exclusively for people aged 55 years of age and over.

Notwithstanding the above, the City reserves the right that if a group is booking a facility at a subsidised rate and it is not being utilised it may charge that group for the unutilised booking of that facility at the full community rate.

The process the City follows when booking facilities for regular hire groups is via two ways, being:

- annual users
- seasonal users.

Annual users are those groups who hire a City facility for a calendar year, where a seasonal user is a group that books either for a winter or summer season, which are regarded as traditional sports seasons.

In regard to dealing with requests for additional subsidies over and above what is permitted within the policy, the policy states:

“A group may apply for an additional subsidy under special circumstances. Applications must be made in a written submission to the Chief Executive Officer. All such applications will be assessed by the City and referred to Council for determination.

Additional subsidies will be provided for the following:

- *Any group who has provided recent, significant cash or in-kind contribution(s) towards the total value of the construction of a hired facility.*
- *Any group who is experiencing significant financial difficulties.*
- *Any other group who can provide reasonable justification for receiving an additional subsidy.*

Submissions for additional subsidies will be assessed on a case-by-case basis and will apply for one year/season. A new application must be made in each following year/season.”

The City has recently completed the bookings for use of its facilities for the 2014-15 summer sporting season. Consequently, the following groups have sought further subsidisation in accordance with the policy:

- Kingsley Tennis Club (Juniors).
- Greenwood Tennis Club (Juniors).
- Greenwood Tennis Club (Seniors).
- Ocean Ridge Tennis Club (Juniors).

Kingsley Tennis Club (Juniors)

Facility Hired	Classification within Policy	Extent of subsidy	Average Number of hours booked per week	Number of hours exceeding subsidy per week	Potential additional cost
Kingsley Tennis Courts and Timberlane Park Hall	Junior Recreational or Sporting Group	100% up to 10 hours per week	137.5	127.5	\$9,544.66

The Kingsley Tennis Club is a not-for-profit group with both senior and junior members, and more than 50% of members residing in the City of Joondalup. The group books the Timberlane Park Tennis Courts and the adjacent Timberlane Park Hall on a 12 month basis.

The junior section of the club has 27 members and they have previously been regarded as a junior sporting and recreational group and therefore received a 100% subsidy on their bookings for the courts and facility. Under the revised policy, the group would be entitled to a maximum of 10 hours per week of 100% subsidised hire as they have less than 100 junior members.

The group has written to the City requesting the 10 hours per week of 100% subsidised use is extended to 137.5 hours per week to cover all of their junior bookings for the 2014-15 year. The Club has advised that their junior bookings are a combination of social tennis and pennant competition, as well as casual sessions to promote greater participation.

It is noted that the hire of tennis courts is different to the hire of a park in that a typical junior sporting club can have a lot more participants on a park compared to one tennis court. Consequently, the total hours of court hire for a junior tennis club is comparatively higher than other clubs whose sport is conducted on a park. Therefore, it is suggested that Council give consideration to extending the subsidised hours of hire for Kingsley Tennis Club (Juniors) to 137.5 hours per week.

Greenwood Tennis Club - Juniors

Facility Hired	Classification within Policy	Extent of subsidy	Average Number of hours booked per week	Number of hours exceeding subsidy per week	Potential additional cost
Warwick Open Space Tennis Courts	Junior Recreational or Sporting Group	100% up to 10 hours per week	165	155	\$7,991.90

The Greenwood Tennis Club is a not-for-profit group with both senior and junior members. The group books the Warwick Open Space Tennis Courts and has a lease on the tennis clubroom section of the Warwick Sports Centre.

The junior section of the club has 59 members and books the courts on a 12 month basis. They have previously been regarded as a junior sporting and recreational group and therefore received a 100% subsidy on their bookings. Under the revised policy, the group would not be entitled to a subsidy as only 19% of its junior members reside within the City of Joondalup.

The group has written to the City requesting they receive a waiver of the fees associated with their junior bookings in 2014-15.

It is noted that this group is based in the south-eastern corner of the City and therefore it is understandable that the group will attract participants from the neighbouring local governments. In addition, the hire of tennis courts is different to the hire of a park in that a typical junior sporting club can have a lot more participants on a park compared to one tennis court. Consequently, the total hours of court hire for a junior tennis club is comparatively higher than other clubs whose sport is conducted on a park.

Therefore it is suggested that Council give consideration to approving a 100% fee waiver up to 165 hours per week for their 2014-15 bookings.

Greenwood Tennis Club - Seniors

Facility Hired	Classification within Policy	Extent of subsidy	Average Number of hours booked per week	Number of hours exceeding subsidy per week	Potential additional cost
Warwick Open Space Tennis Courts	Adult Recreational or Sporting Group	50% continually	135	NA	\$2,846.90

The Greenwood Tennis Club is a not-for-profit group with both senior and junior members. The group books the Warwick Open Space Tennis Courts and has a lease on the tennis clubroom section of the Warwick Sports Centre.

The senior section of the club has 102 members and books the courts on a 12 month basis. For 2014-15 the club has booked an average 135 hours of court hire per week for seniors, totalling \$5,693.80. They have previously been regarded as an adult recreational or sporting group and therefore received a 50% subsidy on their bookings. However only 35% of their current members reside within the City of Joondalup and therefore they are not eligible for the 50% subsidy on their court hire.

The group has written to the City requesting they receive a waiver of fees associated with their senior bookings in 2014-15, equivalent to the 50% subsidy.

It is noted that this group is based in the south-eastern corner of the City and therefore it is understandable that the group will attract participants from the neighbouring local governments. Therefore it is suggested that Council give consideration to approving a 50% fee waiver up to \$2,846.90 for their 2014-15 bookings.

Ocean Ridge Tennis Club - Juniors

Facility Hired	Classification within Policy	Extent of subsidy	Average Number of hours booked per week	Number of hours exceeding subsidy per week	Potential additional cost
Heathridge Park Tennis Courts	Junior Recreational or Sporting Group	100% up to 10 hours per week	30	20 hrs /wk	\$1,372.00

The Ocean Ridge Tennis Club is a not-for-profit group with both senior and junior members, and more than 50% of members residing in the City of Joondalup. The group books the Heathridge Park Tennis Courts and has a licence on the tennis clubroom section of the Guy Daniel Clubroom.

The junior section of the club has 49 members and books the courts on a 12 month basis. They have previously been regarded as a junior sporting and recreational group and therefore received a 100% subsidy on their bookings. Under the revised policy, the group would be entitled to a maximum of 10 hours per week of 100% subsidised hire as they have less than 100 junior members.

The group has written to the City requesting the 10 hours per week of 100% subsidised use is extended to 30 hours per week to cover all of junior their bookings for the 2014-15 year.

It is noted that the hire of tennis courts is different to the hire of a park in that a typical junior sporting club can have a lot more participants on a park compared to one tennis court. Consequently, the total hours of court hire for a junior tennis club is comparatively higher than other clubs whose sport is conducted on a park. Therefore, it is suggested that Council give consideration to extending the subsidised hours of hire for Ocean Ridge Tennis Club (Juniors) to 30 hours per week for their 2014-15 bookings.

Issues and options considered

The Council may:

- approve each of the requests for additional subsidies on a case by case basis
- approve in part each of the requests on a case by case
or
- decline the request for additional subsidies on a case by case basis

Legislation / Strategic Community Plan / policy implications

Legislation Section 6.12 of the *Local Government Act 1995*.

Strategic Community Plan

Key theme Financial Sustainability.

Objective Financial diversity.

Strategic initiative Identify opportunities for new income streams that are financially sound and equitable.

Policy *Facility Hire Subsidy Policy*.

Risk management considerations

The following risks may happen pending the consideration of the additional requests for subsidised use of City facilities:

- The user groups may not have the financial capacity to meet the costs proposed by the City for the additional use above the group's allocated subsidy.
- The City compromises its strategic initiative in examining alternative revenue streams.
- Incorrectly classifying the groups may set a precedent and cause complications in classifying other groups when determining subsidies.

Financial / budget implications

The cost to the City across all levels of subsidised use of City facilities is approximately \$1.3 million dollars. If the City was to extend the subsidies and waive the fees proposed for additional usage of City facilities for these groups, the City will lose approximately \$21,755.46 in income for 2014-15.

Regional significance

Requests for subsidised use only apply to users of City facilities that have a minimum of 50% members being resident to the City of Joondalup.

Sustainability implications

The *Property Management Framework* aims to support the equitable, efficient and effective management of City-owned and managed properties. The framework recognises the value and community benefit of activities organised and provided for by community groups, by subsidising such groups where appropriate. The framework also aims to protect and enhance the City's property assets for the benefit of the community and for future generations.

Consultation

Not applicable.

COMMENT

The intent of the adopted *Facility Hire Subsidy Policy* was not about generating additional income but to achieve more equitable and greater use of City facilities. It is important that the classification of groups within the policy for levels of subsidisation remains consistent, however, if a group requires further consideration relating to fees, it is open to Council to waive these fees.

One of the objectives of the *Property Management Framework* was to stop groups booking facilities on a just-in-case situation. Such bookings then prevent other groups/individuals from gaining access to those facilities.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, SECONDED Cr Hollywood that Council:

- 1 AGREES to extend the 100% subsidised use to the Kingsley Tennis Club (Juniors) for the use of the Timberlane Park Tennis Courts and other associated City facilities in 2014-15 to a maximum 137.5 hours average per week;**
- 2 AGREES to waive the fees for the Greenwood Tennis Club (Juniors) group for the use of Warwick Open Space Tennis Courts in 2014-15 to a maximum of 190 hours average per week;**
- 3 AGREES to waive 50% of the fees for the Greenwood Tennis Club (Seniors) group for the use of Warwick Open Space Tennis Courts in 2014-15 to a maximum of \$2,846.90;**
- 4 AGREES to extend the 100% subsidised use to the Ocean Ridge Tennis Club (Juniors) for the use of the Heathridge Park Tennis Courts and other associated City facilities in 2014-15 to a maximum 30 hours average per week;**
- 5 NOTES that the *Facility Hire Subsidy Policy* states that requests for additional subsidies apply for one year/season and a new application must be made in each following year/season.**

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ242-12/14, page 125 refers.

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

Disclosure of interest affecting impartiality

Name/Position	Cr Brian Corr.
Item No/Subject	CJ239-12/14 - Perth Glory Memorandum of Understanding - Percy Doyle Reserve, Duncraig.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Corr's wife is secretary of the Undercroft Bridge Club at Percy Doyle Reserve.

