

# minutes

MEETING HELD ON **MONDAY, 27 MAY 2013**

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## CITY OF JOONDALUP

**COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP ON MONDAY, 27 MAY 2013**

### DECLARATION OF OPENING

The Mayor declared the meeting open at 7.00pm.

### ANNOUNCEMENT OF VISITORS

#### Mayor:

TROY PICKARD

*absent from 7.16pm until 7.19pm*

#### Councillors:

CR KERRY HOLLYWOOD	North Ward	
CR TOM McLEAN, JP	North Ward	
CR PHILIPPA TAYLOR	North-Central Ward	
CR SAM THOMAS	North-Central Ward	
CR LIAM GOBBERT	Central Ward	
CR GEOFF AMPHLETT, JP	Central Ward	
CR CHRISTINE HAMILTON-PRIME	South-West Ward	<i>absent from 7.16pm until 7.19pm</i>
CR MIKE NORMAN	South-West Ward - <i>Deputy Mayor</i>	
CR JOHN CHESTER	South-East Ward	
CR BRIAN CORR	South-East Ward	
CR RUSS FISHWICK, JP	South Ward	
CR TERESA RITCHIE	South Ward	

#### Officers:

MR GARRY HUNT	Chief Executive Officer
MR MIKE TIDY	Director Corporate Services
MR JAMIE PARRY	Director Governance and Strategy
MS DALE PAGE	Director Planning and Community Development
MR NICO CLAASSEN	Director Infrastructure Services
MR BRAD SILLENCE	Manager Governance
MR JOHN CORBELLINI	Manager Planning Services
MR DANIEL DAVINI	Media Advisor
MR JOHN BYRNE	Governance Coordinator
MRS DEBORAH GOUGES	Governance Officer
MRS LESLEY TAYLOR	Governance Officer

There were 13 members of the public and one member of the press in attendance.

**PUBLIC QUESTION TIME**

**The following question was taken on notice at the ordinary Council meeting held on 16 April 2013:**

**Mr G Apthorpe, Ocean Reef:**

*Q1 What is the policy of the City of Joondalup that forbids a contractor from participating as a volunteer and being a member of a community organisation for which they are working on either a casual or part-time basis?*

*A1 The City has established terms and conditions in relation to engagement of suppliers or contractors and therefore requires no policy to meet the particular circumstance referred to. The City has an obligation to ensure good governance practices are followed and that both real and perceived conflicts of interest are minimised.*

**The following questions were received prior to the ordinary Council meeting to be held on 27 May 2013:**

**Mrs R Fleming, Ocean Reef:**

*Re: Parking at Mirror Park skate park*

*Q1 Will the Council be enforcing the 'no parking' on the verge at the Mirror Park skate park?*

*A1 The City enforces parking restrictions on verge areas of Ocean Reef Road near the skate park proactively using Ranger patrolling, CCTV camera targeting and in response to requests from residents. Parking infringements are issued where vehicles are identified as parked in contravention of posted restrictions.*

*Q2 Will the Council please erect bollards or similar product to stop people parking on the verge at the Mirror Park skate park?*

*A2 Bollards have not been installed on verge areas of Ocean Reef Road near the Mirror Park skate park in line with the Austroads Standards (2010) requirement to maintain a clear zone that is kept free from features that would be potentially hazardous to errant vehicles.*

*Q3 Will the Council be erecting signs to enforce helmets to be worn whilst patrons are using the skate facilities at Mirror Park skate park?*

*A3 The information signs currently located on the west and south sides of the skate park advise facility users to wear protective equipment, including a helmet and these are considered to be appropriate and adequate.*

*Q4 Has the Council taken action to stop the patrons of the skate park from using the bush right near the Mirror Park skate park as a toilet facility?*

*A4 The City maintains a toilet facility on Mirror Park for use by members of the public, including skate park users, which is open at all the hours that the skate park is open.*

*Q5 Has the Council considered the request from residents on not putting lights over the skate area of Mirror Park skate park, thereby allowing residents to have respite at night from the constant noise from the skate park?*

- A5 Council is due to consider a report on the first six months of operation of Mirror Park skate park and this will include whether lighting will be installed.

**Mr D Blackburn, Kingsley:**

*Re: Development at 35 Lymburner Drive, Hillarys*

- Q1 *There is a 15 lot subdivision development underway at 35 Lymburner Drive, Hillarys. As there is no public open space provision on the site, has the developer made a cash-in-lieu public open space contribution? If so, what was the contribution?*

- A1 The approval issued by the Western Australian Planning Commission (WAPC) for the subdivision at Lot 604 (35) Lymburner Drive, Hillarys did not require the provision of public open space or cash in lieu of the provision of public open space.

When approval was granted by the WAPC for the original subdivision of the locality (which included the creation of Lot 604), the developer was required to provide public open space. This public open space provision was based on 10% of the entire development area which extended from Hepburn Avenue east to Marmion Avenue, west to West Coast Highway and north towards Flinders Avenue. As contribution to public open space was required for Lot 604 at this time, no further public open space was required as part of this subdivision.

*Re: Parking in Kingsley Park*

*Recently an extra 31 parking bays were added in Kingsley Park, on the Kingsley Drive side of Kingsley Park.*

- Q2 *How much did the installation cost the City of Joondalup?*

- A2 \$107,050.

- Q3 *Are there plans to add more parking bays in Kingsley Park?*

- A3 There are currently no plans to add more parking bays in Kingsley Park.

**PUBLIC STATEMENT TIME**

**Mr S Turner, Burns Beach:**

*Re: Item CJ065-05/13 - Adoption of Amendment No. 3 to the Burns Beach Structure Plan – Consideration of the Western Australian Planning Commission's Decision.*

Mr Turner spoke with regard to re-advertising the Burns Beach Structure Plan.

**Mr R Repke, Kallaroo**

*Re: Item CJ069-05/13 - The Provision of Cafés/Kiosks/Restaurants on City Owned or Managed Land – Project Status and Progression Options Report.*

Mr Repke spoke in favour of the construction of a cafe/kiosk at Pinnaroo Point.

**APOLOGIES AND LEAVE OF ABSENCE**

Nil.

**CONFIRMATION OF MINUTES****C021-05/13****MINUTES OF COUNCIL MEETING – 16 APRIL 2013**

**MOVED** Cr Amphlett, **SECONDED** Cr Hamilton-Prime that the Minutes of the Council meeting held on 16 April 2013 be confirmed as a true and correct record.

**The Motion was Put and**

**CARRIED (13/0)**

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

**C022-05/13****MINUTES OF SPECIAL COUNCIL MEETING - 14 MAY 2013**

**MOVED** Cr McLean, **SECONDED** Cr Hollywood that the Minutes of the Special Council meeting held on 14 May 2013 be confirmed as a true and correct record.

**The Motion was Put and**

**CARRIED (13/0)**

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

**ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION****NATIONAL VOLUNTEER WEEK**

Mayor Pickard announced that celebrations were recently held in the City of Joondalup to mark National Volunteers Week.

Mayor Pickard advised that the Joondalup Volunteer Resource Centre hosted a function to recognise the enormous contribution that volunteers make to help strengthen our local community.

Mayor Pickard stated that around 150 people attended the event, which also included the launch of Edith Cowan University's new Volunteering Program.

Mayor Pickard informed Elected Members and members of the gallery that the City also hosted a Volunteer Appreciation Reception for the Mullaloo and Sorrento Surf Life Saving Clubs to commend them for their tireless work and contribution to keeping the City's pristine coastline safe.

Mayor Pickard advised that more than 85 volunteers and City representatives attended the reception, which marked the end of the Surf Life Saving season.



Mayor Pickard noted that volunteers work tirelessly for the benefit of the community in areas including health care, heritage and arts, environment conservation, emergency services, education, social justice and sports.

Mayor Pickard along with the City thanked all community groups, agencies and staff who engage and work with volunteers in Joondalup, especially the team of dedicated volunteers at the Joondalup Volunteer Resource Centre.

## **COMMUNITY ART EXHIBITION**

Mayor Pickard informed Elected Members and members of the gallery that the Community Art Exhibition is a very popular annual event, which is open to all residents of the City and members of local visual arts associations.

Mayor Pickard announced that the Community Art Exhibition offers a variety of awards each year such as the Most Outstanding Artwork, five media specific categories and themed awards with specific criteria.

Mayor Pickard stated that for a small entry fee, local artists have the opportunity to gain exposure for their art practice and participate in an annual community exhibition.

Mayor Pickard advised Elected Members and members of the gallery that expressions of interest have now closed and entries will be on display at Lakeside Joondalup Shopping City from Sunday 9 June 2013 until Saturday 22 June 2013.

Mayor Pickard encouraged residents to head to The Great Space at the Lakeside Joondalup Shopping City during the exhibition to take a look at some of the magnificent work that is on display from very talented local artists.

## **JOONDALUP EISTEDDFOD**

Mayor Pickard announced that the Joondalup Eisteddfod will be returning for its 26th year in 2013, offering talented actors, public speakers, musicians, singers and choirs the chance to win a share of nine thousand dollars in awards and prizes.

Mayor Pickard advised that performers of all ages and from all backgrounds are encouraged to enter before 30 June 2013 for the chance to showcase their talents to professional judges and industry professionals at the superb Sacred Heart College Performing Arts Centre on Saturday 31 August 2013.

Mayor Pickard stated that the prizes on offer include the Mayor's Cup for the Best School Choir, the Best Choir, the Arts in Focus Most Promising Performing Artist and the Arts in Focus Own Composition Solo.

Mayor Pickard informed Elected Members and members of the gallery that more details on the Joondalup Eisteddfod can be found by visiting the City's website at [joondalup.wa.gov.au](http://joondalup.wa.gov.au).

## DECLARATIONS OF INTEREST

### Disclosures of Financial Interest/Proximity Interest

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

<b>Name/Position</b>	<b>Mayor Troy Pickard.</b>
<b>Item No./Subject</b>	CJ063-05/13 – Proposed Child Care Centre at Joondalup Health Campus – Reconsideration of Condition Following State Administrative Tribunal Mediation.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Mayor Pickard received a donation from the Joondalup Health Campus for his 2009 Mayoral Campaign which had previously been disclosed in accordance with the electoral regulations.

<b>Name/Position</b>	<b>Cr Christine Hamilton-Prime.</b>
<b>Item No./Subject</b>	CJ063-05/13 – Proposed Child Care Centre at Joondalup Health Campus – Reconsideration of Condition Following State Administrative Tribunal Mediation.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Hamilton-Prime's mother works at the health campus.

### Disclosure of interest affecting impartiality

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

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ063-05/13 – Proposed Child Care Centre at Joondalup Health Campus – Reconsideration of Condition Following State Administrative Tribunal Mediation.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester's daughter works at the Joondalup Health Campus.

<b>Name/Position</b>	<b>Cr Philippa Taylor.</b>
<b>Item No./Subject</b>	CJ063-05/13 – Proposed Child Care Centre at Joondalup Health Campus – Reconsideration of Condition Following State Administrative Tribunal Mediation.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Taylor serves on the Community Board of Advice.

<b>Name/Position</b>	<b>Cr Tom McLean, JP.</b>
<b>Item No./Subject</b>	CJ064-05/13 – Proposed Change of use from Showroom to Beauty Parlour and Hairdresser at Lot 5004 (4) Hobsons Gate, Currambine.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr McLean lives within 150 metres of the site.

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

Nil.

## PETITIONS

### **C023-05/13                    PETITION – PROVISION OF ADDITIONAL PARKING BAYS AT WHITFORDS WEST PARK, KALLAROO – [03150, 05386]**

Cr Amphlett tabled a 475 signature petition on behalf of residents of the City of Joondalup with regard to providing 20 additional parking bays being developed on the Whitfords West Park area opposite the Whitford Shopping Centre and Whitfords Avenue Medical Centre.

### **C024-05/13                    PETITION – CLOSURE OF ENTRANCE TO TYRINGA CRESCENT, BURNS BEACH – [64624, 05386]**

Cr Hollywood tabled a 21 signature petition on behalf of residents of the City of Joondalup with regard to permanently closing off access into Tyinga Crescent from the roundabout located at the north end of Tyinga Crescent and Grand Ocean Entrance, Burns Beach.

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

- 1            Petition in relation to providing 20 additional parking bays being developed on the Whitfords West Park area opposite the Whitford Shopping Centre and Whitfords Avenue Medical Centre;**
- 2            Petition in relation to permanently closing off access into Tyinga Crescent from the roundabout located at the north end of Tyinga Crescent and Grand Ocean Entrance, Burns Beach;**

**The Motion was Put and**

**CARRIED (13/0)**

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

**REPORTS****CJ062-05/13 DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS - MARCH 2013**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	07032, 101515
<b>ATTACHMENTS</b>	Attachment 1 Monthly Development Applications Determined – March 2013 Attachment 2 Monthly Subdivision Applications Processed – March 2013 Attachment 3 Monthly Building Code Applications Decision – March 2013
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

**PURPOSE**

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

**EXECUTIVE SUMMARY**

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

The purpose of delegation of certain powers by Council, in addition to other town planning matters, is to facilitate timely processing of development applications, *Residential Design Codes* 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 March 2013 (Attachments 1, 2 and 3 refer):

- 1 Planning applications (development applications and *Residential Design Codes* applications).
- 2 Subdivision applications.
- 3 Building Code applications.

## BACKGROUND

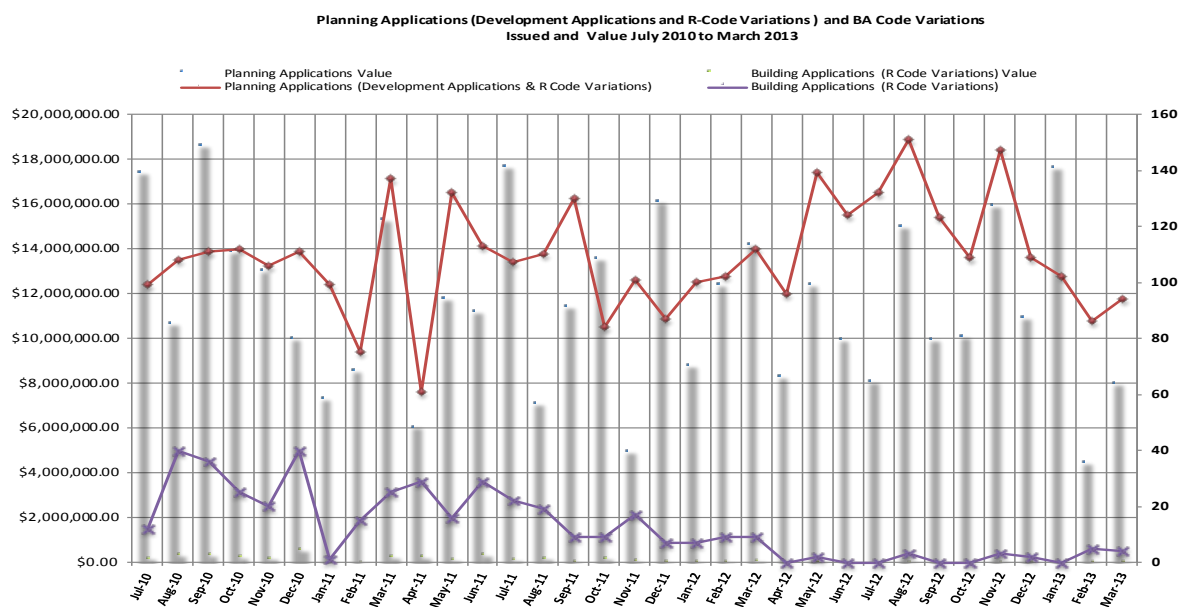
DPS2 requires that delegations be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 15 May 2012 (CJ075-05/12 refers), Council considered and adopted the most recent Town Planning Delegations. These were then incorporated into the Delegated Authority Manual when Council considered the review of this at its meeting of 26 June 2012 (CJ108-06/12 refers).

## DETAILS

The number of applications determined under delegated authority during March 2013, is shown in the table below:

Approvals determined under delegated authority – March 2013		
Type of Approval	Number	Value (\$)
Planning applications (development applications and R-Codes applications)	94	\$8,023,045
Building applications (R-Codes applications)	4	\$65,592
<b>TOTAL</b>	<b>98</b>	<b>\$8,088,637</b>

The total number and value of planning and building applications determined between July 2012 and March 2013 is illustrated in the graph below:



The number of development applications received during March was 124. (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 March was 189. Of these, 45 were pending additional information from applicants, and 60 were being advertised for public comment.

In addition to the above, 303 building permits were issued during the month of March with an estimated construction value of \$31,125,062.

The number of subdivision and strata subdivision referrals processed under delegated authority during March 2013 is shown in the table below:

<b>Subdivision referrals processed under delegated authority for March 2013</b>		
<b>Type of referral</b>	<b>Number</b>	<b>Potential additional new lots</b>
Subdivision applications	1	1
Strata subdivision applications	2	2

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

Not applicable.

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

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

#### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

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

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

Clause 8.6 of 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.

#### **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 98 applications were determined for the month of March with a total amount of \$33,583 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 94 development applications determined during March 2013 consultation was undertaken for 45 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 March 2013 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 City, rather than day-to-day operational and statutory responsibilities.

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

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Gobbert, SECONDED Cr Taylor 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 CJ062-05/13 during March 2013;**
- 2 Subdivision applications described in Attachment 2 to Report CJ062-05/13 during March 2013;**
- 3 Building Code applications described in Attachment 3 to Report CJ062-05/13 during March 2013.**

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution following consideration of Item CJ081-05/13, Page 150 refers.**

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

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf140513.pdf](#)*



**Disclosures of Financial Interest/Proximity Interest**

<b>Name/Position</b>	<b>Mayor Troy Pickard.</b>
<b>Item No./Subject</b>	CJ063-05/13 – Proposed Child Care Centre at Joondalup Health Campus – Reconsideration of Condition Following State Administrative Tribunal Mediation.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Mayor Pickard received a donation from the Joondalup Health Campus for his 2009 Mayoral Campaign which had previously been disclosed in accordance with the electoral regulations.

<b>Name/Position</b>	<b>Cr Christine Hamilton-Prime.</b>
<b>Item No./Subject</b>	CJ063-05/13 – Proposed Child Care Centre at Joondalup Health Campus – Reconsideration of Condition Following State Administrative Tribunal Mediation.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Hamilton-Prime's mother works at the health campus.

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ063-05/13 – Proposed Child Care Centre at Joondalup Health Campus – Reconsideration of Condition Following State Administrative Tribunal Mediation.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester's daughter works at the Joondalup Health Campus.

<b>Name/Position</b>	<b>Cr Philippa Taylor.</b>
<b>Item No./Subject</b>	CJ063-05/13 – Proposed Child Care Centre at Joondalup Health Campus – Reconsideration of Condition Following State Administrative Tribunal Mediation.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Taylor serves on the Community Board of Advice.

*Mayor Pickard and Cr Hamilton-Prime left the Chamber at 7.16pm. Cr Norman assumed the Chair.*

## CJ063-05/13      PROPOSED      CHILD      CARE      CENTRE      AT JOONDALUP      HEALTH      CAMPUS      - RECONSIDERATION OF CONDITION FOLLOWING STATE ADMINISTRATIVE TRIBUNAL MEDIATION

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	00109, 101515
<b>ATTACHMENT</b>	Attachment 1      Location Plan Attachment 2      Priority of Access Policy Attachment 3      Approved Development Plans
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

### PURPOSE

For Council to reconsider a condition imposed on the development approval issued for a proposed child care centre and car park at the Joondalup Health Campus (JHC).

### EXECUTIVE SUMMARY

At its meeting held on 26 June 2012 (CJ103-06/12 refers), Council considered an application for development approval for a proposed child care centre and car park addition to the JHC. The development proposal included:

- construction of a single storey building and associated 'drop off and pick up' car bays on the north-eastern corner of the JHC site
- the building being used for the purposes of child day care for up to 72 children, and vacation care for up to 72 children
- construction of a single level, 105 bay car park over the existing sump on the northern portion of the site.

The proposed development was approved subject to a number of conditions, including condition 4.8 which reads as follows:

*"4.8      The child care centre and vacation care centre shall, at all times, be used by children of Joondalup Health Campus staff only."*

Council previously considered a request for reconsideration of this condition at its meeting held on 23 October 2012 (CJ201-10/12 refers), and resolved not to remove this condition.

The applicant has subsequently lodged an application for review with the State Administrative Tribunal (SAT).

Through the SAT process the applicant has been able to provide greater clarity around the way in which child care positions will be allocated for the centre, in order to provide Council greater comfort that the centre will not become a predominantly commercial centre. This clarity comes in the form of a 'priority of access policy' (Attachment 2 refers). A draft condition has also been supplied by the applicant's solicitor which will require, among other things, the positions in the centre to be allocated in accordance with this policy.

It is recommended that Council reconsiders its previous decision, and replace condition 4.8 with the wording set out in the details section below.

## BACKGROUND

<b>Suburb/Location</b>	Lot 500 (60) Shenton Avenue, Joondalup.
<b>Applicant</b>	Project Directors Australia Pty Ltd.
<b>Owner</b>	Minister for Health.
<b>Zoning</b>	<b>DPS2</b> Centre.
	<b>MRS</b> Central City Area.
<b>Site area</b>	13.33ha.
<b>Structure plan</b>	Joondalup City Centre Development Plan and Manual (JCCDPM). Draft Joondalup City Centre Structure Plan (JCCSP).

The development that is the subject of this application is to be located in the north-eastern corner of the JHC site. This position on the corner of Upney Mews and Lakeside Drive has previously been set aside through JHC's master planning process for the purposes of a child care centre. The portion of the site set aside for the centre is currently being used as a temporary construction car park and as such has been completely cleared. The land immediately to the west of the child care centre location is currently used for the purpose of a drainage sump, with the approved car park to be constructed as a deck above this sump.

To the west of the existing sump site is an intermediate health care facility currently under construction by a separate developer. To the north of the subject site, on the opposite side of Upney Mews are existing residential dwellings, and to the east of the subject site is Yellagonga Regional Park (Attachment 1 refers).

At its meeting held on 19 February 2008 (CJ027-02/08 refers), Council conditionally approved an application for the major expansion of the JHC. These additions and alterations included various new buildings and car parking areas. An application for review of several conditions of approval was subsequently lodged with the State Administrative Tribunal. Following mediation, Council conditionally approved a revised proposal at its meeting held on 30 September 2008 (CJ216-09/08 refers). The revised proposal included additional car parking to meet the requirements of DPS2.

Several other development approvals have been issued since this date, including approvals for a new private hospital and ambulance station on the site. Further details of these approvals are provided in the background section of report CJ103-06/12.

At its meeting held on 26 June 2012 (CJ103-06/12 refers), Council considered an application for development approval for a proposed child care centre and car park addition to the JHC. The proposed development was approved subject to a number of conditions, including condition 4.8 which reads as follows:

*“4.8 The child care centre and vacation care centre shall, at all times, be used by children of Joondalup Health Campus staff only.”*

The approved development plans are provided as Attachment 3.

Pursuant to the provisions of clause 6.10.2 of the City's *District Planning Scheme No. 2* (DPS2) the applicant subsequently requested a reconsideration of condition 4.8 of the abovementioned approval. No substantial justification was provided to support the reconsideration at that time.

Council considered this request at its meeting held on 23 October 2012 (CJ201-10/12 refers), and resolved not to remove this condition for the following reasons:

- 1.1 The proposed child care centre location on a District Distributor Road was supported on the basis that the centre was to be used by Health Campus staff only and was not a normal commercial child care centre;*
- 1.2 The land use Child Care Centre, and the associated building design variations were supported in this location on the basis that the centre was necessary for the Health Campus, and was to be used by Health Campus staff only;*
- 1.3 Concerns raised during the submission period on the proposal were addressed on the basis that the centre was to be used by Health Campus staff only who were familiar with the area. It was therefore considered that these persons would be accessing the site regularly, would be familiar with the site and location, and would not generate any additional traffic in the locality.*

The applicant has subsequently lodged an application for review with the SAT.

## **DETAILS**

Pursuant to the provisions of the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005* the applicant has sought a review of condition 4.8 of the abovementioned approval through the SAT.

Through the SAT mediation process, the applicant has developed a 'Priority of Access Policy' which sets out the manner in which the JHC will, and is obligated to fill child care positions at the centre. This policy has been designed to provide the future operators of the centre with guidance on how places at the centre may be allocated, as well as to provide Council with a level of comfort that the centre is not likely to become a primarily commercial centre.

A copy of the 'Priority of Access Policy' drafted by the applicant is provided as Attachment 2.

It is acknowledged that the policy in its own right does not form a condition of approval, and the following condition(s) have been suggested by the applicant as both meeting their needs, and addressing the concerns previously raised by the City:

- “4.8 (i) The Priority of Access Policy: Joondalup Health Campus, dated March 2013 (a copy of which is provided is Attachment 2 to this report) shall apply to the operations of the childcare facility and the owner of the childcare facility shall require compliance by the operator of the facility with that policy.*

- (ii) *The operator of the childcare centre shall maintain a register which indicates the priority of each enrollee at the childcare centre and a register of all applicants for enrolment at the childcare centre.*
- (iii) *The operator of the childcare centre shall allow the City of Joondalup to inspect the register or, alternatively, the City of Joondalup may require the operator of the childcare centre to provide a copy of the register from time to time."*

### **Issues and options considered**

Council, in reconsidering its previous decision in accordance with section 31 of the *State Administrative Tribunal Act 2004* has the discretion to:

- affirm the decision
- vary the decision
- or
- set aside the decision and substitute its new decision.

It should be noted that the overall development itself has been previously granted approval, and is not the subject of this report. This development has already commenced on site, and this request relates only to the reconsideration of condition 4.8. As such, Council may essentially choose to either retain the condition as imposed on its previous approval, or to vary that decision by applying a new or substitute condition.

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

**Legislation** *City of Joondalup District Planning Scheme No. 2 (DPS2).  
State Administrative Tribunal Act 2004.*

### **Strategic Community Plan**

**Key theme** Economic Prosperity, Vibrancy and Growth.

**Objective** Activity centre development.

**Strategic initiative** Understand local commercial needs and opportunities.

**Policy** Council Policy - Child Care Centres Policy.  
City Policy - State Administrative Tribunal – Mediation and Revised Development Proposals.

In making a decision on a development application, the matters set out in clause 6.8 of DPS2 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) *Interest of proper and orderly 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 and wishes of any public or municipal authority received as part of the submission process;*
- (i) *The comments and wishes of any objectors to or supporters of the application;*
- (j) *Any previous decision made by 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.*

Section 31 of the *State Administrative Tribunal Act 2004* sets out:

31. *Tribunal may invite decision-maker to reconsider decision*

- (1) *At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.*
- (2) *Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may:*
  - (a) *affirm the decision; or*
  - (b) *vary the decision; or*
  - (c) *set aside the decision and substitute its new decision.*
- (3) *If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision.*

The City's Child Care Centres Policy sets out development standards and requirements specifically for child care centres. The approved proposal was assessed against these requirements, and advertised for public comment in accordance with the requirements of this policy.

It is noted that the proposal complied with the requirements of this policy, with the exception of the location of the centre on a District Distributor 'B' road.

Several of the requirements of this policy were also reinforced through conditions of approval, including those relating to operating hours, and the screening of plant and equipment.

The purpose of the City's policy regarding matters being dealt with through the SAT, where amended proposals result from mediation, is to ensure that development matters involving the City of Joondalup that are brought before the SAT, are dealt with in an open and accountable manner.

The application is referred back to Council in accordance with the provisions of this policy, which require that where the City attends mediation sessions relating to development proposals before the SAT for the purposes of defending a decision made by the Council, any potential solutions or outcomes identified must be referred back to the Council for approval.

### **Risk management considerations**

The proponents are currently exercising their right of review against a condition imposed through Council's previous decisions, in accordance with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*. Should Council resolve to retain the current condition of approval as imposed, or to apply an alternate condition that is not satisfactory to the applicant, the proposal will continue to proceed through the SAT process.

Alternatively, should Council approve the application, subject to the condition set out in the details section above, it is understood that this would meet the needs of the applicant, and the application for review to the SAT would be withdrawn.

### **Financial/budget implications**

The applicant paid \$14,227 (excluding GST), to cover all costs associated with assessing the original application for the development.

No additional fees were paid for the reconsideration of this proposal.

### **Regional significance**

The JHC provides health and education facilities for northern suburbs residents within and beyond the City's boundaries. It is acknowledged that the approval that has been issued for the addition of car parking, and child care facilities for children of hospital staff will assist in facilitating this.

### **Sustainability implications**

The City's Environmentally Sustainable Design Checklist was completed and provided to Council in order to facilitate the original application being determined.

The condition which Council is being asked to reconsider does not affect the design of the development in any way.

## Consultation

The request for reconsideration of condition 4.8 has not been advertised to surrounding landowners, however the concerns previously raised have been taken into account when providing comment and forming the recommendation below.

The approved proposal was advertised for public comment for a period of 21 days in accordance with Council Policy - Child Care Centres. This consultation took place between 12 April 2012 and 3 May 2012 and included:

- letters to adjoining and opposite landowners
- a sign on site facing towards Lakeside Drive in the approximate location of the development
- a notice on the City's website including copies of the development plans
- notices in the local newspaper on three separate occasions.

A total of three submissions were received, being two letters stating no objections to the proposal and one objection.

One of the letters stating no objection requests that the vehicle entrance from Lakeside Drive be well signposted to ensure vehicles enter the site correctly and do not continue to Upney Mews causing traffic congestion.

The objection raised concerns regarding:

- the increase in local traffic in surrounding streets – particularly Upney Mews and St Paul's Crescent
- the original intent for the 'sump' area was for it to be used as a park, and it is now an eyesore
- natural bush should not be destroyed, leaving no separation between commercial and residential properties
- no consideration has been given in the proposed development to the streetscape between Upney Mews and any development on the JHC site.

## COMMENT

The applicant seeks endorsement of an amended condition 4.8 being applied to the child care and vacation care centre development currently under construction at the JHC. Council granted approval to this centre at its meeting held on 26 June 2012 (CJ103-06/12 refers), subject to a number of conditions. One of those conditions, condition 4.8 required the child care and vacation care centres to be utilised by staff of the JHC only.

Through the SAT mediation process that applicant has developed a 'Priority of Access Policy' and accompanying alternate wording for condition 4.8 to achieve the following outcomes:

- To provide a greater level of detail regarding admissions processes, and the temporary nature of any community placements within the centre.
- To provide a greater level of certainty that the intent of the centre to be primarily for staff of the JHC and staff of other organisations based at the JHC has not changed.



- To indicate that there is unlikely to be any significant traffic impact as a result of occasional placements being offered to the general community. Particularly given that community members within an 800 metre walking distance will have priority over members of the wider community.

The terminology provided in the conditions as drafted by the applicant has been modified slightly as set out below to be consistent across all three parts of the condition. This was because some previously read child care centre, and some childcare facility.

Condition (i) has been modified to ensure that the onus is on both the owner and operator to ensure that the facility operates in accordance with the policy, and to ensure that this is more readily enforceable by the City should the need arise.

Condition (iii) has also been modified in discussions with the applicant to read 'from time to time' rather than the original wording drafted which read 'provided that the City shall not exercise that power more frequently than twice per calendar year. It is noted that the City would be unlikely to request to view the register more than twice per year in any event, but should not be restricted by such a limitation in the event that it is required to investigate an alleged breach of the conditions of approval. Part 3 of the recommendation below has been drafted in an effort to provide the applicant some comfort in this regard.

- 4.8
- (i) The Priority of Access Policy: Joondalup Health Campus, dated March 2013 (a copy of which is provided as Attachment 2 to this report) shall apply to all operations of the child care and vacation care centre. The owner and operator of the child care and vacation care centre shall ensure that all operations are in compliance with that policy.
  - (ii) The operator of the child care and vacation care centre shall maintain a register which indicates the priority of each enrollee at the child care and vacation care centre and a register of all applicants for enrolment at the child care and vacation care centre.
  - (iii) The operator of the child care and vacation care centre shall allow the City of Joondalup to inspect the register as described in condition 4.8(ii) above, or, alternatively, the City of Joondalup may require the operator of the child care and vacation care centre to provide a copy of the register from time to time.

Notwithstanding the reasons the previous request for reconsideration (and removal) of the condition was not supported, it is considered that it is appropriate to replace condition 4.8 with the wording set out above.

It is recommended that Council, pursuant to section 31 of the *State Administrative Tribunal Act 2004*, vary its previous decision and replace condition 4.8 with the alternate wording set out in the recommendation below.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Taylor, SECONDED Cr Thomas that Council:**

- 1 Pursuant to section 31 of the *State Administrative Tribunal Act 2004* VARIES its decision of 26 June 2012, by deleting condition 4.8, and replacing this condition as follows:  
  
“4.8 (i) *The Priority of Access Policy: Joondalup Health Campus, dated March 2013 (a copy of which is provided as Attachment 2 to Report CJ063-05/13) shall apply to all operations of the child care and vacation care centre. The owner and operator of the child care and vacation care centre shall ensure that all operations are in compliance with that policy;*  
  
(ii) *The operator of the child care and vacation care centre shall maintain a register which indicates the priority of each enrollee at the child care and vacation care centre and a register of all applicants for enrolment at the child care and vacation care centre;*  
  
(iii) *The operator of the child care and vacation care centre shall allow the City of Joondalup to inspect the register as described in condition 4.8(ii) above, or, alternatively, the City of Joondalup may require the operator of the child care and vacation care centre to provide a copy of the register from time to time”;*
- 2 ADVISES the applicant that all other conditions of approval as set out in the decision letter for approval DA12/0232 dated 6 July 2012 remain effective, and that the date of the decision letter remains 6 July 2012;
- 3 NOTES that, notwithstanding condition 4.8 (iii) above, the City is unlikely to request an inspection of the register described in condition 4.8 (ii) above, more frequently than twice per calendar year, except to investigate concerns of a breach of these conditions;
- 4 ADVISES submitters on the original proposal that Council has varied its previous decision.

**The Motion was Put and**

**CARRIED (11/0)**

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

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf140513.pdf](#)*

*Mayor Pickard and Cr Hamilton-Prime returned to the Chamber at 7.19pm. Mayor Pickard resumed the Chair.*

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Tom McLean, JP.</b>
<b>Item No./Subject</b>	CJ064-05/13 – Proposed Change of use from Showroom to Beauty Parlour and Hairdresser at Lot 5004 (4) Hobsons Gate, Currambine.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr McLean lives within 150 metres of the site.

## CJ064-05/13      PROPOSED CHANGE OF USE FROM SHOWROOM TO BEAUTY PARLOUR AND HAIRDRESSER AT LOT 5004 (4) HOBSONS GATE, CURRAMBINE

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	56612, 101515
<b>ATTACHMENT</b>	Attachment 1      Location plan Attachment 2      Development plan
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

**PURPOSE**

For Council to determine an application for a change of use from 'Showroom' to 'Beauty Parlour' and 'Hairdresser' at Lot 5004 (4) Hobsons Gate, Currambine.

**EXECUTIVE SUMMARY**

An application for planning approval has been received for a change of use from 'Showroom' to 'Beauty Parlour' and 'Hairdresser' at Lot 5004 Hobsons Gate, Currambine (Attachment 1 refers). The site is zoned 'Urban' under the *Metropolitan Region Scheme* and 'Business' under the City's *District Planning Scheme No. 2 (DPS2)*. The site is also located within the *Currambine District Centre Structure Plan (CDCSP)* area.

