

# 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 17 FEBRUARY 2015**

**COMMENCING AT** **7.00pm**

**GARRY HUNT**  
Chief Executive Officer  
13 February 2015

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

*This document is available in alternate formats upon request*

#### **PUBLIC QUESTION TIME**

Members of the public are  
requested to lodge questions in  
writing by 9.00am on  
**Monday 16 February 2015.**

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

#### **QUESTIONS TO**

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

PO Box 21 Joondalup WA 6919

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

## PROCEDURES FOR PUBLIC QUESTION TIME

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

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

### Questions asked verbally

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

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

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

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

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

### **DISCLAIMER**

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

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

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

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

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

## CODE OF CONDUCT

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

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

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

Elected Members, Committee Members and employees must:

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

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

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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:

[AdditionalInformation170215.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, 17 February 2015** commencing at **7.00pm**.

GARRY HUNT  
Chief Executive Officer  
13 February 2015

Joondalup  
Western Australia

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## VISION

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

## PRIMARY VALUES

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

## DISTINGUISHING VALUES

### **Bold**

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

### **Ambitious**

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

### **Innovative**

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

### **Enterprising**

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

### **Prosperous**

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

### **Compassionate**

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

# AGENDA

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

## 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

## 2 DECLARATIONS OF INTEREST

### Disclosure of interest affecting impartiality

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

<b>Name/Position</b>	<b>Mr Mike Tidy, Director Corporate Services.</b>
<b>Item No./Subject</b>	CJ024-02/15 - Composition of the Community Invitation Art Award Judging Panel.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mr Tidy approved Report CJ024-02/15.

<b>Name/Position</b>	<b>Mr Mike Tidy, Director Corporate Services.</b>
<b>Item No./Subject</b>	CJ025-02/15 – Review of Potential Inside-Out Billboard Locations within the City of Joondalup City Centre Including Referred Location – Pump House at Central Park West.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mr Tidy approved Report CJ025-02/15.

## 3 PUBLIC QUESTION TIME

The following questions were taken on notice at the Annual General Meeting of Electors held on 2 December 2014:

**Dr M Apthorpe, Ocean Reef:**

*Re: Ocean Reef Marina.*

**Q1** *Can the City indicate where it will find an additional 19.7 hectares of bushland in good condition as an off-set for the clearing of 'Bush Forever 325' at the Ocean Reef Marina site?*

**A1** As part of the assessment process for the Metropolitan Region Scheme amendment, the City has committed to the provision of a negotiated planning outcome that mitigates the impact of the marina on a portion of Bush Forever site 325.

In consultation with the relevant State Government agencies, the City is investigating the available mitigating options.

Q2 *Can the City guarantee ratepayers that they will not have to pay the on-going bill of millions of dollars for the dredging of the new harbour given that the residents of Port Geographe and surrounding areas have ended up with a massive on-going bill when the developer walked away from that marina development?*

A2 While the actual Marina Manager has yet to be determined, the on-going maintenance and management costs of the marina infrastructure will be included in the business case for the management of the marina.

It should be noted that the design of the Ocean Reef Marina breakwaters and the coastal environment differ significantly from Port Geographe. Further, the research and investigations into the Port Geographe experience contributed to the development of the breakwater and marina design.

Q3 *Can the City guarantee residents of the new development that the harbour design with its single entrance will not fill up with rotting weed as the present harbour with a single entrance constantly does?*

A3 Seagrass wrack accumulation both within and outside the existing Ocean Reef Boat Harbour varies considerably from year to year. However, the level of wrack accumulation does not require regular maintenance/management by the City.

Seagrass wrack investigations will form part of the Public Environmental Review of the Ocean Reef Marina.

Q4 *Can the City guarantee that neither Mullaloo Beach or Beaumaris Beach will suffer sand erosion as a result of the projecting marina walls altering the sand supplied to both those beaches?*

The coastal processes assessments undertaken by the City are currently being finalised and peer reviewed in accordance with the requirements of the Public Environmental Review.

A4 The key findings of these extensive assessments indicate that the construction of the Ocean Reef Marina is unlikely to cause any significant changes to the shoreline compared to the presence of the existing Ocean Reef Boat Harbour. Changes that may occur are likely to be on a relatively small scale and manageable.

Q5 *Does the City consider that it should have tolerated the building of a BMX track 750 metres in area right in the middle of the conservation zone bushland at Ocean Reef Marina which it claims to be protecting for the benefit of the future environment?*

A5 It should be noted that the actual area of the makeshift track is approximately 480 metres in area and is located in an area that has been degraded for well over a decade.

The unauthorised structures will be removed and the City is currently investigating fencing options in the area to discourage unauthorised use of the Bush Forever area.

- Q6 *Does the City consider that it is environmental best practice to remove the only known population of the Ocean Reef Grevillea to make way for a grass park and a car park within the bushland zone at the Ocean Reef Marina?*
- A6 The City is not considering removing *Grevillea vestita* (Ocean Reef form) to make way for a grass park and car park. These elements are no longer included in the proposed development.
- Q7 *When will the City release its detailed environmental studies on the Ocean Reef Marina site to the public?*
- A7 All relevant and applicable studies will be made available to the public through the planning and environmental approvals processes.

**Mr M Sideris, Mullaloo:**

*Re: Boat Launch Facility at Ocean Reef.*

- Q4 How much is in the current budget for progressing the Ocean Reef redevelopment?

A4 \$1,450,083.

*Re: Joondalup Performing Arts and Cultural Centre.*

- Q2 *What is the projected costs for the performing arts and cultural centre?*

A2 The current estimated cost for the facility as outlined in the 2014 City of Joondalup 20 Year Strategic Financial Plan is \$94 million.

- Q4 *What will be the timeframe for availability of the business plan/cost benefit analysis?*

A4 The development of a business case is subject to a review of the conceptual design and will be influenced by ongoing investigations into management options for the facility. The business case will also be subject to the outcome of ongoing negotiations with key stakeholders to determine opportunities for capital funding and/or other partnerships.

*Re: Redevelopment of Percy Doyle Reserve.*

- Q5 *The Percy Doyle Reserve redevelopment project is currently deferred for 20 years. Why and what funds have been spent to date?*

A5 The decision to delay the master planning project for Percy Doyle Reserve was based on the City's financial ability to deliver the project in the short to medium term. The delay will allow future Councils to examine the project and its financial capability at the time.

The costs incurred to date on the project total approximately \$130,000 relating to:

- various concept plan options
- initial community consultation
- needs and feasibility study
- retail needs assessment.

*Re: CBD Office Redevelopment.*

*Q4 How much has been spent on this project to date?*

*A4 Since the project's inception in 2008, \$430,584 has been spent.*

**The following questions were submitted prior to the Council meeting to be held on 17 February 2015:**

**Mr R Repke, Kallaroo:**

*Re: Ocean Reef Marina.*

*Q1 I support the Ocean Reef Marina and the Cultural Centre. If we could make the projects Tri City commitments, the projects would make immediately a lot more sense to me. Is it possible to move into that direction?*

*Q2 If the other two Cities do not join, would that not be a reality check to determine whether or not to continue with these projects? (I see the Scarborough Beach and Rottnest Island developments as supportive for the Ocean Reef Marina.)*

*Q3 In case we would have a Tri City support, would it not be easier for the State to re issue the MoU which expired a year ago?*

*Q4 The tri City cooperation means that we have 1/4 of the population of WA behind us. Should we not use that power to request that Local Governments are incorporated into the Constitution and that, thereafter, the Local Governments can incorporate themselves as independent legal entities?*

*A1-4 The Tri-Cities Alliance was established for regional advocacy and does not include any joint project/funding arrangements, as each local government authority reserves the right to progress its own projects individually.*

*Re: Reduction in fuel prices.*

*Q5 Fuel prices have dropped 1/3. And fuel prices will not go up for years to come. Will the resulting savings for the City be passed on to the ratepayers?*

*A5 In setting the budget the volatility of the fuel market needs to be considered as the budget needs to provide for 12 months net expenditure. Any reduced expenditure forms part of the annual expenditure and influences the surplus/deficit for the financial year which in turn impacts on the rates setting statement for the year.*

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

Cr Mike Norman 21 – 28 March 2015 inclusive.

**REQUESTS FOR LEAVE OF ABSENCE – CR JOHN CHESTER,  
CR GEOFF AMPHLETT, JP AND CR BRIAN CORR - [104767]**

Cr John Chester has requested Leave of Absence from Council duties covering the period 23 February to 6 March 2015 inclusive.

Cr Geoff Amphlett, JP has requested Leave of Absence from Council duties covering the period 2 May to 10 May 2015 inclusive.

Cr Brian Corr has requested Leave of Absence from Council duties covering the period 26 May to 26 June 2015 inclusive.

**RECOMMENDATION**

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

<b>1</b>	<b>Cr John Chester</b>	<b>23 February to 6 March 2015 inclusive;</b>
<b>2</b>	<b>Cr Geoff Amphlett, JP</b>	<b>2 May to 10 May 2015 inclusive;</b>
<b>3</b>	<b>Cr Brian Corr</b>	<b>26 May to 26 June 2015 inclusive.</b>

**6 CONFIRMATION OF MINUTES****MINUTES OF COUNCIL MEETING, 9 DECEMBER 2014****RECOMMENDATION**

**That the Minutes of the Council Meeting held on 9 December 2014 be confirmed as a true and correct record.**

**7 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION****8 IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC****9 PETITIONS**

**10 REPORTS****CJ001-02/15 DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS – NOVEMBER AND DECEMBER 2014**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page	Planning and Community Development
<b>FILE NUMBER</b>	07032	
<b>ALT FILE NUMBER</b>	101515	
<b>ATTACHMENTS</b>	Attachment 1	Monthly Development Applications Determined – November and December 2014
	Attachment 2	Monthly Subdivision Applications Processed – November and December 2014
	Attachment 3	Monthly Building R-Code Applications Decision – November and December 2014
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').	

**PURPOSE**

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

**EXECUTIVE SUMMARY**

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

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

This report identifies the following applications determined by the administration with delegated authority powers during November and December 2014 (Attachments 1, 2 and 3 refer):

- 1 Planning applications (applications for planning approval (development applications) and R-Code applications).



- 2 Subdivision applications.
- 3 Building R-Code applications.

## BACKGROUND

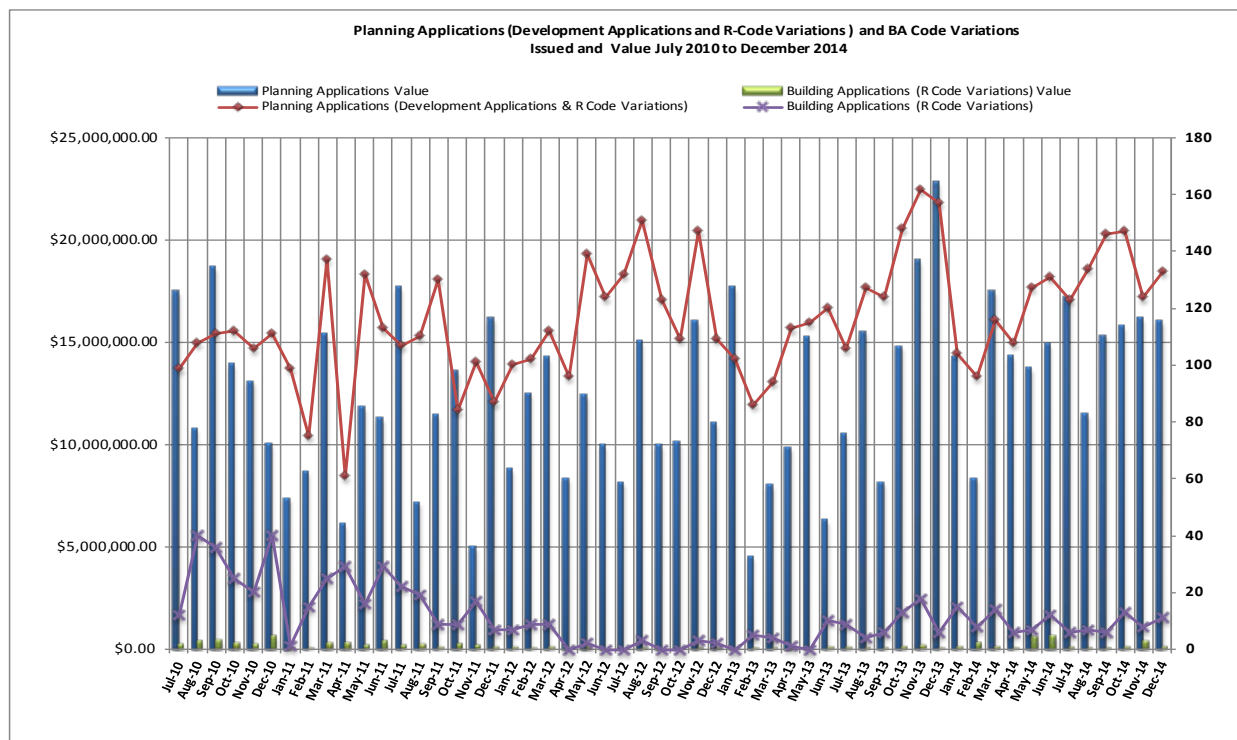
DPS2 requires that delegations be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 21 October 2014 (CJ180-10/14 refers), Council considered and adopted the most recent Town Planning Delegations via its review of the Register of Delegation of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

## DETAILS

The number of applications determined under delegated authority during November and December 2014, is shown in the table below:

Applications determined under delegated authority – November and December 2014		
Type of Application	Number	Value (\$)
Planning applications (development applications and R-Codes applications)	257	\$ 32,163,983
Building applications (R-Codes applications)	19	\$489,436
<b>TOTAL</b>	<b>276</b>	<b>\$ 32,653,419</b>

The total number and value of planning and building R-Code applications determined between July 2010 and December 2014 is illustrated in the graph below:



The number of planning applications received during November and December was 278. (This figure does not include any applications that may become the subject of an R-Code application as part of the building permit approval process).

