

# agenda

## Ordinary Meeting of Council

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

**ON** **TUESDAY 20 AUGUST 2013**  
**COMMENCING AT** **12.00 noon**

**GARRY HUNT**  
Chief Executive Officer  
16 August 2013

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

**PUBLIC QUESTION TIME**

Members of the public are  
requested to lodge questions in  
writing by 9.00am on  
**19 August 2013**

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

**QUESTIONS TO**

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

PO Box 21 Joondalup WA 6919

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

## PROCEDURES FOR PUBLIC QUESTION TIME

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

### Questions asked verbally

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

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

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

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

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

#### **DISCLAIMER**

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

## PROCEDURES FOR PUBLIC STATEMENT TIME

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

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

## **CODE OF CONDUCT**

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

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

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

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

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

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

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

[Additional Information 200813.pdf](#)

# CITY OF JOONDALUP

Notice is hereby given that a Meeting of the Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 20 August 2013** commencing at **12.00 noon**.

GARRY HUNT  
Chief Executive Officer  
16 August 2013

Joondalup  
Western Australia

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## VISION

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

## PRIMARY VALUES

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

## DISTINGUISHING VALUES

### **Bold**

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

### **Ambitious**

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

### **Innovative**

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

### **Enterprising**

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

### **Prosperous**

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

### **Compassionate**

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

# AGENDA

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

## 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

## 2 PUBLIC QUESTION TIME

The following questions were taken on notice at the ordinary Council meeting held on 16 July 2013:

**Mr M Sideris, Mullaloo:**

*Re: CJ128-07/13 – Elected Member Meeting Allowances, Payments and Fees.*

*Q1 Why is the recommendation to Council to set the maximum amount for the Mayoral Allowance, Deputy Mayoral Allowance, Annual Meeting Fee Allowance and ICT Allowance for the City of Joondalup Elected Members when around 98.5% of all development applications received by the City are determined under delegation?*

*A1 The recommendation was in line with the levels currently set under the Elected Member's Entitlements Policy. It is at the Council's discretion to determine levels for meeting fees and allowances as a result of the Salaries and Allowance Tribunal's determination.*

*Q2 Considering that it only infrequently occurs that the Council reverses an officer's recommendation in a report to Council, why do we need an elected Mayor and Councillors at all?*

*A2 This question adversely reflects on the role of the Mayor and Councillors of the City of Joondalup and will not be responded to.*

## 3 PUBLIC STATEMENT TIME

#### 4 APOLOGIES AND LEAVE OF ABSENCE

##### REQUESTS FOR LEAVE OF ABSENCE – CRS TOM MCLEAN AND LIAM GOBBERT - [102280]

Cr Tom McLean has requested Leave of Absence from Council duties covering the period 22 August to 18 September 2013 inclusive.

Cr Liam Gobbert has requested Leave of Absence from Council duties covering the period 23 August to 23 September 2013 inclusive.

##### **RECOMMENDATION**

**That Council APPROVES the Requests for Leave of Absence from Council duties covering the following dates:**

- |          |                        |   |
|----------|------------------------|---|
| <b>1</b> | <b>Cr Tom McLean</b>   | <b>22 August–18 September 2013 inclusive;</b> |
| <b>2</b> | <b>Cr Liam Gobbert</b> | <b>23 August–23 September 2013 inclusive.</b> |

#### 5 CONFIRMATION OF MINUTES

##### MINUTES OF COUNCIL MEETING, 16 JULY 2013

##### **RECOMMENDATION**

**That the Minutes of the Council meeting held on 16 July 2013 be confirmed as a true and correct record.**

#### 6 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

#### 7 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>Cr Mike Norman.</b>
<b>Item No./Subject</b>	CJ147-08/13 – Proposed Telecommunication Facility at Lot 83 (109) Winton Road, Joondalup.
<b>Nature of interest</b>	Financial.
<b>Extent of Interest</b>	Cr Norman is the owner of shares in Telstra in excess of the threshold.

### Disclosures of interest affecting impartiality

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

<b>Name/Position</b>	<b>Mayor Troy Pickard.</b>
<b>Item No./Subject</b>	CJ161-08/13 – Paramotor Club – Use of City Coastal Land.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	One of the presenters at the deputation is a neighbour of Mayor Pickard.

<b>Name/Position</b>	<b>Cr Kerry Hollywood.</b>
<b>Item No./Subject</b>	CJ161-08/13 – Paramotor Club – Use of City Coastal Land.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Hollywood resides in the flying path.

<b>Name/Position</b>	<b>Mayor Troy Pickard.</b>
<b>Item No./Subject</b>	CJ162-08/13 – Community Sporting and Recreation Facilities Fund Application for Small Grant Round 1 – 2013-14.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mayor Pickard is vice patron of the Sorrento Bowling Club.

<b>Name/Position</b>	<b>Mayor Troy Pickard.</b>
<b>Item No./Subject</b>	CJ164-08/13 – Redevelopment Arena Joondalup (VenuesWest).
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mayor Pickard is vice patron of West Perth Football Club, a tenant at Arena Joondalup.

<b>Name/Position</b>	<b>Cr Philippa Taylor.</b>
<b>Item No./Subject</b>	CJ164-08/13 – Redevelopment Arena Joondalup (VenuesWest).
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Taylor was a candidate in the March 2013 State election.

<b>Name/Position</b>	<b>Cr Sam Thomas.</b>
<b>Item No./Subject</b>	CJ164-08/13 – Redevelopment Arena Joondalup (VenuesWest).
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Thomas was a candidate in the March 2013 State election.

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

CJ165-08/13 Confidential Report – Ocean Reef Marina.

**9 PETITIONS**

**10 REPORTS****CJ145-08/13 DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS - JUNE 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 – June 2013 Attachment 2 Monthly Subdivision Applications Processed – June 2013 Attachment 3 Monthly Building R-Code Applications Decision – June 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 (R-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 June 2013 (Attachments 1, 2 and 3 refer):

- 1 Planning applications (applications for planning approval (development applications) and R-Code applications).
- 2 Subdivision applications.
- 3 Building R-Code applications.

**BACKGROUND**

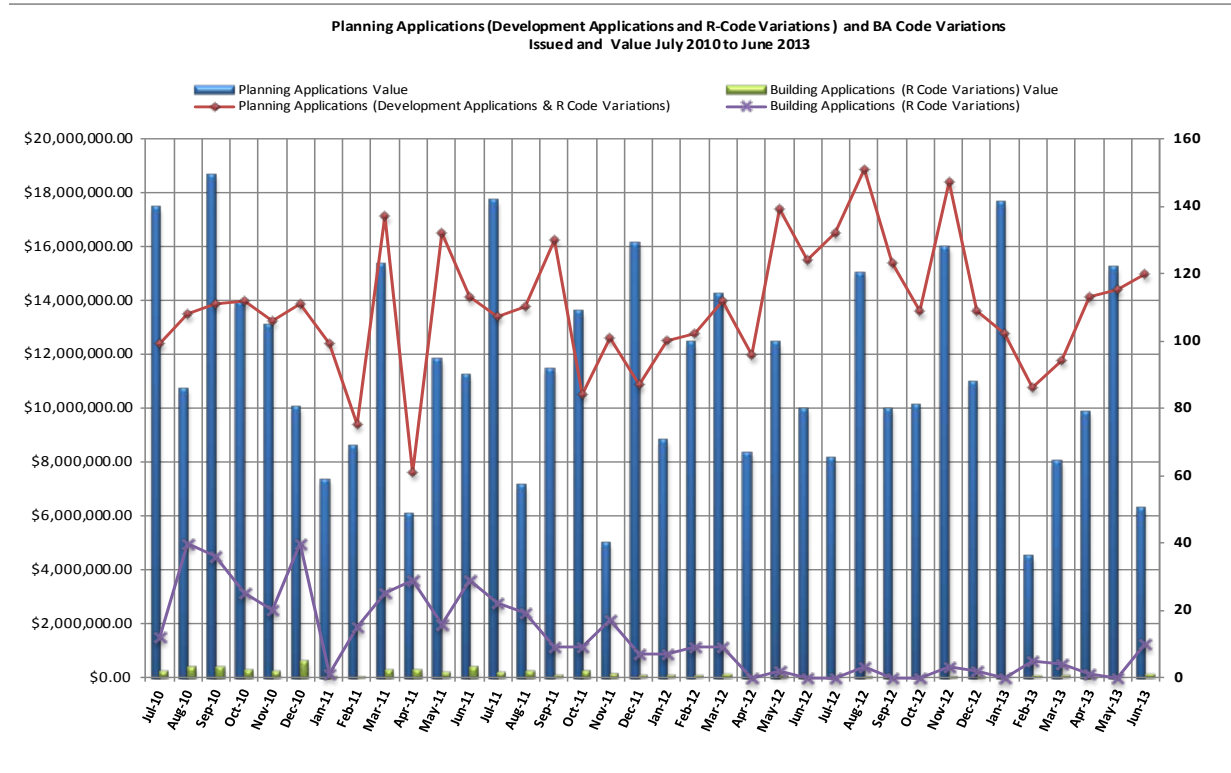
DPS2 requires that delegations be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 25 June 2013 (CJ094-06/13 refers), Council considered and adopted the most recent Town Planning Delegations via its review of the Register of Delegation of Authority manual.

**DETAILS**

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

Applications determined under delegated authority – June 2013		
Type of Application	Number	Value (\$)
Planning applications (development applications and R-Codes applications)	120	\$ 6,291,149
Building applications (R-Codes applications)	10	\$109,424
<b>TOTAL</b>	<b>130</b>	<b>\$ 6,400,573</b>

The total number and value of planning and building applications determined between July 2010 and June 2013 is illustrated in the graph below:





The number of development applications received during June 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 June was 236. Of these, 56 were pending additional information from applicants, and 42 were being advertised for public comment.

In addition to the above, 214 building permits were issued during the month of June with an estimated construction value of \$17,374,035.

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

<b>Subdivision referrals processed under delegated authority for June2013</b>		
<b>Type of referral</b>	<b>Number</b>	<b>Potential additional new lots</b>
Subdivision applications	2	25
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 DPS2 permits development control functions to be delegated to persons or committees. All subdivision applications were assessed in accordance with relevant legislation and policies, and a recommendation made on the applications to the Western Australian Planning Commission.

#### **Risk management considerations**

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

**Financial/budget implications**

A total of 130 applications were determined for the month of June with a total amount of \$33,005 received as application fees.

All figures quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Consultation may be required by the provisions of the R-Codes, any relevant policy and/or the DPS2.

Of the 120 development applications determined during June 2013 consultation was undertaken for 65 of those applications. R-Codes applications for assessment against applicable Design Solutions (previously Performance Criteria), which are made as part of building applications are required to include comments from adjoining landowners. Where these comments are not provided, the application will remain the subject of an R-Codes application, but dealt with by Planning Approvals. The four subdivision applications processed during June 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.

**RECOMMENDATION**

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

- 1 Applications for planning approval and R-Codes applications described in Attachment 1 to Report CJ145-08/13 during June 2013;**
- 2 Subdivision applications described in Attachment 2 to Report CJ145-08/13 during June 2013;**
- 3 Building Residential Design Code applications described in Attachment 3 to Report CJ145-08/13 during June 2013.**

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf130813.pdf](#)*

## **CJ146-08/13      PROPOSED CHANGE OF USE FROM BANK TO CONVENIENCE STORE AT LOT 11 (923) WHITFORDS AVENUE, WOODVALE**

<b>WARD</b>	Central
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	103156, 101515
<b>ATTACHMENTS</b>	Attachment 1      Location plans Attachment 2      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 determine an application for change of use from 'Bank' to 'Convenience Store' at Lot 11, (923) Whitfords Avenue, Woodvale.

### **EXECUTIVE SUMMARY**

An application for planning approval has been received for a change of use from 'Bank' to 'Convenience Store' at Lot 11 (923) Whitfords Avenue, Woodvale (Attachment 1 refers). The site is zoned 'Business' under the City's *District Planning Scheme No. 2* (DPS2). The proposed land use 'Convenience Store' is a permitted ("P") use within the 'Business' zone.

The subject site accommodates a number of existing land uses which vary in terms of the type of business, the types of goods and/or services offered, and the peak hours of operation. The land use 'Convenience Store' does not have a specific car parking standard outlined within DPS2, therefore Council is required to determine an appropriate car parking standard for the land use.

In previous determinations of applications for the land use 'Convenience Store', Council has applied a standard of four bays per 100m<sup>2</sup> of net lettable area (NLA). Additionally, as part of draft Omnibus Amendment No. 65 to DPS2 (Amendment No. 65) a car parking standard of four bays per 100m<sup>2</sup> is to be included in Table 2 of the scheme (CJ088-06/13 refers).

Using the car parking standard mentioned above, a shortfall of 22 bays or 15.1% would result. The subject site currently operates with a shortfall of 23 bays or 15.7%. Approval of the proposed land use, applying the recommended standard will result in a decrease to the shortfall in car parking on site. It is noted that under Amendment No. 65 the parking standards for some land uses would be decreased, and if applied to all tenancies in a retrospective manner (inclusive of the proposed development) a surplus of six parking bays on site would result.

It is therefore recommended that Council approve the proposed development subject to conditions.

## BACKGROUND

<b>Suburb/Location</b>	Lot 11 (923) Whitfords Avenue, Woodvale.
<b>Applicant</b>	Greg Rowe & Associates.
<b>Owner</b>	Printfile Pty Ltd.
<b>Zoning</b>	<b>DPS</b> Business.
	<b>MRS</b> Urban.
<b>Site area</b>	10,091.2m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

The subject site is located immediately north of Whitfords Avenue, and is part of the Woodvale Commercial Centre. Direct vehicular access to the subject site is provided from Whitfords Avenue and also through internal roads and car parking areas on the adjoining site which are accessed via Trappers Drive to the east (Attachment 1 refers). The subject site and the adjoining Woodvale Shopping Centre are party to a reciprocal parking and access agreement. This agreement allows for the right-of-carriageway through the subject site, effectively giving the Woodvale Shopping Centre direct access from Whitfords Avenue and giving the subject site access onto Trappers Drive.

The buildings located on the subject site were approved in 1991, with major extensions to the subject site approved in 1994. In the time since the building was first occupied, a number of applications for change of use and minor additions have also been determined, resulting in the variety of land uses and built form that is present today. The subject site currently operates with less car parking than is required under DPS2, with 145 bays required and 123 provided, a shortfall of 15.7%.

At its meeting held on 25 June 2013 (CJ088-06/13 refers), Council resolved to adopt Amendment No. 65 to DPS2. Among other things, part of adopting this amendment included inserting a parking standard for the land use 'Convenience Store' into Table 2 of DPS2. The rationale for determining this parking standard was based on previous Council decisions that applied a standard of four bays per 100m<sup>2</sup> of NLA for the land use 'Convenience Store'. The permissibility of the land use 'Convenience Store' has not changed as a result of Amendment No.65 and remains a permitted ("P") use within the 'Business' zone. Based on the status of Amendment No.65 as a 'seriously entertained planning proposal', due regard for the amendment has been given in the assessment of this application.

## DETAILS

The application proposes to develop a convenience store for products generally sold in supermarkets, and delicatessens. It is envisaged that the majority of food products available for sale will be comprised of pre-packaged goods including some refrigerated and frozen food items. Fresh food items would be limited to convenience goods/products such as coffee, cake and snacks.

The hours of operation for the convenience store are indicated by the applicant to be 'typical', operating Monday-Wednesday 9.00am - 5.00pm, Thursdays 9.00am - 8.00pm, Fridays 9.00am - 5.00pm, and Saturdays 9.00am - 5.00pm, with the possibility of opening Sunday 10.00am - 3.00pm. Staff numbers for the convenience store are indicated to not exceed three employees at any time. The tenancy fit out indicates a staff lunch room and cleaners closet at the rear of the tenancy. These areas of the development do not contribute to the NLA of the land use which is limited to 200m<sup>2</sup> and in this instance is proposed at 197m<sup>2</sup> for this application (Attachment 2 refers).

The land use 'Convenience Store' is a permitted ("P") use within the 'Business' zone under DPS2. The land use 'Convenience Store' does not have a specific parking standard set out in Table 2 of DPS2, with the parking standard for this land use determined by Council. Based on previous determinations of applications for convenience stores a parking standard of four bays per 100m<sup>2</sup> of NLA has been used. Using a parking standard of four bays per 100m<sup>2</sup> of NLA, a total of eight parking bays are required for the proposed land use. As a result of this change of use application the existing car parking shortfall on site would decrease by one bay, from 23 bays (15.7%) to 22 bays (15.1%).

The subject site is affected by a reciprocal parking and access agreement with the adjoining commercial properties. The agreement allows for the right of carriageway through the subject site, giving the Woodvale Shopping Centre and other commercial properties direct access from Whitfords Avenue and giving the subject site access onto Trappers Drive.

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**

Council must determine an appropriate car parking standard for the land use 'Convenience Store' as Table 2 of DPS2 does not delineate a parking standard for 'Convenience Store'. Using a car parking standard of four bays per 100m<sup>2</sup> of NLA a car parking shortfall of 15.1% would occur as a result of this application, however this is a decrease to the existing car parking shortfall on site.

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**

<b>Legislation</b>	<i>City of Joondalup District Planning Scheme No. 2.</i>
<b>Strategic Community Plan</b>	
<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>	Not applicable.

### Amendment No. 65

Amendment No. 65 proposes to make changes to the existing DPS2. These changes are intended to improve the operation of DPS2 by correcting minor deficiencies and anomalies and introduce provisions which will provide clarity and certainty for applicants and decision makers. Currently the land use 'Convenience Store' does not have a specific parking standard outlined in Table 2 of the scheme. Amendment No. 65 proposes to insert a parking standard for this use of four bays per 100m<sup>2</sup> of NLA into Table 2.

Clause 3.6 of DPS2 sets out the general objectives for development within the 'Business' zone.

#### 3.6 THE BUSINESS ZONE

*3.6.1 The Business Zone is intended to accommodate wholesaling, retail warehouses, showrooms and trade and professional services and small scale complementary and incidental retailing uses, as well as providing for retail and commercial businesses which require large areas such as bulky goods and category/theme based retail outlets that provide for the needs of the community but which due to their nature are generally not appropriate to or cannot be accommodated in a commercial area.*

*The objectives of the Business Zone are to:*

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

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

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

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

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

- (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1;*
- (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;*
- (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;*
  - (k) *any other matter which in the opinion of the Council is relevant.*



**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) 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**

The City advertised the proposed change of use via letter to 18 adjoining land owners in the Woodvale Commercial Centre over a period of 21 days. During the consultation period, only one submission was received. This submission is included below.

*This property was developed as a Commercial Centre. The change of use is to pure retail and is in direct conflict with retail within the region. On weekends parking is at a premium and so adequate bays must be provided.*

**City response:**

The land use 'Convenience Store' is a permitted ("P") use on land zoned for business purposes. Thus the land use cannot form any basis for the City refusing the application. It is noted that the applicant's proposal does not exceed 200m<sup>2</sup> of NLA, as is allowed for a convenience store.

In respect to the provision of car parking on site, the large diversity of existing land uses allows for reciprocity in the use of parking bays within the subject site. The proposed land use does not diminish the diversity of land uses on site and assists in offsetting demand for parking. Furthermore, if changes to Table 2 of DPS2 outlined within Amendment No 65 were to be retrospectively applied to all approved and proposed tenancies on the site, a surplus of six bays would result. In this regard the provision of car parking on site is considered appropriate for the proposed land use.

**COMMENT**

The application is for a change of use from 'Bank' to 'Convenience Store'.

**Land use**

Table 1 of DPS2 lists the land use 'Convenience Store' as a permitted ("P") use within the 'Business' zone. Convenience store is defined in DPS2 as:

*“...any land and or buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents and may include the sale of petrol and operated during hours which may extend beyond normal trading hours. The buildings associated with a convenience store shall not exceed 200m<sup>2</sup> net leasable area.”*

The applicant's proposal is considered to meet the definition of convenience store with maximum NLA of 197m<sup>2</sup> out of a possible maximum NLA area of 200m<sup>2</sup>. Additionally the types of products to be sold as described in the 'Details' section of this report are those which would commonly be sold in supermarkets or delicatessens. Based on this rationale the land use is considered appropriate.

#### Car parking

The applicant's justification for the parking shortfall on site is based on reduced demand on parking facilities that will result, should this application be approved.

The proposed convenience store requires a total of eight (7.8) parking bays for the individual land use. The car parking calculations for the land use 'Convenience Store' are based on a standard of four bays per 100m<sup>2</sup> of NLA. In context of the entire site a total of 145 bays would be required, with 123 provided. This equates to a shortfall of 15.1%. The existing parking standard for the subject tenancy 'Bank' requires nine (8.16) bays, or a total of 145 bays over the subject site a shortfall of 15.7%. The proposed change of use, should it be approved, will result in a decrease in the parking shortfall for the site by one bay.

Further justification submitted by the applicant for the proposal is based on the variety of land uses on site, with the various land uses having different peak trading times. Existing takeaway food outlets and restaurants typically have peak trading times in the evenings and on weekends, while the proposed convenience store operates predominantly during typical business hours during the day. In this regard it is acknowledged that the diversity of land uses on site results in different peak trading times of the various businesses. The City is not aware of a history of car parking problems on site, and has not received any complaints regarding a lack of car parking. Site visits have indicated that there is an abundance of available parking at the centre.

It is noted that the subject site and the adjoining shopping centre site are party to a reciprocal parking and access agreement. The agreement allows for the right-of-carriageway through the subject site, giving the Woodvale Shopping Centre direct access from Whitfords Avenue and giving the subject site access onto Trappers Drive. The adjoining shopping centre site is located on land zoned 'Commercial', while the subject site is zoned 'Business'. The car parking requirement for the adjoining shopping centre is calculated based on the shop standard, and will not change as a result of this application. Additionally the access of the site will be unaffected by this proposal. In this regard it is considered that the proposed change of use will have limited impact on car parking and access to the subject site and those adjoining it.

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 six bays would result. However, it should be noted that the parking standards 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 the car parking requirements as per the current DPS2 as well as the parking requirements which could be applied under Amendment No. 65.

LAND USE & TENANCY	CAR PARKING REQUIRED UNDER DPS2	CAR PARKING REQUIRED UNDER AMMENDMENT 65
Take Away Food Outlet (3 & 18)	1 per 4 guests in seated areas plus 7 per 100m <sup>2</sup> NLA for non-seated serving areas (50m <sup>2</sup> , No seats) = 3.5 bays	no change = 3.5 bays
Veterinary Consulting Room (10)	5 bays per practitioner (1 practitioner) = 5.0 bays	no change 5.0 bays
Showroom (2, 9, 11 & 16)	1 per 30m <sup>2</sup> NLA (919m <sup>2</sup> ) = 30.6 bays	1 per 50m <sup>2</sup> of NLA (919m <sup>2</sup> ) = 18.3 bays
Restaurant (5 & 17)	Greater of 1 per 5m <sup>2</sup> of dining room or 1 per 4 guests Tenancy 5 = 18.1 bays Tenancy 17 = 22.5 bays = 40.6 bays	no change = 40.6 bays
Bank (1)	1 per 30m <sup>2</sup> NLA (87m <sup>2</sup> ) = 2.9 bays	1 per 50m <sup>2</sup> NLA (87m <sup>2</sup> ) = 1.7 bays
Office (4 & 15)	1 per 30m <sup>2</sup> NLA (231m <sup>2</sup> ) = 7.7 bays	1 per 50m <sup>2</sup> (231m <sup>2</sup> ) = 4.6 bays
Shop (Video Ezy) (12 & 13)	7 bays per 100m <sup>2</sup> NLA (398m <sup>2</sup> ) = 27.8 bays	5 per 100m <sup>2</sup> NLA (398m <sup>2</sup> ) = 19.9 bays
Convenience Store (8) (this application)	4 per 100m <sup>2</sup> of NLA (197m <sup>2</sup> NLA) = 7.8 bays	no change = 7.8 bays
Recreation Centre (14 & 18a)	1 per 2.5 persons accommodated Tenancy 14 (8 guests) = 3.2 bays Tenancy 18a (8 guests) = 3.2 bays = 6.4 bays	no change = 6.4 bays
Beauty Salon (6 & 7)	7 bays per 100m <sup>2</sup> NLA (173m <sup>2</sup> ) = 12.1 bays	5 per 100m <sup>2</sup> NLA (173m <sup>2</sup> ) = 8.6 bays
<b>OVERALL BAYS REQUIRED</b>	<b>145 (144.4)</b>	<b>117 (116.4)</b>
<b>OVERALL BAYS PROVIDED</b>	<b>123</b>	<b>123</b>

In consideration of the applicant's justification and the parking requirements outlined within Amendment No. 65, it is considered that the change of use to 'Convenience Store' will not detrimentally impact on the provision of parking on site.

### Conclusion

The land use 'Convenience Store' is a permitted ("P") use within the 'Business' zone and is therefore considered appropriate. Additionally, the applicant's proposal is considered to meet the definition set out in DPS2.

The subject site currently operates with a car parking shortfall of 23 bays (15.7%) with a total requirement for 145 bays. Approval of this change of use application will result in the car parking shortfall decreasing to 22 bays (15.1%). Additionally it is noted that if the parking standards identified under Amendment No. 65 were to be applied to all the existing land uses in a retrospective manner the subject site would have a surplus of six parking bays.