The subject site contains a number of approved uses that vary in regard to the nature of the business, types of goods and/or services offered, and hours (particularly peak) of operation. A shortfall of car parking currently exists on site, and this is proposed to increase as a result of this proposal to a total of 25 bays or 16.7% of the required amount. It is noted that under the draft Omnibus Amendment to DPS2 (Amendment No. 65), the parking standards for some uses on site would be decreased, and if applied retrospectively to all tenancies (including this proposal) would result in a surplus of car parking on site.

Under Amendment No. 65, the land uses proposed by this application would become prohibited (“X”) uses in the ‘Business’ zone. Currently the uses are both permitted (“P”) uses and cannot be refused on the basis of their unsuitability. The intensity of the land use proposed by the current application is considered to be appropriate and will not have a detrimental impact on the provision of parking at the site. However, further intensification of these land uses has the potential to require significantly more car parking than is currently provided.

As a result, the application is recommended for approval subject to conditions restricting the intensity of land use.

## BACKGROUND

<b>Suburb/Location</b>	Lot 5004 (4) Hobsons Gate, Currambine.
<b>Applicant</b>	Sharon Blockley.
<b>Owner</b>	Nodebits Pty Ltd.
<b>Zoning</b>	<b>DPS2</b> Business.
	<b>MRS</b> Urban.
<b>Site area</b>	8, 166m <sup>2</sup> .
<b>Structure plan</b>	Currambine District Centre Structure Plan.

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

Council approved a showroom and shop complex on the subject site at its meeting held on 16 December 2008 (CJ281-12/08 refers). Various development applications for change of use have since been approved by Council and also under delegated authority. The site currently operates with less car parking than is required under DPS2, with 142 bays required and 124 provided, a shortfall of 18 bays (12.6%). The current car parking arrangement for the site was approved by Council at its meeting held on 13 December 2011 (CJ228-12/11 refers). Since this determination by Council, one additional change of use application has been received by the City. The application did not propose to change the existing car parking and was therefore determined under delegated authority. This application for change of use proposes to change the land use of the subject tenancy (unit 1b, Attachment 2 refers) from ‘Showroom’ to ‘Beauty Parlour’ and ‘Hairdresser’.

At its meeting held on 11 December 2012 (CJ268-12/12 refers), Council granted its consent to initiate Amendment No. 65 to DPS2 for the purpose of public advertising. This amendment includes the deletion of various land uses currently listed in Table 1 of DPS2, including ‘Beauty Parlour’ and ‘Hairdresser’. These land uses are included in the definition of ‘Shop’ under the Model Scheme Text, which is already listed within Table 1 and Schedule 1 of DPS2 respectively. The draft Omnibus Amendment is considered to be a ‘seriously entertained planning proposal’ and has been given due regard in the assessment of this application.

## DETAILS

The application proposes a salon offering hair and beauty treatments, with ancillary sale of various hair and beauty products. The hours of operation for the proposed land use have been specified as 'normal office and shop business hours'. This has been interpreted as being 8.00am - 9.00pm Monday to Friday, 8.00am - 5.00pm Saturdays and 11.00am - 5.00pm Sundays. The hairdressing component of the applicant's proposal indicates four wash basins and six cutting stations, while the beauty therapy aspect is to consist of two beauty rooms. The application indicates that the intention is for the hairdressing component of the business to grow to 18 cutting stations in the future; however, this does not form part of the current application. The business is proposed to be served by a private office, a reception area and a staff room/back of house area.

The lands uses of 'Hairdresser' and 'Beauty Parlour' are currently permitted ("P") uses within the 'Business' zone under DPS2. With the changes proposed to DPS2 under Amendment No. 65, the land uses would be considered as a 'Shop' which is a prohibited ("X") use.

A total of 124 parking bays are provided on site for the use by the occupants and users of the various tenancies. The proposed uses 'Beauty Parlour' and 'Hairdresser' do not have specific parking standards in Table 2 of DPS2 but rather are the same as those for a Shopping Centre with less than 10,000m<sup>2</sup> of net lettable area (NLA). As a result of the change of use, the car parking shortfall that exists on site is increased by seven bays, from 18 (12.6%) to 25 bays (16.7%).

Under Amendment No. 65 to DPS2, the subject tenancy would require 8.2 bays, resulting in a shortfall of 21 bays (14.4%) on the site, instead of the 25 bays proposed as a result of this application. It is further noted that if the standards in Amendment No. 65 were to be applied retrospectively to all other development on site, the parking required would be in the order of 121 bays, resulting in a surplus of three bays on the site.

The applicant has not sought approval for any signage or modifications to the external facade of the development. Should the application be approved, further development applications for signage would be required in accordance with the City's Signs Policy.

## Issues and options considered

The issues considered in this application include an increase in the car parking shortfall on site and the suitability of the two land uses which are proposed.

Council has the discretion to:

- approve the application without conditions
- approve the application with conditions
- or
- refuse to grant its approval of the application.

**Legislation / Strategic Community Plan / policy implications****Legislation***City of Joondalup District Planning Scheme No. 2.***Strategic Community Plan****Key theme**

Quality Urban Environment.

**Objective**

Quality built outcomes.

**Strategic initiative**

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

**Policy**

Not applicable.

**Scheme Amendment No. 65**

Amendment No. 65 proposes to make changes to the existing DPS2 to better align the scheme with the Model Scheme Text, this being the current standard wording used for local planning schemes. Currently the land uses 'Hairdresser' and 'Beauty Parlour' are permitted ("P") uses within the 'Business' zone, however with modifications to DPS2 under Amendment No. 65 these uses are to be deleted and included under the definition of a 'Shop', which is a prohibited ("X") use, subject to the provisions of clause 3.6.3 in DPS2 (see below for explanation of clause 3.6.3).

Clause 3.6.3 of DPS2 allows a Shop (otherwise a prohibited ("X") use) within the 'Business' zone under certain conditions.

**3.6 THE BUSINESS ZONE**

**3.6.3** *A shop may be permitted in the Business Zone, subject to Council's discretion after giving notice in accordance with Clause 6.7, and provided the following conditions have been met:*

- (a) *Shopping floor space does not exceed 200m<sup>2</sup> NLA;*
- (b) *The parcel of land is on a separate green title lot of not less than 1000m<sup>2</sup>;*
- (c) *The aggregate shopping NLA on any group of adjoining or adjacent lots in the Business and Mixed Use Zones must not exceed 1000m<sup>2</sup>; and*
- (d) *The direct street frontage of any lot containing a shop must be at least 20 metres in width.*

**3.6.4** *The conditions specified in Clause 3.6.3 are not standards or requirements for the purpose of Clause 4.5.1.*

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

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

- 4.5.1 *Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.*
- 4.5.2 *In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:*
- (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1; and*
  - (b) have regard to any expressed views prior to making its decision to grant the variation.*
- 4.5.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*
- (a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
  - (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

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

#### 4.8 CAR PARKING STANDARDS

- 4.8.1 *The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.*
- 4.8.2 *The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.*

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

#### 6.8 MATTERS TO BE CONSIDERED BY COUNCIL

- 6.8.1 *The Council when considering an application for Planning Approval shall have due regard to the following:*
- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*

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

Part 7 of DPS2 details the requirements for dealing with non conforming uses on land zoned under DPS2.

## 7.2 EXTENSIONS AND CHANGES TO A NON-CONFORMING USE

- 7.2.1 *A person shall not alter or extend a non-conforming use or erect, alter or extend a building used in conjunction with a non-conforming use or change the use of land from a non-conforming use to another non-conforming use without first having applied for and obtained planning approval under the Scheme.*
- 7.2.2 *An application for planning approval under this clause shall be advertised in accordance with clause 6.7.1.*
- 7.2.3 *Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the Council shall not grant its planning approval unless the proposed use is:*
  - (a) *substantially less detrimental to the amenity of the locality than the existing non-conforming use; and*
  - (b) *in the opinion of the Council is closer to the intended purpose of the zone.*

## 7.3 DISCONTINUANCE OF NON-CONFORMING USE

*When a non-conforming use of any land or buildings has been discontinued for a period of six months such land or buildings shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.*



#### 7.4 TERMINATION OF A NON-CONFORMING USE

*The Council may effect the discontinuance of a non-conforming use by the purchase of the land and buildings, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that land, and may enter into an agreement with the owner for that purpose.*

#### **Risk management considerations**

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

#### **Financial/budget implications**

The applicant has paid fees of \$278 (excluding GST) in accordance with the fees and charges schedule for the assessment of the application.

#### **Regional significance**

Not applicable.

#### **Sustainability implications**

There are not considered to be any sustainability implications as a result of the proposed change of use.

#### **Consultation**

Public consultation was not undertaken as the proposal results in only minimal changes to the manner in which the tenancy is used, with no changes to the external facade proposed. Additionally it is noted that all separate tenancies at the site are leased from a single land owner, who has indicated consent for the applicant's proposal.

#### **COMMENT**

The application is for a change of use from 'Showroom' to 'Beauty Parlour' and 'Hairdresser'.

#### Land use

The land use 'Beauty Parlour' and 'Hairdresser' are both currently permitted ("P") uses within the 'Business' zone under DPS2. However, as part of Amendment No. 65, the land uses 'Beauty Parlour', and 'Hairdresser' are to be deleted from the scheme, and included in the definition of 'Shop' as per the Model Scheme Text.

The land use 'Shop' is a prohibited ("X") use in the 'Business' zone, subject to the provisions of clause 3.6.3 in DPS2. This clause states that a shop may be permitted in the 'Business' zone providing the following criteria is met:

- (a) Shopping floor space does not exceed 200m<sup>2</sup> NLA.
- (b) The parcel of land is on a separate green title lot of not less than 1,000m<sup>2</sup>.

- (c) The aggregate shopping NLA on any group of adjoining or adjacent lots in the Business and Mixed Use Zones must not exceed 1,000m<sup>2</sup>.
- (d) The direct street frontage of any lot containing a shop must be at least 20 metres in width.

In this instance the development at Lot 5004 (4) Hobsons Gate, already has a shop of 200m<sup>2</sup> NLA approved on site (CJ031-03/10 refers). The requirements of clause 3.6.3 cannot be varied under DPS2, with clause 3.6.4 setting out that provisions of 3.6.3 are not standards or requirements for the purposes of clause 4.5.1. As such, when Amendment No. 65 becomes effective and these land uses fall under the scope of a 'Shop', the concessions available for shops located on land zoned for 'Business' purposes would not be available and the application would become a non-conforming use, as the proposed land use would be considered an ("X") use. Should an approval for this change of use be granted and the changes outlined in Amendment No. 65 be endorsed, the subject tenancy would gain non-conforming land use rights, under Part 7 of DPS2.

Non-conforming land use rights permit the subject land use to continue operating within a zone providing that approval of the land use was applied for and obtained before the development was carried out. If non-conforming land use rights were conveyed to this application under the changes in Amendment No. 65, the land use would be permitted to continue indefinitely providing it was not discontinued for a period any longer than six months and alteration and extensions of the land use could be considered by Council provided they were advertised in accordance with DPS2.

Notwithstanding the above considerations, it must be noted that the land uses proposed are currently permitted "P" uses, and the applicant cannot be refused on the basis of the suitability of the proposed uses.

#### Car parking

This application proposes to increase an existing car parking shortfall on site from 18 bays (12.6%) to 25 bays (16.7%), with a total of 149 bays required as a result of this application. Car parking has been assessed in accordance with the requirements of clause 4.8 in DPS2. The parking standard for shopping centres under 10,000m<sup>2</sup> is applied, with seven bays per 100m<sup>2</sup> NLA used for the assessment of parking for the land uses 'Beauty Parlour' and 'Hairdresser'.

The applicant's justification for the parking shortfall on site is that the peak trading times of the proposed hair and beauty salon and the existing approved uses on site are different. On this basis a degree of reciprocity in car parking results, with the car parking provided currently being sufficiently large enough to cater for the existing approved uses and also the proposed land uses. Additionally the applicant claims that the increase to car parking shortfall is only a minor increase and is therefore appropriate.

It is also relevant to note that if the parking standards outlined within Amendment No. 65 were to be retrospectively applied to all approved and proposed tenancies on the site, a surplus of three bays would result. However, it should be noted that the parking standard required to be used in any assessment are those that applied at the time of an application's approval.

Outlined below is a table of the existing land uses on site with car parking requirements as per the current DPS2 as well as the parking requirements which could be applied under Amendment No. 65.

<b>LAND USE</b>	<b>CURRENT CAR PARKING REQUIREMENTS UNDER DPS2</b>	<b>PROPOSED FUTURE CAR PARKING REQUIREMENTS UNDER AMENDMENT 65</b>
<b>Showroom</b>	1 per 30m <sup>2</sup> NLA (1, 099m <sup>2</sup> ) = 36.6 bays	1 per 50m <sup>2</sup> NLA (1, 099m <sup>2</sup> ) = 22 bays
<b>Recreation Centre</b>	1 per 2.5 persons accommodated (28 persons) = 11.2 bays	no change =11.2 bays
<b>Medical Centre</b>	5 bays per practitioner (4 practitioners) = 20 bays	no change = 20 bays
<b>Restaurant</b>	Greater of 1 per 5m <sup>2</sup> of dining room or 1 per 4 guests (94 guests) 23.5 bays	no change = 23.5 bays
<b>Take Away Food Outlet</b>	1 per 4 guests in seated areas plus 7 per 100m <sup>2</sup> NLA for non-seated serving areas (21.7m <sup>2</sup> +4 seats) = 2.5 bays	no change = 2.5 bays
<b>Veterinary Hospital</b>	5 bays per practitioner (2 practitioners) 10 bays	no change = 10 bays
<b>Office</b>	1 per 30m <sup>2</sup> NLA (447.2m <sup>2</sup> ) = 14.9 bays	1 per 50m <sup>2</sup> NLA (447.2m <sup>2</sup> ) = 8.9 bays
<b>Shop</b>	7 bays per 100m <sup>2</sup> NLA (200m <sup>2</sup> ) = 14 bays	5 bays per 100m <sup>2</sup> 200m <sup>2</sup> = 10 bays
<b>Warehouse</b>	1 per 50m <sup>2</sup> NLA (190m <sup>2</sup> ) = 3.8 bays	1 per 50m <sup>2</sup> NLA (190m <sup>2</sup> ) = 3.8 bays
<b>Beauty Parlour/Hairdresser (proposed as part of this application)</b>	7 bays per 100m <sup>2</sup> NLA (165m <sup>2</sup> ) =11.6 bays	5 bays per 100m <sup>2</sup> of NLA (land use considered a 'shop') (165m <sup>2</sup> ) = 8.2 bays
<b>CAR BAYS REQUIRED</b>	<b>149 (148.1)</b>	<b>121 (120.1)</b>
<b>CAR BAYS PROVIDED</b>	<b>124</b>	<b>124</b>

In light of the applicant's justification, the parking standards of Amendment No. 65 and the intensity of land use proposed, it is considered that the current application will not have a detrimental impact on the provision of parking on the site. However, the intensity of the land use is proposed to eventually increase from six cutting stations to 18 cutting stations. This increase in intensity has the potential, in practical terms, to demand significantly more car parking than is currently provided. Considering this, it is recommended that any approval be conditional on the intensity of the land use being restricted to that currently applied for, being six cutting stations, four wash basins and two beauty rooms.

### Conclusion

The land uses 'Hairdresser' and 'Beauty Parlour' are both permitted ("P") uses in the 'Business' zone under DPS2, and cannot be refused by Council on the basis of the suitability of the use.

It is acknowledged that a car parking shortfall of 18 bays (12.6%) currently exists on site, and that the proposed change of use will increase this shortfall to 25 bays (16.7%) with a total of 149 bays required as a result of this application and only 124 provided on site. However, given the car parking requirements of Amendment No. 65 would, if applied retrospectively to the site, result in a car parking surplus on site, and that the proposed intensity of the land use and reciprocity in car parking on the site are considered not to have a detrimental impact on parking, it is recommended that the application be supported, subject to conditions restricting the intensity of land use to that currently applied for, being six cutting stations, four wash basins and two beauty rooms.

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Hollywood, SECONDED Cr McLean that Council:**

- 1 EXERCISES discretion under Clauses 4.5.1 and 4.8.2 of the *City of Joondalup District Planning Scheme No. 2* and determines that the car parking provision of 124 bays in lieu of 149 is appropriate in this instance;**
- 2 APPROVES the application for planning approval dated 21 January 2013 submitted by Sharon Blockley, for a change of use from 'Showroom' to 'Beauty Parlour' and 'Hairdresser', at Lot 5004 (4) 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 A maximum of six cutting stations, four wash basins and two beauty rooms are permitted within the premises at any given time. Any increase to the number of cutting stations, wash basins or beauty therapy rooms will require further planning approval;**

- 2.3 This approval only pertains to tenancy 1B, as indicated on the approved plans;
- 2.4 Any signage shall be the subject of a separate development application;
- 3 NOTES that the land uses 'Beauty Parlour' and 'Hairdresser' are currently Permitted ("P") uses in the Business Zone under *District Planning Scheme No. 2*, and that under Amendment No. 65 to *District Planning Scheme No. 2*, these uses will be deleted and incorporated into the definition of the land use 'Shop'.

The Motion was Put and

CARRIED (13/0)

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

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf140513.pdf](#)*

## **CJ065-05/13      ADOPTION OF AMENDMENT NO. 3 TO THE BURNS BEACH STRUCTURE PLAN – CONSIDERATION OF THE WESTERN AUSTRALIAN PLANNING COMMISSION'S DECISION**

<b>WARD</b>	North	
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development	
<b>FILE NUMBER</b>	29557, 101515	
<b>ATTACHMENT</b>	Attachment 1	Existing and Modified Plan 1 - Burns Beach Structure Plan
	Attachment 2	Modified Amendment No. 3 to the Burns Beach Structure Plan
<b>AUTHORITY / DISCRETION</b>	Legislative – includes the adoption of local laws, planning schemes and policies.	

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### **PURPOSE**

For Council to consider the Western Australian Planning Commission's decision on Amendment No. 3 to the Burns Beach Structure Plan, and to decide whether to adopt the amendment as modified by the Commission.

### **EXECUTIVE SUMMARY**

At its meeting held on 22 November 2011 (CJ212-11/11 refers), Council considered an application to amend the Burns Beach Structure Plan. The proposal included:

- increasing the residential density of undeveloped land currently coded R20 in the Northern Residential Precinct, to R25
- increasing the residential density of part of the undeveloped land coded R20 in 'Stage 7', to R40
- text and mapping modifications to reflect the coding change.

After advertising the proposed amendment Council considered the submissions received and adopted Amendment No. 3 at its meeting held on 17 April 2012 (CJ045-04/12 refers), subject to the proposed density increase in the Northern Residential Precinct being deleted from the amendment.

The modified structure plan was then forwarded to the Western Australian Planning Commission (WAPC) for adoption and certification. The WAPC adopted Amendment No. 3 subject to it being further modified to re-include the recoding of the Northern Residential Precinct from R20 to R25, contrary to Council's decision to have this part of the amendment deleted. Attachment 1 includes the Existing Structure Plan map adopted by Council and the Modified Structure Plan map adopted by the WAPC.

As the decision made by Council is different to that made by the WAPC, the Council is now required to consider the WAPC's decision and decide whether or not to accept the modification required by the WAPC to Amendment No. 3. Council must also consider whether or not to waive re-advertising of Amendment No. 3.

The modification required by the WAPC has previously been advertised as it aligns with the applicant's original proposal. As such, it is recommended that re-advertising of the proposal be waived.

The modification required by the WAPC to Amendment No. 3 is considered to represent a modest increase in the residential density of the site that will facilitate additional low density lots within the structure plan area, providing greater choice in lot sizes for purchasers. It does not materially change the intent of the structure plan and is not considered to have a significant impact on the amenity or the provision of community and commercial facilities in the area. Considering the above, it is recommended that Amendment 3, including the modifications required by the WAPC, be adopted by Council.

## BACKGROUND

<b>Suburb/Location</b>	Burns Beach.
<b>Applicant</b>	Development Planning Strategies.
<b>Owner</b>	Burns Beach Trust.
<b>Zoning</b>	<b>DPS2</b> Urban Development.
	<b>MRS</b> Urban.
<b>Site area</b>	147ha.
<b>Structure plan</b>	Burns Beach Structure Plan.

The Burns Beach Structure Plan covers 147 hectares of land located north of Burns Beach Road and west of Marmion Avenue. The land is zoned 'Urban Development' under *District Planning Scheme No. 2* (DPS2).

At its meeting held on 22 November 2011 (CJ212-11/11 refers), Council considered an application to amend the existing Burns Beach Structure Plan to:

- increase the residential density of undeveloped land currently coded R20 in the Northern Residential Precinct, to R25
- increase the residential density of part of the undeveloped land coded R20 in 'Stage 7', to R40
- modify the text and mapping of the structure plan to reflect the coding change.

Council resolved to advertise the proposed amendments for public comment for a period of 21 days. A total of 10 submissions were received, being eight objections, one letter of no objection and one letter of no objection from a service authority. Following the close of the advertising period, a 72 signature petition was tabled at the Council meeting held on 20 March 2012. The issues raised in the submissions were in regard to property values and exclusivity of the area, impact on visual amenity and increased people and traffic in the area.

At its meeting held on 17 April 2012 (CJ045-04/12 refers), Council subsequently considered the submissions received during the advertising period and resolved to:

- “1 ADOPT the modifications to the Burns Beach Structure Plan in accordance with Attachment 1 to Report CJ045-04/12 subject to the deletion of references to the R25 coding within the Northern Residential Precinct, and submits the plan to the Western Australian Planning Commission for final determination/adoption and certification;*
- 2 NOTE the submissions received and ADVISES the submitters, and the lead petitioner of the Council’s decision.”*

The reason given by Council for making a decision which was different to that recommendation in report CJ045-04/12 was that Council would like to take more time to consider the amenity impact of the intensification of the Northern Residential Precinct and work with the developer on establishing the optimal location for the community and commercial facilities in the estate.

Following the Council meeting the structure plan documents were amended in accordance with Council’s decision and submitted to the WAPC for adoption.

## DETAILS

In August 2012, the WAPC adopted Amendment No. 3 subject to the part of the amendment that Council did not support, being reinstated as follows:

- Amendment No. 3 to Burns Beach Structure Plan being modified, in accordance with the attached plan;*
- Part 1 of the Burns Beach Structure Plan being modified such that Clause 9.2 Land Use and General Provisions of the Northern Residential Precinct to read:*

*“Development of all lots within the Northern Residential Precinct shall be in accordance with the R25 residential density code except where defined on the approved Structure Plan at R40 and R60, and development shall be assessed in accordance with the Residential Design Codes, District Planning Scheme, Council’s policies, relevant Local Laws and the Building Codes of Australia, except where they have been varied in the following instances:*

*Land use permissibility and general provisions in the Northern Residential Precinct shall be the same as those within the Residential zone under the City’s District Planning Scheme No. 2. For lots within the Northern Residential Precinct with a R25 residential density code, the provisions of Clause 5.2 shall apply.”*

Attachment 1 includes the existing structure plan map adopted by Council and the modified structure plan map adopted by the WAPC.

During discussions with the Department of Planning to try and resolve an issue surrounding the execution of the structure plan documents, an ambiguity in DPS2 was identified, which essentially requires Council to formally consider the decision made by the WAPC if that decision is different to the one that Council took on the matter.



As this process was contrary to the understanding of the City's officers, legal advice was sought on the steps required to progress an amendment to a structure plan which has been determined differently by the WAPC and Council.

Legal advice received confirms that, given the WAPC made a different decision to the one Council made, the Council must now consider the decision made by the WAPC and decide whether or not it agrees with the version of the amendment adopted by the WAPC. If the Council does not agree with the modified amendment, the applicant can request Council to reconsider its decision and/or seek a review of Council's decision by the State Administrative Tribunal (SAT).

Until both the WAPC and Council agree on the amendment or until the matter is resolved through SAT, the amendment cannot become operational. This will have an impact on current purchasers of land in Stage 7, even though both the WAPC and Council support the amendment as it relates to this particular area.

### **Issues and options considered**

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

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

If Council does not agree to the structure plan amendment as determined by the WAPC, in whole or in part, or requires further modifications, the applicant may either request a reconsideration of the Council's decision within 14 days, or request the SAT to review Council's decision.

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

#### **Legislation**

Clause 9.7 of *District Planning Scheme No. 2* (DPS2) enables Council to amend an Agreed Structure Plan subject to the agreement of the Commission.

An amendment submitted to Council (either when initially lodged or after modifications are required to it by the Commission) is considered under clause 9.4. Should Council determine that the amendment is satisfactory under clause 9.4, advertising of the proposal is undertaken in accordance with clauses 6.7 and 9.5 of DPS2 for a minimum of 21 days.

Advertising may be waived for minor modifications, in accordance with Clause 9.4.1 (a) of DPS2.

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

Under clause 9.6.3 (c) of DPS2, if the Commission requires modifications, the amendment shall be resubmitted to Council for consideration under clause 9.4.

### **Strategic Community Plan**

<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Quality built outcomes.
<b>Strategic initiative</b>	Buildings and landscaping is suitable for the immediate environment and reflect community values.
<b>Policy</b>	Directions 2031 and Beyond (WAPC). Draft Outer Metropolitan Sub-Regional Strategy (WAPC).

### **Risk management considerations**

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

### **Financial/budget implications**

Legal advice has been sought on this matter, which cost \$4,725.50 (ex GST).

### **Regional significance**

Directions 2031 and the draft Outer Metropolitan Perth and Peel Sub-Regional Strategy provide aspirations for the better utilisation of urban land through the establishment of dwelling targets for green field development sites. The density increase required by the WAPC to the Northern Residential Precinct will provide the opportunity for additional dwellings to be developed in the area. While it is not a significant increase in the number of dwellings to be provided in the structure plan area (a maximum of 149 dwellings), these additional low density dwellings will assist in delivering the aspirations of Directions 2031 and Outer Metropolitan Perth and Peel Sub-Regional Strategy for the City of Joondalup.

### **Sustainability implications**

The density increase required by the WAPC to the Northern Residential Precinct has the potential to provide additional low density dwellings in the area which will allow more efficient use of the proposed and existing infrastructure.

### **Consultation**

The original structure plan amendment request was advertised for a period of 21 days by way of:

- written notification to 18 nearby landowners
- documents being available at the City's Administration Building
- a notice being placed in the Joondalup Community newspaper
- a notice and documents on the City's website.

Ten submissions were received during the comment period, and a 72 signature petition was received after the close of the comment period, as outlined in the Background section above.

DSP2 allows an amendment to be re-advertised where the WAPC requires modifications to that amendment. However, given the increased density required by the WAPC in the Northern Residential Precinct was included in the version of Amendment No. 3 that was originally advertised, it is not considered necessary to re-advertise the proposal.

## COMMENT

The WAPC has required that the Northern Residential Precinct be recoded from R20 to R25 as part of Amendment No. 3, contrary to Council's previous decision to delete this aspect of the amendment. Council gave the following reasons for deleting this aspect of Amendment No. 3:

*Council would like to take more time to consider the amenity impact of the intensification of the Northern Residential Precinct and work with the Developer on establishing the optimal location for the community and commercial facilities in the Estate.*

The City is continuing its dialogue with the developers regarding the provision of commercial and community facilities in the estate and discussions to this point indicate that the developers have no intention of providing additional commercial areas or large scale community facilities in the parts of the estate affected by this amendment. With respect to impact on amenity, a coding of R25 is still considered 'low density' under the Residential Design Codes and will allow minimum lots sizes of 350sqm, compared to 500sqm under the R20 code. Increasing the residential coding of the Northern Residential Precinct from R20 to R25 will allow a maximum of 149 additional dwellings to be provided in the Northern Residential Precinct. Given that subdivision proposals within the estate have historically often been approved and constructed at a lower density than the density coding afforded to the land, it is quite possible that the land will not all be developed to the R25 code. Considering this, it is unlikely that an R25 coding will have a significant impact on the amenity of the area.

The current Burns Beach Structure Plan projects a total of 1,600 lots will be delivered in the estate under the existing coding. Even if all 149 additional dwelling lots are developed, it is considered to represent a modest increase in the residential density of the precinct and the structure plan area generally, and is not likely to have a significant impact on the provision of community and commercial facilities in the area. In regard to the optimal location for community and commercial facilities within Burns Beach, these issues will be considered in the preparation of the Burns Beach Masterplan which is currently being progressed.

The increase in coding of the Northern Residential Precinct to R25, required by the WAPC, will facilitate additional low density lots within the structure plan area, providing greater choice in lot sizes for purchasers and better utilisation of urban land. These outcomes align with the objectives and targets of Directions 2031 and the draft Outer Metropolitan Perth and Peel Sub-Regional Strategy.

In view of the above, it is recommended that Council determines that Amendment No. 3 to the Burns Beach Structure Plan, as adopted by the WAPC and included as Attachment 2, is satisfactory. In addition, as Amendment No. 3 has previously been advertised in its current form, it is recommended that re-advertising of the proposal be waived.

If Council should decide to require further modifications to the amendment adopted by the WAPC, the amendment will again need to be forwarded to the WAPC for adoption and agreement before it can become operational. Alternatively the applicant could seek a right of review of Council's decision.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr McLean, SECONDED Cr Hollywood** that Council:

- 1 Pursuant to clauses 9.4 and 9.7 of *District Planning Scheme No. 2*, WAIVES the re-advertising of Amendment No. 3 to the Burns Beach Structure Plan;
- 2 Pursuant to clauses 9.4, 9.6 and 9.7 of *District Planning Scheme No. 2*, DETERMINES that Amendment No. 3 to the Burns Beach Structure Plan as adopted by the Western Australian Planning Commission forming Attachment 2 to Report CJ065-05/13, is satisfactory;
- 3 SUBMITS Amendment No. 3 to the Burns Beach Structure Plan to the Western Australian Planning Commission for final adoption and certification.

**The Motion was Put and**

**LOST (4/9)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr and Gobbert.

**Against the Motion:** Crs Chester, Fishwick, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

**MOVED Cr McLean, SECONDED Cr Hollywood** that Council:

- 1 **ADVISES** the Western Australian Planning Commission that it wishes to reaffirm its previous decision made on 17 April 2012 (CJ045-04/12 refers) that Council does not support the recoding of the Northern Residential Precinct from Residential R20 to Residential R25;
- 2 Pursuant to clauses 9.4 and 9.7 of *District Planning Scheme No. 2*, WAIVES the re-advertising of Amendment No. 3 to the Burns Beach Structure Plan;
- 3 Pursuant to clauses 9.4, 9.6 and 9.7 of *District Planning Scheme No. 2*, DETERMINES that Amendment No. 3 to the Burns Beach Structure Plan as adopted by the Western Australian Planning Commission forming Attachment 2 to Report CJ065-05/13, is satisfactory subject to the deletion of the second dot point within section 1 and all of section 2;
- 4 SUBMITS Amendment No. 3 to the Burns Beach Structure Plan, modified as per Recommendation 3 above, to the Western Australian Planning Commission for final adoption and certification.

**The Motion was Put and**

**CARRIED (8/5)**

**In favour of the Motion:** Crs Fishwick, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

**Against the Motion:** Mayor Pickard, Crs Amphlett, Corr, Chester and Gobbert.

**REASON:**

In accordance with Regulation 11(da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which is significantly different to what the officers recommended is because the road network is not appropriately designed to support an increase in housing density; the increased density is not supported by the local community; and the adverse impact an increase in densification would create on the existing residential amenity.

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf140513.pdf](#)*

## **CJ066-05/13      BURNS BEACH CARAVAN PARK – PROPOSED BOUNDARY REALIGNMENT**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	07016, 101515
<b>ATTACHMENT</b>	Attachment 1      Location Plan Attachment 2      Site Plan showing Boundary Options
<b>AUTHORITY / DISCRETION</b>	Advocacy – Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

### **PURPOSE**

For Council to consider a proposal to realign the southern boundary of the Burns Beach caravan park to:

- address current building encroachments over the boundary
- facilitate an improved balance between the amount of permanent accommodation in the caravan park and short stay accommodation, particularly sites for caravans and camping.

### **EXECUTIVE SUMMARY**

Certain structures in the Burns Beach caravan park have been built over the boundary between the caravan park and the adjoining reserve to the south. The City has received a request from the Department of Regional Development and Lands (DRDL) to consider and comment on the excision of a portion of land from the adjoining reserve to the south and the amalgamation of this land with the Burns Beach caravan park land, with a view to legalise existing encroachments.

This request presents the City with an opportunity to resolve an additional issue that exists with respect to the caravan park, namely the imbalance between the amount of permanent accommodation in the caravan park and short stay accommodation, particularly sites for caravans and camping.

The City has been unable to influence any increase in short stay accommodation in the caravan park in the past. However, if the City agrees to the excision to enable the proposed boundary realignment, the DRDL will enter into a new lease with the owner of the caravan park.

The new lease will not only deal with a new lease term and lease area, but will also require around 1,345m<sup>2</sup> of new caravan park area in the south-western corner of the site to be used for transportable, short-term accommodation only. In addition, the lease will require the owner of the caravan park to achieve a better balance between short stay and permanent accommodation throughout the park within a certain time frame.

It is recommended that Council advises the Department of Regional Development and Lands that it supports the excision of land from Reserve 45122, as per Option 4 in Attachment 2, for the purposes of amalgamating the land with the adjoining caravan park site. It is also recommended that Council's support be made conditional on the additional area being used only for the purposes of short stay accommodation and/or caravan and camping sites.

## BACKGROUND

**Suburb/Location:** Lot 8790 and Lot 11538 (35) Ocean Parade, Iluka.  
**Applicant:** Not applicable.  
**Owner:** State of Western Australia (Crown Land).  
**Zoning:** **DPS2** Parks and Recreation.  
**MRS** Parks and Recreation.  
**Structure Plan:** Not applicable. Neither the Burns Beach Structure Plan nor the Iluka Structure Plan includes the caravan park site. The site will however be covered by the Burns Beach Master Plan.

The Burns Beach Caravan Park is located on Lots 8790 and 11538 Ocean Parade, Iluka (Attachment 1 refers).

The caravan park site is a reserve, owned by the State of Western Australia. The caravan park owner has a 35 year lease to operate a caravan park on the land. The lease expires in 2031 and does not specify any requirement for a minimum number of short stay or caravan and camping sites.

The City undertakes an annual inspection of the caravan park as per the requirements of the *Caravan Parks and Camping Grounds Act 1995* and issues the owner with a Caravan Park Licence. The City has no ability under the licence to influence a balance between long stay accommodation, short stay accommodation and caravan and camping sites.

The caravan park contains a mix of park homes and caravan and tent sites, as well as an administration office and a small restaurant/cafe. Currently the caravan park has 62 long stay sites, 23 short stay sites, 11 camp sites and two overflow sites.

Certain structures in the caravan park have been built over the boundary between the caravan park and the adjoining reserve to the south. These structures include extensions to existing park homes and a number of storage sheds.

The City received a request from the DRDL to consider and comment on the excision of a portion of land from the adjoining reserve to the south and the amalgamation of this land with the Burns Beach caravan park land, with a view to legalise existing encroachments.

At its meeting held on 17 April 2012 (CJ047-04/12 refers), Council considered this request and a number of options to address both the issue of the encroachments and the imbalance between short-stay and permanent accommodation in the park.

The options were as follows:

- 1 The owner of the caravan park could be compelled to demolish all the structures, though this could cause disruption and stress to the permanent residents of the park homes. This option would address the issue of the encroachments over the boundary only but would not necessarily address the imbalance between short stay and permanent accommodation.