The number of planning applications current at the end of December was 300. Of these, 73 were pending additional information from applicants, and 24 were being advertised for public comment.

In addition to the above, 604 building permits were issued during the months of November and December with an estimated construction value of \$44,294,610.

The number of subdivision and strata subdivision referrals processed under delegated authority during November and December 2014 is shown in the table below:

<b>Subdivision referrals processed under delegated authority for November and December 2014</b>		
<b>Type of referral</b>	<b>Number</b>	<b>Potential additional new lots</b>
Subdivision applications	5	5
Strata subdivision applications	5	14

#### **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 276 applications were determined for the months of November and December with a total amount of \$129,754 received as application fees.

All figures quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

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

Of the 257 planning applications determined during November and December 2014 consultation was undertaken for 67 of those applications. R-Codes applications for assessment against the applicable Design Principles (previously known as 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 be dealt with by Planning Approvals. The 10 subdivision applications processed during November and December 2014 were not advertised for public comment.

**COMMENT**

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

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

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

- 1 Applications for planning approval and R-Codes applications described in Attachment 1 to Report CJ001-02/15 during November and December 2014;**
- 2 Subdivision applications described in Attachment 2 to Report CJ001-02/15 during November and December 2014;**
- 3 Building Residential Design Code applications described in Attachment 3 to Report CJ001-02/15 during November and December 2014.**

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf100215.pdf](#)*

## **CJ002-02/15      COMMUNITY DEVELOPMENT PLAN 2015-2020 - RESULTS OF COMMUNITY CONSULTATION**

<b>WARD</b>	All			
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development			
<b>FILE NUMBER</b>	59011, 101515			
<b>ATTACHMENT</b>	Attachment 1	Community Development Plan 2015-2020		
	Attachment 2	Analysis of draft Community Development Plan - Community Consultation		Comments
<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 endorse the *Community Development Plan 2015-2020* following community consultation.

### **EXECUTIVE SUMMARY**

The City's *Community Development Strategy 2006-2011* was developed in 2006 to guide community development activities within the City of Joondalup. This strategy has now expired and extensive work has been undertaken over the past 18 months to develop a new *Community Development Plan 2015-2020*.

The draft new Community Development Plan contains four key themes:

- Community Participation.
- Leadership.
- Assets and Infrastructure.
- Community Capacity Building.

Objectives, challenges and strategies have been identified under each of the four key themes to articulate why and how the City intends to implement the new Community Development Plan.

At its meeting held on 18 November 2014 (CJ210-11/14 refers), Council endorsed the release of the draft Community Development Plan for community consultation.

The results of the community consultation are now presented for consideration together with new *Community Development Plan 2015-2020* (Attachment 1 refers).

It is therefore recommended that Council adopts the *Community Development Plan 2015-2020*.

## BACKGROUND

Development of the draft new *Community Development Plan 2015-2020* commenced 18 months ago. The development of the new plan was dependent on the finalisation of the City's *Strategic Community Plan: Joondalup 2022* to ensure alignment with the City's new vision and aspirational outcomes pertaining to community wellbeing.

In drafting the new plan, the intent was to identify high level objectives pertaining to community development for the City of Joondalup, as articulated within *Joondalup 2022* and to group them more effectively under broad themes. Furthermore, it was intended to use terminology to describe the new themes based on more contemporary language utilised within the field of community development, which transcends age-based demographics and applies across the whole community.

Four key themes were developed to inform the structure of the new *Community Development Plan 2015-2020*:

- Community Participation.
- Leadership.
- Assets and Infrastructure.
- Community Capacity Building.

Under each of these themes objectives, current challenges, opportunities, existing projects and programs, priorities and strategic responses were identified and developed. The implementation section of the plan identifies the broader projects and programs that address multiple community outcomes.

The plan also seeks to define what community development is, who the community is and how the plan aligns with the broader integrated planning framework for local government.

At its meeting held on 18 November 2014 (CJ210-11/14 refers), Council endorsed the release of the draft *Community Development Plan 2015-2020* for community consultation in accordance with the Community Consultation Plan. The plan was released for public consultation for a period of 21 days, commencing on 20 November 2014.

## DETAILS

The City consulted the general community within the City of Joondalup along with the following stakeholders:

- Representatives from local community and sporting groups and not-for-profit agencies.
- Community stakeholders including service providers, community/sporting/cultural groups, relevant State Government agencies, ECU and those who attended the two stakeholder forums held in August 2014.
- Local parliamentarians.
- Representatives from the City of Joondalup's Community Engagement Network.

The draft Community Development Plan was advertised to the general public via the City's website, which outlined the details of the consultation and the draft document. All stakeholders also received personalised letters directing them to the City's website. Members of the public and stakeholders wishing to comment were encouraged to complete a survey form online via the City's website.

The general community consultation resulted in 17 online survey responses and three qualitative responses. A summary of the responses is provided in Attachment 2. In the feedback about what the community likes about the draft plan, 75% indicated that they:

- support the plan in general
- support the priorities and focus on the four issue-based themes
- find the plan is comprehensive, condensed and concise
- support the initiatives to tailor engagement and increase community involvement
- find the key statistics informative
- find the layout easy to follow
- support the focus on the development of community leaders
- support the opportunity to apply for rental subsidies.

There were comments made about how the plan could be improved with the majority focusing on:

- use of more diverse images and colours within the plan
- more strategies for specific age and demographic groups
- a stronger focus on support for and partnerships with not-for-profit organisations and community groups
- more inclusive measures for community participation
- more awareness of mentoring and community involvement opportunities.

While the feedback about strategies for specific age and demographic groups is acknowledged, the intention for the new *Community Development Plan 2015-2020* is to take a holistic approach to community development that encompasses all age and demographic groups within the City of Joondalup. As such there are no proposed changes to the plan to place a focus on particular demographic or age specific groups.

The plan also has a strong focus on community participation and leadership with these being two of the key themes identified for progression over the life of the plan.

The remainder of the suggested improvements have been noted however there are no changes recommended to the plan. Some of the suggestions have limited relevance to a community development plan (such as environment and wildlife impacts) or will be captured in the implementation of strategies (such as more opportunities to participate in online resources and networks, identification of leaders in the community).

In response to the other key suggestions for improvement, there are three amendments that are proposed to be made to the plan:

- 1 Once the plan has been endorsed by Council, the final version will be branded and produced with more diverse images and colours (addressing feedback in relation to the use of more diverse images and colours used within the plan).
- 2 Key statistics on disability, specifically within the City of Joondalup, have been acquired from the Australian Bureau of Statistics and have been added to Page 10 of the plan (addressing feedback in relation to specific key statistics being included in the plan).
- 3 Affordable accommodation for not-for-profit organisations within the City of Joondalup has had an asterisk added to denote that this is a high priority challenge identified by the community on Page 22 of the plan (addressing feedback about the importance of the City's engagement with, and support for not-for-profit organisations and community groups).

## Issues and options considered

Council can either:

- adopt the new *Community Development Plan 2015-2020*  
or
- not adopt the new *Community Development Plan 2015-2020*.

## Legislation / Strategic Community Plan / policy implications

### Legislation

*Local Government Act 1995.*

### Strategic Community Plan

#### Key theme

Community Wellbeing.

#### Objective

- Quality facilities.
- Cultural development.
- Community spirit.
- Community safety.

#### Strategic initiative

The majority of the strategic initiatives under the above objectives relate to the new *Community Development Plan 2015-2020*.

#### Policy

*Alcohol Management Policy.*  
*Community Consultation and Engagement Policy.*  
*Community Development Policy.*  
*Facility Hire Subsidy Policy.*  
*Leisure Policy.*  
*Access and Inclusion Plan 2012-2014.*

## Risk management considerations

The intent of the new *Community Development Plan 2015-2020* is to establish a framework to enable a planned approach to achieve improved social outcomes for the community over the next five years.

This planned approach, together with the alignment to *Joondalup 2022*, will significantly assist in mitigating risks in terms of not addressing community needs, non-delivery of services, not engaging with the community appropriately and incurring unplanned expenditure.

The shared approach to delivery of the community development plan also assists in managing the risk of the City having to take sole responsibility for the achievement of improved social outcomes for the community.



### **Financial / budget implications**

With the new *Community Development Plan 2015-2020* it is acknowledged that a number of existing projects and activities will be funded from the operational budget of the City.

With regard to new projects, a number are subject to research and investigation to scope the nature and extent of the activities to be undertaken. As such, it is difficult to allocate the preliminary costing for the new projects until the plan has been adopted and implementation commences.

Any new projects and/or activities that emanate from the new plan will be encapsulated within the relevant annual business and budgetary planning processes undertaken by the City. This provides for decision-making on resource allocations to be made as part of the overall budget process on an annual basis.

### **Regional significance**

The focus of the new *Community Development Plan 2015-2020* is on overcoming issues that affect the quality of life of people living, working and visiting the City of Joondalup. It is acknowledged however that some strategies for overcoming these issues may have regional significance.

### **Sustainability implications**

The intent of the new *Community Development Plan 2015-2020* is to deliver sustainable social outcomes for the City's community. Factored into these social outcomes are considerations of both environmental and financial sustainability.

Sustainability is supported by the focus of the new plan on shared responsibility for the development of the City's community and building the capacity of community, sporting and cultural organisations and groups. There is also recognition of other partners such as Commonwealth and State Government agencies as well as the not-for-profit sector.

### **Consultation**

During the course of developing the new *Community Development Plan 2015-2020* the following consultation and engagement has occurred:

- Elected member input in August 2013.
- City's Strategic Community Reference Group in December 2013 and 2014.
- Stakeholder forums with service providers and key community, sporting and cultural groups in August 2014.
- General community consultation for 21 days from 20 November to 11 December 2014.

The City collected a combined total of 17 online responses and three qualitative responses during the 21 day consultation period. A summary of the feedback received as part of the general community consultation is provided in Attachment 2.

As a result of the feedback three amendments are proposed to be made to the *Community Development Plan 2015-2020*.

## COMMENT

The new *Community Development Plan 2015-2020* has been developed taking account of:

- alignment with *Joondalup 2022*
- a contemporary and holistic approach to community development
- identified current and future challenges facing the City and its community
- recognition of the need for shared responsibility for community development
- extensive engagement with key community stakeholders and the broader community.

The plan provides strategic direction for driving positive social outcomes across the City of Joondalup. It identifies current and projected challenges, objectives and strategies to assist the City and the wider community in overcoming issues that affect the quality of life of people living, working and visiting the City of Joondalup.

The plan will be continually monitored to track progress of implementation and the performance measures contained within the plan will be reported against.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

**That Council ENDORSES the *Community Development Plan 2015-2020* forming Attachment 1 to Report CJ002-02/15.**

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf100215.pdf](#)*

## **CJ003-02/15      SCHEME AMENDMENT NO. 76 – CONSIDERATION FOLLOWING PUBLIC CONSULTATION**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development	
<b>FILE NUMBER</b>	104209, 101515	
<b>ATTACHMENT</b>	Attachment 1	Scheme Amendment Maps (existing and proposed)
	Attachment 2	Scheme amendment process flowchart
	Attachment 3	Schedule of Submissions
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.	

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### **PURPOSE**

For Council to consider the adoption of proposed Amendment No. 76 to *District Planning Scheme No. 2* (DPS2) following public consultation.

### **EXECUTIVE SUMMARY**

In October 2013, the Minister for Planning approved an omnibus amendment to the Metropolitan Region Scheme (MRS) involving the north-west districts of Perth. Several of the proposals were located within the City of Joondalup north-west metropolitan. As it is a requirement of the *Planning and Development Act 2005* that the local planning scheme be made consistent with the MRS, the City is required to amend DPS2 to reflect the changes.

At its meeting held on 15 July 2014 (CJ112-07/14 refers), Council resolved to initiate the amendment for the purposes of public advertising. The amendment was advertised for public comment for a period of 42 days closing on 26 November 2014. A total of five submissions were received comprising two comments from service authorities, two no objections and one submission from the owner of 126 Duffy Terrace, Woodvale.

The submission from the owner of Duffy Terrace supported the rezoning but requested the site be recoded to R40 instead of R25. The City has recently adopted its *Local Housing Strategy* which identified ten areas as being suitable for density increases based on specific criteria. This site was not identified as part of that process and is therefore not considered suitable for an R40 density code.

It is therefore recommended that Council adopts the scheme amendment, and forwards the amendment to the Western Australian Planning Commission (WAPC) for consideration.

### **BACKGROUND**

The Metropolitan Region Scheme (MRS) is a strategic level planning scheme that applies broad land use zones and reserves to the Perth metropolitan area. Local planning schemes provide more detailed zonings for their specific areas, however, these are required to align with the MRS.

In October 2013, the Minister for Planning approved MRS Amendment 1244/57 – North West Districts Omnibus 8. This amendment sought to update various zones and reservations in the north-west districts of Perth, and included six proposals within the City of Joondalup. The City provided comment on the MRS Amendment during the public advertising period (CJ043-04/13 refers).

For proposals which involve the reservation of land in the MRS, DPS2 is automatically updated at the gazettal of the MRS amendment to reflect the new reservations. With regard to proposals which involve the application of the 'Urban' zone in place of a 'Parks and Recreation', 'Other Regional Road' or 'Rural' reservation, DPS2 will need to be amended to apply a local zone in place of the previous MRS reservation.

