

agenda

Ordinary Meeting of Council

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

ON TUESDAY, 18 SEPTEMBER 2012

COMMENCING AT 7.00pm

GARRY HUNT
Chief Executive Officer
14 September 2012

www.joondalup.wa.gov.au

PUBLIC QUESTION TIME

Members of the public are
requested to lodge questions in
writing by 9.00am on

Monday, 17 September 2012

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

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time were adopted at the Council meeting held on 17 March 2009:

Questions asked verbally

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

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

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

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

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

DISCLAIMER

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

PROCEDURES FOR PUBLIC STATEMENT TIME

The following procedures for the conduct of Public Statement Time were adopted at the Council meeting held on 18 December 2007:

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

CODE OF CONDUCT

The Code recognises these ethical values and professional behaviours that support the principles of:

Respect for persons - this principle requires that we treat other people as individuals with rights that should be honoured and defended, and should empower them to claim their rights if they are unable to do so for themselves. It is our respect for the rights of others that qualifies us as members of a community, not simply as individuals with rights, but also with duties and responsibilities to other persons.

Justice - this principle requires that we treat people fairly, without discrimination, and with rules that apply equally to all. Justice ensures that opportunities and social benefits are shared equally among individuals, and with equitable outcomes for disadvantaged groups.

Beneficence - this principle requires that we should do good, and not harm, to others. It also requires that the strong have a duty of care to the weak, dependent and vulnerable. Beneficence expresses the requirement that we should do for others what we would like to do for ourselves.

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

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LATE ITEMS / ADDITIONAL INFORMATION

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

[Additional Information.pdf](#)

CITY OF JOONDALUP

Notice is hereby given that a Meeting of the Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday, 18 September 2012** commencing at **7.00pm**.

GARRY HUNT
Chief Executive Officer
14 September 2012

Joondalup
Western Australia

VISION

“A sustainable City that is committed to service delivery excellence and operates under the principles of good governance.”

MISSION

“To undertake all our activities with the endeavour of meeting community expectations and achieving sustainable lifestyles.”

VALUES AND PRINCIPLES

Customer Focus

- We will work to understand and respond to the needs of all our customers both now and into the future.
- We will provide opportunities for community engagement.
- We will focus our improvement efforts on better services for our customers.

Purpose, Direction and Planning

- We will be plan driven, we will set priorities and we will ensure the effective allocation of resources to achieve our plans.

Sustainability

- We will minimise any adverse impact from our activities on the external environment and the resources available for future generations.
- We will provide value for money to all of our stakeholders.
- We will always act to ensure our activities serve the long-term interests of Joondalup.

Data, Measurement and Understanding

- We will make decisions based on information and understanding.
- We will measure and report progress against our goals.
- We will use measurement to drive continuous improvement.

Honesty and Integrity

- We will be fair, open and transparent in our activities.

AGENDA

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

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

2 PUBLIC QUESTION TIME

3 PUBLIC STATEMENT TIME

4 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

Cr Russ Fishwick 29 September to 9 November 2012 inclusive.

5 CONFIRMATION OF MINUTES

MINUTES OF COUNCIL MEETING HELD 21 AUGUST 2012

RECOMMENDATION

That the Minutes of the Council Meeting held on 21 August 2012 be confirmed as a true and correct record.

6 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

7 DECLARATIONS OF INTEREST

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 Tom McLean, JP.
Item No/Subject	CJ177-09/12 – Proposed Western Power Transformer and Switch Gear Pad Additions at Lot 5003 (14) Hobsons Gate, Currambine.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr McLean resides in the vicinity.

Name/Position	Cr Sam Thomas.
Item No/Subject	CJ180-09/12 – Proposed Additions to the Church of Our Lady of the Mission at Lot 1025 (270) Camberwarra Drive, Craigie.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Thomas attends Our Lady of the Mission Church.

Name/Position	Cr Liam Gobbert.
Item No/Subject	CJ181-09/12 – Request to Prepare Activity Centre Structure Plan – Whitford Activity Centre.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Gobbert is employed at the Shopping Centre and knows an employee of Urbis.

Name/Position	Cr Sam Thomas.
Item No/Subject	CJ181-09/12 – Request to Prepare Activity Centre Structure Plan – Whitford Activity Centre.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Thomas is the Vice President of the Whitford Senior Citizens Club.

Name/Position	Cr Tom McLean, JP.
Item No/Subject	CJ182-09/12 – Modifications to Additions to Currambine Central at Lot 929 (1244) Marmion Avenue, Currambine.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr McLean resides in the vicinity.

Name/Position	Cr Philippa Taylor.
Item No/Subject	CJ182-09/12 – Modifications to Additions to Currambine Central at Lot 929 (1244) Marmion Avenue, Currambine.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Taylor's son works at Oscars Restaurant.

8 IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS

9 PETITIONS

PETITION IN RELATION TO STOPPING THE REMOVAL OF EXISTING BUSHLAND VEGETATION ON THE EASTERN BOUNDARY OF BRAMSTON PARK, BURNS BEACH

A 36 signature petition has been received from residents of the City of Joondalup with regards to stopping the removal of existing bushland vegetation on the eastern boundary of Bramston Park, Burns Beach.

RECOMMENDATION

That the following petition be RECEIVED, referred to the Chief Executive Officer and a subsequent report presented to Council for information:

- 1 Petition in relation to stopping the removal of existing bushland vegetation on the eastern boundary of Bramston Park, Burns Beach.**

10 REPORTS**CJ176-09/12 DEVELOPMENT CODE VARIATIONS AND
SUBDIVISION APPLICATIONS – JULY 2012****WARD:** All**RESPONSIBLE
DIRECTOR:** Ms Dale Page
Planning and Community Development**FILE NUMBER:** 07032, 101515**ATTACHMENTS:** Attachment 1 Monthly Development Applications Determined -
July 2012
Attachment 2 Monthly Subdivision Applications Processed -
July 2012**PURPOSE**

To report on the number and nature of applications considered under Delegated Authority.

EXECUTIVE SUMMARY

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

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

This report identifies the following applications determined by the administration with delegated authority powers during July 2012 (Attachments 1 and 2 refer):

- 1 Planning applications (development applications and Residential Design Codes applications); and
- 2 Subdivision applications.

BACKGROUND

The DPS2 requires that delegations be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 15 May 2012 (CJ075-05/12 refers), Council considered and adopted the most recent Town Planning Delegations.

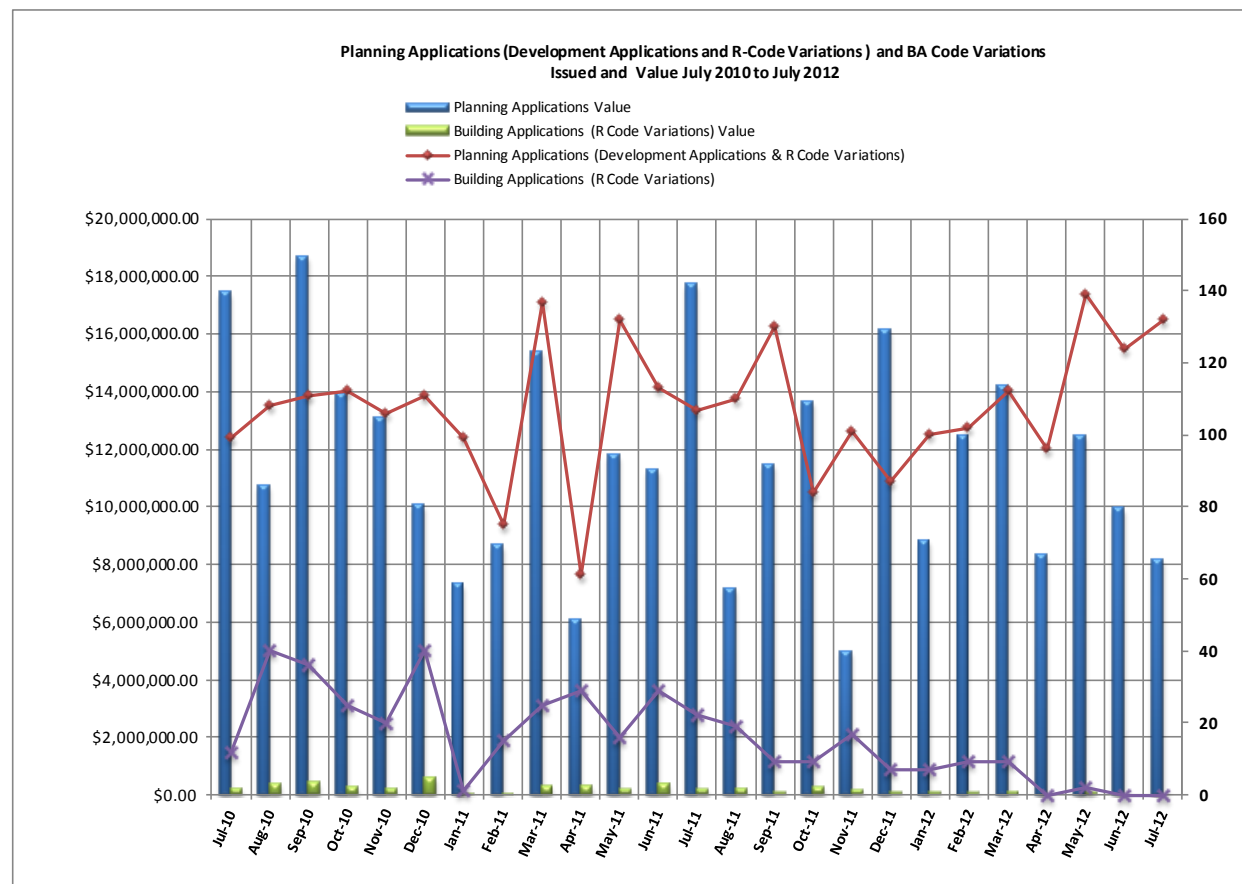
DETAILS

The number of applications determined under delegated authority during July 2012, is shown below:

Approvals determined under delegated authority – July 2012		
Type of Approval	Number	Value (\$)
Planning applications (development applications and R-Codes applications)	132	\$ 8,124,317
Building applications (R – Codes applications)	0	\$ 0
TOTAL	132	\$ 8,124,317

The number of development applications received during July was 148. (This figure does not include any applications that may become the subject of an R-Code application as part of the building permit approval process).

The number of development applications current at the end of July was 196. Of these, 58 were pending additional information from applicants, and 38 were being advertised for public comment.



In addition to the above, 22 building applications and 328 building permits were issued during the month of July with an estimated construction value of \$39,851,897.

Subdivision approvals processed under delegated authority for July 2012		
Type of approval	Number	Potential additional new lots
Subdivision applications	1	1
Strata subdivision applications	2	2

Legislation/Strategic Plan/Policy Implications

Legislation Clause 8.6 of the District Planning Scheme No 2 permits development control functions to be delegated to persons or Committees. All subdivision applications were assessed in accordance with relevant legislation and policies, and a recommendation made on the applications to the Western Australian Planning Commission.

Strategic Plan

Key Focus Area: The Built Environment.

Objective 4:1:3 Give timely and thorough consideration to applications for statutory approval.

The use of a delegation notice allows staff to efficiently deal with many simple applications that have been received and allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

Policy: As Above.

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 132 applications were determined for the month of July with a total amount of \$37,010 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 Residential Design Codes, any relevant policy and/or the DPS2.

Of the 132 development applications determined during July 2012 consultation was undertaken for 65 of those applications. Applications for Residential Design Codes as part of building applications are required to include comments from adjoining landowners. Where these comments are not provided, the application will become the subject of a planning application (R Codes application). The three subdivision applications processed during July 2012 were not advertised for public comment.

COMMENT

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

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the determinations made under Delegated Authority in relation to the:

- 1 Development applications and R-Codes applications described in Attachment 1 to Report CJ176-09/12 during July 2012; and**
- 2 Subdivision applications described in Attachment 2 to Report CJ176-09/12 during July 2012.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf110912.pdf](#)

Name/Position	Cr Tom McLean, JP.
Item No/Subject	CJ177-09/12 – Proposed Western Power Transformer and Switch Gear Pad Additions at Lot 5003 (14) Hobsons Gate, Currambine.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr McLean resides in the vicinity.

CJ177-09/12 PROPOSED WESTERN POWER TRANSFORMER AND SWITCH GEAR PAD ADDITIONS AT LOT 5003 (14) HOBSONS GATE, CURRAMBINE

WARD: North

RESPONSIBLE DIRECTOR: Ms Dale Page
Planning and Community Development

FILE NUMBER: 100366, 101515

ATTACHMENTS: Attachment 1 Location plan
Attachment 2 Development plans

PURPOSE

To request Council's approval of an application for a Western Power transformer and switch gear pad addition for a tavern currently under construction at Lot 5003 (14) Hobsons Gate, Currambine.

EXECUTIVE SUMMARY

An application for planning approval has been received for a Western Power transformer and switch gear pad addition at Lot 5003 (14) Hobsons Gate, Currambine.

The proposal includes a Western Power transformer surrounded by a rendered brick wall. The structure will be 2.8 metres in height, 4.8 metres in length and 4.321 metres in width, located within the landscaping strip along the northern property boundary with a nil setback to the northern and eastern property boundaries. Additionally, the switch gear pad, being a concrete area 4.5 metres in length and 4.321 metres in width, will also be located within the landscaping strip between the car park and the northern property boundary.

The subject site is located within the Currambine District Centre Structure Plan (CDCSP) area and is zoned "Business". In addition to the objectives and criteria of CDCSP, the site is also subject to the requirements of the City's District Planning Scheme No 2 (DPS2). The proposal meets the requirements of CDCSP and DPS2 with the exception of the landscaping strip between the car park and the northern boundary (being Hobsons Gate) and shade tree requirements of DPS2.

The proposal was not advertised as it was deemed that the proposed additions are minor in nature and will not have an adverse impact upon surrounding properties.

The application is recommended for approval subject to conditions.

BACKGROUND

Suburb/Location: Lot 5003 (14) Hobsons Gate, Currambine.
Applicant: Bruce Arnold Architects.
Owner: Resolve Nominees Pty Ltd.
Zoning: **DPS:** Business.
MRS: Urban.
Site Area: 6242m².
Structure Plan: Currambine District Centre Structure Plan (CDCSP).

The subject site is located within the CDCSP area. The Currambine District Centre is bound by Marmion Avenue to the west, Shenton Avenue to the south, and Delamere Avenue to the north and east. The subject site is located at the centre of the Currambine District Centre, immediately to the south of Hobsons Gate and to the east of Chesapeake Way (Attachment 1 refers).

The subject site is surrounded by the following properties:

- Lot 5004 (4) Hobsons Gate (located west of the subject site). The site contains a commercial development including a number of showrooms, offices, a vet and a shop;
- Lot 1032 (1) Hobson Gate (located north-west of the subject site). The site contains a commercial development including a number of showrooms, offices, a medical centre and a shop;
- Lot 5008 (15) Chesapeake Way (located north of the subject site). The Council has approved a development on this site, which is yet to commence construction and will include showrooms, offices, takeaway food outlets, restaurants and a shop; and
- Lot 1574 (52) Delamere Avenue (located east of the subject site). The site is owned by the City and is currently vacant. The site is zoned civic and cultural and is proposed to be a park.

Council previously approved a tavern and shop on the site at its meeting on 25 November 2008 (CJ252-11/08 refers). At its meeting held on 21 April 2009, Council approved modifications and changes to the development, including the approval of a 2 metre landscaping strip in lieu of a 3 metre strip along the northern and western boundaries (CJ092-04/09 refers).

Since these approvals by Council further modifications to the development have been approved under delegated authority, including changes to the finished floor level of the tavern and shop, change of use from shop to tavern, and a store room addition.

The applicant has subsequently sought feedback from Western Power regarding the development, and has been advised that the installation of a transformer and switch gear is necessary.

DETAILS

The current proposal includes the following additions:

- A Western Power transformer surrounded by a rendered brick wall, 2.8 metres in height, 4.8 metres in length and 4.321 metres in width, with a nil setback to Hobsons Gate and a nil setback to Lot 1574 (52) Delamere Avenue; and

- A switch gear pad, a cleared concreted area 4.5 metres in length and 4.321 metres in width, located with a nil setback to Hobsons Gate.

The Western Power transformer and switch gear pad addition are to be located within a landscaping strip adjacent the vehicle access point from Hobsons Gate. In accordance with DPS2, a landscaping strip of 3 metres is required between a car park and street boundaries. In addition, the switch gear pad requires the removal of a shade tree, with shade trees to the car park proposed at a rate the equivalent of one shade tree for every 4.15 bays in lieu of one shade tree for every four bays as required under DPS2.

The development plans are provided as Attachment 2.

The proposed additions are required as Western Power has advised the owners of the site that the power load within the current infrastructure is inadequate to cater for the proposed use. Western Power has identified the proposed locations of the additions as appropriate to house the transformer.

Issues and options considered:

Council has the discretion to:

- Approve the application without conditions;
- Approved the application with conditions; or
- Refuse the application.

Legislation/Strategic Plan/Policy Implications

Legislation City of Joondalup District Planning Scheme No 2.

When determining this application Clauses 4.5, 4.12 and 6.8 apply.

4.5 Variations to site and development standards and requirements

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

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

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

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

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

4.12 *Landscaping requirements for non residential buildings*

4.12.1 *A minimum of 8% of the area of a development site shall be designed, developed and maintained as landscaping to a standard satisfactory to the Council. In addition the road verge adjacent to the lot shall be landscaped and maintained in a clean and tidy condition to the satisfaction of the Council.*

4.12.2 *When a proposed development includes a car parking area abutting a street, an area no less than 3 metres wide within the lot along all street boundaries shall be designed, developed and maintained as landscaping to a standard satisfactory to the Council. This landscaped area shall be included in the minimum 8% of the area of the total development site referred to in the previous subclause.*

4.12.3 *Landscaping shall be carried out on all those areas of a development site which are not approved for buildings, accessways, storage purposes or car parking with the exception that shade trees shall be planted and maintained by the owners in car parking areas at the rate of one tree for every four car parking bays, to the Council's satisfaction.*

6.8 *Matters to be considered by Council*

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

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

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

Strategic Plan

Key Focus Area: The Built Environment.

Objective: To ensure high quality urban development within the City of Joondalup.

Policy: Not Applicable.

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 \$139 (excluding GST) for the assessment of the application.

Regional Significance:

Not Applicable.

Sustainability Implications:

The proposed additions are minor in nature, consisting of a Western Power transformer and switch gear pad addition. The proposed works will be required to comply with the requirements of the *Building Code of Australia*.

Consultation:

The application was not advertised as the proposed development is minor in nature and considered not to have any adverse effect on surrounding properties.

COMMENT

The application is for a Western Power transformer and switch gear pad addition at Lot 5003 (14) Hobsons Gate, Currambine. The proposal has been assessed against Part 4 of DPS2 in relation to the on-site landscaping and clause 8.2 - Business Zone of CDCSP. During this assessment it has been identified that discretion is required to be exercised in regard to clause 4.12 – Landscaping requirements for non residential buildings under DPS2.

The proposed Western Power transformer and switch gear pad addition are located within a landscaping strip along Hobsons Gate, the northern property boundary. DPS2 requires a landscaping area no less than 3 metres deep be provided where a car park abuts a street. A two metre landscaping strip for the development was approved by Council, at its meeting held on 21 April 2009 (CJ092-04/09 refers). The current proposal will result in a length of 6.1 metres with no landscaping strip. The overall percentage of landscaping required on site complies with the 8% requirement of DPS2.

In addition, DPS2 requires one shade tree to be provided per every four parking bays. The proposal results in the removal of one shade tree along the northern boundary resulting in the total number of shade trees provided on site being 38 for 158 car parking bays or one shade tree per every 4.15 car parking bays.

The development complies with the setback requirements for the site as required under the Design Criteria of the CDCSP.

The proposed Western Power transformer will be surrounded by a rendered brickwork wall which will match the tavern and boundary fence along Hobsons Gate currently under construction and therefore is not considered to detract from the street. The removal of landscaping is also not considered to present any detrimental impact on the surrounding area, given that the area is immediately adjacent to a vehicle access point and the majority of the landscaping strip will be provided in accordance with previous approvals.

In conclusion, the proposed works are of a minor nature and do not present any detrimental impact on the surrounding area. In light of this, the proposed development is recommended for approval subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **EXERCISES** discretion under clause 4.5.1 of the City of Joondalup District Planning Scheme No 2 and determines that:
 - 1.1 Minimum landscaping depth of nil between the street boundary and car park in lieu of three metres;
 - 1.2 One shade tree for every 4.15 car parking bays;are appropriate in this instance;
- 2 **APPROVES** the application for planning approval, dated 16 July 2012 submitted by Bruce Arnold Architects on behalf of the owner, Resolve Nominees Pty Ltd, for transformer and switch at Lot 5003 (14) Hobsons Gate, Currambine, subject to the following conditions:
 - 2.1 This decision constitutes planning approval only and is valid for a period of two years from the date of the decision letter. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect;
 - 2.2 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City; and
 - 2.3 The colours and materials of the proposed transformer enclosure shall match the existing development where practicable, to the satisfaction of the City.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf110912.pdf](#)

**CJ178-09/12 PROPOSED SCHEME AMENDMENT TO DISTRICT
PLANNING SCHEME NO 2 - LOT 1 (120)
COCKMAN ROAD, GREENWOOD**

WARD:	South-East	
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Community Development	
FILE NUMBER:	03074, 101515	
ATTACHMENTS:	Attachment 1	Location plan
	Attachment 2	Zoning plan (existing and proposed)
	Attachment 3	Scheme amendment process flowchart
	Attachment 4	Consultation map

PURPOSE

The purpose of this report is for Council to consider initiating a proposed amendment to the District Planning Scheme No 2 (DPS2), to rezone Lot 1 (120) Cockman Road, Greenwood from 'Commercial' and 'Service Industrial' to 'Commercial'.

EXECUTIVE SUMMARY

An application has been received that proposes an amendment to DPS2 to rezone the southern portion of Lot 1 (120) Cockman Road from 'Service Industrial' to 'Commercial'.