- 2 The boundary of the caravan park could be shifted one metre to the south of park homes so no park homes are required to be moved or demolished. This option will necessitate the demolition of a number of other sheds and other structures. This option would result in most of the encroachments over the boundary being resolved but would not necessarily address the imbalance between short stay and permanent accommodation.
- 3 The boundary of the caravan park could be shifted one metre south of all structures to enable the sheds and other structures also to be accommodated within the boundary of the caravan park. This option would result in all of the encroachments over the boundary being resolved but would not necessarily address the imbalance between short stay and permanent accommodation.
- 4 The boundary of the caravan park could be shifted so that all existing park homes and associated sheds are one metre or more within the proposed boundary and so that an additional area of approximately 1,345m<sup>2</sup> is created in the south west corner of the site. The City could support this option, conditional on the additional area being used for the provision of more caravan and camping sites in the caravan park. This option would result in all of the encroachments over the boundary being resolved and could result in the immediate provision of additional short stay and caravan and camping sites in the park.
- 5 The City, via the Mayor and/or the Chief Executive Officer, could engage with the Director-General of the Department of Regional Development and Lands or the Minister for Regional Development and Lands with a view to getting support for amendments to the caravan park lease to ensure that, over time and without shifting the boundary of the park, the amount of permanent accommodation in the park is reduced and replaced by short stay and/or caravan and camping sites.
- 6 The City, via the Mayor and/or the Chief Executive Officer, could engage with the Director-General of the Department of Regional Development and Lands or the Minister for Regional Development and Lands with a view to getting support for amendments to the caravan park lease as a condition of any excision of land from Reserve 45122 and the amalgamation of this land with the Burns Beach Caravan Park land (whether by Options 2, 3 or 4).

Council decided to pursue Option 5, as detailed above, and it was resolved that Council:

- "1 *SEEKS the intervention of the Director-General of the Department of Regional Development and Lands and the Minister for Regional Development and Lands with a view to attaining support for amendments to the Burns Beach caravan park lease to ensure that, over time and without shifting the boundary of the park, the amount of permanent accommodation in the park is reduced and replaced by short stay and/or caravan and camping sites;*
- 2 *NOTES that, should such an approach be unsuccessful, a further report will be presented to Council to allow Council to reconsider other options to achieving a better balance between the amount of permanent and short stay accommodation in the caravan park, including the possible realignment of the southern boundary of the caravan park."*

A meeting was subsequently held between the Mayor, the Chief Executive Officer and the Director-General of the DRDL.



As a result of this meeting, the DRDL advised that if Council agreed to the proposed excision of land (as per Option 4) the Department would amend the current lease to require that the lessee only use the additional area for short stay accommodation.

This report seeks Council's support for this proposed course of action.

## **DETAILS**

The DRDL is in the process of negotiating a new 35 year lease with the owner of the caravan park in order to address the current encroachments onto Reserve 45122. The following additional lease terms are being proposed by the DRDL:

- The proposed new “lot” in the south-western corner of the site is to be used for transportable, short term accommodation only.
- An implementation plan must be submitted for approval by the Minister for Lands within (x) months of the commencement of the new lease outlining how a 50:50 balance of short and long term accommodation will be achieved for the whole caravan park, over a period of (y) years. In discussions with the DRDL the City has advised that (y) should be a period of no more than five years.

## **Issues and options considered**

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

- agree to support the course of action proposed by DRDL. This would result in the rationalisation of the encroachments over the caravan park boundary and would enable a more appropriate balance between short stay and permanent accommodation in the caravan park to be achieved  
or
- not support the course of action proposed by DRDL and recommend an alternate course of action. Given the discussions that have already taken place with DRDL and the lease negotiations already underway between DRDL and the caravan park owner, the DRDL is unlikely to proceed with an alternative course of action at this stage.

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

**Legislation** *Land Administration Act 1997.*

### **Strategic Community Plan**

**Key theme** Economic Prosperity, Vibrancy and Growth.

**Objective** Destination City.

**Strategic initiative** Facilitate the establishment of major tourism infrastructure.

**Policy** Not applicable.

## **Risk management considerations**

The City does not make the decision regarding the boundary realignment. The City is only able to provide a recommendation or comment to the DRDL in this regard.

If the City supports the course of action proposed by DRDL, the outcome will pose little or no risk to the City. On the contrary, the current proposal may be the City's best or only chance to influence the balance of short stay and long term accommodation in the caravan park.

### **Financial/budget implications**

A surveyor was engaged to survey the boundary at a cost of \$3,700 (excluding GST).

### **Regional significance**

If additional area was added to the caravan park and if the caravan park operator was consequently compelled to use the additional area within the park to be used for short stay accommodation and/or caravan or camping sites, this would increase tourist and visitor accommodation in the region.

### **Sustainability implications**

The Western Australian Planning Commission (WAPC) Bush Forever Office has confirmed that the encroachment of the Caravan Park into Reserve 45122 is outside of Bush Forever area 325 and therefore the excision and realignment of the boundary is supported.

### **Consultation**

Meetings have been held with the proprietor of the caravan park and with the Director-General of DRDL.

Although the City has the discretion to consult with the community on the proposed boundary realignment, no consultation has been conducted as the City is not making a decision on the proposal - only a recommendation to the DRDL. Furthermore, the proposal will not directly affect any residents in the area and the area the subject of the proposal is not currently widely used by the community.

### **COMMENT**

Both the caravan park owner and DRDL have confirmed that if the excision and associated boundary realignment occur as currently proposed, a new lease will be entered into between the State and the caravan park owner. This new lease will not only serve to rationalise the current encroachments into Reserve 45122, but will also require the caravan park owner to increase the number of sites for short stay accommodation, including caravan and tent sites, within a certain period of time.

This is a positive outcome as far as the future management and control of the caravan park is concerned and is also a positive outcome for tourism within the City of Joondalup.

It is therefore recommended that Council resolves to advise the DRDL that it supports the excision of a portion of Reserve 45122, as per Option 4 in Attachment 2 to this Report, subject to the new area in the south western corner of the site being used for short stay accommodation only and subject to new lease terms which require the owner of the caravan park to achieve a 50:50 balance between short stay and long term accommodation throughout the caravan park within a period of five years.

## VOTING REQUIREMENTS

Simple Majority.

## OFFICER'S RECOMMENDATION

That Council ADVISES the Department of Regional Development and Lands that it supports the excision of portion of Reserve 45122, as per Option 4 in Attachment 2 to Report CJ066-05/13, subject to:

- 1 the new area to be included in the south western corner of the caravan park (approximately 1,345m<sup>2</sup>) being used for the purposes of transportable, short stay accommodation only;
- 2 a new lease being entered into with the caravan park owner that requires the owner to achieve a 50:50 balance between short stay and long term accommodation throughout the caravan park within a period of five years.

**MOVED Cr McLean, SECONDED Cr Hollywood that Council ADVISES the Department of Regional Development and Lands that it supports the excision of portion of Reserve 45122, as per Option 4 in Attachment 2 to Report CJ066-05/13, subject to:**

- 1 the new area to be included in the south western corner of the caravan park (approximately 1,345m<sup>2</sup>) being used for the purposes of transportable, short stay accommodation only;**
- 2 a new lease being entered into with the caravan park owner that requires the owner to achieve a 50:50 balance between short stay and long term accommodation throughout the caravan park within a period of five years and the maintenance of this balance thereafter in perpetuity;**
- 3 the City being provided with a copy of the new lease, once finalised;**
- 4 the Department of Lands undertaking an audit of all accommodation in the caravan park at the end of a five year period to ensure the operator has achieved the requirement for a 50:50 balance between short stay and long term accommodation throughout the caravan park.**

**The Motion was Put and**

**CARRIED (13/0)**

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

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf140513.pdf](#)*

## **CJ067-05/13      PROPOSED AMENDMENT NO. 67 TO DISTRICT PLANNING SCHEME NO. 2 - LOT 1 (120) COCKMAN ROAD, GREENWOOD - CONSIDERATION FOLLOWING ADVERTISING**

<b>WARD</b>	South-East		
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development		
<b>FILE NUMBER</b>	102732, 101515		
<b>ATTACHMENT</b>	Attachment 1	Location Plan	
	Attachment 2	Zoning Plan (existing and proposed)	
	Attachment 3	Scheme	Amendment Process Flowchart
<b>AUTHORITY / DISCRETION</b>	Legislative – includes the adoption of local laws, planning schemes and policies.		

### **PURPOSE**

For Council to consider the adoption of proposed Amendment No. 67 to *District Planning Scheme No. 2* following public consultation.

### **EXECUTIVE SUMMARY**

At its meeting held on 18 September 2012 (CJ178-09/12 refers), Council resolved to initiate an amendment to *District Planning Scheme No. 2* (DPS2), which proposes to rezone the southern portion of Lot 1 (120) Cockman Road (known as 'Greenwood Kingsley Shopping Plaza') from 'Service Industrial' to 'Commercial'. This would result in the entire site being zoned 'Commercial'.

The proposed scheme amendment was advertised for public comment for a period of 42 days, closing on 3 April 2013. No submissions were received.

Considering the proposal will provide a more appropriate transition of land uses between the land zoned 'Service Industrial' to the north and 'Residential' to the south, it is recommended that Council adopts the proposed scheme amendment, and forwards the proposed amendment to the Western Australian Planning Commission for consideration.

### **BACKGROUND**

<b>Suburb/Location</b>	Lot 1 (120) Cockman Road, Greenwood.
<b>Applicant</b>	TPG Town Planning & Design.
<b>Owner</b>	PG Haughan.
<b>Zoning</b>	<b>DPS2</b> 'Service Industrial' and 'Commercial'.
	<b>MRS</b> Urban.
<b>Site area</b>	3,125m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

The subject site is bound by Canham Way to the north, Cockman Road to the west, various properties zoned 'Residential' or 'Service Industrial' to the east, and a 'Mixed Use' zoned lot (Kingsley Medical Centre) and 'Residential' zoned lots to the south (Attachment 1 refers). The northern portion of the subject site is zoned 'Commercial' and includes a deli and butcher, while the southern portion of the site is zoned 'Service Industrial' and includes a second-hand goods store (see existing zoning map on Attachment 2).

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. To legitimise the shop component of the development, the current 'split' zoning arrangement was also adopted at this time.

Council considered a request to rezone the southern portion of Lot 1 (120) Cockman Road, Greenwood, from 'Service Industrial' to 'Commercial' at its meeting held on 18 September 2012 (CJ178-09/12 refers), and resolved as follows:

*"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."*

The proposed amendment was then referred to the Environmental Protection Authority (EPA) for its comment. The EPA decided that a formal environmental review of the amendment was not required.

## **DETAILS**

The proposal received seeks to rezone the southern portion of the subject site from 'Service Industrial' to 'Commercial' (Attachment 2 refers) in order to create a consistent zoning across the site, and provide the opportunity for a greater variety of land uses to be considered.

Upon closure of the advertising period, Council is required to consider all submissions received during the advertising period and to either adopt the amendment, with or without modifications, or refuse the amendment. The decision is then forwarded to the 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.

## **Issues and options considered**

The issues to be considered by Council are:

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

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

- adopt the proposed amendment
- adopt the proposed amendment, with modification  
or
- refuse to adopt the proposed amendment.

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

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

#### **Legislation**

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

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

#### **Strategic Community Plan**

##### **Key theme**

Economic Prosperity, Vibrancy and Growth.

##### **Objective**

Activity centre development.

##### **Strategic initiative**

Understand local commercial needs and opportunities.

##### **Policy**

Not applicable.

#### **Risk management considerations**

Not applicable.

#### **Financial/budget implications**

The applicant has paid fees of \$5,125.48 (including GST) to cover all costs with assessing the request, public consultation and document production.

#### **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 entire site and will allow the local centre to 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**

The proposed scheme amendment was advertised for public comment for a period of 42 days, closing on 3 April 2013. Consultation included:

- written notification to seven surrounding land owners
- a notice placed in the Joondalup Community newspaper and The West Australian newspaper
- a sign on the subject site
- a notice on the City's website.

No submissions were received.

## 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 the 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 due to the following:

- 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 allow an appropriate 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.
- 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).

### Conclusion

The proposed scheme amendment will potentially assist in the local centre better meeting the needs of the surrounding community, while at the same time creating a buffer between the 'Service Industrial' zone and the 'Residential' and 'Mixed Use' zones to the south and east. As a result the proposal is consistent with the City's draft Local Commercial Strategy. The advertising of the proposed scheme amendment has not raised any issues that would warrant not proceeding with the proposal.

Considering the above, it is recommended that the proposed amendment be adopted and the documents be endorsed and submitted to the WAPC for the Minister for Planning's determination.

### **VOTING REQUIREMENTS**

Simple Majority.

### **MOVED Cr Corr, SECONDED Cr Chester that Council:**

- 1 Pursuant to Regulation 17(2) of the *Town Planning Regulations 1967*, ADOPTS Amendment No. 67 to the *City of Joondalup District Planning Scheme No. 2* to rezone a portion of Lot 1 (120) Cockman Road, Greenwood from 'Service Industrial' to 'Commercial' on the Scheme Map, as depicted in Attachment 2 to Report CJ067-05/13;**
- 2 AUTHORISES the affixation of the Common Seal and signing of the documents;**
- 3 Pursuant to Regulation 18 of the *Town Planning Regulations 1967*, FORWARDS Scheme Amendment No. 67 and Council's decision to the Western Australian Planning Commission for consideration.**

**The Motion was Put and**

**CARRIED (13/0)**

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

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf140513.pdf](#)*



**CJ068-05/13      PROPOSED AMENDMENT NO. 69 TO DISTRICT  
PLANNING SCHEME NO. 2 - LOT 921 (98)  
ELLERSDALE AVENUE, WARWICK -  
CONSIDERATION FOLLOWING ADVERTISING**

<b>WARD</b>	South			
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development			
<b>FILE NUMBER</b>	102878, 101515			
<b>ATTACHMENT</b>	Attachment 1	Location Plan		
	Attachment 2	Zoning Plan		
	Attachment 3	R Code Plan		
	Attachment 4	Schedule of Submissions		
	Attachment 5	Scheme Amendment Process Flow Chart		
<b>AUTHORITY / DISCRETION</b>	Legislative – includes the adoption of local laws, planning schemes and policies.			

## **PURPOSE**

For Council to consider the adoption of proposed Amendment No. 69 to *District Planning Scheme No. 2*, following public consultation.

## **EXECUTIVE SUMMARY**

At its meeting held on 20 November 2012 (CJ224-11/12 refers), Council resolved to initiate an amendment to *District Planning Scheme No. 2* (DPS2). The amendment proposes to recode Lot 921 (98) Ellersdale Avenue, Warwick, which is zoned 'Residential', from R20 to R80 and to restrict the uses on the site to 'aged persons' dwellings', 'retirement village' and 'nursing home' land uses.

The site has been developed for a nursing home, hostel and aged persons dwellings. At the time of development the *Residential Design Codes* did not exist and therefore were not applied. As a result the current development on the site is at an intensity which is higher than the current R20 coding would now allow and is approximately equivalent to the proposed R80 density.

The proposed scheme amendment was advertised for public comment for a period of 42 days, closing on 17 April 2013. One neutral submission was received.

Considering the above and that the proposal would support the provision of aged persons' accommodation within the City of Joondalup, in accordance with the intent and objectives of the Local Planning Strategy, Local Housing Strategy and Positive Ageing Plan 2009-2012, it is recommended that Council adopts the proposed scheme amendment, and forwards the proposed amendment to the Western Australian Planning Commission (WAPC) for consideration.

**BACKGROUND**

<b>Suburb/Location</b>	Lot 921 (98) Ellersdale Avenue, Warwick.
<b>Applicant</b>	J Hollenberg (Bethanie Group Inc).
<b>Owner</b>	The Bethanie Group Inc.
<b>Zoning</b>	<b>DPS2</b> Residential R20.
	<b>MRS</b> Urban.
<b>Site area</b>	16,255m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

Lot 921 is located on the corner of Erindale Road and Ellersdale Avenue, Warwick (Attachment 1 refers), and is zoned 'Residential' with a density code of R20 under DPS2 (Attachments 2 and 3 refer). The lots immediately adjacent to the western boundary are zoned 'Residential' with a density code of R20 and R40 under DPS2 (Attachment 3 refers) and have been developed as single and grouped dwellings. To the north is a site zoned 'Public Use' which consists of the Department of Health Family Clinic and Dental Centre. To the south of the site, on the southern side of Ellersdale Avenue, is an area zoned 'Commercial' under DPS2 which includes uses such as a car wash, vehicle repair centre and the Warwick Shopping Centre.

The subject site is within Housing Opportunity Area 1 under the City's revised Local Housing Strategy which was adopted by Council at its meeting held on 16 April 2013 (CJ044-04/13 refers). While there is a density increase proposed for the surrounding properties, there is no specific increased residential density allocated for the subject site.

Building licences were issued in 1980 and 1981 for aged persons units, nursing home and a hostel, which continue to operate on site. The existing development would have been assessed against the relevant scheme requirements of Town Planning Scheme No. 1. However, the approval of these uses occurred prior to the Residential Design Codes being developed and as such the intensity of development on the site is higher than would now be permitted by the Residential Design Codes under the current R20 coding.

At its meeting held on 20 November 2012 (CJ244-11/12 refers), Council considered a request to amend DPS2 to recode Lot 921 Ellersdale Avenue, Warwick, from R20 to R80 and restrict the uses on site to 'aged persons dwelling', 'retirement village' and 'nursing home'. Council's resolution on the initiation of the requested scheme amendment was as follows:

*"That Council pursuant to Part 5 of the Planning and Development Act 2005, CONSENTS to initiate Amendment No. 69 to the City of Joondalup District Planning Scheme No. 2 to:*

- 1 Recode Lot 921 (98) Ellersdale Avenue, Warwick from R20 to R80; and*
- 2 Include Lot 921 (98) Ellersdale Avenue, Warwick in Schedule 2 – Section 2 – Restricted Uses – Retirement Village and Nursing Home as follows:*

NO	STREET/LOCALITY	PARTICULARS OF LAND	RESTRICTED USE
2-3	98 Ellersdale Avenue, Warwick	Lot 921	Aged Persons Dwelling Retirement Village Nursing Home

*for the purpose of public advertising for a period of 42 days."*

The proposed amendment was then referred to the Environmental Protection Authority (EPA) for its comment. The EPA decided that a formal environmental review of the amendment was not required.

## DETAILS

The proposal seeks to amend DPS2 by increasing the residential density code of Lot 921 Ellersdale Avenue, Warwick from R20 to R80, and restricting the uses on site to 'aged persons' dwellings', 'retirement village' and 'nursing home'. The site already accommodates aged persons' accommodation in various forms at an intensity of approximately R80. The scheme amendment is proposed to formalise the intensity of the land uses already accommodated onsite and allow for the maintenance and redevelopment of the site at this intensity.

Upon closure of the advertising period, Council is required to consider all submissions received during the advertising period and to either adopt the amendment, with or without modifications, or refuse the amendment. The decision is then forwarded to the 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.

### Issues and options considered

The issues to be considered by Council are:

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

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

- adopt the proposed amendment
- adopt the proposed amendment, with modification  
or
- refuse to adopt the proposed amendment.

In all of the above options, the proposal is forwarded to the Western Australian Planning Commission (WAPC) for the Minister of Planning's determination (Attachment 5 refers).

### Legislation / Strategic Community Plan / policy implications

#### Legislation

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

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

*District Planning Scheme No. 2 (DPS2)*

Lot 921 Ellersdale Avenue, Warwick is zoned 'Residential' and it is proposed under Amendment No. 69 to retain this zone with restricted uses.

The following clauses of the DPS2 relate to the 'Residential' zone and restricted uses and as such require consideration:

### 3.14 The Residential Zone

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

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

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

The objectives of the Residential Zone are to:

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

### 3.16 Restricted Uses (Schedule 2 –Section 2)

Notwithstanding anything contained in the Zoning Table, the land specified in Section 2 of Schedule 2 may only be used for the specific use or uses that are listed subject to the conditions set out in Schedule 2 with respect to that land.

#### *Draft Local Planning Strategy and Local Housing Strategy*

In developing the City's draft Local Planning Strategy, it was identified that there was a need to support the objective of 'ageing in place'. Through the City's Local Housing Strategy a recommendation was included to support this objective by requiring a review of the City's 'Height and Scale of Buildings within Residential Areas Policy' to accommodate large scale aged persons' accommodation.

**Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

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

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial/budget implications**

The applicant has paid fees of \$5,764.81 (including GST) in accordance with the City's fee schedule, Part 5 of the *Planning and Development Act 2005* and the *Planning and Development Regulations 2009*. These fees cover all costs associated with assessing the request, public consultation (excluding sign(s) on site paid for separately by the applicant) and document production.

**Regional significance**

Not applicable.

**Sustainability implications**

The proposed scheme amendment would ensure aged persons' accommodation is retained near existing facilities and infrastructure in an established suburb, allowing for people to age in place.

**Consultation**

The proposed scheme amendment was advertised for public comment for a period of 42 days, closing 17 April 2013. Consultation included:

- written notification to 54 surrounding land owners
- a notice placed in the Joondalup Community newspaper and The West Australian newspaper
- a sign on the subject site
- a notice on the City's website.

One neutral submission was received from the Department of Health (Attachment 4 refers). The comments provided were in relation to any future development of the site.

**COMMENT**Submission

The comments provided by the Department of Health advised the City of:

- the need for the development to be connected to reticulated sewerage

- the need to minimise any potential negative impacts development at the increased density may have on the amenity of the surrounding area.

The City's records indicate that the site is already connected to sewerage and as the intensity and type of the existing uses are not proposed to change no additional impacts are anticipated as a result of the proposed amendment. Additionally, any future application for development of the site will be subject to a development application at which point these requirements will be taken into consideration.

#### Suitability of the proposed zoning

The proposed scheme amendment is considered to have merit as:

- the site already accommodates aged persons' accommodation in various forms which will be similar to that intended for any future redevelopment of the site
- the proposed density increase will formalise and maintain the intensity of the land uses already accommodated onsite
- the site is in walking distance to a commercial centre which has a range of services which will continue to meet the needs of the residents
- the proposal is consistent with the City's approach to providing aged persons' accommodation within the City, as reflected in the recommendations of the City's revised Local Housing Strategy, as adopted by Council at its meeting held 16 April 2013 (CJ044-04/13 refers), and Positive Aging Plan 2009-2012.

In addition to the above points, any future application for development on the site will be assessed in accordance with DPS2, the Residential Design Codes and any relevant policies. Through this process, consideration will be given to any potential impacts the development may have on the surrounding properties.

#### Resolution rewording

The wording for Scheme Amendment No. 69 currently identifies the restricted use as being 'No. 2-3' in Schedule 2 – Section 2 – Restricted Uses. However, prior to this amendment being initiated and the advertising concluding, other amendments to Schedule 2 – Section 2 have been initiated and one has been finalised. Therefore, the number allocated for this amendment has been amended to reflect the restricted uses for Lot 921 Ellersdale Avenue, Warwick as being 'No. 2-6'.

Although this is a minor modification to the wording of the amendment it does not change the intent of the scheme amendment.

#### Conclusion

The proposal is consistent with the current intensity of development on the site and would support the provision of aged persons' accommodation within the City, in accordance with the intent and objectives of the Local Planning Strategy, Local Housing Strategy and Positive Ageing Plan 2009-2012. The advertising of the proposed scheme amendment has not raised any issues that would warrant not proceeding with the proposal. Despite letters being sent to 54 surrounding landowners, only one submission was received from the Department of Health.

Considering the above, it is recommended that the proposed amendment be adopted subject to the minor modification to the Restricted Use number discussed above, and that the documents be endorsed and submitted to the WAPC for the Minister for Planning's determination.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Gobbert, SECONDED Cr Taylor that Council:**

- 1 Pursuant to Regulation 17(2) of the *Town Planning Regulations 1967*, ADOPTS with modification, Amendment No. 69 to the *City of Joondalup District Planning Scheme No. 2* to:**

**1.1 Recode Lot 921 (98) Ellersdale Avenue, Warwick from R20 to R80 as depicted in Attachment 3 to Report CJ068-05/13;**

**1.2 Include the following in Schedule 2 - Section 2 - Restricted Uses as follows:**

NO	STREET/LOCALITY	PARTICULARS OF LAND	RESTRICTED USE
2-6	98 Ellersdale Avenue, Warwick	Lot 921	Aged Persons Dwelling Retirement Village Nursing Home

**1.3 Amend the Scheme Map to depict 'Restricted Use : 2-6' over Lot 921 (98) Ellersdale Avenue, Warwick, as shown in Attachment 2 to Report CJ068-05/13;**

- 2 AUTHORISES the affixation of the Common Seal and signing of the documents;**

- 3 Pursuant to Regulation 18 of the *Town Planning Regulations 1967*, FORWARDS Scheme Amendment No. 69, the schedule of submissions included as Attachment 4 to Report CJ068-05/13, and Council's decision to the Western Australian Planning Commission for consideration.**

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution following consideration of Item CJ081-05/13, Page 150 refers.**

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

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf140513.pdf](#)*

## **CJ069-05/13 THE PROVISION OF CAFÉS/ KIOSKS/ RESTAURANTS ON CITY OWNED OR MANAGED LAND – PROJECT STATUS AND PROGRESSION OPTIONS REPORT**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Garry Hunt Chief Executive Officer
<b>FILE NUMBER:</b>	102656, 101515
<b>ATTACHMENTS:</b>	Attachment 1 Burns Beach Park - Location Plan and Site Plan/Development Analysis Attachment 2 Pinnaroo Point - Location Plan and Site Plan/Development Analysis
<b>AUTHORITY/DISCRETION:</b>	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to consider options for progressing the development of cafés, kiosks and/or restaurants on City owned or managed land.

### **EXECUTIVE SUMMARY**

A preliminary assessment and analysis of 17 City owned or managed sites was undertaken to identify suitable locations for the development of cafés, kiosks and/or restaurants. Particular attention was directed towards coastal sites, however, non-coastal locations were also considered.

The two sites identified and detailed below are considered most suitable in terms of location, site development potential, visitor use frequency, suitable aesthetics (aspect, view corridor – marine/terrestrial) current popularity, ease of implementation and timing:

- Burns Beach Park – Reserve No. 42219 (40) Ocean Parade, Burns Beach (Attachment 1 refers).
- Pinnaroo Point (Central Nodes Foreshore) Reserve No. 39497 (239) Whitfords Avenue, Hillarys (Attachment 2 refers).

Planning and land administration advice relating to potential sites was obtained from property consultants and the Department of Regional Development and Lands (DRDL). In addition, research was undertaken into benchmark café/kiosk/restaurant facilities in other local government authority jurisdictions. This research included discussions with officers at other local government authorities involved with projects of a similar nature.



A suggested option for progressing the development of café/kiosk/restaurant facilities on City owned or managed land is an Expression of Interest process to elicit interest from the market to develop facilities at Pinnaroo Point and Burns Beach Park.

In consideration of the information provided by the DRDL and the property consultants with respect to the short term challenges impacting on some of the individual sites *it is therefore recommended that Council:*

- 1 *NOTES the Provision of Cafés/Kiosks/Restaurants on City Owned or Managed Land – Project Status and Progression Options Report;*
- 2 *AUTHORISES the Chief Executive Officer to initiate an Expression of Interest process for the development of a café/kiosk facility at Pinnaroo Point;*
- 3 *AUTHORISES the Chief Executive Officer to initiate an Expression of Interest process for the development of a café/restaurant facility at Burns Beach.*

## **BACKGROUND**

The City owns and manages a number of strategically located land parcels that in terms of accommodating cafés/kiosks/restaurants have the potential to increase the enjoyment of popular recreational locations and provide the City with a level of commercial gain.

At its meeting held on 19 May 2009, a Notice of Motion (C33-05/09 refers) was presented to Council requesting a report from the Chief Executive Officer identifying opportunities and options for development of café/restaurants facilities on land owned or managed by the City as part of a review of the provision of coastal facilities within the City.

To articulate for historical purposes its intent to progress the project and to address the project objectives, at its meeting held on 22 June 2010 (CJ103-06/10 refers), Council endorsed the Project Philosophy and Parameters for the cafés/kiosks/restaurants project.

Further, at its meeting held on 21 September 2010 (CJ158-09/10 refers), Council endorsed a series of Issue Statements with regard to the Joondalup Beach Management Plan, one of which dealt with the lack of café, kiosk and restaurant facilities on the coastal foreshore.

### Definitions

For the purposes of this project and after consideration of advice from the DRDL, the following definitions apply:

- Kiosk: A small permanent or temporary structure, which is often open on one or more sides and is used to sell items such as hot and cold drinks, pre-packaged sandwiches, heated pies and similar.
- Café: An informal restaurant serving food and beverages, having indoor seating and potentially al fresco seating.
- Restaurant: A commercial scale facility allowing for on-site preparation and consumption of food – potentially also having al fresco seating.

### Preliminary Site Assessment

A preliminary site assessment and analysis of City owned or managed land was undertaken to identify suitable sites. Particular attention was directed towards coastal sites, however, non-coastal locations were also considered. The identification analysis ranked potential sites in terms of:

- site aspect
- site capability and potential
- access and car parking
- commerciality and complementary business opportunities
- development options
- complementary amenities
- security
- service utilities and existing infrastructure
- value adding opportunities.

A total of 17 potential sites were analysed and the results compared with background research into the facility development experience of other local governments.

It was then decided to focus on a limited number of sites:

- 1 Burns Beach Park, Burns Beach: The development of a café/kiosk/restaurant, incorporating toilets, on or near, the existing community hall site.

The site is Crown land without 'power to lease' – "Recreation" is detailed as the purpose of the reserve on the Management Order.

- 2 Pinnaroo Point (Central Nodes Foreshore), Hillarys: the development of a café/kiosk, incorporating toilets.

The site is Crown land with 'power to lease' for periods of up to 21 years with the approval of the Minister for Lands – "Parks and Recreation" is detailed as the purpose of the reserve on the Management Order.

- 3 Neil Hawkins Park, Joondalup: the development of a café/kiosk/restaurant, incorporating toilet facilities.

The site is Crown land without 'power to lease' – "Recreation" is detailed as the purpose of the reserve on the Management Order.

- 4 Tom Simpson Park (South), Mullaloo: the development of a café/restaurant, incorporating toilet facilities, near, or co-located with, the existing surf life saving clubrooms on land adjacent to Tom Simpson Park (South).

Tom Simpson Park (South) is City freehold land and zoned "Parks and Recreation" under the *City of Joondalup District Planning Scheme No. 2*. Immediately to the west is Reserve No. 47831 which is Crown land managed by the City for the purposes of, "Recreation, Telecommunications and Purposes Incidental thereto." The management order provides for 'power to lease' for periods of up to 21 years with the approval of the Minister for Lands.

After further analysis it was decided to progress only two sites being Burns Beach Park and Pinnaroo Point.

## DETAILS

Detailed investigations into the provision of café, kiosk and/or restaurant facilities on City owned and managed land were undertaken on the following four sites:

- Burns Beach Park – Reserve No. 42219 (40) Ocean Parade, Burns Beach (Attachment 1 refers).
- Pinnaroo Point (Central Nodes Foreshore) Reserve No. 39497 (239) Whitfords Avenue, Hillarys (Attachment 2 refers).
- Neil Hawkins Park – Reserve No. 28544 (200) Boas Avenue, Joondalup.
- Tom Simpson Park (South), (5) Oceanside Promenade, Mullaloo.

During investigations into the four sites it became evident that there were a number of matters that varied from property to property with regard to the land tenure issues and the development potential of each site. The City therefore instructed property consultants to undertake a detailed assessment of each of the four sites from an urban planning perspective, but to also include:

- investigation of governance issues associated with land tenure
- engagement with state and/or federal government agencies to attain power to lease, land exchange information, acquisition information
- information on the processes and timeframes required to achieve project outcomes
- a risk analysis with regard to the proposal(s).

The four selected sites are Crown land, managed by the City for the purposes detailed on their respective management orders. With regard to the Tom Simpson Park (South) site, there are two potential development locations. One is located on Tom Simpson Park (South) which is owned by the City in freehold. The second site, located to the west of Tom Simpson Park (South), is Crown land managed by the City. These two potential sites are highlighted in order to take into account the difference in the associated approval processes between Crown land and freehold land.

The advice provided by the property consultant was obtained from the DRDL and the Department of Planning (DoP) and covers the following:

- granting of freehold title to the City for the provision of café/kiosk/restaurant facilities
- obtaining a lease over the relevant portion of the land for the provision of café/kiosks/restaurant facilities
- requirements of granting such a lease including lease period and fees
- timeline and costs for the process of granting a lease
- metropolitan Regional Scheme (MRS) implications
- State Planning Policy and Development Control Policy requirements and implications.

### Crown Land – General Information

The proposed scale of development will be one of the key factors with regard to the ease of developing cafés/kiosks/restaurants on Crown land.

Advice from the DRDL is that the provision of a kiosk on a recreation reserve is a suitable ancillary use to a Parks and Recreation reserve's predominant purpose. The City could therefore develop a kiosk on a recreational reserve providing the lease arrangements are approved by the DRDL.

Given the scale of a café development, and more particularly a restaurant development, the process for obtaining approval to develop these facilities on Crown land is more complicated.

A proposed café or restaurant development that is ancillary to community facilities such as toilets/change rooms is viewed more favourably than one that is a standalone facility.

Should the City wish to develop a café or restaurant, the DRDL is likely to require the submission of a management plan dealing with cultural, social health, natural resource, conservation, environmental and/or heritage issues. In addition to the management plan, a business case would also be required.

To facilitate a development that is ancillary to community facilities the City would be required to lease an area of Crown land from the DRDL. If the application for lease is successful, the City could then sublease the land to a developer/operator to construct a facility, or construct a facility and lease this to an operator. If a developer/operator were to construct a facility the building and improvements would revert to the City's ownership on expiration of the lease/sublease.

Should the City lease an area of Crown land from the DRDL and subsequently sublease that land (and building/s) approval is also required on the sublease. In this case the DRDL receives 25% of the sublease value. The DRDL will usually lease Crown land for a term of 21 years however under special circumstances the DRDL will consider leasing land for longer. This would largely depend on the construction costs, financial arrangements and community benefit derived from the proposed development.

The cost of the process for the excision of the land and any easement documents required for the lease is approximately \$8,000 per site. Advice received from the property consultants indicates that this process would take approximately three to four months.

For the development of a commercial stand alone café/restaurant (that is not ancillary to community facilities), the City needs to satisfy the requirements of the DoP. This includes the requirement for the proposed development to be ancillary and suitable to the purpose of a 'Parks and Recreation' reserve. Also, the DRDL would require the land occupied by the facility to be on a freehold title for which the City would be required to pay market value. While it is possible to successfully obtain planning approval for such a standalone development, a café/restaurant ancillary to community facilities has a greater chance of obtaining approval.

The DRDL and DoP considers these types of developments on a case by case basis and once the City has more formal proposals, the DRDL and DoP are open to meeting with City representatives in order to provide more site specific advice.

#### Site Specifics

- Burns Beach Park – Reserve No. 42219 (40) Ocean Parade, Burns Beach.

The analysis of this location indicated Burns Beach Park as a good location for a café/kiosk and/or restaurant (Attachment 1 refers). The property consultant's advice is that the City should consider incorporating any facility with the existing community hall and public ablutions building. As outlined above, the integration of any new café/kiosk/restaurant with the existing community facilities would be viewed more favourably by the approvals agencies.

The Burns Beach site is considered an appropriate location for a café/restaurant development. Sited to take advantage of the ocean views, a development here has the potential to become a landmark destination for visitors.

At its meeting held on 17 April 2012 (CJ046-04/12 refers), Council considered the Burns Beach Master Plan – Project Philosophies and Parameters report. The report suggested investigations into providing and/or enhancing commercial and retail facilities and services in the area, including cafés/kiosks and/or restaurants. The endorsed Philosophy/Project Vision for the Burns Beach Master Plan project includes providing and/or enhancing recreational, leisure, service, commercial and retail facilities. It is envisaged that any proposal to develop a café/kiosk/restaurant will be considered as part of the Burns Beach Master Plan project.