Following an amendment to the MRS, the local authority is required to amend its local planning scheme to match the broad zonings and reservations of the MRS.

At its meeting held on 15 July 2014 (CJ112-07/14 refers), Council resolved as follows:

*"That Council, pursuant to Part 5 of the Planning and Development Act 2005 and Regulations 13 and 25 of the Town Planning Regulations 1967, PROCEEDS with Amendment No. 76 to the City of Joondalup District Planning Scheme No. 2 to:*

- 1 Zone portion of Lots 209 - 212 (10, 12, 14, 16) Founders Lane, Hillarys and portion of Founders Lane 'Residential' R20;*
- 2 Zone portion of Lot 1(16) Sunlander Drive, Currambine 'Residential' R80;*
- 3 Zone portion of Lot 1326 (2) Sunlander Drive, Currambine 'Business' R80;*
- 4 Zone portion of Lot 10789 (Crown Reserve 39497) 'Residential' R20;*
- 5 Zone Lot 1 (126) Duffy Terrace, Woodvale 'Residential' R25,*

*as depicted in Attachment 1 to Report CJ112-07/14, for the purposes of public advertising for a period of 42 days".*

## **DETAILS**

In order to update and align DPS2 with the recent amendments to the MRS, the following mapping modifications are proposed:

- Remove the 'Other Regional Roads' reservation from portion (1266m<sup>2</sup>) of Lots 209 - 212 (10, 12, 14, 16) Founders Lane, Hillarys and portion of Founders Lane and zone to 'Residential' R20 (Attachment 1, page 1).
- Remove the 'Other Regional Roads' reservation from portion (827m<sup>2</sup> and 239m<sup>2</sup>) of Lot 1(16) Sunlander Drive, Currambine and zone to 'Residential' R80 (Attachment 1, page 2).
- Remove the 'Other Regional Roads' reservation from portion (273m<sup>2</sup>) of Lot 1326 (2) Sunlander Drive, Currambine and zone to 'Business' R80 (Attachment 1, page 2).
- Remove the 'Parks and Recreation' reservation and the Bush Forever overlay from portion (155m<sup>2</sup>) of Lot 10789 (Crown Reserve 39497) and zone to 'Residential' R20 (Attachment 1, page 3).

- Rezone Lot 1 (126) Duffy Terrace, Woodvale (4046m<sup>2</sup>), from 'Rural' to 'Residential' R25 (Attachment 1, page 4).

The above proposals are shown as Attachment 1.

### **Issues and options considered**

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

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

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

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

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

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

### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality Built Outcomes.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

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

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

At its meeting held on 15 July 2014 (CJ112-07/14 refers), Council resolved to initiate the scheme amendment for the purposes of public advertising. The proposed amendment was then referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review was necessary. The EPA decided that a formal environmental review of the amendment was not required.

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

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

**Risk management considerations**

When the MRS is amended, the local planning scheme must also be amended to ensure it is consistent with the MRS. If a scheme amendment is not adopted to align DPS2 with the MRS, the City may be directed to adopt the amendment by the Minister for Planning.

**Financial / budget implications**

The City, as the applicant, is required to cover the costs associated with the scheme amendment process. The costs incurred for the advertising of the amendment which comprised of placing a notice in the relevant newspapers and a sign on-site was \$1,600.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

The proposed scheme amendment was advertised for public comment for 42 days, closing on 26 November 2014. Consultation included:

- a sign placed on Lot 1 (126) Duffy Terrace, Woodvale
- a notice placed in the *Joondalup Weekender* and *The West Australian* newspaper
- a notice placed on the E-screen at the City's administration building
- a notice and documents placed on the City's website.

A total of five submissions were received comprising two submissions from service authorities, two submissions from nearby residents of 126 Duffy Terrace and one submission on behalf of the owner of 126 Duffy Terrace.

A schedule of submissions is provided as Attachment 3. The submissions from the nearby residents of 126 Duffy Terrace did not object to the proposed rezoning but raised concerns regarding fencing and built form of any new residential development. The submission on behalf of the owner of Duffy Terrace supported the rezoning but requested the site be recoded to R40 instead of R25.

There were no comments relating to any of the other proposals included in this amendment.

**COMMENT****Response to submissions**

The comments made by the two adjoining residents regarding the rezoning of 126 Duffy Terrace related to the built form of any future development on that site. These are matters for consideration as part of any future development or subdivision application for that site and do not affect the determination of the Scheme Amendment.

The request on behalf of the owner of 126 Duffy Terrace to recode the site to R40 instead of R25 is not considered appropriate as the City has recently adopted its *Local Housing Strategy* which identified ten Housing Opportunity Areas as being suitable for density increases. This site was not identified during that process and therefore is not considered appropriate for an R40 density code.

The Housing Opportunity Areas were originally identified based on the broad criteria of:

- 800 metre catchment around Currambine, Joondalup, Edgewater, Whitfords, Greenwood and Warwick railway stations
- 800 metre catchment around the Joondalup City Centre and the secondary centres of Whitfords and Warwick
- 400 metre catchment around the district centres of Woodvale, Greenwood and Currambine
- 400 metre catchment around neighbourhood centres close to high frequency public transport services
- 400 metre catchment around high frequency bus routes
- suburbs which would benefit from revitalisation
- land abutting Right of Ways (laneways).

This site is located one kilometre from the Woodvale shopping centre and therefore does not fall within the selection criteria used to identify the areas suitable for density increases. Given that the City only recently adopted the *Local Housing Strategy* (April 2013) it is not considered appropriate to increase density on an ad hoc basis outside of the identified Housing Opportunity Areas.

#### Change to wording of resolution

A minor modification has been made to the resolution of parts 1, 2, 3 and 4 (CJ112-07/14 refers), to remove reference to the residential density code as under DPS2 the density code already applies and is not being changed. Only the density code of Lot 1 Duffy Terrace is changing, as this lot previously had no code and will now have a residential density code.

#### Conclusion

The advertising of the proposed scheme amendment has not raised any issues that would warrant not proceeding with the proposal. It is therefore recommended that the proposed amendment be adopted without modification and the amending documents be endorsed and submitted to the WAPC for determination by the Minister for Planning.

### **VOTING REQUIREMENTS**

Simple Majority.

## RECOMMENDATION

### That Council:

- 1 Pursuant to Regulation 17(2) of the *Town Planning Regulations 1967*, **ADOPTS** Amendment No. 76 to the *City of Joondalup District Planning Scheme No. 2* to:
  - 1.1 Zone portion of Lots 209 - 212 (10, 12, 14, 16) Founders Lane, Hillarys and portion of Founders Lane 'Residential';
  - 1.2 Zone portion of Lot 1(16) Sunlander Drive, Currambine 'Residential';
  - 1.3 Zone portion of Lot 1326 (2) Sunlander Drive, Currambine 'Business';
  - 1.4 Zone portion of Lot 10789 (Crown Reserve 39497) 'Residential';
  - 1.5 Rezone Lot 1 (126) Duffy Terrace, Woodvale from 'Rural' to 'Residential';
  - 1.6 Code Lot 1 (126) Duffy Terrace, Woodvale R25,  
as depicted in Attachment 1 to Report CJ003-02/15;
- 2 **AUTHORISES** the affixation of the Common Seal and signing of the documents associated with Amendment No. 76 to the *City of Joondalup District Planning Scheme No. 2*;
- 3 Pursuant to Regulation 18 of the *Town Planning Regulations 1967*, **FORWARDS** Amendment No. 76 and Council's decision to the Western Australian Planning Commission for consideration;
- 4 **NOTES** the submissions received and advises the submitters of Council's decision.

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf100215.pdf](#)*



## **CJ004-02/15      PROPOSED CHANGE OF USE FROM GROUPED DWELLING TO CONSULTING ROOMS AT LOT 1 (32) NOTTINGHILL STREET, JOONDALUP**

<b>WARD</b>	North	
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development	
<b>FILE NUMBER</b>	102930, 101515	
<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 'Grouped Dwelling' to 'Consulting Rooms' at Lot 1 (32) Nottinghill Street, Joondalup.

### **EXECUTIVE SUMMARY**

An application for planning approval has been received for a change of use from 'Grouped Dwelling' to 'Consulting Rooms' at Lot 1 (32) Nottinghill Street, Joondalup.

The site is currently developed with a consulting room (dental practice) and a grouped dwelling.

The proposal involves the conversion of an existing lounge room, which currently forms part of the grouped dwelling, into a meeting room to be used as part of the existing consulting room.

The site is zoned 'Central City Area' under the *Metropolitan Region Scheme* (MRS) and 'Centre' under the *City of Joondalup District Planning Scheme No. 2* (DPS2) and is covered by the *Joondalup City Centre Development Plan and Manual* (JCCDPM). Under the JCCDPM the site is located within the 'City North' district. In addition to the requirements of the JCCDPM, regard is also required to be given to the draft *Joondalup City Centre Structure Plan* (JCCSP). Under the draft JCCSP, the site is subject to the provisions of the 'Mixed Use Corridor' district.

In accordance with the JCCDPM, a shortfall of one car bay (33.3%) currently exists across the site. The conversion of the existing lounge room into part of the consulting room on the site will add an additional 14.7m<sup>2</sup> of Net Lettable Area (NLA) to the commercial tenancy, thereby increasing the car parking shortfall for the site to two car bays (50%).

As the application only seeks approval for the 14.7m<sup>2</sup> NLA to be added to the existing consulting room for the purposes of a staff meeting room, there will be no additional demand or increase in the intensity of the business.

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

## BACKGROUND

<b>Suburb/Location</b>	Lot 1 (32) Nottingham Street, Joondalup.
<b>Applicant</b>	Andrew Scales.
<b>Owner</b>	Professional Consulting Wa Pty Ltd.
<b>Zoning</b>	<b>DPS</b> Centre.
	<b>MRS</b> Central City Area.
<b>Site area</b>	238m <sup>2</sup>
<b>Structure plan</b>	<i>Joondalup City Centre Development Plan and Manual.</i> <i>Draft Joondalup City Centre Structure Plan.</i>

The subject site is located on the corner of Nottingham Street and Regents Park Road, Joondalup. The site is opposite Regents Park to the east and is surrounded by medium density residential and mixed use lots to the north, south and west (Attachment 1 refers).

The site is zoned 'Centre' under DPS2 and is covered by the JCCDPM. Under the JCCDPM, the site is subject to the Residential/Mixed use provisions of the 'City North' district.

The JCCDPM highlights the mixed use nature of the city centre and how parking is achieved through a mix of public parking and on-site parking options. There are numerous public parking options available in the city centre, including two hour limit parking bays available along Regents Park Road for use by the public. These bays support business operations and development by encouraging high turnover car parking bays close to businesses. There are also long term parking options available on the fringes of the city centre, both in off-street car parks and on-street parking bays.

In addition to the requirements of the JCCDPM, regard is also required to be given to the draft JCCSP. Under the draft JCCSP, the site is subject to the provisions of the 'Mixed Use Corridor' district. The proposed land use 'Consulting Rooms' is a permitted ("P") use under both the JCCDPM and the draft JCCSP.

Planning approval was granted in 1998 for a mixed use development consisting of two grouped dwellings and a commercial tenancy, originally approved as two separate shops. A total of four car bays were required to be provided for the development in accordance with the car parking requirements of the JCCDPM, with two bays required for the commercial premise and two bays for the dwellings. These bays were provided on-site within two double garages.

In 2000, the original parent lot was strata titled, with one dwelling and the entire commercial tenancy located on strata Lot 1 (32 Nottingham Street) and the second dwelling located on strata Lot 2 (47 Regents Park Road). As a result of this subdivision, Lot 1 now only has one double garage on-site for its exclusive use, resulting in a car parking shortfall of one car bay (33.3%).

The City approved a change of use from 'Shop' to 'Consulting Rooms' for the commercial tenancy in November 2013. Under the JCCDPM, the car parking requirements for this application remained the same as the amount required by the previous approval and the car parking shortfall on-site remains at 33.3%.

## DETAILS

A dental practice is currently operating from the consulting room tenancy at the front of the subject lot. This application seeks approval for an existing lounge room, which currently forms part of the 'Grouped Dwelling' use of the building, to be used as part of this dental practice. The doorway to the dwelling from this room is proposed to be closed off and the original doorway to the commercial tenancy reinstated so as to only give access to the dental practice.

The existing dental practice has a NLA of 60m<sup>2</sup>. The inclusion of the lounge room to the practice will add an additional NLA of 14.7m<sup>2</sup>.

The business shall continue to operate in accordance with the original conditions of approval, which restrict use of the premise to one practitioner at any given time, with the additional room to be used as a meeting room for staff at the practice.

The dental practitioner operating from the subject commercial premise also resides at the grouped dwelling site. As such, both car bays within the double garage are shared by the different land uses.

There are currently four additional staff members working at the premise, comprising two nurses and two receptionists. All staff reside locally and access the site either via public transport or on foot.

The development plans are provided as Attachment 2.

Car parking for the site is calculated in accordance with the standards prescribed under the JCCDPM, as set out in the table below.

Land use	Car parking standard	Car parking required
Grouped Dwelling	1 bay per dwelling	1 bay
Consulting Rooms (74.7m <sup>2</sup> NLA)	1 bay per 30m <sup>2</sup> NLA	3 bays
<b>Total car parking required</b>	4 bays	
<b>Total car parking provided</b>	2 bays	

As demonstrated in the above table, the additional floor area to the 'Consulting Rooms' land use will increase the amount of car parking required under the JCCDPM by one car bay, resulting in a two car bay shortfall (50%).