The 'Greenwood Kingsley Shopping Plaza' is located on the subject site and comprises a number of strata titled tenancies (including a deli, butcher and second hand goods stores) and associated car parking. The majority of tenancies are currently vacant. The site is bound by Canham Way to the north, Cockman Road to the west, various residential and service industrial lots to the east, and the Kingsley Medical Centre and existing residential dwellings to the south (Attachment 1 refers).

Currently the site has two zonings, being 'Commercial' on the northern portion, and 'Service Industrial' on the southern portion (Attachment 2 refers). The applicant seeks to rezone the southern portion to 'Commercial' in order to facilitate consideration of a greater variety of land uses in accordance with DPS2.

The proposed scheme amendment is considered to have merit as:

- Commercial land uses are potentially more compatible with the adjoining mixed use site to the south, and residential properties to the east;
- It is consistent with State strategic documents and the City's Local Planning Strategy by reinforcing the sites role as a local centre, providing opportunities for land uses that will better meet the needs of the local community; and
- It is consistent with recommendations identified in the draft Local Commercial Strategy to revitalise Canham Way and create a buffer between residential and industrial uses.

As such, it is recommended that the amendment to DPS2 be initiated for the purposes of advertising, after which further consideration can be given to the proposal.

BACKGROUND

Suburb/Location: Lot 1 (120) Cockman Road, Greenwood.
Applicant: TPG Town Planning & Design.
Owner: PG Haughan.
Zoning: **DPS:** 'Service Industrial' and 'Commercial'.
MRS: Urban.
Site Area: 3125m².
Structure Plan: Not Applicable.

The subject site is bounded by Canham Way to the north, Cockman Road to the west, various residential and service industrial lots to the east, and a Medical Centre and existing residential dwellings to the south (Attachment 1 refers).

The existing shop and showroom development was approved in 1984 under the former Town Planning Scheme No 1 (TPS1). The development included a shortfall of parking, with 45 bays provided on-site in lieu of 53 bays required under TPS1. To legitimise the shop component of the development, the current 'split' zoning arrangement was also adopted at this time.

DETAILS

The purpose of the proposed scheme amendment is to rezone the southern portion of the site from 'Service Industrial' to 'Commercial' to facilitate a greater variety of land uses.

In support of the application, a summary of the applicant's justification is provided below:

- *It is consistent with the strategic planning intent for the subject site both at a State and local government level, and in particular the objectives that relate to transit orientated development and the provision of local services.*
- *It is consistent with adjoining forms of development along Cockman Road, given that directly adjacent to the subject site there is currently a medical centre within an area zoned as Mixed Use under DPS2, effectively isolating the southern portion of the subject site as an inconsistent 'pocket' of Service Industrial zoned land.*
- *It will allow for the development of an appropriate range of commercial land uses that will contribute to the vitality of an under-utilised portion of the subject site in an existing local centre that has excellent bus and pedestrian access and ample private vehicle parking.*
- *Any future development will not impact negatively on the surrounding locality in terms of views, traffic or visual aesthetics, and will increase the amount of land uses and amenities that are potentially available for local residents to access in a local centre.*

Issues and options considered:

The issues to be considered by Council are:

- The suitability of the proposed zone; and
- The impact of the proposed scheme amendment on the existing development.

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

- Support the initiation of the proposed amendment for the purpose of public advertising;
- Support the initiation of the proposed amendment, with modification, for the purpose of public advertising; or
- Not support the initiation of the proposed amendment for the purpose of public advertising.

Legislation/Strategic Plan/Policy Implications

Legislation

Part 5 of the *Planning and Development Act 2005* enables local governments to amend their local planning schemes and sets out the process to be followed (Attachment 3 refers).

Should Council support the initiation of the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review is required. Should the EPA decide that an environmental review is not required, upon the City's receipt of written confirmation of this from the EPA, the City advertises the proposed amendment for 42 days.

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

If Council resolves not to initiate the amendment, there is no right of review to the State Administrative Tribunal by the applicant.

Strategic Plan

Key Focus Area: The Built Environment.

Objective: To ensure high quality urban development within the City.

Key Focus Area: Economic Prosperity and Growth.

Objective: To increase employment opportunities within the City.

Policy: Not Applicable.

Risk Management Considerations:

Not Applicable.

Financial/Budget Implications:

The applicant has paid fees of \$5,125.48 (excluding GST) to cover the City's costs for processing the scheme amendment.

Regional Significance:

The subject site is identified within State strategic documents and the City's Local Planning Strategy and draft Local Commercial Strategy as a Local Centre. The proposed scheme amendment allows for commercial land uses to be considered for the site that better serve the needs of the local community is consistent with these documents.

Sustainability Implications:

The proposed scheme amendment will support the opportunity for economic growth by allowing land uses more suited to the existing development on-site to be considered, as well as avoiding land use conflict with existing and surrounding commercial and residential land uses which could be created with the current 'Service Industrial' zoning.

The provision of commercial land uses that will service the local community within walking distance also accords with sustainability principles.

Consultation:

Should Council initiate the proposed amendment, it is required to be advertised for public comment for a period of 42 days. Advertising will consist of the following:

- Written notification to adjoining land owners as indicated in Attachment 4;
- A notice placed in the Joondalup Community newspaper and The West Australian newspaper;
- A sign on the subject site; and
- A notice on the City's website.

COMMENT

The subject site currently has a split zoning, being 'Commercial' on the northern portion and 'Service Industrial' on the southern portion. The applicant seeks to amend DPS2 to rezone this southern portion from 'Service Industrial' to 'Commercial'. The proposal would potentially allow an increased range of land uses on the southern portion of the site, including shops, offices, consulting rooms, and medical centre.

Suitability of the proposed zoning

The proposed scheme amendment is considered to have merit as:

- The portion of the site which is zoned 'Service Industrial' immediately abuts residential development to the east and a site zoned 'Mixed Use' to the south (currently a medical centre). The rezoning would be a consistent transition between these land uses and the remaining service industrial precinct of Canham Way;
- A split zoning on a site is generally not desirable from a planning point of view. The current split zoning allows opportunities for industrial land uses which may not be compatible with the surrounding commercial and residential land uses;
- The draft Local Commercial Strategy (adopted by Council for the purposes of advertising at its meeting held on 17 April 2012) identifies that rezoning the southern portion of Canham Way could provide the catalyst for the redevelopment of the centre and create an appropriate buffer between the service/commercial area and residential area. The rezoning is consistent with this recommendation; and

- The potential for a greater number of commercial land uses to operate from the site would assist the local centre to meet the needs of the surrounding community and is consistent with the strategic planning intent of the site.

Impact on the existing development

The land uses currently operating from the site are permitted 'P' land uses within the 'Commercial' zone under DPS2, and therefore there is considered to be no impact on these land uses as a result of the scheme amendment.

The site currently has a car parking shortfall of eight bays. It is noted that any future applications to change the uses on the southern portion of the site from showrooms may result in the number of car bays required for the site increasing having regard to the car parking standards prescribed in DPS2. However, until such time as an application has been received, the appropriateness of the car parking for future land uses cannot be determined. In considering any potential parking shortfall, regard will be given to the extent of the shortfall and the relationship of the land use with existing development (for example, reciprocity due to different peak trading times).

Given the above, it is recommended that the amendment to DPS2 be initiated for the purposes of advertising, after which further consideration can be given to the proposal.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council, pursuant to Part 5 of the *Planning and Development Act 2005*, CONSENTS to initiate the amendment to the City of Joondalup District Planning Scheme No 2 to rezone portion of Lot 1 (120) Cockman Road from 'Service Industrial' to 'Commercial' for the purposes of public advertising for a period of 42 days.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf110912.pdf](#)

CJ179-09/12 PROPOSED CHANGE OF USE FROM SHOWROOM TO SHOP AND EDUCATIONAL ESTABLISHMENT AT LOT 107 (473) BEACH ROAD, DUNCRAIG

WARD:	South	
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Community Development	
FILE NUMBER:	09483	
ATTACHMENTS:	Attachment 1	Location plan
	Attachment 2	Development plans

PURPOSE

To request Council's determination of an application for a change of use from Showroom to Shop and Educational Establishment at Showroom 4, Lot 107 (473) Beach Road, Duncraig.

EXECUTIVE SUMMARY

An application for planning approval has been received for a change of use from Showroom to Shop and Educational Establishment at Lot 107 (473) Beach Road, Duncraig.

The subject site is located on the north east corner of the intersection of Beach Road and Davallia Road in Duncraig. The business will offer three to seven educational classes per week relating to production and design techniques involved in garment creation, and will use up to 72m² of the 120m² of shop floor space to showcase designer garments and accessories.

The site of the proposed development is zoned 'Urban' under the Metropolitan Region Scheme, and 'Commercial' under the City's District Planning Scheme No 2 (DPS2). Under DPS2, Shop is a permitted use and Educational Establishment is a discretionary or 'D' use in the Commercial Zone.

Council approved an application for an office and showroom development on the subject site at its meeting held on 13 December 2011 (CJ233-12/11 refers). This proposal was approved with a car parking shortfall of eleven car bays (33%) across the subject site. This application proposes to increase the car parking shortfall by five bays, therefore proposing a 16 car bay (42%) shortfall across the site.

The proposed development is deemed to satisfy the objectives of the Commercial Zone and is in keeping with land uses on the subject and adjoining sites. Further to this, it is considered that the car parking provided on site, coupled with that provided on adjoining sites, is sufficient to accommodate the parking needs of the business and other businesses that will operate from within the development.

As such, it is recommended that the application be approved subject to conditions.

BACKGROUND

Suburb/Location: Lot 107 (473) Beach Road, Duncraig.
Applicant: Asha McFadzean.
Owner: Violet Beauregarde Pty Ltd.
Zoning: **DPS:** Commercial.
MRS: Urban.
Site Area: 1856m².
Structure Plan: Not Applicable.

The site is located within the Commercial zone on the north east corner of the intersection of Beach Road and Davallia Road in Duncraig.

A service station was approved on the site in 1972 and has since been demolished.

Council at its meeting held on 13 December 2011, approved an office and showroom development on this site (CJ233-12/11 refers). Specifically, the development consists of a new two storey building fronting both Beach Road and Davallia Road, incorporating 466m² of showrooms and 502m² of offices. This development is currently under construction.

The development resulted in a parking shortfall of eleven bays for the site (33% of the car parking requirement for the site). It was considered that the parking provided was sufficient to service the proposed development and that the design of the development was of acceptable aesthetic quality and a positive contribution to the commercial precinct.

The site has historically shared an informal reciprocal parking and access agreement with the adjoining Carine Glades Shopping Centre site (Lot 11 Beach Road). The approval for the office and showroom development was subject to a condition requiring a suitable legal agreement being prepared to the satisfaction of the City. This agreement will enable uninterrupted vehicular and pedestrian access across the appropriate portions of Lot 107 and Lot 11; and reciprocal car parking for visitors to either site. This easement for reciprocal car parking is currently in the process of being finalised.

DETAILS

The applicant seeks approval for a change of use from Showroom to Educational Establishment and Shop.

The details of the application are as follows:

- Between three and seven classes per week relating to the production and design techniques involved in garment creation, with a maximum of five students per class;
- A maximum of 36m² of the 120m² floor space will be devoted to the above classes;
- A maximum of 24m² of floor space to be used as storage for class materials and stock; and
- A maximum of 72m² of floor space to be used as shop floor to showcase various student and unlabelled designs.

The development plans and building perspectives are provided in Attachment 2.

Car parking

The subject site will provide a total of 22 car parking bays for the use of the tenants of, and visitors to, the development. The proposal incorporates a maximum of 72m² of floor space to be used to showcase garments and accessories. The proposal, as described by the applicant, does not fit within the definition of a 'Showroom' as set out in the City's DPS2. The definition of 'Showroom', whilst talking about display of goods and the like, specifically prohibits the sale of 'items of personal adornment'. As such, this aspect of the proposal has been assessed as a 'shop', with the parking standard under DPS2 for a Shopping Centre under 10,000m² applied, being seven bays per 100m².

The proposed storage area will be used to store stock used in the shop. Its maximum floor space of 24m² has been incorporated into the total Net Lettable Area (NLA) used to calculate the total number of on-site parking bays required for the shop component of the proposal.

The proposal also includes up to 36m² of floor space to be devoted to classes. DPS2 does not provide for a car parking standard that directly relates to a general educational use. Several parking standards exist for various types of educational establishments and in this instance it is considered appropriate that the standard for Tertiary College be applied. This standard requires one parking bay per three students.

Taking the above into account, the following table sets out the car parking requirements for the proposed use in accordance with DPS2.

Development (standard)	Car bays required
Existing showrooms/offices (excluding the subject tenancy) (one bay per 30m ² NLA)	29
Proposed Educational Establishment (one per three students – no more than five students at any given time)	2
Proposed Shop (seven per 100m ² NLA – 72m ² of shop plus 24m ² store room area)	7
Car bays required in accordance with DPS2	38
Car bays provided on site	22

The proposal results in an additional five bays being required for the site in accordance with DPS2, resulting in a shortfall of 16 car bays (42% of the on-site requirement).

Council is required to determine whether the 22 parking bays provided on site are sufficient to service the development.

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

- *We believe [the business] would be adding little, if any, excess traffic to this area as our target demographic is the current customer base that visit Carine Glades Shopping Centre; and*
- *The classes will be run predominantly outside of standard business hours after 6:30pm, and, due to the hands-on and technical nature of the sewing classes, the maximum class size will be generally limited to five participants for a one or two hour class.*

Issues and options considered:

Council has the discretion to:

- Approve the application without conditions;
- Approve the application with conditions; or
- Refuse the application.

Legislation/Strategic Plan/Policy Implications

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

In determining whether this 'D' use is appropriate for the locality, Council should consider the objectives of the Commercial Zone.

3.7 *The Commercial Zone*

The Commercial Zone is intended to accommodate existing or proposed shopping and business centres where it is impractical to provide an Agreed Structure Plan in accordance with Part 9 of the Scheme.

The objectives of the Commercial Zone are to:

- (a) *Make provision for existing or proposed retail and commercial areas that are not covered by an Agreed Structure Plan; and*
- (b) *Provide for a wide range of uses within existing commercial areas, including retailing, entertainment, professional offices, business services and residential.*

Clause 4.8 of DPS2 sets out that car parking is to be provided at a particular rate.

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 AS2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council; and*

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

In considering the application Council shall also have regard to matters listed in Clause 6.8 of DPS2.

6.8 *Matters to be considered by the Council*

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

- (a) *interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*

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

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

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

Strategic Plan

Key Focus Area: The Built Environment.

Objective: 4.1 - To ensure high quality urban development within the City.

Policy: Not Applicable.

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 \$278 (excluding GST) for assessment of the application.

Regional Significance:

Not Applicable.

Sustainability Implications:

As the application is for a change of use only, there are not considered to be any sustainability implications. The sustainability of the building was assessed as part of the development application for the showroom and office building approved by Council at its meeting held on 13 December 2011.

Consultation:

The application was not advertised as there is considered to be no adverse impact to the locality as a result of the proposed change of use.

COMMENT

This application is for a change of use from Showroom to Shop and Educational Establishment at Lot 107 (473) Beach Road, on the north east corner of Beach Road and Davallia Road, Duncraig.

The requirements of DPS2 are met except where discussed below.

Land Use

The proposed business will offer both a shop component selling unlabelled design clothing and accessory labels, as well as an educational component where designers can learn the production and techniques involved in creating garments.

The land use 'Shop' is a permitted, or 'P' use in the Commercial Zone, and is considered to be compatible with the approved land uses for this and adjoining sites. The proposed land use 'Educational Establishment', whilst not considered ancillary to the shop use in this instance, is considered to be complementary to this use and will not adversely impact on surrounding businesses or the broader locality.

Car parking

The proposed development has a car parking shortfall of 16 bays (42%). The previous application for an office and showroom development was approved with a car parking shortfall of 11 car bays (CJ233-12/11 refers). The overall layout of the development was constrained by the attempt to maintain the existing car parking requirements of the adjoining lot. The adjoining shopping centre site currently relies on shared vehicular access to a crossover on Davallia Road and a crossover on Beach Road. Thus, the development was designed to avoid a car parking shortfall and traffic disruption on the adjoining shopping centre site.

For many years, an informal reciprocal access agreement existed between the owners of the subject lot and the owners of the adjoining Carine Glades shopping centre. As previously mentioned, the Carine Glades shopping centre depends on access across the northern edge of the subject lot for access to 14 parking bays on the shopping centre site. A condition of approval of the above development required a suitable legal agreement to be prepared enabling uninterrupted vehicular and pedestrian access across the appropriate portions of Lot 107 and Lot 11; and reciprocal car parking for visitors to either site. An easement for reciprocal car parking and access between Carine Glades Shopping Centre Pty Ltd and Violet Beauregarde Pty Ltd, the owners of Lot 107 (473) Beach Road is in the process of being finalised.

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

- 1 determine that the provision of 22 car parking bays is appropriate;
- 2 determine that the provision of 22 car parking bays is not appropriate; or
- 3 determine that a cash-in-lieu payment of \$25,929 per bay is required for the shortfall in parking. This could be either \$414,864 for the 16 bay shortfall or \$129,645 for the five bay increase in the existing shortfall as a result of this development. This is discussed further below.

The nature of the easement discussed above allows reciprocal car parking and pedestrian and vehicular access to be adopted over both sites. This permits any customers of the proposed development to utilise the car parking bays at the Carine Glades shopping centre. Further to this, the applicant envisages that the shop component will be a complementary land use to the Carine Glades shopping centre and will encourage multi-purpose trips, thus, reducing the demand for car parking for specific uses. The educational classes will predominantly be run after 6.30pm, with the maximum class size limited to five participants. As such, the classes will operate outside of the peak trading hours of the surrounding area. Employees of businesses also have the opportunity to take advantage of the bicycle racks and end-of-trip facilities available onsite.

It is not considered appropriate in this instance to request a cash in lieu payment for the shortfall in car parking. It is unlikely that in the immediate future there will be the ability to provide public car parking in the immediate locality of the proposed development. Should Council resolve to approve the application and consider that a cash in lieu payment is necessary it is only considered appropriate to base this on the five bay increase to the approved shortfall. This would result in a figure of \$129,645 being payable. Council should be mindful that any cash in lieu funds received must be used to provide additional parking in the immediate locality.

Conclusion

The proposed variations to DPS2 are considered appropriate. The car parking being provided is considered sufficient to service the subject site having regard to the operating hours and nature of the business proposed. Furthermore, given the reciprocal nature of the car parking and the peak trading hours of various businesses, it is anticipated that there will be sufficient onsite parking to accommodate the proposed uses.

The application for planning approval for a change of use from Showroom to Shop and Educational Establishment is considered appropriate in this instance and will not have an adverse impact on the surrounding area. It is recommended that the proposal be approved subject to conditions.

No signage is proposed as part of this application. An advice note will be included on the decision letter, should the application be approved, advising that any signage is to be the subject of a separate application for planning approval.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 DETERMINES that the land use 'Educational Establishment' under Clause 6.6.2 of the City of Joondalup District Planning Scheme No 2 is appropriate in this instance;**
- 2 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 22 bays in lieu of 38 bays is appropriate in this instance;**
- 3 APPROVES the application for planning approval dated 8 August 2012, submitted by Asha McFadzean, on behalf of the owners, Violet Beauregarde Pty Ltd, for a change of use from Showroom to Shop and Educational Establishment at Lot 107 (473) Beach Road, Duncraig, subject to the following conditions:**
 - 3.1 This decision constitutes planning approval only and is valid for a period of two years from the date of the decision letter. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect; and**
 - 3.2 A maximum of five students shall be permitted for each class with a maximum of one class operating at any given time.**

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf110912.pdf](#)

Name/Position	Cr Sam Thomas.
Item No/Subject	CJ180-09/12 – Proposed Additions to the Church of Our Lady of the Mission at Lot 1025 (270) Camberwarra Drive, Craigie.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Thomas attends Our Lady of the Mission Church.

CJ180-09/12 PROPOSED ADDITIONS TO THE CHURCH OF OUR LADY OF THE MISSION AT LOT 1025 (270) CAMBERWARRA DRIVE, CRAIGIE

WARD:	Central
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Community Development
FILE NUMBER:	16283, 101515
ATTACHMENTS:	Attachment 1 Location plan Attachment 2 Development plans

PURPOSE

To request Council's approval of an application for proposed columbarium additions to an existing place of worship located at Lot 1025 (270) Camberwarra Drive, Craigie.

EXECUTIVE SUMMARY

An application for planning approval has been received for additions at Lot 1025 (270) Camberwarra Drive, Craigie. The applicant's proposal includes an extension to the existing columbarium at the front of the existing place of worship, adjacent to Camberwarra Drive. The columbarium is a place for the respectful storage of cinerary urns holding of cremated remains of deceased persons. The existing columbarium is partly roofed and the applicant proposes to extend this roof by 1 metre. Additionally the applicant proposes to provide a secure, screened area with some informal seating and landscaping. The columbarium is proposed with a minimum street setback to the Camberwarra Drive boundary of 0.3 metres in lieu of the nine metres required by the City's District Planning Scheme No 2 (DPS2).

The amount of building bulk set back at the reduced distance is limited to a small portion of the lot frontage along Camberwarra Drive and is not considered to prejudicially affect the surrounding area.

The proposed addition is in keeping with the existing buildings and given the minor nature of the structure, will not adversely impact on the amenity of the locality.

This application is recommended for approval subject to conditions.

BACKGROUND

Suburb/Location: Lot 1025 (270) Camberwarra Drive, Craigie.
Applicant: The Design Mill.
Owner: Roman Catholic Archbishop of Perth.
Zoning: **DPS:** Private Clubs / Recreation.
MRS: Urban.
Site Area: 3.6407 ha.
Structure Plan: Not Applicable.

The Church of Our Lady of the Mission is located on Camberwarra Drive, east of Marmion Avenue, Craigie. The site also comprises Whitford Catholic Primary School. The area surrounding the development site is mostly zoned residential and coded R20, with two primary schools, medical centre and neighbourhood shopping centre in the near vicinity. Directly across the road from the site is the former Craigie Senior High School site which has been rezoned for future residential development (Attachment 1 refers).

The Church of Our Lady of the Mission and Whitford Catholic Primary School were established in 1978, and since this time the City has dealt with a number of different building and planning applications for a range of extensions and additions, all of a complementary nature to the existing development.