- Pinnaroo Point (Central Nodes Foreshore) Reserve No. 39497 (239) Whitfords Avenue, Hillarys.

The analysis of this location indicated Pinnaroo Point is a good location for a café/kiosk (Attachment 2 refers). The property consultant's advice is that the City should consider positioning any new café/kiosk close to the access road and other community amenities as integrated commercial and community facility buildings are considered more favourably by the approvals agencies.

Recent research indicates that historically, Pinnaroo Point had been identified as a strategic location for the development of a café/kiosk/restaurant. The 1990 Mullaloo Point Foreshore Management Plan indicated specific sites for the development of a café, a kiosk and a restaurant at Pinnaroo Point.

In June 1994, in response to the Mullaloo Point Foreshore Management Plan, the then City of Wanneroo received an expression of interest to develop the "Whitford Bay Café" on the site currently under investigation as part of this project. The proposal for the development of an alfresco café incorporating a kiosk, immediately to the north of the current ablution facility was considered at a meeting of Council and ultimately gained conditional "in-principle" support by several relevant State Government departments at the time. However, for undetermined reasons, the proponent eventually decided not to proceed with the submission.

The proposed site is partly visible from Whitfords Avenue which will offer a continual level of passive surveillance to assist with security and awareness of any future development. However due to the presence of large mature trees along the access road to the site (John Wilkie Turn) and the separation distance between the nearest residential dwellings, it is considered that a well designed and appropriately positioned development will have little impact on residents in the vicinity.

Pinnaroo Point is ideally located approximately halfway between Mullaloo and Hillarys Boat Harbour. The location possesses sound access qualities with convenient vehicular and pedestrian/bicycle access from Whitford Avenue and pedestrian/bicycle access from the dual use path running north-south past the site.

The site is well serviced by car bays and a cleared area to the north of the existing car park could allow for future expansion if/as required. There is access to most utilities including sewerage, water and electrical, however natural gas is not currently available and may need to be installed if required.

- Neil Hawkins Park – Reserve No. 28544 (200) Boas Avenue, Joondalup.

The analysis of this location indicated that Neil Hawkins Park, within Yellagonga Regional Reserve, is a good location for a kiosk/café or restaurant. A preferred development site has been selected at this reserve, however, with regard to the approvals agencies' preference of a location integrated with existing community facilities, there may be more potential for a successful outcome if the proposed café/kiosk was co-located with the existing toilet facilities.

- Tom Simpson Park (South) Lot 1 (5) Oceanside Promenade, Mullaloo.

There are two potential locations for development at this location: Crown land (Reserve No. 47831) or City owned land (5 Oceanside Promenade, Mullaloo). Two benefits in selecting the City owned land are that the City would not be required to provide a percentage of the commercial lease rental to the DRDL and the land is not zoned "Parks and Recreation" under the Metropolitan Region Scheme.

It should be noted that there is a public kiosk based at Mullaloo Surf Life Saving Club and an existing café opposite Tom Simpson Park. In addition, potential parking issues with regard to a further commercial facility at this location may present significant challenges to successfully establishing a new commercial facility in this area.

#### Other investigations

In addition to the above, research was undertaken on benchmark facilities in other local government areas in Western Australia. Discussions were held with these authorities on the process undertaken to facilitate the development, in particular the procurement of potential developers and relevant land tenure arrangements.

#### **Issues and Options to be considered**

The suggested option for progressing the development of café/kiosk/restaurant facilities is through an Expression of Interest (EOI) process to elicit interest from the market to develop commercial facilities at Pinnaroo Point and Burns Beach Park.

Similar EOI processes have recently been undertaken by other local governments and the suggested two stage process will enable the City to assess potential respondents in terms of financial capability, commerciality and an ability to achieve the City's objectives for the site(s).

The EOI process would be undertaken in accordance with a detailed EOI plan which would include a clearly defined evaluation process. Described in broad terms, the EOI process could be run in two stages where the first stage requests respondents to submit a development concept and design plans along with information relating to design and management intent.

The Stage 1 submissions would be assessed by an evaluation panel, against predetermined selection criteria including relevant experience and operational capacity, design concepts and description of the proposed built form. An evaluation of Stage 1 submissions would result in a short-list of respondents who will be invited to continue through the second stage of the process.

Stage 2 of the process will require the shortlisted respondents to submit more detailed proposals which would include design and development schematics and proposed business and operating models. Other information addressing the site location, materials and finishes, integration with existing amenities, services areas, parking provision, elevation, landscaping and planning compliance will also be requested. The proposed business and operating models will require a suggested lease arrangement as well as information on the timing and staging of the development.

Critical assessment criteria during Stage 2 will be the experience, capability and financial capacity of respondents and the extent to which the proposals address the social community dividend of the proposed facilities.

The detailed design concepts and supporting information should be sufficient to enable the evaluation panel to assess the proposal against articulated design principles and other identified criteria. It is essential that proposals are commercially sound and that respondents have the financial ability to develop and operate the café, kiosk or restaurant, including the capacity to negotiate a lease of the land from the City.

The evaluation panel would select a preferred proposal which would become the subject of negotiations with the relevant State Government departments regarding the land tenure and leasing arrangements for the relevant sites. Based on the preferred proposal a Management Plan and Business Case, required for the excision of Crown land for lease, would form the basis of the negotiations with the approval authorities.

Upon acceptance of the proposal by the City and the relevant State Government departments, finalisation of contractual and leasing negotiations could commence with the preferred proponent.

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

#### **Legislation**

Besides the legislation that covers the eventual planning and building requirements, with regard to the land related matters the *Land Administration Act 1997* and the WAPC and DRDL's relevant policies deal with the administration of Crown land. The *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996* deal with local governments' disposition of property which includes leasing.

#### **Strategic Community Plan**

##### **Key Theme**

Economic Prosperity, Vibrancy and Growth.

##### **Objective**

Destination City.

##### **Strategic Initiative**

Facilitate the establishment of major tourism infrastructure.

##### **Key Theme**

Community Wellbeing.

##### **Objective**

Quality facilities.

##### **Strategic Initiate**

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

**Policy**

City Policy - Asset Management.

To ensure the organisation undertakes a structured and coordinated approach to asset management that will promote sustainable infrastructure for the City of Joondalup.

City Policy – Sustainability.

To establish the City's position on its responsibility towards developing, achieving and maintaining a sustainable community.

**Risk Management Considerations:**

Potential risks to the successful progression of the project include the inability to obtain support from the statutory approval authorities, limited commercial interest and negative community reaction. Any risk with regard to approval process outcomes can be mitigated by establishing and maintaining a working relationship with representatives of the relevant approvals agencies. Furthermore, well developed management plans and business cases can assist with obtaining a successful outcome.

Lack of commercial viability could result in little or no interest in developing a facility. There is also the possibility that expected returns from a developed facility are not met, causing potential rental payment difficulties or cessation of a business.

It is considered that a planned, environmentally acceptable and aesthetically pleasing development is likely to gain community support and meet visitor needs. These measures are likely to make any potential development more acceptable to the community and mitigate potential negative reaction.

It is important to note that for three of the four selected sites, the DoP's *State Coastal Planning Policy No. 2.6* will apply. This policy identifies numerous measures to be considered when proposing to develop on the foreshore, such as ecological values, landscape, seascape, visual amenity, indigenous and cultural heritage and public access. The policy also takes into account considerations such as setback and height limits for development in coastal areas.

Furthermore, any development proposals for these three sites must also be cognisant of the potential risks from severe storm erosion and sea level rise on the coastal foreshore.

Risk management assessments will continue as the project progresses and particularly as formal proposals are developed.

**Financial/Budget Implications:**

The financial/budget implications of the proposed development will be considered as part of the preparation of a business case.

The development of a café, kiosk or a restaurant on City owned or managed land will provide the opportunity for the City to receive a level of commercial return commensurate to the nature of the facility and adopted leasing arrangements.

The following budget information relates to the allocation of funds from the 2012-13 Mid Year Review budget for the project:



<b>Budget Item:</b>	Cafés/Kiosks/Restaurants
<b>Budget Amount:</b>	\$ 176,500
<b>Amount Spent To Date:</b>	\$ 17,636
<b>Balance:</b>	\$ 158,864

All figures quoted in this report are exclusive of GST.

### **Regional Significance:**

The provision of cafés/kiosks/restaurants on City owned or managed land will provide significant resident/visitor/tourist benefit by enhancing the City's existing natural assets and amenities.

### **Sustainability Implications:**

The project philosophy and parameters (CJ103-06/10 refers) outlines the intent of Council in progressing the project and addresses the following sustainability implications:

- Project Vision.
- Land Use and Built Form.
- Environmental Strategy.
- Liaison Protocol.
- Fiscal Responsibility and Commerciality.
- Governance.

### **Consultation:**

Public consultation will also be undertaken to determine the level of community support for the proposed development/s. This consultation will be in accordance with the City's relevant policies and procedures and business plan processes.

### **COMMENT**

Any proposed development on the coastal foreshore or any reserve within the City, should be planned and managed to a level commensurate with the significant environmental value of the land.

The City of Joondalup's Beach Management Plan articulates: "*The coastline is a significant feature of the City's natural assets and is considered integral to the health and wellbeing of residents, as well as providing an attractive location for recreational activities on a regional basis.*" Furthermore the plan acknowledges that there is a "*current lack of coastal commercial development within the City, particularly with regard to the provision of café, kiosk and restaurant establishments*".

The provision of cafés/kiosks/restaurants is not only consistent with community expectations for governments to recognise and provide for the lifestyle and alfresco culture of Western Australia, it also provides opportunities of additional revenue streams for local governments through leasing arrangements and opportunities for co-management arrangements for existing public facilities such as toilets and change rooms.

In identifying potential sites for progressing the project through an Expression of Interest process the following considerations were taken into account:

### Burns Beach Park

The Burns Beach Park site is considered the optimum location for a signature café/restaurant development. The site enjoys year round frequency of patrons, is well serviced by public transport and utilities, and has excellent access qualities, with capacity for additional car parking. The site is currently occupied by the City owned and managed Jack Kikeros Community Hall and public ablutions both of which have been considered for relocation/redevelopment. There exists an opportunity to co-locate new community facilities with a new café/restaurant development in this location.

### Pinnaroo Point

The Pinnaroo Point site is considered the optimum location for a café/kiosk development. The site has historically been identified as a potential location for such a facility and has previously generated commercial interest. Pinnaroo Point has good surveillance and security qualities, appropriate separation from residential land uses, good vehicular/pedestrian/bicycle access and has existing car parking. The site is well serviced by public facilities and utilities including water, sewerage and electrical.

### **Conclusion**

The City owns or manages several sites suitable for the development of café/kiosk/restaurant facilities, in particular the sites at Burns Beach Park and Pinnaroo Point offer good short-term opportunities. Having considered ease of implementation, site analysis results, benchmark facility comparisons and advice from State Government departments, other local government authorities and consultants, it is recommended to progress the project through an Expression of Interest process in order to gauge the level of interest in developing facilities at Burns Beach Park and Pinnaroo Point.

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Amphlett, SECONDED Cr Gobbert that Council:**

- 1 NOTES the Provision of Cafés/Kiosks/Restaurants on City Owned or Managed Land – Project Status and Progression Options Report;**
- 2 AUTHORISES the Chief Executive Officer to initiate an Expression of Interest process for the development of a Café/Kiosk facility at Pinnaroo Point;**
- 3 AUTHORISES the Chief Executive Officer to initiate an Expression of Interest process for the development of a Café/Restaurant facility at Burns Beach.**

**The Motion was Put and**

**CARRIED (13/0)**

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

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf140513.pdf](#)*

**CJ070-05/13 EXECUTION OF DOCUMENTS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	15876, 101515
<b>ATTACHMENT</b>	Attachment 1 Documents executed by affixing the Common Seal for the period 2 April 2013 to 18 April 2013
<b>AUTHORITY / DISCRETION</b>	Information - Includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting')

**PURPOSE**

For Council to note the documents executed by means of affixing the Common Seal for the period 2 April 2013 to 18 April 2013 (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 Council for information on a regular basis.

*It is recommended that Council NOTES the Schedule of Documents covering the period 2 April 2013 to 18 April 2013, executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ070-05/13.*

**DETAILS**

During the period 2 April 2013 to 18 April 2013, 12 documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Section 70A Notification	3
Transfer of Land	4
Restrictive Covenant Deed	4
Deed of Variation	1

**Issues and options considered**

Not applicable.

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

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

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

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

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Gobbert, SECONDED Cr Taylor that Council NOTES the Schedule of Documents covering the period 2 April 2013 to 18 April 2013, executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ070-05/13.**

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution following consideration of Item CJ081-05/13, Page 150 refers.**

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

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf140513.pdf](#)*

**CJ071-05/13 MINUTES OF EXTERNAL COMMITTEES**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy	
<b>FILE NUMBER</b>	29109, 41196, 101515	
<b>ATTACHMENT</b>	Attachment 1	Minutes of the Yellagonga Regional Park Community Advisory Committee meeting held on 21 February 2013
	Attachment 2	Minutes of the Tamala Park Regional Council meeting held on 18 April 2013
	<i>(Please Note: These minutes are only available electronically)</i>	
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').	

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**PURPOSE**

For Council to note the minutes of the Yellagonga Regional Park Community Advisory Committee.

**EXECUTIVE SUMMARY**

The following minutes are provided:

- Minutes of the Yellagonga Regional Park Community Advisory Committee meeting held on 21 February 2013.
- Minutes of the Tamala Park Regional Council meeting held on 18 April 2013.

**DETAILS**

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

**Yellagonga Regional Park Community Advisory Committee meeting – 21 February 2013**

An ordinary meeting of the Yellagonga Regional Park Community Advisory Committee was held on 21 February 2013.

Cr John Chester and the City's Team Leader, Natural Areas are Council's representatives on the Yellagonga Regional Park Community Advisory Committee.

For the information of Council, the following matters of interest to the City of Joondalup were resolved at the Yellagonga Regional Park Community Advisory Committee meeting:

3 Business Arising From Previous Minutes - Previous Item 6.3 – Luisini Winery Development

It was resolved by Yellagonga Regional Park Community Advisory Committee as follows:

*“PM advised that he had forwarded a letter to the National Trust of Australia regarding the Luisini Winery development (see Attachment 1) and tabled a letter of response (see Attachment 2). PM suggested inviting Deputy Chief Executive Officer, Enzo Sirna to the next meeting to provide further information on the Luisini Winery development. Committee members supported this suggestion.*

*Action: The committee to invite Enzo Sirna from the National Trust of Australia to the next meeting to present information on the Luisini Winery development.*

*JC commented that although the City of Joondalup was not offering support for the project, he did not understand how the City’s support had any bearing on the provision of the environment centre. Members could not recall the City of Joondalup’s input on the matter.*

*PM suggested obtaining a formal statement from the City of Joondalup regarding their involvement and support for this project.*

*Action: PM to draft a letter on behalf of the committee to the City of Joondalup regarding their support and involvement in the Luisini Winery development.”*

Comment:

The Council, at its meeting held on 23 October 2012 (CJ206-10/12 refers) received a report on the Yellagonga Integrated Catchment Plan review.

The following was reported with regard to the Environment Centre:

*“The Environment Centre has been removed from the 20 Year Strategic Financial Plan 2011/12 – 2030/31 due to the priority of a number of other new facilities and infrastructure approved by Council for the period of the Plan.*

*The Plan will be reviewed and updated on an annual basis, and such reviews will provide an opportunity to reassess the viability of the Project.*

*The Council endorsed the projections and proposals of the draft 20 Year Strategic Financial Plan 2011/12 – 2030/31 at its meeting of 24 July 2012 (Item CJ138-07/12 refers).”*

City Officers met with Mr Sirna from the National Trust in 2012 to discuss the Luisini Project and possibilities of City involvement, however no formal City support has been provided for the project. The entire Luisini development includes winery, museum, boardwalk and the like for which planning approval has been granted by the City. Mr Sirna approached the City regarding possible involvement in the Environment Centre (including funding and support for a RDA Funding application), however, it was advised that the City would not be in a position to offer funding support as the Project had been removed from the Strategic Financial Management Plan although the City would offer support for the RDA Application, which was not successful.

### 5.3 City of Joondalup

It was resolved by Yellagonga Regional Park Community Advisory Committee as follows:

*“KA reported the following works:*

- The City is working with DEC to install up to six new signs in Neil Hawkins Park to deter people feeding wildlife, as the two current signs are small, lightweight and cartoon like. KA presented a draft of the signage. In addition to Neil Hawkins Park, signs will be installed in Perry’s Paddock and any land that adjoins water. BJ advised that the Regional Parks Unit was not aware of the proposed signage and requested an electronic version of the draft sign design.*
- The City has accepted a request from a private company to install 16 artificial Carnaby’s black cockatoo nest boxes in the park to meet their offset requirements for land clearing which occurred in a neighbouring shire. The nests are made from pvc piping and will be chained to the trees. The City is considering installing nine hollows in Tuart trees at Neil Hawkins Park and some at Lakeside and Central Parks. KA advised that he will keep the committee informed of any nesting activities.*
- Joondalup City Council has adopted a Pathogen Management Program. The program initiates preventative measures such as wash down facilities, protocols for staff, monitoring of tree deaths and will involve contracted work.*

*Action: City of Joondalup to forward an electronic draft of the bird feeding signage to DEC’s Regional Parks Unit prior to manufacture.”*

#### Comment:

The City sent a proof of the proposed bird feeding sign to the Department of Environment and Conservation (DEC). The signs have now been ordered for installation in Neil Hawkins Park, where feeding of native fauna by park visitors is a common occurrence.

Eleven artificial Carnaby’s Black Cockatoo nest boxes have been installed in Joondalup’s natural area. Nine have been installed in Neil Hawkins Park and one each in Lakeside and Central Park.

### **Tamala Park Regional Council meeting – 18 April 2013**

An ordinary meeting of the Tamala Park Regional Council meeting was held on 18 April 2013.

Cr Geoff Amphlett JP and Cr Tom McLean JP 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:



### 9.13 Draft Strategic Community Plan 2013-2023 and Corporate Business Plan 2013-2017

It was resolved by Tamala Park Regional Council as follows:

*“That the Council APPROVE the draft Strategic Community Plan 2013-2023 and draft Corporate Business Plan 2013-2017 for circulation to member local governments for review and comment for a period of 30 days.”*

#### Comment:

The City of Joondalup has received the draft Strategic Community Plan 2013-2023 and draft Corporate Business Plan 2013-2017 from the Tamala Park Regional Council and will provide a response within the comment period.

### 9.18 Submission on the Metropolitan Local Government Review Panel Report

It was resolved by Tamala Park Regional Council as follows:

*“That the Council AGREE to lodge a submission on the Metropolitan Local Government Review Panel Report (MLGRPR) opposing Recommendation 11 in accordance with the Draft Submission, dated 19 April 2013, attached in Appendix 9.18.”*

#### Comment:

Council at its special meeting held on 2 April 2013 (JSC01-04/13 refers) endorsed the City's submission to the Metropolitan Local Government Review Final Report and in relation to Recommendation 11, responded with the following:

*“The City of Joondalup in relation to Recommendation 11:*

- *BELIEVES that the State Government should give consideration to consolidating Metropolitan Regional Local Governments to manage Municipal Solid Waste. This would provide a measure of resilience and achieve economies of scale for treatment and disposal without compromising the already high service provided by local government.*

*For example three expanded Metropolitan Regional Councils based on adequate population and:*

- a Shared objectives and binding commitments with compulsory membership for the purposes of Municipal Solid Waste management treatment and disposal;*
- b Logical local government groupings for each Regional Local Government reflecting a consolidation to three Regional Local Governments;*
- c Employing more effective governance models such as Regional Subsidiaries or Council Controlled Organisation Models.*

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

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Strong leadership.

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

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Gobbert, SECONDED Cr Taylor that Council NOTES:**

- 1 the minutes of the Yellagonga Regional Park Community Advisory Committee meeting held on 21 February 2013 forming Attachment 1 to Report CJ071-05/13;**
- 2 the minutes of the Tamala Park Regional Council meeting held on 18 April 2013 forming Attachment 2 to Report CJ071-05/13.**

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution following consideration of Item CJ081-05/13, Page 150 refers.**

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

*To access this attachment on electronic document, click here: [externalminutes140513.pdf](#)*

## **CJ072-05/13 MEETING PROCEDURES LOCAL LAW 2013 - REQUEST TO ADVERTISE**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy	
<b>FILE NUMBER</b>	01369, 101515	
<b>ATTACHMENT</b>	Attachment 1	Local Law Comparison Matrix
	Attachment 2	City of Joondalup Meeting Procedures Local Law 2013 (unofficial version - with notes)
	Attachment 3	City of Joondalup Meeting Procedures Local Law 2013 (official version without notes)
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.	

### **PURPOSE**

For Council to make the *City of Joondalup Meeting Procedures Local Law 2013*, for the purpose of public advertising.

### **EXECUTIVE SUMMARY**

The *City of Joondalup Standing Orders Local Law 2005* was adopted by the Joint Commissioners at the Council meeting held on 22 November 2005 (CJ249-11/05 refers) and has been in operation since 4 January 2006. In accordance with section 3.16 of the *Local Government Act 1995* (the Act) a local government is to review its local laws within a period of eight years from the day the local law commenced or from when a report of a review of the local law was last accepted by Council.

Due to the number and range of amendments that have been identified and previously discussed with Elected Members at the October 2012 Strategy Session, it is suggested the current local law be repealed and a new local law created.

It is therefore recommended that Council make a new *City of Joondalup Meeting Procedures Local Law 2013* for the purpose of public advertising.

### **BACKGROUND**

At the Council meeting held on 22 November 2005 (CJ249-11/05 refers) the Joint Commissioners adopted the *City of Joondalup Standing Orders Local Law 2005* (the 'Standing Orders') as the procedures and rules to guide the conduct of meetings of Council, committees and electors. The Standing Orders were published in the *Government Gazette* on 20 December 2005 and has been in operation since 4 January 2006 (14 days after their publication in the *Government Gazette*).

In accordance with section 3.16 of the *Local Government Act 1995*, a local government is to review its local laws within a period of eight years from the day the local law commenced or from when a report of a review of the local law was accepted by Council. Since the Standing Orders have not been reviewed since their commencement, a formal review is required. While an eight year review of a number of the City's local laws is occurring, the Standing Orders are being reviewed outside this process, due to their specific relevance to Elected Members in respect to the operation and conduct of meetings.

## DETAILS

An initial review of the Standing Orders has identified a number of opportunities to:

- improve the overall arrangement and drafting
- amend or improve provisions within the local law, or insert new provisions as a result of:
  - comments made by Elected Members
  - an assessment of operational matters
  - issues raised by the Joint Standing Committee on Delegated Legislation in respect of local laws of other local governments that relate to meeting procedures.

Due to the identified amendments and the need to improve drafting standards, it is suggested that the current Standing Orders be repealed and a new local law created. The comparison matrix (as detailed in Attachment 1) highlights the main points of difference between the existing Standing Orders and the new local law.

The procedure for making local laws is detailed in the Act and is a specific legislative process that must be adhered to in order for the local law to be accepted by the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

Section 3.12(2) of the Act states that the first action in the process of making a local law is for the Mayor to give notice to the meeting of the purpose and effect of the proposed local law. Regulation 3 of the *Local Government (Functions and General) Regulations 1996* states that this is achieved by ensuring that:

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting
- (b) the minutes of the meeting of the Council include the purpose and effect of the proposed local law.

In view of this the **purpose** of the *City of Joondalup Meeting Procedures Local Law 2013* is to provide the rules that apply to the conduct of meetings of the Council and its committees and to meetings of electors.

The **effect** of the *City of Joondalup Meeting Procedures Local Law 2013* are intended to result in:

- (a) better decision making by the Council and its committees
- (b) the orderly conduct of meetings dealing with Council business
- (c) better understanding of the process of conducting meetings
- (d) more efficient and effective use of time at meetings.

## Issues and options considered

Council can either:

- adopt the *City of Joondalup Meeting Procedures Local Law 2013* as presented
- adopt the *City of Joondalup Meeting Procedures Local Law 2013* with amendments or
- not adopt the *City of Joondalup Meeting Procedures Local Law 2013* and retain the existing *City of Joondalup Standing Orders Local Law 2005*.

Should Council decide to retain the existing Standing Orders, the City would be required to undertake an eight year review of this local law in accordance with section 3.16 of the Act. This would involve statutory advertising for six weeks with a report on the outcome of the review being submitted to Council at which time, Council could retain the existing Standing Orders, amend it as necessary, or repeal it in its entirety.

However, due to the amendments identified, and to bring the local law into line with modern drafting standards, it is recommended that the existing Standing Orders be repealed and a new local law created. Through this process, Council will not be required to undertake an eight year review of the existing Standing Orders as the current local law would be repealed on the day the new local law comes into operation, should Council resolve to make the local law after the public comment period.

## Legislation / Strategic Community Plan / policy implications

### Legislation

*Local Government Act 1995*  
*Local Government (Administration) Regulations 1996*  
*Local Government (Functions and General) Regulations 1996*  
*Local Government (Rules of Conduct) Regulations 2007*  
*City of Joondalup Standing Orders Local Law 2005*

### Strategic Community Plan

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

**Strategic initiative** Not applicable.

**Policy** Council Policy - Code of Conduct.

Subdivision 2, Division 2 of Part 3 of the Act apply to the creation, amending and repealing of local laws and also prescribe the need to undertake an eight year review of all local laws. The same process is required under the *Local Government Act 1995* in respect of repealing a local law, amending provisions or creating a new local law.

It is anticipated that the local law-making process will take approximately three months, enabling the operation of the new local law to commence in the second half of the calendar year and prior to the Local Government elections in October.

### **Risk management considerations**

Should the City not follow the local law creation process as detailed in the Act, the local law may be disallowed by the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation. The local law must also be cognisant of previous findings of the Joint Standing Committee on Delegated Legislation in respect of provisions that the Committee states are outside the local law making power of local governments.

Local governments must also review their local laws periodically as required by the Act.

### **Financial/budget implications**

The cost associated with the local law-making process is approximately \$2,500, being public advertising costs and costs for publishing the local law in the *Government Gazette*. Funds are available in the 2012-13 Budget for statutory advertising.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

The development of local laws requires statutory advertising and consultation with members of the public throughout the local law-making process. This includes:

- giving state-wide public notice advertising the proposed local law and inviting submissions to be made within no less than six weeks from the date of advertising, including:
  - advertising in a newspaper circulating throughout the state
  - displaying public notices at the City of Joondalup Administration Centre, public libraries, and customer service centres
  - advertising on the City's website
- providing a copy of the notice and a copy of the proposed local law to the Minister responsible for the Act under which the proposed local law is being made.

### **COMMENT**

Any meeting procedure local law must ensure the City provides good government for persons in the district, and as such, must also ensure there is a democratic local government process. The Act expressly states that the role of Elected Members is to participate in the local government decision-making processes at Council and committee meetings and also provides a right for the public to be involved at meetings.

It is important that the procedures and protocols established in respect of the conduct of meetings of Council, committees and electors remain relevant and reflect the current processes used at the City. While the current Standing Orders have served the City well, amendments have been identified and in this regard a new local law should be created rather than amending the existing Standing Orders.

To assist Elected Members and the community in understanding the provisions surrounding meetings of Council, committees and electors, two versions of the local law have been created. The first “unofficial” version includes ‘notes’ and ‘footnotes’ in respect of the numerous legislative provisions that apply to meetings of Council, committees and electors (Attachment 2 refers). The second “official” version (Attachment 3 refers) does not include these notes and will be used for the statutory advertising process and publishing in the *Government Gazette*. Two versions have been created in recognition of the Joint Standing Committee on Delegated Legislation’s position that notes and footnotes should not be incorporated into a local law that is published in the *Government Gazette* (as legislative change occurs from time to time). However notes and footnotes aid in understanding of the legislative provisions referred to throughout the local law and will provide clarity and a single reference point on provisions that relate to meetings and conduct at meetings.

## **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Gobbert, SECONDED Cr Taylor that Council:**

- 1 MAKES the proposed *City of Joondalup Meeting Procedures Local Law 2013* as detailed in Attachment 3 to Report CJ072-05/13 for the purposes of public advertising;**
- 2 ADVERTISES the proposed *City of Joondalup Meeting Procedures Local Law 2013* in accordance with section 3.12 (3)(a) of the *Local Government Act 1995*;**
- 3 FORWARDS a copy of the proposed *City of Joondalup Meeting Procedures Local Law 2013* to the Minister for Local Government in accordance with section 3.12(3)(b) of the *Local Government Act 1995*;**
- 4 REQUESTS the Chief Executive Officer prepare a further report at the conclusion of the public advertising period to enable the Council to consider any submissions made.**

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution following consideration of Item CJ081-05/13, Page 150 refers.**

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

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf140513.pdf](#)*



## **CJ073-05/13      REVIEW OF WARD NAMES, BOUNDARIES AND COUNCILLOR REPRESENTATION LEVELS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	51577, 101515
<b>ATTACHMENT</b>	Attachment 1      Discussion Paper
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to progress a formal review of ward boundaries, ward names and councillor representation levels as required by the *Local Government Act 1995*.

### **EXECUTIVE SUMMARY**

The *Local Government Act 1995* requires every local government to review its ward boundaries and councillor representation every eight years.

With the City of Joondalup being established on 1 July 1998 and adopting its preferred ward structure and councillor representation model on 27 August 1999, the first review of the City's ward boundaries and councillor representation occurred in December 2005. Council is therefore required to undertake another review by 13 December 2013.

The review could take the City six to eight months to complete prior to submitting the outcome of the review to the Local Government Advisory Board for consideration. Furthermore with the ordinary Local Government Elections to occur on 19 October 2013, it is suggested that the review commence in the first half of 2013 to minimise conflict between the review process and the local government election.

Of relevance to this current review is the State Government's reform agenda for metropolitan local governments and the uncertainty it places on metropolitan boundaries. With the Independent Review Panel recommending the City of Joondalup should remain its current size, suggests that the City is an optimal size for a metropolitan local government and unlikely to change through the reform process. The City therefore, should progress with its statutory obligations to under a ward review.

The review involves the preparation of a discussion paper and consultation with the community prior to Council agreeing on a preferred option and submitting that option to the Local Government Advisory Board. Any option to change the City's existing ward boundaries or councillor representation levels will need to take effect from the 2015 Local Government Elections.

*It is therefore recommended that Council:*

- 1 *AGREES to conduct a review of the City of Joondalup ward names, boundaries and councillor representation levels in accordance with Schedule 2.2 of the Local Government Act 1995;*
- 2 *SEEKS public submissions on the discussion paper forming Attachment 1 to Report CJ073-05/13;*
- 3 *NOTES a further report will be presented to Council following the completion of the statutory public consultation process as required by Schedule 2.2 of the Local Government Act 1995.*

## **BACKGROUND**

The City of Joondalup was established by virtue of the Joondalup and Wanneroo Order 1998 which came into operation as of 1 July 1998. The Order created two new local governments, the City of Joondalup and the now City of Wanneroo. At that time, the City of Joondalup was established without a ward system.

On 27 August 1999 a seven ward system for the City was agreed to, with the wards being named as follows:

- North Coastal
- Marina
- Whitfords
- South Coastal
- Pinnaroo
- South
- Lakeside.

Schedule 2.2 of the *Local Government Act 1995* (the Act) requires all local governments to carry out reviews of their ward boundaries and the number of councillors for each ward, so that no more than eight years elapse between successive reviews.

In 2005 the City conducted a review of its ward names, boundaries and councillor representation levels. At its meeting held on 13 December 2005 (Item C73-12/05 refers), Council recommended to the Local Government Advisory Board that an Order be made to:

- abolish the seven ward system and divide the City of Joondalup district into six wards
- name the new six wards as:
  - North
  - North-Central
  - Central
  - South-West
  - South East
  - South
- designate two Councillors for each of the new wards.

The Governor in Executive Council made the *District of the City of Joondalup (Change of Wards and Representation) Order 2006*, as published in the *Government Gazette* on 17 February 2006 putting into effect Council's recommendations after the 2006 Local Government Election.

This ward structure and level of councillor representation levels has remained in place since that time.

## DETAILS

Schedule 2.2 of the *Local Government Act 1995* (the Act) requires all local governments to carry out reviews of their ward boundaries and the number of councillors for each ward, so that no more than eight years elapse between successive reviews. As the last review occurred and was reported to Council at its meeting held on 13 December 2005 (Item C73-12/05 refers), Council is legislatively required to undertake a review before 13 December 2013.

To facilitate the review it is usual practice that local governments prepare a discussion paper to enable public comment to be obtained. In conducting a review and in preparing a discussion paper, the *Local Government Act 1995* states a local government is to have regard to factors such as:

- community of interests
- physical and topographic features
- demographic trends
- economic factors
- the ratio of councillors to electors in the various wards.

Any advantages and disadvantages of changing ward boundaries or councillor representation levels based on the above criteria and other considerations have been identified and discussed within the draft discussion paper (Attachment 1 refers).

The Local Government Advisory Board considers that the ratio of councillors to electors is always significant. It is expected that a local government will have similar ratios of councillors to electors across the wards of its district.

The Minister for Local Government has previously indicated that he will not consider changes to ward boundaries and representation levels that result in councillor/elector ratios that are greater than plus/minus 10% of the average councillor/elector ratio for the local government. The current average ratio of councillors to electors across the district is one Councillor to every 8,751 electors. Based on the 2011 elector figures, the councillor/elector ratio for each of the City's wards is detailed below:

<b>Ward Suburb (Electors)</b>		<b>Number of Electors</b>	<b>Number of Councillors</b>	<b>Councillor : Elector Ratio</b>	<b>% Ratio Deviation</b>
<b>North</b>	Burns Beach (756) Connolly (2499) Currambine (4089) Iluka (2866) Joondalup (5166) Kinross (4128) Silent (346)	19,850	2	1 : 9,925	<b>- 13.41%</b>
<b>North-Central -</b>	Edgewater (3103) Heathridge (4475) Mullaloo (4026) Ocean Reef (5479) Silent (209)	17,292	2	1 : 8,646	<b>1.20%</b>
<b>Central -</b>	Beldon (2643) Craigie (3719) Kallaroo (3639) Woodvale (6512) Silent (213)	16,726	2	1 : 8,363	<b>4.43%</b>
<b>South-West -</b>	Hillarys (7446) Padbury (5662) Sorrento (5530) Silent (235)	18,873	2	1 : 9,436	<b>- 7.83%</b>
<b>South-East -</b>	Greenwood (6837) Kingsley (9628) Silent (164)	16,629	2	1 : 8,314	<b>4.99%</b>
<b>South -</b>	Duncraig (11049) Marmion (1647) Warwick (2789) Silent (157)	15,642	2	1 : 7,821	<b>10.63%</b>
		<b>105,012</b>	<b>12</b>	<b>1 : 8,751</b>	

As detailed above, only the North and South wards do not currently fall within the plus/minus 10% guideline (-13.41% and 10.63% respectively).

### **Issues and options considered**

The discussion paper (Attachment 1 refers) has been developed to assist the community in considering proposals and ideas as well as clarify the matters and factors that form the review.

The discussion paper outlines several options, which have been developed by way of example to encourage discussion. At this stage the City is not promoting any particular option, and the community may suggest alternative options for Council's consideration.

Council can either:

- support the discussion paper being released for public comment  
or
- amend the discussion paper prior to it being released to the public for comment.

