

minutes

MEETING HELD ON **TUESDAY 18 OCTOBER 2016**

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CITY OF JOONDALUP

**COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP ON TUESDAY 18 OCTOBER 2016.**

DECLARATION OF OPENING

The Mayor declared the meeting open at 7.00pm.

ANNOUNCEMENT OF VISITORS

Mayor:

TROY PICKARD

absent from 9.30pm to 9.37pm

Councillors:

| | | |
|-----------------------------|----------------------------------|-------------------------------------|
| CR KERRY HOLLYWOOD | North Ward | <i>absent from 9.13pm to 9.15pm</i> |
| CR TOM McLEAN, JP | North Ward – <i>Deputy Mayor</i> | |
| CR PHILIPPA TAYLOR | North Central Ward | <i>absent from 7.57pm to 8.00pm</i> |
| CR NIGE JONES | North Central Ward | |
| CR LIAM GOBBERT | Central Ward | |
| CR RUSSELL POLIWKA | Central Ward | <i>absent from 9.08pm to 9.10pm</i> |
| CR CHRISTINE HAMILTON-PRIME | South-West Ward | |
| CR MIKE NORMAN | South-West Ward | |
| CR JOHN CHESTER | South-East Ward | |
| CR JOHN LOGAN | South-East Ward | |
| CR RUSS FISHWICK, JP | South Ward | |
| CR SOPHIE DWYER | South Ward | <i>absent from 9.06pm to 9.08pm</i> |

Officers:

| | | |
|--------------------|--|---|
| MR GARRY HUNT | Chief Executive Officer | |
| MR MIKE SMITH | Acting Director Corporate Services | |
| MR JAMIE PARRY | Director Governance and Strategy | |
| MS DALE PAGE | Director Planning and Community Development | |
| MR NICO CLAASSEN | Director Infrastructure Services | |
| MR BRAD SILENCE | Manager Governance | <i>absent from 9.06pm to 9.09pm; and 9.10pm to 9.12pm</i> |
| MR MARK MCCRORY | Manager Marketing and Communications | <i>until 9.13pm</i> |
| MR ROHAN KLEMM | Acting Manager Leisure and Cultural Services | <i>until 9.29pm</i> |
| MR DANIEL DAVINI | Media Advisor | <i>absent from 7.04pm to 7.15pm</i> |
| MR JOHN BYRNE | Governance Coordinator | |
| MRS LESLEY TAYLOR | Governance Officer | |
| MRS DEBORAH GOUGES | Governance Officer | |

There were 233 members of the public and one member of the press in attendance.

DECLARATIONS OF INTEREST

Disclosures of Financial Interest/Proximity Interest

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

| | |
|---------------------------|--|
| Name/Position | Cr Kerry Hollywood. |
| Item No./Subject | CJ158-10/16 – Burns Beach Masterplan. |
| Nature of interest | Financial Interest. |
| Extent of Interest | Cr Hollywood lives opposite Third Avenue Park which is included in the <i>Burns Beach Masterplan</i> . |

| | |
|---------------------------|--|
| Name/Position | Mayor Troy Pickard. |
| Item No./Subject | CJ175-10/16 – Waste to Energy – Joining the Eastern Metropolitan Regional Council Resource Recovery Facility Tender. |
| Nature of interest | Financial Interest. |
| Extent of Interest | Mayor Pickard has a potential financial interest in a waste to energy company. |

Disclosures of interest affecting impartiality

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

| | |
|---------------------------|--|
| Name/Position | Cr John Chester. |
| Item No./Subject | CJ159-10/16 – Amended Local Development Plan for the <i>Greenwood Structure Plan</i> area – Lot 9867 (63) Mulligan Drive, Greenwood. |
| Nature of interest | Interest that may affect impartiality. |
| Extent of Interest | Cr Chester received an update on the progress of the development from staff of the Frasers Property Group. |

| | |
|---------------------------|--|
| Name/Position | Cr John Logan. |
| Item No./Subject | CJ159-10/16 – Amended Local Development Plan for the <i>Greenwood Structure Plan</i> area – Lot 9867 (63) Mulligan Drive, Greenwood. |
| Nature of interest | Interest that may affect impartiality. |
| Extent of Interest | <ul style="list-style-type: none"> Cr Logan was a member of the East Greenwood Housing Development's Community Group which provided input to the developer. Cr Logan received an update on the progress of the development from staff of the Frasers Property Group. |

| | |
|---------------------------|--|
| Name/Position | Mr Brad Sillence – Manager Governance. |
| Item No./Subject | CJ159-10/16 – Amended Local Development Plan for the <i>Greenwood Structure Plan</i> area – Lot 9867 (63) Mulligan Drive, Greenwood. |
| Nature of interest | Interest that may affect impartiality. |
| Extent of Interest | Employees of Frasers Australand Pty Ltd are personally known to Mr Sillence. |

| | |
|---------------------------|--|
| Name/Position | Mayor Troy Pickard. |
| Item No./Subject | CJ173-10/16 – Sports Development Program Round One 2016-17. |
| Nature of interest | Interest that may affect impartiality. |
| Extent of Interest | Mayor Pickard is patron of the Joondalup Districts Cricket Club. |

| | |
|---------------------------|--|
| Name/Position | Cr Sophie Dwyer. |
| Item No./Subject | CJ173-10/16 - Sports Development Program Round One 2016-17. |
| Nature of interest | Interest that may affect impartiality. |
| Extent of Interest | Cr Dwyer's spouse and several members of her extended family are members of the Sorrento Bowling Club. |

| | |
|---------------------------|---|
| Name/Position | Cr Russ Fishwick, JP. |
| Item No./Subject | CJ173-10/16 – Sports Development Program Round One 2016-17. |
| Nature of interest | Interest that may affect impartiality. |
| Extent of Interest | Cr Fishwick is a member of the Sorrento Bowling Club. |

| | |
|---------------------------|--|
| Name/Position | Mr Mike Smith – Acting Director Corporate Services. |
| Item No./Subject | CJ173-10/16 – Sports Development Program Round One 2016-17. |
| Nature of interest | Interest that may affect impartiality. |
| Extent of Interest | Mr Smith is a life member of the Joondalup Districts Cricket Club. |

| | |
|---------------------------|---|
| Name/Position | Mayor Troy Pickard. |
| Item No./Subject | Notice of Motion – Cr Poliwka – Community Sporting and Recreation Facilities Fund Applications – 2017-18 Annual and Forward Planning Grant Round. |
| Nature of interest | Interest that may affect impartiality. |
| Extent of Interest | Mayor Pickard's son played for Whitford City Football Club during the 2016 season. |

The Media Advisor left the Chamber at 7.04pm.

PUBLIC QUESTION TIME

The following questions were submitted prior to the Council meeting to be held on 18 October 2016:

Ms J Elliot, Craigie:

Re: CJ150-09/16 – Community Sporting and Recreation Facilities Fund Applications – 2017-18 Annual and Forward Planning Grant Round.

Q1 In reference to the widely published correspondence from Peter Rustidge to JUFC members, who from the Council, advised Joondalup United Football Club of the amended motion regarding the relocation of JUFC to Warrandyte Park?

A1 The alternate motion was not distributed to any group/party/individual by the City of Joondalup, other than the Council. However, stakeholders who were involved as part of the engagement process for the Forrest Park Improvement project and the proposal for Joondalup United Football Club and Whitford City Football Club to merge were advised of the CSRFF item listed for Council consideration.

Q2 Why were Whitford City Football Club not given the same courtesy?

A2 The President of the Whitford City Football Club was advised that an item relating to the CSRFF applications, along with the outcome of the merger proposal was to be listed for consideration at the Council meeting held on 20 September 2016.

Q3 Why were Councillors given only 25 hours notice of this change and asked to vote without being provided with adequate information from all parties concerned?

A3 The proposed alternate motion was distributed to Elected Members in accordance with City protocols.

Q4 Who determined that the clubrooms at Warrandyte are under-utilised? Has any fact checking been done in this instance?

A4 This comment was made during discussion on the item. The Whitford City Football Club booked the clubrooms for an average of 10 hours per week over the winter season of 2016 (April to September).

Q5 Has there been an acoustic report done?

A5 No.

Mr R Jack, Kingsley:

Re: Street Verge Guidelines and Non-compliant Crossovers.

Q1 For the two months of August and September 2016, how many “non-compliant crossovers” were reinstated by the City of Joondalup and of those, how many ratepayers were invoiced for the re-installation work?

A1 Five were reinstated and four were invoiced.

Mr M Stringfellow, Craigie:

Re: Notice of Motion – Cr Russell Poliwka – Community Sporting and Recreation Facilities Fund Applications – 2017-18 Annual and Forward Planning Grant Round.

Q1 Before the last Council meeting, precisely when and how were Joondalup United Football Club notified of the unpublished agenda change to allocate Warrandyte Park to them, so they could prepare statements and arrive en-masse?

A1 The City did not inform any user group of a possible alternate motion. However, key stakeholders were advised on Thursday 15 September 2016 of the listed agenda item relating to CSRFF applications and the outcome of the merger discussions. This included both Joondalup United Football Club and Whitford City Football Club.

Q2 Before the last Council meeting, precisely when and how were Whitfords City Football Club (WCFC), local residents, Austism WA and other potentially impacted parties notified of the unpublished agenda change to move WCFC out of Warrandyte?

A2 See response to Question 1.

Q3 How did the City come to the opinion that there would be minimal impact on local residents by a change at Warrandyte Park to an aggressively growing NPL team with its required facilities and liquor licensing, when this is a quiet family residential area with housing close by on three sides and within 40 metres of the clubrooms?

A3 It was previously stated that Warrandyte Park, Craigie is a large facility that enjoys a significant level of activity with a high level of supporting infrastructure (car parking) and has significant bush land to the east and the south. The City would manage any issues surrounding any possible increase in activity through the normal processes of implementing the Local Government and Public Property Local Law 2014 (amended 2015), as well as any other relevant legislation (such as the Liquor Control Act).

Q4 Given increasing restrictions on alcohol advertising in sport, the accepted research and current national government advertising about the negative impacts the normalisation of alcohol has on children, why did the City see the lack of drinking by WCFC as a negative, and choose to allocate sports facilities at a community park, namely Warrandyte, to a club that has stated it will seek alcohol licensing?

A4 The City does not assess facility usage based on whether user groups have a liquor licence or not. Facility usage is reported by the number of hours a facility is utilised during available hours (8.00am to midnight).

Q5 Does the City acknowledge that the change at Warrandyte Park will cause fees for kids playing there to rise beyond that affordable by most local parents, especially those in Craigie with larger families?

A5 The City does not interfere with the fee setting of individual clubs, however a number of grants and subsidies for local not-for-profit sporting clubs are made available by the City to assist in keeping registration fees as low as possible, including a 100% subsidy for eligible junior sporting club's park and facility hire. For families facing financial hardship the City also may assist in providing the KidSport grant which provides up to \$200 for sporting fees, uniforms and equipment for eligible children.

Mrs M Macdonald, Mullaloo:

Re: Joondalup Coastal Hazard Assessment – June 2016.

Q1 Given that the Department of Planning's State Planning Policy 2. 6: State Coastal Planning Policy (SPP 2.6), 5.5ii states:

"Where a coastal hazard risk is identified it should be disclosed to those likely to be affected. On consideration of approval for subdivision and/or development current and/or future lot owners should be made aware of the coastal hazard risk by providing the following notification on the certificate on title: VULNERABLE COASTAL AREA –This lot is located in a area likely to be subject to coastal erosion and/or inundation over the next 100 years."

Where is the legal requirement that makes this enforceable?

Q2 Where can I access the following reports as referenced in the document - Joondalup Coastal Hazard Assessment June 2016, without going through the Freedom of Information process?

- MRA 2015b. Ocean Reef Marina Coastal Processes Assessment, R519 Rev 2. Prepared for City of Joondalup, Perth.
- MRA 2016c. Ocean Reef Marina CHRMAP, R608 Rev 1. Prepared for the City of Joondalup, Perth.

Q3 Why did the City limit the study area of the Joondalup Coastal Hazard Assessment June 2016?

Q4 Given that over the past 40 years coastal vulnerability has been measured and described why were these studies not the baseline for consideration in document Joondalup Coastal Hazard Assessment June 2016?

Q5 When did the City tender for the Joondalup Coastal Hazard Assessment June 2016, and what was the cost?

A1-5 These questions will be taken on notice.

Mr M Sideris, Mullaloo:

Re: Joondalup Coastal Hazard Assessment – June 2016.

The following question is based on the 2016 Joondalup Coastal Hazard Assessment Report as published on the City's website.

Q1 Please advise why this Report was accepted when within the body text of the Report relies in part on "the City's monitoring program" which is not referenced in section 9 References used to form the Report.

The following Questions 2 - 5 are based on the 2016 Coastal Monitoring Program - Baseline Report as published on the City's website.

Q2 This report states that "SPP2.6 recommends that shoreline movement trends be based on the review of available shoreline records" and advise why the Baseline developed in the Report documents and uses the current 2015/-6 shoreline to the exclusion of any historical shoreline data and photographic records prior to 2015-16?

Q3 *Although this report acknowledges that the City of Joondalup shoreline has been significantly affected by the:*

- *Construction of Ocean Reef Boat Harbour.*
- *Construction of Hillarys Boat Harbour.*
- *Construction of Sorrento groyne field.*

Advise why the scope for the development of this Baseline was constrained so as to not use historical data as recommended by SPP2.6 and place on public record the impact of these identified construction works.

Q4 *Advise why this report was accepted when there are a significant number of references used or stated within the body text of the report that are not stated in section 9 References Table.*

Q5 *Advise the "comments made by the City and the Department of Transport" that caused this report to change from Rev 0 Issued for Client use and dated 5 May 2016 to Revision 1 and reissued for client use and dated 12 May 2016.*

A1-5 These questions will be taken on notice.

The following questions were submitted verbally at the Council meeting:

Mr S Moore, Craigie:

Re: *Notice of Motion – Cr Russell Poliwka – Community Sporting and Recreation Facilities Fund Applications – 2017-18 Annual and Forward Planning Grant Round.*

Q1 *Why were Craigie residents not consulted as part of Council's decision based on the fact that consultation should be a pre-requisite, not a by product of the proposed ground switch?*

A1 Mayor Pickard advised there was no requirement under the City's policies and procedures to consult with the community when users change facilities or grounds. It is the City's policy however that when there is a change to facilities or the City upgrades lights or expands facilities, then it does consult with the community. In accordance with the City's policies and procedures there was no trigger that necessitated community consultation.

Q2 *If that was the case, infrastructure should have occurred prior to, so why did this not happen?*

A2 Mayor Pickard commented there was no decision made at the Council meeting held on 20 September 2016 that dealt with infrastructure issues. The decision of Council triggered a report from the administration relative to infrastructure requirements and as has been done for a number of years when a facility is to be upgraded, the City puts the matter out for public consultation.

Mr G O'Connor, Craigie:

Re: Notice of Motion – Cr Russell Poliwka – Community Sporting and Recreation Facilities Fund Applications – 2017-18 Annual and Forward Planning Grant Round.

Q1 Who undertook the consultation process with Whitford City Football Club in relation to its relocation from Warrandyte Reserve?

A1 Mayor Pickard stated that no consultation was undertaken with the Whitford City Football Club with respect to its relocation and advised that in view of the fact that a Notice of Motion to revoke a previous Council decision had been lodged this prohibited officers within the organisation to progress the matter further in relation to the motion. As a result no consultation has occurred with any stakeholders or clubs following the decision of Council at its meeting held on 20 September 2016.

Mr B Watson, Hillarys:

Re: Notice of Motion – Cr Russell Poliwka – Community Sporting and Recreation Facilities Fund Applications – 2017-18 Annual and Forward Planning Grant Round.

Q1 Why was Whitford City Football Club not advised of the motion or any possibility of a motion to remove the club from Warrandyte Park and yet the Joondalup United Football Club, as confirmed by its representatives at the Briefing Session held on 11 October 2016, were sufficiently forewarned enabling the club to prepare representation to Council regarding this matter.

A1 Mayor Pickard responded it was a personal viewpoint that the Joondalup United Football Club was sufficiently forewarned.

Q2 Why was Whitford City Football Club not advised of the motion to relocate the club from Warrandyte Park?

A2 Mayor Pickard commented no club was advised of any motion to remove anyone from Warrandyte Park.

PUBLIC STATEMENT TIME

The Media Advisor entered the Chamber at 7.15pm.

Mr W Vlemmix – Vice President, Whitford City Football Club

Re: Notice of Motion – Cr Russell Poliwka – Community Sporting and Recreation Facilities Fund Applications – 2017-18 Annual and Forward Planning Grant Round.

Mr Vlemmix welcomed consideration of the Notice of Motion presented by Cr Poliwka at this evening's meeting, providing an opportunity for the community to restore its trust and faith in the Council.

PRESERVATION OF ORDER OF MEETING – [02154, 08122]

In accordance with clause 8.6 of the *City of Joondalup Meeting Procedures Local Law 2013* Mayor Pickard adjourned the meeting for a period of 10 minutes for the purpose of preserving and regaining order in the Council Chamber.

The meeting was adjourned at 7.18pm and resumed at 7.28pm.

C54-10/16**CONSIDERATION OF CHANGE TO ORDER OF BUSINESS – [08122, 02154]**

MOVED Mayor Pickard, **SECONDED** Cr Hollywood that Council, in accordance with clause 14.1 of the *City of Joondalup Meeting Procedures Local Law 2013*, suspends the operation of clause 4.3 – Order of Business of the *City of Joondalup Meeting Procedures Local Law 2013*, to enable the Election of Deputy Mayor as the next item of business.

The Motion was Put and**CARRIED (13/0)**

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

ELECTION OF DEPUTY MAYOR

Mayor Pickard called for nominations and advised that two written nominations had been received for the position of Deputy Mayor as follows:

Cr Kerry Hollywood nominated Cr Russ Fishwick, JP for the position of Deputy Mayor. Cr Fishwick accepted the nomination.

Cr Liam Gobbert nominated Cr Christine Hamilton-Prime for the position of Deputy Mayor. Cr Hamilton-Prime accepted the nomination.

Mayor Pickard declared nominations closed and advised that as two nominations for the position of Deputy Mayor were made, a secret ballot was required to be conducted.

The Chief Executive Officer provided an explanation of the process to be undertaken with respect to the secret ballot. Once all ballot papers had been put into the ballot box, the counting of votes was undertaken by the Chief Executive Officer and Manager Governance.

At the conclusion of the counting of the votes, Mayor Troy Pickard declared Cr Russ Fishwick, JP elected to the Office of Deputy Mayor.

DECLARATION OF ELECTED MEMBER

Cr Russ Fishwick made a Declaration of Elected Member for the Office of Deputy Mayor before Mayor Troy Pickard.

Mayor Pickard congratulated Cr Fishwick on his new appointment and thanked Cr McLean, JP, advising this was the second occasion that Cr McLean had fulfilled the role of Deputy Mayor. Mayor Pickard expressed his appreciation for his contributions made over the last 12 months to the Office of Deputy Mayor.

Cr Fishwick acknowledged Cr McLean for the role he fulfilled as Deputy Mayor and the professionalism he demonstrated in undertaking the role with distinction.

Cr Fishwick advised it was a privilege and honour to be elected as Deputy Mayor of the City of Joondalup. He stated local government had its beginning in 1840, 61 years prior to Federation.

While local government was not acknowledged in the Australian Constitution, Cr Fishwick felt that local government was a valuable instrument of power, given it is the third tier of government and the most connected to the people.

Cr Fishwick stated he had 38 years local government experience and 10 years as an Elected Member. He believed the administration of the City of Joondalup was very professional in its approach and offered the best of advice to Elected Members.

C55-10/16 RESUMPTION OF ORDER OF BUSINESS – [02154, 08122]

MOVED Mayor Pickard, SECONDED Cr Hollywood that Council RESUMES the operation of clause 4.3 of the *City of Joondalup Meeting Procedures Local Law 2013 – Order of Business*.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Mrs S Kenton, Padbury:

Re: CJ150-09/16 – Community Sporting and Recreation Facilities Fund Applications – 2017-18 Annual and Forward Planning Grant Round.

Mrs Kenton expressed her disappointment that the City of Joondalup community engagement process in allocating a suitable facility/ground for the Joondalup United Football Club had fallen well below her expectations and affected her trust in the City of Joondalup's decision-making process.

Mrs Kenton commented that she had received the City's response to her formal complaint regarding the consultation process with respect to Forrest Park in Padbury and was of the opinion that the responses failed to address the real issues.

Mrs Kenton believed Elected Members should have input into the consultation processes and methods undertaken in order that their constituents are presented with accurate and transparent information and called for the City of Joondalup to look into ways of improving its current consultation process.

Mr J Kenton, Padbury:

Re: CJ150-09/16 – Community Sporting and Recreation Facilities Fund Applications – 2017-18 Annual and Forward Planning Grant Round.

Mr Kenton understood the City of Joondalup did not traditionally undertake consultation with the community in reallocating playing surfaces or facilities among sporting clubs. He felt sporting clubs had an impact on residents and users of such grounds/facilities in that higher impact sports and the activities of semi-professional soccer clubs were vastly different to that of junior cricket matches, veterans football training or indeed a soccer club that is community focussed.

Mr Kenton believed when there was likely to be a significant impact on others as a result of bookings, be it hours of use, an increase in spectators or the use of a PA system, stakeholder consultation was essential.

Mr Kenton felt the nature and scope of sporting activity is as important as any infrastructure and urged Elected Members to undertake consultation.

Mr A Ward, Padbury – Treasurer, Whitford City Football Club:

Re: CJ150-09/16 – Community Sporting and Recreation Facilities Fund Applications – 2017-18 Annual and Forward Planning Grant Round.

Mr Ward stated the Whitford City Football Club had enjoyed having a single home base being Warrandyte Park for a number of years. This provided stability for the club and gave advantages in terms of being able to generate on-going revenue from its canteen, attract sponsorship and volunteers. It also allowed the club to make optimal use of the limited equipment.

Mr Ward advised Whitford City Football Club held no grudge against the Joondalup United Football Club and offered congratulations on its recent promotion to the National Premier League (NPL). As result of its promotion the club now needs a suitable venue to accommodate its NPL status and allow the club to grow.

Mrs S Kendrick, Craigie:

Re: CJ150-09/16 – Community Sporting and Recreation Facilities Fund Applications – 2017-18 Annual and Forward Planning Grant Round.

Mrs Kendrick made reference to Council's decision at its meeting held on 20 September 2016 where Warrandyte Park was described as an under-utilised and isolated park, with any proposed changes having little impact on the community or surrounding residents.

Mrs Kendrick advised that residences were less than 30 metres from the clubrooms at Warrandyte Park. The park was extensively utilised throughout week days and weekends by community groups, as well as the Whitford City Football Club.

Mrs Kendrick urged Council to reconsider its decision made at its meeting held on 20 September 2016.

The Hon. Rob Johnson, State Member of Parliament, Electorate of Hillarys representing the residents of Craigie and the Whitford City Football Club:

Re: CJ150-09/16 – Community Sporting and Recreation Facilities Fund Applications – 2017-18 Annual and Forward Planning Grant Round.

The Hon. Rob Johnson MLA stated he had received a large number of emails, phone calls and requests for meetings from the residents of Craigie who were aggrieved at Council's decision at its meeting held on 20 September 2016.

The Hon. Rob Johnson MLA advised residents felt Warrandyte Park was not suitable as a base for a National Premier League team believing it would be more appropriate that the club be located in or near the CBD of Joondalup.

The Hon. Rob Johnson MLA commented Warrandyte Park was for local residents and the wider community alike and stated residents did not want a high fence around the park thereby precluding them from using the park during training session or matches. Residents did not want potential increased traffic and noise volumes from the use of a PA system; nor licensed premises that could have an adverse affect on the local community.

The Hon. Rob Johnson MLA encouraged Elected Members to investigate a more appropriate location for Joondalup United Football Club.

Mr G Stickland, Chairman of the Whitfords Ratepayers and Recreation Association:

Re: Notice of Motion – Cr Poliwka – Community Sporting and Recreation Facilities Fund Applications – 2017-18 Annual and Forward Planning Grant Round.

Mr Stickland expressed his disappointment that this matter was affecting playgroups, sporting clubs and organisations in a negative way.

Mr Stickland urged Council to reconsider its decision made at its meeting held on 20 September 2016.

Cr Taylor left the Chamber at 7.57pm.

Mrs S Moore, Craigie:

Re: Notice of Motion – Cr Poliwka – Community Sporting and Recreation Facilities Fund Applications – 2017-18 Annual and Forward Planning Grant Round.

Mrs Moore expressed her disappointment that no consultation was undertaken with local residents and the wider community with respect to relocating the Joondalup United Football Club to Warrandyte Park.

Mrs Moore felt this decision was not in the best interests of the broader community and urged Council to reconsider its decision made at its meeting held on 20 September 2016.

Master C Elliott, Craigie:

Re: Notice of Motion – Cr Poliwka – Community Sporting and Recreation Facilities Fund Applications – 2017-18 Annual and Forward Planning Grant Round.

Master Elliott made reference to his childhood learning, the enjoyment of his experiences of playing with friends, participating in team sports and wanted to see Warrandyte Park remain as it is for the use of the community.

Cr Taylor entered the Chamber at 8.00pm.

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

| | |
|--------------------|--|
| Cr Sophie Dwyer | 20 October to 24 October 2016 inclusive; |
| Cr Mike Norman | 22 October to 30 October 2016 inclusive; |
| Cr Sophie Dwyer | 6 November to 11 November 2016 inclusive; |
| Cr Russell Poliwka | 7 November to 19 November 2016 inclusive; |
| Cr John Logan | 16 November to 20 November 2016 inclusive. |

C56-10/16**REQUESTS FOR LEAVE OF ABSENCE – CRS JOHN CHESTER AND SOPHIE DWYER - [104767]**

Cr John Chester requested Leave of Absence from Council duties covering the period 3 November to 12 November 2016 inclusive.

Cr Sophie Dwyer requested Leave of Absence from Council duties covering the period 31 October to 3 November 2016 inclusive and from 7 December to 9 December 2016 inclusive.

MOVED Cr Gobbert, SECONDED Cr Dwyer that Council APPROVES the requests for Leave of Absence from Council duties covering the following dates:

| | |
|------------------------|--|
| Cr John Chester | 3 November to 12 November 2016 inclusive; |
| Cr Sophie Dwyer | 31 October to 3 November 2016 inclusive; |
| Cr Sophie Dwyer | 7 December to 9 December 2016 inclusive. |

The Motion was Put and**CARRIED (13/0)**

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

CONFIRMATION OF MINUTES**C57-10/16****MINUTES OF COUNCIL MEETING, 20 SEPTEMBER 2016**

MOVED Cr Chester, **SECONDED** Cr Norman that the Minutes of the Council Meeting held on 20 September 2016 be confirmed as a true and correct record.

The Motion was Put and**CARRIED (13/0)**

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**2016 Little Feet Festival**

Mayor Pickard announced that The Little Feet Festival is returning in 2016 to Edith Cowan University's Pines Picture Gardens on Sunday October 23 from 1.00pm to 5.00pm.

Mayor Pickard advised that the event is a free, family-friendly festival and is one of Perth's most highly anticipated and popular annual events for children aged 12 years and under.

Mayor Pickard noted that this year children are being encouraged to celebrate their extraordinary talents and the positive qualities that make them Superkids.

Mayor Pickard recommended residents visit the City's website at joondalup.wa.gov.au for further details.

Community Art Exhibition Winners

Mayor Pickard announced the City of Joondalup's 2016 Community Invitation Art Award exhibition has opened at Lakeside Joondalup Shopping City, and encouraged residents to view the superb artworks which are on display until Saturday October 29.

Mayor Pickard felt the Community Invitation Art Award presented an opportunity to celebrate the creative talents of professional artists that play a major role in contributing to the versatile and contemporary visual arts scene in the community.

Mayor Pickard congratulated the Overall Award winner Lee Harrop, who won \$7,000 for her artwork titled "Laying In-state".

Mayor Pickard also congratulated the other prize winners, Overall Runner-Up Matthew Thorley, Award for Excellence Andy Quilty and Celebrating Joondalup Emma Buswell.

Kaleidoscope – Get Excited Perth!

Mayor Pickard stated that it is just three weeks until the Joondalup City Centre is transformed into an extraordinary wonderland of illumination over four evenings from November 10 to 13 for *Kaleidoscope*.

Mayor Pickard commented that tens of thousands of people are expected to be attracted to the spectacular, free event featuring large-scale lighting projections, interactive art pieces and engaging augmented reality experiences.

Mayor Pickard advised that the theme for the inaugural festival is “A City of the Future”, focusing on innovation, architecture, sustainability and futurism.

Mayor Pickard noted that Kaleidoscope is part of the City’s place-making strategy, and will be like nothing ever seen before in Western Australia.

Mayor Pickard advised that there would be activities and entertainment suitable for the whole family starting from 5.30pm, with stunning illuminations set to dazzle and delight from 7.15pm until late each evening.

Mayor Pickard recommended residents plan their Kaleidoscope experience by visiting kaleidoscopefestival.com.au.

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

CJ167-10/16 Confidential – Tender 024/16 – Sale of Freehold Land – Lot 803 (15) Burlos Court, Joondalup for Aged or Dependent Persons’ Dwellings.

CJ172-10/16 Confidential – Tender 035/16 – Sale of Freehold Land – Lot 23 (77) Gibson Avenue, Padbury for Aged or Dependent Persons’ Dwellings.

C58-10/16 CONSIDERATION OF CHANGE TO ORDER OF BUSINESS – [08122, 02154]

MOVED Mayor Pickard, **SECONDED** Cr McLean that Council, in accordance with clause 14.1 of the *City of Joondalup Meeting Procedures Local Law 2013*, **SUSPENDS** the operation of clause 4.3 – Order of Business of the *City of Joondalup Meeting Procedures Local Law 2013*, to enable the consideration of the following Items after “Urgent Business”:

- 1 CJ167-10/16 Confidential – Tender 024/16 – Sale of Freehold Land – Lot 803 (15) Burlos Court, Joondalup for Aged or Dependent Persons’ Dwellings;
- 2 CJ172-10/16 Confidential – Tender 035/16 – Sale of Freehold Land – Lot 23 (77) Gibson Avenue, Padbury for Aged or Dependent Persons’ Dwellings.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

PETITIONS**C59-10/16****PETITION REQUESTING THE INSTALLATION OF DRINKING
FOUNTAINS AND BARBEQUE FACILITIES AT HAWKER PARK,
WARWICK – [06008, 05386]**

Cr Fishwick tabled a 132 signature petition received from residents of the City of Joondalup requesting that Council install a drinking fountain and barbeque facilities with seating and shelter in the area adjacent to the playground at Hawker Park, Warwick as well as additional seating around the oval.

C60-10/16**PETITION OBJECTING TO THE RELOCATION OF
THE WHITFORD CITY FOOTBALL CLUB FROM
WARRANTYTE RESERVE, CRAIGIE – [09514, 05386, 22209]**

Cr Poliwka tabled a 1,800 signature petition received from residents of the City of Joondalup requesting that Council reverse its decision of 20 September 2016 to move the Whitford City Football Club from Warrandyte Reserve, Craigie.

MOVED Cr Gobbert, SECONDED Cr Fishwick that the following petitions be RECEIVED, REFERRED to the Chief Executive Officer and subsequent reports presented to Council for consideration:

- 1 petition requesting the installation of a drinking fountain and barbeque facilities with seating and shelter in the area adjacent to the playground at Hawker Park, Warwick as well as additional seating around the oval;**
- 2 petition objecting to the relocation of Whitford City Football Club from Warrandyte Reserve, Craigie.**

The Motion was Put and**CARRIED (13/0)**

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

REPORTS**C61-10/16****CONSIDERATION OF CHANGE TO ORDER OF BUSINESS –
[08122, 02154]**

MOVED Mayor Pickard, **SECONDED** Cr Chester that Council, in accordance with clause 14.1 of the *City of Joondalup Meeting Procedures Local Law 2013*, **SUSPENDS** the operation of clause 4.3 – Order of Business of the *City of Joondalup Meeting Procedures Local Law 2013*, to enable the consideration of Notice of Motion – Cr Russell Poliwka – Community Sporting and Recreation Facilities Fund Applications – 2017-18 Annual and Forward Planning Grant Round after consideration as the next item of business.

The Motion was Put and**CARRIED (13/0)**

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**Disclosures of interest affecting impartiality**

| | |
|---------------------------|---|
| Name/Position | Mayor Troy Pickard. |
| Item No./Subject | Notice of Motion – Cr Poliwka – Community Sporting and Recreation Facilities Fund Applications – 2017-18 Annual and Forward Planning Grant Round. |
| Nature of interest | Interest that may affect impartiality. |
| Extent of Interest | Mayor Pickard's son played for Whitford City Football Club during the 2016 season. |

C62-10/16**NOTICE OF MOTION – CR RUSSELL POLIWKA – COMMUNITY
SPORTING AND RECREATION FACILITIES FUND APPLICATIONS
– 2017-18 ANNUAL AND FORWARD PLANNING GRANT ROUND –
[22209]**

In accordance with Clauses 13.4 and 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Poliwka gave notice of his intention to move the following Motion at the Council meeting to be held on 18 October 2016:

REASON FOR MOTION

The request for the motion is to revoke items 5 to 10 so that the City can engage the stakeholders in a comprehensive and balanced manner.

The decision taken at the September Council Meeting did not provide Craigie residents, the Whitfords City Football Club and users of Warrandyte Park sufficient notice in terms of their views and concerns in relocating the Joondalup United Football Club to Warrandyte Park and relocating Whitfords City Football Club to other facilities.

Consistent with good governance and to have affected stakeholders put forward their case, I recommend my fellow Elected Members support this motion to allow a comprehensive and detailed report to be presented to Council before any further decision is made around the matter.

In accordance with clause 13.4 of the City of Joondalup Meeting Procedures Local Law 2013 the notice of motion was supported by Councillors Poliwka, McLean, Chester, Norman, Logan, Fishwick and Taylor.

Officer's comment

The City of Joondalup has 34 community facilities and active reserves serving 128 sporting clubs. These facilities and reserves are traditionally hired to sporting clubs on a seasonal basis through an established booking process. The seasons are summer (October to March) and winter (April to September). Over recent years there has been an increase in demand from sports for preseason training. These are closely managed to ensure scheduled maintenance or the seasonal using group is not impacted.

Through this established process the City may adjust ground or facility allocation among clubs depending on demand of the individual clubs. This generally occurs as some clubs expand or decrease their playing numbers and teams become established. It is not uncommon for sports to go through periods of growth or periods of downturn.

The City traditionally does not undertake consultation with the community when it reallocates playing surfaces or facilities among sporting clubs. However, when the City is proposing to install various pieces of infrastructure into a reserve it follows the City's *Community Consultation and Engagement Policy and Protocol*, which may include letter box drops, signs on site and the like.

Joondalup United Football Club (JUFC)

Joondalup United Football Club (JUFC) was established in 2000, originally operating from HBF Arena. The club occupies Beldon Park, Beldon, Charonia Park, Mullaloo and Prince Regent Park, Heathridge.

In 2014, Joondalup United were successful with an application to play in the Football West State League Division Two. At the conclusion of the 2016 season, JUFC has been promoted to Football West's National Premier League (Football West is the state sporting association that governs football within Western Australia). It is proposed that JUFC will compete within the NPL competition for the 2017 winter season.

As well as the State League set up, the club participates in the Sunday Amateur, Social and Vets divisions, and a recently established junior program. The information submitted by the club as part of its 2016 booking application detailed that it hosts 11 senior teams (220 members) and 19 junior teams (208 members).

The following is an overview of JUFC recent booking history for City community facilities and reserves:

| Joondalup United Football Club (Juniors) | | | | | | | | |
|---|--------------------------|-------------|--------------|--------------------|--|-----------------------------|----------------------------|----------------|
| | Charonia Park | Beldon Park | Forrest Park | Prince Regent Park | Forrest Park Community Sporting Facility | Currambine Community Centre | Rob Baddock Community Hall | Total |
| Winter 2014 | Did not have junior club | | | | | | | |
| Winter 2015 | 128 | 133 | | | 2 | | | 263 |
| Winter 2016 | 20 | | | 398 | 5 | | | 423 |
| Joondalup United Football Club (Seniors) | | | | | | | | |
| Winter 2014 | 66 | 180.25 | 66 | | 77 | | | 389.25 |
| Winter 2015 | 104 | 270.5 | 60 | | 5 | 8 | | 447.5 |
| Winter 2016 | 104 | 221 | 66 | 52 | 82.5 | 7.5 | 8 | 541 |
| Club total hours 3 year period | | | | | | | | 2063.75 |

For the 2016 winter season the following table details the weekly booking schedule for JUFC across its playing surfaces:

| JUFC | Mon | Tues | Wed | Thurs | Fri | Sat | Sun |
|----------------------|------------------|------------------|------------------|------------------|------------------|-------------------|-------------------|
| Prince Regent (Snrs) | | 7.30pm to 8.30pm | 5.00pm to 7.30pm | 7.30pm to 8.30pm | | | 8.00am to 12.30pm |
| Prince Regent (Jnrs) | 5.00pm to 7.30pm | | 5.00pm to 7.30pm | 5.00pm to 7.30pm | 5.00pm to 7.30pm | | |
| Charonia (Snrs) | | | | | | | 1.00pm to 5.00pm |
| Beldon (Snrs) | | 6.30pm to 8.00pm | 6.30pm to 8.00pm | 6.30pm to 8.00pm | | | 1.00pm to 5.00pm |
| Forrest (Snrs) | | | | | | 11.00am to 5.00pm | |

Whitford City Football Club (WCFC)

Whitford City Football Club (WCFC) has been established and based at Warrandyte Park, Craigie since the early to mid 1970's. WCFC caters for children from the ages of five years through to Amateur (18+) and Masters (35+) level.

The club is aligned with Football West through the Consolidated Energy Amateur League and Consolidated Energy Masters League. It does not hold NPL status with Football West. The information submitted by the club as part of its 2016 booking application detailed that it hosts two senior teams (43 members) and 26 junior teams (389 members).

The following is an overview of WCFC recent booking history for City community facilities and reserves:

| Whitford City Football Club (Juniors) | | | | | |
|--|-------------------------|-----------------------|------------------|--------------------------|----------------|
| | Warrandyte Park Lower | Warrandyte Park Upper | Bridgewater Park | Warrandyte Park Clubroom | |
| Winter 2014 | 390.5 | 296.5 | 78 | 151.5 | 916.5 |
| Winter 2015 | 256 | 476 | 65 | 258.55 | 1055.55 |
| Winter 2016 | 402.5 | 494 | 117 | 138 | 1151.5 |
| Whitford City Football Club (Seniors) | | | | | |
| Winter 2014 | 182 | 143 | | 104 | 429 |
| Winter 2015 | Did not have a booking* | | | | |
| Winter 2016 | 164.5 | 78 | | 117 | 359.5 |
| Club total hours 3 year period | | | | | 3912.05 |

Note - The WCFC seniors submitted a preliminary booking for the 2015 winter season, however they withdrew the booking request as part of the confirmation process.

For the 2016 winter season the following table details the weekly booking schedule for JUFC across its playing surfaces:

| WCFC | Mon | Tues | Wed | Thurs | Fri | Sat | Sun |
|-------------------------|------------------|------------------|------------------|------------------|------------------|-------------------|-------------------|
| Warrandyte Upper (Snrs) | | | | 7.00pm to 8.30pm | 7.00pm to 8.30pm | | |
| Warrandyte Upper (Jnrs) | 4.30pm to 7.00pm | 4.30pm to 7.00pm | 4.30pm to 7.00pm | 4.30pm to 7.00pm | 4.30pm to 7.00pm | 9.30am to 12.00pm | 8.30am to 12.30pm |
| Warrandyte Lower (Snrs) | | 6.30pm to 8.30pm | | | | | 12.30pm to 5.00pm |
| Warrandyte Lower (Jnrs) | 4.30pm to 7.00pm | 4.30pm to 7.00pm | 4.30pm to 7.00pm | 4.30pm to 7.00pm | 4.30pm to 7.00pm | | |
| Bridgewater | | 5.00pm to 6.30pm | 4.00pm to 5.30pm | 5.00pm to 6.30pm | | | |

Football West requires venues to meet standards for clubs wanting to play at certain levels of competition. Football West's competition structure (male) is broken down into a number of categories which are listed below:

- NPL.
- State Leagues (two divisions).
- Amateurs.
- Metropolitan.
- Masters.
- Juniors.

The following are the venue requirements for NPL:

| Minimum Venue Requirements for NPLWA Seniors Field of Play | | |
|---|---|--|
| Criterion | Minimum Requirement | Recommended |
| Dimensions | Field of Play must satisfy the requirements of the Laws of the Game with a minimum width of 60 metres. | 105 metres x 68 metres. |
| Perimeter Fence | A temporary or permanent fence fully enclosing the field of play, with a recommended height between 800mm and 1000mm. Any temporary fencing must be approved by Football West. Where it is not possible to erect a perimeter fence, Football West may negotiate alternative arrangements. | An access gate for an ambulance, which is kept closed except when the ambulance is required to move onto the Field of Play is recommended. |
| Technical Area | Must be present and comply with recommendations in the Laws of the Game. Technical areas must be wholly inside the perimeter fence. | Technical areas should be either side and equidistant from the half way line with a maximum distance of 10 metres between each technical area. |
| Team Benches | There must be seating for 10 people inside each technical area. | A separate chair with a backrest should be provided for each person who will occupy the technical areas. |

| Minimum Venue Requirements for NPLWA Seniors Field of Play | | |
|--|---|---|
| Criterion | Minimum Requirement | Recommended |
| Playing Surface | Must be smooth and level to allow the players and match officials the confidence of movement that would not contribute in any way to injuries or unexpected falls. | |
| Line Markings | Must be white. No other line markings other than those required under the Laws of the Game may be present on the Field of Play. | Marks may be made OFF the field of play 9.15 metres (10 yards) from the corner arc and at right angles to the goal lines and touch lines to assist match officials at corner kicks. Marks should be made in white paint. |
| Goalposts | Must be white and when stained by bore water or some other agent, cleaned. | Goal nets should not be suspended by any kind of metal frame or elbow but by some other method which does not constitute a danger to players (such box nets). |
| Equipment | A stretcher, 4 corner flags that are plain and without club or any other logo. | |
| Venue Facilities | | |
| Signage | 24 metres linear metres is to be reserved for Sony PS4 signage comprising 8 metres on the centre of the far side of the field (4 metres each side of the half-way line) and 8 metres behind each goal. | Football West or its nominee |
| Seating Capacity | A permanent structure specifically designed for seating spectators situated outside the clubrooms that provides unobstructed viewing to the field of play and that provides seating for a minimum of 120 people. The structure must be approved by Football West. | A permanent structure specifically designed for seating spectators situated outside the clubrooms that provides unobstructed viewing to the field of play and that provides under cover seating for a minimum of 500 people. The structure must be approved by Football West. |
| Food and Drinks | The venue must have selling points for food and alcoholic and non-alcoholic beverages. | In addition, an exclusive area for sponsors and VIPs should be set aside. |
| Toilets | Male and Female Public toilets which are away from the team change rooms and accessible to all spectators. | A public disabled toilet should be provided. |
| Parking | Sufficient parking for match officials close to the match officials' change room. | 50 bays for players and team officials. |
| Change Rooms | | |
| Home and Away Teams | Must be separate from each other and be large enough for 20 people. Must have hot and cold water showers, toilets which are separate from the public toilets and clothes hanging facilities. | Other equipment recommended: <ul style="list-style-type: none">• Whiteboard and pens• Mirror & Washbasin• Power Points• Refrigerator |

| Minimum Venue Requirements for NPLWA Seniors Field of Play | | |
|--|---|--|
| Criterion | Minimum Requirement | Recommended |
| Match Officials | <p>Must be separate from team change rooms and be large enough for four people. Must have a hot and cold water shower, a toilet and clothes hanging facilities.</p> <p>The match officials' change room may not be used for any other purpose (such as storage) and MUST be lockable.</p> | <p>Match officials should be able to move to the team change rooms without going through an open area or an area to which spectators and the general public has access. Other equipment recommended:</p> <ul style="list-style-type: none">• Mirror & Washbasin• Power Points |
| Signage | All rooms must be clearly marked as to their purposes. | |
| Sports Presentation | | |
| PA System | A PA system of sufficient volume to be heard throughout the complete spectator area is required. | <p>A system that can handle both music and speech simultaneously. A CD player or some other means through which music can be played through loudspeakers in the main spectator area.</p> <p>Wireless microphone connected to the PA System.</p> |
| Scoreboard | A scoreboard erected on one side of the Field of Play, which is visible to people on the opposite side of the Field of Play. The scoreboard must be able to display unique team names and team scores. | |
| Medical | | |
| Treatment Table | An undercover treatment table must be present, which is able to be used by both teams. | A separate Athletes Medical Room is recommended with two treatment tables. |

Other leagues

- State League Div 1 and 2 (Class B)
- Amateur League (Class C)
- Everyone else (Class D)

| Requirement | Class A | Class B | Class C | Class D |
|--|--|--|---|--------------|
| Field of Play size in addition to requirements of the Laws of the Game | Minimum width 60m | | Minimum width 60m, with exceptions to 55m where approved. | None |
| Technical Area | Required | | | Not required |
| Technical Area Seating | 8 seats | | | N/A |
| Field of Play Barrier (separating spectators from the match) | Must completely surround the field of play | Barrier must exist between spectators and the FoP and TA | | N/A |
| Floodlights | Where present, they must be approved by Football West for competition matches. | | | |
| Players' Change Rooms | Two separate and lockable rooms required. Must have hot and cold water showers and toilets. | | | |
| Match Officials' Change Rooms | Separate room which can accommodate 4 people. Must have hot and cold water shower and toilet. | | Not required | |
| Scoreboard | Fully functional and in operation for every match | | Not required | |
| Spectator Facilities | Male and Female public toilets with hot and cold running water, soap and ability to dry hands. | | | |
| | Canteen or kiosk serving hot and cold drinks and snack foods. | | | |

For some of the senior competitions promotion and relegation rules exist such as those finishing last in NPL may be relegated to State League Division 1 and the team winning State League Division 1 may be promoted to NPL.

As a result of JUFC being promoted to NPL, they will require a venue that meets the requirements of Football West. The only City owned/managed facility/reserve that currently has been approved to host NPL games is Percy Doyle 1, Duncraig (occupied by Sorrento Football Club).

Outside the operations of a City managed facility, HBF Arena Joondalup, and ECU Joondalup (currently occupied by ECU Joondalup Football Club) would meet the venue requirements required to play NPL fixtures. JUFC has established an in-principle agreement from the City and the Sorrento Football Club to play NPL home games from Percy Doyle 1, and access associated clubrooms.

There are no current City facilities that do not have an established winter sporting group that JUFC could occupy. In order to house JUFC in a City facility that meets Football West's venue requirements the following options exist:

- 1 Co-exist permanently in a facility that has been approved to host NPL fixtures, this could be within the City or beyond its boundaries.
- 2 Relocate to an existing facility, undertake necessary refurbishment works and either co-exist with the existing sporting club, or relocate it to other venues.
- 3 Find a suitable reserve and construct the necessary supporting infrastructure. The most recent facility that the City has constructed that may meet Football West requirements is Bramston Park which was at an approximate cost of \$2.7 million, including car park and floodlights. Such a capital cost is not within the City's immediate Capital Works Program, nor within the City's *20 year Strategic Financial Plan*. Such a project would be subject to community consultation.

MOVED Cr Poliwka, SECONDED Cr Gobbert that Council:

- 1 **BY AN ABSOLUTE MAJORITY REVOKES parts 5 through to 10 of its decision of 20 September 2016 (CJ150-09/16 refers) as follows:**
 - "5 AGREES to undertake the planning for the refurbishment of the Warrandyte Park Clubrooms, Craigie with a preliminary budget allocation of \$629,000 in 2017-18 to include additional two change rooms, additional storage and facility refurbishment), subject to a contribution being made by the Joondalup United Football totalling \$140,000 (exclusive of GST);***
 - 6 NOTES that a further report on the refurbishment of the Warrandyte Park Clubrooms refurbishment project that includes a detailed cost estimate will be presented for consideration in the future;***
 - 7 NOTES that the breakdown of the preliminary budget for the works proposed in part 5 above is based on a combination of funds as listed below:***
 - 7.1 \$225,000 listed in 2017-18 and 2018-19 for refurbishment of Warrandyte Park Clubrooms, Craigie (BCW2551 refers);***

- 7.2 **\$264,000 being the City's proposed contribution for the Forrest Park, Padbury Improvement;**
- 7.3 **\$140,000 contribution from the Joondalup United Football Club;**
- 8 **AGREES to allocate the seasonal use of Warrandyte Park, Craigie and Prince Regent Park, Heathridge to the Joondalup United Football Club, effective from the 2017 winter season;**
- 9 **AGREES to allocate seasonal use of Beldon Park, Beldon, Charonia Park, Mullaloo and Korella Park, Mullaloo to the Whitford City Football Club, effective from the 2017 winter season;**
- 10 **AGREES to list for consideration as part of the 2019-20 Capital Works Program the floodlighting of Beldon Park, Beldon (replacing the listed floodlighting project for Forrest Park, Padbury – STL2072 refers);”;**
- 2 **NOTES no further action will be taken by the City in regard to the development of Warrandyte Park, Craigie or the relocation of Whitford City Football Club and the Joondalup United Football Club until a further report is submitted to Council detailing:**
- 2.1 **the outcome of a consultation and engagement process with stakeholders, including:**
- 2.1.1 **the Whitford City Football Club and the Joondalup United Football Club;**
- 2.1.2 **affected residents and businesses surrounding Warrandyte Park;**
- 2.1.3 **the local community and users of Warrandyte Park;**
- 2.2 **detailed cost estimates for the required refurbishment works of the Warrandyte Clubrooms, Craigie including budget and funding implications.**

AMENDMENT MOVED Mayor Pickard, SECONDED Cr Gobbert that the motion be AMENDED to read as follows:

- “2 *NOTES no further action will be taken by the City in regard to the development of Warrandyte Park, Craigie or the relocation of Whitford City Football Club and the Joondalup United Football Club until a further report is submitted to Council at its 13 December 2016 meeting detailing:*
- 2.1 *the outcome of a consultation and engagement process with stakeholders, including:*
- 2.1.1 *the Whitford City Football Club;*
- 2.1.2 *the Joondalup United Football Club;*
- 2.1.3 *user groups and businesses surrounding Warrandyte Park;*
- 2.1.4 *the local community surrounding Warrandyte Park;*

2.2 suitable City active reserves that would permit the Joondalup United Football Club to be able to compete within Football West National Premier League competition, including what level of refurbishment works and/or infrastructure is required and the estimated costs;”

“3 REQUESTS the consultation process detailed in part 2.1.4 above to take the form of a community forum, to be facilitated by the City of Joondalup and chaired by the Mayor, seeking input from the community on the utilisation of Warrandyte facility by the Joondalup United Football Club for its activities.”