The application for change of use is recommended for approval subject to conditions.

## **VOTING REQUIREMENTS**

Simply Majority.

## **RECOMMENDATION**

### **That Council:**

- 1 DETERMINES in accordance with Clause 4.8.2 of the *City of Joondalup District Planning Scheme No. 2*, that the car parking standard for the use 'Convenience Store' shall be four car parking bays per 100m<sup>2</sup> Net Lettable Area in this instance;**
- 2 pursuant to Part 1 above, EXERCISES discretion under clauses 4.5.1 and 4.8.2 of the *City of Joondalup District Planning Scheme No. 2* and determines that the car parking provision of 123 bays in lieu of 145 is appropriate in this instance;**
- 3 APPROVES the application for planning approval dated 16 April 2013 submitted by Greg Rowe and Associates, for a change of use from 'Bank' to 'Convenience Store' at Lot 11, Unit 8 (923) Whitfords Avenue, Woodvale, subject to the following condition:**
  - 3.1 This decision constitutes planning approval only and is valid for a period of two years from the date of the decision letter. If the subject development is not substantially commenced within a two year period, the approval shall lapse and be of no further effect.**

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf130813.pdf](#)

**Disclosures of Financial Interest / Proximity Interest**

<b>Name/Position</b>	<b>Cr Mike Norman.</b>
<b>Item No./Subject</b>	CJ147-08/13 – Proposed Telecommunication Facility at Lot 83 (109) Winton Road, Joondalup.
<b>Nature of interest</b>	Financial.
<b>Extent of Interest</b>	Cr Norman is the owner of shares in Telstra in excess of the threshold.

## CJ147-08/13      PROPOSED TELECOMMUNICATION FACILITY AT LOT 83 (109) WINTON ROAD, JOONDALUP

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	43006, 101515
<b>ATTACHMENT</b>	Attachment 1      Location plan Attachment 2      Development plans and photomontage Attachment 3      Western Australian Planning Commission's <i>Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure</i> Attachment 4      City's <i>Installation of Telecommunications Facilities Policy</i> Attachment 5      Location of submitters Attachment 6      Electromagnetic energy assessment report
<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 proposed telecommunication facility at Lot 83 (109) Winton Road, Joondalup.

**EXECUTIVE SUMMARY**

An application for planning approval has been received for a proposed telecommunication facility at Lot 83 (109) Winton Road, Joondalup.

The subject site is bound by the Mitchell Freeway to the west, two commercial developments to the north and south and Winton Road to the east (Attachment 1 refers). Located on site is an existing showroom and warehouse development. Attached to the rear of the development is an existing 'low impact' telecommunication facility which is comprised of five antennas fixed to a single pole which measures 9.9 metres above natural ground level. An associated equipment shelter is also in place. This facility, excluding the equipment shelter, is to be removed and the proposed 20 metre high concrete monopole will be installed (Attachment 2 refers). The existing equipment shelter will be utilised in conjunction with the proposed facility.

The site is zoned 'Urban' under the *Metropolitan Region Scheme* and 'Service Industrial' under the City's *District Planning Scheme No. 2 (DPS2)*. The site is also subject to the draft *Joondalup City Centre Structure Plan (JCCSP)*.

The proposed development has been assessed having due regard to DPS2, the Western Australian Planning Commission *Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure (SPP 5.2)* (Attachment 3 refers) and the City's *Installation of Telecommunications Facilities Policy* (Attachment 4 refers). In accordance with the City's policy, the City advertised the proposal for a 30 day period to owners and occupiers of properties within a radius of 400 metres of the proposed site. A total of 20 submissions were received being 12 objections (two of which were from the same person) and nine letters stating no objection to the proposal.

The opposition to the proposal included concerns regarding electromagnetic energy (EME) emissions, visual impact and affect on property prices. The proposed telecommunication facility is located adjacent to the Mitchell Freeway, at the rear of the existing Winton Road commercial development, and is approximately 200 metres from the nearest residential development. The proposed design of the telecommunication facility is considered to be visually non-obtrusive upon surrounding properties given the distance to sensitive areas and the reduced visual impact on nearby residential properties due to the location adjacent to the Mitchell Freeway. EME is controlled and regulated by separate federal government legislation, and the applicant has demonstrated the proposal will comply with these requirements. Neither EME or the potential affect on property prices are considered to be valid land use planning consideration. Having regard to the nature of the proposed facility and the issues raised by submitters it is considered that the proposal meets the requirements of the JCCSP, SPP 5.2 and the City's policy.

It is therefore recommended that Council approve the proposed development, subject to conditions.

## BACKGROUND

<b>Suburb/Location</b>	Lot 83 (109) Winton Road, Joondalup.
<b>Applicant</b>	Urbis Pty Ltd.
<b>Owner</b>	F&V Furniture Pty Ltd.
<b>Zoning</b>	<b>DPS2</b> Service Industrial.
	<b>MRS</b> Urban.
<b>Site area</b>	4,060m <sup>2</sup> .
<b>Structure plan</b>	Draft Joondalup City Centre Structure Plan.

The site is bound by the Mitchell Freeway to the west, two commercial developments to the north and south and Winton Road to the east. The site currently contains a showroom and warehouse development. Attached to this development is an existing telecommunication facility, which was installed in 2003. This facility was classified as a 'low impact' under the *Telecommunications (Low-impact Facilities) Determination 1997* and therefore approval from Council was previously not required.

The property is located within the 'Business Support District' under the City's draft JCCSP. As this document was adopted by Council in December 2012 (CJ271-12/12 refers) and is currently pending endorsement by the Western Australian Planning Commission it is considered to be a 'seriously entertained planning proposal' and therefore has been given due regard in the assessment of this application.

## **DETAILS**

The applicant, acting on behalf of Telstra, is proposing a 20 metre concrete monopole telecommunications tower which will utilise an existing equipment shelter on site. Fixed on the upper part of the pole will be six antennas (2,494mm x 353mm x 209mm). These antennas will not extend beyond the top of the pole and therefore the overall height of the development is 20 metres. Attachment 2 contains the development plans and photomontage lodged with the application.

The site currently contains a showroom and warehouse development, on top of which are five antennas fixed to a single pole which measures 9.9 metres above ground level. The applicant proposes to remove the current antenna and install the concrete monopole telecommunications tower at the rear of the property.

The proposed facility is not exempt from the need to obtain planning approval as it is not considered 'low impact' under the Federal Government's *'Low Impact Determination 1997'*.

## **Issues and options considered**

Council must consider the proposed telecommunication facility in accordance with the City's Local Planning Policy and State Planning Policy and determine whether the proposed development is appropriate or not.

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** *Installation of Telecommunications Facilities Policy.  
Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure.*

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

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

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 or 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;*
- (k) *Any other matter which in the opinion of the Council is relevant.*



### Installation of Telecommunications Facilities Policy

The City's *Installation of Telecommunications Facilities Policy* sets out provisions for telecommunications facilities deemed not to be 'low impact' under the *Telecommunications (Low-impact Facilities) Determination Act 1997*. In addition to provisions regarding the advertising of an application, the policy sets out the follow criteria which Council is to have regard to when determining an application:

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

### Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure

The Western Australian Planning Commission's *Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure* provides 15 guiding principles which telecommunications infrastructure should be located, sited and designed in accordance with.

#### **Risk management considerations**

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

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

The applicant has paid fees of \$809 (excluding GST) for the assessment of the application.

#### **Regional significance**

Not applicable.

#### **Sustainability implications**

The City recognises the importance of telecommunication facilities in supporting industry development. One of the key strategic initiatives of the City's *Strategic Community Plan 2012–2022* is to actively seek opportunities for improving local communication network infrastructure. The proposal will provide improved telecommunication services within the City of Joondalup.

#### **Consultation**

The application was advertised to 508 property owners and occupiers within a 400 metre radius of the development site for a period of 30 days beginning on 23 May 2013. A total of 21 submissions were received being nine submissions stating no objections and 12 objections (two of which were from the same person). The location of these submitters is shown in Attachment 5.

The concerns raised generally relate to:

- the negative visual impact of the proposed structure
- the site being an inappropriate location and the development setting a precedent for similar structures within the area
- reduction of residential property values
- the perception of health impacts associated with electromagnetic emissions.

The issues raised during the consultation period are discussed in more detail below.

In addition, the proposal was referred to Main Roads Western Australia for comment. Main Roads advised that they have no concerns with the proposed development, subject to conditions. Conditions recommended by Main Roads are not dissimilar from those that would typically be required by the City for a development of this type, referring to the need for all development to be contained on site (including earthworks) and the containment of stormwater on site. Main Roads have further requested that any damage to the existing verge vegetation within the Mitchell Freeway reservation be made good.

## COMMENT

The telecommunication facility is proposed by Telstra and is in response to analysis of its mobile network in the Connolly area which identified that the performance and quality of their network fails to satisfy coverage requirements, particularly due to increased demand generated by business activities in the Joondalup City Centre.

### Visual Impact

The proposed design of the telecommunication facility is considered to be visually non-obtrusive upon surrounding properties as the proposed facility is located at the rear of an existing commercial development. With regards to the impact of the proposed facility on the residential properties located to the west of the Mitchell Freeway, the applicant has provided the following justification:

*“The visual impact of the facility will be minimised through the presence of vegetation within the Freeway reserve and the elevation differential created by the freeway on and off ramps. The Freeway itself creates a significant visual barrier to the facility from the nearest residential area to the west.”*

### Location

The proposed location of the telecommunication tower is considered to be consistent with the provisions of the Western Australian Planning Commission's *Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure* which states, where practical, telecommunication towers should be located within commercial areas and should be design and sited to minimise adverse impacts on the visual character and amenity of residential areas.

The proposed telecommunication facility is located approximately 200 metres from the nearest residential development and therefore is considered to be consistent with the *City's Installation of Telecommunications Facilities Policy* which states:

*“Wherever practicable, the City does not support the installation of telecommunication facilities unnecessarily close to schools, childcare establishments, hospitals and general residential areas.”*

### Effects on property values

There is no known published data to link property values to telecommunication facilities. The potential impact of a proposed development on property prices is not a valid land use planning consideration. However, it is considered that the design and location of the proposed telecommunication facility is sufficient to minimise the visual impact on adjoining property, as is detailed above.

### Health matters relating to proximity to telecommunication facilities

The main community concern raised related to the perceived adverse long term health risk associated with telecommunication facilities as a result of electromagnetic energy (EME). EME is controlled and regulated by separate Federal Government legislation and EME is not considered to be a valid land use planning consideration.

It is a mandatory requirement for all telecommunications carriers to comply with the *Australian Safety Standards* set by the Australian Communication and Media Authority and the EME limits established by the Australian Radiation Protection and Nuclear Safety Agency. A report submitted with this application (Attachment 6 refers) indicates estimations for the EME levels that will be present at different areas surrounding the proposed communication facility. The estimated maximum level of cumulative EME at ground level is 0.99% of the Australian Radiation Protection and Nuclear Safety Agency general public exposure limit, well within the mandatory standards.

### Conclusion

The opposition to the proposal is acknowledged. However, having considered the proposal in accordance with the City's *Installation of Telecommunications Facilities Policy* and the Western Australian Planning Commission's *Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure* the proposed location is considered suitable given the distance to sensitive areas and the reduced visual impact on nearby residential properties due to the location adjacent to the Mitchell Freeway. Concerns raised regarding EME are covered by separate Federal Government legislation, and the applicant has demonstrated that the proposal will comply with these requirements.

It is therefore recommended that Council approve the proposed development, subject to conditions.

## **VOTING REQUIREMENTS**

Simple Majority.

## RECOMMENDATION

That Council **APPROVES** the application for planning approval dated 8 May 2013 submitted by Urbis Pty Ltd, for a proposed telecommunication facility, at Lot 83 (109) Winton Road, Joondalup, subject to the following conditions:

- 1** This decision constitutes planning approval only and is valid for two years from the date of this 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** All obsolete telecommunication facilities at the above site shall be removed, at the cost of the carrier, and the development shall be reinstated to the original state within 28 days of the installation of the new facility;
- 3** All development shall be contained within the property boundary;
- 4** All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
- 5** The application shall make good any damage to the existing verge vegetation within the Mitchell Freeway reservation.

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf130813.pdf](#)

**CJ148-08/13 INITIATION OF SCHEME AMENDMENT NO. 57 –  
LOTS 700, 701 AND 703 BURLOS COURT,  
JOONDALUP (PREVIOUSLY KNOWN AS LOT 977  
(15) BURLOS COURT, JOONDALUP)**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	101422, 101515
<b>ATTACHMENT</b>	Attachment 1      Location plan Attachment 2      Subdivision plan Attachment 3      Scheme amendment plan Attachment 4      Scheme amendment process flowchart Attachment 5      Consultation map
<b>AUTHORITY / DISCRETION</b>	Legislative – includes the adoption of local laws, planning schemes and policies.

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**PURPOSE**

For Council to consider revising Amendment No. 57 to *District Planning Scheme No. 2* (DPS2), to rezone a portion of Lot 700, and the whole of Lots 701 and 702 (formerly Lot 977) Burlos Court, Joondalup, for the purpose of public advertising.

**EXECUTIVE SUMMARY**

Former Lot 977 (15) Burlos Court, Joondalup, is a City owned site. Council at its meeting held on 15 February 2011 (CJ003-02/11 refers) resolved to initiate Amendment No. 57 to DPS2 (Amendment No. 57) to rezone this lot from 'Civic and Cultural' to 'Residential', amend the residential density code from 'R20' to 'R60' and restrict the use of the site to 'Aged Persons' Dwellings'. A portion of Lot 977 was also to be designated 'Public Use' to accommodate the existing telecommunication tower and ancillary infrastructure.

Before Amendment No. 57 could progress, negotiations were needed with the owners of adjoining property to the west (formerly Lot 976, now Lot 700) to ensure vehicle access to that site was maintained. Lot 977 also needed to be formally surveyed to determine the land area required to accommodate the telecommunications infrastructure.

To ensure vehicle access was maintained to Lot 976, and to clearly identify the area to accommodate the aged persons dwellings and telecommunications infrastructure, an application for subdivision was lodged and approved by the Western Australian Planning Commission (WAPC). The result of the subdivision is the creation of three new lots from Lot 977 (Attachment 2 refers), as follows:

- Lot 700 (previously Lot 976) – the residential lot to the west of the City's site.
- Lot 701 (previously Lot 977) – the site owned by the City including the existing telecommunications infrastructure.

- Lot 702 (previously part of Lot 977) – created to maintain pedestrian access to the existing pedestrian accessways between Burley Griffin Mews to the north east and Water Tower Park.

Given the changes to the City owned site as a result of subdivision, it is necessary for Council to consider a revised Amendment No. 57, which reflects the changes and provides appropriate zonings and density codings for the new lots.

Revised Amendment No. 57 seeks to amend DPS2 as follows:

- Rezone the portion of Lot 700 currently zoned 'Civic and Cultural' (the portion of the City's site that was amalgamated into the Department of Housing lot) to 'Residential'.
- Remove the 'Civic and Cultural' zone from a portion of Lot 701 being the location of the telecommunication infrastructure (284m<sup>2</sup>) and designating it as 'Public Use'.
- Rezone the remainder of Lot 701 from 'Civic and Cultural' to 'Residential', with a density code of 'R60', and restricting the use to 'Aged and Dependent Persons' Dwellings'.
- Rezone Lot 702 (the pedestrian accessway) from 'Civic and Cultural' to 'Residential'.

It is considered that the amendments proposed are consistent with the current and intended future use of the sites, and is consistent with the previously initiated version of Amendment 57 and Council's previous resolution.

It is recommended that Council adopts a revised Amendment No. 57 for the purposes of public advertising.

## BACKGROUND

<b>Suburb/Location</b>	Lot 700, 701 and 702 Burlos Court, Joondalup.
<b>Applicant</b>	City of Joondalup.
<b>Owner</b>	City of Joondalup (Lots 701 and 702) and Department of Housing (Lot 700).
<b>Zoning</b>	<b>DPS2</b> Civic and Cultural (R20).
	<b>MRS</b> Urban.
<b>Site area</b>	5,125.73m <sup>2</sup> (total area subject of the scheme amendment).
<b>Structure plan</b>	Not applicable.

Lots 700, 701 and 702 (formerly Lots 976 and 977) are adjacent to the Candlewood Shopping Centre and are surrounded by low to medium density housing. Lot 702 (formerly part of Lot 977) is bounded by existing portions of pedestrian access ways which connect to Water Tower Park to the west and Burley Griffin Mews to the north east. Lot 701 is undeveloped except for a telecommunication tower and ancillary infrastructure. A location plan is provided as Attachment 1.

At its meeting held on 15 February 2011 (CJ003-02/11 refers), Council resolved, in part, as follows:

"1 *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:*

- 1.5 *Rezone Lot 977 (15) Burlos Court, Joondalup from 'Civic and Cultural' to 'Residential', excluding the area accommodating an existing telecommunication facility, and recode from R20 to R60;*

- 1.6 *Rezone the area accommodating an existing telecommunication facility from Lot 977 (15) Burlos Court, Joondalup from 'Civic and Cultural' to 'Public Purpose';*
  - 1.7 *Include Lot 977 (15) Burlos Court, Joondalup in Schedule 2 –Section 2 – Restricted Uses – Aged Persons' Dwelling; for the purpose of public advertising for a period of 42 days;*
- 2 *NOTES that the area accommodating an existing telecommunication facility on Lot 977 (15) Burlos Court, Joondalup will be required to be subdivided into a separate lot. This will be undertaken as a separate process."*

The amendment was not advertised following Council's resolution as vehicle access arrangements needed to be resolved with the owners of Lot 700 (formerly Lot 976) and the City's site needed to be surveyed to determine the area required to accommodate the telecommunication infrastructure and prepare for subdivision of the site.

An application for subdivision for the former Lot 977 (now Lot 701) was lodged with the WAPC to facilitate the boundary realignment for:

- the portion of the PAW (Lot 702)
- the vehicle access way for the adjoining development on former Lot 976 (now Lot 700), owned by the Department of Housing
- the creation of a new lot for the telecommunication infrastructure.

The subdivision was supported by WAPC with the exception of the new lot for the telecommunication infrastructure on the basis that the land use 'telecommunication tower' (which includes the ancillary infrastructure) was considered to be inconsistent with the zoning of the land being 'Civic and Cultural'. The new lots have now been created and the subdivision plans are included as Attachment 2.

It is noted that, following the finalisation of Amendment No. 57, a separate subdivision application will be made to the WAPC to create a lot to accommodate the telecommunications infrastructure.

## **DETAILS**

The proposal seeks to amend DPS2 as follows:

- Rezone the portion of Lot 700 currently zoned 'Civic and Cultural' (the portion of the City's site that was amalgamated into the Department of Housing lot) to 'Residential'.
- Rezone a portion of Lot 701 being the location of the telecommunication infrastructure (284m<sup>2</sup>) from 'Civic and Cultural' to 'Public Use'.
- Rezone the remainder of Lot 701 from 'Civic and Cultural' to 'Residential', with a density code of R60, and restricting the use to 'Aged and Dependent Persons' Dwellings'.
- Rezone Lot 702 (the pedestrian accessway) from 'Civic and Cultural' to 'Residential'.

The existing and proposed scheme map is included as Attachment 3.

## Issues and options considered

The issues to be considered by Council are:

- the suitability of the proposed amendment
- the impact of the proposed scheme amendment on existing developments.

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

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

## Legislation/Strategic Community Plan/policy implications

### Legislation

*Planning and Development Act 2005.  
Town Planning Regulations 1967.  
District Planning Scheme No. 2.*

### Strategic Community Plan

#### Key theme

Quality Urban Environment.

#### Objective

Quality built outcomes.

#### Strategic initiative

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

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

#### Policy

*State Planning Policy 3.1: Residential Design Codes of Western Australia (R-Codes).*

### 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.

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



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

The process flow chart for amendments to DPS2 is included as Attachment 4.

#### District Planning Scheme No. 2 (DPS2)

Lots 700, 701 and 702 are zoned 'Civic and Cultural' and it is proposed under Amendment 57 to rezone Lots 700 and 702 to 'Residential' and rezone Lot 701 to 'Residential' 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.*

### Residential Design Codes of Western Australia (R-Codes)

The R-Codes stipulate development standards for residential development which includes aged and dependent persons' dwellings.

The R-Codes define 'aged person' as: '*a person who is aged 55 years or over*', while a 'dependent person' is defined as: '*a person with a recognised form of disability requiring special accommodation for independent living or special care.*'

### **Risk management considerations**

Not applicable.

### **Financial/budget implications**

The City, as the applicant, will be required to cover the costs associated with the scheme amendment process. The costs incurred are for the advertising of the amendment which includes placing a notice in the relevant newspapers and erecting a sign on the subject site. It is estimated that the cost of advertising will be approximately \$1,500.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The proposed amendment would enable aged and dependent persons' dwellings on Lot 701 which will contribute to the environmental, economic and social sustainability by providing dwellings near existing facilities and infrastructure within established suburbs. It will also allow aging in place where people can continue to reside in their local area over the longer term.

### **Consultation**

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

- letters to land owners surrounding the subject site as depicted in Attachment 5
- 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.

### **COMMENT**

#### Suitability of the proposed rezoning

The existing 'Civic and Cultural' zoning is no longer appropriate given that there is no intention by the City to develop these sites for those purposes.

The rezoning of Lot 701 from 'Civic and Cultural' to 'Residential', recoding to a density code of R60, and restricting the use to 'Aged and Dependent Persons' Dwelling' are considered appropriate as it is consistent with the character of the area, provides an alternative housing choice, and accommodates land uses which are compatible with the surrounding existing land uses. The development of medium density housing is considered appropriate given the existing character of the area, and is consistent with Council's previous resolution.

The removal of the existing 'Civic and Cultural' zone over a portion of Lot 701 (284m<sup>2</sup>) and designation under DPS2 as 'Public Use' will reflect the existing telecommunication infrastructure on the site.

The rezoning of a portion of Lot 700 (being the driveway) and Lot 702 (being the pedestrian access way), from 'Civic and Cultural' to 'Residential' is considered appropriate as it reflects the existing zonings associated with the uses.

Amendment No. 57 is also considered appropriate in light of planning frameworks such as the Western Australian Planning Commission's *Directions 2031 and Beyond* and City strategies such the draft *Local Planning Strategy* and the draft *Local Housing Strategy* which promotes and aims to achieve housing diversity, affordability and choice.

#### Aged and Dependent Persons' Dwellings

Council's resolution of February 2011 refers to the use of former Lot 977 being restricted to Aged Persons' Dwellings. However, as there is no specific land use 'Aged Persons' Dwelling' within DPS2, it is considered appropriate that the use be restricted to 'Aged and Dependant Persons' Dwellings', which is a use class listed in DPS2.

#### Conclusion

The proposal is consistent with the City's approach to providing aged persons' accommodation within the City, in accordance with the intent and objectives of the draft *Local Planning Strategy* and *Positive Aging Plan 2009-2012*.

It is recommended that Council initiates the proposed amendment to DPS2 for the purposes of public advertising for a period of 42 days.

### **VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

That Council pursuant to Part 5 of the *Planning and Development Act 2005* and regulations 13 and 25 of the *Town Planning Regulations 1967*, PROCEEDS with revised Amendment No. 57 to the *City of Joondalup District Planning Scheme No. 2* to:

- 1 Rezone portion of Lot 700 and Lot 702 Burlos Court, Joondalup, from 'Civic and Cultural' to 'Residential';
- 2 Remove the 'Civic and Cultural' zoning from a portion of Lot 701 Burlos Court, Joondalup, and designate the area as 'Public Use' as depicted in Attachment 3 to Report CJ148-08/13;
- 3 Rezone the remainder of Lot 701 Burlos Court, Joondalup, from 'Civic and Cultural' to 'Residential' and recode this portion to a density code of R60 as depicted in Attachment 3 to Report CJ148-08/13;
- 4 Include the portion of Lot 701 Burlos Court, Joondalup, to be zoned 'Residential' in Schedule 2 –Section 2 – Restricted Uses – 'Aged and Dependent Persons' Dwelling' as follows:

NO	STREET/LOCALITY	PARTICULARS OF LAND	RESTRICTED USE
2-7	15 Burlos Court, Joondalup.	Portion of Lot 701 zoned 'Residential'.	Aged and Dependent Persons' Dwelling.

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

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf130813.pdf](#)

## **CJ149-08/13      PROPOSED CAMBERWARRA PRIMARY SCHOOL STRUCTURE PLAN - LOT 12811 (34) CURRAJONG CRESCENT, CRAIGIE**

<b>WARD</b>	Central
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	103150, 101515
<b>ATTACHMENT</b>	Attachment 1      Location and zoning plan Attachment 2      Structure plan map Attachment 3      Draft Structure Plan Attachment 4      Structure plan process flow chart Attachment 5      Consultation map
	<i>(Please Note: Attachment 3 is only available electronically)</i>
<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.

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### **PURPOSE**

For Council to consider a draft Local Structure Plan over the former Camberwarra Primary School site, Lot 12811 (34) Currajong Crescent, Craigie, for the purposes of public advertising.

