

# agenda

## Ordinary Meeting of Council

NOTICE IS HEREBY GIVEN THAT THE NEXT  
ORDINARY MEETING OF THE COUNCIL  
OF THE CITY OF JOONDALUP WILL BE HELD IN  
THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP

**ON** **MONDAY 17 AUGUST 2015**

**COMMENCING AT** **12.00 noon**

**GARRY HUNT**  
Chief Executive Officer  
14 August 2015

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

*This document is available in alternate formats upon request*

#### **PUBLIC QUESTION TIME**

Members of the public are requested to lodge questions in writing by 9.00am on Monday 17 August 2015.

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

#### **QUESTIONS TO**

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

PO Box 21 Joondalup WA 6919

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

## PROCEDURES FOR PUBLIC QUESTION TIME

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

Where a meeting of a committee is open to the public the procedures for public question time and public statement time apply. In this regard these procedures are amended by substituting "Council" with "Committee" to provide proper context.

### Questions asked verbally

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

- 9 Where an Elected Member is of the opinion that a member of the public is:
- asking a question at a Council meeting, that does not relate to a matter affecting the City
  - or
  - making a statement during public question time,
- they may bring it to the attention of the Presiding Member who will make a ruling.
- 10 Questions and any response will be summarised and included in the minutes of the Council meeting.
- 11 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992* (FOI Act 1992). Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

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

- 1 Only City of Joondalup residents and/or ratepayers may submit questions to the City in writing.
- 2 Questions asked at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Questions asked at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 3 The City will accept a maximum of five (5) written questions per City of Joondalup resident/ratepayer. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by 9.00am on the day immediately prior to the scheduled Council meeting will be responded to, where possible, at the Council meeting. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and his/her decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at a Council meeting will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Council meeting.

- 8 A person who submits written questions may also ask questions at a Council meeting and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the minutes of the Council meeting.
- 10 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992* (FOI Act 1992). Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and may refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

### **DISCLAIMER**

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

### **PROCEDURES FOR PUBLIC STATEMENT TIME**

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

- 1 Members of the public are invited to make statements, either verbally or in writing, at Council meetings.
- 2 Statements made at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Statements made at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 3 A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- 4 Public statement time will be limited to two minutes per member of the public.
- 5 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- 6 Public statement time will be allocated a maximum time of 15 minutes. Public statement time is declared closed following the 15 minute allocated time period, or earlier than such time where there are no further statements.
- 7 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 8 Where an Elected Member is of the opinion that a member of the public is making a statement at a Council meeting, that does not relate to a matter affecting the City, they may bring it to the attention of the Presiding Member who will make a ruling.

- 9 A member of the public attending a Council meeting may present a written statement rather than making the statement verbally if he or she so wishes.
- 10 Statements will be summarised and included in the minutes of the Council meeting.

## CODE OF CONDUCT

Elected Members, Committee Members and City of Joondalup employees are to observe the City of Joondalup Code of Conduct including the principles and standards of behaviour that are established in the Code.

The following principles guide the behaviours of Elected Members, Committee Members and City of Joondalup employees while performing their role at the City:

- Act with reasonable care and diligence.
- Act with honesty and integrity.
- Act lawfully.
- Avoid damage to the reputation of the City.
- Be open and accountable to the public.
- Base decisions on relevant and factually correct information.
- Treat others with respect and fairness.
- Not be impaired by mind affecting substances.

Elected Members, Committee Members and employees must:

- (a) act, and be seen to act, properly and in accordance with the requirements of the law and the Code of Conduct
- (b) perform their duties impartially and in the best interests of the City uninfluenced by fear or favour
- (c) act in good faith in the interests of the City and the community
- (d) make no allegations which are improper or derogatory and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any person unwarranted offence or embarrassment
- (e) always act in accordance with their obligations to the City and in line with any relevant policies, protocols and procedures.

\* Any queries on the agenda, please contact Governance Support on 9400 4369.

## TABLE OF CONTENTS

ITEM NO.	TITLE	WARD	PAGE NO.
1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS		ix
2	DECLARATIONS OF INTEREST		ix
3	PUBLIC QUESTION TIME		x
4	PUBLIC STATEMENT TIME		xii
5	APOLOGIES AND LEAVE OF ABSENCE		xii
6	CONFIRMATION OF MINUTES		xiii
7	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION		xiii
8	IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC		xiii
9	PETITIONS		xiii
10	REPORTS		1
CJ128-08/15	DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS – JUNE 2015 - [07032]	All	1
CJ129-08/15	PROPOSED AMENDMENT NO. 80 TO DISTRICT PLANNING SCHEME NO. 2 TO RECODE LOT 1001 (14) CAMBERWARRA DRIVE, CRAIGIE – CONSIDERATION FOLLOWING ADVERTISING – [104697]	Central	6
CJ130-08/15	CHANGE OF USE FROM SHOWROOM TO MEDICAL CENTRE AT LOT 5010 (13) HOBSONS GATE, CURRAMBINE – [103011]	North	12
CJ131-08/15	INITIATION OF SCHEME AMENDMENT NO. 83 TO DISTRICT PLANNING SCHEME NO. 2 – [105118]	All	21
CJ132-08/15	PROPOSED GREENWOOD LOCAL STRUCTURE PLAN AND LOCAL DEVELOPMENT PLAN – LOT 9867 (63) MULLIGAN DRIVE, GREENWOOD – CONSIDERATION FOLLOWING ADVERTISING – [104828]	South-East	26
CJ133-08/15	MINUTES OF EXTERNAL COMMITTEES – [29094, 41196, 60514, 03149]	All	38
CJ134-08/15	EXECUTION OF DOCUMENTS – [15876]	All	45

ITEM NO.	TITLE	WARD	PAGE NO.
CJ135-08/15	ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 APRIL TO 30 JUNE 2015 – [20560]	All	48
CJ136-08/15	ANNUAL PLAN 2015-2016 – [20560]	All	55
CJ137-08/15	LIST OF PAYMENTS MADE DURING THE MONTH OF JUNE 2015 – [09882]	All	58
CJ138-08/15	TENDER 019/15 - CIVIL WORKS FOR WHITFORDS AVENUE CARRIAGEWAY DUPLICATION – [104995]	South-West	61
CJ139-08/15	CONFIDENTIAL - TENDER 020/15 - SIGNIFICANT EVENT – [105024]	North	69
CJ140-08/15	TENDER 021/15 - REPLACEMENT OF LIFTS FOR THE CITY OF JOONDALUP LIBRARY, CIVIC CHAMBERS AND ADMINISTRATION BUILDING – [105055]	North	70
CJ141-08/15	COMMUNITY SPORTING AND RECREATION FACILITIES FUND APPLICATIONS – 2016-17 FUNDING ROUND – [22209]	All	75
CJ142-08/15	JOONDALUP SPORTING HALL OF FAME – [62552]	All	86
CJ143-08/15	PARKING AMENDMENT LOCAL LAW 2015 - ADOPTION – [24185]	All	93
	<b>REPORTS – POLICY COMMITTEE – 10 AUGUST 2015</b>		<b>98</b>
CJ144-08/15	ARTIFICIAL SHADE IN CITY PLAYGROUNDS – RESULTS OF COMMUNITY CONSULTATION – [41676]	All	98
CJ145-08/15	DRAFT HOME BUSINESS POLICY - CONSIDERATION FOLLOWING ADVERTISING – [13048]	All	106
CJ146-08/15	USE OF SEA CONTAINERS POLICY - CONSIDERATION FOLLOWING ADVERTISING – [18058]	All	112
CJ147-08/15	LOCAL HOUSING STRATEGY IMPLEMENTATION – [104919]	All	117
CJ148-08/15	PROPOSED NEW POLICY - HIGH RISK BOOKINGS IN COMMUNITY FACILITIES – [13010]	All	131
CJ149-08/15	SPECIFIED AREA RATING POLICY – REVIEW – [101278]	All	138



ITEM NO.	TITLE	WARD	PAGE NO.
	<b>REPORT – AUDIT COMMITTEE – 10 AUGUST 2015</b>		<b>149</b>
CJ150-08/15	STATUS REPORT – COST EFFICIENCY AND SERVICE REVIEWS PROGRAM – [103906]	All	149
11	<b>URGENT BUSINESS</b>		<b>153</b>
12	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>		<b>153</b>
13	<b>ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING</b>		<b>153</b>
14	<b>CLOSURE</b>		<b>153</b>

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

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

[Additional Information170815.pdf](#)

# CITY OF JOONDALUP

Notice is hereby given that a Meeting of the Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Monday 17 August 2015** commencing at **12.00 noon**.

GARRY HUNT  
Chief Executive Officer  
14 August 2015

Joondalup  
Western Australia

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## VISION

*“A global City: bold, creative and prosperous.”*

## PRIMARY VALUES

- Transparent.
- Accountable.
- Honest.
- Ethical.
- Respectful.
- Sustainable.
- Professional.

## DISTINGUISHING VALUES

### **Bold**

We will make courageous decisions for the benefit of our community and future generations.

### **Ambitious**

We will lead with strength and conviction to achieve our vision for the City.

### **Innovative**

We will learn and adapt for changing circumstances to ensure we are always one step ahead.

### **Enterprising**

We will undertake ventures that forge new directions for business and the local community.

### **Prosperous**

We will ensure our City benefits from a thriving economy built on local commercial success.

### **Compassionate**

We will act with empathy and understanding of our community's needs and ambitions.

# AGENDA

Note: Members of the public are advised that prior to the opening of the Council meeting, Mayor Pickard will say a Prayer.

## 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

## 2 DECLARATIONS OF INTEREST

### Disclosure of Financial / Proximity Interest

<b>Name/Position</b>	<b>Cr Tom McLean, JP.</b>
<b>Item No./Subject</b>	CJ130-08/15 - Change of Use from Showroom to Medical Centre at Lot 5010 (13) Hobsons Gate, Currambine.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Cr McLean lives within 100 metres of the showroom.

### Disclosures of interest affecting impartiality

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

<b>Name/Position</b>	<b>Mr Brad Sillence, Manager Governance.</b>
<b>Item No./Subject</b>	CJ132-08/15 - Proposed Greenwood Local Structure Plan and Local Development Plan – Lot 9867 (63) Mulligan Drive, Greenwood – Consideration following advertising.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Employees of Australand Pty Ltd are personally known to the Manager Governance.

<b>Name/Position</b>	<b>Cr Kerry Hollywood.</b>
<b>Item No./Subject</b>	CJ138-08/15 - Tender 019/15 - Civil Works for Whitfords Avenue Carriageway Duplication.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	One of the Directors of the tenderers is known to Cr Hollywood.

<b>Name/Position</b>	<b>Mr Nico Claassen, Director Infrastructure Services.</b>
<b>Item No./Subject</b>	CJ138-08/15 - Tender 019/15 - Civil Works for Whitfords Avenue Carriageway Duplication.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	One of the Directors of one of the tenderers is personally known to Mr Claassen.

<b>Name/Position</b>	<b>Mayor Troy Pickard.</b>
<b>Item No./Subject</b>	CJ139-08/15 - Confidential - Tender 020/15 - Significant Event.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	One of the tenderers is known to Mayor Pickard.

<b>Name/Position</b>	<b>Mr Garry Hunt, Chief Executive Officer.</b>
<b>Item No./Subject</b>	CJ139-08/15 - Confidential - Tender 020/15 - Significant Event.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Both of the tenderers are known to Mr Hunt.

<b>Name/Position</b>	<b>Cr Brian Corr.</b>
<b>Item No./Subject</b>	CJ141-08/15 - Community Sporting and Recreation Facilities Fund Applications – 2016-17 Funding Round.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Corr's son is a member of the Warwick – Greenwood Cricket Club, which plays at Penistone Park.

### 3 PUBLIC QUESTION TIME

The following questions were taken on notice at the Council meeting held on 28 July 2015:

**Mr N Husband, Mullaloo:**

*Re: Rates increase on vacant land.*

**Q1** *Why do I receive a letter in the mail advising me of a 49% rates increase where I have a 100% chance of being informed when the proposal - which can be objected to - is advertised in some obscure publication at some obscure time where I have less than 1% chance of being informed?*

**A1** The letter sent by the City was general in nature and the percentage increase on individual properties will vary as the circumstances of each land is different.

Section 6.36 of the *Local Government Act 1995* requires local governments to give local public notice of its proposed rates and to consider any submission received thereof.

As required, the City publically advertised its proposed rates in *The West Australian* on Saturday 23 May 2015, in the local newspapers on 26 and 28 May and 2 and 4 June, as well as on the City's public notice board and on its website.

The letter subsequently sent was to alert vacant land owners affected by the Council decision.

- Q2 *Why weren't blocks such as this included in the rezoning plan like you know they should have been?*
- Q3 *Your rationale for the increase is to force development. Would it not be better to apply the correct zoning to incentivise development?*
- Q4 *If you want to apply a commercial rate of tax why not also apply a commercial/development zoning?*
- A2-4 The City's *Local Housing Strategy* outlines areas within the City of Joondalup where additional residential density is considered appropriate based on broad criteria such as being within an 800 metre walkable catchment around railway stations and the larger activity centres. One of the aims of the strategy is to increase the diversity of dwelling types in suitable areas. It would be inappropriate to utilise higher density or commercial zonings in a one-off ad-hoc manner, and outside of the currently identified areas, as a means of encouraging a vacant block to be developed.
- The rate imposed on vacant land is not a commercial rate of tax. It is a levy on vacant land irrespective of its zoning to discourage holding undeveloped land for an extended period of time.
- Q5 *Isn't this really just a revenue grab which has been slipped through by using demonstrably questionable practices?*
- A5 Rates revenue generated from residential vacant land is a very low percentage of the City's annual revenue and increasing its rate to the same level of other vacant land is intended to discourage keeping the land undeveloped.

**Mr N Angwin, Hillarys:**

*Re: CJ118-07/15 – Review of Paramotor Trial at Pinnaroo Point, Hillarys.*

- Q1 *With the club's Site Management Plan developed with the City of Joondalup, would this not address all the locals concerns about noise and privacy?*
- A1 The *Site Management Plan* was not created to be exhaustive in addressing potential issues, but to work in conjunction with the Civil Aviation Safety Authority and the Hang Gliding Federation of Australia regulations as well as the City's local laws and booking terms and conditions. Despite this, it is not expected that these documents would address all issues that may arise.
- Q2 *The public consultation's negative responses main complaint was noise. How much more noise do paramotors on the ground at Pinnaroo Point produce above local traffic noise at the closest house?*
- A2 The City is unable to answer this question as an official noise audit has not been undertaken to assess the activity.

**The following questions were submitted prior to the Council meeting:****Mrs M Macdonald, Mullaloo:**

*Re: Mullaloo Surf Life Saving Club.*

- Q1** *Why has the City allocated \$675,000 to provide a commercial Café at the Mullaloo Surf Club on the assumption that the Lotteries Commission will provide another \$675,000 towards the project when the Lotteries Commission does not provide money for commercial ventures?*
- A1** The City's allocation is towards a refurbishment project for the majority of the Mullaloo Surf Life Saving Club which includes a number of elements of which one is to include a cafe/commercial space. The City's allocation also does not assume Lotterywest funding; it is subject to Lotterywest contributing \$675,000, the club contributing \$350,000 and agreement being reached on a rental fee.
- Q2** *Am I correct in stating that the City has provided for \$1,700,000 in its budget for the alterations to Mullaloo Surf Club to allow for a commercial café and if so why?*
- A2** The City's current budget provides for the entire project cost (which includes the contributions from Lotterywest and the Mullaloo Surf Life Saving Club), on the basis that the City would manage the project. The cafe proposal is one part of the project.
- Q3** *Will or has the City or the Mullaloo Surf Club applied to the Lotteries Commission for funding for the above project?*
- A3** The Mullaloo Surf Life Saving Club will make the application.
- Q4** *What will happen to the above project if the Lotteries Commission to not agree to fund it?*
- A4** A report will be presented back to the Council for its consideration.
- Q5** *Did the City consult with the Dome Café or the Mullaloo Tavern owners about this project?*
- A5** No.

**4 PUBLIC STATEMENT TIME****5 APOLOGIES AND LEAVE OF ABSENCE****Leave of Absence previously approved**

Cr Geoff Amphlett, JP	18 August to 28 August 2015 inclusive;
Cr Russ Fishwick, JP	25 August to 8 September 2015 inclusive;
Cr Christine Hamilton-Prime	25 August to 7 September 2015 inclusive;
Cr Philippa Taylor	25 August to 7 September 2015 inclusive.

**6 CONFIRMATION OF MINUTES**

MINUTES OF COUNCIL MEETING, 28 JULY 2015

**RECOMMENDATION**

**That the Minutes of the Council Meeting held on 28 July 2015 be confirmed as a true and correct record.**

**7 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION****8 IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

CJ139-08/15      Confidential – Tender 020/15 – Significant Event.

**9 PETITIONS**

PETITION OPPOSING THE LOCATION OF A VETERINARY CONSULTING ROOM BETWEEN TWO EXISTING FOOD OUTLETS – SORRENTO VILLAGE SHOPPING COMPLEX, HARMAN ROAD, SORRENTO – [00652, 05386]

A 227 signature petition has been received from residents of the City of Joondalup opposing the location of a veterinary consulting room between two existing food outlets at the Sorrento Village Shopping Complex in Harman Road, Sorrento.

The petitioners raise concerns in relation to health, hygiene, safety and noise.

**RECOMMENDATION**

**That the following Petition be RECEIVED, referred to the CEO and a subsequent report presented to Council for information:**

- 1      Petition opposing the location of a veterinary consulting room between two existing food outlets at the Sorrento Village Shopping Complex in Harman Road, Sorrento.**

**10 REPORTS****CJ128-08/15 DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS – JUNE 2015**

<b>WARD</b>	All			
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page			
	Planning and Community Development			
<b>FILE NUMBER</b>	07032, 101515			
<b>ATTACHMENTS</b>	Attachment 1	Monthly Development Applications Determined – June 2015		
	Attachment 2	Monthly Subdivision Applications Processed – June 2015		
	Attachment 3	Monthly Building R-Code Applications Decision – June 2015		
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').			

**PURPOSE**

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

**EXECUTIVE SUMMARY**

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

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

This report identifies the following applications determined by the administration with delegated authority powers during June 2015 (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

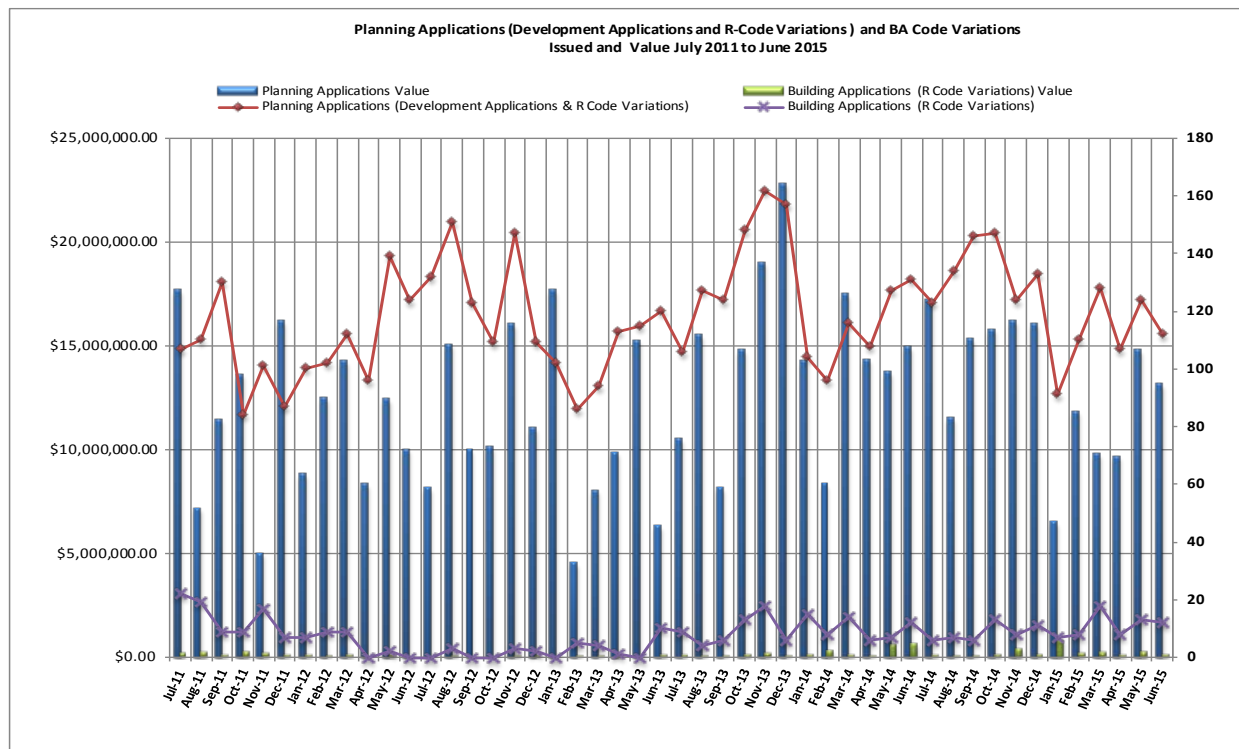
DPS2 requires that delegations be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 21 October 2014 (CJ180-10/14 refers), Council considered and adopted the most recent Town Planning Delegations via its review of the Register of Delegation of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

## DETAILS

The number of applications determined under delegated authority during June 2015, is shown in the table below:

Applications determined under delegated authority – June 2015		
Type of Application	Number	Value (\$)
Planning applications (development applications and R-Codes applications)	112	\$ 13,119,641
Building applications (R-Codes applications)	12	\$133,997
<b>TOTAL</b>	<b>124</b>	<b>\$ 13,253,638</b>

The total number and value of planning and building R-Code applications determined between July 2011 and June 2015 is illustrated in the graph below:



The number of planning applications received during June was 137. (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 June was 283. Of these, 67 were pending additional information from applicants, and 13 were being advertised for public comment.

In addition to the above, 250 building permits were issued during the month of June with an estimated construction value of \$36,789,292.

The number of subdivision and strata subdivision referrals processed under delegated authority during June 2015 is shown in the table below:

<b>Subdivision referrals processed under delegated authority for June 2015</b>		
<b>Type of referral</b>	<b>Number</b>	<b>Potential additional new lots</b>
Subdivision applications	8	7
Strata subdivision applications	3	6

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

Not applicable.

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

##### **Legislation**

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

##### **Strategic Community Plan**

##### **Key theme**

Quality Urban Environment.

##### **Objective**

Quality built outcomes.

##### **Strategic initiative**

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

##### **Policy**

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

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

**Risk management considerations**

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

**Financial/budget implications**

A total of 124 applications were determined for the month of June with a total amount of \$57,947 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 112 planning applications determined during June 2015 consultation was undertaken for 19 of those applications. R-Codes applications for assessment against the applicable Design Principles, which are made as part of building applications, are required to include comments from adjoining landowners. Where these comments are not provided, the application will remain the subject of an R-Codes application, but be dealt with by Planning Approvals. The eleven subdivision applications processed during June 2015 were not advertised for public comment.

**COMMENT**

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

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

**VOTING REQUIREMENTS**

Simple Majority.

## RECOMMENDATION

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

- 1 Applications for planning approval and R-Codes applications described in Attachment 1 to Report CJ128-08/15 during June 2015;
- 2 Subdivision applications described in Attachment 2 to Report CJ128-08/15 during June 2015;
- 3 Building Residential Design Code applications described in Attachment 3 to Report CJ128-08/15 during June 2015.

*Appendix 1 refers*

To access this attachment on electronic document, click here: [Attach1brf110815.pdf](#)

**CJ129-08/15      PROPOSED AMENDMENT NO. 80 TO DISTRICT  
PLANNING SCHEME NO. 2 TO RECODE LOT 1001  
(14) CAMBERWARRA DRIVE, CRAIGIE –  
CONSIDERATION FOLLOWING ADVERTISING**

<b>WARD</b>	Central	
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Director Planning and Community Development	
<b>FILE NUMBER</b>	104697, 101515	
<b>ATTACHMENTS</b>	Attachment 1	Location plan
	Attachment 2	Scheme amendment map
	Attachment 3	Scheme amendment process flowchart
	Attachment 4	Consultation map
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.	

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**PURPOSE**

For Council to consider the adoption of proposed Amendment No. 80 to *District Planning Scheme No. 2* (DPS2), following public consultation.

**EXECUTIVE SUMMARY**

Lot 1001 (14) Camberwarra Drive, Craigie is a City owned freehold lot zoned 'Residential' under DPS2. The subject lot previously accommodated the Craigie Child Health Centre.

At its meeting held on 21 October 2014 (CJ203-10/14 refers), Council resolved to request the initiation of an amendment to DPS2 for the purpose of public consultation to recode the lot and restrict the use to 'Aged or Dependent Persons' Dwellings'.

At its meeting held on 17 February 2015 (CJ005-02/15 refers), Council considered the proposal and resolved to initiate Amendment No. 80 to DPS2, for the purposes of public consultation.

The site is located within Housing Opportunity Area 5 under the City's *Local Housing Strategy* (LHS), and is earmarked to be coded R20/40. Scheme Amendment No. 73, which will implement the increased densities, is already underway. The subject scheme amendment, which proposes to recode the subject lot to R40, is in line with the higher coding proposed within the LHS and Amendment No. 73 and is likely to reach finalisation ahead of Scheme Amendment No. 73.

The proposed scheme amendment was advertised for public comment for a period of 42 days, closing on 3 June 2015. One submission was received from the Water Corporation, with no objections raised to the proposal.

Considering the above and that the proposal will support the provision of aged persons' accommodation within the City of Joondalup, in accordance with the intent and objectives of the City's *Local Planning Strategy*, it is recommended that Council adopts the scheme amendment, and forwards the amendment to the Western Australian Planning Commission (WAPC) for consideration.

## BACKGROUND

<b>Suburb/Location</b>	Lot 1001 (14) Camberwarra Drive, Craigie.
<b>Applicant</b>	City of Joondalup.
<b>Owner</b>	City of Joondalup.
<b>Zoning</b>	<b>DPS</b> Residential.
	<b>MRS</b> Urban.
<b>Site area</b>	2,054.92m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

Lot 1001 (14) Camberwarra Drive, Craigie is located on the western side of Camberwarra Drive and is adjacent to a pedestrian accessway to the south. The surrounding areas to the north, south, east and west of the site are made up of predominantly low density, privately owned residential lots (Attachment 1 refers).

The subject site is City owned and is zoned 'Urban' under the *Metropolitan Region Scheme* (MRS) and 'Residential' under DPS2.

The current development on the site consists of a single storey building and associated car parking previously used for the Craigie Child Health Care service, which has since been relocated to the Padbury Child Health Care site.

The site is located within Housing Opportunity Area 5 of the LHS and a density increase is proposed for the site and surrounding residential properties from R20 to R20/40 under Scheme Amendment No. 73. At its meeting held on 31 March 2015 (CJ032-03/15 refers), Council resolved to adopt Scheme Amendment No. 73 following public consultation. The proposed amendment has been forwarded to the WAPC for its consideration.

At its meeting held on 21 October 2014 (CJ203-10/14 refers), Council resolved in part as follows:

- "4 REQUESTS the initiation of an amendment to District Planning Scheme No. 2 for the purpose of public consultation to recode Lot 1001 (14) Camberwarra Drive, Craigie from R20 to R40 and include the lot in Schedule 2 – Section 2 – Restricted Uses - 'Aged or Dependent Persons' Dwellings';"*

At its meeting held on 17 February 2015 (CJ005-02/15 refers), Council resolved to initiate Amendment No. 80 to DPS2 to recode Lot 1001 (14) Camberwarra Drive, Craigie from R20 to R40 and restrict the permitted use to 'Aged or Dependent Persons' Dwellings'. Council's resolution on the initiation of the requested scheme amendment was as follows:

- "1 Pursuant to Part 5 of the Planning and Development Act 2005 and regulations 13 and 25 of the Town Planning Regulations 1967, ADOPTS for the purpose of public advertising for a period of 42 days, Amendment No. 80 to the City of Joondalup District Planning Scheme No. 2 to:*

- 1.1 Recode Lot 1001 (14) Camberwarra Drive, Craigie from 'R20' to 'R40',*

- 1.2 *Include Lot 1001 (14) Camberwarra Drive, Craigie in Schedule 2 – Section 2 – Restricted Uses – ‘Aged or Dependent Persons’ Dwellings’ as follows:*

<i>NO</i>	<i>STREET/LOCALITY</i>	<i>PARTICULARS OF LAND</i>	<i>RESTRICTED USE</i>
2-9	14 Camberwarra Drive, Craigie	Lot 1001	Aged or Dependent Persons’ Dwellings

- 1.3 *Amend the Scheme Map accordingly,  
as depicted in Attachment 2 to Report CJ005-02/15.”*

## DETAILS

In accordance with the Council resolution above, Scheme Amendment No. 80 seeks to recode Lot 1001 (14) Camberwarra Drive from R20 to R40 and to include the lot in Schedule 2 – Section 2 – Restricted Uses - ‘Aged or Dependent Persons’ Dwellings’.

### Issues and options considered

The issue to be considered by Council is the suitability of the proposed zoning and coding changes.

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

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

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

### Legislation / Strategic Community Plan / policy implications

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

### Strategic Community Plan

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

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

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

At its meeting held on 17 February 2015 (CJ005/15 refers), Council resolved to initiate the scheme amendment for the purposes of public advertising. The proposed amendment was then referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review was necessary. The EPA decided that a formal environmental review of the amendment was not required.

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

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

**Risk management considerations**

Not applicable.

**Financial / budget implications**

The City, as the applicant, is required to cover the costs associated with the scheme amendment process. The costs incurred for the advertising of the amendment which comprised of letters to nearby landowners, placing notices in the relevant newspapers and a sign on-site was \$1,735.51.

**Regional significance**

Not applicable.

**Sustainability implications**

The proposed amendment will enable aged and dependent persons' dwellings on Lot 1001 which will contribute to environmental, economic and social sustainability by providing dwellings near existing facilities and infrastructure within established suburbs. It will also allow ageing in place where people can continue to reside in their local area over the longer term.

**Consultation**

The proposed scheme amendment was advertised for public comment for a period of 42 days closing on 3 June 2015, by way of:

- letters to nearby land owners as depicted in Attachment 4 to this Report
- a notice placed in the Joondalup Community newspaper and *The West Australian* newspaper
- signs on the subject site
- a notice on the City's website.



One submission was received from the Water Corporation, with no objections raised to the proposal.

## COMMENT

The size and location of the site provides a unique opportunity to provide aged and dependent persons' accommodation in the area, providing a greater diversity of housing and allowing for ageing in place.

Being within a Housing Opportunity Area as identified by the LHS, the site is considered appropriate for higher density residential development, including aged persons' dwellings, given its location close to facilities and services. Further to this, the proposed R40 code aligns with the residential density code anticipated within this area in the future.

Further to the above, recoding the site and restricting the use to 'Aged or Dependent Persons' Dwellings' is consistent with the City's approach to providing aged persons' accommodation within the City, in accordance with the City's *Local Planning Strategy*. The amendment is also considered appropriate in light of the State Government's planning frameworks such as *Directions 2031 and beyond*.

The advertising of the proposed scheme amendment has not raised any issues that would warrant not proceeding with the proposal.

It is therefore recommended that the proposed amendment be adopted without modification and the amending documents be endorsed and submitted to the WAPC for determination by the Minister for Planning.

## VOTING REQUIREMENTS

Simple Majority.