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

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

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

Clauses 6 through 9 of Schedule 2.2 of the *Local Government Act 1995* requires a local government to carry out a review of its ward boundaries and number of offices of councillor for each ward at least once every eight years. The provisions are as follows:

**6. Local government with wards to review periodically**

(1) *A local government the district of which is divided into wards is to carry out reviews of -*

- (a) *its ward boundaries; and*
- (b) *the number of offices of councillor for each ward,*

*from time to time so that not more than 8 years elapse between successive reviews.*

(2) *A local government the district of which is not divided into wards may carry out reviews as to -*

- (a) *whether or not the district should be divided into wards; and*
- (b) *if so –*

- (i) *what the ward boundaries should be; and*
- (ii) *the number of offices of councillor there should be for each ward,*

*from time to time so that not more than 8 years elapse between successive reviews.*

(3) *A local government is to carry out a review described in subclause (1) or (2) at any time if the Advisory Board requires the local government in writing to do so.*

**7. Reviews**

(1) *Before carrying out a review a local government has to give local public notice advising —*

- (a) *that the review is to be carried out; and*
- (b) *that submissions may be made to the local government before a day fixed by the notice,*

*being a day that is not less than 6 weeks after the notice is first given.*

- (2) *In carrying out the review the local government is to consider submissions made to it before the day fixed by the notice.*

#### **8. Matters to be considered in respect of wards**

*Before a local government proposes that an order be made —*

- (a) *to do any of the matters in section 2.2(1), other than discontinuing a ward system; or*  
(b) *to specify or change the number of offices of councillor for a ward,*

*or proposes under clause 4(2) that a submission be rejected, its council is to have regard, where applicable, to —*

- (c) *community of interests; and*  
(d) *physical and topographic features; and*  
(e) *demographic trends; and*  
(f) *economic factors; and*  
(g) *the ratio of councillors to electors in the various wards.*

#### **9. Proposal by local government**

*On completing a review, the local government is to make a report in writing to the Advisory Board and may propose\* to the Board the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit.*

*\* Absolute majority required.*

The proposed review only applies to ward boundaries, names and the representation levels of councillors per ward, not how the Mayor is elected or any such change to the method of electing a Mayor. Any change to the method of filling the office of Mayor is a separate process under the *Local Government Act 1995* and therefore will not change should Council determine to alter ward boundaries or councillor representation levels as an outcome of the review.

#### **Risk management considerations**

Should Council not undertake a review of its ward boundaries and councillor representation levels, it will be in contravention of the requirements of the *Local Government Act 1995*.

#### **Financial/budget implications**

Any consultation process and the preparation of a discussion paper will be included within the City's current operational budget.

#### **Regional significance**

Ensuring that there is an acceptable ratio of councillor to elector representation has significance for the region to ensure an appropriate level of community representation at the local government level.

## **Sustainability implications**

The review of ward boundaries and councillor representation across the City of Joondalup will:

- attempt to provide a fair and equitable representation for the electors of the district
- ensure that the correct level of representation will assist individual Elected Members performing their role under section 2.10 of the *Local Government Act 1995*
- aid in the ability of Council to provide good government for the people in the City of Joondalup district.

## **Consultation**

The review process involves a number of steps:

- Council resolves to undertake the review.
- Public submission period opens.
- Discussion paper provided to the community to generate comment.
- Public submission period closes.
- Council considers all submissions and relevant factors and makes a decision.
- Council submits a report to the Local Government Advisory Board for its consideration.
- The Local Government Advisory Board submits a recommendation to the Minister for Local Government (if any change is proposed by Council).

The *Local Government Act 1995* requires that any review is advertised for a six week public comment period. To aid discussion and feedback from the community, a discussion paper has been developed (Attachment 1 refers). Public consultation will include:

- notices in the Joondalup Community newspapers
- notices on the all public notice boards at the City's Customer Service Centres, libraries and recreation centres
- notices on the City's website
- letter to ratepayer groups and associations within the City's district inviting comment on the proposal.

Any changes recommended by the Local Government Advisory Board to the Minister for Local Government and approved by the Governor, will be in place from the 2015 Local Government Elections.

## **COMMENT**

The purpose of the review is to evaluate the current arrangements and consider other options to find the system of representation that best reflects the characteristics of the City of Joondalup district and the community. Any of the following may be considered:

- Creating new wards in a district already divided into wards.
- Changing the boundaries of a ward.
- Abolishing any or all the wards into which the district is divided.
- Changing the name of a district or ward.
- Changing the number of offices of Councillor on Council.
- Specifying or changing the number of offices of Councillor for a ward.

The advice from the Local Government Advisory Board is not to indicate/nominate any preferred option in the discussion paper circulated for community feedback however a variety of options should be presented.

Whilst it is not desirable to undertake a review of the City's ward boundaries and councillor representation levels during a local government election year, the review is required to ensure that the City complies with its legislative obligations. Conducting the review in the first part of 2013 will minimise the risk of confusion with the local government election process. It will be made clear within the discussion paper that any changes to ward boundaries or councillor representation (if supported by Council) will not have any effect until after the 2015 Local Government Election.

Of relevance to this current review is the State Government's current reform agenda of metropolitan local governments. As part of the State Government's *Metropolitan Local Government Review Findings* (July 2012), the independent panel has recommended the City of Joondalup retain its current district boundaries, should the State Government's reform agenda progress. This is a strong indication that the size of the City's district, in view of its current population and future growth, is considered optimal for a metropolitan local government.

Furthermore, it is the panel's recommendation that compulsory voting in local government be enacted. While the State Government has released the report for public comment and has yet to consider the recommendations made by the panel, it is anticipated that changing to compulsory voting in local government may have an effect on the Councillor/elector ratio across the district.

In early 2009, the Minister for Local Government announced the Liberal-National Government package of local government reform strategies. A principle strategy within the package included reducing the number of Councillors for local governments between six and nine. However this is not a recommendation of the Metropolitan Local Government Review Findings. The City of Joondalup Council has formally resolved that the number of Councillors for the City of Joondalup Council be retained at 12, with a Mayor being elected by the City of Joondalup electors (Items C52-06/09 of 16 June 2009 and CJ175-08/09 of 18 August 2009 refer).

In view of this the options prepared as part of this discussion paper, the number of Councillor positions on the City of Joondalup Council are recommended to remain at 12; however it is acknowledged that possible legislative change could occur, mandating a reduction in Councillor numbers across all local governments (including the City of Joondalup).

## **VOTING REQUIREMENTS**

Simple Majority.



**MOVED Cr Gobbert, SECONDED Cr Taylor that Council:**

- 1      AGREES to conduct a review of the City of Joondalup ward names, boundaries and councillor representation levels in accordance with Schedule 2.2 of the *Local Government Act 1995*;**
- 2      SEEKS public submissions on the discussion paper forming Attachment 1 to Report CJ073-05/13;**
- 3      NOTES a further report will be presented to Council following the completion of the statutory public consultation process as required by Schedule 2.2 of the *Local Government Act 1995*.**

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution following consideration of Item CJ081-05/13, Page 150 refers.**

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

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf140513.pdf](#)*

## **CJ074-05/13      ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JANUARY - 31 MARCH 2013**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy	
<b>FILE NUMBER</b>	20560, 101515	
<b>ATTACHMENT</b>	Attachment 1	Annual Plan Quarterly Progress Report for the period 1 January – 31 March 2013
	Attachment 2	Capital Works Quarterly Report for the period 1 January – 31 March 2013
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').	

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### **PURPOSE**

For Council to note the Annual Plan Quarterly Progress Report for the period 1 January – 31 March 2013.

### **EXECUTIVE SUMMARY**

The annual plan contains the major projects and priorities which the City proposes to deliver in the 2012-2013 financial year.

The Annual Plan Quarterly Progress Report provides information on the progress of projects and programs documented in the Annual Plan 2012-2013. The Annual Plan Quarterly Progress Report for the period 1 January – 31 March 2013 is shown as Attachment 1 to this report.

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

*It is recommended that Council RECEIVES the:*

- 1      Annual Plan Quarterly Progress Report for the period 1 January – 31 March 2013, which is shown as Attachment 1 to Report CJ074-05/13;*
- 2      Capital Works Quarterly Report for the period 1 January – 31 March 2013, which is shown as Attachment 2 to Report CJ074-05/13.*

## BACKGROUND

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

The City's annual plan and quarterly reports are in line with the new Integrated Planning Framework introduced by the Department of Local Government in October 2010 which requires planning and reporting on local government activities.

## DETAILS

### Issues and options considered

The annual plan contains a brief description of the key projects and programs that the City proposes to deliver in the 2012-13 financial year. Milestones are set for the key projects and programs to be delivered in each quarter.

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

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

### Legislation / Strategic Community Plan / policy implications

#### Legislation

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

*This Act is intended to result in:*

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

#### Strategic Community Plan

##### Key theme

Governance and Leadership.

##### Objective

Corporate capacity.

##### Strategic initiative

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

##### Policy

City Policy – Communications.

The Council recognises and acknowledges the importance of consistent, clear communications and access to information for its stakeholders.

**Risk management considerations**

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

**Financial/budget implications**

All projects and programs in the Annual Plan 2012-13 have been included in the 2012-13 Budget.

**Regional significance**

Not applicable.

**Sustainability implications**

All projects and programs in the annual plan contribute to community wellbeing, the natural and built environment, economic development, financial sustainability and good governance.

**Consultation**

Not applicable.

**COMMENT**

The Annual Plan 2012-2013 was received by Council at its meeting held on 16 August 2012 (CJ155-08/12 refers).

A detailed report on progress of the Capital Works Program has been included with the Annual Plan Quarterly Progress Report. This report provides an overview of progress against all of the projects and programs in the 2012-2013 Capital Works Program.

The Capital Works Quarterly Report includes a column which contains the percent completed on site and comments regarding the progress of projects.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Gobbert, SECONDED Cr Taylor that Council RECEIVES the:**

- 1 Annual Plan Quarterly Progress Report for the period 1 January – 31 March 2013, which is shown as Attachment 1 to Report CJ074-05/13;**
- 2 Capital Works Quarterly Report for the period 1 January – 31 March 2013, which is shown as Attachment 2 to Report CJ074-05/13.**

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution following consideration of Item CJ081-05/13, Page 150 refers.**

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

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf140513.pdf](#)*

## **CJ075-05/13 LIST OF PAYMENTS MADE DURING THE MONTH OF FEBRUARY 2013**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services	
<b>FILE NUMBER</b>	09882, 101515	
<b>ATTACHMENT</b>	Attachment 1	Chief Executive Officer's Delegated Municipal Payment List for the month of February 2013
	Attachment 2	Chief Executive Officer's Delegated Trust Payment List for the month of February 2013
	Attachment 3	Municipal and Trust Fund Vouchers for the month of February 2013
<b>AUTHORITY / DISCRETION</b>	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting')	

### **PURPOSE**

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of February 2013.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of February 2013 totalling \$10,210,033.42.

*It is recommended that Council NOTES the Chief Executive Officer's list of accounts for February 2013 paid under delegated authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 in Attachments 1, 2 and 3 to Report CJ075-05/13, totalling \$10,210,033.42.*

### **BACKGROUND**

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

## DETAILS

The table below summarises the payments drawn on the funds during the month of February 2013. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments	\$ 6,308,329.32
	94897-95093 & EF029682 – EF030188	
	Net of cancelled payments	\$ 3,877,205.70
	Vouchers 1087A - 1091A & 1094A - 1097A	
Trust Account	Trust Cheques 205475 - 205528 Net of cancelled payments	\$ 24,498.40
<b>Total</b>		<b>\$10,210,033.42</b>

## Issues and options considered

The list of payments report has now been amended to include contract numbers where payments were made under approved contracts.

## Legislation / Strategic Community Plan / policy implications

### Legislation

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

## Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic Initiative** Not applicable.

**Policy** Not applicable.

## Risk management considerations

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

## Financial/budget implications

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

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

Not applicable.

**COMMENT**

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the 2012-13 Annual Budget as adopted and revised by Council at its meeting of 10 July 2012 or has been authorised in advance by the Mayor or by resolution of Council as applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Gobbert, SECONDED Cr Taylor that Council NOTES the Chief Executive Officer's list of accounts for February 2013 paid under Delegated Authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations of 1996* forming Attachments 1, 2 and 3 to Report CJ075-05/13, totalling \$10,210,033.42.**

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution following consideration of Item CJ081-05/13, Page 150 refers.**

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

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf140513.pdf](#)*



**CJ076-05/13 LIST OF PAYMENTS MADE DURING THE MONTH OF MARCH 2013**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services	
<b>FILE NUMBER</b>	09882, 101515	
<b>ATTACHMENT</b>	Attachment 1	Chief Executive Officer's Delegated Municipal Payment List for the month of March 2013
	Attachment 2	Chief Executive Officer's Delegated Trust Payment List for the month of March 2013
	Attachment 3	Municipal and Trust Fund Vouchers for the month of March 2013
<b>AUTHORITY / DISCRETION</b>	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting')	

**PURPOSE**

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of March 2013.

**EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of March 2013 totalling \$18,119,875.75.

*It is recommended that Council NOTES the Chief Executive Officer's list of accounts for March 2013 paid under delegated authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 in Attachments 1, 2 and 3 to Report CJ076-05/13, totalling \$18,119,875.75.*

**BACKGROUND**

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

## DETAILS

The table below summarises the payments drawn on the funds during the month of March 2013. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 95094 - 95284 & EF030189 – EF030838 Net of cancelled payments	\$ 14,004,323.74
	Vouchers 1100A – 1107A	\$ 4,094,382.01
Trust Account	Trust Cheques 205529 – 205592 Net of cancelled payments	\$21,170.00
<b>Total</b>		<b>\$18,119,875.75</b>

## Issues and options considered

The list of payments report has now been amended to include contract numbers where payments were made under approved contracts.

## Legislation / Strategic Community Plan / policy implications

### Legislation

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

### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic Initiative** Not applicable.

**Policy** Not applicable.

### Risk management considerations

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

### Financial/budget implications

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

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

Not applicable.

**COMMENT**

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the 2012-13 Annual Budget as adopted and revised by Council at its meeting of 10 July 2012 or has been authorised in advance by the Mayor or by resolution of Council as applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Gobbert, SECONDED Cr Taylor that Council NOTES the Chief Executive Officer's list of accounts for March 2013 paid under Delegated Authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations of 1996* forming Attachments 1, 2 and 3 to Report CJ076-05/13, totalling \$18,119,875.75.**

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution following consideration of Item CJ081-05/13, Page 150 refers.**

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

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14brf140513.pdf](#)*

## **CJ077-05/13      FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 MARCH 2013**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	07882, 101515
<b>ATTACHMENT</b>	Attachment 1      Financial Activity Statement for the period ended 31 March 2013
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

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### **PURPOSE**

For Council to note the Financial Activity Statement for the period ended 31 March 2013.

### **EXECUTIVE SUMMARY**

Council adopted the Mid Year Budget Review for the 2012-13 Financial Year at its meeting held on 19 February 2013 (CJ022-02/13 refers). The figures in this report are compared to the revised Budget figures.

The March 2013 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$3,452,415 for the period when compared to the 2012-13 Revised Budget.

The variance can be summarised as follows:

The Operating Surplus is \$464,190 below budget, made up of lower operating revenue of \$148,282 and higher operating expenditure of \$315,908.

Lower operating revenues are primarily as a result of Grants and Subsidies \$241,110, Contributions, Reimbursements and Donations \$165,428, Rates \$43,478 and Other Revenue \$36,608. These are offset by revenue above budget on Fees and Charges \$270,114 and Interest Earnings \$63,938.

Operating expenditure is below budget on Materials and Contracts \$1,121,622, Employee Costs \$616,642 and Loss on Asset Disposal \$97,832. These are offset by higher Depreciation and Utilities expenditure which are \$1,922,669 and \$228,903 above budget respectively.

The favourable variance on Materials and Contracts is spread across a number of areas including External Service Expenses \$498,869, Professional Fees and Charges \$277,119, Furniture, Equipment and Artworks \$247,456, and Public Relations and Advertising \$167,191. These are partly offset by an unfavourable variance of \$281,079 on Waste Management Services.

The Capital Deficit is \$2,096,058 below budget as a result of lower expenditure on Capital Projects \$579,012, Capital Works \$1,997,136 and Equity Investments \$330, offset by higher expenditure on Motor Vehicle Replacements \$275,622 and lower capital revenue of \$204,798.

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

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 March 2013 forming Attachment 1 to Report CJ077-05/13.*

## **BACKGROUND**

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

## **DETAILS**

### **Issues and options considered**

The Financial Activity Statement for the period ended 31 March 2013 is appended as Attachment 1.

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

#### **Legislation**

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

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

#### **Strategic Community Plan**

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

**Risk management considerations**

In accordance with Section 6.8 of the *Local Government Act 1995*, a local government is not to incur expenditure from its municipal 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 Revised Budget or have been authorised in advance by Council where applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Gobbert, SECONDED Cr Taylor that Council NOTES the Financial Activity Statement for the period ended 31 March 2013 forming Attachment 1 to Report CJ077-05/13.**

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution following consideration of Item CJ081-05/13, Page 150 refers.**

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

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15brf140513.pdf](#)*

## **CJ078-05/13      TENDER      004/13      –      SUPPLY,      DELIVERY, INSTALLATION AND REPAIR OF FENCING**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services	
<b>FILE NUMBER</b>	102938, 101515	
<b>ATTACHMENT</b>	Attachment 1	Schedule of Items
	Attachment 2	Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.	

### **PURPOSE**

For Council to accept the tenders submitted by The Trustee for the Fencewright Unit Trust trading as Fencewright, Wood Peter Family Trust trading as Peter Wood Fencing Contractors and NR and KP Henry trading as Reliable Fencing for the supply, delivery, installation and repair of fencing.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 6 February 2013 through statewide public notice for the supply, delivery, installation and repair of fencing for a period of three years. Tenders closed on 21 February 2013. Eight submissions were received from:

- The Trustee for the Fencewright Unit Trust trading as Fencewright.
- Wood Peter Family Trust trading as Peter Wood Fencing Contractors.
- Milner's Fencing Pty Ltd.
- NR and KP Henry trading as Reliable Fencing.
- The Trustee for the Blackaller Trust trading as JSB Fencing and Machinery Hire.
- Marebar Pty Ltd trading as DBS Fencing.
- The Trustee for the AG Macdonald Family Trust trading as CAI Fences.
- The Trustee for the Riganello Family Trust trading as Woodvale Fencing.

The submissions from The Trustee for the Fencewright Unit Trust trading as Fencewright, Wood Peter Family Trust trading as Peter Wood Fencing Contractors and NR and KP Henry trading as Reliable Fencing represent best value to the City. These are well established companies with significant industry experience and proven capacity to provide the goods and services to the City.

Fencewright has extensive experience in providing fencing requirements to government authorities including Main Roads, WA Planning Commission and Department of Defence, however, the examples of works and references supplied did not include local governments. Peter Wood Fencing has successfully completed similar works for the Cities of Stirling, Bayswater, Gosnells, Fremantle, Nedlands and is the City's current contractor. Reliable Fencing has been providing similar works for the Cities of Wanneroo and Belmont.

*It is therefore recommended that Council ACCEPTS:*

- 1 the tenders submitted by The Trustee for the Fencewright Unit Trust trading as Fencewright and NR & KP Henry trading as Reliable Fencing for the supply, delivery, installation and repair of fencing as specified in Tender 004/13 for a period of three years at the submitted schedule of rates for Group 1 and bollards, boom/swing gates, chain mesh fencing for cricket wicket practice nets and tennis courts, with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index;*
- 2 the tender submitted by Wood Peter Family Trust trading as Peter Wood Fencing Contractors for the supply, delivery, installation and repair of fencing as specified in Tender 004/13 for a period of three years at the submitted schedule of rates for Group 2 and bollards and boom/swing gates, with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.*

## **BACKGROUND**

The City has a requirement for the supply, delivery, installation and repair of fencing at various locations within the City.

The City intends to establish a panel for the services under which any panel member may be engaged by the City.

The City currently has a panel contract for fencing with Peter Wood Fencing Contractors Pty Ltd and Supreme Fencing, which expired on 22 April 2013.

Peter Wood Fencing has provided a quality service throughout the term of the contract.

Supreme Fencing withdrew its services during the contract and these services are currently obtained on a quotation basis.

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

## **DETAILS**

The tender for the supply, delivery, installation and repair of fencing was advertised through statewide public notice on 6 February 2013. The tender period was for two weeks and tenders closed on 21 February 2013.



## **Tender Submissions**

Eight submissions were received from:

- The Trustee for the Fencewright Unit Trust trading as Fencewright.
- Wood Peter Family Trust trading as Peter Wood Fencing Contractors.
- Milner's Fencing Pty Ltd.
- NR and KP Henry trading as Reliable Fencing.
- The Trustee for the Blackaller Trust trading as JSB Fencing and Machinery Hire.
- Marebar Pty Ltd trading as DBS Fencing.
- The Trustee for the AG Macdonald Family Trust trading as CAI Fences.
- The Trustee for the Riganello Family Trust trading as Woodvale Fencing.

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

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

## **Evaluation Panel**

The evaluation panel comprised of four members:

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

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

## **Compliance Assessment**

The following offers received were assessed as fully compliant:

- Fencewright.
- Peter Wood Fencing Contractors.
- Milner's Fencing Pty Ltd.
- Reliable Fencing.
- JSB Fencing and Machinery Hire.
- DBS Fencing.
- CAI Fences.

Woodvale Fencing was assessed as non compliant. Woodvale Fencing did not provide any response to the qualitative criteria and its offer was not considered further.

### Qualitative Assessment

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

Qualitative Criteria		Weighting
1	Capacity	50%
2	Demonstrated experience in completing similar projects	25%
3	Demonstrated understanding of the required tasks	20%
4	Social and economic effects on the local community	5%

CAI Fences scored 26% and was ranked seventh in the qualitative assessment. The information provided in the offer was limited. The response addressing capacity did not include details of personnel, its safety policy, procedures and statistics or after-hour contacts for emergency requirements. The company did not adequately demonstrate its understanding of the City's requirements. Numerous examples of works recently undertaken for various organisations including the Cities of Swan and Joondalup were provided however these were for smaller projects in comparison to the City's requirements. No references were supplied.

DBS Fencing scored 29.8% and was ranked sixth in the qualitative assessment. The company did not provide a specific response demonstrating its understanding of the requirements. DBS Fencing did not demonstrate the capacity required to carry out the works. It has a safety policy in place but its safety statistics, after-hour contacts for emergency requirements and details of specialised equipment were not supplied. It did not submit sufficient information to demonstrate experience. Numerous examples of works were provided but the works undertaken were smaller projects and did not include a scope of requirements and dates of when the projects were undertaken.

JSB Fencing and Machinery Hire scored 56.7% and was ranked fifth in the qualitative assessment. It demonstrated experience providing similar services however the examples of works undertaken for various organisations did not include local governments. Most of these works were major projects involving machinery hire and fencing. The percentage of fencing was not stated. JSB Fencing and Machinery Hire submitted a brief response and only demonstrated some understanding of the required tasks. The company is well resourced and has the capacity to provide the services.

Reliable Fencing scored 63% and was ranked fourth in the qualitative assessment. The company demonstrated a thorough understanding of the required tasks. Reliable Fencing has experience providing fencing requirements to private organisations and local governments including the Cities of Wanneroo and Belmont. The company has adequate resources and the capacity to carry out the works for the City however its submission did not include its total number of staff or safety record.

Milner's Fencing scored 64.3% and was ranked third in the qualitative assessment. The company demonstrated experience providing similar services to federal, state and local governments including the Cities of South Perth and Swan. Milner's Fencing demonstrated a thorough understanding of the required tasks and has sufficient capacity to undertake the work. A copy of its safety procedures was not supplied.

Peter Wood Fencing scored 65.6% and was ranked second in the qualitative assessment. It demonstrated a sound understanding of the required tasks. The company has extensive experience in providing similar services to landscape developers and local governments including the Cities of Stirling, Bayswater, Gosnells, Fremantle and Nedlands. It is also the City's current fencing contractor. Peter Wood Fencing is sufficiently equipped and has the capacity to complete the works however copies of its safety policy and procedures were not provided.

Fencewright scored 71.3% and was ranked first in the qualitative assessment. The company demonstrated a thorough understanding of the City's requirements. Fencewright is well resourced and has the capacity to undertake the works. It has extensive experience in providing fencing requirements to private organisations and government authorities including Main Roads, WA Planning Commission and Department of Defence.

### Price Assessment

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

To provide an estimated expenditure over a 12 month period the 35 most commonly used items and their typical usage based on historical data have been used. The items were assessed in two groups:

- Group 1 – Items 5, 7 and 8 (sump), Item 9 (super six) and Item 12 (timber lap).
- Group 2 – Item 1 (beach), Item 4 (bushland) and Item 13 (track pathway).

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

The rates are fixed for the first year of the contract, but are subject to a price variation in years two and three of the contract to a maximum of the percentage change in the Perth CPI (All Groups) Index for the preceding year. For estimation purposes, a 3% CPI increase in years two and three was applied to the tendered rates.

Tenderer	Year 1		Year 2		Year 3		Total	
	Group 1	Group 2	Group 1	Group 2	Group 1	Group 2	Group 1	Group 2
CAI Fences	*\$67,250	** N/A	\$69,268	** N/A	\$71,346	** N/A	\$207,863	** N/A
Fencewright	\$70,030	\$383,190	\$72,131	\$394,686	\$74,295	\$406,527	\$216,456	\$1,184,403
Peter Wood Fencing	** N/A	\$258,300	** N/A	\$266,049	** N/A	\$274,030	** N/A	\$798,379
Reliable Fencing	\$84,715	\$378,700	\$87,256	\$390,061	\$89,874	\$401,763	\$261,846	\$1,170,524
JSB Fencing and Machinery Hire	\$96,496	\$243,236	\$99,391	\$250,533	\$102,373	\$258,049	\$298,259	\$751,818
Milner's Fencing	\$101,775	\$551,400	\$104,828	\$567,942	\$107,973	\$584,980	\$314,576	\$1,704,322
DBS Fencing	\$120,573	\$333,600	\$124,190	\$343,608	\$127,916	\$353,916	\$372,679	\$1,031,124

\* CAI Fences only submitted prices for seven of 21 Group 1 items.

\*\* Peter Wood Fencing did not submit prices for Group 1 items. CAI Fences did not submit prices for Group 2 items.

Tenderers were not required to tender for every item.

Over the past 12 months, the City incurred \$299,240 for the supply, delivery, installation and repair of fencing and is expected to incur in the order of \$1,014,840 over the three year contract period. The City projected an increase in maintenance and capital works for natural areas by approximately 10% in the first 12 months of the contract.

### Evaluation Summary

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

Tenderer	Estimated Year 1 Contract Price		Estimated Total Contract Price		Price Ranking		Weighted Percentage Score	Qualitative Ranking
	Group 1	Group 2	Group 1	Group 2	Group 1	Group 2		
Fencewright	\$70,030	\$383,190	\$216,456	\$1,184,403	1	5	71.3%	1
Peter Wood Fencing	N/A	\$258,300	N/A	\$798,379	N/A	2	65.6%	2
Milner's Fencing	\$101,775	\$551,400	\$314,576	\$1,704,322	4	6	64.3%	3
Reliable Fencing	\$84,715	\$378,700	\$261,846	\$1,170,524	2	4	63%	4
JSB Fencing and Machinery Hire	\$96,496	\$243,236	\$298,259	\$751,818	3	1	56.7%	5
DBS Fencing	\$120,573	\$333,600	\$372,679	\$1,031,124	5	3	29.8%	6
CAI Fences	\$67,250	N/A	\$207,863	N/A	N/A	N/A	26%	7

Based on the evaluation result the panel concluded that the tenders from Fencewright, Peter Wood Fencing and Reliable Fencing provide best value to the City and are therefore recommended for the panel contract.

The panel will comprise of:

- Fencewright and Reliable Fencing for Group 1 items plus bollards, boom/swing gates, chain mesh fencing for cricket wicket practice nets and tennis court.
- Peter Wood Fencing for Group 2 items plus bollards and boom/swing gates.

### Issues and options considered

The City has a requirement for the supply, delivery, installation and repair of fencing at various locations within the City. The City does not have the internal resources to provide the required goods and services and requires an appropriate external contractor to undertake the works.

### Legislation / Strategic Community 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 and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000.

**Strategic Community Plan**

**Key theme** The Natural Environment.

**Objective** Environmental resilience.

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

**Policy** Not applicable.

**Risk management considerations**

Should the contract not proceed, the risk to the City will be high as the City will not be able to undertake maintenance on damaged fencing or install fencing when required.

It is considered that the contract will represent a low risk to the City as the recommended tenderers are well established companies with industry experience and capacity to provide the goods and services to the City.

**Financial/budget implications**

**Account No:** Various Maintenance and Capital Works accounts.

**Budget Item:** Supply, delivery, installation and repair of fencing.

**Estimated Budget Amount:** \$ 360,000

**Amount Spent To Date:** \$ 227,187

**Proposed Cost:** \$ 27,361

**Balance:** \$ 105,452

All figures quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

This contract supports the City's strategic initiatives in environmental management for biodiversity, protection and enhancement of the natural environment.

**Consultation**

Not applicable.

**COMMENT**

The evaluation panel carried out the evaluation of the submissions in accordance with the City's evaluation process and concluded that the offers submitted by Fencewright, Peter Wood Fencing and Reliable Fencing represent best value to the City.

Due to the nature of fencing and safety requirements, a panel contract is required in order to meet operational needs at short notice or when one or two panel members are unable to supply.

Under a panel arrangement the City may request goods and/or services from any panel member, subject to price and availability. Being appointed as a panel member would not give the contractors any right to provide the goods and/or services to the City.

## **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Gobbert, SECONDED Cr Taylor that Council ACCEPTS:**

- 1 the tenders submitted by The Trustee for the Fencewright Unit Trust trading as Fencewright and NR & KP Henry trading as Reliable Fencing for the supply, delivery, installation and repair of fencing as specified in Tender 004/13 for a period of three years at the submitted schedule of rates for Group 1 and bollards, boom/swing gates, chain mesh fencing for cricket wicket practice nets and tennis courts, with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index;**
- 2 the tender submitted by Wood Peter Family Trust trading as Peter Wood Fencing Contractors for the supply, delivery, installation and repair of fencing as specified in Tender 004/13 for a period of three years at the submitted schedule of rates for Group 2 and bollards and boom/swing gates, with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.**

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution following consideration of Item CJ081-05/13, Page 150 refers.**

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

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16brf140513.pdf](#)*

## **CJ079-05/13      TENDER 005/13 – SUPPLY AND DELIVERY OF CRUSHED LIMESTONE, BITUMEN EMULSION STABILISED LIMESTONE AND ROCK SPALLS**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services	
<b>FILE NUMBER</b>	102965	
<b>ALT FILE NUMBER</b>	101515	
<b>ATTACHMENT</b>	Attachment 1	Schedule of Items
	Attachment 2	Summary of Tender Submission
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.	

### **PURPOSE**

For Council to accept the tender submitted by The Trustee for WA Limestone Unit Trust trading as WA Limestone Co. for the supply and delivery of crushed limestone, bitumen emulsion stabilised limestone and limestone rock spalls.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 2 March 2013 through statewide public notice for the supply and delivery of crushed limestone, bitumen emulsion stabilised limestone and limestone rock spalls for a period of three years. Tenders closed on 19 March 2013. One submission was received from The Trustee for WA Limestone Unit Trust trading as WA Limestone Co.

The submission from WA Limestone Co. represents value to the City. The company has extensive experience in undertaking similar works for local government and has demonstrated a thorough understanding of the required tasks. WA Limestone Co. is currently supplying limestone to various local governments including the Cities of Wanneroo, Swan, Stirling, Vincent and Nedlands. WA Limestone Co. is a well established company with significant industry experience and is the City's current contractor for this service.

*It is therefore recommended that Council ACCEPTS the tender submitted by The Trustee for WA Limestone Unit Trust trading as WA Limestone Co. for the supply and delivery of crushed limestone, bitumen emulsion stabilised limestone and limestone rock spalls as specified in Tender 005/13 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 and quarterly review of price of bitumen emulsion as supplied by the contractor's supplier BP Australia.*

## **BACKGROUND**

The City has a requirement for the supply and delivery of crushed limestone, pre-mixed bitumen emulsion stabilised limestone and limestone rock spalls to areas within the City as required for various works projects.

The City currently has a single contract for limestone with WA Limestone Co., which will expire on 31 May 2013.

WA Limestone Co. has provided a good quality service throughout the term of the contract.

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

## **DETAILS**

The tender for the supply and delivery of crushed limestone, bitumen emulsion stabilised limestone and limestone rock spalls was advertised through statewide public notice on 2 March 2013. The tender period was for two weeks and tenders closed on 19 March 2013.

### **Tender Submissions**

One submission was received from The Trustee for WA Limestone Unit Trust trading as WA Limestone Co.

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
- two with the appropriate technical expertise and involvement in supervising the contract.

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

### **Compliance Assessment**

The 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	50%
2	Demonstrated experience in completing similar projects	25%
3	Demonstrated understanding of the required tasks	20%
4	Social and economic effects on the local community	5%

WA Limestone Co. scored 68% in the qualitative assessment. The company demonstrated a thorough understanding of the required tasks. It has extensive experience in supplying limestone to various local governments including the Cities of Wanneroo, Swan, Stirling, Vincent and Nedlands. It is the City's current contractor for the supply of limestone. WA Limestone Co. is well established and has the capacity to undertake the works for the City.

### Price Assessment

Having assessed the compliant submission against the specified criteria in detail and with the clarification of any issues, the panel carried out a comparison of the rates offered by the tenderer and current contract rates in order to assess value for money to the City.

To provide an estimated expenditure over the contract term, all scheduled items and their typical usage based on historical data have been used in the calculation.

The following table provide a summary of the estimated expenditure of the tenderer over the contract term.

Any future mix of requirements will be based on demand and subject to change in accordance with operational needs of the City.

The rates are fixed for the first year of the contract, but are subject to a price variation in years two and three of the contract to a maximum of the CPI for the preceding year. For estimation purposes, a 3% CPI increase was applied to the rates in years two and three.

WA Limestone Co.	Year 1	Year 2	Year 3	Total
Current rates	\$134,395	\$138,427	\$142,580	\$415,402
Proposed new rates	\$147,934	\$152,372	\$156,943	\$457,248

During this financial year to date, the City incurred \$101,598 for the supply and delivery of crushed limestone, bitumen emulsion stabilised limestone and limestone rock spalls. The City is expected to incur in the order of \$457,248 over the three year Contract period.

### Evaluation Summary

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

Tenderer	Estimated Contract Price Year 1	Estimated Total Contract Price	Weighted Percentage Score
WA Limestone Co.	\$147,934	\$457,248	68%

Based on the evaluation result the panel concluded that the tender from WA Limestone Co. is therefore recommended.

### Issues and options considered

The City has a requirement for the supply and delivery of crushed limestone, bitumen emulsion stabilised limestone and limestone rock spalls to areas within the City as required for various works projects. The City does not have the internal resources to provide the required goods and services and requires an appropriate external contractor to undertake the works.

### Legislation / Strategic Community Plan / policy implications

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

<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Integrated spaces.
<b>Strategic initiative</b>	Enable safe, logical and accessible pedestrian movements throughout public spaces.
<b>Policy</b>	Not applicable.

### Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City will not have an appropriate limestone supplier to provide the resource required to complete forecast capital works projects.

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 the capacity to provide the goods/services to the City.