It was requested that each part of the proposed amended motion be voted on separately.

AMENDMENT MOVED Mayor Pickard, SECONDED Cr Gobbert that Part 2 of the motion be AMENDED to read as follows:

“2 NOTES no further action will be taken by the City in regard to the development of Warrandyte Park, Craigie or the relocation of Whitford City Football Club and the Joondalup United Football Club until a further report is submitted to Council at its 13 December 2016 meeting detailing:

The Amendment was Put and

CARRIED (13/0)

In favour of the Amendment: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

AMENDMENT MOVED Mayor Pickard, SECONDED Cr Gobbert that Part 2.1.1 of the motion be AMENDED to read as follows:

2.1.1 the Whitford City Football Club;

The Amendment was Put and

CARRIED (13/0)

In favour of the Amendment: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

AMENDMENT MOVED Mayor Pickard, SECONDED Cr Gobbert that Part 2.1.2 of the motion be AMENDED to read as follows:

2.1.2 the Joondalup United Football Club;

The Amendment was Put and

CARRIED (13/0)

In favour of the Amendment: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

AMENDMENT MOVED Mayor Pickard, SECONDED Cr Gobbert that Part 2.1.3 of the motion be AMENDED to read as follows:

2.1.3 user groups and businesses surrounding Warrandyte Park;

The Amendment was Put and

CARRIED (13/0)

In favour of the Amendment: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

AMENDMENT MOVED Mayor Pickard, SECONDED Cr Gobbert that Part 2.1.4 of the motion be AMENDED to read as follows:

2.1.4 the local community surrounding Warrandyte Park;

The Amendment was Put and

CARRIED (13/0)

In favour of the Amendment: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

AMENDMENT MOVED Mayor Pickard, SECONDED Cr Gobbert that Part 2.2 of the motion be AMENDED to read as follows:

2.2 suitable City active reserves that would permit the Joondalup United Football Club to be able to compete within Football West National Premier League competition, including what level of refurbishment works and/or infrastructure is required and the estimated costs;”

The Amendment was Put and

CARRIED (13/0)

In favour of the Amendment: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

AMENDMENT MOVED Mayor Pickard, SECONDED Cr Gobbert that Part 3 of the motion be AMENDED to read as follows:

“3 REQUESTS the consultation process detailed in part 2.1.4 above to take the form of a community forum, to be facilitated by the City of Joondalup and chaired by the Mayor, seeking input from the community on the utilisation of Warrandyte facility by the Joondalup United Football Club for its activities.”

The Amendment was Put and

CARRIED (12/1)

In favour of the Amendment: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman and Taylor.

Against the Amendment: Cr Poliwka.

The Original Motion as amended, being:

That Council:

1 BY AN ABSOLUTE MAJORITY REVOKES parts 5 through to 10 of its decision of 20 September 2016 (CJ150-09/16 refers) as follows:

“5 AGREES to undertake the planning for the refurbishment of the Warrandyte Park Clubrooms, Craigie with a preliminary budget allocation of \$629,000 in 2017-18 to include additional two change rooms, additional storage and facility refurbishment), subject to a contribution being made by the Joondalup United Football totalling \$140,000 (exclusive of GST);

6 NOTES that a further report on the refurbishment of the Warrandyte Park Clubrooms refurbishment project that includes a detailed cost estimate will be presented for consideration in the future;

- 7** *NOTES that the breakdown of the preliminary budget for the works proposed in Part 5 above is based on a combination of funds as listed below:*
- 7.1** *\$225,000 listed in 2017-18 and 2018-19 for refurbishment of Warrandyte Park Clubrooms, Craigie (BCW2551 refers);*
- 7.2** *\$264,000 being the City's proposed contribution for the Forrest Park, Padbury Improvement;*
- 7.3** *\$140,000 contribution from the Joondalup United Football Club;*
- 8** *AGREES to allocate the seasonal use of Warrandyte Park, Craigie and Prince Regent Park, Heathridge to the Joondalup United Football Club, effective from the 2017 winter season;*
- 9** *AGREES to allocate seasonal use of Beldon Park, Beldon, Charonia Park, Mullaloo and Korella Park, Mullaloo to the Whitford City Football Club, effective from the 2017 winter season;*
- 10** *AGREES to list for consideration as part of the 2019-20 Capital Works Program the floodlighting of Beldon Park, Beldon (replacing the listed floodlighting project for Forrest Park, Padbury – STL2072 refers);”;*
- 2** **NOTES** no further action will be taken by the City in regard to the development of Warrandyte Park, Craigie or the relocation of Whitford City Football Club and the Joondalup United Football Club until a further report is submitted to Council at its 13 December 2016 meeting detailing:
- 2.1** the outcome of a consultation and engagement process with stakeholders, including:
- 2.1.1** the Whitford City Football Club;
- 2.1.2** the Joondalup United Football Club;
- 2.1.3** user groups and businesses surrounding Warrandyte Park;
- 2.1.4** the local community surrounding Warrandyte Park;
- 2.2** suitable City active reserves that would permit the Joondalup United Football Club to be able to compete within Football West National Premier League competition, including what level of refurbishment works and/or infrastructure is required and the estimated costs;
- 3** **REQUESTS** the consultation process detailed in part 2.1.4 above to take the form of a community forum, to be facilitated by the City of Joondalup and chaired by the Mayor, seeking input from the community on the utilisation of Warrandyte facility by the Joondalup United Football Club for its activities.

Was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

C63-10/16**RESUMPTION OF ORDER OF BUSINESS – [08122, 02154]**

MOVED Cr Hamilton-Prime, **SECONDED** Cr Gobbert that Council **RESUMES** the operation of clause 4.3 of the *City of Joondalup Meeting Procedures Local Law 2013 – Order of Business*.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Cr Dwyer and the Manager Governance left the Chamber at 9.06pm.

Cr Dwyer entered the Chamber at 9.08pm.

Cr Poliwka left the Chamber at 9.08pm.

The Manager Governance entered the Chamber at 9.09pm.

CJ153-10/16 ELECTION OF DEPUTY MAYOR

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Jamie Parry Governance and Strategy |
| FILE NUMBER | 19607, 101515 |
| ATTACHMENT | Nil |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

PURPOSE

For Council to elect a new Deputy Mayor for a term to expire at the next ordinary elections in October 2017, as a result of Cr Tom McLean's resignation as Deputy Mayor.

EXECUTIVE SUMMARY

In October 2015 Cr Tom McLean, JP was elected to the position of Deputy Mayor for a term of two years to expire at the October 2017 Ordinary Council elections.

Cr McLean submitted his written resignation as Deputy Mayor on Tuesday 4 October 2016, effective from the commencement of the 18 October 2016 Council meeting. It is therefore necessary for Council to elect a Deputy Mayor for a term to expire at the start of the first meeting of Council after the local government's next ordinary elections.

It is recommended that Council:

- 1 NOTES the resignation of Cr Tom McLean, JP as Deputy Mayor of the City of Joondalup, effective from 7.00pm on Tuesday, 18 October 2016 and THANKS him for his valuable contribution during his term of office as Deputy Mayor;*
- 2 ELECTS a Deputy Mayor for a term to expire at the start of the first meeting of Council after the local government's next ordinary elections.*

BACKGROUND

Following the ordinary elections held in October 2015, Council at its Special Meeting held on 20 October 2015 elected Cr Tom McLean, JP to the position of Deputy Mayor for a term to expire at the ordinary elections to be held in October 2017.

It is current Council practice to rotate the position of Deputy Mayor on an annual basis among Elected Members. In accordance with this practice, Cr McLean submitted his written resignation as Deputy Mayor on Tuesday 4 October 2016, effective from the commencement of the 18 October 2016 Council meeting. It is therefore necessary for Council to elect a Deputy Mayor for a term to expire at the start of the first meeting of Council after the local government's next ordinary elections.

DETAILS

Cr McLean submitted his resignation as Deputy Mayor for the City of Joondalup to take effect at 7.00pm on Tuesday, 18 October 2016. An extraordinary vacancy for the position of Deputy Mayor therefore occurs in accordance with Sections 2.31 and 2.34 of the *Local Government Act 1995*.

The role of the Deputy Mayor is to perform the functions of the Mayor when authorised to do so; that is, when the office of Mayor is vacant or the Mayor is not available or unwilling to perform the functions of the Mayor.

Clause 7 of Schedule 2.3, Division 2 of the *Local Government Act 1995* requires the office of Deputy Mayor to be filled as the first matter dealt with at the first meeting of the Council after an extraordinary vacancy occurs in the office. Upon election of the Deputy Mayor, there is a requirement for the incumbent to make a declaration for that office.

How the Deputy Mayor is elected is provided under Clause 8 of Schedule 2.3, Division 2 of the *Local Government Act 1995*, as follows:

- 1 *The Council is to elect a Councillor to fill the office.*
- 2 *The election is to be conducted by the Mayor, or if he is not present, by the Chief Executive Officer.*
- 3 *Nominations for the office are to be given to the person conducting the election in writing.*
- 4 *Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.*
- 5 *If a Councillor is nominated by another Councillor, the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that they are willing to be nominated for the office.*
- 6 *The Council members are to vote on the matter by secret ballot as if they were electors voting at an election.*
- 7 *Subject to Clause 9(1) of Schedule 2.3 of the Local Government Act 1995, the votes cast under subclause (6) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 of the Local Government Act 1995, as if those votes were cast at an election.*

Legislation / Strategic Community Plan / policy implications

Legislation

Section 2.15 and Schedule 2.3 of the *Local Government Act 1995*.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Effective representation.

Strategic initiative Not applicable.

Policy Not applicable.

Risk management considerations

The role of the Deputy Mayor is critical to providing effective support for the Mayor and to perform the functions of the Mayor when authorised to do so; that is, when the office of Mayor is vacant or the Mayor is not available or unwilling to perform the functions of the Mayor.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

As a result of the resignation of Cr Tom McLean, JP as Deputy Mayor, Council is required to elect a Deputy Mayor for a term to expire at the start of the first meeting of Council after the local government's next ordinary elections.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

- 1 NOTES the resignation of Cr Tom McLean, JP as Deputy Mayor of the City of Joondalup, effective from 7.00pm on Tuesday, 18 October 2016 and THANKS him for his valuable contribution during his term of office as Deputy Mayor;
- 2 ELECTS a Deputy Mayor for a term to expire at the start of the first meeting of Council after the local government's next ordinary elections.

MOVED Mayor Pickard, SECONDED Cr Dwyer that Council:

- 1 NOTES the resignation of Cr Tom McLean, JP as Deputy Mayor of the City of Joondalup, effective from 7.00pm on Tuesday, 18 October 2016 and THANKS him for his valuable contribution during his term of office as Deputy Mayor;**
- 2 NOTES Cr Fishwick has been elected to the office of Deputy Mayor for a term to expire at the start of the first meeting of the Council after the next ordinary Local Government Elections in 2017.**

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman and Taylor.

Cr Poliwka entered the Chamber at 9.10pm.

The Manager Governance left the Chamber at 9.10pm.

CJ154-10/16 DEVELOPMENT AND SUBDIVISION APPLICATIONS – AUGUST 2016

| | | | | |
|-------------------------------|--|---|--|--|
| WARD | All | | | |
| RESPONSIBLE DIRECTOR | Ms Dale Page Planning and Community Development | | | |
| FILE NUMBER | 07032, 101515 | | | |
| ATTACHMENTS | Attachment 1 | Monthly Development Applications Determined – August 2016 | | |
| | Attachment 2 | Monthly Subdivision Applications Processed – August 2016 | | |
| AUTHORITY / DISCRETION | Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting'). | | | |

PURPOSE

For Council to note the number and nature of applications considered under delegated authority during August 2016.

EXECUTIVE SUMMARY

Schedule 2 (deemed provisions for local planning schemes) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) provide for Council to delegate powers under a local planning scheme to the Chief Executive Officer (CEO), who in turn has delegated them to employees of the City.

The purpose of delegating certain powers to the CEO and officers is to facilitate the timely processing of development and subdivision applications. The framework for the delegations of those powers is set out in resolutions by Council and is reviewed every two years, or as required.

This report identifies the development applications determined by the administration under delegated authority powers during August 2016 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during August 2016 (Attachment 2 refers).

BACKGROUND

Schedule 2 clause 82 (deemed provisions for local planning schemes) of the Regulations enables Council to delegate powers under a local planning scheme to the CEO, and for the CEO to then delegate powers to individual employees.

At its meeting held on 28 June 2016 (CJ091-06/16 refers) Council considered and adopted the most recent Town Planning Delegations.

DETAILS

Subdivision referrals

The number of subdivision and strata subdivision referrals processed under delegated authority during August 2016 is shown in the table below:

| Type of subdivision referral | Number of referrals | Potential additional new lots |
|---------------------------------|---------------------|-------------------------------|
| Subdivision applications | 6 | 11 |
| Strata subdivision applications | 13 | 32 |
| TOTAL | 19 | 43 |

Of the 19 subdivision referrals, 14 were to subdivide in housing opportunity areas, with the potential for 24 additional lots.

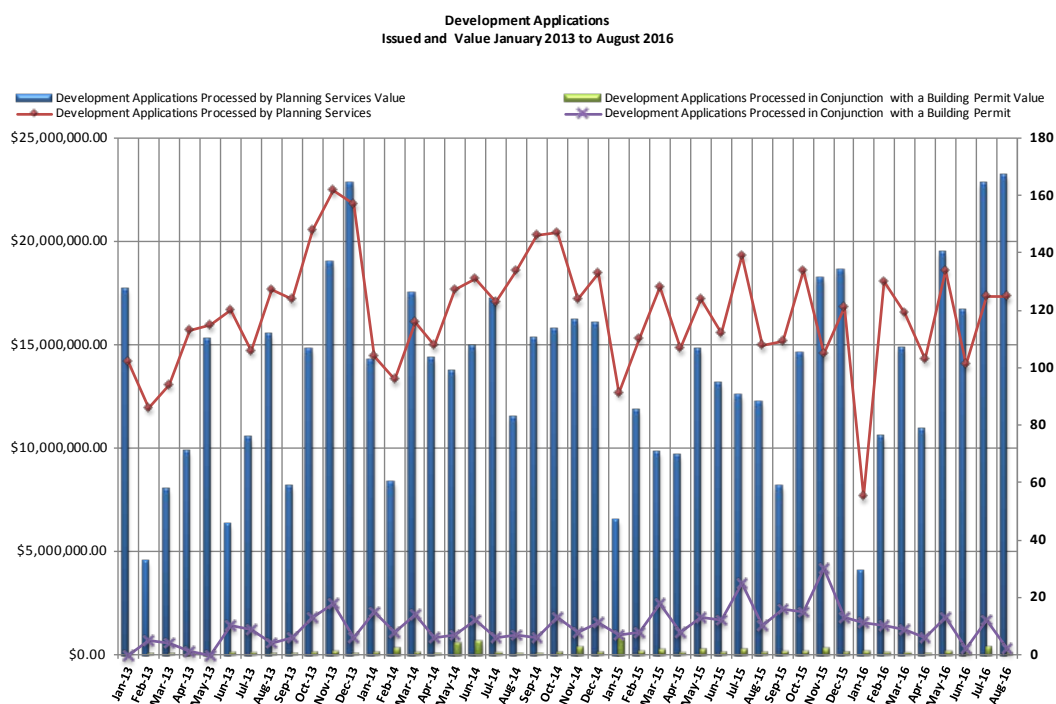
Development applications

The number of development applications determined under delegated authority during August 2016 is shown in the table below:

| Type of development application | Number | Value (\$) |
|---|------------|----------------------|
| Development applications processed by Planning Services | 125 | \$ 23,174,983 |
| Development applications processed by Building Services | 2 | \$10,900 |
| TOTAL | 127 | \$ 23,185,883 |

Of the 127 development applications, 12 were for grouped dwelling developments in housing opportunity areas, proposing a total of 21 additional dwellings.

The total number and value of development applications determined between January 2013 and August 2016 is illustrated in the graph below:



The number of development applications received during August was 153. (This figure does not include any development applications to be processed by building as part of the building permit approval process).

The number of development applications current at the end of August was 240. Of these, 50 were pending further information from applicants and 13 were being advertised for public comment.

In addition to the above, 246 building permits were issued during the month of August with an estimated construction value of \$24,190,299.

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / policy implications

| | |
|--------------------|--|
| Legislation | <i>City of Joondalup District Planning Scheme No. 2. Planning and Development (Local Planning Schemes) Regulations 2015.</i> |
|--------------------|--|

Strategic Community Plan

| | |
|------------------|----------------------------|
| Key theme | Quality Urban Environment. |
|------------------|----------------------------|

| | |
|------------------|-------------------------|
| Objective | Quality built outcomes. |
|------------------|-------------------------|

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

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

Schedule 2 clause 82 of the Regulations permits the local government to delegate to a committee or to the local government CEO the exercise of any of the local government's powers or the discharge of any of the local government's duties. Development applications were determined in accordance with the delegations made under Schedule 2 clause 82 of the Regulations.

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 127 development applications were determined for the month of August with a total amount of \$86,751 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 and the Regulations.

COMMENT

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

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

VOTING REQUIREMENTS

Simple Majority.

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

- 1 Development applications described in Attachment 1 to Report CJ154-10/16 during August 2016;**
- 2 Subdivision applications described in Attachment 2 to Report CJ154-10/16 during August 2016.**

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ155-10/16, page 161 refers.

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf161003.pdf](#)

**CJ155-10/16 ADDITIONAL UNLISTED LAND USES,
LANDSCAPING AND CAR PARKING
MODIFICATIONS (RETROSPECTIVE) AT LOT 45 (8)
ELCAR LANE, JOONDALUP**

| | |
|-------------------------------|---|
| WARD | North |
| RESPONSIBLE DIRECTOR | Ms Dale Page Director Planning and Community Development |
| FILE NUMBER | 06015, 101515 |
| ATTACHMENT | Attachment 1 Location plan Attachment 2 Development plans |
| AUTHORITY / DISCRETION | Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal. |

This Item was dealt with later in the meeting, following report CJ175-10/16 – page 148 refers.

CJ156-10/16 PROPOSED SHOWROOM DEVELOPMENT AT LOT 10 (23) SUNDEW RISE, JOONDALUP

| | |
|-------------------------------|---|
| WARD | North |
| RESPONSIBLE DIRECTOR | Ms Dale Page Planning and Community Development |
| FILE NUMBER | 104792, 101515 |
| ATTACHMENTS | Attachment 1 Location plan Attachment 2 Development plans Attachment 3 Building perspectives Attachment 4 Environmentally sustainable design checklist |
| AUTHORITY / DISCRETION | Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal. |

PURPOSE

For Council to determine an application for a new 'Showroom' development at Lot 10 (23) Sundew Rise, Joondalup.

EXECUTIVE SUMMARY

An application for development approval has been received for a new 'Showroom' development at Lot 10 (23) Sundew Rise, Joondalup.

The proposed land use 'Showroom' is a permitted ("P") use under both the *Joondalup City Centre Development Plan and Manual* (JCCDPM) and the draft *Joondalup City Centre Structure Plan* (JCCSP). The development is generally consistent with the requirements of DPS2, the JCCDPM and the draft JCCSP though discretion is required to be exercised in relation to the amount of glazing proposed and the setback of a retaining wall to the street boundary (Sundew Rise).

The application is required to be determined by Council as the setback of the retaining wall to Sundew Rise does not meet the minimum setback requirements by more than 1.5 metres.

The application was referred to the Joondalup Design Reference Panel (JDRP) on 6 October 2015. The panel had some concerns with the development, in particular the height of the limestone retaining wall and appearance of the development from the Mitchell Freeway. The applicant has since made a number of changes to reduce the bulk of the development and improve the visual appearance.

It is considered that the overall design of the development is appropriate for the locality, being consistent with approved developments in the area and providing for a positive built form outcome.

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

BACKGROUND

| | |
|------------------------|--|
| Suburb/Location | Lot 10 (23) Sundew Rise, Joondalup. |
| Applicant | James Posilero, Vespoli Constructions. |
| Owner | Leeway Group Investments Pty Ltd. |
| Zoning | Centre. |
| DPS | Central City Area. |
| MRS | 3114m ² . |
| Site area | <i>Joondalup City Centre Development Plan and Manual (JCCDPM).</i> |
| Structure plan | <i>Draft Joondalup City Centre Structure Plan (JCCSP).</i> |

The subject site is located at the western end of Sundew Rise, with the Mitchell Freeway reserve located along the western boundary and the rear boundary part adjoining an existing commercial development and drainage reserve (Attachment 1 refers).

The site has a fall of 8.7 metres from the centre of the lot to the Mitchell Freeway boundary, with an existing retaining wall constructed along a portion of the Sundew Rise boundary to a height of two metres. Additional retaining and colourbond fencing was installed within the adjoining road reserve as part of the subdivision that resulted in the subject lot being created.

A 12 metre wide Western Power and sewer easement runs along the western boundary, making a large portion of the site undevelopable. In addition, the street verge located directly adjacent to the subject site contains a number of underground drainage cells, restricting both the species and location of landscaping that can be planted within the road reserve.

DETAILS

The proposed development comprises the following:

- A showroom with a total Net Lettable Area (NLA) of 1,098m².
- An external car park comprising 26 car bays with rear service yard.
- A retaining wall to the street and parallel to the western boundary ranging from five to eight metres in height across the site as measured from natural ground level.

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

The development meets all of the requirements of the JCCDPM and draft JCCSP with the exception of glazing and the setback of the retaining wall.

Retaining wall

Given the significant slope of the land, in order to accommodate the building and to create a useable site, the existing retaining to the Sundew Rise boundary will need to be extended to the west. At its highest point, the retaining wall will have a maximum height of 5.4 metres as measured from natural ground level. A new retaining wall will also be constructed parallel to the western boundary to a maximum height of eight metres towards the rear of the lot.

The JCCDPM requires a minimum building setback to Sundew Rise of six metres and the draft JCCSP requires a minimum setback of three metres. In this instance a nil setback for the retaining wall is proposed. Nil setbacks are permitted to the western lot boundary under both structure plans, and as such the retaining parallel to the western boundary meets the required setback.

The applicant has provided an additional perspective of the proposed development, including the retaining wall, as viewed from the Mitchell Freeway (Attachment 3 refers).

Glazing

The JCCDPM requires that a minimum of 25% of the overall street facade incorporate glazing. The development proposes 23.4% glazing to the Sundew Rise facade. The draft JCCSP requires that 50% of the ground floor street facade incorporate glazing. The development proposes a total of 43.4% glazing to the ground floor.

Issues and options considered

Council is required to consider whether the proposed variations to the JCCDPM and draft JCCSP are appropriate.

Council has the discretion to:

- approve the application without conditions
- approve the application with conditions
- or
- refuse the application.

Legislation / Strategic Community Plan / policy implications

| | |
|--------------------|--|
| Legislation | <i>City of Joondalup District Planning Scheme No. 2. Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).</i> |
|--------------------|--|

Strategic Community Plan

| | |
|-----------------------------|---|
| Key theme | Quality Urban Environment. |
| Objective | Quality built outcomes. |
| Strategic initiative | Buildings and landscaping is suitable for the immediate environment and reflect community values. |
| Policy | <i>Environmentally Sustainable Design Policy. State Planning Policy 3.7 – Planning in Bushfire Prone Areas.</i> |

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

Clause 4.5 of DPS2 gives Council discretion to consider the variations sought to the standards and requirements.

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS.

4.5.1 Except for development in respect of which the Residential Design Codes apply, 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 local government may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

4.5.2 In considering an application for planning approval under this clause, where, in the opinion of the local government, 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 local government shall:

- (a) *consult the affected parties by following one or more of the provisions for advertising uses pursuant to Clause 64 of the deemed provisions; 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 local government is satisfied that:*

- (a) *approval of the proposed development would be appropriate having regard to the criteria set out in Clause 67 of the deemed provisions; 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.*

Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)

Clause 67 of Schedule 2 of the Regulations sets out the matters to be considered by Council when determining an application for development approval.

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development of the subject of the application -

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) *any approved State planning policy;*
- (d) *any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (e) *any policy of the Commission;*
- (f) *any policy of the State;*
- (g) *any local planning policy for the Scheme area;*
- (h) *any structure plan, activity centre plan or local development plan that relates to the development;*
- (i) *any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- (j) *in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (k) *the built heritage conservation of any place that is of cultural significance;*

- (l) *the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following -*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality;*
 - (iii) *social impacts of the development;*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) *the adequacy of -*
 - (i) *the proposed means of access to and egress from the site; and*
 - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following -*
 - (i) *public transport services;*
 - (ii) *public utility services;*
 - (iii) *storage, management and collection of waste;*
 - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - (v) *access by older people and people with disability;*
- (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*

(zb) *any other planning consideration the local government considers appropriate.*

Environmentally Sustainable Design Policy

The *Environmentally Sustainable Design Policy* encourages the integration of environmentally sustainable design principles into the construction of all new developments.

The objective of this policy is:

To encourage the integration of environmentally sustainable design principles into the siting, design and construction of both new and redeveloped residential, commercial and mixed-use buildings (excluding single and grouped dwellings, internal fit outs and minor extensions) in the City of Joondalup. Environmentally sustainable design considers the environmental impact of a building for the entire life of the asset.

The applicant has completed the Environmentally Sustainable Design checklist. A copy of the checklist is provided as Attachment 4.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)

The subject site has been identified as being located within a bushfire prone area on the Map of Bushfire Prone Areas prepared by the Department of Fire and Emergency Services (DFES) and as such is subject to the provisions of SPP3.7. The intent of this policy is:

“...to implement effective risk-based land use planning and development to preserve life and reduce the impact the bushfire on property and infrastructure.”

In accordance with SPP3.7, the applicant has undertaken a Bushfire Attack Level (BAL) assessment for the site. The SPP3.7 also requires that a Bushfire Management Plan (BMP) be prepared and that the advice of the relevant authority for emergency services be sought and considered in the determination.

A BMP has been prepared and comments on this have been provided by DFES. These comments have been incorporated into a revised BMP.

Risk management considerations

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

Financial / budget implications

The applicant has paid fees of \$2,830.80 (excluding GST) in accordance with the fees and charges schedule for the assessment of the application.

Regional significance

Not applicable.

Sustainability implications

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

Consultation

Clause 64 of the deemed provisions set out in Schedule 2 of the Regulations states that a local government may waive a requirement for an application to be advertised where it does not comply with a requirement of the Scheme if the local government is satisfied that the departure from the requirements is of a minor nature.

For reasons outlined in the comments section below, it is considered that the variations to the JCCDPM and draft JCCSP do not have a detrimental impact on surrounding development, and as such consultation has not been undertaken.

COMMENT

The application is for a new 'Showroom' development. The development meets the requirements of the JCCDPM and draft JCCSP with the exception of glazing and the retaining wall setback to Sundew Rise.

Glazing

The JCCDPM requires that a minimum of 25% of the overall street facade incorporates glazing with the development providing a total 23.4% glazing to the Sundew Rise facade. The draft JCCSP requires that 50% of the ground floor street facade incorporates glazing. In this instance a total of 43.4% glazing is proposed to the Sundew Rise ground floor facade.

While the building does not meet the requirements pertaining to glazing, the development does propose large windows, making best use of the northern and eastern aspects and ensuring that any future split of the building into separate tenancies will provide for adequate passive surveillance opportunities. Shading devices in the form of awnings have also been incorporated into the development assisting in promoting pedestrian activity and comfort, providing shade along the building frontage and protection for glazing. In addition, the development provides for a building design that incorporates a number of visually interesting elements with the external finishes comprising a variety of materials, a modern colour palette and architectural elements.

Retaining wall

The subject site is characterised by a large cross fall in levels both from the eastern to western boundary and northern to southern boundary. Retaining has been partially constructed along the street boundary as part of the subdivision works to the site. This application seeks to extend the existing wall, though the existing wall will be partially removed and rebuilt to support the proposed vehicle access point into the site.

The retaining to the front boundary will have a maximum height of 5.4 metres from natural ground level and will be an extension of the existing retaining wall that was installed as part of subdivision works. The applicant proposes landscaping within the verge that will assist in screening the retaining wall as viewed from the street. The type of landscaping will need to take into consideration the drainage cells within the road reserve which cater for stormwater runoff from the road. Should the development be approved, a condition of approval is recommended requiring a detailed landscaping plan, including providing landscaping to screen the retaining wall.

The maximum height of the retaining parallel to the western boundary is located towards the rear of the site and the height proposed will align with the existing retaining wall constructed to the rear of Lot 1 (7) Honeybush Drive. The retaining wall is set back 12 metres from the Mitchell Freeway (western) lot boundary and complies with the relevant setback provisions. The majority of the retaining will also be screened from the Mitchell Freeway via existing vegetation within the adjoining Mitchell Freeway road reserve (Attachment 3 refers).

The location of the retaining proposed to the Sundew Rise boundary as a part of this development is such that the visual impact of the wall as viewed from the street is not substantially greater than that of the existing retaining wall located along the Sundew Rise boundary. The retaining will be adequately screened through the installation of vegetation and is consistent in height with other large retaining walls within the immediate locality.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)

As the subject site is located within a Bushfire Prone Area, a Bushfire Attack level (BAL) assessment was undertaken by a Bushfire Consultant to support the application. The assessment indicated that the site has a moderate bushfire hazard level, being BAL-29. In order to comply with the requirements of SPP3.7, a Bushfire Management Plan (BMP) was subsequently prepared.

The BMP sets out that in order for the development to maintain a BAL-29 and therefore comply with SPP3.7, the Western Power easement along the western boundary must be maintained as low threat vegetation, providing a separation from the bushfire hazard present within the freeway reserve. This easement area is located within the property boundary, and therefore will be required to be maintained by the land owner of the subject site.

In accordance with SPP3.7 the BMP was referred to DFES who provided comments on the plan. As a result, the BMP was modified to ensure the comments provided by DFES are adequately addressed.

Should the application be approved conditions of development approval are recommended to ensure that the easement is maintained as low threat vegetation. This will include a condition requiring the land owner to maintain the easement area in accordance with the BMP, and a condition requiring a notification on the Certificate of Title to alert current and future land owners to this requirement.

Joondalup Design Reference Panel

The Joondalup Design Reference Panel met on 6 October 2015 to discuss the proposal. The key points raised by the panel, as well as additional comments are provided below. It is noted however that since its presentation to the JDRP, the development has been significantly modified. The comments provided remain relevant:

- 1 *The bulk of the retaining wall should be reduced significantly to prevent the presence of a large blank facade, particularly given that the building is proposed directly above the retaining wall.*

The applicant has stated that they are unable to reduce the height or length of the retaining wall proposed which will match the already built retaining on the adjoining lot. Following the meeting the building was modified, with the facade of the building reduced in width as viewed from the Mitchell Freeway and additional articulation provided, alleviating concerns that the development would present as a blank facade.

- 2 *The proposed development should integrate with the characteristics of the site given the significant retaining proposed along the frontage (Sundew Rise).*

The development has been modified, presenting as a two storey facade with a tower element. The proposed use of colours and combination of materials will ensure that the building is the dominant feature of the site. Landscaping will assist in ensuring that development enhances the natural characteristics of the site.

- 3 *The disabled bay to be relocated closer to the building entrances.*

The development has been modified to relocate the disabled bays at the main entrance.

- 4 *Details on the maintenance of the development and the south-western facade should be provided, particularly given the potential for graffiti on the retaining walls facing the freeway.*

The applicant has indicated that the finish of the development will allow for it to be repainted in the instance of graffiti. Should the development be approved, a condition of approval will also reinforce that external walls and retaining walls shall be maintained to a high standard, including being free of vandalism.

- 5 *A natural concrete finish is not considered appropriate to the external elevations, particularly those visible from the freeway. These elevations should be treated, with colours and/or materials indicated on the plan.*

Amended plans were subsequently received with the external façade to be finished in a combination of fibre cement cladding, reverse rolled colourbond and textured paint, including the facade viewed from the Mitchell Freeway.

- 6 *Landscaping plans should further demonstrate how it will address issues relating to the large retaining walls and verge area, and how this will integrate with the overall development.*

The applicant has provided landscaping concept plans that indicate landscaping will be provided within the verge. Should the development be approved, a condition of approval will require detailed landscaping plans be provided prior to the commencement of development.

- 7 *The bin store should be relocated to integrate with the development and provide for safe and convenient collection.*

The development has been modified and the bin store relocated to the rear of the development, screened from view of the street.

Conclusion

The development requirements of the DPS2 and JCCDPM and the draft JCCSP are generally met by the proposal, with the exception of glazing and the front setback of the retaining wall. Notwithstanding it is considered that the overall design of the development is consistent with approved developments in the surrounding area. The building has been designed with a high level of articulation and incorporates a number of visually interesting elements to ensure the building provides for a positive contribution to the area.

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

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Fishwick, **SECONDED** Cr Jones that Council **APPROVES** under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval submitted by James Posilero (Vespoli Constructions) on behalf of the owners, Leeway Group Investments Pty Ltd, for a new 'Showroom' development on Lot 10 (23) Sundew Rise, Joondalup, subject to the following conditions:

- 1** **A Construction Management Plan** being submitted and approved by the City prior to the commencement of development. The management plan shall detail how it is proposed to manage:
 - 1.1** all forward works for the site;
 - 1.2** the delivery of materials and equipment to the site;
 - 1.3** the storage of materials and equipment on the site;
 - 1.4** the parking arrangements for the contractors and subcontractors;
 - 1.5** other matters likely to impact on the surrounding properties,

and construction works shall be undertaken in accordance with the approved plan;
- 2** The car parking bays, driveways and access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009) and Off-street Commercial Vehicle Facilities (AS2890.2:2002), prior to the occupation of the development. These bays are to be thereafter maintained to the satisfaction of the City;
- 3** All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
- 4** A refuse management plan indicating the method of rubbish collection is to be submitted to the City prior to the commencement of development, and approved by the City prior to the development first being occupied. Refuse management shall be undertaken in accordance with the approved Refuse Management Plan;
- 5** Detailed landscaping plans shall be submitted to the City for approval prior to the commencement of development. These landscaping plans are to indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:
 - 5.1** be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
 - 5.2** provide all details relating to paving, treatment of verges and tree planting in the car park;
 - 5.3** show spot levels and/or contours of the site;
 - 5.4** be based on water sensitive urban design principles to the satisfaction of the City;
 - 5.5** be based on Designing out Crime principles to the satisfaction of the City;
 - 5.6** show all irrigation design details;
 - 5.7** provide landscaping to screen the retaining wall as viewed from Sundew Rise;

- 6 Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
- 7 A full schedule of colours and materials for all exterior parts to the building is to be submitted and approved by the City prior to the commencement of development. Development shall be in accordance with the approved schedule and shall be completed to the satisfaction of the City prior to occupation of the development;
- 8 All external walls and retaining walls of the development shall be of a clean finish, and shall at all times be maintained to a high standard, including being free of vandalism, to the satisfaction of the City;
- 9 Any proposed external building plant, including air conditioning units, piping, ducting and water tanks, being located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings, with details of the location of such plant being submitted for approval by the City prior to the commencement of development;
- 10 All development shall be contained within the property boundaries;
- 11 No obscure or reflective glazing is permitted to ground floor facades;
- 12 The development shall at all times comply with the requirements of the *Bushfire Management Plan* prepared by Bushfire Ready and dated 16 September 2016;
- 13 A notification, pursuant to section 70A of the *Transfer of Land Act 1893*, shall be placed on the certificate of title for the subject lot. The notification shall be lodged with the Registrar of Titles for endorsement on the certificate of title, prior to the commencement of development. The notification is to state as follows:

'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan.'

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ155-10/16, page 161 refers.

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf161003.pdf](#)

CJ157-10/16 PROPOSED BRIDGE DEVELOPMENT AT LOT 100 (RAILWAY RESERVE 299) JOONDALUP DRIVE, JOONDALUP

| | |
|-------------------------------|---|
| WARD | North |
| RESPONSIBLE DIRECTOR | Ms Dale Page Planning and Community Development |
| FILE NUMBER | 15550, 101515 |
| ATTACHMENTS | Attachment 1 Location plan Attachment 2 Development plans |
| AUTHORITY / DISCRETION | Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal. |

PURPOSE

For Council to determine an application for a bridge development at Lot 100 (Railway Reserve 299) Joondalup Drive, Joondalup.

EXECUTIVE SUMMARY

An application for development approval has been received for a bridge development at Lot 100 (Railway Reserve 299) Joondalup Drive, Joondalup.

The bridge is to be built over the train line as an extension to Injune Way, providing vehicular access to Lot 9004 (350) Hodges Drive, a future development site (Attachment 1 refers).

The bridge is not directly associated with a land use listed in the structure plans applicable to the City Centre or *District Planning Scheme No. 2* (DPS2) and accordingly is referred to Council for determination.

The bridge is shown and referred to in the *Joondalup City Centre Development Plan and Manual* (JCCDPM) and draft *Joondalup City Centre Structure Plan*, providing access to the adjacent Lot 9004 and its design and construction was required as a condition of subdivision approval issued by the Western Australian Planning Commission on 26 February 2016.

The application was referred to Main Roads, Western Power, the Public Transport Authority (PTA), and the Department of Transport. Responses were received from Main Roads WA and Western Power, both indicating that there was no objection to the development subject to advice to be provided to the applicant.

The design of the bridge is considered appropriate, and the location is consistent with the JCCDPM and draft JCCSP.

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

BACKGROUND

| | |
|------------------------|---|
| Suburb/Location | Lot 100 (Railway Reserve 299) Joondalup Drive, Joondalup. |
| Applicant | Masterplan Consultants WA Pty Ltd. |
| Owner | West Australian Land Authority (LandCorp). |
| Zoning | DPS Centre. |
| | MRS Central City Area. |
| Site area | 27,396m ² . |
| Structure plan | <i>Joondalup City Centre Development Plan and Manual.</i> <i>Draft Joondalup City Centre Structure Plan.</i> |

Lot 100 (Railway Reserve 299) is a long site forming part of the PTA Railway Reserve as it diverges from the centre of the Mitchell Freeway. The area of development is adjacent to the end of Injune Way. The subject site currently accommodates train lines and power lines. The subject site is bound to the west by the Mitchell Freeway Road Reserve and Lot 9004, to the north by Hodges Drive and commercial properties to the east (Attachment 1 refers).

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

Historically, Lot 9004 was identified as a potential site for a new depot for the City. As part of this, it was identified that a bridge was required to access the site, with vehicle access not possible from Hodges Drive. This site was not pursued for a number of reasons as outlined in a report to Council on 13 December 2005 (CJ295-12/05 refers), with the depot developed at the Water Corporation Beenypup site.

The design and construction of the bridge was required as a condition of the subdivision approval issued by the WAPC on 26 February 2016. The bridge is shown on the approved plan of subdivision and is required to be constructed to the specification of Main Roads WA, the PTA and the City, and to the satisfaction of the WAPC.

DETAILS

The proposed development is a bridge extension to Injune Way, crossing the existing Public Transport Authority (PTA) train line. The bridge will provide two-way vehicle access and pedestrian access to Lot 9004 (350) Hodges Drive.

The existing train line will be accommodated by two tunnels, with the design also including protection screens and balustrades to limit access to the train line.

No details have been provided on the future development of Lot 9004 however this will be required to align with the requirements of the JCCDPM and draft JCCSP, being similar to other developments within The Quadrangle.

The development plans are provided as Attachment 2.

Issues and options considered

Council is required to consider whether the bridge development is appropriate.

Council has the discretion to:

- approve the application without conditions
- approve the application with conditions
- or
- refuse the application.

Legislation / Strategic Community Plan / policy implications

Legislation *City of Joondalup District Planning Scheme No. 2. Planning and Development (Local Planning Scheme) Regulations 2015 (the Regulations).*

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 *State Planning Policy 3.7 – Planning in Bushfire Prone Areas.*

Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).

Clause 67 of Schedule 2 of the Regulations sets out the matters to be considered by Council when determining an application for development approval.

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application:

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) any approved State planning policy;*
- (d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (e) any policy of the Commission;*
- (f) any policy of the State;*
- (g) any local planning policy for the Scheme area;*
- (h) any structure plan, activity centre plan or local development plan that relates to the development;*
- (i) any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (k) the built heritage conservation of any place that is of cultural significance;*

- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following:*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;*
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) the adequacy of:*
 - (i) the proposed means of access to and egress from the site; and*
 - (ii) arrangements for the loading, unloading, maneuvering and parking of vehicles;*
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) the availability and adequacy for the development of the following:*
 - (i) public transport services;*
 - (ii) public utility services;*
 - (iii) storage, management and collection of waste;*
 - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - (v) access by older people and people with disability;*
- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (w) the history of the site where the development is to be located;*
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) any submissions received on the application;*
- (za) the comments or submissions received from any authority consulted under clause 66;*

(zb) *any other planning consideration the local government considers appropriate.*

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)

The subject site has been identified as being located within a bushfire prone area on the Map of Bushfire Prone Areas prepared by the Department of Fire and Emergency Services (DFES) and as such is subject to the provisions of SPP3.7. The intent of this policy is:

“...to implement effective risk-based land use planning and development to preserve life and reduce the impact the bushfire on property and infrastructure.”

Risk management considerations

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

Financial / budget implications

The applicant has paid fees of \$6,069 (excluding GST) in accordance with the City's Schedule of Fees and Charges for the assessment of the application.

Regional significance

Not applicable.

Sustainability implications

The construction of the bridge will facilitate future commercial development of a six hectare site, supporting the continued economic growth of the City Centre.

Consultation

The application was referred to the following agencies for comment:

- Main Roads Western Australia.
- Public Transport Authority.
- Western Power.
- Department of Transport.
- Department of Planning.

The City received responses from Western Power and Main Roads. The responses received are summarised below:

- Western Power provided advice in relation to safety during the construction of the bridge as it is located adjacent to high voltage power lines.
- Main Roads provided support subject to conditions relating to the construction requirements and on-going maintenance.

Advice was also sought from the Department of Planning on the application of SPP3.7 to the development of the bridge.

This advice is discussed further in the comments section below.

COMMENT

The bridge cannot be reasonably considered in conjunction with a listed land use in DPS2 and therefore requires determination by Council.

The JCCDPM provides no specific objectives for the railway reserve, however indicates the bridge in the location proposed. The adjoining site, identified in the structure plan as 'Bulk Retail / Showroom / Service Industry' is acknowledged as being isolated by the railway reserve. The structure plan also notes that "*connectivity of the two portions of the site can only be overcome by the construction of a bridge over the railway*". In accordance with this structure plan, the construction of the bridge is required as a condition of the subdivision approval issued by the WAPC on 26 February 2016.

The draft JCCSP does not provide any specific requirements relating to the bridge development and the development standards for the Business Support district do not apply to the proposed development. It is noted that the bridge will provide access to the remainder of the Business Support district. The draft structure plan identifies a 'future major road connection' and 'major pedestrian route' over the railway line.

Given the development aligns with the JCCDPM and draft JCCSP, the location of the bridge is considered appropriate.

Bridge design

The bridge will provide two way vehicle and pedestrian access to Lot 9004 (350) Hodges Drive, and the design is considered sufficient to accommodate the demand of future development.

The design of the bridge has been considered against the need to minimise opportunities for anti social behaviour, including having regard to the *Crime Prevention Through Environmental Design Guidelines*. To address this, the detailed design of the bridge should be designed to incorporate:

- finishes that do not include large smooth light coloured surfaces, but rather an irregular finish, free from ledges which would assist unauthorised climbing and graffiti tagging
- appropriate lighting and security fencing that is not easily cut or climbable to limit unauthorised access to the railway reserve.

Should the application be approved, it is considered appropriate to provide advice to the applicant relating to the incorporation of design elements which can discourage anti-social behaviour and improve the safety of the future users of the bridge.

The detailed design of the bridge will be subject to further approvals from State agencies and the City prior to the commencement of construction.

Main Roads WA and Western Power comments

The advice from Main Roads WA related to the design of the bridge taking into account maintenance and inspection access. The advice also included the application of anti-graffiti coating to the finish of the bridge, and the limitation of earthworks and stormwater encroachment and discharge into the Mitchell Freeway road reserve.

The advice received from Western Power related to the responsibility of persons undertaking works near Western Power infrastructure to observe the required safety protocols and act in a safe manner.

Should the application be approved, it is recommended that the advice provided by these agencies be included on the decision letter as advice notes to the applicant.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)

As the subject site is located within a Bushfire Prone Area, regard is required to be given to the requirements of SPP3.7. Given the nature of the development, advice was also sought from the Department of Planning on the application of the policy to the development.

Under the policy, the decision-maker can determine that development is 'unavoidable development', where there are exceptional circumstances where full compliance with the policy is unreasonable, no alternative location exists and is not contrary to the public interest. Further advice on 'unavoidable development' is also contained within the Department of Planning *Guidelines for Planning in Bushfire Prone Areas*, which notes infrastructure such as railway lines, telecommunication facilities, electricity infrastructure and associated development as 'unavoidable development'. Notwithstanding that the development may be 'unavoidable development' a bushfire management plan may still be required.

The advice received from the Department of Planning advised that the requirements of the policy are not applicable to a bridge development. This includes the requirements for a bushfire management plan, as there are no bushfire protection criteria of SPP3.7 that would be applicable. Furthermore the Department of Planning also advised that it is not expected that provision of water be supplied for fire fighting purposes for roads and bridges located in a moderate to low bushfire prone area, with the road itself providing access and egress to and from the development site.

Despite this, to assess the potential bushfire risk, a bushfire attack level assessment has been undertaken for the development. This has identified the site as being located within an area that has a bushfire attack level of 'Flame Zone'. A target level assessment was also undertaken which identified that in order to reduce this risk to a moderate level, clearing of vegetation within a maximum of 17 metres of the bridge would need to be undertaken. However, as this vegetation is located across multiple sites, including in private commercial property, it is not feasible for this vegetation to be cleared and maintained in perpetuity.

The construction materials and methods of the bridge are considered to reduce any potential damage that could result from a bushfire. The bridge will facilitate the future development of Lot 9004, which is also located within a Bushfire Prone Area. Further development and subdivision applications for this lot will need to be assessed having regard to the requirements of SPP3.7, which will be subject to greater requirements for bushfire attack level assessments, and may include the requirement for a bushfire management plan. It is noted that facilitating the bridge development will provide an alternative access/egress point to this site, as well as any potential emergency exits that may be required to Hodges Drive. This will be subject to further assessment at the time these applications are received. Should the subject application be approved, a condition of development approval is recommended restricting access to the bridge until such time as the development of Lot 9004 has been progressed.

Having regard to the advice received from the Department of Planning and SPP3.7 it is considered that full compliance with the requirements of the policy is not required for this development.

Conclusion

The location and design of the bridge is considered appropriate and will facilitate continued development of The Quadrangle in line with the requirements of the JCCDPM and draft JCCSP.

It is noted that in addition to a development approval, further detailed designs will also require approval from other state agencies and the City prior to the commencement of construction.

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

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council APPROVES under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* application for development approval, dated 24 May 2016 submitted by Master Plan Consultants WA Pty Ltd on behalf of the owner, the Western Australian Land Authority (Landcorp), for a proposed Bridge development at Lot 100 (Railway Reserve 299) Joondalup Drive, Joondalup, subject to the following conditions:

- 1 This approval applies only to the bridge and associated works as indicated on the approved plans. It does not relate to any other development on the lot;
- 2 A Construction Management Plan being submitted and approved by the City prior to the commencement of development. The management plan shall detail how it is proposed to manage:
 - 2.1 all forward works for the site;
 - 2.2 the delivery of materials and equipment to the site;
 - 2.3 the storage of materials and equipment on the site;
 - 2.4 the parking arrangements for the contractors and subcontractors;
 - 2.5 other matters likely to impact on the surrounding properties,and construction works shall be undertaken in accordance with the approved plan;
- 3 Stormwater shall not be discharged onto the railway reserve, or Mitchell Freeway road reserve;
- 4 No earthworks shall encroach onto the Mitchell Freeway road reserve;
- 5 All external walls and retaining walls of the development shall be of a clean finish, and shall at all times be maintained to a high standard, including being free of vandalism, to the satisfaction of the City;
- 6 Detailed plans for the bridge and associated site works shall be provided to the City prior to the commencement of construction. These plans shall incorporate measures to mitigate anti social behaviour and access to the train line, and be to the specification of the City, Main Roads WA and Department of Transport. Development shall be undertaken in accordance with these approved plans;
- 7 Access to the bridge shall be restricted until such time as the development of Lot 9004 (350) Hodges Drive has commenced, to the satisfaction of the City.

MOVED Cr Fishwick, SECONDED Cr Dwyer that Council:

- 1 **APPROVES under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* application for development approval, dated 24 May 2016 submitted by Master Plan Consultants WA Pty Ltd on behalf of the owner, the Western Australian Land Authority (Landcorp), for a proposed Bridge development at Lot 100 (Railway Reserve 299) Joondalup Drive, Joondalup, subject to the following conditions:**

- 1.1 This approval applies only to the bridge and associated works as indicated on the approved plans. It does not relate to any other development on the lot;
 - 1.2 A Construction Management Plan being submitted and approved by the City prior to the commencement of development. The management plan shall detail how it is proposed to manage:
 - 1.2.1 all forward works for the site;
 - 1.2.2 the delivery of materials and equipment to the site;
 - 1.2.3 the storage of materials and equipment on the site;
 - 1.2.4 the parking arrangements for the contractors and subcontractors;
 - 1.2.5 other matters likely to impact on the surrounding properties,and construction works shall be undertaken in accordance with the approved plan;
 - 1.3 Stormwater shall not be discharged onto the railway reserve, or Mitchell Freeway road reserve;
 - 1.4 No earthworks shall encroach onto the Mitchell Freeway road reserve;
 - 1.5 All external walls and retaining walls of the development shall be of a clean finish, and shall at all times be maintained to a high standard, including being free of vandalism, to the satisfaction of the City;
 - 1.6 Detailed plans for the bridge and associated site works shall be provided to the City prior to the commencement of construction. These plans shall incorporate measures to mitigate anti social behaviour and access to the train line, and be to the specification of the City, Main Roads WA and Department of Transport. Development shall be undertaken in accordance with these approved plans;
 - 1.7 Access to the bridge shall be restricted until such time as the development of Lot 9004 (350) Hodges Drive has commenced, to the satisfaction of the City;
- 2 **NOTES** that the City of Joondalup will not be responsible for future maintenance of the bridge and that this responsibility will rest with Main Roads WA, upon completion of construction of the bridge.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf161003.pdf](#)

The Manager Governance entered the Chamber at 9.12pm.