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

- 1** Pursuant to Regulation 17(2) of the *Town Planning Regulations 1967*, **ADOPTS Amendment No. 80 to the *City of Joondalup District Planning Scheme No. 2* to:**

- 1.1** Recode Lot 1001 (14) Camberwarra Drive, Craigie from 'R20' to 'R40',
- 1.2** Include Lot 1001 (14) Camberwarra Drive, Craigie in Schedule 2 – Section 2 – Restricted Uses – 'Aged or Dependent Persons' Dwellings' as follows:

NO	STREET/LOCALITY	PARTICULARS OF LAND	RESTRICTED USE
2-9	14 Camberwarra Drive, Craigie	Lot 1001	Aged or Dependent Persons' Dwellings

- 1.3** Amend the Scheme Map accordingly,  
as depicted in Attachment 2 to Report CJ129-08/15;
- 2** **AUTHORISES** the affixation of the Common Seal and signing of the documents associated with Amendment No. 80 to the *City of Joondalup District Planning Scheme No. 2*;
- 3** Pursuant to Regulation 18 of the *Town Planning Regulations 1967*, **FORWARDS** Amendment No. 80 and Council's decision to the Western Australian Planning Commission for consideration.

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf110815.pdf](#)

<b>Name/Position</b>	<b>Cr Tom McLean, JP.</b>
<b>Item No./Subject</b>	CJ130-08/15 - Change of Use from Showroom to Medical Centre at Lot 5010 (13) Hobsons Gate, Currambine.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Cr McLean lives within 100 metres of the showroom.

**CJ130-08/15 CHANGE OF USE FROM SHOWROOM TO MEDICAL CENTRE AT LOT 5010 (13) HOBSONS GATE, CURRAMBINE**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	103011, 101515
<b>ATTACHMENTS</b>	Attachment 1      Location plan Attachment 2      Development plans Attachment 3      Car parking plan
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

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

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

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

Under the City's Scheme Amendment No. 65 to DPS2 (Amendment No. 65), a shortfall of three car bays (5.3%) currently exists across the site, with this proposal requiring an extra 20 bays, thereby increasing the shortfall to 23 car bays (28.4%).

The City has identified that the additional 20 car bays required under Amendment No. 65 can be installed within Chesapeake Way as on-street bays for a total of \$130,000. The applicant is proposing to pay the City \$130,000 for the installation of these 20 on-street car bays. Currently, parking improvements and streetscape upgrades to Chesapeake Way are scheduled for the 2016-17 financial year.

The above payment for the installation of 20 car bays will enable the car parking requirements under Amendment No. 65 for the three subject units to be met. As such, it is considered that sufficient parking will be provided to accommodate the proposed medical centres and the other land uses approved within the development.

It is therefore recommended that the development application be approved subject to conditions, including a cash-in-lieu payment of \$130,000 for the construction of 20 bays in the Chesapeake Way road reserve.

## BACKGROUND

<b>Suburb/Location</b>	Lot 5010 (13) Hobsons Gate, Currambine.
<b>Applicant</b>	Peter Robinson.
<b>Owner</b>	Chesapeake Property Syndicate Pty Ltd.
<b>Zoning</b>	<b>DPS</b> Business.
	<b>MRS</b> Urban.
<b>Site area</b>	3,397m <sup>2</sup> .
<b>Structure plan</b>	<i>Currambine District Centre Structure Plan (CDCSP).</i>

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

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

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

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

At its meeting held on 21 October 2014 (CJ175-10/14 refers), Council refused a further change of use application at the site as it would have seen the shortfall for the site under DPS2 increase to 46 car bays (45%) and it was considered that the on-site car parking was not sufficient to cater for the demand of the existing and proposed development.

In October 2014, the City approved modifications to the previously approved development. As part of this application, the number of car bays provided on-site increased from 56 to 58 car bays, decreasing the overall car parking shortfall for the site under DPS2 to 23 bays (28.3%).

In June 2015, the City approved a change of use from 'Showroom' to 'Beauty Parlour'. As part of this application, the number of car bays required increased to 82 bays, resulting in a car parking shortfall of 25 car bays (30%). As this car parking shortfall is the same as what was previously approved by Council and the proposed use would operate with different peak periods to the existing uses, this shortfall was deemed appropriate. Furthermore, application of Amendment No. 65 resulted in a car parking shortfall of two car bays (3.3%).

### Amendment No. 65

Scheme Amendment No. 65 proposes to make changes to DPS2. These changes are intended to improve the operation of DPS2 by correcting minor deficiencies and anomalies and introduce provisions which would provide clarity and certainty for applicants and decision makers. In relation to this development, it is noted that the car parking standard for 'Showroom' and 'Office' is proposed to be modified from one bay per 30m<sup>2</sup> net lettable area (NLA) to one bay per 50m<sup>2</sup> NLA. As the amendment was adopted by Council at its meeting held on 25 June 2013 (CJ088-06/13 refers) and forwarded to the Department of Planning, it has been considered as a 'seriously entertained proposal' in the assessment of this application.

## DETAILS

This application seeks approval for a change of use for three of the units at the site to create a 'Medical Centre'. All three units are currently approved as showrooms.

A prospective purchaser is currently looking to operate a dental practice with two practitioners from one of the units, while the owner is looking to sell the remaining two units with an approved 'Medical Centre' use, to allow for two practitioners to operate from each unit.

As the proposal will result in six practitioners on-site at any one time, 30 car bays are required to be provided under DPS2. Upon applying the current car parking standards contained within DPS2 and the proposed car parking standards contained within Amendment No. 65, the following car parking requirements would result:

	<b>Car parking required under DPS2</b>	<b>Car parking required under Amendment No. 65</b>
Showroom/Office (1,136.42m <sup>2</sup> NLA)	1 bay per 30m <sup>2</sup> NLA = 37.88 bays	1 bay per 50m <sup>2</sup> NLA = 22.73 bays
Beauty Parlour (Unit 2) (56m <sup>2</sup> )	7 per 100m <sup>2</sup> = 3.9 bays	5 per 100m <sup>2</sup> = 2.8 bays
Medical Centre (Unit 4) (5 practitioners)	5 bays per practitioner = 25 bays	5 bays per practitioner = 25 bays
<i>Medical Centre (Units 5, 6 &amp; 15) (2 practitioners each – 6 total)</i>	<i>5 bays per practitioner = 30 bays</i>	<i>5 bays per practitioner = 30 bays</i>
<b>Total car parking required</b>	<b>97</b>	<b>81</b>
<b>Total car parking provided</b>	<b>58</b>	<b>58</b>
<b>Shortfall</b>	<b>39 (40.2%)</b>	<b>23 (28.4%)</b>

In accordance with DPS2, a shortfall of 25 car bays (30%) currently exists across the site, with this proposal requiring an extra 14 bays, thereby increasing the shortfall to 39 car bays (40.2%). Under the City's Scheme Amendment No. 65 the car parking standards for land uses 'Showroom' and 'Office' are proposed to be reduced and so a shortfall of three car bays (5.3%) currently exists across the site. This proposed change of use to 'Medical Centre' will increase the shortfall on the site by 20 bays under Amendment No. 65.

The City has identified where 20 on-street car bays could be located on Chesapeake Way, near the subject site, with an estimated on-street parking bay cost of \$6,500 per bay (Attachment 3 refers). The applicant is proposing to pay the City \$130,000 for the installation of these 20 on-street car bays to ensure that the car parking requirements under Amendment No. 65 for the proposed changes of use are met.

In accordance with the City's Schedule of Fees and Charges, a cash-in-lieu payment of \$25,929 per bay is normally required. This figure includes the estimated cost of construction of the car bay and includes the value of that area of land which would have had to be provided to meet the car parking requirement specified by DPS2. In this instance, as the City is not required to purchase additional land for the construction of the 20 on-street parking bays, the applicant is only looking to pay the construction cost of each bay.

The applicant has also submitted a Parking Review Report of the area to demonstrate that there is a current under-utilisation of car parking within 350 metres of the site and that adequate parking will be provided in the area if the 20 on-street parking bays are provided.

### **Issues and options considered**

Council is required to consider whether the amount of on-site car parking is appropriate or not.

Council has the discretion to:

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

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

**Legislation** *City of Joondalup District Planning Scheme No. 2.  
Currambine District Centre Structure Plan.*

### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

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

**Policy** Not applicable.

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

## **3.6 THE BUSINESS ZONE**

*3.6.1 The Business Zone is intended to accommodate wholesaling, retail warehouses, showrooms and trade and professional services and small scale complementary and incidental retailing uses, as well as providing for retail and commercial businesses which require large areas such as bulky goods and*

*category/theme based retail outlets that provide for the needs of the community but which due to their nature are generally not appropriate to or cannot be accommodated in a commercial area.*

*The objectives of the Business Zone are to:*

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

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

#### **4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS**

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

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

- (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1; and*
- (b) have regard to any expressed views prior to making its decision to grant the variation.*

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

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

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

#### **4.8 CAR PARKING STANDARDS**

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

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

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

## 6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

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

### Currambine District Centre Structure Plan

The structure plan provides for provisions, standards and requirements and has the same force and effect as if it were a provision, standard or requirement of DPS2.

The objectives for the 'Business' zone are:

- i To create an active focus for the community with a diversity of non-residential mainstreet uses that generate day and evening activity;*
- ii To allow appropriate business to locate and develop in close proximity to residential areas for the convenience of the community;*



- iii *Encourage high standards of 'Main Street' built form and an active edge to create an attractive façade to vehicle and pedestrian routes providing visual amenity and interaction;*
- iv *Provide efficient vehicle access and circulation with pedestrian priority; and*
- v *Encourage a high level of passive surveillance of public and private spaces.*

### **Risk management considerations**

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

### **Financial / budget implications**

The applicant has paid fees of \$295 (excluding GST) in accordance with the City's Schedule of Fees and Charges for the assessment of the application.

It is also recommended that the applicant be required to pay the City \$130,000 in cash-in-lieu for car parking for the installation of 20 on-street car bays. It is likely that these funds will be received this financial year but will not be spent on the installation of these bays until a later financial year. The cash-in-lieu payment funds received will therefore be placed in a Reserve fund until required to be spent. It should be noted that any funds received by the City as cash-in-lieu for car parking must be spent on the provision and management of future car parking facilities within the locality.

### **Regional significance**

Not applicable.

### **Sustainability implications**

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

### **Consultation**

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

### **COMMENT**

#### Land Use

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

### Car Parking

The applicant proposes to increase the existing car parking demand for the site by 20 bays under Amendment No. 65 but does not propose any increase to the number of bays on site, which is currently 58. Council is required to determine whether the 58 car bays provided on the site are sufficient to service the proposed development.

DPS2 allows Council to accept a cash payment in lieu of the provision of car parking subject to being satisfied that there is adequate provision, or a reasonable expectation in the immediate future that there will be adequate provision, of car parking in close proximity of the proposed development.

Chesapeake Way is currently listed for parking improvements and streetscape upgrades in the City's *Capital Works Program* for the year 2016-17. The City is able to look at installing additional car parking in Chesapeake Way as part of this project.

It is noted that a cash-in-lieu payment was not required for the 25 car bay shortfall that was approved for the previous application. As such, should the subject application be approved and require a cash-in-lieu payment, it is not considered appropriate to base this on the total shortfall of 39 car bays for the entire site. The applicant is instead proposing to pay cash-in-lieu for the construction of the 20 bays required to be provided under Amendment No. 65 for this particular change of use.

It is considered that the construction of 20 on-street car parking bays will provide public parking options that are considered sufficient to accommodate any parking overflow from the subject site. While it is acknowledged that these extra bays will be available for use by all visitors to the area, the Parking Review Report submitted with the application has identified that parking within the area is currently under-utilised, with an average occupancy of 36%. As there is a current under-utilisation of car parking within 350 metres of the site, adequate parking will be provided in the area if the 20 on-street parking bays are provided.

It should be noted that the schedule for the improvements and upgrades to Chesapeake Way is yet to be determined and it is not known in what quarter of the 2016-17 financial year these bays will be constructed. In the interim, parking for the site is not considered to be an issue. As nine of the 15 units are yet to be sold, the site is unlikely to operate at full capacity for some time.

As such, it is considered that, with the construction of 20 on-street car parking bays in Chesapeake Way in the 2016-17 financial year, sufficient car parking will be provided to accommodate the proposed medical centres and the other land uses approved within the development.

In this instance, it is considered appropriate to request payment for the construction costs of these bays only as the City is not required to purchase land for their construction. The City has calculated that the estimated on-street parking bay cost will be \$6,500 per bay.

Therefore, it is recommended that the application be approved subject to a cash-in-lieu payment of \$130,000 being made to the City for the installation of 20 on-street car parking bays, as shown in Attachment 3.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

**That Council:**

- 1 EXCERISES** discretion under Clauses 4.5.1 and 4.8.2 of the *City of Joondalup District Planning Scheme No. 2* and determines that the car parking provision of 58 in lieu of 97 bays is appropriate in this instance, subject to a cash-in-lieu payment of \$130,000 being paid for the additional shortfall of 20 car parking bays generated by this approval under Amendment No. 65, prior to the use of any of the subject units as a 'Medical Centre';
- 2 APPROVES** under clause 6.9 of the *City of Joondalup District Planning Scheme No. 2* the application for planning approval dated 19 June 2015 submitted by Peter Robinson, for a change of use from 'Showroom' to 'Medical Centre' at Lots 5, 6 and 15 (13) Hobsons Gate, Currambine, subject to the following conditions:
  - 2.1** This decision constitutes planning approval only and is valid for a period of two years from the date of the decision letter. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect;
  - 2.2** No more than two practitioners or professionals generating their own patient load shall be permitted to operate from each of the units, being units 5, 6 and 15, at any given time;
  - 2.3** A cash-in-lieu payment of \$130,000 shall be paid for the additional shortfall of 20 car parking bays generated by this approval under Amendment No. 65, prior to the use of any of the subject units as a 'Medical Centre'.

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf110815.pdf](#)

## **CJ131-08/15      INITIATION OF SCHEME AMENDMENT NO. 83 TO DISTRICT PLANNING SCHEME NO. 2**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	105118, 101515
<b>ATTACHMENTS</b>	Attachment 1      Scheme amendment process flowchart
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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### **PURPOSE**

For Council to consider initiating an amendment to *District Planning Scheme No. 2* (DPS2) to include the use class 'storage' to replace the existing uses classes of 'storage yard' and 'salvage yard'.

### **EXECUTIVE SUMMARY**

DPS2 controls how land may be developed and utilised within the City of Joondalup. The two storage related land uses in DPS2 being 'storage yard' and 'salvage yard' apply only to storage that relates to a particular trade, or salvaged material. This means that these land uses do not apply when land is being used to store excessive amounts of materials for personal use or for inappropriate general storage activities, making it difficult to control such uses. It is therefore proposed to include the land use 'storage' in DPS2, as provided in the draft *Planning and Development (Local Planning Schemes) Regulations 2014* (LPS Regulations), which will in effect broaden the definition of 'storage yard', and remove the more restricted parameters of the current land uses.

'Storage' is proposed to be a 'D' (discretionary) use in the 'Service Industrial' zones and an 'X' (not permitted) use in all other zones. The use classes 'salvage yard' and 'storage yard' are also proposed to be deleted.

The proposed broader definition of storage will assist in compliance action where land owners in a residential area have excessive storage on their property that is not associated with a trade.

The proposed amendment to DPS2 to include the definition for 'storage' and remove 'salvage yard' and 'storage yard' is consistent with the draft LPS Regulations. It is therefore recommended that Council initiate the proposed amendment to DPS2 for the purpose of public advertising.

## BACKGROUND

At its meeting held on 23 June 2015 (C31-06/15 refers), Council resolved that it:

*“REQUESTS the Chief Executive Officer prepare a report on the initiation of an amendment to District Planning Scheme No. 2 to include the use class ‘storage’ to replace the uses classes ‘storage yard’ and ‘salvage yard’.”*

DPS2 controls how land may be developed and utilised within the City of Joondalup. Land use classes that may be considered within the City are listed in the Zoning Table (Table 1) of DPS2 and defined in Schedule 1. Table 1 also details the permissibility of land use classes within the various zones within the City of Joondalup.

DPS2 does not include a land use which has a broad definition related to storage. Currently, the two storage related land uses in DPS2 are ‘storage yard’, which relates to the storage of materials related to a particular trade, and ‘salvage yard’ which relates to the storage and sale of salvaged materials. As a result of the specific restrictions contained within each definition, the City is unable to readily use DPS2 to undertake compliance action against inappropriate general storage activities. This is particularly problematic where land owners in a residential area have excessive storage on their property that is not associated with a trade.

## DETAILS

A definition of ‘storage’ is proposed to be included in DPS2 which accords with the draft *Planning and Development (Local Planning Schemes) Regulations 2014* (LPS Regulations), as follows:

**“storage** means premises used for the storage of goods, equipment, plant or materials.”

The use classes ‘salvage yard’ and ‘storage yard’ are proposed to be removed from DPS2.

The following table outlines the proposed changes to the land use permissibility table in DPS2.

ZONES	RESIDENTIAL	MIXED USE	BUSINESS	COMMERCIAL	CIVIC & CULTURAL	SERVICE INDUSTRIAL	PRIVATE CLUBS/RECREATION	SPECIAL RESIDENTIAL	RURAL
USE CLASSES									
<del>Salvage Yard</del>	X	X	X	X	X	D	X	X	X
Storage	X	X	X	X	X	D	X	X	X
<del>Storage Yard</del>	X	X	X	X	X	D	X	X	X

**Issues and options considered**

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

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

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

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

**Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

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

Part 5 of the *Planning and Development Act 2005* along with the *Town Planning Regulations 1967* enables a local government to amend a local planning scheme and sets out the process to be followed. When the MRS is amended, the local planning scheme must also be amended to ensure it is consistent with the MRS.

Should Council resolve to proceed with the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the *Environmental Protection Authority* (EPA) to decide whether or not a formal review is necessary. Should the EPA decide that an environmental review is not required, and notify the City accordingly, then it will be necessary to proceed to advertise the proposed scheme amendment for 42 days.

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

The process flow chart for amendments to DPS2 is included as Attachment 1.

**Risk management considerations**

Not applicable.

**Financial / budget implications**

The City, as the proponent, will be required to cover the costs associated with the scheme amendment process. The costs incurred are for the advertising of the scheme amendment which consists of placing a notice in the relevant newspapers and the *Government Gazette*. It is estimated that the cost of advertising will be approximately \$2,500.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

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

- a notice placed in the Joondalup Community newspaper and *The West Australian* newspaper
- a notice placed on the City's website.

**COMMENT**

The proposed amendment to DPS2 to the land use and definition for 'storage' is consistent with the draft LPS Regulations. While this change will also be captured in the City's draft *Local Planning Scheme No. 3* (LPS3), a stand-alone scheme amendment will take less time to finalise than LPS3.

The inclusion of the proposed definition of 'storage' would allow the City to more effectively require excessive storage to be removed from residential properties, as this land use would be an 'X' (not permitted) use in the 'Residential' zone. This would also mean that excessive storage on a residential property could be pursued as an offence under the planning scheme which can incur more significant penalties than those under the *Local Government Act 1995*.

In addition, the proposed removal of use classes 'salvage yard' and 'storage yard' from DPS2 is considered appropriate as they are no longer considered necessary given these land uses are covered by the definition of 'storage'.

It is recommended that Council initiate the proposed amendment to DPS2 for the purpose of public advertising.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

That Council, pursuant to Part 5 of the *Planning and Development Act 2005* and Regulations 13 and 25 of the *Town Planning Regulations 1967*, PROCEEDS with Amendment No. 83 to the *City of Joondalup District Planning Scheme No. 2* as follows:

- 1 Deleting the use class 'Storage yard' and 'Salvage yard' from Table 1;
- 2 Inserting the use class 'Storage' before the use class 'Take Away Food Outlet' in Table 1 as a 'D' use in the 'Service Industrial' zone and a 'X' use in all other zones;
- 3 Deleting the definitions of 'salvage yard' and 'storage yard' in Schedule 1;
- 4 Inserting the definition 'storage' before the definition of 'Street alignment' in Schedule 1 as follows:
  - 4.1 'storage: means premises used for the storage of goods, equipment, plant or materials',

for the purposes of public advertising for a period of 42 days.

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf110815.pdf](#)



<b>Name/Position</b>	<b>Mr Brad Sillence, Manager Governance.</b>
<b>Item No./Subject</b>	CJ132-08/15 - Proposed Greenwood Local Structure Plan and Local Development Plan – Lot 9867 (63) Mulligan Drive, Greenwood – Consideration following advertising.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Employees of Australand Pty Ltd are personally known to the Manager Governance.

**CJ132-08/15      PROPOSED GREENWOOD LOCAL STRUCTURE  
PLAN AND LOCAL DEVELOPMENT PLAN – LOT  
9867 (63) MULLIGAN DRIVE, GREENWOOD –  
CONSIDERATION FOLLOWING ADVERTISING**

**RESPONSIBLE DIRECTOR** Ms Dale Page  
Planning and Community Development

<b>ATTACHMENTS</b>	Attachment 1	Location and zoning plan
	Attachment 2	Advertised draft local structure plan
	Attachment 3	Advertised draft local development plan
	Attachment 4	Modified draft local structure plan
	Attachment 5	Modified draft local development plan
	Attachment 6	Structure plan process flow chart
	Attachment 7	Consultation map
	Attachment 8	Schedule of submissions

*(Please Note: Attachments 2 and 4 are only available electronically)*

<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.
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## PURPOSE

For Council to consider submissions received during the public advertising of the draft *Greenwood Local Structure Plan* and associated *Local Development Plan* (LDP) and the suitability of the structure plan for adoption.

## EXECUTIVE SUMMARY

Lot 9867 (63) Mulligan Drive, Greenwood, was previously used for the former East Greenwood Primary School. The subject site was zoned 'Urban Development' in November 2010 to allow for the future development of the site (Attachment 1 refers). A draft structure plan and LDP have been prepared by Roberts Day planning consultants on behalf of the Department of Housing (DoH) and Australand to guide the future subdivision and development of the site.

The structure plan consists of three parts. Part 1 of the structure plan sets out specific statutory provisions that will be applied to subdivision and development in the structure plan area. Parts 2 and 3 contain supporting and background information to the site, including local context, design philosophies, technical reports and concepts of the proposed development on the site.

The draft structure plan facilitates the development of a minimum of 115 dwellings ranging in residential density from R40 to R80, the provision of approximately 25% public open space (POS) and an associated road network.

The LDP will provide more specific design guidelines and development requirements for the lots within the structure plan area.

At its meeting held on 21 April 2015 (CJ050-04/15 refers), Council resolved to adopt the draft structure plan and LDP for the purposes of public advertising.

The structure plan and LDP (Attachments 2 and 3 refer) were advertised for public comment for a period of 28 days closing on 11 June 2015. A total of 11 submissions were received during the advertising period, consisting of six submissions from nearby landowners, one submission from the Kingsley and Greenwood Residents' Association (KAGRA), three submissions from service authorities and one submission from the Department of Planning (DoP).

While no objections were received, concerns were raised by nearby landowners in regard to the impact of traffic from the structure plan area, the appropriateness of the proposed densities and building heights, and retention of trees.

A revised Traffic Impact Assessment submitted prior to the commencement of advertising demonstrated that the road network surrounding the structure plan area has the capacity to accommodate the anticipated increase in traffic. The proposed densities and building heights are considered to be appropriately integrated with the existing residential area and will facilitate the provision of housing choice in the area and accord with the State Government's *Directions 2031 and Beyond*. Mature trees will be conserved in the public open space, with the retention of specific trees to be determined during the subdivision stage of the planning process, based on the Arboricultural Assessment included in the structure plan and the subdivision works necessary on-site. Trees will also be retained within the private lots abutting existing homes on Dargin Place, facilitated by a Tree Protection Zone identified in the LDP.

The draft structure plan and LDP have been modified following advertising to address some of the concerns raised and to ensure that the intent of the structure plan is achieved (Attachments 4 and 5 refer).

It is considered that the draft structure plan and LDP now provide an appropriate framework to guide the future development of the site and it is recommended that Council resolve that the modified structure plan is satisfactory and forwards it to the Western Australian Planning Commission (WAPC) for adoption. It is also recommended that the modified LDP be approved, subject to the draft structure plan coming into operation.

**BACKGROUND**

<b>Suburb/Location</b>	Lot 9867 (63) Mulligan Drive, Greenwood.
<b>Applicant</b>	Roberts Day on behalf of the Department of Housing and Frasers Australand Pty Ltd.
<b>Owner</b>	Department of Housing.
<b>Zoning</b>	<b>DPS</b> Urban Development.
	<b>MRS</b> Urban.
<b>Site area</b>	38,636.4m <sup>2</sup>
<b>Structure plan</b>	Draft <i>Greenwood Local Structure Plan</i> (the subject of this Report).

Lot 9867 (63) Mulligan Drive, Greenwood is located in the eastern part of Greenwood between Cockman Road and Wanneroo Road. The site abuts Cockman Park to the south. The land surrounding the subject site is zoned 'Residential' and consists primarily of low density, privately owned single storey dwellings (Attachment 1 refers).

The surrounding area does not fall within a Housing Opportunity Area under the City's *Local Housing Strategy* (LHS) and, therefore, is likely to remain at a low density in the foreseeable future. The subject site is, however, considered a large opportunity site under the LHS where any residential development yield is required to be maximised, but at the same time, have regard for existing residential amenity and character of the surrounding area.

The East Greenwood Primary School was considered surplus to the requirements of the Department of Education. In 2010 the site was zoned 'Urban Development' and the school buildings were demolished and removed in mid 2011.

At its meeting held on 21 April 2015 (CJ050-04/15 refers), Council resolved to support the advertising of the draft structure plan (Attachment 2 refers) and LDP (Attachment 3 refers) for public comment for a period of 28 days, as follows:

*"That Council:*

- 1 *pursuant to clause 9.4 of the City of Joondalup District Planning Scheme No. 2 DETERMINES the draft Greenwood Local Structure Plan forming Attachment 3 to Report CJ050-04/15 is satisfactory for the purpose of public advertising subject to Appendix 6: Traffic Impact Assessment being modified to the satisfaction of the City prior to the commencement of advertising;*
- 2 *REQUESTS the applicant to consider the installation of sculptural play elements, and picnic, barbeque and shelter facilities in Cockman Park instead of within the structure plan area and for this to be resolved prior to subdivision and/or development application stage (noting that this cannot be resolved through the subdivision or development application process, but rather as a separate agreement between the City and the developer);*
- 3 *ADVERTISES the draft Greenwood Local Structure Plan forming Attachment 3 to Report CJ050-04/15 in accordance with clause 9.5 of the City of Joondalup District Planning Scheme No. 2 for public comment for a period of 28 days;*
- 4 *ADVERTISES the draft Local Development Plan forming Attachment 4 to Report CJ050-04/15 in accordance with clause 9.12 of the City of Joondalup District Planning Scheme No. 2 for public comment for a period of 28 days by way of a notice of the proposed local development plan published in a newspaper circulating in the scheme area and a sign or signs displaying notice of the proposed local development plan."*

## DETAILS

A draft structure plan and accompanying LDP have been prepared by the applicant to guide the future subdivision and development of the subject site.

The proposed structure plan consists of three parts. Part 1 of the structure plan is the statutory planning section that applies zoning, land uses and residential densities to the land and provides a framework for the coordinated assessment of development proposed for the site.

Part 2 of the structure plan document is the explanatory section, which provides the background, description of the site, context, opportunities and constraints and design philosophies. While it also includes background information relating to aspects such as traffic, vegetation, infrastructure and drainage, the specific technical reports relating to this information are included in Part 3.

Unlike conventional land developments which typically involve multiple builders, the entire development of the structure plan area is planned to be built and completed by the DoH in partnership with Australand. This means that all the dwellings, streets and public open space will be designed and constructed by the DoH and Australand and delivered as a completed community.

The proposed structure plan is based on the future development of the following:

- A minimum of 95 residential lots with a minimum provision of 115 dwellings.
- A density range from R40 to R80 accommodating single, grouped and multiple dwelling developments, with the possibility of some lots also accommodating ancillary dwellings.
- A density code of R80 around the central open space area and north of Cockman Park, with R40 coded lots to be located along the south-western edge of the site, abutting existing residential development. R60 coded lots will be located along the western, northern and eastern edge of the structure plan area, opposite existing residential areas.
- The provision of approximately 25% public open space comprising a large, central park area, smaller areas of open space in the north-eastern and north-western corners of the site and a southern link to Cockman Park.
- The retention of trees of significance in the central spine and north-eastern corner of the open space and at the rear of lots abutting the existing residential landholdings to the south of the site.
- Three internal laneways with access off Dargin Place, Reilly Way and Mulligan Drive respectively, based on the *Liveable Neighbourhoods* standards with a minimum six metre road reserve width.
- An access street off Dargin Place with a road reserve width of 13.2 metres, comprising 5.5 metre carriage way, 2.5 metre wide embayed parking, a two metre pedestrian path and space for landscaping.
- An internal pedestrian path network with the provision of shared paths around the edge of the structure plan area.
- Drainage contained on-site within subsurface storage located under car parking areas, smaller planted swales and the central open grass areas for spill, and managed off site via various headworks for the 1:100 flood event.

### Local Development Plan

The applicant has submitted a LDP, formally referred to as a Detailed Area Plan, to provide further specific development requirements that will form the basis for considering applications for planning approval. The LDP includes the following development guidelines:

- Building height requirements, ranging from one storey to three storeys.
- Various provisions proposed to replace the deemed-to-comply requirements of the R-Codes, including building setbacks, minimum lot area for ancillary dwellings and boundary wall heights.
- Designated primary and secondary frontages.
- Façade and fence articulation and treatment requirements.
- Designated lots for apartment dwellings (assessed as multiple dwellings under Part 6 of the R-Codes) above garages.

### Installation of facilities in Cockman Park

As part of the resolution to support the advertising of the draft structure plan and LDP for public comment, Council requested that the applicant consider the installation of sculptural play elements, and picnic, barbeque and shelter facilities in Cockman Park, instead of within the structure plan area.

The applicant has provided the following justification in regard to the installation of facilities in Cockman Park:

*The proposed [structure plan] seeks to provide much needed improvements to housing choice and affordability within the Greenwood locality. A key consideration and design rationale for the provision of medium density housing is to provide high quality public open spaces, which would immediately benefit residents and provide an attractive alternative to a house with a backyard. Accordingly, the positioning of the proposed sculptural play elements, picnic, barbeque, and shelter facilities is considered best located to directly service the planned medium density development. Access to these facilities will be available to the wider community for all to enjoy and benefit from.*

### **Issues and options considered**

The issues to be considered by Council include:

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

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

- resolve that the structure plan is satisfactory with or without modifications and submit the structure plan to the WAPC for adoption and certification  
or
- refuse to adopt the structure plan.

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

- approve the LDP with or without conditions  
or
- refuse to approve the LDP.

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

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

**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 (DPS2)*

In accordance with clauses 9.5 and 6.7 of DPS2, Council determined that the structure plan was satisfactory for the purpose of public comment and advertised it for a minimum period of 28 days. Upon completion of the public advertising, Council is required to review all submissions within 60 days and proceed to refuse the structure plan or resolve that it is satisfactory, with or without modifications. The structure plan process is illustrated in Attachment 6.

In accordance with clauses 9.12 and 6.7 of DPS2, Council determined that the LDP was satisfactory for the purpose of public comment and advertised it for a minimum period of 28 days. Upon completion of the public advertising, Council is required to review all submissions within 60 days and proceed to approve, with or without conditions, or refuse the LDP, as set out in clause 9.12 of DPS2.

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

*Liveable Neighbourhoods*

*Liveable Neighbourhoods* is an operational policy of the WAPC and is used for the design and assessment of structure plans and subdivision on both greenfield and large urban infill sites. It provides guidance on urban structure elements such as road layout and widths, lot layout and provision of public open space to create communities that reduce dependency on private vehicles and are more energy and land efficient.