### **EXECUTIVE SUMMARY**

The Camberwarra Primary School was identified as being surplus to the needs of the Department of Education and closed in 2007. To allow development for residential purposes, the site was subsequently zoned 'Urban Development' under the City's *District Planning Scheme No. 2* (DPS2) on 7 May 2011. Attachment 1 shows the location and DPS2 zoning of the subject site and the surrounding area. To guide the future subdivision and development of the site a structure plan (known as the Camberwarra Primary School Local Structure Plan) has been prepared and submitted to the City by the applicant, Taylor Burrell Barnett, on behalf of the Department of Education and Landcorp.

The draft structure plan facilitates the development of 60 dwellings ranging in density from R25 to R60, an area of public open space (POS) and the associated road network (Attachment 2 refers). The structure plan consists of two parts. Part One of the draft structure plan sets out the statutory provisions that will be applied to subdivision and development in the area and will control the built form outcomes. Part Two contains the background information to the site, local context and design philosophies.

The draft structure plan has been assessed against the Western Australian Planning Commission's (WAPC) *Structure Plan Preparation Guidelines* and policies such as *Liveable Neighbourhoods* and the *Residential Design Codes of Western Australia* (R-Codes). The draft structure plan has been assessed against the City's DPS2 and local planning policies. The City has worked closely with the applicant to ensure the draft structure plan aligns with all of the City's relevant planning requirements as well as the applicant's development intent. It is considered that the draft structure plan, included as Attachment 3, is satisfactory for the purposes of public advertising.

It is recommended that Council determines that the modified draft structure plan is satisfactory for the purposes of public advertising for a period of 28 days.

## BACKGROUND

<b>Suburb/Location</b>	Lot 12811 (34) Currajong Crescent, Craigie.
<b>Applicant</b>	Taylor Burrell Barnett.
<b>Owner</b>	Department of Education.
<b>Zoning</b>	<b>DPS2</b> Urban development.
	<b>MRS</b> Urban.
<b>Site area</b>	3.0519 hectares.
<b>Structure plan</b>	Draft Camberwarra Primary School Structure Plan (the subject of this report).

The subject site is located on the northern edge of Craigie and is bordered by Camberwarra Drive to the south, Currajong Crescent to the north, Argus Close to the west and residential development to the east. The land surrounding the subject site is currently zoned 'Residential' with a density code of R20 and consists primarily of single storey dwellings on lots ranging between 500m<sup>2</sup> -900m<sup>2</sup> in area (Attachment 1 refers).

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

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

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

As part of its resolution to adopt Amendment No. 50 as final, Council advised the applicant of the need to submit a community involvement and consultation plan to the City prior to the preparation of the structure plan. The community consultation undertaken by the applicant supplements the formal consultation process required to be carried out by the City in accordance with DPS2 should Council deem the structure plan satisfactory for the purpose of public advertising.

## DETAILS

A draft structure plan has been prepared by the applicant, Taylor Burrell Barnett, on behalf of the Department of Education and Landcorp, to guide the future subdivision and development of the subject site (Attachment 3 refers).

The proposed structure plan consists of two parts. Part One of the structure plan is the statutory planning section which determines the overall form of development within the structure plan area. It sets out the objectives, residential densities, and development provisions which future subdivision and development will be assessed against.

Part Two of the structure plan document is the explanatory report that supports the details provided in Part One. It sets out the background and description of the site, context, opportunities and constraints, design philosophies and principles. It also includes background information and technical reports relating to traffic, vegetation, infrastructure and site conditions.

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

- A minimum of 60 dwellings predominantly in the form of single and grouped dwellings, with multiple dwellings able to be considered.
- Residential densities ranging from R25 to R40 (average lot size of 350m<sup>2</sup> to 220m<sup>2</sup>) for the majority of the structure plan area, with residential densities ranging from R30 to R60 (average lot size of 300m<sup>2</sup> to 150m<sup>2</sup>) for land in the north west portion of the site (Attachment 2 refers).
- Single and grouped dwellings to a maximum height of two storeys and multiple dwellings to a maximum height of three storeys.
- An area of public open space (3,441m<sup>2</sup>) as well as a drainage basin (550m<sup>2</sup>) in the south west corner of the site.
- External vehicle access points onto Camberwarra Drive, Currajong Crescent and Argus Close.
- Consideration of retention of selected vegetation.

### Applicant's community involvement and consultation plan

Part Two of the draft structure plan includes information on the community consultation that the applicant has carried out to date in accordance with the consultation plan provided to the City.

The consultation included:

- creation of a public information page on the Landcorp website
- invitation and carrying out of in-home visits with nearby landowners
- media statements
- a community information session held on 13 April 2013.

The draft structure plan is provided as Attachment 3.

### **Issues and options considered**

The issues associated with the draft structure plan include:

- Suitability of the draft structure plan objectives and provisions to create an appropriate built form that integrates with the surrounding area.

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

- determine the draft structure plan is satisfactory for the purposes of public advertising
- determine that the structure plan should not be advertised until specified matters have been included or have been addressed  
or
- determine that the structure plan should not be agreed to, for stated reasons.

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

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

### **Strategic Community Plan**

**Key theme** Quality Built Environment.

**Objective** Quality built outcomes.

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

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

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

Should Council determine that the structure plan is satisfactory, the proposal is to be advertised for public comment in accordance with clause 9.5 and 6.7 of DPS2 for a minimum period of 21 days. Upon completion of the public advertising, Council is required to review all submissions within 60 days and proceed to refuse or adopt the structure plan, with or without further modifications (Attachment 4 refers).

Should Council not agree to the structure plan, the applicant may request Council reconsider its decision, or lodge a review with the State Administrative Tribunal.

### *Liveable Neighbourhoods*

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

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

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

Regard has been given to this policy in relation to residential development adjoining the proposed POS.



## **Risk management considerations**

Should Council resolve to require modifications prior to advertising the structure plan or not support the initiation of the structure plan then the proponent has the right of review against Council's decision in accordance with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*.

## **Financial/budget implications**

The applicant has paid fees of \$9,663.55 (including GST) to cover all costs associated with the assessment of the structure plan.

## **Regional significance**

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

## **Sustainability implications**

### Environmental

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

Future residents of the development will support the use of existing infrastructure such as bus and rail systems.

### Social

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

The structure plan proposes 3,441m<sup>2</sup> of usable public open space which includes recreational features such as playground equipment. The area is designed to encourage residents to walk and socialise within their community.

## **Consultation**

Should Council endorse advertising of the proposed structure plan, DPS2 requires structure plan proposals to be advertised for a minimum period of 21 days. In this instance however, it is recommended that the advertising period be 28 days given the location of the structure plan area in an established residential area, and the scale of development proposed.

Advertising of the structure plan will consist of:

- letters to landowners surrounding the site as depicted on Attachment 5 (approximately 89 properties). A similar catchment was used to notify landowners of Scheme Amendment No. 50 which zoned Lot 12811 'Urban Development'. The notification will include a draft structure plan map, FAQs, and details on where additional information can be obtained
- documents being available at the City's Administration Building and the Customer Service Centre at Craigie Leisure Centre
- two signs on the subject site
- a notice placed in the Joondalup Community newspaper
- a notice and documents on the City's website.

## COMMENT

### Proposed Residential Density

Currently no density code applies to the subject site. The structure plan sets out a range of densities across the site using two density ranges, R30 to R60 in the north west of the site and R25 to R40 for the remainder of the structure plan area. The surrounding residential land currently has a density code of R20, however the draft *Local Housing Strategy (LHS)* proposes a dual density code of R20/40, which will allow for additional dwellings to be constructed on the majority of sites, subject to meeting specific criteria. Although a density code range has been indicated on the structure plan map, the specific density for each lot will be identified on a residential design code density plan which will be lodged and approved at the time of subdivision.

The R30 to R60 density range is proposed on the north western corner of the site in order to take advantage of proposed laneway access from Argus Close and to maximise the direct public open space interface. This area is also separated from existing residential development by Currajong Crescent and Argus Close. The R25 to R40 density range applies across the remainder of the site and provides a built form transition from the R30 to R60 part of the site to the existing and abutting R20 (future R20/40) development in the area.

*Directions 2031 and Beyond* sets a target of 47% of new dwellings in the Perth area to be provided as infill development. However, it does not set a dwelling yield for infill development sites, only referring to a dwelling yield for greenfield development of 15 dwellings per gross urban zoned hectare. The draft structure plan proposes 60 dwellings which equates to a dwelling yield of approximately 19.5 dwellings per gross hectare. Although this density is not significantly greater than the greenfield target, given the site constraints as a result of the steep topography and the character of the surrounding established area, the proposal is considered appropriate.

Recommendation 7 of the draft LHS recommends that a policy be adopted to set a minimum density for large opportunity sites. This policy is yet to be developed, however it is considered likely the policy would at least align with the dwelling yield set out in *Directions 2031 and Beyond*, which proposes a density which is higher than the existing predominant density code of R20 within the City of Joondalup.

The proposed density range can accommodate single, grouped dwelling and multiple dwelling development and provides an appropriate transition from the current surrounding low density development outside the structure plan area. There is also the potential for the development of this site to trigger redevelopment of the surrounding properties once the proposed LHS densities are implemented via changes to the DPS2.

### Built form and building height requirements

The proposed structure plan provisions generally align with the requirements of the R-Codes. However, there are some provisions included that are proposed to replace the 'deemed-to-comply' and 'design principle' requirements of the R-Codes in relation to front setbacks and building heights.

Within the density ranges proposed the R-Codes require street setbacks of between two and six metres. The proposed street setbacks of between three and five metres are considered to be appropriate as these setbacks will provide consistency within the streetscape across the range of densities proposed.

While it is anticipated that most of the site will be developed for single and grouped dwellings to a maximum height of two storeys, by including provisions for multiple dwellings it allows for some flexibility in delivering housing to meet the needs of the community. The draft structure plan states the provisions of the City of Joondalup's *Height and Scale of Buildings within Residential Areas Policy* do not apply. For the purpose of single and grouped dwelling development the structure plan proposes a maximum building height limit of 10 metres. Similar building height requirements apply within the Burns Beach and Craigie High School Structure Plans and are considered appropriate for accommodating two storey developments.

The draft structure plan proposes a maximum height of 13 metres for the development of multiple dwellings for lots coded R60, which could accommodate three storey development. While a building height of 13 metres is greater than the prevailing residential area, it should be noted that the development of multiple dwellings within the Residential zone is a "D" discretionary use. As such it is considered that there is sufficient ability to consider the appropriateness of multiple dwellings within the structure plan area in relation to the building height and impacts, if any, on adjoining properties.

General provisions have also been included to require dwellings on corner lots to be designed to address both streets with equal importance and provide surveillance of the street and public open space. These provisions further contribute to ensuring a desirable built form outcome.

### Future earthworks

There is a 12 metre fall across the site, which will require consideration at the subdivision stage to ensure the proposed levels appropriately interface with residential development, paths and verges. The structure plan states the site will be earth worked with the intent to achieve a cut to fill balance to improve lot accessibility.

Retaining walls are likely to be required as part of the subdivision to adequately grade the site for residential development. This will include retaining walls between proposed lots and existing residential lots at the eastern boundary. The structure plan states the retaining walls will be determined by factors such as the height difference between the site and existing lots, the levels required to retain existing trees and the width of new lots compared to the existing lots.

Where retaining and fill is proposed to be greater than 500mm and is not setback from the site boundaries in accordance with the R-Codes a development application will be required. This process will include consultation with affected adjoining landowners.

### Public open space

It is proposed that as a part of the subdivision of the site, a 3,991m<sup>2</sup> site be set aside as POS and for drainage purposes within the structure plan area. The landscaped drainage basin (550m<sup>2</sup>) will be integrated into the adjoining POS (3,441m<sup>2</sup>), which will be useable for active and passive open space.

The POS is to be located in the south west portion of the site where the former school oval was located. The advantage of retaining this portion of the site for POS is that it will be accessible by residents from the new development and the surrounding established area. Additionally a natural low point in the topography occurs in this area which will allow the establishment of drainage and co-location with the POS site.

The indicative street/laneway design suggests there will be lots which directly abut the POS. The City's *Subdivision and Dwelling Development Adjoining Areas of Public Space Policy* states that subdivision design which proposes lots backing onto POS is generally not supported. However, it is considered in this instance that the built form requirements of the structure plan and the visually permeable fencing will ensure the lots front onto, and provide adequate visual surveillance of, the POS and achieve the intent of the policy.

### Road Network

Two new roads will be constructed within the site on a north south alignment to provide access between Currajong Crescent and Camberwarra Drive. A laneway will connect Argus Close to one of the internal roads.

The roads will be designed to accommodate traffic through the area as well as on-street parking, footpaths, street trees and lighting.

It is expected that Camberwarra Drive, which is categorised as an Access Road but functions as a higher capacity Neighbourhood Connector as defined by *Liveable Neighbourhoods*, will experience the most increase in traffic. The traffic report submitted with the draft structure plan indicates that Camberwarra Drive currently carries approximately 1,865 vehicles per day. This may increase by 125 – 157 vehicle movements per day. Neighbourhood connectors can carry between 3,000 and 7,000 vehicles per day while an Access Road can carry up to 3,000 vehicles per day. As such the traffic report found that the additional traffic generated by the development can be accommodated by Camberwarra Drive, as well as Currajong Crescent and Bullara Road, with spare capacity.

Although development of the site will see an increase in traffic compared to the current traffic volumes it is anticipated the vehicle movements will be less than what was experienced during peak drop off/pick up times when the school was operational.

Argus Close will experience an increase in traffic due to the access proposed from the laneway to the cul-de-sac. However, it is anticipated that the volume of traffic will still be less than that experienced when the primary school was operating, and is within the acceptable limits for a cul-de-sac.

### Conclusion

The draft structure plan, together with the provisions of the state planning documents, DPS2 and relevant Council policies, will create the planning framework to guide the development of the site. The draft structure plan has been assessed and the City has worked with the applicant to ensure the structure plan aligns with all of the City's relevant planning requirements as well as the applicant's development intent. It is considered that the draft structure plan, included as Attachment 3, is satisfactory for the purposes of public advertising.

It is recommended that Council support the advertising of the modified draft structure plan for a period of 28 days.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

#### **That Council:**

- 1** pursuant to clause 9.4 of the *City of Joondalup District Planning Scheme No. 2* **DETERMINES** the draft Camberwarra Primary School Site Structure Plan (Structure Plan No. 16) forming Attachment 3 to Report CJ149-08/13 is satisfactory for the purpose of public advertising;
- 2** **ADVERTISES** the Structure Plan No. 16 in accordance with clause 9.5 of the *City of Joondalup District Planning Scheme No. 2* for public comment for a period of 28 days.

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf130813.pdf](#)

## **CJ150-08/13      PROPOSED CHANGE OF USE FROM OFFICE TO SHOP AT LOT 3 (81) MARINA BOULEVARD, OCEAN REEF**

<b>WARD</b>	North-Central	
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development	
<b>FILE NUMBER</b>	35293	
<b>ATTACHMENT</b>	Attachment 1	Location plan
	Attachment 2	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.	

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### **PURPOSE**

For Council to determine an application for a change of use from 'Office' to 'Shop' at Lot 3 (81) Marina Boulevard, Ocean Reef.

### **EXECUTIVE SUMMARY**

An application for planning approval has been received for a change of use from 'Office' to 'Shop' at Unit 3, Lot 3 (81) Marina Boulevard, Ocean Reef.

The site is zoned 'Urban' under the Metropolitan Region Scheme and 'Mixed Use' under the City's *District Planning Scheme No. 2* (DPS2). A shop is an "X\*" use within the Mixed Use zone, where "X\*" indicates that a shop is not permitted unless certain criteria are met. In this case it is considered that the intent of Clause 3.5.2 has been met and that a shop is an appropriate use for the site.

A shortfall of seven car parking bays (20%) currently exists on site, and this is proposed to increase as a result of this proposal to a total of 12 bays or 30% of the required amount. It is noted that under the draft Omnibus Amendment No. 65 to DPS2 (Amendment No. 65), the parking standards for some uses on site would be decreased. If the proposed standards were to be applied to all tenancies (including this proposal), this would reduce the car parking shortfall to only nine bays (24.3%) across the subject site.

It is considered that the intensity of the land use proposed is appropriate and that the car parking provided on site, in addition to that provided on adjoining sites where reciprocal parking agreements exist, is sufficient to accommodate the parking needs of the proposed land use and other land uses that operate from within the development.

It is recommended that Council approves the development application subject to conditions.

## BACKGROUND

<b>Suburb/Location</b>	Lot 3 (81) Marina Boulevard, Ocean Reef.
<b>Applicant</b>	Rachel Morgan-Jones.
<b>Owner</b>	Nola Dorothy Willis and Kim Willis.
<b>Zoning</b>	<b>DPS</b> Mixed Use.
	<b>MRS</b> Urban.
<b>Site area</b>	2,372.22m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

The subject site is located on the southern side of Marina Boulevard, to the south of Ocean Reef Shopping Centre and south west of Ocean Reef Retirement Country Club. The surrounding area to the south and west of the subject site is made up of predominantly low density, residential lots. A child care centre adjoins the subject site to the east. Attachment 1 shows the location and context of the subject site.

In 1988, the City granted approval for the adjoining child care centre (Lot 101) and the development of medical consulting rooms and office (Lot 100) at the subject site. Under *Town Planning Scheme No. 1* both sites were zoned 'Residential Development', where these uses were an ("AA") use class, meaning that they are only permitted after approval had been granted by Council. A condition of approval for both sites required the landowners of the subject site and adjoining site at Lot 101 to enter into a legal agreement which granted reciprocal vehicular access and car parking rights. The bays on the child care centre site are therefore available for use by the subject site, and vice versa.

In December 2001, the City approved a change of use application for the site from 'Office' to 'Medical Centre'. This resulted in an approved shortfall of seven bays (20%).

At its meeting held on 25 June 2013 (CJ088-06/13 refers) Council adopted Amendment No. 65 to DPS2. Included in this amendment are modifications to car parking standards for the land use 'Office' from one car bay for 30m<sup>2</sup> of net lettable area (NLA) to one car bay per 50m<sup>2</sup> NLA. Similarly, the car parking standard for the use class 'Shopping Centre under 10,000m<sup>2</sup>' was modified to read 'Shop/Shopping Centre under 30,000m<sup>2</sup>', with the car parking standard also modified from seven car bays for 100m<sup>2</sup> of NLA to five car bays per 100m<sup>2</sup> NLA. Amendment No. 65 is considered to be a 'seriously entertained planning proposal' and has been given due regard in the assessment of this application.

## DETAILS

The applicant seeks approval for a change of use from 'Office' to 'Shop' at Unit 3 Lot 3 (81) Marina Boulevard, Ocean Reef. The development plans included with the application are included as Attachment 2. The proposal is required to accommodate a pharmacy at Unit 3. The applicant is the current owner of Ocean Reef Pharmacy in Units 6 and 7 of the Ocean Reef Shopping Centre, and is seeking to relocate the business to a nearby site to continue providing pharmaceutical care for the surrounding community.

### Car parking

The subject site provides a total of 28 car parking bays for the use of the tenants of, and visitors to, the development. Using the current standards set out in DPS2 the proposed change of use results in the following car parking requirements:

LAND USE	CAR PARKING STANDARD	NLA/ MAX No. OF PERSONS	CAR BAYS REQUIRED
Medical Centre	Five bays per consultant	Six consultants	30
Shop (proposed)	Seven bays per 100m <sup>2</sup> NLA	138m <sup>2</sup>	9.66 = 10
<b>Car bays required in accordance with DPS2</b>			<b>40</b>
<b>Car bays provided on site</b>			<b>28</b>

As a result of the change of use the number of parking bays required increases by five additional car bays creating a shortfall of 12 bays (30%).

The subject site (Lot 100) and the adjoining child care centre site (Lot 101) are party to a reciprocal parking agreement. Lot 101 provides 20 car bays, and combined with the 28 bays on Lot 100, 48 bays are available for use by both sites. In total 63 bays are currently required under DPS2 for these two sites, meaning that there will be a 15 (23.8%) car bay shortfall across both sites.

Under the Omnibus Scheme Amendment No. 65 (Amendment No. 65) to DPS2, which was adopted by Council at its meeting held on 25 June 2013 (CJ088-06/13 refers) the car parking standards have been reduced as follows:

USE CLASS	CAR PARKING REQUIRED UNDER DPS2	CAR PARKING REQUIRED UNDER AMENDMENT 65
Office	One per 30m <sup>2</sup> NLA	One per 50m <sup>2</sup> NLA
Shop	Seven per 100m <sup>2</sup> NLA	Five per 100m <sup>2</sup> NLA

Using the above mentioned car parking standards proposed under the Omnibus Amendment the revised car parking requirements for the development are as follows:

LAND USE	CAR PARKING STANDARD	NLA/ MAX No. OF PERSONS	CAR BAYS REQUIRED
Medical Centre	Five bays per consultant	Six consultants	30
Shop (proposed)	Five bays per 100m <sup>2</sup> NLA	138m <sup>2</sup>	6.9 = 7
<b>Car bays required in accordance with DPS2</b>			<b>37</b>
<b>Car bays provided on site</b>			<b>28</b>

Under the Omnibus Amendment, the car parking requirements for the site increases by two additional car bays creating a shortfall of nine bays (24.3%). The shortfall is further reduced to 20% when the bays on the adjoining site at Lot 101 are also taken into account. Amendment No. 65 is required to be given due regard when considering this application and specifically in consideration of whether the existing 28 parking bays provided on the subject site are sufficient to service the development.

### Issues and options considered

Council is required to consider whether the proposed shop land use, and the proposed increase to the on-site car parking shortfall are appropriate or not.

Council has the discretion to:

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



Should Council resolve to approve the application subject to conditions, the conditions should be based on the requirements of DPS2, a related local planning policy, or other planning legislation. Should Council resolve to refuse the application, the reasons for refusal should also be based on these requirements.

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

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

### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

**Strategic initiative** The proposal results in minimal changes to the built environment and the manner in which the building is used. The key themes and objectives of the *Strategic Community Plan* are deemed to be satisfied by this proposal.

**Policy** Not applicable.

In determining whether the use is permitted, Council should consider the conditions of clause 3.5.2 of the Mixed Use Zone.

3.5.2 *A shop may be permitted in the Mixed Use 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>;*
- (d) *The direct street frontage of any lot containing a shop must be at least 20 metres in width.*

3.5.3 *The conditions specified in clause 3.5.2 are not standard or requirements for the purposes of clause 4.5.1.*

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

### **4.8 Car Parking Standards**

4.8.1 *The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council; and*

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

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

#### 6.8 *Matters to be considered by the Council*

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

#### **Risk management considerations**

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

**Financial/budget implications**

The applicant has paid fees of \$278 (excluding GST) for the assessment of the application.

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

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

**COMMENT**Land Use

A shop is an "X\*" use within the 'Mixed Use' zone. "X\*" indicates that a shop is not permitted unless the following conditions of clause 3.5.2 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 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.

The proposed shop land use has a NLA of 138m<sup>2</sup>. The site does not have any adjacent or nearby 'Mixed Use' or 'Business' zoned sites, and the direct street frontage of the overall lot is greater than 20 metres. The subject site (parent lot) is a green title lot, greater than 1,000m<sup>2</sup> in area, however, the site has been strata titled. The intent of subclause (b) above is considered to be to limit the number of 'shops' on a mixed use site to one per parent lot, rather than prevent it completely where a lot has been strata titled. As such, it is considered that abovementioned requirements are met by the development.

The objective of the 'Mixed Use' zone is to allow limited retail use and provide shops of a limited size. It is considered that a pharmacy is an appropriate business for the site that complements the existing medical centre and provides important services for the community.

Car Parking

This application proposes to increase the existing on-site car parking shortfall by an additional five car bays, therefore a 12 car bay (30%) shortfall across the site is proposed.

Council is required to determine whether the 28 car parking bays on the site are sufficient to service the proposed development. The options available to Council are:

- determine that the provision of 28 car parking bays is appropriate
- determine that the provision of 28 car parking bays is not appropriate  
or
- determine that a cash-in-lieu payment of \$25,929 per bay is required for the shortfall in parking being \$129,645 for the five bay increase in the existing shortfall as a result of this development. This is discussed further below.

The nature of the existing reciprocal parking agreement and grant of easement discussed in the Background and Details sections above allows reciprocal car parking and vehicular access over both sites. This permits any customers of the proposed development to utilise the car parking bays at the child care centre and vice versa. While the child care centre also features a three car bay shortfall, application of Amendment No. 65 and consideration of the total parking provision of Lots 100 and 101 reduces the overall shortfall to 20% for both sites.

The pharmacy is not likely to generate a significant demand for additional car parking. It will be a compatible and complementary land use to the existing child care centre, medical centre and Ocean Reef Shopping Centre. It will, therefore, encourage multi-purpose trips, thus, reducing the demand for car parking for specific uses.

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

### **Conclusion**

The proposed variation to the car parking standard of DPS2 is considered appropriate. The car parking provided is considered sufficient to service the subject site having regard to the reciprocal nature of the car parking on the adjoining lot, proposed Amendment No. 65 and the compatibility of land uses in the area.

The application for planning approval for a change of use from 'Office' to 'Shop' is considered appropriate in this instance and will not have an adverse impact on the surrounding area.

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

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

### **VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION****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 28 bays in lieu of 40 bays is appropriate in this instance;
- 2 APPROVES** the application for planning approval dated 28 June 2013, submitted by Rachel Morgan-Jones on behalf of the owners, Nola Dorothy Willis and Kim Willis, for a SHOP (Change of use from 'Office') at Lot 3 (81) Marina Boulevard, Ocean Reef, subject to the following condition:
  - 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.