DETAILS

The proposal includes:

- Addition of an open air walled area to extend the existing columbarium;
- Extension of the existing roof of the columbarium by 1 metre into the site;
- Retaining existing landscaping and provision of additional landscaping; and
- Provision of informal seating within the space being created.

The development plans are provided at Attachment 2.

Issues and options considered:

Council has the discretion to:

- Approve the application without conditions;
- Approve the application with conditions; or
- Refuse the application.

Legislation/Strategic Plan/Policy Implications

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

When determining this application Clauses 4.5, 4.7 and 6.8 apply.

4.5 Variations to site and development standards and requirements

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

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

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

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

- (c) Approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
- (d) 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.*

4.7 Building setbacks for non residential buildings

4.7.1 *Unless otherwise provided for on Part 3 of the Scheme, buildings shall be set back from property boundaries as follows:*

- Setback from street boundary 9.0 metres.*
- Setback from side boundary 3.0 metres.*
- Setback from rear boundary 6.0 metres.*

6.8 Matters to be considered by Council

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

- (a) Interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) Any relevant submissions by the applicant;*
- (c) Any agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) Any planning policy of the Council adopted under the provisions of clause 8.11;*

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

Strategic Plan

Key Focus Area: The Built Environment.

Objective: To ensure high quality urban development within the City of Joondalup.

Policy: Not Applicable.

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 \$139 (excluding GST) for assessment of the application.

Regional Significance:

Not Applicable.

Sustainability Implications:

The proposed additions are minor in nature, consisting of the extension of the existing columbarium. The proposed works will be required to comply with the provisions of the *Health Act 1911* and the requirements of the *Building Code of Australia*.

Consultation:

The application was not advertised as the proposed development is located directly opposite a vacant site and a sufficient distance from the surrounding residential properties such that no adverse effect will result. The proposed development extends for only a small percentage of the property frontage and so is not considered to impact on the streetscape or amenity of the locality.

COMMENT

This application for additions at the Church of Our Lady of the Mission has been assessed against Part 4 of DPS2. During this assessment it has been identified that discretion is required to be exercised in regard to clause 4.7 – Building Setbacks for Non Residential Buildings.

The application seeks approval for extensions to the existing columbarium of the church, which is currently set back 8.2 metres from the street boundary. The proposed extensions will be set back 0.3 metres from the street boundary in lieu of the required 9 metres. The location of the columbarium is considered appropriate in this instance as the minimum setback is limited to a small portion of the street frontage, with the majority of building works setback in compliance with the requirements of DPS2. In addition to this minimum setback indicated, the design of the open structure has the appearance of a visually permeable front fence above 1.37 metres. The total height of the addition to be located within the street setback does not exceed 1.8 metres and the portion setback at 0.3 metres is only 4.7 metres wide. The corners of the front wall are truncated 2.8 metres by 3.5 metres and there are no large, blank facades imposing on the streetscape. The impact will be further reduced by trees to be retained and provision of additional landscaping.

In conclusion the works proposed are generally of a minor nature and do not present any detrimental impact on the surrounding area. In light of this, the proposed development is recommended for approval subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 EXERCISES discretion under clause 4.5.1 and 4.7.1 of the City of Joondalup District Planning Scheme No 2 and determines that:
 - 1.1 A building setback from the street boundary of 0.3 metres in lieu of 9 metres is appropriate in this instance;
- 2 APPROVES the application for planning approval, dated 8 May 2012 submitted by The Design Mill on behalf of the owner, Roman Catholic Archbishop of Perth, for columbarium additions at Lot 1025 (270) Camberwarra Drive, Craigie, subject to the following conditions:
 - 2.1 This decision constitutes a planning approval only and is valid for a period of two years from the date of this letter. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect;
 - 2.2 An onsite stormwater drainage system, with the capacity to contain a 1:100 year storm of 24-hour duration, is to be provided prior to the development first being occupied, and thereafter maintained to the satisfaction of the City. Plans showing the proposed stormwater drainage system are to be submitted to the City for approval, prior to the commencement of construction; and
 - 2.3 The colours and materials of the proposed additions shall match the existing building where practicable, to the satisfaction of the City.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf110912.pdf](#)

Name/Position	Cr Liam Gobbert.
Item No/Subject	CJ181-09/12 – Request to Prepare Activity Centre Structure Plan – Whitford Activity Centre.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Gobbert is employed at the Shopping Centre and knows an employee of Urbis.

Name/Position	Cr Sam Thomas.
Item No/Subject	CJ181-09/12 – Request to Prepare Activity Centre Structure Plan – Whitford Activity Centre.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Thomas is the Vice President of the Whitford Senior Citizens Club.

CJ181-09/12 REQUEST TO PREPARE ACTIVITY CENTRE STRUCTURE PLAN – WHITFORD ACTIVITY CENTRE

WARD: South-West

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

FILE NUMBER: 101482, 101515, 102594

ATTACHMENTS: Attachment 1 Previously Proposed Structure Plan Area
Attachment 2 Proposed Structure Plan Area
Attachment 3 Planning Approval Processes - Timelines

PURPOSE

For Council to request the preparation of an activity centre structure plan for the Whitford Activity Centre and for Council to determine the boundary of the area to be covered by the Whitford Activity Centre Structure Plan.

EXECUTIVE SUMMARY

The City's District Planning Scheme No 2 (DPS2) states that Council may require the preparation of a structure plan as a prerequisite to the rezoning, subdivision, amalgamation or development of land. DPS2 also states that Council shall determine the area to be covered by such a Structure Plan.

In December 2010, Westfield submitted a proposed Structure Plan for the Whitford Activity Centre to the City. The boundary of that Structure Plan was not determined in advance by the Council, but was instead proposed by the applicant. The proposed Structure Plan was refused by Council at its meeting held on 17 May 2011 (CJ080-05/11 refers). A subsequent State Administrative Tribunal (SAT) action was commenced by the applicant but was later withdrawn, as it was conceded that there was no right of review given that Council had not requested the submission of the Structure Plan as required by DPS2.

As a result of a Ministerial order issued by the Minister for Planning on 13 July 2012, under the provisions of section 76 of the *Planning and Development Act 2005*, Scheme Amendment No 66 to DPS2 has been initiated by the Council and will shortly be advertised for public comment (CJ173-08/12 refers). If approved, Amendment 66 will enable a landowner to prepare and submit a structure plan for Council's consideration, without first requiring a formal request from Council to do so.

However, this amendment will take quite some time to finalise and Westfield wants to lodge a revised Structure Plan for the Whitford Activity Centre as soon as possible and prior to the gazettal of Amendment 66. Westfield is therefore seeking a request from Council for the preparation of such a Structure Plan.

Given the requirement to progress Amendment No 66, as per the Ministerial Order, and given the inevitability of the lodgement of a Structure Plan by Westfield, it is considered reasonable that Council makes the appropriate request for a Structure Plan to be prepared for the Whitford Activity Centre. In doing so, Council will also need to determine the boundary of the area to be covered by the Structure Plan as per the current requirements of DPS2.

If Council resolves to request the submission of a Structure Plan, it should be made clear to the applicant that Council's request in no way indicates support or otherwise for that Structure Plan. The Structure Plan will be assessed and determined by Council in the same manner as any other Structure Plan.

BACKGROUND

Suburb/Location:	Lot 501 and Lot 6 Whitfords Avenue, Hillarys; Lot 503 Banks Avenue, Hillarys; Lot 14284 Endeavour Road, Hillarys; various residential lots in Hillarys.
Applicant:	Westfield Management Ltd.
Owner:	Westfield Management Ltd; City of Joondalup; Department for Family and Children's Services; various other individual owners.
Zoning:	DPS: Commercial; Business; Civic and Cultural; Residential. MRS: Urban.
Site Area:	Various (Attachment 2 refers).
Structure Plan:	Not Applicable.

On 22 December 2010, a draft Activity Centre Structure Plan for the Whitford Shopping Centre and surrounds was submitted to the City by a planning consultant on behalf of Westfield Management Ltd (Westfield). The area covered by that Structure Plan is outlined in Attachment 1 to this report. The Council, at its meeting held on 17 May 2011, resolved not to endorse the draft Activity Centre Structure Plan for a number of reasons as detailed in report CJ080-05/11.

The applicant subsequently lodged an application for review of Council's decision with the SAT in June 2011. Based on a previous SAT case, the City challenged the applicant's right of review given that, as per the current provisions of clause 9.1.1 of DPS2, a landowner cannot lodge a Structure Plan for approval, without the Council formally requesting or requiring the lodgement of the Structure Plan. Given the Council had not requested the preparation of the Structure Plan, the City was of the view this nullified the applicant's right of review with the SAT. The applicant subsequently withdrew from the SAT proceedings.

On 6 September 2011, a letter was received from the applicant requesting that the City initiate a Scheme Amendment to DPS2 to:

- Delete clauses 3.7.2, 3.7.3, 3.11.4 and 3.11.5 from DPS2;
- Delete Schedule 3 in DPS2; and
- Insert new Detailed Area Plan provisions in DPS2.

The proposed Scheme Amendment effectively sought to remove the existing maximum retail floor space allocations for the various commercial centres from DPS2, and to also insert provisions regarding Detailed Area Plans.

At that stage, the City was only in the initial stages of preparing its Local Commercial Strategy. The City was concerned that amending DPS2 in the manner proposed, without a Local Commercial Strategy in place to guide decision-making, had the potential to undermine the existing hierarchy of centres in the City of Joondalup and in *State Planning Policy 4.2 – Activity Centres for Perth and Peel*. (SPP4.2).

The City was also concerned that the proposal could allow the ad hoc development of centres which would have the potential to impact on the economic health and potential of other centres in the City, especially the Joondalup Strategic Metropolitan Centre. Therefore, at its meeting held on 22 November 2011 (CJ206-11/11 refers), Council resolved not to initiate the proposed Scheme Amendment.

Subsequently, as a result of representations by Westfield to the Minister for Planning, an Order was issued by the Minister for Planning under section 76 of the *Planning and Development Act 2005* requiring Council to amend the DPS2 as per the Westfield request, but to also include appropriate provisions to align the DPS2 with the Activity Centres Policy.

As a result of the above, Scheme Amendment No 66 was adopted by Council for the purpose of public advertising at the Council meeting held on 21 August 2012 (CJ173-08/12 refers). Scheme Amendment No 66 will allow a landowner to prepare and submit a Structure Plan without first requiring a formal request from Council to do so.

DETAILS

Currently, DPS2 does not allow the submission of a Structure Plan by a landowner unless expressly required under the scheme, or unless formally requested or required by Council.

In order to achieve certain commercial deadlines relating to the redevelopment of Whitford City, Westfield wishes to submit an Activity Centre Structure Plan for the Whitford Activity Centre as soon as possible and prior to the finalisation of Scheme Amendment No 66. In order for this to occur, Council will need to specifically request the preparation of the Structure Plan. DPS2 also requires Council to determine the area to be covered by the Structure Plan.

Attachment 1 outlines the Structure Plan area originally proposed by Westfield in December 2010 with the lodgement of the previous proposed Activity Centre Structure Plan.

Attachment 2 outlines the City's recommended Structure Plan boundary.

This boundary has been considered and is proposed taking into account major roads that separate the Centre from surrounding uses, current activity sources and complexes, the relationship and linkages between these complexes, the existing zoning and built form of different properties and the requirement of SPP4.2 for activity centres to extend beyond the boundaries of shopping centres.

The City's proposed boundary aligns closely with a boundary for the activity centre which has notionally been developed by the Department of Planning's Directions 2031 team. The boundary proposed by the City has been discussed with and is to the satisfaction of both the applicant and the Department of Planning.

The applicant has also met with the Department for Family and Children's Services and St Mark's Anglican School to discuss the fact that whilst their landholdings may be included within the activity centre boundary and whilst the activity centre structure plan will include their landholdings, this does not necessarily mean that their land uses under the Structure Plan or their individual control over future development of their sites will be affected in any negative way.

These important stakeholders will be more closely engaged by both the applicant and the City during the course of any structure plan approvals process or associated scheme amendment process.

Issues and options considered:

Council has the discretion to:

- Request Westfield Management Ltd to prepare an Activity Centre Structure Plan for the Whitford Activity Centre, and determine the boundary of the area to be covered by the Structure Plan; or
- Take no action.

Legislation/Strategic Plan/Policy Implications

Legislation City of Joondalup District Planning Scheme No 2.

9.1 COUNCIL MAY REQUIRE STRUCTURE PLAN

9.1.1 The Council may require the preparation and presentation to it of a Structure Plan as a prerequisite to:

- (a) the Council's support for a proposal to rezone or reclassify land in the District;*
- (b) the Council's support for an application to subdivide or amalgamate lots; or*
- (c) the Council's consideration of an application for Planning Approval.*

9.1.2 To facilitate the efficient preparation of Structure Plans the Council may deal simultaneously with a number of Structure Plans in relation to the same area.

9.2 DETERMINATION OF STRUCTURE PLAN AREA

The Council shall determine the area to be covered by a Structure Plan required under the provisions of clause 9.1 upon the application of any of the following criteria it considers appropriate:

- (a) the pattern of roads, bus routes and dual-use paths both existing and proposed, in the surrounding area;*
- (b) the pattern and type of existing subdivision in the surrounding area;*
- (c) existing and proposed land uses on the subject land and in the surrounding area;*

- (d) *the land form, topography, vegetation, groundwater, wetlands and other natural features of the subject land and the surrounding area;*
- (e) *the availability of necessary services;*
- (f) *relevant expressed desires and attitudes of landowners and inhabitants of the surrounding area;*
- (g) *any other matter the Council considers relevant in the circumstances of the case.*

Strategic Plan

Key Focus Area: The Built Environment.

Objective: To ensure high quality urban development within the City of Joondalup.

Policy Not Applicable.

Risk Management Considerations:

Due to Westfield's need to expedite planning processes and to run planning processes concurrently in order to meet their commercial deadlines, there will be an opportunity cost to the City because of the tight timeframes of activity required (Attachment 3 refers).

The City needs to deal with two scheme amendments, a complex structure plan, a subsequent complex development approval process and all the individual public consultation processes that are associated with these actions.

Financial/Budget Implications:

In regard to the matter before Council, there are no direct financial considerations.

It may be necessary to engage independent economic consultants to undertake a peer review of the Retail Sustainability Assessment that needs to accompany the structure plan proposal that will be submitted as a result of this report. It is unclear at this stage what the budgetary implications of the engagement of such a consultant may be.

It could also be necessary in the future to engage the services of a lawyer and/or an independent planning consultant if the Council does not support the structure plan that is submitted as a result of the Council's request for the preparation of the Structure Plan.

In the event however that a structure plan and associated scheme amendment (to rezone the activity centre to a "Centre" zone) is submitted to the City, the applicant will be required to pay both application fee(s).

Regional Significance:

In regard to the matter before Council, there are no direct regional significance considerations. However, when a Structure Plan is submitted to the City, the scale and extent of the proposal will be assessed in regard to the impact on other centres in the region, including the Joondalup City Centre.

Sustainability Implications:

Not Applicable.

Consultation:

In regard to the matter before Council, consultation is not applicable or required, though it is believed the applicant has met with the Department for Family and Children's Services and St Mark's Anglican School to discuss the fact that whilst their landholdings may be included within the activity centre boundary and whilst the Activity Centre Structure Plan would therefore include their landholdings, this does not necessarily mean that their land uses under the structure plan or their individual control over future development of their sites will be affected in any negative way.

A representative of St Mark's Anglican School has contacted the City directly to discuss the matter and to seek clarification on the implications of the activity centre and associated Structure Plan boundary covering the school site.

If and when a Structure Plan is lodged, more fulsome public advertising will be undertaken in accordance with DPS2 and with a community consultation engagement strategy that has been approved by the City and the Council.

COMMENTRequest to prepare Structure Plan

In order to allow Westfield to prepare an Activity Centre Structure Plan for the Whitford Activity Centre ahead of the gazettal of Amendment No 66, Council must specifically request the preparation of such a Structure Plan.

Given the requirement to progress Amendment No 66, as per the Ministerial Order, and given the inevitability of the lodgement of a Structure Plan by Westfield, it is considered reasonable that Council makes the appropriate request for a Structure Plan to be prepared for the Whitford Activity Centre. In doing so, Council will also need to determine the boundary of the area to be covered by the Structure Plan as per the current requirements of DPS2.

It is important, however, in the event that Council does request the preparation of a Structure Plan, Westfield be advised that Council's request is in no way any endorsement of that Structure Plan.

Structure Plan boundary

In accordance with DPS2, Council is required to determine the area to be covered by the Structure Plan.

It is considered appropriate to include the following properties within the Structure Plan area:

- Lot 501 and Lot 6 Whitfords Avenue, Hillarys. These lots contain the Whitford Shopping Centre itself and the Bunnings and showroom site(s) across Endeavour Road to the west. The reason for the inclusion of these lots is that these commercial sites form the core of the Activity Centre.
- Lot 503 Banks Avenue, Hillarys. This lot contains the City of Joondalup library and Senior Citizens Centre. The reason for inclusion of this lot is that the uses on this lot are activities that are appropriately located within an Activity Centre.
- Lot 14284 Endeavour Road, Hillarys. This lot contains the Jean Beadle Centre. The reason for inclusion of this lot is that the uses on the lot are activities that are appropriately located within an Activity Centre.

- St Marks Anglican School, Hillarys. Although the inclusion of the school was questioned during consideration of the original structure plan application, further consideration of the matter has recognised that this use is an appropriate activity with an activity centre, given the links (including pedestrian and public transport) between the school and other uses within the proposed activity centre.
- The existing residential lots opposite the shopping centre on Banks Avenue. The reason for inclusion of these properties is that the draft Local Housing Strategy that was advertised for public comment already recommended that these existing residential lots be zoned 'Mixed Use'. Therefore, given the potential change in use of these lots in the future and given the City has already consulted with the community on the proposed rezoning of these lots, their inclusion in the activity centre is appropriate.

The extent of the above properties is shown at Attachment 2.

It is not considered appropriate to include the following areas within the Structure Plan area:

- The residential areas east (across Marmion Avenue) and north (across Whitfords Avenue). The reason for not including these properties is that although these properties are within a walkable 400 metres catchment of the Whitford shopping centre, Marmion and Whitfords Avenues are significant barriers that prohibit proper integration of these areas into the activity centre.
- The residential area to the south of the shopping centre. Although these properties are more contiguous with the shopping centre than the residential properties to the north and east, and although these are proposed to be subject to an increase in residential density as a result of the Local Housing Strategy, this area would not be suitable for any additional 'activity' given that the existing road pattern does not lend itself to a mixed use style of development.

Conclusion

In summary:

- Amendment No 66 to DPS2 is a result of a Ministerial order and will allow an owner to prepare and lodge a Structure Plan with the City without the Council first having to request such;
- Lodgement of a Structure Plan for the Whitford Activity Centre is therefore inevitable;
- Westfield has a timing imperative to secure structure plan approval and development approval for expansions within the activity centre;
- There is no sound planning reason why the Council shouldn't request the preparation of a structure plan for the Whitford Activity Centre, ahead of the gazettal of Amendment No 66, given the above;
- In doing so, the Council also needs to determine the boundary of the area to be covered by the Structure Plan;
- The boundary recommended by the City has been carefully considered on planning merit and taking into account the requirements of SPP4.2;
- The proposed boundary is supported by the applicant and by the Department of Planning;
- The request to prepare an Activity Centre Structure Plan for the Whitford Activity Centre does not constitute any endorsement or otherwise of any Structure Plan to be submitted;
- Any Structure Plan submitted will be carefully assessed against the provisions of DPS2, all relevant local planning policies, relevant State Planning Policies - in particular SPP4.2;

- Any Structure Plan submitted will be the subject of a community engagement and consultation process that will be proposed to the Council in conjunction with any report that might recommend that Council endorses the Structure Plan for the purposes of advertising; and
- It is therefore recommended that the Council requests Westfield to prepare an Activity Centre Structure Plan for the Whitford Activity Centre as defined by the activity centre boundary recommended in this Report.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **REQUESTS** Westfield Management Ltd to prepare an Activity Centre Structure Plan for the Whitford Activity Centre;
- 2 **AGREES** that the boundary of the area to be covered by the Whitford Activity Centre Structure Plan is as per the area shown on the map in Attachment 2 to Report CJ181-09/12; and
- 3 **ADVISES** Westfield Management Ltd that Council's request to prepare an Activity Centre Structure Plan for the Whitford Activity Centre does not constitute, in any way, endorsement of or support for any Structure Plan submitted.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf110912.pdf](#)

Name/Position	Cr Tom McLean, JP.
Item No/Subject	CJ182-09/12 – Modifications to Additions to Currambine Central at Lot 929 (1244) Marmion Avenue, Currambine.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr McLean resides in the vicinity.

Name/Position	Cr Philippa Taylor.
Item No/Subject	CJ182-09/12 – Modifications to Additions to Currambine Central at Lot 929 (1244) Marmion Avenue, Currambine.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Taylor's son works at Oscars Restaurant.

CJ182-09/12 MODIFICATIONS TO ADDITIONS TO CURRAMBINE CENTRAL AT LOT 929 (1244) MARMION AVENUE, CURRAMBINE

WARD: North

RESPONSIBLE DIRECTOR: Ms Dale Page
Planning and Community Development

FILE NUMBER: 03494, 101515

ATTACHMENTS: Attachment 1 Location Plan
Attachment 2 Development Plans
Attachment 3 Previously Approved Plans
Attachment 4 Sustainability Checklist for Original Development

PURPOSE

To request Council's determination of an application for modifications to previously approved additions to the Currambine Central shopping centre at Lot 929 (1244) Marmion Avenue, Currambine.

EXECUTIVE SUMMARY

An application for planning approval has been received for modifications to previously approved additions to the Currambine Central shopping centre at Lot 929 (1244) Marmion Avenue, Currambine. The additions were originally approved by Council in November 2011 (CJ208-11/11 refers).

The previous approval for the additions included 636m² of retail and restaurant net lettable area (NLA), an upgrade to the existing cinema facade, a pedestrian mall and a courtyard.

The subject application includes changes to the layout of the additions, a further increase in NLA by 65.8m² and a reduction in the number of on-site car parking bays to be provided. The new proposal now incorporates 443m² of restaurant dining area and 258.8m² of retail area bringing the combined NLA of the additions to 701.8m².