*Subdivision and Dwelling Development Adjoining Areas of Public Space Policy*

This policy sets out design criteria for subdivisions and other development adjoining areas of public space. Regard has been given to this policy in relation to the requirements for residential development adjoining the proposed POS.

The objective of this policy is:

*“To provide guidelines for the design of subdivisions and dwelling developments adjoining areas of public space to maximise the outlook onto and casual surveillance of these areas from adjoining properties and streets.”*

### **Risk management considerations**

Should Council resolve not to adopt or to require modifications/conditions to the structure plan or LDP, then the proponent has the right of review against Council's decision in accordance with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*.

### **Financial / budget implications**

The applicant has paid fees of \$9,859.96 (including GST) to cover all costs associated with the assessment of the structure plan and LDP.

### **Regional significance**

*Directions 2031 and Beyond* and the draft *Outer Metropolitan Perth and Peel Sub-Regional Strategy* provide aspirations for the better utilisation of urban land through the establishment of dwelling targets for both greenfield and infill development sites. The proposed redevelopment of the former East Greenwood Primary School site, through the adoption and implementation of this structure plan, will provide a minimum of 115 additional dwellings. These additional dwellings will assist in delivering the State Government's aspirations set out in *Directions 2031 and Beyond* and draft *Outer Metropolitan Perth and Peel Sub-Regional Strategy* for the City of Joondalup.

### **Sustainability implications**

The applicant advises that it aims to facilitate a minimum Four Star development rating under the Green Star – Communities rating tool, which covers a range of categories including environment, design and liveability. This aim is able to be achieved given that all the dwellings on-site will be built by the project partners.

### **Environmental**

The proposed structure plan supports the protection of selected vegetation within public open space and private landholdings where possible. The layout and placement of open space has been predicated by the need for the protection of significant and mature trees and a tree protection zone along the southern boundary of the structure plan area will serve to protect significant trees within private landholdings.

Drainage has been incorporated where practicable into the public parkland. Water sensitive urban design and drainage best management practices will be incorporated in the stormwater drainage design and landscaping.

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

### Social

The applicant advises that the structure plan will facilitate the development of a range of housing products on lots of variable sizes to cater for a variety of household structures. In particular, it seeks to address current gaps in available housing stock to provide affordable and inclusive accommodation for downsizers, first home buyers, single parent families and couples and singles with no children. It also seeks to facilitate the provision of one in nine dwellings to be used for public housing to meet the needs of those on lower incomes. Through public housing, the DoH provides rental accommodation to eligible households across Western Australia, with rent calculated at 25% of gross assessable income. Public housing typically caters for the needs of the elderly, people with disabilities and single parent families.

The structure plan proposes 1.012ha of public open space which has been designed to encourage residents to walk and socialise within their community.

### Economic

The proposed structure plan will facilitate future subdivision and development on the site that will provide additional residents to the area who will contribute to supporting the local economy.

### **Consultation**

DPS2 requires structure plan and LDP proposals to be advertised in accordance with the provisions of clause 6.7 prior to further consideration by Council. Clause 6.7 of DPS2 requires a minimum advertising period of 21 days, however, advertising for a period of 28 days was undertaken in this instance.

Advertising occurred as follows:

- Letters to land owners surrounding the site as outlined in Attachment 7.
- A letter sent to KAGRA.
- A notice placed in the Joondalup Community newspaper and *The West Australian* newspaper.
- Two signs on the subject site.
- A notice and documents on the City's website.
- Documents available at the City's Administration Centre.

During the consultation period 11 submissions were received, consisting of six submissions from nearby landowners, one submission from KAGRA, three submissions from service authorities and one submission from the DoP. A summary of the comments is provided as Attachment 8.

### **COMMENT**

#### **Summary of Submissions**

Submissions received were generally supportive of redevelopment of the site. However, three common themes were identified, being potential traffic management issues, tree retention and the proposed building heights and densities.



### Traffic Management

Three submissions were received from nearby landowners in relation to the impact of traffic likely to be generated from the structure plan area. Specific concerns raised related to the focus of the Traffic Impact Assessment, submitted with the draft structure plan, on select streets and the methodology used to calculate the traffic impact on the area.

The City has reviewed the Traffic Impact Assessment and considers that the traffic volumes generated by the development can be accommodated by the existing road network. The capacity assessment for post development peak periods suggests that the traffic from the proposed structure plan will have minimal impact on the operation of external intersections.

### Tree Retention

Two submissions were received in relation to the retention of existing mature trees. In particular, concerns were raised regarding whether trees deemed as medium value in the Arboriculture Assessment, submitted with the draft structure plan, would be retained, and whether any development would be permitted in the 'Tree Protection Zone' identified in the LDP.

The appropriateness of retaining particular trees in the public open space cannot be adequately determined at this stage of the planning process as the necessary level of detail associated with the site works have not yet been determined. As such, the retention of trees is proposed to be determined during the subdivision stage of the planning process, based on the Arboriculture Assessment and the subdivision works necessary for the site.

The intent of the advertised LDP was that no development that would affect the significant trees within the 'Tree Protection Zone' would be permitted. In order to clarify this, the LDP has been modified to include the following provision:

*"Building envelopes shall not encroach into the area marked as the 12 metre wide 'Tree Protection Zone'. A Development Application is required for any small structures, such as sheds, decks, pools and pergolas proposed within the zone. The application will need to be accompanied by an arborist report that demonstrates no adverse impact to the health of a tree(s) within the zone, unless waived by the City where it is clear that no potential impact exists."*

The LDP is now considered to adequately protect the significant trees within the 'Tree Protection Zone'.

### Building Densities and Heights

Two submissions were received from nearby landowners concerned with the proposed densities and building heights.

The draft LDP proposes to significantly restrict the height of development in the structure plan area. All dwellings facing Dargin Place, Reilly Way and Mulligan Drive are restricted to single storey, which is a lower than the two storeys currently permitted in the surrounding residential area. Apart from the inclusion of 'apartment dwellings' on some lots, two storey buildings are only permitted along the southern boundary and around the central open space area. In addition a 12 metre setback is required to those lots adjoining the houses on the southern boundary, which will ensure the two storey height limit along this boundary does not affect these existing dwellings. A limited number of three storey multiple dwellings are permitted internal to the site, framing the eastern and western side of the central park area. As a result it is considered that the proposed heights will not impact detrimentally on the surrounding residential area.

In relation to the densities proposed, they have also been limited while still ensuring the density targets of set in the City's *Local Housing Strategy* are met. While the structure plan proposes R60 coded lots directly opposite R20 coded existing residential development to the west, north and east of the site, the LDP requires a single-storey R60 interface to the existing residential development. In addition, the southern lots directly adjacent to existing residential development on Dargin Place will have the lower density code of R40. Given this, the proposed densities and building heights are considered to be appropriate.

#### Service Authorities

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

#### Department of Planning

The DoP requested that further justification be provided by the applicant in relation to the allocation of densities within the structure plan area and how the internal movement network provides adequate connections to the surrounding road network.

As outlined above, the City considers that the proposed building heights and densities are appropriate. The street types have been designed in accordance with *Liveable Neighbourhoods* and will be designed to accommodate traffic through the area as well as on-street parking, footpaths, street trees and lighting. However, it must be noted that the structure plan places a greater emphasis on pedestrian connectivity across the site and between the surrounding residential areas. This is considered appropriate as it moves away from a car centric focus and, as shown in the Illustrative Masterplan in Part 2, will provide a good network of pedestrian paths and view corridors that leave the internal open space visible and easily accessible to the surrounding residents.

DoP also requested that consideration be given to the interface treatment of the structure plan area with Cockman Park in terms of amenity, safety, public access and adequate on-street parking. This will be considered further during the detailed design and subdivision stage of the planning process.

#### Other comments

A number of other concerns were raised in the submissions including the following:

- Maintenance of landscaping and Public Open Space.
- Loss of education choices in Greenwood.
- Pressure on existing infrastructure and community facilities.

A full summary of these comments and the City's responses are provided as Attachment 8.

*Modifications to the draft structure plan and LDP following advertising*

Following the advertising period minor modifications were made to the draft structure plan and LDP.

The LDP provisions were modified to be in a table format with details added to provide clarity as to which provisions of the Residential Design Codes (R-Codes) are being replaced or supplemented by the LDP. The LDP that was advertised for public comment is provided as Attachment 3, with the modified LDP provided as Attachment 5.

Similarly, minor modifications were made to the advertised draft structure plan. This included an additional clause being added to Part 1 to confirm that the City's *Height and Scale of Buildings within Residential Areas Policy* does not apply in this instance, modifications made to Figure 18 in Part 2 to correctly identify Dargin Place and some minor text modifications to Part 2 of the report to address servicing, following comments received from service authorities.

The structure plan map, located in Part 1 of the structure plan, has also been modified following comments received from the DoP.

**Conclusion**

Public advertising of the draft structure plan and LDP has not raised any issues that would warrant not proceeding with the structure plan and LDP. It is considered that the draft structure plan and LDP now provide an appropriate framework to guide the future development of the site and it is recommended that Council resolve that the modified structure plan is satisfactory and forwards it to the WAPC for adoption. It is also recommended that the modified LDP be approved, subject to the draft structure plan coming into operation.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 pursuant to clause 9.6 of the *City of Joondalup District Planning Scheme No. 2* **RESOLVES** that the *Greenwood Local Structure Plan* is satisfactory subject to modifications, as included in Attachment 4 to Report CJ132-08/15;
- 2 **SUBMITS** the modified structure plan to the Western Australian Planning Commission for adoption and certification;
- 3 subject to adoption and certification by the Western Australian Planning Commission, **AUTHORISES** the affixation of the Common Seal and signing of the structure plan document;
- 4 pursuant to clause 9.12 of the *City of Joondalup District Planning Scheme No. 2* **APPROVES** the *Local Development Plan* subject to the following conditions:
  - 4.1 The Local Development Plan being modified as included in Attachment 5 to Report CJ132-08/15;
  - 4.2 The *Greenwood Local Structure Plan* coming into operation pursuant to clause 9.8 of the *City of Joondalup District Planning Scheme No. 2*;
- 5 **NOTES** the submissions received and **ADVISES** the submitters of Council's decision.

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf110815.pdf](#)*

**CJ133-08/15 MINUTES OF EXTERNAL COMMITTEES**

<b>WARD</b>	All								
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy								
<b>FILE NUMBER</b>	29094, 41196, 60514, 03149, 101515								
<b>ATTACHMENT</b>	<table><tr><td>Attachment 1</td><td>Minutes of the meeting of the Joondalup Lotteries House Management Committee held on 9 April 2015</td></tr><tr><td>Attachment 2</td><td>Minutes of the meeting of the Tamala Park Regional Council held on 18 June 2015</td></tr><tr><td>Attachment 3</td><td>Minutes of the Western Australian Local Government Association State Council held on 1 July 2015</td></tr><tr><td>Attachment 4</td><td>Minutes of the ordinary meeting of the Mindarie Regional Council held on 2 July 2015</td></tr></table> <p><i>(Please Note: These minutes are only available electronically).</i></p>	Attachment 1	Minutes of the meeting of the Joondalup Lotteries House Management Committee held on 9 April 2015	Attachment 2	Minutes of the meeting of the Tamala Park Regional Council held on 18 June 2015	Attachment 3	Minutes of the Western Australian Local Government Association State Council held on 1 July 2015	Attachment 4	Minutes of the ordinary meeting of the Mindarie Regional Council held on 2 July 2015
Attachment 1	Minutes of the meeting of the Joondalup Lotteries House Management Committee held on 9 April 2015								
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Attachment 3	Minutes of the Western Australian Local Government Association State Council held on 1 July 2015								
Attachment 4	Minutes of the ordinary meeting of the Mindarie Regional Council held on 2 July 2015								
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').								

**PURPOSE**

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

**EXECUTIVE SUMMARY**

The following minutes are provided:

- Minutes of Joondalup Lotteries House Management Committee held on 9 April 2015.
- Minutes of Tamala Park Regional Council held on 18 June 2015.
- Minutes of the Western Australian Local Government Association State Council held on 1 July 2015.
- Minutes of the ordinary meeting of the Mindarie Regional Council (MRC) held on 2 July 2015.

## DETAILS

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

### **Joondalup Lotteries House Management Committee – 9 April 2015**

A meeting of the Joondalup Lotteries House Management Committee was held on 9 April 2015.

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

There were no matters requiring action or decision by the City of Joondalup resolved at the meeting of the Joondalup Lotteries House Management Committee.

### **Tamala Park Regional Council – 18 June 2015**

A meeting of the Tamala Park Regional Council was held on 18 June 2015.

The Council's representatives on the Tamala Park Regional Council are Crs John Chester and Tom McLean.

There were no matters requiring action or decision by the City of Joondalup resolved at the Tamala Park Regional Council meeting.

### **Western Australian Local Government Association State Council – 1 July 2015.**

A meeting of the Western Australian Local Government Association (WALGA) State Council was held on 1 July 2015.

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

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

#### **5.1 Cycling on Footpaths Discussion Paper**

It was resolved by the WALGA State Council as follows:

*"That State Council resolves:*

- 1 To support the amendment of regulation 216(1) of the Road Traffic Code 2000 to allow cyclists of all ages to ride bicycles on footpaths subject to the implementation of an appropriate speed limit for cyclists riding on footpaths;*
- 2 Any change to regulation 216(1) of the Road Traffic Code 2000 is accompanied by a comprehensive public education campaign;*
- 3 The Association to investigate the provision of local laws for cyclists riding on footpaths in specified areas, at the discretion of a local government;*

- 4     *The Association advises the Office of Road Safety and Department of Transport in writing of key matters highlighted by the local government sector to be considered should the proposed amendment to the Road Traffic Code 2000 proceed."*

5.3     Feedback – Department of Transport's 2015 Draft Coastal Adaptation and Protection Policy for WA

It was resolved by the WALGA State Council as follows:

*"That the feedback provided to the Department of Transport on its draft 2015 Draft Coastal Adaptation and Protection Policy for WA be endorsed."*

5.5     Interim submission to the Tax Discussion Paper

It was resolved by the WALGA State Council as follows:

*"That the Association's interim submission in response to the Australian Government's Tax Discussion Paper be endorsed."*

6.1     Metropolitan Local Government Reform Reimbursement Request

It was resolved by the WALGA State Council as follows:

*That State Council note the Minister for Local Government's refusal to reimburse local governments for costs incurred as a result of the abandoned Metropolitan Local Government Reform process."*

6.2     Response to the Department of Local Government and Communities – Proposed Amendments to the Local Government (Functions and General) Regulations 1996

It was resolved by the WALGA State Council as follows:

*"That State Council notes the response to the Department of Local Government – Proposed Amendments to the Local Government (Functions and General) Regulations 1996."*

6.3     Review of Local Government Water Services Licensing

It was resolved by the WALGA State Council as follows:

*"That State Council note the Department of Water is undertaking a review of Local Government Water Services Licensing."*

6.4     Local Government Exemption from Drainage Licensing Regime

It was resolved by the WALGA State Council as follows:

*"That State Council note that local government has been granted a further exemption from being licensed under the Water Services Act (2012) for the provision of drainage services."*

#### 6.6 Partnership with Disability Services Commission – Change Places Project

It was resolved by the WALGA State Council as follows:

*“That State Council notes the partnership between WALGA and the Disability Services Commission to develop Change Place facilities and community infrastructure to improve access and inclusion to community infrastructure to assist people with disabilities.”*

#### 6.8 Presentation to Parliamentary Committee – Planning and Development (Development Assessment Panels) Regulations 2011

It was resolved by the WALGA State Council as follows:

*“That State Council note the information presented to the parliamentary Committee on Uniform Legislation and Statute’s Inquiry on the Planning and Development (Development Assessment panels) Regulations 2011.”*

#### 6.12 State Budget Outcomes

It was resolved by the WALGA State Council as follows:

*“That State Council note the key outcomes for local governments from the 2015-16 State Budget.”*

### **Mindarie Regional Council ordinary meeting – 2 July 2015.**

An ordinary meeting of the Mindarie Regional Council (MRC) was held on 2 July 2015.

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:

#### 11.3 Budget Approval – Financial Year 2015-16

It was resolved by the MRC as follows:

*“That Council:*

- (i) adopt the Budget for the Mindarie Regional Council for 2015-16 financial year;*
- (ii) endorse the on-going strategy of deferred payment of operational surplus, as approved by Council at its August 2005 meeting, for the Financial Year 2005-06 and future years to meet its on-going capital requirement;*
- (iii) approve the use of an on-going overdraft facility of \$1 million to manage cashflow ‘short falls’ during 2015-16 financial year and future years;*
- (iv) approve the Capital Budget Program of \$17,966,500 for 2015-16 as follows:*



New capital expenditures

	\$
• Cell development	1,346,000
• Office furniture and equipment	39,500
• Computer equipment	127,000
• Plant and equipment	136,000
• Infrastructure	126,000
• Vehicles	<u>1,860,000</u>
	3,634,500

Carried forward capital expenditures

• Waste facility precinct	6,000,000
• Waste facility infrastructure	4,000,000
• Cell lining	3,800,000
• Admin office renovation	60,000
• KIA Grand carnival	47,000
• 2 way radio system	60,000
• Bin truck	275,000
• Recycling centre and education redevelopment	90,000
	14,332,000

Total Capital expenditure 17,966,500

- (v) approve that \$431,700 will be transferred from the Operating Surplus to the Site Rehabilitation Reserve;
- (vi) approve that \$2,000,000 will be transferred from the Operating Surplus to the Reserve for Capital Expenditure;
- (vii) approve that \$2,820,500 be transferred from the Reserve for Capital Expenditure to Operating Surplus to fund capital expenditures;
- (viii) approve that any funds required to acquit/refund the proceeds that the MRC received from the Carbon Price Mechanism scheme be transferred from the Carbon Price Reserve to the Operating Surplus;
- (ix) approve that all interest earned on cash funds associated with cash-backed reserves will not be credited to the respective reserves.

(Absolute Majority required).

11.4 Reciprocal arrangement with the Eastern Metropolitan Regional Council to use each other's landfills at members' rates in emergency situations

It was resolved by the MRC as follows:

"That Council:

- 1 Approves the proposed Business Continuity Contingency Plan Agreement between the Mindarie Regional Council and the Eastern Metropolitan Regional Council as indicated in the details section of this report;

- 2 *Provides member rates to Eastern Metropolitan Regional Council member Councils that dispose of waste at Tamala Park during an emergency that requires the closure of the Red Hill facility;  
(Absolute Majority required)*
- 3 *Authorise the CEO to sign the Business Continuity Contingency Plan Agreement with the Eastern Metropolitan Regional Council.*

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

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Strong leadership.

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

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

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

- 1 Joondalup Lotteries House Management Committee meeting held on 9 April 2015 forming Attachment 1 to Report CJ133-08/15;**
- 2 Tamala Park Regional Council meeting held on 18 June 2015 forming Attachment 2 to Report CJ133-08/15;**
- 3 Western Australian Local Government Association State Council held on 1 July 2015 forming Attachment 3 to Report CJ133-08/15;**
- 4 Mindarie Regional Council ordinary meeting held on 2 July 2015 forming Attachment 4 to Report CJ133-08/15.**

*To access this attachment on electronic document, click here:*  
[EXTERNAL MINUTES 110815.pdf](#)

**CJ134-08/15 EXECUTION OF DOCUMENTS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	15876, 101515
<b>ATTACHMENTS</b>	Attachment 1 Documents executed by affixing the Common Seal for 7 July 2015.
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

**PURPOSE**

For Council to note the documents executed by means of affixing the Common Seal for 7 July 2015 (Attachment 1 refers).

**EXECUTIVE SUMMARY**

The City enters into various agreements by affixing its Common Seal. The *Local Government Act 1995* states that the City is a body corporate with perpetual succession and a Common Seal. Those documents that are to be executed by affixing the Common Seal or signed by the Mayor and the Chief Executive Officer are reported to Council for information on a regular basis.

*It is therefore recommended that Council NOTES the Schedule of Documents for 7 July 2015 executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ134-08/15.*

**BACKGROUND**

On 7 July 2015, two documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Lease.	2

**Issues and options considered**

Not applicable.

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

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

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

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

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council NOTES the Schedule of Documents for 7 July 2015, executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ134-08/15.**

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf110815.pdf](#)*

## **CJ135-08/15      ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 APRIL TO 30 JUNE 2015**

<b>WARD</b>	All			
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy			
<b>FILE NUMBER</b>	20560, 101515			
<b>ATTACHMENTS</b>	Attachment 1	Annual Plan	Quarterly Progress Report for the period 1 April-30 June 2015	
	Attachment 2	Capital Works Program	Quarterly Report for the period 1 April-30 June 2015	
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').			

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### **PURPOSE**

For Council to receive the Annual Plan Quarterly Progress Report for the period 1 April to 30 June 2015 and the Capital Works Quarterly Report for the period 1 April to 30 June 2015.

### **EXECUTIVE SUMMARY**

The Annual Plan contains the major projects and priorities which the City proposed to deliver in the 2014-15 financial year.

The Annual Plan Quarterly Progress Report provides information on the progress of projects and programs documented in the *Annual Plan 2014-15*. The Annual Plan Quarterly Progress Report for the period 1 April to 30 June 2015 is shown as Attachment 1 to this Report.

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

*It is therefore recommended that Council RECEIVES the:*

- 1      Annual Plan Quarterly Progress Report for the period 1 April – 30 June 2015, which is shown as Attachment 1 to Report CJ135-08/15;*
- 2      Capital Works Quarterly Report for the period 1 April – 30 June 2015, which is shown as Attachment 2 to Report CJ135-08/15.*

## BACKGROUND

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

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

## DETAILS

### Issues and options considered

The Annual Plan contains a brief description of the key projects and programs that the City proposed to deliver in the 2014-15 financial year. Milestones are set for the key projects and programs to be delivered in each quarter.

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

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

As this is the final Quarterly Progress Report for the *Annual Plan 2014-2015*, the following provides an overall summary of significant achievements for the financial year.

### Governance and Leadership

- Annual Customer Satisfaction Survey conducted with high rates of satisfaction.
- A significant number of policies reviewed and new policies developed.
- The following local laws developed or reviewed:
  - The *City of Joondalup Fencing Local Law 2014*.
  - The *City of Joondalup Local Government and Public Property Local Law 2014*.
  - The *City of Joondalup Parking Local Law 2013*.
- A Delegation from the Jinan Municipal People's Government received.
- Annual Review of the Delegated Authority Manual conducted.
- Meetings of the Strategic Community Reference Group conducted.
- Community consultation on the following projects conducted:
  - Fenton Park, Hillarys – Proposed park upgrade.
  - Specified Area Rating Burins Beach.
  - The minor review of the *Strategic Community Plan 2012-2022*.
  - The Ocean Reef Park redevelopment.
  - The draft *Community Safety and Crime Prevention Plan*.
  - The draft *Community Development Plan 2015-2020*.
  - The draft *Yellagonga Integrated Catchment Management Plan 2015-2019*.
  - The draft *Hepburn Heights Conservation Area Management Plan*.
  - The proposed acquisition of Lot 12223 (12) Blackwattle Parade, Padbury.
  - A proposal to close a portion of the Mitchell Freeway Reserve, Currambine.
  - The draft *Use of Sea Containers Policy*.
  - Warrandyte Park, Craigie – Sports Floodlighting Project.



- Admiral Park, Heathridge – Sports Floodlighting Project.
- Bulk Waste Perceptions Survey.
- Community Wellbeing Survey.
- The draft City Playground Shade Policy.
- Pinnaroo Point, Hillarys – Paramotor Use Trial.
- The proposed *Whitford Activity Centre Structure Plan*.
- The proposed *Parking Amendment Local Law 2015*.
- An increase in the level of communication via Facebook and Twitter which has now reached an online following of more than 13,000 people.
- Free community access to Wi-Fi available in the Woodvale Library.
- A number of awards won or recognition received for achievements including:
  - Joondalup Festival 2014 which was named Best Community Event in WA at the prestigious Australian Event Awards 2014 held in Sydney.
  - The 2014 Local Government of the Year awarded by the Australian Institute of Building Surveyors (AIBS) for excellence in leadership, innovation, customer service, best practice and professionalism.
  - The Supporting Volunteers Award at the Department of Sport and Recreation Industry Awards in July 2014 for its Clubs in Focus program.
  - The 2014 Department of Transport TravelSmart Award, in the category of planning, for the *Walkability Plan* in October 2014.

### **Financial Sustainability**

- Major Capital Works Projects completed including:

New or upgraded park equipment in:

- Broadbeach Park – Hillarys
- Brazier Park – Padbury
- Korella Park – Mullaloo
- Central Park – Joondalup
- Earlsferry Park – Kinross
- Iluka District Open Space – Iluka.

Traffic management upgrades along:

- Ocean Reef Road – Ocean Reef
- Angove Drive – Hillarys
- Warrandyte Drive – Craigie
- Hocking Road – Kingsley
- O'Leary Road – Padbury.

Road preservation and resurfacing along:

- Beam Road – Ocean Reef
- David Street – Mullaloo
- Koombana Way – Kallaroo
- Unicorn Place – Craigie
- Ameer Way – Craigie
- Corsair Court – Heathridge
- Price Regent Drive – Heathridge.

Stormwater drainage upgrades in:

- Cliverton Court – Marmion
- Springvale Drive – Warwick
- Porteous Road – Sorrento
- Parnell Avenue – Sorrento.

New or resurfaced paths along:

- Bonneville Way – Joondalup
- Roe Court – Padbury
- Moore Drive – Joondalup
- Andrews Court – Padbury
- Rountree Way – Marmion
- Ford Street – Marmion.

Major building works commenced or completed including:

- Beaumaris Community Centre
- Heathridge Park Clubrooms.
- Dualling of Ocean Reef Road, Ocean Reef nearing completion.
- Works on the Marmion Foreshore car park commenced.

### **Quality Urban Environment**

- The draft *Local Planning Scheme No. 3* presented to Elected Members for comment.
- Council adoption of the revised *Local Planning Strategy*.
- The commencement of the draft *2015-2018 Bike Plan*.
- The continued implementation of actions from the *Walkability Plan 2013-2018*.
- The completion of the Central Park lighting upgrade.
- The completion of iconic verge and median treatments along Shenton Avenue.
- Progress on the Joondalup Performing Arts and Cultural Facility.
- Considerable progress on the Joondalup City Centre Development including the submission of a proposal to the Department of Finance for Joondalup Office Accommodation and the Memorandum of Understanding signed between Devwest Pty Ltd and the City of Joondalup to progress the Joondalup City Centre Development Project.

### **Economic Prosperity, Vibrancy and Growth**

- The development and launch of an investment prospectus, *Joondalup Has The Edge*.
- Commenced construction of the City Centre multi-storey car park.
- The development and advertising for a significant event attraction Expression of Interest.
- Continued progress on the Ocean Reef Marina Project.
- Continued promotion of the Innovation Fund aimed at small businesses and entrepreneurs.
- Two Business Forums held.
- The development of a *Regional Economic Development Framework* between the Cities of Joondalup and Wanneroo.
- Attendance of the Tri-Cities Delegation in Canberra with the Cities of Wanneroo and Stirling.

- Official launch of the Co-working Space at West Coast Institute.
- Development of the Innovation Precinct Proposal in partnership with Edith Cowan University.

### **The Natural Environment**

- Implementation of actions in line with the *Climate Change Strategy*.
- Council endorsement of the *Yellagonga Integrated Catchment Management Plan 2015-2019*.
- Council endorsement of the *Coastal Foreshore Management Plan*, the *Hepburn Heights Natural Area Management Plan* and the *Marmion Foreshore Management Plan*.
- Activities delivered as part of the City's *Think Green – Environmental Education Program* including a Sustainable Gardens Workshop, Creatures of the Night Stalks in Neil Hawkins Park, Nyungar Bushtucker and Cultural Heritage Tours, delivery of Eco Home Audits, delivery of the Capture Nature Photography Competition and a Garage Sale Trail Program.
- Ongoing commitment to achieving sustainable water management by the successful implementation of actions from the City's *Water Plan*, including retaining Waterwise Council accreditation.
- Delivery of the *Adopt a Coastline Project*.

### **Community Wellbeing**

- Citizenship Ceremonies conducted at which approximately 1,700 residents became Australian Citizens.
- Delivery of a comprehensive program of cultural events throughout the year, including:
  - NAIDOC Week
  - Joondalup Festival
  - Summer Concert Series – Music in the Park
  - Valentine's Concert
  - Joondalup Eisteddfod
  - Sunday Serenades
  - Inaugural Community Invitation Art Award Exhibition
  - Community Art Exhibition
  - Little Feet Festival
  - Inside-Out Billboard Art Project.
- Delivery of a range of youth programs, including Snap! Youth Music Festival, 2014 Defeat the Beat, and skate park competitions at Mirror Park and Kinross Skate Park.
- Delivery of a range of life-long learning programs within the City's libraries attracting more than 19,000 adults, children and seniors.
- Completion of major and minor upgrades at community facilities.
- Council endorsement of the *Community Development Plan*.
- Council endorsement of the *Community Safety and Crime Prevention Plan*.
- Funding of approximately \$100,120 distributed to community groups as part of the Community Funding Program.
- Implementation of actions in line with the *Community Safety and Crime Prevention Plan*.

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

The *Local Government Act 1995* provides a framework for the operations of Local Governments in Western Australia. Section 1.3 (2) states:

*“This Act is intended to result in:*

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

**Strategic Community Plan****Key theme**

Governance and Leadership.

**Objective**

Corporate capacity.

**Strategic initiative**

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

**Policy**

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

**Risk management considerations**

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

**Financial / budget implications**

All projects and programs in the *Annual Plan 2014-15* were included in the *Annual Budget 2014-15*.

**Regional significance**

Not applicable.

**Sustainability implications**

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

The key themes are:

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

### **Consultation**

Not applicable.

### **COMMENT**

The *Annual Plan 2014-15* was received by Council at its meeting held on 19 August 2014 (CJ138-08/14 refers).

A detailed report on progress of the *Capital Works Program* has been included with the Annual Plan Quarterly Progress Report. This Report provides an overview of progress against all of the projects and programs in the *Capital Works Program 2014-015*.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

**That Council RECEIVES the:**

- 1      Annual Plan Quarterly Progress Report for the period 1 April – 30 June 2015, which is shown as Attachment 1 to Report CJ135-08/15;**
- 2      Capital Works Quarterly Report for the period 1 April – 30 June 2015, which is shown as Attachment 2 to Report CJ135-08/15.**

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf110815.pdf](#)*

**CJ136-08/15      ANNUAL PLAN 2015-16**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy	
<b>FILE NUMBER</b>	20560, 101515	
<b>ATTACHMENTS</b>	Attachment 1	Annual Plan 2015-16
	Attachment 2	Capital Works Program 2015-16
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').	

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**PURPOSE**

For Council to receive the *Annual Plan 2015-16* and the *Capital Works Program 2015-16*.

**EXECUTIVE SUMMARY**

The Annual Plan contains the major projects and priorities which the City intends to deliver in the 2015-16 financial year. The *Annual Plan* is shown as Attachment 1 to this Report.

The *Capital Works Program 2015-16*, which details all the projects within the *Capital Works Program*, is shown as Attachment 2 to this Report.

*It is therefore recommended that Council RECEIVES the:*

- 1      *Annual Plan 2015-16 forming Attachment 1 to Report CJ136-08/15;*
- 2      *Capital Works Program 2015-16 forming Attachment 2 to Report CJ136-08/15.*

**BACKGROUND**

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

**DETAILS****Issues and options considered**

The Annual Plan contains a brief description of the key projects and programs that the City proposes to deliver in the 2015-16 financial year.