### Financial/budget implications

<b>Account no.</b>	Various.
<b>Budget Item</b>	Crushed limestone, bitumen emulsion stabilised limestone and limestone rock spalls.
<b>Budget amount</b>	\$ 150,000
<b>Amount spent to date</b>	\$ 101,598
<b>Proposed cost</b>	\$ 12,328
<b>Balance</b>	\$ 36,074

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

The recommended tenderer intends to supply the City's limestone materials from its quarry in Neerabup which therefore represents a very close delivery point to sites within the City, minimising transportation requirements.

**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 WA Limestone Co. represents value to the City.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED** Cr Gobbert, **SECONDED** Cr Taylor that Council **ACCEPTS** the Tender submitted by The Trustee for WA Limestone Unit Trust trading as WA Limestone Co. for the supply and delivery of crushed limestone, bitumen emulsion stabilised limestone and limestone rock spalls as specified in Tender 005/13 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 and quarterly review of price of bitumen emulsion as supplied by the contractor's supplier BP Australia.

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution following consideration of Item CJ081-05/13, Page 150 refers.**

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

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17brf140513.pdf](#)*

## **CJ080-05/13      2012-13 SPORTS DEVELOPMENT PROGRAM - ROUND TWO**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	58536, 101515
<b>ATTACHMENT</b>	Nil.
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to approve a funding grant as part of the City's 2012-13 Sports Development Program – Round Two.

### **EXECUTIVE SUMMARY**

The Sports Development Program aims to assist local not for profit, district level sporting clubs with programs, projects and events that facilitate the development of sport and enhance its delivery to City of Joondalup residents.

The City received one application in Round Two of the 2012-13 Sports Development Program.

A panel convened to assess the application has recommended that the project be supported. The panel's recommendations and the project information from Breakers Swim Club are presented to Council for consideration.

*It is therefore recommended that Council APPROVES a grant of \$20,000 to the Breakers Swim Club for their Multi-Age Swimmer Development Plan, subject to the club entering into a formal funding agreement with the City of Joondalup.*

### **BACKGROUND**

At its meeting held on 11 June 2002 (CJ136-06/02 refers), Council resolved to establish a sporting club support scheme whereby assistance can, upon application, be made available to district level clubs in lieu of individual sponsorship support.

The agreed aim of the Sports Development Program is to assist local not for profit, district level sporting clubs that play at, or are aspiring towards the highest level of competition in their chosen sport. Eligible clubs must be located within the City of Joondalup and be represented at both junior and senior levels. Clubs can apply for support every second year following a successful application.

## DETAILS

The City received one application for 2012-13 Sports Development Program Round Two. The application was from the Breakers Swim Club.

### Breakers Swim Club

The Breakers Swim Club based at Craigie Leisure Centre submitted an application that sought support to create a Multi-Age Swimmer Development Program for their athletes. The proposed project would provide land training complementary to pool sessions and development workshops for coaches. The program would be conducted over two years, July 2013 to June 2015.

The key outcomes of the swimmer development project include:

- expand land work program for all ages
- create talent ID program with physio education
- create positive educational sessions on preparing for competition
- create club environment where competitive culture can comfortably sit with recreational members.

The assessment panel convened on 13 March 2013 to assess the application. The panel provided in-principle support for the project, but requested further information to strengthen the application. The club provided the requested information and on reassessment it is recommended that the application be approved.

The costs of the program are itemised below:

	<b>Amount Requested from the City</b>	<b>Amount Recommended by the City</b>
Strength & Conditioning	\$6,500	\$6,500
Physiotherapy	\$8,000	\$8,000
Physiotherapy Education, Sports Psychology	\$2,400	\$2,400
Sports Nutrition Workshops	\$2,000	\$2,000
Club Development Camp website	<u>\$2,000</u>	<u>\$1,100</u>
<b>Total Cost</b>	<b>\$ 20,900</b>	<b>\$20,000</b>

The Breakers Swim Club has received a previous Sports Development grant from the City:

<b>Year</b>	<b>Amount Funded</b>
2010-11	\$ 18,160

The club has completed the acquittal of this funding in line with the grant requirements.

### Issues and options considered

Council can choose to either:

- approve the grant application  
or
- refuse the grant application.

### Legislation / Strategic Community Plan / policy implications

**Legislation** Not applicable.

#### Strategic Community Plan

**Key theme** Community Wellbeing.

**Objective** Community spirit.

**Strategic initiative**

- Support and encourage opportunities for local volunteering.
- Promote the sustainable management of local organisations and community groups.
- Support and facilitate the development of community leaders.

**Policy** City Policy – Community Funding Policy.

### Risk management considerations

There has been an ongoing concern regarding the number of grants with outstanding acquittals by clubs and groups who have previously been successful in receiving a City grant. There is an inherent risk that some groups may not be able to properly acquit their grants due mainly to the sometimes transient nature of sporting club committees. Should this happen it would be difficult to obtain reasonable information to complete an acquittal.

This risk is managed by the City being proactive in maintaining contact with sporting clubs who have outstanding grant acquittals to ensure they are completed on time and with the relevant evidence and information.

### Financial/budget implications

**Account no.** 1.443.A4409.3293.4023

<b>Budget Item</b>	Sponsorship
<b>Budget amount</b>	\$ 90,000
<b>Amount spent to date</b>	\$ 20,000
<b>Proposed cost</b>	\$ 20,000
<b>Balance</b>	\$ 50,000

All figures quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

The Sports Development Program provides for a positive effect on the development of a healthy, equitable, active and involved community. The program also provides the opportunity for a positive effect on community access to sport, leisure and recreational services.

**Consultation**

Not applicable.

**COMMENT**

The application was assessed to have met the requirements for the programs outcomes, objectives and project plan. The panel felt that the application provided a strong link between the process and the objectives of the program within a financially sustainable structure.

The Breakers Swim Club have previously acquitted all grants received by the City and have proven to be a well run and sustainable club.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Gobbert, SECONDED Cr Taylor that Council APPROVES a grant of \$20,000 to the Breakers Swim Club for their Multi-Age Swimmer Development Plan, subject to the club entering into a formal funding agreement with the City of Joondalup.**

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution following consideration of Item CJ081-05/13, Page 150 refers.**

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

**CJ081-05/13 FENTON RESERVE TENNIS COURT, HILLARYS**

<b>WARD</b>	South-West		
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services		
<b>FILE NUMBER</b>	40328, 19860, 101515		
<b>ATTACHMENT</b>	Attachment 1	Fenton Reserve Tennis Court Aerial Map	
	Attachment 2	Community Consultation Results Analysis Report	
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.		

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**PURPOSE**

For Council to consider the results of the community consultation undertaken for the preferred infrastructure to replace the tennis court that is to be decommissioned at Fenton Reserve, Hillarys.

**EXECUTIVE SUMMARY**

At its meeting held on 15 February 2011 (CJ010-02/11 refers), Council endorsed a Tennis Court Provision and Maintenance Strategy, which included a Tennis Court Hierarchy and Decommissioning Process.

At its meeting held on 11 December 2012 (CJ281-12/12 refers), Council considered the ongoing maintenance of the Fenton Reserve tennis court and given the existing low utilisation rate (less than 0.5% of its available time); court improvement work required; and location of other tennis facilities nearby; agreed to decommission the tennis court. To determine the replacement infrastructure for the court, community consultation was conducted to seek feedback from the local residents on possible options.

The community consultation process was undertaken from Monday 18 February to Monday 11 March 2013. The survey proposed two replacement infrastructure options - grass only or planting of native vegetation, grass and a park bench, based on the existing classification of the reserve, namely, Local Open Space.

The City received 37 valid responses of which 36 were from residents living within a 200 metre radius of the site, which equates to a response rate of 20%. The majority of respondents (75.7%) indicated they would prefer grass, native vegetation and a park bench installed in replacement of the decommissioned tennis court.



Twelve respondents and three non-respondents submitted additional comments on the project, of which eight respondents (22% of the overall respondents) requested consideration of play equipment at the site.

Based on the majority of support received from respondents during the community consultation process, it is recommended that the decommissioned tennis court at Fenton Reserve is replaced with the installation of native vegetation, grass and a park bench, at an estimated cost of \$28,500. In addition, it is also recommended that play equipment is listed for consideration in the Capital Works Budget in 2014-15 for installation at Fenton Reserve, based on a recent demographic analysis of the site and its location to nearby play space alternatives within the area. This would be at an additional cost of approximately \$44,100, following the finalisation of the Parks and Public Open Spaces Classification Framework review.

*It is therefore recommended that Council:*

- 1 *NOTES the findings and additional comments received as part of the of the Community Consultation process undertaken to determined the preferred infrastructure option in replacement of the tennis court to be decommissioned at Fenton Reserve, Hillarys;*
- 2 *AGREES to install grass, native vegetation planting and a park bench in replacement of the decommissioned tennis court located at Fenton Reserve, Hillarys;*
- 3 *NOTES that the \$20,000 currently listed in the 2012-13 Capital Works Budget (W1100) for Fenton Reserve tennis court will be carried forward to the 2013-14 Capital Works Budget;*
- 4 *NOTES that a further \$8,500 has been listed for consideration in the 2013-14 Capital Works Budget to install grass, native vegetation planting and a park bench at Fenton Reserve, Hillarys;*
- 5 *REQUESTS that \$44,100 be listed for consideration in the 2014-15 Capital Works Budget to install play equipment at Fenton Reserve, Hillarys.*

## **BACKGROUND**

At its meeting held on 15 February 2011 (CJ010-02/11 refers), Council endorsed a Tennis Court Provision and Maintenance Strategy which included a Tennis Court Hierarchy and Decommissioning Process.

The purpose of the strategy is to ensure a more rigorous facility condition audit assessment is undertaken on City tennis courts. Through this review process, all City-owned tennis court facilities with high-utilisation rates, and which have not recently received restorative works will be prioritised over those used rarely and those which have recently received restorative works.

In addition, tennis courts which have reached the end of their life, and have continued low utilisation rates, will be subject to the decommissioning process which may result in the tennis courts being decommissioned and, if applicable, replaced with an appropriate alternative facility. As part of this process, the location of nearby alternative tennis facilities (both City owned and otherwise) will be assessed.

Fenton Reserve is located on Fenton Way, Hillarys (Attachment 1 refers), is 0.46 hectares and is currently classified as a Local Open Space under the City's Parks and Public Open Spaces Classification Framework. At the site is a single plexi-pave court with two floodlights and a fenced perimeter. The court was built in 1978 with the last resurfacing works undertaken in 1994. In addition, a swing set and picnic table are located at the reserve.

Within Hillarys there are two other tennis court facilities located in the suburb - Harbour View Park tennis courts which are approximately one kilometre south-west and James Cook Park tennis courts which are approximately 1.5 kilometres north of the site.

At its meeting held on 11 December 2012 (CJ281-12/12 refers), Council considered the ongoing maintenance of the Fenton Reserve tennis court and given the existing low utilisation rate (less than 0.5% of its available time); court improvement work required; and location of other tennis facilities nearby; agreed to decommission the tennis court. To determine the replacement infrastructure for the court, community consultation was conducted to seek feedback from the local residents on possible options.

Given the size of Fenton Reserve and its classification as a local open space, it was recommended that limited infrastructure be considered to replace the tennis court. One option provided was to replace the court with grass. Given the court is in the middle of Fenton Reserve and is surrounded by grass, this would be in keeping with the surrounding area and give the local community more grass for informal recreation and play. The second option was to develop some passive recreational infrastructure at the reserve such as additional planting of native vegetation and grass, plus the installation of a park bench. Community consultation was undertaken on these two possible replacement infrastructure options.

## **DETAILS**

Community consultation with residents living within a 200 metre radius from the site (180 households) was conducted for 21 days from Monday 18 February to Monday 11 March 2013. The consultation outlined the two proposed replacement infrastructure options, these being grass only or planting of native vegetation, and grass and the installation of a park bench.

The consultation was advertised through the following methods:

- Direct mail out - cover letter, frequently asked question sheet and comment form was sent to all residents within 200 metres of Fenton Reserve.
- Site signage - one sign was placed at Fenton Reserve during the community consultation period.
- 'Club's In Focus' e-newsletter - information was added to the February 2013 edition with links to website for further details or to complete the comment form.
- Website - information and comment form was available on the community consultation page of the City's website during the community consultation period.

The full results of the community consultation are included as Attachment 2. The City received 37 valid responses of which 36 were from residents living within a 200 metre radius of the site, which equates to a response rate of 20%. There was also one submission made by a person living outside the 200 metre radius of the site. A summary of the results is included below.

### Demographics

Of the responses received, almost one quarter of these were submitted by people aged between 55 and 64 years. The 55–64 years age group forms a large proportion of the population for the Hillarys suburb area, so a large response from this age group would be expected.

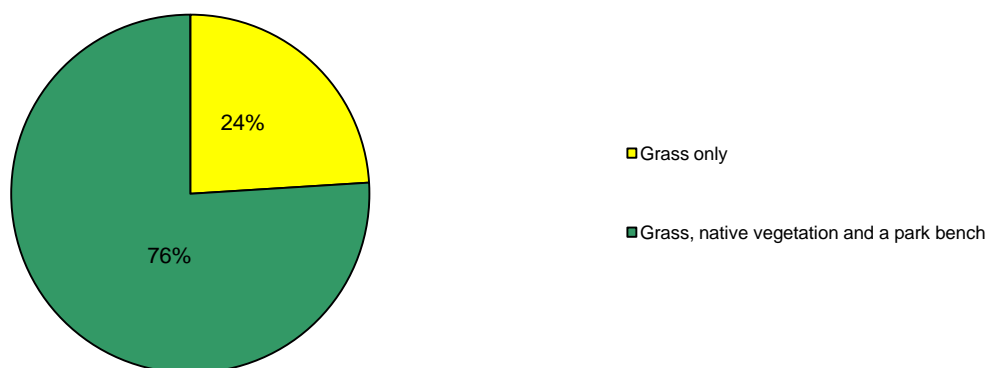
### Use of Fenton Reserve

The majority of respondents (23) use Fenton Reserve for informal recreation (such as walking, running, playing and dog walking). Nearly one third of respondents (12) indicated that they do not currently use Fenton Reserve.

### Preferred replacement infrastructure

Respondents were asked to indicate their preferred option for the replacement of the decommissioned tennis court at Fenton Reserve – either grass or planting of native vegetation, grass and the installation of a park bench. The majority of respondents (76%) indicated that they would prefer native vegetation, grass and a park bench installed in replacement of the decommissioned tennis court.

Chart 1: Level of support for the options proposed to replace the decommissioned tennis court



### Additional Comments

Whilst the City only canvassed community opinion on the two options presented, 12 respondents (those completing a consultation survey) and three non-respondents (those not completing a consultation survey but sending general comments on the project) submitted additional comments on the project. Of these, the majority requested a variety of additional infrastructure in replacement of or in addition to the existing tennis court. The additional infrastructure requested included the following:

- Barbeques (four respondents).
- Basketball court/pad (five respondents).
- Community garden (one respondent).
- Play equipment (eight respondents).
- Artificial shade (two respondents).

The City's current Parks and Public Open Spaces Classification Framework does not support the installation of barbeques, minor sporting infrastructure, community gardens or artificial shade within Local Open Spaces; however, there may be an opportunity to consider the installation of play equipment at the site in the future.

#### Play equipment

The City is currently in the process of reviewing its existing Parks and Public Open Spaces Classification Framework to provide greater detail on the circumstances in which park asset infrastructure may be considered for installation across the City.

The details of the revised framework are yet to be finalised, however, based on a desktop analysis of the demographics and distance from nearby alternative play spaces, there may be opportunity to consider the installation of play equipment within Fenton Reserve following the finalisation of the revised framework.

The current demographics of the suburb of Hillarys indicates that it has the 4<sup>th</sup> highest number of children aged 0-9 across the City's 22 suburbs (namely, 1,379 children). Within the streets surrounding Fenton Reserve, the local demographics of the area indicate that an above average number of 0-9 year olds live in this specific location (namely, 8.7% of the local population, versus the City of Joondalup average of 6.2%).

Also, of the five parks offering alternative play opportunities for residents surrounding Fenton Reserve, four are located in excess of a 400 metre walkable distance (that is, the connecting path network enabling safe travel to and from the parks exceeds a 400 metre distance) and the fifth requires residents to cross a major road (namely, Marmion Avenue) to access the park.

As such, there may be an opportunity to consider the installation of play equipment within Fenton Reserve in the future.

It is important to note that while only eight respondents requested consideration of play equipment at the site, this infrastructure could be supported by more local residents if this was canvassed as a replacement option. If supported, further consultation with the community would be conducted in 2014-15 as part of the process to install new play equipment.

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

Council has the option to:

- approve the installation of native planting, grass and a park bench at Fenton Reserve and list for consideration play equipment in the 2014-15 capital works budget
- approve the installation of native planting, grass and a park bench at Fenton Reserve only
- request the installation of alternative park assets at the Fenton Reserve site or
- not approve any of the options presented in this report.

It is recommended, (based on the reasons outlined in the details section of this report), that play equipment is listed for consideration in 2014-15 of the City's Five Year Capital Works Budget for installation at Fenton Reserve, following the finalisation of the City's Parks and Public Open Spaces Classification Framework review.

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

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

**Strategic initiative**

- Support a long-term approach to significant facility upgrades and improvements.
- Understand the demographic context of local communities to support effective facility planning.
- Employ facility design principles that will provide for longevity, diversity and inclusiveness and where appropriate, support decentralising the delivery of City services.

**Policy** Not applicable.

**Risk management considerations**

While the community consultation process canvassed only two options for consideration to replace the decommissioned tennis court at Fenton Reserve, it is acknowledged that the City is currently in the process of reviewing its Parks and Public Open Spaces Classification Framework, which may have implications on decision-making in the future.

There is a risk that without taking this process into consideration, that the opportunity to consider additional asset options within this location are overlooked. However, confirmation of these opportunities is recommended to occur after the finalisation of the framework review process.

**Financial/budget implications**

**Account No:** W1100.  
**Budget Item:** Fenton Park Tennis Court.  
**Budget Amount:** \$ 20,000  
**Amount Spent To Date:** \$ 0

The cost to decommission the court and to install native vegetation, grass and a park bench is estimated to cost \$28,500. This includes the removal of the court, fencing, lighting and supply of irrigation, sand, roll on grass, native vegetation (trees) for planting, park bench and temporary fencing and signage during the works. In line with this option, a further \$8,500 has been allocated to the project.

If the City was to also install play equipment at the site, this is anticipated to cost an additional \$44,100. This includes relocation of the existing swing; installation of a new small combination play unit and rocker; associated playground signage, limestone surround and sand soft-fall; installation of a new park bench; irrigation repairs and turf reinstatement; planting of three trees and temporary fencing and signage during the works.

All figures quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**Environmental

Replacing the decommissioned tennis court with grass and native vegetation would enhance the natural amenity of the public space.

Social

Given the low utilisation rate of the existing tennis court at Fenton Reserve, it is anticipated that installation of alternative infrastructure would enhance the amenity of the public space and generate greater usage.

Economic

The agreed decommissioning of the tennis court at Fenton Reserve will reduce the City's ongoing tennis court maintenance and resurfacing expenditure. The ongoing maintenance and replacement costs of any new infrastructure installed at the reserve are dependent on the type and extent of infrastructure provision.

**Consultation**

Results of the community consultation completed recently are outlined in the details section of this report. The full results of the community consultation are included as Attachment 2. If Council agrees to consider the installation of play equipment at the reserve then further consultation would need to be undertaken as all new play space installations (not including replacements of individual play items) are subject to community consultation.

**COMMENT**

The City received a response rate of 20% from the recent community consultation undertaken for the Fenton Reserve tennis court decommissioning 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 decommissioning of the tennis court.

Of the two replacement infrastructure options canvassed, grass, planting of native vegetation and installation of a park bench were supported by the majority of respondents.

Fifteen residents submitted additional comments on the project, of which eight requested consideration of play equipment at the site. Given the review currently being undertaken of the City's Parks and Public Open Spaces Classification Framework and a desktop analysis of the demographics and distance from nearby alternative play spaces, there may be opportunity to consider the installation of play equipment within Fenton Reserve following the finalisation of the revised framework.

Notably, while only eight respondents requested consideration of play equipment at the site, this infrastructure could be supported by more local residents if this was canvassed as a replacement option. If supported, further consultation with the community would be conducted in 2014-15 as part of the process to install new play equipment.

## **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Norman, SECONDED Cr Hamilton-Prime that Council:**

- 1 NOTES the findings and additional comments received as part of the of the Community Consultation process undertaken to determined the preferred infrastructure option in replacement of the tennis court to be decommissioned at Fenton Reserve, Hillarys;**
- 2 AGREES to install grass, native vegetation planting and a park bench in replacement of the decommissioned tennis court located at Fenton Reserve, Hillarys;**
- 3 NOTES that the \$20,000 currently listed in the 2012-13 Capital Works Budget (W1100) for Fenton Reserve tennis court will be carried forward to the 2013-14 Capital Works Budget;**
- 4 NOTES that a further \$8,500 has been listed for consideration in the 2013-14 Capital Works Budget to install grass, native vegetation planting and a park bench at Fenton Reserve, Hillarys;**
- 5 REQUESTS that \$44,100 be listed for consideration in the 2014-15 Capital Works Budget to install play equipment at Fenton Reserve, Hillarys.**

**AMENDMENT MOVED Cr Hamilton-Prime, SECONDED Cr Norman that a new part 6 be added as follows:**

***“6 REQUESTS that \$6,000 be listed for consideration in the 2014-15 Capital Works Budget to install a basketball ‘3 on 3’ pad and basketball ring at Fenton Reserve, Hillarys.”***

**The Amendment was Put and**

**CARRIED (13/0)**

**In favour of the Amendment:** Mayor Pickard, Crs Amphlett, Corr, Chester, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

**The Original Motion as amended, being:**

**That Council:**

- 1 NOTES the findings and additional comments received as part of the of the Community Consultation process undertaken to determined the preferred infrastructure option in replacement of the tennis court to be decommissioned at Fenton Reserve, Hillarys;**
- 2 AGREES to install grass, native vegetation planting and a park bench in replacement of the decommissioned tennis court located at Fenton Reserve, Hillarys;**
- 3 NOTES that the \$20,000 currently listed in the 2012-13 Capital Works Budget (W1100) for Fenton Reserve tennis court will be carried forward to the 2013-14 Capital Works Budget;**
- 4 NOTES that a further \$8,500 has been listed for consideration in the 2013-14 Capital Works Budget to install grass, native vegetation planting and a park bench at Fenton Reserve, Hillarys;**
- 5 REQUESTS that \$44,100 be listed for consideration in the 2014-15 Capital Works Budget to install play equipment at Fenton Reserve, Hillarys;**
- 6 REQUESTS that \$6,000 be listed for consideration in the 2014-15 Capital Works Budget to install a basketball '3 on 3' pad and basketball ring at Fenton Reserve, Hillarys.**

**was Put and**

**CARRIED (13/0)**

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

*Appendix 18 refers*

*To access this attachment on electronic document, click here: [Attach18brf140513.pdf](#)*



## **CJ082-05/13      REQUEST    FOR    ADDITIONAL    SUBSIDIES    - FACILITY HIRE SUBSIDY POLICY**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	101271, 09818, 101515
<b>ATTACHMENT</b>	Nil.
<b>AUTHORITY / DISCRETION</b>	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to give consideration to apply additional subsidies for the hire of City facilities.

### **EXECUTIVE SUMMARY**

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

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

Following the City's recent round of annual and winter bookings for use of its facilities for 2013, the following groups have sought further subsidisation in accordance with the policy:

- Whitfords Amateur Football (AFL) Club.
- Lions Club of Whitfords.
- Kingsley Amateur Football Club.
- Whitfords Presbyterian Church.
- Burns Beach Ladies Walking Group.
- Friendship Club.
- Mah-jong Club.
- North Coast Marine Modellers.
- The Embroiders Guild of Western Australia (Inc.).

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

## BACKGROUND

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

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

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

## DETAILS

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

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

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

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

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

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

- Annual users.
- Seasonal users.

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

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

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

*Additional subsidies will be provided for the following:*

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

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

The City has completed its 2013 annual and winter season booking process and has received requests from the following groups for an additional subsidy above what they are entitled to under the policy:

- Whitfords Amateur Football (AFL) Club.
- Lions Club of Whitfords.
- Kingsley Amateur Football Club.

Whitfords Amateur Football (AFL) Club

Facility Hired	Classification within Policy	Hire Fee Subsidy (% of Regular Community Hire Rate)	Previous hire rate per hour (2012)	Proposed hire rate per hour (2013 – including subsidy)	Number of hours booked per season (2013)	Variance
Fleur Freame Pavilion	Adult Recreational or Sporting Groups - Groups that provide recreational and/or sporting activities for people aged 18 years of age and over.	50% (continually)	\$4.00	\$15.89	605	\$7,193.45

The Whitfords Amateur Football Club currently hire the Fleur Freame Pavilion and the Forrest Park Community and Sporting Facility and utilises MacDonald reserve north during the winter season to conduct its club games and associated activities. The club has recently incurred some financial challenges and is requesting that the proposed increases for the hire of Fleur Freame Pavilion be phased in as follows:

- 2013 season – 50% (\$7.95 per hour based on 2012-13 subsidised hire rate).
- 2014 season – 75%.
- 2015 season – 100%.

The club has indicated it understands the need for the City to adjust its hire rates given rising costs associated with managing a facility like Fleur Freame Pavilion, however the move from its 2012 rate of \$4.00 per hour to the proposed \$15.89 would be too difficult for the club to meet immediately and has therefore sought approval to phase the increase in over three years. The phased in approach will allow the club to explore options to meet the increase in hire costs for the facility.

As part of the introduction of the Property Management Framework, officers of the City met with representatives of the Whitfords Amateur Football Club to discuss issues the club may have. Part of those discussions revolved around actual use of the facility versus bookings, in an attempt to lessen the financial cost of the club. The club has explored this and advised that they have requested the use of Fleur Freame Pavilion for 605 hours in 2013, approximately 100 hours less than 2012 and have not hired the Forrest Park Sporting and Community Facility.

The club's request to extend its level of subsidy applies to the use of Fleur Freame Pavilion, and not the use of City parks. It should be noted that recent changes to the policy grants sporting clubs additional 50% subsidy for use of City parks, which offers the club a saving based on last year ground hire. In addition the policy also states that where the cost of hire is met by a governing body or association of which an adult recreation or sporting group is an affiliate, that group will be invoiced 100% of the regular community hire rate to enable the cost to be claimed against the governing body or association. Following proof of payment from the governing body or association, the 50% subsidy will be applied directly to the group. It is understood this applies to the Whitfords Amateur Football Club.

Therefore, based on the proposed phase in of 50% of the hourly rate for the Fleur Freame Pavilion, and the 50% subsidy applied to the registration per team for seasonal ground use, the club will be paying approximately the same as what they did in 2012.

The club has also expressed a desire to explore a lease option for the facility. Discussions will continue with the City and a report will be presented to Council if the matter progresses.

#### Lions Club of Whitfords

<b>Facility Hired</b>	<b>Classification within Policy</b>	<b>Extent of subsidy</b>	<b>Average Number of hours booked per week</b>	<b>Number of hours exceeding subsidy</b>	<b>Potential additional cost</b>
Gibson Park Community Facility	Community Service and Charitable Groups - Groups that operate to raise funds for charity and/or provide volunteer-based community services to the community.	100% up to a maximum of 10 hours per week.	23.5 hrs/wk	13.5 hrs/wk	\$17,943.12

The Whitfords Lions Club is one of four Lions Clubs that hire the Gibson Park Community Facility. The Gibson Park Community Facility was built with the main purpose to house the Lions Clubs that operate within the City, while also providing an additional facility that would be accessible to the community. The other three Lions Clubs (Duncraig, Kingsley and Ocean Reef) operate within the allocated subsidised hours as per the policy for this facility.

The Whitfords Lions Club has booked some 1200 hours for 2013, averaging approximately 23.5 hours per week to enable it to conduct regular meetings, while also undertaking the necessary work in preparing for many of its charitable fundraising events. The current booking request covers the club's known projects for 2013, but does not include additional charity work that they need to undertake with various requests received throughout the year. In 2012 these requests amounted to approximately 260 hours.

It is understood that one of the challenges faced by the Lions Club when wanting to access their storage facilities to allow members to undertake their work is that they cannot access the toilets. This therefore requires them to book the function area, so they can undertake their work within their storage areas and gaining access to the toilet facilities without disturbing another user group.

The club has requested the City provide an unlimited waiver of all fees associated with its unlimited use of the facility. The development of the policy was to place some controls over the hiring of City facilities, which would require groups to align their bookings with the actual use. A waiver of all fees for unlimited use of the facility is not recommended.

The Lions Club of Whitfords, along with other Lions Clubs provide valuable services to the community in assisting many charities, community groups and other people in need. Limiting access to the Gibson Park Community Facility may restrict the club's ability to provide these services.

#### Kingsley Amateur Football Club

<b>Facility Hired</b>	<b>Classification within Policy</b>	<b>Hire Fee Subsidy (% of Regular Community Hire Rate)</b>	<b>Previous hire rate (2012)</b>	<b>Proposed hire rate per hour (2013 – including subsidy)</b>	<b>Number of hours booked per season (2013)</b>	<b>Variance</b>
Kingsley Memorial Clubrooms	Adult Recreational or Sporting Groups - Groups that provide recreational and/or sporting activities for people aged 18 years of age and over.	50% (continually)	\$1,200/yr	\$12.78	493	\$5,100.54

The Kingsley Amateur Football Club hires Kingsley Park and the Kingsley Memorial Clubrooms for their club and associated activities.

In 2002, following the Bali bombings in which seven club members were killed, the club undertook fundraising to redevelop the clubrooms and create a memorial to those members. At its meeting held on 18 February 2003 (CJ011-02/03 refers), Council endorsed a concept plan for the redevelopment and approved a \$150,000 contribution from the City, with the remaining project costs (\$441,270) to come from the fundraising and in-kind contributions secured by the club.

At its meeting held on 17 February 2004 (CJ037-02/04 refers), the Joint Commissioners endorsed a flat hire fee of \$1,200 per year for the Club to hire the redeveloped Kingsley Memorial Clubrooms. The resolution endorsed by the Joint Commissioners was to:

- “1      ENDORSE a flat hire fee of \$1,200 for use of the Kingsley Sports Hall for the 2004 winter season, to the Kingsley Amateur Football Club until the recommendation from the Property Management Working Group regarding tenure agreements with sporting clubs and community groups is finalised by a Council resolution;*
- 2      CONSIDER the request by the Kingsley Football Club once the standard tenancy documents have been endorsed by Council.”*

The \$1,200 annual fee has remained in place each year.

Following Council's adoption of the Property Management Framework in November 2012, the club submitted a proposal for their ongoing use of the Kingsley Memorial Clubrooms. The submission proposes that the club be given free hire on the facility for 15% of the available annual booking hours for the life of the asset (facility), as recognition of the club's contribution to the redevelopment.

The club's submission states that the redeveloped facility included design elements not required by the club but were insisted on by the City which increased the costs. The club maintains that the area of the clubrooms available for hire by the club was fully funded by the club.

Each of the City's community facilities is available for 5,475 bookable hours per year therefore the Kingsley Amateur Football Club's proposal would allow them 821 hours of free use per year. For winter 2013, the club has booked the facility for 493 hours.

It is noted that two of the objectives of the Property Management Framework adopted by Council is to provide some equity to how the City charges groups for use of facilities and to ensure that groups align their bookings with actual use. An arrangement that provides free hire for a fixed number of hours is not recommended.

The Council could consider applying a percentage discount to the hourly rate based on the contributions to the redeveloped facility. Given the club secured 75% of the funding Council could consider applying a 75% discount to the appropriate rate as determined by the policy. A discount of 75% on the 2013 rate (\$12.78/hr) would mean the club would be charged \$1,575 for their winter bookings. While this represents a 31% increase from their current fee of \$1,200 per year it is noted that this amount has not increased since it was introduced in 2004.

The club's request to extend its level of subsidy applies to the use of Kingsley Memorial clubrooms, and not the use of City parks. It should be noted that recent changes to the policy grants sporting clubs additional 50% subsidy for use of City parks, which offers the club a saving based on last year ground hire. In addition the policy also states that where the cost of hire is met by a governing body or association of which an adult recreation or sporting group is an affiliate, that group will be invoiced 100% of the regular community hire rate to enable the cost to be claimed against the governing body or association. Following proof of payment from the governing body or association, the 50% subsidy will be applied directly to the group. It is understood this applies to the Kingsley Amateur Football Club.

In addition to the above requests, the City did receive some queries from the following annual users regarding levels of subsidisation:

- Whitfords Presbyterian Church.
- Burns Beach Ladies Walking Group.
- Friendship Club.
- Mah-jong Club.
- North Coast Marine Modellers.
- The Embroiders Guild of Western Australia (Inc.).

While the groups have sought for additional levels of subsidy, in essence these groups have been classified within the policy that limits the level of subsidisation. What is recommended is that the subsidisation is not increased, nor are they reclassified to fit a classification which has increased levels of subsidisation, but give consideration to waiving those fees applicable above the agreed level of subsidisation within the policy.

#### Whitfords Presbyterian Church

<b>Facility Hired</b>	<b>Classification within Policy</b>	<b>Extent of subsidy</b>	<b>Average Number of hours booked per week</b>	<b>Number of hours exceeding subsidy</b>	<b>Potential additional cost</b>
Fleur Freame Pavilion - Lesser Hall	Other Not-for-Profit Community Groups - All other groups defined as not-for-profit community groups as per this Policy.	50% (continually)	2	N/A	\$1,341.90

The Whitfords Presbyterian Church operates primarily from the St Marks Anglican School as they do not own their own church building. In addition to their normal church services, the church operates from the Fleur Freame Pavilion providing services to the youth of its church, but is also available to youth generally. These services are generally coordinated by volunteers from the church and it does not charge for the service, but a gold coin donation is promoted that covers the costs of refreshments.

In the past, as the services are "youth" based they were classified formerly as junior or recreational and received 100% subsidy. In accordance with the recently adopted policy, the church would be classified as "other Not-for-Profit Community Groups" and receive a continuous 50% subsidy.

The group has requested it continue to receive 100% subsidy. It is recommended that rather than reclassify the group into a category that affords them 100% subsidisation, that the City considers waiving the fees above the level of subsidisation granted under the policy for “Other Not-for-Profit Community Groups”. This will allow other similar groups to be categorised appropriately.

#### Burns Beach Ladies Walking Group

<b>Facility Hired</b>	<b>Classification within Policy</b>	<b>Extent of subsidy</b>	<b>Average Number of hours booked per week</b>	<b>Number of hours exceeding subsidy</b>	<b>Potential additional cost</b>
Jack Kikeros Hall	Other Not-for-Profit Community Groups - All other groups defined as not-for-profit community groups as per this Policy.	50% (continually)	2.5	N/A	\$812.18

The Burns Beach Ladies Walking Group has advised that they are a not-for-profit group comprising ladies that gather socially on a regular basis, however are not an incorporated body.

Previously they have been regarded as a group that provide recreational, sporting activities and/or targeted services exclusively for people aged 55 years of age and over and therefore received 100% subsidy for up to 10 hours per week. In accordance with revised policy as the group is not exclusively for people aged 55 years and above they would be classified as a “Other Not-for-Profit Community Group” and receive a continuous 50% subsidy.

The group has requested it continue to receive 100% subsidy. It is recommended that rather than reclassify the group into a category that affords them 100% subsidisation, that the City considers waiving the fees above the level of subsidisation granted under the policy for “Other Not-for-Profit Community Groups”. This will allow other similar groups to be judged appropriately.