The Manager Marketing and Communications left the Chamber at 9.13pm.

Disclosures of Financial Interest/Proximity Interest

| | |
|---------------------------|--|
| Name/Position | Cr Kerry Hollywood. |
| Item No./Subject | CJ158-10/16 – Burns Beach Masterplan. |
| Nature of interest | Financial Interest. |
| Extent of Interest | Cr Hollywood lives opposite Third Avenue Park which is included in the <i>Burns Beach Masterplan</i> . |

Cr Hollywood left the Chamber at 9.13pm.

CJ158-10/16 BURNS BEACH MASTERPLAN

| | | |
|-------------------------------|---|---|
| WARD | North | |
| RESPONSIBLE DIRECTOR | Ms Dale Page Planning and Community Development | |
| FILE NUMBER | 101571, 101515 | |
| ATTACHMENTS | Attachment 1 | Draft Burns Beach Masterplan (advertised version with proposed changes tracked in document) |
| | Attachment 2 | Draft Burns Beach Masterplan (modified version) |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. | |

PURPOSE

For Council to note the outcomes of public consultation on the draft *Burns Beach Masterplan* and associated indicative concept design for the Burns Beach Coastal Node.

EXECUTIVE SUMMARY

At its meeting held on 15 March 2016 (CJ031-03/16 refers), Council endorsed the draft *Burns Beach Masterplan* and associated indicative concept design for the Burns Beach Coastal Node (Option 6), for the purposes of advertising for a period of 60 days.

The documents were advertised between 20 June 2016 and 19 August 2016. By the end of the consultation period, the City had received 89 valid survey responses and four written responses.

The consultation results indicate that there is general support for the draft masterplan, though there were a number of comments and concerns raised about what people specifically like and dislike about the recommendations and other content of the draft masterplan.

This report summarises the consultation outcomes and recommends that Council endorses the *Burns Beach Masterplan*, subject to minor modifications.

BACKGROUND

Burns Beach comprises approximately 290 hectares of land, of which 147.5 hectares is zoned 'Urban' and the remaining 144 hectares is reserved as "Parks and Recreation" under the Metropolitan Region Planning Scheme (MRS).

There are a number of documents which relate to and assist in the management of the Burns Beach area:

- The *Burns Beach Structure Plan* (2004): This structure plan articulates the intentions and objectives; and the nature and extent of the urban development for the Burns Beach Estate.
- The *Burns Beach Foreshore Management Plan* (2006) and the *Beach Management Plan*: The *Burns Beach Foreshore Management Plan* and the *Beach Management Plan* documents ensure the appropriate management and preservation of these areas, while promoting integrated and sustainable community use with the conservation of the coastline and associated natural features.
- The *Tamala Park Conservation Park Draft Establishment Plan* (2011): The proposed *Tamala Park Conservation Park Draft Establishment Plan* articulates a proposal for integrating sustainable community use with sustainable heritage and environmental conservation.

At its meeting held on 28 August 2007 (C54-08/07 refers), Council requested a report on:

"The Master Plan Project for Burns Beach focussing on the future enhancement of the provision of facilities within the foreshore catchment area including, but not limited to, the establishment of a surf club, redevelopment of Jack Kikeros Hall, provision of a restaurant, cafe facility, parking, groyne refurbishment, enhancement of Burns Beach foreshore park, a safe swimming beach and a snorkelling trail."

As a precursor to the preparation of the masterplan, at its meeting held on 17 April 2012 (CJ046-04/12 refers), Council endorsed a project vision and philosophy for the project as follows:

"Philosophy/Project Vision

Through the development and implementation of the Burns Beach Master Plan:

- *Create a high amenity, coastal destination with sustainably managed community facilities and small scale commercial activities for residents and visitors;*
- *Guide the future development of Burns Beach in an integrated, sustainable and holistic manner;*
- *Complement and cooperate with the Burns Beach Foreshore Plan and Beach Management Plan;*
- *Provide and/or enhance recreational, leisure, service, commercial and retail facilities within identified activity nodes; and*
- *Promote the community use of natural areas whilst promoting the enhancement, preservation and conservation of valuable natural resources."*

Preparation of the draft masterplan has involved the following key tasks:

- Site inspections, literature review and review of demographics and trends.
- First phase consultation with key stakeholders to obtain an understanding of current issues and community and stakeholder needs and expectations.
- Identification of issues emerging from the preceding tasks, for input into the draft masterplan.
- Development of a draft masterplan, which sets out the issues raised by stakeholders, contains a number of recommendations for the possible future enhancement and upgrade of the existing Burns Beach Coastal Node and other actions for the City to pursue in conjunction with State Government agencies and the developer of the Burns Beach Estate.
- On-site workshop and numerous meetings with Elected Members to refine the draft masterplan and indicative concept designs.

The resultant draft masterplan and a preferred indicative concept design for the possible future upgrade and development of the coastal node in Burns Beach were presented to Council at its meeting held on 23 June 2015 (CJ087-06/15 refers).

At the meeting, a number of residents expressed concern about the preferred concept design, specifically the perceived impact the proposed car park on the north-eastern edge of the park may have on nearby residents. As a result of concerns expressed, Council resolved:

“ ... that Report CJ087-06/15 Draft Burns Beach Masterplan and Indicative Coastal Node Concept Design BE REFERRED BACK to the Chief Executive Officer to allow for additional work to be undertaken on the design and in particular the relocation of the 110 bay car park marked F as shown on the concept design.”

The resultant work undertaken produced a further three concept design options, bringing the total number of options explored to seven. All seven options, as well as explanatory text highlighting the benefits and challenges of each option were presented to Council at its meeting held on 15 March 2016 (CJ031-03/16 refers), where Council resolved that it:

- “1 ENDORSES the draft Burns Beach Master Plan and associated indicative Coastal Node concept design (Option 6), for the purposes of advertising for a period of 60 days;*
- 2 NOTES that detailed design or implementation of the indicative Coastal Node concept design is not a project that has yet been endorsed by Council;*
- 3 NOTES that there is no current provision for funds for implementation of the indicative Coastal Node concept design in the City’s 20 Year Strategic Financial Plan or the City’s 5 Year Capital Works Budget and therefore the timing of any detailed planning or works to implement the concept design is currently unknown;*
- 4 NOTES that if the indicative Coastal Node concept design was to be implemented in the future, this may need to occur in different stages and across a number of different financial years;*
- 5 NOTES that not all the concerns or issues raised by stakeholders will be able to be resolved via the masterplan or by the City in isolation. In the case of these issues, the City will negotiate and place an influencing or advocacy role (as appropriate) with the developers of the Burns Beach and Iluka Estates and with relevant State Government agencies in an attempt to see these issues addressed;*
- 6 NOTES that a further report on consultation outcomes will be presented to Council on conclusion of the advertising period;*

- 7 *REQUESTS the Chief Executive Officer to list for future consideration by Council an amount of \$470,000 into a future year of the City's Capital Works Program for construction of a new car park to the west of the existing caravan park in the Burns Beach Coastal Node."*

DETAILS

Through the early literature review and initial stakeholder consultation process, a number of concerns about the Burns Beach area or issues emerged. The issues were grouped into the following broad themes:

- Access and connectivity.
- Public open space and associated facilities.
- Upgrade to and provision of community facilities.
- Development of commercial facilities.
- Traffic and transport.
- Parking.
- Tamala Conservation Park.
- Other environmental issues.
- Swimming and surfing.

The draft masterplan document outlines the key issues that have emerged and recommends a suite of future actions intended to address the issues raised. Unfortunately, not all the concerns or issues raised by stakeholders are able to be resolved via this masterplan or by the City in isolation. In the case of these issues, the City would need to negotiate and play an influencing or advocacy role (as appropriate) with the developer of the Burns Beach Estate and with relevant State Government agencies in an attempt to see these issues addressed.

The draft masterplan document that was advertised for public comment also indicates an indicative concept plan for the possible future development of the Burns Beach Coastal node.

Given there is currently no funding available for implementation of any indicative coastal node concept design in the City of Joondalup's *20 Year Strategic Financial Plan* or the City's *Five Year Capital Works Budget*, it was made clear through the consultation process that:

- there is no current provision for funding of the project in the *20 Year Strategic Financial Plan* or the *Five Year Capital Works Budget*
- the concept (and therefore the costs) may change slightly as part of negotiations with a preferred proponent for the signature cafe/restaurant site
- costs may change with detailed design of the components and geotechnical studies
- some of the costs may be borne by the developer of the signature cafe/restaurant and by the existing cafe owner
- in future, if and when funding becomes available for implementation of the indicative Coastal Node concept design, the project would need to be delivered in a number of stages and over multiple financial years.

Issues and options considered

Council needs to consider whether:

- to adopt the draft masterplan in its current form
- the comments received during the public consultation period warrant minor modifications to the draft masterplan
or
- the comments received during the public consultation period warrant significant changes to the draft masterplan.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality open spaces.

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

Policy Not applicable.

Risk management considerations

If the masterplan is adopted, this could create expectations in the community that all recommendations, as well as the associated indicative concept design for the Burns Beach Coastal Node will be implemented by the City or otherwise achieved in the near future. The community's expectations will need to be carefully managed in this regard, particularly in relation to implementation of the coastal node concept design.

Financial / budget implications

The financial implications of implementing all recommendations are not known at this stage. All developments or improvements planned and / or implemented after the adoption of the masterplan, including those instigated by the City, require independent financial feasibility studies, cash flow projections and/or the establishment of commercial venture models.

A preliminary estimate of the probable cost of implementing a coastal node concept design is in the region of between \$4.5 million and \$5.5 million. In light of this, it is likely that any future implementation of a coastal node concept design will need to be carefully budgeted for and may need to occur across a number of different stages and across multiple financial years.

It is important to note that there is no budget allocated within the *20 Year Strategic Financial Plan* or the *Five Year Capital Works Budget* for the implementation of a coastal node concept design.

It is reasonable to expect however, that the successful respondent to the City's Expression of Interest process for the development of a signature café / restaurant on the site of the existing Jack Kikeros hall, could contribute towards the cost of the parking adjoining the proposed café / restaurant and potentially some other upgrades and enhancements that would afford direct benefit to a future café/restaurant. This will form the subject of negotiations with the successful proponent.

Regional significance

Given the size and level of interest in the Burns Beach Coastal Node, any sizeable future developments in this area will be of significant local and regional importance. The types of development envisaged in an indicative coastal node concept design would meet the needs of the local community and attract people living outside the region, including tourists.

Sustainability implications

Any development undertaken in the future as a result of this masterplan will incorporate environmentally sensitive design principles. Any proposal that will potentially lead to damage or removal of remnant vegetation in the foreshore reserve will need to be considered carefully, given this area is affected by the broad commitments and values of the State Government's draft *Green Growth Plan*.

Any proposal affecting the foreshore reserve may require a vegetation survey to be undertaken during the detailed design process and a clearing permit from the Department of Environmental Regulation, to ensure the vegetation being removed is not of significance.

CONSULTATION

The draft *Burns Beach Masterplan* and associated indicative concept design (Option 6) were advertised for public comment between 20 June 2016 and 19 August 2016.

The City consulted directly with all ratepayers and residents that lived within the area covered by the *Draft Burns Beach Masterplan*. A personalised information package was sent to each ratepayer explaining the purpose of the consultation and advising them of the consultation period. Each package included:

- a covering letter
- frequently asked questions containing information on the purpose of the consultation and the proposed *Draft Burns Beach Masterplan*
- a link to an on-line survey form to provide feedback on the *Draft Burns Beach Masterplan*.

Details and information regarding the consultation were also outlined on the City's website.

In addition to the Burns Beach residents, community engagement network members were also informed via email of the consultation.

All stakeholder representatives also received personalised letters directing them to the City's website.

Members of the public and other stakeholders wishing to comment were also encouraged to complete a survey form on-line via the City's website. The consultation was advertised to the general public via the *Joondalup Voice* column and the City's website.

Response rates and validity

The City collected a total 100 survey responses throughout the 60 day consultation period. Of those survey responses, 89 were deemed valid¹. In addition to the on-line survey responses, the City received six written responses – two from private parties, one from the developer of the Burns Beach Estate and three from the following State Government agencies:

- Department of Education.
- Department of Fire and Emergency Services.
- Department of Parks and Wildlife.

The data has been summarised in Table 1 below. It is important to note that unless otherwise stated, "%" refers to the proportion of total survey respondents.

Table 1 – Responses by type of survey completed

| Type of survey completed | Responses | |
|---------------------------------|-----------|---------------|
| | N | % |
| Hardcopy | 6 | 6.3% |
| Online survey (valid responses) | 89 | 93.7% |
| Total responses | 95 | 100.0% |

¹ A "valid" response is one which includes the respondent's full contact details, have responded within the advertised consultation period and for which multiple survey forms have not been submitted by the same household for the same property.

Age of respondents

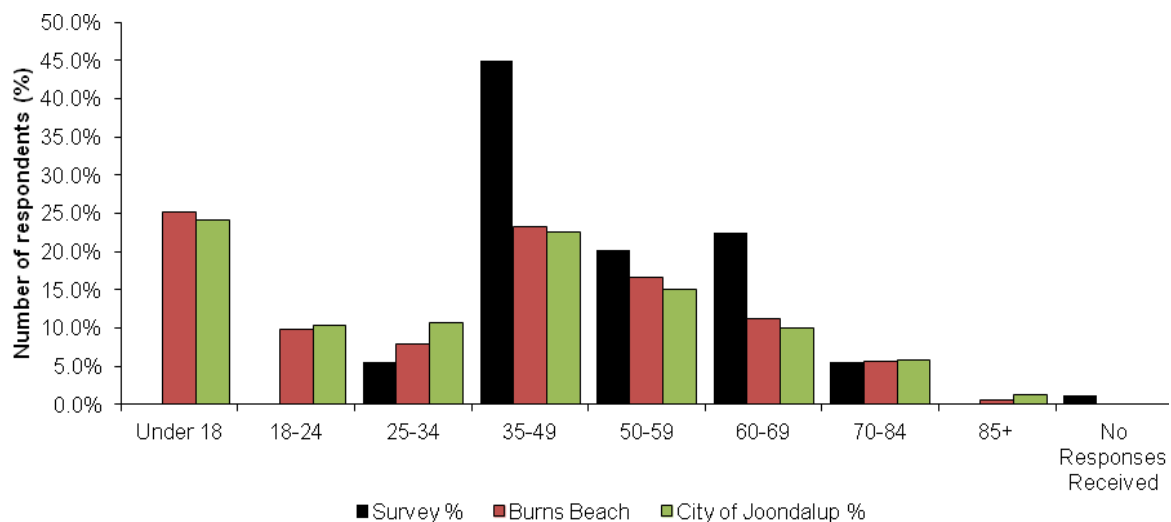
Of the 89 valid survey responses, the majority of respondents were aged 35-49 (44.9%). This data is summarised in Table 2 and Figure 1 below, with direct percentage comparisons made between the suburb of Burns Beach and the City of Joondalup as a whole.

It should be noted that the 35-49 and 60-69 age groups were over-represented while the under 18 years and the 18-24 age groups were under-represented in the survey response.

Table 2 – Responses by age

| Age groups | Survey Responses | | Burns Beach | Joondalup ² |
|--------------------------------|-----------------------|---------------|---------------|------------------------|
| | N | % | % | % |
| Under 18 years of age | 0 | 0.0% | 25.1% | 24.0% |
| 18–24 years of age | 0 | 0.0% | 9.8% | 10.4% |
| 25–34 years of age | 5 | 5.6% | 7.9% | 10.8% |
| 35–49 years of age | 40 | 44.9% | 23.2% | 22.6% |
| 50–59 years of age | 18 | 20.2% | 16.7% | 15.1% |
| 60–69 years of age | 20 | 22.5% | 11.2% | 10.1% |
| 70–84 years of age | 5 | 5.6% | 5.6% | 5.8% |
| 85+ years of age | 0 | 0.0% | 0.5% | 1.3% |
| No responses received | 1 | 1.1% | - | - |
| Total (valid) responses | 89² | 100.0% | 100.0% | 100.0% |

Figure 1 – Responses by age compared with Burns Beach (%) and City of Joondalup (%)



Survey Analysis

Question 3 of the survey asked respondents to provide their comments on the *Draft Burns Beach Masterplan*. A total of 65 respondents provided 200 comments. The results have been summarised in Table 3 below.

² The four hardcopy respondents did not provide an age

³ "Joondalup" represents the total proportion of each age group across the City of Joondalup ([Source: Profile Id. 2011](#)).

Table 3 – Summary of survey respondents' comments for Question 3⁴

| Comments | Responses | |
|---|-----------|-------|
| | N | % |
| Supports the overall intention of the plan | 34 | 17.0% |
| Believe a local shopping facility is needed | 13 | 6.5% |
| Support the development of a cafe / restaurant near the beach | 12 | 6.0% |
| Believe an increase in Public Transport (buses) is needed to properly service the area / connection to train stations | 10 | 5.0% |
| Believe a school needs to be built as a priority | 9 | 4.5% |
| Concerns for local traffic in the area (volume, access, speed limits, anti-social behaviour, illegal parking) | 9 | 4.5% |
| Believe beach path access needs to be improved | 8 | 4.0% |
| Believe toilet facilities at the beach are urgently needed | 7 | 3.5% |
| Support the coastal node development | 6 | 3.0% |
| Do not support further commercial development with Iluka / Currambine | 6 | 3.0% |
| Supports the need for a dual use path through to Mindarie | 6 | 3.0% |
| Do not support the development of a cafe / restaurant at Beachside Park | 5 | 2.5% |
| Believe the circular park 'roundabout' needs better line marking | 5 | 2.5% |
| Believe the demographics used in the Masterplan are wrong | 4 | 2.0% |
| Believe a dog beach in the area is required | 4 | 2.0% |
| Believe there is not enough emphasis on tree planting / retention of native bushland, especially Tamala Park | 4 | 2.0% |
| Believe the plan does not address the need for a pedestrian crossing on Marmion Avenue | 4 | 2.0% |
| Believe a barrier is required to stop the spread of the Portuguese Millipede | 4 | 2.0% |
| Do not believe there is a need to change / increase public transport | 4 | 2.0% |
| Do not support the need for a Surf Life Saving Club | 3 | 1.5% |
| Believe there are big ideas presented in the plan but little clarity on how this will be achieved | 3 | 1.5% |
| Believe the development of a proper swimming beach is needed for Burns Beach | 3 | 1.5% |
| Would like an increase recreational opportunities (bush walk trails, larger groyne for fishing, shipwreck for diving) | 3 | 1.5% |

⁴ N.b. some respondents provided more than one reason.

| Comments | Responses | |
|---|------------|---------------|
| | N | % |
| Support the plan to build a Surf Life Saving Club | 2 | 1.0% |
| Do not support / understand the plan | 2 | 1.0% |
| Believe the plan should incorporate coastal erosion | 2 | 1.0% |
| Do not believe there is a need for a community hall | 2 | 1.0% |
| Believe increased beach parking is a good idea if it does not encroach on park / bush | 2 | 1.0% |
| Believe the 2004 traffic report used to inform the plan is out of date | 2 | 1.0% |
| Believe there is a need for better connectivity between 'old' and 'new' Burns Beach | 2 | 1.0% |
| Believe the information relating to the recent SAR consultation was wrong and inaccurate | 2 | 1.0% |
| Do not see the need for anymore beach parking / may ruin amenity | 2 | 1.0% |
| Concern for the increased threat of bushfires | 2 | 1.0% |
| Believe school site needs to be developed in keeping with surrounding areas | 1 | 0.5% |
| Believe it is important that the Local Shop precinct is not further developed as residential | 1 | 0.5% |
| Believes Burns Beach should keep its quiet, calm feel | 1 | 0.5% |
| Believe shops are needed at Iluka | 1 | 0.5% |
| Believe a SAR is needed for the Burns Beach area | 1 | 0.5% |
| Believe the Department of Education should look into a Secondary instead of a Primary School for the area | 1 | 0.5% |
| Do not believe more path access will stop people doing the wrong thing (going through bush etc) | 1 | 0.5% |
| Employment opportunities are needed in the Burns Beach area | 1 | 0.5% |
| Vehicle access into Tamala Park needs to be prevented | 1 | 0.5% |
| Believe that the masterplan does not set an 'identity' for the area | 1 | 0.5% |
| Believe the terminology and accuracy across the plan is inconsistent | 1 | 0.5% |
| Would like increased funding for infrastructure projects | 1 | 0.5% |
| Believes more bins are needed along paths | 1 | 0.5% |
| Believes the soccer pitches should be rotated 90 degrees every six months to ensure one area does not get excessively damaged | 1 | 0.5% |
| Total comments received | 200 | 100.0% |

Written submissions

In addition to the on-line survey responses, the City received six written responses – two from private parties, one from the developer of the Burns Beach Estate and three from the following State Government agencies:

- Department of Education.
- Department of Fire and Emergency Services.
- Department of Parks and Wildlife.

One of the private parties expressed concern about the impact on residential amenity of any proposed new bus route, while the other private party suggested a number of typographical changes to the document.

The City's response to these issues is addressed in the Comment section later in the report.

The **developer** of the Burns Beach Estate has commented the following:

- Suggested a future meeting to discuss suitable design solutions for the Local Shop and cafe/restaurant/kiosk site ahead of finalisation of the masterplan and as a precursor to an Expression of Interest process for sale of the land and/or submission of a development application to the City.
- Requested further information / clarification from the City about the extent of the review of the *Foreshore Management Plan*.
- Requested further information (including expectations about funding obligations) in relation to toilets at Beachside Park, safe pedestrian access across Marmion Avenue and line markings around Grand Ocean Park.
- Suggested updating the spatial masterplan to reflect the latest subdivision design for the Burns Beach Estate.

Points 1 – 3 raised by the developer are not considered to warrant changes to the draft masterplan as any actions needed to be taken to address the developer's queries / concerns align with and are captured by the recommendations of the draft masterplan. In relation to point 4, prior to public release of the final masterplan document, the City will update the spatial masterplan to reflect the most up to date subdivision approvals.

The **Department of Education** advised that it has now acquired the primary school site located adjacent to Bramston Park from the developer of the Burns Beach Estate. The Department further commented that although the school site is still required by the Department for a future primary school, there are no current plans to develop a new primary school on this site. However, the Department will continue to monitor the residential growth and enrolments at the local schools in the area.

The **Department of Fire and Emergency Services** advised that significant portions of the masterplan area are designated as bushfire prone and therefore trigger application of the provisions of *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP3.7). The Department recommends that a Bushfire Hazard Level Assessment (HLA) be undertaken for the masterplan study area to ensure that all recommendations within the report avoid any increase in the threat of bushfire to people, property and infrastructure.

The City and the developer of the Burns Beach Estate are aware of the obligations under SPP3.7 and the requirement for a HLA or Bushfire Hazard Level Assessments (BAL) to be done as part of the approval processes for new stages of subdivision or as part of the development approval process for development which is not exempt under SPP3.7.

The **Department of Parks and Wildlife** has commented the following:

- It gives in-principle support for the preparation of the masterplan.
- It is not in a position to progress development of a management plan for the proposed Tamala Conservation Park at least until the land is formally transferred to the Conservation and Parks Commission, for management by the Department. Even so, the transfer of land will not necessarily be the trigger for preparation of a management plan for the area under the *Conservation and Land Management Act 1984*, given current State Government commitments for the development of management plans for conservation lands in other parts of the State.
- It supports the recommendation relating to appropriate interface treatments between the Burns Beach Estate and proposed conservation park and has recently recommended to the WAPC that subdivisions abutting the proposed conservation park be subject to a subdivision condition which requires preparation and implementation of an interface management plan.
- It is premature for the masterplan to conclude that the entire foreshore area abutting the residential estate will be transferred for management by the Department in the future. Further detailed planning is needed before determining the end use land managers of the various portions of the proposed conservation (including the foreshore reserve). For this reason, the Department requests that the section of the masterplan which refers to the Department being the land manager of the foreshore be removed.
- Given the conservation values of the proposed Tamala Conservation Park, it is unlikely that it will be promoted for tourism. Instead, passive recreation in the form of cycling and walking would be promoted, consistent with the provision of appropriate visitor facilities.
- In relation to the dual use path, a cycle path alignment toward the middle of the proposed conservation is preferred, with the exact location still to be determined. There is also the possibility to provide a high quality walk trail immediately adjacent to the primary dunes. A walk trail would be more appropriate in this sensitive coastal setting.
- The masterplan should be checked for consistency with the State Government's draft *Green Growth Plan*.

The Department's comments are noted and generally supported. In relation to Point 4 above, the City considers that it is not necessary to make any changes to the draft masterplan at this stage, as the draft masterplan acknowledges that part of the foreshore reserve is currently the responsibility of the City and part of it is currently the responsibility of the WAPC. It is expected that when the final boundary of the Tamala Conservation Park is determined and the park transferred to the Department to manage, this will have to take place in consultation with the City as the coastal reserve is indistinguishable from the balance of the land.

In relation to Point 6 above, in September 2016 the Minister for the Environment advised that the State Government has resolved to make a funding commitment of \$2 million for the construction of the coastal dual use pathway between Burns Beach and Mindarie subject to the Cities of Joondalup and Wanneroo contributing 50% each of the remaining project costs if additional funding over the current contribution is required. This matter forms the subject of a separate report in this agenda.

In relation to Point 7 above, the draft *Green Growth Plan* does not apply to the Burns Beach Coastal Node or the existing, developed areas. It only applies to the foreshore reserves and the proposed Tamala Conservation Park. Given the section and recommendations of the draft masterplan that apply to the proposed Tamala Conservation Park and other natural areas, it is considered that the draft masterplan aligns with the draft *Green Growth Plan*. Furthermore, one of the objectives of the draft *Burns Beach Masterplan* is to promote the community use of natural areas while promoting the enhancement, preservation and conservation of valuable natural resources. This objective aligns with the draft *Green Growth Plan*.

COMMENT

The following are considered the key themes or issues identified during the consultation process:

General support for the masterplan

A total of 34 respondents (17%) confirmed general support for the overall intention of the draft masterplan. Six respondents (3%) specifically stated their support for the indicative concept plan for the Burns Beach Coastal Node.

Two respondents (1%) stated they did not support / understand the draft masterplan and four respondents (2%) believed the demographics used in the masterplan are incorrect. Comments received suggest that the City should use demographic tables and figures specifically relating to Burns Beach data rather than overall City of Joondalup statistics. As a result, the City has made amendments to reflect this within the masterplan.

Three respondents (1.5%) believe there are big ideas presented in the draft masterplan but little clarity on how these will be achieved. These respondents may be referring to implementation of the initiatives shown in the indicative coastal node concept design. If this is the case, it is acknowledged that there is no clarity or certainty about if / when the coastal node concept design will be implemented, given this is not a project that has yet been formally endorsed by Council and there is currently no funding available for implementation of the indicative coastal node concept design in the City of Joondalup's *20 Year Strategic Financial Plan* or the City's *Five Year Capital Works Budget*.

If the respondents are referring to other initiatives contained in the draft masterplan, it should be noted that the City will either deal with these operationally in the course of its normal business or the City will need to play an influencing or advocacy role (as appropriate) with the developer of the Burns Beach Estate and with relevant State Government agencies in an attempt to see these issues addressed. As such, it would be difficult and possibly even misleading to allocate target dates for completion of the actions.

One respondent (0.5%) raised a concern about inconsistencies in the document, questioned some of the terminology and accuracy and suggested a number of changes to the document. The document has consequently been reviewed and relevant and appropriate changes have been made, not only in response to this submission, but in response to issues raised in all submissions and a result of general review and updating of the document by the City. All suggested changes have been shown as tracked changes in the masterplan document at Attachment 1.

Local shopping facilities

There were some mixed opinions about whether local shopping facilities are needed in Burns Beach. Six respondents (3%) felt there was no need for further commercial development in Burns Beach, given the existing commercial development in Currambine and proposed future development in Iluka. However, 13 respondents (6.5%) expressed a view that a local shopping facility is needed. One respondent (0.5%) confirmed a desire for shops to be built in the commercial precinct in Iluka and one respondent (0.5%) stated that importance of not allowing the Local Shop precinct to be developed as residential.

In relation to the Iluka commercial site, the City is in regular contact with the developer of the Iluka Estate and is aware that the developer is actively engaging with potential purchasers and developers of the commercial lots. At this time the timing of any development of the lots is unknown and is contingent on economic circumstances and market demand. Given this, it is recommended that Recommendation 5b in the draft masterplan be amended to state:

“That the City continues to engage with the Satterley Property group to encourage and facilitate an appropriate and high quality development outcome for the commercial node in Iluka as soon as possible”.

It should be noted that before the lots can be developed the developer will need to seek an amendment to the *Iluka Structure Plan* and will need development approval for any proposed development. Both of these processes will involve certain levels of public consultation.

The *Burns Beach Structure Plan* currently identifies four lots at the intersection of Grand Ocean Entrance and Whitehaven Avenue as a ‘Local Shop’ precinct in which a number of different land uses can be contemplated. Two of these lots have already been developed for residential purposes, leaving two lots which could be developed for the purposes of local convenience shopping in the future.

In relation to these two lots, there is currently a conflict between the *Burns Beach Structure Plan* requirements and restrictive covenants registered on the certificates of title by the developer for these two lots. While the structure plan earmarks the lots as a future ‘Local Shop’ precinct, the estate restrictive covenants require that only a single residential dwelling can be built on each lot.

These lots were constructed as part of the first stage of the Burns Beach Estate and it appears that due to an oversight these lots were not excluded from the estate restrictive covenant. The restrictive covenants will not expire until 2020 and therefore the lots are unlikely to be developed until then.

It appears from the community opinion received that more people are in favour of commercial facilities in Burns Beach than those who are not. It should be noted for those who are not in favour of such facilities, that these facilities have always been envisaged as part of the *Burns Beach Structure Plan* and residents who purchased land or dwellings in the estate would or should have been aware of this.

It should be noted for those who are in favour and are eager for such facilities to be developed as soon as possible that the City has no ability to compel the developers of either the Iluka or the Burns Beach Estates to develop the commercial land in the estate sooner than what the economic environment or market will allow.

Instead, it is important that the *Burns Beach Structure Plan* provisions and permissibility of uses remain in place that protect and preserve future opportunities for a local commercial or convenience offering. At any time in the future, if the developer wanted to change this, a formal amendment to the structure plan would be required and this would be subject to public consultation.

Cafes/restaurants

The *Burns Beach Structure Plan* also identifies the opportunity for a lot to be developed for the purposes of a small lunch bar / restaurant /cafe adjoining Beachside Park at the western end of Grand Ocean Entrance.

Five respondents to the draft *Burns Beach Masterplan* (2.5%) do not support the development of a cafe/restaurant at Beachside Park. However, a small scale facility on this site has always been envisaged by the *Burns Beach Structure Plan* and if the developers wanted to develop this land for an alternate purpose, an amendment to the structure plan would be required and this would be subject to public consultation.

In 2011, the City received a proposal to develop the site with a Dome Cafe. This proposal did not proceed beyond public advertising. The developers of the Burns Beach Estate have recently indicated they are currently investigating suitable design solutions for this site as a precursor to an Expression of Interest process for sale of the land. Any future development on the site would be the subject of a development application to the City and an associated public consultation process.

Twelve respondents (6%) stated support for the development of a cafe / restaurant near the beach. It is not clear from these 12 respondents whether they are referring to the cafe / restaurant at Beachside Park or the cafe / restaurant the subject of the City's Expression of Interest procession in the Burns Beach Coastal Node, or both. The City's Expression of Interest process is currently on hold pending finalisation of the *Burns Beach Masterplan*.

Public transport

Ten respondents (5%) believe an increase in public transport (buses) is needed to properly service the area and provide connection to train stations. Four respondents (2%) felt there was no need to change or increase public transport and concerns were expressed by respondents about the impact of a new bus route on residential amenity.

Currently a bus route exists along Burns Beach Road and terminates at the western end of Ocean Parade. It is considered that although this route adequately services residents on the southern side of the estate, residents on the northern side need to walk over a kilometre to a bus stop. When future stages of the estate are developed, these residents will be even further away from a bus stop.

Recently the Public Transport Authority (PTA) conducted public consultation on a proposed new bus service through Burns Beach and, according to the PTA many Burns Beach residents were supportive of the proposal. As such, the PTA has indicated that the new service will be introduced into Burns Beach at the end of the year and will provide a convenient bus route to the Joondalup City Centre and train station.

School

Nine respondents (4.5%) believe that a school needs to be built in Burns Beach as a priority, one respondent (0.5%) believes development of the school site needs to be in keeping with the surrounding residential areas and one respondent believes the Department of Education should look into a secondary instead of a primary school for the area.

It is important to note that the structure plan for Burns Beach does not compel the Department of Education to develop the site for a school within a specific timeframe and the City of Joondalup cannot influence the timeframe for development of a school. It is for this reason that Recommendation 4a of the draft masterplan simply states that the City will actively engage with the Department of Education and the developer of the Burns Beach Estate to communicate the importance of development of the school for the benefit of the community and to encourage the development of the site in the near future.

Up until recently the school site has been in the ownership of the developer of the Burns Beach Estate and this has caused some uncertainty and concern in the community. However, the Department of Education has recently advised the City that it has now acquired the land.

The Department of Education has also confirmed that the site is still required for a future primary school and although there are no current plans to develop a new primary school on this site, it will continue to monitor the residential growth and enrolments at the local schools in the area.

Traffic and parking

Nine respondents (4.5%) expressed concern about local traffic in the area (volume, access, speed limits, hooning and illegal parking). Two respondents (1%) believe the 2004 traffic report to inform the structure plan is out of date.

The issues raised in relation to speed limits and hooning, though of concern to local residents, are not issues that can be resolved by the City or are intended to be resolved via this masterplan.

Traffic volumes on most roads within the estate are easily accommodated by the existing road layouts and are within acceptable limits. Indeed, most of the Burns Beach Estate has been developed at a lesser density than the structure plan requires, so it could be argued that there is a surplus capacity within the road network in the structure plan area.

The issue of illegal parking around Bramston Park and Beachside Park will continue to be managed by the City Rangers. If, as per Recommendation 7 of the draft masterplan, it is considered appropriate by the City and the developer of the Burns Beach Estate to introduce additional verge parking adjoining Beachside Park and in areas close to the foreshore in future subdivision stages, this will go a long way to resolve the issue of illegal parking.

Five respondents (2.5%) believe the road adjoining Grand Ocean Park (circular park / roundabout) needs better line marking and four respondents (2%) believe the plan does not address the need for safe pedestrian access across Marmion Avenue. These are both issues captured by Recommendation 6 and the City is already in discussion with Main Roads WA and the developer of the Burns Beach Estate in an effort to address these concerns.

Two respondents believe increased beach parking is a good idea if it does not encroach on park / bush. Two different respondents do not see the need for more beach parking, feeling it may ruin the existing amenity of the area.

Inadequate parking in the Burns Beach Coastal Node, particularly at peak times and in good weather, was an issue raised early on by stakeholders. Given the City's vision for the future development of a signature cafe / restaurant in the Coastal node and given the increasing popularity of the area, it is important to provide adequate parking for visitors to the area. As such, at its meeting held on 15 March 2016 (CJ031-03/16 refers), Council resolved to request the Chief Executive Officer to list for future consideration by Council an amount of \$470,000 into a future year of the City's *Capital Works Program* for construction of a new car park to the west of the existing caravan park in the Burns Beach Coastal Node.

Beach pathways and access

Eight respondents (4%) believe beach path access needs to be improved. A development application was received by the City in March 2016 for an extension (120 metres) to the existing dual use path and footpath north of Beachside Park, a new boardwalk and emergency vehicle beach access. This development application has recently been approved by the Western Australian Planning Commission. As per Recommendation 2 of the draft masterplan, the City will continue to liaise with the developer of the Burns Beach Estate to determine the timing of other future new beach access points.

Six respondents (3%) supported the need for a dual use path through to Mindarie. As per Recommendation 2, the City is already in discussion with the relevant agencies regarding a future connection to Mindarie; however the exact location of a dual use pathway is still to be determined.

Two respondents believe there is a need for better connectivity between 'old' and 'new' Burns Beach. As outlined in the draft masterplan document, the nature of existing development in the older Burns Beach area made it difficult to establish stronger vehicle connectivity between this area and the newer area during the structure planning process for the Burns Beach Estate. Also, submissions received from residents during the structure planning process for the new Burns Beach Estate, conveyed a community desire for clear separation, with pedestrian access only. Pedestrian linkages between the old and new occur via Cod Way and via the foreshore and Ocean Parade. At this stage, it would be extremely difficult, if not impossible, to create any new linkages between the new and old developments without affecting private property.

Provision of other facilities

Seven respondents (3.5%) believe that toilet facilities at the beach are urgently needed. Given that there are currently toilet facilities in the Burns Beach Coastal Node, it is assumed that these submissions are referring to the lack of facilities at Beachside Park, to the north of the Burns Beach Coastal Node. Although the existing facilities in the Burns Beach Coastal Node are old, they are functional and will remain in place until the site is redeveloped for a signature cafe / restaurant. At this stage it is envisaged that new ablutions in conjunction with a new cafe / restaurant will be explored with respondents who submit a proposal in response to the City's call for Expressions of Interest.

The City will also liaise with the developer of the Burns Beach Estate and any future purchaser / developer of the cafe site at Beachside Park to incorporate publicly accessible ablutions into any new cafe / restaurant development to occur in Beachside Park.

Three respondents (1.5%) do not support the need for a Surf Lifesaving Club, two respondents (1%) would like the development of a Surf Lifesaving Club and three respondents (1.5%) believe the development of a proper swimming beach is needed.

The potential for a surf club to be established within the area is constrained by the lack of access to a safe swimming beach. Essential to a surf club is the ability to host and compete in surf lifesaving competitions and inter-club sporting events. Such events require significant parking and related amenities to support patrons and visitors. The ability to accommodate such a development is difficult in this location and for this reason the establishment of a surf club within Burns Beach is not envisaged at this stage. Surf Lifesaving WA has confirmed a surf club will not be viable in this location.

The beach immediately west of the *Burns Beach Structure Plan* area is not suitable for a swimming beach. Extensive limestone rocks and platforms line this beach and it is not suitable from an amenity or public safety point of view. If a swimming beach and associated parking and other facilities were to be developed at the northern most point of the Burns Beach Estate, there would be a concern about the potential impact of traffic moving through quiet residential streets seeking to access the swimming beach.

Therefore, while this beach may hold some appeal to snorkelers and some swimmers, it is not promoted as a swimming beach and no vehicle access should be provided to any beaches to the north of Burns Beach from within the Burns Beach Estate.

Part 2 of the *Burns Beach Structure Plan* and the *Foreshore Management Plan* identifies a stretch of beach further north as being a more appropriate swimming beach, however this area is limited in respect to access as there is no road, parking or other facilities in this location. Development of the adjacent reserve in this location is further constrained by the 'Bush Forever' classification which does not generally support clearing of vegetation. The identification and enhancement of a general swimming beach is difficult to undertake within this particular area.

Four respondents (2%) believe a dog beach in the area is needed. The City is currently undertaking a review of its *Beach Management Plan*. The review will consider issues such as the number and location of animal exercising areas. The City has received two separate dog beach petitions earlier this year with one specifically requesting the establishment of an additional dog beach in Burns Beach. At this stage, the City has resolved to close the Hillarys Horse Beach and a report on the proposed amendments to the *Animals Local Law* is expected to be presented back to Council in December 2016. Until the horse beach closure has been resolved, the progress on the *Beach Management Plan* review and subsequently the outcome of the current dog beach petitions will be delayed, and is unlikely to occur this year.

CONCLUSION

The consultation results indicate that there is general support for the draft *Burns Beach Masterplan*, though there were a number of comments and concerns raised about what people specifically like and dislike about the recommendations and other content of the draft masterplan.

The nature and number of comments and concerns raised are not considered to warrant wholesale changes to the draft masterplan document, though some minor modifications have been made to the draft masterplan document in response to issues raised and as a result of general review and updating of the document by the City. All suggested changes have been shown as tracked changes in the masterplan document at Attachment 2.

It is recommended that Council adopts the *Burns Beach Masterplan* with minor modifications and that the recommendations of the masterplan be implemented by the City operationally in the course of its normal business. As needed, the City will play an influencing or advocacy role (as appropriate) with the developer of the Burns Beach Estate and with relevant State Government agencies in an attempt to implement recommendations and to address issues raised, and it is recommended that after a period of one year a report be put to Council to detail progress made against the recommendations of the masterplan.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr McLean, SECONDED Cr Gobbert that Council:

- 1** **NOTES** the outcomes of the public consultation process conducted for the draft *Burns Beach Masterplan* between 20 June 2016 and 19 August 2016;
- 2** **ADOPTS** the *Burns Beach Masterplan*, with modifications, as per Attachment 2 to Report CJ158-10/16;
- 3** **NOTES** that prior to publication of the final *Burns Beach Masterplan* document, the spatial masterplan will be amended to reflect the latest subdivision approvals for the Burns Beach Estate;
- 4** **NOTES** that implementation of the indicative concept design for the Burns Beach Coastal Node is not a project that has yet been formally endorsed by Council and that there is currently no funding available for implementation of the concept design in the City of Joondalup's *20 Year Strategic Financial Plan* or the City's *Five Year Capital Works Budget*;
- 5** **NOTES** that the recommendations of the *Burns Beach Masterplan* will be implemented by the City operationally in the course of its normal business. As needed, the City will play an influencing or advocacy role (as appropriate) with the developer of the Burns Beach Estate and with relevant State Government agencies in an attempt to implement recommendations and to address issues raised;
- 6** **REQUESTS** the Chief Executive Officer to present a report back to Council a year after adoption of the final *Burns Beach Masterplan*, to outline the progress made against the recommendations of the masterplan.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Cr Hollywood entered the Chamber at 9.15pm.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf161003.pdf](#)

Disclosures of interest affecting impartiality

| | |
|---------------------------|--|
| Name/Position | Cr John Chester. |
| Item No./Subject | CJ159-10/16 – Amended Local Development Plan for the <i>Greenwood Structure Plan</i> area – Lot 9867 (63) Mulligan Drive, Greenwood. |
| Nature of interest | Interest that may affect impartiality. |
| Extent of Interest | Cr Chester received an update on the progress of the development from staff of the Frasers Property Group. |

| | |
|---------------------------|--|
| Name/Position | Cr John Logan. |
| Item No./Subject | CJ159-10/16 – Amended Local Development Plan for the <i>Greenwood Structure Plan</i> area – Lot 9867 (63) Mulligan Drive, Greenwood. |
| Nature of interest | Interest that may affect impartiality. |
| Extent of Interest | <ul style="list-style-type: none"> • Cr Logan was a member of the East Greenwood Housing Development's Community Group which provided input to the developer. • Cr Logan received an update on the progress of the development from staff of the Frasers Property Group. |

| | |
|---------------------------|--|
| Name/Position | Mr Brad Sillence – Manager Governance. |
| Item No./Subject | CJ159-10/16 – Amended Local Development Plan for the <i>Greenwood Structure Plan</i> area – Lot 9867 (63) Mulligan Drive, Greenwood. |
| Nature of interest | Interest that may affect impartiality. |
| Extent of Interest | Employees of Frasers Australand Pty Ltd are personally known to Mr Sillence. |

CJ159-10/16 AMENDED LOCAL DEVELOPMENT PLAN FOR THE GREENWOOD STRUCTURE PLAN AREA – LOT 9867 (63) MULLIGAN DRIVE, GREENWOOD

| | |
|-------------------------------|--|
| WARD | South-East |
| RESPONSIBLE DIRECTOR | Ms Dale Page Planning and Community Development |
| FILE NUMBER | 104828, 101515 |
| ATTACHMENTS | <div>Attachment 1 Location Plan</div> <div>Attachment 2 Current Local Development Plan</div> <div>Attachment 3 Amended Local Development Plan</div> |
| AUTHORITY / DISCRETION | Legislative - includes the adoption of local laws, planning schemes and policies. |

PURPOSE

For Council to consider proposed amendments to the *Greenwood Local Development Plan* (LDP) and the suitability of the LDP for approval.

EXECUTIVE SUMMARY

Development on Lot 9867 (63) Mulligan Drive, Greenwood, is to be guided by the *Greenwood Structure Plan* and LDP, both of which came into effect in February 2016.

Through the assessment and review of the structure plan and LDP, the Western Australian Planning Commission (WAPC) required modifications to the documents. The structure plan was subsequently modified and approved by the WAPC, and is now in effect. Modifications to the LDP, to address the requirements of the WAPC, are required to be considered by Council.

The amendments required to the LDP include updating references to legislation to align with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), modification of the road layout to accord with the structure plan, inclusion of private open space requirements, removal of the requirement for highlight windows in the southern facade of the R40 coded lots, and inclusion of provisions for building set backs, fencing and habitable room windows to address and encourage surveillance of the public open space and internal streets.

In addition, the applicant is proposing some other amendments including fencing detail for lots adjoining the public open space (POS), reduced set backs to POS A for the R60 and R80 coded lots, and removing the minimum lot size and dwelling size for ancillary dwellings.

The proposed amendments retain the intent of the LDP and will not adversely impact nearby or adjoining landowners. On this basis, it is considered that advertising of the proposed modifications is not required in this instance, and it is recommended that the amended LDP be approved.

BACKGROUND

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

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 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.

A draft structure plan and LDP for the site were prepared and submitted to the City on behalf of the landowners, the Department of Housing and Frasers Property Group. At its meeting held on 21 April 2015 (CJ050-04/15 refers), Council resolved to support advertising of the draft structure plan and LDP for public comment for a period of 28 days. Following the conclusion of the advertising period, submissions were considered by Council at its meeting held on 17 August 2015 (CJ132-08/15 refers). Council resolved that the structure plan was satisfactory and approved the LDP. The structure plan was then forwarded to the WAPC for adoption and certification. The WAPC required certain modifications to the structure plan and the amended structure plan was adopted and certified by the WAPC on 15 February 2016.

As the LDP proposed variations to the *deemed-to-comply* provisions of the *Residential Design Codes* (R-codes) approval was required from the WAPC for the relevant variations. Advice provided from the WAPC indicated that all the variations were supported except for the requirement for certain lots to have 'secondary storey highlight windows'. The WAPC requested the requirement for provision of 25% open space for the R60 and R80 lots to be removed from the structure plan and to be included in the LDP. The open space provision of 45% for the R40 lots (as per the R-codes) is also noted in the LDP. In addition, the final internal road layout in the approved structure plan was modified slightly by the WAPC through the subdivision approval process and therefore the LDP needs amendment to align with the structure plan.

As the LDP approved by Council (Attachment 2 refers) came into operation with the adoption of the structure plan by the WAPC, amendments are now required to the LDP to align it with the structure plan and to respond to the WAPC advice.

Further to this, between the structure plan and LDP being endorsed by Council and the structure plan being endorsed by the WAPC, the Regulations came into effect. As such it is proposed the LDP will be also updated to include references to the Regulations.

DETAILS

The City has received an amended LDP which includes the following modifications:

- Updated references to legislation to align with the Regulations.
- Removal of the requirement for highlight windows to the southern facade of dwellings on the R40 lots in accordance with advice from the WAPC.
- Inclusion of open space requirements (previously included in the structure plan) being 45% open space for R40 lots and 25% open space for the R60 and R80 lots in accordance with advice from the WAPC.
- Inclusion of additional provisions for building set backs, fencing and the requirement for habitable room windows to address and encourage surveillance of the public open space and internal streets.
- Modification of the requirements to allow ancillary dwellings on lots less than 450m² and to have a floor area greater than 70m².

The amended LDP is provided at Attachment 3.

Issues and options considered

The issues to be considered by Council include the suitability of the amended LDP.

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

- approve the local development plan
- require the person who prepared the LDP to:
 - modify the plan in the manner specified by the local government
 - resubmit the modified plan to the Local Government
- or
- refuse to approve the LDP.

Legislation / Strategic Community Plan / policy implications

Legislation

Planning and Development Act 2005.
Planning and Development (Local Planning Schemes) Regulations 2015.

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 | <i>Liveable Neighbourhoods(State Planning Policy). Subdivision and Dwelling Development Adjoining Areas of Public Space policy (Local Planning Policy).</i> |

Planning and Development (Local Planning Schemes) Regulations 2015

Part 6 of the Regulations outlines the process for Local Development Plans (LDP).

In accordance with clause 50 of the Regulations, once the local government has accepted and determined that it is satisfactory, the LDP may be required to be advertised for a period of 14 days. If the local government is satisfied that the LDP is not likely to adversely affect any owners or occupiers within the area covered by the plan or an adjoining area then it may decide not to advertise the LDP. The local government, having regard for any matters outlined in clause 67 (for example, the aims of the scheme, state planning policy, the amenity of the locality including environmental impacts), is required to proceed to approve, with or without further modifications, or refuse the LDP as set out in clause 52.

However, should the LDP be advertised, upon completion of the public advertising, the local government is required to have regard for any matters set out in clause 67, review all submissions within 60 days and proceed to approve, with or without further modifications, or refuse the LDP, as set out in clause 52.

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 approve the amended LDP, the LDP will not fully align with the *Greenwood Structure Plan*, and will not address the request from the WAPC to amend the LDP.

Should Council resolve not to approve the amended LDP or should Council require additional modifications to the 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

Current financial year impact

| | |
|--------------------------------|----------------------|
| Account no. | 1692. |
| Budget Item | Administration fees. |
| Budget amount | \$ 20,000.00 |
| Income received to date | \$ 0 |
| Proposed income | \$ 6,083.02 |
| Balance | \$ 13,916.98 |

All amounts quoted in this report are exclusive of GST.

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 the LDP (and 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 LDP, in addition to the approved structure plan will facilitate the built form outcome contemplated for the site. The resulting development of the area will accommodate additional residents who will contribute to supporting the local economy and utilise existing infrastructure such as bus and rail systems, reducing the need for additional services to be provided.