Quarterly milestones are set for each key project and program to be delivered, and a report will be presented to Council at the end of each quarter detailing progress against these milestones. Progress against the *Capital Works Program 2015-16* will be provided with the quarterly reports.

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

The *Local Government Act 1995* provides a framework for the operations of local governments in Western Australia. Section 1.3 (2) states:

*"This Act is intended to result in:*

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

**Strategic Community Plan****Key theme**

Governance and Leadership.

**Objective**

Corporate capacity.

**Strategic initiative**

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

**Policy**

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

**Risk management considerations**

The development of the *Annual Plan* and quarterly reports provides a mechanism for tracking progress against milestones for major projects and programs.

**Financial / budget implications**

All projects in the *Annual Plan 2015-16* have been included in the *Annual Budget 2015-16*.

**Regional significance**

A number of the projects in the *Annual Plan 2015-16* have regional significance.

**Sustainability implications**

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

The key themes are:

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

### **Consultation**

Not applicable.

### **COMMENT**

It is important that the City provides the community with a clear plan of the projects and activities it intends to undertake each year. Measuring performance on the timely delivery of projects and programs enables the community to assess the City's achievements against the Annual Plan.

The City's *Annual Plan 2015-16* is in line with Department of Local Government and Communities '*Integrated Planning and Reporting Framework*' which sets out the requirements for local governments to undertake planning and reporting.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

**That the Council RECEIVES the:**

- 1      *Annual Plan 2015-16 forming Attachment 1 to Report CJ136-08/15;***
- 2      *Capital Works Program 2015-16 forming Attachment 2 to Report CJ136-08/15.***

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf110815.pdf](#)*



**CJ137-08/15 LIST OF PAYMENTS MADE DURING THE MONTH OF JUNE 2015**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services	
<b>FILE NUMBER</b>	09882, 101515	
<b>ATTACHMENTS</b>	Attachment 1	Chief Executive Officer's Delegated Municipal Payment List for the month of June 2015
	Attachment 2	Chief Executive Officer's Delegated Trust Payment List for the month of June 2015
	Attachment 3	Municipal and Trust Fund Vouchers for the month of June 2015
<b>AUTHORITY/ DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').	

**PURPOSE**

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of June 2015.

**EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of June 2015 totalling \$18,352,285.74.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for June 2015 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 CJ137-08/15, totalling \$18,352,285.74.*

**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 June 2015. 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 101467 – 101683 & EF048340 – EF049117. Net of cancelled payments.	\$13,908,329.94
	Vouchers 1461A – 1465A & 1470A – 1472A	\$4,414,915.80
Trust Account	Trust Cheques & EFT Payments 206786 - 206803 & TEF000257 – TEF000284. Net of cancelled payments.	\$29,040.00
<b>Total</b>		<b>\$18,352,285.74</b>

### Issues and options considered

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

#### Option 1

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

#### Option 2

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

### Legislation / Strategic Community Plan / policy implications

#### Legislation

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

#### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

**Risk management considerations**

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

**Financial / budget implications**

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

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Chief Executive Officer's list of accounts for June 2015 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 CJ137-08/15, totalling \$18,352,285.74.**

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9agn170815.pdf](#)*

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Kerry Hollywood.</b>
<b>Item No./Subject</b>	CJ138-05/15 - Tender 019/15 - Civil Works for Whitfords Avenue Carriageway Duplication.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	One of the Directors of the tenderers is known to Cr Hollywood.

<b>Name/Position</b>	<b>Mr Nico Claassen, Director Infrastructure Services.</b>
<b>Item No./Subject</b>	CJ138-05/15 - Tender 019/15 - Civil Works for Whitfords Avenue Carriageway Duplication.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	One of the Directors of one of the tenderers is personally known to Mr Claassen.

## CJ138-08/15      TENDER 019/15 - CIVIL WORKS FOR WHITFORDS AVENUE CARRIAGEWAY DUPLICATION

<b>WARD</b>	South-West
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	104995, 101515
<b>ATTACHMENTS</b>	Attachment 1      Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to accept the tender submitted by Ertech Pty Ltd for civil works for Whitfords Avenue carriageway duplication from Belrose Entrance to Northshore Drive, Hillarys.

**EXECUTIVE SUMMARY**

Tenders were advertised on 30 May 2015 through statewide public notice for the civil works for Whitfords Avenue carriageway duplication. Tenders closed on 18 June 2015. A submission was received from each of the following:

- Ertech Pty Ltd.
- Curnow Group.
- Roads 2000 Pty Ltd.
- Jaxon Civil Pty Ltd.
- The Trustee for the Dowsing Family Trust trading as Dowsing Concrete.
- WBHO Civil Pty Ltd.
- CGH Civil Pty Ltd.
- All Civils WA and Asphalt Services.

- Densford Civil Pty Ltd.
- Ngarda Civil & Mining.
- All Earth Group Pty Ltd.
- TRACC Civil.
- MACA Civil Pty Ltd.
- Brierty Limited.
- Watpac Civil and Mining Pty Ltd (Conforming Offer).
- Watpac Civil and Mining Pty Ltd (Alternative Offer).

The submission from Tasman Civil Pty Ltd was received after the closing time and was not accepted for evaluation.

The submission from Ertech Pty Ltd represents best value to the City. The company demonstrated considerable experience in completing similar carriageway duplications including the Catalina Marmion Avenue intersection civil works for Tamala Park Regional Council, Beeliar Drive improvement works for Perron Investments, Connolly Drive duplication for the City of Joondalup and Mirrabooka Regional Centre improvement works for the City of Stirling (ongoing). It demonstrated a thorough understanding of the project requirements and has the capacity in terms of personnel and equipment to carry out this project in the required timeframe.

*It is therefore recommended that Council ACCEPTS the tender submitted by Ertech Pty Ltd for civil works for Whitfords Avenue carriageway duplication as specified in Tender 019/15 for the fixed lump sum of \$1,723,708 (GST Exclusive) and completion of the works within 17 weeks from possession of the site.*

## **BACKGROUND**

This requirement is to undertake the civil works for Whitfords Avenue carriageway duplication from Belrose Entrance to Northshore Drive, Hillarys.

## **DETAILS**

Tenders were advertised on 30 May 2015 through statewide public notice for a fixed lump sum contract to undertake the civil works for Whitfords Avenue carriageway duplication, with works to be completed within 17 weeks from the possession of the site. The tender period was for two weeks and tenders closed on 18 June 2015.

## **Tender Submissions**

A submissions was received from each of the following:

- Ertech Pty Ltd.
- Curnow Group.
- Roads 2000 Pty Ltd.
- Jaxon Civil Pty Ltd.
- The Trustee for the Dowsing Family Trust t/as Dowsing Concrete.
- WBHO Civil Pty Ltd.
- CGH Civil Pty Ltd.
- All Civils WA and Asphalt Services.
- Densford Civil Pty Ltd.
- Ngarda Civil & Mining.
- All Earth Group Pty Ltd.
- TRACC Civil.

- MACA Civil Pty Ltd.
- Brierty Limited.
- Watpac Civil and Mining Pty Ltd (Conforming Offer).
- Watpac Civil and Mining Pty Ltd (Alternative Offer).

The submission from Tasman Civil Pty Ltd was received after the closing time and was not accepted for evaluation.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 1.

### **Evaluation Panel**

The evaluation panel comprised four members:

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

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

### **Compliance Assessment**

The following offers were assessed as compliant:

- Ertech Pty Ltd.
- Curnow Group.
- Roads 2000 Pty Ltd.
- Jaxon Civil Pty Ltd.
- The Trustee for the Dowsing Family Trust trading as Dowsing Concrete.
- WBHO Civil Pty Ltd.
- CGH Civil Pty Ltd.
- All Civils WA and Asphalt Services.
- Densford Civil Pty Ltd.
- Ngarda Civil & Mining.
- All Earth Group Pty Ltd.
- TRACC Civil.
- MACA Civil Pty Ltd.

The following offers were assessed as non-compliant:

- Watpac Civil and Mining Pty Ltd (Conforming Offer): The submission offered an alternative method of construction and does not allow for the provision of a SMA trial panel and any potential Flushing and Bleeding in asphalt surfaces as asked by clause 6.10.4 of the Technical Specification.
- Watpac Civil and Mining Pty Ltd (Alternative Offer): The Submission proposed Insurance Bonds in place of Bank Guarantees, did not agree to provisional delay periods, limit of liquidated damages, the percentage and amount for profit and attendance and payment timeframe. It also offered an alternative method of construction and did not allow for the provision of a SMA trial panel and for any potential Flushing and Bleeding in asphalt surfaces as asked by clause 6.10.4 of the Technical Specification.

- Brierty Limited: The Submission did not agree to the clauses of the limit of liquidated damages, liquidated damages per day, the percentage and amount for profit and attendance, discrepancies and final payment claim.

### 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 65%.

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

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

CGH Civil Pty Ltd scored 36% and was ranked thirteenth in the qualitative assessment. The company did not demonstrate experience completing similar carriageway duplication projects. It provided civil construction and plant hire services to Leighton Contractors for various construction projects. It supplied a provisional program and methodology demonstrating an understanding of the requirements. The company did not demonstrate its capacity to complete the project. The organisational structure of the company, after hours contacts for emergency requirements, safety record and its ability to provide additional resources were not supplied.

All Civils WA and Asphalt Services scored 36.3% and were ranked twelfth in the qualitative assessment. It did not demonstrate sufficient understanding of the project requirements. The submission proposed to construct three intersections concurrently which could cause considerable traffic management issues. The companies did not demonstrate experience completing similar carriageway duplication projects. All example projects provided are asphalt works only projects. The company did not sufficiently demonstrate its capacity to undertake the project. It provided a list of equipment for application of asphalt works but no bulk earthworks equipment details was supplied. The submission also did not provide information on its ability to provide additional resources. Copies of health and safety policy and plan were not also supplied.

Ngarda Civil & Mining scored 37.7% and was ranked eleventh in the qualitative assessment. The submission did not demonstrate its capacity to complete the project with no information on its structure of business, support team, specialised equipment, after hours contacts, ability to provide additional personnel and resources and safety records. The company did not demonstrate experience completing similar carriageway duplication projects. Four project examples were provided to support its experience, but none in carriageway duplication. It demonstrated an understanding of the project requirements with a staged construction methodology.

TRACC Civil scored 43.5% and was ranked tenth in the qualitative assessment. The company submitted two similar project examples (Mundijong Road Extension project for the City of Rockingham in 2013 and Gilmore Avenue Duplication for the City of Kwinana) to demonstrate its experience. It provided dates of contract for only one project. The company is resourced but did not provide after hours contacts and a copy of its safety management plan/procedure. It did not demonstrate sufficient understanding of the project requirements with a brief methodology without a detailed construction methodology.

Dowsing Concrete scored 47.1% and was ranked ninth in the qualitative assessment. The company is resourced and has the capacity to complete the work. It did not demonstrate the necessary understanding of the project requirements, supplying a generic project management methodology without a detailed construction methodology. It did not demonstrate sufficient experience completing similar carriageway duplication projects. Project examples submitted were mostly construction of bus embayments and minor road widening and intersection upgrade works.

Curnow Group scored 49.8% and was ranked eighth in the qualitative assessment. It supplied a provisional program and methodology demonstrating an understanding of the requirements. It did not demonstrate sufficient experience completing similar carriageway duplication projects. Out of fourteen project examples submitted, only two (Tomah Road (Carnarvon) project for Landcorp and Neerabup Road project for the City of Wanneroo) are similar to the Whitfords Avenue duplication project. The company did not demonstrate its capacity to complete the work with no information on its total number of employees, the ability to provide additional personnel and resources, safety records and safety management plan.

Jaxon Civil scored 50.7% and was ranked seventh in the qualitative assessment. The company is resourced and has the capacity to complete the work. It did not demonstrate the appropriate understanding of the project requirements. The company also did not demonstrate sufficient experience completing similar carriageway duplication projects in metropolitan areas. Out of eight project examples submitted, Thomas Road widening project and Northwest Coastal Highway realignment project for Main Roads WA (MRWA) are similar in scope but are not in high traffic metropolitan areas.

MACA Civil scored 53% and was ranked sixth in the qualitative assessment. The company demonstrated experience completing similar projects to the Whitfords Avenue carriageway duplication. Three project examples for MRWA were provided supporting its experience which were the 45 km long Indian Ocean Drive upgrade, Onslow Road upgrade and design and construction and sealing of three sections of Goldfields Highway. It also demonstrated an understanding of the project requirements with a 17 week provisional program and a work methodology addressing construction concepts and techniques and traffic management. The company is resourced and has the capacity to complete the work but did not provide any information on its ability to provide additional resources and after hours contacts.

Roads 2000 has formed an alliance with Crocker Construction to deliver this project and scored 56.4% to be ranked fifth in the qualitative assessment. The companies demonstrated an understanding of the project requirements with a methodology and provisional program. They demonstrated experience completing similar type of roadwork projects: roadwork for Wangara industrial subdivision for Landcorp, roadwork for The Glades estate at Byford for LWP Property Group and roadwork for Meadow Springs Estate for Mirvac. The companies have sufficient capacity to complete the project.

All Earth Group scored 57.9% and was ranked fourth in the qualitative assessment. The company demonstrated an understanding of the project requirements. It also demonstrated experience completing two similar carriageway duplication projects: widening, construction and overlay of additional overtaking lane in Gascoyne for MACA Civil and road widening works between Centenary Avenue and Manning Road for the City of South Perth. The company is resourced and has the capacity to complete the work.



Densford Civil scored 58.4% and was ranked third in the qualitative assessment. The company demonstrated an understanding of the project requirements and has the capacity to undertake the work. It demonstrated experience completing similar projects to the Whitfords Avenue carriageway duplication including Hodges Drive carriageway duplication for the City of Joondalup, Mirrabooka Avenue extension for the City of Wanneroo and Dampier Highway dual carriageway and Greenlands Road stage two for MRWA.

WBHO Civil Pty Ltd scored 65.1% and was ranked second in the qualitative assessment. The company demonstrated considerable experience in completing similar carriageway duplications including the Toodyay Road widening for MRWA, Town Centre upgrade for the Shire of Morawa, road improvement works at Port Kennedy Drive for MRWA, and Ennis Avenue and Grange Drive intersection upgrade for Downer Mouchel and MRWA. The company has sufficient resources to complete the project. It demonstrated a comprehensive understanding of the required tasks supported by a detailed methodology and a well documented preliminary construction program.

Ertech Pty Ltd scored 74% and was ranked first in the qualitative assessment. It demonstrated a thorough understanding of the scope of works through a detailed staged construction methodology specific to this project, pictorial representation highlighting work and traffic areas and a well documented preliminary construction program. It demonstrated considerable experience in completing similar carriageway duplications including the Catalina Marmion Avenue intersection civil works for Tamala Park Regional Council, Beeliar Drive improvement works for Perron Investments, Connolly Drive duplication for the City of Joondalup and Mirrabooka Regional Centre improvement works for the City of Stirling. It has sufficient resources to complete the project.

Based on the minimum acceptable score (65%), Ertech Pty Ltd and WBHO Civil Pty Ltd qualified for stage 2 (price) assessment.

### Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the submitted lump sum prices offered by each tenderer qualified for stage 2 to assess value for money to the City.

<b>Tenderer</b>	<b>Lump sum Price</b>
Ertech Pty Ltd	\$1,723,708
WBHO Civil Pty Ltd	\$1,981,920

### Evaluation Summary

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

<b>Tenderer</b>	<b>Total Contract Price</b>	<b>Price Rank</b>	<b>Evaluation Score</b>	<b>Qualitative Rank</b>
Ertech Pty Ltd	\$1,723,708	1	74%	1
WBHO Civil Pty Ltd	\$1,981,920	2	65.1%	2

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

### Issues and options considered

Civil works are required to complete the duplication of the Whitfords Avenue carriageway. The City does not have the internal resources to undertake the works and as such requires an appropriate external contractor.

### Legislation / Strategic Community Plan / policy implications

<b>Legislation</b>	A statewide public tender was advertised, opened and evaluated in accordance with Clause 11(1) and 18(4) of Part 4 of the <i>Local Government (Functions and General) Regulations 1996</i> , 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.
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### Strategic Community Plan

<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Integrated spaces.
<b>Strategic initiative</b>	Provide for diverse transport options that promote enhanced connectivity.
<b>Policy</b>	Not applicable.

### Risk management considerations

Should the contract not proceed, the risk to the City will be moderate as the City may lose its funding (\$1,660,000) from the Metropolitan Regional Roads Group for the project.

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 has the capacity to complete the works for the City within the required 17 week timeframe.

### Financial/budget implications

<b>Project number</b>	RDC2013
<b>Cost code</b>	W2695
<b>Budget Item</b>	Whitfords Avenue Northshore Drive to Belrose Entrance Dualling.
<b>Budget amount</b>	\$ 2,560,000
<b>Committed</b>	\$ 123,105 (for Western Power component).
<b>Amount spent to date</b>	\$ 56,981
<b>Proposed cost</b>	\$ 1,723,708
<b>Contingency</b>	\$ 200,000
<b>Balance</b>	\$ 456,206

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

The duplication of Whitfords Avenue will assist in regulating the flow of increased traffic through the Hillarys area.

**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 Ertech Pty Ltd.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the tender submitted by Ertech Pty Ltd for civil works for Whitfords Avenue carriageway duplication as specified in Tender 019/15 for the fixed lump sum of \$1,723,708 (GST Exclusive) and completion of the works within 17 weeks from possession of the site.**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf110815.pdf](#)*

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Mayor Troy Pickard.</b>
<b>Item No./Subject</b>	CJ139-08/15 - Confidential - Tender 020/15 - Significant Event.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	One of the tenderers is known to Mayor Pickard.

<b>Name/Position</b>	<b>Mr Garry Hunt, Chief Executive Officer.</b>
<b>Item No./Subject</b>	CJ139-08/15 - Confidential - Tender 020/15 - Significant Event.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Both of the tenderers are known to Mr Hunt.

## CJ139-08/15      CONFIDENTIAL - TENDER 020/15 - SIGNIFICANT EVENT

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	105024, 101515
<b>ATTACHMENTS</b>	Attachment 1      Summary of Tender Submissions Attachment 2      Conceptual Imagery

*(Please Note: The Report and Attachments are confidential and will appear in the official Minute Book only).*

<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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This Report is confidential in accordance with section 5.23(2)(c) 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 full report is provided to Elected Members under separate cover. The report is not for publication.

## **CJ140-08/15      TENDER 021/15 - REPLACEMENT OF LIFTS FOR THE CITY OF JOONDALUP LIBRARY, CIVIC CHAMBERS AND ADMINISTRATION BUILDING**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	105055, 101515
<b>ATTACHMENTS</b>	Attachment 1      Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to accept the tender submitted by The Trustee for McMorow Grimes Family Trust trading as Octagon BKG Lifts for the replacement of lifts for the City of Joondalup Library and Civic Chambers (Option 3).

### **EXECUTIVE SUMMARY**

Tenders were advertised on 30 May 2015 through statewide public notice for the replacement of lifts for the City of Joondalup Library, Civic Chambers and Administration Building. Tenders closed on 30 June 2015. A submission was received from each of the following:

- The Trustee for McMorow Grimes Family Trust trading as Octagon BKG Lifts.
- Schindler Lifts Australia Pty Ltd.

The submission from The Trustee for McMorow Grimes Family Trust trading as Octagon BKG Lifts represents best value to the City. It demonstrated experience in providing similar services for various organisations. Examples of works included the installation of passenger lifts for Cockburn Community Health Centre, New Busselton Hospital and Albany Entertainment Centre. It demonstrated a thorough understanding of the City's requirements. It has significant industry experience and the capacity required to complete the works for the City.

*It is recommended that Council ACCEPTS the tender submitted by The Trustee for McMorow Grimes Family Trust trading as Octagon BKG Lifts for the replacement of lifts for the City of Joondalup Library and Civic Chambers (Option 3) as specified in Tender 021/15 for the fixed lump sum of \$623,100 (GST Exclusive) with practical completion of works within 12 months from issue of the letter of acceptance.*

## **BACKGROUND**

The City has a requirement for the replacement of lifts for the City of Joondalup Library, Civic Chambers and Administration Building at Boas Avenue, Joondalup.

The work shall include, but not be limited to:

- design, manufacture, supply, transportation to the point of installation, erection and installation, commissioning and testing, handing over in working order the completed installation
- maintaining maximum passenger service to the public and staff during the upgrade and refurbishment period
- the lifts shall be sequentially upgraded and refurbished on the basis of one lift per building at one time to maintain maximum service possible.

The City may, due to budget restrictions, decide not to replace all the lifts.

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

## **DETAILS**

The tender for the replacement of lifts for the City of Joondalup Library, Civic Chambers and Administration Building was advertised through statewide public notice on 30 May 2015. The tender period was for four weeks and tenders closed on 30 June 2015.

### **Tender Submissions**

A submission was received from each of the following:

- The Trustee for McMorrow Grimes Family Trust trading as Octagon BKG Lifts.
- Schindler Lifts Australia Pty Ltd.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 1.

### **Evaluation Panel**

The evaluation panel comprised four members:

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

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

### Evaluation Method and Weighting

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. Prior to assessment of individual submissions a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the tenderer to satisfactorily deliver the services. The predetermined minimum acceptable qualitative score was set at 65%.

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

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

### Compliance Assessment

The submission from The Trustee for McMorro Grimes Family Trust trading as Octagon BKG Lifts was assessed as compliant.

The submission from Schindler Lifts Australia Pty Ltd was assessed as non compliant. Schindler Lifts Australia Pty Ltd submitted an alternative offer without being accompanied by a conforming offer and its proposed terms and conditions do not comply with the City's conditions of contract. This submission was assessed as non-compliant and was not considered further.

### Qualitative Assessment

Octagon BKG Lifts scored 66.1% in the qualitative assessment. It demonstrated experience in providing similar services for various organisations. Numerous examples of works were provided and these included the installation of passenger lifts for DHL Facility Tullamarine, Cockburn Community Health Centre, New Busselton Hospital and Albany Entertainment Centre. It demonstrated a thorough understanding of the City's requirements. It has been in the lift industry for many years and has the capacity to complete the works for the City.

Given the minimum acceptable qualitative score of 65%, Octagon BKG Lifts qualified for stage two of the assessment.

### Price Assessment

The panel carried out a comparison of the lump sum prices offered by the shortlisted tenderer and other tenderer in order to assess value for money to the City. The pricing options were:

- Option 1 Joondalup Library (lifts 1 and 2), Civic Chambers (lifts 1 and 2) and Administration Building (lifts 1 and 2).
- Option 2 Joondalup Library (lifts 1 and 2), Civic Chambers (lifts 1 and 2) and Administration Building (lift 1).
- Option 3 Joondalup Library (lifts 1 and 2) and Civic Chambers (lifts 1 and 2).

Option 4 Joondalup Library (lifts 1 and 2) and Civic Chambers (lift 2).

Option 5 Joondalup Library (lift 1) and Civic Chambers (lift 2).

Tenderer	Lump Sum Price				
	Option 1	Option 2	Option 3	Option 4	Option 5
Octagon BKG Lifts	\$979,500	\$813,700	\$623,100	\$475,600	\$295,400
Schindler Lifts Australia Pty Ltd	\$1,226,500	Not Recommended	\$753,000	\$568,000	\$367,000

### Evaluation Summary

Tenderer	Fixed Lump Sum (Option 3)	Weighted Percentage Score
Octagon BKG Lifts	\$623,100	66.1%

Based on the evaluation result the panel concluded that the tender from Octagon BKG Lifts provides best value to the City, the lump sum price offered for Option 3 is within budget, and is therefore recommended.

### Issues and options considered

The City has a requirement for the replacement of lifts for the City of Joondalup Library, Civic Chambers and Administration Building at Boas Avenue, Joondalup. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

### Legislation / Strategic Community Plan / policy implications

**Legislation** A statewide public tender was advertised, opened and evaluated in accordance with 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 as parts for the lifts are no longer available due to lift age and when lifts are unable to be repaired, they will be placed permanently out of order.



**Financial / budget implications**

<b>Account no.</b>	CW001768.
<b>Budget Item</b>	Replacement of lifts.
<b>Budget amount</b>	\$ 758,000
<b>Amount spent to date</b>	\$ 0
<b>Proposed cost</b>	\$ 623,100
<b>Balance</b>	\$ 134,900
<b>Annual operating cost</b>	\$ 6,000 per annum estimated maintenance cost.
<b>Capital replacement</b>	20 years.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

The replacement lifts will improve access for all sectors of the community.

**Consultation**

Not applicable.

**COMMENT**

The evaluation panel carried out the evaluation of the submission in accordance with the City's evaluation process and concluded that the offer submitted by The Trustee for McMorow Grimes Family Trust trading as Octagon BKG Lifts represents best value to the City.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the tender submitted by The Trustee for McMorow Grimes Family Trust trading as Octagon BKG Lifts for the replacement of lifts for the City of Joondalup Library and Civic Chambers (Option 3) as specified in Tender 021/15 for the fixed lump sum of \$623,100 (GST Exclusive) with practical completion of works within 12 months from issue of the letter of acceptance.**

*Appendix11 refers*

*To access this attachment on electronic document, click here: [Attach11brf110815.pdf](#)*

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Brian Corr.</b>
<b>Item No./Subject</b>	CJ141-08/15 - Community Sporting and Recreation Facilities Fund Applications – 2016-17 Funding Round.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Corr's son is a member of the Warwick – Greenwood Cricket Club, which plays at Penistone Park.

## CJ141-08/15 COMMUNITY SPORTING AND RECREATION FACILITIES FUND APPLICATIONS – 2016-17 FUNDING ROUND

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	22209, 101515
<b>ATTACHMENTS</b>	<div>Attachment 1 Updated Penistone Park Opinion of Probable Cost</div> <div>Attachment 2 Penistone Park Concept Design</div> <div>Attachment 3 Tennis Court Locations – South-East and South-West Wards</div> <div>Attachment 4 Admiral Park Floodlight Design</div> <div>Attachment 5 Admiral Park Cost Estimate</div> <div>Attachment 6 Admiral Park Consultation Report</div>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to consider applications for the Department of Sport and Recreation's *Community Sporting and Recreation Facilities Fund 2016-17* annual and forward planning grant round.

**EXECUTIVE SUMMARY**

The Department of Sport and Recreation (DSR) has allocated approximately \$6 million for the Community Sporting and Recreation Facilities Fund (CSRFF) 2016-17 annual/forward planning grant round, a figure significantly less than previous years (\$18.5 million in 2015-16 funding round).

The CSRFF program aims to increase participation in sport and recreation with an emphasis on physical activity through the provision of funding that assists the development of well planned and designed infrastructure. The City of Joondalup is required to assess and rank all applications received from sport and recreation clubs located within the City as well as any City projects, prior to their submission.

Two applications have been prepared by the City for this round. Penistone Park, Greenwood redevelopment project is being resubmitted after an unsuccessful application in the 2015-16 funding round. Penistone Park is also the subject of a 603 person petition to have the tennis courts retained and not decommissioned as proposed in the redevelopment of the site.

A new application has also been prepared to upgrade the sports floodlighting at Admiral Park, Heathridge.

Applications must be received by the DSR by 4.00pm Wednesday 30 September 2015.

*It is therefore recommended that Council:*

- 1 *NOTES the petition of residents seeking to include two public use tennis courts within the Penistone Park redevelopment project;*
- 2 *DOES NOT SUPPORT the request of the petition to include two public use tennis courts within the Penistone Park redevelopment project;*
- 3 *ADVISES the lead petitioner of Council's decision;*
- 4 *ENDORSES an application to the Department of Sport and Recreation's CSRFF program for \$829,100 (ex GST) to part fund the redevelopment of Penistone Park, Greenwood;*
- 5 *NOTES the findings of the community consultation process undertaken for the Admiral Park, Heathridge floodlighting project;*
- 6 *ENDORSES an application to the Department of Sport and Recreation's CSRFF program for \$173,104 (ex GST) to part fund the upgrade of the sports floodlighting at Admiral Park, Heathridge;*
- 7 *ENDORSES the ranking and rating of CSRFF applications below:*

<i>Applicant's Rank</i>		<i>Applicant's Rating</i>
1	<i>Penistone Park, Greenwood – Redevelopment of Clubrooms and Sporting Infrastructure.</i>	<i>Well planned and needed by the local government.</i>
2	<i>Admiral Park, Heathridge – Construction of Sports Floodlights.</i>	<i>Well planned and needed by the local government.</i>

## **BACKGROUND**

The CSRFF program aims to increase participation in sport and recreation with an emphasis on physical activity through the provision of funding that assists the development of well planned and designed infrastructure.

Applications for funding may be submitted by a community organisation or a local government and will not exceed one third of the total completed cost of the project, with the remaining funds to be contributed by the applicant, and/or the local government.

In 2013 the City made the decision to project manage all CSRFF projects itself whether they are City or club submitted projects. This was decided to ensure all projects met the City's purchasing protocols as well as the standards of construction and fit out that the City hold.

The state government allocates funds across three grant categories small, annual and forward planning. A total of \$7 million is allocated for the 2016-17 funding rounds. This is a significantly reduced amount with \$20 million being previously available in 2015-16. The funding allocation has been split up with \$1 million being made available for the two small grant rounds and \$6 million shared between annual and forward planning grants.

The City of Joondalup is required to place a priority ranking (where there are multiple applications) and rating on applications for projects that fall within its boundaries based on the following criteria:

- Well planned and needed by the local government.
- Well planned and needed by the applicant.
- Needed by the local government, more planning required.
- Needed by the applicant, more planning required.
- Idea has merit, more preliminary work needed.
- Not recommended.

The DSR places a strong emphasis on a planned approach towards CSRFF applications.

## DETAILS

The City has prepared two projects for consideration within the 2016-17 annual/forward planning round. Both projects have been already listed for consideration within the *City's Five Year Capital Works Program*.

The City assessed the projects, and developed a project summary and recommendation as part of the assessment process.

### Penistone Park, Greenwood – proposed redevelopment project – (application by the City)

Penistone Park located on Penistone Street, Greenwood is approximately 11.4 hectares in size and is classified as a 'District Park' within the City's existing *Parks and Public Open Spaces Classification Framework*. The park has two active sporting fields, a community sporting facility, sports floodlighting, car parking, three practice cricket nets, two outdoor basketball courts, two tennis courts, a tennis shelter and a playground. The clubroom was constructed in 1975, which consists of a hall, toilets, change rooms, furniture store, canteen/kitchen, bar and user group storage. In 2007-08 the facility was refurbished with an upgrade to the toilets and change rooms and painting and in 2013 the City upgraded the sports floodlighting to meet the Australian Standards for football training (AFL) and small ball sports competition (that is Lacrosse).

At its meeting held on 19 August 2014 (CJ146-08/14 refers), Council approved the project at a cost of \$3,528,700 and endorsed an application be submitted to the DSR for CSRFF consideration in the 2015-16 funding round for \$907,133. In March 2015 the City was notified that the CSRFF grant application for this project was not successful. At its meeting held on 19 May 2015 (CJ076-05/15 refers), Council was advised of the DSR decision and agreed to postpone the Penistone Park redevelopment project with a new CSRFF application being made for the 2016-17 funding round.

The Penistone Park redevelopment project includes the following:

- New multi-purpose community sporting facility.
- Relocated playground with connecting pathways.
- Relocation of existing cricket practice nets.
- 3-on-3 basketball pad.
- Barbeque and picnic shelter.
- Tennis hit-up wall.
- Construction of a new car park and removal of the western car park and internal service road.
- Decommissioning of the two existing tennis courts.
- Extension/upgrade of the Carine Radio Control Car Club facilities.