The site is zoned 'Urban' under the Metropolitan Region Scheme, with the proposed development located within the 'Commercial' zone under the City's District Planning Scheme No 2 (DPS2). Both shop and restaurant are permitted 'P' uses within the zone.

In accordance with Schedule 3 of DPS2, a total of 10,000m² retail net lettable area (NLA) is permissible for the site. The 258.8m² of new retail NLA brings the total retail NLA for the site to 8,613.47m².

In addition to the development standards of DPS2, the development site is also subject to the provisions of the Currumbine District Centre Structure Plan (CDCSP). The proposal meets the standards of DPS2 and CDCSP with the exception of pedestrian mall width and on-site car parking.

It is considered that the proposal meets the objectives of the CDCSP and that sufficient on-site car parking has been provided to service the development. It is recommended that the application be approved subject to conditions.

BACKGROUND

Suburb/Location: Lot 929 (1244) Marmion Avenue, Currumbine.
Applicant: TPG Town Planning and Design.
Owner: Davidson Pty Ltd.
Zoning: **DPS:** Commercial.
MRS: Urban.
Site Area: 7.5ha.
Structure Plan: Currumbine District Centre Structure Plan (CDCSP).

The subject site is located within the CDCSP area. The Currumbine District Centre is bound by Marmion Avenue to the west, Shenton Avenue to the south, and Delamere Avenue to the north and east (Attachment 1 refers).

The Currumbine Central shopping centre and cinema complex is located on the southern portion of the subject site, and was approved by Council in two stages in 1995 and 1998. In 2003 a kiosk addition was approved under delegated authority. A total of 562 car bays were considered appropriate to service the shopping centre and cinema complex at that time.

At its meeting held on 10 June 2008 (CJ106-06/08 refers), Council refused an application for a Liquor Store on the north portion of the site. That proposal was approved by the State Administrative Tribunal, subject to a number of conditions in December 2008. Additional car parking was proposed as part of the application to service the Liquor Store. This development was completed in 2011.

A number of development applications have subsequently been approved for the site, with the construction of some of these developments now underway. These include a freestanding development comprising two buildings to the north west of the cinema complex approved by Council on 19 October 2010 (CJ168-10/10 refers).

Other developments approved for the site include:

- Three retail tenancies and relocation of service dock to Currumbine Central, approved by Council on 19 April 2011 (CJ053-04/11 refers);
- Shop and showroom development (market hall) to the west of the existing shopping centre approved by Council on 11 October 2011 (CJ175-10/11 refers);

- Reconfiguration of the south western car park and additions and modifications to Currambine Central shopping centre approved by Council on 22 November 2011 (CJ208-11/11 and CJ209-11/11 refer);
- Change of use from Office and Take Away Food Outlet to Office and Restaurant approved by Council on 21 February 2012 (CJ004-02/12 refers); and
- Change of use from Shop to Restaurant and change of use from Convenience Store to Unlisted Use (betting agency) approved by Council on 15 May 2012 (CJ076-05/12 and CJ078-05/12 refer).

DETAILS

The application is for modifications to previously approved additions to the north-west of the existing shopping centre. The key modifications include the following:

- Adjustments have been made to the layout of the additions, including an increase in the NLA;
- The external dining area for the restaurant which was immediately south of the courtyard has been deleted and a walkway is proposed in this location. The external dining area originally proposed did not contribute to NLA but as it has now been incorporated into the restaurant building, it now contributes to the proposed NLA;
- The previously approved external dining area was covered by a roof; however, as this space is now a walkway, the roof over this area has been removed;
- The roof line in the vicinity of the main street has been extended to the west;
- The line of the restaurant shopfront has been extended north towards the courtyard; and
- The applicant proposes to provide 734 car bays on the site, which is 52 car bays less than the number of car bays required as a condition of the previous approval.

The applicant proposes to construct the development in two stages. Stage one consists of 443m² of restaurant dining area and the removal of 27.2m² of existing retail NLA to accommodate a new entrance to the shopping centre from the north. Stage two incorporates a net increase of 286m² of retail NLA which includes 313m² of new retail NLA and the removal of 27m² of retail NLA due to the internal relocation of toilets. The courtyard will be developed as part of stage one and the water court will be established as part of Stage Two.

As the future operators have not been determined for the tenancies, the applicant has requested approval for the uses Take Away Food Outlet, Restaurant and Shop. As such, should Council resolve to approve the application, further approvals will not be required for changes of use if the proposed use is one of the abovementioned uses. Should the development be approved, the applicant has indicated that temporary landscaping will be provided to the proposed stage two areas until this stage is constructed.

Car parking

At the Council meeting of November 2011, Council considered two applications for the shopping centre site (CJ208-11/11 and CJ209-11/11 refer).

One application was for the additions which are proposed to be modified as per this report and the second application was for the reconfiguration of the car park in the south western corner of the site to create an extra 109 bays on site. Council effectively linked these two applications with a condition on the approval for the additions which reads *“a total of 786 car bays shall be provided on-site prior to the occupation of the tenancies which are the subject of this application”*. The figure of 786 car bays included the 109 new car bays created out of the abovementioned reconfiguration of the south western car park.

Reconfiguration of the car park has not yet commenced. It is still proposed to occur but contrary to the intent of the condition of planning approval mentioned above, the timing of these works may not occur prior to occupation of the tenancies the subject of this application. The applicant has however indicated that the reconfiguration of the car park and creation of the additional bays will be done prior to the construction of the market hall development (CJ175-10/11 refers).

The subject proposal seeks to increase the NLA by 65.8m² more than previously approved and to provide 734 car bays which is 52 bays less than the 786 bays originally proposed, and approved by the City.

Based on the DPS2 car parking standard of seven bays per 100m² of NLA for shopping centres under 10,000m² of NLA, the car parking situation for the site is outlined below:

Car bays required for current application under DPS2	Car bays required for the site under DPS2	Car bays to be provided	Shortfall
701.8m ² of NLA proposed therefore 49.13 (rounded up to 50) car bays required	902.81 (rounded up to 903) bays	734	169 car bay shortfall (18.72%)

The Council has previously approved a parking shortfall of up to 190 bays (19.46% of the requirement at that time) for this site. Through subsequent approvals, the shortfall has decreased and increased again and is now proposed to be 18.72% of the current 734 bays requirement, which is 21 bays (0.74%) less than previously approved.

An important point for Council to consider is that under *State Planning Policy 4.2 - Activity Centres for Perth and Peel* (SPP 4.2), four to five car bays per 100m² of NLA is considered to be an appropriate provision of car parking for the subject shopping centre. If the upper ratio of five car bays per 100m² is applied to the site, based on the proposed NLA of the centre, 725 bays are required.

If the Council recognises that this is the standard that will likely be formally applied to this centre in the future via proposed amendments to DPS2 to align it with SPP4.2, this will mean that sufficient on-site parking is provided.

Issues and options considered:

Council has the discretion to:

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

Legislation/Strategic Plan/Policy Implications

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

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

4.5 *Variations to Site and Development Standards and Requirements*

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

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

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

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

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

4.8 *Car Parking Standards*

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

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

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

6.8 *Matters to be considered by Council*

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

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

Strategic Plan

Key Focus Area: The Built Environment.

Objective: 4.1 - To ensure high quality urban development within the City.

Policy: Not Applicable.

Risk Management Considerations:

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

Financial/Budget Implications:

The applicant has paid fees of \$139 (excluding GST) for the assessment of the application.

Regional Significance:

Not Applicable.

Sustainability Implications:

The applicant completed the City's sustainability checklist for the original development application. As the proposal is for minor modifications to this approval only, the applicant did not resubmit a sustainability checklist for this application. A copy of the original checklist is provided as Attachment 4.

Consultation:

The proposal was not advertised as the land uses proposed are permitted within the Commercial zone, and due to the separation of the subject development from surrounding residents, there will be no impact on surrounding residents as a result of the development.

COMMENT

The application is for modifications to previously approved additions at the Currumbine Central shopping centre. The requirements of DPS2 and the CDCSP have been met except where discussed below.

Pedestrian Mall Width

In accordance with the CDCSP, the pedestrian mall located immediately adjacent to the cinema, is to have a minimum width of 8 metres. A minimum width of 3.6 metres is proposed immediately west of the cinema, which increases to 3.9 metres east of the restaurant extension and to 4 metres toward the new northern entrance to the centre. The original application included a minimum pedestrian mall width of 4 metres.

The pedestrian mall located adjacent to the cinema is along the edge of a raised garden courtyard forming part of an overall town square, in which multiple areas of activity are proposed. This includes alfresco areas, and multiple glazed shop and restaurant frontages which will provide greater interest for pedestrians. It is noted that the garden courtyard is accessible for pedestrians.

It is considered that the 3.6 metre width is adequate to ensure there is sufficient pedestrian access as required under the CDCSP. Furthermore, as this is adjacent to the garden courtyard/town square, other opportunities for pedestrian access are provided. In regard to the water courtyard area, it is noted that there will be little surveillance offered to the area outside of trading hours, therefore a sliding gate has been included to restrict access to this area outside of centre trading hours. It is recommended this be reinforced by a condition of approval that ensures it remains open during the day and closed at night.

Car parking

As outlined above, the car parking proposed is less than required by DPS2 by 169 car bays.

In support of the development, a transport assessment report was submitted. This demonstrated that, a standard of 4.92 bays per 100m² of gross floor area is sufficient to cater for the centre and for future expansions. The assessment concluded that the site will have an oversupply of parking once the proposed development has been constructed, taking into account current peak utilisation periods.

The number of bays being provided is also greater than that required under *State Planning Policy 4.2 – Activity Centres for Perth and Peel* (SPP 4.2). Under SPP 4.2, four to five bays per 100m² of NLA is considered to be an appropriate standard for the provision of car parking. If the upper limit of this standard is applied to the site based on the current and proposed NLA, then 725 bays are required.

In order to align the City's planning scheme with SPP4.2, it will be proposed, either as part of an upcoming omnibus amendment to DPS2 or as part of the development of Local Planning Scheme No 3, to align the car parking standards for this centre with the standards stated in SPP 4.2.

In the interim, this report recommends that the Council determines that a car parking standard of five bays per 100m² of net lettable area is appropriate for this centre and should be applied to this and future development applications on the shopping centre site.

Conclusion

The proposed variation to DPS2 and the CDCSP are considered appropriate and the provision of 725 on-site car parking bays is considered to be sufficient to service the overall site.

The application is recommended for approval subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **EXERCISES** discretion under Clause 4.5.1 of the City's District Planning Scheme No 2 and determines that:
 - 1.1 A minimum pedestrian mall width of 3.6 metres in lieu of 8 metres is appropriate in this instance;
- 2 Pursuant to Clause 4.8.2 of the City's District Planning Scheme No 2, **DETERMINES** that a car parking standard of five bays per 100m² of net lettable area is appropriate for the Currambine Central shopping centre and should be applied to this and future development applications on the shopping centre site;
- 3 **APPROVES** the application for planning approval, dated 11 May 2012, submitted by TPG Town Planning and Design on behalf of the owner, Davidson Pty Ltd for additions at Lot 929 (1244) Delamere Avenue, Currambine, subject to the following conditions:
 - 3.1 This decision constitutes planning approval only and is valid for a period of two years from the date of the decision letter. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect;
 - 3.2 Car parking shall be provided on site at a ratio of five bays per 100m² of net lettable area;
 - 3.3 No tenancies shall be occupied where it will cause the number of car parking bays provided on-site to be less than five bays per 100m² of net lettable area at any given time;
 - 3.4 The sliding gate to the north of the water court shall be closed and locked outside of operating hours for the centre, and shall remain open at all other times;
 - 3.5 A Construction Management Plan being submitted and approved prior to the commencement of construction. The management plan shall detail how it is proposed to manage:
 - 3.5.1 all forward works for the site;
 - 3.5.2 the delivery of materials and equipment to the site;
 - 3.5.3 the storage of materials and equipment on the site;
 - 3.5.4 the parking arrangements for the contractors and subcontractors; and
 - 3.5.5 other matters likely to impact on the surrounding properties;
 - 3.6 A Refuse Management Plan indicating the method of rubbish collection is to be submitted to and approved by the City, prior to the commencement of construction;
 - 3.7 Detailed landscaping plans shall be submitted to the City for approval prior to the commencement of construction. These landscaping plans are to indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:

- 3.7.1 Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
- 3.7.2 Provide all details relating to paving, treatment of verges and tree planting in the car park;
- 3.7.3 Show spot levels and/or contours of the site;
- 3.7.4 Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;
- 3.7.5 Be based on water sensitive urban design principles to the satisfaction of the City;
- 3.7.6 Be based on Designing out Crime principles to the satisfaction of the City; and
- 3.7.7 Show all irrigation design details;
- 3.8 Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
- 3.9 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 construction;
- 3.10 An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be provided to the City and approved prior to the commencement of construction;
- 3.11 Obscured or reflective glazing shall not be used on the ground floor building facades;
- 3.12 All signage is subject to a separate development application; and
- 3.13 Any bicycle parking facilities provided should be designed in accordance with the Australian Standard for Off-street Car parking – Bicycles (AS2890.3-1993). If the development is to include bicycle parking, details of bicycle parking area(s) shall be provided to, and approved by the City prior to the commencement of construction.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf110912.pdf](#)

CJ183-09/12 EXECUTION OF DOCUMENTS

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 15876, 101515

ATTACHMENTS: Attachment 1 Documents executed by affixing the Common Seal for the period 31 July 2012 to 29 August 2012

PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 31 July 2012 to 29 August 2012 (Attachment 1 refers).

EXECUTIVE SUMMARY

The City of Joondalup 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 the Council for information on a regular basis.

It is recommended that Council NOTES the Schedule of Documents covering the period 31 July 2012 to 29 August 2012, executed by means of affixing the Common Seal, as detailed in Attachment 1 to this Report.

BACKGROUND

During the period 31 July 2012 to 29 August 2012, 10 documents were executed by affixing the Common Seal. A summary is provided below.

DETAILS

Type	Number
Deed to enable transfer of Land.	1
Amendment to DPS2.	1
Power of Attorney.	1
Deed of Variation.	1
Section 70A Notification.	5
Withdrawal of Caveat.	1

Details of these documents are provided in Attachment 1 to this report.

Issues and options considered:

Not Applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Schedule of Documents covering the period 31 July 2012 to 29 August 2012, executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ183-09/12.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf110912.pdf](#)

CJ184-09/12 STATUS OF PETITIONS**WARD:** All**RESPONSIBLE
DIRECTOR:** Mr Jamie Parry
Governance and Strategy**FILE NUMBER:** 05386, 101515**ATTACHMENTS:** Attachment 1 Status of Petitions – 28 June 2011 to
21 August 2012

PURPOSE

To advise Council of the status of outstanding petitions.

BACKGROUND

Quarterly reports on outstanding petitions are to be presented to Council.

DETAILS**Issues and options considered:**

Attachment 1 provides a list of all outstanding petitions, which were received during the period 28 June 2011 to 21 August 2012, with a comment on the status of each petition.

Legislation/Strategic Plan/Policy Implications**Legislation**

Clause 22 of the City's *Standing Orders Local Law 2005* states:

"22. Petitions

- (1) A petition received by a member or the CEO is to be presented to the next ordinary Council meeting;*
- (2) Any petition to the Council is:*
 - (a) as far as practicable to be prepared in the form prescribed in the Schedule;*
 - (b) to be addressed to the Council and forwarded to a member or the CEO;*
 - (c) to state the name and address of the person to whom correspondence in respect of the petition may be served;*
- (3) Once a petition is presented to the Council, a motion may be moved to receive the petition and refer it to the CEO for action."*

Strategic Plan

Objective: 1.2 To engage proactively with the community.

Strategy: 1.2.4 The City maintains its commitment to public engagement, allowing Deputations and Public Statement Times, in addition to the Legislative requirements to public participation.

Policy Implications:

Individual petitions may impact on the policy position of the City.

Risk Management Considerations:

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

Financial/Budget Implications:

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

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The petitions are presented to Council for information on the actions taken, along with those outstanding.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council NOTES:**

- 1 the status of outstanding petitions submitted to Council during the period 28 June 2011 to 21 August 2012, forming Attachment 1 to Report CJ184-09/12;**
- 2 that reports in relation to the following petitions were presented to Council at its meeting held on 26 June 2012:**

- 2.1 petition in relation to vehicular movement within Hepburn Heights and the request to prepare a business case to divest 12 Blackwattle Parade, Padbury to provide funds to address residents' concerns (CJ120-06/12 refers);
 - 2.2 petition in relation to vehicular movement within Hepburn Heights and a request for a pedestrian overpass over Hepburn Avenue, requesting preparation of a Business case to divest 12 Blackwattle Parade, Padbury to provide funds to address residents' concerns (CJ120-06/12 refers);
- 3 that a report in relation to the petition requesting that Section 4.16 of the District Planning Scheme No 2 and relevant City of Joondalup Local Laws be amended to enable caravans to be parked on a verge under prescribed conditions, was presented to Council at its meeting held on 21 August 2012 (CJ159-08/12 refers);
- 4 that community consultation, in relation to the petition with regard to the location of the replacement playground equipment at Montague Park, Kallaroo closed on 17 August 2012 and the installation of the playground equipment commenced during September 2012 and the lead petitioner has been advised accordingly;
- 5 that no further action will be taken in relation to the petition requesting that Council close the pedestrian accessway joining Rocket Vale and Brazier Rise, Padbury, as an agreement from adjoining landowners to share the costs of the application fee and the purchase of the land was not reached;
- 6 that a report in relation to the petition requesting the parking of a caravan on a verge at 2 Defoe Court, Kingsley is proposed to be presented to Council at its meeting to be held on 18 September 2012;
- 7 that a report in relation to the petition requesting Council oppose the establishment of a community garden in Regents Park or Charing Cross Park, Joondalup, will be presented to Council following the development of a proposal by the Community Garden Working Group for the establishment of a community garden within the City; and
- 8 that no further action will be taken in relation to the petition requesting Council reject Peet Ltd's current proposal for the Dome Cafe at the Foreshore Park, Burns Beach, as the applicant has withdrawn their application proposal and the lead petitioner has been advised accordingly.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf110912.pdf](#)

CJ185-09/12 MINUTES OF EXTERNAL COMMITTEES**WARD:** All**RESPONSIBLE
DIRECTOR:** Mr Jamie Parry
Governance and Strategy**FILE NUMBER:** 101515, 60514, 48543, 41196, 03149

ATTACHMENTS:

Attachment 1	Minutes of the WALGA Annual General Meeting held on 1 August 2012
Attachment 2	Minutes of the Local Emergency Management Committee held on 2 August 2012
Attachment 3	Minutes of the Tamala Park Regional Council held on 16 August 2012
Attachment 4	Minutes of the Mindarie Regional Council held on 23 August 2012
Attachment 5	Minutes of the WALGA North Metropolitan Zone Meeting held on 30 August 2012

(Please Note: *These minutes are only available electronically*)

PURPOSE

To submit minutes of external committees to Council for information.

EXECUTIVE SUMMARY

The following minutes are provided:

- WALGA – Annual General Meeting – 1 August 2012;
- Local Emergency Management Committee Meeting – 2 August 2012;
- Tamala Park Regional Council Meeting – 16 August 2012;
- Mindarie Regional Council Meeting – 23 August 2012; and
- WALGA North Metropolitan Zone Meeting – 30 August 2012.

DETAILS**WALGA – Annual General Meeting – 1 August 2012**

An Annual General Meeting for WALGA was held on 1 August 2012.

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

5.2 Consultation Process with State Government (05-050-01-0001TB)

It was resolved by WALGA as follows:

“That the Minister for Local Government, when calling for submissions, comment or advise on proposed amendments to the Act, Regulations or other items that affect the Local Government Sector, provide an adequate allowance for time, being a minimum of six weeks, to review the information and prepare submissions; and if Easter or the Christmas period fall within this consultation period, an additional two weeks for Easter and four weeks for the Christmas period be added to the submission period.”

5.3 Revaluation of Unimproved Valuation (UV) Land (05-034-01-0001TB)

It was resolved by WALGA as follows:

“That this meeting seek an amendment to the Valuation of Land Act 1978 to:

- 1 enable individual Local Governments to determine if it is considered necessary for a UV revaluation to be applied, for rating purposes, across the whole Shire in any particular year.*
- 2 include provision that every Local Government across the State must accept a general UV revaluation at least once every three years.*
- 3 enable individual Local Governments to determine if it is considered necessary for a GRV revaluation to be applied every three, four or five years.”*

6.1 Matter of Special Urgent Business: Native Vegetation Management (05-095-03-0001KB)

It was resolved by WALGA as follows:

“That WALGA press the Minister for the Environment to commit to a timeline to amend the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 and the consulting process with Local Governments, with a view to providing a general exemption for the sector in relation to clearing of road reserves.”

6.2 Matter of Special Urgent Business: Grant Applications (05-034-01-0003TB)

It was resolved by WALGA as follows:

“That WALGA requests the State Government to introduce a “One Stop Shop” for Local Government grant applications, dealing with a preregistration process, streamlining of the application process, standardising of the applications and a pre-determined approval/rejection timeline.”

Local Emergency Management Committee – 2 August 2012

An Ordinary Meeting of the Local Emergency Management Committee was held on 2 August 2012.

Cr John Chester and Cr Christine Hamilton-Prime are Council’s representatives on the Local Emergency Management Committee.

Tamala Park Regional Council Meeting – 16 August 2012

An Ordinary Meeting of the Tamala Park Regional Council was held on 16 August 2012.

Cr Geoff Amphlett and Cr Tom McLean are Council's representatives on the Tamala Park Regional Council.