It is also noted that, in applying the car parking standard under the draft JCCSP, a greater car parking shortfall of three car bays (60%) will result as, while one bay is still required per 30m<sup>2</sup> NLA, two car bays are required per dwelling.

### Issues and options considered

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

Council has the discretion to:

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

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

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

### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

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

**Policy** Not applicable.

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

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

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

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

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

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

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

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

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

#### 4.8 CAR PARKING STANDARDS

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

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

#### 6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

#### **Risk management considerations**

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

**Financial / budget implications**

The applicant has paid fees of \$295 (excluding GST) in accordance with the fees and charges schedule 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**

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

**COMMENT**Land Use

The application seeks approval for a change in land use from 'Grouped Dwelling' to 'Consulting Rooms', which is a permitted ("P") land use within the 'City North' district of the JCCDPM and the 'Mixed Use Corridor' district of the draft JCCSP and is, therefore, considered appropriate.

Car Parking

There are currently only two car bays provided on-site, located within the existing double garage. As one car bay is required for the 'Grouped Dwelling' use of the site under the JCCDPM, this only leaves one car bay for the 'Consulting Rooms' use. However, the addition of 14.7m<sup>2</sup> NLA to the commercial tenancy results in a car parking requirement of three car bays for the existing dental practice, resulting in a 50% car parking shortfall across the site.

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

- determine that the provision of two car parking bays is appropriate
- determine that the provision of two car parking bays is not appropriate
- or
- determine that a cash-in-lieu payment of \$34,323 per bay is required for the shortfall in car parking, being \$34,323 for the one car bay increase in the existing shortfall as a result of this development. This is discussed further below.

This application seeks to only add an additional NLA of 14.7m<sup>2</sup> to an existing dental practice to be used as a staff meeting room. The current operation of the business will not change as a result of the addition of this room, which will be used by staff members only. As customers will have no access to the subject room, its inclusion will not generate any additional demand or increase the intensity of the business.

The car parking standard under the JCCDPM requires car parking to be based on NLA, rather than the number of practitioners operating from the site at any given time. Regardless of which standard is applied, as the applicant is not proposing to increase the number of practitioners on-site at any given time, the existing patient load will not increase.

Should the application be approved and a cash-in-lieu payment required, an amount of \$34,323 will be payable. Any cash funds received must be used to provide for additional parking in the immediate locality. Given that the application only seeks approval for the 14.7m<sup>2</sup> NLA to be added to the existing 'Consulting Rooms' use for the purposes of a staff meeting room, it is not considered appropriate in this instance to require a cash-in-lieu payment to provide additional parking.

It is therefore recommended that the application 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 two bays in lieu of four bays is appropriate in this instance;
- 2 **APPROVES** under clause 6.9 of the *City of Joondalup District Planning Scheme No. 2* the application for planning approval dated 13 November 2014 submitted by Andrew Scales, for a change of use from 'Grouped Dwelling' to 'Consulting Rooms' at Lot 1 (32) Nottingham Street, Joondalup, 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;
- 3 **ADVISES** the applicant that the previous conditions of approval remain valid and that a maximum of one practitioner generating their own patient load shall be permitted to operate from the premise at any given time.

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf100215.pdf](#)

## **CJ005-02/15      PROPOSED AMENDMENT NO. 80 TO DISTRICT PLANNING SCHEME NO. 2 TO RECODE LOT 1001 (14) CAMBERWARRA DRIVE, CRAIGIE**

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

### **PURPOSE**

For Council to consider initiating proposed Scheme Amendment No. 80 to *District Planning Scheme No. 2* (DPS2) to recode Lot 1001 (14) Camberwarra Drive, Craigie from R20 to R40 and restrict the permitted use to 'Aged or Dependent Persons' Dwellings', for the purpose of public advertising.

### **EXECUTIVE SUMMARY**

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

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

The site is located within Housing Opportunity Area 5 under the City's *Local Housing Strategy* (LHS), and is earmarked to be coded R20/40. Scheme Amendment No. 73, which will implement the increased densities, is already underway. However, finalisation of this amendment is not expected to occur for at least another 12 to 18 months. The subject scheme amendment, which proposes to recode the subject lot to R40, is in line with the higher coding proposed within the LHS and Amendment No. 73 and is likely to reach finalisation ahead of Scheme Amendment No. 73.

The proposed amendment is considered to have merit as it will facilitate a different type of housing stock within an established area to meet the needs of the community.

It is therefore recommended that Council proceed with the proposed scheme amendment for the purpose of public advertising for a period of 42 days.



## BACKGROUND

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

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

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

The current development on the site consists of a single storey building and associated car parking currently used for the Craigie Child Health Care service, which is to be relocated to the Padbury Child Health Care site in early 2015.

The site is located within Housing Opportunity Area 5 of the LHS and a density increase is proposed for the site and surrounding residential properties from R20 to R20/40 under Scheme Amendment No. 73. At its December 2013 meeting, Council initiated Scheme Amendment No. 73 for the purpose of public advertising (CJ236-12/13 refers). The amendment was advertised for 42 days concluding on 10 December 2014. A report on submissions received will be presented to Council in due course.

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

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

## DETAILS

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

## Issues and options considered

The issues to be considered by Council are:

- the suitability of the proposed scheme 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 a strategic, planned approach in appropriate locations.

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

**Policy** Not applicable.

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

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

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

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

The process flow chart for amendments to DPS2 is included as Attachment 3.

*District Planning Scheme No. 2 (DPS2)*

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; and*
- (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.*

**Risk management considerations**

Not applicable.

**Financial / budget implications**

The City, as the proponent, will be required to cover the costs associated with the scheme amendment process. The costs incurred are for the advertising of the 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 \$2,325.

**Regional significance**

Not applicable.

## **Sustainability implications**

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

## **Consultation**

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

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

## **COMMENT**

The proposed scheme amendment for Lot 1001 (14) Camberwarra Drive, Craigie is consistent with Council's resolution of 21 October 2014 (CJ203-10/14 refers).

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

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

Further to the above, recoding the site and restricting the use to 'Aged or Dependent Persons' Dwellings' is consistent with the City's approach to providing aged persons' accommodation within the City of Joondalup, in accordance with the City's *Local Planning Strategy* and *Positive Aging Plan 2009-2012*. The amendment is also considered appropriate in light of the State Government's planning frameworks such as *Directions 2031 and beyond*.

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:**

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

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

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

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

**1.3** Amend the Scheme Map accordingly,

as depicted in Attachment 2 to Report CJ005-02/15.

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf100215.pdf](#)

## **CJ006-02/15      PROPOSED ADDITIONS TO EXISTING CAR WASH INCLUDING DRIVE THROUGH FOOD OUTLET AT LOT 200 (8) THE GATEWAY, EDGEWATER**

<b>WARD</b>	North-Central
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	38711, 101515
<b>ATTACHMENT</b>	Attachment 1      Location plan Attachment 2      Development plans Attachment 3      Building perspectives Attachment 4      Landscaping concept plan Attachment 5      Environmentally sustainable design checklist
<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 additions to an existing 'Car Wash', including a new 'Drive-Through Food Outlet' at Lot 200 (8) The Gateway, Edgewater.

### **EXECUTIVE SUMMARY**

An application for planning approval has been received for additions to an existing 'Car Wash' including a 'Drive-Through Food Outlet' at Lot 200 (8) The Gateway, Edgewater. The additions include six vacuum bays, two additional laser wash car washes, one new open wash area, administration office, external bin store, and 14 car parking bays.

The site is zoned 'Urban' under the *Metropolitan Region Scheme* and 'Business' under the *City of Joondalup District Planning Scheme No. 2 (DPS2)*. Regard is also required to be given to the draft *Joondalup City Centre Structure Plan (JCCSP)* as a 'seriously entertained planning proposal'. Under the draft JCCSP the site is subject to the provisions of 'The Gateway' district.

'Car Wash' and 'Drive-Through Food Outlet' are Discretionary ("D") uses under both DPS2 and the draft JCCSP.

There is no car parking standard for the land use 'Car Wash' under DPS2, and as such Council is required to determine an appropriate car parking standard for the land use. It is noted that previously Council has applied the car parking standard of one car bay per employee to mechanical 'Car Wash' developments (CJ057-04/10 refers). It is considered that this car parking standard is appropriate and therefore should be applied to this development and future 'Car Wash' developments within the City of Joondalup. Applying this standard to the development, a nine bay surplus will result.

The application was referred to the Joondalup Design Reference Panel (JDRP) on 6 November 2014. The panel had a number of concerns with the overall design of the development. The applicant has subsequently made changes to the proposed development taking into consideration the comments of the JDRP.

The development meets all other requirements of DPS2 with the exception of the vacuum and chamois bay having a setback of 3.8 metres to the street boundary in lieu of six metres. It is considered that this setback does not have an adverse impact on the streetscape, and overall the design of the development will improve the current appearance of the car wash.

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

## BACKGROUND

<b>Suburb/Location</b>	Lot 200 (8) The Gateway, Edgewater.
<b>Applicant</b>	Sebastiano Ravi.
<b>Owner</b>	Well Holdings Pty Ltd.
<b>Zoning</b>	<b>DPS:</b> Business. <b>MRS:</b> Urban.
<b>Site area</b>	2,362m <sup>2</sup> .
<b>Structure plan</b>	Draft <i>Joondalup City Centre Structure Plan</i> .

The subject lot is located at 8 The Gateway, Edgewater with direct vehicular access from The Gateway. The subject site is bounded by the Mitchell Freeway reserve to the west, car parking and a showroom development to the north and multi-use tenancies to the south (Attachment 1 refers).

The car wash was initially approved in 1997, and since this time there has been no further development on the site.

Under DPS2 there is no car parking standard for the land use 'Car Wash' and Council must consider an appropriate standard to apply to this development. At its meeting held on 20 April 2010 (CJ057-04/10 refers), Council resolved to approve an application for a 'Car Wash' in Canham Way, Greenwood. In approving that application a car parking standard of one bay per employee was considered appropriate.

It is noted that no car parking standard for the land use has been proposed under Scheme Amendment No. 65.

## DETAILS

The proposed additions and refurbishment are comprised of the following:

- A drive-through food outlet, including a small external seating area.
- Six vacuum bays.
- Two additional laser wash car washes.
- One new open wash area.
- Administration office.
- An external bin store.
- An external car park comprising 14 car parking bays.
- General façade and landscaping upgrades.

The development will also remove an access road that connects the lots to the north and south of the subject site. It is noted that there is no condition or right of access that requires this access way. Both the lots to the north and south of the development site will be able to maintain access to the sites from The Gateway, and the removal will not adversely impede on car parking and vehicular circulation.

The development plans, building perspectives and landscape concept plans are provided as Attachments 2, 3 and 4 respectively.

The development meets the requirements of DPS2 and the draft JCCSP with the exception of the vacuum and chamois bays having a 3.8 metre setback in lieu of six metres to The Gateway boundary.

### **Issues and options considered**

Council is required to consider whether the car parking standard of one bay per employee for the 'Car Wash' is appropriate to be applied in this instance. Council must also consider whether a reduced setback of 3.8 metres from the vacuum and chamois bay to the The Gateway boundary is appropriate.

Council has discretion to:

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

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

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

#### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

**Strategic initiative** Building and landscape is suitable for the immediate environment and reflect community values.

**Policy** *Environmentally Sustainable Design Policy.*

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

Clause 3.6 of DPS2 sets out the objectives and general provisions 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 gives Council discretion to consider the variations sought to the standards and requirements:

#### **4.5 Variations to Site and Development Standards and Requirements**

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

Clause 4.8 of DPS2 sets out the requirements for the provisions of determining a car parking standard.

#### **4.8 Car parking standards**

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

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

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

6.8 *Matters to be considered by Council*

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

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

#### **Environmentally Sustainable Design Policy**

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

The objective of this policy is:

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

The applicant has completed the Environmentally Sustainable Design checklist. A copy of this is provided as Attachment 5.

#### **Risk management considerations**

The proponent has a right of review against the Council 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 \$640 (excluding GST) in accordance with the fees and charges schedule for the assessment of the application.

#### **Regional significance**

Not applicable.

#### **Sustainability implications**

The applicant has completed the City's Environmentally Sustainable Design Checklist to the extent that it is applicable to the development. The checklist is provided as Attachment 5.

The applicant proposes roof mounted solar panels above the cafe, wash areas and covered vacuum canopies.

The applicant has also indicated use of water sensitive design.

### **Consultation**

The proposal was not advertised as it is considered consistent with the intended use of the 'Business' zone and will not result in any significant adverse impact on the amenity of adjoining properties.

As the development abuts the Mitchell Freeway road reserve, the application was referred to Main Roads, with the following comments to be included as advice notes to the applicant should the development be approved:

- No earthworks shall encroach onto the Mitchell Freeway reserve.
- No stormwater drainage shall be discharged onto the Mitchell Freeway reserve.
- No vehicle access shall be permitted onto the Mitchell Freeway reserve.
- Any future signage for this development will require a separate application to be submitted to Main Roads.
- The type of sign and location must comply with all relevant by-laws and planning schemes implemented by Council.
- If the sign is to be illuminated, it must be of a low level not exceeding 300cd/m<sup>2</sup> and may not flash, pulsate or chase.
- Main Roads agreement is to be obtained prior to any modifications.
- The device shall not contain fluorescent, reflective or retro reflective colours or materials.
- No unauthorised signage is to be displayed.

It is also noted that should the development be approved, conditions of approval will require development and stormwater to be contained on-site.