A proposed site plan is included as Attachment 2.

The City has since amended the original project with the long jump pit works being removed due to those works being completed in May 2015. The cost estimate has also been redeveloped to ensure costs and figures are up to date (including contingencies and cost escalation figures) (Attachment 1 refers).

The new total project cost is identified as \$3,503,000.

The City sought feedback on its unsuccessful grant application from the DSR and it was noted that a number of items listed on the City's application was either ineligible for funding or deemed to be of a lower priority. The CSRFF program can only provide funding for items that can demonstrate a direct link to an increase in participation in sport and recreation with an emphasis on physical activity. As a result of this feedback and some further discussions with representatives from the DSR the following items have been identified for removal from the grant application and therefore would be fully funded by the City.

- Whitegoods, loose furniture (\$36,000).
- CCTV (\$82,000).
- Photovoltaic panels (\$38,000).
- Extension/upgrade of the Carine Radio Control Car Club facilities (\$12,500).
- Picnic shelter and setting, BBQ and light pole at playground (\$42,500).
- Power to the cricket nets (\$29,400).
- Path and pedestrian access (\$56,000).
- Soft landscaping and benches (\$153,000).
- Car park and entrance road, including external lighting (\$348,300).
- Relocation of playground (\$104,000).
- Public artwork (\$14,000).
- Detailed design to be undertaken in 2015-16 (\$100,000).

Total - \$1,015,700

The total project eligible for CSRFF funding would be \$2,487,300 with the one third contribution of this amount being \$829,100. It is recommended that this is the amount the City should seek funding for through the CSRFF program.

<b>Total Project Cost:</b>	<b>\$3,503,000 (excluding GST)</b>
City of Joondalup Contribution:	\$2,673,900 (excluding GST)
CSRFF Grant requested:	\$829,100 (excluding GST)

The total project cost listed above includes amounts for preliminaries, contingency and escalation to June 2016.

Assessment Summary

Assessment Criteria	Evidence Provided		
	Satisfactory	Unsatisfactory	Not relevant
Project justification	✓		
Planned approach	✓		
Community input	✓		
Management planning	✓		
Access and opportunity	✓		
Design	✓		
Financial viability	✓		
Co-ordination	✓		
Potential to increase Physical activity	✓		
Sustainability	✓		

Recommendation Summary

Ranking: 1 (of 2).  
 Rating: Well planned and needed by the local government.  
 Funding request: \$829,100 (excluding GST).  
 Funding type: Forward Planning Grant for funding in 2016-17 and 2017-18.

At its meeting held on 23 June 2015 (CJ29-06/15 refers), Council received a petition with 603 signatures on behalf of residents of the City requesting that the two public tennis courts at Penistone Park, Greenwood be included in the park redevelopment project. Analysis of the petition showed that of the 603 signatures presented 515 were received from residents within Greenwood from 412 households. 357 signatures were received from residents within the 500m target area of the second round of community consultation conducted in March/April 2014 from 281 households.

At its meeting held on 16 September 2014 (CJ167-09/14 refers), Council chose to decommission the courts as part of the redevelopment project due to the low utilisation rates of the courts, the close proximity of other tennis court venues and the cost of the relocation. There are four tennis court venues within four kilometres of Penistone Park (Attachment 3 refers), two of these courts (Kingsley Park and Glengarry Park) were the subject of a free use trial recently. At its meeting held on 28 July 2015 (CJ115-07/15 refers), Council endorsed the ongoing free community use of these two courts along with another seven courts throughout the City.

During a round of community consultation undertaken in March/April 2014 in regards to Penistone Park, respondents were asked to show their level of support for the decommissioning of the existing tennis courts and tennis shelter. 163 responses were received with 82 (50.3%) supporting/strongly supporting the proposal to decommission the courts and 42 (27%) opposing/strongly opposing. Thirty seven (22.7%) respondents were unsure of their level of support. At the time of the consultation taking place the tennis courts at Penistone Park were not included in the free use trial, the courts were included in the trial from 1 June 2014 onwards.

During discussions with DSR it was identified that as the courts were required to be relocated as a result of the new car park location and they were a like for like replacement they would not be eligible for CSRFF funding, therefore the City would be responsible for the full funding of their relocation at a cost of \$277,000.

## Average tennis court utilisation rate of Penistone Park

2012	2013	28 April – 4 May 2015	30 June – 6 July 2015	7 – 13 July 2015
11%	8.5%	20 %	11%	33%

It should be noted that the three periods in 2015 coincided with the free use tennis court trial and the 7 – 13 July 2015 period coincided with school holidays.

As a result of the feedback provided during the community consultation period, the location of the courts within close proximity and the additional capital cost to the project it has been recommended that the two tennis courts not be included as part of the redevelopment project in line with Council's 16 September 2014 decision.

Admiral Park, Heathridge – sports floodlighting Project – (application by the City)

Admiral Park is located on Admiral Grove in Heathridge and comprises one playing field which can accommodate one cricket oval or two rectangular fields. The park is currently used by the Joondalup Giants Rugby League Club in winter (some minor usage during the summer) and by the Whitfords Senior Cricket Club and Ocean Ridge Junior Cricket Club in the summer. The park currently has four 12 metre poles each fitted with two 1,000 watt lights, lighting only isolated sections of the park to a lux level that is under the Australian Standard. This project is considering a floodlight upgrade to the playing fields to meet Australian Standards for football (all codes) training (50 lux) and competition (100 lux). This will include installing six 30-35 metre floodlighting towers each fitted with up to eight luminaries.

At its meeting held on 27 May 2013 (CJ84-15/13 refers), Council requested that a figure of \$411,600 be listed for consideration within 2016-17 of the *Five Year Capital Works Program* for the floodlight works at Admiral Park, Heathridge. This was considered as part of a larger project which included the redevelopment of the Admiral Park Community Sporting Facility which was completed in 2014 at a cost to the City of \$842,344. In July 2014 (CJ116-07/14 refers), Council amended the amount listed for consideration for the Admiral Park floodlighting project to \$600,000 (total cost with income from DSR of \$200,000 included) based on other recent floodlighting project costs.

The project will impact positively on the community's ability to participate in physical activity and provides increased opportunities for the safe use of the City's parks. The upgrade of the existing floodlighting infrastructure will also provide the City with greater flexibility to manage and conduct park bookings and maintenance.

The project provides value for money and the approach taken with the City managing any works provides assurance that the project will be delivered in accordance with City and Australian Standards.

A consultant was engaged to develop a lighting plan (Attachment 4 refers) as well as provide a cost estimate for the project (Attachment 5 refers). The final figure includes removal of existing floodlight towers, cost escalation to June 2016 and design/construction contingencies. The site was the subject of a power upgrade in 2013 as part of the redevelopment project which considered the future upgrade of the floodlights so a further power upgrade is not required for this project.

<b>Total Project Cost:</b>	<b>\$519,313 (ex GST)</b>
City of Joondalup Contribution:	\$346,209 (ex GST)
CSRFF Grant requested:	\$173,104 (ex GST)

Assessment Summary

Assessment Criteria	Evidence Provided		
	Satisfactory	Unsatisfactory	Not relevant
Project justification	✓		
Planned approach	✓		
Community input	✓		
Management planning	✓		
Access and opportunity	✓		
Design	✓		
Financial viability	✓		
Co-ordination	✓		
Potential to increase Physical activity	✓		
Sustainability	✓		

Recommendation Summary

Ranking: 2 (of 2).  
 Rating: Well planned and needed by the local government.  
 Funding request: \$173,104 (ex GST).  
 Funding type: Annual Grant for funding in 2016-17.

**Issues and options considered**

The assessment and ranking of these applications is important in terms of the City's strategic approach to these projects.

Council may choose to endorse or not to endorse any CSRFF applications being submitted for consideration.

Penistone Park – Redevelopment Project

At its meeting held on 19 August 2014 (CJ146-08/14 refers), Council resolved to proceed with Option 3B as the preferred redevelopment plan for Penistone Park, Greenwood, this option included the decommissioning of the existing two tennis courts.

Should Council wish to reconsider the inclusion of two new tennis courts as part of the redevelopment project there would be an additional cost of \$277,000 to the project. The DSR has provided comments that the relocation of the tennis courts would not be eligible for CSRFF funding, so should it be included within the project the City would be responsible for funding the full cost estimated at \$277,000.

Admiral Park – Sports Floodlighting Project

The City prepared three options for the Admiral Park Sports Floodlighting Project. The recommendation is to floodlight both playing fields to meet the Australian Standards for football (All Codes) competition. This would allow the local club to fixture night matches for their senior and junior teams.

Options were also developed to only floodlight the two fields to training standard (50 lux) (\$411,549) as well as to floodlight one field to competition standard (100 lux) and one field to training standard (50 lux) (\$465,431).

Further cost savings could be made should a lower standard of lighting be provided.



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

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

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

**Policy** The assessment process undertaken for the CSRFF program is in line with the following:

- *Community Funding Policy.*
- *Community Consultation and Engagement Policy.*
- *Asset Management Policy.*
- *Leisure Policy.*

**Risk management considerations**

Any capital project brings risks in relation to contingencies and over runs against original design. The capital cost estimate is based on concept designs and may differ once further detailed designs are undertaken for the project.

**Financial / budget implications**

The City currently has both projects listed for consideration within the *Five Year Capital Works Program*. The Admiral Park floodlighting project has been designed and costed and is expected to be delivered under the budgeted amount.

The Penistone Park project currently has an amount of \$3,242,000 listed within the *Five Year Capital Works Program* over 2015-16, 2016-17 and 2017-18 with \$907,000 listed as CSRFF revenue. This would result in a net cost to the City of \$2,335,000.

The estimated cost as it has been updated for grant resubmission is \$3,503,000 with \$829,100 identified as possible CSRFF grant revenue at a net cost to the City of \$2,673,900.

The City will be notified of the grants success in February/March 2016.

Should the application to the DSR not be successful or a lower grant amount offered a report will be submitted to Council outlining options for the future of the project.

In June 2015 the City was notified by the DSR that the CSRFF budget had been decreased starting from the 2016-17 funding round. The grant budget has been reduced from \$20 million in the 2015-16 funding round to \$7 million in 2016-17. As a result of this reduction it is expected that the competition for these grants will increase dramatically as the cost of these projects continues to increase and funding opportunities decrease.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**Penistone Park – Proposed Redevelopment Project.

The City has undertaken two rounds of community consultation for the Penistone Park redevelopment project. The results of consultation were addressed within the reports previously considered by Council:

- consultation undertaken in July/August 2013 considered at September 2013 Council meeting (CJ179-09/13 refers)
- consultation undertaken in March/April 2014 considered at August 2014 Council meeting (CJ146-08/14 refers).

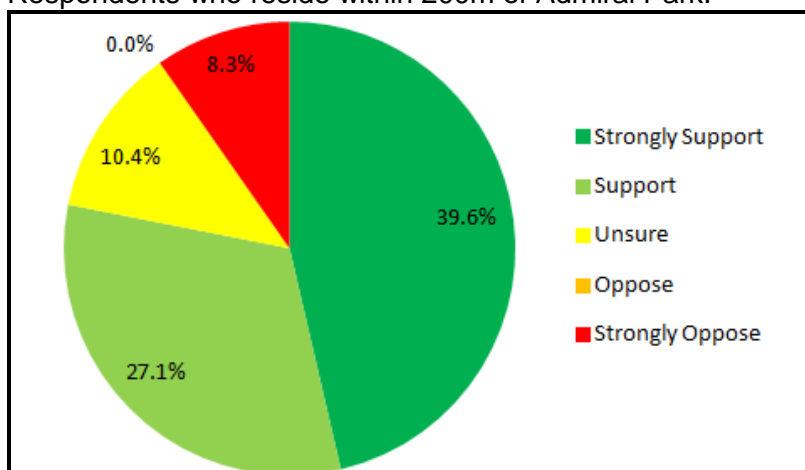
All user groups of Penistone Park were also extensively consulted throughout the concept design process.

Admiral Park, Heathridge – Floodlighting Upgrade Project

Community consultation was conducted for 21 days from 1 June to 22 June 2015 for the Admiral Park floodlighting project. The consultation provided the local community with an opportunity to provide feedback on the proposed floodlighting upgrade project at Admiral Park. Consultation packs were mailed to all residents within a 200 metre radius of the park (296 households) and to all park user groups.

The City received a total of 48 valid responses. Respondents were asked to indicate a level of support for the proposed upgrade of sports floodlighting to meet the Australian Standard for football (all codes) to amateur competition standard. Of the responses received, the majority indicated support for the works as shown in the chart below. A comprehensive community consultation report has been included as Attachment 6.

Respondents who reside within 200m of Admiral Park.



It should also be noted that the City received seven valid responses from respondents who do not reside within 200 metres of Admiral Park. All of these responses strongly supported the project with three coming from members of park user groups.

#### *Additional Comments*

Respondents who indicated that they did not support the new floodlighting proposed as part of the project were asked why. A total of four individual respondents were strongly opposed to the proposed floodlighting upgrade. The main reason for opposition was in relation to the high level of parking on resident verges within the surrounding area. It is noted that these parking issues do not usually occur when the proposed floodlights would be in operation, such as on weekday evenings.

Additional reasons for opposition included the following:

- Believe it will have a greater impact on parking (in general) (four responses).
- Believe the increased level of light will impact resident's amenity (three responses).
- Believe it will attract more noise to the area (in general) (one response).
- Believe it will attract more traffic and impact the safety around the park (in general) (one response).

#### **COMMENT**

The DSR, through the CSRFF, aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of sustainable, good quality, well-designed and well-utilised facilities. The CSRFF provides the City with an excellent opportunity to upgrade community facilities and City infrastructure with the support of the state government (Department of Sport and Recreation) and the community organisations that will directly benefit from the upgrades.

#### **VOTING REQUIREMENTS**

Simple Majority.

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

- 1** NOTES the petition of residents seeking to include two public use tennis courts within the Penistone Park redevelopment project;
- 2** DOES NOT SUPPORT the request of the petition to include two public use tennis courts within the Penistone Park redevelopment project;
- 3** ADVISES the lead petitioner of Council's decision;
- 4** ENDORSES an application to the Department of Sport and Recreation's CSRFF program for \$829,100 (ex GST) to part fund the redevelopment of Penistone Park, Greenwood;
- 5** NOTES the findings of the community consultation process undertaken for the Admiral Park, Heathridge floodlighting project;
- 6** ENDORSES an application to the Department of Sport and Recreation's CSRFF program for \$173,104 (ex GST) to part fund the upgrade of the sports floodlighting at Admiral Park, Heathridge;
- 7** ENDORSES the ranking and rating of CSRFF applications below:

Applicant's Rank		Applicant's Rating
<b>1</b>	<b>Penistone Park, Greenwood – Redevelopment. of Clubrooms and Sporting Infrastructure.</b>	<b>Well planned and needed by the local government.</b>
<b>2</b>	<b>Admiral Park, Heathridge – Construction of Sports Floodlights.</b>	<b>Well planned and needed by the local government.</b>

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf110815.pdf](#)*

**CJ142-08/15 JOONDALUP SPORTING HALL OF FAME**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	62552, 101515
<b>ATTACHMENTS</b>	Nil.
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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**PURPOSE**

For Council to consider the options presented to establish a Joondalup Sporting Hall of Fame.

**EXECUTIVE SUMMARY**

A number of sporting hall of fame programs are conducted across Western Australia, including programs being run by the WA Institute of Sport, Town of Victoria Park and the Cities of Cockburn and Fremantle.

The criteria for these programs share similarities in that nominees must have:

- been a long term resident, local club member or have built their reputation during their time in the area
- had consistent success at the highest level of competition within their chosen sport
- been retired for a period of time.

When considering a hall of fame the guiding objectives of the program would need to be determined. Items for consideration include:

- who to recognise
- criteria
- assessment process
- format of recognition.

Another option would be to not establish a Joondalup sporting hall of fame and continue to recognise individuals through the existing mechanisms.

It is possible that a Hall of Fame program within Joondalup may not receive much publicity outside of the local media. However the establishment of such a program would provide the City with an opportunity to recognise high profile people within the City who have been successful at an elite level. It is recommended that a Walk of Fame program would provide the best result for the City with a preferred location being Central Walk.

*It is therefore recommended that Council APPROVES the establishment of a Joondalup Sporting Walk of Fame program.*

## **BACKGROUND**

At its meeting held on 24 June 2014 (C32-06/14 refers), Council requested a report be prepared to consider the establishment of a Joondalup Sporting Hall of Fame program. This report provides some options for the establishment of this program.

Elected Members have previously considered a similar process for recognising local leaders in August 2013. It was considered at the time *“that there was no merit in pursuing the concept further”*.

## **DETAILS**

There is a number of sporting hall/walk of fame programs active within Western Australia that could be used as examples. These include the following:

### Hillarys Marina – Local Heroes and Walk of Fame

Hillarys Boat Harbour houses a WA Walk of Fame which recognises WA identities from the fields of sport, entertainment, and politics among others. The inductees are recognised by engraved pavers located along the southern pathway bordering the shops and the carpark. All inductees appear to have links with WA but no particular region. The harbour also houses a Local Heroes wall recognising community members from across WA. This is located on the southern wall facing the carpark and recognises approximately 30 individuals.

Due to their age, enquiries with harbour and building management were not able to identify the history of the two projects. The Local Heroes wall does not appear to have been added to and is believed to be older than 10 years and the Walk of Fame does not appear to have been added to for a number of years.

### Town of Victoria Park

The Sporting Walk of Fame established in 2008 recognises athletes every two years that have achieved sporting success at an elite level or made significant contributions to the elite sporting arena. The most recent induction of nominees was held in 2014 where five athletes were recognised. Inductees must have a strong connection to the Town of Victoria Park. Inductees are recognised by custom pavers paved into the entry path of the Aqualife Leisure Centre. The pavers are part of a public art commission undertaken by the Town as part of the Walk of Fame program. The art installation includes the pavers as well as a recessed L.E.D. lighting network that aims to activate the area and draw attention to the narrative of the achievements of the inductees. The list of inductees includes names like Dennis Lillee, Jennifer Reilly and Bridgette Gusterson.

The main criteria for admission to the walk of fame are as follows:

- Outstanding sporting achievement at the highest level.
- The athlete must have links to the Town of Victoria Park.

### Western Australia Institute of Sport – Sporting Hall of Champions

The Sporting Hall of Champions was established in 1985 within HBF Stadium, Mt Claremont. 117 champions have been inducted during this period. These athletes have all been recognised for their high level of achievements in their chosen sports and must be retired for at least five years before they can be considered. Inductees are recognised by inclusion of a photo and plaque placed on a wall within the “Hall of Champions” located on the second floor foyer. The list of inductees includes names like Barry Cable, Bruce Yardley, Dennis Lillie, Herb Elliot, Louise Savage and Rechelle Hawkes. Athletes are inducted annually with Ryan Bailey being inducted in 2014.

The main criteria for admission to the hall are as follows:

- Outstanding sporting achievement at the highest level.
- The athlete must be accepted as a product of the WA sporting system or have established their reputation while residing in WA.
- The athlete must have retired from the highest level of competition for five years.

### City of Cockburn

The City of Cockburn inducted its first Hall of Fame class in 2004 with 11 members and inducted six additional members in 2012. Inductees recognised by the City of Cockburn include George Grljusich, Peter Sumich and Glen Jakovich. The program is run irregularly when there are sufficient nominees.

These athletes must have:

- been a long-term resident of the City of Cockburn (deceased or living)
- participated in senior sport (over eighteen years of age) at the highest level
- been involved in sports administration at the highest level.

### City of Fremantle

Fremantle inducted its first Wall of Fame class in June 1998. The program was set up to assist in safeguarding Fremantle’s strong sporting heritage made up of over a century of sporting success. In 2000 the City of Fremantle provided additional funding for the ongoing management of the program by the City. Inductees recognised include John Worsfold, Brad Hardie and W.J “Nipper” Truscott. The awards form part of the Fremantle Sports Awards program which also recognises Male and Female Junior athlete of the year, Volunteer of the year and Community Club of the year. Nominations are assessed by a panel of City Officers appointed by the Director of Community Development.

The City of Fremantle has not received any nominations for the sporting hall of fame in the past two years and is currently reviewing the relevance of the program.

Inductees are recognised by plaques hung in the Civic Centre and on the Walk of Fame located within the Kings Square area in Fremantle.

These nominees must fulfil the following criteria:

- Outstanding sporting achievement at the highest level.
- Outstanding contribution to Fremantle sports administration, coaching or in a voluntary capacity.
- Involved in a Fremantle sporting club for a period of five years or longer.
- The athlete must have retired from the highest level of competition for five years.

In discussions with the three Local Governments mentioned above they all noted difficulties in assessing applications as well as a reduction in nominations over the past decade. They have suggested that to ensure the sustainability and longevity of such a program the number of nominees needs to be considered as well as the likelihood of nominees still being present in the future. They also noted strength of their nominations is a long history of sport within their regions.

### **Issues and options considered**

The preferred method of operation should the program be approved would involve the creation of a Walk of Fame style program located within Central Walk between Boas Avenue and Reid Promenade. This would involve the laying of inscribed concrete pavers along the path recognising the recipients. The program could include the following elements:

- Walk of Fame
  - Based at Central Walk, Joondalup.
  - Concrete Pavers engraved with recipients name and sport (similar to WA Football League's Sandover Medal walk surrounding Domain Stadium, Subiaco).
  - Pavers laid into existing brick paving.
  - Signboard at southern entry to walk informing public of program and recipients.
- Nomination Process
  - Public Nomination process conducted annually.
- Eligibility/Criteria
  - Australian Citizen.
  - City of Joondalup current or past resident with strong links to the region (that is born and/or raised in the City's current boundaries).
  - Individual (not teams).
  - Outstanding sporting achievement at the highest level of their chosen sport.
- Assessment process
  - Three person panel appointed by CEO to assess nominations and select recipients (include at least one City Officer and one external advisor).
  - Panel makes recommendation for Council consideration and approval.
- Award Ceremony
  - Civic reception hosted by Council.
  - Held annually at Joondalup Art Gallery to allow for function as well as laying of paver.
  - Recipient invited to attend and receive honour, if not available a representative to be arranged.

It is not expected that a "walk of fame" set up in Central Walk would impact on the water feature public art installation to be completed in June 2015.



Other options for consideration

- Who to recognise
  - Elite Sportspeople.
  - Community Sportspeople.
  - Community members and other individuals.
- Criteria
  - Born in and/or resided within the City of Joondalup for a minimum number of years.
  - Have a strong connection to the City of Joondalup.
  - Outstanding achievement at the highest level.
  - Outstanding achievement to administration, coaching or in a voluntary capacity.
  - Involved in a Joondalup sporting club for a minimum number of years.
  - Retired from elite competition for a minimum number of years.
  - Administrator, Official, Coach, Umpire or Athlete.
- Assessment and selection
  - Public Nomination.
  - Nominees selected by panel.
  - Assessment panel appointed by Council.
  - Assessment panel appointed by City.
- Format of recognition
  - Hall of Fame
    - Venue options include:
      - Craigie Leisure Centre.
      - Joondalup Civic Chambers.
      - Currambine Community Centre.

Not to establish a Joondalup Sporting Hall of Fame

Another option is to not establish a Joondalup Sporting Hall of Fame.

The City does already recognise the achievements of its athletes through a number of mechanisms including the following:

- Recognition of Volunteer events.
- Volunteer Day and Week events.
- Joondalup Sporting Achievement Grant Program.
- Recognition in E-newsletters (such as recognition of Matthew Priddis's Brownlow award within the Clubs in-focus E-newsletter).
- Premier's Australia Day Active Citizenship Awards.

The City also has a *Freeman of the City of Joondalup Policy* which recognises individuals that "have made an outstanding contribution to the community, Australia and humanity through their personal endeavours and commitment".

High profile athletes also receive strong recognition within local, state and national press often with published links to their history within the area they grew up in.

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

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Community spirit.

**Strategic initiative** Support and facilitate the development of community leaders.

**Policy** *Recognition of Volunteers Policy.*  
*Freeman of the City of Joondalup Policy.*

The City does recognise community volunteers as per the *Recognition of Volunteers Policy*. However given the large number of volunteers within the City it is not possible to recognise all volunteers and their contributions within the current framework.

The City also recognises individuals who “*through their personal endeavours and commitment, have made an outstanding contribution to the community, Australia and humanity*”. Currently there are three Freeman of the City of Joondalup.

**Risk management considerations**

There are inherent risks in the City formally recognising individuals. Recognised individuals may have previously or in the future act in a way that does not meet community expectations. This may result in the City having to remove individuals from recognition and may damage the City’s reputation.

By formally recognising certain individuals, the City may also offend others who feel that they or others may have been more deserving. To minimise this risk a strong set of criteria and a transparent assessment process is required.

The future sustainability of the program is dependent on ensuring the criteria and eligibility is set correctly from the start. Should the criteria be too onerous the number of eligible inductees may diminish, should the criteria be too generous there would be too many eligible inductees.

There is also a risk of an inductee refusing or not being present during recognition. Should the program recognise high profile international athletes there is a likelihood that unless the program is set around their timetables that they would not be available to receive the award.

**Financial / budget implications**

There are currently no funds listed for the establishment of a Sporting Hall of Fame. Any costs associated with this program would need to be considered in future budgets. Costs associated could include the following:

- Signage (Signboard at entry to Central Walk) - \$5,000 (once off cost).
- Paver (supply, engraving, laying) - \$1,000 (annual cost, per recipient).
- Operational costs (such as promotion, printing) - \$2,000 (annual cost).
- Annual Civic Function (such as catering and audio visual) - \$10,000 (annual cost).

**Regional significance**

Given the nature of sport and recreation, often athletes who reside within Joondalup may participate in sport and recreation in nearby local governments. Conversely, not all athletes at Joondalup clubs reside within Joondalup. It would be important to fully consider this paradox when establishing criteria and eligibility.

There are already a number of sporting hall of fame programs active within the City including Hillarys Marina and Edith Cowan University Joondalup. However, neither of these focus on local athletes.

**Sustainability implications**

The development of a Joondalup Sporting Hall of Fame could provide a benefit to the community by recognising leaders within the sport and recreation industry who have been involved with the Joondalup region. Junior athletes in particular would benefit by seeing that their sporting heroes come from the same grounds, suburbs and schools that they do. Further benefits could be leveraged by recognising and involving the local sporting and recreation clubs that these individuals may have been associated with to emphasise these links.

It is hard to forecast the ongoing sustainability of such a program. The City of Fremantle is reviewing their current program due to a reduction in nominations over the past two years. It is expected that initially there may be a sufficient number of nominations, however as time progresses the number of eligible and suitable nominations would likely diminish considerably and this would impact on the programs viability and credibility.

**Consultation**

Not applicable.

**COMMENT**

The awarding of Joondalup Sporting Hall of Fame recognition may not receive significant publicity through the main stream media resulting in only local sources covering the event.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council APPROVES the establishment of a Joondalup Sporting Walk of Fame program.**

## **CJ143-08/15      PARKING   AMENDMENT   LOCAL   LAW   2015   - ADOPTION**

<b>WARD</b>	All		
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services		
<b>FILE NUMBER</b>	24185, 101515		
<b>ATTACHMENTS</b>	Attachment 1	City of Joondalup Parking Amendment Local Law 2015	
	Attachment 2	Summary of submission	
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.		

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### **PURPOSE**

For Council to note the submissions received following public advertising of the proposed *City of Joondalup Parking Amendment Local Law 2015* and to make the local law.

### **EXECUTIVE SUMMARY**

At its meeting held on 16 July 2013 (CJ129-07/13 refers), Council adopted the *City of Joondalup Parking Local Law 2013* and this has been in operation since 2 September 2013. The local law provides for the regulation, control and management of parking within the district.

New disability parking regulations were gazetted by the State Government which took effect on 1 December 2014. The new regulations render parts of the *City of Joondalup Parking Local Law 2013* inoperative to the extent they are inconsistent with the new regulations.

As a result, the proposed *City of Joondalup Parking Amendment Local Law 2015* was drafted to ensure the City's parking local law remains valid and consistent with statutory legislation. At its meeting held on 19 May 2015 (CJ075—5/15 refers), Council resolved in part to commence the local law making process and the proposed *City of Joondalup Parking Amendment Local Law 2015* be advertised for public consultation.

In accordance with section 3.13(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 to the Minister for Local Government.

At the close of the public consultation period the City had received only one submission, being from the Department of Local Government and Communities (DLGC).

*It is therefore recommended that Council:*

- 1 *NOTES the submission received from the Department of Local Government and Communities at the close of the public consultation period for the proposed City of Joondalup Parking Amendment Local Law 2015, as detailed in Attachment 2 to Report CJ143-08/15;*
- 2 *BY AN ABSOLUTE MAJORITY MAKES the City of Joondalup Parking Amendment Local Law 2015 as detailed in Attachment 1 to Report CJ143-08/15 and AUTHORISES the Common Seal to be affixed;*
- 3 *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 16 July 2013 (CJ129-07/13 refers), Council adopted the *City of Joondalup Parking Local Law 2013*. The purpose of the local law was to provide for the regulation, control and management of parking within the district.

The *City of Joondalup Parking Local Law 2013* was developed following a comprehensive review of the former *City of Joondalup Parking Local Law 1998*. Consideration was given to the *WALGA Parking and Parking Facilities Model Local Law 2010*, which included disability parking related offences, with necessary amendments to suit the specific needs of the City. The current local law was published in the *Government Gazette* on 16 August 2013 and has been in operation since 2 September 2013.

Following a national initiative to standardise parking provisions for people with disabilities new *Local Government (Parking for People with Disabilities) Regulations 2014* were gazetted by the State Government and took effect from 1 December 2014. The new regulations rendered parts of the *City of Joondalup Parking Local Law 2013* inoperative to the extent they are now inconsistent with the new regulations.

As a result, the proposed *City of Joondalup Parking Amendment Local Law 2015* was drafted to ensure the City's parking local law remains valid and consistent with statutory legislation. At its meeting held on 19 May 2015 (CJ075-5/15 refers), Council resolved in part to commence the local law making process and the proposed *City of Joondalup Parking Amendment Local Law 2015* be advertised for public consultation.

## **DETAILS**

The proposed *City of Joondalup Parking Amendment Local Law 2015* (Attachment 1 refers) was advertised statewide in *The West Australian* on 27 May 2015 and in the Joondalup Weekender on 28 May 2015, seeking public comments. Local public notices were also displayed on the City's website and at each of the City's public libraries and customer service centres for six weeks during the period 21 May 2015 to 14 July 2015.

At the close of the public consultation period the City had received only one submission, being from the Department of Local Government and Communities (DLGC). A summary of the submission and the City's response is provided as Attachment 2.

## Issues and options considered

Council can either:

- adopt the proposed local law or
- adopt the proposed local law with modifications, subject to the modifications not being significantly different to what was advertised.

It is recommended the proposed local law be adopted with modifications, in response to the submission from the DLGC, and as outlined in Attachment 2.

## Legislation / Strategic Community Plan / policy implications

## Legislation

Local Government Act 1995.  
Local Government (Functions and General) Regulations  
1996.  
Local Government (Parking for People with Disabilities)  
Regulations 2014.

## Strategic Community Plan

### Key theme

## Governance and Leadership.

## Objective

Corporate capacity.

### Strategic initiative

Not applicable.

## Policy

*Parking Schemes Policy.*

## 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 JSCDL.

### Financial / budget implications

The cost associated with the local law making process is approximately \$2,500, being public advertising costs and costs to publish the local law in the *Government Gazette*. Funds are available in the 2015-16 Budget for statutory advertising.

All amounts quoted in this report are exclusive of GST.

### Regional significance

Not applicable.

## Sustainability implications

Not applicable.