CJ239-12/14 PERTH GLORY MEMORANDUM OF UNDERSTANDING - PERCY DOYLE RESERVE, DUNCRAIG

WARD	South
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	104638, 05139, 07512, 02056, 101515
ATTACHMENTS	Attachment 1 Memorandum of Understanding between the City of Joondalup and Perth Glory Football Club <i>(Please Note: Attachment 1 is confidential and will appear in the official Minute Book only).</i>
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to give consideration to the proposed Memorandum of Understanding proposed between the City of Joondalup and the Perth Glory Football Club (PGFC) for the potential redevelopment of sporting facilities at Percy Doyle Reserve, Duncraig.

EXECUTIVE SUMMARY

At its meeting held on 21 October 2014 (CJ206-10/14 refers), Council endorsed the Chief Executive Officer to enter into discussions with the PGFC to establish a Memorandum of Understanding (MoU) for the potential development of training and administration headquarters for PGFC at Percy Doyle Reserve.

Discussions have been held between both parties and a draft MoU has been prepared for formal consideration by both parties.

It is intended that the MoU be a high level document and its purpose is not to resolve all project details. The MoU sets out both parties understanding of their respective roles. Further, the MoU does not intend to create contractual or other legal relationship between the parties.

BACKGROUND

Percy Doyle Reserve is a 22.83 hectare sport and recreation area located on the corner of Marmion Avenue and Warwick Road, Duncraig. The reserve consists of the Duncraig Library, Duncraig Leisure Centre and various sporting infrastructure including tennis courts, bowling greens, croquet court, four active sporting ovals and a number of community and sporting buildings, as shown on Attachment 1 to this Report.

The facilities service both the local community and over 40 sporting clubs and community groups. With the infrastructure at Percy Doyle Reserve reaching its end of life, the City has identified the opportunity to create a long-term sustainable plan for this site to meet the future needs of the community. To address these issues, the City commenced a master plan project for the site in 2009, however, due to various reasons the project will be delayed for a considerable period of time.

As part of the master plan project for Percy Doyle Reserve, it identified options to redevelop the southern part of the site to make it more usable by the users of the area, particularly the Sorrento Football (soccer) Club. It would involve the realignment on the top playing surface known as Percy Doyle 2 from an east/west configuration to a north/south configuration, and then redeveloping the existing clubrooms slightly to the east to fit between the realigned playing surface and the existing surface known as Percy Doyle 1. The relocation of the clubrooms to this location would allow a central access to both playing surfaces and provide better spectator viewing points.

PGFC is a professional football club in Perth, Western Australia. It competes in the country's premier competition, the A-League, under license from Football Federation Australia. Perth Glory is one of three A-League clubs to survive from the now defunct National Soccer League (NSL). Glory entered the A-League competition for the inaugural 2005–06 season, eight years after its formation in 1995. The club has won three league Premierships and two Championships in the two leagues it has competed in.

The club plays matches at Perth Oval (known as NIB Stadium), which is an approximately 20,000 seat multi-use venue located close to Perth's Central Business District. In addition to the A-League team, a youth squad competes in the National Youth League and the National Premier Leagues along with a women's team that competes in the W-League. The youth, women and junior team matches are played at various locations across Perth, which include the youth and women's teams playing and training at Percy Doyle Reserve in negotiation with the Sorrento Football Club in the 2013-14 season.

At its meeting held on 21 October 2014 (CJ206-10/14 refers), Council resolved as follows:

“That Council ENDORSES the Chief Executive Officer to enter into discussions with Perth Glory Football Club to develop a Memorandum of Understanding for establishing training and administration headquarters at Percy Doyle Reserve, incorporating (not limited to) the roles and responsibilities of each party”.

Following that decision, a number of discussions have been held between both parties, with a proposed MoU being agreed to for formal adoption.

DETAILS

PGFC does not have a single base for its training facilities and has approached the City to enter into discussions with regard to the possibility of establishing a training base at Percy Doyle Reserve, Duncraig.

In order to progress the possibility of redeveloping facilities at Percy Doyle Reserve, an MoU has been agreed by both parties and is now submitted to the Council for formal consideration.

The MOU is a high level document that confirms the parties' commitment toward the project and would not seek to resolve all project details nor does it create contractual or other legal relationship between the parties.

Some key elements to the MoU are as follows:

- Both parties agree that the development of high level sporting facilities to host the game of football within the City of Joondalup would benefit the sport at the elite level but also afford the opportunity to the community to experience these facilities.
- Both parties agree to discuss the financing and planning of the facilities and acknowledge that the City does not have the financial capacity to fund the project.
- That both parties will be mindful of the impact of the project on other key users/stakeholders of Percy Doyle Reserve and commit to engage with those groups.
- That PGFC commit that Percy Doyle Reserve, Duncraig, is their preferred site to establish training and administration headquarters.

Issues and options considered

The options available to the Council are to either:

- agree to enter into negotiations with PGFC and other key stakeholders to establish a MOU in order to pursue Percy Doyle Reserve as a possible training venue
or
- not agree to commence negotiations.

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.

Policy Not applicable.

Risk management considerations

A potential risk to establishing Percy Doyle Reserve as a training base for PGFC is the possible dislocation of existing user groups. A clause has been placed within the MoU to ensure the needs of the existing user groups are considered and those groups are engaged throughout the process.

Financial / budget implications

The agreement to the MoU has no financial impact to the City. However if the project proceeds beyond the MoU stage there are likely to be cost implications to the City and there are no funds identified within the City's current Capital Works Program, or within the *20 Year Strategic Financial Plan*. Development of facilities on the site will have an increased impact on the operational costs to the City.

Regional significance

If the outcome of the negotiations is successful and that PGFC does establish a base at Percy Doyle Reserve, this will have significant regional impacts for the region.

Sustainability implications

Not applicable.

Consultation

Consultation has occurred between the City and PGFC. In addition the Sorrento Football Club has been engaged about the proposal and the need to establish an MoU.

COMMENT

The draft MoU is a high level document that records in writing the agreement between the parties to cooperatively work together on a project to meet agreed objectives. The proposed MoU between the City and the PGFC confirms the alliance between the parties and outline the roles and responsibilities in bringing the project to fruition.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, SECONDED Cr Hollywood that Council ENDORSES the Memorandum of Understanding between the City of Joondalup and the Perth Glory Football Club for the Development and Operation of Sporting Facilities at Percy Doyle Reserve, Duncraig as detailed in Confidential Attachment 1 to Report CJ239-12/14, and AUTHORISES the common seal to be affixed.

The Motion was Put and

CARRIED (12/0)

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

CJ240-12/14 TENDER 025/14 - PROVISION OF CLEANING SERVICES FOR LEISURE CENTRES

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	104333, 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 TJS Services (WA) Pty Ltd t/as TJS Facility Services Perth 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. 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 submission from TJS Facility Services Perth represents best value to the City. The company demonstrated experience in providing cleaning services for the City of Melville, IKEA (WA), Guildford Grammar School and St Brigid's College. 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 TJS Services (WA) Pty Ltd t/as TJS Facility Services Perth 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 \$319,425 (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 had a single contract for the provision of cleaning services for leisure centres with Academy Services (WA) Pty Ltd, which expired on 31 October 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 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 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:

- 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 34.4% and was ranked ninth 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.

DMC Cleaning Corporation scored 34.4% and was ranked ninth 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.

Rowjack Environmental Services scored 36.8% and was ranked eighth 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.

AMC Commercial Cleaning (WA) Pty Ltd scored 50.4% and was ranked seventh 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.

Office Cleaning Experts scored 51.8% and was ranked sixth in the qualitative assessment. The company demonstrated experience undertaking cleaning services for the Department of Agriculture, WA Police, Public Transport Authority, Main Roads, the City of Wanneroo and the Town of Claremont. It is currently providing cleaning services for Aquamotion, Wanneroo Recreation Centre, Hainsworth Leisure Centre, Phil Renkin Recreation Centre and Kingsway Indoor Stadium for the City of Wanneroo. These leisure/recreation centres are smaller in size and annual visitations are significantly less than the City's three leisure centres combined. It has also previously provided limited cleaning services for Craigie Leisure Centre when the site was managed by an external contractor, however the limited services are not a requirement in the current specification. The company demonstrated some capacity to provide the services but did not address the ability to source additional personnel and resources. 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.

CMC Property Services Pty Ltd (Conforming Offer) scored 52.1% 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 Facility Services Perth scored 61.6% and was ranked fourth in the qualitative assessment. The company demonstrated a thorough understanding of the requirements and has the capacity to provide the services to the City. 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.

Cleandustrial Services Pty Ltd scored 62% 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 70.5% 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% 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, Charles Service Company, Cleandustrial Services Pty Ltd and TJS Facility Services Perth 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	Price Ranking	Price Offered for Year 1	Estimated Contract Price for 3 Years	Qualitative Ranking	Weighted Percentage Score
TJS Services (WA) Pty Ltd t/as TJS Facility Services Perth	1	\$319,425	\$992,206	4	61.6%
Quayclean Australia Pty Ltd	2	\$333,008	\$1,034,398	1	72%
The CR & MP Grover Family Trust t/as Charles Service Company	3	\$377,507	\$1,172,622	2	70.5%
Cleandustrial Services Pty Ltd	4	\$562,235	\$1,746,428	3	62%

During the financial year 2013-14, the City incurred \$313,607 for the provision of cleaning services for leisure centres.

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
TJS Services (WA) Pty Ltd t/as TJS Facility Services Perth	\$319,425	\$992,206	1	61.6%	4
Quayclean Australia Pty Ltd	\$333,008	\$1,034,398	2	72%	1
The CR & MP Grover Family Trust t/as Charles Service Company	\$377,507	\$1,172,622	3	70.5%	2
Cleandustrial Services Pty Ltd	\$562,235	\$1,746,428	4	62%	3

Based on the evaluation result the panel concluded that the tender that provides best value to the City is that of TJS Facility Services Perth 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 no:	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 28 February 2015):	\$240,000
Committed:	\$ 0
Proposed cost (1 March 2015 to 30 June 2015):	\$106,475
Balance:	\$ 13,525

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 TJS Services (WA) Pty Ltd t/as TJS Facility Services Perth.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, **SECONDED** Cr Hollywood that Council **ACCEPTS** the tender submitted by TJS Services (WA) Pty Ltd t/as TJS Facility Services Perth 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 \$319,425 (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).

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ242-12/14, page 125 refers.

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

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf021214.pdf](#)

CJ241-12/14 PETITION TO REPLACE THE CHICANE WITH SPEED HUMP BETWEEN 113 AND 115 CLONTARF STREET, SORRENTO

WARD	South-West
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	01091, 101515
ATTACHMENTS	Attachment 1 Locality Plan Attachment 2 Original traffic treatment design for Clontarf and High Streets Attachment 3 Location two lane chicane
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 whether to replace the existing two lane chicane adjacent to 113 and 115 Clontarf Street, Sorrento with a speed hump, similar to the speed hump adjacent to 23 and 25 Clontarf Street.