The provisions of the LDP have been developed with consideration of tree retention in private and public open space and the development of usable public open space with the intent of encouraging residents to walk and socialise within their community.

Consultation

The LDP is required to be advertised for a period of 28 days, unless the local government is satisfied that the LDP will not adversely affect any owners or occupiers within the area covered by the LDP or adjoining the area.

In this instance, given that the site is yet to be developed, the proposed amendments will not affect any existing owners or occupiers of the subject site. Given that the proposed amendments will only affect the future development that is internal to the site, it is not considered that any owners or occupiers of the adjoining area will be adversely affected as the intent of the original LDP is maintained. On this basis it is considered that advertising is not required.

COMMENT

Proposed amendments to align with structure plan and WAPC decision

As part of the approval process the structure plan and local development plan were referred to the WAPC. Following the review of these documents the WAPC approved the structure plan subject to modifications, including the removal of private open space provisions. It was also indicated that the LDP provision requiring highlight windows only for the rear (southern) facades of dwellings on the R40 lots was not supported.

The LDP has been amended to include the private open space requirements being 45% open space for R40 coded lots and 25% open space for the R60 and R80 coded lots.

Although the LDP no longer requires highlight windows for the rear facades of the dwellings on R40 coded lots, the developer has indicated this will still be a consideration for the design of the dwellings. In addition, the 12 metre tree protection zone also applied to these lots will assist with ensuring the dwellings are set back in excess of the privacy set backs normally required by the *Residential Design Codes* (R-codes), which will minimise opportunities for overlooking of adjoining properties outside of the structure plan area.

Minor text amendments are also proposed to insert reference to Schedule 2 – Deemed Provisions of the Regulations. This change is necessary as the Deemed Provisions automatically replaced a number of sections of the City's *District Planning Scheme No. 2*.

Other proposed amendments by applicant

In addition to the above changes, greater detail has been provided for the lots abutting Cockman Park between POS C and Mulligan Drive in regard to how the dwellings will address Cockman Park as well as the internal road that was previously a laneway. This includes specifying fencing height and requiring habitable room windows facing Cockman Park.

Fencing heights and visual permeability detail for the boundary fencing of lots adjoining POS A and B has also been included.

For the R60 and R80 coded lots abutting POS A and B it is proposed that the front setbacks to the POS be modified to allow for a porch, verandah or balcony to be set back either nil or 0.5 metres from the boundary. The reduced setbacks are also proposed for the lots that adjoin the internal roads or laneway. The intent is to provide greater flexibility for articulating the front facade to assist in creating interest and breaking up building bulk as viewed from the POS.

Currently the LDP includes a provision to limit the number of lots able to accommodate an ancillary dwelling to a maximum of five lots. Under the 'deemed to comply' provisions of the R-codes, an ancillary dwelling is only permitted in association with a single house on a lot which is not less than 450m² in area, and the ancillary dwelling is limited to a floor area of 70m².

Given the lot sizes at the density of R40, R60 and R80 will be less than 450m², ancillary dwellings would not otherwise be permitted in the LDP area. The size restriction for the ancillary dwelling means that further development approval for each ancillary dwelling would be required if the floor area exceeds 70m². The applicant has indicated that the ancillary dwellings are anticipated to be approximately 80m² in area. All other requirements for ancillary dwellings will be retained. To address the conflict between the intention of the LDP to accommodate a range of dwelling types and the deemed-to-comply provisions of the R-codes, an additional provision is proposed to delete the lot size and floor area requirement for ancillary dwellings within the LDP area.

Given the context of the site and the form of development proposed, it is considered that this approach can be supported. However, the R-codes require that the WAPC must approve any changes to the 'deemed-to-comply' requirements for ancillary dwellings. The applicant has sought and received approval from the WAPC for this modification.

Conclusion

As well as addressing the direction provided by the WAPC for the structure plan and LDP, the modifications are considered appropriate as they provide clarity for the application of the provisions and flexibility for the dwelling designs. This will assist in ensuring that a range of dwelling types and designs can be provided in the structure plan area that achieve the intent of the structure plan.

Given that the intent of the LDP is maintained and the proposed amendments will not adversely impact nearby or adjoining landowners to the structure plan area, it is considered that advertising is not required, and it is recommended that the amended LDP be approved.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Logan, SECONDED Cr Chester that Council:

- 1** pursuant to clause 50(3) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **RESOLVES** not to advertise the amended *Greenwood Local Development Plan* as outlined in Attachment 3 of Report CJ159-10/16;
- 2** pursuant to clause 52 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **APPROVES** the amended *Greenwood Local Development Plan* as outlined in Attachment 3 of Report CJ159-10/16.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf161003.pdf](#)

CJ160-10/16 COASTAL DUAL USE PATH - BURNS BEACH TO MINDARIE

| | | |
|-------------------------------|---|---|
| WARD | North | |
| RESPONSIBLE DIRECTOR | Mr Garry Hunt Office of the Chief Executive Officer | |
| FILE NUMBER | 67625, 85565 | |
| ATTACHMENT | Attachment 1 | Preferred Coastal Dual Use Pathway Location |
| | Attachment 2 | Preferred Coastal Walkway Location |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. | |

PURPOSE

For Council to consider the provision of State Government funding for the construction of a Coastal Dual Use Pathway between Burns Beach and Mindarie.

EXECUTIVE SUMMARY

The Council has considered a number of reports associated with the proposed Tamala Conservation Park and proposal to construct a Coastal Dual Use Pathway through the Park from Burns Beach to Mindarie over recent years.

At the Council meeting held on 15 March 2011 (Item CJ044-03/11 refers), it was resolved that the City of Joondalup would make a one third contribution of \$50,000 towards the cost of a feasibility study into the possible Coastal Dual Use Pathway routes through the Park and that the construction cost and maintenance of the Coastal Dual Use Pathway should be borne by the State Government as the relevant land owners. The City of Wanneroo also resolved to make a \$50,000 contribution and that the cost of construction and maintenance should be the responsibility of the State Government.

Following the publishing of the *Tamala Conservation Park Establishment Plan* (2012) and Coastal Dual Use Pathway feasibility study (2013), the City of Joondalup made a number of representations to the State Government for the construction of the Coastal Dual Use Pathway.

In September 2016 the Minister for the Environment, the Hon Albert Jacob MLA, met with representatives of the Cities of Joondalup and Wanneroo to advise that the State Government has resolved to make a funding commitment of \$2 million for the construction of the Coastal Dual Use Pathway between Burns Beach and Mindarie subject to the Cities of Joondalup and Wanneroo contributing 50% each of the remaining project costs if additional funding over the current contribution from the State Government and Peet Limited (developer of the Burns Beach estate) are required. It was also proposed that ongoing maintenance costs be borne by the Cities of Joondalup and Wanneroo.

It is recommended that the Council give consideration to acceptance, in principle, of the offer by the State Government to provide funding for the construction and maintenance of the Coastal Dual Use Pathway between Mindarie and Burns Beach, subject to further clarification of funding conditions.

BACKGROUND

In early 2008, the City of Wanneroo received two petitions requesting the Council's consideration of the construction of a Coastal Dual Use Pathway and the development of a management plan to protect the environmental values of the coastal bushland west of Marmion Avenue between Burns Beach and Mindarie.

Similarly, the City of Joondalup received a petition making the same request. There has been increasing demand for the Coastal Dual Use Pathway as the area experiences an increase in population.

The City of Wanneroo Council resolved to approach the State Government to amalgamate all of the parks and recreation parcels of land between Mindarie and Burns Beach for the creation of a Regional Park, incorporating a shared pathway. The City of Wanneroo Council also sought the support of the City of Joondalup which resolved to support this request in November 2008 (Item CJ244-11/08 refers) as follows:

That:

- 1 *Council SUPPORTS the City of Wanneroo in its proposal to create a Regional Park under the care, control and maintenance of the Department of Environment and Conservation and its request for a management and infrastructure implementation plan, for the proposed regional park and expresses its support to the State Government.*
- 2 *the management and infrastructure implementation plan include the construction of a shared path connecting the existing path network in Burns Beach and Mindarie and REQUESTS that the costs of the construction and maintenance of the path be borne by the Department of Environment and Conservation.*

In December 2008, the City of Wanneroo wrote to the Minister for Planning with the request. The Minister advised the City of Wanneroo that the Western Australian Planning Commission had established a Community Advisory Committee, with nominated representatives from both the Cities of Joondalup and Wanneroo. He also stated that this was for the purpose of producing an Establishment Plan to guide the long-term management of the area and that the provision of a Coastal Dual Use Pathway would form part of the Committee's considerations.

The area of the proposed Tamala Conservation Park lies within the Cities of Wanneroo (northern portion) and Joondalup and comprises around 380 hectares of high quality coastal vegetation (approximately the size of King's Park). It is situated between Burns Beach and Mindarie and is bound on the west by the Indian Ocean and Marmion Avenue on the east. The entire area lies within Bush Forever site 322 and consists of around 234 hectares, owned by the Western Australian Planning Commission (WAPC) and 147 hectares of Crown Reserves.

The Community Advisory Committee first met in January 2009 with the objective of developing a *Tamala Conservation Park Establishment Plan*. The plan outlines the rationale for the establishment of a conservation park between Burns Beach and Mindarie as a Class A Reserve. It describes its conservation and recreation values, identifies the proposed boundaries and outlines park management options, tenure and establishment process.

The matter of the Coastal Dual Use Pathway was addressed early in the committee's deliberations, particularly in regard to alignment, with a strong feeling that the preferred route should be as close to the coast as possible. The matter was referred to the Technical Advisory Group constituted to provide specialist advice to the Community Advisory Committee.

Taking into account the high environmental values of the fore-dunes, the dynamic nature of the coastline, particularly at the blowouts, and the steeply undulating topography, the Technical Advisory Group considered that the construction of a path through the near coastal area could be prohibitively expensive and have adverse environmental impacts. There were also concerns regarding the relative isolation of such a path for the personal safety of users, particularly in the event of a fire.

Coastal Dual Use Path Study

The Cities of Joondalup and Wanneroo and Department of Planning commitment of funding toward the cost of a detailed study (managed by the Department of Planning) was to determine the most appropriate alignment for the creation of an extension to the coastal recreational shared path network, that provided universal access with minimum environmental impact, within the Tamala Park Coastal Reserve, between Burns Beach and Mindarie.

GHD was appointed to undertake an environmental and topographical study '*Proposed Dual Use Path – Mindarie to Burns Beach (2013)*'. The study examined two alternative routes:

- Option 1 – Aligning as close to the foreshore reserve and coast as practicable, whilst remaining in the Tamala Park Study Area. In 2013 the cost of this alternative was estimated at approximately \$2.9 million (Attachment 1).
- Option 2 – Following the edge of the Tamala Park Conservation Park along the existing residential development and along Marmion Avenue. In 2013 the cost of this alternative was estimated at approximately \$3.9 million.

It is important to note that the *Burns Beach Foreshore Management Plan* requires the estate developer (Peet Limited) to construct a portion of coastal dual use path, within the boundaries of the Burns Beach Estate, as a condition of subdivision approval over the area. In 2013 the estimated cost of the path as part of the Burns Beach Development is approximately \$1.5 million (Option 1) or approximately \$1.8 million (Option 2). These costs are included in the above estimates. The Department of Planning has since advised that it estimates the Peet Limited contribution for Option 1 to now be \$1.1 million.

The City has previously been informed by Peet Limited that it is its intention to schedule the completion of its portion of the coastal dual use path to coincide with the construction of the adjoining lots in the north-west precinct. It is anticipated that the last lots to the north-west will be constructed by 2024.

Land Management and Costs Related to the Coastal Dual Use Pathway

The City of Joondalup Council, at its meetings held on 15 March 2005 (Item CJ037-03/05 refers) and 9 August 2005 (Item CJ161-08/05 refers) considered the *Burns Beach Structure Plan* and *Foreshore Management Plan*.

Of particular significance was that:

- the Council reaffirmed with the Western Australian Planning Commission that Council does not accept vesting of the foreshore reserve abutting the developable portion of the *Burns Beach Structure Plan No.10* area;
- the *Burns Beach Foreshore Management Plan* required the estate developer (Peet Limited) to construct a Coastal Dual Use Pathway as a condition of subdivision approval over the area.

In July 2009 (Item CJ165-07/09 refers) the Council considered a request by the WAPC seeking confirmation the City of Joondalup maintain responsibility for the coastal strip reserves bordering the proposed Regional Park. The major issue related to the request was the City's retention of the Management Orders for the coastal reserves north of Burns Beach and within the City's boundaries. The Council resolved as follows:

That:

- 1 *the Western Australian Planning Commission and the Tamala Park Community Advisory Committee be ADVISED that Council provides in principle agreement to maintain the Coastal Crown Reserve No 47831 in accordance with the current Management Order;*
- 2 *the support for retention of the Management Order is conditional on the State Government confirming that the costs for the construction and maintenance of the proposed path will be borne by the Department of Environment and Conservation or the State Government, the path route will not be on the Coastal Reserve No. 47831 and that the path route will be a direct connection between the existing path network along the coastline;*
- 3 *the Western Australian Planning Commission and the Tamala Park Community Advisory Committee be ADVISED that Council DOES NOT provide in principle agreement to maintain the Coastal Crown Reserve, No 38526;*
- 4 *Council REQUESTS that the Management Order for Reserve No 38526 be divested from the City of Joondalup;*
- 5 *details of this decision be CONVEYED to the City of Wanneroo and Tamala Park.*

The City of Joondalup Council, at its meeting held on 15 March 2011, resolved (Item CJ044-03/11 refers), when considering the funding of the Coastal Dual Use Pathway, that it:

- 1 *CONSIDERS for inclusion in the 2011/12 budget the sum of \$50,000 (excluding GST) toward the cost of a detailed study (managed by the Department of Planning) to determine the most appropriate alignment for the proposed Coastal Dual Use Path, that provides universal access with minimum environmental impact, within the Tamala Park Coastal Reserve, between Burns Beach and Mindarie;*
- 2 *REQUESTS the Department of Planning formally request the Tamala Park Regional Council give consideration to making a contribution toward the cost of a detailed study (managed by the Department of Planning) to determine the most appropriate alignment for the proposed Coastal Dual Use Path, that provides universal access with minimum environmental impact, within the Tamala Park Coastal Reserve, between Burns Beach and Mindarie;*
- 3 *AUTHORISES the Chief Executive Officer to endorse the scope of the study on behalf of the City of Joondalup, prior to the study commencing;*

- 4 *NOTES that it has previously been resolved by Council that the cost of construction and maintenance of the Coastal Dual Use Path should be borne by the State Government;*
- 5 *ADVISES the City of Wanneroo, Tamala Park Regional Council, and the Department of Planning of its decision in Parts 1, 2 and 3 above.*

Tamala Conservation Park Management Plan Status

The City of Joondalup has sought clarification from various State Government Departments (Department of Parks and Wildlife, Department of Environment and Regulation, and Department of Planning) regarding the status of the *Tamala Conservation Park Management Plan* and its recommendations (resulting from the Establishment Plan); and support for and funding of the proposed coastal dual use path. In summary the Department Parks and Wildlife advised that it was not in a position to progress the *Tamala Conservation Park Management Plan* or any aspects of the project until all of the land parcels which make up the proposed Tamala Conservation Park are formally transferred to the Conservation Commission of Western Australia.

DETAILS

The Cities of Joondalup and Wanneroo and the Department of Planning provided equal funding contributions towards the cost of a Coastal Dual Use Pathway Study, managed by the Department of Planning. The objective of this study was to detail a route that provides universal access with minimal environmental impact, within the Tamala Park Coastal Reserve, between Burns Beach and Mindarie.

Environmental consultancy GHD was appointed to complete the *Proposed Dual Use Path – Mindarie to Burns Beach (2013)*.

The study recommended two possible routes for the Coastal Dual Use Pathway. Of relevance to the outcomes of this study was the *Burns Beach Foreshore Management Plan*, which prescribes a list of actions for the estate developer, Peet Limited to complete as a condition of subdivision approval for the Burns Beach Estate. In accordance with this study, Peet Limited is required to construct a Dual Use Pathway for the area of foreshore adjacent to its subdivision.

The Cities of Joondalup and Wanneroo have undertaken a number of actions in relation to this project including liaison with Department of Parks and Wildlife, Department of Environment Regulation and Department of Planning.

The Cities of Joondalup and Wanneroo have previously resolved that the construction of the Coastal Dual Use Pathway from Burns Beach to Mindarie is to be funded solely by the State Government. Given that no provision of funding has been made by either local governments or the State Government, there has been no funding available to undertake this project.

Notwithstanding the resolutions of the two local governments it should be noted that:

- there is strong community interest in a Coastal Dual Use Pathway from Burns Beach to Mindarie
- the subject land is owned by the State Government, and neither City has the authority to progress this project
- the provision of a Coastal Dual Use Pathway is an important public asset that should provide a cycle and pedestrian link between Burns Beach and Mindarie for the local community.

The Department of Parks and Wildlife has recently advised the Minister for Environment that it supports the GHD Option 1 and is also agreeable to a separate lesser standard 'walk trail' through the coastal dunes so that the public can enjoy the coastal environment (Attachment 2). This is also supported in principle by the WAPC and Department of Planning. At this stage there is no detailed alignment but the Department of Planning has provided the attached plan (Attachment 1) with a notional alignment. The walk trail concept is not costed and remains unfunded at this stage, and is a matter for future consideration.

The Minister for the Environment has verbally advised that the WAPC has resolved to make a funding commitment for the construction of a Coastal Dual Use Pathway (Option 1) between Burns Beach and Mindarie. The details of this funding commitment are summarised below:

- State Government (WAPC) to provide \$2 million funding - \$1 million in 2017-18 and a further \$1 million in 2018-19 contingent on co-funding being identified for the balance of the cost of construction.
- The dual use path to be constructed as per Option 1.
- Estimated project cost in the order of \$2.9 million (2013 estimate).
- Peet Limited to meet its obligation of its works at an estimated cost of \$1.1 million.
- The Cities of Joondalup and Wanneroo to contribute 50% each of the remaining project costs if additional funding over the current contribution from the State Government and Peet Limited are required.

Formal written advice of the above commitment has not yet been received by the State Government and as such, any further conditions related to the proposal have not been identified and should be subject to further Council consideration.

The proposal provides that a detailed project plan be prepared over the coming months in consultation with the City of Wanneroo to prepare:

- a brief for design and documentation
- a detailed cost estimate
- a delivery schedule
- details of a joint tender
- project management responsibilities
- on-going management/maintenance plan.

Issues and options considered

As no formal written advice has been received from the State Government in relation to the proposal there are a number of matters that require clarification prior to progressing the construction of the Coastal Dual Use Pathway, including but not limited to the following:

- Land management arrangements given the Council's previous decisions regarding the management of coastal land.
- Environmental constraints/approvals/processes given the following:
 - There will likely be requirements for further studies (including but not limited to flora and fauna; engineering; fire hazard/risk; public safety and security; emergency and service vehicle access) to be undertaken in relation to the options presented by GHD; and clarity related to the funding and management of these processes. The outcomes of these studies may also infer ongoing maintenance costs, which at this time are unknown.
 - Concerns with regard construction within Bush Forever sites and Tamala Park as it is a highly constrained biodiversity area with significant environmental values that should be protected.

It is of significance to note that the Federal Department of Environment has recently announced that the Federal Minister has approved to list the Banksia Woodlands of the Swan Coastal Plain as an Endangered ecological community under the *Environment Protection and Biodiversity Conservation Act 1999*. The status came into effect on 16 September 2016.

The key objective of the listing is to mitigate the risk of extinction of the Banksia Woodlands of the Swan Coastal Plain ecological community, and maintain its biodiversity and function, through the protections provided under the *Environment Protection and Biodiversity Conservation Act 1999* and through the implementation of priority conservation actions. Tamala Park contains significant Banksia Woodlands.

- Coastal vulnerability assessments undertaken for Burns Beach which indicate that coastal areas along this strip of coastline are vulnerable.
- Finalisation of the agreed route which will be in general alignment with Option 1 proposed in the GHD study.
- Timing, given previous advice that the completion of the Burns Beach Estate and transfer of land to the Conservation Commission of Western Australia will signal the commencement of the *Tamala Conservation Park Management Plan*, at which time the proposed Coastal Dual Use Pathway could be considered. This is not anticipated to occur until 2024.

It is suggested that the following options exist:

Option 1

That Council reiterate its previous decision that the cost of construction and maintenance of the Coastal Dual Use Pathway be borne by the State Government.

Option 2

That Council revoke its previous decision that the cost of construction and maintenance of the Coastal Dual Use Pathway be borne by the State Government, and:

- accepts the State Government's commitment to provide \$2 million funding for the construction of a coastal dual use path from Burns Beach to Mindarie in two instalments of \$1 million each in 2017-18 and 2018-19;
- agrees, in principle, to a maximum financial contribution to the project of \$400,000 over two financial years.

Option 3

That Council agrees in principle to the State Government's commitment to provide \$2 million funding for the construction of a coastal dual use path from Burns Beach to Mindarie in two instalments of \$1 million each in 2017-18 and 2018-19, and that a City contribution will be favourably considered following clarity regarding:

- land management arrangements
- environmental constraints/approvals/processes
- negotiations with Peet Limited, given previous advice that the completion of the Burns Beach Estate and transfer of land to the Conservation Commission of Western Australia would signal the commencement of the *Tamala Conservation Park Management Plan*, at which time the proposed Coastal Dual Use Pathway could be considered. This is not anticipated to occur until 2024.

As no formal written advice has been received from the State Government in relation to the proposal it is considered that Option 3 is the preferred option as there are a number of matters that require clarification prior to progressing the construction of the Coastal Dual Use Pathway.

Legislation / Strategic Community Plan / Policy implications

Legislation The creation of Management Orders for Crown land is in accordance with the *Land Administration Act 1997* and *Transfer of Land Act 1893*.

Strategic Community Plan

Key theme Natural Environment.

Objective Accessible environments.

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

Risk management considerations

There are a range of risks that require consideration in relation to the proposal, not the least of which is that the full details of the proposal are not fully known at this time.

Risks that need to be taken into consideration, should Option 3 be the preferred Option, include, but are not limited to:

- ongoing maintenance costs to be borne by the City
- environmental impact given the Park is a highly constrained biodiversity area with significant environmental values that should be protected
- construction costs and constraints given estimates contained within this report are based on 2013 figures from the GHD Study.

Given formal advice has not been received it is difficult to undertake a risk assessment without all sufficient information. This should be done as part of any formal assessment of the proposal.

Further to assessing risks associated with undertaking the project, there is also the risk of not meeting community expectations given this matter has been the subject of a number of petitions to both the Cities of Joondalup and Wanneroo, and Council deliberations which have supported the proposal subject to funding.

Financial / budget implications

Based on the estimated project cost of \$2.9 million (2013 estimate) and taking into account the State Government contribution of \$2 million over two financial years (2017-18 and 2018-19) and the Peet Limited's responsibility to fund a major portion of this project, the Cities of Wanneroo and Joondalup will have the responsibility to fund the remaining requirement on equal basis. Given the value of the State Government Contribution and Peet Limited's share of works, it is likely that both Cities financial contributions may not be significant. In discussions between both Cities, it has been suggested that each City's contribution should be to a maximum value of \$400,000. The details of the State Government funding will need to be reflected in 2017-18 and 2018-19 Annual Budgets. Costs related to any further studies required or ongoing maintenance costs are unknown at this time and require further clarity.

No funding allocation has been made within the City's *20 Year Strategic Financial Plan*.

Regional significance

The proposed outcome of the *Tamala Conservation Park Management Plan* is a Regional Park between Burns Beach and Mindarie for the purposes of conservation.

The Coastal Dual Use Pathway is part of the Regional Coastal Path Network and will provide an integral link between the Cities of Joondalup and Wanneroo, for the benefit of not only the residents of both Cities but regionally to tourists and visitors to the area.

Sustainability implications

Environmental

The Tamala Conservation Park is a highly constrained biodiversity area with significant environmental values that should be protected. Any proposal to construct a coastal dual use pathway must be undertaken in accordance with environment requirements that ensure there is minimal impact on the biodiversity values of the Park.

Social

The proposal maintains community access and amenity to the coastal strip.

Consultation

The City has previously consulted with the Department of Planning, Department of Parks and Wildlife and Department of Environment Regulation. The Cities of Joondalup and Wanneroo have liaised very closely and continue to work in partnership to progress a coastal dual use pathway between Burns Beach and Mindarie.

COMMENT

The City has been supportive of the construction of a Coastal Dual Use Pathway between Burns Beach and Mindarie and sought a whole of government commitment to construct this infrastructure.

It is considered appropriate that the Council agrees in principle to the State Government's commitment to provide \$2 million funding for the construction of a coastal dual use pathway from Burns Beach to Mindarie in two instalments of \$1 million each in 2017-18 and 2018-19, and that a City contribution will be favourably considered following clarity of matters relating to land management and environmental constraints/approvals/processes.

Subject to further information being provided that clarifies matters raised in this report, the Council will need to give consideration to revoking its previous decision that the cost of construction and maintenance of the coastal dual use pathway be borne by the State Government, and the maximum financial contribution it will make to the project.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Hollywood, SECONDED Cr McLean that Council:

- 1 AGREES in principle to the State Government's commitment to provide \$2 million funding for the construction of a Coastal Dual Use Pathway from Burns Beach to Mindarie in two instalments of \$1 million each in 2017-18 and 2018-19, and that a City contribution will be favourably considered following clarity regarding proposed:**
 - 1.1 land management arrangements;**
 - 1.2 environmental constraints/approvals/processes;**
 - 1.3 timing of the completion of the Burns Beach Estate and construction of the portion of coastal dual use pathway by Peet Limited;**
- 2 NOTES that subject to Part 1 above Council will give formal consideration to the proposal and its maximum financial contribution to the project.**

AMENDMENT MOVED Cr Fishwick, SECONDED Cr McLean that in Part 1 of the motion the word 'favourably' between the words 'be' and 'considered' be DELETED to read as follows:

- "1 AGREES in principle to the State Government's commitment to provide \$2 million funding for the construction of a Coastal Dual Use Pathway from Burns Beach to Mindarie in two instalments of \$1 million each in 2017-18 and 2018-19, and that a City contribution will be considered following clarity regarding proposed:"***

The Amendment was Put and

CARRIED (12/1)

In favour of the Amendment: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Against the Amendment: Cr Hollywood.

The Original Motion as amended, being:

That Council:

- 1 AGREES in principle to the State Government's commitment to provide \$2 million funding for the construction of a Coastal Dual Use Pathway from Burns Beach to Mindarie in two instalments of \$1 million each in 2017-18 and 2018-19, and that a City contribution will be considered following clarity regarding proposed:**
 - 1.1 land management arrangements;**
 - 1.2 environmental constraints/approvals/processes;**
 - 1.3 timing of the completion of the Burns Beach Estate and construction of the portion of coastal dual use pathway by Peet Limited;**
- 2 NOTES that subject to Part 1 above Council will give formal consideration to the proposal and its maximum financial contribution to the project.**

Was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf161003.pdf](#)

CJ161-10/16 EXECUTION OF DOCUMENTS

| | |
|-------------------------------|--|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Jamie Parry Governance and Strategy |
| FILE NUMBER | 15876, 101515 |
| ATTACHMENT | Attachment 1 Documents executed by affixing the Common Seal on 13 September 2016. |
| AUTHORITY / DISCRETION | Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting'). |

PURPOSE

For Council to note the documents executed by means of affixing the Common Seal on 13 September 2016 (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 executed by means of affixing the Common Seal on 13 September 2016, as detailed in Attachment 1 to Report CJ161-10/16.

BACKGROUND

On 13 September 2016, three documents were executed by affixing the Common Seal. A summary is provided below:

| Type | Number |
|---------------------------|--------|
| Withdrawal of Caveat. | 1 |
| Deeds of Covenant. | 1 |
| Section 70A Notification. | 1 |

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / policy implications

Legislation *Local Government Act 1995.*

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

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

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Fishwick, SECONDED Cr Jones that Council NOTES the Schedule of Documents executed by means of affixing the Common Seal on 13 September 2016, as detailed in Attachment 1 to Report CJ161-10/16.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ155-10/16, page 161 refers.

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf161003.pdf](#)

CJ162-10/16 MINUTES OF EXTERNAL COMMITTEES

| | |
|-------------------------------|--|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Jamie Parry Governance and Strategy |
| FILE NUMBER | 03149, 101515 |
| ATTACHMENT | Attachment 1 Minutes of the Mindarie Regional Council meeting held on 1 September 2016. |
| | <i>(Please Note: These minutes are only available electronically).</i> |
| AUTHORITY / DISCRETION | Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting'). |

PURPOSE

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

EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of the Mindarie Regional Council meeting held on 1 September 2016.

DETAILS

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

Mindarie Regional Council meeting – 1 September 2016

A meeting of the Mindarie Regional Council was held on 1 September 2016.

At the time of this meeting Cr Russ Fishwick JP and Cr Mike Norman were Council's representatives on the Mindarie Regional Council.

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

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

It was resolved by the Mindarie Regional Council as follows:

“That the Council retain the existing Council Policies and Delegations to the Chief Executive Officer as detailed in Appendices 6 and 7 of this agenda.”

14.1 CEO Performance Review Committee – Consideration of Committees Recommendations

It was resolved by the Mindarie Regional Council as follows:

“That the Council:

- 1 *ADOPTS the 2016 Performance Review Report for the CEO;*
- 2 *ENDORSES the overall rating of “Meets performance indicators and associated objectives at a highly satisfactory level”;*
- 3 *ENDORSES the Key Performance Indicators and Objectives for 2016/2017 with the words ‘including Waste to Energy’ being removed from the recommended KPI No 2 for 2016/17 at point 2 in the Attachment 1 to this report;*
- 4 *COMMENCES the 2016/17 Appraisal process by 30 May 2017 and encourages Elected Members to avail of an interview with the appointed facilitator to provide their feedback;*
- 5 *VARIES the CEO’s total reward package as set at the maximum level of Band 3 for Region Council CEO’s being \$256,711 commencing from 1 July 2016, in accordance with the Salaries and Allowances Tribunal Determination of 12 April 2016.”*

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong leadership.

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

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Fishwick, **SECONDED** Cr Jones that Council **NOTES** the minutes of the Mindarie Regional Council meeting held on 1 September 2016 forming Attachment 1 to Report CJ162-10/16.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ155-10/16, page 161 refers.

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

CJ163-10/16 DRAFT CITY WATER PLAN 2016-2021

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Jamie Parry Governance and Strategy |
| FILE NUMBER | 78616, 101515 |
| ATTACHMENTS | Attachment 1 Draft City Water Plan 2016-2021 Attachment 2 Community Consultation Plan |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

PURPOSE

For Council to endorse the release of the draft *City Water Plan 2016-2021* for community consultation.

EXECUTIVE SUMMARY

The City of Joondalup recognises the importance of the sustainable use of water within its operations and facilities, and the need to promote water conservation and water efficiency within the community. Sustainable water management is an important issue for the City of Joondalup and the need to balance provision of water services for the community with the protection of water resources is becoming even more vital in a drying climate.

The City has demonstrated a commitment to sustainable water management by developing and implementing a *City Water Plan 2012-2015* and by joining the Waterwise Council Program to further increase the capacity of the City to use and manage water resources in a more efficient way.

Following a review of the *City Water Plan 2012-2015*, a new Water Plan has been developed to guide the sustainable management of the City's water practices into the future. The draft *City Water Plan 2016-2021* provides strategic direction for the delivery of water conservation and water quality improvement initiatives within the City of Joondalup's operations and the community over the next five years. The plan builds on the achievements of the City's previous *City Water Plan 2012-2015* and reflects the water management objectives outlined in the City of Joondalup *Environment Plan 2014-2019*.

A suite of water management targets have been proposed within the draft *City Water Plan 2016-2021*. By establishing targets, the City can monitor and measure the progress made towards achieving the objectives of the *City Water Plan 2016-2021*.

The draft *City Water Plan 2016-2021* includes both new and existing projects that will contribute to sustainable water management and achievement of the water management goals over the next five years.

It is proposed that the draft *City Water Plan 2016-2021* included as Attachment 1 be released for public comment, for a period of 21 days, to ensure the community has the opportunity to contribute to the strategic direction of water resource management within the City of Joondalup.

BACKGROUND

Western Australia's drying climate is placing increasing pressure on water resources within the region. As a water user and community educator, the City has a responsibility to improve its management of water resources and work with the community to encourage the sustainable use of water resources.

The City joined the Waterwise Council program in 2010 to further increase the capacity of the City to use and manage its water resources. The City of Joondalup was named WA's Waterwise Council at the 2011 WA Water Awards for its innovative and sustainable management of water resources. The City has demonstrated on-going commitment to achieving sustainable water management by retaining Waterwise Council accreditation since 2010.

The City adopted the *City Water Plan 2012-2015* in June 2012 to guide the on-going management of water resources within the City. A number of projects have been implemented since the adoption of *City Water Plan 2012-2015*, which have enhanced the City's capacity to manage water resources in a more effective manner by contributing to the overall reduction in water consumption and improved water quality.

The major achievements against the *City Water Plan 2012-2015* were as follows:

- Monthly groundwater bore meter monitoring.
- Installation of soil moisture sensors within public open spaces across the City.
- Park upgrades to include hydrozoning, ecozoning, redesign of irrigation systems and landscaping as per the Parks Redevelopment Program.
- Implementation of Environmental Building Audits.
- The delivery of a wide range of community and staff water education initiatives.
- Continued participation in the Waterwise Councils Program.
- Implementation of the Yellagonga Integrated Catchment Management Plan.

Following the review of the *City Water Plan 2012-2015*, the City commenced developing the draft *City Water Plan 2016-2021*. The new plan aims to build upon the outcomes of the previous plan by providing a holistic and long-term plan to improve water conservation and water quality management within the City.

DETAILS

The City utilises both groundwater and scheme water within its operations and buildings. The City utilises scheme water within its community buildings, facilities and administrative buildings while groundwater is used in the irrigation of the City's parks and open spaces.

The draft *City Water Plan 2016-2021* will guide the City's water management practises over the next five years, which will facilitate the City's on-going leadership in meeting its water conservation and water quality management targets while creating community awareness regarding the need to manage water resources for the future.

The draft *City Water Plan 2016-2021* builds on the foundations of the *City Water Plan 2012-2015* and continues to provide a coordinated approach for the City to sustainably manage water resources within the City's operations and the community. The plan identifies the main water related issues impacting the City and sets objectives for scheme water and groundwater conservation, water quality and quantity improvements.

The draft *City Water Plan 2016-2021* addresses water management within the following areas:

Corporate

- Water conservation - groundwater and scheme water.
- Water quality - improving the quality of surface water within the City of Joondalup.

Community

- Water conservation - groundwater and scheme water.
- Water quality - improving the quality of surface water within the City of Joondalup.

The objectives of the draft *City Water Plan 2016-2021* are to:

- provide mechanisms for the City to meet statutory requirements regarding water licensing
- enable the City to meet water reduction targets for scheme and groundwater use
- enhance and protect the quality of surface water bodies within the City of Joondalup
- ensure that the City of Joondalup leads by example and demonstrates the value of water conservation to the community.

The draft *City Water Plan 2016-2021* utilises a project based implementation framework and includes specific water related projects that will be implemented over the life of the plan to achieve sustainable water management objectives. The draft *City Water Plan 2016-2021* adopts a multi-pronged approach to holistic water management. This approach ensures that all areas of water management are addressed and that on-ground projects are supported by education and awareness-raising, ensuring continued improvement and positive behavioural changes in water management practices.

Projects have been developed that address water management in the following eight Key Focus Areas:

- Water monitoring and reporting.
- Built environment.
- Management of wetlands and public open space.
- Water sensitive urban design.
- Contracts and purchasing.
- Staff education and participation.
- Community education and participation.
- Partnerships and policy.

In order to achieve the overarching water management objectives of the draft *City Water Plan 2016-2021*, projects have been identified within each of the eight Key Focus Areas. A total of 34 projects have been identified, including 21 existing projects and 13 new projects which will be implemented in a staged approach over the life of the project.

As part of the development of the draft *City Water Plan 2016-2021*, the existing water management targets have been reviewed and new targets developed. The proposed new targets have been established with consideration of the City's achievements since the *City Water Plan 2012-2015* and to provide greater reflection of the City's use of water resources.

Individual targets and baseline values have been developed for each of the indicator sectors as shown in Table 2. The proposed targets and baselines recognise the individual function of each indicator area and allow for more accurate reflection of water consumption within each area.

The Key Performance Indicator (KPI) units have been selected to provide measurements of water use that are representative for the type of facility or user group. Groundwater and scheme water has been separated into two categories, with corporate scheme water being separated into an additional two categories. Separate targets have also been developed for the corporate and community sectors.

The target year for all indicators is the final implementation year of the plan of 2020-21.

Table 2 City Water Plan 2016-2021 Targets

| INDICATOR | TARGET 2020-21 | BASELINE |
|---|--|---|
| Corporate Groundwater Consumption. | To reduce the amount of groundwater used per hectare by 10% (average kL/irrigated hectare). | average of 7,500 kL/irrigated hectares (2007-08 DoW allocations per hectare). |
| Corporate Scheme Water Consumption: Aquatic Leisure Centre. | 5% reduction kL/patron. | 2015-16 kL/patron. |
| Corporate Scheme Water Consumption: CoJ owned, operated and leased buildings. | 5% reduction on average kL/m ² . | Five year average kL/m ² (2011-12 to 2015-16). |
| Corporate Water Quality. | Undertake water quality improvement projects within City operations, procedures and policies in at least three Key Water Focus Areas by 2020-21. | |
| Community Scheme Water Consumption. | 5% reduction kL/capita. | 2014-15 kL/capita. |
| Community Water Quality. | Undertake water quality improvement projects that encourage community awareness and promote partnerships for water quality improvement in at least two Key Water Focus Areas by 2020-21. | |

The *City Water Plan 2016-2021* targets have been developed in consideration of the achievements that the City has already made in reducing water consumption. Through implementation of the *City Water Plan 2012-2015*, the majority of easily achievable improvements have already been undertaken. While there is still scope for improvement, additional initiatives are generally more challenging and often have larger budgets associated with their implementation.

Further details regarding the establishment of the proposed new water usage targets are below.

Corporate Groundwater Consumption

Groundwater usage within the City is governed by the conditions of a groundwater abstraction licence provided by the Department of Water. The City's current groundwater licence was granted in 2007-08. The Department of Water allocated the City an annual groundwater abstraction allocation based on an average irrigation rate of 7,500 kilolitres per hectare per year which resulted in the City being allocated 4,117 million kilolitres of groundwater per year. In 2007-08, the City utilised this allocation to maintain 549 hectares of public open space, parks and streetscapes. In 2015, the City irrigated 613 hectares of recreational areas, with no increase to the groundwater allocation.

The City also maintains an additional 33 (22 hectares) of dry parks, some of which reside in Housing Opportunity Areas (HOA). It is likely that new development in HOA will have reduced areas of private open space. There will be an increasing demand for these parks to be irrigated to provide recreational opportunities to the residents who choose to live in these higher density areas.

When developing groundwater reduction goals, consideration also needs to be given to the irrigation requirements of future development within the City including:

- Ocean Reef Marina Development
- Joondalup Performing Arts and Cultural Facility
- Edgewater Quarry Project
- Department of Housing site at Lot 9000 (480) Joondalup Drive.

As part of the on-going water reform agenda of the State Government, the Department of Water is liaising with local government regarding existing licences to extract groundwater from the Gnangara Mound. Groundwater allocation limits have already been reached for abstraction from the Gnangara Mound and with groundwater resources required for future development within the North West Metropolitan Corridor, the City's existing groundwater allocation may be reduced in the near future.

The new target for groundwater consumption has been developed with consideration of the above factors. The baseline for the City's groundwater consumption target is based on the City's current groundwater allocation of an average of 7,500 kL/irrigated hectares. The City will need to reduce its groundwater use to an average usage of 6,750 kL/irrigated hectares by 2020-21 in order to meet the new target. A KPI of kL per irrigated hectare has been proposed based on the benchmark indicator by industry for public open spaces.

Corporate Scheme Water Consumption

Separate reduction targets have been established for corporate scheme water use within the Craigie Leisure Centre (which includes an aquatic facility) and the remaining City owned, operated and leased buildings. Further details of the individual corporate scheme water reduction targets are provided below.

- Aquatic Centre (Craigie Leisure Centre)

To build on past achievements of Craigie Leisure Centre and to align with Craigie Leisure Centre's *Water Efficiency Management Plan*, a reduction target of 5% kL per patron is proposed. A KPI of kL per patron has been established to recognise that the more people that use the facility, the greater the amount of water is used. This indicator is regarded as an acceptable industry benchmark indicator for aquatic centres.

However, other factors have the potential to impact upon the amount of water consumed within the facility including planned maintenance work during the life of the *City Water Plan* as well as a major refurbishment of the centre which is scheduled to occur by 2020-21. These works will require major drainage of the pool and will impact on total scheme water used during that period at the facility.

A baseline year of 2015-16 has been selected as this is the most recent data available. The Leisure Centre's scheme water consumption in 2015-16 was 0.0209 kL/ patron. The City will need to reduce its water use to 0.0199 kL/patron by 2020-21 in order to meet the new City Water Plan target.

- City owned, operated and leased buildings and facilities

The City currently manages numerous buildings and facilities across different facility groups which are based on the purpose of the buildings. In some circumstances, one physical building (such as under one roof structure) may include more than one group of facilities due to the building providing multiple purposes. City buildings and facilities are either operated by the City or may be managed separately through a lease arrangement. In order to provide a greater reflection of the City's management of scheme water use within buildings, it is proposed that the new target exclude City owned buildings that are leased by operators that are responsible for their own water accounts.

A review of the City's corporate scheme water consumption trends over the past five years indicates variations in usage across the City's owned, operated and leased buildings and facilities. The variations are a result of numerous factors such as lease occupation rate, facility usage, new buildings and facilities, retrofitting or upgrades of buildings and facilities.

As part of the development of the draft *City Water Plan 2016-2021*, a review of various benchmark indicators per industry type was undertaken to determine the most appropriate KPIs to be included within the new plan. Given the City does not capture data relating to patron usage across all City owned, operated and leased buildings and facilities, it was determined that the most appropriate industry benchmark indicator to utilise to report against scheme water use for City owned, operated and leased buildings and facilities is of kL per metres squared (kL/ m²).

A reduction target of 5% kL per metres squared has been established with the average scheme water consumption per metre squared over a five year period from 2011-12 to 2015-16 year being used as the baseline value.

The baseline consumption for the City's corporate scheme water consumption for City owned, operated and leased buildings and facilities is an average usage of 9.68 kL/m². The City will need to reduce its water consumption within these facilities to an average usage of 9.20 kL/m² by 2020-21 in order to meet this target.

Corporate Water Quality

The proposed corporate water quality target is to undertake water quality improvement projects within City operations, procedures and policies in at least three Key Water Focus Areas by 2020-21. The proposed target reflects the current City Water Plan target and is based on a minimum number of projects implemented per year. Given the diversity of water quality impacts, and the number of responsible agencies, it is not plausible to define a target based on improved water quality such as percentage decrease. The corporate water quality target has been established to enable effective monitoring and reporting.

Community Scheme Water Consumption

The City does not have any direct influence over how the community utilises scheme water or groundwater. However, the City can raise awareness of water conservation and water efficiencies within the community, in alignment with Water Corporation campaigns. A target for scheme water reduction within the community has been set. However, no target has been established for community groundwater consumption as there is no available data on community bore consumption.

A reduction target of 5% per capita has been established for community scheme water consumption. To build on past achievements, the average community water consumption per capita in 2014-15 will be used as the baseline value. A KPI of per capita has been used to account for population changes within the City of Joondalup.

The City's community scheme water consumption baseline value is 113 kL/capita. The community will need to reduce its scheme water use to 107 kL/capita by 2020-21 in order to meet this target.

Community Water Quality

The City does not have any direct influence over behaviours by the community that can impact on water quality. However, the City can raise awareness of water quality issues through undertaking community awareness projects. Therefore, community water quality targets have been set based on a minimum number of projects implemented per year. The proposed target is to undertake water quality improvement projects that encourage community awareness and promote partnerships for water quality improvement in at least two Water Focus Areas by 2020-21.

The draft *City Water Plan 2016-2021* will be continually monitored and reviewed on an annual basis, with reporting against the targets for water conservation and water quality improvement being undertaken. The water consumption figures provided throughout the plan are based on the most up to date data available at the time which consists of billing information that includes some estimations of use. Water consumption data provided in future reporting periods will incorporate any minor amendments made to the consumption figures, following updates being provided by utility providers.

Issues and options considered:

It is proposed that Council approve the release of the draft *City Water Plan 2016-2021* for public consultation for a period of 21 days, commencing Monday 24 October 2016. A *Community Consultation Plan* is included as Attachment 2.

The options available to Council in considering the draft *City Water Plan 2016-2021* are:

- endorse the draft plan without modification, and releases the plan for public consultation
or
- endorse the draft plan, with modifications, and releases the plan for public consultation.

Legislation / Strategic Community Plan / Policy Implications

Legislation Not applicable.

Strategic Plan

Key Focus Area: The Natural Environment.

Objective: Environmental resilience.

Strategic Initiative: Demonstrate current best practice in environmental management for local water, waste, biodiversity and energy resources.

Policy The development of a draft *City Water Plan 2016-2021* is consistent with the objectives with the City's *Sustainability Policy Statement*.

Risk Management considerations

A coordinated and planned approach is required to address sustainable water management within the City and provide strategies for on-going long-term management of the City's water resources. If management plans are not developed to guide water conservation efforts within the City, there is a risk that the overall water consumption and water quality within the City will become unsustainable.

A potential risk resulting from the endorsement of the draft *City Water Plan 2016-2021* for public comment is lack of community support for the strategic direction. This is unlikely given the current level of community support for water conservation and water quality projects undertaken in the City.

Financial/Budget Implications

The implementation of the draft *City Water Plan 2016-2021* will have budget implications; however, these will be subject to the City's annual Budget approval process. Projects identified as existing within the plan are approved within existing service levels and have budgets allocated within existing operating or capital works budgets.

A number of new projects within the draft *City Water Plan 2016-2021* have no additional requirements beyond existing staff resources. New projects that are dependent on outcomes of studies will be subject to detailed costing and the City's budget approval process prior to being implemented.

Opportunities to apply for grant funding will also be investigated, as they arise.

There are no additional costs associated with the release of the draft *City Water Plan 2016-2021* for public consultation.

Regional Significance

The issues and challenges that the City faces in regards to sustainable water management are common to other local governments. Sharing information and knowledge and working in partnership with other local governments will be progressed wherever possible as part of the implementation of the draft *City Water Plan 2016-2021*. Many of the projects within the draft *City Water Plan 2016-2021* relate to existing regional partnerships, including the Yellagonga Ecotourism and Community Awareness and Midge Management Strategy Partnership.

Sustainability implications

Implementation of the draft *City Water Plan 2016-2021* will ensure that water resources in the City are managed sustainably, with consideration for both water quantity and water quality issues. The draft plan includes projects that reduce water use and increase water efficiency. Water quality will be improved through the management of stormwater in the City.

The draft *City Water Plan 2016-2021* also includes projects that target community education and awareness to ensure that the community is well-informed on water issues and is provided the support it needs to change behaviours that impact negatively on water resources. The projects proposed will enhance the City's built and natural assets while contributing to sustainable, holistic water management.

In addition to creating lasting regional partnerships that could provide economic benefit to the City, the draft *City Water Plan 2016-2021* will also improve asset management. Many of the projects will also reduce on-going costs associated with the purchase of scheme water and groundwater asset maintenance.

Consultation

Following Council endorsement, the draft *City Water Plan 2016-2021* will be released for public comment for a period of 21 days which is consistent with the City's *Community Consultation and Engagement Policy*. Targeted consultation with local environmental groups will also be conducted. A final draft plan will be presented to Council for endorsement at its meeting to be held in February 2017.

The Department of Water and Water Corporation will also be contacted for feedback to ensure the draft *City Water Plan 2016-2021* is consistent with State Government water policy direction.

COMMENT

Sustainable water management is an important issue for the City of Joondalup and the need to balance provision of water services for the community with the protection of water resources is becoming even more vital in a drying climate.

The draft *City Water Plan 2016-2021* presents an opportunity for the City to build on past achievements and lead by example in the sustainable management of water resources within the community and local government sector. The implementation of the draft *City Water Plan 2016-2021* will allow the City to demonstrate leadership in meeting its water conservation and water quality improvement targets and create community awareness regarding the need to manage water resources for the future.

The development of an over-arching water plan that addresses scheme and groundwater use, as well as water quality improvement, will enable a strategic approach to be taken in the delivery of water related initiatives within City operations while actively encouraging the community to utilise water resources in a responsible manner.

The project based approach that has been adopted in the development of the draft *City Water Plan 2016-2021*, coupled with the proposed water indicators, will enable improved monitoring and reporting of the progress of water initiatives within the City.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Fishwick, SECONDED Cr Jones that Council ENDORSES the release of the draft *City Water Plan 2016-2021*, included as Attachment 1 to Report CJ163-10/16, for community consultation for a period of 21 days commencing Monday 24 October 2016.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ155-10/16, page 161 refers.

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf161003.pdf](#)

CJ164-10/16 LIST OF PAYMENTS MADE DURING THE MONTH OF AUGUST 2016

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE A/DIRECTOR | Mr Mike Smith Corporate Services |
| FILE NUMBER | 09882, 101515 |
| ATTACHMENTS | Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of August 2016 Attachment 2 Chief Executive Officer's Delegated Trust Payment List for the month of August 2016 Attachment Municipal and Trust Fund Vouchers for the month of August 2016 |
| AUTHORITY / DISCRETION | Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting'). |

PURPOSE

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of August 2016.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of August 2016 totalling \$17,308,636.25.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for August 2016 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 CJ164-10/16, totalling \$17,308,636.25.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of August 2016. 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 103731 – 103842 & EF057452 – EF058087 Net of cancelled payments. | \$10,512,538.76 |
| | Vouchers 1737A – 1749A & 1749B & 1749C & 175A | \$6,764,672.49 |
| Trust Account | Trust Cheques & EFT Payments 207004 - 207017 & TEF000827 – TEF000860 Net of cancelled payments. | \$31,425.00 |
| Total | | \$17,308,636.25 |

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 2016-17 Annual Budget as adopted by Council at its meeting held on 28 June 2016 (CJ080-06/16 refers) and subsequently revised or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Fishwick, SECONDED Cr Jones that Council NOTES the Chief Executive Officer's list of accounts for August 2016 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 CJ164-10/16, totalling \$17,308,636.25.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ155-10/16, page 161 refers.