## Consultation

The development of local laws requires statutory advertising of the proposal and consultation with the public throughout the local law-making process. This has been undertaken and 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 *The West Australian* newspaper
  - 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 for Local Government.

## COMMENT

The proposed *City of Joondalup Parking Amendment Local Law 2015* was developed following the introduction of new disability parking regulations that rendered parts of the *City of Joondalup Parking Local Law 2013* inoperative to the extent they are inconsistent with the new regulations. There are also some other minor changes to improve operational efficiencies and enforcement that have been identified during the first year of operation of the *City of Joondalup Parking Local Law 2013*.

The proposed *City of Joondalup Parking Amendment Local Law 2015* was subsequently advertised and minor amendments made, taking into account comments submitted by the Department of Local Government and Communities.

The *City of Joondalup Parking Amendment Local Law 2015* awaits adoption by Council.

## VOTING REQUIREMENTS

Absolute Majority.

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

- 1 **NOTES** the submission received from the Department of Local Government and Communities at the close of the public consultation period for the proposed *City of Joondalup Parking Amendment Local Law 2015*, as detailed in Attachment 2 to Report CJ143-08/15;
- 2 **BY AN ABSOLUTE MAJORITY MAKES** the *City of Joondalup Parking Amendment Local Law 2015* as detailed in Attachment 1 to Report CJ143-08/15 and **AUTHORISES** the Common Seal to be affixed;
- 3 **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*.

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf110815.pdf](#)*



**REPORTS – POLICY COMMITTEE – 10 AUGUST 2015****CJ144-08/15      ARTIFICIAL SHADE IN CITY PLAYGROUNDS –  
RESULTS OF COMMUNITY CONSULTATION**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services	
<b>FILE NUMBER</b>	41676, 101515	
<b>ATTACHMENT</b>	Attachment 1	Draft <i>City Playground Shade Policy</i>
	Attachment 2	Community Consultation Analysis
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.	

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**PURPOSE**

For Council to consider the results of the community consultation undertaken on a draft policy for guiding the provision of artificial shade over playgrounds within the City of Joondalup.

**EXECUTIVE SUMMARY**

Community consultation was undertaken during the period 10 June 2015 to 1 July 2015 to gain community feedback on the draft *City Playground Shade Policy* (Attachment 1 refers).

A total of 32 formal responses were received and have been summarised into 86 individual comments (Attachments 2 refers).

The key concerns raised by respondents include the ambient heat of playground equipment without adequate shade; shade provided by trees does not provide adequate protection from UV light exposure; safety concerns (such as falling branches). The key concerns have been addressed within the content of this report.

Among the responses there was some support for the policy including artificial shade being used in the short term prior to natural shade being established and natural shade options over playgrounds should be used in all cases.

Shaded play spaces remains a significant focus for the City of Joondalup and the wider community. The City has maintained a preference for natural shade over built shade structures and has been proactive in providing natural shade to existing playgrounds since 2010.

This is demonstrated by the City undertaking an audit of natural shade in 2014. The audit has provided internal guidance for the provision of new shade trees, monitoring and maintaining the health and vigour of existing trees. In addition independent arborist assessments are undertaken on all existing mature trees in close proximity to the new playground installations and judicious pruning of dead plant material is undertaken.

Notwithstanding, it is recognised that during most months of the year, Perth, Western Australia, experiences high levels of UV radiation and artificial shade has a place in providing shade protection to the community in popular locations where natural shade is difficult or not possible to establish.

The draft *City Playground Shade Policy* provides a guide for the circumstances where artificial shade is to be provided on City managed playgrounds and allows for future review and eventual removal of built shade structures where natural shade has been established.

Capital and ongoing maintenance costs for built shade structures are high and have the potential to be a large financial impact to the City (223 playgrounds within the City of Joondalup). A rationalised approach to the distribution of built shade to park playgrounds is imperative.

A built shade structure installation program has been approved for listing in the draft *Capital Works Program* to accommodate installations in the short listed and high priority locations of Burns Beach Park, Delamere Park, Mawson Park and Tom Simpson Park, Southern playground, commencing in 2020-21 (CJ052-03/15 refers). However, Mawson Park does not meet all the criteria for selection and recommendations will be made for Mawson Park in a separate report to Council.

*It is therefore recommended that Council:*

- 1 *ADOPTS the City Playground Shade Policy, as shown in Attachment 1 of Report CJ144-08/15;*
- 2 *NOTES a further report will be presented to Council on the request for shade sails for Mawson Park, Hillarys.*

## **BACKGROUND**

The City has maintained a preference for natural shade over built shade structures and has been proactive in providing natural shade to existing playgrounds since 2010. All replacement playgrounds are being relocated under existing shade trees where possible and supplementary tree planting undertaken as required.

During most months of the year, Perth, Western Australia, experiences high levels of UV radiation and the provision of shaded play spaces remains a significant focus for the City of Joondalup and the wider community. This is demonstrated through the City undertaking a Natural Shade Audit in 2014 of playground areas, whereby an action plan has been developed to manage, monitor and maintain natural shade on parks now and into the future.

A 174 signature petition was received by Council at its meeting held on 20 May 2014 (C19-05/14 refers) requesting that the City erect shade sails over the larger of the two playground areas at Mawson Park, Hillarys.

At its meeting held on 18 November 2014 (CJ221-11/14 refers) a number of options were presented and it was resolved that Council:

- 1 *REQUESTS the Policy Committee consider the adoption of a City Playground Shade Policy;*
- 2 *ADVISES the lead petitioner that a decision in relation to the provision of shade sails at Mawson Park, Hillarys will not be made until such time that Council has made a decision based on the Policy Committee's recommendation on part 1 above.*

The draft *City Playground Shade Policy* (Attachment 1 refers) was presented to Council on 31 March 2015 (CJ052-03/15 refers) and at that meeting it was resolved that Council:

- 1 *ADOPTS the City Playground Shade Policy, as shown in Attachment 1 of Report CJ052-03/15 for the purposes of public advertising;*
- 2 *APPROVES the introduction of a built shade structure program in the draft Capital Works Program to accommodate the short listed shade structure installations commencing in 2020-21.*

## DETAILS

Community consultation was undertaken on the draft *City Playground Shade Policy* during the period 10 June 2015 to 1 July 2015. A total of 32 formal responses were received and have been summarised into 86 individual comments (Attachments 2 refers). A summary of the comments have been listed below:

COMMENTS	RESPONSES	
	Number	%
Believe that playgrounds need to be covered with artificial shade (in general)	17	19.8%
Would like artificial shade within their local park (Mawson Park, Delamere Park, Picnic Cove Park, Penistone Park, Tom Simpson Park, Sir James McCusker Park, Broad Beach Park)	16	18.6%
Concern that playground equipment gets too hot without the protection of artificial shade	13	15.1%
Concern that natural shade does not provide adequate protection from UV light exposure	7	8.1%
Believe larger playgrounds should be covered by artificial shade	5	5.8%
Support the Policy (in general)	5	5.8%
Believe artificial shade should be used in the short-term while trees become established	4	4.7%
Believe natural shade should be used in all cases	4	4.7%
Believe that artificial shade should be determined by usage	4	4.7%
Concern that natural shade produces more safety hazards (such as falling branches etc.)	4	4.7%
Concern that current Policy does not allow for artificial shade	3	3.5%
Concern that playgrounds without artificial shade would reduce the life expectancy of the equipment	2	2.3%
Believe artificial shade would be too expensive to provide for all parks	1	1.2%
Believe that artificial shade should not be determined by usage	1	1.2%
<b>TOTAL COMMENTS RECEIVED</b>	<b>86</b>	<b>100%</b>

A number of comments received support artificial shade over the City's playgrounds. Many of these comments were of a general nature, preferring artificial shade over natural shade options.

Respondents were concerned that playground equipment will get too hot without the protection of artificial shade and that natural shade does not provide adequate protection from UV light exposure.

In addition, four comments were received with concerns regarding safety (such as falling branches) and four comments were received where respondents believed artificial shade should be used in the short term prior to natural shade being established.

A number of comments were also received supporting natural shade options over playgrounds. Five comments were received supporting the policy and four comments from respondents believe that natural shade should be used in all cases.

#### Built Shade Structure Program

The introduction of a built shade structure installation program has been approved for listing in the draft *Capital Works Program* to accommodate the short listed shade structure installations commencing in 2020-21 (CJ052-03/15 refers). The short list includes Burns Beach Park, Delamere Park and Tom Simpson Park, Southern playground. Mawson Park was not included in the short list for artificial shade sails because it does not meet all the criteria for selection (the draft *City Playground Shade Policy*: Section 4.2(d) The relocation of new playgrounds under existing natural shade is not possible). Recommendations will be made for Mawson Park in a separate report to Council.

#### Natural Shade Management

Natural shade from a mature tree canopy reduces exposure to ultra-violet rays and provides additional benefits not provided by artificial shade structures such as:

- reduces ambient air temperature via transpiration through leaves
- makes communities more liveable for people and their activities
- contributes to general health and well being
- oxygenate and clean the air
- provide canopy and habitat for wildlife
- helps prevent soil erosion
- reduces evaporation and wind speed.

The Natural Shade Audit of playground areas undertaken in 2014 not only addressed the existing tree canopy providing natural shade on playgrounds but also identified the species and assessed the health and vigour of the trees for maintenance and succession replacement planting. Tree species that have a propensity to drop limbs are not approved for planting by the City. In addition, all new playground installations include an independent arborist assessment of trees in close proximity to the playground.

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

Council can either:

- adopt the draft *City Playground Shade Policy*, as shown in Attachment 1
- adopt the draft *City Playground Shade Policy*, with modifications
- or
- not proceed with a policy.

Option 1 is the preferred option, based on the alignment of policy criteria to existing asset management principles, practices and previous positions of Council on this matter.

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

**Legislation** Not applicable.

#### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality open spaces.

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

**Policy** Not applicable.

The development of the *City Playground Shade Policy* is underpinned by the *Climate Change Strategy 2014 - 2019, Project 3.4 - Urban Planting Program*, adopted by Council at its meeting held on 20 May 2014 (CJ067-05/14 refers). This program determines the scope of tree planting within the City of Joondalup for the draft *Five Year Capital Works Program* with funding budgeted accordingly.

### **Risk management considerations**

The provision of shade will reduce ultraviolet (UV) radiation exposure and the risk of sunburn and skin cancer to patrons using the park. Natural shade provided by a tree canopy reduces the risk of UV exposure and provides additional benefits for the environment and health and well being of the community.

The Natural Shade Audit of playground areas undertaken in 2014 resulted in an action plan being developed to manage, monitor and maintain shade trees on parks. Judicial pruning of dead plant material from existing trees reduces the risk of potential injury or property damage.

### **Financial / budget implications**

There is no budget allocation in the current draft *Five Year Capital Works Program* for the installation of built shade structures on parks within the City of Joondalup.

The introduction of a shade structure program to complete the short listed park playgrounds would require a minimum funding allocation of \$120,000 per annum extended over two years. The current draft *Five Year Capital Works Program* is fully allocated therefore it is proposed that commencement of a shade structure program be listed for 2020-21.

Current financial year impact

There is no impact in the current 2015-16 financial year for the installation of built shade structures.

Future financial year impact

**Annual operating cost** Removal of shade sails occurs during winter months and the annual cost for an average size installation is \$1,500.

**Capital replacement** Built shade structures end of life is predicted to be 20 years with sails replaced at 7-10 years dependent on location. At the time of renewal of the built shade structure, an assessment is to be completed. If the assessment deems that the natural shade is sufficient, the artificial shade is to be removed from the site.

**20 Year Strategic Financial Plan impact** Built shade structures end of life is predicted to be 20 years with sails replaced at 7-10 years dependent on location. At the time of renewal of the built shade structure, an assessment is to be completed. If the assessment deems that the natural shade is sufficient, the artificial shade is to be removed from the site.

**Impact year** 2020-21 and 2021-22.

**Regional significance**

Not applicable.

**Sustainability implications**Environmental

A balance is required between avoiding an increase in the risk of skin cancer by excessive sun exposure and achieving enough sun exposure to maintain adequate vitamin D levels for healthy bone development. Outdoor activity is encouraged and the provision of shaded play spaces combined with other sun protection practices contributes to a healthier environment for children. Furthermore, the provision of trees is a climate change mitigation strategy as outlined in the City's *Climate Change Strategy 2014-2019*.

Social

The inclusion of built shade structures in addition to the available natural shade will enhance the amenity of public open space by increasing accessibility of outdoor play equipment for a longer period during daylight hours.

Economic

Capital and ongoing maintenance costs for built shade structures are high and have the potential to be a large financial impact for the City.

## Consultation

Community consultation was undertaken for a period of 21 days from 10 June to 1 July 2015. The full results of the community consultation are included as an attachment to Report CJ144-08/15 (Attachment 2 refers).

All City of Joondalup residents, ratepayers and stakeholders were encouraged to comment on the draft policy via an online form on the City's website. Specifically, the following stakeholders were directly informed of the consultation period:

- All Resident and Ratepayer Associations (12 in total).
- Local Members of Parliament (15 in total).
- The Lead Petitioner.
- Members of the City's Community Engagement Network who have expressed an interest in Parks and Public Open Spaces infrastructure (151 in total).

The community consultation was also advertised through the Joondalup Weekender on 18 June 2015.

## COMMENT

The results of the community consultation demonstrate some support for artificial shade solutions for the City's playgrounds. However, in comparison to the original petition received and the number of stakeholders directly targeted during the consultation period, the overall response rate is considered quite low.

Capital and ongoing maintenance costs for built shade structures are high and have the potential to be a large financial impact to the City (223 playgrounds within the City of Joondalup). A rationalised approach to the distribution of built shade to park playgrounds is imperative.

The draft *City Playground Shade Policy* in its current form addresses the need for robust selection criteria to prioritise parks and deliver the most viable outcomes for the City and its residents.

The City remains committed to the provision of natural shade on a broad scale and adoption of the current draft *City Playground Shade Policy* will facilitate the measured delivery of a built shade structure installation program to enhance the existing tree planting program.

Following Council determination on the draft *City Playground Shade Policy*, a further report will be presented to Council on the request for shade sails for Mawson Park, Hillarys and the lead petitioner will be advised.

## 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 10 August 2015.

The committee recommendation is the same as recommended by City officers.

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

- 1      ADOPTS the *City Playground Shade Policy*, as shown in Attachment 1 of Report CJ144-08/15;**
- 2      NOTES a further report will be presented to Council on the request for shade sails for Mawson Park, Hillarys.**

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14agn170815.pdf](#)*



## CJ145-08/15      DRAFT      HOME      BUSINESS      POLICY      - CONSIDERATION FOLLOWING ADVERTISING

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	13048, 101515
<b>ATTACHMENT</b>	Attachment 1      Current <i>Home Business Policy</i> Attachment 2      Advertised draft <i>Home Business Policy</i> Attachment 3      SAT decision on Home Business condition Attachment 4      SAT decision on costs Attachment 5      Modified draft <i>Home Business Policy</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### PURPOSE

For Council to consider the draft modified *Home Business Local Planning Policy* following advertising and decide whether to adopt the policy as final.

### EXECUTIVE SUMMARY

The City's current *Home Business Local Planning Policy* (Attachment 1 refers), which was last updated in November 2005, provides guidance on the requirements for Home Business applications for each category defined within the City's *District Planning Scheme No. 2* (DPS2). The policy in addition to DPS2 identifies elements which are taken into consideration during the assessment process to ensure that the amenity of residential neighbourhoods is maintained.

At its meeting held on 15 April 2014 (CJ058-04/14 refers) Council resolved to advertise an amended *Home Business Local Planning Policy* (Attachment 2 refers) for public comment. The amended policy includes additional and improved provisions pertaining to operating hours, car parking; signage; location; and approval periods. General textual and formatting improvements were also included in the amended policy.

The draft amended policy was advertised for 21 days closing on 5 June 2014. One late submission was received.

Following two recent decisions of the State Administrative Tribunal (SAT), which highlighted that it is not appropriate for a policy to purport to remove discretion that is available through the planning scheme, a review of the draft policy has been undertaken. As a result, the draft amended policy had been modified to only require time limited approvals where an applicant is not able to demonstrate that the home business will be able to operate without detriment to adjoining or nearby landowners. This will ensure the policy better complies with the discretion provided under DPS2 and proper planning principles. The modifications to the policy will enable the further growth of this sector while maintaining the amenity and character of existing residential neighbourhoods.

*It is therefore recommended that Council, in accordance with clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADOPTS the draft amended Home Business Local Planning Policy with modifications, as detailed in Attachment 5 to Report CJ145-08/15.*

## **BACKGROUND**

The current *Home Business Policy* applies to the whole of the City of Joondalup and ensures that residential areas remain primarily a place to live while recognising that working from home is an expanding area of employment. The policy was last updated by Council at its meeting held on 1 November 2005 (CJ238-11/05 refers).

At the start of 2013 the City undertook a review of the current *Home Business Policy*. An amended policy was presented to the Policy Committee at its meeting held on 11 March 2013 and also at its meeting held on 2 September 2013, and on both occasions the matter was deferred to allow the City to further review the current policy and the proposed amendments. Additional information along with a further amended policy was presented to the Policy Committee meeting held on 17 March 2014. At the Council meeting held on 15 April 2014 (CJ058-04/14), it was resolved as follows:

*“That Council:*

- 1 ADOPTS the draft Home Business Policy as detailed in Attachment 1 to this Report for the purpose of public advertising, pursuant to clause 8.11 of the City of Joondalup District Planning Scheme No. 2, subject to clause 5.3.1(b) being amended by replacing the words “Customers and employees should be discouraged from parking on the verge.” With “No verge parking for the business is permissible.”*
- 2 ADVERTISES the proposed amendments to the Home Business Policy for public comment for a period of 21 days, pursuant to clause 8.11 of the City of Joondalup District Planning Scheme No. 2”*

In December 2014, SAT made a determination on a matter brought before it regarding a condition of approval imposed by the City on a recently approved Home Business Category 3 (real estate office) (Bruhn and City of Joondalup [2014] WASAT 174). The condition was applied in accordance with clause 5.6 of the draft amended policy, and required that a renewal of the home business be sought after a period of 12 months to allow the continuation of the business. Clause 5.6 stated as follows:

*“Any approval issued for a home business category 3 and renewal of a home business category 3 is valid for a period of 12 months or less, as determined by the City. Prior to the expiry of the approval, an application must be submitted and approved by the City to enable the continuation of the activity.”*

SAT considered that clause 5.6 of the advertised draft policy was inconsistent with both proper planning principles and the discretion granted by DPS2 to the City to apply conditions to home business approvals. This was because the advertised wording of Clause 5.6 was, in SAT’s opinion, a clear directive that attempted to limit the discretion of the City. SAT concluded that clause 5.6 was an attempt to amend DPS2 without undertaking the proper scheme amendment process required by the *Planning and Development Act 2005* and was therefore ultra vires. The matter was found in favour of the appellant and the condition deleted from the approval. The full SAT decision on the matter is included as Attachment 3.

Following the decision of SAT, the applicant sought an order for costs against the City. In June 2015 SAT made a determination on the matter (Bruhn and City of Joondalup [2014] WASAT 174) and awarded costs to the applicant. SAT considered that the City had acted unreasonably because the City had intended to prohibit the full exercise of direction set out by DPS2 by proposing clause 5.6 of the draft amended policy. The full SAT decision on the costs application is included as Attachment 4.

## DETAILS

The draft amended *Home Business Policy* (Attachment 2 refers) proposed the following changes to the current policy:

- Text and format changes in line with the current policy manual review.
- Removal of commentary and irrelevant wording from policy.
- Reorganisation of the criteria applying to home businesses for ease of reading.
- Removal of references to other legislation.
- Inclusion of the definitions of “amenity” and each category of home business in line with *District Planning Scheme No.2* (DPS2).
- Placement of signage to be limited to the front facade of the dwelling only.
- Modifications to the design and number of bays required in line with the *Residential Design Codes of Western Australia* as gazetted on 2 August 2013.
- Requirement for the maximum necessary amount of car parking associated with the home business to be provided on-site with all bays to be made available and maintained for parking of customers and employees during the operating hours of the home business, with verge parking discouraged.
- A requirement that any approval issued for a home business be valid for a period of 12 months or less.
- Inclusion of a provision allowing a ‘home business – category 2’ that has been operating for 12 months without any complaints being registered with the City, to be approved for a longer period of time.
- Provisions relating to the location of ‘home business category 3’ land uses.
- Generally limiting operating hours from 8.00am to 5.00pm to 8.00am to 6.00pm Monday-Friday although allowing flexibility to increase or restrict further operating hours on a case by case basis.

Following the completion of the public advertising period the City has reviewed the policy in light of the submission received as well as the decisions of the SAT. As a result of the review it is recommended that clause 5.6 of the policy be modified to specify under what circumstances a limited approval period should be applied.

The modified *Home Business Local Planning Policy* recommended for approval is provided as Attachment 5.

## Issues and options considered

Further consideration of the matter has been undertaken in light of the two recent SAT decisions. The decisions highlighted that it is not appropriate for a policy to purport to remove discretion that is available through the planning scheme.

It is therefore proposed to modify the policy to specify under what circumstances a limited approval period should be applied.

Council can either:

- adopt the draft policy as advertised (refer Attachment 2)
- adopt the draft policy with the proposed modifications (refer Attachment 5)
- adopt the draft policy, with further modification  
or
- not proceed with the draft amended policy.

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

#### **Legislation**

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

Clause 8.11 of the DPS2 enables Council to prepare, amend and add to local planning policies that relate to any planning and development matter within the Scheme area.

If Council decides to finally adopt a policy, notification of the final adoption shall be published once in a newspaper circulating with the Scheme Area.

If Council considers that a provision of a policy affect the interests of the Western Australian Planning Commission, a copy of the policy shall be forwarded to the Western Australian Planning Commission.

#### **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**

*Home Business Policy.*

#### **Risk management considerations**

Given the decision of the SAT, should the City continue to impose time limited approvals on an arbitrary basis, it is likely that such conditions of approval may be appealed to the SAT and result in costs being awarded to applicants. There would be a significant financial cost to the City in defending these appeals, estimated at \$20,000 per application, and paying these costs, estimated at \$15,000.

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

The costs associated with advertising the draft amended policy in the local newspaper and notice to publicise the final adoption of the policy will be approximately \$810 and can be met from within existing budgets.

#### **Regional significance**

Not applicable.

## **Sustainability implications**

Not applicable.

## **Consultation**

The draft amended policy was advertised for public comment for a period of 21 days, closing on 5 June 2014, as follows:

- A notice was published in the *Joondalup Times* for two consecutive weeks (15 and 22 May 2014).
- A notice and documents were placed on the City's website.

One submission was received, being a late submission lodged after the closing date.

## **COMMENT**

The submission received by the City raised concern with the proposed amendment to the approval period provisions for home businesses, with particular regard to the restrictions placed on those that fall within "Home Business - Category 3."

The submission provided stated that this restriction was in contradiction to the City's *Local Planning Strategy* which includes the action to review the *Home Occupation Policy* to remove existing impediments to potential home business 'incubators' and generally, to encourage more home businesses. The submission outlines that not affording longer approval periods to Category 3 is unexplained and implies that the City would discourage new home businesses from establishing in a manner that is contrary to the City's stated objective. The submission further outlines the approval restrictions as being unduly restrictive and unreasonable, in particular by expecting applicants to lodge a new application after only nine months of operation.

The two recent decisions of the SAT (Attachments 3 and 4 refer) support this submission and make it clear that clause 5.6 of the draft amended policy is inconsistent with both proper planning principles and the discretion granted by DPS2 to the City to apply conditions to home business approvals.

In considering the determination made by the SAT, it is recognised that most home business approvals can be appropriately managed through conditions of approval to ensure residential amenity is maintained. Conditions typically applied to the approval include limiting the number of employees and visitors, imposing parking restrictions, restricting visitor numbers and limiting the operating hours. The SAT advise that a local planning policy must be an aide in guiding the City in exercising its discretion under the local planning scheme. Given this, it is considered that where an applicant is not able to demonstrate that the home business will be able to operate without detriment to adjoining or nearby landowners, it may be appropriate to apply a time limited approval.

The draft policy has therefore been modified to only require time limited approvals in these cases. This will ensure the policy better complies with the discretion provided under DPS2 and proper planning principles. The modifications to the policy will enable the further growth of this sector while maintaining the amenity and character of existing residential neighbourhoods.

Advertising of the draft amended *Home Business Local Planning Policy* has not raised any issues that would warrant not proceeding with the proposal. It is therefore recommended that Council adopt the draft *Home Business Local Planning Policy* as modified.

## 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 10 August 2015.

The committee recommendation is the same as recommended by City officers.

## RECOMMENDATION

**That Council, in accordance with clause 8.11 of the *City of Joondalup District Planning Scheme No. 2*, ADOPTS as final the amended *Home Business Local Planning Policy* with modifications, as detailed in Attachment 5 to Report CJ145-08/15.**

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15agn170815.pdf](#)*

## CJ146-08/15      USE    OF    SEA    CONTAINERS    POLICY    - CONSIDERATION FOLLOWING ADVERTISING

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development	
<b>FILE NUMBER</b>	18058, 101515	
<b>ATTACHMENT</b>	Attachment 1	Draft <i>Use of Sea Containers Policy</i> as advertised
	Attachment 2	Draft <i>Use of Sea Containers Policy</i> with modifications
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.	

### PURPOSE

For Council to consider the draft *Use of Sea Containers Policy* following public advertising.

### 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.

The draft *Use of Sea Containers Policy* (Attachment 1 refers) was advertised in February/March 2015 for a period of 21 days, with one submission in support of the policy being received.

Following two recent decisions of the State Administrative Tribunal (SAT), which highlighted that it is not appropriate for a policy to purport to remove discretion that is available through the planning scheme, a review of the draft policy has been undertaken. On the basis of the Tribunal's decisions, it is recommended that, rather than just a blanket ban approach to the permanent use of sea containers in the 'Residential' and similar zones, provisions be included in the policy that also cover potential situations where sea containers would have no impact on the amenity of the surrounding area. This is proposed to be achieved by modifying the draft policy to state that sea containers are not supported in the 'Residential' and similar zones unless they are not visible from the street, and are clad with materials and of a colour that matches, or is complementary to, the materials and colour of the existing buildings on the property.

It is recommended that Council adopt the draft *Sea Containers Policy* as modified (Attachment 2 refers).

## BACKGROUND

A report was considered by Council at its meeting held on 9 December 2014 (CJ245-12/14 refers) in relation to the use of sea containers on verges and on private properties for the purposes of storage of construction and other materials. Council resolved to advertise a draft policy (Attachment 1 refers) for a period of 21 days.

In December 2014, the SAT made a determination on a matter brought before it regarding a condition of approval imposed by the City on a recently approved Home Business Category 3 (real estate office) (Bruhn and City of Joondalup [2014] WASAT 174). The condition was applied in accordance with clause 5.6 of the draft *Home Business Policy*, and required that a renewal of the home business be sought after a period of 12 months to allow the continuation of the business. Clause 5.6 stated as follows:

*“Any approval issued for a home business category 3 and renewal of a home business category 3 is valid for a period of 12 months or less, as determined by the City. Prior to the expiry of the approval, an application must be submitted and approved by the City to enable the continuation of the activity.”*

SAT considered that clause 5.6 of the draft *Home Business Policy* was inconsistent with both proper planning principles and the discretion granted by DPS2 to the City to apply conditions. This was because the wording of clause 5.6 was, in SAT’s opinion, a clear directive that attempted to limit the discretion of the City. SAT concluded that Clause 5.6 was an attempt to amend DPS2 without undertaking the proper scheme amendment process required by the *Planning and Development Act 2005* and was therefore ultra vires. The matter was found in favour of the appellant and the condition deleted from the approval.

Following the decision of SAT, the applicant sought an order for costs against the City. In June 2015 SAT made a determination on the matter (Bruhn and City of Joondalup [2014] WASAT 174) and awarded costs to the applicant. SAT considered that the City had acted unreasonably because the policy purported to prohibit the full exercise of discretion set out by DPS2 when in fact it could not.

These decisions have implication for the wording of all of the City’s local planning policies. Specifically, SAT has made it clear that it is not appropriate for a local planning policy to purport to remove discretion that is available through the planning scheme. This includes attempting to apply a blanket ban to the permanent use of sea containers in certain areas through the draft *Use of Sea Containers Policy*. SAT did state that a local planning policy can and should provide guidance for the application of the City’s discretion. On this basis the draft *Use of Sea Containers Policy* has been reviewed to include potential situations where sea containers could be considered appropriate, where they would have no impact on the amenity of the surrounding area.

## DETAILS

The draft policy currently provides the following parameters related to the use of sea containers for storage purposes:

- 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.

### Issues and options considered

Further consideration of the matter has been undertaken in light of a recent SAT decision. While the decision was unrelated to sea containers, it highlighted that it is not appropriate for a policy to purport to remove discretion that is available through the planning scheme.

In this instance, a 'blanket ban' on the permanent use of sea containers in the 'Residential' and similar zones may be problematic. It is therefore proposed to amend the policy to provide standards that must be met for consideration of approval of a permanent sea container in the 'Residential' and similar zones. The provisions would require the sea container to be:

- (a) not visible from the street
- (b) clad with materials and of a colour that matches, or is complementary to, the materials and colour of the existing buildings on the property.

The draft policy has also been updated to improve the wording generally and clarify that the policy relates to the use of sea containers for storage and non-habitable uses. The policy is also proposed to apply to Local Reserves which, in particular, would ensure that any public primary school sites are subject to the policy.

Council can either:

- adopt the draft policy as advertised (refer Attachment 1)
- adopt the draft policy with the proposed modifications (refer Attachment 2)
- adopt the draft policy with further modifications
- or
- not proceed to adopt the draft policy.

### Legislation / Strategic Community Plan / policy implications

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

### Strategic Community Plan

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

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

**Policy** Not applicable.

**Risk management considerations**

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 a 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.

Given the decision of the SAT, should the policy purport to apply a complete ban to sea containers in particular areas, it is likely that a refusal to approve a sea container on the basis of the policy's complete ban may be appealed to the SAT and result in costs being awarded to applicants. There would be a significant financial cost to the City in defending these appeals, estimated at \$20,000 per application, and paying these costs, estimated at \$15,000.

**Financial / budget implications**

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**

Public advertising of the draft policy was undertaken 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.

One submission of support was received, however the submission also raised the issue of the use and state of residential verges in general.

**COMMENT**

The recent decisions by SAT highlights that it is not appropriate for a policy to purport to remove discretion that is available through the planning scheme. As a result the draft policy has been reviewed and it is recommended that the draft policy be modified to state that the use of sea containers in the 'Residential', 'Special Residential', 'Mixed Use', 'Urban Development', 'Civic & Cultural' and 'Rural' zones is not permitted unless specific criteria are met related to the appearance and visibility of the sea container.

It is also considered appropriate to ensure that the provisions of the policy would also apply when considering the use of sea containers on Local Reserves, which would include public primary school sites.

It is considered appropriate that parameters around the use of sea containers for storage purposes be prescribed through a local planning policy. This will provide consistency on the approach to the use of sea containers, as well as minimise their impact on the surrounding area. It is therefore recommended that Council adopt the draft *Use of Sea Containers Policy* as modified.

## **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 10 August 2015.

The committee recommendation is the same as recommended by City officers.