#### Friendship Club

<b>Facility Hired</b>	<b>Classification within Policy</b>	<b>Extent of subsidy</b>	<b>Average Number of hours booked per week</b>	<b>Number of hours exceeding subsidy</b>	<b>Potential additional cost</b>
Forest Park Community and Sporting Facility	N/A	N/A	1.25	N/A	\$1,410.62

The Friendship Club is a group of people that occupy the Forest Park Community and Sporting Facility to undertake yoga. The facility is hired by an individual who charges participants (approximately 8-10) \$9.00 per session, with the funds contributing to the hall hire and to the individual hirer. The group has always been charged as a commercial operator. The increase to this hirer is not due to the change in policy, but the reclassification of the hire rate for the Forrest Park Community and Sporting Facility.



The Forest Park Community and Sporting Facility is a newly constructed facility opened in 2012. After the opening and as part of the setting of the 2012-13 fees and charges for facility hire, the Forest Park facility was re-classified as a community facility – small hall capacity < 100 persons (\$44.73 per hour commercial rate), previously it was classified differently which attracted a lower hourly rate. This has resulted in the Friendship Club fee moving from \$34.32 for a 1.5 hour booking to \$67.12 for a 1.5 hour booking. The operator of the yoga class has requested that the City gives consideration to reducing the level of the increase for the hire of the hall.

As this group is not categorised under the policy, the City could give consideration to phasing in the increase for the hourly rate for the hall over a two year period, given the nature of the operator and services undertaken. Therefore, it is suggested that the group pay 75% of the hourly rate in 2013 and 100% in 2014.

#### Mah-jong Club

<b>Facility Hired</b>	<b>Classification within Policy</b>	<b>Extent of subsidy</b>	<b>Average Number of hours booked per week</b>	<b>Number of hours exceeding subsidy</b>	<b>Potential additional cost</b>
Ellersdale Park Clubroom	Other Not-for-Profit Community Groups - All other groups defined as not-for-profit community groups as per this Policy.	50% (continually)	4.25	N/A	\$2,457.40

The Mah-jong Club is a group that meet in the Ellersdale Clubroom in Warwick to practice and play the game of Mah-jong. The group mainly comprises seniors, though the club is not exclusively for persons 55 years and older, as a result the new policy classifies them as "Other Not-for-Profit Community Group". The club is consistent with a not-for-profit club, although it is not incorporated.

As a result of this classification under the policy, the Mah-jong Club would be entitled to a continuous 50% subsidy of City facilities, whereas in the past they have received 100% subsidy.

The group has requested it continue to receive 100% subsidy. It is recommended that rather than reclassify the group into a category that affords them 100% subsidisation, that the City considers waiving the fees above the level of subsidisation granted under the policy for "Other Not-for-Profit Community Groups". This will allow other similar groups to be judged appropriately.

North Coast Marine Modellers

<b>Facility Hired</b>	<b>Classification within Policy</b>	<b>Extent of subsidy</b>	<b>Average Number of hours booked per week</b>	<b>Number of hours exceeding subsidy</b>	<b>Potential additional cost</b>
Percy Doyle Football/Tee Ball Clubroom	Other Not-for-Profit Community Groups - All other groups defined as not-for-profit community groups as per this Policy.	50% (continually)	.5	N/A	\$306.72

The North Coast Marine Modellers currently hire the Percy Doyle Football/Tee Ball Clubrooms for two hours per month to undertake model boat building.

The club has indicated it is a not-for-profit organisation, but is not exclusively for persons 55 years and over. Previously they have received 100% subsidy, however given that they are not exclusive for seniors they are classified as an “Other Not-for-Profit Community Group” and would be entitled to a 50% subsidy on a continuous basis.

The group has requested it continue to receive 100% subsidy. It is recommended that rather than reclassify the group into a category that affords them 100% subsidisation, that the City considers waiving the fees above the level of subsidisation granted under the policy for “Other Not-for-Profit Community Groups”. This will allow other similar groups to be judged appropriately.

The Embroiders Guild of Western Australia

<b>Facility Hired</b>	<b>Classification within Policy</b>	<b>Extent of subsidy</b>	<b>Average Number of hours booked per week</b>	<b>Number of hours exceeding subsidy</b>	<b>Potential additional cost</b>
Ellersdale Park Clubroom	Other Not-for-Profit Community Groups - All other groups defined as not-for-profit community groups as per this Policy.	50% (continually)	1.5	N/A	\$821.00

The Embroiders Guild of WA operates from a facility in Ardross, however in recent times has established a group of people from the northern suburbs and hires the Ellersdale Park Clubroom for six hours per month.

Previously they have utilised the City facility at 100% subsidy, however with the revised policy they are classified as an “Other Not-for-Profit Community Groups”, and would be entitled to a 50% subsidy on a continuous basis. The group is a not-for-profit group, however, is not exclusive to those persons 55 years and older.

It is recommended that rather than reclassify the group into a category that affords them 100% subsidisation, that the City considers waiving the fees above the level of subsidisation granted under the policy for “Other Not-for-Profit Community Groups”. This will allow other similar groups to be judged appropriately.

### **Issues and options considered**

The Council may:

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

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

#### **Legislation**

Section 6.12 of the *Local Government Act 1995*.

#### **Strategic Community Plan**

#### **Key theme**

Financial Sustainability.

#### **Objective**

Financial diversity.

#### **Strategic initiative**

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

#### **Policy**

Council Policy – Facility Hire Subsidy Policy.

### **Risk management considerations**

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

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

### **Financial/budget implications**

The cost to the City across all levels of subsidised use of City facilities is approximately \$1.4 million dollars. If the City was to waive the fees proposed for additional usage of City facilities for these groups, the City will lose approximately \$26,476.64 in income for 2013.

### **Regional significance**

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

## **Sustainability implications**

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

## **Consultation**

Not applicable.

## **COMMENT**

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

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

## **VOTING REQUIREMENTS**

Simple Majority.

## **MOVED Cr Gobbert, SECONDED Cr Taylor that Council:**

- 1 AGREES to the request from the Whitfords Amateur Football Club subject to the club demonstrating that 50% of its active members/participants reside within the City of Joondalup to phase in the hourly rate increase for the hire of Fleur Freame Pavilion located at MacDonald Park, Padbury as follows:**
  - 1.1 1 April 2013 to 30 September 2013 – 50% of the adopted hourly rate;**
  - 1.2 1 April 2014 to 30 September 2014 – 75% of the adopted hourly rate;**
  - 1.3 1 April 2015 to 30 September 2015 – 100% of the adopted hourly rate;**
- 2 AGREES to extend the 100% subsidised use to the Lions Club of Whitfords subject to the club demonstrating that 50% of its active members/participants reside within the City of Joondalup for the use of the Gibson Park Community Facility and other associated City facilities to a maximum 30 hours per week;**
- 3 DOES NOT AGREE to the proposal from the Kingsley Amateur Football for free hire of the Kingsley Memorial Clubrooms for 15% of the annual bookable hours of the facility;**

- 4 **AGREES** that the hourly rate of hire of the Kingsley Memorial Clubrooms for the Kingsley Amateur Football only be 25% of the subsidised fee for an Adult Recreational or Sporting Group in recognition of their contribution to the 2002 facility redevelopment;
- 5 **DOES NOT AGREE** to the request for additional subsidies as per the 'Facility Hire Subsidy Policy' for the following groups:
- 5.1 North Coast Marine Modellers Club – Percy Doyle Football/Tee Ball Clubrooms;
  - 5.2 Whitfords Presbyterian Church – Fleur Freame Pavilion;
  - 5.3 Mah-jong Club – Ellersdale Park Clubrooms;
  - 5.4 Burns Beach Ladies Walking Group – Jack Kikeros Hall;
  - 5.5 Friendship Club – Forrest Park Community and Sporting Facility;
  - 5.6 The Embroiders Guild of Western Australia (Inc) – Ellersdale Park Clubrooms;
- 6 **AGREES** to waive the fees for the following groups for the following facilities for 2013 that is over and above the level of subsidisation contained within the 'Facility Hire Subsidy Policy', subject to each of the groups demonstrating that 50% of its active members/participants reside within the City of Joondalup:

Group	Facility	Level of Subsidy under Policy	Fees Waived
North Coast Modellers	Percy Doyle Football / Tee Ball Clubrooms	50%	Maximum of two hours per month
Whitfords Presbyterian Church	Fleur Freame Pavilion	50%	Maximum 2.5 hours per week
Mah-jong Club	Ellersdale Park Clubrooms	50%	Maximum of 5 hours per week
Burns Beach Ladies Walking Group	Jack Kikeros Hall	50%	Maximum of 2.5 hours per week
The Embroiders Guild of Western Australia (Inc)	Ellersdale Park Clubrooms	50%	Maximum of 6 hours per month

- 7 **AGREES** that the hourly hire of Forrest Park Community and Sporting Facility for the Friendship Club for 2013 only be 75% of the agreed fee for commercial groups;
- 8 **NOTES** that the Facility Hire Subsidy Policy states that requests for additional subsidies apply for one year/season and a new application must be made in each following year/season.

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution following consideration of Item CJ081-05/13, Page 150 refers.**

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

**CJ083-05/13      APPLICATION TO INSTALL A MEMORIAL PLAQUE  
IN MEMORY OF MRS NORMA RUNDLE AT  
HEPBURN HEIGHTS BUSHLAND**

<b>WARD</b>	South-West	
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services	
<b>FILE NUMBER</b>	100385, 101515	
<b>ATTACHMENT</b>	Attachment 1	Memorials in Public Reserves Policy
	Attachment 2	Locality Plan
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.	

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**PURPOSE**

For Council to consider installing a memorial plaque at Hepburn Heights Bushland Reserve in memory of the late Mrs Norma Rundle as per the Memorials in Public Reserves Policy.

**EXECUTIVE SUMMARY**

The City has received an application from Mr Karl Rundle of West Perth requesting the installation of a memorial plaque in memory of his late wife and former Councillor, Norma Rundle. The request for a memorial plaque has been submitted in accordance with the Memorials in Public Reserves Policy (Attachment 1 refers) under the Significant Person Memorial category and provides two options for the memorial plaque:

- Option 1      Supply and install a memorial plaque on a plinth at the entrance to the Hepburn Heights Bushland Reserve, Parkhurst Rise, Padbury.
- Option 2      Supply and install a memorial plaque on the fence at the entrance to the Hepburn Heights Bushland Reserve, Parkhurst Rise, Padbury.

The application is in accordance with the Memorial in Public Reserves Policy which was adopted by Council at its meeting held on 15 December 2009 (CJ284-12/09 refers).

*It is therefore recommended that Council:*

- 1      APPROVES the application received from Mr Karl Rundle and Mrs Audrey Hine to place a memorial plaque on a plinth at the entrance to the Hepburn Heights Bushland Reserve in honour of the late Mrs Norma Rundle (Option 1);*
- 2      REQUIRES that the memorial be installed and maintained in accordance with the conditions of the Memorials in Public Reserves Policy.*

## BACKGROUND

Council adopted the Memorials in Public Reserves Policy at its meeting held on 15 December 2009 (CJ284-12/09 refers). The policy provides guidance on the installation of memorials in public reserves within the City of Joondalup under two categories:

- Temporary memorials for people who have died in tragic circumstances.
- Permanent memorials for Significant Persons, that is a person who has contributed significantly to the local Joondalup community.

## DETAILS

The City has received an application from Mr Karl Rundle of West Perth and Mrs Audrey Hine of Joondalup, requesting the installation of a memorial plaque in memory of the late Mrs Norma Rundle. The application for a memorial has been submitted under the Significant Person Memorial category.

Mr Karl Rundle and his late wife lived in Padbury for many years and Mrs Rundle served as a City of Wanneroo Councillor between 1990 and 1994. Mrs Rundle is remembered for her work in conserving Hepburn Heights Bushland Reserve, both personally and as a Ward Councillor.

Hepburn Heights Bushland Reserve is a bush forever site in Padbury which is adjacent to the Pinnaroo Valley Memorial Park (Attachment 2 refers). Mrs Rundle was a member of the Hepburn Woodland Preservation Group (HPWG) which was formed in 1988 to advocate for the preservation of the bushland from urban development and at one stage during the campaign she was the Chairperson of the HPWG. The sustained dedication of Mrs Rundle and other members of the community resulted in the preservation of a significant area of the bushland.

Following the campaign to preserve the bushland the HPWG was succeeded by the Friends of Hepburn and Pinnaroo Bushland of which Mrs Rundle was an active member.

The campaign to preserve the bushland was well documented and in 2009 a book by Alan Lloyd and Bill Marwick “*Saving Hepburn Heights Bushland*”, which was sponsored by the City was published. Mrs Rundle’s “fine leadership and hard work in the early stages of the campaign” were acknowledged by the authors and she also contributed to the book describing Hepburn Heights as “a place that people can enjoy, respect and protect”.

## Issues and options considered

Council has the option to:

- 1 approve the installation of a memorial plaque under the category of Significant Persons  
or
- 2 not approve the installation of the memorial plaque.

The application is in accordance with the *Memorials in Public Reserves Policy* and is similar in nature to previously installed memorials for Ethel Margaret Goble-Garrett and Christopher McBride.

Mr Rundle and Mrs Hine have suggested that the memorial be installed at or near the entry gate of Hepburn Heights Bushland Reserve at Parkhurst Rise and the memorial be installed on a plinth or on the fence. The preferred option is for the memorial to be installed on a plinth.

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

**Legislation** Not applicable.

### **Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Community spirit.

**Strategic initiative** Not applicable.

**Policy** City Policy – Memorials in Public Reserves.

### **Risk management considerations**

The Memorials in Public Reserves Policy provides details a set of conditions to minimise risk associated with installation of memorials as follows:

- Installation on Crown Land vested in the management of the City, and reserved for the purposes of recreation, public open space, or road reserves.
- Installation where there is a minimal impact on the local amenity and surrounding residents.
- Applicants are responsible for the ongoing maintenance of the memorial.
- If the memorial is disturbed through works either by the City or external contractors working for another Government Department, the memorial is to be removed at the expense of the party undertaking the works and returned to the family. Re-installation is subject to approval by the City's Chief Executive Officer.
- If the ongoing maintenance of a memorial is neglected, the City reserves the right to remove the memorial and return it to the family, and reinstallation will require a recommencement of the application process.

### **Financial/budget implications**

The policy requires that all capital and maintenance costs associated with the memorial are borne by the applicant.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.



## **Consultation**

The City has discussed the request for the installation of a memorial plaque with Mr Rundle and Mrs Hine. They have advised that in accordance with the policy, they fully support the application and will meet the policy conditions.

## **COMMENT**

The application from Mr Rundle and Mrs Hine demonstrates that Mrs Norma Rundle was extremely dedicated to the local community and preserving the bushland at Hepburn Heights, and it is considered that a permanent memorial comprising of a memorial plaque on a plinth would be a fitting way to recognise her contributions.

## **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Gobbert, SECONDED Cr Taylor that Council:**

- 1 APPROVES the application received from Mr Karl Rundle and Mrs Audrey Hine to place a memorial plaque on a plinth at the entrance to the Hepburn Heights Bushland Reserve in honour of the late Mrs Norma Rundle (Option 1);**
- 2 REQUIRES that the memorial be installed and maintained in accordance with the conditions of the Memorials in Public Reserves Policy.**

**The Motion was Put and CARRIED (13/0) by En Bloc Resolution following consideration of Item CJ081-05/13, Page 150 refers.**

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

*Appendix 19 refers*

*To access this attachment on electronic document, click here: [Attach19brf140513.pdf](#)*

**C025-05/13****COUNCIL DECISION – EN BLOC RESOLUTION**

**MOVED** Cr Gobbert, **SECONDED** Cr Taylor that Council that pursuant to the Standing Orders Local Law 2005 – Clause 48 – Adoption of Recommendations En Bloc, Council adopts the following items CJ062-05/13, CJ068-05/13, CJ070-05/13, CJ071-05/13, CJ072-05/13, CJ073-05/13, CJ074-05/13, CJ075-05/13, CJ076-05/13, CJ077-05/13, CJ078-05/13, CJ079-05/13, CJ080-05/13, CJ082-05/13 and CJ083-05/13.

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

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

**REPORTS – CAPITAL WORKS COMMITTEE – 7 MAY 2013****CJ084-05/13      ADMIRAL PARK, HEATHRIDGE - PROPOSED CLUBROOM REDEVELOPMENT**

<b>WARD</b>	North-Central	
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services	
<b>FILE NUMBER</b>	08434, 11809, 101515	
<b>ATTACHMENT</b>	Attachment 1	Admiral Park aerial map
	Attachment 2	Community consultation results analysis report
	Attachment 3	Proposed development site plan
	Attachment 4	Proposed clubroom floor plan
	Attachment 5	Project capital cost estimate breakdown
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.	

**PURPOSE**

For Council to consider the results of the community consultation, concept plan and estimated capital costs for the proposed clubroom redevelopment at Admiral Park, Heathridge and endorse proceeding with the project.

**EXECUTIVE SUMMARY**

Admiral Park, Heathridge is classified as a 'Local Park' within the City's existing Parks and Public Open Spaces Classification Framework and is located on Admiral Grove, Heathridge. The park is currently utilised by the Ocean Ridge Junior Cricket Club and Whitford and Districts Senior Cricket Club in the summer and Joondalup and Districts Rugby League Club (juniors and seniors) in the winter.

Current infrastructure at the park includes a toilet/changeroom facility built in 1989, cricket centre wicket, two cricket training nets, playground, floodlights and car parking. The City currently spends an average of \$21,000 on operating expenses per annum on the existing facility. In 2009, the Rugby League Club undertook an extension of the toilet/changerooms to create a covered, enclosed spectator area where they also have some storage facilities.

The Rugby League Club is a member of Arena Community Sport and Recreation Association (ACSRA) which is based at Arena Joondalup. The Rugby League Club also shares the rugby pitch at Arena Joondalup with the Rugby Union Club which provides challenges with regard to training and match fixturing.

Upgrading the facilities at Admiral Park will provide a base for the Rugby League Club to operate from and allow the Rugby Union Club to be the sole winter user group of the playing surface at Arena Joondalup. In order to improve the facilities at Admiral Park, the City is proposing to refurbish the existing toilet/changerooms, redevelop the existing clubroom facility and improve the floodlighting.

At its meeting held on 20 November 2012 (CJ252-11/12 refers), after considering a recommendation from the Capital Works Committee, Council resolved:

*That Council REQUESTS that the refurbishment of Admiral Park Clubrooms be listed for consideration in the 2013-14 budget deliberations, with appropriate project planning completed prior to the end of the current financial year.*

Since the 20 November 2012 meeting, \$650,000 was included in the 2012-13 mid-year review budget process for the project. The estimated project cost was based on a preliminary sketch plan in order to provide general initial advice.

Community consultation for the project was conducted in February-March 2013. The City received a response rate of 19% from those directly consulted via a direct mail out and a further 51 submissions were received from individuals with an interest in the development. The facilities proposed for the site were supported by the majority of respondents with over 93% of people supporting all the proposed works.

The majority of concerns raised by the local residents were in relation to the shortage of existing parking provision at Admiral Park. As part of the project, limited additional parking could be provided by extending the existing car park.

A revised site plan and clubroom floor plan have been developed for the project and include the layout of the proposed six floodlights, redeveloped clubroom and possible car park extension. The redeveloped clubroom is proposed to include the refurbishment to the existing toilets, refurbishment and extension to the existing changerooms, new umpire and first aid room, storage for the existing sporting clubs and a new clubroom area that includes meeting space, kitchen and associated storage.

A quantity surveyor (QS) estimate has been undertaken based on the developed site and floor plans and totals \$1,265,000. The net cost of the new facility is estimated at \$22,000 per annum based on an expected income of \$13,000 and expenditure of \$35,000.

There are a number of options for consideration for the Admiral Park project in relation to further community consultation:

- Works to be included in the project.
- Delegated authority to appoint a construction contractor.

Currently there is \$650,000 listed within the 2012-13 Capital Works Budget for the Admiral Park redevelopment project of which \$500,000 will be carried forward to 2013-14. There is a further \$261,000 within the 2013-14 Capital Works Budget for the redevelopment giving a total of \$911,000 for the project. Within the 2014-15 Capital Works Budget there is \$100,000 for additional parking at the site and within 2016-17 there is \$115,000 for new floodlighting works.

Following the inclusion of funds within the 2012-13 budget for the project, detailed planning and site service forward works have been undertaken. Some of this work has included concept design, quantity surveyor estimate, structural engineer survey, floodlighting design and new switch board, sewer connection, gas connection and the installation of two hot water units at a cost of approximately \$150,000, giving a remainder \$761,000 of the project budget currently listed within the 2012-13 and 2013-14 years.

Based on the recommended options (remove floodlighting, parking and photovoltaic panels), the estimated project cost is reduced to \$858,990. This would result in a further \$97,990 required for the project.

Given the timelines associated with the Admiral Park redevelopment and response rate from the community consultation (over 93% of people supported all the proposed works), it is suggested that further community consultation for the project does not need to be conducted and it proceed to the next stage of the process which is detailed design and construction. It is also suggest that authority to appoint a construction contractor be delegated to the Chief Executive Officer to assist in progressing the project.

*It is therefore recommended that Council:*

- 1 *NOTES the findings and additional comments received as part of the of the community consultation process undertaken for the Admiral Park redevelopment project;*
- 2 *AGREES that further community consultation for the Admiral Park redevelopment project is not required and REQUESTS the project stakeholders and residents within 200 metres of the site be advised of the results of the initial consultation, the support received for the development and decision to proceed with the project;*
- 3 *APPROVES the proposed clubroom redevelopment and associated works at Admiral Park as detailed in this Report at a capital cost estimate of \$858,990;*
- 4 *NOTES the following amounts are currently listed within the City's Five Year Capital Works Budget for Admiral Park:*
  - 4.1 *\$650,000 within 2012-13 for the redevelopment project of which \$500,000 will be carried forward to 2013-14;*
  - 4.2 *\$261,000 within 2013-14 for the redevelopment project;*
  - 4.3 *\$100,000 within 2014-15 for additional parking;*
  - 4.4 *\$115,000 within 2016-17 for floodlighting works;*
- 5 *REQUESTS that an additional \$97,990 be listed for consideration within 2013-14 of the City's Five Year Capital Works Budget for the Admiral Park redevelopment project;*
- 6 *REQUESTS that an additional \$296,600 be listed for consideration within 2016-17 of the City's Five Year Capital Works Budget for floodlighting works at Admiral Park;*
- 7 *REQUESTS the Chief Executive Officer to arrange for the detailed design and tender process to be undertaken for the Admiral Park redevelopment project;*
- 8 *BY AN ABSOLUTE MAJORITY DELEGATES to the Chief Executive Officer in accordance with section 5.42 of the Local Government Act 1995 the authority to accept tenders for the Admiral Park Clubroom redevelopment project subject to the price of tenders not exceeding \$858,990;*

- 9 *In accordance with City Policy 'Naming of Public Facilities' AGREES to name the facility to be constructed at Admiral Park Heathridge, 'Admiral Park Community Sporting Facility'.*

## **BACKGROUND**

Admiral Park, Heathridge is a 'Local Park' as part of the City's existing Parks and Public Open Spaces Classification Framework and is located on Admiral Grove, Heathridge (Attachment 1 refers). The park is currently utilised by the Ocean Ridge Junior Cricket Club and Whitford and Districts Senior Cricket Club in the summer and Joondalup and Districts Rugby League Club (juniors and seniors) in the winter. Current infrastructure at the park includes a toilet/changeroom facility built in 1989, cricket centre wicket, two cricket training nets, playground (recently upgraded and relocated at a cost of approximately \$88,000), four floodlights and 35 car parking bays. The City currently spends an average of \$21,000 on operating expenses per annum on the existing facility.

In 2009, the Joondalup and Districts Rugby League Club undertook an extension of the toilet/changerooms to create a covered, enclosed spectator area where they also have some storage facilities.

The Rugby League Club is a member of Arena Community Sport and Recreation Association (ACSRA) which is based at Arena Joondalup. Other members of ACSRA are Joondalup Brothers Rugby Union Club, Joondalup Netball Association and the Joondalup Little Athletics Association. The Rugby League Club also shares the rugby pitches at Arena Joondalup with the Rugby Union Club which provides challenges with regard to training and match fixturing.

Upgrading the facilities at Admiral Park will provide a base for the Rugby League Club to operate from and allow the Rugby Union Club to be the sole winter user group of the playing surface at Arena Joondalup.

In order to improve the facilities at Admiral Park, the City is proposing to refurbish the existing toilet/changerooms and redevelop the existing clubroom facility. The redevelopment will provide the existing sporting clubs with a facility that has larger changerooms along with an enclosed clubroom including meeting space, a kitchen facility and appropriate storage. It is proposed that the new 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 accommodate other potential user groups, a community group storeroom has been included in the building design. In order to have the facility redeveloped prior to the 2013-2014 rugby season, detailed design and construction works would need to commence in May and September 2013 respectively.

The existing floodlights at Admiral Park do not currently meet Australian Standards (large ball sports – training). It is therefore also proposed to improve the floodlighting at the site. The proposed floodlighting upgrade would involve the installation of six light poles up to 35 metres high, each fitted with up to four floodlights. The poles would replace the existing four, currently located at the park.

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 to be undertaken in a safer manner.

At its meeting held on 20 November 2012 (CJ252-11/12 refers), after considering a recommendation from the Capital Works Committee, Council resolved:

*That Council REQUESTS that the refurbishment of Admiral Park clubrooms be listed for consideration in the 2013-14 budget deliberations, with appropriate project planning completed prior to the end of the current financial year.*

Since its 20 November 2012 meeting, \$650,000 was included in the 2012-13 mid-year review budget process for the project. The estimated project cost was based on a preliminary sketch plan in order to provide general initial advice.

Following the inclusion of funds within the 2012-13 budget for the project, detailed planning and site service forward works have been undertaken. Some of this work has included concept design, quantity surveyor estimate, structural engineer survey, floodlighting design and new switch board, sewer connection, gas connection and the installation of two hot water units.

## **DETAILS**

### **Community and Stakeholder Consultation**

Community consultation with residents living within a 200 metre radius from the site (281 households) was conducted for 21 days from Monday 18 February to Monday 11 March 2013. The consultation provided the local community with an opportunity to provide feedback on the proposed redevelopment at Admiral Park.

The consultation was advertised through the following methods:

- Direct mail out - cover letter, frequently asked question sheet and comment form was sent to all residents within 200 metres of Admiral Park, the adjacent primary school and the sporting clubs currently using the oval.
- Site signage - two signs were placed at Admiral Park during the community consultation period.
- 'Club's In Focus' e-newsletter - information was added to the February 2013 edition with links to the City's website for further details or to complete the comment form.
- Website - information and comment form was available on the community consultation page of the City's website during the community consultation period.

The full results of the community consultation are included as Attachment 2. The City received 105 valid responses of which 54 were from residents living within a 200 metre radius of the site or stakeholders directly consulted, which is a response rate of 19%. There were also 51 submissions made by individuals living outside the 200 metre radius of the site. A summary of the results is included below.

With regard to the residential location of respondents, the majority live within the City of Joondalup (72.4%) and nearly a quarter within the City of Wanneroo (24.8%).

### **Demographics**

Of the responses received, almost one quarter were submitted by people aged between 25 and 34 years. The City also received a significant proportion of responses from people aged between 18 and 34, and 55 and 64 years.

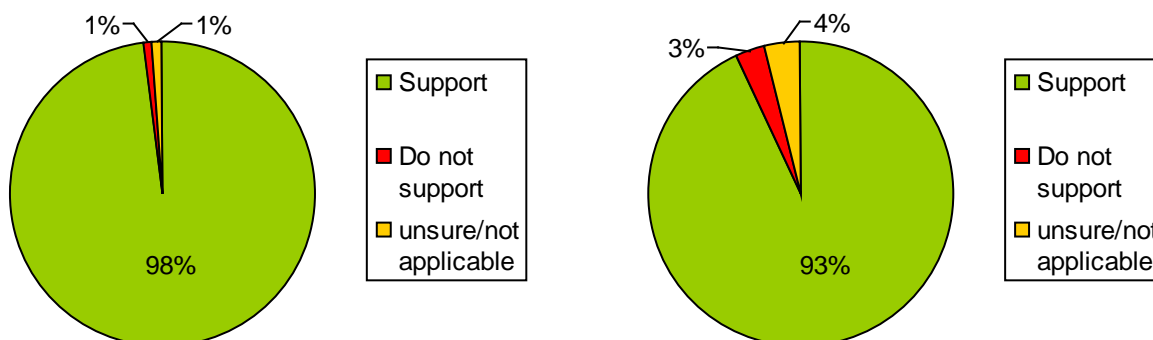
### Use of Admiral Park

The majority of respondents (70.5%) use Admiral Park for informal recreation (such as walking, running, playing, dog walking and the like.). Additionally, just over half of the respondents use Admiral Park for organised sport and recreation (such as rugby and cricket).

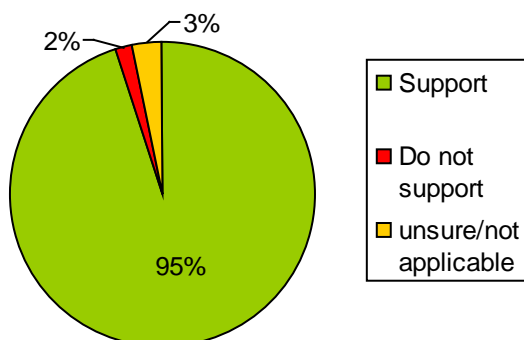
### New proposed infrastructure

Respondents were asked to indicate if they supported the redevelopment of the existing clubroom, refurbishment and extension of the existing toilets/changerooms and new sports floodlighting. Of the responses received, the majority indicated support for all proposed works at Admiral Park as shown in the below charts.

Refurbishment of existing toilets/changerooms      Floodlighting



Redevelopment of clubroom facility



### Additional Comments

Respondents who indicated that they did not support the various new infrastructure proposed as part of the project were asked why. A total of three respondents did not support one or more of the infrastructure proposed. These respondents shared concerns relating to:

- increased power usage to operate the floodlighting
- potential for floodlighting to “spill over” into surrounding houses
- potential increases in antisocial behaviour, littering and dumping
- potential escalation in parking issues and dangerous driving/“hooning”.



In addition, seven respondents who supported the proposal also provided additional comments relating to the project. These respondents shared concerns relating to:

- ensuring floodlighting does not “spill over” into surrounding houses
- addressing existing parking issues and dangerous driving/“hooning” at the park
- ensuring noise levels are kept to a minimum.

#### Car parking

The majority of concerns raised by the local residents were in relation to the existing parking provision at Admiral Park. Residents living near the site stated that parking is currently an issue on training and game days with cars parked on the park verge and adjacent streets. Some state that there are issues with cars parking across footpaths, private property, verges and in no parking areas.

Over two weekends in April (rugby game days) an assessment of the parking issues at Admiral Park was undertaken. On both Saturdays, the car park was full with a further 37 vehicles parked along the park verge. There were also 14 vehicles parked on residential verges on adjacent streets. A number of parking infringements were issued for parking on the pavement.

Notably, WA Police have identified road and pedestrian safety issues linked to car parking on the verge on the west side of Admiral Grove, next to the park during sporting events.

The car park at Admiral Park currently has 33 parking bays. This is considered typical for a park with similar facilities however Admiral Park caters for two senior rugby league games at once, as well as junior rugby participants, which results in further pressure on the parking facilities. As part of the project scoping and concept design, additional parking was considered by extending the existing car park toward the facility.

#### **Site and concept plan**

Following the 20 November 2012 Council meeting and consultation with the existing sports clubs currently using Admiral Park, a revised site plan and clubroom floor plan were developed and are included as Attachments 3 and 4 respectively.

The site plan (Attachment 3 refers) indicates the layout of the proposed six floodlights, redeveloped clubroom, possible car park extension of 11 bays and also shows the recently relocated playground.

The clubroom floor plan (Attachment 4 refers) includes refurbishment to the existing toilets; refurbishment and extension to the existing changerooms; new umpire and first aid room; storage for the existing sporting clubs; and a new clubroom area that includes meeting space (85m<sup>2</sup>), kitchen and associated storage. To accommodate other potential user groups, a community group storeroom has also been included in the building design.

#### **Estimated capital project costs**

A quantity surveyor (QS) estimate has been undertaken based on the developed site and floor plans and is included as Attachment 5. A summary of the cost estimate has been broken down into the following components:

Item	Cost
Clubroom facility	\$366,370
Floodlighting	\$411,600
Additional parking of 11 bays	\$20,000
Bin wash down area	\$6,000
Paths/access ways	\$6,050
Site Services (water)	\$8,000
Photovoltaic (solar) panels	\$52,500
Demolition Works	\$30,000
Earthworks / siteworks	\$8,080
Retaining wall	\$25,700
Preliminaries	\$99,700
Contingencies	\$105,000
Professional fees	\$60,000
Temporary toilets/changerooms for the duration of the refurbishment works	\$40,000
CCTV equipment, cabling etc	\$20,000
Approval fees	\$6,000
<b>TOTAL</b>	<b>\$1,265,000</b>

It is important to note that the capital cost estimate was based on concept plans only and is subject to a variance of around plus/minus 10% once detailed design has been undertaken. It is therefore estimated that the total project could cost up to \$1,391,500.

### Issues and options considered

There are a number of options for consideration for the Admiral Park project in relation to further community consultation:

- Works to be included in the project.
- Delegated authority to appoint a construction contractor.

### Community consultation

Development projects such as this would normally include two rounds of community consultation. The first, the results of which are included in this report, provides the local community with an opportunity to provide feedback on the proposed project. The second round of consultation seeks comment on the specific project details such as the site plan, facility layout and any changes to the project as an outcome to the first round of consultation.

Given the timelines associated with the Admiral Park project and the overwhelming support for the proposed works indicated as part of the initial consultation, one option for the project is to not undertake further consultation for the project. This would see the project able to proceed to detailed design and construction stages with the completion date to coincide with the commencement of the 2014 rugby league season.

The risk associated with not undertaking further consultation on the project is in relation to ensuring that the local community engaged as part of the initial consultation is advised of this decision. As part of the initial consultation, those directly consulted were advised that if the project was endorsed to progress to the next stage then a concept plan would be released for community comment before the project progressed any further. This issue could be addressed by advising residents within 200 metres of the site and other stakeholders the results of the initial feedback, the support received for the project and decision to proceed with the project.

### Project works

Given the capital cost estimate for the total project either the whole project can be endorsed to proceed or if cost savings are required the following options are considered appropriate:

- Floodlighting - estimated cost of \$411,600. Currently there is \$115,000 listed within the 2016-17 Capital Works Budget for floodlighting works at Admiral Park. Additional funds could be listed for consideration within the 2016-17 budget and these works staged to occur in that financial year. This would also give the City the opportunity to apply for external grant funding contribution from the Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund (CSRFF).
- Parking – limited additional bays (11) were estimated at \$20,000. Currently there is \$100,000 within the 2014-15 Capital Works Budget for a car park extension at Admiral Park. Staging a car park extension in 2014-15 would provide the ability to plan a more suitable parking resolution at the site and provide more than the additional 11 bays considered during the concept design of this project.
- Photovoltaic (solar) panels – estimated cost of \$52,500. These can be installed on the facility at a later stage if suitable and can also attract external grant funding to assist with the cost. Photovoltaic panels installed at other similar facilities are currently saving the City approximately \$2,500 per annum in utility costs.

It is recommended that the parking and floodlighting works be staged in 2014-15 and 2016-17 years respectively.