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf161003.pdf](#)

CJ165-10/16 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 AUGUST 2016

| | |
|-------------------------------|--|
| WARD | All |
| RESPONSIBLE A/DIRECTOR | Mr Mike Smith Corporate Services |
| FILE NUMBER | 07882, 101515 |
| ATTACHMENT | Attachment 1 Financial Activity Statement for the period ended 31 August 2016 |
| AUTHORITY / DISCRETION | Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting'). |

PURPOSE

For Council to note the Financial Activity Statement for the period ended 31 August 2016.

EXECUTIVE SUMMARY

At its meeting held on 28 June 2016 (CJ080-06/16 refers), Council adopted the Annual Budget for the 2016-17 financial year. The figures in this report are compared to the adopted budget.

The August 2016 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$2,378,519 for the period when compared to the adopted budget. This variance does not represent the end of year position. It represents the year to date position to 31 August 2016. There are a number of factors influencing the favourable variance, but it is predominantly due to the timing of revenue and expenditure compared to the budget estimate. The notes in Appendix 3 to Attachment 1 identify and provide commentary on the individual key material revenue and expenditure variances to date.

The variance can be summarised as follows:

The operating surplus is \$1,457,281 higher than budget, made up of lower operating revenue \$142,247 and lower operating expenditure of \$1,599,528.

Operating revenue is higher than budget on Fees and Charges \$220,438 and Interest Earnings \$134,425 offset by lower than budget revenue from Grants and Subsidies \$262,191, Profit on Asset Disposals \$225,749, Contributions, Reimbursements and Donations \$5,975, Rates \$1,966 and Other Revenue \$1,225.

Operating Expenditure is lower than budget on Materials and Contracts \$800,113, Employee Costs \$430,129, Utilities \$38,735, Depreciation and Amortisation \$36,963, Interest expenses \$1,313, Loss on Asset Disposals \$275,309 and Insurance Expenses \$16,965.

The Capital Deficit is \$834,634 lower than budget. This is due to lower than budgeted expenditure on Capital Projects \$2,609,321, Vehicle and Plant Replacements \$505,194 and Loan Principal Repayments \$83,200 offset by higher than budgeted expenditure on Capital Works \$899,642 and lower than budgeted revenue from Capital Grants and Subsidies \$1,295,893 and Capital Contributions \$167,546.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 August 2016 forming Attachment 1 to Report CJ165-10/16.

BACKGROUND

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

DETAILS

Issues and options considered

The Financial Activity Statement for the period ended 31 August 2016 is appended as Attachment 1.

Legislation / Strategic Community Plan / policy implications

Legislation

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed.

Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* requires the local government to prepare each month a statement of financial activity reporting on the source and application of funds as set out in the annual budget.

Strategic Community Plan

Key theme Financial Sustainability.

Objective Effective management.

Strategic initiative Not applicable.

Policy Not applicable.

Risk management considerations

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

Financial / budget implications

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

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

Consultation

In accordance with section 6.2 of the *Local Government Act 1995*, the annual budget was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the *Local Government Act 1995*.

COMMENT

All expenditure included in the Financial Activity Statement are incurred in accordance with the provisions of the 2016-17 adopted budget or have been authorised in advance by Council where applicable. The opening funds presented in the Financial Activity Statement are prior to the 2015-16 end of year finalisation and audit and the final results will not be known until after end of year adjustments and entries are processed, including reserve movements.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Fishwick, SECONDED Cr Jones that Council NOTES the Financial Activity Statement for the period ended 31 August 2016 forming Attachment 1 to Report CJ165-10/16.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ155-10/16, page 161 refers.

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf161003.pdf](#)

CJ166-10/16 COMMUNITY DOG WALK DAY

| | |
|-------------------------------|---|
| WAR | All |
| RESPONSIBLE A/DIRECTOR | Mr Mike Smith Corporate Services |
| FILE NUMBER | 66553 |
| ATTACHMENT | Attachment 1 Round Trip Route Attachment 2 Circular Route |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

PURPOSE

For Council to consider a Community Dog Walk to be held in conjunction with the Dogs Day Out Event on 26 March 2017.

EXECUTIVE SUMMARY

At its meeting held on 19 July 2016 (CJ33-07/16 refers), Council resolved to request the Chief Executive Officer to prepare a report for the City to establish a Joondalup Coastal Community Dog Walk Day held in conjunction with the City's Dogs Day Out. There are several community dog walks held throughout the metropolitan area however to date there have been none held within the City of Joondalup. The City has the opportunity to establish a Community Dog Walk event to be held in conjunction with the annual Dogs Day Out event at Lexcen Park.

The proposed walk event will serve to strengthen the objectives of the Dogs Day Out as well as to provide an opportunity to showcase the coastal assets of the area, promote active participation in a community recreational activity and highlight the City's proactive approach to dog control, responsible dog ownership and education.

It is recommended that Council approves a round trip Community Dog Walk event in conjunction with the Dogs Day Out event to be held in March 2017.

BACKGROUND

The City of Joondalup has conducted an annual Dogs Day Out event in Lexcen Park since 2014. The event is designed to promote positive dog ownership and also encourages registration, microchipping and access to a variety of dog related services such as veterinary practices, training clubs, dog wash, welfare agencies, dog control products and behavioural services.

The Dogs Day Out event is becoming a popular and well attended event with dog owners, dog related businesses and service providers. Attendance has increased from between 500-800 participants in 2014, 3,000 in 2015 and 5,000 in 2016 with expectations that attendance in 2017 will exceed the 2016 figure.

Holding a Community Dog Walk event in conjunction with the annual Dogs Day Out event will serve to strengthen the objectives of the Dogs Day Out event promoting positive dog ownership, registration, microchipping and providing access to a variety of dog related services. There is the added opportunity for the City to showcase the coastal assets of the area and promote active participation in a community recreational activity.

DETAILS

The Dogs Day Out event will be held on 26 March 2017. This date has been chosen with consideration of Joondalup Festival, Easter and school holidays to maximize the number of participants. It is also a date that can be accommodated by the Joondalup Dog Club who are a partner organisation in the event. The Dogs Day Out event runs from 9.00am to 1.00pm.

It is proposed that the Community Dog Walk would be scheduled to commence at 7.45am for registration followed by an 8.15am start. This will allow ample time for participants to enjoy the Community Dog Walk and return to Lexcen Park prior to the commencement of the Dogs Day Out event at 9.00am.

Issues and options considered

Impact to Other Users of the Dual Use Paths

Other regular users of the dual pathway may be adversely affected by the event in particular cyclists who could create a potential safety risk to participants. Consideration will need to be given to the method of advising regular walkers and cyclists of the event.

Perception by Stakeholders at Dogs Day Out Event

As several business owners and service providers are an integral part of the success of the Dogs Day Out event consideration needs to be given to the perception by sponsors and other stakeholders that the focus of the original event has moved from promotion of a Dogs Day Out event to a Community Dog Walk event. There is a potential for the Community Dog Walk to be seen in a negative light by sponsors and other stakeholders which could result in a reduction in sponsors and other stakeholders.

Noise Issues for Surrounding Residents

Residents in close proximity to Lexcen Park and within Mainsail Drive and Bloch Place may be adversely affected by the number of participants and dogs walking through the street for the event. All affected residents will need to be advised of the event and times.

Traffic Management

Dependant on the route selected for the Community Dog Walk there will be a requirement for between three to seven traffic wardens to assist participants with crossing of major roads and to ensure participants remain on pathways at all times.

There are two options for the proposed route both of approximately 40 minutes duration. The first is a "round trip" walk to an end point and return the same way, the second is a circular route walk returning to the original start point.

Option 1 – Round trip walk

Participants will walk along Mainsail Drive and Bloch Place crossing at Ocean Reef Road down Boat Harbour Quays to the Ocean Reef Boat Harbour car park area to commence the walk. Participants will travel north along the coastal dual use path up to the Resolute Way exit.

Participants will turn around and travel south back along the dual use path then return to Lexcen Park. The total walk time will be approximately 40 minutes duration. This option would require one traffic warden stationed at Ocean Reef Road adjacent to Bloch Place and one at Resolute Way exit to turn participants around. An additional two wardens will be stationed along Mainsail Drive and Boat Harbour Quays to ensure all participants remain on the pathways (Attachment 1 refers).

This option is recommended.

Option 2 Circular route walk

Participants will walk along Mainsail Drive and Bloch Place crossing at Ocean Reef Road down Boat Harbour Quays to the Ocean Reef Boat Harbour car park area to commence the walk. Participants will travel north along the coastal dual use path up to the Resolute Way exit. Participants will cross Ocean Reef Road towards Resolute Way then travel south on the footpath along Ocean Reef Road back to Bloch Place then return to Lexcen Park. The total walk time will be approximately 40 minutes duration. This option would require two traffic wardens stationed at Mainsail Drive and Ocean Reef Road adjacent to Bloch Place with an additional four wardens to be stationed along Boat Harbour Quays, Ocean Reef Boat Harbour car park area and along Ocean Reef Road from Resolute Way to Bloch Place to ensure all participants remain on the pathways.

The route south along Ocean Reef Road does not provide any highlights or scenery of any significance and is basically a pathway along the back boundary fences of adjoining residences. Utilising this route could create additional noise issues for residents (Attachment 2 refers).

This option is not recommended.

Legislation / Strategic Community Plan / policy implications

| | |
|---------------------------------|--|
| Legislation | <i>Dog Act 1976.</i> |
| Strategic Community Plan | |
| Key theme | Community Wellbeing. |
| Objective | Community spirit. |
| Strategic initiative | Deliver a program of community based events and education that encourage social interaction within local neighbourhoods. |
| Policy | Not applicable. |

Risk management considerations

Conducting a Community Dog Walk event in conjunction with the annual Dogs Day Out event will serve to strengthen the objectives of the Dogs Day Out event, showcase the coastal assets of the area, promote active participation in a community recreational activity and highlight the City's proactive approach to dog control, responsible dog ownership and education.

Conducting the Community Dog Walk as a stand-alone event would involve more costly and detailed approach for the City and would not have the advantage of being affiliated with the Dogs Day Out event.

Should the Community Dog Walk be run in conjunction with the Dogs Day Out event the round-trip route as detailed is the preferred option as this will alleviate traffic control issues and noise issues to residents. There may be minimal impact to other path users however actions will be put into place to attempt to alleviate any inconvenience.

Financial / budget implications

Conducting a Community Dog Walk in conjunction with the Dogs Day Out event will require additional funds of \$4,230 as detailed in the table below. This represents some savings to the City as some of the costs associated with this event will be absorbed within the Dogs Day Out costs such as staff costs and equipment. The 2016-17 budget will require adjustment at midyear review to accommodate the additional costs outlined.

| DESCRIPTION | COST |
|------------------|---------|
| Traffic Wardens | \$1,630 |
| Additional Staff | \$ 700 |
| Water stations | \$ 400 |
| Waste management | \$ 200 |
| First aid | \$ 600 |
| Consumables | \$ 200 |
| Signage | \$ 500 |
| TOTAL | \$4,230 |

All amounts quoted in this report are exclusive of GST.

COMMENT

There are several community dog walks held throughout the metropolitan area however to date there have been none held within the City of Joondalup. The City has the opportunity to establish a Community Dog Walk event by incorporating this event with the annual Dogs Day Out event.

The City of Joondalup has conducted an annual Dogs Day Out event in Lexcen Park since 2014 which is becoming a popular and well attended event with dog owners, dog related businesses and service providers. Attendance has increased from between 500-800 participants in 2014, 3,000 in 2015 and 5,000 in 2016 with expectations that attendance in 2017 will exceed the 2016 figure.

Holding this event in conjunction with the annual Dogs Day Out event will serve to strengthen the objectives of the Dogs Day Out event as follows:

- Promote responsible dog ownership.
- Encourage registration of dogs.
- Encourage microchipping of dogs.
- Provide access to a variety of dog related services.

The Community Dog Walk provides an opportunity to showcase the coastal assets of the area, promote active participation in a community recreational activity and highlight the City's proactive approach to dog control, responsible dog ownership and education.

Should the proposed Community Dog Walk event being conducted in conjunction with the Dogs Day Out event not be considered as a suitable option then consideration can be given to conducting a separate event that may accommodate a longer walk, highlight more of the coastal assets and provide the opportunity for a larger event.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Jones, SECONDED Cr Taylor that Council APPROVES Option 1 to conduct a round trip Community Dog Walk event in conjunction with the Dogs Day Out event to be held on 26 March 2017.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf161003.pdf](#)

**CJ167-10/16 CONFIDENTIAL – TENDER 024/16 – SALE OF
FREEHOLD LAND - LOT 803 (15) BURLOS COURT,
JOONDALUP FOR AGED OR DEPENDENT
PERSONS' DWELLINGS**

WARD North

**RESPONSIBLE
A/DIRECTOR** Mr Mike Smith
Corporate Services

FILE NUMBER 105903, 101515

ATTACHMENT Nil

*(Please Note: This report is confidential and will appear
in the official Minute Book only)*

AUTHORITY / DISCRETION Executive - The substantial direction setting and oversight
role of Council, such as adopting plans and reports,
accepting tenders, directing operations, setting and
amending budgets.

This Item was dealt with later in the meeting, following report CJ179-10/16 – page 210 refers.

CJ168-10/16 TENDER 028/16 - PROVISION OF GRAFFITI CONTROL AND ASSOCIATED SERVICES

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE A/DIRECTOR | Mr Mike Smith Corporate Services |
| FILE NUMBER | 105970, 101515 |
| ATTACHMENTS | Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

PURPOSE

For Council to accept the tender submitted by Kleenit Pty Ltd (Conforming Offer) for the provision of graffiti control and associated services.

EXECUTIVE SUMMARY

Tenders were advertised on 6 August 2016 through statewide public notice for the provision of graffiti control and associated services for a period of three years. Tenders closed on 23 August 2016. A submission was received from each of the following:

- FCT Surface Cleaning.
- Graffiti Systems Australia.
- Hydro-Active Services Pty Ltd.
- Kleenit Pty Ltd (Conforming Offer).
- Kleenit Pty Ltd (Alternative Offer).
- The Pressure King.
- Workzone Pty Ltd.

The submission from Kleenit Pty Ltd (Conforming Offer) represents best value to the City. The company demonstrated experience providing similar services to the Cities of Stirling and Cockburn, the Public Transport Authority and Western Power. It demonstrated a comprehensive understanding of the requirements and has the capacity in terms of personnel and equipment to perform the services in the required timeframes.

It is therefore recommended that Council ACCEPTS the tender submitted by Kleenit Pty Ltd (Conforming Offer) for the provision of graffiti control and associated services for a period of three years for requirements as specified in tender 028/16 at the submitted schedule of rates with annual price variations subject to the percentage change in the Perth Consumer Price Index (All Groups).

BACKGROUND

The City has a requirement for graffiti control services to City controlled property and privately owned residential and commercial property.

The City currently has a single contract for the service with Graffiti Systems Australia, which will expire on 31 October 2016.

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 provision of graffiti control and associated services was advertised through statewide public notice on 6 August 2016. The tender period was for two weeks and tenders closed on 23 August 2016.

Tender Submissions

A submission was received from each of the following:

- FCT Surface Cleaning.
- Graffiti Systems Australia.
- Hydro-Active Services Pty Ltd.
- Kleenit Pty Ltd (Conforming Offer).
- Kleenit Pty Ltd (Alternative Offer).
- The Pressure King.
- Workzone Pty Ltd.

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

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

Evaluation Panel

The evaluation panel comprised four members:

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

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

Compliance Assessment

The following offers received were assessed as fully compliant:

- FCT Surface Cleaning.
- Graffiti Systems Australia.
- Hydro-Active Services Pty Ltd.
- Kleenit Pty Ltd (Conforming Offer).
- The Pressure King.
- Workzone Pty Ltd.

The alternative offer from Kleenit Pty Ltd was assessed as non-compliant. The offer proposed a fixed price per year for all graffiti removal. An initial sweep of all infrastructure would occur at the commencement of the contract, and then graffiti would be removed as required. This may require additional management by City staff and makes no allowance for any decreasing trends in graffiti incidence.

This offer did not meet the City's scope of requirements and was not considered further.

Qualitative Assessment

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

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

| Qualitative Criteria | | Weighting |
|-----------------------------|---|------------------|
| 1 | Capacity | 40% |
| 2 | Demonstrated experience in providing similar services | 35% |
| 3 | Demonstrated understanding of the required tasks | 20% |
| 4 | Social and economic effects on the local community | 5% |

Hydro-Active Services Pty Ltd scored 30.7% in the qualitative assessment. The company did not demonstrate sufficient capacity to provide the services. The response did not adequately address the skills and experience of its individual staff other than its director, quantities of equipment, after-hours contact and the ability to provide additional resources. It demonstrated some understanding of the requirements. Hydro-Active Services Pty Ltd did not demonstrate experience providing graffiti removal services to clients with a similar volume and frequency of work to the City.

FCT Surface Cleaning scored 40.1% in the qualitative assessment. The company demonstrated the capacity to perform the services, although no information on its safety policy, procedures or safety record was provided. It has previous experience providing graffiti removal services to the Town of Cambridge and Cities of Wanneroo and Subiaco, Programmed Facility Management and the Department of Building Management and Works. The volume of work performed in these contracts was lower in volume to the City's contract. FCT Surface Cleaning did not provide a specific response addressing its understanding of the requirements. A quality management procedure was supplied which did not address any graffiti removal methods or methodology specific to the City's requirements.

Workzone Pty Ltd scored 44% in the qualitative assessment. It demonstrated some experience performing graffiti removal services to clients including:

- City of Armadale
- City of Subiaco
- Sydney Trains
- Metro Trains Melbourne
- Public Transport Authority
- Department of Building Management and Works.

The scope of work for these clients focussed on painting and other services, not graffiti removal. It has the capacity to provide the services. The company demonstrated limited understanding of the requirements. The response was general in nature and did not address any graffiti removal methods or work processes specific to the City's requirements.

The Pressure King scored 55.3% in the qualitative assessment. It demonstrated an adequate understanding of the requirements. The organisation has experience performing graffiti removal services to the Town of Victoria Park and the Cities of South Perth and Belmont. The contracts for Town of Victoria Park and City of South Perth are significantly smaller in scale than the City's contract. The Pressure King demonstrated a satisfactory capacity to perform the services.

Kleenit Pty Ltd (Conforming Offer) scored 62.2% in the qualitative assessment. It demonstrated experience performing similar services to clients including the Cities of Stirling and Cockburn, Western Power, the Department of Building Management and Works and the Public Transport Authority. The company demonstrated a comprehensive understanding of all aspects of the requirements. It is a large company with sufficient capacity to meet the City's requirements.

Graffiti Systems Australia scored 66.7% in the qualitative assessment. The company demonstrated a comprehensive understanding of the requirements addressing all aspects of the scope of works. It has the capacity to perform the services. Graffiti Systems Australia is the City's current contractor for graffiti removal and it has also provided similar services to the Cities of Subiaco and Melville and as a subcontractor to Downer Mouchel for Main Roads.

Based on the minimum acceptable score (60%), Graffiti Systems Australia and Kleenit Pty Ltd (Conforming Offer) qualified for the stage two (price) assessment.

Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the rates offered by each tenderer qualified for stage two in order to assess value for money to the City.

The estimated expenditure over a 12 month period will vary based on demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tenders, the tendered rates offered by each tenderer have been applied to actual historical usage data of the most commonly used scheduled items. This provides a value of each tender for comparative evaluation purposes based on the assumption that the historical pattern of usage is maintained.

The rates are fixed for the first year of the contract, but are subject to a price variation in years two and three of the contract to a maximum of the percentage change in the Perth CPI (All Groups) Index for the preceding year. For estimation purposes, a 2% CPI increase was applied to the rates in years two and three.

| Tenderer | Year 1 | Year 2 | Year 3 | Total |
|---------------------------------------|---------------|---------------|---------------|------------------|
| Kleenit Pty Ltd (Conforming Offer) | \$125,019 | \$127,519 | \$130,069 | \$382,607 |
| Graffiti Systems Australia | \$148,903 | \$151,881 | \$154,918 | \$455,702 |

During the last financial year 2015-16, the City incurred \$147,891 for the provision of graffiti control and associated services.

Evaluation Summary

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

| Tenderer | Price Ranking | Estimated Total Contract Price | Qualitative Ranking | Evaluation Score |
|------------------------------------|----------------------|---------------------------------------|----------------------------|-------------------------|
| Graffiti Systems Australia | 2 | \$455,702 | 1 | 66.7% |
| Kleenit Pty Ltd (Conforming Offer) | 1 | \$382,607 | 2 | 62.2% |
| The Pressure King | N/A | \$559,634 | 3 | 55.3% |
| Workzone Pty Ltd | N/A | \$1,027,900 | 4 | 44% |
| FCT Surface Cleaning | N/A | \$571,055 | 5 | 40.1% |
| Hydro-Active Services Pty Ltd | | * | 6 | 30.7% |

*Hydro-Active Services Pty Ltd submitted an alternative schedule of rates. Each graffiti removal method was subject to a call-out flat rate for removal up to 1m² then additional rates would apply for removal above 2m². This cost structure was not able to be assessed against the City's information on current graffiti removal volumes.

Based on the evaluation result the panel concluded that the tender from Kleenit Pty Ltd (Conforming Offer) provides best value to the City and is therefore recommended.

While Graffiti Systems Australia scored higher in the qualitative assessment, it is estimated contract price was 19% (\$73,095) more expensive than the conforming offer from Kleenit Pty Ltd and is not recommended on this basis.

Issues and options considered

Graffiti removal services are required to maintain the visual amenity of City controlled property and privately owned residential and commercial property. The City does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

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 \$150,000.

Strategic Community Plan

Key theme

Quality Urban Environment.

Objective

Quality open spaces.

Strategic initiative

Adopt consistent principles in the management and provision of urban community infrastructure.

Policy

Not applicable.

Risk management considerations

Should the contract not proceed, the risk to the City will be high. The City has a well-established graffiti removal program that provides a responsive free service to the community. The City has no internal capacity to perform the work and requires a contractor to provide the service.

It is considered that the contract will represent a low risk to the City as the recommended tenderer is a well-established company with substantial industry experience and the capacity to provide the services to the City in the specified timeframes.

Financial / budget implications

Current financial year impact

| | |
|---|------------------------------------|
| Account no. | 1.342.A3402.3359.0000. |
| Budget Item | External Contractors and Services. |
| Budget amount | \$ 298,600 |
| Amount spent to date | \$ 20,418 |
| Committed | \$ 6,554 |
| Estimated cost (1-Sep-16 to 31-Oct-16) | \$ 26,972 |
| Proposed cost (1-Nov-16 to 30-Jun-17) | \$ 83,346 |
| Balance | \$ 161,310 |

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Social

The provision of graffiti control and associated services will enhance the visual amenity of City assets and private infrastructure.

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 Kleenit Pty Ltd (Conforming Offer).

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Fishwick, SECONDED Cr Jones that Council ACCEPTS the tender submitted by Kleenit Pty Ltd (Conforming Offer) for the provision of graffiti control and associated services for a period of three years for requirements as specified in tender 028/16 at the submitted schedule of rates with annual price variations subject to the percentage change in the Perth Consumer Price Index (All Groups).

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ155-10/16, page 161 refers.

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf161003.pdf](#)

CJ169-10/16 TENDER 030/16 - METAL FABRICATION SERVICES

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE A/DIRECTOR | Mr Mike Smith Corporate Services |
| FILE NUMBER | 105981, 101515 |
| ATTACHMENTS | Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

PURPOSE

For Council to accept the tender submitted by The trustee for The Lothian Trust trading as Wanneroo Caravan Centre & Steel Fabricators for the provision of metal fabrication services.

EXECUTIVE SUMMARY

Tenders were advertised on 13 August 2016 through statewide public notice for metal fabrication services. Tenders closed on 30 August 2016. A submission was received from each of the following:

- The Trustee for the Lothian Trust T/as Wanneroo Caravan Centre & Steel Fabricators.
- Enviro Infrastructure Pty Ltd.
- The Trustee for The J & C Trust T/as J & C Industrial Services.
- Nickal Pty Ltd (Reliable Fencing).
- Gaunt, Lee Travis T/as Katana Construction and Marine Engineering.

The submission from Wanneroo Caravan Centre & Steel Fabricators represents best value to the City. It has experience providing similar services to the Cities of Wanneroo and Joondalup and demonstrated its understanding of the required tasks. It is a well-established small local business with suitable industry experience and sufficient capacity to provide the services to the City.

It is therefore recommended that Council ACCEPTS the tender submitted by The Trustee for the Lothian Trust T/as Wanneroo Caravan Centre & Steel Fabricators for the provision of metal fabrication services as specified in Tender 030/16 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).

BACKGROUND

The City has a requirement for the provision of metal fabrication services for various works and maintenance projects. The services include fabrication and repairs to:

- “U” bars for pedestrian walkways
- bollards
- access gates
- park infrastructure
- grates for drainage outlet structures
- minor modifications to vehicles and equipment.

The City has a single contract in place with Wanneroo Caravan Centre & Steel Fabricators for the provision of metal fabrication services which will expire on the 21 November 2016.

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 metal fabrication services was advertised through statewide public notice on 13 August 2016. The tender period was for two weeks and tenders closed on 30 August 2016.

Tender Submissions

A submission was received from each of the following:

- The Trustee for the Lothian Trust T/as Wanneroo Caravan Centre & Steel Fabricators.
- Enviro Infrastructure Pty Ltd.
- The Trustee for The J & C Trust T/as J & C Industrial Services.
- Nickal Pty Ltd (Reliable Fencing).
- Gaunt, Lee Travis T/as Katana Construction and Marine Engineering.

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

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

Evaluation Panel

The evaluation panel comprised three members:

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

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

Evaluation Method and Weighting

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. Prior to assessment of individual submissions a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the tenderer to satisfactorily deliver the services. The predetermined minimum acceptable qualitative score was set at 55%.

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

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

Compliance Assessment

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

Qualitative Assessment

Katana Construction and Marine Engineering scored 39.8% in the qualitative assessment. The organisation did not provide sufficient information demonstrating its capacity to provide the services. The response provided limited information on the structure of the business, specialised equipment, after-hours contacts and the ability to provide additional personnel when required. It demonstrated a good understanding of the requirements. Katana Construction and Marine Engineering demonstrated limited experience in providing similar services. The examples supplied were to fabricate and weld a 40 tonne crane girder, re-weld torpedo trolleys and re-install and weld baffle plates.

Reliable Fencing scored 45.4% in the qualitative assessment. It demonstrated some experience providing similar services to the Cities of Wanneroo, and Swan, Curnow Group Pty Ltd, Total Eden and Rural Co. The company has the capacity to perform the services; however the response did not address its organisational structure, ability to provide additional resources and safety record. Reliable Fencing did not fully demonstrate its understanding of the requirements. The response addressed administrative functions and had limited information on the tasks to be carried out on-site.

J & C Industrial Service scored 49.3% in the qualitative assessment. It demonstrated its capacity in terms of personnel to undertake the services; however it provided limited information on its equipment. The organisation did not fully demonstrate its understanding of the requirements. The response was very brief and addressed only general work processes, not a methodology for the actual tasks to be undertaken. It demonstrated some experience performing similar services; however information was provided for one client only (Water Corporation).

Enviro Infrastructure Pty Ltd scored 63.3% in the qualitative assessment. The company demonstrated the capacity to perform the services. It demonstrated a sound understanding of the requirements. Enviro Infrastructure Pty Ltd demonstrated experience providing infrastructure maintenance to local and state government clients. Examples of work included welding, carpentry, minor works and maintenance to the Public Transport Authority and Cities of Armadale and Cockburn.

Wanneroo Caravan Centre & Steel fabricators scored 64.7% in the qualitative assessment. It demonstrated a sound understanding of the requirements. The organisation has experience providing similar services to private organisations, the City of Wanneroo and has been the City's contractor for these services since 2007. While the organisation is small, it has sufficient capacity in terms of staff and equipment to undertake the services to the standards and timeframes required.

Given the minimum acceptable qualitative score of 55%, Wanneroo Caravan Centre & Steel fabricators and Enviro Infrastructure Pty Ltd qualified to progress to the stage two assessment.

Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the rates offered by each tenderer qualified for stage two in order to assess value for money to the City.

The estimated expenditure over a 12 month period will vary based on demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tenders, the tendered rates offered by each tenderer have been applied to actual historical usage data of all scheduled items. This provides a value of each tender for comparative evaluation purposes based on the assumption that the historical pattern of usage is maintained.

The rates are fixed for the first year of the contract, but are subject to a price variation in years two and three of the contract to a maximum of the CPI for the preceding year. For estimation purposes, a 2% CPI increase was applied to the rates in years two and three.

| Tenderer | Year 1 | Year 2 | Year 3 | Total |
|---|---------------|---------------|---------------|--------------|
| Wanneroo Caravan Centre & Steel Fabricators | \$236,928 | \$241,667 | \$246,500 | \$725,094 |
| Enviro Infrastructure Pty Ltd | \$275,659 | \$281,172 | \$286,796 | \$843,627 |

During 2015-16, the City incurred \$224,327 for metal fabrication services.

Evaluation Summary

| Tenderer | Price Ranking | Total Estimated Contract Price | Qualitative Ranking | Weighted Percentage Score |
|---|----------------------|---------------------------------------|----------------------------|----------------------------------|
| Wanneroo Caravan Centre & Steel Fabricators | 1 | \$725,094 | 1 | 64.7% |
| Enviro Infrastructure Pty Ltd | 2 | \$843,627 | 2 | 63.3% |
| J & C Industrial Services | N/A | \$1,054,384 | 3 | 49.3% |
| Reliable Fencing | N/A | \$848,536 | 4 | 45.4% |
| Katana Construction and Marine Engineering | N/A | \$711,777 | 5 | 39.8% |

Based on the evaluation result the panel concluded that the tender from Wanneroo Caravan Centre & Steel Fabricators provides best value to the City and is therefore recommended.

Issues and options considered

Metal fabrication services are required for various works and maintenance projects. The City does not have the internal resources to supply the required goods/services and as such requires an appropriate external service provider.

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 \$150,000.

Strategic Community Plan**Key theme**

Quality Urban Environment.

Objective

Quality open spaces.

Strategic initiative

Adopt consistent principles in the management and provision of urban community infrastructure.

Policy

Not applicable.

Risk management considerations

Should the contract not proceed, the risk to the City will be moderate as the City will not be able to undertake maintenance works and complete capital projects.

It is considered that the contract will represent a low risk to the City as the recommended tenderer is a well-established organisation with long-term industry experience and the capacity to provide the services to the City.

Financial / budget implicationsCurrent financial year impact

| | |
|-----------------------------|---|
| Account no. | Various maintenance and capital works accounts. |
| Budget Item | Metal fabrication services. |
| Budget amount | \$ 230,000 |
| Amount spent to date | \$ 34,075 |
| Proposed cost | \$ 157,952 |
| Balance | \$ 37,973 |

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the submissions in accordance with the qualitative criteria in a fair and equitable manner and concluded that the Offer representing best value to the City is that as submitted by The Trustee for the Lothian Trust trading as Wanneroo Caravan Centre & Steel Fabricators.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Fishwick, SECONDED Cr Jones that Council ACCEPTS the tender submitted by The Trustee for the Lothian Trust trading as Wanneroo Caravan Centre & Steel Fabricators for the provision of metal fabrication services as specified in Tender 030/16 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ155-10/16, page 161 refers.

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf161003.pdf](#)

**CJ170-10/16 TENDER 031/16 - COMPLETION OF EXTENSION TO
THE WANNEROO / JOONDALUP SES FACILITY**

| | |
|-----------------------------------|---|
| WARD | North |
| RESPONSIBLE A/DIRECTOR | Mr Mike Smith Corporate Services |
| FILE NUMBER | 106022, 101515 |
| ATTACHMENTS | Attachment 1 Summary of Tender Submissions |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

PURPOSE

For Council to accept the tender submitted by McCorkell Constructions (WA) Pty Ltd for the completion of the extension to the Wanneroo / Joondalup SES Facility.

EXECUTIVE SUMMARY

Tenders were advertised on 16 July 2016 through statewide public notice for the completion of the extension of the Wanneroo / Joondalup SES Facility. Tenders closed on 8 August 2016. A submission was received from each of the following:

- Adrina Project Management Pty Ltd.
- Budo Group Pty Ltd.
- CLPM Pty Ltd.
- D.B. Cunningham Pty Ltd T/as Advanteeing – Civil Engineers.
- Linebay Holdings Pty Ltd T/as Connolly Building Company.
- Linkforce Engineering Pty Ltd.
- McCorkell Constructions (WA) Pty Ltd.
- ZD Constructions 93 Pty Ltd.

The submission from McCorkell Constructions (WA) Pty Ltd represents best value and lowest risk to the City. The company demonstrated experience completing projects of similar complexity and of higher value than the SES facility. It is currently carrying out the construction of the Warwick Hockey Facility and previously constructed the Bramston Park community sporting facility for the City. 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 a reduced timeframe.

The City has obtained an independent quantity surveyor (QS) assessment of the remaining works. The price from McCorkell Constructions (WA) Pty Ltd was the closest to this assessment. The similarity of the tendered price to the QS assessment provides the City with confidence regarding the completeness of the offer from McCorkell Constructions (WA) Pty Ltd and is likely to reduce the risk of large variations to the contract arising during construction.

It is therefore recommended that Council ACCEPTS the tender submitted by McCorkell Constructions (WA) Pty Ltd for the completion of the extension to the Wanneroo / Joondalup SES Facility as specified in Tender 031/16 for the fixed lump sum of \$715,850 (GST Exclusive) for completion of the works within six months from the date of possession of site.

BACKGROUND

At its meeting held on 16 February 2016 (CJ020-02/16 refers), Council awarded contract 037/15 for the extension to the Wanneroo / Joondalup SES facility to CPD Group Pty Ltd for the sum of \$778,867. Works commenced in February 2016. The City subsequently became aware that administrators were appointed to CPD Group Pty Ltd on 11 May 2016 and later they were placed in liquidation.

The City has a requirement for the completion of the extension to the Wanneroo / Joondalup SES facility that includes the following key elements:

- Refurbishment of building.
- Car park area.
- Construction of a second storey including offices.
- Toilets, showers and universal access toilets.
- Kitchen and meeting room.
- Upgrade to communication devices.
- Upgrade to emergency response devices.
- Provide all guarantees, warranties, certificates and as-constructed drawings of the works already completed by others and the work covered by this contract.
- Dilapidation survey of existing building.

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 completion of the extension to the Wanneroo / Joondalup SES facility was advertised through statewide public notice on 16 July 2016. The tender period was for three weeks and tenders closed on 8 August 2016.

Tender Submissions

A submission was received from each of the following:

- Adrina Project Management Pty Ltd.
- Budo Group Pty Ltd.
- CLPM Pty Ltd.
- D.B. Cunningham Pty Ltd T/as Advanteeing – Civil Engineers.
- Linebay Holdings Pty Ltd T/as Connolly Building Company.
- Linkforce Engineering Pty Ltd.
- McCorkell Constructions (WA) Pty Ltd.
- ZD Constructions 93 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 three members:

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

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

Compliance Assessment

The following offers received were assessed as fully compliant:

- Adrina Project Management Pty Ltd.
- Budo Group Pty Ltd.
- D.B. Cunningham Pty Ltd T/as Advantengineering – Civil Engineers.
- Linebay Holdings Pty Ltd T/as Connolly Building Company.
- McCorkell Constructions (WA) Pty Ltd.

The offer from Linkforce Engineering Pty Ltd was assessed as partially compliant. The offer did not include a price for provision of all guarantees, warranties, certificates and as-constructed drawings of the works already completed by others and stated that it was to be determined post detailed inspection. It was included on the basis that the price could be clarified should the offer qualify for the stage two price assessment.

The following offers were assessed as non-compliant:

- CLPM Pty Ltd.
- ZD Constructions 93 Pty Ltd.

CLPM Pty Ltd submitted an offer that excluded the requirement to provide all guarantees, warranties, certificates and as-constructed drawings of the works already completed by others.

ZD Constructions 93 Pty Ltd submitted an offer that also excluded provision of all guarantees, warranties, certificates and as-constructed drawings of the works already completed by others and only allowed for reports from structural and hydraulic consultants.

These offers did not meet the City's scope of requirements and were not considered further.

Qualitative Assessment

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. The minimum acceptable score was set at 50%.

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

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

Linkforce Engineering Pty Ltd scored 29.9% and was ranked sixth in the qualitative assessment. The company demonstrated some understanding of the requirements. The response was very brief and did not include a provisional program of works. It demonstrated experience in a variety of projects in new construction or renovations which ranged in value from \$460,000 to \$26,800,000. The projects had either some elements of similarity or little comparison to the SES facility. It is likely the company has the capacity to complete the project; however the response did not address its total number of employees, the ability to provide additional personnel and resources or its safety policy, procedures or safety record.

Budo Group Pty Ltd scored 44.4% and was ranked fifth in the qualitative assessment. The company demonstrated limited experience in projects of a similar size and nature to the SES facility. Three examples were small refurbishment works valued below \$160,000 and two others were works undertaken by CPD Group Pty Ltd. The director of Budo Group Pty Ltd is a former director of CPD Group Pty Ltd. The company is a small organisation that specialises in heritage and restoration work. It demonstrated some understanding of the requirements, but did not address previously completed work in the program or methodology.

Adrina Project Management scored 52.4% and was ranked fourth in the qualitative assessment. The company demonstrated experience completing refurbishment and extension projects on a smaller scale to the SES facility. Examples ranged in value from \$95,000 to \$250,000 including two bowling clubs and a community centre refurbishment for the City of Stirling and a community centre extension for the City of Wanneroo and the Town of Mosman Park works depot extension. It has also undertaken other commercial and residential development projects. It demonstrated an understanding of the requirements and has the capacity to complete the works.

Connolly Building Company scored 52.5% and was ranked third in the qualitative assessment. The company demonstrated an adequate understanding of the requirements and the capacity to complete the work, but did not address the ability to provide additional resources. Connolly Building Company demonstrated experience undertaking refurbishment projects ranging in value from \$65,000 to \$768,000. Works included refurbishment and extension of rooms in nursing homes, a refit of a works depot, refurbishment and construction projects in two primary schools, a hanger rebuild at the Maylands Police Complex and construction of new sports clubrooms at Houghton Park for the City of Wanneroo.

Advanteering – Civil Engineers scored 53.7% and was ranked second in the qualitative assessment. It demonstrated a satisfactory understanding of the requirements. It has the capacity to undertake the works, however the ability to provide additional resources was not addressed. The company demonstrated limited experience undertaking projects of a similar nature to the SES facility. Of six examples supplied, three were listed as renovations with values below \$150,000. No further details of these projects were provided. The three other examples were for a street redevelopment, a reserve redevelopment and a commercial unit development. Only the commercial unit development had some elements of similarity to the SES facility.

McCorkell Constructions (WA) Pty Ltd scored 68.8% and was ranked first in the qualitative assessment. It demonstrated the largest capacity of the tenderers and proposed to utilise sub-contractors previously engaged on the project. The nominated project manager was the site manager for the project under previous employment with CPD Group Pty Ltd. The company demonstrated a thorough understanding of the requirements. It has previous experience completing similar refurbishment projects of a similar complexity and of higher value (\$1 million to \$1.6 million) for the Cities of Armadale and Kwinana and the Department of Treasury and Finance.

Based on the minimum acceptable score (50%), McCorkell Constructions (WA) Pty Ltd, Advanteeering – Civil Engineers, Connolly Building Company and Adrina Project Management Pty Ltd qualified for stage two (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 two to assess value for money to the City.

| Tenderer | Contract Price |
|--------------------------------------|-----------------------|
| Advanteeering - Civil Engineers | \$598,914 |
| Connolly Building Company | \$637,680 |
| Adrina Project Management Pty Ltd | \$684,935 |
| McCorkell Constructions (WA) Pty Ltd | \$715,850 |

Evaluation Summary

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

| Tenderer | Total Contract Price | Price Rank | Evaluation Score | Qualitative Rank |
|--------------------------------------|-----------------------------|-------------------|-------------------------|-------------------------|
| McCorkell Constructions (WA) Pty Ltd | \$715,850 | 4 | 68.8% | 1 |
| Advanteeering - Civil Engineers | \$598,914 | 1 | 53.7% | 2 |
| Connolly Building Company | \$637,680 | 2 | 52.5% | 3 |
| Adrina Project Management Pty Ltd | \$684,935 | 3 | 52.4% | 4 |
| Budo Group Pty Ltd | \$812,637 | - | 44.4% | 5 |
| Linkforce Engineering Pty Ltd | \$697,973* | - | 29.9% | 6 |

*The price from Linkforce Engineering Pty Ltd does not include the provision of guarantees, warranties, certificates and as-constructed drawings of the works already completed by others.

Based on the evaluation result the panel concluded that the tender from McCorkell Constructions (WA) Pty Ltd provides best value to the City and is therefore recommended.

Although the offers from Advanteeering – Civil Engineers, Connolly Building Company and Adrina Project Management Pty Ltd were lower than McCorkell Constructions (WA) Pty Ltd, all demonstrated less experience in refurbishment and extension projects of a similar size and complexity compared to the work completed by McCorkell Constructions. McCorkell Constructions (WA) Pty Ltd is the City's current contractor constructing the Warwick Hockey Facility and recently completed the construction of the Bramston Park community sporting facility.

McCorkell Constructions (WA) Pty Ltd proposes to utilise sub-contractors previously engaged by CPD Group Pty Ltd on this project and the nominated project manager is a former employee of CPD Group Pty Ltd who was the project's previous site manager. This combination of knowledge of the project by the former site project manager, use of previous sub-contractors and substantial list of inclusions in the work not identified by any other tenderer, demonstrate a more complete understanding of the project requirements and substantiates the additional cost compared to the other submissions.

The City has obtained an independent QS assessment of the remaining works. The price from McCorkell Constructions (WA) Pty Ltd was the closest to this assessment. The similarity of the tendered price to the QS assessment provides the City with confidence regarding the completeness of the offer from McCorkell Constructions (WA) Pty Ltd. As a result, there is a lower risk of large variations arising during construction and the offer represents a lower contractual risk to the City compared with the other offers.

Issues and options considered

A contractor is required to undertake the completion of the extension to the Wanneroo / Joondalup SES facility. The City does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

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 <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 \$150,000. |
|--------------------|---|

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 the City will not be able to complete the extension works previously commenced by CPD Group Pty Ltd in February 2016.

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

Financial / budget implications

Current financial year impact

| | |
|-----------------------------|------------------|
| Account no. | BCW2569. |
| Budget item | SES Winton Road. |
| Budget amount | \$ 824,000 |
| Amount spent to date | \$ 260,205 |
| Committed | \$ 0 |
| Proposed cost | \$ 715,850 |
| Balance | (\$152,055) |

The amount spent to date is inclusive of costs incurred as part of the administration process, which will be reconciled with the liquidators at the finalisation of the project.

The project is predominantly funded in capital contributions by the Department of Fire and Emergency Services (DFES). The original budget of \$824,000 included \$729,000 from DFES with the balance of \$95,000 from the City. DFES funding is via a loan borrowing by the City, the repayments (principal and interest) on which are to be reimbursed by DFES over the period of the loan. DFES has been notified by the City that the tender has been readvertised and that a shortfall of funding may result from the new tender. DFES support the actions the City has taken. The final borrowing requirement will not be determined until the costs incurred under the previous contract with CPD Group Pty Ltd are reconciled with the liquidator.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the 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 McCorkell Constructions (WA) Pty Ltd.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Fishwick, SECONDED Cr Jones that Council ACCEPTS the tender submitted by McCorkell Constructions (WA) Pty Ltd for the completion of extension to the Wanneroo / Joondalup SES facility as specified in Tender 031/16 for the fixed lump sum of \$715,850 (GST Exclusive) for completion of the works within six months from the date of possession of site.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ155-10/16, page 161 refers.

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf161003.pdf](#)

CJ171-10/16 TENDER 033/16 - SUPPLY, DELIVERY AND INSTALLATION OF GATES, BOLLARDS AND BUSHLAND FENCING (INCLUDING REPAIR OR REMOVAL OF EXISTING FENCING)

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE A/DIRECTOR | Mr Mike Smith Corporate Services |
| FILE NUMBER | 106042, 101515 |
| ATTACHMENTS | Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

PURPOSE

For Council to accept the tender submitted by The trustee for The Blackaller Trust trading as JSB Fencing & Machinery Hire for the supply, delivery and installation of gates, bollards and bushland fencing (including repair or removal of existing fencing).

EXECUTIVE SUMMARY

Tenders were advertised on 30 July 2016 through statewide public notice for the supply, delivery and installation of gates, bollards and bushland fencing (including repair or removal of existing fencing). Tenders closed on 16 August 2016. A submission was received from each of the following:

- Wood Peter Family Trust trading as Peter Wood Fencing Contractors.
- The trustee for The Blackaller Trust trading as JSB Fencing & Machinery Hire.
- The trustee for Fencewright Unit Trust trading as Fencewright.
- Marebar Pty Ltd trading as DBS Fencing.
- Nickal Pty Ltd (Reliable Fencing).
- Milner's Fencing Pty Ltd.
- The trustee for The Violet Family Trust trading as Wattle Building Maintenance.
- Access Without Barriers Pty Ltd (AWB Building Co).

The submission from The trustee for The Blackaller Trust trading as JSB Fencing & Machinery Hire represents best value to the City. It has experience in providing similar services to state and local governments including the Department of Planning and the Cities of Armadale, Wanneroo and Stirling. It demonstrated its understanding of the required tasks. JSB Fencing & Machinery Hire is well established with industry experience and capacity to provide the services to the City.

It is therefore recommended that Council ACCEPTS the tender submitted by The Blackaller Trust trading as JSB Fencing & Machinery Hire for the supply, delivery and installation of gates, bollards and bushland fencing (including repair or removal of existing fencing) as specified in Tender 033/16 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).

BACKGROUND

The City has a requirement for the supply, delivery and installation of gates, bollards and bushland fencing (including repair or removal of existing fencing) at various locations within the City.

The City had a panel contract in place with Fencewright, Peter Wood Fencing Contractors and Reliable Fencing for the supply, delivery, installation and repair of fencing which expired on 31 May 2016. The services are being provided by quotation until a new contract is in place.

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 supply, delivery and installation of gates, bollards and bushland fencing (including repair or removal of existing fencing) was advertised through statewide public notice on 30 July 2016. The tender period was for two weeks and tenders closed on 16 August 2016.

Tender Submissions

A submission was received from each of the following:

- Wood Peter Family Trust trading as Peter Wood Fencing Contractors.
- The trustee for The Blackaller Trust trading as JSB Fencing & Machinery Hire.
- The trustee for Fencewright Unit Trust trading as Fencewright.
- Marebar Pty Ltd trading as DBS Fencing.
- Nickal Pty Ltd (Reliable Fencing).
- Milner's Fencing Pty Ltd.
- The trustee for The Violet Family Trust trading as Wattle Building Maintenance.
- Access Without Barriers Pty Ltd (AWB Building Co).

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

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

Evaluation Panel

The evaluation panel comprised three members:

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

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

Evaluation Method and Weighting

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. Prior to assessment of individual submissions a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the tenderer to satisfactorily deliver the services. The predetermined minimum acceptable qualitative score was set at 55%.

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

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

Compliance Assessment

The following offers received were assessed as fully compliant:

- Wood Peter Family Trust trading as Peter Wood Fencing Contractors.
- The trustee for The Blackaller Trust trading as JSB Fencing & Machinery Hire.
- The trustee for Fencewright Unit Trust trading as Fencewright.
- Marebar Pty Ltd trading as DBS Fencing.
- Nickal Pty Ltd (Reliable Fencing).
- Milner's Fencing Pty Ltd.
- Access Without Barriers Pty Ltd (AWB Building Co).

The submission from Wattle Building Maintenance was assessed as non-compliant. The offer proposed alternative pricing with installation of bollards and rail and post fencing of quantities less than 10 subject to an hourly rate in place of a unit rate. Beach fencing did not include the specified Linier Low Density Poly Ethylene (LLDPE) material. Beach, bushland reserve and track path way fencing was subject to runs less than 100 metres or 200 metres subject to hourly rates. In addition, rates did not include disposal fees and the company wished to dispose of materials at the City's Works Operation Centre.

Qualitative Assessment

Access Without Barriers Pty Ltd (AWB Building Co) scored 41.6% in the qualitative assessment. The company did not fully demonstrate experience in providing similar fencing services. Examples of works included construction, building services and access modifications. These projects did not involve fencing works or services similar to the City's requirements. Also, the period and dates of these contracts were not provided. It did not fully demonstrate its understanding of the City's requirements or the capacity required to provide the services. It provided limited information on its equipment and did not provide its safety record.

Milner's Fencing Pty Ltd scored 52.3% in the qualitative assessment. The company demonstrated an adequate understanding of the required tasks. It is a small organisation with limited equipment, but has sufficient capacity to carry out the works. It did not provide a copy of its safety policy. It demonstrated experience providing similar services to various organisations including state and local governments. Examples of works included fencing services for the Department of Finance Building Management and Works and the Cities of Swan and South Perth.

Nickal Pty Ltd (Reliable Fencing) scored 54.9% in the qualitative assessment. It demonstrated experience providing fencing services to private and public organisations. Three examples of works were provided and these were for the City of Wanneroo, Mirvac and Shunner Farm. The works carried out for Mirvac and Shunner Farm were short term projects. It demonstrated an understanding of the required tasks and the capacity to provide the services. However, it did not address the ability to provide additional personnel, after-hours contacts for emergency requirements and safety statistics.

DBS Fencing scored 56.6% in the qualitative assessment. It demonstrated a sound understanding of the City's requirements. It has manufactured, supplied and installed industrial and rural fencing and gates for various organisations including mining companies, state and local governments. Numerous examples of works were provided and these included fencing services for Honeywell, Woodside Petroleum and the Shire of Derby/West Kimberley. It has the capacity and experience required to carry out the works.

Fencewright scored 59.7% in the qualitative assessment. It has undertaken fencing projects for various organisations including state and local governments. Examples of works included fencing services for Downer Mouchel/Main Roads WA and the Cities of Stirling and Gosnells. It has sufficient experience and capacity to provide the services. It demonstrated a sound understanding of the City's requirements.