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6brf130813.pdf](#)

## **CJ151-08/13      PROPOSED CHANGE OF USE FROM SHOWROOM TO MEDICAL CENTRE AND SHOP AT JOONDALUP GATE - LOT 11 (21) JOONDALUP DRIVE EDGEWATER**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	61562, 101515
<b>ATTACHMENTS</b>	Attachment 1      Location plan Attachment 2      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 determine an application for a change of use from 'Showroom' to 'Medical Centre' and 'Shop' at Joondalup Gate, Lot 11 (21) Joondalup Drive, Edgewater.

### **EXECUTIVE SUMMARY**

An application for planning approval has been received for a change of use from 'Showroom' to 'Medical Centre' and 'Shop' (pharmacy) at Joondalup Gate, Lot 11 (21) Joondalup Drive, Edgewater.

The subject site adjoins Joondalup Drive to the east, Mitchell Freeway to the west and Ocean Reef Road to the south and is commonly referred to as Joondalup Gate. The subject tenancy is located to the east of the existing Bunnings Warehouse and south of the vehicular access fronted by Barbeques Galore. The surrounding tenancies are generally approved as 'Showrooms'.

The site is zoned 'Urban' under the *Metropolitan Region Scheme* (MRS), and 'Business' under the City's *District Planning Scheme No. 2* (DPS2). 'Medical Centre' is a permitted ("P") use under DPS2, however the proposed pharmacy fits in with the definition of a 'Shop', which is listed as a use not permitted ("X\*") within the 'Business' zone. In terms of Clause 3.6.3 of DPS2, a 'Shop' may be permitted subject to Council's discretion, if a number of strict criteria can be satisfied.

The proposed development is required to be assessed against the requirements of DPS2, with regard also to be given to the draft *Joondalup City Centre Structure Plan* (JCCSP) as a 'seriously entertained planning proposal'. Under the draft JCCSP the site is located within the 'Gateway' district. Under the draft JCCSP the provisions specific to the district are the same as those for the 'Business' zone under DPS2.

The development is considered to meet all requirements of DPS2, with the exception of the amount of on-site car parking. In accordance with DPS2 a total of 206 bays is currently required for Lot 11 Joondalup Drive, with 168 bays provided on site (shortfall of 38 bays or 18.5%). However, a reciprocal rights of access and parking arrangement exists over 280 parking bays located on a portion of Lot 10, being the Bunnings site. The proposed change of use to 'Medical Centre' and 'Shop' (pharmacy) would result in the total amount of parking required for the site increasing by 30 bays to 236 parking bays. The applicant proposes to utilise the existing car parking and access available to Lot 11.

It is noted that under the draft Omnibus Amendment No. 65 to DPS2 (Amendment No. 65), the parking standards for some uses on site would be decreased. If the proposed standards were to be applied to all tenancies (including this proposal), this would reduce the car parking shortfall to only four bays across the subject site.

It is considered that the intensity of the land use proposed is appropriate, that the strict criteria set out in Clause 3.6.3 of DPS2 have been met and that the car parking provided on site, in addition to that provided on adjoining sites where reciprocal parking agreements exist, is sufficient to accommodate the parking needs of the proposed land use and other land uses that operate from within the development.

It is recommended that Council approves the development application subject to conditions.

## BACKGROUND

<b>Suburb/Location</b>	Lot 11 (21) Joondalup Drive, Edgewater.
<b>Applicant</b>	TPG Town Planning and Urban Design.
<b>Owner</b>	Joondalup Gate Pty Ltd.
<b>Zoning</b>	<b>DPS:</b> Business.
	<b>MRS:</b> Urban.
<b>Site area</b>	1.07 ha.
<b>Structure plan</b>	Draft <i>Joondalup City Centre Structure Plan (JCCSP)</i> .

The subject site adjoins Joondalup Drive to the east, the Mitchell Freeway to the west and Ocean Reef Road to the south and is commonly referred to as Joondalup Gate. The subject tenancy is located to the east of the existing Bunnings Warehouse and south of the vehicle accessway fronted by Barbeques Galore. The surrounding tenancies are generally approved as 'Showrooms' (Attachment 1 refers).

The entire site (Lot 11) is comprised of three buildings identified as S1, S2 and S3. The buildings vary in size and contain multiple tenancies, approved as 'Showrooms'. The proposed location of the 'Medical Centre' and 'Shop' (pharmacy) is in building S2, tenancy 5.

At its meeting held on 25 June 2013 (CJ088-06/13 refers), Council resolved to adopt Amendment No. 65 to DPS2. This amendment includes the deletion of various land uses currently listed in Table 1 of DPS2 and the amendment of parking standards for some land uses. The car parking standards for the land use 'Shop' was modified from seven car bays per 100m<sup>2</sup> of net lettable area (NLA) to five car bays per 100m<sup>2</sup> NLA. Amendment No. 65 is considered to be a 'seriously entertained planning proposal' and has been given due regard in the assessment of this application.

## DETAILS

The applicant seeks approval for an application for a change of use from 'Showroom' to 'Medical Centre' and 'Shop' (pharmacy).

The medical centre and pharmacy development is proposed to be operated by Apollo Health, which aims to deliver a range of health care services to the community. The development is proposed to consist of:

- 1,472m<sup>2</sup> of net lettable area for a medical centre consisting of 12 medical consulting rooms and five dental consulting rooms
- a pharmacy/dispensary tenancy with a net lettable area of 100m<sup>2</sup>
- a shared lobby, reception, office and waiting room
- a pathology/x-ray reception area, ultrasound and bleeding rooms
- a central nurse base and treatment room
- CT room
- staff room with facilities.

A maximum of 15 practitioners are proposed to operate from the development at any one time. The proposal also comprises structural modifications to the building which entails a new staircase to the rear of the building which connects the below ground car parking and tenancies with the above ground car parking and tenancies. Minor modifications to existing kerbing are proposed, allowing two new dedicated access bays and provision of five bike parking rails. There is no change to the lettable floor area.

Signage is proposed to the façades of the building and is to be contained within the existing signage boxes located on the building façades integrated into the building design. The development plans are provided as Attachment 2.

Under DPS2 the land uses approved for the entire site currently require the provision of a total of 206 bays, with 168 provided on-site. This means there is an existing on-site shortfall of 38 bays (18.5%). There is a reciprocal right of access and parking arrangement over 280 parking bays located on a portion of Lot 10, being the Bunnings site. The proposed change of use of tenancy 5 to 'Medical Centre' and 'Shop' (pharmacy) increases the parking required on the subject site (Lot 11) by 30 parking bays to 236. This increases the shortfall on the site to 68 bays (28.82%), however, the reciprocal rights of access and parking over the 280 parking bays on the Bunnings site will still apply.

### Issues and options considered

Council is required to consider whether the proposed shop land use, and the proposed increase to the on-site car parking shortfall are appropriate or not.

Council has the discretion to:

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



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

<b>Legislation</b>	<i>City of Joondalup District Planning Scheme No. 2 (DPS2).</i>
<b>Strategic Community Plan</b>	
<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>	<i>Environmentally Sustainable Buildings in the City of Joondalup. City of Joondalup Signs Policy.</i>

In determining whether the use is permitted, Council should consider the conditions of clause 3.6.3 of the 'Business' Use 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 3.5.2 are not standard or requirements for the purposes of clause 4.5.1.*

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

**4.8 Car Parking Standards**

4.8.1 *The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council; and*

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

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

#### 6.8 *Matters to be considered by the Council*

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

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

#### **Risk management considerations**

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

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

The applicant has paid a fee of \$278, excluding GST, to cover all costs associated with 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 comments were not sought as it was considered that the proposal would not result in any significant adverse effect on surrounding landowners. This is primarily on the basis that the nearest residential property is approximately 70 metres away and is separated from the site by Joondalup Drive. It is considered that the car parking shortfall will not adversely impact on these properties. It is noted that the land use 'Medical Centre' is a permitted land use under DPS2 and therefore the proposal cannot be refused on the basis of the predominant land use being inappropriate.

## COMMENT

### Land use

The land use 'Shop' is a use not permitted ("X\*") 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 are 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>;*
- (d) *The direct street frontage of any lot containing a shop must be at least 20 metres in width.*

The proposed 'Shop' (pharmacy) will have a total floor area of 100m<sup>2</sup> NLA. There are no approved 'Shop' land uses on any lot zoned 'Business' or 'Mixed Use' adjacent to the subject site and Lot 11 has a frontage greater than 20 metres. The subject site (parent lot) is a green title lot, greater than 1,000m<sup>2</sup> in area, however, the site has been strata titled. The intent of subclause (b) above is considered to be to limit the number of 'shops' on a mixed use site to one per parent lot, rather than prevent it completely where a lot has been strata titled. As such, it is considered that the abovementioned requirements are met by the development.

### Parking

This application proposes to increase an existing car parking shortfall on site from 38 bays (18.5%) to 68 bays (28.82%). Council is required to determine whether the 168 car parking bays on the site are sufficient to service the proposed development.

The nature of the existing reciprocal parking agreement as discussed in the Background and Details sections above allows reciprocal car parking and vehicular access over Lots 11 and 10. This permits any customers of the proposed development to utilise the car parking bays at the existing Bunnings site and vice versa.

It is also relevant to note that if the parking standards outlined within Amendment No. 65 were to be applied to all approved and proposed tenancies on the site, a shortfall of only four parking bays (2.33%) would result. However, the parking standards required to be used in the assessment is those that applied at the time of the application.

The table below sets out the existing land uses on site with car parking requirements as per DPS2 as well as the parking requirements which would be applied under Amendment No. 65.

<b>BUILDING NUMBER (NLA)</b>	<b>LAND USE</b>	<b>CURRENT CAR PARKING REQUIREMENTS UNDER DPS2</b>	<b>PROPOSED FUTURE CAR PARKING REQUIREMENTS UNDER AMENDMENT No. 65</b>
S1 (1566m <sup>2</sup> ) (T2 – T3)	Showroom (1:30m <sup>2</sup> NLA)	52.2	31
S2 (2455m <sup>2</sup> ) (T6 – T14)	Showroom (1:30m <sup>2</sup> NLA)	81.81	49
S3 (603m <sup>2</sup> ) (T16 – T18)	Showroom (1:30m <sup>2</sup> NLA)	20.26	12
Proposed Change of Use S2 – T5	Medical Centre 1472m <sup>2</sup> 5 per practitioner 1,472m <sup>2</sup> / 15	75	75 Medical Centre 5 per practitioner
	Shop (pharmacy) 7 per 100m <sup>2</sup> NLA Shop 100m <sup>2</sup>	7	5 Shop (pharmacy) 5 per 100m <sup>2</sup> NLA
<b>Total bays required</b>		<b>236</b>	<b>172</b>
<b>Total bays provided on lot 11</b>		<b>168</b>	<b>168</b>
<b>Shortfall</b>		<b>68</b>	<b>4</b>

In consideration of the reciprocal parking and access arrangement between Lots 11 and 10 in addition to the parking requirements outlined within Amendment No. 65, it is considered that the change of use to 'Medical Centre' and 'Shop' will not detrimentally impact on the provision of parking on site.

### Signage

Signage is proposed within the signage boxes located on the façades of the building and has been integrated into the building design.

Compliance with the City's *Signs Policy* is demonstrated in the table below.

<b>TYPE</b>	<b>REQUIREMENTS</b>	<b>PROVIDED</b>
<b>Wall Sign</b>	Area: Max. 25% of the façade.  Must: <ul style="list-style-type: none"> <li>• not extend beyond the top or either end of the wall.</li> <li>• not obscure architectural details.</li> </ul>	<25% of the facade of the tenancy and not extending beyond the top or sides of the walls.  As all signs are wall signs, it will not present a hazard, obstruct vehicle sightlines or detract from the amenity of the area.

### **Conclusion**

The land use 'Shop' is considered to meet all of the requirements of clause 3.6.3 of DPS2 for this site, and as 'Medical Centre' is a permitted ("P") use within the 'Business' zone, the proposed land uses are considered appropriate.

It is acknowledged that a car parking shortfall of 38 bays (18.5%) currently exists on site, and that the proposed change of use will increase this shortfall to 68 bays (28.82%) with a total of 236 bays required as a result of this application and only 168 bays being provided on site. However, should the car parking requirements of Amendment No. 65 be applied to the site with existing and proposed uses, the proposal will result in a car parking shortfall of only four bays. Considering the parking requirements outlined in Amendment No. 65, as well as the reciprocal rights of access to 280 bays on the adjoining Bunnings site, it is considered the parking shortfall will not have a detrimental impact on the existing parking facility or surrounding residential properties.

The application is recommended for approval subject to conditions.

## VOTING REQUIREMENTS

Simply Majority.

## RECOMMENDATION

### 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 a car parking provision of 168 bays in lieu of 236 bays is appropriate in this instance;
- 2 **APPROVES** the application for planning approval dated 21 May 2013 submitted by TPG Town Planning, Urban Design and Heritage, on behalf of the owners, Joondalup Gate Pty Ltd, for a change of use from 'Showroom' to 'Medical Centre' and 'Shop', at Joondalup Gate, Lot 11 (21) Joondalup Drive, Edgewater, 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 This approval only pertains to building S2 tenancy T5, as indicated on the approved plans;
  - 2.3 A maximum of 15 practitioners are permitted at the medical centre at any given time;
  - 2.4 The signage is to be established in accordance with the approved plans and thereafter maintained to a high standard to the satisfaction of the City;
  - 2.5 Low level illumination is to be used;
  - 2.6 The illumination must not flash, pulsate or chase;
  - 2.7 The sign must not include fluorescent, reflective or retro reflective colours.

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf130813.pdf](#)

## **CJ152-08/13 TAMALA PARK REGIONAL COUNCIL – ADDITIONAL POWER OF ATTORNEY**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	41196, 101515
<b>ATTACHMENT</b>	Attachment 1      Power of Attorney
<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 authorise the Mayor and Chief Executive Officer to execute an additional Power of Attorney, in favour of the Senior Projects Officer of the Tamala Park Regional Council (TPRC) and each of the Chief Executive Officers of the seven member local governments, to enable those persons to execute documents in relation to the sale of the Tamala Park land when the TPRC Chief Executive Officer is on leave or otherwise unavailable.

### **EXECUTIVE SUMMARY**

The TPRC has requested each of the seven participating local government members of the TPRC (“the Participants”) to execute an additional Power of Attorney in favour of Mr Wayne Burns, Senior Projects Officer, who will be acting Chief Executive Officer when the TPRC Chief Executive Officer is on leave, and each of the Chief Executive Officers of the seven member local governments.

The request is to ensure that the disposal of land can be progressed in the Chief Executive Officer’s absence, whether that be for annual leave or other reasons.

*It is recommended that Council:*

- 1      *ACCEDES to the request from the Tamala Park Regional Council to grant an additional Power of Attorney in favour of Mr Wayne Burns, the TPRC Senior Projects Officer, and each of the member local government Chief Executive Officers;*
- 2      *AUTHORISES the Mayor and the Chief Executive Officer to execute the additional Power of Attorney detailed in Attachment 1 to Report CJ152-08/13.*

## BACKGROUND

Each of the constituent local government members of the TPRC jointly owns the Tamala Park land.

The TPRC previously obtained legal advice in September 2011 which recommended that it obtain a Power of Attorney from each of the Participants to avoid any potential issues in future land dealings with the Tamala Park project. Council acceded to that request at its meeting held on 11 October 2011 (CJ178-10/11 refers).

At its meeting held on 24 July 2012 (CJ125-07/12 refers), Council acceded to a further request from TPRC to grant a modified Power of Attorney to the TPRC Chief Executive Officer to enable him to execute documents for the disposal of the land.

## DETAILS

In 2011, the TPRC obtained legal advice which recommended that each Participant grant a Power of Attorney in favour of the TPRC. The advice concluded that the provisions of the TPRC Establishment Agreement, construed in conjunction with the *Local Government Act 1995* concerning regional councils, enabled a Participant to execute a Power of Attorney in favour of the TPRC for the sale of the Tamala Park land.

In light of its experience with the sales process, TPRC subsequently requested that each of the Participants execute a modified Power of Attorney to enable the TPRC Chief Executive Officer to undertake all necessary actions involved in the sale process.

The modified Power of Attorney gave the TPRC Chief Executive Officer all necessary powers in dealing with the Tamala Park land, including to:

- execute contracts of sale which includes the decision to sell, the selling price and the terms and conditions of sale
- execute transfer of land documents
- execute documents for easements, surrender of easements, caveats and withdrawal of caveats
- manage the allocation of the proceeds of sales in accordance with the Establishment Agreement.

Acceding to the present request will enable the TPRC to continue to progress the sales process in the absence of the Chief Executive Officer.

## Legislation/Strategic Community Plan/policy implications

### Legislation

*Local Government Act 1995.*

### Strategic Community Plan

### Key theme

Leadership and Governance.

### Objective

Strong leadership.

### Strategic initiative

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

### Policy

Not applicable.

**Risk management considerations**

It is important to avoid any uncertainty in the TPRC's dealings with the Tamala Park land.

**Financial/budget implications**

Not applicable.

**Regional significance**

As a member local government of the TPRC, it is important that the City acts to ensure the continuing efficacy of its implementation of the Tamala Park project.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

It is recommended that Council accedes to the request from the TPRC to execute an additional Power of Attorney to facilitate the efficient implementation of the Tamala Park project.

The Power of Attorney is to be executed under seal by the Mayor and Chief Executive Officer.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 ACCEDES to the request from the Tamala Park Regional Council to grant an additional Power of Attorney in favour of Mr Wayne Burns, the TPRC Senior Projects Officer, and each of the member local government Chief Executive Officers;**
- 2 AUTHORISES the Mayor and the Chief Executive Officer to execute the additional Power of Attorney as detailed in Attachment 1 to Report CJ152-08/13.**

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf130813.pdf](#)



## **CJ153-08/13 DRAFT WARWICK OPEN SPACE BUSHLAND MANAGEMENT PLAN**

<b>WARD</b>	South
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	102082
<b>ATTACHMENTS</b>	Attachment 1 Draft Warwick Open Space Bushland Management Plan Attachment 2 Community Consultation 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 endorse the draft *Warwick Open Space Bushland Management Plan* and to release the plan for targeted consultation.

### **EXECUTIVE SUMMARY**

The City is responsible for the management of a diverse number of natural areas and undertakes conservation activities to enhance and protect the biodiversity values within these areas in order to reduce the impact of environmental threats.

Environmental threats have the potential to degrade natural areas and reduce biodiversity values. Environmental threats include weeds, plant diseases, fire, non-native fauna species, human impacts and inappropriate access and infrastructure. In order to provide strategic ongoing management of the City's natural areas and protect native vegetation and ecosystems, natural area management plans are being developed for the City of Joondalup natural areas.

The draft *Warwick Open Space Bushland Management Plan* has been developed, in consultation with key stakeholders, to provide direction for the ongoing management of Warwick Open Space over the next five years. The draft plan describes the potential environmental impacts, risks and threats that are likely to affect the biodiversity values of the area and proposes management strategies to be implemented over the life of the plan in order to minimise potential impacts.

It is proposed that the draft *Warwick Open Space Bushland Management Plan*, included as Attachment 1, be released for targeted consultation for a period of 21 days, in accordance with the Community Consultation Plan, included as Attachment 2.

## BACKGROUND

The City is developing natural area management plans for its natural areas according to the individual priority ranking of the reserve established as part of the City's participation in the Local Biodiversity Program. Management plans are being developed for the majority of the City of Joondalup's natural areas and will vary in detail depending on whether the area is classified as a:

- major conservation or coastal area
- high priority area
- medium priority area  
or
- generic wetlands area.

Management plans include the following:

- description of the physical, biological, social and built environment
- development of management strategies for key risks including management approach, activities, risks, impacts, management actions, responsibilities, timeframe and budget/person hours
- guidance on staff and stakeholder training, education and communication
- identification of required research, monitoring and reporting.

A schedule has been established for the development of natural area management plans and will be implemented by the City on an ongoing basis.

In order to provide a holistic and coordinated approach to the management of key environmental threats across the City of Joondalup, issue specific plans will also be developed, these will include:

- Pathogen Management Plan - completed in 2012-13.
- Weed Management Plan - to be developed in 2013-14.
- Fire Management Plan - to be developed in 2014-15.

Issue specific management plans will provide management recommendations to address the above threats and will be applied to all natural areas within the City of Joondalup.

## DETAILS

Warwick Open Space is classified as one of the City's five major conservation areas due to the high biodiversity values of the area. Warwick Open Space (not including the Warwick Senior High School bushland) is recognised for its regional environmental significance and was designated a Bush Forever site by the Western Australian Planning Commission in 2000.

Warwick Open Space is located 13 kilometres north from the Perth Central Business District in the suburb of Warwick. The reserve includes approximately 60 hectares of bushland and is predominantly used for passive and active recreation purposes.

In order to provide strategic ongoing management of Warwick Open Space and protection of native vegetation and ecosystems, the draft *Warwick Open Space Bushland Management Plan* has been developed.

The draft *Warwick Open Space Bushland Management Plan* outlines a framework for the management of the area for the next five years. The City engaged consultants to undertake flora, fauna and fungi surveys which have informed the development of the management plan.

The aims of the draft *Warwick Open Space Bushland Management Plan* are to:

- establish a baseline description of the environment to guide future environmental planning and recommended management actions
- outline key environmental threats and management strategies to minimise impact and protect conservation and recreation values
- outline management actions to address key threats including monitoring and reporting.

The objective of the draft *Warwick Open Space Bushland Management Plan* is to provide mechanisms to protect and enhance biodiversity values of the natural area while maintaining appropriate community access and awareness.

The majority of the native vegetation at Warwick Open Space is in very good or excellent condition and surveys indicate that the area is likely to support 250 native flora species, two native mammals, 63 native birds, 13 native reptile species and 35 native invertebrates.

The key environmental threats that have been identified at Warwick Open Space include weeds, potential plant diseases, feral animals, fire and the need for greater community awareness of the values of the natural area.

A number of management actions are proposed within the plan to address environmental threats including:

- consistent weed control and regular monitoring
- undertaking annual fire fuel load assessments
- the installation of interpretive signage
- regular feral animal control
- the implementation of environmental education initiatives
- undertaking follow up flora, fauna and fungi surveys.

Council endorsed the development of the Warwick Open Space Synthetic Hockey Pitch Project at its meeting held on 26 June 2013 (CJ103-06/13 refers). An environmental impact assessment was undertaken to determine if the floodlights proposed in the project would have adverse impacts of the native fauna within the site. While the assessment concluded that the floodlights would have minimal impact on the fauna within Warwick Open Space, the consultant's report recommended monitoring of fauna at the site. This recommendation is consistent with the management recommendations proposed within the draft *Warwick Open Space Management Plan*.

The proposed management actions will be implemented in partnership with key stakeholders and community groups, where relevant.

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

The draft *Warwick Open Space Bushland Management Plan* has been developed in liaison with key stakeholders and user groups including Friends of Warwick Bushland, Department of Parks and Wildlife (formerly DEC) and Department of Fire and Emergency Services (formerly FESA).

As consultation has already been undertaken to inform the development of the draft *Warwick Open Space Bushland Management Plan* it is recommended to release the draft plan for targeted stakeholder consultation to relevant government agencies, Friends of Warwick Bushland and local user groups.

It is proposed that Council approve the release of the draft plan for a period of 21 days, commencing Monday 26 August 2013. A Community Consultation Plan is included as Attachment 2.

**Option 1:**

Council may choose to release the draft *Warwick Open Space Bushland Management Plan* for targeted stakeholder consultation without modification.

**Option 2:**

Council may choose to release the draft *Warwick Open Space Bushland Management Plan* for targeted stakeholder consultation with amendments.

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

**Legislation** Not applicable.

**Strategic Community Plan**

**Key Theme** The Natural Environment.

**Objective** Environmental resilience.

**Strategic Initiative** Identify and respond to environmental risks and vulnerabilities.

**Policy** The objectives of the draft *Warwick Open Space Bushland Management Plan* are consistent with the City's *Sustainability Policy*.

The development of natural area management plans is listed as an action within the City's *Biodiversity Action Plan 2009-2019*.

**Risk Management Considerations:**

A coordinated and planned approach is required to address issues in natural areas and provide strategies for ongoing long term management. If management plans are not developed to guide the conservation efforts within the City of Joondalup's natural areas, there is a risk that the overall condition of the native bushland areas of the City will become degraded.

A potential risk resulting from the endorsement of the draft *Warwick Open Space Bushland Management Plan* for public comment is lack of community support for the proposed strategic direction. This is unlikely given that consultation has already occurred with the Friends of Warwick Bushland and the current level of community support for natural area management projects undertaken in the City of Joondalup.

**Financial/Budget Implications:**

\$50,000 was allocated to the development of the *Warwick Open Space Bushland Management Plan* in 2012-13 to undertake the flora, fauna and fungi survey component of the project.

Funds are currently allocated within the City's annual operating budget to implement conservation and maintenance activities at Warwick Open Space, however the implementation of some recommendations from the *Warwick Open Space Bushland Management Plan* will have additional budget implications and these will be subject to the City's annual budget approvals process.

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

**Regional Significance**

Bushland within Warwick Open Space is recognised as being regionally significant due to the limited amount of the vegetation which exists on site remaining within the Perth Metropolitan Region.