### **COMMENT**

#### Land use

The land uses 'Car Wash' and 'Drive-Through Food Outlet' are discretionary ("D") land uses under DPS2 and the draft JCCSP.

As the application is for modifications to an existing mechanical car wash already approved on the site, the additions to the car wash land use are considered appropriate. Furthermore, the proposed 'Drive-Through Food Outlet' is small scale, and has been designed to complement and be ancillary to the predominant 'Car Wash' land use. As it provides a complementary service to the area and existing land uses, it is considered to meet the requirements of DPS2 and the draft JCCSP.

#### Car parking

A car parking standard for 'Car Wash' is not set out in DPS2, and therefore Council is required to determine a car parking standard. Previously, Council has applied a car parking standard of one car bay per employee to mechanical 'Car Wash' developments. Car washes generally have a quick turn over, with customers washing and/or vacuuming the cars then exiting the site immediately. As such there is considered to be minimal demand for dedicated car parking spaces in addition to the wash down areas. It is therefore considered that the car parking standard of one bay per employee is appropriate to apply to the 'Car Wash' land use.

Applying this car parking standard, there will be a maximum of three employees for the 'Car Wash' land use on-site at any given time. In addition, the 'Drive-Through Food Outlet' requires two bays, with a total of five bays therefore required on-site. A total of 14 marked car bays will be available on-site in addition to wash down and other service areas. It is therefore considered that there is adequate parking on-site.

### Building Setbacks

Under DPS2 a minimum building setback of six metres is required to the street boundary, with a minimum setback of 3.8 metres proposed to vacuum and chamois bays. The remainder of the development is set back in excess of six metres.

The portion of the development setback 3.8 metre is an open canopy area, with landscaping to be provided immediately in front of the development. Given the open nature of the structure, and the landscaping to be provided it is considered that the development maintains an attractive facade to the street, and is appropriate in this instance.

### Signage

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

### Joondalup Design Reference Panel

The Joondalup Design Reference Panel (JDRP) met on 6 November 2014. The key points raised by the panel, as well as additional comments are provided below:

1 *General discussion regarding drainage, filtration and plan quality.*

The panel indicated that plans were concept design plans only and items such as final levels, water tanks and retaining walls were not shown.

The applicant has subsequently provided amended plans to address these comments. While it is acknowledged that these plans are not construction drawings, it is considered that they contain the necessary level of detail for a development application, with construction drawings being required for a building permit.

2 *The panel questioned whether solar panels were provided.*

The applicant advised roof mounted solar panels are located above the cafe, wash areas and covered vacuum canopies.

3 *Discussion on the proposed the cafe, small size of the alfresco and location of the drive through.*

The applicant provided justification for the small nature of the alfresco area, as the cafe is not intended to service seated guests, but rather provided refreshments to those in queue for carwash facilities as well as a drive through service. In the past a drinks vending machine facility was provided where people accompanying the driver/customer would purchase refreshments and sit at a couple of demountable tables with chairs on the current lawn area. However as the 'Drive-Through Food Outlet' could operate independently of the car wash it has been considered as a separate use.

The applicant acknowledged that customers using the drive-through would approach on the passenger side of the vehicle. However, they have provided a management approach to deal with this issue whereby orders shall be received on the driver's side, with the option for staff to carry food and beverages to the driver in the absence of a passenger.

### Conclusion

The proposed development generally complies with the provisions of DPS2, with the exception of the above mentioned. Given that the proposal includes variations which are minor in nature and will not result in any adverse impact on amenity, the application is recommended for approval with conditions.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

### **That Council:**

- 1 DETERMINES under clause 6.9 of the *City of Joondalup District Planning Scheme No. 2* that the land use 'Drive-Through Food Outlet' is appropriate in this instance;**
- 2 EXERCISES discretion under clause 4.5.1 and 4.8.2 of the *City of Joondalup District Planning Scheme No. 2* and determines that the car parking standard for the use 'Car Wash' shall be one car parking bay per employee;**
- 3 EXERCISES discretion under clause 4.5.1 of the *City of Joondalup District Planning Scheme No. 2* and determines that building setback of 3.8 metres in lieu of six metres to the street boundary is appropriate in this instance;**
- 4 APPROVES under clause 6.9 of the *City of Joondalup District Planning Scheme No. 2* the application for planning approval, dated 3 June 2014 submitted by S Ravi Consultants on behalf of the owner, Well Holdings Pty Ltd, for proposed addition and 'Drive-Through Food Outlet' to existing 'Car Wash' at Lot 200 (8) The Gateway, Edgewater, subject to the following conditions:**
  - 4.1 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;**
  - 4.2 A Construction Management Plan being submitted and approved by the City prior to the commencement of development. The management plan shall detail how it is proposed to manage:**
    - 4.2.1 all forward works for the site;**
    - 4.2.2 the delivery of materials and equipment to the site;**
    - 4.2.3 the storage of materials and equipment on the site;**
    - 4.2.4 the parking arrangements for the contractors and subcontractors;**
    - 4.2.5 other matters likely to impact on the surrounding properties;**

- 4.3 The car parking bays, driveways and access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009) and Off-street Commercial Vehicle Facilities (AS2890.2:2002), prior to the occupation of the development. These bays are to be thereafter maintained to the satisfaction of the City;
- 4.4 An on-site stormwater drainage system, with the capacity to contain a 1:100 year storm of 24-hour duration, is to be provided prior to the development first being occupied, and thereafter maintained to the satisfaction of the City. Plans showing the proposed stormwater drainage system are to be submitted to the City for approval prior to the commencement of development;
- 4.5 A refuse management plan indicating the method of rubbish collection is to be submitted to the City prior to the commencement of development, and approved by the City prior to the development first being occupied;
- 4.6 Detailed landscaping plans shall be submitted to the City for approval prior to the commencement of development. These landscaping plans are to indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:
- 4.6.1 Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
  - 4.6.2 Provide all details relating to paving, treatment of verges and tree planting in the car park;
  - 4.6.3 Show spot levels and/or contours of the site;
  - 4.6.4 Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;
  - 4.6.5 Be based on water sensitive urban design principles to the satisfaction of the City;
  - 4.6.6 Be based on Designing out Crime principles to the satisfaction of the City;
  - 4.6.7 Show all irrigation design details;
- 4.7 Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
- 4.8 The car parking to the western and eastern boundaries shall be provided with one shade tree for every four bays prior to the development first being occupied. The trees shall be located within tree wells protected from damage by vehicles and maintained to the satisfaction of the City;
- 4.9 A full schedule of colours and materials for all exterior parts to the building is to be submitted and approved prior to the commencement of development. Development shall be in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard to the satisfaction of the City;

- 4.10 Any proposed external building plant, including air conditioning units, piping, ducting and water tanks, being located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings, with details of the location of such plant being submitted for approval by the City prior to the commencement of development;**
- 4.11 All external walls of the proposed building shall be of a clean finish, and shall at all times be maintained to a high standard, including being free of vandalism, to the satisfaction of the City;**
- 4.12 All development shall be contained within the property boundaries;**
- 4.13 No obscure or reflective glazing is permitted to glazed facades.**

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf100215.pdf](#)*



**CJ007-02/15      PROPOSED MODIFICATIONS TO EXISTING CAR WASH AT LOT 1 (57) JOONDALUP DRIVE, EDGEWATER**

<b>WARD</b>	North-Central	
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development	
<b>FILE NUMBER</b>	38480,101515	
<b>ATTACHMENT</b>	Attachment 1	Location plan
	Attachment 2	Development plans
	Attachment 3	Building perspectives
<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 modifications to a former mechanical car wash, associated with a Shell Service Station, at Lot 1 (57) Joondalup Drive, Edgewater.

**EXECUTIVE SUMMARY**

An application for planning approval has been received for modifications to a former mechanical drive-through car wash associated with a Shell Service Station, at Lot 1 (57) Joondalup Drive, Joondalup.

The site is zoned 'Urban' under the *Metropolitan Region Scheme* and 'Business' under the *City of Joondalup District Planning Scheme No. 2* (DPS2). Regard is also required to be given to the draft *Joondalup City Centre Structure Plan* (JCCSP) as a 'seriously entertained planning proposal'. Under the draft JCCSP the site is subject to the provisions of 'The Gateway' district. The land use 'Car Wash' is a Discretionary ("D") use under both the DPS2 and draft JCCSP.

There is no car parking standard for the land use 'Car Wash' under DPS2, and as such Council is required to determine an appropriate car parking standard for the land use. It is noted that previously Council has applied the car parking standard of one car bay per employee to mechanical 'Car Wash' developments (CJ057-04/10 refers). It is considered that this car parking standard is appropriate and therefore should be applied to this development and future 'Car Wash' developments within the City of Joondalup.

The development is generally consistent with the requirements of DPS2, the draft JCCSP and *Signs Policy* with the exception of the following:

- 588 car bays in lieu of 809 bays.
- Building setback of 4.2 metres in lieu of nine metres from the proposed bin store to the Joondalup Drive (north-eastern) boundary.
- Wall signage occupying 33% of the south-eastern elevation of the reception building in lieu of 25%.
- Pylon sign with an area of 11.475m<sup>2</sup> in lieu of 6m<sup>2</sup>.
- Four freestanding signs, including three pylon signs and one monolith sign, resulting in six freestanding signs across the entire lot.

The application was referred to the Joondalup Design Reference Panel (JDRP) on 18 December 2014. The panel had a number of concerns with the overall design of the development. The applicant has subsequently made changes to the proposed development taking into consideration the comments of the JDRP.

It is considered that the overall design of the development is consistent with other development within the locality. When the car parking standards proposed as part of Scheme Amendment No. 65 to DPS2 are applied to the site there is a surplus of car parking across the site and as such it is considered that there is sufficient car parking to cater for the development.

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

## BACKGROUND

<b>Suburb/Location</b>	Lot 1 (57) Joondalup Drive, Edgewater.
<b>Applicant</b>	Bate Design Strategies Pty Ltd.
<b>Owner</b>	Joondalup Gate Pty Ltd.
<b>Zoning</b>	<b>DPS</b> Business.
	<b>MRS</b> Urban.
<b>Site area</b>	46,610m <sup>2</sup>
<b>Structure plan</b>	Draft <i>Joondalup City Centre Structure Plan</i> .

The subject site is part of the Joondalup Gate development and is bound by Joondalup Drive to the north-east and the Mitchell Freeway to the south-west. The proposed works are immediately adjacent to the existing Shell Coles Express Service Station on the eastern edge of the site (Attachment 1 refers).

The existing car wash was approved in 1996, however has not been operational for some time.

Under DPS2 there is no car parking standard for the land use 'Car Wash' and Council must consider an appropriate standard to apply to this development. Council at its meeting of 20 April 2010 (CJ057-04/10 refers) resolved to approve an application for a 'Car Wash' in Canham Way, Greenwood. In approving that application a car parking standard of one bay per employee was considered appropriate.

### Scheme Amendment No. 65

Scheme Amendment No. 65 proposes to make changes to DPS2. These changes are intended to improve the operation of DPS2 by updating and modernising standards; correcting minor deficiencies and anomalies; and introducing provisions which will provide clarity and certainty for applicants and decision makers.

As the amendment has been adopted by Council at its meeting held on 25 June 2013 (CJ088-06/13 refers) and forwarded to the Department of Planning, it has been given due regard during the assessment of this application as a 'seriously entertained planning proposal'.

While there is no car parking standard prescribed under Scheme Amendment No. 65 for 'Car Wash', amended car parking standards are proposed for 'Showroom' and 'Shop' which are other existing land uses on the site.

### **DETAILS**

The development proposes to convert an existing mechanical drive-through car wash into a hand car wash and reception area. The development comprises the following:

- Upgrades to the existing drive through component of the mechanical car wash from single to dual lane as well as the development of additional separate vehicle entry and exit point.
- The installation of three fabric roof shade structures for use as part of the car wash.
- Conversion of the existing mechanical car wash into a reception and customer waiting area. This will incorporate a café with the intention to service customers of the car wash business only.
- A proposed bin store located to the north eastern boundary of the site, adjacent to the existing service station bin store.
- Removal of two car bays and the use of an additional nine car bays as "finishing bays".
- Signage, including directional signage.

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

The development meets all of the requirements of DPS2 and draft JCCSP with the exception of car parking and building setbacks. In addition, discretion is required against the requirements of the *Signs Policy*.

### Car parking

Under DPS2 there is no car parking standard for the land use 'Car Wash'. Previously, Council has applied the car parking standard of one car bay per employee to mechanical car wash developments. It is considered that this car parking standard is appropriate in this instance. The applicant has indicated that the business will operate with a maximum of 14 staff members. Therefore, should the proposed car parking standard of one car bay per employee be applied to the development, 14 car bays are required.

The redevelopment of the existing car wash will result in the removal of two car bays and the business will utilise an additional nine car bays as "finishing bays". The modifications to these 11 bays, in addition to the 14 bays required for the development, increases the car parking shortfall across the whole site to 221 bays (27.3%) under the current car parking standards of DPS2.

Under Scheme Amendment No. 65 the car parking standards for 'Showroom' and 'Shop' are proposed to be reduced. If these amended car parking standards are applied to the overall site, which consists of a number of showrooms and an approved liquor store (yet to be developed), an 89 bay surplus would result.

### Building setbacks

The applicant proposes a bin store setback of 4.2 metres from the street (Joondalup Drive) boundary in lieu of nine metres. The proposed bin store is adjacent to existing bin stores associated with the Shell Service Station.