Not installing photovoltaic (solar) panels as part of this part of the project will reduce project costs by \$52,500.

### Delegated Authority

The Chief Executive Officer currently has the delegated authority to accept tenders to an amount of \$300,000. Typically, following the tender process for construction works on a project with a value like this, a report would be made to Council to endorse the appointment of a construction contractor. With the timelines associated with this project, this authority to appoint could be delegated to the Chief Executive Officer. Based on the capital cost estimate for the project it is recommended that Council delegate to the Chief Executive Officer the authority to appoint a construction contractor up to the value of \$858,990 (capital cost estimate plus 10%). A variance amount of 10% has been added to the amount for delegated authority due to the capital cost estimate being based on concept plans only and is subject to a variance of around plus/minus 10% once detailed design has been undertaken.

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

<b>Legislation</b>	Sections 5.42 and 5.43(b) of the <i>Local Government Act 1995</i> .
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### **Strategic Community Plan**

<b>Key theme</b>	Community Wellbeing.
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<b>Objective</b>	Quality facilities.
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<b>Strategic initiative</b>	<ul style="list-style-type: none"> <li>• Support a long-term approach to significant facility upgrades and improvements.</li> </ul>
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- Understand the demographic context of local communities to support effective facility planning.
- Employ facility design principles that will provide for longevity, diversity and inclusiveness and where appropriate, support decentralising the delivery of City services.

**Policy**

Not applicable.

**Risk management considerations**

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

There is also a risk associated with not undertaking further consultation on the project. This issue could be addressed by advising all residents within 200 metres of the site and other key stakeholders of the results of the initial feedback, the support received for the project and decision to proceed with the project.

**Financial/budget implications**

Currently there is \$650,000 listed within the 2012-13 Capital Works Budget for the Admiral Park redevelopment project of which \$500,000 will be carried forward to 2013-14. There is a further \$261,000 within the 2013-14 Capital Works Budget for the redevelopment giving a total of \$911,000 for the project.

Following the inclusion of funds within the 2012-13 budget for the project, detailed planning and site service forward works have been undertaken. Some of this work has included concept design, quantity surveyor estimate, structural engineer survey, floodlighting design, power upgrade and new switch board, sewer connection, gas connection and the installation of two hot water units at a cost of \$150,000, giving a remainder \$761,000 of the project budget currently listed within the 2012-13 and 2013-14 years.

Within the 2014-15 Capital Works Budget there is \$100,000 for additional parking at the site and within 2016-17 there is \$115,000 for new floodlighting works.

Based on the capital cost estimate for the project a further \$630,500 would be required to complete the works detailed in this report. If cost savings are required the following options are considered appropriate:

- Floodlighting – estimated cost of \$411,600. Currently \$115,000 listed within the 2016-17 budget. Option to stage this part of the project in 2016-17. Further budget funds of \$296,600 will be required.
- Parking – limited additional parking estimated at \$20,000. Currently there is \$100,000 within the 2014-15 Capital Works Budget for a car park extension at Admiral Park. Option to stage this part of the project in 2014-15.
- Photovoltaic (solar) panels – estimated cost of \$52,500. These can be installed on the facility at a later stage if suitable and can also attract external grant funding to assist with the cost.

It is recommended that the parking and floodlighting works be staged in 2014-15 and 2016-17 years respectively. This reduces the estimated project cost by \$431,600.

Not installing photovoltaic (solar) panels as part of this part of the project will reduce project costs by \$52,500.

Based on the recommended options (remove floodlighting, parking and photovoltaic panels), the estimated project cost is reduced to \$858,990. This would result in a further \$97,990 required for the project.

Below is a summary of the option to undertake the whole project as outlined in this report or for cost savings - not including additional parking, floodlighting or installing photovoltaic (solar) panels as part of the project in 2013-14.

Option	Existing project budget (for 2013-14)	Estimated total cost (including 10% variance allowance)	Additional budget funds required
Full project	\$761,000	\$1,391,500	\$630,500
Remove carpark extension; floodlighting and solar panels	\$761,000	\$858,990	\$97,990

Based on a similar size building (Forrest Park Community Sporting Facility) the net cost of the new facility is estimated at \$22,000 per annum based on an expected income of \$13,000 and expenditure of \$35,000.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

#### Environmental

Any redevelopments at Admiral Park will be planned to reduce the impact of the carbon footprint and consider environmental sustainability design features.

#### Social

The project has included consultation with local 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**

Results of the initial community consultation completed recently have been outlined in the details section of this report. The full results of the community consultation are included as Attachment 2. A decision needs to be made whether further community consultation will be undertaken for this project.

## **COMMENT**

The City received a response rate of 19% from the recent community consultation undertaken for the Admiral Park redevelopment 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 project.

With 51 submissions made by interested individuals living outside the 200 metre radius of the site and just over half of the respondents using Admiral Park for organised sport and recreation (such as rugby and cricket), it is clear that the redevelopment of the facilities is important to the local sporting clubs that use the oval.

Based on the recommended options (remove floodlighting, parking and photovoltaic panels), the estimated project cost is reduced to \$858,990. This would result in a further \$97,990 required for the project.

Given the timelines associated with the Admiral Park redevelopment and response rate from the community consultation (over 93% of people supported all the proposed works), it is suggested that further community consultation for the project does not need to be conducted and it proceed to the next stage of the process which is detailed design and construction. To avoid any issues arising from this, project stakeholders and residents within 200 metres of the site could be advised of the results of the initial consultation, the support received for the development and the decision to proceed with the project.

Furthermore, due to condensed project timelines, it is suggest the authority to appoint a construction contractor could be delegated to the Chief Executive Officer. Based on the capital cost estimate for the project it is recommended that Council delegate to the Chief Executive Officer the authority to appoint a construction contractor up to the value of \$858,990.

## **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 7 May 2013.

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

**MOVED Cr McLean, SECONDED Cr Taylor that Council:**

- 1 NOTES the findings and additional comments received as part of the of the community consultation process undertaken for the Admiral Park redevelopment project;**
- 2 AGREES that further community consultation for the Admiral Park redevelopment project is not required and REQUESTS the project stakeholders and residents within 200 metres of the site be advised of the results of the initial consultation, the support received for the development and decision to proceed with the project;**
- 3 APPROVES the proposed clubroom redevelopment and associated works at Admiral Park as detailed in this Report at a capital cost estimate of \$858,990;**
- 4 NOTES the following amounts are currently listed within the City's Five Year Capital Works Budget for Admiral Park:**
  - 4.1 \$650,000 within 2012-13 for the redevelopment project of which \$500,000 will be carried forward to 2013-14;**
  - 4.2 \$261,000 within 2013-14 for the redevelopment project;**
  - 4.3 \$100,000 within 2014-15 for additional parking;**
  - 4.4 \$115,000 within 2016-17 for floodlighting works;**
- 5 REQUESTS that an additional \$97,990 be listed for consideration within 2013-14 of the City's Five Year Capital Works Budget for the Admiral Park redevelopment project;**
- 6 REQUESTS that an additional \$296,600 be listed for consideration within 2016-17 of the City's Five Year Capital Works Budget for floodlighting works at Admiral Park;**
- 7 REQUESTS the Chief Executive Officer to arrange for the detailed design and tender process to be undertaken for the Admiral Park redevelopment project;**
- 8 BY AN ABSOLUTE MAJORITY DELEGATES to the Chief Executive Officer in accordance with section 5.42 of the *Local Government Act 1995* the authority to accept tenders for the Admiral Park Clubroom redevelopment project subject to the price of tenders not exceeding \$858,990;**
- 9 In accordance with City Policy 'Naming of Public Facilities' AGREES to name the facility to be constructed at Admiral Park Heathridge, 'Admiral Park Community Sporting Facility'.**

**The Motion was Put and**

**CARRIED (13/0)**

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

*Appendix 20 refers*

*To access this attachment on electronic document, click here: [Attach20brf140513.pdf](#)*

**CJ085-05/13      HAWKER PARK, WARWICK - PROPOSED REDEVELOPMENT**

<b>WARD</b>	South	
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services	
<b>FILE NUMBER</b>	27121, 101515	
<b>ATTACHMENT</b>	Attachment 1	Hawker Park aerial map
	Attachment 2	Proposed development site plan
	Attachment 3	Proposed clubroom floor plan
	Attachment 4	Project capital cost estimate breakdown
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.	

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**PURPOSE**

For Council to consider the concept plan and estimated capital costs for the proposed redevelopment at Hawker Park, Warwick and endorse proceeding with the project.

**EXECUTIVE SUMMARY**

Hawker Park, Warwick is classified as a 'Neighbourhood Park' as part of the City's existing Parks and Public Open Spaces Classification Framework and is located on Hawker Avenue, Warwick. 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. The City currently spends an average of \$11,000 on operating expenses per annum on the existing facility.

In order to improve the facilities at Hawker Park and accommodate the needs of the local sporting clubs, it is proposed to replace the existing toilet/changeroom facility. The redeveloped facility will consist of toilet/changerooms, meeting room, kitchen/kiosk and storage areas. It is proposed that the 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.

As part of the project, it is also proposed to construct synthetic cricket practice nets, upgrade the floodlighting, renew the existing tennis 'hit up wall' and '3 on 3' basketball hardstand area and relocate and replace the playground at the park.

Community consultation was undertaken in July 2012, which provided the local community with an opportunity to provide feedback on the proposed project. The City received a good response rate of 33% with the majority of respondents supporting all the proposed works for the park.



At its meeting held on 18 September 2012 (CJ188-09/12 refers), Council considered the project and requested the development of concept plans for the proposed redevelopment.

A site plan and facility floor plan have been developed for the project and include the layout of the proposed four new floodlights, new facility, relocated playground, new tennis 'hit up wall', '3 on 3' basketball hardstand area and synthetic cricket practice nets. The facility floor plan (Attachment 3 refers) includes changerooms, umpire room, toilets, kitchen/kiosk, 100m<sup>2</sup> meeting room that overlooks the oval, associated storage and covered spectator verandah area.

A quantity surveyor (QS) estimate has been undertaken based on the developed site and floor plans and totals \$2,740,000 which includes detailed design, tender documentation, forward works and construction. The net operating cost of the new facility is estimated at \$24,000 per annum based on an expected income of \$13,000 and expenditure of \$37,000.

There are a number of options for consideration for the Hawker Park project in relation to further community consultation, works to be included in the project and external grant funding.

Currently listed in the City's Five Year Capital Works Program is \$167,000 for the detailed design stage of the project (2013-14) and \$1,500,000 for the construction works (2014-15). Also listed within 2014-15 is \$110,000 for the new playground equipment giving a total of \$1,777,000 for the overall project.

The budget allocation for the Hawker Park redevelopment project was based on the cost of the Seacrest Community Sporting Facility, Sorrento constructed in 2011. It is important to note that the proposed Hawker Park redevelopment project includes infrastructure in addition to a facility such as floodlighting, car park resurfacing, playground, synthetic cricket nets, tennis 'hit up wall' and '3 on 3' basketball hardstand area. It is therefore reasonable to expect that the total project cost for the proposed development project would be in excess of the budget amount that was originally estimated.

Based on the total project cost estimate, a further \$963,000 would be required to be allocated to this project to complete the works detailed in this report. It has been identified that this project would be suitable for consideration as part of the Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund (CSRFF) program. The CSRFF program considers a contribution of up to one-third for projects that demonstrate an increase in sport participation as a result of the development, in this case up to \$913,333.

Given the support for the proposed works indicated as part of the initial consultation, it is suggested that further community consultation for the project does not need to be conducted.

Given the project timelines are on schedule, it is recommended that a submission be made to the CSRFF Forward Planning Grant funding round. If supported, the project will be listed as part of the City's CSRFF project submission report to be considered by Council at its meeting to be held on 24 September 2013.

*It is therefore recommended that Council:*

- 1 *APPROVES the proposed redevelopment project including construction of the community sporting facility, four new floodlights, relocated playground, new tennis 'hit up wall', '3 on 3' basketball hardstand area and synthetic cricket practice nets at Hawker Park as detailed in Report CJ085-05/13 at a capital cost estimate of \$2,740,000;*

- 2 *NOTES the Hawker Park redevelopment project will be listed as part of the City's CSRFF project submission report to be considered by Council at its meeting to be held on 24 September 2013;*
- 3 *AGREES that further community consultation for the Hawker Park redevelopment project is not required and REQUESTS the Chief Executive Officer to arrange for project stakeholders and residents within 200 metres of the site to be advised of the results of the initial consultation, the support received for the development and decision to proceed with the project;*
- 4 *NOTES the following amounts are currently listed within the City's Five Year Capital Works Budget for the redevelopment project at Hawker Park:*
  - 4.1 *\$167,000 within 2013-14 for detailed design of the project;*
  - 4.2 *\$1,500,000 within 2014-15 for construction of the project;*
  - 4.3 *\$110,000 within 2014-15 for new playground equipment;*
- 5 *REQUESTS that a further \$963,000 be listed for consideration within 2014-15 of the City's Five Year Capital Works Budget for the Hawker Park redevelopment project subject to a successful CSRFF grant application of \$913,333.*

## **BACKGROUND**

The budget allocation for the Hawker Park redevelopment project was based on the cost of the Seacrest Community Sporting Facility, Sorrento constructed in 2011. It is important to note that the proposed Hawker Park redevelopment project includes infrastructure in addition to a facility such as floodlighting, car park resurfacing, playground, synthetic cricket nets, tennis 'hit up wall' and '3 on 3' basketball hardstand area. It is therefore reasonable to expect that the total project cost for the proposed development project would be in excess of the budget amount that was originally estimated.

Hawker Park, Warwick is classified as a 'Neighbourhood Park' as part of the City's existing Parks and Public Open Spaces Classification Framework and is 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. The City currently spends an average of \$11,000 on operating expenses per annum on the existing facility.

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.

In order to improve the facilities at Hawker Park and accommodate the needs of the local sporting clubs, it is proposed to replace the existing toilet/changeroom facility. The redeveloped facility will consist of toilet/changerooms, meeting room, kitchen/kiosk and storage areas. The facility will cater for the sporting groups using the oval and also the wider local community for community based meetings and activities.

As part of the project it is also proposed to construct synthetic cricket practice nets, upgrade the floodlighting, renew the existing tennis 'hit up wall' and '3 on 3' basketball hardstand area and relocate and replace the playground at the park.

Community consultation was undertaken in July 2012, which provided the local community with an opportunity to provide feedback on the proposed project. The City received a good response rate of 33% with the majority of respondents supporting all the proposed works for the park.

At its meeting held on 18 September 2012 (CJ188-09/12 refers), Council resolved as follows:

*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 this report;*
- 3 *NOTES the listing of \$1,500,000 within 2014/15 of the City's Five Year Capital Works Budget 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:*
  - *Multipurpose Community Sporting Facility;*
  - *Four sports floodlights;*
  - *Three cricket practice nets;*
  - *Relocated playground adjacent to the Community Sporting Facility;*
  - *'3 on 3' basketball hardstand area;*
  - *Tennis 'hit up wall';*
- 5 *NOTES that the Concept Plan will be developed with consideration given to:*
  - (a) *reducing antisocial behaviour and noise impact to residents residing in close proximity to Hawker Park;*
  - (b) *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 \$225,000 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.*

## **DETAILS**

### **Site and concept plan**

Following the 18 September 2012 Council meeting, a site plan and facility floor plan were developed and are included as Attachments 2 and 3 respectively.

The site plan (Attachment 2 refers) indicates the layout of the proposed four new floodlights, new facility, relocated playground, new tennis 'hit up wall', '3 on 3' basketball hardstand area and synthetic cricket practice nets.

The proposed facility design is based on the City's most recent new Community Sporting Facilities such as Seacrest Community Sporting Facility, Sorrento and Forrest Park Community Sporting Facility, Padbury. The facility floor plan (Attachment 3 refers) includes changerooms, umpire room, toilets, kitchen/kiosk, 100m<sup>2</sup> meeting room that overlooks the oval, associated storage and covered spectator verandah area. It also includes a unisex 'park toilet' designed to include the automatic timed door lock system and is accessible without compromising the security of the remainder of the facility.

### Estimated capital project costs

A quantity surveyor (QS) estimate has been undertaken based on the developed site and floor plans and is included as Attachment 4. A summary of the total project estimate has been broken down into the following components:

Item	Cost
Community sporting facility – building	\$876,920
Floodlighting	\$388,500
Playground	\$67,350
Synthetic cricket practice nets	\$75,000
3 on 3 basketball pad	\$4,460
Tennis hit up wall	\$9,440
Drink fountain	\$11,590
Bin wash down area	\$220
Paths/access ways	\$35,000
Site Services (gas, power, water, sewerage etc)	\$83,600
Power upgrade	\$47,600
Photovoltaic (solar) panels	\$52,500
Demolition works	\$37,540
Earthworks / siteworks	\$34,270
Resurfacing existing carpark	\$50,000
Retaining wall	\$39,920
Landscaping and irrigation	\$66,910
Contingencies (design and building)	\$217,000
Escalation (to June 2014)	\$92,000
Professional fees	\$294,000
Approval fees	\$6,000
Temporary toilets/changerooms for the duration of the works	\$35,000
Preliminaries	\$191,180
Public artwork	\$24,000
<b>TOTAL PROJECT</b>	<b>\$2,740,000</b>

The original scope for the project was the inclusion of three synthetic cricket practice nets at the site. Given the size of the cricket clubs using Hawker Park it is proposed to install four synthetic cricket practice nets to allow for two teams to train at the same time. The cost difference is estimated at \$15,000 and the cost for four has been included in the breakdown above.

The City's Art and Memorabilia Collections Policy states that the State Government's 'Percent for Art Scheme' will be utilised when developing proposals for new public buildings and extensions over the value of \$100,000. This scheme uses an allocation of up to 1% of the estimated total cost of building project. The City's policy states that developers of public facilities will be encouraged to adopt this policy with projects being implemented according to the Public Art Implementation Process as determined by the Chief Executive Officer. Based on this 1% of the estimated cost has been included.

### **Issues and options considered**

There are a number of options for consideration for the Hawker Park project in relation to further community consultation, works to be included in the project and external grant funding.

#### External grant funding

It has been identified that this project would be suitable for consideration as part of the Department of Sport and Recreation's Community Sporting and 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), an application would need to be made to the next Forward Planning Grant funding round which closes on 30 September 2013. The CSRFF program considers a contribution of up to one-third for projects that demonstrate an increase in sport participation as a result of the development.

The City has the option to not submit an application for CSRFF and fund the project in full. Given the project timelines are on schedule, it is recommended that a submission be made to the CSRFF Forward Planning Grant funding round. It is however, necessary that the City includes a budget allocation for the whole project, in the event the application for CSRFF is unsuccessful.

#### Community consultation

Development projects such as this would normally include two rounds of community consultation. The first, which was undertaken in July 2012, provided the local community with an opportunity to provide feedback on the proposed project. The second round of consultation seeks comment on the specific project details such as the site plan, facility components and any changes to the project as an outcome to the first round of consultation.

As part of the initial consultation, the City directly consulted with residents within 200 metres of the site and received a good response rate of 33%. The results are summarised as follows:

- Over 70% think it is important for a tennis 'hit up wall' to remain.
- Over 78% think it is important for a '3 on 3' basketball hardstand area to remain.
- Over 62% prefer the playground to be relocated to adjacent to the proposed new facility rather than remain in the existing location.
- Over 83% support the construction of a new multi-purpose community sporting facility.
- Over 90% support the installation of new floodlighting.
- Over 72% support the installation of cricket practice nets.

Given the support for the proposed works as indicated in the initial consultation, one option for the project is to not undertake further consultation for the project. The risk associated with not undertaking further consultation on the project is in relation to ensuring that the local community that were engaged as part of the initial consultation are advised of this decision. Notably, as part of the initial consultation, those directly consulted were advised that if the project was endorsed to progress to the next stage then a concept plan would be released for community comment before the project progressed any further. This could be addressed by advising residents within 200 metres of the site and other project stakeholders of the results of the initial feedback, the support received for the project and decision to proceed with the project.

#### Project works

Given the capital cost estimate for the total works either the whole project can be endorsed to proceed or if cost savings are required the following options are possible:

- Floodlighting - estimated cost of \$388,500. The upgrade of floodlighting at the park could be listed for consideration in a future year of the City's Five Year Capital Works Budget.
- Synthetic cricket practice nets - estimated cost of \$75,000. The installation of synthetic cricket practice nets at the park could be listed for consideration in a future year of the City's Five Year Capital Works Budget.
- '3 on 3' basketball pad and tennis 'hit up wall' - estimated cost of \$13,900. The installation of this infrastructure at the park could be listed for consideration in a future year of the City's Five Year Capital Works Budget.
- Resurfacing existing carpark- estimated cost of \$50,000. The resurfacing work could be listed for consideration in a future year of the City's Five Year Capital Works Budget.
- Public artwork - estimated cost of \$24,000. Public artwork can either not be included in this project or could be listed for consideration in a future year of the City's operating budget.
- Photovoltaic (solar) panels – estimated cost of \$52,500. These can be installed on the facility at a later stage if suitable and can also attract external grant funding to assist with the cost. Photovoltaic panels installed at other similar facilities are currently saving the City approximately \$2,500 per facility per annum in utility costs.

Given the importance of upgraded floodlighting and synthetic cricket practice nets to the existing sporting clubs using Hawker Park, it is recommended that these remain part of the proposed development.

Similarly, based on the '3 on 3' basketball pad and tennis hit up wall being existing facilities at the park; and support for them to be renewed; it is recommended these remain part of the proposed development.

Not resurfacing the existing carpark, including public artwork or installing photovoltaic (solar) panels as part of the project at this time will reduce project costs by \$126,500. These items could be included in future budgets if required.

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

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

**Strategic initiative**

- Support a long-term approach to significant facility upgrades and improvements.
- Understand the demographic context of local communities to support effective facility planning.
- Employ facility design principles that will provide for longevity, diversity and inclusiveness and where appropriate, support decentralising the delivery of City services.

**Policy** Not applicable.

**Risk management considerations**

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

There is also a risk associated with not undertaking further consultation on the project. This issue could be addressed by advising all residents within 200 metres of the site and other key stakeholders of the results of the initial feedback, the support received for the project and decision to proceed with the project.

This is intended to be one of several major projects for which the City will be seeking CSRFF funding in the next Forward Planning Grant funding round. They will effectively be competing against each other and there are significant risks that not all projects will be funded.

**Financial/budget implications**

Currently listed in the City's Five Year Capital Works Program is \$167,000 for the detailed design stage of the project (2013-14) and \$1,500,000 for the construction works (2014-15) of which \$500,000 is funding from a proposed CSRFF grant. Also listed within 2014-15 is \$110,000 for new playground equipment. The total is \$1,777,000 for the overall project of which \$1,277,000 is City funds and \$500,000 a CSRFF grant.

Also listed within 2014-15 of the City's Five Year Capital Works Program is \$200,000 for sump beautification at the park. Irrigation upgrades have also been listed in the budget with \$97,000 listed in 2013-14 and \$120,000 listed in 2014-15. These works are not part of the redevelopment project, however have been scheduled to take place at the same time as the development.

While a CSRFF application may result in a contribution of up to one third for the works (in this case up to \$913,333), if Council supports the project proceeding without external grant funding, a budget allocation for the whole project would be required in the event the grant funding application is unsuccessful.

A quantity surveyor (QS) estimate has been undertaken based on the developed site and floor plans and totals \$2,740,000 which includes detailed design, tender documentation, forward works and construction.

Based on the total project cost estimate, a further \$963,000 would be required to be allocated to this project to complete the works detailed in this report.

If cost savings are required the following options are considered possible as previously discussed:

- Floodlighting - estimated cost of \$388,500.
- Cricket practice nets - estimated cost of \$75,000.
- '3 on 3' basketball pad and tennis 'hit up wall' - estimated cost of \$13,900.
- Resurfacing existing carpark- estimated cost of \$50,000.
- Public artwork - estimated cost of \$24,000.
- Photovoltaic (solar) panels – estimated cost of \$52,500.

Below is a summary of the option to undertake the whole project as outlined in this report or for cost savings - not including carpark resurfacing, public artwork or installing photovoltaic (solar) panels as part of the project in 2014-15.

Option	Funding break-up	Existing Project Budget	Additional budget funds required	Estimated total cost (assuming a successful CSRFF application)
Full project	City Funds	\$1,277,000	\$549,667	\$1,826,667
	CSRFF Grant	<u>\$500,000</u>	<u>\$413,333</u>	<u>\$913,333</u>
	Total	<u>\$1,777,000</u>	<u>\$963,000</u>	<u>\$2,740,000</u>
Remove carpark resurfacing; public artwork and solar panels	City Funds	\$1,277,000	\$465,333	\$1,742,333
	CSRFF Grant	<u>\$500,000</u>	<u>\$371,167</u>	<u>\$871,167</u>
	Total	<u>\$1,777,000</u>	<u>\$836,500</u>	<u>\$2,613,500</u>

Based on a similar size building (Seacrest Park Community Sporting Facility) the net operating cost of the new facility is estimated at \$24,000 per annum based on an expected income of \$13,000 and expenditure of \$37,000. The synthetic cricket practice nets are estimated to cost \$3,500 per annum to maintain.

A breakdown of the proposed project is outlined below as a way of comparison to the size and cost of the Seacrest Park Community Sporting Facility project.

Project	Facility size	Facility cost per square metre	Total project cost	Comments
Hawker	478m <sup>2</sup>	\$1,772/m <sup>2</sup>	\$2,740,000	Total project includes building; floodlighting; playground; cricket nets; '3 on 3' basketball; tennis hit up wall; car park resurfacing.
Seacrest	616m <sup>2</sup>	\$1,950/m <sup>2</sup>	\$1,450,000	Total project includes building.

All amounts 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 has included consultation with local 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**

Results of the initial community consultation were included in the report to Council at its 18 September 2012 meeting (CJ188-09/12 refers). A decision needs to be made whether further community consultation will be undertaken for this project.

**COMMENT**

Based on the total project cost estimate, a further \$963,000 would be required to be allocated to this project to complete the works detailed in this report. The budget allocation for this project was based on the cost of the Seacrest Community Sporting Facility, Sorrento. As the proposed Hawker Park redevelopment project includes infrastructure in addition to a facility it is reasonable to expect that the total project cost would be in excess of the budget amount that was originally estimated.

Not resurfacing the existing carpark, including public artwork or installing photovoltaic (solar) panels as part of the project at this time will reduce project costs by \$126,500. These items could be included in future budgets if required.

Given the support for the proposed works indicated as part of the initial consultation, it is suggested that further community consultation for the project does not need to be conducted. To ensure the community is adequately informed, project stakeholders and residents within 200 metres of the site could be advised of the results of the initial consultation, the support received for the development and decision to proceed with the project.

Given the project timelines are on schedule, it is recommended that a submission be made to the CSRFF Forward Planning Grant funding round. If supported, the project will be listed as part of the City's CSRFF project submission report to be considered by Council its meeting to be held on 24 September 2013.

## VOTING REQUIREMENTS

Simple 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 7 May 2013.

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

### **MOVED Cr McLean, SECONDED Cr Fishwick that Council:**

- 1 APPROVES the proposed redevelopment project including construction of the community sporting facility, four new floodlights, relocated playground, new tennis 'hit up wall', '3 on 3' basketball hardstand area and synthetic cricket practice nets at Hawker Park as detailed in Report CJ085-05/13 at a capital cost estimate of \$2,740,000;**
- 2 NOTES the Hawker Park redevelopment project will be listed as part of the City's CSRFF project submission report to be considered by Council at its meeting to be held on 24 September 2013;**
- 3 AGREES that further community consultation for the Hawker Park redevelopment project is not required and REQUESTS the Chief Executive Officer to arrange for project stakeholders and residents within 200 metres of the site to be advised of the results of the initial consultation, the support received for the development and decision to proceed with the project;**
- 4 NOTES the following amounts are currently listed within the City's Five Year Capital Works Budget for the redevelopment project at Hawker Park:**
  - 4.1 \$167,000 within 2013-14 for detailed design of the project;**
  - 4.2 \$1,500,000 within 2014-15 for construction of the project;**
  - 4.3 \$110,000 within 2014-15 for new playground equipment;**
- 5 REQUESTS that a further \$963,000 be listed for consideration within 2014-15 of the City's Five Year Capital Works Budget for the Hawker Park redevelopment project subject to a successful CSRFF grant application of \$913,333.**

**The Motion was Put and**

**CARRIED (13/0)**

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

*Appendix 21 refers*

*To access this attachment on electronic document, click here: [Attach21brf140513.pdf](#)*

## REPORTS – SPECIAL AUDIT COMMITTEE – 15 MAY 2013

### CJ086-05/13 QUOTATION EAS/13 – PROVISION OF EXTERNAL AUDIT SERVICES

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	103136
<b>ATTACHMENT</b>	Attachment 1      Summary of Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

#### PURPOSE

For Council to consider the submissions received for the provision of external audit services to the City.

#### EXECUTIVE SUMMARY

Quotations were issued on 26 February 2013 to the Western Australian Local Government Association (WALGA) audit preferred supplier panel for the provision of external audit services for a period of three years. Quotations closed on 12 March 2013. Two submissions were received from:

- Grant Thornton Audit Pty Ltd.
- UHY Haines Norton.

The submission from Grant Thornton Audit Pty Ltd represents best value to the City. Grant Thornton Audit Pty Ltd demonstrated a sound understanding of the requirements. The company is a well established auditing firm with significant industry experience and proven capability to conduct the City's audit. It has provided similar services to the Cities of Perth, Fremantle, Stirling, Bunbury, Albany, Wanneroo and Rockingham. It has been the City's external auditor for the past six years.

*It is recommended that Council:*

- 1 *ACCEPTS the quotation submitted by Grant Thornton Audit Pty Ltd for the provision of external audit services as specified in quotation EAS/13 for the fixed lump sum of \$96,000 (GST exclusive);*
- 2 *BY AN ABSOLUTE MAJORITY APPOINTS Grant Thornton Audit Pty Ltd to be its auditor for a period of three years.*

## **BACKGROUND**

Under section 7.2 of the *Local Government Act 1995*, the accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by the local government.

WALGA has established a preferred supplier panel for internal and external audit services (Contract 0411-11). Each supplier to the panel has been prequalified by WALGA to approved terms and conditions for the delivery of specialist Local Government audit services.

The City had a single contract for the provision of external audit services with Grant Thornton Audit Pty Ltd which expired in 2012.

Grant Thornton Audit Pty Ltd provided a good quality service throughout the term of its contract.

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

## **DETAILS**

The quotation for the provision of external audit services was issued through the WALGA audit preferred supplier panel on 26 February 2013. The quotation period was for two weeks and quotations closed on 12 March 2013.

### **Submissions**

Two submissions were received from:

- Grant Thornton Audit Pty Ltd.
- UHY Haines Norton.

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

### **Evaluation Panel**

The evaluation panel comprised of two members:

- One with tender and contract preparation skills.
- One 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**

Both offers received were assessed as fully compliant.

### Qualitative Assessment

The qualitative assessment used in evaluating the submissions received was based upon the scope and extent of audit and the proposed audit methodology submitted by the respondents.

Grant Thornton Audit Pty Ltd scored 70% and was ranked second in the qualitative assessment. The audit methodology, although brief, generally addressed the critical items of the audit, timing of audit visits, hours allocated to audits, attendance at audit committee meetings and reporting. Attendance by an auditor at the Annual General Meeting of ratepayers was not specifically addressed, however the offer from Grant Thornton Audit Pty Ltd included regular meetings during the audit and partner availability assured at any time.

UHY Haines Norton scored 80% and was ranked first in the qualitative assessment. The audit methodology was comprehensive and addressed the critical aspects of the audit, timing of audit visits, hours allocated to audit visits by each category of staff, attendance at audit committee meetings, attendance at the Annual General Meeting of ratepayers and reporting. The offer was subject to several limitations, with grant acquittals and attendance at more than one Audit Committee meeting per year not included as part of the standard audit service.

### Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the price offered by each respondent to assess value for money to the City.

The assessment of audit cost included the auditor's attendance at two audit committee meetings annually and the certifications of four grant acquittals per year. The base price of UHY Haines Norton was adjusted to include the additional costs of these items as provided in the table below.

Respondent	Year 1	Year 2	Year 3	Total
Grant Thornton Audit Pty Ltd	\$29,500	\$32,000	\$34,500	\$96,000
UHY Haines Norton	\$41,800	\$42,800	\$43,800	\$128,400

### Evaluation Summary

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

Respondent	Estimated Year 1 Contract Price	Estimated Total Contract Price	Price Ranking	Percentage Score	Qualitative Ranking
UHY Haines Norton	\$41,800	\$128,400	2	80%	1
Grant Thornton Audit Pty Ltd	\$29,500	\$96,000	1	70%	2

Based on the evaluation result the panel concluded that the quotation from Grant Thornton Audit Pty Ltd provides best value to the City and is therefore recommended.

Although UHY Haines Norton submitted a more comprehensive audit methodology, its offer was 34% more expensive than Grant Thornton Audit Pty Ltd and did not provide significant value that would warrant the additional cost.

### Issues and options considered

The accounts and annual financial report for each financial year are required to be audited by an independent auditor appointed by the City in accordance with section 7.3 of the *Local Government Act 1995*.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

A tender is not required to be publicly invited in accordance with Part 4, Division 2 clause 11(2)(b) of the *Local Government (Functions and General) Regulations 1996*, where the supply of the goods or services is to be obtained through the Council purchasing service of WALGA.

The appointment of an auditor cannot be delegated to the Chief Executive Officer in accordance with section 5.43(c) of the *Local Government Act 1995*.

#### Strategic Community Plan

##### Key theme

Governance and Leadership.

##### Objective

Corporate capacity.

##### Strategic initiative

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

##### Policy

Not applicable.

### Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City would not meet its statutory obligations.

It is considered that the contract will represent a low risk to the City as the recommended respondent is a well-established audit firm with significant industry experience and the capacity to provide the services to the City.

### Financial/budget implications

<b>Account no.</b>	322-A3202-3261-0000
<b>Budget Item</b>	Audit Fees
<b>Budget amount</b>	\$ 34,685
<b>Amount spent to date</b>	\$ 0
<b>Proposed cost</b>	\$ 29,500
<b>Balance</b>	\$ 5,185

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The evaluation panel carried out the evaluation of the submission in accordance with the City's evaluation process and concluded that the offer submitted by Grant Thornton Audit Pty Ltd represents best value to the City.

**VOTING REQUIREMENTS**

Absolute Majority.

**COMMITTEE RECOMMENDATION**

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Audit Committee at its special meeting held on 15 May 2013.

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

**MOVED Cr McLean, SECONDED Cr Ritchie that Council:**

- 1 ACCEPTS the quotation submitted by Grant Thornton Audit Pty Ltd for the provision of external audit services as specified in quotation EAS/13 for the fixed lump sum of \$96,000 (GST exclusive);**
- 2 BY AN ABSOLUTE MAJORITY APPOINTS Grant Thornton Audit Pty Ltd to be its auditor for a period of three years.**

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

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

*Appendix 22 refers*

*To access this attachment on electronic document, click here: [Attach22agn270513.pdf](#)*

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

Nil.

**CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 8.13pm the following Elected Members being present at that time:

MAYOR TROY PICKARD  
CR KERRY HOLLYWOOD  
CR TOM McLEAN, JP  
CR PHILIPPA TAYLOR  
CR SAM THOMAS  
CR LIAM GOBBERT  
CR GEOFF AMPHLETT, JP  
CR CHRISTINE HAMILTON-PRIME  
CR MIKE NORMAN  
CR JOHN CHESTER  
CR BRIAN CORR  
CR RUSS FISHWICK, JP  
CR TERESA RITCHIE