**Sustainability Implications**

Environmental threats have the potential to degrade natural areas and reduce biodiversity values. The development and implementation of the draft *Warwick Open Space Bushland Management Plan* will ensure that measures are taken to address threats within this natural area and provide strategies for ongoing long term management which will result in protection of Warwick Open Space's natural environment.

The draft *Warwick Open Space Bushland Management Plan* includes actions that target community education and awareness to ensure that the City of Joondalup community is well-informed regarding the environmental values of Warwick Open Space. The actions proposed will enhance the natural assets of the area while providing the community with passive recreation opportunities.

**Consultation**

The draft *Warwick Open Space Bushland Management Plan* has been developed in liaison with key stakeholders and user groups including Friends of Warwick Bushland, Department of Parks and Wildlife (formerly DEC) and Department of Fire and Emergency Services (formerly FESA).

A focus group was held with the Friends of Warwick Bushland to enable the group to highlight key threats and opportunities for improvements within the site. Outcomes from the focus group have informed the development of the draft *Warwick Open Space Bushland Management Plan*.

Due to the level of consultation already undertaken and the technical nature of the management plan it is proposed that targeted stakeholder consultation be undertaken, as detailed in the community consultation plan included in Attachment 2.

Following Council endorsement, the draft *Warwick Open Space Bushland Management Plan* will be released for targeted consultation for a period of 21 days which is consistent with the City's *Community Consultation and Engagement Policy*. It is proposed that a final *Warwick Open Space Bushland Management Plan*, including amendments as a result of the consultation period, will be presented to Council for endorsement at the 19 November 2013 Council meeting.

## COMMENT

The draft *Warwick Open Space Bushland Management Plan* will inform and prioritise maintenance schedules and capital works programs by providing prioritised management recommendations to be implemented within Warwick Open Space over a five year period. The draft *Warwick Open Space Bushland Management Plan* will also increase opportunities for the City to apply for grant funding by having a detailed forward schedule of projects to be carried out within Warwick Open Space, and will provide guidance to City employees, contractors and friends groups operating within Warwick Open Space.

The implementation of the draft *Warwick Open Space Bushland Management Plan* will allow the City to demonstrate leadership in addressing environmental threats, providing strategic ongoing management of natural areas and create community awareness regarding the need to protect the biodiversity values of the environment for the future.

The draft *Warwick Open Space Bushland Management Plan* will enable a coordinated best practice approach to the management of the natural area of Warwick Open Space into the future.

The plan will be continually monitored to track the progress of implementation and an annual review will be undertaken each year. A major review will be conducted at the end of the five year period.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

**That Council ENDORSES the release of the draft *Warwick Open Space Bushland Management Plan*, included as Attachment 1 to Report CJ153-08/13, for targeted consultation in accordance with the Community Consultation Plan included as Attachment 2 to Report CJ153-08/13.**

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf130813.pdf](#)

**CJ154-08/13 MINUTES OF EXTERNAL COMMITTEES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	29109, 00033, 60514, 41196, 03149, 101515
<b>ATTACHMENTS</b>	<p>Attachment 1 Minutes of the Yellagonga Regional Park Community Advisory Committee meeting held on 2 May 2013</p> <p>Attachment 2 Minutes of the Mindarie Regional Council Special meeting held on 20 June 2013</p> <p>Attachment 3 Minutes of the Tamala Park Regional Council meeting held on 20 June 2013</p> <p>Attachment 4 Minutes of the WALGA North Metropolitan Zone meeting held on 27 June 2013</p> <p>Attachment 5 Summary Minutes of the WALGA Meeting of State Council held on 3 July 2013</p> <p>Attachment 6 Minutes of the Mindarie Regional Council meeting held on 4 July 2013</p>

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

<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 various meetings of the Yellagonga Regional Park Community Advisory Committee, Mindarie Regional Council, Tamala Park Regional Council, WALGA North Metropolitan Zone and WALGA State Council.

**EXECUTIVE SUMMARY**

The following minutes are provided:

- Minutes of the Yellagonga Regional Park Community Advisory Committee meeting held on 2 May 2013.
- Minutes of the Mindarie Regional Council Special meeting held on 20 June 2013.
- Minutes of the Tamala Park Regional Council meeting held on 20 June 2013.
- Minutes of the WALGA North Metropolitan Zone meeting held on 27 June 2013.
- Summary Minutes of the WALGA State Council meeting held on 3 July 2013.
- Minutes of the Mindarie Regional Council meeting held on 4 July 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 – 2 May 2013**

An ordinary meeting of the Yellagonga Regional Park Community Advisory Committee was held on 2 May 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:

#### 6.1 Luisini Winery Redevelopment Project – Enzo Sirna

*“ES addressed the committee and provided information regarding the Luisini Winery Redevelopment Project including a detailed history and timeline of developments, the current situation and progress of the project.*

*ES advised that when the National Trust endorsed the redevelopment project, a community survey had been conducted which determined support for the project subject to the addition of an external eatery. Further studies were conducted which considered parking, the impact on adjacent residents and environmental impacts to the wetland. A final plan was submitted and a sum of \$1.5 million was provided for conservation works to the winery. Additional funding of \$1.5 million provided in 2008 was allocated to infrastructure works in consideration of major additions to the initial project including a café/restaurant, community education/environment centre, landscaping and boardwalk.*

*Following development application approval and issue of a building license, infrastructure works were considerably delayed awaiting the completion of sewerage works in the area by the Water Corporation which had agreed to connect Luisini Winery as part of these works, resulting in a saving of approximately \$300,000. Infrastructure and car park works commenced in 2012 and currently \$750,000 remains which is insufficient to commence the next phase of development. Since 2009 the National Trust has attempted to secure additional Commonwealth funding to proceed with the full works package several times but has so far been unsuccessful.*

*ES stated that the format to apply for Commonwealth funding had changed recently and an expression of interest now has to be submitted which requires support from local government. ES explained that all previous funding submissions by the National Trust were based on the Yellagonga Regional Park Management Plan which outlined stakeholder support (including the Cities of Joondalup and Wanneroo and DEC) for a local community environment centre. ES added that support for a community environment centre declined in subsequent meetings with the City of Joondalup which caused some confusion and frustration. ES considered that there was confusion in regard to the definition of a 'community environment centre'. ES requested clarification as to whether the Yellagonga Regional Park Management Plan was still the definitive document for the area.*



PM noted the differing interpretation of 'environment centre' and that the National Trust, believing the Yellagonga Regional Park Management Plan to be the definitive and authoritative document for the area, had referred to a proposed community environmental education display board as an 'environment centre' in accordance with page 53 of the Management Plan in all funding submissions. He added that the National Trust was unaware that the City of Joondalup had commissioned a feasibility study for a separate Yellagonga Regional Park Environment Centre for locations such as Lot 1, Joondalup Drive and that Council had deemed such a centre unviable. These studies had been conducted since the Management Plan was published. The National Trust had been given the impression that support for Luisini's 'environment centre' had been withdrawn and many years work on funding applications had been in vain.

ES reaffirmed that all components of the Luisini Winery Development Project remain the same and although some aspects may be delayed as the project may now be funded and implemented in stages. The National Trust continues to progress the project and has recently submitted a funding application for \$2.84 million with the Office of the Premier.

Committee members acknowledged the misunderstandings and frustrations and thanked ES for his time and presentation to the committee. BJ confirmed that the Yellagonga Regional Park Management Plan remains a valid document to guide management of the park and remains current until a new document is published to supersede it. ES requested this endorsement of the plan in writing so as to clarify any potential misunderstanding or misrepresentation. BJ advised he would email ES with a formal statement.

JC confirmed that the project still has full support from the City of Joondalup's CEO and Mayor.

Committee members agreed that the previously proposed letter to the City of Joondalup seeking clarification regarding their involvement and support for the Luisini Winery Project should be withheld and the committee agreed instead to write a letter of support for the National Trust's most recent funding application. It was suggested that the letter is co-signed by the Cities of Joondalup and Wanneroo.

JS queried if there were conditions on the Luisini Winery development at the time of the land transfer process. BJ advised that he would review the conditions and report back to the committee.

**Actions:**

- DEC to provide a written endorsement of the management plan to ES.
- PM and BJ to draft a letter of support for the National Trust's funding application and request the Cities of Wanneroo and Joondalup co-sign it.
- DEC to advise on conditions of the land transfer process for the Luisini Winery Development Project.

### **Mindarie Regional Council Special meeting – 20 June 2013**

A special meeting of the Mindarie Regional Council (MRC) was held on 20 June 2013.

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

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

#### **7.2 Endorsement of Strategic Community Plan and Corporate Business Plan and other Plans Associated with the Integrated Planning Framework**

It was resolved by the MRC as follows:

*A That:*

- 1 The Strategic Community Plan (2013/14 to 2033/34) and the Corporate Business Plan (2013/14 to 2016/17) as contained in Appendices 1 and 2 be adopted.*
- 2 In accordance with s.19D of the Local Government (Administration) Regulations 1996 Local Public Notice be given advising that the Strategic Community Plan detailed in A.1 above has been adopted by the Council and that the Plans are available on the website and at the Administration Office of the Mindarie Regional Council.*

*B That:*

*The Financial Plan (2013/14 to 2033/34);  
The Asset Management Plan (2013/14 to 2016/17);  
The Workforce Plan (2013/14 to 2016/17)*

*As contained in Appendices 3, 4 and 5 be adopted.*

#### **7.3 Budget Approval Financial Year 2013/14**

It was resolved by the MRC as follows:

*That Council:*

- (i) adopt the Budget for the Mindarie Regional Council for Financial Year 2013/14.*
- (ii) endorse the on-going strategy of deferred payment of operational surplus, as approved by Council at its August 2005 meeting, for the Financial Year 2005/2006 and future years to meet its on-going capital requirement.*
- (iii) approve the use of an on-going overdraft facility of \$1 million to manage cashflow 'short falls' during Financial Year 2013/14 and future years.*
- (iv) approve the Capital Budget Program of \$13,450,700 for 2013/14 as follows:*

<u>New capital expenditures</u>	\$
<i>Land Purchase (new Landfill Site)</i>	2,000,000
<i>Cell lining</i>	1,500,000
<i>Sorting shed</i>	4,000,000
<i>Building upgrades</i>	140,000
<i>Office furniture and equipment</i>	27,000
<i>Computer equipment</i>	87,700
<i>Plant and equipment</i>	90,000
<i>Infrastructure</i>	220,000
<i>Vehicles</i>	<u>1,306,000</u>
	9,370,700
<u>Carried forward capital expenditures</u>	
<i>Land Purchase (new Landfill Site)</i>	4,000,000
<i>New skid steer</i>	<u>80,000</u>
	4,080,000
<i>Total Capital expenditure</i>	13,450,700
(v) <i>approve that \$378,300 will be transferred from the Operating Surplus to the Site Rehabilitation Reserve.</i>	
(vi) <i>approve that \$1,052,343 will be transferred from the Operating Surplus to the Reserve for Capital Expenditure.</i>	
(vii) <i>approve that \$1,950,700 be transferred from the Reserve for Capital Expenditure to Operating Surplus to fund capital expenditures.</i>	
(viii) <i>approve that \$1,922,000 will be transferred from the Operating Surplus to the Carbon Price Reserve.</i>	
(ix) <i>approve that the funds required to acquit the MRC's carbon price liability at 30 June 2013 will be transferred from the Carbon Price Reserve to the Operating Surplus.</i>	
(x) <i>approve that all interest earned on cash funds associated with cash-backed reserves will not be credited to the reserve.</i>	

### **Tamala Park Regional Council meeting – 20 June 2013**

An ordinary meeting of the Tamala Park Regional Council meeting was held on 20 June 2013.

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

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

#### 9.6 Project Budget 2013/2014

It was resolved by Tamala Park Regional Council as follows:

*"That the Council:*

- 1 *APPROVE the Project Budget 2013/2014 (March 2013), submitted by the Satterley Property Group, as the basis of financial planning for the 2013/2014 TPRC budget.*
- 2 *RECEIVE the Project Budget 2014/2015 (March 2013) and Whole of Project Cashflow (2013/2026), submitted by the Satterley Property Group.*
- 3 *APPROVE the Stage Sales Triggers, as recommended by the Satterley Property Group for 2013/2014.*
- 4 *ACCEPT that the Satterley Property Group has achieved Key Performance Indicator KPI5.3.2 requiring the preparation of Project Budgets by March each year.*

#### 9.8 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:*

- 1 *NOTE the changes to the draft Strategic Community Plan 2013-2023 and draft Corporate Business Plan 2013-2017.*
- 2 *APPROVE the Strategic Community Plan 2013-2023 (June 2013) and the Corporate Business Plan 2013-2017 (June 2013) and forward to the Executive Director of the Department of Local Government for endorsement."*

#### Comment:

The City of Joondalup submitted its response to the Tamala Park Regional Council within the comment period for the draft Strategic Community Plan 2013-2023 and draft Corporate Business Plan 2013-2017.

#### 9.10 Sponsorship Proposal – 2013 International BiodiverCities Conference

It was resolved by Tamala Park Regional Council as follows:

*"That the Council:*

- 1 *APPROVE the sponsorship of the 2013 International BiodiverCities Conference, as a Supporting Sponsor for a fee of \$5,000 (excl GST).*
- 2 *APPROVE the provision of funds in the 2013/2014 TPRC budget to accommodate the Supporting Sponsor fee of \$5,000 and additional costs of \$5,000 for the design and production of promotional material for the Conference."*

Comment

At its meeting held on 21 February 2012 (CJ013-02/12 refers), Council resolved as follows:

*"That Council:*

- 1 *APPROVES the City presenting an Expression of Interest to ICLEI Africa to partner in the delivery of an International Biodiversity Conference in 2012/13;*
- 2 *NOTES that the cost of the City hosting an International Biodiversity Conference would be approximately \$120,000;*
- 3 *NOTES that funds to host an International Biodiversity Conference will be required in the 2012/13 Budget."*

**Western Australian Local Government North Metropolitan Zone meeting – 27 June 2013**

An ordinary meeting of the Western Australian Local Government (WALGA) North Metropolitan Zone was held on 27 June 2013.

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

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

**5.1 Public Library Funding and Lobbying Requirement**

It was resolved by the WALGA North Metropolitan Zone Meeting as follows:

- "1 That WALGA request that the Strategic Library partnership and Steering Committee (SLPASC) develop a business case that reflects the quantum of funding required for the next five years to ensure appropriate levels of resourcing and innovation of public library services, in advance of the 2014/15 State Budget as a matter of high priority.*
- 2 That WALGA, work with Local Government and Public Libraries Western Australia to develop and implement a Public Library Funding Lobbying Campaign as a matter of high priority."*

Comment

This recommendation was a result of a City of Joondalup report to the WALGA North Metropolitan Zone.

## 5.2 Public Library Efficiencies

It was resolved by the WALGA North Metropolitan Zone Meeting as follows:

*“That WALGA requests that SLPASC:*

- 1 *Provide a progress update on current SLPASC priorities and projects, and the status of recommendations from the Structural Reform of Public Library Services and the Library Exchange Review.*
- 2 *Provide an update on discussions with the Department of Treasury in relation to the discard of library materials and transfer of ownership of stock and that this be progressed as a critical issue.*
- 3 *Investigate the feasibility of implementing more contemporary and efficient procurement methods including outsourcing stock selection as a high priority.*
- 4 *investigate the feasibility of distributing library materials funding direct to the Local Government Authority.”*

### Comment

This recommendation was a result of a City of Joondalup report to the WALGA North Metropolitan Zone.

### **WALGA – State Council meeting – 3 July 2013.**

A meeting of the Western Australian Local Government Association (WALGA) State Council was held on 3 July 2013.

The Council's representative on the WALGA State Council is Cr Amphlett. Mayor Troy Pickard is the President of WALGA and is, therefore, in attendance at the meetings.

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

#### 4.1 Visions for Waste Management in the Metropolitan Area

It was resolved by WALGA as follows:

*“That State Council endorse the paper on Visions for Waste Management in the Metropolitan Area.”*

### **Mindarie Regional Council meeting – 4 July 2013**

A meeting of the Mindarie Regional Council (MRC) was held on 4 July 2013.

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

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

#### 14.5 Urgent Business - City of Stirling Retention - Negotiations

It was resolved by the MRC as follows:

- “1 *That the Council authorise the Chairperson and the Chief Executive Officer to enter into negotiations with the City of Stirling aimed at retaining them as a participating member giving consideration to the following incentives:*
- a the gate fee be reduced from \$149 per tonne to \$122 per tonne, with a further reduction open for negotiation;*
  - b any negotiated fee below \$122 per tonne will be increased over a number of years until parity with the members' gate fee is achieved.*
- 2 *That the parameters detailed in (1) above are subject to the following assumptions:*
- a The City of Stirling committing to tip all of its non-recycled waste (minimum 73,000 tonnes) as instructed by Mindarie Regional Council;*
  - b Any legislative increases in costs (i.e. Waste Levy or the Carbon Price), outside the control of the MRC, being passed through in addition to the negotiated fee;*
  - c Council endorsement.”*

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

**Legislation** Not applicable.

#### **Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Strong leadership.

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

**Policy** Not applicable.

#### **Risk management considerations**

Not applicable.

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

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

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

- 1 Yellagonga Regional Park Community Advisory Committee meeting held on 2 May 2013 forming Attachment 1 to Report CJ154-08/13;**
- 2 Special Mindarie Regional Council meeting held on 20 June 2013 forming Attachment 2 to Report CJ154-08/13;**
- 3 Tamala Park Regional Council meeting held on 20 June 2013 forming Attachment 3 to Report CJ154-08/13;**
- 4 WALGA North Metropolitan Zone meeting held on 27 June 2013 forming Attachment 4 to Report CJ154-08/13;**
- 5 WALGA Meeting of State Council held on 3 July 2013 forming Attachment 5 to Report CJ154-08/13;**
- 6 Mindarie Regional Council meeting held on 4 July 2013 forming Attachment 6 to Report CJ154-08/13.**

To access this attachment on electronic document, click here: [ExternalMinutes130813.pdf](#)



**CJ155-08/13 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 July 2013 to 23 July 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 July 2013 to 23 July 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 July 2013 to 23 July 2013, executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ155-08/13.*

**BACKGROUND**

During the period 2 July 2013 to 23 July 2013, 10 documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Section 70A Notification	4
Agreement	2
Employment Contract	1
Amendment to <i>District Planning Scheme No. 2</i>	1
Replacement of Caveat	1
Local Law	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.

**RECOMMENDATION**

**That Council NOTES the Schedule of Documents covering the period 2 July 2013 to 23 July 2013, executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ155-08/13.**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf130813.pdf](#)*

## **CJ156-08/13 ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 APRIL–30 JUNE 2013**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	20560, 101515
<b>ATTACHMENTS</b>	Attachment 1 Annual Plan Quarterly Progress Report for the period 1 April – 30 June 2013 Attachment 2 Capital Works Quarterly Report for the period 1 April – 30 June 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 receive the Annual Plan Quarterly Progress Report for the period 1 April – 30 June 2013.

### **EXECUTIVE SUMMARY**

The Annual Plan contains the major projects and priorities which the City proposed to deliver in the 2012-13 financial year.

The Annual Plan Quarterly Progress Report provides information on the progress of projects and programs documented in the Annual Plan 2012-13. The Annual Plan Quarterly Progress Report for the period 1 April – 30 June 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 therefore recommended that Council RECEIVES the:*

- 1 Annual Plan Quarterly Progress Report for the period 1 April – 30 June 2013, which is shown as Attachment 1 to Report CJ156-08/13;*
- 2 Capital Works Quarterly Report for the period 1 April – 30 June 2013, which is shown as Attachment 2 to Report CJ156-08/13.*

### **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 *Department of Local Government and Communities' Integrated Planning Framework* which requires planning and reporting on local government activities.

## **DETAILS**

### **Issues and options considered**

The Annual Plan contains a brief description of the key projects and programs that the City 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.

As this is the final Quarterly Progress Report for the 2012-13 Annual Plan, the following provides an overall summary of significant achievements for the financial year:

### **Governance and Leadership**

- Annual Customer Satisfaction Survey conducted with high rates of satisfaction.
- Local Law – Eight Year Review conducted.
- Revised Governance Framework endorsed by Council.
- Review of ward names, boundaries and Councillor representation levels commenced.
- Review of the Delegated Authority Manual conducted.
- A significant number of policies reviews conducted and new policies developed.
- New City of Joondalup Meeting Procedures Local Law 2013 endorsed for advertising.
- Launch of social media platforms.
- Meetings of the Strategic Community Reference Group conducted.
- Community consultation conducted on the following projects:
  - Phase Two of the Shaping our Future initiative.
  - Draft Lilburne Park Management Plan.
  - Draft Pathogen Management Plan.
  - Eight-year review of Local Laws.
  - Ward and Councillor representation review.
  - The Walkability Plan.
  - Central Walk lighting upgrade.
- Development of the Workforce Plan 2013-2018.

### **Financial Sustainability**

- Development and endorsement of the Strategic Community Plan – Joondalup 2022.
- Review of the 20 Year Strategic Financial Plan undertaken.
- Endorsement of a Property Management Framework.
- Major Capital Works completed which included:
  - Landscaping and irrigation upgrades in:
    - Charonia Park, Mullaloo.
    - Penistone Park, Greenwood.
    - Lysander Park, Heathridge.

- Carlton Park, Currambine.
- Kingsley Park, Kingsley.
  
- New or replaced park equipment in:
  - Admiral Park, Heathridge.
  - Hillarys Park, Hillarys.
  - MacNaughton Park, Kinross.
  - MacDonald Park, Padbury.
  - Otago Park, Craigie.
  - Mirror Park, Ocean Reef.
  - Tom Simpson Park, Mullaloo.
  - Timberlane Park, Woodvale.
  
- Traffic management upgrades along:
  - Marri Road, Duncraig.
  - Cook Avenue, Hillarys.
  - Craigie Drive, Craigie.
  - Marina Boulevard, Ocean Reef.
  - Meridian Drive, Mullaloo.
  
- New or resurfaced paths along:
  - Joondalup Drive, Joondalup.
  - Bridgewater Drive, Kallaroo.
  - Poseidon Road, Heathridge.
  - Cook Avenue, Hillarys.
  - Connolly Drive, Connolly.
  
- Road preservation and resurfacing along:
  - Admiral Grove, Heathridge.
  - Dobson Place, Hillarys.
  - Linear Avenue, Mullaloo.
  - Dampier Avenue, Kallaroo.
  - Keppell Road, Marmion.
  - Ocean Reef Road, Ocean Reef.
  - Cockman Road, Greenwood.
  - Kirkcolm Way, Warwick.
  
- Major Road Works along:
  - Oceanside Promenade, Mullaloo.
  - Moore Drive from Connolly Drive to Joondalup Drive; Joondalup.
  
- Upgrade of stormwater drainage at:
  - Rob Baddock Hall Car Park, Kallaroo.
  - Waterford Drive, Hillarys.
  - Grant Street, Duncraig.
  
- A number of major projects were also completed or significantly progressed including:
  - Currambine Community Centre.
  - Mirror Park Skate Park, Ocean Reef.
  - Dualling of Moore Drive (East), Currambine.
  - Tom Simpson Park Redevelopment.

### Quality Urban Environment

- Council endorsement of the Local Housing Strategy.
- Omnibus Amendment to *District Planning Scheme No. 2* endorsed and referred to the Western Australian Planning Commission.
- Installation of a photovoltaic system at the Joondalup Library.
- Delivery of actions from the City's Bike Plan.
- Expression of Interest for Commercial Office Development advertised and the evaluation process completed.

### Economic Prosperity, Vibrancy and Growth

- Installation of a free Wi-Fi service, *Discover Joondalup*, in the City Centre.
- The business case for a multi storey car park endorsed by Council.
- Development of a Metropolitan Regional Scheme Amendment request for the Ocean Reef Marina project.
- Launch of the Digital Strategy.
- Launch of a new biannual publication, *Joondalup Business Edge*.
- The hosting of three Business Forums including:
  - Realising a Bold, Creative and Prosperous Future – Joondalup 2022.
  - Joondalup – Billion Dollar City.
  - Joondalup – Innovation City.

### The Natural Environment

- Significant achievements against the City Water Plan including:
  - Installation of soil moisture monitors at City parks.
  - Environmental building audit of Craigie Leisure Centre.
  - Installation of water sub meters at key City facilities.
  - Adoption of City Stormwater Management Policy.
  - Groundwater monitoring of Yellagonga Catchment Area.
  - Reduction in groundwater consumption.
  - Implementation of community water education initiatives.
  - Retention of Waterwise Council accreditation.
- Delivery of Adopt a Coastline Project.
- Environmental events held including:
  - Night Stalks in Yellagonga Regional Park.
  - Garden Wise Workshops.
  - A Sun, Sand and Spinifex Coastal Walk.
  - Nyungar Bushtucker tours.
  - From Bush to Beach Photography competition.
  - Clean Up Australia Day.
- Significant progress made on the development of the program for the BiodiverCities Conference to be held in 2013-2014.

### Community Wellbeing

- Official opening of the Mirror Park Skate Park in Ocean Reef.
- Twenty two Citizenship Ceremonies held including an Australia Day Ceremony.
- Delivery of a comprehensive program of cultural events throughout the year, including:
  - NAIDOC Week.
  - Joondalup Festival.