### Signage

Several aspects of the proposed signage do not comply with the requirements of the *Signs Policy* and as such assessment is required against the objectives of the policy. Those areas include:

- Wall signage which occupies 33% (in lieu of 25%) of the south-eastern elevation of the reception building.
- Pylon sign with an area of 11.475m<sup>2</sup> in lieu of 6m<sup>2</sup>.
- Four freestanding signs, including three pylon signs and one monolith sign, resulting in six freestanding signs across the entire lot, in lieu of one.

### **Issues and options considered**

Council is required to consider whether the parking standard of one bay per employee for the 'Car Wash' is appropriate to be applied in this instance. Council must also consider whether the proposed car parking shortfall; the bin store setback of 4.2 metres from the Joondalup Drive boundary; and the proposed signage are appropriate.

Council has the discretion to:

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

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

#### **Legislation**

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

#### **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**

*Signs Policy.*

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

Clause 3.6 of DPS2 sets out the objectives and general provisions 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 gives Council discretion to consider the variations sought to the standards and requirements:

### 4.5 Variations to Site and Development Standards and Requirements

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

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

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

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

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

Clause 4.8 of DPS2 sets out the requirements for the provisions of determining a car parking standard.

**4.8 Car parking standards**

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

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

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

**6.8 Matters to be considered by Council**

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

- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) any relevant submissions by the applicant;*
- (c) any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) the comments or wishes of any public or municipal authority received as part of the submission process;*

- (i) the comments or wishes of any objectors to or supporters of the application;*
- (j) any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) any other matter which in the opinion of the Council is relevant.*

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

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

### *Signs Policy*

This policy provides guidance on the extent and location of various forms of signage that are not exempt from planning approval under DPS2.

The policy has a number of objectives, being:

*To provide guidance on the design and placement of signs located within the City of Joondalup.*

*To protect the quality of the streetscape and the amenity of adjoining and nearby residents by minimising the visual impact of signs.*

*To encourage signs that are well-designed and well-positioned and appropriate to their location, which enhance the visual quality, amenity and safety of the City of Joondalup.*

*To facilitate a reasonable degree of signage to support business activities within the City of Joondalup.*

*To complement the provisions for signs as specified in the City of Joondalup’s Signs Local Law 1999.*

The signage proposed as part of this development has been assessed against the requirements of this policy, with several of the signs required to be considered against the objectives.

### **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 \$320 (excluding GST) in accordance with the fees and charges schedule for the assessment of the application.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The applicant has not completed the environmentally sustainable checklist citing that the proposed modifications to the existing development are only minor in nature and that the disposal of waste water is required to comply with the *Environmental Protection Act 1986*. In addition to the above the applicant has indicated that the development will comply with the Water Saver Rating Scheme, an approved water conservation plan created by the Australian Car Wash Association.

### **Consultation**

Public consultation was not undertaken as the proposal results in only minimal changes and is not considered to result in any adverse impacts on surrounding land owners.

### **COMMENT**

#### Land use

The proposed land use, 'Car Wash', is a Discretionary ("D") land use under DPS2 and the draft JCCSP. As the application proposes modifications to an existing mechanical car wash already approved on the site and the development is consistent with the objectives of both the 'Business' zone as per DPS2 and the draft JCCSP the development is considered appropriate in this instance.

#### Car parking

The applicant proposes a car parking shortfall of 221 bays (27.3%) across the whole site based on the car parking standard contained within Table 2 of DPS2. Council is required to determine whether the 588 bays provided on the site are sufficient to service the proposed development. The options available to Council are:

- determine that the provision of 588 car parking bays is appropriate
- determine that the provision of 588 car parking bays is not appropriate
- or
- determine that a cash-in-lieu payment of \$25,929 per bay is required for the increase to the shortfall in car parking being \$648,225.



Under DPS2 there is no car parking standard for 'Car Wash' and as such Council is required to determine an appropriate standard. Previously, Council has applied a car parking standard of one car bay per employee to mechanical car wash developments. It is considered that this car parking standard should be applied to this and all future car wash development applications, including both mechanical and hand wash services, as the patrons of the development will not require additional parking as their vehicles will utilise the area within the car wash. It is therefore considered that the additional requirement for parking will only be generated by staff. As the applicant proposes a maximum of 14 staff on site at any one time, if this car parking standard is applied to the development, 14 car bays are required.

The redevelopment of the existing car wash will result in the removal of two car bays and the business proposes to utilise an additional nine car bays as "finishing bays". These modifications to the car parking provided on site, in addition to the 14 bays required for the development, increases the car parking shortfall across the whole site to 221 bays (27.3%) under the current car parking standards of DPS2. Under the City's Scheme Amendment No. 65 the car parking standards for 'Showroom' and 'Shop' are proposed to be reduced. If this amended car parking standard was to be applied to the overall development which consists of a number of showrooms and an approved liquor store (yet to be developed), an 89 bay surplus would result. As such it is considered that there is adequate parking on-site to cater for the existing and proposed development.

Should the application be approved and a cash-in-lieu payment required, an amount of \$648,225 will be payable. If cash-in-lieu of parking is received it must be used to provide for additional parking in the immediate locality. Given the sites compliance with the car parking requirements of Scheme Amendment No. 65, it is considered that sufficient car parking will be provided on-site to cater for the development, and it is not considered appropriate in this instance to require a cash-in-lieu payment.

#### Building Setbacks

The applicant proposes a bin store area setback of 4.2 metres from Joondalup Drive boundary. The proposed bin store is adjacent to existing bin stores associated with the Shell Service Station.

Concerns were initially raised by the Joondalup Design Reference Panel as to the location and appearance of the proposed bin store. The applicant has subsequently advised that the bin store will be constructed with rendered cement sheeting and to is to be charcoal to match the reception building in order to minimise the visual impact of the development on Joondalup Drive.

The proposed bin store is of a minor scale and will be immediately adjacent to two existing bin stores also located with a reduced setback to Joondalup Drive. Given this, the reduced setback of the bin store is considered appropriate provided landscaping is provided by the developer in front of the bin store, including in the Joondalup Drive verge, to help screen the bin store from the street. It is therefore recommended that should the application be approved, conditions be included requiring the bin store to match the existing development and landscaping to be provided to further screen the development from the street.

#### Signage

Several aspects of the proposed signage do not comply with the specific requirements of the *Signs Policy* and as such assessment is required against the objectives of the policy. Those areas of discretion include:

- wall signage which occupies 33% (in lieu of 25%) of the south-eastern elevation of the reception building

- pylon sign with an area of 11.475m<sup>2</sup> (in lieu of 6m<sup>2</sup>)
- four freestanding signs, including three pylon signs and one monolith sign, resulting in six freestanding signs across the entire lot.

Due to the large size of the lot (46,610m<sup>2</sup>) with an approximately 550m frontage to Joondalup Drive as well as the numerous number of tenancies on the site it is considered that the proposed signs, which advertise the business, are appropriate in this instance despite the other freestanding signs on the lot.

The proposed signage is a well-designed addition to the Joondalup Gate development site. The signage is wholly contained within the property boundaries and is well-integrated into the building design. The majority of the signage is inward-facing or located such that it will only be visible once within the lot boundaries, therefore minimises signage clutter as viewed from Joondalup Drive.

Two of the three proposed pylon signs are directional signage which incorporates the company logos and colour scheme. The remaining pylon sign which is proposed to have an area of 11.475m<sup>2</sup> extends over the top of the drive through component of the business and includes the services and associated prices. These pylon signs are not considered to be superfluous, unnecessary, misleading or dangerous to vehicles or pedestrian traffic. The signage provides important directional information as well as the name of the business and the services provided.

#### Joondalup Design Reference Panel

The JDRP met on 18 December 2014 to discuss the proposed development. The key points, as well as additional comments, are provided below:

- 1 *The bin store area was a concern and required more thought, including the need for a combined bin store to be provided, screened with cladding that matched the rest of the development and the possibly incorporating public art to reduce its impact on the street, given the impact on Joondalup Drive.*

The applicant has advised that it is not possible to screen all of the bin stores in one area due to the location of the leased area. The applicant has advised that the bin store area will be constructed of charcoal colour rendered cement sheeting to match the reception building.

It is considered that integrating the bin store area such that it matches the existing development and screening it from view with the use of landscaping is more appropriate than incorporating public art. This will minimise the visibility of both the proposed and existing structures as viewed from Joondalup Drive. Should the application be approved, conditions are recommended to ensure that the design and additional landscaping reduce the impact of the development on the street.

- 2 *Questioned the location of the vending machines shown backing on to and obscuring the reception centre glazing and recommended that this issue be addressed by the applicant.*

The applicant has amended the location of the vending machines to free standing machines at the front counter.

- 3 *Queried whether the reception area will be air conditioned and where the plant would be located. The panel recommended that the plant be screened from view.*

The applicant has advised that the reception area will be air conditioned and the plant will be wall mounted at an upper level and screened with charcoal colour louvres to match the background wall colour.

- 4 *Recommended that the eastern and western elevation be shaded with awnings or other external shading devices.*

The applicant has amended the east and west windows to be recessed into the existing openings and with a sill height at 1.1 metres to reduce sun expose. In addition solar reflective window film will be applied to the eastern and western windows to allow vision into the retail building but control solar gain. In addition, it is noted that a shade sail is proposed to the western elevation of the reception area.

- 5 *Felt that it was a great idea but not a great design and that the existing structure needed more thought put into it.*

The proposed development is utilising an existing mechanical car wash building, and will enhance the appearance of the existing development.

### Conclusion

The development requirements of DPS2, the draft JCCSP and *Signs Policy* are generally met by the proposal, with the exception of those discretions discussed above. It is considered however that the development is consistent with development within the area and will be an improvement on the existing un-used mechanical car wash.

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

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

#### **That Council:**

- 1 **EXERCISES discretion under clause 4.5.1 and 4.8 of the *City of Joondalup District Planning Scheme No. 2* and determines that the car parking standard for the use 'Car Wash' shall be one car parking bay per employee;**
- 2 **EXERCISES discretion under clause 4.5.1 and 4.8 of the *City of Joondalup District Planning Scheme No. 2* and determines that:**
  - 2.1 **Car parking provision of 588 car bays in lieu of 809 bays;**
  - 2.2 **Building setback of 4.2 metres in lieu of 9.0 metres to the street (north-eastern) boundary,****are appropriate in this instance;**

**3 DETERMINES that the objectives of the *Signs Policy* have been met and that:**

- 3.1 Wall signage which occupies 33% of the south-eastern elevation of the reception building;**
- 3.2 Pylon sign with an area of 11.475m<sup>2</sup>;**
- 3.3 Four freestanding signs, including three pylon signs and one monolith sign, resulting in six freestanding signs across the entire lot,**

**are appropriate in this instance;**

**4 APPROVES under Clause 6.9 of the *City of Joondalup District Planning Scheme No. 2* the application for planning approval, dated 20 November 2014 submitted by Bates Design Strategies Pty Ltd on behalf of the owner, Joondalup Gate Pty Ltd, for modifications to an existing Car Wash at Lot 1 (57) Joondalup Drive, Edgewater, subject to the following condition:**

- 4.1 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;**
- 4.2 A full schedule of colours and materials for all exterior parts to the building is to be submitted and approved prior to the commencement of development. The schedule shall indicate the bin store matching the reception building in terms of colour and material. Development shall be in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard, including being free of vandalism, to the satisfaction of the City;**
- 4.3 Any proposed external building plant, including air conditioning units, piping, ducting and water tanks, being located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings, with details of the location of such plant being submitted for approval by the City prior to the commencement of development;**
- 4.4 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;**
- 4.5 The car parking bays, driveways and access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009) and Off-street Commercial Vehicle Facilities (AS2890.2:2002), prior to the occupation of the development. These bays are to be thereafter maintained to the satisfaction of the City;**
- 4.6 Detailed landscaping plans shall be submitted to the City for approval prior to the commencement of construction. These landscaping plans are to indicate the proposed landscaping treatments of the area around the bin store on the Joondalup Drive street frontage and shall:**
  - 4.6.1 Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;**
  - 4.6.2 Show spot levels and/or contours of the site;**

- 4.6.3 Indicate landscaping of a sufficient height and density to reduce the visual impact of the bin store area on the Joondalup Drive street frontage to the satisfaction of the City;
- 4.6.4 Be based on water sensitive urban design principles to the satisfaction of the City;
- 4.6.5 Be based on Designing Out Crime principles to the satisfaction of the City;
- 4.6.6 Show all irrigation design details;
- 4.7 Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice and thereafter maintained to the satisfaction of the City;
- 4.8 All signage is to be established and thereafter maintained to a high standard to the satisfaction of the City.

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf100215.pdf](#)*

## **CJ008-02/15      PROPOSED RECREATION CENTRE AT LOTS 4 AND 5 (19 AND 21) HONEYBUSH DRIVE, JOONDALUP**

<b>WARD</b>	North		
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development		
<b>FILE NUMBER</b>	104254, 101515		
<b>ATTACHMENT</b>	Attachment 1	Location plan	
	Attachment 2	Development plans	
	Attachment 3	Building perspective	
	Attachment 4	Landscaping concept plan	
	Attachment 5	Environmentally sustainable design checklist	
<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 'Recreation Centre' at Lots 4 and 5 (19 and 21) Honeybush Drive, Joondalup.

### **EXECUTIVE SUMMARY**

An application for planning approval has been received for a new 'Recreation Centre' at Lots 4 and 5 (19 and 21) Honeybush Drive, Joondalup. The development is proposed to be a two storey centre to be used for the purposes of gymnastic classes and "Jungle Gym" activities.

The site is zoned 'Central City Area' under the *Metropolitan Region Scheme* and 'Centre' under the *City of Joondalup District Planning Scheme No. 2 (DPS2)*, and is covered by the *Joondalup City Centre Development Plan and Manual (JCCDPM)*. Under the JCCDPM, the site is located within the 'Southern Business' district, subject to the development provisions of the Bulk Retail/Showroom precinct.