For the information of Council, the following matters of interest to the City of Joondalup were resolved at the Tamala Park Regional Council Meeting:

9.5 TPRC Draft Budget for the Financial Year 2012/2013

It was resolved in part by Tamala Park Regional Council as follows:

- "1 *ADOPTS the Budget for the Tamala Park Regional Council for the year ending 30 June 2013, incorporating:*
- a Statement of Comprehensive Income, indicating an operating deficit of \$34,809,309.*
 - b Statement of Financial Activity, showing cash at end of year position of \$11,147,460.*
 - c Rate Setting Statement, indicating no rates levied.*
 - d Notes 1 to 27 forming part of the Budget, subject to the change in 1b. 2. ADOPT the Significant Accounting Policies as detailed in pages 13 -18.*
- 3 *ADOPT a percentage of 10% or \$5,000 whichever is the greater for the purposes of the reporting of material variances by Nature and Type monthly for the 2012/13 financial year, in accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996.*
- 4 *Authorise the Chief Executive Officer to arrange a finance facility for the purpose of ensuring that the TPRC has sufficient cash holdings to fund the proposed subdivision works for subsequent presentation to Council."*

Mindarie Regional Council Meeting – 23 August 2012

An Ordinary Meeting of the Mindarie Regional Council was held on 23 August 2012.

Cr Russ Fishwick (Chairman) and Cr Kerry Hollywood are Council's representatives on the Tamala Park 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:

10 Chief Executive Officer Reports**ITEM 10.2 MRC Waste Facility Site Amendment Local Law 2012**

It was resolved by Mindarie Regional Council as follows:

“That:

- 1 The Council endorses the Mindarie Regional Council Waste Facility Site Amendment Local Law 2012 including its “purpose” and “effect”;*
- 2 The Council authorises the Waste Facility Site Amendment Local Law detailed in (1) above to be advertised in accordance with section 3.12(3) of the Local Government Act 1995.”*

WALGA – North Metropolitan Zone Meeting – 30 August 2012

An Ordinary Meeting of the WALGA North Metropolitan Zone was held on 30 August 2012.

Crs Geoff Amphlett, Russ Fishwick, Christine Hamilton-Prime and Mike Norman are Council's representatives on the WALGA North Metropolitan Zone. Cr Amphlett was an apology for this meeting.

Legislation/Strategic Plan/Policy Implications:**Legislation:**

Not Applicable.

Strategic Plan:

Not Applicable.

Policy:

Not Applicable.

Risk Management Considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the minutes of the:

- 1 WALGA – Annual General Meeting held on 1 August 2012 forming Attachment 1 to Report CJ185-09/12;**
- 2 Local Emergency Management Committee held on 2 August 2012 forming Attachment 2 to Report CJ185-09/12;**
- 3 Tamala Park Regional Council held on 16 August 2012 forming Attachment 3 to Report CJ185-09/12;**
- 4 Mindarie Regional Council held on 23 August 2012 forming Attachment 4 to Report CJ185-09/12; and**
- 5 WALGA North Metropolitan Zone Meeting held on 30 August 2012 forming Attachment 5 to Report CJ185-09/12.**

To access this attachment on electronic document, click here: [Externalminutes110912.pdf](#)

**CJ186-09/12 APPOINTMENT OF A DEPUTY MEMBER –
MINDARIE REGIONAL COUNCIL MEETING**

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 03149, 101515

ATTACHMENTS: Nil.

PURPOSE

For the Council to give consideration to appointing an Elected Member to deputise for Cr Russ Fishwick at any Mindarie Regional Council meetings to be held during the period of Cr Fishwick's leave of absence from 29 September to 9 November 2012 inclusive.

EXECUTIVE SUMMARY

The Mindarie Regional Council (MRC) was established for the management of waste and comprises the following local governments:

- City of Joondalup;
- City of Perth;
- City of Stirling;
- City of Wanneroo;
- Town of Vincent;
- Town of Victoria Park; and
- Town of Cambridge.

Each local government is represented on the MRC, with the City of Joondalup being represented by Cr Russ Fishwick, who is the Chairman of the MRC, and Cr Kerry Hollywood. The MRC meets bi-monthly, with its next meeting scheduled to be held on Thursday, 25 October 2012 at the City of Perth.

Cr Russ Fishwick will be overseas on approved leave of absence for the period 29 September to 9 November 2012, which includes the next scheduled meeting. Previous legal advice requires that where the City requires to be represented in the absence of a nominated member to the MRC it must do so by specific resolution for a specified period.

It is recommended that the Council:

- 1 *In the absence of Cr Russ Fishwick and in accordance with the provisions of section 52 of the Interpretation Act 1984, APPOINTS an Elected Member as a deputy member to act on behalf of Cr Fishwick and represent the City at any meetings of the Mindarie Regional Council to be held during the period of Cr Fishwick's leave of absence from 29 September to 9 November 2012 inclusive; and*
- 2 *ADVISES the Mindarie Regional Council of its decision.*

BACKGROUND

The Mindarie Regional Council (MRC) was established for the management of waste and comprises the following local governments:

- City of Joondalup;
- City of Perth;
- City of Stirling;
- City of Wanneroo;
- Town of Vincent;
- Town of Victoria Park; and
- Town of Cambridge.

Each local government is represented on the Council, with the City of Joondalup being represented by Cr Russ Fishwick, who is the Chairman of the MRC, and Cr Kerry Hollywood. The MRC meets bi-monthly, with its next meeting scheduled to be held on Thursday, 25 October 2012 at the City of Perth.

DETAILS

Cr Fishwick will be overseas on approved leave of absence for the next scheduled meeting. Previous legal advice indicates that where the City requires to be represented in the absence of a nominated member to the MRC it must do so by specific resolution for a specified period.

This advice indicated that there is no power for member Councils to appoint permanent deputies to the MRC. Consequently, if the City's appointed member to the MRC is unable to attend the meeting, a nominated deputy cannot just attend in his or her place. Instead, the City needs to appoint a person to act in place of the member on each occasion when the member could not attend.

Issues and options considered:

The options available to the Council are to:

- agree to appoint another Elected Member to act in the place of Cr Fishwick during his absence; or
- not agree to appoint another member.

Legislation/Strategic Plan/Policy Implications

Legislation

The legislation, which is constraining the appointment of deputies, is the *Interpretation Act 1984*.

Section 52(1) and (2) of the *Interpretation Act 1984* states:

- (1) Where a written law confers a power or imposes a duty upon a person to make an appointment to an office or position, including an acting appointment, the person having such a power or duty shall also have the power:

- b) Where a person so appointed to an office or position is suspended or unable, or expected to become unable, for any other cause to perform the functions of such office or position, to appoint a person to act temporarily in place of the person so appointed during the period of suspension or other inability but a person shall not be appointed to so act temporarily unless he is eligible and qualified to be appointed to the office or position; and
 - c) To specify the period for which any person appointed in exercise of such a power or duty shall hold his appointment.
- (2) For the purposes of subsection (1)(b), “cause” includes:
- a) Illness;
 - b) Temporary absence from the State; and
 - c) Conflict of interest.

The key provisions, which create problems for the appointment of deputies, are the word ‘unable’ in subsection 1(b) and the requirement to specify the period of appointment in subsection 1(c).

Strategic Plan

Key Focus Area: The Natural Environment.

Objective: To engage proactively with the community and other relevant organisations in the preservation of the City’s natural environmental assets.

Policy:

Not Applicable.

Risk Management considerations:

The risk to the City of Joondalup is that if another member is not appointed to represent the City in the absence of Cr Fishwick, then the City will not be fully represented and therefore not have its allocated voting rights on matters before the Mindarie Regional Council.

Financial/Budget Implications:

Not Applicable.

Policy implications:

Not Applicable.

Regional Significance:

The Mindarie Regional Council is the primary Waste Management Authority for a number of metropolitan local government authorities. The City’s representation at Mindarie Regional Council meetings is of critical importance to the regional management of waste.

Sustainability implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

It is considered to be of regional and strategic importance that the Council exercises its ability to be represented at each and every meeting of the Mindarie Regional Council. It is recommended that a deputy member be appointed to represent the City at any meetings of the Mindarie Regional Council to be held during the period of Cr Fishwick's leave of absence from 29 September to 9 November 2012 inclusive.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 In the absence of Cr Russ Fishwick and in accordance with the provisions of section 52 of the *Interpretation Act 1984*, APPOINTS an Elected Member as a deputy member to act on behalf of Cr Fishwick and represent the City at any meetings of the Mindarie Regional Council to be held during the period of Cr Fishwick's leave of absence from 29 September to 9 November 2012 inclusive; and**
- 2 ADVISES the Mindarie Regional Council of its decision.**

CJ187-09/12 COMMUNITY SPORTING AND RECREATION FACILITY FUND (CSRFF) ANNUAL AND FORWARD PLANNING GRANT APPLICATIONS - 2012/2013

WARD: North and North-Central

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 22209, 101515

ATTACHMENTS:

Attachment 1	Iluka District Open Space – Aerial Map
Attachment 2	Analysis of 'Iluka District Open Space, Iluka – Proposed Floodlighting Infrastructure Upgrade Project' community consultation
Attachment 3	Prince Regent Park – Aerial Map
Attachment 4	Analysis of 'Prince Regent Park, Heathridge – Proposed Floodlighting Infrastructure Upgrade Project' community consultation

PURPOSE

To provide details and recommendations on the applications received for the Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund (CSRFF) Annual and Forward Planning Grant for funding in 2013/14.

EXECUTIVE SUMMARY

The Department of Sport and Recreation has \$20 million allocated state-wide for the annual Community Sporting and Recreation Facilities Fund (CSRFF).

The CSRFF program aims to increase participation in physical activity through the provision of funding that assists the development of well planned and designed infrastructure for sport and recreation. The City of Joondalup is required to assess and rank all applications received from sport and recreation clubs located within the City, prior to their submission to the Department of Sport and Recreation.

One community organisation submitted an application to the City for consideration and one application has been prepared by the City, for a total of two CSRFF Forward Planning Grant applications. Applications must be received by the Department of Sport and Recreation by 4.00pm Friday, 28 September 2012.

It is recommended that Council:

- 1 *ENDORSES the ranking and rating of Community Sporting and Recreation Facility Fund applications below:*

<i>Applicant's Rank</i>		<i>Applicant's Rating</i>
1	<i>Iluka District Open Space, Iluka – upgrade of floodlighting at Iluka District Open Space, Iluka.</i>	<i>Well planned and needed by the local government.</i>
2	<i>Prince Regent Park, Heathridge – upgrade of floodlighting at Prince Regent Park, Heathridge.</i>	<i>Well planned and needed by the local government.</i>

- 2 *ENDORSES an application to the Department of Sport and Recreation's CSRFF program for \$239,442.76 (ex GST) to part fund the upgrade of floodlighting at Iluka District Open Space, Iluka;*
- 3 *Subject to the application in Part 2 above being successful LISTS an additional \$58,885.54 (ex GST) for consideration in the 2013/14 Capital Works Program, for the upgrade of floodlighting at Iluka District Open Space, Iluka;*
- 4 *Subject to the application in Part 2 above being successful, NOTES that an additional amount of \$19,606.40 will be included in the City's Annual Budget for maintenance of the floodlighting infrastructure at Iluka District Open Space, Iluka;*
- 5 *ENDORSES an application to the Department of Sport and Recreation's CSRFF program for \$73,849.57 (ex GST) to part fund the upgrade of floodlighting at Prince Regent Park, Heathridge;*
- 6 *Subject to the application in Part 5 above being successful LISTS \$73,849.57 (ex GST) for consideration in the 2013/14 Capital Works Program, for the upgrade of floodlighting at Prince Regent Park, Heathridge; and*
- 7 *Subject to the application in Part 5 above being successful, NOTES that an additional amount of \$10,000 will be included in the City's Annual Budget for maintenance of the floodlighting infrastructure at Prince Regent Park, Heathridge.*

BACKGROUND

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

The CSRFF program represents a partnership opportunity for community organisations to work with local government authorities and the Department of Sport and Recreation. Applications for funding may be submitted by a community organisation or a local government authority. A CSRFF grant will not exceed one third of the total completed cost of the project, with the remaining funds to be contributed by the applicant's own cash or 'in-kind' contribution, and/or the local government authority.

The State Government allocates \$20 million per year for CSRFF grants in three categories:

Small Grants (\$1.5 million per year; \$750,000 each round)

Small Grants are offered on a bi-annual basis for projects that have a total value of between \$7,500 and \$150,000. Applications close in August and March of each year.

Annual Grants (\$3 million per year)

Annual Grants require greater detail and planning and have a total project value of between \$150,001 and \$500,000. Applications close in September of each year.

Forward Planning Grants (\$15.5 million per year)

Forward Planning Grants are for projects requiring a period of between one and three years to complete with a maximum grant amount of \$4 million (total project value up to \$12 million). Applications close in September of each year.

The City of Joondalup is required to place a priority ranking and rating on applications from organisations that fall within its boundaries based on the following criteria:

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

The Department of Sport and Recreation places a strong emphasis on a planned approach towards CSRFF applications.

DETAILS

The City received one application and has prepared one application for the CSRFF Forward Planning Grant round for 2012/13 (to be funded in 2013/14).

The City assessed the applications, and developed a project summary and justification for the recommendations for the projects as part of the assessment process.

Iluka District Open Space, Iluka – (Application by the City)

In March 2011, the City conducted an Active Reserve review, which identified a strategic approach to ongoing management of reserves and provision of infrastructure.

One of the recommendations to come out of the review was to upgrade floodlighting at selected sites over the next five years. Iluka District Open Space was considered a high priority venue and it is recommended that the City submit an application to CSRFF to part fund the project in 2013/14.

The Iluka District Open Space floodlighting project involves the upgrade of the current floodlighting to provide opportunities for more efficient use of the park and lighting to the current Australian lighting standards for large ball sports.

Currently, there are six 12 metre light poles, each with 2 x 1,000 watt lights providing floodlighting to the reserve, lighting only small sections of the park to a lux level that is below the Australian Standard for large ball sports training. The proposed project will involve the installation of lights to provide sufficient lighting for training for large ball sports (50 lux) over the entire surface of both playing fields. This will require installing ten 25 metre floodlighting towers each fitted with two to four luminaries.

The proposed level of lighting meets current Australian Standards for large ball sports training, and will therefore increase training opportunities as well as flexibility for the seasonal hirers of the park.

Iluka District Open Space is one of the City's most heavily utilised reserves catering for five active sporting clubs with a total membership of approximately 3,766. Currently the clubs are restricted by the limited availability of parks for training. Upgrading the floodlighting at Iluka District Open Space will provide the clubs with much needed additional time for training. The current sporting clubs/users at the venue include:

- Beaumaris Sporting Association;
- Joondalup Districts Cricket Club;
- Joondalup Brothers Rugby Union Club;
- Joondalup City Football Club;
- Joondalup Lakers Hockey Club;
- Beaumaris Bowling Club; and
- Step into Life (Group Fitness).

In addition, it will provide the City with greater flexibility to manage and conduct park bookings and maintenance. The project also has the potential to positively impact on the community's ability to participate in physical activity and provides increased opportunities for the safe use of the City's grounds.

The Beaumaris Sports Association has previously been successful in applying for a CSRFF application for a floodlighting upgrade project at Iluka District Open Space in 2008. This grant was terminated in November 2010 after technical advice was provided that due to sub-surface irregularities the total project would exceed the initial budget. Over the past 12 months the City has been working with several consultants to ensure the quantity surveyor was provided with as accurate information as was available regarding the sub surface and its impact on the floodlight footings.

The project includes a power upgrade to the site to enable sufficient power supply to operate the lights.

A quantity surveyor was engaged to provide an indicative cost as required for the CSRFF application. The cost estimate provided was \$618,502 (ex GST). Included in the grant application will also be the Western Power power upgrade which has been quoted at \$74,035, and \$1,500 for signage as required by the Department of Sport and Recreation.

Should the funding be approved by the Department of Sport and Recreation further investigation into the suitability of previously purchased poles for Iluka District Open Space will commence. Should the poles be suitable their use would decrease the final amount of the City's contribution.

Currently there is \$420,000 listed in the 2013/14 Capital Works Budget for the upgrade of the Iluka District Open Space flood lights. A copy of the site plan showing the location of the proposed floodlights is detailed in Attachment 1.

Total Project Cost:	\$718,328.30 (ex GST)
City of Joondalup Contribution:	\$478,885.54 (ex GST)
CSRFF Grant requested:	\$239,442.76 (ex GST)

The total project cost listed above includes a 10% consideration for construction contingency and a 5% consideration for planning contingency as included by the quantity surveyor. The total project cost also includes 3.5% escalation.

If the project proceeds, an additional \$19,606.40 per annum is required to maintain the infrastructure. These ongoing maintenance costs include replacement of luminaries and general maintenance.

Assessment Summary

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

Recommendation Summary

Ranking: 1 (of 2).
 Rating: Well planned and needed by the applicant.
 Funding request: \$239,442.76 (ex GST).

Prince Regent Park, Heathridge – (Application by the City on behalf of Westside Football Club)

The Westside Football Club (WFC) submitted an application for the upgrade of the existing floodlighting at Prince Regent Park in Heathridge.

Currently, there are two 12 metre poles each with 2 x 1000 watt lights providing floodlighting to the reserve, lighting only a small section of the park to a lux level that is below the Australian Standard for large ball sports training. The proposed project will involve the installation of lights to provide sufficient lighting for training for large ball sports (50 lux). This will include installing four 30 metre floodlighting towers each fitted with four luminaries.

WFC operates throughout the City, with over 340 members. Currently the club utilises Prince Regent Park and MacNaughton Park, Kinross. The upgrade of the existing floodlighting infrastructure at Prince Regent Park will provide the club with a venue with lighting that meets the Australian Standards for large ball training.

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

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

As per CSRFF requirements the WFC received three quotes ranging from \$175,000 to \$205,000. The final figure will include a Western Power upgrade, removal of existing floodlight towers, a consideration for cost escalation and a design/construction contingency.

The Westside Football Club has provided financial statements to prove financial sustainability and an ability to contribute financially to this project should it be successful. The club has also provided a letter of support ensuring their 1/3 financial contribution to the project (up to \$82,000).

Total Project Cost:	\$221,548.71 (ex GST)
City of Joondalup Contribution:	\$73,849.57 (ex GST)
CSRFF Grant requested:	\$73,849.57 (ex GST)
Club contribution:	\$73,849.57 (ex GST)

The total project cost includes 10% for design and construction contingency and 3.25% for cost escalation. A copy of the site plan showing the proposed floodlights is detailed in Attachment 3.

If the project proceeds, an additional \$10,000 per annum is required to maintain the facilities which relate to general maintenance and replacement of luminaries.

Assessment Summary

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

Recommendation Summary

Ranking:	2 (of 2).
Rating:	Well planned and needed by the applicant.
Funding request:	\$73,849.57 (ex GST).

Issues and options considered:

The City has received a number of expressions of interest for CSRFF this year. The assessment and ranking of these applications is important in terms of the City's strategic approach to these types of projects.

Legislation/Strategic Plan/Policy Implications

Legislation

Strategic Plan

Key Focus Area Community Wellbeing.

- Objective** 5.2 – To facilitate healthy lifestyles within the community.
- 5.2.1 – The City provides high quality recreation facilities and programs.
- Policy** The assessment process undertaken for the CSRFF program is in line with the following City policies:
- Community Funding;
 - Reserves, Parks and Recreation Grounds;
 - Community Facilities – Built;
 - Asset Management;
 - Leisure (Council); and
 - Management of Community Facilities.

Risk Management Considerations:

The key risk associated with the installation or upgrade of floodlighting is related to the quality of completed works. This risk is mitigated by the City's Building Approvals process. All floodlighting projects must meet Australian Standards legislation in order to receive building approval. As project manager, the City will meet regularly with the approved contractor during construction and assesses all works on completion.

Should the Iluka District Open Space Project not be successful in receiving funding from the Department of Sport and Recreation the City would investigate further the option to fully fund the project.

Financial/Budget Implications:

It is anticipated that the Department of Sport and Recreation will advise the outcome of the Forward Planning Grant assessments in March 2013.

City of Joondalup – Iluka District Open Space

As part of the City's Floodlight and Pole Replacement Program, there is currently \$420,000 listed in the 2013/14 capital works program for floodlight works. It is a recommendation of this report that the Council lists an additional \$58,885.54 for consideration in the 2013/14 budget for this project.

Westside Football Club – Prince Regent Park

It is a recommendation of this report that the Council lists \$73,849.57 for consideration in the 2013/14 budget for this project.

There are no funds included in the City's 2013/14 Capital Works Program.

Any grant monies provided by the Department of Sport and Recreation for these projects would be required to be acquitted by 30 June 2014.

All figures quoted in this report are exclusive of GST.

Regional Significance:

Nil.

Sustainability Implications:City of Joondalup – Iluka District Open Space

The proposed design of the Iluka District Open Space floodlighting project has been developed to ensure flexibility in the switching of specific groups of poles and the park lighting as a whole, which will enable the extent of lighting to be adjusted depending on the training requirements of each group. Considerations have been made for future technologies that would enable an automated system linking the lighting to the formal park bookings.

Westside Football Club – Prince Regent Park

The proposed design of the Prince Regent Park floodlighting project has been developed to ensure flexibility in the switching of individual poles and the park lighting as a whole, which will enable the extent of lighting to be adjusted depending on the training requirements of each group. Considerations have been made for future technologies that would enable an automated system linking the lighting to the formal park bookings.

Consultation:

Consultation for both applications were conducted in accordance with the City's approved Community Consultation and Engagement Policy and Protocol.

Consultation was advertised through the following methods:

- direct mail out – cover letter, frequently asked questions sheet and comment form;
- signage on site;
- City's website – information and survey were added to the 'community consultation' section; and
- 'Clubs in Focus' newsletter.

Consultation was undertaken with the following Stakeholders:

Iluka Open Space	Prince Regent Park
<ul style="list-style-type: none"> • Surrounding residents within 200 metres • Current park users • Iluka Homeowners' Association • State Sporting Association 	<ul style="list-style-type: none"> • Surrounding residents within 200 metres • Current park users • State Sporting Association

Iluka District Open Space, Iluka

A consultation pack comprising of a cover letter, Frequently Asked Questions and Survey Form was sent to all stakeholders, who were invited to reply with any concerns. A period of 21 days was allowed for submissions to be made, commencing on Friday, 22 June and closing on Friday, 13 July 2012.

A total of 492 consultation packs were sent with 228 responses (46.3%) received. Of those 228 responses received, 80 came from surrounding residents within 200 metres (66 supported / 14 did not support).

Of the 14 responses (6.1%) that **did not** support the upgrade of floodlighting infrastructure the most common comments were regarding parking concerns and the lights being left on. Concerns regarding the parking around Boynton Gardens in Iluka have been addressed with the City who will investigate the concerns further and take relevant action. The City will also liaise with the Beaumaris Sports Association to further educate their members regarding appropriate parking surrounding Iluka District Open Space.