- Summer Concert Series.
- Valentine's Concert.
- Joondalup Eisteddfod.
- Sunday Serenades.
- Invitation Art Award.
- Community Art Exhibition.
- Little Feet Festival.
- Implementation of actions from the Beach Management Plan.
- Funding of approximately \$91,500 distributed to Community Groups as part of the Community Funding Program.
- Implementation of the Community Safety and Crime Prevention Plan.

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

#### **Legislation**

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

*This Act is intended to result in:*

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

*Communications Policy.*

#### **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 were included in the 2012-13 Budget.

#### **Regional significance**

Not applicable.

#### **Sustainability implications**

The projects and programs in the Annual Plan are aligned to the key themes in Joondalup 2022 which have been developed to ensure the sustainability of the City over the next 10 years.

The key themes are:

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

### **Consultation**

Not applicable.

### **COMMENT**

The Annual Plan 2012-13 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 2012-13 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.

### **RECOMMENDATION**

**That Council RECEIVES the:**

- 1 Annual Plan Quarterly Progress Report for the period 1 April – 30 June 2013, which is shown as Attachment 1 to Report CJ156-08/13;**
- 2 Capital Works Quarterly Report for the period 1 April – 30 June 2013, which is shown as Attachment 2 to Report CJ156-08/13.**

*Appendix 11 refers*

To access this attachment on electronic document, click here: [Attach11brf130813.pdf](#)



## **CJ157-08/13      ANNUAL PLAN 2013-14**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	20560, 101515
<b>ATTACHMENTS</b>	Attachment 1      Annual Plan 2013-14 Attachment 2      Capital Works Program 2013-14
<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 *Annual Plan 2013-14* and the *Capital Works Program 2013-14*.

### **EXECUTIVE SUMMARY**

The annual plan contains the major projects and priorities which the City intends to deliver in the 2013-14 financial year. The Capital Works Program 2013-14 details all the projects within the capital works program.

*It is recommended that Council RECEIVES the:*

- 1      *Annual Plan 2013-14 which is shown as Attachment 1 to Report CJ157-08/13.*
- 2      *Capital Works Program 2013-14 which is shown as Attachment 2 to Report CJ157-08/13.*

### **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.

### **DETAILS**

The Annual Plan contains a brief description of the key projects and programs that the City proposes to deliver in the 2013-14 financial year.

Quarterly milestones are set for each key project and program to be delivered, and a report will be presented to Council at the end of each quarter detailing progress against these milestones. Progress against the *Capital Works Program 2013-14* will be provided with the quarterly reports. The *Capital Works Program 2013-14* is shown as Attachment 2 to this Report.

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

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

*This Act is intended to result in:*

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

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

Governance and Leadership.

**Objective**

Corporate capacity.

**Strategic initiative**

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

**Policy**

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

**Risk management considerations**

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

**Financial/budget implications**

All projects in the *Annual Plan 2013-14* have been included in the 2013-14 Budget.

**Regional significance**

A number of the projects in the *Annual Plan 2013-14* have regional significance.

**Sustainability implications**

The projects and programs in the Annual Plan are aligned to the key themes in Joondalup 2022 which have been developed to ensure the sustainability of the City over the next 10 years.

The key themes are:

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

### **Consultation**

Not applicable.

### **COMMENT**

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

The City's *Annual Plan 2013-14* is in line with Department of Local Government and Communities Integrated Planning and Reporting Framework which sets out the requirements for local governments to undertake planning and reporting.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

**That the Council RECEIVES the:**

- 1 Annual Plan 2013-14 forming Attachment 1 to Report CJ157-08/13;**
- 2 Capital Works Program 2013-14 forming Attachment 2 to Report CJ157-08/13.**

*Appendix 12 refers*

To access this attachment on electronic document, click here: [Attach12brf130813.pdf](#)

## **CJ158-08/13      REVIEW OF CITY OF JOONDALUP BIKE PLAN 2009-2015**

<b>WARD:</b>	All	
<b>RESPONSIBLE DIRECTOR:</b>	Mr Jamie Parry Governance and Strategy	
<b>FILE NUMBER:</b>	56564, 101515	
<b>ATTACHMENTS:</b>	Attachment 1	City of Joondalup Bike Plan 2009–2015
	Attachment 2	Infrastructure Schedule
	Attachment 3	Map - Projects Proposed for Withdrawal
<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 receive the progress against the City's *Bike Plan 2009–2015*.

### **EXECUTIVE SUMMARY**

The City's *Bike Plan 2009-2015* shown as Attachment 1 was developed to establish the strategic direction for cycling in the City of Joondalup. The plan was adopted by Council at its meeting held on 16 June 2009 (CJ129-06/09 refers).

In order to assess the progress of the implementation of the bike plan a review of all actions has been undertaken by the City. The review included a desktop assessment of actions that were scheduled for implementation from 2009-10 to 2012-13 and site assessments for actions scheduled for future years.

The review determined that:

- the majority of actions scheduled (or rescheduled through the Capital Works Program) in 2009-10, 2010-11, 2011-12, and 2012-13 have been implemented
- a small number of actions within the plan have site restrictions that mean the projects will not be able to be progressed, or will require amendment.

It is also proposed that the City undertakes a major review of the *Bike Plan 2009–2015* during 2014-15 in order to align its objectives with the Department of Transport's draft *Western Australian Bicycle Network Plan 2012–2021* once it is finalised.

### **BACKGROUND**

The City's *Bike Plan 2009–2015* was developed to establish the strategic direction for cycling in the City of Joondalup over a six year period. The *Bike Plan 2009–2015* was endorsed by Council at its meeting held on 16 June 2009 (CJ129-06/09 refers).

The City first developed a Bike Plan in 1998-99 which was reviewed in 2002-03 and 2008-09. The current *Bike Plan 2009–2015* was developed in two stages. Stage one involved community consultation and the second stage involved the appointment of an engineering consultant to undertake a technical review of the bicycle network in order to inform recommendations for improvements.

The *Bike Plan 2009–2015* was developed in consideration of:

- urban growth in the City
- an increased emphasis on the provision of on-road cycle facilities
- consideration of the need to ensure access to railway and bus stations for cyclists and safety on major roads
- a coordinated approach to upgrading and providing cycling facilities
- the need to address conflicts between cyclists, pedestrians and motorists.

## DETAILS

This report provides a progress report on the *Bike Plan 2009–2015*.

The report also includes a recommendation to conduct a major review of the *Bike Plan 2009–2015* in 2014-15 in order to achieve greater alignment of objectives and priorities outlined within the draft *Western Australian Bicycle Network Plan 2012–2021* once it is finalised.

A review of all actions within the bike plan was completed by the City. The review included a desktop assessment of actions that were scheduled for implementation from 2009-10 to 2012-13 and site assessments for actions scheduled for future years.

The review determined that:

- the majority of actions scheduled (or rescheduled through the Capital Works Program) in 2009-10, 2010-11, 2011-12, and 2012-13 have been implemented
- A small number of actions within the plan have site restrictions that mean the projects will not be able to be progressed, or will require amendment.

Details regarding progress against the Schedule of Infrastructure Works in the *Bike Plan 2009–2015* are shown as Attachment 2. The original schedule in the bike plan has been adjusted according to decisions of Council made during the development of the Capital Works Program and Annual Budgets from 2009-10 to 2012-13. The infrastructure schedule in the bike plan is preceded by the following comment; the City recognises that some flexibility is needed to alter project works as required.

Three projects within the Bike Plan Schedule of Infrastructure Works are recommended for deletion due to site restrictions. The projects are illustrated in Attachment 3 and detailed in the table below.

Number	Project	Comment
<b>Action 14</b>	Install bicycle lanes with bicycle symbols along Marmion Avenue.	Current width of Marmion Avenue does not provide opportunity for cycle lanes to be installed to Main Roads WA standards. Recommend deletion of project.
<b>Action 17</b>	New shared path on western side of Marmion Ave, from Webb to Flinders (150m).	A suitable alternative network of paths exists in this locality. In addition, the route selected for this project has a steep gradient and contains vegetation. Therefore project did not proceed.

Number	Project	Comment
<b>Action 18</b>	New shared path on western side of Marmion Avenue, from Whitfords to Monkhouse (500m).	Site constraints mean that existing path cannot be widened to meet current standards. Recommend deletion of project and investigate interim options for improved signage in the area.  Final arrangement regarding the path should be made as part of the Whitford Activity Centre redevelopment.

A number of cycling infrastructure projects in addition to those projects included in the *Bike Plan 2009–2015* have also been implemented since the bike plan was endorsed. These actions are generally part of large scale road upgrades, resurfacing works or local traffic management. Details of these additional projects include:

On-road bicycle lanes.	Burns Beach Road from Joondalup Drive to Delgado Crescent.	Burns Beach Road duplication.
On-road bicycle lanes. Upgrade of existing shared paths on both sides of Connolly Drive.	Connolly Drive from Burns Beach road to McNaughton Drive.	Connolly Drive duplication.
On-road bicycle lanes.	Connolly Drive from Burns Beach Road to Shenton Avenue.	Connolly Drive and Moore Drive duplication.
Shared path to east side of carriage way.	Edgewater Drive from Lake Valley Drive to near Quarry Ramble.	Edgewater Drive local traffic management.
Shared path installation to eastern verge alignment.	Duffy Terrace from Whitfords Ave to Woodvale Drive.	Duffy Terrace local traffic management.
Reinstatement of on-road bicycle lanes.	Various locations along Marmion Avenue.	Marmion Avenue resurfacing projects.
Reinstatement of on-road bicycle lanes.	North Shore Drive from Whitfords Avenue to Mullaloo Drive.	North Shore Drive resurfacing project.
Reinstatement of on-road bicycle lanes.	Warwick Road from Marmion Ave to Glengarry Drive.	Warwick road resurfacing project.
Reinstatement of on-road bicycle lanes.	Beach Road from Marmion Avenue to Wanneroo Road.	Beach Road resurfacing project.
Shared path.	Joondalup Drive from Eddystone Avenue to Lakeside Drive.	Constructed by developers as part of the new commercial precinct.

Since the adoption of the City's bike plan in 2009-10 the City has been successful in obtaining funding through the State Government's Bicycle Network (PBN) Grant Program. Since 2009-10 the City has received over \$385,000 of funding in PBN Grants to contribute towards the establishment and upgrade of cycling infrastructure within the City of Joondalup.

In addition to the infrastructure schedule, the bike plan includes a number of recommendations related to end of trip facilities, tourism, and leadership by example and education. The City has continued to address these recommendations through the following actions:

- Ongoing implementation of 'end of trip facilities' including bike parking, and provision for end of trip facilities to be included in new developments within the City Centre through the *Environmentally Sustainable Buildings Policy*.
- Annual 'Share the Path' campaign including media advertising and Adshel campaign.
- Involvement in the Travel Smart Program including the distribution of Travel Smart Guides to major tourism outlets in the City of Joondalup.
- Promotion of sustainable transport including cycling marketing material distributed by the City.
- Inclusion of cycling facilities and infrastructure information in City tourism information including the *Sunset Coast Holiday Planner* and *Explore Joondalup*.
- Travel Smart Guides which are distributed to major tourism outlets in the City of Joondalup.
- City involvement in the Freeway Bike Hike up until 2011.
- Liaison with Main Roads WA when major upgrades to roads and intersections and developments to ensure consideration of on and off road cycling infrastructure.

The Department of Transport has released the draft *Western Australian Bicycle Network Plan 2012-2021*. The draft plan proposes a number of new or expanded programs, initiatives and cycling infrastructure to encourage and facilitate greater cycling within Western Australia. The City has provided a submission to the Department of Transport and is waiting for the final plan to be released.

It is proposed that the City undertakes a major review of the *Bike Plan 2009-2015* during 2014-15 to ensure alignment with the objectives of the Department of Transport's *Western Australian Bicycle Network Plan 2012-2021*. Specifically, the draft *Western Australian Bicycle Network Plan 2012-2021* indicates that funding priorities of the Local Government Grants Program will include:

- on-road facilities
- paths of Significant Strategic importance
- local Bike Plans
- other infrastructure.

The City's *Bike Plan 2009-2015* currently focuses on shared paths and local pathways with little emphasis on on-road facilities or large scale shared path projects. It is likely that the City will not attract grant funding for projects in the bike plan in its current state as the plan does not align with the priorities established in the draft *Western Australian Bicycle Network Plan 2012-2021*.

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

##### **Option 1:**

Council may choose not to undertake a review of the *Bike Plan 2009-2015*.

##### **Option 2:**

Council may choose to undertake a review of the *Bike Plan 2009-2015* in 2014-15 to ensure alignment with the *Western Australian Bicycle Network Plan 2012-2021* when the final plan is released.

Option 2 is the preferred option given that the draft *Western Australian Bicycle Network Plan 2012 – 2021* is based on the most recent data and provides the City with an opportunity to review its bike plan with a view to aligning projects with state government direction and priorities. A review will also ensure that funding opportunities through the state government are maximised.

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

#### **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>	The objectives of the bike plan are consistent with the City's <i>Sustainability Policy</i> .

#### **Risk Management considerations**

Undertaking a review of the *Bike Plan 2009–2015* will ensure strategic alignment with the Department of Transport's draft *Western Australian Bicycle Network Plan 2012–2021* and will maximise the City's ability to attract grant funding through the Local Government Grant Program.

The review should be undertaken in consultation with the Department of Transport, bicycle user groups, Bicycle WA, local schools, Perth Transport Authority, and Main Roads WA to ensure that the City's bike plan meets the needs of major cycling groups and aligns with state government strategic direction and priorities.

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

All costs associated with implementation of the infrastructure schedule are included in annual budgets.

#### **Regional significance**

The City's *Bike Plan 2009-2015* has resulted in, and will continue to result in, improvements in the bicycle network for commuter and recreational cyclists in the North Metropolitan Region by linking infrastructure with the Cities of Wanneroo and Stirling and providing a continuous bicycle network for the region.

#### **Sustainability implications**

The *Bike Plan 2009–2015* contributes to environmental and social sustainability through an increased number of people cycling for transport, recreation, and exercise, reductions in greenhouse gases, and community wellbeing through increased physical activity.

#### **Consultation**

The review of the City's bike plan will include consultation with the community and key stakeholders.



## COMMENT

The review of the City's *Bike Plan 2009–2015* coupled with the release of the draft *Western Australian Bicycle Network Plan 2012–2021* provides the City with a unique opportunity to review the current bike plan in order to adjust projects where required, and to include projects that meet the criteria for the Local Government Grants Program.

The draft *Western Australian Bicycle Network Plan 2012–2021* guides the delivery of cycling infrastructure to better meet the growing demand for convenient, safe cycling routes and end-of-trip facilities and aligns with current state government urban planning policies.

It is recommended that the City undertakes a review of the *Bike Plan 2009–2015* during 2014-15 in order to align the plan with the key focus areas of the Western Australian Bicycle Network including the inclusion of on-road facilities within roadwork upgrades. Ensuring that the City's bike plan aligns with related state government plans is crucial to the City receiving regular, ongoing funding for the implementation of cycling facilities and infrastructure.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

### That Council:

- 1 **NOTES** the progress report against to the City's *Bike Plan 2009–2015* shown as Attachment 1 to Report CJ158-08/13;
- 2 **APPROVES** the removal of Action 14, 'Install bicycle lanes with bicycle symbols along Marmion Avenue' in the *Bike Plan 2009–2015* due to on site restrictions;
- 3 **APPROVES** the removal of Action 17, 'New Shared Path on the Western side of Marmion Avenue from Webb Place to Flinders Avenue' in the *Bike Plan 2009–2015* Schedule of Infrastructure Works due to on site restrictions;
- 4 **APPROVES** the removal of Action 18, 'New shared path on Western side of Marmion Avenue, from Whitfords Avenue to Monkhouse Way (500 metres)' in the *Bike Plan 2009–2015* due to on site restrictions;
- 5 **APPROVES** a review of the City's *Bike Plan 2009–2015* during 2014-15 to align the City's bike plan with the state government's *Western Australian Bicycle Network Plan 2012–2021*.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13agn130813.pdf](#)

## **CJ159-08/13 MEETING PROCEDURES LOCAL LAW 2013 - ADOPTION**

<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	Summary of submissions
	Attachment 2	City of Joondalup Meeting Procedures Local Law 2013 (official version without notes)
	Attachment 3	City of Joondalup Meeting Procedures Local Law 2013 (unofficial version - with notes)
	Attachment 4	Comparison matrix
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.	

### **PURPOSE**

For Council to note the submissions received on the proposed *City of Joondalup Meeting Procedures Local Law 2013*, and resolve to make the local law.

### **EXECUTIVE SUMMARY**

At its meeting held on 27 May 2013 (CJ072-05/13 refers) Council resolved to commence the local law-making process and that the proposed *City of Joondalup Meeting Procedures Local Law 2013* be advertised for public consultation.

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

At the close of the public consultation period the City received two submissions (one being from a current sitting Elected Member). One submission was received from the Department of Local Government and Communities outside of the public consultation process.

*It is therefore recommended that Council:*

- 1 *NOTES the submissions received at the close of the comment period for the proposed City of Joondalup Meeting Procedures Local Law 2013, as detailed in Attachment 1 to Report CJ159-08/13;*
- 2 *BY AN ABSOLUTE MAJORITY MAKES the City of Joondalup Meeting Procedures Local Law 2013 as detailed in Attachment 2 to Report CJ159-08/13 and AUTHORISES the Common Seal to be affixed;*
- 3 *NOTES the progression of the remaining actions to finalise the local law adoption process as detailed in section 3.12 and 3.15 of the Local Government Act 1995.*

## 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 was required.

At its meeting held on 27 May 2013 (CJ072-05/13 refers) Council considered the proposed *City of Joondalup Meeting Procedures Local Law 2013* and resolved as follows:

*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.*

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

- state wide notice in *The West Australian* newspaper
- local public notice in the *Joondalup Weekender*
- public notices on the notice boards at the City's Administration Building, customer service centres and all City libraries
- a public notice on the City's website.

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

At the close of the public comment period, two submissions were received (one being from a current sitting Elected Member) and one submission was received from the Department of Local Government and Communities after the public comment period closed.

## DETAILS

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* is 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.

The comments received during the public consultation period and the City's responses to those comments are provided in Attachment 1. Where changes have been supported they have been included in the local law submitted to Council for adoption (Attachment 2 refers).

Furthermore a change has been made to clause 2.5(2) of the local law (convening committee meetings) to reflect similar provisions in section 5.5(2) of Act in respect to convening Council meetings. The clause now reads "*The CEO is to convene a special meeting of a committee by giving each member notice, before the meeting, of the date, time, place and purpose of the meeting*".

It is not considered that any of the changes made as a result of the public submissions or that have been made administratively are significant enough to require the local law creation process to recommence.

### **Issues and options considered**

Council can either:

- make the *City of Joondalup Meeting Procedures Local Law 2013* as presented
- make the *City of Joondalup Meeting Procedures Local Law 2013* with amendments  
or
- decline to make 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 *Local Government Act 1995* (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 by Elected Members and as previously discussed with Elected Members, it is recommended that the existing Standing Orders be repealed and a new local law created.

### **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.

<b>Objective</b>	Corporate capacity.
<b>Strategic initiative</b>	Not applicable.
<b>Policy</b>	<i>Code of Conduct Policy.</i>

### **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 needs to 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 2013-14 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. Consultation in respect of making this local law included:

- 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 discussed with Elected Members and in this regard a new local law should be created rather than amending the existing Standing Orders (see Attachment 4 for a comparison matrix between the two local laws).

Following the public comment period and consideration of those items identified, the local law has been amended slightly to that which was adopted by Council for the purposes of public advertising. Notwithstanding, the changes to the local law are not considered significant to require the City to recommence the local law creation process. In view of this it is recommended that Council makes the local law and undertakes the required actions under the *Local Government Act 1995* to enable the local law to come into effect.

## VOTING REQUIREMENTS

Absolute Majority.

## RECOMMENDATION

### That Council:

- 1 **NOTES** the submissions received at the close of the comment period for the proposed *City of Joondalup Meeting Procedures Local Law 2013*, as detailed in Attachment 1 to Report CJ159-08/13;
- 2 **BY AN ABSOLUTE MAJORITY MAKES** the *City of Joondalup Meeting Procedures Local Law 2013* as detailed in Attachment 2 to Report CJ159-08/13 and **AUTHORISES** the Common Seal to be affixed;
- 3 **NOTES** the progression of the remaining actions to finalise the local law adoption process as detailed in section 3.12 and 3.15 of the *Local Government Act 1995*.

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf130813.pdf](#)

## **CJ160-08/13 LIST OF PAYMENTS MADE DURING THE MONTH OF JUNE 2013**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services	
<b>FILE NUMBER</b>	09882, 101515	
<b>ATTACHMENTS</b>	Attachment 1	Chief Executive Officer's Delegated Municipal Payment List for the month of June 2013
	Attachment 2	Chief Executive Officer's Delegated Trust Payment List for the month of June 2013
	Attachment 3	Municipal and Trust Fund Vouchers for the month of June 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 June 2013.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of June 2013 totalling \$15,479,655.14.

*It is recommended that Council NOTES the Chief Executive Officer's list of accounts for June 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 CJ160-08/13, totalling \$15,479,655.14.*

### **BACKGROUND**

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

### **DETAILS**

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

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Municipal Account	Municipal Cheques & EFT Payments 95821 -96105 & EF032305 – EF032985 Net of cancelled payments	\$11,305,347.17
	Vouchers 1137A – 1142A	\$4,149,855.59
Trust Account	Trust Cheques 205732 – 205764 Net of cancelled payments	\$24,452.38
<b>Total</b>		\$15,479,655.14

### Issues and options considered

The list of payments report which was amended to include contract numbers has an error in June. Until this is rectified the earlier version is being produced instead.

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

#### Option 1

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

#### Option 2

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

### Legislation/Strategic Community Plan/policy implications

#### Legislation

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

#### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic Initiative** Not applicable.

**Policy** Not applicable.



**Risk management considerations**

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

**Financial/budget implications**

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

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

Not applicable.

**COMMENT**

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the 2012–13 Annual Budget as adopted by Council at its meeting held on 10 July 2012 (JSC04-07/12 refers) and subsequently revised or has been authorised in advance by the Mayor or by resolution of Council as applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Chief Executive Officer's list of accounts for June 2013 paid under Delegated Authority in accordance with regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachments 1, 2 and 3 to Report CJ160-08/13, totalling \$15,479,655.14.**

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15brf130813.pdf](#)*

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Mayor Troy Pickard.</b>
<b>Item No./Subject</b>	CJ161-08/13 – Paramotor Club – Use of City Coastal Land.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	One of the presenters at the deputation is a neighbour of Mayor Pickard.

<b>Name/Position</b>	<b>Cr Kerry Hollywood.</b>
<b>Item No./Subject</b>	CJ161-08/13 – Paramotor Club – Use of City Coastal Land.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Hollywood resides in the flying path.

## CJ161-08/13      PARAMOTOR CLUB - USE OF CITY COASTAL LAND

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	04048, 101515
<b>ATTACHMENTS</b>	Attachment 1      Proposed sites for paramotor use Attachment 2      Proposed site 1 for paramotor use Attachment 3      Proposed site 2 for paramotor use Attachment 4      Example of a Paramotor Pilot
<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 petition signed by 191 City of Joondalup residents received from the WA Sky Pirates (WASP) Paramotor Club.

**EXECUTIVE SUMMARY**

At its meeting held on 16 April 2013, Council received a petition (C014-04/13 refers) signed by 191 City of Joondalup residents submitted by the WASP Paramotor Club. The petition endorsed an application from the WASP Paramotor Club to be given access to suitable areas of the City of Joondalup's coastal land, so they may safely participate in their activity.

Paramotoring is the pursuit of flying a fabric wing (similar to a parachute) with the use of a small engine and propeller attached to the pilot's back. The activity is governed by several organisations. While in the air paramotor pilots are governed by the *Hang Gliding Federation of Australia* (HGFA) and the *Civil Aviation Safety Authority* (CASA). While on the ground the sport is governed by the land owners of the area that they use to take off and land. The club is seeking the City's in-principle support to conduct their sport from a location within the City and consideration within the *Beach Management Plan*.

There are three options available to Council:

Option 1 – Maintain the Status Quo – Paramotor not approved for use on any City of Joondalup managed land.

Option 2 - Approve Usage – Paramotor approved for use on City of Joondalup managed land (location to be agreed upon between club and City). Subject to agreement on a suitable location and the creation of a site specific operation manual.

Option 3 - Approve Seasonal Usage – approved for use on City of Joondalup managed land from 1 April to 30 September (location to be agreed upon between club and City). Subject to agreement on a suitable location and the creation of a site specific operation manual.

It is recommended that Option 1 be endorsed by the Council.

## **BACKGROUND**

WASP Paramotor Club is the only incorporated club in Western Australia that operates for paramotor pilots. The club has approximately 50 members and has seen a 100% increase in members over the past 12 months. The club provides support, training and regulation for their members and all members of the club are licensed by CASA and carry \$20 million of public liability insurance. The club currently has agreements in place with the City of Rockingham to use land to take off and land for paramotoring and also with the Towns of Mosman and Cottesloe and Shire of York for paragliding (non powered) activities.