EXECUTIVE SUMMARY

At its meeting held on 15 July 2014 (C35-07/14 refers), Council received a 29 signature petition on behalf of residents in Clontarf Street requesting the replacement of the chicane between 113 and 115 Clontarf Street with a speed hump (Attachment 1 refers).

The technical assessment undertaken for Clontarf Street Sorrento confirmed that the initial traffic treatment which consisted of a mixture of two lane chicanes, speed plateau and brick entry statements was requested by residents and endorsed by Council at its meeting held in December 1989 (Items D11105 and D11106 refer).

As a result of the installation of the traffic treatments, traffic speeds and traffic volumes are well within acceptable limits for a road of this type. There is no clear justification as to why the chicane should be replaced with a speed hump, similar to that adjacent to 23 and 25 Clontarf Street at this time.

It is therefore recommended that Council:

- 1 *NOTES the results of the traffic technical assessment of Clontarf Street, Sorrento;*
- 2 *DOES NOT SUPPORT replacing the two lane chicane adjacent to 113 and 115 Clontarf Street with a speed hump;*
- 3 *ADVISES the lead petitioner of Council's decision.*

BACKGROUND

At its meeting held in December 1989 (Items D11105 and D11106 refer), in response to a petition and previous complaints submitted by residents regarding the speed of vehicles on Clontarf Street and High Street, the then City of Wanneroo resolved to install the following traffic treatments:

- Roundabouts on Cliff Street at the intersections of High Street and Clontarf Street.
- Four two lane slow points adjacent to 23 and 25, 53 and 55, 85 and 87 and 113 and 115 Clontarf Street.
- Three speed plateaus adjacent to 10 and 11, 68 and 69 and 102 and 103 Clontarf Street.
- Brick paved entry statements at the intersections with West Coast Drive and Freeman Way (Attachment 2 refers).

Since the initial installation of the aforementioned treatments, traffic survey counts confirmed the speed of vehicles has reduced and remained consistent well below the 50km/h speed limit over time. The traffic management schemes adopted for Clontarf Street has been very successful in ensuring drivers adhere to the speed limit on this road.

In 2006 a working group was established with residents of Clontarf Street regarding widening the existing footpath at the western end. The footpath at the time was 0.6 metres wide and created a potentially unsafe situation for pedestrians. After extensive consultation with residents and liaising with the working group, it was agreed that the City would undertake improvements to widen the footpath and undertake retaining works on the northern verge for the section from Cliff Street to West Coast Drive.

The project also involved removing the existing two way slow point and replacing it with a speed hump adjacent to 23 and 25 Clontarf Street so as to retain the road width. The works to upgrade the footpath, the retaining walls and replace the chicane with a speed hump was completed by June 2009.

DETAILS

Clontarf Street is a single carriageway road that is approximately 1.4km long and connects to West Coast Drive and the coastal foreshore to the west and Freeman Way to the east. Clontarf Street has an undulating topography similar to many streets in the suburbs of Sorrento and Marmion.

The roundabout at the intersection of Clontarf Street and Cliff Street is a significant design element for the existing traffic scheme and supported by a mixture of two lane chicanes, four speed plateaus and brick paved entry statements at either end of the street.

A technical assessment was undertaken to ascertain the existing situation on Clontarf Street to determine the effectiveness of the existing traffic treatment.

Technical Assessment of Clontarf Street

Clontarf Street is a local access road as defined under Main Roads WA's (MRWA) Metropolitan Functional Road Hierarchy system and is designed to carry approximately 3,000 vehicles per day (vpd). Traffic surveys were undertaken in September 2014 to ascertain the existing vehicle volumes and speeds.

Vehicle Volumes and Speeds

The City's Traffic Count Program is used to determine whether the City's road network is functioning within its design limits, ascertain the speed of vehicles and can be used to measure the percentage of commercial vehicles utilising a road. In many cases the City's traffic count program dates as far back as the late 1980's early 1990's for some roads.

In the case of Clontarf Street, traffic count data has been recorded since 1990 and has shown that since Clontarf Street was treated, the vehicle volumes have remained fairly static and vehicle speeds have consistently ranged between 38km/h to 51km/h. To compare previous traffic count data to the present day, traffic surveys were undertaken in September 2014. The results of the surveys and a comparison with the 1993 data are provided in the table below:

Street name and location of traffic surveys	Vehicles per day 2014	Vehicles per day 1993	85th percentile speed 2014	85th percentile speed 1993
Clontarf Street east of West Coast Drive	335	551	42.1	38.5
West of Cliff Street	337	558	42.5	48.0
East of Cliff Street	697	n/a	45.7	n/a
West of St Patricks Road	728	935	46.1	49.0
East of St Patricks Road	991	n/a	49.7	n/a
West of Parnell Avenue	1003	1133	48.6	51.3
East of Parnell Avenue	982	1211	39.6	45.3
West of Freeman Way	1022	1254	48.2	44.5

Crash history

MRWA's Crash Analysis Reporting System (CARS) provides the reported crashes for a road section or intersection for the five year period from 1 January 2009 to 31 December 2013. The crash analysis revealed that there have been only three reported crashes on Clontarf Street for this period.

Two crashes occurred in 2009 and were related to parked vehicles. One crash required medical treatment and the other was property damage. The third crash occurred in 2011 and involved a vehicle leaving a driveway and resulted in property damage. All the crashes occurred during dry weather conditions and during daylight hours.

Existing treatment

A site investigation of the chicane adjacent to the properties of 113 and 115 Clontarf Street was undertaken on 4 November 2014 to ascertain the effect of replacing the existing treatment with a speed hump would have on the overall street.

The site investigation confirmed that the chicane functions in accordance with its design and limits vehicle speeds. It also confirmed that the existing speed plateau adjacent to the properties at 102 and 103 Clontarf Street is situated approximately 75 metres from the chicane.

Issues and options considered

The two options that are required to be taken into consideration by Council are:

- Option One - No change to the road environment or road infrastructure on Clontarf Street. This is the preferred option.
- Option Two - Remove the existing chicane adjacent to 113 and 115 Clontarf Street and replace it with a speed hump similar to that adjacent to 23 and 25 Clontarf Street.

Option One - No change to the road environment or road infrastructure on Clontarf Street

Advantages for Option one includes:

- The consistency of the traffic treatment in the street is retained in accordance with the original traffic management scheme and the community engagement meetings at the time prior to installation.
- The speed surveys indicate that the existing treatment is achieving its aims of controlling vehicle speeds.

Option Two - Remove the existing chicane adjacent to 113 and 115 Clontarf Street and replace it with a speed hump similar to that adjacent to 23 and 25 Clontarf Street.

Advantage of Option two include

- The removal of the chicane may provide some limited on-street parking for residents, however, it would be required for vehicles to be parked extremely close to the speed hump which is not an ideal road safety situation.

Disadvantage of Option two include

- It compromises the integrity of the design of the traffic management scheme for the street.
- There is an existing speed plateau within 75 metres of the existing chicane adjacent to 113 and 115 Clontarf Street. This would mean that there would be two speed humps within 100 metres of each other and this is considered not to be an appropriate situation for this type of road due to the close proximity of the treatments.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Integrated space.

Strategic initiative Understand issues arising from the interaction between current transport modes.

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

If Option one was adopted there would be no additional costs to the City.

If Option two was to be adopted consideration would be required as to the cost of funding the removal of the chicane and replacing it with a speed hump. It is anticipated that the cost of the works would be approximately \$20,000 and would be required to be listed for consideration in the *Five Year Capital Works Program* for the 2015-16 financial year.

Current financial year impact

Not applicable.

Future financial year impact

Annual operating cost	Not applicable.
Estimated annual income	Not applicable.
Capital replacement	\$20,000.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

No consultation was undertaken with residents.

COMMENT

The evidence obtained from the technical assessment clearly reveals that the current traffic management scheme for Clontarf Street is functioning in accordance with its design and has created a safe speed environment for all road users. The two lane chicanes, in a street that is topographically challenging, has controlled vehicle speeds to a point that the majority are travelling well below the speed limit of 50km/h.

To determine the reason for the petition, as it was not clearly stated, contact was made with the petition organiser on 5 November 2014. It was stated that the reason for the removal of the chicane and replacing it with a speed hump was to enable on-street parking either side of the chicane for themselves and their visitors.

The City has previously received another request from a resident in March 2014 requesting that the chicane be replaced with a speed hump to allow residents to park on the street. In response the City advised that it was not in favour of the request based on the following factors:

- The existing traffic treatments have been in place for some time and records indicated that it has been successful in achieving its purpose of controlling speeds.
- The traffic treatment scheme was installed at the request of the community and was endorsed by Council at the time.
- The traffic treatment has been designed in accordance with MRWA and the Australian Standards at that time.
- Retaining the consistency of the traffic treatment is an important consideration.

The replacement of the chicane with a speed hump adjacent to 23 and 25 Clontarf Street was in response to the footpath widening project in 2009. To enable the retention of the existing road width the chicane was replaced with a speed hump.

The technical assessment undertaken for Clontarf Street clearly indicates that there is little justification to alter the existing traffic treatment based on the reasons provided as part of the petition.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

- 1 NOTES the results of the technical traffic assessment of Clontarf Street, Sorrento;
- 2 DOES NOT SUPPORT removing the two lane chicane adjacent to 113 and 115 Clontarf Street, Sorrento and replacing it with a speed hump;
- 3 ADVISES the lead petitioner of Council's decision.

MOVED Cr Norman, SECONDED Cr Ritchie that Council:

- 1 NOTES the results of the traffic technical assessment of Clontarf Street, Sorrento;
- 2 SUPPORTS the replacement of the two lane chicane adjacent to 113 and 115 Clontarf Street with a speed hump;
- 3 REQUESTS that the Chief Executive Officer list for consideration an amount of \$20,000 for this project in the 2015-16 Five Year Capital Works Program;
- 4 ADVISES the lead petitioner of Council's decision.

The Motion was Put and

TIED (6/6)

In favour of the Motion: Crs Chester, Corr, Fishwick, Hollywood, Norman and Ritchie.

Against the Motion: Mayor Pickard, Crs Amphlett, Gobbert, McLean, Taylor and Thomas.

There being an equal number of votes, the Mayor exercised his casting vote and declared the Motion

LOST (6/7)

PROCEDURAL MOTION – THAT THE ITEM BE REFERRED BACK TO THE CEO

MOVED Cr Fishwick, SECONDED Cr Ritchie that the matter relating to the petition to replace the chicane with speed hump between 113 and 115 Clontarf Street, Sorrento be REFERRED BACK to the Chief Executive Officer to ascertain the impact of removing the chicane, consult with local residents on the proposal and report back to Council.