214 responses (93.9%) received **did** support the project including the six stakeholders listed below:

- Western Australia Cricket Association;
- Beaumaris Sporting Association;
- Joondalup Districts Cricket Club;
- Joondalup Lakers Hockey Club;
- Beaumaris Bowling Club; and
- Joondalup City Football Club.

A summary of responses made in relation to the proposed project has been included in Attachment 2.

Prince Regent Park, Heathridge

A consultation pack comprising of a cover letter, Frequently Asked Questions and Survey Form was sent to all stakeholders, who were invited to reply with any concerns. A period of 21 days was allowed for submissions to be made commencing on Friday, 22 June and closing on Friday, 13 July 2012.

A total of 349 consultation packs were sent with 109 responses (31.2%) received. Of those 109 responses received, 62 came from surrounding residents within 200 metres (58 supported / four did not support).

Comments were received from four respondents (3.7%) who **did not** support the upgrade of floodlighting infrastructure. The most common comments related to lights being left on after training, the location of poles and the lack of playground/bbq facilities.

105 responses (96.3%) received **did** support the project including the three stakeholder groups listed below.

- Football West;
- Westside Football Club; and
- Ocean Ridge Senior Cricket Club.

A summary of responses made in relation to the proposed project has been included in Attachment 4.

COMMENT

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

Supporting the two projects represents a sound financial contribution toward sport and recreation in the Joondalup region for clubs and the community.

If the projects are funded, it is anticipated that the projects will commence and be completed within the 2013/14 financial year.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

1 ENDORSES the ranking and rating of CSRFF applications below:

Applicant's Rank		Applicant's Rating
1	Iluka District Open Space, Iluka – upgrade of floodlighting at Iluka District Open Space, Iluka.	Well planned and needed by the local government.
2	Prince Regent Park, Heathridge – upgrade of floodlighting at Prince Regent Park, Heathridge.	Well planned and needed by the local government.

2 ENDORSES an application to the Department of Sport and Recreation's CSRFF program for \$239,442.76 (ex GST) to part fund the upgrade of floodlighting at Iluka District Open Space, Iluka;

3 Subject to the application in Part 2 above being successful LISTS an additional \$58,885.54 (ex GST) for consideration in the 2013/14 Capital Works Program, for the upgrade of floodlighting at Iluka District Open Space, Iluka;

4 Subject to the application in Part 2 above being successful, NOTES that an additional amount of \$19,606.40 will be included in the City's Annual Budgets for maintenance of the floodlighting infrastructure at Iluka District Open Space, Iluka;

5 ENDORSES an application to the Department of Sport and Recreation's CSRFF program for \$73,849.57 (ex GST) to part fund the upgrade of floodlighting at Prince Regent Park, Heathridge;

- 6 Subject to the application in Part 5 above being successful LISTS \$73,849.57 (ex GST) for consideration in the 2013/14 Capital Works Program, for the upgrade of floodlighting at Prince Regent Park, Heathridge; and
- 7 Subject to the application in Part 5 above being successful, NOTES that an additional amount of \$10,000 will be included in the City's Annual Budgets for maintenance of the floodlighting infrastructure at Prince Regent Park, Heathridge.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf110912.pdf](#)

CJ188-09/12 HAWKER PARK – PROPOSED COMMUNITY SPORTING FACILITY**WARD:** South**RESPONSIBLE DIRECTOR:** Mr Mike Tidy
Director Corporate Services**FILE NUMBER:** 27121**ATTACHMENTS:** Attachment 1 Hawker Park Aerial Map
Attachment 2 Proposed Facility Layout
Attachment 3 City's Endorsement Master Planning Process
Attachment 4 Community Consultation Results Analysis Report

PURPOSE

To present the results of the Community Consultation undertaken for the proposed Community Sporting Facility and associated infrastructure at Hawker Park, Warwick and seek endorsement to proceed to the Concept Design stage of the project.

EXECUTIVE SUMMARY

Hawker Park, Warwick is located on Hawker Avenue, Warwick and is currently utilised by Warwick Greenwood Junior Football Club in winter and Warwick Greenwood Junior Cricket Club and Warwick Greenwood Senior Cricket Club in summer. Current infrastructure at the park includes a toilet/changeroom facility, cricket centre wicket, '3 on 3' basketball practice hardstand, tennis 'hit up wall', playground, two floodlights and 42 car parking bays.

To accommodate the needs of the local sporting clubs, it is proposed to replace the existing toilet/changeroom facility with a Community Sporting Facility. It is proposed that the Community Sporting Facility would not only cater for the sporting groups using the oval but also be available to the wider local community for community based meetings and activities. Other infrastructure proposed for the site includes a set of three cricket practice nets, sports floodlighting and replacement playground.

As part of the concept design, it is proposed to include the existing infrastructure on the park such as the '3 on 3' basketball pad and tennis hit-up wall.

Community consultation with residents and user groups of the oval was conducted in July 2012 outlining the proposed facilities, layout, design and management. The City received 85 valid responses of which 80 were from residents living within a 200 metre radius of the site, which is a response rate of 33%. The high level of responses from people living close to the park indicates the importance of the site to the local and nearby residents and a strong level of interest in the outcome of the redevelopment of the area.

The facilities proposed for the site were supported by the majority of respondents. Given the results of the consultation, it is recommended that the Hawker Park project proceed to the next stage of the City's endorsed Master Planning process which is Concept Design.

If supported, draft Concept Plans and associated estimated costings will be developed and presented to Council for feedback before taking these designs to the community for public comment.

It is recommended that Council:

- 1 *NOTES the findings of the Community Consultation process undertaken for the Hawker Park project;*
- 2 *NOTES the timeline proposed for the Hawker Park project as detailed in Report CJ188-09/12;*
- 3 *NOTES the listing of \$1,500,000 within 2014/15 of the City's 5 Year Capital Works Program for construction of the proposed Community Sporting Facility and additional infrastructure;*
- 4 *REQUESTS the Chief Executive Officer to arrange for the development of Concept Plans for the Hawker Park site with the inclusion of the following:*
 - 4.1 *Multipurpose Community Sporting Facility;*
 - 4.2 *Four sports floodlights;*
 - 4.3 *Three cricket practice nets;*
 - 4.4 *Relocated playground adjacent to the Community Sporting Facility;*
 - 4.5 *'3 on 3' basketball hardstand area; and*
 - 4.6 *Tennis 'hit up wall';*
- 5 *NOTES that the Concept Plan will be developed with consideration given to:*
 - 5.1 *reducing antisocial behaviour and noise impact to residents residing in close proximity to Hawker Park; and*
 - 5.2 *environmental sustainability design features, Access and Inclusion principles, Landscape Master Plan principles and 'Designing out Crime' planning guidelines;*
- 6 *Subject to endorsement of the Concept Plan, AGREES to list for consideration an amount of \$170,000 as part of the 2013/14 Annual Budget for the development of detailed design and the preparation of tender documentation for the Hawker Park project.*

BACKGROUND

Hawker Park, Warwick is a 'Neighbourhood Park' located on Hawker Avenue, Warwick (Attachment 1 refers). The park is currently utilised by Warwick Greenwood Junior Football Club in winter and Warwick Greenwood Junior Cricket Club and Warwick Greenwood Senior Cricket Club in summer. Current infrastructure at the park includes a toilet/changeroom facility built in 1987, cricket centre wicket, '3 on 3' basketball practice hardstand, tennis 'hit up wall', playground, two floodlights and 42 car parking bays.

During peak periods the park has high utilisation rates in both summer for cricket with 77% and winter for football with 71% usage.

The main issues with the existing facilities at the park are the inadequate changerooms and lack of meeting space, kitchen and storage space for the clubs. Given the age and condition of the existing toilet/changeroom, a new facility would be more cost effective than a facility extension and remove the problem of a facility comprising of new and old building components.

DETAILS

To accommodate the needs of the local sporting clubs, it is proposed to replace the existing toilet/changeroom facility with a clubroom. The proposed Community Sporting Facility will consist of:

- Toilet/changerooms;
- Meeting room;
- Kitchen/Kiosk;
- Furniture storeroom (tables and chairs for the meeting room); and
- Storage – Sporting Club and Community Group.

It is proposed that the Community Sporting Facility would not only cater for the sporting groups using the oval but also be available to the wider local community for community based meetings and activities.

To better cater for the needs of the existing cricket clubs using the oval it is proposed to construct a set of three cricket practice nets.

A recent review of floodlighting within the City found the footings of the existing two floodlights at the park to be in need of repair, which the City is addressing through a floodlighting repair program. The existing floodlights do not currently meet Australian Standards (large ball sports – training) and will not after the repair works. The floodlighting upgrade would involve the installation of four 25 metres high light poles, each fitted with three to four floodlights. The poles would replace the existing two, currently located at the park, with an additional two for increased playing surface lighting.

The overall level of brightness that would be achieved by the proposed floodlighting is 50 lux. This is consistent with the current Australian Standard (AS2560.2.3). The floodlighting upgrade intends to increase the illuminated playing surface of the park from localised areas to most of the oval playing space. This will enable greater opportunities for sport training that can be undertaken in a safer manner.

There is a tennis 'hit up wall' and '3 on 3' basketball hardstand area that the City recently sought community feedback on. It is intended to include this infrastructure as part of the Concept Plan.

In addition, there is currently a playground located on the eastern side of the oval which is not due for replacement within the next five years however, it is proposed to replace the equipment as part of any development at the site. As part of the project the existing equipment will be replaced with similar style new play equipment. It is proposed as part of the project to relocate the playground to the western side of the park to complement the new Community Sporting Facility. This will provide better access to the playground from parking facilities and allow users of the Community Sporting Facility to easily see and access the playground. Feedback on the relocation of the playground was also recently sought from the community.

Currently on the site is a 42 bay carpark which is considered adequate if a Community Sporting Facility is developed.

The locations of the proposed Community Sporting Facility and other infrastructure is shown on Attachment 2.

The project will be managed by the City and conducted in accordance with the City's endorsed Master Planning process (Attachment 3 refers):

- 1 Project Initiation and Planning;
- 2 Site and Needs Analysis;
- 3 Concept Design;
- 4 Feasibility Analysis;
- 5 Funding and Approvals;
- 6 Construction; and
- 7 Operations and Review.

It has been identified that this project would be suitable for consideration as part of the Department of Sport and Recreation's Community Sport Recreation Facilities Fund (CSRFF) program. In order to construct the facilities in 2014/15 as per the City's Five Year Capital Works Program (and to meet CSRFF application deadlines), planning for the project has commenced. Project timelines have been determined and are outlined in the table below.

Phase	Task	Recommended Timeline
Stage 1 – Project Initiation and Planning		
1	Develop a Project Plan	Completed
2	Form a Project Management Team	Completed
Stage 2 – Site and Needs Analysis		
3	Conduct Initial Stakeholder and Community Consultation	Completed
4	Update Council on results of Consultation	September 2012
Stage 3 – Concept Design		
5	Complete Scope of Works	November 2012
6	Develop Concept Plan	February 2013
Stage 4 – Feasibility Analysis		
7	Complete Detailed Cost Estimate	March 2013
8	Seek Council endorsement to undertake Community Consultation on Concept Plan	May 2013
9	Conduct Community Consultation on Concept Plan	July 2013
10	Update Council on results of Community Consultation and seek endorsement to proceed project	October 2013
Stage 5 – Funding and Approvals (if project supported)		
11	Complete CSRFF Council report	October 2013
12	Submit CSRFF application	October 2013
13	Funding notification from DSR	March 2014
Stage 6 – Construction (if project supported)		
14	Complete Detailed Design and Tender Process	June 2014
15	Construction	2014/15

The proposed timeline would allow the City to seek grant funding through the Department of Sport and Recreation's CSRFF program.

Legislation/Strategic Plan/Policy Implications

Legislation

Not Applicable.

Strategic Plan

Key Focus Area: Community Wellbeing.

Objective: 5.2 - To facilitate healthy lifestyles within the community.

Strategy: 5.2.1 - The City provides high quality recreation facilities and programs.

Policy:

Not Applicable.

Risk Management Considerations:

The City's Five Year Capital Works Program lists the total project cost. The financial risk to the City if CSRFF is not secured is that it will have to realise the total cost of the project.

Financial/Budget Implications:

Currently there is \$15,000 in the 2012/13 budget to undertake initial Community Consultation, Concept Design and a cost estimate for the project.

A further allocation of \$170,000 will be listed for consideration within the 2013/14 budget to undertake Community Consultation on the Concept Plan (July 2013), Detailed Design and preparation of the tender documentation (June 2014).

Listed in 2014/15 of the City's Five Year Capital Works Program is \$1,500,000 for the construction of the facility and other associated infrastructure.

All figures quoted in this report are exclusive of GST.

Regional Significance:

Not Applicable.

Sustainability Implications:**Environmental**

Any developments at Hawker Park will consider and minimise impact to important flora and fauna in the area. Facilities will be planned to reduce the impact of the carbon footprint and consider environmental sustainability design features.

Social

The project will include consultation with residents and user groups of the oval to ensure that feedback received represents the diverse needs of the City's community. Any developments at the site will consider access and inclusion principles and will aim to enhance the amenity of the public space.

Economic

One of the main principles of the City's Master Planning Framework is the development of 'shared' and 'multipurpose' facilities to avoid duplication of facilities and reduce the ongoing maintenance and future capital expenditure requirements.

Consultation:

Consultation for this project was conducted in accordance with the City's approved Community Consultation and Engagement Policy and Protocol.

Community Consultation with residents living within a 200 metre radius from the site (243 households) and user groups of the oval was conducted for 21 days from Monday, 9 July 2012 to Friday, 27 July 2012. The consultation outlined the proposed facilities, layout, design and management. Meetings were also held in July 2012 with the sporting clubs currently using the oval to discuss the proposed development.

The consultation was advertised through the following methods:

- Direct mail out - Cover letter, Frequently Asked Question sheet and Comment Form was sent to all stakeholders;
- Site signage - Two signs were placed at Hawker Park during the community consultation period;
- 'Club's In Focus' e-newsletter - Information was added to the July edition with links to website for further details or to complete the survey;
- Website - Information and survey added to the 'community consultation' section of the City's website during the community consultation period; and
- A3 poster - Displayed at Warwick Leisure Centre and the Recreation Services Bookings Office during the consultation period.

Results of Consultation**Sporting Club Consultation**

The City met with the three sporting clubs currently using Hawker Park in July 2012 to discuss the proposed project. All three groups responded to the consultation giving a response rate of 100% from stakeholders. The feedback received from these groups in regards to the project was that they support the development of the Community Sporting Facility and infrastructure proposed for the park.

Community Consultation

The full results of the Community Consultation are included as Attachment 4. The City received 85 valid responses of which 80 were from residents living within a 200 metre radius of the site, which is a response rate of 33%. There were also two submissions made by people living outside the 200 metre radius of the site. The three sporting clubs currently using Hawker Park also submitted consultation comment forms. A summary of the results is included below.

Demographics

Of the responses received, over a quarter of these were completed by people aged between 45 and 54 and over a third were completed by people aged between 55 and 64 years of age.

Use of Hawker Park

The majority of respondents (88.2%) use Hawker Park for informal sport or recreation. 13 respondents or 15.3% use the park for organised sport or recreation (for example football, cricket, fitness training). Only 9.4% of respondents indicated that they do not currently use Hawker Park. (Note: the percentage of total responses is greater than 100% as respondents were permitted to select more than one response.)

Existing Infrastructure

Respondents were asked to indicate if it is important for a tennis 'hit up wall' and '3 on 3' basketball hardstand area to be included in the proposed redevelopment of the site. 71.8% of respondents think it is important for a tennis 'hit up wall' to remain at the park with 78.8% thinking it is important for a '3 on 3' basketball hardstand area to remain.

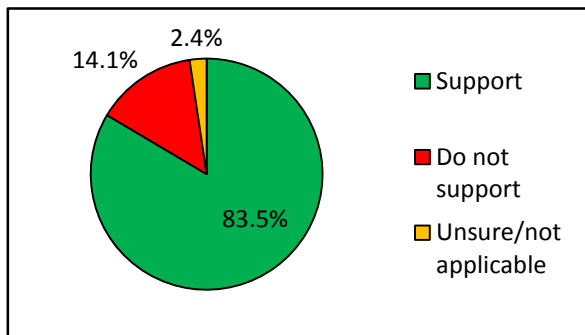
Playground

Respondents were asked to indicate their preference for the replacement playground equipment to remain at the existing location or to be relocated adjacent to the proposed Community Sporting Facility. Of the feedback received, 62.4% of respondents prefer the playground to be relocated to adjacent to the proposed new Community Sporting Facility.

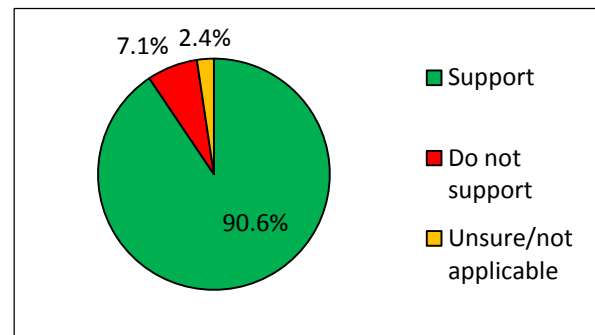
New proposed infrastructure

Respondents were asked to indicate if they supported the development of a multi-purpose Community Sporting Facility, new sports floodlighting and cricket practice nets. Of the responses received, the majority indicated support for a multi-purpose Community Sporting Facility, floodlighting and cricket practice nets being constructed/installed at Hawker Park as shown in the below charts.

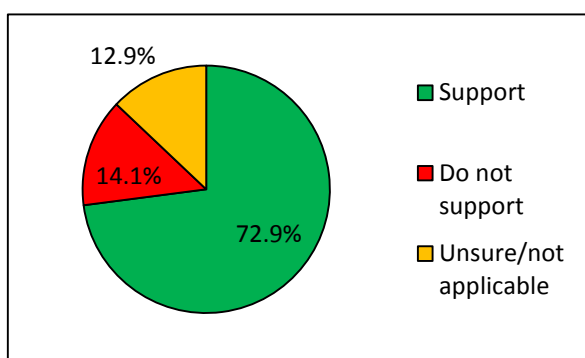
Multi-purpose Community Sporting Facility



Floodlighting



Cricket practice nets



Respondents that did not support the construction/installation of the proposed infrastructure were asked to outline their reasons why which are outlined in full in Tables 8 – 10 of Attachment 7. In summary, the main concerns raised about the proposed infrastructure are summarised below.

Multipurpose Community Sporting Facility – reasons for not supporting

12 respondents did not support the development of a new multipurpose Community Sporting Facility at Hawker Park. The main reasons raised as concerns were:

- Increase in traffic;
- Lack of parking;
- Increase in antisocial behaviour;
- Will no longer be a 'family-friendly' park;
- Will increase park usage; and
- Too expensive.

Sports floodlighting – reasons for not supporting

Six respondents did not support the installation of floodlighting (replacing existing floodlighting infrastructure) at Hawker Park. The main reason raised as a concern was:

- Lighting could disturb residents.

Cricket practice nets – reasons for not supporting

12 respondents did not support the construction of cricket practice nets at Hawker Park. The main reasons raised as concerns were:

- Dislike of cricket (in general);
- Increase in antisocial behaviour; and
- Inappropriate location.

If the project is endorsed to proceed to Concept Design Stage, further Community Consultation will be conducted once a proposed Concept Plan has been developed and approved by Council for public comment.

COMMENT

The City received a good response rate (33%) from the Community Consultation undertaken for the Hawker Park project. The high level of responses from people living within 200 metres of the park indicates the importance of the site to the local and nearby residents and a strong level of interest in the outcome of the redevelopment of the area.

The facilities proposed for the site were supported by the majority of respondents. Given the results of both the Stakeholder and Community Consultation, it is recommended that the Hawker Park project proceed to the next stage of the City's endorsed Master Planning process which is Concept Design.

Draft Concept Plans will consider the development of a Community Sporting Facility, sports floodlighting, cricket practice nets, relocation of the playground and new tennis 'hit up wall' and '3 on 3' basketball hardstand area.

The Concept Plans will also consider environmental sustainability design features as well as access and inclusion principles. The City's Landscape Master Plan principles, 'Designing out Crime' planning guidelines and reducing antisocial behaviour, traffic and noise impact to residents residing in close proximity to Hawker Park will also be considered.

If supported, draft Concept Plans and associated estimated costings will be developed and presented to Council for feedback before taking these designs to the community for public comment.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 NOTES the findings of the Community Consultation process undertaken for the Hawker Park project;
- 2 NOTES the timeline proposed for the Hawker Park project as detailed in Report CJ188-09/12;
- 3 NOTES the listing of \$1,500,000 within 2014/15 of the City's Five Year Capital Works Program for construction of the proposed Community Sporting Facility and additional infrastructure;
- 4 REQUESTS the Chief Executive Officer to arrange for the development of Concept Plans for the Hawker Park site with the inclusion of the following:
 - 4.1 Multipurpose Community Sporting Facility;
 - 4.2 Four sports floodlights;
 - 4.3 Three cricket practice nets;
 - 4.4 Relocated playground adjacent to the Community Sporting Facility;
 - 4.5 '3 on 3' basketball hardstand area; and
 - 4.6 Tennis 'hit up wall';
- 5 NOTES that the Concept Plan will be developed with consideration given to:
 - 5.1 reducing antisocial behaviour and noise impact to residents residing in close proximity to Hawker Park; and
 - 5.2 environmental sustainability design features, Access and Inclusion principles, Landscape Master Plan principles and 'Designing out Crime' planning guidelines;
- 6 Subject to endorsement of the Concept Plan, AGREES to list for consideration an amount of \$170,000 as part of the 2013/14 Annual Budget for the development of detailed design and the preparation of tender documentation for the Hawker Park project.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf110912.pdf](#)

CJ189-09/12 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 JUNE 2012

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 07882, 101515

ATTACHMENTS: Attachment 1 Financial Activity Statement for the Period Ended 30 June 2012

PURPOSE

The June 2012 Financial Activity Statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

Council adopted the Mid Year Budget Review for the 2011/12 Financial Year at its meeting held on 21 February 2012 (CJ019-02/12 refers). The figures in this report are compared to the Revised Budget figures.