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

The proposed land use 'Recreation Centre' is a permitted ("P") use under both the JCCDPM and the draft JCCSP. The development is generally consistent with the requirements of DPS2, the JCCDPM and the draft JCCSP with the exception of the following:

- A minimum landscaping width of less than three metres along the street frontage and landscaping to 5.7% of the site where a minimum of 8% is required.

- 47 car bays on-site, to accommodate a total of 117 persons, with additional persons proposed to arrive by bus.
- 33.5% glazing to the street building facade where the JCCDPM requires a minimum of 50%, and 48.3% glazing to the ground floor street facade where the draft JCCSP requires a minimum of 50%.

The application was referred to the Joondalup Design Reference Panel (JDRP) on 8 September 2014. The panel had a number of concerns with the overall design of the development, with the applicant subsequently making a number of changes to the proposed development taking into consideration these comments.

It is considered that the overall design of the development is appropriate for the locality and that the car parking for the site is sufficient for the intended operation of the centre, which will bus in students, thereby removing the need for all 87 bays to be provided. In addition, landscaping proposed for the site will be adequate, taking into consideration the landscaping to be provided within the adjoining road reserve and provision of additional shade trees to the development.

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

## BACKGROUND

<b>Suburb/Location</b>	Lot 4 and 5 (19 and 21) Honeybush Drive, Joondalup.
<b>Applicant</b>	Lester Mulder.
<b>Owner</b>	Madii Pty Ltd.
<b>Zoning</b>	<b>DPS</b> Centre.
	<b>MRS</b> Central City Area.
<b>Site area</b>	3,719m <sup>2</sup> .
<b>Structure plan</b>	<i>Joondalup City Centre Development Plan and Manual (JCCDPM).</i> <i>Draft Joondalup City Centre Structure Plan (JCCSP).</i>

The subject site is located on the western side of Honeybush Drive with a drainage reserve located to the rear of the development (Attachment 1 refers). The construction of a two storey warehouse has recently been completed on the adjoining lot to the south of the subject site and the City recently approved a showroom development on the adjoining northern lot. Bunnings warehouse is located across the road to the east.

The development is proposed across two vacant lots, and the applicant has indicated that it is intended that the two lots will be amalgamated as part of a separate application process.

## DETAILS

The proposed development is comprised of the following:

- A two storey 'Recreation Centre' with a 1,500m<sup>2</sup> gymnasium floor, activity rooms and ancillary facilities on the ground floor, and additional activity areas on the upper floor.
- An external car park comprising of 47 car bays and bus set down area.
- An external bin store.

The development does not provide specific bicycle parking facilities or end of trip facilities.

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

The development meets all of the requirements of the JCCDPM and draft JCCSP with the exception of car parking, landscaping and glazing.

#### Car Parking

The JCCDPM and draft JCCSP require that car parking for the development be calculated in accordance with Table 2 of DPS2 which requires one bay per 2.5 persons based on facility capacity for a 'Recreation Centre'. A total of 47 car bays are provided across the site, effectively allowing for a maximum of 117 persons.

The proposed development, however, has been designed to accommodate two large buses on the site which would allow for up to an additional 100 persons on the premises, resulting in a total maximum patronage of 217. This number effectively would require the provision of 87 bays to the site. As a result a shortfall of 40 bays or 46% is proposed.

The car parking standard for 'Recreation Centre' is not proposed to be modified under Scheme Amendment No. 65 to DPS2.

#### Landscaping

Both the JCCDPM and draft JCCSP require that a minimum of 8% of the site is set aside for the purposes of landscaping. The development proposes a total of 5.37% landscaping. Both structure plans also require the provision of a three metre landscaping strip to the street frontage. However to enable bus manoeuvrability into the site the landscaping strip is reduced to a minimum width of 700 millimetres at the southern entrance point. A total of 14 shade trees have been provided within the car park whereas only 12 are required under the structure plans.

A landscaping concept plan is provided as Attachment 4.

#### Glazing

The JCCDPM and draft JCCSP require that a minimum of 50% glazing is provided to the street facing building facade. While the JCCDPM requires that this be to the entire facade, the draft JCCSP stipulates that this provision applies to the ground floor facade only. The glazing provided to the street facade equates to 33.5% under the JCCDPM and 48.3% under the draft JCCSP.

The proposed building incorporates a split street facade. In this instance the street facade of the building has been calculated so as only to incorporate the portion of building located between 21 and 32 metres of the street, with the remainder of the building set back 42 to 52 metres and designed so as to not be visually dominant as viewed from the street.

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

Council is required to consider whether the proposed variations to the JCCDPM and draft JCCSP are appropriate or not.

Council has the discretion to:

- approve the application without conditions
- approve the application with conditions



- refuse the application  
or
- defer determination of the application if it is considered that additional information or a more detailed investigation of the proposal is required.

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

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

### **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** *Environmentally Sustainable Design Policy.  
Signs Policy.*

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

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

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

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

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

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

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

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

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

#### 4.8 CAR PARKING STANDARDS

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

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

#### 6.8 MATTERS TO BE CONSIDERED BY COUNCIL

- 6.8.1 *The Council when considering an application for Planning Approval shall have due regard to the following:*
- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
  - (b) any relevant submissions by the applicant;*
  - (c) any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
  - (d) any planning policy of the Council adopted under the provisions of clause 8.11;*
  - (e) any other matter which under the provisions of the Scheme the Council is required to have due regard;*
  - (f) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
  - (g) any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
  - (h) the comments or wishes of any public or municipal authority received as part of the submission process;*
  - (i) the comments or wishes of any objectors to or supporters of the application;*

- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

#### Environmentally Sustainable Design Policy

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

The objective of this policy is:

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

The applicant has completed the Environmentally Sustainable Design checklist. A copy of the checklist is provided as Attachment 5.

#### Signs Policy

This policy provides guidance on the extent and location of various forms of signage that are not exempt from planning approval under DPS2.

The policy has a number of objectives, being:

*To provide guidance on the design and placement of signs located within the City of Joondalup.*

*To protect the quality of the streetscape and the amenity of adjoining and nearby residents by minimising the visual impact of signs.*

*To encourage signs that are well-designed and well-positioned and appropriate to their location, which enhance the visual quality, amenity and safety of the City of Joondalup.*

*To facilitate a reasonable degree of signage to support business activities within the City of Joondalup.*

*To complement the provisions for signs as specified in the City of Joondalup's Signs Local Law 1999.*

The signage proposed to the rear facade of the building as a part of this development has been assessed and is deemed to meet the requirements of this policy.

#### **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 \$5,169.50 (excluding GST) in accordance with the fees and charges schedule for the assessment of the application.

**Regional significance**

Not applicable.

**Sustainability implications**

The applicant has completed the City's Environmentally Sustainable Design Checklist to the extent that it is applicable to the development. The completed checklist is provided as Attachment 5.

**Consultation**

Clause 6.7.2 of DPS2 enables public consultation to be undertaken prior to the consideration of an application for planning approval where this is considered necessary and/or appropriate. In this instance, it is considered that the proposal is consistent with the objectives of the JCCDPM and draft JCCSP. It is not anticipated that the development will have a detrimental impact on surrounding developments, or the locality. As such, public comment has not been sought.

**COMMENT**

The application is for a new two storey 'Recreation Centre'. The development meets the requirements of the JCCDPM and draft JCCSP with the exception of car parking, landscaping and glazing.

**Car parking**

The applicant proposes a car parking shortfall of 40 bays (46%) based on the car parking standard contained within Table 2 of DPS2. Council is required to determine whether the 47 bays provided on the site are sufficient to service the proposed development. The options available to Council are:

- determine that the provision of 47 car parking bays is appropriate
- determine that the provision of 47 car parking bays is not appropriate
- or
- determine that a cash-in-lieu payment of \$34,323 per bay is required for the shortfall in car parking being \$1,372,920 for the 40 bay shortfall proposed as a result of the development.

While the applicant proposes a total of 217 persons, it is noted that a maximum of 100 persons are expected to arrive via bus, comprising of primary school students participating in four to five week gymnastic programs. These students will only be in attendance during weekdays during which time toddler sessions will also be available. In addition it is anticipated that school holiday programs will be offered for vacation care, out of school care and child care centres. Children participating in these programs will likewise arrive via bus; with the centre open to the general public during these times only should space be available.

Weekend and after school sessions will accommodate a maximum of 100 persons, ensuring that sufficient car parking is provided during these times. Given the variance in numbers expected to the centre, it is recommended that a condition of approval be applied permitting the centre to operate with a maximum of 117 persons at any given time, with additional persons permitted by bus.

Should the application be approved and a cash-in-lieu payment required, an amount of \$1,372,920 will be payable. Any cash funds received must be used to provide for additional parking in the immediate locality. In this case, it is considered that sufficient car parking will be provided on-site to cater for the development, and it is not considered appropriate in this instance to require a cash-in-lieu payment.

### Landscaping

The development proposes a total of 5.7% landscaping across the site and a reduced landscaping strip to portions of the street frontage. The landscaping strip generally meets the required minimum of three metres, however due to manoeuvrability requirements of the proposed bus lane, the strip is reduced to a width of 700 millimetres at the southern access point, gradually increasing to three metres. The strip is similarly reduced at the northern access point, with a total of 19% of the frontage subject to a landscaping strip of less than three metres.

A large amount of landscaping is proposed to be provided within the adjoining road reserve assisting in offsetting both the reduced width and percentage to the site. It is further noted that the development has provided for shade trees at a rate exceeding the required rate of one tree per every four bays in accordance with both the JCCDPM and draft JCCSP, and that all landscaping provided is visible from the street. The applicant has also amended the plans to allow for shade trees to the bays located along the southern boundary to be offset from those shade trees recently planted at the adjoining lot. This offset will assist in ensuring a large amount of shade is provided to the adjoining bays on both lots, while creating the perception that landscaping to the site is in excess of the minimum requirements.

Additional trees are further proposed to be provided within the road reserve, partially obscuring buses that may be parked within the bus lane and ensuring that an attractive well-landscaped street is encouraged.

### Glazing

Both the JCCDPM and draft JCCSP require that a minimum of 50% of the street facade incorporate glazing, with the draft JCCSP distinguishing that this provision only applies to the ground floor facade. This distinction results in two calculations, being the provision of 33.5% glazing to the entire building facade as required under the JCCDPM and 48.3% to the ground floor facade as required under the draft JCCSP.

Glazing is also proposed to the northern and southern upper floor elevations of the building assisting in providing further articulation and visual interaction with the streetscape.

The JDRP raised concerns with the frontage initially proposed and encouraged that the design be reviewed to include greater glazing to the street facade. The applicant subsequently modified the proposal to provide a greater amount of glazing to both the ground and upper floors. In doing so, the building has increased passive surveillance opportunities assisting in the provision of a safe and secure environment while ensuring that the development contributes to the provision of both an attractive streetscape and estate. It is therefore considered that the amount of glazing provided is appropriate.

## Signage

The proposed development includes the provision of a painted signage panel to the rear of the development and a blank signage panel to the front of the building. The signage to the rear meets the requirements for “wall signs” as contained within *Signs Policy*. Full details on the nature of the signage proposed to the panel to the street facade have not been provided. It is therefore recommended that a condition of approval require that any signage to this panel and any additional signage be the subject of a further development application.

## Joondalup Design Reference Panel

The JDRP met on 8 September 2014 to discuss the proposed development. The key points, as well as additional comments are provided below:

- 1 *Queried whether the location of the bus lane would operate more efficiently if located on the street.*

The City has subsequently reviewed the possibility of relocating the bus lane to the verge. However it is possible that a pedestrian path will be constructed along the western side of Honeybush Drive. This footpath would ultimately enable better connection between the land uses along the street, with the installation of a bus lane likely to conflict with such a path. As such, the bus lane has been retained on-site, with the verge to be landscaped.

- 2 *Concerns that the bus lane and congregation area resembled a maze that could be resolved with a better design outcome which would still result in a safe entry into the building.*

The applicant has advised that additional screening initially proposed to the development has been removed to simplify the entry and that the airlock with doors offset have been maintained to ensure operational safety.

The City is satisfied that these amendments to the plans will ensure that the general entry into the building is clearly identifiable and visible from the street. The airlock doors will also ensure that a safe entry and exit point is provided for children using the facility.

- 3 *Queried the large open space on the upper floor and its intended use.*

The applicant has modified the plans to reflect that this space will be used for storage and additional activity spaces.

- 4 *Queried the glazing on the first floor and whether the ground floor concrete panels could be converted to windows to create a better look and easier for future tenants. Suggested that the design be reviewed to present a more appropriate and flexible design that allows improved presentation to the street and different uses over time.*

The applicant has modified the plans to increase the amount of glazing proposed to both the ground and upper floors. The design of the building in addition has been reviewed, with green perforated screens and colourback glazing originally proposed, removed from the facades.

The City considers that the removal of the screens and the resultant increase in glazing will ensure that the development will present a well articulated facade to the street. The modifications also enable the building to appear consistent with other buildings recently approved within The Quadrangle. Those buildings have been approved predominately with showroom land uses attached. Given that this building is in line with those developments, it can be expected that this building will be able to accommodate land uses other than 'Recreation Centre' in the future.

- 5 *Noted that low-VOC products (paints) listed on the Environmentally Sustainable Design Checklist was not ticked and recommended that child friendly paints be used.*

The applicant has advised that Low-VOC paints will now be incorporated into the development. An advice note will be included should the application be approved, advising of the preference for such products to be utilised.