The Procedural Motion was Put and

TIED (6/6)

In favour of the Procedural Motion: Crs Chester, Corr, Fishwick, Hollywood, Norman and Ritchie.

Against the Procedural Motion: Mayor Pickard, Crs Amphlett, Gobbert, McLean, Taylor and Thomas.

There being an equal number of votes, the Mayor exercised his casting vote and declared the Motion

LOST (6/7)

MOVED Cr Amphlett, SECONDED Cr McLean that Council:

- 1 NOTES the results of the technical traffic assessment of Clontarf Street, Sorrento;**
- 2 DOES NOT SUPPORT removing the two lane chicane adjacent to 113 and 115 Clontarf Street, Sorrento and replacing it with a speed hump;**
- 3 ADVISES the lead petitioner of Council's decision.**

The Motion was Put and

CARRIED (9/3)

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

Against the Motion: Crs Chester, Norman and Ritchie.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf021214.pdf](#)

Disclosures of Financial Interest

Name/Position	Mayor Troy Pickard.
Item No./Subject	CJ242-12/14 - ICLEI World Congress: 8-12 April 2015, Seoul, Republic of Korea.
Nature of interest	Financial interest.
Extent of Interest	Mayor Pickard is a participant in the ICLEI World Congress.

Name/Position	Cr Mike Norman.
Item No./Subject	CJ242-12/14 - ICLEI World Congress: 8-12 April 2015, Seoul, Republic of Korea.
Nature of interest	Financial interest.
Extent of Interest	Cr Norman is a proposed participant in the ICLEI World Congress.

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	CJ242-12/14 - ICLEI World Congress: 8-12 April 2015, Seoul, Republic of Korea.
Nature of interest	Financial interest.
Extent of Interest	Mr Hunt is a participant in the ICLEI World Congress.

Mayor Pickard left the Chamber at 7.50pm. The Deputy Mayor assumed the Chair.

The Chief Executive Officer left the Chamber at 7.50pm.

CJ242-12/14 ICLEI WORLD CONGRESS: 8-12 APRIL 2015, SEOUL, REPUBLIC OF KOREA

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Chief Executive Officer
FILE NUMBER	78616
ATTACHMENT	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 approve the Mayor and the Chief Executive Officer's (or nominated representative) attendance at the ICLEI World Congress 2015, taking place from 8 – 12 April 2015, in Seoul, Republic of Korea.

EXECUTIVE SUMMARY

ICLEI - Local Governments for Sustainability, founded in 1990 as the International Council for Local Environmental Initiatives, is an international association of local governments and national and regional local government organisations that have made a commitment to sustainable development.

The ICLEI World Congress, Sustainable Solutions for an Urban Future, will be held in Seoul, Republic of Korea from 8 – 12 April 2015. The congress will convene prominent local government leaders, sustainability experts and ICLEI representatives to address key issues influencing the work of local governments across the global north and south.

The Mayor has been invited to speak at an interactive workshop titled “Biodiversity and the changing climate,” taking place on Wednesday 11 April 2015 at the ICLEI World Congress 2015.

Experts and local governments participating in this session will explore the role of biodiversity in a changing climate. Participants will discuss the challenges and opportunities of climate change from a biodiversity perspective, and seek to establish what cities need to succeed in these changing framework conditions. Experiences shared by participating local governments will enable other cities to adapt and replicate best practices in their own urban contexts.

It is therefore recommended that Council:

- 1 *APPROVES the attendance of the Mayor and the Chief Executive Officer (or nominated representative) at the ICLEI World Congress 2015 to be held in Seoul, Republic of Korea from 8 April to 12 April 2015;*
- 2 *APPROVES the travel period from 7 April to 13 April 2015;*
- 3 *NOTES that the Mayor has been invited to participated in an interactive workshop entitled ‘Biodiversity and the Changing Climate’ on 11 April 2015.*

BACKGROUND

ICLEI - Local Governments for Sustainability, founded in 1990 as the International Council for Local Environmental Initiatives, is an international association of local governments and national and regional local government organisations that have made a commitment to sustainable development.

The association was established when more than 200 local governments from 43 countries convened at its inaugural conference, the World Congress of Local Governments for a Sustainable Future, at the United Nations in New York in September 1990. Today, more than 1200 cities, towns, counties, and their associations in 84 countries comprise ICLEI's growing membership. ICLEI works with these and hundreds of other local governments through international performance-based, results-oriented campaigns and programs.

It provides technical consulting, training, and information services to build capacity, share knowledge, and support local government in the implementation of sustainable development at the local level. ICLEI's basic premise is that locally designed initiatives can provide an effective and cost-efficient way to achieve local, national, and global sustainability objectives. ICLEI includes 1,227 local government members worldwide in 70 countries, with more than 600 in the United States.

The City joined ICLEI Oceania on 30 October 1999.

DETAILS

From 8 – 12 April 2015, global leaders, mayors, city officials, and their partners from around the world will convene at the ICLEI World Congress 2015, in Seoul, Republic of Korea. Together, ICLEI World Congress 2015 participants will address the pressing challenges of climate change, and explore how local action can deliver sustainable solutions for the urban future.

The triennial ICLEI World Congress is the foremost assembly of local governments, and their partners, committed to sustainable urban development. The ICLEI World Congress 2015 will convene local sustainability leaders in one of the largest metropolitan areas of the world. Challenged by rapid urbanisation, air pollution and growing motorisation, Seoul Metropolitan Government is among the world's most ambitious cities to reduce its CO₂ emissions, carbon footprint and resource consumption. Strong civic engagement combined with ambitious local leadership guides decision making in Seoul, setting a high standard for many other cities in East Asia and across the globe to follow.

Over five days of exchange and networking, the ICLEI World Congress 2015 will provide strong contributions to the global debates on the Urban Sustainable Development Goal, global climate governance, and the increasing roles of local governments in tackling global challenges. The ICLEI World Congress 2015 will strengthen the bridges between local governments and their partners in international organizations, NGOs and business, while empowering urban decision makers with effective, viable solutions for improved local sustainability.

Mayor Troy Pickard has been invited to speak at an interactive workshop entitled '*Biodiversity and the Changing Climate*,' on Wednesday 11 April 2015. Experts and local governments participating in this session will explore the role of biodiversity in a changing climate. Participants will discuss the challenges and opportunities of climate change from a biodiversity perspective, and seek to establish what cities need to succeed in these changing framework conditions. Experiences shared by outstanding local governments will enable other cities to adapt and replicate best practices in their own urban contexts.

Attendance at this conference by the Mayor and the Chief Executive Officer (or his nominated representative) will provide an invaluable opportunity to share the City of Joondalup's outstanding achievements with global city leaders, and notable leaders from international organisations including the United Nations and its agencies, global businesses, and financing institutions. The World Congress will also provide an opportunity for the City to network with a range of sustainable experts and leaders and to learn from the best practice of other local governments.

Issues and options considered

Council may choose to:

- support the attendance of the Mayor and the Chief Executive Officer (or his nominated representative) at the World Congress as outlined in this report
or
- not support the attendance of the Mayor and the Chief Executive Officer (or his nominated representative) at the World Congress as outlined in this report

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong Leadership.

Strategic initiative Foster strategic alliances to deliver key transformational projects and initiatives in partnership with key stakeholders.

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

The cost for accommodation and transport for the period 7-12 April 2015 for the Mayor and the Chief Executive Officer (or nominated representative) is estimated to be \$15,500 and will be funded within the current budget allocations. The Mayor has indicated that the cost of his attendance will be sourced from his conference allocation. All figures quoted in this report are exclusive of GST.

Regional significance

Attending the ICLEI World Congress will enable the City to participate in international networking opportunities and seek relevant information to assist in the planning of biodiversity protection in the context of a changing climate. Such opportunities are in line with the City's Vision (A global City: bold, creative and prosperous), Strategic Position Statements, City of Joondalup Leadership and Representation and International Recognition and Innovation.

Sustainability implications

Information gained through and participation at the ICLEI World Congress is consistent with the City's commitment to ensuring environmentally sustainable management of the City's natural areas and biodiversity values.

Consultation

Not applicable.

COMMENT

The City has a relationship with ICLEI and recently hosted the 2013 International BiodiverCities Conference in collaboration with ICLEI - Local Governments for Sustainability and the Western Australian Local Government Association. The Conference assembled local, national and international environmental experts to discuss the topic of addressing biodiversity conservation within the context of a changing climate.

The City has participated in the following ICLEI events in recent years:

- 15-16 October 2012: Cities for Life: Cities' & Sub-national Governments' Biodiversity Summit, Hyderabad, India (Mayor and Chief Executive Officer).
- 31 January – 4 February 2011: Local Action for Biodiversity (LAB) International Technical Workshop, Bergrevier, South Africa (Mayor and Chief Executive Officer).
- 14-18 June 2009: ICLEI World Congress, Edmonton, Canada (Cr Mike Norman).
- 8-10 September 2008: LAB International Workshop, Durban, South Africa (Mayor and Chief Executive Officer).
- 15-17 October 2007: LAB Workshop, Zagreb, Croatia (Chief Executive Officer and Manager Strategic Development).

Attendance by the Mayor and the Chief Executive Officer (or his nominated representative) at the ICLEI World Congress will provide an opportunity to capitalise on the momentum gained from the City staging the International Biodiversity Conference as well as provide the City with an opportunity to learn from the experiences and sustainability practices of leading local governments and industry experts and share the City's successes in an international setting.

Mayor Pickard also sits on the Global Executive Committee (Chair of the BiodiverCities Program) which represents local governments worldwide at major international and United Nations conferences on sustainability and attendance at the Conference will provide an opportunity to meet with fellow committee members for a range of strategy discussions.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

- 1 APPROVES the attendance of the Mayor and the Chief Executive Officer (or nominated representative) at the ICLEI World Congress 2015 to be held in Seoul, Republic of Korea from 8 April to 12 April 2015;
- 2 APPROVES the travel period from 7 April to 13 April 2015;
- 3 NOTES that the Mayor has been invited to participated in an interactive workshop entitled 'Biodiversity and the Changing Climate' on 11 April 2015.

Cr Norman left the Chamber at 7.52pm.