The club has currently been operating from private land owned by Peet (Burns Beach) and the Water Corporation (Ocean Reef Marina). Following several complaints from local residents and due to the growth of the club they approached the City in August 2012 to seek assistance in finding a suitable area of City managed land that the club could use to take off and land. After on-going correspondence, the City informed the club in November 2012 that the City would not support any use by the club of a City facility due to the lack of a suitable venue and lack of recognition for paramotor use within the *Beach Management Plan*.

At its meeting held on 16 April 2013, Council received a petition (C014-04/13 refers) signed by 191 City of Joondalup residents submitted by the WASP Paramotor Club. The petition is stated as below:

*“We the undersigned residents in the City of Joondalup endorse the application of the WASP Paramotor Club to be given access to suitable areas of the City of Joondalup’s coastal land, so they may safely participate in their sport. We support the club being given the same access to coastal areas as other sport and activities identified in the City of Joondalup Beach Management Plan”.*

The petition was referred to the Chief Executive Officer for a report to be written and submitted for consideration.

The club has identified two suitable locations that could be considered for use.

Proposed site 1 (Attachment 2 refers) is located on the cleared area to the north of the Pinnaroo Point car park and proposed site 2 (Attachment 3 refers) is located on the beach in the northern most part of Mullaloo beach. Both of these sites would provide multiple take-off and landing strips which would be required to meet the changing wind patterns.

The club is not seeking the approval of a specific location at this time rather they are seeking the City's in-principle support to conduct their sport from a location within the City and consideration within the *Beach Management Plan*. Should Council approve paramotor use within the City, officers would work with the club to select a mutually agreed upon site.

### Beach Management Plan

At its meeting held on 21 September 2010 (CJ158-09/10 refers), Council endorsed the content of the *City of Joondalup Beach Management Plan*. This plan provides a framework to guide decision making processes which relate to the provision of coastal infrastructure and services, taking into account the competing interest of conservationists, recreational users and developers. The plan currently considers use of the City's coastal environment for pedestrians, cyclists, joggers, swimming, fishing, passive recreation, animal exercising, boating, boat launching, sailing, wind surfing, water skiing, jet skiing, kite surfing and surf life saving activities. The development of the *Beach Management Plan* undertook significant community consultation and at no stage was paramotor use raised for consideration.

### **DETAILS**

Paramotoring is the pursuit of flying a fabric wing (similar to a parachute) with the use of a small engine and propeller attached to the pilots back. Pilots take-off and land in a relatively small area and flight time is usually around one hour in length. Pilots prefer flying over coastal areas due to minimal disturbance to the air which can be caused by the built and natural environment. The coastal stretch also provides a variety of safe landing areas should an emergency landing be required.

The sport is governed by several organisations. While in the air paramotor pilots are governed by the *Hang Gliding Federation of Australia* and the *Civil Aviation Safety Authority*. While on the ground the sport is governed by the land owners of the area that they use to take-off and land.

The following restrictions are placed upon all Paramotor users by CASA:

- Paramotor cannot fly:
  - Below 1,000ft over built up areas or at such a height that the aircraft could not glide to a landing outside the built up area – or whichever is the highest (except during take-off and / or landing).
  - Below 100ft or within a horizontal distance of 25 metres from:
    - a public road
    - members of the public
    - a dwelling (except with permission from the owner)
    - during launching not less than 25 metres from members of the public.

The process of taking-off and landing is undertaken in less than one minute from engine start to take-off and within a distance approximately 30–50 metres in length. Taking-off and landing are both conducted into the wind. Pilots leave nothing on site except their vehicles once they have taken off.

The noise created by the paramotor engines has been assessed by the Club during tests at Burns Beach in June 2012. Below is a summary of this test

	WERNC 1355cc motor		Nirvana Instinct 200cc motor		Alroh Lawnmower (control test)	
	LaEQ (Ave level)	Lc Peak (peak level)	LaEQ (Ave level)	Lc Peak (peak level)	LaEQ (Ave level)	Lc Peak (peak level)
Operators Ear	99	115	110	129	94	108
25m forward	80	100	84	101	88	100
25m adjacent	81	102	85	104	Not tested	Not tested
25m behind	77	100	90	114	Not tested	Not tested
50m behind	70	95	78	104	Not tested	Not tested
100ft flyover	66	89	68	89	Not tested	Not tested

There have been 11 complaints received in the past four years regarding the use of paramotors within the City of Joondalup. These complaints include the use of private land, flying over residences, volume of motor noise and number of people.

The City has received a letter from the HGFA stating that there has not been a known settlement of a claim against the general aviation insurance policy for damages or injury involving paramotor aircraft.

#### WASP Paramotor Club

The WASP Paramotor Club is an incorporated association that provides support and training for paramotor pilots. All members of the club are licensed by CASA and carry \$20 million of public liability insurance.

The club has recently been approved for operation in a location near the Lark Hill recreation facility in the City of Rockingham. As part of the club's planning process, it worked with the City of Rockingham to develop a site specific operations manual dictating rules and regulations above those required by regulatory bodies to govern the operations of paramotor pilots at Lark Hill.

#### Beach Management Plan

The *Beach Management Plan* classifies casual recreational activities on the basis of their propensity and ability to conflict with other activities. These classifications are then used to guide allocation and usage of land to minimise the risk of conflicting uses. The classifications are listed below:

Recreational Activities		Examples
Highly Conflicting	Activities considered to be unpredictable by nature, involving high speeds, are likely to pose a risk to others or have the potential to impact on the surrounding natural environment.	<ul style="list-style-type: none"> <li>• Kite surfing.</li> <li>• Animal exercising.</li> </ul>
Medium Conflicting	Activities that may pose a risk to others, are relatively predictable by nature or temporarily interrupt other activities during launching or casting processes.	<ul style="list-style-type: none"> <li>• Fishing.</li> <li>• Non-powered boat launching.</li> </ul>
Low Conflicting	Activities considered being passive, predictable and unlikely to pose a risk to others.	<ul style="list-style-type: none"> <li>• Walking.</li> <li>• Jogging.</li> <li>• Picnicking.</li> </ul>

Activities classified as being highly conflicting within the *Beach Management Plan* should be subject to exclusion zones, licence requirement or designated areas. Currently all highly conflicting activities are subject to exclusion zones with kite surfing, dog exercising, freestyle jet skiing and water skiing all limited to approved areas. Activities that are less conflicting should be permitted to occur in an unrestricted manner, relying on the discretion of beach users to determine the level of risk that may be posed when entering a location where a conflicting activity is taking place.

Should Council resolve to approve access to land for the use of paramotoring, and that land is located within the area defined by the *Beach Management Plan*, the activity will be required to be classified within the *Beach Management Framework*. Should the activity be classified as highly conflicting it may be required to have an exclusion zone to be set for its use.

It should be acknowledged that a designated area for a highly conflicting activity does not imply exclusive use of the area. All beach users should be able to access the areas however, appropriately located signage will indicate that they enter these areas at their own risk.

### Issues and options considered

Option 1 – Maintain the Status Quo – Paramotor not approved for use on any City of Joondalup managed land.

Pros	Cons
No impact on public use of City of Joondalup land especially close to beaches and pathways.	Paramotor use will continue to take place on privately owned land with less regulation.
No need to review <i>Beach Management Plan</i> .	Possible paramotor users disregarding regulations. The City has found it difficult to follow up on complaints of paramotor use due to the use of private land and the speed and flying time of users.
Follow up Actions	
City officers will inform the club of the Council decision not to approve land for paramotor use.	

Option 2 - Approve Usage – Paramotor approved for use on City of Joondalup managed land (location to be agreed upon between club and City). Subject to agreement on a suitable location and the creation of a site specific operation manual.

Pros	Cons
The City can work with the club to create a site specific operation manual to regulate the operations within the approved area. This will allow any concerns to be raised and addressed and for considerations to be made for other beach users.	The use of paramotors on the beach is not approved in the current version of the <i>Beach Management Plan</i> . Any beach usage would require an amendment to the <i>Beach Management Plan</i> . Significant community consultation and stakeholder engagement would also be required.

Pros	Cons
The use of paramotors within the City would be easier to manage due to the booking processes the club would be required to follow.	Conflict with kite surfers during summer months.
Paramotor pilots can provide a community service by communicating with surf lifesaving clubs and City rangers via radio. Pilots can relay information regarding sharks, in danger swimmers and other possible emergencies.	Paramotor use prefers light wind conditions. The same conditions preferred by beach users walking, bathing and jet skiing. There is a potential conflict of use between these parties.

#### Follow up Actions

City officers will inform the Club of the Council decision to approve the use of paramotor on City land.  
 Officers will work with the club to find a suitable area of land.  
 Officers will work with the club to create a site specific operation manual for the management of paramotor use on the approved site.

Option 3 - Approve Seasonal Usage – approved for use on City of Joondalup managed land from 1 April to 30 September (location to be agreed upon between club and City). Subject to agreement on a suitable location and the creation of a site specific operation manual.

Pros	Cons
The City can work with the club to create a site specific operation manual to regulate the operations within the approved area. This will allow any concerns to be raised and addressed and for considerations to be made for other beach users.	Paramotor use prefers light wind conditions. The same conditions preferred by beach users walking, bathing and jet skiing. There is a potential conflict of use between these parties.
Limited conflict with kite surfers. <ul style="list-style-type: none"> <li>• Paramotor use is preferred with winds of under 10 knots.</li> <li>• Kite surfers prefer winds over 10 knots.</li> </ul> Autumn to winter winds patterns are considerably weaker than spring and summer wind patterns.	
The use of paramotors within the City of Joondalup is easier to manage due to the booking processes the club would follow.	
Paramotor pilots can provide a community service by communicating with surf lifesaving clubs and City rangers via radio. Pilots can relay information regarding sharks, in danger swimmers and other possible emergencies.	
Follow up Actions	
City officers will inform the Club of the Council decision to approve the use of paramotor on City land between <i>1 April and 30 September</i> . Officers will work with the Club to find a suitable area of land. Officers will work with the Club to create a site specific operation manual for the management of paramotor use on the approved site.	

## Legislation/Strategic Community Plan/policy implications

<b>Legislation</b>	Under the <i>Local Government and Public Property Local Law 1999</i> Clause 13 –  “A person shall not on or from any local government property, without first obtained a written approval from the local government to do so:  (h) Hire or use a building, reserve or other local government facility.”
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## Strategic Community Plan

<b>Key theme</b>	Quality Urban Environments.
<b>Objective</b>	Quality open spaces.
<b>Strategic initiative</b>	Adopt consistent principles in the management and provision of urban community infrastructure.
<b>Policy</b>	Not applicable.

Should Council decide not to approve land for the use of paramotors within the City, any use of City owned land would be against Clause 13 of the *Local Government and Public Property Local Law 1999*. A person in breach of this local law could be penalised with a \$100 infringement notice.

The approval of the use of paramotors within the City would require them to book the areas they wish to use. The use of a booked venue would ensure the group is in line with the local law.

## Risk management considerations

The activity of paramotor use is an inherently risky activity for both the pilots and the general public in the area that the pilots operate.

The pilots minimise their risk by undergoing formal training before flying solo. All pilots must be certified by the HGFA before flying solo. Trainee pilots operate under the supervision of an accredited trainer. All pilots must also abide by HGFA and CASA guidelines while in the air. On ground operations are managed by the Club and regulated by the land owner. Should the Council endorse the use of City land for paramotor use the City will work with the club to create a site specific operations manual which will govern the operations on the ground as well as regulations on take-off and landing.

Minimising the risk to the general public is easiest by not allowing the use of paramotors on City land. This would eliminate any risk. Should Council endorse the use of City land for paramotor use the minimisation of risk will be taken into consideration during the creation of the operations manual for the site.

## Financial/budget implications

Should Council decide to seek an amendment to the *Beach Management Plan* the community consultation and engagement involved would require a financial commitment to cover printing, postage and signage requirements. The City would receive a small income stream should the club be approved to book City of Joondalup land.



## Regional significance

Should Council not support the use of paramotors on City managed land the club has indicated that paramotor pilots may seek other locations with cleared land along the coast. This land may be private or other state or local government managed land in other local government authorities.

## Sustainability implications

### Social

The use of City managed land for paramotor use will limit public access to certain areas during preferred times. Beach users prefer the use of the beach and nearby facilities during the same time preferred by paramotor users, times when the wind is light.

This conflicting use of facilities may cause issues between conflicting user groups (such as paramotor users and beach users).

## Consultation

The City received a petition signed by 191 signatories endorsing an application from the WASP Paramotor Club to use coastal land within the City of Joondalup.

City officers also undertook consultation with the WASP Paramotor Club and the City of Rockingham to gather information for this report.

## COMMENT

Should Council decide to endorse Option 1 and not allow approved use of City land for paramotor users it is likely that pilots will continue to use privately owned land within the City. It is also possible some pilots may use City land without approval thereby committing an offence under local law. The management of offences and complaints can prove difficult due to the nature of the activity and the limited time pilots are on the ground.

Should Council decide to endorse Option 2 or 3 City officers would undertake the following actions:

- Review the *Beach Management Plan* and the inclusion of paramotoring as an activity (may require community and stakeholder engagement).
- Liaise with the WASP Paramotor Club to select a site.
- Work with the WASP Paramotor Club to create a site specific operations manual which will provide direction of pilots using the approved site.
- Require WASP Paramotor Club to book the approved site.
- Conduct site inspections of club operations ensuring the adherence to the agreed operations manual, requirements under the *Beach Management Plan* and condition of booking a City facility.

It is suggested that Option 1 be endorsed by Council in order to minimise the risk to the general public and possible impact on the surrounding natural environment, especially close to public open spaces, beaches and pathways.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

### **That Council:**

- 1 DOES NOT APPROVE the request from the WA Sky Pirates Paramotor Club for the use of City managed land for paramotor use;**
- 2 ADVISES the lead petitioner of Council's decision.**

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16brf130813.pdf](#)*

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Mayor Troy Pickard.</b>
<b>Item No./Subject</b>	CJ162-08/13 – Community Sporting and Recreation Facilities Fund Application for Small Grant Round 1 – 2013-14.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mayor Pickard is vice patron of the Sorrento Bowling Club.

## **CJ162-08/13      COMMUNITY SPORTING AND RECREATION FACILITIES FUND APPLICATION FOR SMALL GRANT ROUND 1 – 2013-14**

<b>WARD</b>	South-West
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	22209, 101515
<b>ATTACHMENTS</b>	Attachment 1      Aerial Map of Sorrento Bowling Club
<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 request from the Sorrento Bowling Club (SBC) for the City to submit an application to the Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund (CSRFF) Small Grant Round One funding.

**EXECUTIVE SUMMARY**

The Department of Sport and Recreation allocates \$20 million annually for a range of CSRFF state wide grants.

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

One community organisation submitted a request to the City for consideration as part of the CSRFF Small Grant Round One which will close on 31 August 2013.

## **BACKGROUND**

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

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

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

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

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

### **Annual Grants (\$3 million per year)**

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

### **Forward Planning Grants (\$15.5 million per year)**

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

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

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

A strong emphasis is placed on a planned approach towards CSRFF applications.

## **DETAILS**

The City received one application for the CSRFF Small Grant Round One for 2013-14.

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

## Sorrento Bowling Club

### Project Summary

The Sorrento Bowling Club's (SBC) application is for the installation of additional sports floodlighting on "C" and "D" Greens at Sorrento Bowling Club, Percy Doyle Reserve, Duncraig to provide increased opportunities for social, pennant and national level bowling competitions.

A panel of City officers met to discuss the application and the current and future impact to the park, its users and the City. The panel's recommendation was for the application to be submitted to the Department of Sport and Recreation by the City and that the City would project manage any works if successful due to the City's experience in such projects.

The SBC operates at Percy Doyle Reserve, Duncraig with approximately 850 members. Currently the club utilise "A" and "B" green for night matches however an increase in social and competitive members is restricting the availability of greens for training and matches.

The installation of additional floodlighting infrastructure at Sorrento Bowling Club will provide the club with needed space for training and matches.

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

The City has received written confirmation from the SBC that they will commit to fund one-third of the total project costs.

<b>Total Project Cost:</b>	<b>\$62,786.38 (ex GST)</b>
City of Joondalup Contribution:	\$20,928.79 (ex GST)
CSRFF Grant requested:	\$20,928.79 (ex GST)
Club contribution:	\$20,928.79 (ex GST)

### Assessment Summary

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

### Recommendation Summary

Ranking:	1 (of 1).
Rating:	Well planned and needed by the applicant.
Funding request:	\$20,928.79 (ex GST).

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

<b>Legislation Strategic Community Plan</b>	Not applicable.
<b>Key theme</b>	Community Wellbeing.
<b>Objective</b>	Quality facilities.
<b>Strategic initiative</b>	Support a long-term approach to significant facility upgrades and improvements.
<b>Policy</b>	The assessment process undertaken for the CSRFF program is in line with the following City policies: <ul style="list-style-type: none"> <li>• <i>Community Funding Policy.</i></li> <li>• <i>Community Consultation and Engagement Policy.</i></li> <li>• <i>Asset Management Policy.</i></li> <li>• <i>Leisure (Council) Policy.</i></li> </ul>

**Risk management considerations**

The key risk associated with the installation of floodlighting infrastructure is the quality of completed works. This risk is mitigated by the City's building, approvals and purchasing processes. The City assesses all works on completion.

Should the CSRFF application with the Department of Sport and Recreation not be successful the City would not consider fully funding the installation of floodlighting.

**Financial/budget implications**

It is anticipated that the Department of Sport and Recreation will advise the outcome of the Small Grant Round One assessments in November 2013, with any project's approved funds required to be expended by 15 June 2014.

All figures quoted in this report are exclusive of GST.

<b>Account no.</b>	1.443.A4405.3359.0000
<b>Budget Item</b>	External Contractors and Services.
<b>Budget amount</b>	\$ 30,000
<b>Amount spent to date</b>	\$ 0
<b>Proposed cost</b>	\$ 20,929
<b>Balance</b>	\$ 9,071
<b>Annual maintenance</b>	\$ 0

As a result of the bowling greens being within the lease occupied by the SBC, all ongoing maintenance and operating costs for the lights will be met by the SBC in accordance with the lease provisions.

**Regional significance**

Nil.

## **Sustainability implications**

Nil.

## **Consultation**

Typically for a new or upgrade floodlighting project community consultation would take place within a 200 metre radius of the project. There are 15 residential properties within the 200 metre radius with all 15 properties over 150 metres from the nearest potential floodlight tower placement. These properties sit approximately 15 metres higher than the bowling greens. This height difference will also significantly decrease the impact of the lights on the residences due to the downward angle that the lights employ.

Due to the distance and height difference between the lights and the surrounding private properties the City did not undertake community consultation for this project.

## **COMMENT**

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

### Sorrento Bowling Club

The installation of new floodlighting infrastructure will provide additional greens for the Sorrento Bowling Club for training and matches. The Sorrento Bowling Club currently has a held over lease for the clubrooms and the six greens at Percy Doyle Reserve. This lease places responsibility for the maintenance of the greens and associated infrastructure with the club. Recently Council resolved to provide financial support to the bowling clubs within the City for assistance in the maintenance of their turf bowling greens. This Bowling Green Maintenance Agreement will provide \$27,272.73 (ex GST) in support to the Sorrento Bowling Club in 2013-14.

The addition of floodlighting to "C" and "D" greens at Sorrento Bowling Club provides an opportunity for SBC to further serve their existing members with quality facilities. The opportunity to expand the social bowls program provides the club a strong income stream and improves the clubs increased financial sustainability. The installation of this infrastructure at Sorrento Bowling Club would not only meet any future increased demand but also provide excellent value for money.

The City is currently finalising a needs/feasibility study and concept plans as part of the Master Planning Project for Percy Doyle. The brief for the concept plans was to retain existing playing surfaces in their current location. Therefore, the proposal to floodlight the bowling greens will not have any detrimental effect on the long term planning for the site.

## **VOTING REQUIREMENTS**

Simple Majority.

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

- 1 ENDORSES** an application to Department of Sport and Recreation's CSRFF program for \$20,928.79 (ex GST) to part fund the installation of floodlighting infrastructure at Sorrento Bowling Club, Percy Doyle Reserve, Duncraig;
- 2 ENDORSES** the ranking and rating of CSRFF applications below:

<b>Applicant's Rank</b>		<b>Applicant's Rating</b>
<b>1</b>	<b>Sorrento Bowling Club – installation of additional floodlighting infrastructure at Sorrento Bowling Club, Percy Doyle Reserve, Duncraig.</b>	<b>Well planned and needed by the applicant.</b>

*Appendix 17 refers*

To access this attachment on electronic document, click here: [Attach17brf130813.pdf](#)



## **CJ163-08/13      REQUEST FOR ADDITIONAL SUBSIDIES - FACILITY HIRE SUBSIDY**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	101271, 101515
<b>ATTACHMENTS</b>	Nil.
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to 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.

### **BACKGROUND**

The City 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 been liaising with groups who hire City facilities and consequently, has received requests from the following groups for consideration of an additional subsidy above what they are entitled to under the policy:

- Hillarys Weight Watchers Club.
- Burns Beach Coffee Club.
- Emerald Park Craft Group.
- Northern Districts Bridge Club.
- Padbury Woodvale Weight Watchers Group.

#### Hillarys Weight Watchers Club

Facility hired	Classification within Policy	Extent of subsidy	Average number of hours booked per week	Number of hours exceeding subsidy	Potential additional cost
Guy Daniels	Other Not-For-Profit Community Groups – All other groups defined as not-for-profit community groups as per this Policy.	50% (continually)	3	N/A	\$2,063.10

The Hillarys Weight Watchers Club currently hires the Main Hall of the Guy Daniel Clubroom in Heathridge for three hours per week.

The club has indicated it is a not-for-profit organisation through their affiliation with the Weight Watchers Federation of WA (Inc) and more than 50% of its members are City of Joondalup residents, but it 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 Council 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.

#### Burns Beach Coffee Club

Facility hired	Classification within Policy	Extent of subsidy	Average number of hours booked per week	Number of hours exceeding subsidy	Potential additional cost
Jack Kikeros	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	\$685.36

The Burns Beach Coffee Club hires the Jack Kikeros facility in Burns Beach for two hours per week. The group has advised that they are a not-for-profit group comprising ladies that gather socially on a regular basis with more than 50% of members residing within the City of Joondalup, 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 an "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 Council 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.

#### Emerald Park Craft 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>
Emerald Park Clubrooms	Other Not-For-Profit Community Groups – All other groups defined as not-for-profit community groups as per this Policy.	50% (continually)	4	N/A	\$2,750.80

The Emerald Park Craft Group hires the Emerald Park Clubroom in Edgewater for four hours per week. The group has previously received a 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 operates as a not-for-profit group with more than 50% of members residing within the City of Joondalup and the City is currently assisting them with becoming an incorporated association, however, the group is not exclusive to those persons 55 years and older.

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 Council 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.

Northern Districts Bridge 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>
Seacrest Park Community Sporting Facility	Other Not-For-Profit Community Groups – All other groups defined as not-for-profit community groups as per this Policy.	50% (continually)	8	N/A	\$5,501.60

The Northern Districts Bridge Club has hired Sorrento Hall for eight hours per week for approximately six years after relocating to the Joondalup area from the City of Wanneroo. In 2013 the City conducted a refurbishment of Sorrento Hall and the group was temporarily relocated to Seacrest Park Community Sporting Facility. The group has since decided to remain at this facility for their regular bookings.

The Northern Districts Bridge Club has previously utilised City facilities at 100% subsidy, however with the revised policy 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 is a not-for-profit group with more than 50% of members residing within the City of Joondalup, however, is not exclusive to those persons 55 years and older.

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 Council 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.

Padbury-Woodvale Weight Watchers 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>
Fleur Freame Meeting Room	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	\$475.80

The Padbury-Woodvale Weight Watchers Group has previously hired the Dining Room in the Whitford Senior Citizens Centre but has recently relocated to the Fleur Freame Meeting Room, which they hire for 1.5 hours per week.

The club has indicated it is a not-for-profit organisation through their affiliation with the Weight Watchers Federation of WA (Inc) and more than 50% of its members are City of Joondalup residents, but it 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 Council 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 the requests for additional subsidies on a case by case basis
- approve in part each the requests on a case by case or
- decline the requests for the additional subsidy.

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

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

#### **Strategic Community Plan**

**Key theme** Financial Sustainability.

**Objective** Financial diversity.

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

**Policy** *Facility Hire Subsidy Policy*.

### **Risk management considerations**

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

- 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 \$4,056 in income for 2013.

## Regional significance

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

## Sustainability implications

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

## Consultation

Not applicable.

## COMMENT

The intent of the 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.

## RECOMMENDATION

### That Council:

- 1 **DOES NOT AGREE to the request for additional subsidies as per the *Facility Hire Subsidy Policy* for the following groups:**
  - 1.1 **Hillarys Weight Watchers Club;**
  - 1.2 **Burns Beach Coffee Club;**
  - 1.3 **Emerald Park Craft Group;**
  - 1.4 **Northern Districts Bridge Club;**
  - 1.5 **Padbury-Woodvale Weight Watchers Group;**
- 2 **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:**

<b>Group</b>	<b>Facility</b>	<b>Level of Subsidy under Policy</b>	<b>Fees Waived</b>
Hillarys Weight Watchers Club	Guy Daniel Clubroom	50%	Maximum of three hours per week
Burns Beach Coffee Club	Jack Kikeros	50%	Maximum of two hours per week
Emerald Park Craft Group	Emerald Park Clubrooms	50%	Maximum of four hours per week
Northern Districts Bridge Club	Seacrest Park Community Sporting Facility	50%	Maximum of eight hours per week
Padbury-Woodvale Weight Watchers Group	Fleur Freame Meeting Room	50%	Maximum of 1.5 hours per week

- 3 **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 each following year/season.