JSB Fencing & Machinery Hire scored 60.2% in the qualitative assessment. It has experience providing similar services to state and local governments including the Department of Planning and the Cities of Armadale, Wanneroo and Stirling. It demonstrated its understanding of the required tasks. JSB Fencing & Machinery Hire is well established with industry experience and capacity to provide the services to the City.

Peter Wood Fencing Contractors scored 69.9% in the qualitative assessment. It has been providing similar services to various local governments including the Cities of Stirling, Bayswater, Gosnells, Nedlands, Fremantle and Joondalup. It has sufficient capacity and experience required to undertake the works. It demonstrated a thorough understanding of the City's requirements.

Given the minimum acceptable qualitative score of 55%, Peter Wood Fencing Contractors, JSB Fencing & Machinery Hire, Fencewright and DBS Fencing qualified to progress to the stage two assessment.

Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the rates offered by each tenderer qualified for stage two in order to assess value for money to the City.

The estimated expenditure over a 12 month period will vary based on demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tenders, the tendered rates offered by each tenderer have been applied to actual historical usage data of all scheduled items. This provides a value of each tender for comparative evaluation purposes based on the assumption that the historical pattern of usage is maintained.

The rates are fixed for the first year of the contract, but are subject to a price variation in years two and three of the contract to a maximum of the CPI for the preceding year. For estimation purposes, a 2% CPI increase was applied to the rates in years two and three.

| Tenderer | Year 1 | Year 2 | Year 3 | Total |
|--------------------------------|---------------|---------------|---------------|--------------|
| Peter Wood Fencing Contractors | \$260,955 | \$266,174 | \$271,497 | \$798,625 |
| JSB Fencing & Machinery Hire | \$169,953 | \$173,352 | \$176,819 | \$520,123 |
| Fencewright | \$177,528 | \$181,079 | \$184,700 | \$543,307 |
| DBS Fencing | \$233,920 | \$238,598 | \$243,370 | \$715,889 |

During 2015-16, the City incurred \$198,104 for gates, bollards and bushland fencing.

Evaluation Summary

| Tenderer | Price Ranking | Total Estimated Contract Price | Qualitative Ranking | Weighted Percentage Score |
|---|----------------------|---------------------------------------|----------------------------|----------------------------------|
| Peter Wood Fencing Contractors | 4 | \$798,625 | 1 | 69.9% |
| JSB Fencing & Machinery Hire | 1 | \$520,123 | 2 | 60.2% |
| Fencewright | 2 | \$543,307 | 3 | 59.7% |
| DBS Fencing | 3 | \$715,889 | 4 | 56.6% |
| Nickal Pty Ltd (Reliable Fencing) | n/a | \$694,735 | 5 | 54.9% |
| Milner's Fencing Pty Ltd | n/a | \$1,134,854 | 6 | 52.3% |
| Access Without Barriers Pty Ltd (AWB Building Co) | n/a | \$1,023,730 | 7 | 41.6% |

Based on the evaluation result the panel concluded that the tender from JSB Fencing & Machinery Hire provides best value to the City and is therefore recommended.

While Peter Wood Fencing Contractors scored 69.9% in the qualitative assessment, it is \$278,502 more expensive, when compared to JSB Fencing & Machinery Hire.

Issues and options considered

The City has a requirement for the supply, delivery and installation of gates, bollards and bushland fencing (including repair or removal of existing fencing) as and when such works are required by the City. 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 regulations 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 \$150,000.

Strategic Community Plan

| | |
|-----------------------------|--|
| Key theme | The Natural Environment. |
| Objective | Environmental resilience. |
| Strategic initiative | Demonstrate current best practice in environmental management for local water, waste, biodiversity and energy resources. |
| Policy | Not applicable. |

Risk management considerations

Should the contract not proceed, the risk to the City will be moderate as the City will not be able to complete schedule maintenance and capital works program on damaged gates, bollards and bush fencing when required.

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

Financial / budget implications

| | |
|--------------------------------|--|
| Account no. | Various maintenance and capital works accounts. |
| Budget Item | Supply, delivery and installation of gates, bollards and bushland fencing (including repair or removal of existing fencing). |
| Budget amount (2016-17) | \$250,000 |
| Amount spent to date | \$ 1,155 |
| Proposed cost | \$113,302 |
| Balance | \$135,543 |

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

This contract supports the City's strategic initiatives in environmental management for biodiversity, protection and enhancement of the natural environment.

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 The Blackaller Trust trading as JSB Fencing & Machinery Hire represents best value to the City.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Fishwick, **SECONDED** Cr Jones that Council **ACCEPTS** the tender submitted by The Blackaller Trust trading as JSB Fencing & Machinery Hire for the supply, delivery and installation of gates, bollards and bushland fencing (including repair or removal of existing fencing) as specified in Tender 033/16 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ155-10/16, page 161 refers.

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf161003.pdf](#)

**CJ172-10/16 CONFIDENTIAL - TENDER 035/16 - SALE OF
FREEHOLD LAND - LOT 23 (77) GIBSON AVENUE,
PADBURY FOR AGED OR DEPENDENT PERSONS'
DWELLINGS**

WARD South-West

| | |
|-----------------------------------|-------------------------------------|
| RESPONSIBLE A/DIRECTOR | Mr Mike Smith Corporate Services |
|-----------------------------------|-------------------------------------|

FILE NUMBER 106059, 101515

ATTACHMENT Nil

(Please Note: This report is confidential and will appear in the official Minute Book only)

| | |
|-------------------------------|---|
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |
|-------------------------------|---|

This Item was dealt with later in the meeting, following report CJ167-10/16 – page 212 refers.

Disclosures of interest affecting impartiality

| | |
|---------------------------|--|
| Name/Position | Mayor Troy Pickard. |
| Item No./Subject | CJ173-10/16 – Sports Development Program Round One 2016-17. |
| Nature of interest | Interest that may affect impartiality. |
| Extent of Interest | Mayor Pickard is patron of the Joondalup Districts Cricket Club. |

| | |
|---------------------------|--|
| Name/Position | Cr Sophie Dwyer. |
| Item No./Subject | CJ173-10/16 - Sports Development Program Round One 2016-17. |
| Nature of interest | Interest that may affect impartiality. |
| Extent of Interest | Cr Dwyer's spouse and several members of her extended family are members of the Sorrento Bowling Club. |

| | |
|---------------------------|---|
| Name/Position | Cr Russ Fishwick, JP. |
| Item No./Subject | CJ173-10/16 – Sports Development Program Round One 2016-17. |
| Nature of interest | Interest that may affect impartiality. |
| Extent of Interest | Cr Fishwick is a member of the Sorrento Bowling Club. |

| | |
|---------------------------|--|
| Name/Position | Mr Mike Smith – Acting Director Corporate Services. |
| Item No./Subject | CJ173-10/16 – Sports Development Program Round One 2016-17. |
| Nature of interest | Interest that may affect impartiality. |
| Extent of Interest | Mr Smith is a life member of the Joondalup Districts Cricket Club. |

CJ173-10/16 SPORTS DEVELOPMENT PROGRAM ROUND ONE 2016-17

| | |
|-----------------------------------|---|
| WARD | All |
| RESPONSIBLE A/DIRECTOR | Mr Mike Smith Corporate Services |
| FILE NUMBER | 58536, 101515 |
| ATTACHMENTS | Nil |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

PURPOSE

For Council to consider funding applications for the City's *Sports Development Program* Round One 2016-17.

EXECUTIVE SUMMARY

The *Sports Development Program* aims to provide financial assistance to local community sport and recreation organisations for projects, programs and events that benefit the development of sport and recreation and enhance its delivery to residents of the City of Joondalup.

At its meeting held on 15 March 2016 (CJ046-03/16 refers), Council resolved to amalgamate the sport and recreation category of the *Community Funding Program* with the previous *Sports Development Program*. This is the first round of the new *Sports Development Program*.

The City received 14 applications from local sport and recreation clubs for the *Sports Development Program* Round One 2016-17 - three large grant applications and 11 small grant applications.

| Club | Project Title | Requested | Recommended | Rank |
|---------------------------------|-----------------------------|-----------|-------------|------|
| Joondalup Womens Football Club | Falcons Female Pathway | \$20,000 | \$20,000 | 1 |
| Joondalup District Cricket Club | Specialist Coaching Academy | \$20,063 | \$20,000 | 2 |
| Sorrento Bowling Club | Feasibility Study | \$17,850 | \$17,850 | 3 |

A panel convened to assess the applications and has recommended that all three large grant applications be funded in full. Small grant applications are under \$10,000 and can be approved by the Chief Executive Officer.

It is therefore recommended that Council APPROVES:

- 1 *a grant of \$20,000 to the Joondalup Womens Football Club for their Falcons Female Pathway, subject to the club entering into a formal funding agreement with the City of Joondalup;*
- 2 *a grant of \$20,000 to the Joondalup District Cricket Club for their Specialist Coaching Academy, subject to the club entering into a formal funding agreement with the City of Joondalup;*
- 3 *a grant of \$17,850 to the Sorrento Bowling Club for their Feasibility Study, subject to the club entering into a formal funding agreement with the City of Joondalup.*

BACKGROUND

At its meeting held on 15 March 2016 (CJ046-03/16 refers), Council resolved to amalgamate the sport and recreation category of the *Community Funding Program* with the *Sports Development Program* to create the new *Sports Development Program*.

The *Sports Development Program* aims to provide financial assistance to local community sport and recreation organisations for projects, programs and events that benefit the development of sport and recreation and enhance its delivery to residents of the City of Joondalup. Eligible clubs must be:

- incorporated (*Associations Incorporation Act 2015*)
- located within the City of Joondalup and / or servicing its residents
- affiliated with a state sporting association or industry body who are recognised by the Department of Sport and Recreation
- represented with an organisation name that reflects the locale in which the organisation operates and in recognition of the level of funding and subsidies afforded to it by the City of Joondalup.

DETAILS

The City received 14 applications from local sport and recreation clubs for the *Sports Development Program* Round One 2016-17 - three large grant applications and 11 small grant applications. Small grant applications under \$10,000 can be approved by the Chief Executive Officer.

Large grant applications

Joondalup Womens Football Club

The Joondalup Womens Football Club submitted an application that sought support for the Falcons Female Pathway which the club intends to run from November 2016 to September 2018. The proposed project will include the development of a female pathway in order to increase growth and development of female participation in Australian rules football within the local community.

Joondalup Womens Football Club has 305 members (130 senior, 170 junior) and participate in the West Australian Women's Football League. The club plays at HBF Arena, Joondalup and trains at Heathridge Park, Heathridge.

The key outcomes of the Falcons Female Pathway include the following:

- Creation of a Friday night 9-12 year old girls competition which includes training and competition.
- Create a six week 'Footy for Mums' program including training and finishing with a game.

The costs of the program are itemised in the table below:

| Program Items | Amount Requested | Amount Recommended by the City |
|------------------------------------|-------------------------|---------------------------------------|
| Sport equipment | \$ 2,400 | \$ 2,400 |
| Coordinator Honorarium (two years) | \$10,000 | \$10,000 |
| Umpires | \$ 3,200 | \$ 3,200 |
| Apparel | \$ 1,800 | \$ 1,800 |
| Marketing/Promotion/Admin | \$ 2,600 | \$ 2,600 |
| Total | \$20,000 | \$20,000 |

The Joondalup Womens Football Club currently has no outstanding grants with the City.

Joondalup District Cricket Club

The Joondalup District Cricket Club submitted an application that sought support for a Specialist Coaching Academy which the club intends to run from October 2016 to March 2017. The proposed project will include all facets of the game, including strength and conditioning training and specialist coaching utilising modern equipment.

Joondalup District Cricket Club, junior section, has 100 members (90 juniors) and represents Joondalup in the WA Premier Junior competition. The club operates from Iluka District Open Space, Iluka.

The key outcomes of the Specialist Coaching Academy include the following:

- Up skill coaches to Level 2 or 3 accreditation.
- Level 2 and Level 3 coaches to provide specialist sessions.
- Increase the number of Joondalup representatives selected into WACA talent programs.

The costs of the program are itemised in the table below:

| Program Items | Amount Requested | Amount Recommended by the City |
|----------------------|-------------------------|---------------------------------------|
| Sport equipment | \$ 8,091 | \$ 8,028 |
| Specialist coaching | \$ 680 | \$ 680 |
| Coaching courses | \$ 2,000 | \$ 2,000 |
| iPads | \$ 4,792 | \$ 4,792 |
| Bowling Machine | \$ 4,500 | \$ 4,500 |
| Total | \$20,063 | \$20,000 |

The Joondalup District Cricket Club currently has no outstanding grants with the City.

Sorrento Bowling Club

The Sorrento Bowling Club submitted an application that sought support for a Feasibility Study to consider a proposal to convert the existing 'E' green from lawn to a synthetic undercover green. The club intends to run this project from November 2016 to December 2016. The Feasibility Study will consider a proposal to construct an undercover lawn bowling facility at the Sorrento Bowling Club on land within the leased area. This project could be used to inform a future Community Sporting and Recreation Facilities Fund (CSRFF) application to the City and the Department of Sport and Recreation.

Sorrento Bowling Club has 1,000 members and is located within the Percy Doyle Reserve on a leased premise.

The key outcomes of the Feasibility Study include the following:

- Provide market and demand predictions.
- Confirm the absence of environmental or planning issues.
- Confirm construction and operation assumptions and cost estimates.
- Complete a risk assessment analysis.

The cost of the feasibility study is:

| Program Items | Amount Requested | Amount Recommended by the City |
|----------------------|-------------------------|---------------------------------------|
| Feasibility Study | \$17,850 | \$17,850 |
| Total | \$17,850 | \$17,850 |

The Sorrento Bowling Club currently has no outstanding grants with the City.

Assessment

The assessment panel was comprised of City officers. Panel members assessed each application individually and then convened to agree upon and rank applications. The panel has recommended that all three large grant applications be funded in full as per the below table.

| Club | Project Title | Requested | Recommended | Rank |
|---------------------------------|-----------------------------|------------------|--------------------|-------------|
| Joondalup Womens Football Club | Falcons Female Pathway | \$20,000 | \$20,000 | 1 |
| Joondalup District Cricket Club | Specialist Coaching Academy | \$20,063 | \$20,000 | 2 |
| Sorrento Bowling Club | Feasibility Study | \$17,850 | \$17,850 | 3 |

Issues and options considered

The Council may consider each application on its individual merits and approve or not approve as desired.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Community spirit.

Strategic initiative

- Support and encourage opportunities for local volunteering.
- Promote the sustainable management of local organisations and community groups.
- Support and facilitate the development of community leaders.

Policy The *Sports Development Program* is conducted in line with the *Community Funding Policy*.

Risk management considerations

Due to the transient nature of sporting club committees it is possible that a club may find it difficult to maintain and provide reasonable information to complete an acquittal to the standard required in the funding agreement.

This risk is managed by the City being proactive in maintaining contact with sporting clubs who have outstanding grant acquittals to ensure they are completed on time and with the relevant evidence and information.

Joondalup District Cricket Club successfully applied for a *Sports Development Program* grant in 2013-14 round one for \$20,000. The club acquitted the grant one year after the due date. The Joondalup Womens Football Club and the Sorrento Bowling Club have not applied for *Sports Development Program* funding previously.

Financial / budget implications

Current financial year impact

| | |
|-----------------------------------|-----------------------------------|
| Account no. | 1.443.A4409.3293.4023 (\$90,000). |
| | 1.443.A4409.3299.4023 (\$25,000). |
| Budget Item | Sponsorship. |
| Budget amount | \$ 115,000 |
| Amount committed to date | \$ 39,544 (subject to approval) |
| (small grant applications) | |
| Large grant proposed cost | \$ 57,850 |
| Balance | \$ 17,606 |

All amounts quoted in this report are exclusive of GST.

The *Sports Development Program* budget amount of \$115,000 is split into \$80,000 for large grants and \$35,000 for small grants. Large grants are only offered in round one with the remaining funds to be utilised for small grants. The balance of \$17,606 will be available for small grant applications for round two in February 2017.

Regional significance

Not applicable.

Sustainability implications

The *Sports Development Program* provides for a positive effect on the development of a healthy, equitable, active and involved community. The program also provides the opportunity for a positive effect on community access to sport, leisure and recreational services.

Consultation

The City conducted a workshop inviting all local sport and recreation clubs to introduce the new *Sports Development Program*. Following the workshop, an email containing the guidelines and application pack was sent to all local sport and recreation clubs. The program was promoted in the August Clubs *in-focus* electronic newsletter. A reminder email was sent to all local sport and recreation clubs one week prior to the round closing date 26 August 2016.

COMMENT

The panel assessed that all applications met the eligibility criteria and addressed the key focus areas and funding objectives of the *Sports Development Program* guidelines. The applications were well written clearly identifying project outcomes and provided all required supporting documentation.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Fishwick, SECONDED Cr Jones that Council APPROVES:

- 1 a grant of \$20,000 to the Joondalup Womens Football Club for their Falcons Female Pathway, subject to the club entering into a formal funding agreement with the City of Joondalup;**
- 2 a grant of \$20,000 to the Joondalup District Cricket Club for their Specialist Coaching Academy, subject to the club entering into a formal funding agreement with the City of Joondalup;**
- 3 a grant of \$17,850 to the Sorrento Bowling Club for their Feasibility Study, subject to the club entering into a formal funding agreement with the City of Joondalup.**

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ155-10/16, page 161 refers.

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

CJ174-10/16 DEED OF VARIATION OF THE CONSTITUTION AGREEMENT OF THE MINDARIE REGIONAL COUNCIL

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Nico Claassen Infrastructure Services |
| FILE NUMBER | 03149, 101515 |
| ATTACHMENTS | Attachment 1 Deed of Variation - Constitution Agreement of the Mindarie Regional Council |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

PURPOSE

For Council to endorse the Deed of Variation – Constitution Agreement of the Mindarie Regional Council.

EXECUTIVE SUMMARY

The Mindarie Regional Council (MRC) has identified the development of a Waste Precinct and potentially outsourcing certain waste services to be the key to the MRC and member councils meeting the waste diversion target of 65% by 2020. The current Constitution Agreement (CA) limits, if not prevents, the MRC from undertaking development of the Waste Precinct and outsourcing its major services to external service providers and contractors; and as such minor amendments to the CA are required.

It is therefore recommended that Council:

- 1 *ENDORSES the Deed of Variation - Constitution Agreement of the Mindarie Regional Council as per Attachment 1 to Report CJ174-10/16;*
- 2 *AUTHORISES the Mayor and the Chief Executive Officer to sign and seal the Deed of Variation - Constitution Agreement of the Mindarie Regional Council.*

BACKGROUND

The current Constitution Agreement (CA) entitled “*Regional District and Regional Council Constitution Agreement*” was originally made between the Cities of Perth, Stirling and Wanneroo (constituent municipalities) undated, but stamped 21 December 1988. Over time, the CA has been amended to include the Cities of Joondalup and Vincent and the Towns of Victoria Park and Cambridge as constituent municipalities along with other operational amendments.

Since the CA (referred to in the *Local Government Act 1995* as an Establishment Agreement) was made, the provision of waste management services has changed in complexity requiring a broader range of services to accommodate the varying needs of the MRC member councils.

Any amendment to the CA requires agreement of the seven local governments (constituent municipalities) to agree to the changes before being sent on to the Minister for Local Government for approval. The seven constituent municipalities are the Cities of Wanneroo, Joondalup, Stirling, Perth and Vincent and the Towns of Victoria Park and Cambridge.

DETAILS

The current CA prohibits the provision of a number of critical future services currently being considered by the MRC, including the Waste Precinct, as it was formed under the repealed *Local Government Act 1960*.

One major weakness of the current CA is that it prohibits the outsourcing of waste treatment and processing on properties owned and operated by parties external to the MRC. This restriction prevents the MRC from considering more sustainable waste treatment options that are or will become available in the private sector when the current landfill and processing facilities of MRC in Tamala Park and Neerabup have reached their operational capacities.

Mindful of the strategic initiatives being explored by the MRC, a report to the Council of the MRC was presented on 14 April 2016 (tabled item), at which the following resolution was passed:

“That the Council:

- 1 confirm its support for the development of a Waste Precinct and the associated projects/contracts required to accommodate the Waste Precinct as detailed in this report.*
- 2 be presented with further reports on each of the projects and consultant engagements associated with the Waste Precinct as detailed in this report.*
- 3 confirm that the projects and engagements detailed in (2) above will be managed in line with the requirements of the “Proposals and Projects” clause detailed in the Legal Compliance section of this report.*
- 4 write to the member councils informing them of its decision to support the development of the Waste Precinct and impress on them the need to either:*
 - i) approve, in a timely manner, the draft Establishment Agreement as presented to them in correspondence, from the MRC, dated 15 February 2016;*
 - or*
 - ii) adopt amendments to the current Constitution.*

as the changes are required to enable the MRC enter into negotiations and contracts associated with the infrastructure required for the Waste Precinct.”

The Strategic Working Group (SWG) of the MRC, which consists of directors / executives from each of the member Councils and the MRC, has for a number of years been developing a new Establishment Agreement (EA) to address the shortfalls of the existing CA. Due to the complexity of changes and the requirement for endorsement by all member Councils it is unlikely that this will be achieved in the short term.

The MRC has received legal advice stating that the current CA prohibits the provision of a number of critical future services currently being considered by the MRC, including the potential outsourcing of waste treatment and processing of waste on properties owned and operated by parties external to the MRC. This restriction prevents the MRC from considering more sustainable waste treatment options that are, or will, become available in the private sector when the MRC's current landfill and processing facilities at Tamala Park and Neerabup have reached their operational capacities.

The proposed Deed of Variation to the Constitution (Attachment 1 refers) would resolve this issue. The deed includes an amendment to clauses 5.1(a) and 5.1(b) as follows:

Clause 5.1(a)

*'The orderly and efficient treatment and/or disposal of waste delivered to a building or place provided, managed or controlled for those purposes by the regional council, **or such other location building or place as agreed from time to time between the regional council and all municipalities***.'

Clause 5.1(b)

*'The entry into contracts with a municipality or municipalities for the treatment and / or disposal of their waste which is delivered to a building or place provided, managed or controlled for those purposes by the regional council, **or such other building or place as agreed from time to time by the parties to the contract***'.

The MRC has requested that the amendment as proposed above be put to member Councils for approval.

Issues and options considered

Option 1

Do not adopt the modifications to the current CA as requested. This option does not address the current limitations.

Option 2

Adopt the modifications to the current CA as requested. This option addresses the legal advice received by the MRC and would allow the MRC to investigate new proposals and / or projects such as waste to energy even if they were not on land owned and / or operated by MRC. This option also allows the member Councils to formalise the current principles of the MRC without any ambiguity and reliance on current relationships. Finally, the minor change as proposed by the CoW will provide control to all member Councils regarding participation in projects initiated by the MRC. This is the preferred option.

Legislation / Strategic Community Plan / policy implications

Legislation

*Local Government Act 1995.
Local Government (Administration) Regulations 1996.*

Strategic Community Plan

Key theme

The Natural Environment.

Objective

Environmental resilience.

Strategic initiative Demonstrate current best practice in environmental management for local water, waste, biodiversity and energy resources.

Policy Not applicable.

Risk management considerations

Not supporting the amendments to the CA will severely impact the City's ability to achieve the waste diversion targets as set by the Waste Authority.

Financial / budget implications

There are no financial implications directly associated with the endorsement of these amendments at this time given the need for a unanimous decision by all MRC member Councils prior to involvement in any future applicable project / processing option. Any financial implication would be reviewed and subject to endorsement of any particular project proposals at that time.

Regional significance

The MRC and the role it undertakes has significant relevance and impact to the region. It allows the member councils to get value for money through the combined waste management services. The modifications proposed will assist in ensuring the longevity of this arrangement.

Sustainability implications

Environmental

The proposal will support the City in achieving our targets to increase waste diversion rates through early investigation of projects such as waste to energy.

Consultation

The MRC's SWG, which is represented by each member Council, has been consulted regarding the proposed amendments to the CA.

COMMENT

All Western Australian local governments need to comply with the Waste Authority's target of diverting 65% of municipal solid waste from landfill by 2020 in a cost effective and efficient manner. The only practical option available to achieve the 65% target is through the adoption of improved treatment alternatives, other than the current heavy reliance on metropolitan area landfilling practices.

The MRC has identified the development of the Waste Precinct as the key to the MRC meeting the abovementioned diversion targets. The current CA limits, if not prevents, the MRC from undertaking development of the Waste Precinct and outsourcing its major services to external service providers and contractors; and as such minor modifications are required.

Endorsement of the amendments by all seven member Councils will allow the MRC to formally seek the Minister's approval to amend the CA. This will enable MRC to facilitate improvements required for its business operations including the planning for the future service provision for all member Councils.

Following on from any CA amendment, all member Councils will have the opportunity to approve their involvement in any MRC led project which will provide adequate protection to the City. The amendment to the current CA will also allow the MRC the opportunity to become involved in current waste processing options being discussed at this time, whilst the EA negotiations continue.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Fishwick, SECONDED Cr Norman that Council:

- 1 ENDORSES the Deed of Variation - Constitution Agreement of the Mindarie Regional Council as per Attachment 1 to Report CJ174-10/16;**
- 2 AUTHORISES the Mayor and the Chief Executive Officer to sign and seal the Deed of Variation - Constitution Agreement of the Mindarie Regional Council.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

The Acting Manager Leisure and Cultural Services left the Chamber at 9.29pm.

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf161003.pdf](#)

Disclosures of Financial Interest/Proximity Interest

| | |
|---------------------------|--|
| Name/Position | Mayor Troy Pickard. |
| Item No./Subject | CJ175-10/16 – Waste to Energy – Joining the Eastern Metropolitan Regional Council Resource Recovery Facility Tender. |
| Nature of interest | Financial Interest. |
| Extent of Interest | Mayor Pickard has a potential financial interest in a waste to energy company. |

Mayor Pickard left the Chamber at 9.30pm. Cr Fishwick assumed the Chair.

CJ175-10/16 WASTE TO ENERGY – JOINING THE EASTERN METROPOLITAN REGIONAL COUNCIL RESOURCE RECOVERY FACILITY TENDER

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Nico Claassen Infrastructure Services |
| FILE NUMBER | 03149, 101515 |
| ATTACHMENT | Attachment 1 MRC Memorandum: Waste Precinct – Waste to Energy Issues Paper |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

PURPOSE

For Council to endorse the Mindarie Regional Council and consequently the City of Joondalup to join the Eastern Metropolitan Regional Council's tender for a Waste to Energy Facility.

EXECUTIVE SUMMARY

In order to achieve the City's landfill diversion target of 65% by 2020 and in accordance with its *Waste Management Plan 2016 – 2021 Increasing diversion from landfill*, a waste to energy facility is required.

The Mindarie Regional Council (MRC) and its member councils have agreed that the future of waste management lies in waste processing rather than landfill. The MRC has endorsed the development of a Waste Precinct at Neerabup. The precinct infrastructure would include a waste to energy (WtE) facility, a material recovery facility (MRF) and a sorting shed for bulk waste material.

The MRC is in a position to join the Eastern Metropolitan Regional Council's (EMRC) tender for a WtE facility. This would provide one of the proposed pieces of infrastructure in a timelier manner, saving approximately two years off the project timeline than would otherwise be achieved by the MRC. In addition, the increase in tonnes made available to the market through the joint tender will improve the economics of the development providing a reduction in the gate fee for the member councils.

It is therefore recommended that Council:

- 1 *NOTES the importance of regional collaboration in providing waste processing services;*
- 2 *as a member council of the Mindarie Regional Council ENDORSES the Mindarie Regional Council joining the Eastern Metropolitan Regional Council tender for a waste to energy facility;*
- 3 *NOTES that approval to join this tender does not commit the Mindarie Regional Council or its member councils to using the facility if it is not financially advantageous.*

BACKGROUND

The MRC currently accepts the City's residual waste stream (green lided bin) for processing/disposal at its Neerabup Resource Recycling Facility and Tamala Park Landfill site. The City's yellow top bin recyclable material is currently recycled by Cleanaway at their Material Recycling Facility (MRF) facility in Bayswater. The City's green waste, vergeside and community drop-off is recycled into mulch at two separate facilities. Accordingly, the City's total diversion from landfill rate for 2015-2016 was under 50%.

The Department of Environmental Regulation (DER) has set targets for the diversion from landfill of waste produced by local authorities, 65% by 2020 which the above waste management options do not meet, and will not be able to meet in future due to the inherent limits of these options.

The MRC is requesting that the City of Joondalup, along with the six other MRC member councils, agree to its potential involvement in a tender proposal currently published by the EMRC. If agreed to, this proposal could provide options that will increase diversion rate well above the 65% figure specified by the DER more quickly than would be possible should the MRC draw up its own WtE proposal.

DETAILS

In an attempt to ensure that its member councils are kept informed of all options that are likely to maximise diversion from landfill, the MRC has kept its Strategic Working Group (SWG), directors and executives of the member councils, aware of potential options within the wider waste management industry.

Ongoing discussions have taken place between MRC and EMRC over the past year regarding the option for the MRC's member councils to become involved in developing waste to energy options which EMRC has advanced. As a result the MRC has now tabled an option which may accelerate the timeline whereby its member councils can benefit from the increased diversion rate from landfill planned within its own Strategic Plan.

The EMRC has previously developed a tender for the development of a WtE option at a site in Red Hill which they would design, build, own and operate (DBOM), and which could accept up to 200,000 tonnes of material.

Due to their discussions with the MRC, EMRC has also included a second Waste Supply Agreement (WSA) option in the tender for a larger plant (up to 400,000 tonnes per annum) which could be built either at Red Hill or at any other site identified and nominated by the winning tenderer; this option includes the provision of waste transfer stations within it which would minimise travel times for all councils involved.

If the EMRC decide to recommend the smaller 200,000 tonne option thereafter and move forward on their own, the winning tenderers would be available for the MRC to move forward with on another site thereafter if they so wished (Neerabup may be an applicable site).

To allow the MRC to participate in this potential option, all member councils must firstly agree to the Deed of Amendment to the Mindarie Regional Council Constitution Agreement currently being negotiated - this is discussed in a separate report to Council on this agenda. If this takes place, the EMRC can then amend the tender document which it advertised on Saturday, 13 August 2016 to include the MRC.

The MRC has indicated that it will then require information from its member councils on the residual waste tonnages which each will make available for its participation in the EMRC tender, which closes in January 2017.

Information supplied by the MRC on the proposed option is attached to Report CJ175-10/16 (Attachment 1 refers).

Issues and options considered

Option 1

The MRC joins the EMRC joint tender for a WtE facility. This option addresses the need for a WtE facility to meet the landfill reduction targets in accordance with the *Waste Management Plan 2016 – 2021* as well as reducing timelines and potential costs through increased waste volumes. This is the preferred option.

Option 2

Do not join the EMRC joint tender and the MRC produce their own tender for a WtE facility. Although this option is in line with the current *Waste Management Plan 2016 – 2021*, the member council will take longer to obtain the use of a WtE facility; will incur increased tender/ associated legal costs and potentially higher gate fees.

Legislation / Strategic Community Plan / policy implications

Legislation

Local Government Act 1995.
Local Government (Administration) Regulations 1996.

Strategic Community Plan

Key theme

The Natural Environment.

Objective

Environmental resilience.

Strategic initiative

Demonstrate current best practice in environmental management for local water, waste, biodiversity and energy resources.

Policy

Not applicable.

Risk management considerations

| RISKS | COMMENTARY |
|---|---|
| Lack of involvement in the tender process and lack of visibility of the content of the tender document may result in the MRC being exposed to some risk. | The EMRC has advised that they would be willing to release the tender to the member councils as long as a confidentiality statement is signed by each recipient. |
| Lack of involvement in the tender process means that the commercial market may not have been tested properly, resulting in a sub optimal outcome for the MRC and its members. | <p>The tender documentation has been structured in such a way that it is broad enough to allow industry players to respond in the most commercial way they see fit, including the location of transfer stations and other infrastructure that is required.</p> <p>The MRC would not accept any tender that did not meet the predetermined gate fee rates and waste diversion outcomes. This in essence protects the member councils from being drawn into a facility which does not yield a market related service at a market related price.</p> |
| <p>The EMRC has indicated that it would require to be reimbursed for a portion of the consultant/legal costs relating to the development of the tender.</p> <p>Concerns were raised that the MRC could end up funding a disproportionately large portion of the tender development costs.</p> | The MRC will be provided with a detailed breakdown of the development costs and will only pay an amount commensurate with its involvement in the tender, which will include a share of the costs associated with the Waste Supply Agreement part of the tender. |

Financial / budget implications

The process of tendering will not have any financial implication on the City; however the MRC will have to fund a share of the consultancy costs incurred by the EMRC in developing the tender.

The outcome of the tender will not have any financial impact on the budget until the facility is up and running, which could take up to three years.

Regional significance

The MRC and the role it undertakes has significant relevance and impact to the region. It allows the member councils to get value for money through the combined waste management services. The modifications proposed will assist in ensuring the longevity of this arrangement.

Sustainability implicationsEnvironmental

The proposal will support the City in achieving our targets to increase waste diversion rates through early investigation of projects such as waste to energy.

Consultation

The MRC has consulted with the Strategic Working Group (working group set up to communicate strategic and operational issues to the member councils of the MRC) on this project.

COMMENT

The DER's targets for diversion from landfill define the landscape within which local authorities must make decisions regarding the waste management solutions which they follow. As a member Council of MRC, the City of Joondalup is limited in its options to promote recycling from within the materials deposited within the green bins provided to residents, especially within the time limits set by the Waste Authority.

The EMRC option proposed by MRC gives member councils the opportunity to benefit from an option (should it be successful, and meet the criteria set by tender) which could increase overall diversion rate, from a figure below 50% in 2015/2016, by approximately 30% by 2020, given the timescales proposed for the project.

Given the short timeframe in which this proposal has been developed and offered to the City, City officers have voiced concerns within the MRC SWG forum, as have other member councils' staff, due to the lack of involvement in the development of the tender up to this point, and the lack of opportunity to consult with the City's Elected Members. It should be noted that the decision to publish a tender at this time has been made solely by the EMRC, as a result of conversations between its member Councils.

However, as the tender document is written, the City is under no compulsion to agree to the winning tender(s) at this time. Only once the tenders have been assessed will there be a requirement for the City to determine whether it wishes to enter into any binding agreement, through MRC; minimising risk in the process. MRC will have the opportunity to assess any tender submissions separately from EMRC, which will then be discussed with member councils, prior to sitting on a Tender Evaluation Panel with EMRC itself – this process should allow the City the opportunity to assess the tender submissions appropriately before making any final decision.

It is to be noted however that the City's potential involvement in this or any other alternative disposal option in the marketplace as a member of MRC, and which is not sited on MRC land, will be subject firstly to an agreement between member councils of the amendment to the current Mindarie Regional Council Constitution Agreement currently being negotiated – without this, the MRC is unable to enter into a formal agreement.

Subject to Council's decision on the recommendation made in this report, the City will present a future report on the outcome of the tender process and the City's potential involvement in the final contract with the preferred tenderer. Noting that the MRC is likely to sign a direct contract with the preferred tenderer which each member will have to consider and approve.

Participating in this project is in line with the City's *Waste Management Plan 2016-2021* and increases the City's likelihood of complying with the Department of Environment's landfill diversion target of greater than 65% total waste diverted by 2020; which it is currently unlikely to, given the current waste disposal options available to it.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Fishwick, SECONDED Cr Norman that Council:

- 1 NOTES the importance of regional collaboration in providing waste processing services;**
- 2 as a member council of the Mindarie Regional Council ENDORSES the Mindarie Regional Council joining the Eastern Metropolitan Regional Council tender for a waste to energy facility;**
- 3 NOTES that approval to join this tender does not commit the Mindarie Regional Council or its member councils to using the facility if it is not financially advantageous.**

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Crs Fishwick, Chester, Dwyer, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Mayor Pickard entered the Chamber at 9.37pm and resumed the Chair.

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf161003.pdf](#)

CJ155-10/16 ADDITIONAL UNLISTED LAND USES, LANDSCAPING AND CAR PARKING MODIFICATIONS (RETROSPECTIVE) AT LOT 45 (8) ELCAR LANE, JOONDALUP

| | |
|-------------------------------|---|
| WARD | North |
| RESPONSIBLE DIRECTOR | Ms Dale Page Director Planning and Community Development |
| FILE NUMBER | 06015, 101515 |
| ATTACHMENT | Attachment 1 Location plan Attachment 2 Development plans |
| AUTHORITY / DISCRETION | Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal. |

PURPOSE

For Council to determine an application for retrospective development approval for two additional land uses 'Outside School Hours Care' and 'School Vacation Care', car parking and landscaping modifications at Lot 45 (8) Elcar Lane, Joondalup.

EXECUTIVE SUMMARY

The subject site currently has development approval to operate the use 'Public Amusement' (Go Bananas). The new development application seeks to reduce the maximum number of people for the public amusement land use from 116 to 85. Alongside this use, the premises have also been used, without approval, for an outside school hours care service and school vacation care service since September 2004. These land uses are not uses listed in *District Planning Scheme No. 2* (DPS2) and, as such, there is also no car parking standard for these uses in DPS2. It is recommended that the car parking standard for the use 'Child Care Centre' be applied to both unlisted uses in this instance, due to the similarity in operation. Using this car parking standard, the total amount of car parking required for these land uses is 33 bays, being a shortfall of five bays (15.1%).

As the proposed land uses entail children being dropped off and collected from the site before and after the peak car parking demand periods of the 'Public Amusement' land use, it is considered that sufficient car parking is provided to accommodate all the land uses operating from the site.

The applicant also seeks retrospective development approval for a reduction in on-site landscaping, being 4% in lieu of the 8% required under DPS2. The landscaping that has been removed is on the western side of the building, which is now being used for bus parking for the operators. This landscaping is not visible from the street, and given the distance between the building on the subject site and adjoining property, suitable landscaping is limited due to the lack of access to light. The remaining landscaping is visible from the street, located at the front of the building and car park providing an appropriate setting for the building.

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

BACKGROUND

| | |
|------------------------|---|
| Suburb/Location | Lot 45 (8) Elcar Lane, Joondalup. |
| Applicant | Joanne Bayliss. |
| Owner | Mr Amgad Botros. |
| Zoning | DPS Service Industrial. |
| | MRS Urban. |
| Site area | 3,290.76m ² . |
| Structure plan | Draft <i>Joondalup City Centre Structure Plan</i> . |

The subject site is located within the Joondalup Business Park. The Business Park is bounded by Shenton Avenue to the north, the Mitchell Freeway to the west, Joondalup Drive to the east and Hodges Drive to the south (Attachment 1 refers).

The site is zoned 'Urban' under the *Metropolitan Region Scheme* (MRS) and 'Service Industrial' under DPS2. In addition to the development provisions of DPS2, regard is also required to be given to the draft *Joondalup City Centre Structure Plan* (JCCSP) where the site is subject to the provisions of the 'Business Support' district.

The subject tenancy, Go Bananas, was originally approved by the City in January 2001 as a 'Public Amusement (children's activity centre)', a use originally found in the former *Town Planning Scheme No. 1* (TPS1). This approval was subject to a condition limiting the number of persons permitted on-site at any one time to 116. This application seeks to reduce the maximum number of occupants for the 'Public Amusement' land use to 85 persons.

Since September 2004, Go Bananas has been operating an outside school hours care service and school vacation care service alongside the 'Public Amusement' use of the site. As these services are for the care of children unrelated to the amusement facilities provided within the centre, they are considered to be separate to the 'Public Amusement' use of the site. These services have never received development approval and are therefore unauthorised uses.

At the time of gazettal of DPS2 in 2000, all licensed child care services were licensed under and operated in accordance with the *Community Services (Child Care) Regulations 1988*. These regulations have since been repealed. However, the definition of 'Child Care Centre' in DPS2 still refers to the abovementioned *Community Services (Child Care) Regulations 1988*.

Legal advice has been sought in regard to this and a 'Child Care Centre' is now considered a premise used for the daily or occasional care of children in accordance with the substitute *Child Care Services (Child Care) Regulations 2006*. However, this legislation does not apply to outside school hours or vacation care. As such, the outside school hours and vacation care portion of the business cannot be considered as a 'Child Care Centre' for the purposes of DPS2 and do fall within any other land use category. Therefore, the uses are required to be considered as Unlisted Uses.

DETAILS

The application consists of the following:

- Modification to the car park, reducing the number of car bays on-site from 29 to 28.
- Bus parking for the operators provided on the western side of the building. Buses leave the site to drop children off at school or attend an external vacation care trip prior to 9.00am and returning to the site after 3.00pm to return children to the premises for collection. Buses remain on-site overnight.

- Reduction in landscaping from 8% to 4% to accommodate the bus parking area.
- The land uses 'Public Amusement', 'Outside School Hours Care' and 'School Vacation Care', operating as follows:

Public Amusement

- General public opening hours are between 9.00am and 2.30pm on Monday – Friday and 9.00am and 5.00pm on weekends.
- School holiday opening hours are from 9.00am to 5.00pm, every day with a peak week day operating period of between 11.00am and 2.00pm.
- The maximum number of persons reduced from 116 to 85 persons at any one time.

Outside School Hours Care

- Children are dropped off at the subject site from 6.30am during the school term for a before school care service. The children are then transported and dropped off at school by the Go Bananas buses prior to 9.00am.
- Children are collected from school by the Go Bananas buses and transported back to Go Bananas for an after school care service from 3.00pm. Children are collected by 6.00pm.
- A maximum of 143 children at any one time are cared for during the outside school hours care service, with a maximum of 15 staff at any one time.

School Vacation Care

- Children are dropped off and picked up between 6.30am and 6.00pm each day during the school holidays.
- A maximum of 52 children at any one time are cared for during the vacation care service, with a maximum of four staff at any one time.
- The service entails the occasional excursion day, where children are taken on external trips by the Go Bananas buses.

The development plans are provided as Attachment 2. There is no signage or external changes to the facade proposed as part of this application.

Car parking

As the 'Outside School Hours Care' and 'School Vacation Care' uses are considered to be Unlisted Uses, a car parking standard is not provided within DPS2.

It is recommended that the car parking standard for 'Child Care Centre' be applied in this instance. The car parking requirement for 'Child Care Centre' as contained within Table 2 of DPS2 is "not less than five and one per staff member and in accordance with the Local Planning Policy." To accommodate parent drop-off and pick-up, the City's *Child Care Centres Policy* sets out the minimum number of car bays for centres based on the number of children. Where the amount of children is from 31 to 56, a minimum of seven bays are to be provided, with a minimum of 14 bays to be provided where the amount of children in attendance is greater than 105.

The table below sets out the car parking requirements for the site. The 'Outside School Hours Care' service operates only when the 'Public Amusement' component of the centre is closed and during school term time when the 'School Vacation Care' land use is not in operation. Therefore, the car parking requirement for this use is assessed separately to the car parking requirements for the 'School Vacation Care' or 'Public Amusement' uses of the site.

| Land use | Number of persons | Car parking required at any one time |
|---|---|---|
| Public Amusement/ School Vacation Care | 85 (1 per 4 persons accommodated -TPS1) 52 students, 4 staff (1 per staff member, 7 for the number of children – DPS2) | 21.25 (22) bays 11 bays TOTAL = 33 bays |
| Outside School Hours Care (does not operate while Public Amusement/School Vacation Care operates) | 143 students, 15 staff (1 per staff member, 14 for the number of children – DPS2) | 29 bays |
| Total bays provided | | 28 bays |

The 'Outside School Hours Care' use requires the provision of 29 car bays. As only 28 car bays are provided on-site, the use results in a shortfall of one car bay (3.4%) across the site.

The 'Public Amusement' and 'School Vacation Care' uses require the provision of 33 bays, resulting in a shortfall of five car bays (15.1%).

Issues and options considered

Council is required to determine whether the land uses 'Outside School Hours Care' and 'School Vacation Care' are consistent with an existing use class under Table 1 of DPS2, or whether they should be considered as unlisted land uses. The options available to Council in this regard are:

- Council determines that the proposed uses are a listed use class in DPS2. The application must be determined in accordance with the permissibility of those uses in the 'Service Industrial' zone
or
- Council determines that the proposed uses are an Unlisted Use. Council then needs to determine whether the proposal meets the objectives and purpose of the 'Service Industrial' zone and therefore, whether the proposed uses can be permitted.

Secondly, having determined the land use classification, should the land uses be considered unlisted uses, Council is then required to determine whether the car parking standard for 'Child Care Centre' is an appropriate car parking standard to be applied in this instance. Council must also consider whether the proposed car parking shortfall and the reduction in the overall landscaping provided for the development are appropriate.

In considering these elements, Council may determine the application for development approval by:

- granting development approval without conditions
- granting development approval with conditions
or
- refusing to grant development approval.

Legislation / Strategic Community Plan / policy implications

Legislation

*City of Joondalup District Planning Scheme No. 2 (DPS2).
Planning and Development (Local Planning Schemes)
Regulations 2015 (the Regulations).*

Strategic Community Plan

| | |
|-----------------------------|---|
| Key theme | Quality Urban Environment. |
| Objective | Quality built outcomes. |
| Strategic initiative | Buildings and landscaping is suitable for the immediate environment and reflect community values. |
| Policy | <i>Child Care Centres Policy.</i> |

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

Clause 3.2 indicates the manner in which Table 1 (the Zoning Table) sets out the permissibility of uses within zones. However, due to the nature of the proposed development, the uses 'Outside School Hours Care' and 'School Vacation Care' do not fall within any of the definitions under Schedule 1 of DPS2. Therefore, Council is required to make a determination under Clause 3.3 of DPS2.

Clause 3.3 of DPS2 sets out the options available for the consideration of unlisted uses.

3.3 *Unlisted Uses*

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

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

3.10 THE SERVICE INDUSTRIAL ZONE

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

The objectives of the Service Industrial Zone are to:

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

Clause 4.5 of DPS2 allows for 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 Design Codes apply, 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 local government may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.*
- 4.5.2 *In considering an application for planning approval under this clause, where, in the opinion of the local government, 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 local government shall:*
- (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 64 of the deemed provisions; 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 local government is satisfied that:*
- (a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 67 of the deemed provisions; 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.*

Should the land uses be considered as unlisted uses, Council shall determine an appropriate car parking standard as set out in Clause 4.8 of DPS2.

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 local government.*
- 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 local government shall determine the parking standard. The local government 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.*

Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)

Clause 67 of Schedule 2 of the Regulations sets out the matters to be considered by Council when determining an application for development approval.

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application -

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) *any approved State planning policy;*
- (d) *any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (e) *any policy of the Commission;*
- (f) *any policy of the State;*
- (g) *any local planning policy for the Scheme area;*
- (h) *any structure plan, activity centre plan or local development plan that relates to the development;*
- (i) *any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- (j) *in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (k) *the built heritage conservation of any place that is of cultural significance;*
- (l) *the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following -*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality;*
 - (iii) *social impacts of the development;*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslide, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) *the adequacy of -*

- (i) *the proposed means of access to and egress from the site; and*
- (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following -*
 - (i) *public transport services;*
 - (ii) *public utility services;*
 - (iii) *storage, management and collection of waste;*
 - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - (v) *access by older people and people with disability;*
- (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*
- (zb) *any other planning consideration the local government considers appropriate.*

Child Care Centres Policy

The *Child Care Centres Policy* requires that a minimum of seven bays be provided where the amount of children in attendance is from 31 to 56, and a minimum of 14 bays be provided where the amount of children in attendance is greater than 105.

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 \$441 (excluding GST) in accordance with the City's Schedule of Fees and Charges for the assessment of the application.

Regional significance

Not applicable.

Sustainability implications

There are not considered to be sustainability implications as a result of the additional uses.

Consultation

Clause 64 of the deemed provisions set out in Schedule 2 of the Regulations states that an application may be advertised where an unlisted use may be consistent with the objectives of the 'Service Industrial' zone. For reasons outlined in the comments section below, it is considered that the use is consistent with the objectives of the 'Service Industrial' zone.

COMMENT

Land use and permissibility

It is considered that the 'Outside School Hours Care' and 'School Vacation Care' are uses not listed in Table 1 – the Zoning Table of DPS2. Therefore, it is considered appropriate that Council determines these uses as Unlisted Uses and considers whether the development meets the objectives of the 'Service Industrial' zone.

The objectives of the 'Service Industrial' zone under DPS2 are:

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

In addition to the above, due regard is also required to be given to the draft JCCSP, where the site is located within the 'Business Support' district. The objectives of the 'Business Support' district are:

- (a) *to provide for the creation of a well designed and attractive business park style development with a range of service commercial uses;*
- (b) *to provide a location for the development of businesses with larger floor space requirements that would be inappropriate in the Central Core district; and*
- (c) *to ensure that development contributes to the provision of attractive streetscapes.*

As the subject land uses occupy a building for which development approval has already been granted and no external changes are proposed, the objectives regarding the facade and built form are not applicable to this application.

The subject uses function as complementary business services for the wider community. The site's proximity to several surrounding recreation centres and educational establishments that provide services for children enables Go Bananas to provide care services to the children who also utilise these surrounding services.

It is considered that the subject uses have no impact on the amenity of the surrounding area. The hours of operation for the outside school hours service, and the times children are dropped off and picked up for the vacation care service, are generally before and after the peak operating hours of the surrounding uses. As such, these services are unlikely to have any impact on the operation of the surrounding land uses.

Under the draft JCCSP, the use 'Child Care Centre' is a discretionary 'D' land use. Given the similarity of the subject uses to a 'Child Care Centre' it is considered that the uses 'Outside School Hours Care' and 'School Vacation Care' are appropriate for consideration within the locality, in keeping with the draft JCCSP.

Car parking

As the uses 'Outside School Hours Care' and 'School Vacation Care' are considered to be Unlisted Uses, there is no car parking standard assigned under Table 2 of DPS2. Therefore, it is recommended that the car parking standard applied to the use 'Child Care Centre' be applied to both uses in this instance. This car parking standard is considered to be appropriate given that the outside school hours and vacation care service would generate similar children and staff numbers to a child care centre development.

Applying the 'Child Care Centre' car parking standard results in a car parking shortfall of one car bay (3.4%) for the 'Outside School Hours Care' use, which does not operate at the same time as the 'Public Amusement' and 'School Vacation Care' operate. The patronage data submitted by the applicant demonstrates that the varying times children are dropped off and picked up, and the high turnover of vehicles using the bays did not result in an actual shortage of on-site parking. The only permanent vehicles in the car park will belong to staff members, resulting in a maximum of 15 bays permanently occupied at any one time.