## **RECOMMENDATION**

**That Council, in accordance with clause 8.11 of the *City of Joondalup District Planning Scheme No. 2*, ADOPTS as final the *Use of Sea Containers Policy* with modifications, as detailed in Attachment 2 to Report CJ146-08/15.**

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16agn170815.pdf](#)*

**CJ147-08/15      LOCAL HOUSING STRATEGY IMPLEMENTATION**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	104919, 101515
<b>ATTACHMENT</b>	Attachment 1      Decision making flow chart Attachment 2      Draft <i>Height of Non-Residential Buildings Local Planning Policy</i> Attachment 3      Draft <i>Residential Development Local Planning Policy</i> Attachment 4      Key proposals of the draft <i>Residential Development Local Planning Policy</i> and desired outcomes Attachment 5      Indicative height drawings Attachment 6      Indicative streetscape drawings
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

**PURPOSE**

For Council to consider the draft *Residential Development Local Planning Policy* and the draft *Height of Non-Residential Buildings Local Planning Policy* for the purposes of consultation. These policies will implement the outstanding recommendations of the City's *Local Housing Strategy*.

**EXECUTIVE SUMMARY**

On 12 November 2013, the Western Australian Planning Commission resolved to support the City's *Local Housing Strategy* (LHS) for the purposes of guiding future amendments to the *City of Joondalup District Planning Scheme No. 2* (DPS2).

The LHS contains 10 recommendations. Eight of these will be implemented via *Scheme Amendment No. 73*, which was adopted by Council at its meeting held on 31 March 2015 (CJ032-03/15 refers), and forwarded to the Western Australian Planning Commission for consideration and determination by the Minister for Planning.

The recommendations which have not been captured in *Scheme Amendment No. 73* will be implemented through the draft *Residential Development Local Planning Policy* and the draft *Height of Non-Residential Buildings Local Planning Policy*.

This report presents the draft policies for consideration and also outlines a number of issues relating to implementation of the LHS, which have been considered and will be addressed as part of the implementation of the policies.

## BACKGROUND

At its meeting held on 16 April 2013 (CJ044-04/13 refers), Council resolved to adopt the revised draft LHS, and the document was subsequently forwarded to the Western Australian Planning Commission (WAPC) via the Department of Planning for endorsement. On 12 November 2013, the WAPC resolved to support the LHS for the purposes of guiding future amendments to DPS2.

The LHS contains ten recommendations. As part of Council's April 2013 resolution, a separate scheme amendment was requested to be prepared as an implementation mechanism for most of the recommendations of the LHS.

*Scheme Amendment No. 73* was endorsed by Council for the purposes of public consultation at its meeting held on 10 December 2013 (CJ236-12/13 refers). The WAPC granted its consent to advertise the scheme amendment on 17 October 2014. The City subsequently advertised the scheme amendment for 42 days commencing on 29 October 2014 and concluding on 10 December 2014. *Scheme Amendment No. 73* was presented to Council, post consultation, at its meeting held on 31 March 2015 (CJ032-03/15 refers) where it was resolved to adopt the scheme amendment and forward it to the Western Australian Planning Commission for the Minister of Planning's consideration of final approval.

The outstanding recommendations, which have not been captured in *Scheme Amendment 73*, are to be implemented via two local planning policies. The two draft new policies were presented for discussion with Elected Members at the Strategy Session in July 2015.

The draft *Residential Development Local Planning Policy* is at Attachment 2 and the draft *Height of Non-Residential Buildings Local Planning* is at Attachment 3.

Both these policies will replace the following existing local planning policies, which are proposed to be revoked:

- *Height and Scale of Buildings in Residential Areas Policy.*
- *Height of Buildings within the Coastal Area Policy.*

## DETAILS

The purpose of the two proposed policies is to implement Recommendations 3 and 6 of the LHS. The LHS recommendations and the manner in which they are to be addressed and implemented are provided below:

### **Recommendation 3**

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

Dwellings within Housing Opportunity Areas will be given new dual density codes in DPS2 as a result of *Scheme Amendment No. 73* (for example, R20/40). The increased density is not an as-of-right density. Instead, developers wishing to take advantage of the increased density will be required to develop in accordance with development criteria for dual coded areas, which will be embedded in both DPS2 and the draft *Residential Development Local Planning Policy*.

The provisions proposed for inclusion in DPS2 as part of *Scheme Amendment No. 73* promote good design at the subdivision stage, including regulating lot shapes, requiring vehicular access from a laneway (where applicable) and restricting multiple dwellings to larger lots. As subdivision applications are determined by the WAPC, provisions relating to subdivision must be incorporated into DPS2 in order for them to be implemented effectively.

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

As a result, the draft *Dual Density Policy* has been reviewed and renamed the *Residential Development Local Planning Policy*.

The draft policy has also been changed to include standards for all residential development in the City of Joondalup, not just that in Housing Opportunity Areas. The reason for this is that the R-Codes simply do not go far enough to control design qualities of structures like garages, carports, ancillary dwellings (granny flats) and the like. The City therefore experiences difficulties on occasion with inferior design quality of certain structures, which meet the Deemed to Comply standards or Design Principles of the R-Codes and therefore cannot reasonably be refused by the City.

The draft policy has been developed to be, in effect, a new set of R-Codes for the City.

The existing R-Codes work in the following manner:

- The R-Codes are broken up into a number of different design elements (for example, site area, street setbacks, street walls and fences, open space, building height, parking, landscaping).
- For each design element, there are two sets of criteria against which a proposal can be assessed, namely the Deemed-to-Comply standards and the Design Principles.
- If a proposal meets the specific Deemed-to-Comply standards in the first instance, it is automatically considered to meet the objective for that design element and should be approved.
- If a development does not meet the Deemed-to-Comply standards, this does not mean it should be refused. Instead, the assessor is required to exercise some discretion or judgement as to whether the development meets the broader Design Principles. If so, the development is considered to meet the objective for that design element and may be approved.

An example of this is provided below:

5.2.4 Street Walls and fences	<b>Design principles</b>
Deemed-to-Comply standards	Front fences are low or restricted in height to permit surveillance and enhance streetscape, with appropriate consideration to the need:
Front fences within the primary setback area that are visually permeable above 1.2m of natural ground level, measured from the primary street side of the fence.	<ul style="list-style-type: none"> <li>• For attenuation of traffic impacts where the street is designated as a primary or district distributor or integrator arterial; and</li> <li>• For necessary privacy or noise screening for outdoor living areas where the street is designated as a primary or district distributor or integrator arterial.</li> </ul>

The new *Residential Development Local Planning Policy* is in effect a new set of R-Codes for the City of Joondalup. It is set out in a similar manner to the R-Codes, but also includes the following:

- (a) Additional and replacement Deemed-to-Comply standards for all residential development (Column 1 in attached table).
- (b) New Deemed-to-Comply standards for development in Housing Opportunity Areas - over and above those in a) above (Column 2 in attached table).
- (c) New Local Housing Objectives (Column 3 in attached table).

The existing Design Principles of the R-Codes are contained in Column 4 of the attached table. The Design Principles of the R-Codes are not able to be altered.

The additional and replacement Deemed-to-Comply standards for all residential development in Column 1 are intended to provide the City with the ability to better control the quality of development so as to protect and enhance existing streetscapes and to minimise negative impact on neighbours. Some of the standards have also been developed to reflect and capture as a new Deemed-to-Comply standard, the extent of discretion that is commonly exercised by officers in assessing proposals against the Design Principles. For example, currently minor incursions, such as porches and balconies, are only permitted to reduce the front setback by one metre where any other portion of the dwelling may reduce the front setback by 50 per cent. It is proposed to permit minor incursions to reduce the primary street setback by 50 per cent which is in keeping with the setback requirements permitted for any other portion of the dwelling.

The new Deemed-to-Comply standards in Column 2 for developments in Housing Opportunity Areas are standards that augment the R-Codes by providing design and development requirements for aspects of residential development that do not meet the Deemed-to-Comply requirements or are not provided for under the R-Codes.

The Local Housing Objectives (LHO) in Column 3 effectively bridge the gap between the very specific Deemed-to-Comply standards of the R-Codes and the very broad Design Principles, by providing guidance on the exercise of discretion. For example, where residential development does not meet the open space requirements prescribed under the Deemed-to-Comply criteria of the R-Codes the LHO provide several requirements which the development must meet. It is considered that these requirements, including the provision of an adequate outdoor living area and one active habitable space which has access to northern light, provide a better outcome for the residents of the property than requiring a certain percentage of open space which may form part of a side setback area which has limited uses and limited benefits for the residents.

The table at Attachment 4 outlines some of the key proposals contained in the tables that form part of the draft *Residential Development Local Planning Policy*, and the key outcomes sought to be achieved by these.

In future, when the Deemed-to-Comply standards are not met in the first instance, the proposal can be assessed against the LHOs, where these are listed. Where there are no LHOs or where the proposed development does not meet the LHOs, only then will the development be assessed against the Design Principles.

Attachment 1 to this Report contains a decision making flow chart, which highlights the above.

### **Recommendation 6**

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

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

### **Residential Development**

Currently the height of all development (residential and non-residential) in the 'Residential' zone is subject to the requirements of the existing *Height and Scale of Buildings within Residential Areas Policy*. This policy requires that for development to be deemed to comply it must fit within a building height envelope which prescribes a maximum height of 3.5 metres at the property boundaries, increasing to a maximum height of 8.5 metres, five metres in from the lot boundaries. This policy is outdated and imposes restrictions on development which are not consistent with other local governments. The requirements of the policy do not allow for the consideration of more modern building designs that may not feature a pitched roof or development on narrow lots. Furthermore, it is considered that the objectives of the policy provide little guidance on the determination of applications when the height limitations are not met. It is therefore proposed that this policy be revoked and that height provisions be dealt with via R-Code provisions in the new draft *Residential Development Local Planning Policy*.

The draft *Residential Development Local Planning Policy* proposes the following:

- Unless otherwise specified, the maximum height of all residential development is to be six metres to the top of an external wall, or two storeys.



- Multiple dwellings in areas coded R30 or greater are proposed to be limited to the heights prescribed under the current requirements within the R-codes. The permitted height will depend on the density of the site with properties coded R30 – R40 limited to nine metres or two storeys, R50 – R60 limited to 12 metres or three storeys, and R80 limited to 15 metres or four storeys.
- As per Recommendation 6, the maximum height of multiple dwellings for aged and dependent persons (where permitted), on land of 5,000m<sup>2</sup> or more, and coded R40 or lower, is to be 12 metres or three storeys.
- As per Recommendation 6, the maximum height of multiple dwellings for the purposes of aged and dependent persons, on land 5,000m<sup>2</sup> or more, and coded R60 to R80, is to be 15 metres or four storeys.

Indicative height drawings are at Attachment 5.

### Non-Residential Development

Currently, there are only height restrictions for non-residential development within the 'Residential' zone or if they are prescribed under a structure plan. All other non-residential development does not have any height limitations imposed under DPS2 and are only limited in height by their ability to provide adequate car parking on site. It is considered that the control of non-residential development is critical to provide guidance to developers on what is considered to be appropriate and provide consistency with the building heights of existing and adjacent buildings in the locality.

Building height for non-residential development within 300 metres of the coast is currently controlled through the *Height of Buildings within the Coastal area (Non-Residential Zones) Policy*. This policy sets out that on land within 300 metres of the horizontal setback datum of a coast, buildings shall not exceed 10 metres in height.

This policy was originally adopted by Council in 2006 following advice from the then Minister for Planning and Infrastructure that the City's lack of commercial height controls within the coastal strip be addressed.

As a result of the recommendation, Council at its meeting held on 13 December 2005 resolved to adopt, for the purposes of advertising, *Scheme Amendment No. 32* that sought to introduce into DPS2 a 10 metre building height limit within the coastal area.

Due to the extended timeframe for an amendment to DPS2 to be finalised, and given that a policy could be finalised in a shorter timeframe, Council also adopted, for the purpose of advertising, an 'interim' local planning policy with similar wording to the scheme amendment.

Following advertising, the policy was adopted by Council at its meeting on 21 February 2006, and has remained in place since that time. *Scheme Amendment No. 32* was adopted by Council at its meeting held on 4 April 2006 but in May 2007, the then Minister for Planning and Infrastructure advised of concerns regarding the 'blanket' approach to height control along the City's coastal area, and refused to grant final approval to the scheme amendment for the following reasons:

- 1 *The proposed 10.0 metre height limit has not been appropriately justified in the context of the limited sites to which it would apply.*
- 2 *The proposed height limit would give the Council no discretion to determine a development application on its merits where a greater building height was proposed as has already shown itself to be an issue in the determination of the development application at Sacred Heart College.*

The current *Height of Buildings within the Coastal area (Non-Residential Zones) Policy* was based on the previous *State Planning Policy 2.6 State Coastal Planning Policy* (SPP 2.6). This state planning policy has since been updated to remove the maximum building height requirements and to allow local governments to determine the appropriate height of buildings in coastal areas.

In reviewing this issue, research has been done to determine exactly how many sites could potentially be developed with non-residential buildings within 300 metres of the coast. The sites which fall into this category are as follows:

Site	Comments
Burns Beach - small café site adjoining foreshore reserve	Vacant site. Height requirement not specified in existing structure plan.
Iluka - 'Centre' zone (portion of site)	Vacant site. Height requirement specified in existing structure plan (three storey maximum).
Mullaloo - tavern site	Existing four storey building.
Kallaroo - Northshore Country Club (portion of site)	Existing two storey building. Only a very small portion of site affected.
Hillarys - Mixed use sites Site 1 - Angove Drive cnr West Coast Drive Site 2 - Hepburn Avenue cnr West Coast Drive	Height requirement specified in structure plan. Site 1 – two storey maximum Site 2 – three storey maximum if landmark building
Sorrento - Sacred Heart College (portion of site)	Existing auditorium, and approval for gymnasium, within coastal area.
Sorrento Beach Resort	Existing two storey building.
Sorrento local centre	Existing buildings up to two storeys. Structure plan application for up to six storeys.

It is considered that a policy is still needed to guide the possible future development of most of these sites. The exceptions are sites, which are controlled separately by structure plan provisions.

The draft *Height of Non-Residential Buildings Local Planning Policy* is proposed to include provisions regarding all non-residential development within the City of Joondalup and separate provisions for height of non-residential buildings in the coastal area.

The *Height of Non-Residential Buildings Local Planning Policy* proposes the following:

- Non-residential development within the 'Residential' and 'Special Residential' zone will be limited to the same height as residential development as prescribed under the R-Codes (six metres to the top of an external wall or two storeys).  
In line with Recommendation 6 of the LHS, the height of a Nursing Home or Retirement Village on a lot of 5,000m<sup>2</sup> or more and coded R50 or higher will be limited to that stated for R80 development (12 metres to the top of an external wall or four storeys).
- Non-residential development in the 'Private Clubs and Recreation' and 'Local Reserve' are not to exceed six metres to top of external wall (roof above), seven metres to top of external wall (concealed roof) and nine metres to top of pitched roof.

- Non-residential development in the 'Mixed-Use', 'Business' and 'Commercial' zones will be limited to the maximum height set out in Table 4 of the R-Codes for the applicable coding of that lot. This will maintain consistency in height in these zones between residential and non-residential development.
- Non-residential buildings in the 'Service Industrial', 'Civic and Cultural' and 'Rural' zones are not to exceed nine metres to top of external wall (roof above), 10 metres to top of external wall (concealed roof) and 12 metres to top of pitched roof.
- In addition to the above requirement, where a lot is zoned 'Mixed-Use', 'Business' and 'Commercial', 'Service Industrial', 'Civic and Cultural' or 'Rural' and abuts a 'Residential' zoned lot, the maximum building height is limited to six metres within six metres of this common boundary. This requirement is proposed to limit this development to a height comparable to two storeys to manage the impact of these developments on adjoining residential properties.
- With respect to non-residential development in the coastal areas, it is proposed that new development be restricted to the same height as residential development as prescribed under the R-Codes (six metres to the top of an external wall or two storeys), unless:
  - new development is considered to be minor or incidental development
  - new development does not increase the height of existing buildings
  - greater height has been approved as part of a structure plan or local development plan, taking into account:
    - (a) existing built form, topography and landscape character of the surrounding area
    - (b) building siting and design
    - (c) bulk and scale of buildings and the potential to unreasonably overshadow adjoining properties or the foreshore
    - (d) visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces.

### **Implementation issues**

Through the development of LHS, a number of issues have been identified which will need to be addressed prior to the implementation of the HOAs. These issues include:

#### Standards for verge upgrades

The draft *Residential Development Local Planning Policy* requires that developers will need to provide one visitor parking bay per two dwellings in the road reserve. If the parking bay(s) cannot be accommodated in the road reserve the developers, where practicable, will be required to provide visitor parking on their private properties. Provision of parking and a street tree in the road reserve will be a condition of development and/or subdivision approval.

Indicative streetscape diagrams have been provided as part of Attachment 6.

These works will need to be undertaken by each individual developer, and therefore detailed development standards will need to be developed by the City. As a result of these works in the road reserve, existing footpaths or portions thereof may be required to be relocated and, as such, standards for footpath replacement by the developer will also need to be developed.

The option of requiring financial contributions from land owners/developers to fund the streetscape upgrades has been considered however a number of issues with this approach are identified. Firstly, as there is no requirement for lots within the HOAs to redevelop at the higher coding, it is likely that the City would not receive the full amount of funds required for the full extent of works. This would result in the City providing the remainder of the funds for the works.

In addition, the collection of development contributions would result in a number of additional administration resources revolved around the collection of the contributions. These costs may become greater than the cost of the contributions themselves.

Further to this, the requirement for development contributions has the potential to stifle the amount of redevelopment within the housing opportunity areas.

As per conditions of subdivision/development approval, the works undertaken by developers in the road reserve will need to meet the City's requirements. This will require the City to inspect all completed works, which may have an impact on staffing resources for the City, depending on the rate of uptake of development opportunity in HOAs.

Developers and landowners will also be made aware that the parking bays in the road reserve are under the care and control of the City and therefore, over time, the City may choose to impose parking controls to ensure these bays are used by residents/visitors and not by commuters in HOAs which are located close to train stations.

#### Naming of the laneways within Sorrento, street addresses and process for upgrading of laneways

The naming of the laneways within Sorrento will be required to be in accordance with the requirements of the Geographical Naming Committee Guidelines.

With respect to the issue of whether new dwellings with frontage on the laneway should have a laneway street address or the address of the existing primary street will also need to be resolved. Comments from the Department of Fire and Emergency Services are currently being sought regarding their preference, after which consultation with affected landowners will take place as part of advertising of draft *Residential Development Local Planning Policy*.

Investigations are also currently underway as to the most appropriate method to deal with future laneway upgrades.

These issues are proposed to be addressed prior to the LHS being implemented.

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

The issue to be considered by Council is the suitability of the draft *Residential Development Local Planning Policy* and the proposed *Height of Non-Residential Buildings Local Planning Policy*.

The options available to Council are to:

- proceed with the draft *Residential Development Local Planning Policy* and the draft *Height of Non-Residential Buildings Local Planning Policy* and adopt them for the purposes of public advertising

- proceed with the draft *Residential Development Local Planning Policy* and the draft *Height of Non-Residential Buildings Local Planning Policy*, subject to modifications, and adopt them for the purposes of public advertising or
- not proceed with the draft *Residential Development Local Planning Policy* and/or the draft *Height of Non-Residential Buildings Local Planning Policy*.

### **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**

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

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

#### **Policy**

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

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

Clause 8.11 of DPS2 enables Council to prepare, amend and add to local planning policies that relate to any planning and development matter within the scheme area.

If Council decides to adopt a draft or amended policy, the draft policy is to be advertised for not less than 21 days and published a notice in a local newspaper circulating within the scheme area once a week for two consecutive weeks.

Following advertising, Council is required to review the draft policy in light of any submissions received and resolve to finally adopt the draft policy with or without modifications or not to proceed with the draft policy.

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

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

Clause 7.3.1 of the R-Codes permits local planning policies to amend or replace certain Deemed-to-Comply criteria of the R-Codes as well as augment the R-Codes by providing local housing objectives to guide judgements about the merits of proposal for any aspects of residential development.

Under clause 7.3.2 of the R-Codes permits local governments, with the approval of the WAPC, to amend any Deemed-to-Comply provisions within the R-Codes through local planning policy provisions.

### **Risk management considerations**

Without the provisions contained within the draft *Residential Development Local Planning Policy* and the draft *Height of Non-Residential Buildings Local Planning Policy*, the City will be unable to effectively implement Recommendations 3 and 6 of the LHS. Furthermore, without appropriate controls in place, development could occur in an ad hoc manner which has the potential to have negative impact on the City's streetscapes and on residential amenity.

There is also a risk that the uptake of development opportunities in HOAs is greater than that currently envisaged by the City. This will have an impact on City staff resources as Urban Planners are required to assess applications received and engineering expertise will be required to check that footpath replacement and verge parking has been constructed in accordance with City guidelines. The likely uptake is difficult to predict and therefore the impact the implementation of the LHS will have on City resource is somewhat of an unknown at this stage.

There is a risk that developers will not construct the verge parking and undertake the footpath replacement to the satisfaction of the City, but this would mean they would either not receive subdivision clearance from the City or would be in contravention of conditions of their development approval.

### **Financial / budget implications**

The implementation of the *Residential Development Local Planning Policy* will have an impact on staffing resources for the City, though this impact is difficult to quantify at this early stage due to uncertainty about the likely uptake of development opportunity.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The increase in the range of residential densities in the City of Joondalup will provide a greater choice of house and land sizes which can cater for a greater range of household types from single persons to large families. This provision of varied lot and dwelling sizes can also offer an increase in affordable housing choices. This will also improve social sustainability as it can assist residents to stay in their community, while changing housing choice to meet their needs throughout their life. The proposed *Residential Development Local Planning Policy* and the proposed *Height of Non-Residential Buildings Local Planning Policy* will help facilitate this proposed infill while minimising the impact on the existing streetscape.

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

## Consultation

Clause 8.11 of DPS2 requires a new policy or amendment to a policy to be advertised for public comment for a period of 21 days. The proposed policies would be advertised as follows:

- a notice will be published once a week for two consecutive weeks in the local newspaper
- a notice placed on the e-screen at the City's administration building
- a notice and documents will be placed on the City's website.

## COMMENT

The proposed provisions of the draft *Residential Development Local Planning Policy* outline the City's expectations/approach to development (including height of all residential development) and development that is to be delivered at a higher density under the LHS. This will provide clear guidance to anyone contemplating development within the City. It is also intended that the policies will serve as an effective guide to decision-making and will provide clarity and comfort for owners and residents as to what form of development they could expect to occur in the vicinity of their property.

The proposed provisions of the *Height of Non-Residential Buildings Local Planning Policy* look to set height restrictions for non-residential develop throughout the City, including within the coastal area.

As both the above policies will effectively replace the existing policies on *Height and Scale of Buildings within Residential Areas* and the *Height of Buildings within the Coastal area (Non-Residential Zones)*, it is proposed to revoke both existing policies.

## 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 10 August 2015.

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 Height of Non-Residential Buildings Local Planning Policy as detailed in Attachment 2 to this Report, for the purpose of public advertising;*
- 2 *in accordance with clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADOPTS the draft Residential Development Local Planning Policy as detailed in Attachment 3 to this Report, for the purpose of public advertising;*

- 3 *in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADVERTISES the draft Height of Non-Residential Buildings Local Planning Policy and draft Residential Development Local Planning Policy for public comment for a period of 21 days;*
- 4 *in accordance with clause 8.11 of the City of Joondalup District Planning Scheme No. 2, NOTES that the Height and Scale of Buildings within Residential Areas and the Height of Buildings within the Coastal area (Non-Residential Zones) will be revoked in the event that the draft Height of Non-Residential Buildings Local Planning Policy and draft Residential Development Local Planning Policy are implemented."*

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 Height of Non-Residential Buildings Local Planning Policy as detailed in Attachment 2 to this Report, for the purpose of public advertising;*
- 2 *in accordance with clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADOPTS the draft Residential Development Local Planning Policy as detailed in Attachment 3 to this Report, for the purpose of public advertising;*
- 3 *in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADVERTISES the draft Height of Non-Residential Buildings Local Planning Policy and draft Residential Development Local Planning Policy for public comment for a period of 21 days;*
- 4 *in accordance with clause 8.11 of the City of Joondalup District Planning Scheme No. 2, NOTES that the Height and Scale of Buildings within Residential Areas and the Height of Buildings within the Coastal area (Non-Residential Zones) will be revoked in the event that the draft Height of Non-Residential Buildings Local Planning Policy and draft Residential Development Local Planning Policy are implemented;*
- 5 *REQUESTS that a report be submitted to Council following 12 months of the policies implementation.*



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

- 1 in accordance with clause 8.11 of the City of Joondalup *District Planning Scheme No. 2*, ADOPTS the draft Height of Non-Residential Buildings Local Planning Policy as detailed in Attachment 2 to Report CJ147-08/15, for the purpose of public advertising;
- 2 in accordance with clause 8.11 of the City of Joondalup *District Planning Scheme No. 2*, ADOPTS the draft Residential Development Local Planning Policy as detailed in Attachment 3 to Report CJ147-08/15, for the purpose of public advertising;
- 3 in accordance with Clause 8.11 of the City of Joondalup *District Planning Scheme No. 2*, ADVERTISES the draft *Height of Non-Residential Buildings Local Planning Policy* and *draft Residential Development Local Planning Policy* for public comment for a period of 21 days;
- 4 in accordance with clause 8.11 of the City of Joondalup *District Planning Scheme No. 2*, NOTES that the *Height and Scale of Buildings within Residential Areas* and the *Height of Buildings within the Coastal area (Non-Residential Zones)* will be revoked in the event that the draft *Height of Non-Residential Buildings Local Planning Policy* and *draft Residential Development Local Planning Policy* are implemented;
- 5 REQUESTS that a report be submitted to Council following 12 months of the policies implementation.

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17agn170815.pdf](#)

## **CJ148-08/15      PROPOSED NEW POLICY - HIGH RISK BOOKINGS IN COMMUNITY FACILITIES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	13010, 101515
<b>ATTACHMENT</b>	Attachment 1 <i>High Risk Bookings in Community Facilities Policy</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to adopt a new policy for the management of high risk bookings in community facilities.

### **EXECUTIVE SUMMARY**

The City has 32 community facilities that can be hired on a 'casual' basis for private functions and activities. Each separate booking is subject to an application process and a set of booking terms and conditions which the hirer must agree to before a booking can be confirmed.

The vast majority of bookings that occur in the City's community facilities go ahead without incident, however, the City has previously experienced some property damage and anti-social behaviour issues with some casual bookings. These bookings typically involve consumption of alcohol and / or significant numbers (>50) of people (such as 18<sup>th</sup> and 21<sup>st</sup> birthday parties).

In May 2012, the City commenced a trial period during which no new bookings for 18<sup>th</sup> and 21<sup>st</sup> birthday parties were accepted. Since the commencement of the trial period, there have not been any incidents of property damage or anti-social behaviour associated with casual bookings in community facilities.

The City has considered some different options for the management of these casual bookings and consequently, a new policy for the management of high risk casual bookings (Attachment 1 refers) is proposed for Council's consideration.

*It is recommended that Council ADOPTS the High Risk Bookings in Community Facilities Policy as included in Attachment 1 to Report CJ148-08/15.*

## BACKGROUND

Between January 2011 and April 2012 (prior to the temporary ban on 18<sup>th</sup> and 21<sup>st</sup> parties) the City had 80 bookings (approximately 8% of all casual bookings) which could be categorised as high risk due to the type of booking and the number of people involved. Most of the 80 bookings were either 18<sup>th</sup> or 21<sup>st</sup> birthday parties.

Of these 80 bookings, the City experienced issues with 12 of them. Ten of these were 18<sup>th</sup> or 21<sup>st</sup> birthday parties, one was a 16<sup>th</sup> birthday party and the other was a 40<sup>th</sup> birthday party. The issues ranged from relatively minor concerns (such as the facility not being adequately cleaned) through to more significant issues such as vandalism/damage, violence and general anti-social behaviour at the venue.

Two of these bookings required police attendance.

There is also anecdotal evidence to indicate that other anti-social behaviour was associated with some of these bookings, such as large groups of young people walking the streets and being disruptive to local residential areas.

Of the 12 bookings that resulted in issues for the City, four of them were at Beaumaris Community Centre. A local resident contacted the City and commented that several of her neighbours are concerned with the anti-social behaviour that accompanies some of the bookings.

When incidences such as this occur, City staff spend a significant amount of time rectifying the issues, responding to complaints from other user groups and residents, and liaising with the hirer to resolve the bond and/or recover costs.

In May 2012, the City commenced a trial period during which no new bookings for 18<sup>th</sup> and 21<sup>st</sup> birthday parties were accepted. Since the commencement of the trial period, there have not been any incidents of property damage or anti-social behaviour associated with casual bookings in community facilities. The trial is still in place.

During the trial period, the City also conducted a general review of high risk casual bookings, focussing on:

- review of approach taken by other local governments on high risk bookings
- reviewing the booking documentation and processes to determine if improvements could be made to mitigate risk
- monitoring all existing and new bookings to determine if hirers attempted to circumvent the ban on high risk bookings by submitting false booking applications
- monitoring of enquiries to gauge customer reaction to ban on high risk bookings.

## DETAILS

For the purposes of this report, a high risk casual booking is one which:

- is a birthday party for the age range 16 to 21, a buck's night/hen's night or any other function where the City has a reasonable concern that there is a risk of property damage, vandalism and/or anti-social behaviour
- involves provision or sale of alcohol
- involves more than 50 guests (as indicated on the booking form).

A review of high risk casual bookings focussed on the following:

- Review of approach taken by other local governments on high risk bookings.
- Reviewing the booking documentation and processes to determine if improvements could be made to mitigate risk.
- Monitoring all existing and new bookings to determine if hirers attempted to circumvent the ban on high risk bookings by submitting false booking applications.
- Monitoring of enquiries to gauge customer reaction to ban on high risk bookings.

The review of other local governments showed that there is not a consistent approach to high risk bookings. There are generally three different approaches:

- 1 No special arrangements, normal bond, hire fees and booking terms and conditions apply.
- 2 Charge a higher bond and/or requirement to complete additional specific booking forms.
- 3 Do not accept 18<sup>th</sup>, 21<sup>st</sup> or other potentially high risk bookings (such as buck's/hen's nights).

Some local governments have formalised procedures, others have internal processes to identify high risk bookings. For example, the City of Wanneroo has additional booking forms and a higher bond for functions that it deems to be high risk.

In some cases, the additional bond charged by the local government is so significant (up to \$5,000) that it basically acts as a deterrent, causing the applicant not to proceed with their booking.

Generally, the provision of alcohol at a private booking in a City facility does not require additional approval from the City, unless the alcohol is being sold and/or the booking takes place in a public place such as a park. However the City has specific booking processes and requirements in place to minimise the potential for issues with high risk bookings, such as:

- hirers must be over 18 years of age
- licensed security for 16<sup>th</sup> to 21<sup>st</sup> birthday parties, or other high risk functions, where alcohol will be consumed
- restrictions on late bookings at some facilities
- bond required for all bookings (\$750)
- booking notifications forwarded to City Watch and local Police
- regular engagement with customers with referral to the Police's Party Alert booklet and City Watch's Party Alert form
- minimum of two City Watch patrol visits per 'high risk' booking.

The current facility booking forms require the applicant to provide certain information about their function, such as:

- type of activity/function being undertaken
- number of participants expected
- times of booking
- details of provision or sale of alcohol (if any).

In addition, the City's Terms & Conditions of Hire, which must be read and signed by the applicant prior to the City confirming the booking, clearly point out the obligations of the hirer, such as:

- safety of participants
- cleaning and damage
- alcohol and gambling
- noise
- contacting Police and City watch.