MOVED Cr Chester, SECONDED Cr Corr that Council:

- 1 APPROVES the attendance of the Mayor, the Chief Executive Officer (or nominated representative) and Cr Norman at the ICLEI World Congress 2015 to be held in Seoul, Republic of Korea from 8 April to 12 April 2015;**
- 2 APPROVES the travel period from 7 April to 13 April 2015;**
- 3 NOTES that the Mayor has been invited to participated in an interactive workshop entitled 'Biodiversity and the Changing Climate' on 11 April 2015;**
- 4 NOTES that attendance by Cr Norman at the ICLEI World Congress 2015 will be funded from his Councillor Conference and Training Expense Allocation.**

The Motion was Put and**CARRIED (11/0)**

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

Mayor Pickard entered the Chamber at 7.56pm and resumed the Chair.

Cr Norman and the Chief Executive Officer entered the Chamber at 7.56pm.

C70-12/14 COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION -
[02154, 08122]

MOVED Cr Amphlett, SECONDED Cr Hollywood that pursuant to the *Meeting Procedures Local Law 2013* – Clause 4.8 – Adoption by exception resolution, Council ADOPTS the following items:

CJ224-12/14, CJ225-12/14, CJ227-12/14, CJ230-12/14, CJ231-12/14, CJ232-12/14, CJ235-12/14, CJ236-12/14, CJ237-12/14, CJ238-12/14 and CJ240-12/14.

The Motion was Put and

CARRIED (12/0)

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

REPORTS – POLICY COMMITTEE – 1 DECEMBER 2014

Disclosure of interest affecting impartiality

Name/Position	Cr Mike Norman.
Item No./Subject	CJ243-12/14 - Review of Facility Hire Subsidy Policy.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Norman is the chairman of the Joondalup Coast Care Community Forum that use a 100% subsidised facility for bi-monthly meetings.

CJ243-12/14 REVIEW OF FACILITY HIRE SUBSIDY POLICY

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	101271
ATTACHMENT	Attachment 1 Revised <i>Facility Hire Subsidy Policy</i> (marked up version)
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 amending the *Facility Hire Subsidy Policy*.

EXECUTIVE SUMMARY

At its meeting held on 20 November 2012 (CJ234-11/13 refers), Council adopted a *Property Management Framework* (PMF) which now provides a guide to the City in managing all property under its ownership. As a supporting document to the PMF, the Council also adopted a revised *Facility Hire Subsidy Policy* which provides guidance on determining the extent of subsidy to be offered to groups hiring City managed facilities. It also ensures that subsidies are offered in a consistent, transparent and equitable manner.

The policy came into effect on 1 January 2013, and was applied across the hire of all City facilities. Now that the policy has been operational for a full year, a review has been undertaken and some amendments are suggested. The more significant issues with implementing the policy include the following:

- The number of groups requesting an increase in their level of subsidies and the need for Council approval to consider applying the increases.
- The extent to which the subsidy applies such as specifying a time period.
- Determining the application of subsidies to Senior Citizens Recreational or Sporting Groups (including Seniors' Interest Groups) with a high percentage of members over the age of 55, but not exclusively for that age group.
- Those groups that request a level of subsidisation as per the policy, however, primarily operate outside of the City's boundaries.

BACKGROUND

At its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted a *Property Management Framework*.

The PMF provides the City with a guide to managing all property under the City's ownership, care and control. The PMF takes into account the City's statutory obligations and the desire to promote the wellbeing of all people in the community through the support of recreational and community groups and the provision of high quality and accessible facilities.

The PMF has the following objectives:

- To define the classifications for which City owned and managed property is held.
- To establish the categories and associated principles under which City owned and managed property may be used and occupied.
- To promote equitable, effective and sustainable management practices for the use and occupation of City owned and managed property.

As a supporting document to the PMF, the Council reviewed and subsequently adopted at the same meeting a *Facility Hire Subsidy Policy*. The policy was developed to align with the principles and objectives of the PMF. This policy builds on the current *Hire of Community Facilities and Venues Policy* and provides a greater subsidised use to not-for-profit community groups in the City.

The objectives of the policy are:

- to provide guidance on determining the extent of subsidy to be offered to groups hiring City managed facilities
- to ensure facility hire subsidies are applied in a consistent, transparent and equitable manner.

The intention of the policy is for the City to subsidise the cost of facility hire charges for City-managed facilities for local not-for-profit community groups and groups from educational institutions if the group is able to demonstrate that at least 50% of its active members/participants reside within the City of Joondalup.

DETAILS

The *Facility Hire Subsidy Policy* has been operational since 1 January 2013. Given it has been operational for some time, capturing both summer and winter seasonal groups, and annual users, it is opportune to undertake a review of the policy.

Issues and options considered

The following is an explanation of the proposed issues with the implementation of the policy.

Section 4 – Details

- 4.2 (b) – Requests for subsidies - This section of the policy requires any request received from a community group for an additional subsidy be referred to the Chief Executive Officer, who is then required to refer to the Council for a determination. A number of requests have been received from community groups seeking additional subsidised use which have been reported to the Council. A majority of these requests have come from groups who had previously been allocated 100% subsidised use (generally incorrectly classified under the former policy).

A majority of these requests are not requests for additional subsidies, but rather requests to waive fees that are applicable over and above an allocated subsidy. In order to better streamline the approval process, it is proposed that requests to waive fees and requests for additional subsidies be dealt with by the CEO (with delegated limits).

Table 1 – Matrix for determining Facility Hire Subsidies

- Extent to which subsidy applies: It is proposed to clarify in the policy the time period in which the subsidy applies. That is, per calendar year, per school term or per season.
- Senior Citizens Recreational or Sporting Groups (including Seniors' Interests Groups): This category within the matrix affords those groups that provide services/programs exclusively to people aged 55 years and above 100% subsidy up to a certain number of hours per week. As there is no defined age for an individual to be classified as a senior, the category was mirrored on the Junior Recreational or Sporting Groups being afforded 100% subsidy for services and programs under the age of 18, with the age 55 being used as a compromise.
- A majority of requests for subsidies have come from groups that do not meet the definition where membership to these groups are not exclusive to those 55 and over, that is. they are predominately above 55 but indicate they have some members under that age group. Therefore those groups are not eligible for the 100% subsidy but are afforded the 50% subsidy as a not-for-profit community group. In dealing with this situation, some clubs have amended their constitution to reflect that they are exclusively for people 55 and above, others have paid the revised fee, or some have made application to have their fees waived.

The Council could:

- revise the age down for those groups to be eligible seeking 100% subsidy, however, this will not resolve the issue of groups allowing members to participate under that age
- revise the term exclusively and replace predominately and assign a percentage of members that must be 55 years and above (for example 75%). The issue will still remain that there will be occasions where groups do not meet this criteria and will request special consideration.

Given that the level of subsidisation is targeted to groups providing services exclusively to those 55 years and older, it is proposed not to make any changes to the criteria for this category within the matrix. The policy makes provisions for those groups not meeting the criteria to apply for consideration to any fees imposed and these can be considered on a case by case basis.

- Educational Institution Groups: It is proposed to amend the access to City buildings based on a 'per term' rather than a 'per year' period.

General issues

- The definition of a "not-for-profit community group" is different in the *Facility Hire Subsidy Policy* to that which appears in the PMF. The policy states:

***"not-for-profit community group"** means a non-commercial organisation, including a religious organisation, operating within the City of Joondalup and in which any profit made by the organisation goes back into the operation of that organisation and is not distributed to any of its members.*

The PMF states:

Not-for-Profit Community Groups are defined as those which are incorporated under the Associations Incorporation Act 1987 and have their primary base of operation located within the City of Joondalup. In general, Not-for-Profit Community Groups will only be permitted to lease or licence facilities which are located on property held for Community Purposes. As such, where appropriate, these organisations will be granted a lease or licence at a subsidised rate in recognition of their perceived benefit to the community and their ability to pay.

The definition of a not-for-profit community group differs between the *Property Management Framework* and *Facility Hire Subsidy Policy*. Namely, the former refers to a group needing to be "based" in the City, while the latter only requires the group to "operate" within the City.

Because of these differences, facility hire fees will have different applications:

		Currently applied by the City →			
			“Operates” within the City	“Based” within the City	Example Group
Not-for-profit community groups	Non-COJ based groups	Less than 50% local membership	Community rate:	Community rate:	e.g. University of the Third Age
	Non-COJ based groups	More than 50% local membership	Subsidised rate:	Community rate:	e.g. Kallaroo Embroidery Group
	COJ based groups	Less than 50% local membership	Community rate:	Community rate:	e.g. Greenwood Tennis Club
	COJ based groups	More than 50% local membership	Subsidised rate:	Subsidised rate:	e.g. Joondalup-Kinross Junior Football Club

- If a community group needs to be “based” within the City to attract a subsidy (*Property Management Framework* definition), groups located just outside of the City’s border with significant City of Joondalup resident numbers, would be ineligible for a subsidy. The City currently applies the “operates” definition, as specified by the policy, in this scenario, which allows groups such as the North Beach Amateur Football Club to attract a subsidy rate, given they have over 50% of their members residing within the City.
- The current *Facility Hire Subsidy Policy* is not clear as to whether the 50% local membership/participant requirement applies to the group’s entire membership base, or just those attending the facility. If the entire group membership is required, satellite groups would not be eligible for subsidies, even if most of their participants were residents of the City (such as Cancer Council WA, Alcoholics Anonymous, Shamrock Masters Soccer Club).
- Following on from the issue above, community groups and sporting groups often keep different membership data, making it difficult to determine if members are “active” or “inactive”. For instance, sporting groups will often provide membership options for social or lifetime members, etc. who will not be considered as “active” for the purposes of hiring a facility. Community groups will not often collect membership data in this manner and therefore, assessing their membership requirements can be difficult.

As a result of feedback received from Elected Members through an issues paper circulated addressing the matters described above, the following is recommended:

- The definition with the *Facility Hire Subsidy Policy* be amended to reflect that for not-for-profit community groups to be eligible for a subsidy as detailed within the matrix of the policy, the groups primary base of operation must be located within the City of Joondalup. To provide clarity, a definition of ‘primary base’ has been included in the policy.
- Those not-for-profit groups that do not meet the criteria for any level of subsidisation detailed in the policy will be afforded the community rate detailed within the City’s annual fees and charges.

- Those not-for-profit community groups that have their primary base of operation located within the City of Joondalup will be afforded a priority for use of a City facility to those groups that do not.

Legislation / Strategic Community Plan / policy implications

Legislation

Specific sections of the *Local Government Act 1995* relate to the City adopting a Schedule of Fees and Charges during a financial year. These are described below.

6.16 Imposition of fees and charges

1 *A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

2 *A fee or charge may be imposed for the following:*
 a *providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government.*

3 *Fees and charges are to be imposed when adopting the annual budget but may be:*

a *imposed* during a financial year*

b *amended* from time to time during a financial year.*

** Absolute majority required.*

6.19 Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of:

a *its intention to do so*

b *the date from which it is proposed the fees or charges will be imposed.*

Strategic Community Plan

Key theme

Community Wellbeing.