The 'School Vacation Care' operates during the same time as the 'Public Amusement', with these land uses resulting in a car parking shortfall of five car bays (15.1%) across the site. However, similar to the 'Outside School Hours Care' use, children arriving for the purposes of the school vacation care are picked up or dropped off by parents and, therefore, do not permanently take up any of the available bays. Additionally, these children are dropped off prior to the 'Public Amusement' opening at 9.00am and collected after the peak operating hours of 10.00am and 2.30pm for the 'Public Amusement' land use.

The above is considered to demonstrate that the car parking provided on-site is adequate to service these uses. However, should the application be approved, conditions of development approval to restrict operating hours for each use at the centre are recommended to ensure that no conflict between the peak car parking demand for the land uses.

Should Council adopt the recommended parking standard for the land uses, and then consider that a cash-in-lieu payment is necessary, it is only considered appropriate to base this on the additional five car bays required by the 'School Vacation Care' operating at the same time as the 'Public Amusement'. This would result in a figure of \$129,645 being payable. It is noted that any cash-in-lieu funds received must be used to provide additional public car parking within the proximity of the development. Three additional on-street bays could be provided within the verge of the subject site, with a further two bays provided within the verge of an adjoining lot. However, as set out above, the parking provided on the site is considered adequate to service the development and therefore it is not considered appropriate to require cash-in-lieu.

Landscaping

The applicant advises that to support the safe and secure parking of buses associated with the 'Outside School Hours Care' and 'School Vacation Care', bus parking is provided alongside the building adjacent to the western boundary. This area was previously identified as landscaping and this modification has reduced the amount of on-site landscaping from 8% to 4%.

The orientation of the site and the siting of both the building on the subject site and the adjoining 'Bouncers' recreation centre results in the area having limited access to sunlight, hindering the ability for sufficient landscaping to be maintained within the area now used for bus parking. Furthermore, this area of landscaping was not visible from the street and did not provide any benefit to children or persons attending the development. For these reasons, it is considered appropriate to support a reduced amount of landscaping on the subject site.

Landscaping for the remainder of the site was approved at the time of the original development in 2001, and was required to be maintained in accordance with the approval. Site inspections have identified that shade trees within the car park and landscaping both within the site and on the verge have deteriorated since approval was originally granted. The City is separately liaising with the land owners to ensure that this landscaping is reinstated in accordance with the approved landscaping plan for the site.

Conclusion

The land uses 'Outside School Hours Care' and 'School Vacation Care' are considered to be consistent with the objectives of the 'Service Industrial' zone, which seek to accommodate a range of land uses and complementary business services without having a detrimental effect on the amenity of the surrounding area.

In this instance, it is considered appropriate to apply the car parking standard for 'Child Care Centre' as contained within Table 2 of DPS2. The resulting variation to the car parking requirements of DPS2 is considered to be appropriate for the outside school hours care service, taking into account that this service is in operation when the rest of the centre is closed and that children are dropped off or collected from the site.

Similarly, it is recommended that a condition of approval be applied ensuring that children using the school vacation care service are only dropped off prior to 9.00am and collected after the peak operating period of the 'Public Amusement' land use. This will ensure that there is no conflict with the car parking requirements of the centre and that adequate car parking is available to service the existing land uses.

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

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

- 1 DETERMINES that under clause 3.3(a) of the *City of Joondalup District Planning Scheme No. 2* that:
 - 1.1 The land uses 'Outside School Hours Care' and 'School Vacation Care' are Unlisted Uses;
 - 1.2 The subject uses are consistent with the objectives and purpose of the 'Service Industrial' zone and are therefore permitted uses in this instance;
- 2 Having regard to Clause 4.8.2 of the *City of Joondalup District Planning Scheme No. 2*, DETERMINES that:
 - 2.1 In this instance, the car parking standard for the uses 'Outside School Hours Care' and 'School Vacation Care' shall be not less than five and one per staff member and in accordance with the Local Planning Policy;
- 3 Subject to Part 1 and 2 above, EXERCISES discretion under Clauses 4.5.1 and 4.8.2 of the *City of Joondalup District Planning Scheme No. 2* and determines that the car parking provision of:

- 3.1 28 bays in lieu of 29 bays for the 'Outside School Hours Care' use;
- 3.2 28 bays in lieu of 33 bays for the 'School Vacation Care' use,

are appropriate in this instance;

- 4 Subject to Parts 1, 2 and 3 above, APPROVES under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* application for development approval dated 24 August 2015 submitted by Joanne Bayliss, for additional unlisted land uses 'Outside School Hours Care' and 'School Vacation Care', car parking and landscaping modifications (retrospective) at Lot 45 (8) Elcar Lane, Joondalup, subject to the following conditions:

- 4.1 Children shall be dropped off no later than 9.00am and collected no earlier than 2.30pm for the 'School Vacation Care' use of the site;
- 4.2 The 'Public Amusement' shall only operate from:
 - 4.2.1 9.00am to 2.30pm Monday to Friday;
 - 4.2.2 9.00am to 5.00pm on weekends, public holidays and school holidays;
- 4.3 The 'Outside School Hours Care' shall not operate while the 'Public Amusement' use operates;
- 4.4 A maximum of 52 children and four staff are permitted on-site at any given time for the 'School Vacation Care' use of the site;
- 4.5 A maximum of 143 children and 15 staff are permitted on-site at any given time for the 'Outside School Hours Care' use of the site;
- 4.6 The car parking bays, driveways and access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009) and Off-street Commercial Vehicle Facilities (AS2890.2:2002). These bays are to be thereafter maintained to the satisfaction of the City.

MOVED Cr Hollywood, SECONDED Cr McLean that Council:

- 1 **DETERMINES** that under clause 3.3(a) of the *City of Joondalup District Planning Scheme No. 2* that:
 - 1.1 **The land uses 'Outside School Hours Care' and 'School Vacation Care' are Unlisted Uses;**
 - 1.2 **The subject uses are consistent with the objectives and purpose of the 'Service Industrial' zone and are therefore permitted uses in this instance;**
- 2 **Having regard to Clause 4.8.2 of the *City of Joondalup District Planning Scheme No. 2*, DETERMINES that:**
 - 2.1 **In this instance, the car parking standard for the uses 'Outside School Hours Care' and 'School Vacation Care' shall be not less than five and one per staff member and in accordance with the Local Planning Policy;**

- 3 Subject to Part 1 and 2 above, EXERCISES discretion under Clauses 4.5.1 and 4.8.2 of the *City of Joondalup District Planning Scheme No. 2* and determines that the car parking provision of:
- 3.1 28 bays in lieu of 29 bays for the 'Outside School Hours Care' use;
 - 3.2 28 bays in lieu of 33 bays for the 'School Vacation Care' use;
- 4 Subject to Parts 1, 2 and 3 above, APPROVES under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* application for development approval dated 24 August 2015 submitted by Joanne Bayliss, for additional unlisted land uses 'Outside School Hours Care' and 'School Vacation Care', car parking and landscaping modifications (retrospective) at Lot 45 (8) Elcar Lane, Joondalup, subject to the following conditions:
- 4.1 Children shall be dropped off no later than 9.00am and collected no earlier than 2.30pm for the 'School Vacation Care' use of the site;
 - 4.2 The 'Public Amusement' shall only operate from:
 - 4.2.1 9.00am to 2.30pm Monday to Friday;
 - 4.2.2 9.00am to 5.00pm on weekends, public holidays and school holidays;
 - 4.3 The 'Outside School Hours Care' shall not operate while the 'Public Amusement' use operates;
 - 4.4 A maximum of 52 children and four staff are permitted on-site at any given time for the 'School Vacation Care' use of the site;
 - 4.5 A maximum of 143 children and 15 staff are permitted on-site at any given time for the 'Outside School Hours Care' use of the site;
 - 4.6 The car parking bays, driveways and access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009) and Off-street Commercial Vehicle Facilities (AS2890.2:2002). These bays are to be thereafter maintained to the satisfaction of the City;
 - 4.7 Buses shall be parked within the designated bus parking area indicated on the approved plans at all times with the exception of collection and drop off of children associated with the Outside Hours Care and Vacation Care. During the collection and drop off of children, buses shall not be parked within marked car bays or obstruct vehicle access.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf161003.pdf](#)

C64-10/16**COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION -
[02154, 08122]**

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

CJ154-10/16, CJ156-10/16, CJ161-10/16, CJ162-10/16, CJ163-10/16, CJ164-10/16, CJ165-10/16, CJ168-10/16, CJ169-10/16, CJ170-10/16, CJ171-10/16 and CJ173-10/16.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

REPORTS – FINANCE COMMITTEE – 3 OCTOBER 2016**CJ176-10/16 FACILITY REFURBISHMENTS - WINDERMERE PARK CLUBROOMS AND FALKLANDS PARK**

| | |
|-------------------------------|---|
| WARD | North |
| RESPONSIBLE A/DIRECTOR | Mr Mike Smith Corporate Services |
| FILE NUMBER | 07096, 69317, 101515 |
| ATTACHMENTS | Attachment 1 Floor plan Windermere Park clubrooms Attachment 2 Floor plan Falklands Park toilet/change room Attachment 3 Aerial map location of Windermere Park Attachment 4 Aerial map location of Falklands Park |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

PURPOSE

For Council to consider the refurbishment of the facilities located at Windermere Park, Joondalup and Falklands Park, Kinross.

EXECUTIVE SUMMARY

At its meeting held on 15 July 2014 (CJ116-07/14 refers), Council received a report that reviewed the City's active reserves and community facilities, in order to provide a guide in regards to priority of refurbishment works across these asset types.

As part of the report the following was recommended in regards to the two facilities:

- Windermere Park Clubrooms, Joondalup - \$250,000 for new heating/cooling system and possible power upgrade (if required). Recommended to be listed in 2021-22.
- Falkland Park toilets/change rooms, Kinross - \$459,635 for the extension of the facility to include kiosk, storage and a larger change room area. Recommended to be listed in 2023-24. This is not listed within the current Five Year Capital Works Program as it is beyond the time period for the program.

Following the decision of Council to include various facilities within Percy Doyle Reserve, Duncraig, it was agreed to bring forward the works at Windermere Park Clubrooms to 2018-19, with works to be predominately a power upgrade along with installation of heating/cooling system.

The Windermere Park Clubrooms and Falkland Park facilities are predominately occupied by the Joondalup Kinross Junior Football Club, which has been operating since 1994. The club now is one of the largest clubs not only in the City of Joondalup, but also the Perth metropolitan area. The club has 896 members across its football age groups.

With the current size of the club and its use of Windermere Park as its primary base, along with the club's increasing use of Falklands Park as a secondary venue, the current facilities at both locations no longer meet their demands/needs. As a result there has been the request to increase the scope of work proposed for Windermere Park Clubrooms, and bring forward the works proposed for Falklands Park.

It is therefore recommended that Council:

- 1 *NOTES that an amount of \$250,000 is listed in the Five Year Capital Works Program in 2018-19 for refurbishment works at Windermere Park Clubrooms;*
- 2 *NOTES that there are no funds listed with the current Five Year Capital Works Program for refurbishment works to the Falklands Park facility;*
- 3 *REQUESTS a further report detailing concept design options and estimated costings to undertake a refurbishment and potential expansion of the Windermere Park Clubrooms, following engagement with key stakeholders of the facility;*
- 4 *DOES NOT AGREE to bring forward the refurbishment project for the Falklands Park facility at this point in time.*

BACKGROUND

| | |
|------------------------|--|
| Suburb/Location | Windermere Park Clubroom 120 Candlewood Boulevard Joondalup WA 6027. |
| Applicant | City of Joondalup. |
| Owner | Crown Land – City of Joondalup Management Order. |
| Zoning | DPS Parks and Recreation. |
| | MRS Urban. |
| Site area | 685m ² |
| Structure plan | Not applicable. |
| Suburb/Location | Falkland Park 17 Falkland Way Kinross WA 6028. |
| Applicant | City of Joondalup. |
| Owner | Crown Land – City of Joondalup Management Order. |
| Zoning | DPS Parks and Recreation. |
| | MRS Urban. |
| Site area | 50,038m ² |
| Structure plan | Not applicable. |

The Joondalup Kinross Junior Football Club (JKJFC) is one of the largest junior AFL clubs within the metropolitan area. The club has been based at Windermere Park since 1994 and leases the clubrooms on a seasonal basis with the Joondalup Kinross Cricket Club. In addition to leasing the facility at Windermere Park, JKJFC fixtures training and games at other City venues including Falklands Park, Kinross as its nominated secondary ground.

For the 2016 Australian rules football season, it had 896 registered members ranging from its Auskick program to its Year 12 open team. The club does not have a senior Australian rules football team, but has recently established a relationship with the ECU Jets that operate from Windermere Park.

At its meeting held on 15 July 2014 (CJ116-07/14 refers) Council noted the active reserve and community facility review report and the recommendations made that were based on a strategic approach to the future provision of community and sporting facilities and infrastructure works. The intent of this review was to provide a guide to the priority in which City facilities would undertake various refurbishment works in order to inform the Capital Works Program.

As part of the report the following was recommended in regards to the two facilities:

- Windermere Park Clubrooms, Joondalup - \$250,000 for new heating/cooling system and possible power upgrade (if required). Recommended to be listed in 2021-22.
- Falkland Park toilets/change rooms, Kinross - \$459,635 for the extension of the facility to include kiosk, storage and a larger change room area. Recommended to be listed in 2023-24. This is not listed within the current Five Year Capital Works Program as it is beyond the time period for the program.

In April 2015 (CJ061-04/15 refers), as a result of adding the facilities at Percy Doyle Reserve into the facility refurbishment list of future works, priorities were reviewed and Council agreed to the \$250,000 recommended for Windermere Park Clubrooms being rescheduled to 2018-19. No change was made to the recommended year for listing of the funds for the Falkland Park toilet/change rooms works.

Currently listed in the 2018-19 *Capital Works Program* (BCW2552) is the \$250,000 for the Windermere Park Clubrooms for new heating/cooling system and possible power upgrade (if required).

DETAILS

The JKJFC have requested that the scope of works for the refurbishment of Windermere Park Clubrooms be expanded to include additional storage for the facility. Their position is that the current storage is inadequate to meet the needs of a club its size as the club is storing essential equipment within the change room and toilet areas. In addition JKJFC have sought for the refurbishment of the facility located at Falklands Park, Kinross to be brought forward as the usage of the ground is growing and supporting elements within that facility would assist in them operating from that location.

As part of a recent upgrade to the lighting at Windermere Park, the power source to the site was upgraded. The Western Power component of the upgrade was \$23,000, with the cost being site specific. Power upgrade costs can fluctuate greatly depending on the power network, transformer size and power upgrade requirements.

Therefore as part of the refurbishment project listed for 2018-19, a power upgrade is unlikely to be required with the works primarily focussed on the heating and cooling of the clubrooms, which will see surplus funds available from the budgeted amount of \$250,000.

Issues and options considered

The options available for the Council would be:

Windermere Park:

- not agree to expand the scope for works at Windermere Park Clubrooms and only undertake the required heating/cooling works and identify project savings
or
- agree to undertake the planning stages of a refurbishment project including consultation with relevant stakeholders to identify additional works, concept design and cost estimates. Once this process is complete, prepare a report detailing scope of works and budget implications for further consideration.

Falklands Park:

- not agree to bring forward the refurbishment project and leave the project listed in 2023-24 as per the active reserve and community facility review report or
- agree to bring forward the planning stages of the refurbishment project including consultation with relevant stakeholders to identify additional works, concept design and cost estimates. Once this process is complete, prepare a report detailing scope of works and budget implications for further consideration.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Quality facilities – To provide facilities of the highest quality which reflect the needs of the community now and into the future.

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

Policy *Requests for New or Capital Upgrades to Existing Community Buildings Policy.*

Risk management considerations

The following risks have been identified:

- The current facilities do not meet the needs of the users groups, and therefore could cause issues with storing of equipment in inappropriate areas.
- Adequate City resources to plan and construct additional refurbishment works by 2018-19.
- If the scope of works are increased for the Windermere Park Clubrooms, and the refurbishment works for Falklands Park are brought forward, is the City financially positioned to meet the additional costs.

Financial / budget implications

There are currently no funds listed in 2016-17 or 2017-18 to undertake the planning required for a refurbishment project at either of the sites.

Future financial year impact

Annual operating cost Any increase to floor space of a facility or adding heating/cooling will increase the annual operating costs to that facility. However in the case of Windermere Park, the facility is leased to two user groups who are responsible for all outgoings for the clubrooms.

Estimated annual income The City currently receives \$1 (peppercorn) per annum for the lease of Windermere Park Clubrooms. If the floor space is increased the rental will increase proportional based on 0.1% of the capital replacement of the facility as per the City's adopted *Property Management Framework*.

| | |
|--|--|
| Capital replacement | The <i>Building Asset Management Plan</i> defines the life of such an asset would be 100 years. |
| 20 Year Strategic Financial Plan impact | Funds are currently listed within the City's <i>20 Year Strategic Financial Plan</i> . This will be impacted if the funding amounts and/or the years listed are adjusted. The estimated net cash impact over the current adopted plan would need to be determined based on the estimated increase to the annual operating costs (once known) for a 20 year period. |
| Impact year | Funds are currently within the City's <i>20 Year Strategic Financial Plan</i> (2018-19 Windermere Park Clubrooms; 2023-24 Falklands Park toilet/change rooms). |

All amounts quoted in this report are exclusive of GST.

Regional significance

There would be minimal regional impact as JKJFC is a locally based club and attracts a large majority of its members from the immediate surrounds.

Sustainability implications

Environmental

All facility refurbishment projects are planned to reduce the impact of the carbon footprint and consider environmental sustainability design features where possible within the project budget.

Social

The projects would include consultation with the existing user groups to ensure that feedback received represents their needs. Furthermore, refurbishment works consider access and inclusion principles with the aim to enhance the amenity of the public space.

Economic

Not applicable.

Consultation

With the exception of the City being approached by the JKJFC, there has been no other consultation undertaken. If it is agreed to undertake the refurbishment projects, consultation with relevant stakeholders will be undertaken.

COMMENT

The Active Reserve and Community Facility review report and the recommendations made were based on a strategic approach for the future provision of community and sporting facilities and infrastructure works. However the intention of the report was to act as a guide, noting that priorities may change between reviews.

The City currently has an expansive building construction works program, and increasing the scope of projects or adding to the list of projects will increase the workload and generally will need to be addressed by increasing resources.

Given the City's extensive capital works program and the current allocation of resources, it is proposed to proceed with the refurbishment of the Windermere Park Clubrooms (with potentially a revised scope) as scheduled, however not proceed with refurbishing the Falklands Park facility at this point in time.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ176-10/16 (as detailed below) was resolved by the Finance Committee at its meeting held on 3 October 2016.

The original recommendation as presented by City officers to the committee is as follows:

That Council:

- 1 *NOTES that an amount of \$250,000 is listed in the Five Year Capital Works Program in 2018-19 for refurbishment works at Windermere Park Clubrooms;*
- 2 *NOTES that there are no funds listed with the current Five Year Capital Works Program for refurbishment works to the Falklands Park facility;*
- 3 *REQUESTS a further report detailing concept design options and estimated costings to undertake a refurbishment and potential expansion of the Windermere Park Clubrooms, following engagement with key stakeholders of the facility;*
- 4 *DOES NOT AGREE to bring forward the refurbishment project for the Falklands Park facility at this point in time.*

The committee's subsequent recommendation to Council is as follows (changes identified):

That Council:

- 1 *NOTES that an amount of \$250,000 is listed in the Five Year Capital Works Program in 2018-19 for refurbishment works at Windermere Park Clubrooms;*
- 2 *NOTES that there are no funds listed with the current Five Year Capital Works Program for refurbishment works to the Falklands Park facility and REQUESTS a further report to the Finance Committee on the proposed scope and benefits of refurbishment works for the Falklands Park facility;*
- 3 *REQUESTS a further report detailing concept design options and estimated costings to undertake a refurbishment and potential expansion of the Windermere Park Clubrooms, following engagement with key stakeholders of the facility.*
- 4 ~~*DOES NOT AGREE to bring forward the refurbishment project for the Falklands Park facility at this point in time.*~~

MOVED Cr McLean, SECONDED Cr Hollywood that Council:

- 1** **NOTES** that an amount of \$250,000 is listed in the *Five Year Capital Works Program* in 2018-19 for refurbishment works at Windermere Park Clubrooms;
- 2** **NOTES** that there are no funds listed with the current *Five Year Capital Works Program* for refurbishment works to the Falklands Park facility and **REQUESTS** a further report to the Finance Committee on the proposed scope and benefits of refurbishment works for the Falklands Park facility;
- 3** **REQUESTS** a further report detailing concept design options and estimated costings to undertake a refurbishment and potential expansion of the Windermere Park Clubrooms, following engagement with key stakeholders of the facility.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19brf161003.pdf](#)

CJ177-10/16 2017-18 COMMUNITY FACILITY REFURBISHMENT PROJECTS

| | |
|-------------------------------|---|
| WARD | South |
| RESPONSIBLE A/DIRECTOR | Mr Mike Smith Corporate Services |
| FILE NUMBER | 09631, 29528, 02056, 101515 |
| ATTACHMENTS | Attachment 1 Aerial map of Sorrento Tennis Clubroom Attachment 2 Sorrento Tennis Clubroom floorplan (existing) Attachment 3 Sorrento Tennis Clubroom concept plan Attachment 4 Sorrento Tennis Clubroom cost estimate Attachment 5 Aerial map of Sorrento Football (soccer) Clubroom Attachment 6 Sorrento Football (soccer) Clubroom floorplan (existing) Attachment 7 Sorrento Football (soccer) Clubroom concept plans Attachment 8 Sorrento Football (soccer) Clubroom cost estimate |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

PURPOSE

For Council to consider the concept plans, estimated capital costs and recommendations for the 2017-18 community facility refurbishment projects.

EXECUTIVE SUMMARY

Each year the City plans to undertake one or two refurbishments of community and sporting facilities.

The Sorrento Tennis Clubroom is located within the Percy Doyle Reserve on 46 Warwick Road, Duncraig. The facility was constructed in 1981 and consists of a meeting room, office, crèche, merchandise shop, kitchen, bar, toilets and storerooms. A refurbishment of the kitchen was completed in 2011-12. Over the last few years the facility has had minor works such as repainting, new flooring in some rooms and a heating/cooling system in the crèche.

The facility is leased by the Sorrento Tennis Club who has approximately 388 members. The club also leases the 20 adjacent synthetic tennis courts.

The Sorrento Football (soccer) Clubroom is located within the Percy Doyle Reserve on 46 Warwick Road, Duncraig. The facility was constructed in 1980 and consists of a hall, referee room, physiotherapy room, kitchen, bar, toilets, changerooms and storerooms. In 2012-13 the Sorrento Football Club funded a new umpire changeroom and in 2013-14 a new patio area was installed by the City. In 2014-15 the Sorrento Football Club replaced perimeter fencing around the main soccer pitch.

The facility is leased to the Sorrento Football Club who has approximately 620 members. The club also hires the two adjacent soccer ovals on a seasonal basis.

At its meeting held on 21 April 2015 (CJ061-04/15 refers), Council agreed to list the refurbishment of Sorrento Tennis Clubroom at a cost estimate of \$604,605 and the refurbishment of Sorrento Football (soccer) Clubroom at a cost estimate of \$662,906 in 2017-18.

As part of the needs analysis stage of the project, stakeholder consultation was undertaken with the existing user groups who lease each facility (Sorrento Tennis Club and Sorrento Football Club). Considering the feedback from user groups and priorities identified by the City, a scope of works was developed in order to develop concept plans and a cost estimate for each project.

Currently, there is \$604,605 split across 2016-17 and 2017-18 listed in the City's *Five Year Capital Works Program* for the Sorrento Tennis Clubroom refurbishment project. Following concept design and a cost estimate the capital cost for this project is \$504,000 which is within the existing budget allocation.

Currently, there is \$662,906 split across 2016-17 and 2017-18 listed in the City's *Five Year Capital Works Program* for the Sorrento Football (soccer) Clubroom refurbishment project. Following concept design and a cost estimate the capital cost for this project is \$622,000 which is within the existing budget allocation.

It is therefore recommended that Council:

- 1 *NOTES that \$605,000 (total project budget) is currently listed within the City's Five Year Capital Works Program for the Sorrento Tennis Clubrooms and that \$663,000 (total project budget) is currently listed within the City's Five Year Capital Works Program for the Sorrento Football (soccer) Clubrooms;*
- 2 *NOTES that \$73,000 (municipal funds) is currently listed in 2016-17 for detailed design and \$532,000 (reserve funds) is currently listed in 2017-18 for construction within the City's Five Year Capital Works Program for the Sorrento Tennis Clubrooms;*
- 3 *NOTES that \$80,000 (municipal funds) is currently listed in 2016-17 for detailed design and \$583,000 (reserve funds) is currently listed in 2017-18 for construction within the City's Five Year Capital Works Program for the Sorrento Football (soccer) Clubrooms;*
- 4 *APPROVES the proposed refurbishment works at the Sorrento Tennis Clubrooms as detailed in Report CJ177-10/16 to proceed to the detailed design and tender stage;*
- 5 *APPROVES the proposed refurbishment works at the Sorrento Football (soccer) Clubrooms as detailed in Report CJ177-10/16 to proceed to the detailed design and tender stage;*
- 6 *BY AN ABSOLUTE MAJORITY DELEGATES to the Chief Executive Officer in accordance with section 5.42 of the Local Government Act 1995 the authority to accept tenders for the Sorrento Tennis Clubroom refurbishment project subject to the price of tenders not exceeding \$532,000, and for the Sorrento Football (soccer) Clubroom refurbishment project subject to the price of tenders not exceeding \$583,000.*

BACKGROUND

| | |
|------------------------|---|
| Suburb/Location | Percy Doyle Reserve 46 Warwick Road Duncraig WA 6023. |
| Applicant | City of Joondalup. |
| Owner | Crown Land – City of Joondalup Management Order. |
| Zoning | DPS Parks and Recreation. |
| | MRS Urban. |
| Site area | 190,290m ² . |
| Structure plan | Not applicable. |

Since 2007, the City has undertaken one or two community facility refurbishment projects each year. Refurbishment projects intend to improve the functionality and aesthetics of the facility and are not designed to undertake general maintenance. The scope of each project is generally confined to the following aspects:

- Painting.
- Replacing fixtures and fittings.
- Upgrading external environments – for example building pathways, landscaping around the building and signage.
- Kitchen facilities.
- Floor coverings.
- Toilets and change rooms (including refurbishment or new extensions).
- Storage facilities (extensions to the facility).
- Heating/cooling systems.
- Window treatments.

Major structural changes or modification to a facility that include major extensions and/or reconfigurations of areas are normally classified as a redevelopment project. However, due to part of the Percy Doyle Reserve masterplan project being delayed to 2030-31 and the remainder of the masterplan project being delayed to a future year to be determined, the Sorrento Football (soccer) Clubroom (SFC) project will include a building extension and toilet reconfiguration and the Sorrento Tennis Clubroom (STC) project will include a bar reconfiguration.

At its meeting held on 21 April 2015 (CJ061-04/15 refers), Council agreed to list the refurbishment of STC at a cost estimate of \$604,605 and the refurbishment of SFC at a cost estimate of \$662,906 in 2017-18.

Sorrento Tennis Clubroom

The STC is located within the Percy Doyle Reserve on 46 Warwick Road, Duncraig (Attachment 1 refers). The facility was constructed in 1981 and consists of a meeting room, office, crèche, merchandise shop, kitchen, bar, toilets and storerooms (Attachment 2 refers). A refurbishment of the kitchen was completed in 2011-12. Over the last few years the facility has had minor works such as repainting, new flooring in some rooms and a heating/cooling system in the crèche.

The City is currently undertaking a court resurfacing project at STC to resurface a number of tennis courts. As a result of a successful Community Sporting and Recreation Facilities Fund application this project will also include a number of other works including fencing and court shade shelters.

The facility is leased by the STC who has approximately 388 members. The club also leases the 20 adjacent synthetic tennis courts.

The facility design and layout meets the needs of the user groups well, however the location and size of the existing bar and design of the players area limits the opportunities the club can provide to its members and those who hire the facility. Spectator viewing over the tennis courts from the clubroom is limited and the shower cubicles also need updating to improve privacy.

Other issues at the facility include a lack of internal storage, uneven paving around the facility and inadequate path drainage.

Sorrento Football (soccer) Clubroom

The SFC is located within the Percy Doyle Reserve on 46 Warwick Road, Duncraig (Attachment 5 refers). The facility was constructed in 1980 and consists of a hall, referee room, physiotherapy room, kitchen, bar, toilets, change rooms and storerooms (Attachment 6 refers). In 2012-13 the SFC funded a new umpire change room and in 2013-14 a new patio area was installed by the City. In 2014-15 the SFC replaced perimeter fencing around the main soccer pitch.

The facility is leased to the SFC who has approximately 620 members. The club also hires the two adjacent soccer ovals on a seasonal basis.

The facility design and layout meets the needs of the user groups well, however the existing toilets do not meet current universal access requirements and the main hall, kitchen and change rooms need updating. The existing heating/cooling system needs to be replaced and there is a lack of adequate storage and ACROD parking bays close to the facility. Spectator viewing over the ovals from the clubroom is also limited.

DETAILS

Stakeholder consultation

As part of the needs analysis stage of the project, stakeholder consultation was undertaken with the STC and SFC.

Sorrento Tennis Club

The following items were agreed to be included in the scope of works at the Council meeting held on 21 April 2015 (CJ061-04/15 refers) and were agreed to during consultation with the STC:

- Foyer/players area refurbishment.
- Internal walls render/painting.
- Toilet/change room refurbishment.
- Kitchen/bar refurbishment.
- Paving around clubrooms.
- Internal storage.

Sorrento Football Club

The following items were agreed to be included in the scope of works at the Council meeting held on 21 April 2015 (CJ061-04/15 refers):

- Kitchen/bar refurbishment.
- Toilet/change room refurbishment.
- Main hall refurbishment.

- Internal lighting replacement.
- External storage.
- Verandah extension.
- Replacement of evaporative air-conditioning system in main hall.

The following additional items were identified during consultation with SFC and were included for consideration in the scope of works:

- An upgrade of the electrical layout/wiring works, particularly in the kitchen.
- Improved wheelchair access to the facility (including footpaths and car-parking).
- Conversion and refurbishment of the existing park toilets to a storeroom and park Universal Access Toilet (UAT).

Concept plans and capital cost estimates

A scope of works was developed based on addressing the challenges identified for each facility and stakeholder consultation with the STC and SFC. Facility concept plans were developed based on the scope of works and cost estimates were obtained from an external Quantity Surveyor.

Sorrento Tennis Clubroom

The proposed facility concept plan (Attachment 3 refers) includes a bar extension and refurbishment, reconfiguration of the existing storeroom and construction of a new internal storeroom. The players area and foyer will be refurbished and new ramps for wheelchair access to the facility will be installed. Additional windows and bi-fold doors will be installed along the eastern side of the players area to optimise viewing over the tennis courts from the clubroom. Minor refurbishment works are to be undertaken in the toilets/change rooms. The paving around the facility is to be replaced and path drainage issues resolved.

There is a significant amount of work proposed at the STC and the STC operations will be disrupted during construction. Temporary facilities (for example toilets and change rooms) have been included in the cost estimate to accommodate the STC during construction.

The following is a summary of the items and cost estimate (Attachment 4 refers):

| Item | Cost (\$) |
|--|----------------|
| Bar refurbishment. | 135,000 |
| Players area and foyer refurbishment. | 85,000 |
| Bi-fold doors and windows to players area. | 74,000 |
| New internal storeroom. | 14,000 |
| Toilet/change room refurbishment. | 39,000 |
| Paving and drainage works. | 62,000 |
| Main entrance paving and ramp works. | 47,000 |
| Temporary facilities (required during construction). | 48,000 |
| TOTAL | 504,000 |

The cost estimate summary table includes preliminaries and small works margin (20%), professional fees in order to undertake detailed design (12%), design contingencies (5%), building contingencies (5%) and cost escalation to June 2017 (3.84%).

All amounts quoted in this report are exclusive of GST.

Sorrento Football (soccer) Clubroom

The proposed facility concept plan (Attachment 7 refers) includes reconfiguration and refurbishment of the existing toilets to meet compliance requirements and refurbishment of the main hall (including replacement of the evaporative heating/cooling system), kitchen and change rooms. Additional windows and bi-fold doors will be installed along the eastern side of the clubroom to optimise viewing over the oval from the clubroom. A storeroom extension is to be constructed and the existing storage shed demolished. A verandah extension will be included to match the existing verandah.

An investigation into the existing electrical layout/wiring and new ACROD parking bays and pathways close to the clubroom are also included as part of the scope as they were identified through the stakeholder consultation.

There is a significant amount of work proposed at the SFC and the SFC operations will be disrupted during construction. Temporary facilities (for example toilets and change rooms) have been included in the cost estimate to accommodate the SFC during construction.

The following is a summary of the items and cost estimate (Attachment 8 refers):

| Item | Cost (\$) |
|--|------------------|
| Internal toilet refurbishment. | 97,000 |
| Main hall refurbishment. | 75,000 |
| Bi-fold doors to clubroom. | 27,000 |
| Verandah extension. | 59,000 |
| Kitchen/bar refurbishment. | 52,000 |
| Change room refurbishment. | 22,000 |
| Replacement of evaporative cooling system to main hall. | 39,000 |
| New disabled car parking bays. | 29,000 |
| Electrical investigation. | 23,000 |
| New store (north side of existing building). | 105,000 |
| New store and park UAT (west side of existing building). | 54,000 |
| Temporary facilities (required during construction). | 40,000 |
| TOTAL | 622,000 |

The cost estimate summary table includes preliminaries and small works margin (20%), professional fees in order to undertake detailed design (12%), design contingencies (5%), building contingencies (5%) and cost escalation to June 2017 (3.84%).

All amounts quoted in this report are exclusive of GST.

Issues and options considered

Currently, there is \$73,000 listed in 2016-17 for detailed design and \$532,000 in 2017-18 for construction in the City's *Five Year Capital Works Program* for the STC refurbishment project.

Currently, there is \$80,000 listed in 2016-17 for detailed design and \$583,000 in 2017-18 for construction in the City's *Five Year Capital Works Program* for the SFC refurbishment project.

It is important to note that the budget amounts within the City's *Five Year Capital Works Program* were based on estimates from other similar refurbishment projects and average square-metre rates. The figures were not based on any project scoping, concept plans or cost estimates specific for these projects.

Sorrento Tennis Clubroom

The estimated capital cost as provided by the external Quantity Surveyor for this project is \$504,000. As the cost estimate is less than the current amount listed (\$101,000 remaining) in the City's *Five Year Capital Works Program*, there are two options for the project:

- proceed with the project budget at \$605,000
or
- reduce the project budget to \$504,000.

The cost estimate is based on high level concept plans and tender prices may differ following the detailed design stage.

Sorrento Football (soccer) Clubroom

The estimated capital cost as provided by the external Quantity Surveyor for this project is \$622,000. As the cost estimate is less than the current amount listed (\$41,000 remaining) in the City's *Five Year Capital Works Program*, there are two options for the project:

- proceed with the project budget at \$663,000
or
- reduce the project budget to \$622,000.

The cost estimate is based on high level concept plans and tender prices may differ following the detailed design stage.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Quality facilities.

Strategic initiative

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

Policy Not applicable.

Risk management considerations

All capital projects bring risks in relation to contingencies and over runs against original design. The capital cost estimates are based on high level concept plans and may differ once further detailed designs are undertaken for the projects.

Financial / budget implicationsSorrento Tennis Clubroom

At its meeting held on 21 April 2015 (CJ061-04/15 refers), Council agreed to list the refurbishment project at the STC at a total project cost estimate of \$604,605.

To date, approximately \$7,000 has been spent on this project preparing concept plans and cost estimates.

The following is listed within the City's 2016-17 and 2017-18 *Capital Works Program* for STC:

| | |
|-----------------------------|---|
| Account no. | MPP2063. |
| Budget Item | Percy Doyle – Tennis Clubrooms refurbishment. |
| Budget amount | \$605,000 |
| Amount spent to date | \$ 7,000 |
| Balance | \$598,000 |

The estimated capital cost as provided by the external Quantity Surveyor for this project is \$504,000 (\$94,000 remaining).

Future financial year impact

Annual operating cost The operating cost for the STC is estimated at \$17,750 for 2015-16. This includes maintenance and utilities for the clubroom and sports floodlights.

It is not expected that the proposed refurbishment works would have an impact on the annual operating costs for the facility.

Estimated annual income The income for the STC is estimated at \$16,396 for 2015-16. This includes utilities reimbursement and lease fees.

It is not expected that the proposed refurbishment works would have an impact on the annual income for the facility.

20 Year Strategic Financial Plan impact It is not expected that the proposed refurbishment works would have an impact on the *20 Year Strategic Financial Plan*.

Sorrento Football (soccer) Clubroom

At its meeting held on 21 April 2015 (CJ061-04/15 refers), Council agreed to list the refurbishment project at the SFC at a total project cost estimate of \$662,906.

To date, approximately \$7,500 has been spent on this project preparing concept plans and cost estimates.

The following is listed within the City's 2016-17 and 2017-18 *Capital Works Program* for SFC:

| | |
|-----------------------------|---|
| Account no. | MPP2064. |
| Budget Item | Percy Doyle – Soccer Clubrooms refurbishment. |
| Budget amount | \$663,000 |
| Amount spent to date | \$ 7,500 |
| Balance | \$655,500 |

The estimated capital cost as provided by the external Quantity Surveyor for this project is \$622,000 (\$33,500 remaining).

Future financial year impact

Annual operating cost The operating cost for the SFC is estimated at \$5,118 for 2015-16. This includes maintenance and utilities for the clubroom.

It is estimated that with the proposed refurbishment works the annual operating costs would increase by \$250 to \$5,368. This increase includes additional maintenance and utilities as a result of the storeroom extension.

Estimated annual income The income for the SFC is estimated at \$5,135 for 2015-16. This includes lease fees.

It is not expected that the proposed refurbishment works would have an impact on the annual income for the facility.

20 Year Strategic Financial Plan impact The estimated net cash impact over the current adopted *20 Year Strategic Financial Plan* is estimated to be \$5,004. This is based on the estimated increase to the annual operating costs for a 20 year period (does not include escalation/inflation costs).

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Environmental

All facility refurbishment projects are planned to reduce the impact of the carbon footprint and consider environmental sustainability design features where possible within the project budget.

Social

The projects have included consultation with the existing user groups to ensure that feedback received represents their needs. Furthermore, refurbishment works consider access and inclusion principles with the aim to enhance the amenity of the public space.

Economic

Not applicable.

Consultation

Consultation was undertaken with the STC and SFC during the site and needs analysis stage of the project. Information on the consultation has been included in the details and issues/options sections of Report CJ177-10/16.

COMMENT

The estimated capital cost for the STC refurbishment project is \$504,000 which is \$101,000 under the existing budget allocation. It is recommended that the existing \$605,000 budget within the City's *Capital Works Program* for the project is not reduced at this time.

The estimated capital cost for the SFC refurbishment project is \$622,000 which is \$41,000 under the existing budget allocation. It is recommended that the existing \$663,000 budget within the City's *Capital Works Program* for the project is not reduced at this time.

The cost estimates for both projects are based on high level concept plans and tender prices may differ following the detailed design stage.

In order to complete construction on these projects in 2017-18, detailed design will need to occur in 2016-17. Currently, there is \$73,000 for the STC refurbishment project and \$80,000 for the SFC refurbishment project listed in 2016-17 for detailed design in the City's *Five Year Capital Works Program*.

VOTING REQUIREMENTS

Absolute Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for Report CJ177-10/16 (as detailed below) was resolved by the Finance Committee at its meeting held on 3 October 2016.

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

MOVED Cr McLean, SECONDED Cr Dwyer that Council:

- 1 **NOTES** that \$605,000 (total project budget) is currently listed within the City's *Five Year Capital Works Program* for the Sorrento Tennis Clubrooms and that \$663,000 (total project budget) is currently listed within the City's *Five Year Capital Works Program* for Sorrento Football (soccer) Clubrooms;
- 2 **NOTES** that \$73,000 (municipal funds) is currently listed in 2016-17 for detailed design and \$532,000 (reserve funds) is currently listed in 2017-18 for construction within the City's *Five Year Capital Works Program* for the Sorrento Tennis Clubrooms;
- 3 **NOTES** that \$80,000 (municipal funds) is currently listed in 2016-17 for detailed design and \$583,000 (reserve funds) is currently listed in 2017-18 for construction within the City's *Five Year Capital Works Program* for the Sorrento Football (soccer) Clubrooms;
- 4 **APPROVES** the proposed refurbishment works at the Sorrento Tennis Clubrooms as detailed in Report CJ177-10/16 to proceed to the detailed design and tender stage;
- 5 **APPROVES** the proposed refurbishment works at the Sorrento Football (soccer) Clubrooms as detailed in Report CJ177-10/16 to proceed to the detailed design and tender stage;
- 6 **BY AN ABSOLUTE MAJORITY DELEGATES** to the Chief Executive Officer in accordance with section 5.42 of the *Local Government Act 1995* the authority to accept tenders for the Sorrento Tennis Clubroom refurbishment project subject to the price of tenders not exceeding \$532,000, and for the Sorrento Football (soccer) Clubroom refurbishment project subject to the price of tenders not exceeding \$583,000.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20brf161003.pdf](#)

REPORTS – POLICY COMMITTEE – 13 OCTOBER 2016**C65-10/16 COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION - [02154, 08122]**

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

CJ178-10/16, CJ180-10/16, CJ181-10/16 and CJ182-10/16.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

**CJ178-10/16 VISUAL ARTS COMMISSIONING PROGRAM 2017-18
- PROPOSED ARTISTS**

| | | |
|-----------------------------------|--|---|
| WARD | All | |
| RESPONSIBLE A/DIRECTOR | Mr Mike Smith Corporate Services | |
| FILE NUMBER | 14158, 101515 | |
| ATTACHMENTS | Attachment 1 | Olga Cironis Proposal |
| | Attachment 2 | Nien Schwarz Proposal |
| | Attachment 3 | Perdita Phillips Proposal |
| | Attachment 4 | Research undertaken on 22 Western Australian artists |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. | |

PURPOSE

For Council to approve the selected Western Australian artist for the commissioning of an artwork for the City's art collection as part of the *Visual Arts Commissioning Program 2017-18*.

EXECUTIVE SUMMARY

This report provides options for the commissioning of an artwork that documents and captures the iconic landmarks and people that represent the City of Joondalup.

Three artists have been shortlisted to complete the commission in 2017-18. All artists are of high professional standing, have confirmed that they can deliver the artwork within the allocated budget and timeframe, and are well qualified to produce an artwork that will be a sound investment for the City.

It is therefore recommended that Council SELECTS Nien Schwarz to complete the visual artwork commission in 2017/18 with a contract value not to exceed \$15,000.

BACKGROUND

The City's art collection comprises over 250 artworks created by professional Western Australian contemporary artists. Artworks span a wide range of media including painting, sculpture, drawing, ceramic, print, photography, textile and glass.

The City's art collection operates on a yearly art acquisition budget of \$15,000, which enables the acquisition of two or three high quality contemporary artworks throughout the year from the City of Joondalup Community Invitation Art Award, the City of Joondalup Community Art Exhibition, and other exhibitions such as the NAIDOC week art exhibition. Acquisitions are also made from exhibitions across the Perth metropolitan area, and occasionally from regional Western Australia. These acquisitions allow the City's art collection to grow in cultural and fiscal value and fulfil the objectives of the City's *Visual Arts Policy*.

At its meeting held on 19 April 2011 (CJ064-04/11 refers), Council agreed to establish an annual *Visual Arts Commissioning Program* designed to commission artists to develop an artwork documenting and capturing the iconic landmarks and people who represent the City of Joondalup to be acquired for the City's art collection. The value of this commission is \$15,000 per annum.

In 2012, the inaugural commission was awarded to Western Australian artist Tony Windberg who created a mixed-media artwork entitled *Meeting Points*. The second commission in 2013 was awarded to Western Australian artist Lindsay Harris who created a painting entitled, *Woolagut Koorling, Yey Kwodjungut Koorling (Long ago behind going, Today in front going)*.

At its meeting held on 19 February 2013 (CJ021-02/13 refers), Council endorsed changes to the *Visual Arts Commissioning Program* and approved the option to invite an international or national artist to undertake the commission through an artist residency over a two year period to the value of \$30,000.

At its meeting held on 16 October 2014 (CJ200-10/14 refers), the former Art Collection and Advisory Committee (ACAC) selected artist, Brandon Ballengée from New York, United States of America to complete a residency. Ballengée undertook a six week artist residency from September to October 2015.

At its meeting held on 28 June 2016 (CJ100-06/16 refers) Council endorsed alternating between an annual artwork commission from a high profile Western Australian artist in one year and an artist residency comprised of two parts, a Residency and Commission, taking place over the following two years, as per Option 2 detailed within the report.

DETAILS

The commission program involves the contracting of an artist to create an original artwork for the specific purpose of becoming a part of the City's art collection.

Research was undertaken on 22 professional artists who are currently working and exhibiting in Western Australia (Attachment 4 refers).

In researching suitable artists the following factors were considered:

- The level of engagement the artist is likely to have with the community.
- The artists' experience, skill, and professional standing.
- Likelihood that the work produced will be original, unique and of high quality.
- Likelihood that the work produced will be favourably representative of Joondalup.
- That the value of the artist's work is in proportion to the City's commissioning budget.
- That the artwork produced has financial investment potential.
- Availability of artist.
- Whether the City of Joondalup art collection already contains work by that artist.

Issues and options considered

Three artists have been shortlisted taking into account the factors outlined above and are put forward for consideration by the Policy Committee. These artists are as follows:

- Olga Cironis.
- Nien Schwarz.
- Perdita Philips.

These three artists work in a variety of media with stylistically different approaches and conceptual ideologies.

The factors most relevant to these artists are as follows:

- Each is a respected and active Western Australian professional artist.
- Their career progression is strong, they are exhibiting regularly, collected widely, and their work is developing with cohesion and critical acclaim.
- Each artist has indicated a desire to engage with the City of Joondalup in some way.
- The value of each artist's work is in proportion to the City's commissioning budget.
- None are currently represented in the City's art collection.
- Each are available in 2017-18.

Once the successful artist has been selected then the commissioning process will follow. This includes contracting the selected artist to produce a comprehensive concept response which will be provided to the Policy Committee for comment prior to the artist starting work on the finished piece.

The finished artwork will be delivered within the agreed timeframe and budget and accessioned into the art collection as per the *Art Collection Management Plan* and usual administrative procedures.

Option 1 - Olga Cironis

Olga is a contemporary artist whose work references migration and migrant stories, often told from a feminist perspective. Her experiences as a migrant and as a woman frame her critiques of political, social and economic structures that underpin her visual arts practise.

She is an established artist, teacher and lecturer with a practice that spans over 20 years. Since graduating with a Masters of Visual Arts from SCA University of Sydney in 1996, Olga has exhibited widely, with solo shows including *Into the Woods Alone* at Turner Galleries in 2013, *FAJR* at Fremantle Art Centre in 2011, and *Handle Me Gently* at Turner Galleries in 2008. Her group exhibitions include *Florid* at 45 Downstairs Gallery Melbourne, *Beautiful Vermin* at Central Gallery Central Institute of Technology, *If You Can't Cut it Don't Come* at The Australian Embassy Singapore, and *Prefix* as part of the Textile Exchange Project, Hyogo Prefectural Museum of Art, Japan.

In 2014, Olga received the NAB Western Australian Art Award, and in 2012 she was awarded a Mid Career Fellowship for her exhibition *Into the Woods Alone*. In this year she was also the winner of the Mid West Art Prize. In 2009, Olga took home the first prize in the Bunbury Biennale, and in 2008 she was the winner of the prestigious Bankwest Art Award.

Her work is featured in numerous public and private collections including the Art Gallery of WA, the City of Fremantle art collection, the King Edward Memorial Hospital collection, the Fiona Stanley Hospital collection, the John Stringer art collection, the Bankwest art collection, the Janet Holmes a Court art collection, the City of Melville art collection, the Bunbury Regional Art Gallery collection, the Bunbury art collection, and the Geraldton Art Gallery collection.

Olga's primary artistic concern is with cultural and social identity within the Australian framework and she reflects upon her own background as a Greek migrant to create sometimes satirical works that explore ideas associated with belonging and marginality. She responds to these ideas in a variety of ways using many types of artistic methods and media such as video, sculpture, photography, performance and text.

For Olga's biography, CV and summarised initial concept response (Attachment 1 refers).

Option 2 - Nien Schwarz

Nien Schwarz is informed by earth sciences and conducts much of her artistic research in parallel with trips to remote regional Australia where she works as a field worker on scientific survey expeditions. She has also worked as a camp cook, and a field worker, in arctic Canadian geological survey expeditions. This fieldwork underpins and informs Schwarz's interdisciplinary practice, and she is primarily concerned with resources provided by the earth. She links her knowledge of science and art, and often creates site-based installation artworks, performances, and sculptures that investigate the relationships between physical and human geographies – locally, globally, critically and playfully.

Nien has a multi-disciplined approach which investigates humanity's dependence on natural resources. Her work often incorporates discarded materials; *Promised Land*, in the 2001 Perth International Arts Festival, included 800 shopping bags, each one a recycled map installed to echo an archive or retail display. *Over My Shoulder*, 2006, at the Perth Institute of Contemporary Art (PICA), included 170m² of discarded aerial photographs of arid WA. Suspended drinking vessels containing water and earth samples lamented the wasting effects of drought. In *Earth Matters*, 2008, (Turner Galleries), drilling patterns were painted using scientific and industrial geological waste and the inside circumference of a roll of flagging tape functioned as metaphor for lenses, drill bits, mine shafts, bores, wells.

Large projects are supported by volunteers, CSIRO, DMP, National Library, Oil Mallee Association and State Salinity Council. Schwarz has held lecturing positions at Edith Cowan and Australian National Universities. She contributes to *Art Monthly*, *Artlink*, and is a member of the International Centre for Landscape and Language.

For Nien's biography, CV and summarised initial concept response (Attachment 2 refers).

Option 3 - Perdita Phillips

Perdita is primarily interested in the environment and often refers to a scientific understanding in her work. At the same time she is interested in things that are not explained by science which might be about what is not seen or logically sensible. After years of wrestling with the ideas of beauty and wildness she has decided that things are not simple: they are complex and contested and worth fighting for.