The City's current booking processes, booking forms and terms and conditions of hire are quite rigorous and it would be fair to say that when major incidents occur, it is not caused by a lack of due process by the City, rather from unforeseeable circumstances. They are usually caused by the negligence of the hirer, either deliberately or inadvertently, such as providing false information to the City or by details of their function published on social media and attracting additional unwanted guests.

Since the temporary ban on high risk bookings, the City has received on average approximately one to two enquiries per week for these types of functions. The City has received two special requests for 18<sup>th</sup> birthday parties, both of which were presented to the Chief Executive Officer for consideration. One of these requests was approved as the City was satisfied that there was negligible risk to the City due to the circumstances of the booking. In this case, most of the guests had muscular dystrophy and the City's community centre in Connolly was requested as a venue due to its good wheelchair accessibility. However, after providing approval for the booking, the City was subsequently advised by the applicant that the booking was no longer required. The other request was not approved.

On two occasions, the City's processes have been effective in identifying false information on booking applications that subsequently led to the hirer cancelling their booking or the City not accepting it due to significant concerns about the nature of the function.

The City has received one written complaint about not being able to book a community facility for a 21<sup>st</sup> birthday party.

The temporary ban on high risk bookings has shown that by not accepting casual bookings which appeared to be high risk, the City had a reduction in property damage and/or anti-social behaviour.

In proposing a policy, it is suggested that the definition of a high risk booking should also distinguish between private casual bookings and those made by regular hire groups such as community groups. It is not uncommon for community groups, such as sporting clubs, to host functions in the venues they hire on a seasonal or annual basis. There have been occasions where these functions have resulted in anti-social behaviour and/or property damage. However, these incidences are comparatively few and easier to manage compared to a private casual booking because:

- the City already has an established relationship with its community groups and their representatives
- the community group has a vested interest in continuing to hire the venue and therefore is more likely to show positive intent to manage any incidences promptly and correctly
- the ramifications of liquor licence breaches are more significant for established groups such as sporting clubs

- the City can ultimately refuse the groups future bookings and/or liquor licence requests if incidences re-occur
- the City's Club Development program provides ongoing support, information and education to assist community groups with all aspects of club governance and appropriate conduct in the City's facilities.

### Issues and options considered

In reviewing the City's approach to high risk casual bookings, the following options were considered:

- 1 Revert to a normal approach – no ban in place, all bookings are subject to the current rigorous processes, booking forms and Terms and Condition of Hire.
- 2 Increased requirement for high risk bookings – additional requirements are placed on hirers, such as a higher bond (the City's current fees and charges schedule enables a bond of \$2,500 to be charged), requirement for licensed security staff and/or other conditions the City deems appropriate.
- 3 Permanent ban on high risk bookings – the City formalises a ban on high risk bookings, as defined earlier in this report.

While option two does put additional controls in place, both option one and two still leave the City exposed to the risk of incidences occurring at high risk casual bookings.

Option three is most effective in minimising the risk of issues resulting from high risk bookings, however could be seen as disadvantaging some applicants whose booking would not present any issues however it would not be approved by the City because it fits into the category of a high risk booking.

As a result of feedback received from Elected Members through an issues paper circulated regarding high risk bookings, it is recommended that option 2 is implemented.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

The City's *Local Government and Public Property Local Law 2014* allows the City to have absolute discretion over whether it approves an application for use of local government or public property (Part 12). Clause 12.6 of the *Local Government Public Property Local Law 2014* would also support the development of a specific policy on particular types of bookings.

#### Strategic Community Plan

##### Key theme

Community Wellbeing.

##### Objective

Quality facilities.

##### Strategic initiative

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

##### Policy

No policy exists, however a new policy is being proposed.

**Risk management considerations**

Large private, social gatherings in City facilities involving alcohol provide the following potential risks to the City:

- Damage to the facility – while property damage can generally be repaired and the costs recovered, the facility may be unusable for a period of time, which can impact on other members of the public.
- Anti-social behaviour – the popularity of social media now means that a private function can be inadvertently or deliberately ‘shared’ with large numbers of people in a short space of time. As is often shown in the media in recent times, when this occurs there is significant potential for major anti-social behaviour issues which can have a negative impact on the surrounding community.

**Financial / budget implications**

The financial implications of the previously mentioned 12 bookings are summarised below:

Income generated by bookings	\$3,682.14
Cost of damage/cleaning and the like	\$8,249.41

In most cases, the cost of damages is recovered via the bond, or by invoicing the hirer if the cost exceeds their bond. However, there is still a significant amount of staff time required to deal with all the issues that arise when an incident occurs at a booking in one of the City’s community facilities.

In addition, other user groups can be affected if the facility is unusable for a period of time while issues are rectified.

**Current financial year impact**

Not applicable.

**Future financial year impact**

Not applicable.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

## COMMENT

Private bookings in City community facilities involving large numbers of people and consumption of alcohol now present a greater risk to the City than in previous times. Changes in social culture and the high use of social media mean there is a higher potential for property damage, vandalism, violence and anti-social behaviour to occur at these types of functions.

The draft policy proposes that the City applies additional conditions for casual bookings which it defines as high risk to help minimise the potential for damage to the City's community facilities and inconvenience to the City and other users of the facilities.

## 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 10 August 2015.

The committee recommendation is the same as recommended by City officers.

## RECOMMENDATION

**That Council ADOPTS the *High Risk Bookings in Community Facilities Policy* as included in Attachment 1 to Report CJ148-08/15.**

*Appendix 18 refers*

*To access this attachment on electronic document, click here: [Attach18agn170815.pdf](#)*



**CJ149-08/15      SPECIFIED AREA RATING POLICY – REVIEW**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	101278, 101515
<b>ATTACHMENT</b>	Attachment 1 <i>Revised Specified Area Rating Policy</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to consider a revised *Specified Area Rating Policy*.

**EXECUTIVE SUMMARY**

The *Specified Area Rating Policy* guides the circumstances under which a Specified Area Rate (SAR) may be established and the requirements for managing and expending funds collected under such arrangements.

The City currently has three SAR arrangements in place that are negotiated through the following representative bodies: Woodvale Waters Landowners Association (WWLA), Iluka Homeowners Association (IHA) and Harbour Rise Association of Homeowners (HRAH).

In October 2014, Council received a request from the Burns Beach Residents Association (BBRA) to consider establishing a SAR within the suburb of Burns Beach (CJ124-07/14 refers). For a request to proceed, the current policy requires a minimum 75% support from all affected ratepayers to be demonstrated. The consultation process obtained a much lower return rate of 44% and only garnered 55% support, as such, Council resolved not to proceed with the request (CJ192-10/14 refers).

After Council's consideration of the matter, the following was requested at the Policy Committee meeting in December 2014:

*“...a report analysing the current Special Area Rates Policy following the recent consultation for special area rates in Burns Beach, with a view to identifying any gaps as a result of the public consultation and how the policy could be amended to achieve a better outcome.”*

To support the review process a survey was sent in April 2015 to all Resident and Ratepayer Associations currently subject to a SAR, (including the BBRA as recent requestors of a SAR), seeking their views on the City's current policy. Clarification from Elected Members was also sought regarding their views on the current consultation requirements within the policy and the provision and funding of infrastructure through SAR agreements.

Preliminary feedback revealed a general view to reduce the current 75% support and return rate target for community consultation in the establishment of new SARs and to support the provision of capital infrastructure through SAR agreements, with some variation in opinion on the preferred means in which this should be managed.

In addition to the issues highlighted above, a minor amendment to clarify the potential application of SARs to commercial areas has also been considered in the review process, following previous requests.

As a result, it is recommended that several amendments are made to the current *SAR Policy*, namely:

- reduce the consultation support and return rate targets from 75% to over 50%
- clarify that capital infrastructure items can be funded through a SAR agreement, subject to the consideration by the City and approval by the Council, via the *Five Year Capital Works Program*
- expand the potential application of SARs to commercial areas by removing references to established “residential” areas only.

In support of these amendments it is also recommended that guidelines are developed, to further clarify the processes associated with the provision, approval, funding, maintenance and renewal of capital infrastructure items under a SAR agreement.

## BACKGROUND

At its meeting held on 21 July 2009, Council requested that *"a Specified Area Rates Policy be developed by the City – a policy that would guide other areas of the City that might wish to pay a specified area rate for additional landscaping services"* (C63-07/09 refers).

In response to this request, a draft policy was presented to the Policy Committee in February 2010 and was subsequently adopted by Council on 16 March 2010 (CJ039-03/10 refers). The policy was based on the knowledge and experience attained in the management of existing SARs operating within the City of Joondalup, (namely Woodvale Waters, Iluka and Harbour Rise).

The policy considers three major issues:

- *the circumstances under which the City may consider applying a SAR* (either by request of a developer of a new subdivision or a resident/ratepayer group representing the property owners of an established residential area)
- *the management arrangements for a SAR once introduced* (providing broad management parameters in relation to interactions with representative SAR bodies, the timing of agreement negotiations and the collection and expenditure of funds)
- *the termination arrangements for a SAR* (including the circumstances under which a SAR should no longer apply, the expectations for reverting or maintaining levels of service and the effective timing of termination).

Since its introduction in 2010, no additional SARs have been established within the City and all existing SARs have been managed in accordance with the parameters set by the policy. Issues experienced throughout this period have related mainly to the use of accumulated surplus funds (in particular, the legislative restrictions placed over what these funds are able to be spent on in years outside of the period in which they were collected) and identifying appropriate forms of infrastructure that could be funded through a SAR.

The establishment clauses within the policy were tested for the first time in 2014, following a request by the BBRA to introduce a SAR within the suburb of Burns Beach. A consultation process was undertaken over a 30 day period in August-September 2014, whereby all affected property owners within the suburb of Burns Beach were sent an information package in the mail, which included a survey and Frequently Asked Questions document.

Of the 1,251 property owners surveyed, 552 households responded, equating to a return rate of 44.1%. Of these respondents, 54.9% supported the introduction of a SAR, which was significantly less than the 75% required under the current *SAR Policy*. As a result, Council resolved not to proceed with the request (CJ192-10/14 refers). It was noted in the report that, while the results were below the targets set within the policy, they were statistically reliable and relatively high when compared to average consultation return rates achieved by the City (which is less than 30%). Furthermore, some respondents indicated a concern for the lack of information provided by the City on the pros and cons of introducing a SAR. This resulted in some respondents indicating they were “unsure” as to whether they supported the proposal or not (4% of respondents provided this feedback).

As a result of these issues, the following was requested at the Policy Committee meeting in December 2014:

*“...a report analysing the current Special Area Rates Policy following the recent consultation for special area rates in Burns Beach, with a view to identifying any gaps as a result of the public consultation and how the policy could be amended to achieve a better outcome.”*

This report outlines the outcomes of a review process on the current *SAR Policy*.

## DETAILS

To commence the review process, preliminary feedback was sought from all Resident and Ratepayer Associations currently subject to a SAR, (including the BBRA as recent requestors of a SAR), seeking their views on the City’s current policy. This was achieved by way of a survey that asked groups what they thought worked well, could be improved or raised concerns for them with regard to the management of their current SAR agreements? Specific issues relating to the use of surplus funds collected under a SAR and the level of support for funding capital infrastructure items through a SAR were also canvassed for opinion.

Feedback received from the survey varied, as summarised below:

Question	Summarised Responses	Respondents
What works well?	<ul style="list-style-type: none"> <li>• Agreement and approval process works well</li> <li>• Covers general and annual maintenance requirements, which work well</li> <li>• Interactions with the City, provision of information and service outcomes work well and are achieved</li> </ul>	<ul style="list-style-type: none"> <li>• WWLA, HRAH</li> <li>• WWLA</li> <li>• IHA</li> </ul>
What needs improving?	<ul style="list-style-type: none"> <li>• No improvements required</li> <li>• The ability to include capital improvements within SAR agreements more effectively</li> </ul>	<ul style="list-style-type: none"> <li>• HRAH, IHA</li> <li>• WWLA</li> </ul>

Question	Summarised Responses	Respondents
What raises concerns for you?	<ul style="list-style-type: none"> <li>• No concerns</li> <li>• Differing interpretations between the City and Association as to whether SAR agreements apply to soft landscaping only, or whether they also include capital improvements</li> <li>• SAR can't allow for funding of the administrative body (Association)</li> <li>• The current 75% consultation targets being too unrealistic to achieve.</li> </ul>	<ul style="list-style-type: none"> <li>• IHA</li> <li>• WWLA</li> <li>• HRAH</li> <li>• BBRA</li> </ul>
Should accumulated surplus funds offset existing services or fund new/alternative services?	<ul style="list-style-type: none"> <li>• Should be able to fund either/remain flexible</li> <li>• Should only offset existing services.</li> </ul>	<ul style="list-style-type: none"> <li>• WWLA, BBRA</li> <li>• HRAH, IHA</li> </ul>
Should SARs be able to fund capital infrastructure items?	<ul style="list-style-type: none"> <li>• Yes, through the development of strategic improvement plans that are developed in consultation with the City</li> <li>• No/a change in the use of funds may be opposed</li> <li>• Yes, but at the discretion of the Association and for lower budget capital items.</li> </ul>	<ul style="list-style-type: none"> <li>• WWLA</li> <li>• HRAH, BBRA</li> <li>• IHA</li> </ul>
Other	<ul style="list-style-type: none"> <li>• Fully in favour of SARs and the value they provide the suburb</li> <li>• Appreciate opportunity to contribute to review process</li> <li>• The community consultation package distributed to Burns Beach ratepayers lacked detail and did not make it clear what would/would not be included in the SAR and gave the impression that current levels of service would remain following handover from PEET Ltd.</li> </ul>	<ul style="list-style-type: none"> <li>• IHA</li> <li>• WWLA</li> <li>• BBRA</li> </ul>

The feedback received through this process informed a more detailed consideration of issues with Elected Members to provide additional context to the review. Matters included:

- should the current community consultation targets within the *SAR Policy* be reduced
- should amendments be made to the consultation materials distributed as part of a request to establish a SAR
- should the funding of capital infrastructure items be supported through a SAR agreement.

As a result of feedback received to date, the following amendments to the current *SAR Policy* are recommended:

1 Reduce the consultation support and return rate targets from 75% to over 50%

If the current consultation requirements within the policy remain as they are, there is little chance of a new SAR ever being established within the City of Joondalup due to the difficulty of achieving the 75% return rate and support targets. While a large majority of support should be demonstrated from the affected community, there is the capacity to adjust the return rate to reflect a more appropriate target that is still statistically reliable. If the current consultation targets remain, there may be a view from the community that the City is intentionally setting its targets too high to avoid the introduction of any new SARs.

By way of example, a statistically reliable result on a population size of 1,251 (the number of ratepayers within Burns Beach), is 295 responses or a return rate of 24% (based on a confidence rating of 95%, +/- 5% margin of error). The City received a total of 522 responses through its consultation process, with a return rate of 44%. While significantly less than the 75% return rate required within the policy, it is still statistically reliable and considered very high in comparison to average consultation return rates achieved by the City (which is less than 30%).

The return rate of 44% was also achieved without significant campaigning during the consultation process. If undertaken again, it would not be unreasonable to consider a minimum return rate target of 50% as potentially achievable, statistically reliable and high enough to substantiate the views of the majority of affected property owners.

In terms of determining the level of support, a minimum majority of over 50% is the general indicator used by the City in its decision-making processes and when combined with a higher than usual return rate target of 50%, may also be considered a reasonable target to achieve. It should also be noted that the target provides a minimum guide only. Council would still have discretion to decide if a support rate of 50% was appropriate in the circumstances.

2 Clarify that capital infrastructure items can be funded through a SAR agreement, subject to the consideration and approval of the request by the City

While opinions varied with regard to the use of SAR agreements to fund capital infrastructure items, opposition to its inclusion centred mainly around a lack of guidance on the circumstances in which it could be managed over the long-term.

The City currently has no official position on how to handle requests for hard-landscaping/capital items under a SAR agreement. There is also no clear guidance on the types of infrastructure that may be considered appropriate to include under these arrangements and the responsibilities for funding the ongoing maintenance of the assets or their potential renewal at the end of their useful lives.

Outdoor exercise equipment was installed in Harbour View Park, Hillarys in 2013 following a request from the HRAH. The purchase and installation of the equipment was funded through a successful Lotterywest grant application rather than through excess SAR funds collected for the purpose of maintenance, while the ongoing maintenance costs of the equipment are borne by the City

A previous request for capital upgrade at McCubbin Park included lighting, signage and hard and soft landscaping was managed through the City's *Capital Works Program*.

The City continues to receive requests for capital infrastructure by SAR representative groups for items such as bench seating, feature lighting, entry statements and signage. In most scenarios, the requests have sought permission to use accumulated surplus SAR funds to pay for the installation of new landscaping infrastructure. Section 6.37 of the *Local Government Act 1995* requires funds to be used for the purpose in which the monies were collected and as such, requests to spend reserves on services or works that were not originally identified within the SAR agreement at the time of collecting the funds, can create compliance issues.

Notwithstanding these concerns, they could be mitigated through the development of guidelines, (in consultation with current SAR representatives and Elected Members), to provide more detailed information on:

- the types of infrastructure that could be funded through a SAR agreement
- the processes associated with the approval of infrastructure requests
- the responsibilities between the City and the SAR representative group with regard to funding the initial purchase and ongoing maintenance of the infrastructure item once approved for installation
- the processes associated with the renewal or disposal of the infrastructure item.

It is not suggested that the guidelines are incorporated within the *SAR Policy*, (which is only intended to provide broad management parameters), but rather provide supporting information in the policy's implementation. The policy itself could be amended in clause 2.2(a) to provide a general statement that capital infrastructure items requested through a SAR agreement will be subject to the consideration and approval of the City. This aims to acknowledge the City's in principle support for infrastructure to be funded through SAR agreements, without determining the specific circumstances under which they will be approved and managed under the policy.

It is noted that further discussion with SAR representatives and Elected Members will be required to develop guidelines if supported by Council.

3 Expand the potential application of SARs to commercial areas by removing references to established "residential" areas only

This issue was not canvassed through the preliminary feedback process, however, the review does provide an opportunity to remove current restrictions within the policy to require that SARs apply to residential areas only. There may be merit in considering requests for the introduction of SARs to large commercial precincts or the CBD area, should they be coordinated through an association representing the landowners.

As such, it is recommended that clause 2.1(b) of the *SAR Policy* is amended to remove references to established "residential" areas, to allow future requests for large commercial areas to be considered by the City in accordance with the parameters set within the policy.

## Issues and options considered

There are several options for the Council to consider that relate to three major issues:

### Community Consultation Targets:

- Option 1 support an amendment to clause 2.1(b)(ii) of the current *SAR Policy* to reduce the support rate from “*not less than 75% of all property owners surveyed*” to “*more than 50% of all property owners surveyed*”, as shown in Attachment 2 of this report.
- Option 2 support an alternate support rate target within clause 2.1(b)(ii).
- Option 3 retain the current support rate target within the *SAR Policy* of “*not less than 75% of all property owners surveyed*”.

### Capital Infrastructure Items:

- Option 4 support an amendment to clause 2.2(a) within the current *SAR Policy* to clarify the City’s in principle support to allow capital infrastructure items to be funded through a SAR agreement, including the development of supporting guidelines.
- Option 5 support the development of guidelines only.
- Option 6 support the incorporation of more detailed information from a potential guideline within the *SAR Policy* itself.
- Option 7 do not support the ability for SAR agreements to fund capital infrastructure items.

### Expanding the application of SARs to non-residential areas:

- Option 8 support an amendment to clause 2.1(b) to remove references to established “residential” areas.
- Option 9 do not support the capacity for SARs to apply to non-residential areas.

In light of feedback received from SAR representatives and Elected Members to date, options one, four and eight are the preferred options to finalise the review of the *SAR Policy* and provide further clarity to the circumstances under which capital infrastructure requests should be managed through a SAR agreement.

## Legislation / Strategic Community Plan / policy implications

**Legislation** Section 6.37 of the *Local Government Act 1995*.

### 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** *Specified Area Rate Policy*.

### Risk management considerations

The most notable risks associated with the review of the current *SAR Policy* relate to:

- approving the funding of capital infrastructure items through a SAR agreement and the potential long-term financial implications these assets may have on the City
- the suggestion to reduce the support and return rate targets for community consultation in the establishment of a new SAR.

With regard to the first issue, the development of guidelines in discussion with SAR representative groups and Elected Members will provide an opportunity to clearly articulate the circumstances under which infrastructure items may be considered and approved. This aims to mitigate the inheritance of financial burdens by the City and to facilitate the equitable improvement of landscaping outcomes within SAR areas.

In relation to the second issue, the reduction of the consultation targets may result in those opposed to the introduction of a SAR within Burns Beach raising concerns that the City is attempting to facilitate the establishment of a SAR, despite the outcome of the previous consultation process.

While this is an inevitable concern, the recommended amendments to reduce the targets from at least 75% to over 50% support from all affected ratepayers are still considered high and are provided as a guide only. Based on the previous consultation results for Burns Beach, the recommended targets would still not have been met, but would provide a more balanced consideration of results achieved. Council would still have discretion to support or oppose the introduction of a SAR, regardless of the consultation results.

### Financial / budget implications

SAR funds are raised to pay for the delivery of enhanced landscaping via an outsourced contract in alignment with agreed levels of service. This has included in some cases the upfront costs, either partially or in full, of purchasing and installing capital infrastructure.

The City funds the administration and contract management costs of the SAR agreement. The administration of the current three SARs is approximately \$48,592 annually with up to 0.5 of an FTE involved in tasks such as contract management and development, negotiating agreements, providing administrative support to SAR representatives and undertaking tender processes. Factors influencing the level of support required include a change in contractor or SAR representatives.



Current financial year impact

Existing Service Agreements are already in place for the three established SAR's (Harbour Rise, Woodvale Waters and Iluka) for the current 2015-16 financial year. Additional SAR funds could not be raised without issuing interim rate notices to the affected properties.

It is not possible to ascertain the cost relating to new SAR requests without knowing the specific details of the SAR proposal.

Future financial year impact

**Annual operating cost** Estimated \$500,000 per annum to provide contracted services to the three existing SAR's (excluding administration costs). Approximately \$100,000 of this is sourced from municipal funds for the standard landscape maintenance component which is provided under the same contract as the enhanced landscaping.

**Estimated annual income** Estimated \$400,000 raised by SAR levied on rateable properties for enhanced landscape maintenance component.

**Capital replacement** Not applicable.

**20 Year Strategic Financial Plan impact** The net impact of SAR's is cost neutral for the enhanced landscaping. The standard landscaping component is included in forward estimates for operating costs.

**Impact year** Life of the plan for standard landscaping component only.

**Regional significance**

Not applicable.

**Sustainability implications**

There may be some implications from an environmental perspective, if it is suggested by local residents that the additional landscaping services expected with the SAR area are contrary to City or Council policies, goals and objectives in regards to environmental sustainability, for example, water consumption.

**Consultation**

The process of review of the *SAR Policy* has involved preliminary feedback from affected Resident and Ratepayer Associations, either currently subject to a SAR agreement, or as recent requesters of a SAR. Initial commentary has also been sought from Elected Members to inform the review process.

## COMMENT

In seeking preliminary feedback from SAR representative groups and Elected Members, an issue was raised regarding the level of detail provided in the consultation materials that were distributed to ratepayers in the recent Burns Beach SAR consultation process. While it is not suggested that an amendment to the current *SAR Policy* is required, the feedback received is acknowledged and will be taken into consideration should a future request for a SAR be presented to the Council and approved for public consultation.

## 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 10 August 2015.

The original recommendation as presented by City officers to the committee is as follows:

*That Council:*

- 1 *APPROVES the proposed amendments to the Specified Area Rating Policy, as shown in Attachment 1 to this Report;*
- 2 *SUPPORTS the development of guidelines to clarify the processes associated with the provision, approval, funding, maintenance and renewal of capital infrastructure items under a SAR agreement.*

The committee's subsequent recommendation to the Council is as follows (changes identified):

*That Council:*

- 1 *APPROVES the proposed amendments to the Specified Area Rating Policy, as shown in Attachment 1 to this Report, subject to the following changes:*

*1.1 Clause 1 of the policy be amended to read as follows:*

*"1 Statement:*

*A Specified Area Rate may be imposed under Section 6.37 of the Local Government Act 1995 for the purpose of meeting the cost of providing a higher standard of landscaping, capital infrastructure, specific work, service or facility that the Council considers has benefitted or will benefit the ratepayers or residents within the proposed Specified Area or that they have contributed or will contribute to the need for that higher standard, improvement, work, service or facility."*

*1.2 in 2.2(a) insert the words "capital costs and" before the word "on-going";*

*1.3 in 2.1(b)(i) insert the words "provide appropriate supporting information to" before the word "conduct";*

1.4 in 2.1(b)(ii) insert the word “majority” before the word “support” and replace “50” with “40”;

- 2 *SUPPORTS the development of guidelines to clarify the processes associated with the provision, approval, funding, maintenance and renewal of capital infrastructure items under a SAR agreement.*

## RECOMMENDATION

### That Council:

- 1 **APPROVES the proposed amendments to the Specified Area Rating Policy, as shown in Attachment 1 to Report CJ149-08/15, subject to the following changes:**

- 1.1 **Clause 1 of the policy be amended to read as follows:**

**“1 Statement:**

**A Specified Area Rate may be imposed under Section 6.37 of the Local Government Act 1995 for the purpose of meeting the cost of providing a higher standard of landscaping, capital infrastructure, specific work, service or facility that the Council considers has benefitted or will benefit the ratepayers or residents within the proposed Specified Area or that they have contributed or will contribute to the need for that higher standard, improvement, work, service or facility.”;**

- 1.2 **in 2.2(a) insert the words “capital costs and” before the word “on-going”;**

- 1.3 **in 2.1(b)(i) insert the words “provide appropriate supporting information to” before the word “conduct”;**

- 1.4 **in 2.1(b)(ii) insert the word “majority” before the word “support” and replace “50” with “40”;**

- 2 **SUPPORTS the development of guidelines to clarify the processes associated with the provision, approval, funding, maintenance and renewal of capital infrastructure items under a SAR agreement.**

*Appendix 19 refers*

*To access this attachment on electronic document, click here: [Attach19agn170815.pdf](#)*

## REPORT – AUDIT COMMITTEE – 10 AUGUST 2015

### CJ150-08/15 STATUS REPORT – COST EFFICIENCY AND SERVICE REVIEWS PROGRAM

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO	
<b>FILE NUMBER</b>	103906, 101515	
<b>ATTACHMENTS</b>	Attachment 1	Progress of Cost Efficiency and Service Reviews Program
	Attachment 2	Progress of Review of Activities (Normal Business Practice)
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').	

#### PURPOSE

For Council to note the progress of the cost efficiency and service reviews program and the progress of review of activities as normal business practice.

#### EXECUTIVE SUMMARY

Since July 2013 the City has been undertaking reviews of activities in order to identify areas to reduce costs by eliminating and identifying waste and improving efficiency and effectiveness throughout the City's operations.

*It is therefore recommended that Council NOTES:*

- 1 *the progress of the cost efficiency and service reviews program;*
- 2 *the progress of review of activities as normal business practice.*

#### BACKGROUND

The Chief Executive Officer initiated an extensive program of reviews to be undertaken of a number of the City's activities in order to identify opportunities for increasing efficiencies, reducing waste and reducing the costs of the services.

At the Audit Committee meeting held on 4 August 2014 options and alternative mechanisms to review and analyse levels of expenditure of City services and activities were outlined. Deloitte Touche Tohmatsu was subsequently engaged by the City to undertake an independent appraisal to determine if the City's approach is:

- appropriate and structured
- consistent with relevant standards, guidelines and good practice in the local government sector
- likely to achieve its objectives efficiently and effectively.

At the Audit Committee meeting held on 9 March 2015 the Chief Executive Officer provided an update of the activities relating to the program of cost efficiency and service reviews.

## DETAILS

Attachment 1 outlines the status of the 17 reviews that are part of the Cost Efficiency and Service Reviews (Phase 1).

These reviews include the following:

- Non-Domestic Rubbish Collections (Parks, Reserves, Foreshores, Bus-Stops).
- City's Fleet Utilisation and Operating Costs.
- Building Maintenance of City Buildings.
- Building Cleaning of City Buildings.
- Utility Consumption of City Buildings.
- Contract for the Supply and Return of Christmas Decorations.
- City Building Rentals.
- Domestic and Recycling Collections.
- Contract for the Maintenance and Supply of Ornamental Street Lights.
- Provision of Tree Maintenance Services.
- Provision of Plumbing Services and Minor Works of Value Less Than \$100,000.
- Provision of Electrical Services.
- Improvement Project: Craigie Leisure Centre Customer Service.
- Improvement Project: Rating Services Knowledge Sharing.
- Contract for the Provision of Traffic Management and Control Services.
- Selected Civic Events.
- Selected Cultural Events.

Attachment 2 outlines the status of the reviews of activities that are undertaken as normal business practice.

A methodical and structured review program is necessary to provide solid and reliable information on which decisions can be based. The recommendations from the external review conducted by Deloitte will be used to develop a framework for Phase 2 reviews, which will be referred to as the Service Effectiveness and Efficiency Review Program and will align with other City activities such as ISO:9001 Quality Management System, continuous improvement, process mapping and the *Business Excellence Framework*.

Phase 2 reviews will be conducted by City Staff.

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

**Legislation** *Local Government Act 1995.*  
*Local Government (Audit) Regulations 1996.*

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

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

**Risk management considerations**

The review of the City's activities will ensure the effective and efficient allocation of resources and service levels. Cost efficiency targets are essential to ensure the City's *20 Year Strategic Financial Plan* and *Strategic Community Plan* is achievable.

**Financial / budget implications**2014-15 financial year impact

<b>Account no.</b>	1.210.A2301.3265.0000
<b>Budget Item</b>	Consultancy.
<b>Budget amount</b>	\$ 50,000
<b>Amount spent to date</b>	\$ 48,125 (six external reviews only).
<b>Proposed cost</b>	Nil.
<b>Balance</b>	\$ 1,875

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

By continuing the review program it is expected that the following outcomes can be achieved:

- Service and activity improvements.
- Assisting longer-term financial sustainability.
- Ensuring value for money and operational efficiency.
- Service level adjustments.
- Considering alternative modes of service delivery.
- Improved utilisation of available resources.

It is also important to note that when introducing, adjusting or increasing service levels or programs, a cost benefit analysis must be undertaken to determine whether the identified return on investment is realised.

## **VOTING REQUIREMENTS**

Simple Majority.

## **COMMITTEE RECOMMENDATION**

The Committee recommendation to Council for this report (as detailed below) was resolved by the Audit Committee at its meeting held on 10 August 2015.

The committee recommendation is the same as recommended by City officers.

## **RECOMMENDATION**

### **That Council NOTES:**

- 1 the progress of the cost efficiency and service reviews program;**
- 2 the progress of review of activities as normal business practice.**

*Appendix 20 refers*

*To access this attachment on electronic document, click here: [Attach20agn170815.pdf](#)*

**11 URGENT BUSINESS**

**12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**13 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

**14 CLOSURE**





**DECLARATION OF  
FINANCIAL INTEREST/PROXIMITY INTEREST/INTEREST THAT MAY  
AFFECT IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER  
CITY OF JOONDALUP**

<b>Name/ Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Proximity Interest* Interest that may affect impartiality* <span style="float: right;">* Delete where not applicable</span>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

Section 5.65(1) of the *Local Government Act 1995* states that:

*“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:*

- (a) in a written notice given to the CEO before the meeting; or*
- (b) at the meeting immediately before the matter is discussed.*



**QUESTION TO BE ASKED AT  
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

**QUESTIONS**

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Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to [council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

**Please note that:**

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called



**STATEMENT TO BE MADE AT  
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

**STATEMENT**

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Please submit this form at the meeting or:

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**Please note that:**

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