Objective

To provide facilities of the highest quality which reflects the needs of the community now and into the future.

Strategic initiative

Understand the demographic context of local communities to support effective facility planning.

Policy

Facility Hire Subsidy Policy.

Risk management considerations

There is a risk of an adverse response from community groups whose subsidised hire arrangements or the application of these arrangements is inconsistent. Considerable research and engagement was undertaken to develop the PMF and the supporting *Facility Hire Subsidy Policy* to enable the City to administer its assets in an equitable, effective and sustainable manner. Significant diversion from these principles will lead to the management of City facilities in an ad hoc and inconsistent manner.

Financial / budget implications

For the year 2013, the City provided a total of approximately 105,000 hours of subsidised use across the City facilities, which equates to approximately \$1.1m (which includes the additional requests forwarded direct to the Council).

To date in 2014 the City has provided an approximately \$1.0 million which equates to approximately 90,000 hours of subsidised use across its facilities.

In regards to actual income received for park and facility hire:

Financial Year	Park Hire	Facility Hire	Other Hire Charges	Total
2011-12	\$97,450	\$456,998	\$45,377	\$599,825
**2012-13	\$77,626	\$421,050	\$54,102	\$552,778
2013-14	\$100,689	\$471,737	\$40,718	\$613,144
2014-15 (Oct 2014)	\$33,494	\$148,014	\$11,061	\$192,569

** the revised *Facility Hire Subsidy Policy* was in effect from 1 January 2013.

Future financial year impact

20 Year Strategic Financial Plan impact Based on the figure of \$1.1 million subsidised use, compounded at 3.5% over 20 years, equates to approximately \$31.1m of subsidised use provided by the City during that period.

Regional significance

The policy does not have any regional significance as it is only initiated where groups meet the criteria of 50% active members/participants.

Sustainability implications

The PMF aims to support the equitable, efficient and effective management of City-owned and -managed properties. The framework recognises the value and community benefit of activities organised and provided for by community groups, by subsidising such groups where appropriate.

Consultation

Through an issues paper, feedback was sought from elected members, with three submissions being returned.

COMMENT

The PMF now provides the City with a guide to managing all property under the City's ownership, care and control. The framework takes into account the City's statutory obligations and the desire to promote the wellbeing of all people in the community through support of recreational and community groups and the provision of high quality and accessible facilities. The draft framework also recognises the City's obligations to support not-for-profit community groups through subsidisation.

Through the *Facility Hire Subsidy Policy*, the City has substantially reduced the hire charges for several types of not-for-profit community groups. The hire charges for adult recreational or sporting groups, for example, have been reduced by 50%. This has substantially reduced the fees imposed on these groups which in turn will help these non-commercial groups in continuing to provide important recreational and sporting opportunities to the community and will assist the City in achieving a greater utilisation of its assets.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 1 December 2014.

The Committee recommendation is the same as recommended by City officers.

MOVED Cr Gobbert, SECONDED Cr Hollywood that Council ADOPTS the amended *Facility Hire Subsidy Policy* as detailed in Attachment 1 to Report CJ243-12/14.

AMENDMENT MOVED Mayor Pickard, SECONDED Cr Amphlett that the Motion be amended to read as follows:

That Council:

1 **ADOPTS the amended Facility Hire Subsidy Policy as detailed in Attachment 1 to Report CJ243-12/14 with the following changes:**

1.1 Deleting the first paragraph of the proposed clause 3.2(b) and replace with the following:

"A group may apply for an additional subsidy under special circumstances. Applications must be in a written submission to the Chief Executive Officer. The Chief Executive Officer will determine such request where the value of the additional subsidy is below \$5,000. Requests for additional subsidies above \$5,000 will be assessed by the Chief Executive Officer and referred to Council for determination.";

1.2 Deleting the paragraph in proposed clause 3.3 and replace with the following:

“The Chief Executive Officer may waive facility hire fees for bookings for City facilities not exceeding an amount of \$5,000 per request, made on a regular or casual basis on the written support of the responsible officer. Request for fee waivers made on a casual or regular basis that exceed \$5,000 per individual request will be assessed by the Chief Executive Officer and referred to Council for determination.”;

2 BY AN ABSOLUTE MAJORITY AMENDS the instrument of delegation titled “Waiver of Fees and Granting of Concessions” in the City’s Register of Delegated Authority to reflect the change in part 1 above.

The Amendment was Put and

CARRIED (12/0)

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

The Original Motion as amended, being:

That Council:

1 ADOPTS the amended Facility Hire Subsidy Policy as detailed in Attachment 1 to Report CJ243-12/14 with the following changes:

1.1 Deleting the first paragraph of the proposed clause 3.2(b) and replace with the following:

“A group may apply for an additional subsidy under special circumstances. Applications must be in a written submission to the Chief Executive Officer. The Chief Executive Officer will determine such request where the value of the additional subsidy is below \$5,000. Requests for additional subsidies above \$5,000 will be assessed by the Chief Executive Officer and referred to Council for determination.”;

1.2 Deleting the paragraph in proposed clause 3.3 and replace with the following:

“The Chief Executive Officer may waive facility hire fees for bookings for City facilities not exceeding an amount of \$5,000 per request, made on a regular or casual basis on the written support of the responsible officer. Request for fee waivers made on a casual or regular basis that exceed \$5,000 per individual request will be assessed by the Chief Executive Officer and referred to Council for determination.”;

- 2 BY AN ABSOLUTE MAJORITY AMENDS the instrument of delegation titled “Waiver of Fees and Granting of Concessions” in the City’s Register of Delegated Authority to reflect the change in part 1 above**

Was Put and

CARRIED (12/0)

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

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13agn091214.pdf](#)

CJ244-12/14 REVOCATION OF THE TENNIS COURT LIGHTING STANDARDS POLICY

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	101290
ATTACHMENT	Attachment 1 <i>Tennis Court Lighting Standards Policy</i>
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 revoke the *Tennis Court Lighting Standards Policy* as part of the on-going Policy Manual Review.

EXECUTIVE SUMMARY

The *Tennis Court Lighting Standards Policy* was previously established by the former City of Wanneroo and has been the subject of minor amendments since its inception. The original intention of this policy was to ensure all new tennis courts would be floodlit to a minimum illumination standard dependant on the level of play, and a consistent process was followed when dealing with requests for new and upgraded tennis court floodlighting requests from the community.

As part of the ongoing review of the Policy Manual, the *Tennis Court Lighting Standards Policy* is recommended for revocation due to its inconsistency with current Australian Standards for floodlighting and other relevant decision making guidelines that exist both internally and externally. In addition, the detailed and technical content is considered too operational at a policy level.

BACKGROUND

As part of the City's ongoing review of the City's Policy Manual, the current *Tennis Court Lighting Standards Policy* (Attachment 1 refers) has been reviewed against the following criteria:

- 1 Consistency – with regard to language, style and format.
- 2 Relevance – in terms of new plans and strategies that now supersede previously endorsed positions with existing policies.
- 3 Duplication – identified sections of policies that duplicate other policies, City plans and strategies, local laws and/or other legislation.
- 4 Operational content – identified sections of policies deemed 'too operational' and therefore more appropriate to be incorporated into a City protocol or operational plan.

The *Tennis Court Lighting Standards Policy* was established by the former City of Wanneroo and formally adopted by the Joint Commissioners of the City of Joondalup at its meeting held on 22 June 1999 (CJ2013-06/99 refers). The intention of the policy was to ensure:

- all new tennis courts would be floodlit to a minimum illumination standard dependent on the level of play
- a consistent process was followed for requests for new or upgrades to tennis court floodlighting from the community (including responsibilities for capital costs where installation is above the minimum standard and ongoing operating costs).

Since its inception, the policy has been reviewed on a few occasions and only minor amendments have been made. These include changes to 'Table 2 - Standard of Illumination – All Tennis Courts' (in reference to tennis court locations) and the directorate responsible for implementing the policy. Consideration was made to merge the policy with the *Reserves, Parks and Recreation Grounds Policy* in 2005; however, this did not eventuate as at the time the policy was considered to deal with complex and sensitive matters and was regularly used.

The *Tennis Court Lighting Standards Policy* is considered to be out of date given its variation with the current Australian Standard. In addition, it is inconsistent with internal and external planning documents and decision making mechanisms and is deemed too technical and operational in its content for a policy document. As such, it is being recommended for revocation to consolidate the City's Policy Manual.

DETAILS

Since 2005, the *Tennis Court Lighting Standards Policy* has not been reviewed nor applied. As part of the ongoing review of the City's Policy Manual, it is recommended that the policy be revoked for the following reasons:

- 1 The policy suggests that all new tennis court facilities shall be floodlit which is inconsistent with positions in other relevant planning documents.**

The provision of floodlighting to all new tennis courts may not provide a strong return on investment given installation and ongoing operational costs may outweigh actual utilisation. In addition, this position does not align with a recent internal sporting infrastructure needs assessment, the *Active Reserve and Community Facilities Review* (CJ116-07/14 refers) and Tennis Australia's, *Tennis 2020: Facility development and management framework for Australian Tennis*.

The City's *Active Reserve and Community Facilities Review* identifies sports floodlighting priorities for the City's *Five Year Capital Works Program*. These priorities are based on participation trends, existing and potential utilisation, user group requests and needs, available funding and ongoing operational costs. In addition, no particular sport is given priority and projects are based on overall community need. Notably, no tennis court floodlighting projects were identified as the current infrastructure was deemed sufficient to service the community and trends indicate tennis participation is declining.

Tennis Australia's document has identified a new hierarchal approach to tennis facilities depending on factors such as the number of courts, standard of play and catchment population. This approach recommends that a percentage of courts be illuminated to a particular standard depending on the facilities association with the hierarchy. When applying *Tennis 2020: Facility development and management framework for Australian tennis* within

the context of the City of Joondalup tennis facilities, only 50% of the courts would be required to be illuminated.

2 The policy's minimum standard specification for illuminating courts is not consistent with relevant Australian Standards.

Australian Standard 2560.2.1-2003, *Sports lighting Part 2.1: Specific applications – Lighting for outdoor tennis* specifies a minimum standard of illumination for tennis courts dependant on the level of play. The levels of illumination indicated in the policy are significantly lower than that of the Australian Standard, and as such the Australian Standard supersedes the City's *Tennis Court Lighting Standards Policy*.

3 The process within the policy for dealing with new and upgrade requests from the community is not consistent with other City sporting infrastructure decision making mechanisms.

Requests for sports floodlighting are currently considered by the City on a case by case basis. Each request is directed towards either an expression of interest process for the Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund (CSRFF) or the City's Club-Funded Upgrade process.