**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Mayor Troy Pickard.</b>
<b>Item No./Subject</b>	CJ164-08/13 – Redevelopment Arena Joondalup (VenuesWest).
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mayor Pickard is vice patron of West Perth Football Club, a tenant at Arena Joondalup.

<b>Name/Position</b>	<b>Cr Philippa Taylor.</b>
<b>Item No./Subject</b>	CJ164-08/13 – Redevelopment Arena Joondalup (VenuesWest).
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Taylor was a candidate in the March 2013 State election.

<b>Name/Position</b>	<b>Cr Sam Thomas.</b>
<b>Item No./Subject</b>	CJ164-08/13 – Redevelopment Arena Joondalup (VenuesWest).
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Thomas was a candidate in the March 2013 State election.

## **CJ164-08/13      REDEVELOPMENT      ARENA      JOONDALUP (VENUESWEST)**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	05005, 14561, 10549, 103318, 103319, 103320, 101515
<b>ATTACHMENTS</b>	Attachment 1      Arena Joondalup Aerial Photograph Attachment 2      Draft discussion paper distributed by VenuesWest – expansion to Arena Joondalup Attachment 3      Draft Concept plan for WBA relocation to Arena Joondalup – prepared by the City of Joondalup Attachment 4      Draft location of West Perth depicting New Facility Building and New Amenities Building
<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 providing funding to the facility upgrade at Arena Joondalup.

**EXECUTIVE SUMMARY**

Arena Joondalup is a regional recreational facility comprising of indoor courts, gymnasium, aquatic centre and external playing surfaces (netball, AFL, rugby and the like) and is operated by VenuesWest on behalf of the state government (Attachment 1 refers).

The facility was opened in 1994 by the state government which included a capital contribution by the then City of Wanneroo of \$3 million. In 2000 an aquatic centre upgrade was undertaken at a cost of \$11.4 million, with one-third contributed by the City of Joondalup being \$3.8 million.

The City has also contributed (\$710,000) to the upgrade of facilities to house the then Arena Community Sport and Association (ACSRA – now the Joondalup Sports Centre – JSC). The facility upgrade was for a clubroom facility, netball courts and additional floodlighting. Members of the JSC are:

- Joondalup Netball Association.
- Joondalup Giants District Rugby League Club.
- Joondalup Little Athletics Association.
- Joondalup Brothers Rugby Union Club.

During the 2013 State Government election, the Liberal/National Government committed \$16 million to upgrade facilities at Arena Joondalup including:

- Clubroom facilities for the West Perth Football Club.
- Additional netball courts for the Joondalup Netball Association.
- Additional indoor courts and supporting infrastructure to potentially house the Wanneroo Basketball Association (WBA).
- Extension of the playing surfaces to the west of the facility to allow for an additional rectangular playing surface.

Since the early 2000's the City has been exploring opportunities to relocate the WBA from its current site, given the land is owned by Landcorp which has advised of its desire to develop the site.

In order to commence planning for the project, VenuesWest has formally written to the City seeking feedback on the proposed financial contribution to be made by the City.

## **BACKGROUND**

VenuesWest Arena Joondalup was officially opened in 1994 as a multipurpose, sport and recreation facility comprising gymnasium, indoor sports courts, function areas, tennis courts and associated external grassed playing surfaces. In 2000, an \$11.4 million indoor aquatic centre, including a 50 metre 10-lane competition pool was added to the venue.

The original facility was primarily funded by the state government, which included a \$3 million contribution made by the former City of Wanneroo, and the aquatic facility was funded by the state government (including a grant through the Community Sporting and Recreation Facilities Fund – CSRFF) and the City of Joondalup (\$3.8 million), based on one-third capital contribution.

When considering the request from the state government to part fund the aquatic facility the Joint Commissioners at their meeting held on 22 September 1998 (CJ130-09/98 refers) carried the following resolution:

*That the Joint Commissioners agree to provide additional funds to the proposed Arena Aquatic Facility Project, subject to:*

- 1 *the contribution being limited to a maximum of \$800,000 based on a one third contribution to cover the estimated shortfall of \$2.4 million;*
- 2 *the Minister being advised that no further funding would be provided by the City for this project;*
- 3 *the State Government being responsible for any shortfall should the project exceed the limit of cost estimate of \$11.4 million;*
- 4 *the additional funds being provided in the 2000/01 financial year;*
- 5 *the State Government being responsible for all operating expenses and future capital upgrades of the Arena;*
- 6 *adequate recognition of the City's contribution in signage and other promotional material marketing of the facility;*
- 7 *regular discussions being held between City's recreation personnel and WA Sports Trust Staff.*

In 2011, the Arena Community Sport and Recreation association (ACSRA, now known as Joondalup Sports Centre – JSC) clubrooms were officially opened. The project commenced around 2005-06. The JSC is a single sports association which manages the clubrooms located within the grounds of Arena Joondalup and comprises the following member clubs:

- Joondalup Netball Association (JNA).
- Joondalup Giants District Rugby League Club (JGDRLC).
- Joondalup Little Athletics Association (JLAA).
- Joondalup Brothers Rugby Union Football Club (JBRUFC).

The facilities provided for the JSC included a clubroom, additional external netball courts and associated floodlights. The total cost of the project was \$1.685 million broken down as follows:

- \$710,000 – City of Joondalup.
- \$550,000 – state government – CSRFF grant.
- \$425,000 – associated clubs (cash and in-kind contribution).

The City agreed to support the ACSRA project at the time as the needs of those sporting clubs that are members of the association could not be accommodated at City managed facilities. The City maintains involvement in the activities of JSC, with a Deed of Agreement executed between the City and the State Government which requires the City to contribute 50% of the maintenance of the playing areas utilised by JSC, and also an annual contribution to a renewal fund for the JSC clubrooms. Costs for maintenance and contribution to the renewal fund are approximately \$55,000 per annum.

Since the construction of the clubrooms for the JSC, and as a result of competing priorities over ground allocation, the JGDRLC have agreed to relocate to Admiral Park, Heathridge. While the JGDRLC have relocated to Admiral Park, they remain a member of the JSC. In order to formalise the relocation, the City has agreed to refurbishment of the facilities at Admiral Park, at an estimated cost of \$900,000.

Previously, Council has adopted a number of strategic position statements. Position statements were developed to provide Council and the City with a basis for lobbying and to effect expedient changes should opportunities from state and federal governments or the commercial industry arise. The current strategic position statement in relation to Arena Joondalup was adopted by the Council at its meeting held on 26 June 2012 (CJ109-06/12 refers):

## ARENA JOONDALUP

*In the event that the State Government agrees to the transfer of this large scale leisure and recreation facility to the City, the transfer is supported on the following conditions as a minimum:*

- *Commitment from the Minister for Transport and Perth Transport Authority that the site be designated as a special train station as part of future plans;*
- *Maintenance of existing issues to be addressed before transfer;*
- *A funding stream from the State Government to be provided which reduces into future years;*
- *All caveats on the land which impede alternative land uses to be withdrawn;*
- *The State Government to contribute to the construction of an independent facility within the Structure Plan area for a West Perth Football Club facility;*
- *Extension of facility to include basketball facilities;*

During 2012, VenuesWest launched a discussion paper that detailed future plans to expand Arena Joondalup (Attachment 2 refers). The proposed expansion included:

- commercial developments and associated car parking
- realignment and additional playing surface to the west of the complex
- additional multipurpose indoor courts
- additional netball courts
- additional amenities to service hockey surface and netball courts
- additional outdoor aquatic facilities
- clubroom facilities for West Perth Football Club.

The City has recently received correspondence from VenuesWest regarding the City's position in relation to the commitment made by the Liberal/National Government during the 2013 state government election regarding the upgrade to facilities at Arena Joondalup.

## DETAILS

During the 2013 state government election, the then Liberal/National Government committed to upgrading the facilities at Arena Joondalup if re-elected. The commitment related to:

- additional netball courts for the Joondalup Netball Association
- additional indoor courts and supporting infrastructure to potentially house the WBA
- extension of the playing surfaces to the west of the Arena to allow for an additional rectangular playing surface
- clubroom facilities for the West Perth Football Club.

The request from VenuesWest is to seek feedback from the City in regard to its financial contribution in addition to the state government's election commitment of \$16 million to the facility upgrades as detailed above. VenuesWest is in the process of making a submission to the state government so the necessary planning for the project can commence.

### **Additional Netball Courts - Joondalup Netball Association (JNA)**

The JNA was formed in 1997 as a result of the growth of the sport of netball in the northern suburbs of Perth. It has operated from Arena Joondalup since its formation; however the demand for the sport quickly outgrew the facilities provided at the site. As a result the additional courts were included as part of the facility upgrades through the ACSRA project.

The sport of netball continues to grow in the region and additional courts are required to meet this ongoing demand.

### **Indoor Courts – Wanneroo Basketball Association (WBA)**

The Wanneroo Basketball Association (WBA) has approximately 2,000 members and operates from the Joondalup Basketball Stadium located on the corner of Joondalup Drive and Collier Pass, in the City's CBD area. The stadium was established in 1982 on land owned by Landcorp, leased to the City of Joondalup and sub-leased to the WBA. The initial lease was for a period of 20 years, with two five year options to extend available.

The current facilities are ageing and have had minimal maintenance/upgrades over the years. The current facilities do not meet the needs of the WBA, nor the requirements of the State Basketball League in regard to court run offs.

In 1999, the City exercised the first of the options, extending the lease to 24 December 2007. In 2001, Council resolved not to exercise the second option, requiring the WBA to vacate the premises in 2007. Council also resolved to assist the WBA to establish alternative accommodation.

Acknowledging that the WBA would have to relocate from the premises, the City engaged a consultant in 2004 to undertake a Facility Needs Analysis at a cost to the City of \$25,815. Since that time, a number of alternative site options have been considered but as yet a solution has not been finalised.

In November 2011, a meeting of the WBA Relocation Working Group was held with attendees from the WBA, Department of Sport and Recreation (DSR), Landcorp and the City. The outcome of this meeting was an agreement that a Needs and Feasibility Study would be undertaken for a number of possible relocation sites. The City in partnership with DSR engaged the services of an external consultant at a cost of \$37,250, with 50% of the funding for the study being received from the DSR.

The study was completed in early 2013 and identified that Arena Joondalup was the preferred site to relocate the WBA with indicative costs from a Quantity Surveyor estimating the relocation at \$14.3 million (Attachment 3 refers).

### **Additional Playing Surface (western oval) – Joondalup Brothers Rugby Union Football Club (JBRUFC)**

The JBRUFC was formed in 1997 in order to expand the game of rugby union in the northern corridor of Perth. The club has grown from one senior team to 23 junior teams and five senior teams in 2013, regarded as the largest rugby union club in Western Australia.

The JBRUFC currently occupy the JSC clubrooms and utilise the one rectangular pitch at the Arena, however given its continued growth as a club and its push for premier league status the need for a second rectangular pitch is essential.

### **Clubroom Facilities - West Perth Football Club (WPFC)**

The WPFC is one of the oldest AFL clubs in Western Australia and competes in the Western Australian Football League (WAFL). WPFC relocated from its base at Leederville Oval to Arena Joondalup when the facility was opened in 1994.

The facilities that WPFC utilise at Arena have had minimal upgrade since the opening and do not meet the needs of a WAFL club. In addition the WPFC does not have its own clubhouse facilities and relies on accessing the facilities at Arena Joondalup through a management agreement as a tenant of the facility.

The WPFC in conjunction with the Western Australian Football Commission recently commissioned consultants to prepare concepts and costs for an extension to the existing Arena facility to accommodate a new facility building (stage 1) and a new amenities building (stage 2) (Attachment 4 refers). This proposed extension has been costed at approximately \$9.98 million (stage 1 - \$7.95 million and stage 2 - \$2.03 million).

### **Issues and options considered**

There are two options available to Council:

- not agree to contribute any funds to upgrade the facilities at Arena Joondalup or
- agree to contribute to fund the project to upgrade facilities at Arena Joondalup. The level of contribution would need to be determined.

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

**Legislation** Not applicable.

#### **Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

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

**Policy** Not applicable.

### **Risk management considerations**

There are a number of risk considerations in relation to the proposal for the City to make a financial contribution to the upgrade of facilities at Arena Joondalup:

- Not finding a site for the WBA to relocate to as the City's lease and therefore the Club's sublease have expired and the land needs to be returned to Landcorp. Without a facility to relocate to, the WBA would not be able to run as a club and their 2,000 members would be affected. If the WBA were to remain on the current site, the owners of the site (Landcorp) would expect a commercial rent to be paid. In correspondence received from Landcorp in 2009, it proposed a commercial rent of \$490,000 per annum, phased in over two years.
- There is also a risk associated with relocating the WBA to a site not managed by the City. Locating the club on land managed by another entity e.g. Arena Joondalup, would mean that the City has little control over the lease or hire fee charged to the WBA to operate from the facilities. A high lease or hire fee will impact on the club's financial viability and ability to be self-sustaining.

- The current facilities occupied by WPFC, JBRUC and WBA do not meet the needs of these clubs for competing in 2013 and beyond.
- Not agreeing to the upgrade of these facilities may lead to pressure being applied to the City to find alternative sites within its current limited resources.
- Missed opportunity in that the State Government is offering to provide significant funding for additional facilities to assist the WPFC, WBA, JBRUFC and JNA and minimal cost to the City.
- The current financial modelling (*Five Year Capital Works Program* or the *20 Year Strategic Financial Plan*) for the City does not include an amount for the facility upgrade. Consideration would need to be given to what extent, if any, the City may be able to contribute and the impact on that contribution to its long term financial position.

### **Financial/budget implications**

The City does not currently have any funds allocated within the *Five Year Capital Works Program* or *20 Year Strategic Financial Plan* for a contribution to the construction of facility upgrades at Arena Joondalup.

It is estimated that the cost of the works is approximately \$20 million; however the City is unsure of the exact costs with the exception of the:

- relocation of the WBA to the Arena as it has managed the feasibility study. Estimated cost for that project is \$14.3 million
- construction of additional facilities for WPFC as it has provided the City with cost estimates totalling \$9.98 million.

It is also unclear what the timing of any contribution, if agreed to, would be although it would seem unlikely that it would be before 2015-16.

As part of the discussions with Landcorp over the City's financial contribution for tenure over the site that WBA currently resides, it was agreed for the City to retain all monies received from parking on the site based on those funds be used to assist in the relocation of the WBA. The City as of 30 June 2013 holds a surplus of \$87,016.90 generated from paid parking in this car park.

The annual review of the *20 Year Strategic Financial Plan* has commenced. It is proposed that an allocation of \$4 million be considered for inclusion in the *20 Year Strategic Financial Plan* in 2015-16.

### **Regional significance**

Arena Joondalup is a regional facility and draws people from well beyond the Joondalup district. Those specific clubs that will directly benefit from any upgrade to the Arena have significant membership bases and in some cases the largest clubs within their chosen sport in Western Australia.

The development at Arena Joondalup would grow its current multipurpose recreational and sporting facility base to be able to cater for more patrons in the one location. It is important any proposed facility has the ability to be multi-purpose in nature as all sports tend to go through cyclical participation trends.

## **Sustainability implications**

### Environmental

The Arena Joondalup site is relatively flat and clear, meaning only minimal earth works would be required. The City would be promoting that the new facilities be planned to reduce the impact of the carbon footprint and consider design techniques to improve the long term environmental sustainability for the facility in accordance with the City's *Environmentally Sustainable Design Policy*. These techniques cost approximately 10% more during the construction stage of a project to achieve a building with a Green Star rating of four stars.

### Economic

The Arena Joondalup option would involve additional facilities being constructed adjacent to the existing facility. This would reduce the requirement for the construction of facilities such as toilets, change rooms, meeting rooms etc. which would reduce the capital expenditure and ongoing maintenance requirements.

### Social

Development of those facilities at Arena Joondalup would significantly expand the already large multi-recreational and aquatic facility that would be considered a regional asset for the City of Joondalup residents and beyond.

## **Consultation**

Not applicable.

## **COMMENT**

Two aspects the City and Council have pursued is the expansion of the basketball facility to enable the Wanneroo Basketball Association (WBA) to relocate to the site and a Needs and Feasibility Study was undertaken for a number of possible relocation sites. The City is also supportive of the West Perth Football Club in asking VenuesWest for space to build a clubroom facility in line with the Council's adopted position statement in relation to the Arena complex.

The WPFC, JNA and JBRUFC are all current tenants of the Arena Joondalup and have separate agreements in place in regard to ongoing operational costs relating to their use of the facilities. The WBA is not a current tenant and under current arrangements with the City for its existing site is responsible for general outgoing costs, however it does not pay a lease fee and has the care and control of the courts and associated facilities.

If the WBA moves to the Arena as a result of the proposed development, it will become a tenant/hirer of the facilities similar to the other users and will need to enter a form of agreement with VenuesWest for the use of the new facilities. As part of the City's managed feasibility study, the WBA has a limited capacity to pay hire rates for courts and the like. Due to the WBA's limited capacity to pay, it has expressed some concern that committing to the capital funding prior to the agreement of the operational arrangements may question the WBA's financial stability into the future. No formal discussions have occurred between WBA and VenuesWest regarding hire rates, and this issue would need to be addressed before the capital expenditure is committed.



## VOTING REQUIREMENTS

Absolute Majority.

## RECOMMENDATION

That:

- 1 Council **BY AN ABSOLUTE MAJORITY REVOKES** Part 5 of the decision of the Meeting of Joint Commissioners held on 22 September 1998 (CJ130-09/98 refers) as follows:
  - “5 the State Government being responsible for all operating expenses and future capital upgrades of the Arena;”;
- 2 Council **AGREES** to make provision for an amount not exceeding \$4 million to be made available in the 2015-16 budget for the proposed upgrade to Joondalup Arena for:
  - 2.1 additional netball courts for the Joondalup Netball Association;
  - 2.2 additional indoor courts and supporting infrastructure to potentially house the Wanneroo Basketball Association;
  - 2.3 extension of the playing surfaces to the west of the Arena to allow for an additional rectangular playing surface;
  - 2.4 clubroom facilities for the West Perth Football Club;
- 3 the amount listed in Part 2 above be **SUBJECT TO**:
  - 3.1 the State Government being advised that no further funding would be provided by the City for this project;
  - 3.2 the State Government being responsible for any shortfall should the project exceed the limit of cost estimate of \$20 million;
  - 3.3 adequate recognition of the City’s contribution in signage and other promotional material marketing the facility;
  - 3.4 the establishment of a Memorandum of Understanding between the Wanneroo Basketball Association and VenuesWest detailing the lease/hire arrangements for the proposed facility prior to the commencement of the project;
- 4 **PROVISION** be made in the *20 Year Strategic Financial Plan* for the amount listed in Part 2 above in the 2015-16 financial year.

*Appendix 18 refers*

To access this attachment on electronic document, click here: [Attach18brf130813.pdf](#)

**11 REPORT OF THE CHIEF EXECUTIVE OFFICER****CJ165-08/13 CONFIDENTIAL REPORT - OCEAN REEF MARINA**

<b>WARD</b>	North-Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Chief Executive Officer
<b>FILE NUMBER</b>	04171B, 101515
<b>ATTACHMENT</b>	Attachment 1 Ocean Reef Marina MRS Amendment Request Process Attachment 2 Ocean Reef Marina Memorandum of Understanding
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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This report is confidential in accordance with Section 5.23(2)(c) of the *Local Government Act 1995*, which also permits the meeting to be closed to the public for business relating to the following:

*A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

A full report is provided to Elected Members under separate cover. The report is not for publication.

**12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**13 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

**14 CLOSURE**



**DECLARATION OF  
FINANCIAL INTEREST/PROXIMITY INTEREST/INTEREST THAT MAY  
AFFECT IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER  
CITY OF JOONDALUP**

<b>Name/ Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Proximity Interest* Interest that may affect impartiality* <span style="float: right;"><i>* Delete where not applicable</i></span>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

Section 5.65(1) of the Local Government Act 1995 states that:

*“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:*

- (a) in a written notice given to the CEO before the meeting; or*
- (b) at the meeting immediately before the matter is discussed.”*



**QUESTION TO BE ASKED AT  
BRIEFING SESSION/COUNCIL MEETING**

<b>TITLE</b> <i>(Mr/Mrs/Ms/Dr)</i>	<b>FIRST NAME</b>	<b>SURNAME</b>	<b>ADDRESS</b>

**QUESTIONS**

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Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to [council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

**Please note that:**

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called



**STATEMENT TO BE MADE AT  
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

**STATEMENT**

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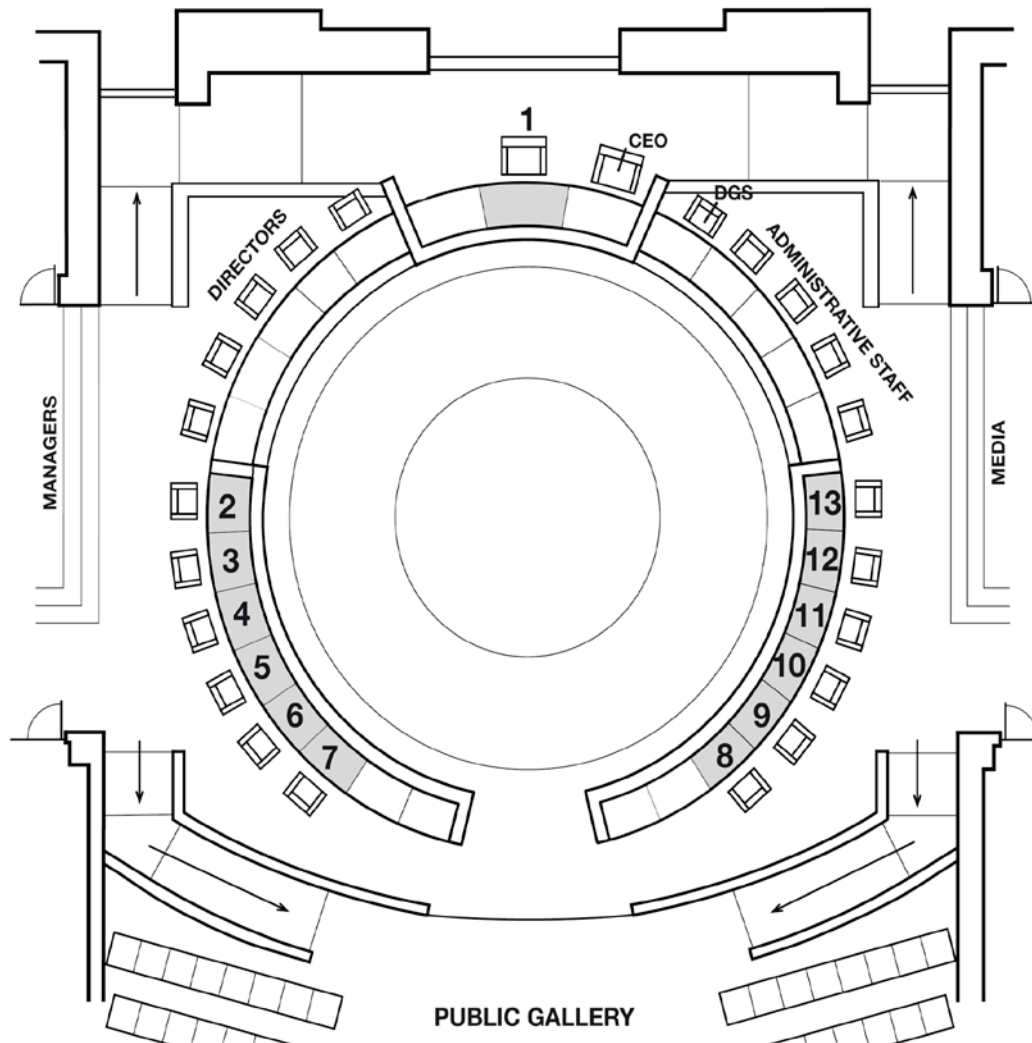
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- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to [council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

**Please note that:**

- Statements made at a **Briefing Session** must relate to matters contained on the draft agenda.
- Statements made at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Statements made at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called

## Council Chambers – Seating Diagram



### Mayor

1 His Worship the Mayor, Troy Pickard (Term expires 10/13)

### North Ward

- 2 Cr Kerry Hollywood (Term expires 10/13)
- 3 Cr Tom McLean, JP (Term expires 10/15)

### North-Central Ward

- 4 Cr Philippa Taylor (Term expires 10/13)
- 5 Cr Sam Thomas (Term expires 10/15)

### Central Ward

- 6 Cr Liam Gobbert (Term expires 10/13)
- 7 Cr Geoff Amphlett, JP (Term expires 10/15)

### South-West Ward

- 8 Cr Christine Hamilton-Prime (Term expires 10/13)
- 9 Cr Mike Norman (Term expires 10/15)

### South-East Ward

- 10 Cr John Chester (Term expires 10/13)
- 11 Cr Brian Corr (Term expires 10/15)

### South Ward

- 12 Cr Russ Fishwick (Term expires 10/13)
- 13 Cr Teresa Ritchie (Term expires 10/15)