The June 2012 Financial Activity Statement Report shows an overall favourable variance from operations and capital of \$13,073,148 for the period when compared to the 2011/12 Revised Budget.

This variance can be summarised as follows:

The Operating deficit is \$5,348,233 below budget, made up of higher revenue of \$3,131,512 and lower operating expenditure of \$2,216,721.

Higher Operating revenues have been driven by higher Grants and Subsidies \$1,789,628, Fees and Charges \$728,614, Investment Earnings \$342,476, Rates \$178,783, Other Revenue \$76,414 and Contributions, Reimbursements and Donations \$62,930. The additional revenue arose from the early receipt of part of the 2012/13 General Assistance Grant, Sports and Recreation Fees, Parking Fees and Investments due to higher funds being invested.

Operating expenditure is below budget due to Materials and Contracts \$1,323,670 and Employee Costs \$1,167,260. Expenditure is above budget due to Depreciation \$243,928, Utilities \$31,043 and Insurance \$25,885.

The Materials and Contracts favourable variance is spread across a number of areas including Professional Fees \$468,769, Public Relations, Advertising and Promotions \$206,959, Contributions and Donations \$229,136 and External Services Expenses \$290,369. These are partially offset by an unfavourable variance for Waste Management Services of \$280,562.

The Capital Revenue and Expenditure deficit is \$7,452,520 below budget and is made up of lower revenue of \$2,599,251 and under expenditure of \$10,051,771.

Capital Expenditure is below budget on Capital Projects \$860,495, Capital Works \$8,681,119 and Vehicle and Plant replacements \$518,673.

Further details of the material variances are contained in Appendix 3 of Attachment 1 to Report CJ189-09/12.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 30 June 2012 forming Attachment 1 to Report CJ189-09/12.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996* requires a monthly Financial Activity Statement. Council approved at its meeting held on 11 October 2005 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 30 June 2012 is appended as Attachment 1.

Legislation/Strategic Plan/Policy Implications:

Legislation: Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed.

Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the local government to prepare each month a statement of financial activity reporting on the source and application of funds as set out in the annual budget.

Strategic Plan:

Key Focus Area: Leadership and Governance.

Objective: 1.3 - To lead and manage the City effectively.

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:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

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

Consultation:

In accordance with Section 6.2 of the *Local Government Act 1995*, the annual budget was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the *Local Government Act 1995*, which was made available for public comment.

COMMENT

All expenditures included in the Financial Activity Statement are incurred in accordance with the provisions of the 2011/12 Revised Budget or have been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 30 June 2012 forming Attachment 1 to Report CJ189-09/12.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf110912.pdf](#)

CJ190-09/12 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JULY 2012

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 07882, 101515

ATTACHMENTS: Attachment 1 Financial Activity Statement for the Period Ended 31 July 2012

PURPOSE

The July 2012 Financial Activity Statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

Council adopted the Annual Budget for the 2012/13 Financial Year at its meeting held on 10 July 2012 (JSC04-07/10 refers). The figures in this report are compared to the Adopted Budget figures.

The July 2012 Financial Activity Statement Report shows an overall favourable variance from operations and capital of \$2,433,805 for the period when compared to the 2012/13 Adopted Budget.

This variance can be summarised as follows:

The Operating surplus is \$1,214,302 above budget, made up of higher revenue of \$413,098 and lower operating expenditure of \$801,204.

Higher Operating revenues have been driven by higher Fees and Charges \$386,872, Investment Earnings \$90,456 and Grants and Subsidies \$24,044. Revenue is below budget on Contributions, Reimbursements and Donations \$67,018 and Rates \$50,388. The additional revenue arose from Refuse Charges, Sports and Recreation Fees and Investments.

Operating expenditure is below budget on Materials and Contracts \$938,333 and Insurance \$37,355. Expenditure is over budget on Employee Costs \$109,533, Utilities \$43,598 and Depreciation \$18,937.

The Materials and Contracts favourable variance is spread across a number of areas including External Services Expenses \$555,728, Material Purchases \$126,783 and Contributions and Donations \$66,751. These are partially offset by an unfavourable variance for Waste Management Services of \$77,982.

The Capital Revenue and Expenditure deficit is \$1,229,922 below budget due to lower expenditure on Capital Projects \$287,917, Capital Works \$187,839 and Vehicle and Plant replacements \$754,166.

Further details of the material variances are contained in Appendix 3 of Attachment 1 to Report CJ190-09/12.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 July 2012 forming Attachment 1 to Report CJ190-09/12.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996* requires a monthly Financial Activity Statement. Council approved at its meeting held on 11 October 2005 to accept the monthly Financial Activity Statement according to nature and type classification.

DETAILS

Issues and options considered:

The Financial Activity Statement for the period ended 31 July 2012 is appended as Attachment 1.

Legislation/Strategic Plan/Policy Implications:

Legislation: Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed.

Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the local government to prepare each month a statement of financial activity reporting on the source and application of funds as set out in the annual budget.

Strategic Plan:

Key Focus Area: Leadership and Governance.

Objective: 1.3 - To lead and manage the City effectively.

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:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

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

Consultation:

In accordance with Section 6.2 of the *Local Government Act 1995*, the annual budget was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the *Local Government Act 1995*, which was made available for public comment.

COMMENT

All expenditures included in the Financial Activity Statement are incurred in accordance with the provisions of the 2012/13 Adopted Budget or have been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 31 July 2012 forming Attachment 1 to Report CJ190-09/12.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf110912.pdf](#)

**CJ191-09/12 PETITION TO KEEP A CARAVAN ON THE VERGE
AT 2 DEFOE COURT, KINGSLEY**

WARD: South-East

**RESPONSIBLE
DIRECTOR:** Mr Mike Tidy
Corporate Services

FILE NUMBER: 59497, 101515

ATTACHMENTS: Nil.

PURPOSE

This report is to consider a response to a petition seeking to allow the resident at 2 Defoe Court, Kingsley to keep a caravan on the verge.

EXECUTIVE SUMMARY

At its August 2012 meeting, Council received a six signature petition from residents in Defoe Court Kingsley seeking consideration by Council to allow the resident of 2 Defoe Court, Kingsley to park his caravan on his verge as none of the other residents in the street had an objection.

It is considered that the proposal would adversely affect the amenity of residents in the City's suburbs by potentially leading to a proliferation of similar requests for both caravans and other large vehicles currently prohibited from parking under the City's *Parking Local Law 1999*.

It is recommended that Council:

- 1 *DECLINES the request of the petitioners to allow the resident of 2 Defoe Court, Kingsley to park a caravan on the verge contrary to the City's Parking Local Law 1999; and*
- 2 *Advises the lead petitioner of the Council's decision.*

BACKGROUND

Council considered and declined a similar request to park a caravan on the verge by amending the *Parking Local Law 1999* at the August 2012 meeting (CJ159-08/12 refers).

Council received a petition at its August 2012 meeting (C56-08/12 refers) with a request to "give consideration to allowing the resident of 2 Defoe Court Kingsley to park his caravan on his verge as none of the undersigned, all being residents of Defoe Court has any objection to this occurring."

There are seven properties in Defoe Court Kingsley. A resident from each of the other six properties signed the petition.

Two City Local laws are relevant to the petition, the City of Joondalup's *Parking Local Law 1999* in relation to parking a caravan and the *Local Government and Public Property Local Law 1999* in relation to verge treatments. The intent of the relevant clauses in these Local Laws is to make clear that verges, as part of the road reserve, remain the property of the Local Government and are subject to City control as to their use.

The definition of a caravan in the City of Joondalup *Parking Local Law 1999* states:

“caravan” means a vehicle that is fitted or designed to allow human habitation and which is drawn by another vehicle or which is capable of self propulsion’

Clause 38.1 of the City of Joondalup *Parking Local Law* classifies a caravan as a type of commercial vehicle and states:

A person shall not park:

(b) *a caravan*

on a road or verge for more than 3 hours consecutively between the hours of 7.00am and 6.00pm and not at any other time.

The intention is to keep large vehicles and trailers away from residential streets except for the purposes of carrying out work, making deliveries, dropping off or picking up items in relation to the vehicle such as preparing a caravan for a trip.

Clause 13 (g) of the *Local Government and Public Property Local Law 1999* states:

13 *A person shall not on or from any local government property, without having first obtained a written approval from the local government to do so:*

(g) *carry out any works in a street, thoroughfare or other public place, including but not limited to:*

- (i) *verge treatments;*
- (ii) *vehicle crossing treatments; and*
- (iii) *crossing a footpath with a vehicle which is likely to or does cause damage to the footpath;*

In this case, there are requirements to verge treatments which may be installed so that the safety and amenity of road users and pedestrians are not compromised by obstructions or sight hazards.

DETAILS

There are occasions when a resident finds it difficult to keep various types of vehicles entirely on their property. The most common of these is a private motor vehicle when households have several, one or more of which cannot be stored conveniently on the driveway or behind the property line. In the case of commercial vehicles it is expected that the resident will make alternative arrangements for their storage so that they are not on public property, in this case the road or verge.

The petitioners are seeking to extend the allowance made to private motor vehicles to include this caravan.

Issues and options considered:

There are three options which can be considered.

Option 1

Amend the Local Law to allow caravans to be parked on residential verges at any time.

This would have detrimental impacts for:

- the residential streetscape generally and particularly in higher density living areas such as the Joondalup City Centre;
- traffic safety as a result of obscured sight lines particularly in proximity to bends and corners;
- pedestrian safety where there is no footpath; and
- establishing a precedent to allow other large items on verges which do not fit conveniently behind the property line such as boats on trailers, box trailers, motor homes and large play equipment such as trampolines.

This option is not recommended.

Option 2

Allow a caravan on verges under certain conditions.

The possible conditions would need to include:

- There would need to be support for the proposal from neighbours within a defined radius such as the properties on each side of the subject property and the properties immediately adjacent;
- There would need to be provision for cancellation of an approval in circumstances where a neighbour who previously supported the parking changes their mind or a neighbouring property is sold and the new owner does not support the parking;
- Approval would not be given for parking caravans on verges:
 - within 10 metres of a junction;
 - on the outside bend of a curved street due to sight hazard;
 - on or adjacent to the crown of a hill due to sight hazard;
 - in any other situation that would result in a sight or pedestrian access hazard; and
 - in any situation that impeded access to City infrastructure in the verge including street trees.

There would need to be a system of property inspections to enable these requests to be assessed.

This option is not recommended.

Option 3

Refuse the petitioners' request.

The current prohibition for permanently parking caravans on verges preserves the local streetscape and prevents unnecessary hazards arising. The prohibitions have been in place for many years. It is not unreasonable to expect that the purchaser/owner of a caravan should make appropriate arrangements for its adequate storage that does not adversely impact on other members of the local community either from an amenity or a safety perspective.

This option is recommended.

Legislation/Strategic Plan/Policy Implications

Legislation *City of Joondalup's Parking Local Law 1999 and the Local Government and Public Property Local Law 1999.*

Strategic Plan

Key Focus Area: Leadership and Governance.

Objective: To lead and manage the City effectively.

Policy: There is no current policy in relation to this matter. Should caravans be allowed to be kept on public verges it is possible a policy would be needed to support the *Parking Local Law 1999*.

Risk Management Considerations:

There is a risk that if caravans are permitted to be parked on public verges adjacent to some residential properties that future petitioners would seek to keep other large items such as trailers, boat-trailers, commercial vehicles and potentially play equipment on the verge as well.

Financial/Budget Implications:

There would be significant budget implications for implementing Option 2 as this would require a system of property inspections to enable these requests to be assessed.

There are no financial implications for the recommended option.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

No community consultation has been undertaken, however, if either Options 1 or 2 were adopted then the community would be consulted in regard to the required local law changes and a new policy if required.

COMMENT

Residents who choose to have a caravan should be aware of their responsibilities for storing them off the street or verge as is required under the *Parking Local Law 1999*. It is not unreasonable to expect that the purchaser/owner of a caravan should make appropriate arrangements for its adequate storage that does not adversely impact on other members of the local community either from an amenity or a safety perspective.

Amending the Parking Local Law in the fashion provided for in either Option 1 or Option 2 may be in conflict with the provisions of the *Local Government Act (Uniform Local Provisions) Regulations* which are designed to ensure that public property which is in the care of the Local Government, in this case the verge or carriageway, is not given over to private use. Temporary private use of public land is tolerated, such as the regular parking and removal of vehicles, however permanent or semipermanent storage such as keeping a caravan or trailer is not permitted.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **DECLINES the request of the petitioners to allow the resident of 2 Defoe Court, Kingsley to park a caravan on the verge contrary to the City's *Parking Local Law 1999*; and**
- 2 **Advises the lead petitioner of the Council's decision.**

CJ192-09/12 TENDER 018/12 OCEANSIDE PROMENADE ROAD CONSTRUCTION UPGRADE

WARD:	North-Central
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	102442, 101515
ATTACHMENTS:	Attachment 1 Summary of Tender Submissions

PURPOSE

To seek the approval of Council to accept the tender submitted by Curnow Group Pty Ltd for Oceanside Promenade road construction upgrade.

EXECUTIVE SUMMARY

Tenders were advertised on 16 June 2012 through state wide public notice for the Oceanside Promenade road construction upgrade. Tenders closed on 3 July 2012. Three submissions were received from:

- Downer EDI works Pty Ltd;
- Curnow Group Pty Ltd; and
- Neo Infrastructure (Aust) Pty Ltd.

The submission from Curnow Group Pty Ltd represents best value to the City. The company has sufficient resources and adequate experience to complete the City's requirements. Its submission demonstrated an appropriate understanding of the project and the ability to complete the works in the specified ten week timeframe.

The company has previously completed civil projects for the City of Wanneroo, Shires of Roebourne and Carnarvon and the Burns Beach Road landscaping project for the City.

It is recommended that Council ACCEPTS the tender submitted by Curnow Group Pty Ltd for the Oceanside Promenade road construction upgrade as specified in Tender 018/12 for the fixed lump sum of \$875,106 (GST Exclusive) for completion of the works within 10 weeks from possession of the site.

BACKGROUND

This requirement is to undertake civil works including road widening, median and roundabout works in Oceanside Promenade, Mullaloo between Mullaloo Drive and Warren Way.

DETAILS

Tenders were advertised on 16 June 2012 through state wide public notice for the Oceanside Promenade road construction upgrade. The tender period was for two weeks and tenders closed on 3 July 2012.

This Contract is for a fixed lump sum with completion of the works within 10 weeks from possession of the site.

Tender Submissions

Three submissions were received from:

- Downer EDI works Pty Ltd;
- Curnow Group Pty Ltd; and
- Neo Infrastructure (Aust) 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 of three members:

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

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

Compliance Assessment

All offers received were assessed as partially compliant.

The submissions were subject to the City agreeing to various amendments to the conditions of contract. These relate to security, indemnity, limit of liability and consequential loss, liquidated damages, delay costs, payments terms, working hours and insurance.

All offers were included for further assessment on the basis that the potential for such amendments to increase the contractual risk to the City would be assessed prior to final consideration.

Qualitative Assessment

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

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

Neo Infrastructure (Aust) Pty Ltd scored 30% and was ranked third in the qualitative assessment. The company did not demonstrate sufficient experience completing projects of a similar nature with high volumes of traffic. It did not provide sufficient information demonstrating its capacity and understanding of the project requirements. The submission lacked information on the source of its additional resources and personnel, its safety record, safety procedures and did not provide a written methodology for the project.

Curnow Group Pty Ltd scored 62% and was ranked second in the qualitative assessment. The company demonstrated sufficient capacity to complete the project in the required timeframe. It demonstrated an appropriate understanding of the requirements, with its work methodology and provisional program addressing the main components of the project. Curnow Group Pty Ltd has experience completing civil projects with elements of similarity to the Oceanside Promenade upgrade, some of which included traffic management in high volume traffic areas. It has previously completed projects for the Shires of Roebourne and Carnarvon and the Cities of Wanneroo and Joondalup.

Downer EDI Works Pty Ltd scored 69.7% and was ranked first in the qualitative assessment. It demonstrated extensive experience completing similar and larger scale projects for the Cities of Perth, Melville and Wanneroo and Main Roads. The company has the largest capacity in terms of personnel and equipment of the three tenderers and demonstrated the clearest understanding of the project in its work methodology and provisional program.

Price Assessment

Following the qualitative assessment, the Panel carried out a comparison of the submitted lump sum prices offered by each tenderer to assess conformance to the specification and value for money to the City.

Tenderer	Lump Sum Price
Neo Infrastructure (Aust) Pty Ltd	\$628,000
Curnow Group Pty Ltd	\$875,106
Downer EDI Works Pty Ltd	\$990,205

Evaluation Summary

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

Tenderer	Contract Price	Price Rank	Evaluation Score	Qualitative Rank
Downer EDI Works Pty Ltd	\$990,205	3	69.7%	1
Curnow Group Pty Ltd	\$875,106	2	62%	2
Neo Infrastructure (Aust) Pty Ltd	\$628,000	1	30%	3

Based on the evaluation result and assessment of amendments to contractual conditions set out in the offers, the Panel concluded that the tender that provides best value and lowest risk to the City is that of Curnow Group Pty Ltd and is therefore recommended.

Issues and options considered:

Civil works are required to complete the road construction upgrade to Oceanside Promenade. The City does not have the internal resources to undertake the works and as such requires an appropriate external service provider.

Legislation/Strategic Plan/Policy Implications

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

Strategic Plan

Key Focus Area: The Built Environment.

Objective: To progress a range of innovative and high quality urban development projects within the City.

Policy

Not Applicable.

Risk Management Considerations:

The recommended tenderer's submission was subject to two amendments to the City's conditions of contract. These amendments are:

- A limit to liquidated damages of 5% of the contract sum (equating to 8.75 weeks); and
- Security would be in the form of retention monies in place of a bank guarantee.

The variations to the conditions of contract proposed by the recommended tenderer were assessed by the assessment panel and deemed to pose an acceptable level of contractual risk to the City.

Should the contract not proceed, the risk to the City will be moderate as the City may lose its black spot funding for the project.

It is considered that the Contract will represent a low risk to the City as the recommended tenderer is an established company with sufficient civil works experience and the capacity to complete the works within the required 10 week timeframe.

Financial/Budget Implications:

Account No:	CW000296
Budget Item:	SBS2025 Oceanside Promenade - Mullaloo Drive to Warren Way
Budget Project Cost 12/13:	\$360,000
Budget Amount:	\$360,000
Expenditure:	\$3,424
Committed:	\$0
Proposed Contract Cost:	\$875,106
Contingency & Associated Works:	\$65,576
Budget Deficit:	(\$584,106)

The budget deficit is proposed to be funded by \$200,000 municipal funding reallocated from project number RDC2011. This will be the subject of a separate report to Council. The City has also received approval for \$390,000 additional grant funding from the Black Spot program specifically for this project.

All figures quoted in this report are exclusive of GST.

Regional Significance:

Not Applicable.

Sustainability Implications:

The road construction upgrade of Oceanside Promenade will assist in regulating the flow of traffic and improve the safety of the road for members of the public using the facilities in the vicinity.

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 Curnow Group Pty Ltd.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by Curnow Group Pty Ltd for the Oceanside Promenade road construction upgrade as specified in Tender 018/12 for the fixed lump sum of \$875,106 (GST Exclusive) for completion of the works within 10 weeks from possession of the site.

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf110912.pdf](#)

CJ193-09/12 TENDER 019/12 PROVISION OF DRILLING, DEVELOPMENT AND TESTING OF BORES

WARD:	All	
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services	
FILE NUMBER:	102443, 101515	
ATTACHMENTS:	Attachment 1	Schedule of Items
	Attachment 2	Summary of Tender Submissions

PURPOSE

To seek the approval of Council to accept the tender submitted by Ardmay Pty Ltd trading as RBM Drilling for the provision of drilling, development and testing of bores.

EXECUTIVE SUMMARY

Tenders were advertised on 7 July 2012 through state wide public notice for the provision of drilling, development and testing of bores for a period of three years. Tenders closed on 24 July 2012 and one submission was received from Ardmay Pty Ltd trading as RBM Drilling.

The submission from Ardmay Pty Ltd trading as RBM Drilling represents good value to the City. The company has demonstrated the capacity, experience and a sound understanding of the required tasks. It has over the past six years successfully completed similar works for the Cities of Melville and Stirling. RBM Drilling is the City's current contractor for drilling, development and testing of bores.

It is recommended that Council ACCEPTS the tender submitted by Ardmay Pty Ltd trading as RBM Drilling for the provision of drilling, development and testing of bores as specified in Tender 019/12 for a period of three years at the submitted schedule of rates, with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.

BACKGROUND

The City has a requirement for the drilling, casing, screening, developing and test pumping of new bores at various locations within the City. The estimated total number of new bores drilled per year is six. The depth and diameter of the bores are subject to the irrigation system requirements and site topography conditions.

The City currently has a single contract for the provision of drilling, development and testing of bores with Ardmay Pty Ltd trading as RBM Drilling, which will expire on 18 October 2012.

RBM Drilling has provided a satisfactory level of service throughout the term of its contract. The contractor has worked with the City to overcome some difficult situations when drilling bores in locations that have been unpredictable.

DETAILS

The tender for the provision of drilling, development and testing of bores was advertised through state wide public notice on 7 July 2012. The tender period was for two weeks and tenders closed on 24 July 2012.

Tender Submissions

One submission was received from Ardmay Pty Ltd trading as RBM Drilling.

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

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

Evaluation Panel

The evaluation panel comprised of three members:

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

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

Compliance Assessment

The offer received was fully compliant and was considered for further evaluation.

Qualitative Assessment

The qualitative criteria and weighting used in evaluating the Submission 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%

RBM Drilling scored 65% in the qualitative assessment. The company demonstrated a sound understanding of the required tasks and the capacity to meet the City's volume of work. RBM Drilling is the City's current contractor for drilling, development and testing of bores and has provided similar services to the Cities of Melville and Stirling for the past six years.

Price Assessment

To provide an estimated expenditure over a 12 month period, the bores listed in the capital works and maintenance programs were identified and used in the calculation.