The expression of interest process is a precursor to the Department's CSRFF application process whereby groups with infrastructure projects are identified who are willing to jointly fund on an equal one-third basis between the City, State Government and relevant user group/third-party. The City's Club-Funded Upgrade process is designed for groups seeking to upgrade or construct facilities where the City has no capital funding involvement. The City determines each application on its merits, which includes any ongoing operational costs for maintaining and using the infrastructure.

If a request is made and the City is to provide a level of funding toward a sports floodlighting project, the project would be reviewed against the priorities listed in the City's *Active Reserve and Community Facilities Review*. The priority may improve if a higher level of external funding is available.

4 Management of ongoing operational costs within the policy is not consistent with current practices.

Where a lease/licence agreement is involved, the City's *Property Management Framework* provides guidance on ongoing operational costs with relevant users. However, if a lease/licence is not in place (hired facility) and the user group funds the upgrade (through the CSRFF process or Club-Funded Upgrade process), the City acquires all of the ongoing operational costs. This scenario is not reflected in the current policy.

5 Trends indicate tennis participation is declining, therefore a specific policy is not required and tennis court floodlighting can be including when determining overall floodlighting priorities.

No new tennis courts have been constructed since the last review of the policy in 2005, given that trends indicate that participation has declined over that period. The *Participation in Sport and Physical Recreation 2011-12* survey from the Australian Bureau of Statistics suggests that overall tennis participation for people aged over 15 years in Western Australia has declined from 3.9% in 2005-06 to 3.6% in 2011-12. This is further supported by the City implementing the *Tennis Court Provision and Maintenance Strategy* (CJ010-02/11 refers) and as a result four tennis courts were decommissioned at Percy Doyle Reserve, Duncraig

(near the Duncraig Library) in 2011-12 and one at Fenton Park, Hillarys in 2013-14 due to low levels of utilisation.

Since 2005, the City has completed only one tennis court floodlighting project at Falklands Park (Kinross College) in 2013-14. This project was identified as a result of the City relocating the tennis court floodlights at Percy Doyle Reserve when decommissioning the four courts. At Falklands Park a shared-use agreement exists with the Department of Education for the oval and tennis courts and given the limited availability of City managed tennis courts in the northern area of the City, the site was deemed the most suitable.

It is worth noting the City owns (and manages) 12 tennis court facilities of which all currently have floodlighting to various standards. The policy specifies that all new tennis courts would be floodlit; however no new tennis court facilities and tennis floodlighting projects are proposed in the City's *Five Year Capital Works Program* given the decline in participation numbers and other activities increasing in popularity. Therefore a specific policy is not required and all new and upgrade tennis court floodlighting projects should be included in the assessment of overall sports floodlighting for the City through existing decision making frameworks.

Issues and options considered

Council may choose to either:

- support the revocation of the *Tennis Court Lighting Standards Policy*
or
- not support the revocation of the *Tennis Court Lighting Standards Policy*.

For the reasons outlined in this report, it is recommended that the policy be revoked.

Legislation / Strategic Community Plan / policy implications

Legislation	Not applicable.
Strategic Community Plan	
Key theme	Community Wellbeing.
Objective	Quality facilities.
Strategic initiative	Understand the demographic context of local communities to support effective facility planning.
Policy	<i>Tennis Court Lighting Standards Policy</i> .

Risk management considerations

There are no significant risks associated with revoking the *Tennis Court Lighting Standards Policy*. Existing planning documents and decision-making mechanisms enable the City to make informed and appropriate decisions for all new and upgrade tennis court floodlighting requests and proposals.

In addition, revocation of the policy removes the complexity among the various planning documents and the standard of illumination that is to be provided for future projects.

Financial / budget implications

Revoking the policy will have no financial implications for existing capital works, projections or budgets, as it is not currently applied.

Regional significance

Existing decision-making processes provide for the consideration of tennis court floodlighting needs based on the regional significance of the facility.

Sustainability implications

All capital works decisions pertaining to floodlighting take into consideration opportunities for increasing participation trends, supporting local clubs and off-setting capital and operational costs.

Consultation

The *Tennis Court Lighting Standards Policy* is considered to be out-of-date in comparison with Australian Standards and relevant planning documents. Therefore, consultation is deemed not required to revoke the policy.

COMMENT

The ongoing Policy Manual review has been comprehensive in addressing inconsistencies and relevance with policy frameworks, planning documents and regulatory standards. When the *Tennis Court Floodlighting Policy* was developed, the policy provided a position on a number of factors relating to the installation of floodlighting on new tennis courts.

Since this time, a number of planning documents have been developed, decision-making frameworks adopted and the technical aspects have been superseded by the relevant Australian Standard which limits the policy's relevance.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 1 December 2014.

The Committee recommendation is the same as recommended by City officers.

MOVED Cr Gobbert, SECONDED Cr Norman that Council REVOKES the *Tennis Court Lighting Standards Policy* as detailed in Attachment 1 to Report CJ244-12/14.

The Motion was Put and

CARRIED (12/0)

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

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14agn091214.pdf](#)

CJ245-12/14 USE OF SEA CONTAINERS WITHIN THE CITY OF JOONDALUP

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	18058
ATTACHMENT	Attachment 1 <i>Use of Sea Containers Policy</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

To advise the Policy Committee of the current processes relating to the use of sea containers for storage within the City of Joondalup and consider options available for guiding this form of development.

EXECUTIVE SUMMARY

Currently the City does not have any specific guidelines or policies on the use of sea containers within the City of Joondalup. Due to their bulk and often dilapidated appearance, the use of sea containers can have a negative visual impact on the surrounding area, particularly when used in residential areas. In addition, inappropriately located sea containers may have an impact on vehicle sightlines.

When a building permit has been issued for a development, approval may be granted by way of a Hoarding Licence to store building materials, including within a sea container, on the verge to which the development relates. The temporary placement or construction of an office, shed or sanitary facility used by a builder in connection with building works within the lot is permitted without the need for a building permit.

Through researching the practices of other local governments for dealing with sea containers, it appears that generally the use of sea containers within the 'Residential' zone is not permitted, however there is some tolerance for their use on a temporary basis, particularly during construction on the adjoining lot or for delivery and/or collection of goods.

This report outlines the options available in dealing with this issue.

BACKGROUND

A report was requested by the Policy Committee in September 2013 in relation to the use of sea containers on verges and on private properties for the purposes of storage of construction and other materials. Due to the significant number of priority projects, including finalisation of the *Local Housing Strategy*, *Local Commercial Strategy*, *Local Planning Strategy* and initiation of the Local Housing Strategy Scheme Amendment, as well as the larger than anticipated number of planning applications progressed by the City, such as the

multiple Whitford City and Lakeside Joondalup Shopping Centre applications, the City has been unable to finalise this report before now.

Permanent sea containers in the 'Residential' zone

The use of a sea container associated with a dwelling can be assessed as an outbuilding, applying the provisions of the Residential Design Codes (R-codes). The R-codes assessment provisions relate to the wall and ridge height, floor area and setbacks for the structure. Outbuildings, being '*an enclosed non-habitable structure that is detached from any dwelling, but not a garage*', are not permitted within the front setback area, but could be placed so that they are visible from the street. It should be noted that the R-codes do not control for colours, materials and architectural design used and as such a sea container could potentially comply with the R-codes if located outside of the front setback area with sufficient side and rear setbacks.

Permanent sea containers on non-residential zoned land

Sea containers are occasionally used on a non-residential site in association with a business, usually for the purpose of storage, including cool rooms.

For non-residential zoned land, sea containers are typically incidental to the existing land use on the site, with only the structure requiring planning approval. The provisions of clause 4.7 of *District Planning Scheme No.2* for building setbacks to non-residential buildings are applied, requiring buildings to be set back nine metres from the street (front) boundary, three metres from the side boundary and six metres from the rear boundary.

Temporary sea containers

Where a building permit has been issued, a Hoarding Licence (issued under the *Local Government (Miscellaneous Provisions) Act*), may be approved for the storage of materials, including within a sea container, on the verge adjoining the lot for a specified period of time. This licence allows the landowner or builder to use a portion of the verge for the purpose of securely storing building material during the construction process. Once the licence expires, the materials and/or sea container are required to be removed from the site.

It is noted that Schedule 4 of the *Building Regulations 2012* exempts the need to obtain a building permit for the temporary placement or construction of an office, shed or sanitary facility used by a builder in connection with building works within the lot where the development is to occur. This can include a sea container.

Planning approval is not required for the above structures where they are placed on a site or verge for less than 48 hours or for a longer temporary period as agreed by the City. Currently, a Hoarding Licence is taken as agreement from the City that the development is temporary and exempt from the need for planning approval. However, there is no guidance on what constitutes an appropriate temporary duration.

Approach by other local governments

Examples of the approach to the use of sea containers by other local governments are outlined below:

Local Government	Policy		Land use within scheme? (Y/N)
Armadale	<i>Sea containers, railway carriages and other decommissioned transport conveyances</i>	Sea containers are not acceptable in the Residential, Special Residential, Mixed Business/Residential, Rural Living & Urban Development. However, may be used in conjunction with development/subdivision works for the duration of those works or for the delivery and/or collection of goods for a period of seven days.	No
Gosnells	<i>Outbuildings and Sea containers policy</i>	Permits sea containers without needing planning approval on a residential lot where it is being used for the purpose of relocating personal effects for no more than seven days or for securing construction tools and materials for a maximum of 12 months.	No
Cockburn	Sea containers	Does not permit sea containers in the 'Residential', zone except for a temporary period (maximum 18 months) when in association with building construction, subject to planning approval. There is some tolerance for sea containers in non 'Residential' zones where it is located behind a building, screened from view with building setbacks maintained and the structure is painted in a colour similar to the existing building on the property.	No
Kalamunda	<i>Outbuildings – Guidelines for Assessment</i>	Sea containers in the Residential, Residential Bushland and Urban Development zones only permitted for the purpose of moving domestic items or during construction of an approved building and must be removed with 48 hours of the building's completion.	No

Local Government	Policy		Land use within scheme? (Y/N)
Broome	<i>Shipping and/or storage containers</i>	Permanent use of shipping/storage containers considered in non 'Residential' zones only. Containers may be permitted for 14 days for the purpose of loading or unloading items or used to store equipment and materials related to construction of a building.	No, and the use of the containers shall be related directly to and be ancillary to the approved use of the land.

DETAILS

Issues and options considered

The issue to be considered is where it is appropriate to allow the use of sea containers on a temporary or permanent basis. Therefore, there are a number of options available to Council in providing guidance on the use of sea containers within the City of Joondalup.