Perdita has used many different media including walking, mapping, drawing, sculpture, digital art, installations, ephemeral outdoor works, situations, photographs, videos, sound installations and spatial sound, found objects and collage. Her work is marked by a continuing interest in the relationships between humans and non-human others such as rocks, plants, animals, and ecosystems. Underlying her practice is a general concern with imagining *environmental futures*.

For Perdita's biography, CV and summarised initial concept response (Attachment 3 refers).

Legislation / Strategic Community Plan / policy implications

| | |
|---------------------------------|---|
| Legislation | Not applicable. |
| Strategic Community Plan | |
| Key theme | Community Wellbeing. |
| Objective | Cultural development. |
| Strategic initiative | Invest in publicly accessible visual art that will present a culturally-enriched environment. |
| Policy | <i>Visual Arts Policy.</i> |

Risk management considerations

Not applicable.

Financial / budget implications

The 2016-17 Budget includes an amount of \$15,000 for the commissioning of artworks depicting iconic landmarks within the City of Joondalup. No funds to date have been expended.

Current financial year impact

| | |
|-----------------------------|--|
| Account no. | C1078 |
| Budget Item | Commissioning for the City's Art Collection. |
| Budget amount | \$15,000 |
| Amount spent to date | \$ 0 |
| Proposed cost | \$ 5,000 deposit will be paid from the 2016-17 financial year. |
| Balance | \$10,000 to be returned to City funds and remainder of commission to come from the 2017-18 financial year. |

All amounts quoted in this report are exclusive of GST.

Regional significance

The City's art collection, including its public art, archives and memorabilia, plays an important part in shaping and developing a sense of community.

The on-going provision of an accessible and high calibre art collection is integral to the cultural development and vibrancy of the City of Joondalup region and to best practice standards for the development of the visual arts in local government.

Sustainability implications

The commissioning of special purpose artworks has positive social sustainability implications. Artworks that reflect the City of Joondalup in content or context would enhance the relevance of the City's art collection for the local community and would increase the value of the City's cultural resources. Works that reflect the City of Joondalup would also provide a historical perspective in years to come.

Consultation

Not applicable.

COMMENT

The three artists put forward for consideration are all highly respected contemporary Western Australian artists whose work will be a culturally valuable asset for the City.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ178-10/16 (as detailed below) was resolved by the Policy Committee at its meeting held on 13 October 2016.

The original recommendation as presented by City officers to the committee is as follows:

*"That the Policy Committee **SELECTS** one of the three artists recommended to undertake the artwork commission in 2017-18 to the value of \$15,000."*

The committee's subsequent recommendation to Council is as follows (changes identified):

*"That Council **SELECTS** Nien Schwarz to complete the visual artwork commission in 2017-18 with a contract value not to exceed \$15,000."*

MOVED Cr Gobbert, SECONDED Cr Jones that Council **SELECTS Nien Schwarz to complete the visual artwork commission in 2017-18 with a contract value not to exceed \$15,000.**

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ177-10/16, page 179 refers.

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21agn161018.pdf](#)

**CJ179-10/16 PERCENT FOR ART FUNDS ALLOCATED FOR THE
BRAMSTON PARK COMMUNITY SPORTING
FACILITY**

| | |
|-----------------------------------|---|
| WARD | North |
| RESPONSIBLE A/DIRECTOR | Mr Mike Smith Corporate Services |
| FILE NUMBER | 55029, 101515 |
| ATTACHMENTS | Nil |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

This Item was dealt with later in the meeting, following report CJ182-10/16 – page 204 refers.

CJ180-10/16 DRAFT COMMERCIAL, MIXED USE AND SERVICE COMMERCIAL ZONE LOCAL PLANNING POLICY

| | |
|---------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Ms Dale Page Planning and Community Development |
| FILE NUMBER | 106157, 101515 |
| ATTACHMENTS | Attachment 1 <i>Draft Commercial, Mixed Use and Service Commercial Zone Local Planning Policy</i> |
| AUTHORITY / DISCRETION | Legislative - includes the adoption of local laws, planning schemes and policies. |

PURPOSE

For Council to consider the draft *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* for the purposes of public advertising.

EXECUTIVE SUMMARY

Currently, certain development requirements are contained in the City's *District Planning Scheme No. 2* (DPS2), while other development requirements are contained within local planning policies.

In relation to the City's draft new *Local Planning Scheme No. 3* (LPS3), it was proposed to Council at its meeting held on 16 February 2016 (CJ005-02/16 refers) that most development requirements be removed from LPS3 and contained within local planning policies.

The draft *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* contains the development requirements for non-residential development on land that will be zoned 'Commercial', 'Mixed Use' and 'Service Commercial' under LPS3. It builds on the existing development provisions contained within DPS2. Provisions relating to building set backs, building height, built form design, parking standards and access, landscaping, and servicing arrangements have been included in the draft policy to facilitate commercial development with a high standard of amenity and functionality.

Relevant provisions from other policies such as the *Height of Non-Residential Buildings Local Planning Policy*, the *Small Scale Renewable Energy Systems Policy* and the *Use of Sea Containers Policy* have also been included in order to consolidate relevant development provisions within one policy.

It is recommended that Council supports the draft policy to allow it to be advertised for public comment for a period of 21 days.

BACKGROUND

Currently, certain development requirements are contained in the City's *District Planning Scheme No. 2* (DPS2), such as building setbacks, parking standards and landscaping while other development requirements, such as signage, building height and small scale renewable energy systems, are contained within local planning policies.

During the preparation and Council adoption of draft *Local Planning Scheme No. 3* (LPS3), it was proposed that all of the general development requirements be located within local planning policies, with the exception of the necessary ‘head of power’ provisions, for example, cash-in-lieu for car parking and the dual density code provisions applied under the *Local Housing Strategy Scheme Amendment No. 73*.

This gives Council the ability to adopt and amend these policies without the need to initiate an amendment to the scheme and the need to seek the approval of the Western Australian Planning Commission (WAPC) and Minister for Planning. It also allows Council to formulate and adopt development provisions without needing to justify specific details to the WAPC. Essentially, it provides Council with control over development provisions and will ultimately be more efficient as any updates to the development provisions will only require Council approval, rather than a lengthy scheme amendment process.

It should be noted that whether development provisions are located in the planning scheme or in a local planning policy, the ability to vary provisions where it is considered appropriate to do so is still available. Clause 34(2) of draft LPS3 allows the local government to approve an application for development approval that does not comply with the requirements of the scheme. Therefore, there is not necessarily any greater certainty gained by including development provisions in the scheme as opposed to a local planning policy.

In addition, placing the development requirements in local planning policies provides ease of use for applicants as the provisions are consolidated in one document.

As LPS3 does not contain development provisions, this local planning policy needs to be prepared concurrently during the scheme adoption process to ensure that once final approval is given to LPS3, the policy has also been advertised and adopted so that these documents can work together. If the policy is not progressed in a timely manner, there is a risk that the scheme could be adopted and there would be no provisions to guide non-residential development in the ‘Commercial’, ‘Mixed Use’ and ‘Service Commercial’ zones.

At its meeting held on 16 February 2016 (CJ005-02/16 refers), Council resolved to advertise draft LPS3. The City is currently liaising with the Department of Planning on their assessment of the draft scheme.

DETAILS

The draft policy provides the development requirements for commercial development on land to be zoned ‘Commercial’, ‘Mixed Use’ and ‘Service Commercial’ within draft LPS3 (Attachment 1 refers).

The current provisions contained within DPS2 regulating commercial development within the City have been reviewed and a local planning policy has been developed. The main changes proposed through the policy are outlined below.

Setbacks to buildings

Commercial and Mixed Use zone

It is proposed that street setbacks be decreased from the existing nine metre street setback to 3.5 metres to allow buildings to be built closer to the street boundary. It is considered that a minimum 3.5 metre street setback will allow sufficient space for a pedestrian path and landscaping strip adjacent to the street, and will generally allow for more a more flexible building design and better utilisation of a site.

Currently under DPS2, the rear building setback required is six metres and the side setback is three metres. It is recommended that side and rear setbacks to buildings be made a consistent standard of a minimum of three metres. On larger commercial sites, it makes little difference to neighbouring properties and the streetscape whether a boundary that is not a street boundary is a rear or side boundary.

Service Commercial zone

Street setbacks in the 'Service Commercial' zone are proposed to be reduced from six metres to 3.5 metres to align with the *proposed* setbacks for the 'Commercial' and 'Mixed Use' zone. As indicated previously this will allow buildings to be built closer to the street boundary while allowing sufficient space for landscaping and pedestrian paths.

The side and rear setbacks are in accordance with those currently in DPS2 for the 'Business' zone (nil metres) with the exception that buildings adjacent to a 'Residential' zoned lot must be set back three metres to ensure that development does not impose on residential properties.

Building height

The building heights proposed within the draft policy are in accordance with those in the current *Height of Non-Residential Buildings Local Planning Policy*. This policy was adopted by Council at its meeting held on 15 December 2015 (CJ228-12/15 refers) and no changes to buildings heights are proposed. The provisions contained in the *Height of Non-Residential Buildings Local Planning Policy* are proposed to be incorporated into other relevant policies and therefore this policy will ultimately be revoked.

Built form and design

DPS2 contains very few provisions regarding the design and built form of commercial development. This policy therefore proposes to include development requirements that provide more guidance on acceptable built form standards. These include provisions relating to building materials, articulation, glazing, building entrances and pedestrian shelter. These standards are not considered onerous or overly restrictive, but will ensure that commercial development positively contributes to the street and local environment.

One of the primary aims of the policy is to ensure that commercial development is street orientated, pedestrian friendly and provides a high standard of amenity. Therefore minimum glazing requirements have been included, external tenancies are required to be outward facing, and no blank or unarticulated facades to the public realm are permitted.

Retaining walls

Currently, DPS2 does not contain development requirements in regard to the height of retaining walls. However, large retaining walls that can be viewed from the street and car parking areas can be visually intrusive and unappealing. Provisions have been developed to ensure that no tier of a retaining wall is greater than one metre in height and that landscaping is to be provided between tiered retaining walls to soften the visual impact of those walls.

Parking and access

Car parking

DPS2 does not list a car parking standard for every land use listed in the scheme. It is considered preferable however, that each land use has an applicable parking standard and therefore the draft policy proposes to include a parking standard for each land use that can be undertaken in the 'Commercial', 'Mixed Use' or 'Service Commercial' zone.

The proposed car parking standards are essentially the same as those currently contained within DSP2. Some of the parking standards have been updated to make them easier to apply. For example, parking standards for Hotel and Tavern have been modified from 'one per 3m² of standing area plus one per 5m² of seating area' to simply 'one per 5m² of bar and dining area'. The parking standard for Recreation Private has been modified from one per 2.5 people accommodated to one per four people accommodated. This is to align the parking standard with the existing standard for similar land uses such as Place of Assembly, Place of Worship and Reception Centre. The other major change is the reduction in the parking standard for Warehouse / Storage from one per 50m² to one per 100m². This land use is less intense than an Office or Bulky Goods Showroom and therefore requires less parking.

Additional provisions for vehicle and pedestrian access have been included to provide safe vehicle and pedestrian access to commercial lots.

Scooter and motorbike parking

Scooter and motorbike parking standards have been included as previously requested by the former Policy Committee on 12 November 2012. These standards require the replacement of every 30th car bay with two scooter / motorbike bays.

Bicycle parking

Standards for the provision of bicycle parking facilities have been included. The bicycle parking standards are predominantly based on the guidelines produced by Austroads, the peak organisation of the Australasian road and transport traffic agencies. The requirement for end-of-trip facilities has been included to support bicycle use by requiring facilities for showering and changing.

Landscaping

The proposed landscaping requirements are the same as DPS2 in regard to the percentage of landscaping required. However, DPS2 requires a minimum three metre wide landscaping strip along all street boundaries where a development had a car parking area abutting the street. There was no requirement for landscaping where a car parking area did not abut the street. The policy proposes a 1.5 metre wide landscaping strip adjacent to all streets regardless of whether there is a car parking area or not. The policy also includes the introduction of a minimum size for landscaped areas. The reduction in the minimum width of the landscaping strip will provide sufficient space for pedestrian paths and landscaping within the setback area, but still allow for landscaping to soften the appearance of commercial buildings and improve the visual amenity of the streetscape. A minimum size of 3m² for landscaped areas is proposed to be included to ensure a usable area of land is provided.

Servicing

The provisions regarding servicing have been expanded to state that service access must be provided and service yards, as well as bin storage areas, must be screened. In addition, provisions regarding external fixtures such as air-conditioning units, rainwater tanks and letterboxes have been included requiring that they are concealed from the street or located on the roof or basement. Provisions regarding lighting have also been included to minimise the impact of lighting by requiring it to comply with the relevant Australian Standards.

Sea containers

The provisions of the City's *Use of Sea Containers Policy* that are relevant to the 'Commercial', 'Mixed Use' and 'Service Commercial' zones have been incorporated into this draft policy.

Small scale renewable energy systems

The provisions of the City's *Small Scale Renewable Energy Systems Policy* have been incorporated into this draft policy. It is envisaged that this policy will be revoked once all provisions have been incorporated into the individual zone based policies.

Issues and options considered

Council has the option to:

- advertise the *Commercial, Mixed Use and Service Commercial Zone Development Local Planning Policy*, with or without modifications
or
- not support the advertising of the *Commercial, Mixed Use and Service Commercial Zone Development Local Planning Policy*.

Legislation / Strategic Community Plan / policy implications

| | |
|---------------------------------|--|
| Legislation | <i>Planning and Development (Local Planning Scheme) Regulations 2015. Draft Local Planning Scheme No. 3.</i> |
| Strategic Community Plan | |
| Key theme | Quality Urban Environment. |
| Objective | Quality built outcomes. |
| Strategic initiative | Buildings and landscaping is suitable for the immediate environment and reflect community values. |
| Key theme | Economic Prosperity, Vibrancy and Growth. |
| Objective | Activity Centre development. |
| Strategic initiative | Support the development of fresh and exciting de-centralised areas of activity. |
| Policy | <i>Height of Non-Residential Buildings Local Planning Policy. Small Scale Renewable Energy Systems Policy. Use of Sea Containers Policy.</i> |

Risk Management considerations

General development provisions and standards are not included in draft LPS3, and instead are to be outlined in local planning policies. If the policies associated with the new planning scheme are not progressed, there is a risk that the new scheme may become operational without the development provisions and standards needed to assess development applications.

Financial / budget implications

The costs associated with any public advertising and notice of any final adoption will be approximately \$1,000.

Regional Significance

Not applicable.

Sustainability implications

Appropriately designed and developed commercial centres provide economic and social benefits to the community in which they are situated as they provide employment, housing and retail opportunities.

The introduction of crime prevention through environmental design (CPTED) principles through glazing and activation requirements could contribute to social sustainability by reducing crime in activity centres and service commercial areas and creating a focal point for the community.

Consultation

The deemed provisions as set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* require a new policy to be advertised for public comment for a period of not less than 21 days. It is proposed that the draft policy would be advertised for 21 days as follows:

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

If, in the opinion of the City, the policy is inconsistent with any *State Planning Policy*, then notice of the proposed policy is to be given to the WAPC. The proposed policy is not considered to be inconsistent with any *State Planning Policy*.

COMMENT

In accordance with the review and subsequent endorsement of the draft LSP3 by Council, it is recommended that the draft *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* be progressed to ensure that provisions are in place that will create commercial development that positively contributes to the surrounding area.

It is considered that the inclusion of minimum glazing requirements, building materials, building articulation, provision of pedestrian shelter and clearly defined entrances will positively contribute to the development or redevelopment of commercial buildings and will provide a higher standard of amenity than is currently possible under DPS2.

It is therefore recommended that Council advertises the draft *Commercial, Mixed Use Zone and Service Commercial Local Planning Policy* for public comment for a period of 21 days.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ180-10/16 (as detailed below) was resolved by the Policy Committee at its meeting held on 13 October 2016.

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

MOVED Cr Gobbert, **SECONDED** Cr Jones that Council, in accordance with clauses 3, 4 and 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **PREPARES** and **ADVERTISES** the draft *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy*, as shown in Attachment 1 to Report CJ180-10/16, for a period of 21 days.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ177-10/16, page 179 refers.

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 22 refers

To access this attachment on electronic document, click here: [Attach22agn161018.pdf](#)

CJ181-10/16 DRAFT COMMERCIAL AND RECREATIONAL VEHICLE PARKING LOCAL PLANNING POLICY

| | |
|---------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Ms Dale Page Planning and Community Development |
| FILE NUMBER | 106153, 101515 |
| ATTACHMENTS | Attachment 1 Draft Commercial and Recreational Vehicle Local Planning Policy |
| AUTHORITY / DISCRETION | Legislative – includes the adoption of local laws, planning schemes and policies. |

PURPOSE

For Council to consider the draft *Commercial and Recreational Vehicle Local Planning Policy* for the purposes of public advertising.

EXECUTIVE SUMMARY

Currently, certain development requirements are contained in the City's *District Planning Scheme No. 2* (DPS2), while other development requirements are contained within local planning policies.

In relation to the City's draft new *Local Planning Scheme No. 3* (LPS3), it was proposed to Council at its meeting held on 16 February 2016 (CJ005-02/16 refers) that most development requirements be removed from LPS3 and contained within local planning policies.

The draft *Commercial and Recreational Vehicle Local Planning Policy* is based on the current provisions within DPS2 and addresses issues such as the number, location and size of commercial or recreational vehicles that can be parked in association with a dwelling. While the draft provisions of the policy are largely based on those existing within DPS2, it is however, also proposed to delete or revise a number of provisions as outlined in Report CJ81-10/16.

It is therefore recommended that Council supports the draft policy to allow it to be advertised for public comment for a period of 21 days.

BACKGROUND

Currently, certain development requirements are contained in the City's *District Planning Scheme No. 2* (DPS2), such as building setbacks, parking standards and landscaping while other development requirements, such as signage, building height and small scale renewable energy systems, are contained within local planning policies.

During the preparation and Council adoption of draft *Local Planning Scheme No. 3* (LPS3), it was proposed that all of the general development requirements be located within local planning policies, with the exception of the necessary 'head of power' provisions, for example, cash-in-lieu for car parking and the dual density code provisions applied under the *Local Housing Strategy Scheme Amendment No. 73*.

This gives Council the ability to adopt and amend these policies without the need to initiate an amendment to the scheme and the need to seek the approval of the Western Australian Planning Commission (WAPC) and Minister for Planning. It also allows Council to formulate and adopt development provisions without needing to justify specific details to the WAPC. Essentially, it provides Council with control over development provisions and will ultimately be more efficient as any updates to the development provisions will only require Council approval, rather than a lengthy scheme amendment process.

It should be noted that whether development provisions are located in the planning scheme or in a local planning policy, the ability to vary provisions where it is considered appropriate to do so is still available. Clause 34(2) of draft LPS3 allows the local government to approve an application for development approval that does not comply with the requirements of the scheme. Therefore, there is not necessarily any greater certainty gained by including development provisions in the scheme as opposed to a local planning policy.

In addition, placing the development requirements in local planning policies provides ease of use for applicants as the provisions are consolidated in one document.

As LPS3 does not contain development provisions, this local planning policy needs to be prepared concurrently during the scheme adoption process to ensure that once final approval is given to LPS3, the policy has also been advertised and adopted so that these documents can work together. If the policy is not progressed in a timely manner, there is a risk that the scheme could be adopted and there would be no provisions to guide commercial and recreational vehicle parking in residential development/areas.

At its meeting held on 16 February 2016 (CJ005-02/16 refers), Council resolved to advertise draft LPS3. The City is currently liaising with the Department of Planning on its assessment of the draft scheme.

DETAILS

The draft *Commercial and Recreational Vehicle Parking Local Planning Policy* (Attachment 1 refers) includes the following provisions (summarised):

- Policy objectives, which will be used to assess any development proposal that does not meet the specific provisions of the policy.
- The vehicle is to be parked entirely on the subject lot and located on a hard standing area, which is located behind the front of the dwelling (or the side of the dwelling where a secondary street is applicable), or alternatively the vehicle is parked within a garage.
- The vehicle does not exceed three metres in height (including the load), 2.5 metres in width, or eight metres in length.
- A commercial vehicle is not to be started or manoeuvred on site between the hours of 10.00pm and 6.00am the following day.
- A commercial vehicle is able to be parked on a lot for up to three hours within a 24 hour period before the terms of the policy apply (with exception to vehicles being used in conjunction with lawful construction work on the same lot).
- Minor repairs, servicing and cleaning of a vehicle are not permitted between the hours of 7.00pm and 7.00am.

It is noted that the current provisions contained within DPS2 regulating commercial and recreational vehicle parking associated with a dwelling have been reviewed, with amendments proposed through the implementation of the draft *Commercial and Recreational Vehicles Parking Local Planning Policy*. The main changes proposed through the policy are outlined below.

General

The draft policy applies to commercial and recreational vehicle parking associated with a dwelling, whereas the provisions currently within DPS2 are zone specific in their application. It is also clarified within the draft policy that the provisions relate to the parking of commercial and recreational vehicles on private property, and not the verge area which is subject to local law provisions.

In instances where a secondary street is applicable, a provision has been included requiring both commercial and recreational vehicles to be parked behind the side of a dwelling. The additional requirement has been included due to the DPS2 provisions remaining silent regarding the parking of these vehicles on corner lots. The revision will ensure that the visual amenity of both the primary and secondary streets is not unduly impacted.

Commercial vehicle parking

A number of requirements set out in DPS2 relating to commercial vehicle parking are proposed to be removed due to being unclear or unnecessary in achieving the objectives of the draft policy.

The requirement that a commercial vehicle be used as an essential part of the lawful occupation of an occupant of the dwelling is proposed to be removed. The objective of the policy is to control the number, size and location of commercial vehicles so as to not have a detrimental impact on the amenity of a locality. It is considered that the requirement relating to vehicles being associated with a lawful occupation of an occupant of the dwelling does not contribute or have any bearing on achieving this objective and so it is proposed to be removed from the policy requirements applying to commercial vehicles. In addition, DPS2 currently applies restrictions on the transfer of goods or people from one vehicle to another, the unloading and loading of vehicles and the storage of goods associated with the use of commercial vehicles. The intent of this provision within the scheme is somewhat unclear as to the outcome it is aiming to achieve, and is therefore proposed to be removed.

The allowable time for which a commercial vehicle may be parked on a lot associated with a dwelling has been increased from one hour to three hours within any 24 hour time period to allow for instances where a commercial vehicle may infrequently be parked on a lot. Currently, DPS2 includes a requirement that commercial vehicles are not to be operated as a tow truck or an emergency vehicle between the operating hours of 10.00pm and 6.00am. Given that the requirements set out in the draft policy stipulate that commercial vehicles are not to be started or manoeuvred between these hours, it is considered that any commercial vehicle, including a tow truck or emergency vehicles will require the City's approval to operate outside of these standard hours, and so the requirements relating specifically to tow trucks and emergency vehicles are proposed to be removed.

Recreational vehicle parking

Currently, DPS2 permits the parking of a recreational vehicle of a specified size (eight metres length, 2.5 metres width, three metres height) as-of-right, however does not specify any particular location that the vehicle needs to be parked. Through the draft policy, it is proposed to require recreational vehicles to be parked in a manner more consistent with commercial vehicles, that is, behind the front of the dwelling or within a carport or garage. A commercial vehicle may only be parked within a garage, not a carport.

The revised provisions propose to remove the restriction on hours for which a recreational vehicle that is larger than the as-of-right size may be started or manoeuvred. It is considered that the principal concern with the parking of recreational vehicles on a lot is the visual impact that they may have on the streetscape. The removal of the restriction of hours outlined above is intended to more closely align the provisions with the definition of a recreational vehicle, which are likely to be vehicles which when manoeuvred are likely to have low impact on the surrounding neighbours. The provisions have been amended, however, to impose a restriction on the hours for which repairs, servicing or cleaning of the vehicle may be carried out as there is greater potential for impact on the surrounding area as a result.

Requirement for development approval

Draft LPS3 permits the parking of a commercial or recreational vehicle without the need for development approval where it complies with the provisions of the appropriate policy. It has been clarified within the draft policy, however, that any proposal that does not meet the provisions of the policy will require a development application to be submitted. In these instances, any development application will be assessed against the policy objectives as follows:

- To ensure that the number, size and location of commercial and recreational vehicles do not have a detrimental impact upon the amenity of the surrounding local area or streetscape.
- To ensure that the dwelling is the dominant feature of the lot and the commercial or recreational vehicle does not detract from the view of the street or block the view of the street from the dwelling.

Issues and options considered

A principal issue for consideration is the proposal to require recreational vehicles to be parked behind the front of the dwelling or in a carport or garage. This would have the effect of requiring a person to seek development approval if they wish to park a recreational vehicle within the front setback area of a dwelling and not be in a carport or garage.

Alternatively, the existing situation could be retained whereby, provided the other policy provisions are met, parking of a recreational vehicle could occur anywhere on the lot.

Council has the option to:

- advertise the draft *Commercial and Recreational Vehicles Parking Local Planning Policy*, with or without modifications
or
- not support the advertising of the draft *Commercial and Recreational Vehicles Parking Local Planning Policy*.

Legislation / Strategic Community Plan / policy implications

| | |
|---------------------------------|--|
| Legislation | <i>Planning and Development (Local Planning Scheme) Regulations 2015. Draft Local Planning Scheme No. 3.</i> |
| Strategic Community Plan | |
| Key theme | Quality Urban Environment. |
| Objective | Quality built outcomes. |

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

Policy Not applicable.

Risk Management considerations

Development provisions and standards are not included in draft LPS3, and instead are to be outlined in local planning policies. If the policies associated with the new planning scheme are not progressed, there is a risk that the new scheme may become operational without the development provisions and standards needed to assess development applications.

The revised proposed provisions relating to the requirement for recreational vehicles to be parked behind the front of the dwelling or within a carport or garage may lead to additional compliance action, and/or development applications being required, in relation to existing recreational vehicles that were otherwise parked in accordance with the current provisions.

Financial / budget implications

The costs associated with any public advertising and notice of any final adoption will be approximately \$1,000.

Regional Significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The deemed provisions as set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* require a new policy or non-minor amendment to a policy to be advertised for public comment for a period of not less than 21 days. It is proposed that the draft policy would be advertised for 21 days as follows:

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

If, in the opinion of the City, the policy is inconsistent with any *State Planning Policy*, then notice of the proposed policy is to be given to the WAPC. The proposed policy is not considered to be inconsistent with any *State Planning Policy*.

COMMENT

In accordance with the review and subsequent endorsement of the LSP3 by Council, it is recommended that the draft *Commercial and Recreational Vehicles Local Planning Policy* be progressed to ensure that provisions are in place to allow and control the parking of commercial and recreational parking within residential areas of the City in a manner that will have minimal impact on adjoining properties.

It is therefore recommended that Council advertises the draft *Commercial and Recreational Vehicle Local Planning Policy* for public comment for a period of 21 days.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ181-10/16 (as detailed below) was resolved by the Policy Committee at its meeting held on 13 October 2016.

The original recommendation as presented by City officers to the committee is as follows:

“That Council, in accordance with clauses 3, 4 and 5 of Schedule 2 of the planning And Development (Local Planning Schemes) Regulations 2015, PREPARES and ADVERTISES the draft Commercial and Recreational Vehicle Local Planning Policy, as shown in Attachment 1 to this Report, for a period of 21 days.”

The committee’s subsequent recommendation to Council is as follows (changes identified):

“That Council in accordance with clauses 3, 4 and 5 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, PREPARES and ADVERTISES the draft Commercial and Recreational Vehicle Local Planning Policy, as shown in Attachment 1 to Report CJ181-10/16, for a period of 21 days, subject to the following amendments:

- 1 Commercial Vehicle Parking, clause 4.1.1(a) the word ‘facade’ be ADDED after the word ‘side’;
- 2 Recreational Vehicle Parking, clause 4.2.1(b) the word ‘facade’ be ADDED after the word ‘side’.”

MOVED Cr Gobbert, SECONDED Cr Jones that Council:

That Council in accordance with clauses 3, 4 and 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PREPARES and ADVERTISES the draft *Commercial and Recreational Vehicle Local Planning Policy*, as shown in Attachment 1 to Report CJ181-10/16, for a period of 21 days, subject to the following amendments:

- 1 Commercial Vehicle Parking, clause 4.1.1(a) the word ‘facade’ be ADDED after the word ‘side’;**
- 2 Recreational Vehicle Parking, clause 4.2.1(b) the word ‘facade’ be ADDED after the word ‘side’.**

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ177-10/16, page 179 refers.

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 23 refers

To access this attachment on electronic document, click here: [Attach23agn161018.pdf](#)

CJ182-10/16 DRAFT COASTAL LOCAL PLANNING POLICY

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Ms Dale Page Planning and Community Development |
| FILE NUMBER | 105198, 101515 |
| ATTACHMENTS | Attachment 1 <i>Draft Coastal Local Planning Policy</i> |
| AUTHORITY / DISCRETION | Legislative – includes the adoption of local laws, planning schemes and policies. |

PURPOSE

For Council to consider the draft *Coastal Local Planning Policy* for the purposes of public advertising.

EXECUTIVE SUMMARY

Coastal areas are highly valued by the community and are a popular location for people to both visit and live. Erosion, inundation and sea level rise, as a result of climate change has the potential to impact on coastal foreshore areas and some coastal property.

State Planning Policy 2.6: State Coastal Planning Policy (SPP 2.6), requires that future development takes into account coastal hazard risk and that property owners in areas subject to coastal hazard risk be informed of those risks.

The draft *Coastal Local Planning Policy* (Attachment 1 refers) is part of the City's response to coastal risk hazard management. The purpose of the draft *Coastal Local Planning Policy* is to ensure that when developments occur in a coastal hazard risk area, that adequate notification and adaption measures are undertaken. This includes the requirement that a notification be put on the Certificate of Title when landowners are undertaking developments located in a coastal hazard area, and that coastal hazard risk management and adaption planning is undertaken by proponents prior to subdivision of previously undeveloped land.

It is therefore recommended that Council supports the draft policy to allow it to be advertised for public comment for a period of 21 days.

BACKGROUND

The Western Australian Planning Commission (WAPC) released a revised SPP2.6 in July 2013 to provide guidance for land use and development decision-making within the coastal zone.

SPP2.6 requires local governments to identify coastal hazard areas and to inform future and current property owners in coastal hazard areas of the risk.

Under the updated policy:

- coastal hazard risk management and adaptation planning (CHRMAP) should be undertaken where appropriate

- when a subdivision or development application is received for an area at risk, then current and / or future lot owners should be made aware of the risk by providing a notification on the Certificate of Title. This will apply to all subdivision and/or development applications within the 100 year coastal vulnerability lines.

A coastal hazard assessment undertaken for the City's coastline has identified that some areas may become susceptible to coastal erosion within the next 100 years. In the short term this may include beaches and associated infrastructure such as access ways and dune fencing. In the long term (greater than 50 years) additional infrastructure such as car parks, some City owned buildings within coastal foreshore areas and some private property may potentially be at risk from severe storm erosion.

DETAILS

SPP2.6 identifies the need for Coastal Hazard Risk Management and Adaptation Planning (CHRMAP) to ensure an appropriate risk assessment and management planning framework for incorporating coastal hazard considerations into decision making processes.

Consultation with the Department of Planning has outlined that it is not the intent of SPP2.6 that development applications for single dwellings would be required to develop a CHRMAP as the requirement would be too onerous. However a CHRMAP would need to be undertaken by proponents prior to subdivision of previously undeveloped land and it is likely that larger scale developments may be required to do a CHRMAP if located in a vulnerable area within the planning timeframe of 100 years. In such cases, it would be the City's responsibility to determine who would need to complete a CHRMAP as part of a structure plan or development application.

In terms of the notifications on titles, Section 5.5 of SPP2.6 states that where coastal hazard risk is identified, it should be disclosed to those who could be affected and that current and/or future lot owners should be made aware of the coastal hazard risk by providing the following wording on the Certificates of Title:

VULNERABLE COASTAL AREA – This lot is located in an area likely to be subject to coastal erosion and / or inundation over the next 100 years.

The placement of notifications on Certificates of Title can be achieved via two mechanisms, namely subdivision approval and development approval.

When an application for subdivision is received by the City, the City will request the WAPC to impose a condition on the subdivision approval requiring notifications to be placed on all new titles. When the City deals with a development application, it will place a condition of the approval requiring the owner to register a notification on the title under section 70A of the *Transfer of Land Act 1893*.

If through further detailed investigation or works to reduce risk, it can be demonstrated that a piece of land is no longer the subject of coastal hazard risk, then an owner may be able to formally request removal or withdrawal of the notification.

The objective of the City's new draft local planning policy is to ensure that the City complies with Part 5 of SPP2.6 through the application of local planning requirements in line with those set out in SPP2.6 as follows:

- When an application for subdivision is received by the City, the City will request the WAPC to impose a condition on the subdivision approval requiring notifications to be placed on all new titles.

- When the City deals with a development application, it will place a condition of the approval requiring the owner to register a notification on the title under section 70A of the *Transfer of Land Act 1893*.
- For large areas of undeveloped land, coastal risk hazard management and adaption planning is required prior to any subdivision or development of the land.
- Structure plans and local development plans will need to address the requirements of SPP2.6 and the City's *Coastal Local Planning Policy*.

Not every lot within a potentially vulnerable area will be the subject of a subdivision application or a development application. As such, not every lot within a potentially vulnerable area will have a notification placed on its title through these approval processes. Therefore, in order to ensure that all existing and future property owners of vulnerable lots are aware that their lot is potentially subject to coastal hazard risk the City also plans to:

- allow the areas subject to potential coastal hazard risk to be viewed using the City's *mapping online* tool
- make available coastal hazard risk maps for sections of the City's coastline for downloading from the City's website
- include coastal hazard risk alerts on any land purchase inquiry made in relation to lots within areas identified as potentially being vulnerable.

Issues and options considered

Council has the option to:

- advertise the draft *Coastal Local Planning Policy*, with or without modifications or
- not support the advertising of the draft *Coastal Local Planning Policy*.

Legislation / Strategic Community Plan / policy implications

Legislation *Planning and Development (Local Planning Scheme) Regulations 2015.*
Transfer of Land Act 1893.

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

Key theme The Natural Environment.

Objective Environmental resilience.

Strategic initiative Identify and respond to environmental risks and vulnerabilities.

Policy State Planning Policy 2.6 *State Coastal Planning Policy*.

Risk Management considerations

Local government liability in relation to coastal vulnerability is little different to its general liability arising from the performance of existing statutory functions, where such liability is determined by common law principles of negligence, as modified by the *Civil Liability Act 2002* and other written laws.

If a local government's decision-making and / or its planning framework (consisting of the local planning scheme and relevant planning policies) comply with the policy measures prescribed in SPP2.6 and are otherwise consistent with the performance of its obligations under the *Planning and Development Act 2005*, then the likelihood of it being exposed to liability in the context of coastal vulnerability is considered to be extremely remote.

Financial / budget implications

The costs associated with any public advertising and notice of any final adoption will be approximately \$1,000.

Regional Significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The deemed provisions as set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* require a new policy or non-minor amendment to a policy to be advertised for public comment for a period of not less than 21 days. It is proposed that the draft local planning policy be advertised for 21 days as follows:

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

In addition to the statutory advertising mentioned above, a letter, survey, copy of the draft *Coastal Local Planning Policy* and a set of Frequently Asked Questions will also be sent directly to:

- affected residents
- attendees of information sessions
- community engagement network members
- local members of Parliament.

If, in the opinion of the City, the policy is inconsistent with any *State Planning Policy*, then notice of the proposed policy is to be given to the WAPC. The proposed policy is not considered to be inconsistent with any *State Planning Policy*.

COMMENT

The proposed local planning policy is part of the City's responses to coastal risk hazard management, and in accordance with the SPP2.6, it is recommended that the draft *Coastal Local Planning Policy* be progressed to ensure that provisions are in place that will provide the City with guidance in making appropriate decisions on developments along the City's coastline.

It is therefore recommended that the draft *Coastal Local Planning Policy* be advertised for public comment for a period of 21 days.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ182-10/16 (as detailed below) was resolved by the Policy Committee at its meeting held on 13 October 2016.

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

MOVED Cr Gobbert, SECONDED Cr Jones that Council, in accordance with clauses 3, 4 and 5 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, prepares and advertises the draft Coastal Local Planning Policy, as shown in Attachment 1 to Report CJ182-10/16, for a period of 21 days.

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ177-10/16, page 179 refers.

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 24 refers

To access this attachment on electronic document, click here: [Attach24agn161018.pdf](#)

**CJ179-10/16 PERCENT FOR ART FUNDS ALLOCATED FOR THE
BRAMSTON PARK COMMUNITY SPORTING
FACILITY**

| | |
|-----------------------------------|---|
| WARD | North |
| RESPONSIBLE A/DIRECTOR | Mr Mike Smith Corporate Services |
| FILE NUMBER | 55029, 101515 |
| ATTACHMENTS | Nil |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

PURPOSE

For Council to consider diverting the Percent for Arts funds available from the Bramston Park Community Sporting Facility development project to the Joondalup Performing Arts and Cultural Facility.

EXECUTIVE SUMMARY

At the Policy Committee meeting held on 7 June 2016 a request a further report was made with respect to not progressing the proposed public artwork for the Bramston Park Community Sporting Facility, but instead contributing the funds towards the Joondalup Performing Arts and Cultural Facility project. This report outlines the background to the City's Percent for Art Scheme and details of its application to the Bramston Park development project.

After a degree of research and following the approved process, agreement could not be reached on a suitable piece of public art to be installed at the location. As a result it was determined that no art be installed.

It is therefore recommended that Council:

- 1 NOTES that the provision of a public artwork at the Bramston Park Community Sporting Facility will not proceed;*
- 2 By ABSOLUTE MAJORITY AUTHORISES the Percent for Arts funding available from the Bramston Park Community Sporting Facility development project of \$26,000, being transferred to the budget relating to the acquisition of public artwork.*

BACKGROUND

Bramston Park is located on Bramston Vista, Burns Beach. At its meeting held on 20 May 2014 (CJ072-05/14 refers), Council approved the 2014-15 Bramston Park development project to include the construction of a new community sporting facility and additional infrastructure such as sports floodlighting, a synthetic centre cricket wicket, playground, BBQ / picnic area and car park. The project is now complete at a cost of \$2,696,697 with \$26,000 of the project budget allocated to public artwork under the City's Percent for Art Scheme.

The Percent for Art Scheme was previously part of the City's former *Art and Memorabilia Collections Policy* whereby it was adopted that the State Government's Percent for Art Policy will be utilised when developing proposals for new public buildings and extensions over the value of \$100,000. Developers of public facilities are also encouraged to adopt this policy.

The *Art and Memorabilia Collections Policy* was later replaced by a new *Visual Arts Policy* that did not include reference to Percent for Art as it was intended that this would frame a new *Public Art Policy* for consideration by Council at a future date.

However, the City continues to implement the Per Cent for Art Scheme as a way of investing in publicly accessible visual art that will present a culturally-enriched environment as per objectives contained within *Joondalup 2022*.

In this respect for Bramston Park, officers undertook a period of research between October 2014 and March 2016, assessing suitable new artworks that were on display in various exhibitions.

Through the approved process, agreement could not be reached on a preferred piece of public art and to date no artwork has been installed on site.

At the Policy Committee meeting held on 7 June 2016 a request was made for a further report with respect to not progressing the proposed public artwork for the Bramston Park Community Sporting Facility, but instead contributing the funds towards the Joondalup Performing Arts and Cultural Facility project.

DETAILS

Percent for Art

The State Government's Percent for Art Scheme encourages art in the built environment by using a percentage of a development's overall budget to commission public artworks. The scheme is administered jointly by the Department of Culture and the Arts (DCA) and the Department of Finance's Building Management and Works (BMW).

Since the scheme began in 1989, more than 574 artworks have been commissioned by the State, valued at more than \$46 million.

The success of the Percent for Art Scheme has led to its adoption and use by other State Government agencies, local governments and private developers as a model of best practice. These models are also often referred to as percent for art programs or policies, as they are based on a percentage of a development's overall budget being used to commission public artworks.

Joondalup Performing Arts and Cultural Facility

The business case for the Joondalup Performing Arts and Cultural Facility was noted by Council at its meeting held on 15 December 2015 (C77-12/15 refers). The estimated capital cost of the facility is \$97.6 million. This includes costs for the Jinan Garden, traffic improvements, external works and project management.

Issues and options considered

Council can either:

- agree to purchase art for Bramston Park within budget
- not agree to purchase art for Bramston Park and realise those funds as a saving against the project
or
- as per the request for this report, redirect the funds to the Joondalup Performing Arts and Cultural Facility.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Cultural development.

Strategic initiative Invest in publicly accessible visual art that will present a culturally-enriched environment.

Policy Not applicable.

Financial / budget implications

Current financial year impact

Not applicable as the project was completed in 2015-16. However, an amount of \$26,000 remains outstanding that was proposed for public art.

Regional significance

The City's art collection, including its public art, archives and memorabilia plays an important part in shaping and developing a sense of community.

The on-going provision of an accessible and high calibre art collection is integral to the cultural development and vibrancy of the City of Joondalup region and to best practice standards for the development of the visual arts in local government.

Sustainability implications

Environmental

The installation of public artworks has positive social sustainability implications. Public artworks physically enrich a locality and strengthen the public realm by creating points of interest, animating spaces and providing beauty, character and colour to places.

Social

A new public artwork will provide a catalyst for public discussion about current social, economic and environmental issues.

Economic

A new public artwork will increase the value of the City's cultural resources.

Consultation

Not applicable.

COMMENT

The City's art collection, including its public art, plays an important part in shaping and developing a sense of community.

The on-going provision of accessible and high calibre public art is integral to the cultural development and vibrancy of the City of Joondalup region and to best practice standards for the development of the visual arts in local government. By investing in high quality public artworks through the Percent for Art Scheme, the City provides a lead to other developers in the region to follow suit.

When development projects are undertaken there is a risk as they progress that some aspects may incur additional unforeseen expenditure and some may result in savings due to identifying alternatives or elements being determined to be not required. It is normal to manage these as part of the overall project and if there are net savings to recognise these as project savings. If a development project budget includes provision for a public artwork and it is subsequently determined that the public artwork should not be provided it is felt that this should be recognised as a saving to the project.

VOTING REQUIREMENTS

Absolute Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ179-10/16 (as detailed below) was resolved by the Policy Committee at its meeting held on 13 October 2016.

The original recommendation as presented by City officers to the committee is as follows:

"That Council NOTES that the provision of a public artwork at the Bramston Park Community Sporting Facility will not proceed."

The committee's subsequent recommendation to Council is as follows (changes identified):

"That Council:

- 1 *NOTES that the provision of a public artwork at the Bramston Park Community Sporting Facility will not proceed;*
- 2 *BY AN ABSOLUTE MAJORITY AUTHORISES the Percent for Arts funding available from the Bramston Park Community Sporting Facility development project of \$26,000, being transferred from Capital Works Account W2163 – Bramston Park to Capital Works Account C1077 – Public Art."*

MOVED Cr Gobbert, SECONDED Cr Hollywood that Council:

- 1 NOTES that the provision of a public artwork at the Bramston Park Community Sporting Facility will not proceed;**
- 2 BY AN ABSOLUTE MAJORITY AUTHORISES the Percent for Arts funding available from the Bramston Park Community Sporting Facility development project of \$26,000, being transferred from Capital Works Account W2163 – Bramston Park to Capital Works Account C1077 – Public Art.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

C66-10/16 MOTION TO CLOSE MEETING TO MEMBERS OF THE PUBLIC – [02154, 08122]

MOVED Cr Gobbert, SECONDED Cr McLean that Council:

- 1 in accordance with Section 5.23(2)(h) of the *Local Government Act 1995* and clause 5.2(2) of the City's *Meeting Procedures Local Law 2013*, RESOLVES to close the meeting to members of the public to consider the following items:**
 - 1.1 CJ167-10/16 Confidential – Tender 024/16 – Sale of Freehold Land – Lot 803 (15) Burlos Court, Joondalup for Aged or Dependent Persons' Dwellings;**
 - 1.2 CJ172-10/16 Confidential – Tender 035/16 – Sale of Freehold Land – Lot 23 (77) Gibson Avenue, Padbury for Aged or Dependent Persons' Dwellings;**
- 2 PERMITS the following employees to remain in the Chamber during discussion on Items CJ167-10/16 and CJ172-10/16 while the meeting is sitting behind closed doors as detailed in Parts 1.1 and 1.2 above:**
 - 2.1 Chief Executive Officer, Mr Garry Hunt;**
 - 2.2 Director Governance and Strategy, Mr Jamie Parry;**
 - 2.3 Director Infrastructure Services, Mr Nico Claassen;**
 - 2.4 Director Planning and Community Development, Ms Dale Page;**
 - 2.5 Acting Director Corporate Services, Mr Mike Smith;**
 - 2.6 Manager Governance, Mr Brad Sillence;**
 - 2.7 Governance Coordinator, Mr John Byrne;**
 - 2.8 Governance Officer, Mrs Lesley Taylor;**
 - 2.9 Governance Officer, Mrs Deborah Gouges.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Members of the staff (with the exception of the Chief Executive Officer, Director Governance and Strategy, Director Infrastructure Services, Director Planning and Community Development, Acting Director Corporate Services, Manager Governance, Governance Coordinator and Governance Officers) and members of the public and press left the Chamber at this point; the time being 9.46pm.

C67-10/16

**COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION -
[02154, 08122]**

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

CJ167-10/16 and CJ172-10/16.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

**CJ167-10/16 CONFIDENTIAL – TENDER 024/16 – SALE OF
FREEHOLD LAND - LOT 803 (15) BURLOS COURT,
JOONDALUP FOR AGED OR DEPENDENT
PERSONS' DWELLINGS**

WARD

North

**RESPONSIBLE
A/DIRECTOR**Mr Mike Smith
Corporate Services**FILE NUMBER**

105903, 101515

ATTACHMENT

Nil

*(Please Note: This report is confidential and will appear
in the official Minute Book only)*

AUTHORITY / DISCRETION

Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

This report is confidential in accordance with Section 5.23(2)(h) of the *Local Government Act 1995*, which also permits the meeting to be closed to the public for business relating to the following:

- (h) *the determination by the local government of a price for the sale or purchase of property by the local government, and discussion of such a matter.*

A full report was provided to Elected Members under separate cover. The report is not for publication.

MOVED Mayor Pickard, SECONDED Cr Gobbert that Council:

- 1 DECLINES all tenders received for Tender 024/16 for the sale of freehold land – Lot 803 (15) Burlos Court, Joondalup;**
- 2 AUTHORISES the Chief Executive Officer to dispose of the property by public auction or private treaty.**

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of Urgent Business, page 210 refers.

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

**CJ172-10/16 CONFIDENTIAL - TENDER 035/16 - SALE OF
FREEHOLD LAND - LOT 23 (77) GIBSON AVENUE,
PADBURY FOR AGED OR DEPENDENT PERSONS'
DWELLINGS**

| | |
|-----------------------------------|-------------------------------------|
| WARD | South-West |
| RESPONSIBLE A/DIRECTOR | Mr Mike Smith Corporate Services |
| FILE NUMBER | 106059, 101515 |
| ATTACHMENT | Nil |

*(Please Note: This report is confidential and will appear
in the official Minute Book only)*

| | |
|-------------------------------|---|
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |
|-------------------------------|---|

This report is confidential in accordance with Section 5.23(2)(h) of the *Local Government Act 1995*, which also permits the meeting to be closed to the public for business relating to the following:

- (h) the determination by the local government of a price for the sale or purchase of property by the local government, and discussion of such a matter.*

A full report was provided to Elected Members under separate cover. The report is not for publication.

MOVED Mayor Pickard, SECONDED Cr Gobbert that Council ACCEPTS the tender submitted by Regents Care Pty Ltd for the sale of freehold land – Lot 23 (77) Gibson Avenue, Padbury for aged or dependent persons' dwellings as specified in Tender 035/16 for the fixed lump sum of \$1,800,000 (GST Exclusive).

The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of Urgent Business, page 210 refers.

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

C68-10/16 MOTION TO OPEN MEETING TO MEMBERS OF THE PUBLIC – [02154, 08122]

MOVED Mayor Pickard, SECONDED Cr Hamilton-Prime that in accordance with clause 5.2(3)(b) of the *City of Joondalup Meeting Procedures Local Law 2013*, the Council meeting be REOPENED TO THE PUBLIC.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Doors opened at 9.47pm. No members of the public or press were present.

In accordance with the clause 5.2(6)(a) of the City's *Meeting Procedures Local Law 2013*, Mayor Pickard read aloud the motions in relation to:

CJ167-10/16 Confidential – Tender 024/16 – Sale of Freehold Land – Lot 803 (15) Burlos Court, Joondalup for Aged or Dependent Persons' Dwellings.

CJ172-10/16 Confidential – Tender 035/16 – Sale of Freehold Land – Lot 23 (77) Gibson Avenue, Padbury for Aged or Dependent Persons' Dwellings.

URGENT BUSINESS

Nil.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Disclosures of interest affecting impartiality

| | |
|---------------------------|---|
| Name/Position | Mayor Troy Pickard. |
| Item No./Subject | Notice of Motion – Cr Poliwka – Community Sporting and Recreation Facilities Fund Applications – 2017-18 Annual and Forward Planning Grant Round. |
| Nature of interest | Interest that may affect impartiality. |
| Extent of Interest | Mayor Pickard's son played for Whitford City Football Club during the 2016 season. |

NOTICE OF MOTION – CR RUSSELL POLIWKA – COMMUNITY SPORTING AND RECREATION FACILITIES FUND APPLICATIONS – 2017-18 ANNUAL AND FORWARD PLANNING GRANT ROUND – [22209]

This Item was dealt with earlier in the meeting, following Petitions – page 1 refers.

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 9.49pm the following Elected Members being present at that time:

MAYOR TROY PICKARD
CR KERRY HOLLYWOOD
CR TOM MCLEAN, JP
CR PHILIPPA TAYLOR
CR NIGE JONES
CR LIAM GOBBERT
CR RUSSELL POLIWKA
CR CHRISTINE HAMILTON-PRIME
CR MIKE NORMAN
CR JOHN CHESTER
CR JOHN LOGAN
CR RUSS FISHWICK, JP
CR SOPHIE DWYER