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 Perth All Groups CPI percentage change for the preceding year. For estimation purposes, a 3% CPI increase was applied to the rates in years two and three.

The table below provides the estimated expenditure. Any future requirements will be based on demand and subject to change in accordance with the operational needs of the City.

Tenderer	Year 1	Year 2	Year 3	Total
Ardmay Pty Ltd trading as RBM Drilling	\$112,297 (four bores)	\$168,446 (six bores)	\$173,499 (six bores)	\$454,242

During the last financial year 2011/12, the City incurred \$248,159 for the provision of drilling, development and testing of bores and is expected to incur in the order of \$454,242 over the three year contract period. The City projects four capital upgrade bores for year one and six for years two and three thereafter.

Evaluation Summary

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

Tenderer	Estimated Year 1 Contract Price	Estimated Total Contract Price	Weighted Percentage Score
Ardmay Pty Ltd trading as RBM Drilling	\$112,297	\$454,242	65%

Based on the evaluation result the panel concluded that the tender from Ardmay Pty Ltd trading as RBM Drilling provides good value to the City and is therefore recommended.

Issues and options considered:

The City has a requirement for drilling, development and testing of bores to be provided at various locations within the City. The City does not have the internal resources to provide the required services and requires an appropriate external supplier to undertake the services.

Legislation/Strategic Plan/Policy Implications

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

Strategic Plan

Key Focus Area: The Natural Environment.

Objective: To ensure that the City's natural environmental assets are preserved, rehabilitated and maintained.

Policy: 6.1 Reserves, Parks and Recreation Grounds.

Risk Management Considerations:

Should the contract not proceed, the risk to the City will be high. The City relies on bores for its water supply to parks, streetscapes and would not be able to drill new bores for new landscaped areas or replace old ineffective bores.

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

Financial/Budget Implications:

Account No:	Various Parks Maintenance / Capital Works accounts
Budget Item:	Drilling, development and testing of bores
Estimated Budget Amount:	\$120,000
Amount Spent To Date:	\$0
Proposed Cost:	\$112,297
Balance:	\$7,703

All figures quoted in this report are exclusive of GST.

Regional Significance:

Not Applicable.

Sustainability Implications:

Water bores are an integral component in the efficient management of the City's water resources. The City has 188 existing bores at various locations throughout its irrigated parks and public open spaces. Bores to be drilled under this contract include replacement of existing bores which are nearing the end of their effective operational life and new bores approved by the Department of Water.

The drilling of new bores will provide the City with a more efficient and effective means of water usage and assist in compliance with water consumption statutory requirements and the City's commitment to the continued enhancement of its open spaces for the community.

Consultation:

Not Applicable.

COMMENT

The evaluation panel carried out the evaluation of the submission in accordance with the City's evaluation process and concluded that the offer submitted by Ardmay Pty Ltd trading as RBM Drilling represents good value to the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by Ardmay Pty Ltd trading as RBM Drilling for the provision of drilling, development and testing of bores as specified in Tender 019/12 for a period of three years at the submitted schedule of rates, with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf110912.pdf](#)

CAPITAL WORKS COMMITTEE**CJ194-09/12 MONTHLY CAPITAL WORKS PROJECTS REPORT
AND REALLOCATION OF FUNDS****WARD:** All**RESPONSIBLE
A/DIRECTOR:** Mr Charlie Reynolds
Infrastructure Services**FILE NUMBER:** 102496, 101515, 02111, 03309, 102320, 00468, 55541, 22103

ATTACHMENTS:	Attachment 1	Oceanside Promenade Redevelopment
	Attachment 2	Moore Drive Duplication
	Attachment 3	Currambine Community Centre and Delamere Park Construction
	Attachment 4	Tom Simpson Park Upgrade
	Attachment 5	Entry Statements
	Attachment 6	Mirror Park Skate Park

PURPOSE

The purpose of this report is to provide monthly project status reports for capital works projects, and seek Council's approval to reallocate capital works funding.

EXECUTIVE SUMMARY

At the Capital Works Committee meeting of 7 August 2012 the Committee determined which capital works project reports were required and the frequency of reporting. The first monthly project reports are attached. Council approval is sought to transfer capital works funding from the Hodges Drive duplication works to the Oceanside Promenade redevelopment project.

It is recommended that Council:

- 1 *NOTES the monthly capital works project reports as detailed in Attachments 1 to 6 to Report CJ194-09/12; and*
- 2 *BY ABSOLUTE MAJORITY APPROVES the budget reallocation of \$200,000 from RDC 2011 'Hodges Drive - Marmion Avenue to Ocean Reef Road' to SBS 2025 'Oceanside Promenade - Mullaloo Drive to Warren Way'.*

BACKGROUND

At its meeting held on 7 August 2012 the Capital Works Committee requested that the following project reports be provided on a monthly basis:

- Oceanside Promenade redevelopment;
- Moore Drive duplication;

- Currambine Community Centre and Delamere Park construction;
- Tom Simpson Park upgrade;
- Entry Statements; and
- Mirror Park skate park.

DETAILS

At the 7 August 2012 Capital Works Committee meeting the Committee determined which capital work project reports were required on a monthly and quarterly basis. A summary of each project and its current status is detailed below, with more detailed information in the attached project reports.

Oceanside Promenade Redevelopment

Project description: The redevelopment of Oceanside Promenade in accordance with the final concept plan, as approved by Council on 17 May 2011 (CJ092-05/11 refers).

Current status: Tender advertised in June 2012. All three submissions were substantially over budget. A quantity surveyor review has been undertaken which concluded that the prices tendered were not over inflated. The City has met with Main Roads WA to discuss additional funding.

Changes to scope: The original budget of \$380,000 was based on a design that incorporated a narrow carriageway width to limit road widening and reduce costs. In order to comply with the outcomes of a road safety audit the road widths were significantly increased. This was one of four options presented to Council in April 2012 (CJ065-04/12 refers).

Main Roads WA have rescored the project and confirmed that it is eligible for additional Blackspot funding. This still leaves a funding shortfall. It is proposed to reallocate \$200,000 from project RDC 2011 Hodges Drive – Marmion Avenue to Ocean Reef Road duplication which is also in the 2012/13 financial year. The full project cost of RDC 2011 (the total budget is \$2.2 million) and timing of the construction will only be known on completion of the tender process during the first quarter of 2013 but part of this project can be extended into 2013/14.

Moore Drive Duplication

Project description: Construction of a second carriageway on Moore Drive from Connolly Drive to Joondalup Drive.

Current status: Parking lane improvements for Currambine Primary School were completed during the July school holidays to improve traffic flow around the school as parking on Moore Drive verge is no longer permitted. Construction commenced on 6 August 2012.

Changes to scope: Not Applicable.

Currambine Community Centre and Delamere Park Construction

Project description:	Design, tender and project management of the construction of Currambine Community Centre and a new park and car park at Delamere Park.
Current status:	Endorsement by Council in August 2012 to appoint builder (Pindan Pty Ltd) for the construction of the centre at the fixed lump sum of \$4,026,923 (excl GST) and completion of works within 48 weeks from possession of the site and an additional car park for the fixed lump sum of \$95,851 (excl GST).
Changes to scope:	Not Applicable.

Tom Simpson Park Upgrade

Project description:	Redevelopment of Tom Simpson Park in accordance with the final concept plan, as approved by Council on 17 May 2011 (CJ092-05/11 refers).
Current status:	<p>Works completed in stage one of southern section of the park include new concrete paths, new dual use paths, new bollards and associated ground works for the entry statement. Part of the southern section was opened to the public on 27 July 2012.</p> <p>Relocation works on barbecues is continuing within the southern section, including construction of limestone retaining walls.</p>
Changes to scope:	Work to the northern section of Tom Simpson Park will be delayed due to late start of Oceanside Promenade redevelopment.

Entry Statements

Project description:	Installation of two Entry Statements to be installed at both ends of Marmion Avenue. The Entry Statement project underpins the concept of 'a memorable gateway into the City of Joondalup, with visitors and residents "moving through" the design'. The scope of the project includes the installation of poles, signage, trees and ground treatments.
Current status:	Tender for construction of Entry Statements advertised in March 2012. All submissions received were over budget. Specifications have been reviewed by the consultant and new tender documents (including specifications) developed reflecting the revised scope of works and materials. This revised scope is currently being costed by a firm of external Quantity Surveyors.
Changes to scope:	The original budget of \$375,750 (2010/11) was based on a design that did not incorporate the crash barrier required for Main Roads WA approval. These funds were carried forward to 2011/12. \$33,787 was expended on consultancy and ground service surveys. \$340,000 has been carried forward to 2012/13.

Mirror Park Skate Park

Project description: Construction of a skate park facility at Mirror Park, Ocean Reef in accordance with Council resolution CJ099-06/11.

Current status: Council endorsed the final design of the skate park in August 2012 and appointed a contractor (Convic Pty Ltd) to construct at a cost of \$439,000. Total project cost is \$660,350 (CJ147-08/12 refers). Works scheduled to commence in September 2012.

Changes to scope: Not Applicable.

Legislation/Strategic Plan/Policy Implications

Legislation Subdivision 2 of Division 2 of Part 5 of the *Local Government Act 1995*.
City of Joondalup Standing Orders Local Law 2005.

A Committee cannot make decisions, on behalf of the Council, that require an absolute majority decision (Section 5.17 of the *Local Government Act 1995*), in which case, and in accordance with Section 6.8 of the *Local Government Act 1995*, includes approving expenditure not included in the City's Annual Budget. The Capital Works Committee could only recommend to the Council to approve or modify capital works projects.

Strategic Plan

Key Focus Area: Leadership and Governance.

Objective: 1.3 - To lead and manage the City effectively.

Policy

Not Applicable.

Risk Management Considerations:

Not Applicable.

Financial/Budget Implications:

Oceanside Promenade redevelopment:

The original budget was \$380,000 and was based on a design that incorporated a narrow carriageway. Following changes to the design to comply with a road safety audit the road widths were significantly increased resulting in a higher cost.

Main Roads WA have agreed to provide additional Blackspot funding which still leaves a funding shortfall.

It is proposed to reallocate \$200,000 from the \$2.2 million budgeted for RDC 2011 Hodges Drive – Marmion Avenue to Ocean Reef Road duplication. The full project cost of RDC 2011 will only be known on completion of the tender process. This may mean that RDC 2011 is not completed until 2013/14.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The attached capital works project reports provide an update on the activities undertaken in the last month.

VOTING REQUIREMENTS

Absolute Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Capital Works Committee at its meeting held on 4 September 2012.

The Committee recommendation is the same as recommended by City Officers.

RECOMMENDATION**That Council:**

- 1** **NOTES** the monthly capital works project reports as detailed in Attachments 1 to 6 to Report CJ194-09/12; and
- 2** **BY ABSOLUTE MAJORITY APPROVES** the budget reallocation of \$200,000 from RDC 2011 'Hodges Drive - Marmion Avenue to Ocean Reef Road' to SBS 2025 'Oceanside Promenade - Mullaloo Drive to Warren Way'.

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf110912.pdf](#)

11 REPORTS – CHIEF EXECUTIVE OFFICER**CJ195-09/12 BUSINESS DEVELOPMENT ASSOCIATION INC.**

WARD: All

RESPONSIBLE DIRECTOR: Mr Gary Hunt
Chief Executive Officer

FILE NUMBER: 03082, 101515

ATTACHMENTS: Attachment 1 Letter from City to BDA dated 23 August 2012

PURPOSE

The purpose of this report is to advise Council of recent events concerning the governance of the Business Development Association and its inability to conduct meetings and fulfil the purposes for which it was established.

EXECUTIVE SUMMARY

The Business Development Association (BDA) was established over a decade ago to assist in the development of sustainable small business through the provision of incubator facilities in the North West Metro region.

The BDA is an incorporated association made up of the City, Edith Cowan University (ECU) and the Joondalup Business Association (the Foundation Members), together with a small number of community members.

The affairs of the BDA are managed by a Committee of Management which is constituted by two representatives from each Foundation Member and three community members.

Governance of the BDA is regulated by its Constitution and the *Associations Incorporation Act* (the Act).

In May this year, Council received a report into the affairs of the BDA (Item CJ098-05/12 refers) which concluded that with the successful transition of the incubator facility to the ECU Business and Innovation Centre, the original purpose of the Association may well have been served. However Council decided to maintain the City's involvement in the BDA in the short term for the purposes of exploring alternative delivery options for a business incubator facility.

At its May meeting, Council revoked the appointment of Crs Corr and Ritchie as the City's representatives and requested the Chief Executive Officer to appoint two officer representatives instead.

In the three months since that decision no meetings of the Committee have been convened and the BDA Secretary has failed to respond to requests from the City for minutes of previous Committee meetings or for any information about future meetings.

Only after a request from the City (and ECU and a community representative) for a Special General Meeting (available under the Constitution at the request of members) did the Secretary respond by convening two meetings – a General Meeting for 22 August 2012 and the Special General Meeting for 24 August 2012.

The City's request to the BDA Secretary for clarification concerning the reason for convening two meetings went unanswered.

The City's representatives attended the meetings however they soon became dysfunctional without making any valid decisions or achieving any useful purpose.

Over the nine months which have passed since the transition arrangements for the ECU Business and Innovation Centre were concluded in November 2011 it is reasonable to conclude that the BDA has done little to advance the interests of small business in the Joondalup area.

Given this state of affairs, it is considered that the BDA has served its purpose and in light of its incapacity to function, it is now time for the City to withdraw from the Association.

The ECU has advised the City that it is also considering withdrawal from the Association.

Once the Association has been advised of the City's withdrawal, the Commissioner for Consumer Affairs should be notified of the state of affairs at the Association to enable cancellation of its incorporation.

BACKGROUND

The City is a Foundation Member of the BDA, along with ECU and the Joondalup Business Association Inc. (JBA). The BDA was established to assist in the formulation and development of new and sustainable small business through the provision of incubator facilities and ancillary services in the North West Metro region. Over the course of the last decade the BDA has been extremely successful in its mission.

Through the agency of the Joondalup Business Centre the BDA operated out of premises situated on Barron Parade which were leased from ECU. As the lease was due to expire in June 2011, the BDA Committee considered a number of proposals for the ongoing operation of the Joondalup Business Centre after that time.

Out of this discussion came a proposal to extend the Barron Parade facility under a *Heads of Agreement* which the BDA executed with ECU in August 2010. Under the Agreement, the running of the Centre was taken over by ECU and the business incubator facility was extended with the assistance of a transfer of \$250,000 in accumulated funds from the BDA to ECU with the balance of the funding (in an amount equal to the BDA contribution) coming from ECU.

The City's representatives, together with ECU and Community members on the Committee supported the *Heads of Agreement*.

The JBA opposed the *Heads of Agreement* executed in August 2010 and continued to oppose the transition arrangements which were implemented under the Agreement throughout 2011.

In December 2011, there was a change in the composition of the BDA Committee which saw JBA members occupying a majority of office holder positions. The JBA members appear to have been focussed on finding ways to unravel the transition arrangements overseen by the previous Committee which concluded in November 2011.

Since that time the Committee has met four times and the minutes of those meetings disclose that its focus has not shifted.

DETAILS

At its May meeting, Council revoked the appointment of Crs Corr and Ritchie as the City's representatives and requested the Chief Executive Officer to appoint two officer representatives instead.

In the three months since that decision no meetings of the Committee have been convened and the BDA Secretary has failed to respond to requests from the City for minutes of previous Committee meetings or for any information about future meetings.

Only after a request from the City (and ECU and a community representative) for a Special General Meeting (available under the Constitution at the request of members) did the Secretary respond by convening two meetings – a General Meeting for 22 August 2012, to be conducted two days before the Special General Meeting requested by the members.

The City's request to the BDA Secretary for clarification concerning the reason two meetings went unanswered.

The City's representatives attended the meetings however they soon became dysfunctional without making any valid decisions or achieving any useful purpose.

Issues and options considered:

General Meeting Wednesday 22 August 2012

The person chairing the meeting, JBA member Russell Poliwka, overrode the objections of the City and ECU, and put a membership application (in the name of Ms Teresa Ritchie) before the meeting. When a motion was moved to approve the application, Mr Poliwka refused to count the votes of the ECU.

This and numerous other rulings from the chair were made without any satisfactory or coherent explanation when requested and in the City's view were made without any lawful authority either under the Constitution, the Act or the general law applicable to incorporated associations.

At this point the City and the ECU withdrew from the meeting as it became clear that there was no prospect of the meeting being conducted lawfully.

The City wrote to the BDA Secretary the next day to place on the public record its concerns about the conduct of the meeting and sought assurances that the same thing would not happen at the Special General Meeting which was to convene on Friday, 24 August 2012. A copy of the City's letter is at Attachment 1.

Special General Meeting Friday 24 August 2012

When the City's representatives attended at the JBA offices for the Friday meeting they were met by Mr Brian Corr who advised them that he was chairing the meeting. He further advised them that he had been elected as a community member of the BDA and had been appointed at the meeting on Wednesday, 22 August 2012.

As these assertions could not possibly be correct, the City objected on the basis that:

- Any application for membership of the BDA (whether it was from Mr Corr or Ms Ritchie) could not be approved under the Constitution of the Association as it was not considered by the Committee but was considered at the General Meeting of Wednesday, 22 August 2012 – the Constitution does not enable membership to be approved at a General Meeting;
- Any 'decision' at the Wednesday meeting (regardless of whether it was a General Meeting or a Committee Meeting) could not be considered a valid decision as it excluded the votes of the ECU; and
- Once the City and ECU withdrew from the Wednesday meeting there was no longer a quorum (as required under the Constitution) and no further business could be conducted after this withdrawal. Without a quorum there was no capacity for the Association to make any appointments or decisions of any kind.

When it became clear that Mr Corr and the JBA members were not moved by the City's objections and appeared intent on conducting the meeting in a similar manner to the Wednesday meeting, members in attendance agreed the meeting be discontinued.

The net result of these 'meetings' is that no lawful decisions were taken and no useful purpose was served. The City has no reason to believe that this situation will change.

It is the view of the City the membership applications of Mr Corr and Ms Ritchie are a nullity and of no legal effect.

The BDA has served its purpose and in light of its incapacity to properly function, it is now considered timely for the City to withdraw.

Legislation/Strategic Plan/Policy Implications

Legislation *Local Government Act 1995; Associations Incorporation Act 1987.*

Strategic Plan

Key Focus Area: Leadership and Governance.

Objective: To ensure that the processes of local governance are carried out in a manner that is ethical, transparent and accountable.

Policy: Not Applicable.

Risk Management considerations:

There is the potential for reputational damage to the City if it continues its involvement in an external entity which has become dysfunctional and does not conduct its affairs in accordance with its Constitution and good governance principles.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

The ECU has advised the City that it is considering withdrawal from the BDA.

COMMENT

With the successful transition of the incubator facility from the Joondalup Business Centre to the ECU Business and Innovation Centre, it is apparent that the original purpose of the BDA has been served.

As the BDA has served its purpose and in light of its incapacity to properly function, it is now considered timely for the City to withdraw from the Association and notify the Commissioner of this fact so that its incorporation can be cancelled.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 Notes Report CJ195–09/12 into the governance of the Business Development Association;**
- 2 Resolves that the City resign from the Business Development Association;**
- 3 Requests the Chief Executive Officer to advise the Secretary of the Business Development Association of the City's decision to resign from the Association; and**
- 4 Requests the Chief Executive Officer to write to the Commissioner of Consumer Affairs advising of the state of affairs at the Business Development Association and of the City's decision to resign its membership of the Association.**

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf110912.pdf](#)

**CJ196-09/12 CONFIDENTIAL REPORT - APPOINTMENT OF
DIRECTOR INFRASTRUCTURE SERVICES****WARD:** All**RESPONSIBLE
DIRECTOR:** Mr Garry Hunt
Office of the Chief Executive Officer**FILE NUMBER:** 86609**ATTACHMENTS:** Attachment 1 Confidential – Applicant Interview Notes
Attachment 2 Confidential – Applicant Details
Attachment 3 Confidential – Recommended Applicant CV

This report is confidential in accordance with Section 5.23 (2)(a) of the *Local Government Act 1995*, which also permits the meeting to be closed to the public for business relating to the following:

a matter affecting an employee or employees.

A full report is provided to Elected Members under separate cover. The report is not for publication.

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**NOTICE OF MOTION – MAYOR TROY PICKARD – SETTING OF COUNCIL MEETING DATES FOR 2012 - [02154, 08122]**

In accordance with Clause 26 of the *Standing Orders Local Law 2005*, Mayor Troy Pickard has given his intention to move the following Motion at the Council meeting to be held on 18 September 2012:

“That Council:

- 1 *BY AN ABSOLUTE MAJORITY, REVOKES the following Council meeting date from its decision of 22 November 2011, (CJ216-11/11 refers) as follows:***

“7.00pm on Tuesday, 16 October 2012”;
- 2 *SETS the date for the Ordinary Meeting of Council in October to occur at 7.00pm on Tuesday, 23 October 2012 in the City of Joondalup Council Chambers.”***

Reason for Motion:

It is current Council practice to rotate the position of Deputy Mayor on an annual basis amongst suitable Elected Members. In accordance with this practice, at the Ordinary Council meeting to be held on 16 October 2012, the Council will elect the new Deputy Mayor.

The Mayor, who is Presiding Member of the Council, is required to attend a meeting in his capacity as Chairman of the Biodivercities Advisory Committee and will be an apology for the Council meeting on 16 October 2012. It is considered an onerous proposition to place a newly elected Deputy Mayor into a Presiding Member role in their first Council meeting as Deputy Mayor.

Given there are two Tuesdays at the end of October where no meetings are held, it is preferable that the Council meeting be rescheduled to 23 October 2012.

ELECTED MEMBER SUPPORT FOR REVOCATION MOTION

In accordance with Clause 57 of the *City of Joondalup Standing Orders Local Law 2005* (Clause 10 of the *Local Government (Administration) Regulations 1996*), this Notice of Motion is signed by the following five Elected Members (being one-third of the number of offices of members of Council):

- Mayor Troy Pickard
- Cr Mike Norman
- Cr Christine Hamilton-Prime
- Cr Kerry Hollywood
- Cr Tom McLean

Officer's Comment:

Any change to the schedule of meeting dates for Council meetings is required to be advertised.

13 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

14 CLOSURE