Option 1

- Prohibit the use of all sea containers, whether permanent or temporary, within all or specific zones.

This option could be implemented through a local planning policy which prohibits the use of sea containers on a temporary or permanent basis within all or specific zones, due to the impact on the amenity of the adjoining properties and surrounding area.

Option 2

- Permit the use of sea containers on a temporary basis only (private property, verge or both) for building or subdivisional works and only for a defined period, such as a maximum of one week for the delivery or collection of goods, or for the period of construction works.

Some examples of how this could be achieved include the following:

- Develop a separate local planning policy which clarifies what constitutes a temporary development, including that sea containers may be used on a temporary basis on a verge without the need for planning approval provided the container only remains for one week when delivering or collecting goods or for the duration of construction on an adjoining property (maximum 12 months).
- Amend DPS2 so that storage on the verge (including in sea containers) that has a Hoarding Licence or is for delivery or collection of goods, is exempt from the need for planning approval.

Option 3

- Permit the use of sea containers on a permanent basis on private property in all or only certain zones when its location and appearance complies with specific criteria, and
- Permit the use of sea containers on a temporary basis only (private property, verge or both) for building or subdivisional works and only for a defined period, such as a maximum of one week for the delivery or collection of goods, or for the period of construction works.

This could be achieved by a local planning policy with associated design guidelines which sets the urban design standards for particular areas, including that permanent sea containers are only permitted on private property when they are not visible from the street or when they have been treated to match the existing dwelling or streetscape. The temporary use of sea containers could be regulated as outlined in option 2 above.

Legislation / Strategic Community Plan / policy implications

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

Risk management considerations

As previously indicated, planning approval is required for structures where they are placed on a site or verge for more than 48 hours, or where the City has not agreed on a longer temporary period. In practice, the issuance of a Hoarding Licence or building permit exemption is considered to be agreement from the City for the temporary nature of a sea container and is used as the mechanism to control this type of activity. It is considered appropriate to use the DPS2 and its associated local planning policies to clarify how long temporary sea container should be permitted from an amenity perspective.

Without a clear and documented position on what length of time constitutes an exemption under DPS2 for a temporary sea container, it is difficult to control this practice and permit it only when appropriate.

The development of design provisions through policy would provide clarity for both landowners or builders seeking to use a sea container and for the City in advising them of when it is appropriate to do so, if at all.

Financial / budget implications

In the event that Council requests a new policy, the costs associated with public advertising and notice of any final adoption will be approximately \$1,000.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

In the event that Council requests a policy be prepared, public advertising would occur for 21 days as follows:

- A notice published in the local newspaper for two weeks.
- A notice and documents placed on the City's website.

COMMENT

From the research undertaken, it appears generally that the use of sea containers on a permanent basis in the residential area is not permitted by a number of local governments. In addition, it is clear that the temporary use of sea containers for the delivery and collection of goods or when used for the storage of materials during construction, is generally accepted by the local governments researched.

Due to their bulk and often dilapidated appearance, sea containers can have a negative visual impact on the surrounding area, particularly when used in residential areas. As a result, it is recommended that the permit the permanent use of sea containers be prohibited in the 'Residential' zone. This is also considered appropriate for the 'Special Residential', 'Mixed Use', 'Urban Development', 'Civic and Cultural' and 'Rural' zones. The research has indicated that there is more tolerance to the use of sea containers in industrial related zones, and so any requirements should be based on the zoning and associated amenity of an area.

The temporary use of sea containers is an essential part of the construction and building process in Western Australia. Given the significant amount of redevelopment set to occur in the City of Joondalup under the *Local Housing Strategy* and *Local Commercial Strategy*, and the limited space afforded to builders when redeveloping a site, it seems essential that temporary storage of some sort be permitted for builders in the front of properties during the course of construction. However, the use of sea containers on the verge has the potential to have a negative impact on adjoining properties as well as the surrounding area by way of adverse visual appearance and impact on vehicle sightlines. As such, it is considered necessary to control the location of temporary sea containers in the verge and to limit the period they are permitted.

Given the above, it is considered appropriate that sea containers be controlled through local planning policy, on the basis that policy is able to provide adequate detail around issues such as location and treatment, which the scheme is unable to achieve. In addition, a local planning policy would not require the approval of the Western Australian Planning Commission, and could be implemented much more rapidly than amendments to the planning scheme.

Therefore, it is recommended that a draft *Use of Sea Containers* Policy be advertised for public comment. The draft policy which is shown as Attachment 1:

- prohibits the use of sea containers within the 'Residential', 'Special Residential', 'Mixed Use', 'Urban Development', 'Civic & Cultural', and 'Rural' zones
- allows the permanent use of sea containers within 'Commercial', 'Business', 'Service Industrial', 'Private Clubs/Recreation', and 'Centre' zones subject to criteria being met
- allows the temporary use of sea containers in all zones for storage associated with building construction or subdivision and for the loading and unloading of goods.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 1 December 2014.

The original recommendation as presented by City officers to the Committee is as follows:

"That Council:

- 1 *In accordance with clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADOPTS the draft Use of Sea Containers Policy as detailed in Attachment 1 to Report CJ-12/14, for the purpose of public advertising;*
- 2 *In accordance with clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADVERTISES the draft Use of Sea Containers Policy for public comment for a period of 21 days."*

The Committee's subsequent recommendation to Council is as follows (changes identified):

"That Council:

- 1 *In accordance with clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADOPTS the draft Use of Sea Containers Policy as detailed in Attachment 1 to Report CJ-12/14, as amended, for the purpose of public advertising;*
- 2 *In accordance with clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADVERTISES the draft Use of Sea Containers Policy for public comment for a period of 21 days."*

MOVED Cr Gobbert, SECONDED Cr Chester that Council:

- 1** In accordance with clause 8.11 of the City of Joondalup *District Planning Scheme No. 2*, **ADOPTS** the draft *Use of Sea Containers Policy* as detailed in Attachment 1 to Report CJ245-12/14, as amended, for the purpose of public advertising;
- 2** In accordance with clause 8.11 of the City of Joondalup *District Planning Scheme No. 2*, **ADVERTISES** the draft *Use of Sea Containers Policy* for public comment for a period of 21 days.

The Motion was Put and

CARRIED (9/3)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Gobbert, Hollywood, McLean, Norman, Taylor and Thomas.

Against the Motion: Crs Corr, Fishwick and Ritchie.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15agn091214.pdf](#)

C71-12/14 MOTION TO GO BEHIND CLOSED DOORS – [02154, 08122]

MOVED Cr Amphlett, SECONDED Cr Thomas that Council:

- 1 in accordance with sections 5.23(2)(c) and 5.23(2)(e)(iii) of the *Local Government Act 1995* and clause 5.2 of the *Meeting Procedures Local Law 2013*, RESOLVES to close the meeting to members of the public to consider the following item:**

C72-12/14 Confidential – Memorandum of Understanding - Joondalup City Centre Development;

- 2 PERMITS the following employees to remain in the Chamber during discussion on C72-12/14 while the meeting is sitting behind closed doors as detailed in part 1 above:**

- 2.1 Chief Executive Officer, Mr Garry Hunt;**
- 2.2 Director Corporate Services, Mr Mike Tidy;**
- 2.3 Director Governance and Strategy, Mr Jamie Parry;**
- 2.4 Director Planning and Community Development, Ms Dale Page;**
- 2.5 Director Infrastructure Services, Mr Nico Claassen;**
- 2.6 Manager Governance, Mr Brad Sillence;**
- 2.7 Manager City Projects, Mr Blignault Olivier;**
- 2.8 Governance Coordinator, Mr John Byrne;**
- 2.9 Governance Officer, Mrs Lesley Taylor;**
- 2.10 Governance Officer, Mrs Dawn Anderson.**

The Motion was Put and

CARRIED (12/0)

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

Members of the staff (with the exception of the Chief Executive Officer, Director Corporate Services, Director Governance and Strategy, Director Planning and Community Development, Director Infrastructure Services, Manager Governance, Manager City Projects, Governance Coordinator and two Governance Officers) and members of the public and press left the Chambers at this point; the time being 8.18pm.

REPORT OF THE CHIEF EXECUTIVE OFFICER

C72-12/14 CONFIDENTIAL: MEMORANDUM OF UNDERSTANDING - JOONDALUP CITY CENTRE DEVELOPMENT

WARD	North
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	103036, 101515
ATTACHMENTS	Attachment 1 Amended Memorandum of Understanding: Joondalup City Centre Development

(Please Note: The Report and Attachment is confidential and will appear in the official Minute Book only).

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)(c) and 5.23(2)(e)(iii) of the *Local Government Act 1995*, which also permits the meeting to be closed to the public for business relating to the following:

- *A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*
- *A matter that if disclosed would reveal information about the business, professional, commercial or financial affairs of a person.*

A full report was provided to Elected Members under separate cover. The report is not for publication.

MOVED Cr Gobbert, SECONDED Cr Amphlett that Council:

- 1 APPROVES the amended Memorandum of Understanding – Joondalup City Centre Development forming Attachment 1 to Report C72-12/14;**
- 2 REQUESTS the Chief Executive to execute the Memorandum of Understanding – Joondalup City Centre Development, forming Attachment 1 to this report, with Devwest Group Pty Ltd, the preferred respondent for the integrated mixed-use development of Lot 507 (90) Boas Avenue and Lot 496 (70) Davidson Terrace, Joondalup.**

The Motion was Put and

CARRIED (12/0)

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

C73-12/14 **MOTION TO OPEN MEETING TO MEMBERS OF THE PUBLIC –**
[02154, 08122]

MOVED Cr Gobbert, SECONDED Cr McLean that in accordance with clause 5.2(3)(b) of the *City of Joondalup Meeting Procedures Local Law 2013*, the Council meeting be REOPENED TO THE PUBLIC.

The Motion was Put and

CARRIED (12/0)

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

The Media Advisor entered the Chambers at this point; the time being 8.22pm.

There was one member of the press and five members of the public present.

In accordance with the Clause 5.2(6)(b) of the City's *Meeting Procedures Local Law 2013*, Mayor Pickard read aloud the motion in relation to:

C72-12/14 Confidential: Memorandum of Understanding - Joondalup City Centre Development.

URGENT BUSINESS

Nil.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 8.24pm the following Elected Members being present at that time:

MAYOR TROY PICKARD
CR KERRY HOLLYWOOD
CR TOM MCLEAN, JP
CR PHILIPPA TAYLOR
CR SAM THOMAS
CR LIAM GOBBERT
CR GEOFF AMPHLETT, JP
CR MIKE NORMAN
CR JOHN CHESTER
CR BRIAN CORR
CR RUSS FISHWICK, JP
CR TERESA RITCHIE, JP