- 6 *Queried whether there would be any benefit in sharing a car park with the adjoining northern lot to link the two sites.*

The applicant has reviewed this query in conjunction with the development approved at the adjoining northern lot. A level difference of over one metre between the two lots makes this difficult to achieve, with the applicant indicating that both developments would be significantly negatively compromised in order to make this a workable solution.

Given the difference in ground levels between the two lots, linking the two sites via a shared access way would not be conducive to either development.

### Conclusion

The development requirements of the JCCDPM and draft JCCSP are generally met by the proposal, with the exception of the amount of car parking, the width of part of the landscaping strip, overall landscaping provided and glazing. It is considered however that the development is consistent with recently approved developments within the area and that the building presents a well articulated facade with a high level of visual interest and connectivity.

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

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

#### **That Council:**

- 1 **EXERCISES discretion under clauses 4.5.1 and 4.8 of the City of Joondalup District Planning Scheme No. 2 and determines that:**

- 1.1 **Car parking provision of 47 bays in lieu of 87 bays;**
- 1.2 **Landscaping minimum width of 0.7 metres along the street frontage in lieu of three metres;**
- 1.3 **Landscaping provision of 5.7%;**
- 1.4 **33.5% of the total area of the street facade incorporating a glass finish in lieu of 50%,**

**are appropriate in this instance;**

- 2**     **APPROVES** under Clause 6.9 of the *City of Joondalup District Planning Scheme No. 2* the application for planning approval, dated 18 August 2014, submitted by Lester Mulder on behalf of the owners, Madii Pty Ltd for a Recreation Centre at Lot 4 and 5 (19 and 21) Honeybush Drive, Joondalup subject to the following conditions:
- 2.1     This decision constitutes planning approval only and is valid for two years from the date of the decision letter. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect;
- 2.2     A maximum of 117 persons, including employees, shall be permitted on the premises at any given time. Additional persons shall only be permitted provided they arrive and depart via bus;
- 2.3     Bus parking shall only be provided within the dedicated bus lane. No on-street parking is permitted;
- 2.4     A Construction Management Plan being submitted and approved by the City prior to the commencement of development. The management plan shall detail how it is proposed to manage:
- 2.4.1   all forward works for the site;
- 2.4.2   the delivery of materials and equipment to the site;
- 2.4.3   the storage of materials and equipment on the site;
- 2.4.4   the parking arrangements for the contractors and subcontractors;
- 2.4.5   other matters likely to impact on the surrounding properties;
- 2.5     The car parking bays, driveways and access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009) and Off-street Commercial Vehicle Facilities (AS2890.2:2002), prior to the occupation of the development. These bays are to be thereafter maintained to the satisfaction of the City;
- 2.6     An on-site stormwater drainage system, with the capacity to contain a 1:100 year storm of 24-hour duration, is to be provided prior to the development first being occupied, and thereafter maintained to the satisfaction of the City. Plans showing the proposed stormwater drainage system are to be submitted to the City for approval prior to the commencement of development;
- 2.7     A refuse management plan indicating the method of rubbish collection is to be submitted to the City prior to the commencement of development, and approved by the City prior to the development first being occupied;
- 2.8     The shade trees in the car parking areas shall be located within tree-wells protected from damage by vehicles and maintained to the satisfaction of the City;



- 2.9 Detailed landscaping plans shall be submitted to the City for approval prior to the commencement of development. These landscaping plans are to indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:**
- 2.9.1 Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;**
  - 2.9.2 Provide all details relating to paving, treatment of verges and tree planting in the car park;**
  - 2.9.3 Show spot levels and/or contours of the site;**
  - 2.9.4 Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;**
  - 2.9.5 Be based on water sensitive urban design principles to the satisfaction of the City;**
  - 2.9.6 Be based on Designing out Crime principles to the satisfaction of the City;**
  - 2.9.7 Show all irrigation design details;**
- 2.10 Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the City;**
- 2.11 A full schedule of colours and materials for all exterior parts to the building is to be submitted and approved prior to the commencement of development. Development shall be in accordance with the approved schedule;**
- 2.12 All external walls of the proposed building shall be of a clean finish, and shall at all times be maintained to a high standard, including being free of vandalism, to the satisfaction of the City;**
- 2.13 Any proposed external building plant, including air conditioning units, piping, ducting and water tanks, being located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings, with details of the location of such plant being submitted for approval by the City prior to the commencement of development;**
- 2.14 All development shall be contained within the property boundaries;**
- 2.15 No obscure or reflective glazing is permitted to glazed facades;**
- 2.16 Signage to the signage panel as indicated on the approved plans shall be the subject of a separate Development Application.**

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf100215.pdf](#)*

## **CJ009-02/15      DRAFT PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2014 – CITY OF JOONDALUP SUBMISSION**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	07147
<b>ATTACHMENT</b>	<p>Attachment 1      Discussion Paper: <i>Planning and Development (Local Planning Schemes) Regulations 2014</i></p> <p>Attachment 2      Draft <i>Planning and Development (Local Planning Schemes) Regulations 2014</i></p> <p>Attachment 3      Draft submission</p> <p><i>(Please Note: Attachment 2 is only available electronically).</i></p>
<b>AUTHORITY / DISCRETION</b>	Advocacy - Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

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### **PURPOSE**

For Council to consider and endorse the City's submission on the draft *Planning and Development (Local Planning Schemes) Regulations 2014*.

### **EXECUTIVE SUMMARY**

In September 2009, the Minister for Planning released the first stage of a comprehensive reform agenda for the Western Australian Planning System. This was followed by a second phase of proposed reforms in July 2014.

As part of the implementation of these planning reforms the Western Australian Planning Commission (WAPC) have now released a discussion paper along with draft *Planning and Development (Local Planning Schemes) Regulations 2014* for public comment (refer Attachments 1 and 2). The draft regulations will replace the existing *Town Planning Regulations 1967* which sets the requirements for local planning strategies, new local planning schemes and scheme amendments, and which include the current Model Scheme Text. The draft regulations also propose to replace parts of all local planning schemes, including the City's *District Planning Scheme No. 2 (DPS2)*. This will have a significant impact on how local planning schemes operate.

The draft regulations introduce a new format consisting of regulations (equivalent to the current *Town Planning Regulations 1967*), model provisions (equivalent to the current Model Scheme Text), and new deemed provisions, which introduce a range of standardised processes and provisions that will apply to all planning schemes automatically on gazettal of the regulations.

Other major changes include improving the process for the preparation of a new scheme, introducing three categories of scheme amendments with varying timeframes, and streamlining and standardising the structure plan and local development plan approval process.

It is considered that many of the proposed changes in the draft regulations can be supported, however, there are a number of significant concerns which should be addressed prior to the regulations being finalised.

One concern is the absence of timeframes for the WAPC to consider and endorse local planning strategies, new local planning schemes and scheme amendments. While timeframes have been imposed on local government, if the draft regulations do not include timeframes for the WAPC as well, the draft regulations will not achieve the State Government's goal of streamlining and improving the planning process.

There is also concern with the structure planning process set out in the deemed provisions, which will automatically replace the structure planning provisions in all local planning schemes, including DPS2, once the regulations are gazetted. While the City agrees with the intent of streamlining structure planning assessment, removing the local government from most of the approval process is not considered appropriate. In addition the focus on local development plans as a way for local government to set the detail planning requirements for an area, as opposed to structure plans, simply adds further complexity to the system, making it less streamlined.

As such, an alternative approach is suggested which would see local government become responsible for structure plans, with the power of these structure plans limited in a very specific manner by the regulations and state planning policy. All high level planning decisions, such as zoning, would then be controlled by the WAPC through scheme amendments. This approach would allow a more streamlined approach to development control and remove the need for local development plans, though they could still be used if necessary.

The discussion paper also states that the WAPC may delegate some of the decision making responsibility, such as for structure plans, back to the local government. As these delegations will determine how the planning system will operate in practice, it is essential that the new delegations are also provided to local government for comment prior to the finalisation of the regulations.

More detailed comment and recommended changes have been provided on the draft regulations in Attachment 3.

Given the significance of the proposed regulations as well as the transition issues and operational changes that would be required to implement them, it is requested that the State Government release the revised regulations along with the proposed delegations at least six months prior to their operation commencing. This will allow local government to develop policies and put in place the necessary local government delegations to ensure the changes do not affect the quality or processing times of planning assessments.

It is recommended that Council endorses the City of Joondalup's submission on the draft regulations as outlined in Attachment 3.

## BACKGROUND

In September 2009, the Minister for Planning released *Planning Makes it Happen: a blueprint for planning reform*. This was the first stage of the reform agenda for the Western Australian planning system and led to a number of changes including the introduction of Development Assessment Panels, review of the *Residential Design Codes* and the development of *Directions 2031 and beyond* - the strategic plan for land use in metropolitan Perth.

In July 2014, the Minister for Planning released *Planning makes it Happen: phase two blueprint for planning reform* with a primary focus on statutory decision making, governance and administrative reforms. Specific proposals included:

- improving the local planning scheme review process
- improving local planning scheme amendment processes
- streamlining structure planning processes.

## DETAILS

As part of the State Government's planning reforms the WAPC has now released a discussion paper (see Attachment 1) and draft regulations (refer Attachment 2) for public comment. The draft regulations will replace the *Town Planning Regulations 1967* and associated Model Scheme Text. The draft regulations propose to replace part of all local government planning schemes, including the City's *District Planning Scheme No. 2 (DPS2)*, and will have a significant impact on how local planning schemes are prepared and amended.

Elements of *Planning makes it happen: phase two blueprint for planning reform* have been incorporated in the Model Scheme Text and *Town Planning Regulations 1967* review. These elements include improving the process for the preparation of a new scheme; introducing new risk-based scheme amendment processes; streamlining and standardising the structure plan approval process; and standardising and expanding the circumstances where development does not require planning approval.

The draft regulations introduce a new format consisting of the following:

- Local Planning Scheme Regulations, which will continue to set out how schemes are prepared and amended (equivalent to the current *Town Planning Regulations 1967*).
- Schedule 1: Model provisions for local planning schemes, which will provide a template for when a local government next updates its scheme but allows for local variation (equivalent to the current Model Scheme Text).
- Schedule 2: Deemed provisions, which introduce a range of standardised processes that will apply automatically to planning schemes across all local government areas on gazettal of the regulations.

Other major changes incorporated into the regulations include:

- three categories (tracks) of amendments to Local Planning Schemes (basic, standard and complex) with varying time frames
- introduction of land use permissibility options for local reserves
- reintroduction of 'I' (incidental) land use options for the zoning table
- an optional local government register of non-conforming uses
- a range of new and amended land use and planning definitions

- a new standardised scheme map legend
- clarification of the legal effect and weight of local planning policies and the procedure for making them
- consolidation of the dual approval process for structure plans into one decision maker, being the WAPC
- standardised provisions for the assessment and determination of structure plans
- standardised provisions for the assessment and determination of local development plans
- expansion of circumstances where development does not require approval, including development that is in accordance with a local development plan
- expansion of local government's power to amend or revoke development approval.

### Issues and options considered

The options available to Council in considering the draft *Planning and Development (Local Planning Schemes) Regulations 2014* and the proposed submission are:

- endorse the proposed submission and forward to the WAPC
- endorse the proposed submission with modifications and forward to the WAPC or
- not endorse the proposed submission.

### Legislation / Strategic Community Plan / policy implications

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

### Strategic Community Plan

**Key theme** The regulations have a general connection to the following themes:

- Quality Urban Environment.
- Economic Prosperity, Vibrancy and Growth.
- The Natural Environment.

**Objective** Not applicable.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

### Risk management considerations

The draft regulations outline changes to the State's planning system. Local government is a key part of the planning system and it is important for the City to provide a submission on the draft regulations. The draft regulations propose to introduce model provisions and deemed provisions. The deemed provisions will automatically apply on gazettal of the regulations and will override parts of the DPS2. It is therefore important for the City's comments on the draft regulations to be considered by the WAPC as the regulations will affect the day to day operation of the scheme.

**Financial / budget implications**

Any potential financial implications that may result from the implementation of the new regulations are difficult to quantify at this stage, given the final form of the regulations is yet to be released. However, it is likely that the proposed regulations will have implications on staff resourcing.

The regulations propose to replace a large part of the DPS2, with a number of changes that will significantly affect the types of applications received and how they are required to be processed. If the regulations are implemented as drafted, it is envisaged that the City will need to assess and process a number of local development plans, including for the majority of the City's larger commercial centres and greenfield sites. If structure plans also need to be prepared for these sites, as seems to be proposed by the draft regulations, additional resources will be required to process these additional applications.

The draft regulations, if implemented, will allow the WAPC to direct a local government to provide the Department of Planning with technical advice and assistance on a structure plan, at any time, or recover costs for this work. If included in the final regulations, it is unknown how this power will be used by the WAPC.

The discussion paper on the regulations states that while the draft regulations are still subject to change as a result of public consultation, any local government currently preparing a new scheme should use the draft regulations as a guide to the preferred content rather than the current Model Scheme Text. A draft of the City's new Local Planning Scheme 3 text is nearing completion and this draft will need to be rewritten in accordance with the draft regulations. This additional unforeseen work will need to be absorbed into the City's current work program and may potentially delay the delivery of other planning projects.

**Regional significance**

The regulations will apply across the State and have significance for all local governments. As such, the Western Australian Local Government Association (WALGA) has developed a draft submission that will be presented to the 4 March 2015 State Council meeting. All of the major issues raised by WALGA in the draft submission that are relevant to the City of Joondalup are also concerns raised in the City's draft submission.

**Sustainability implications**

Not applicable.

**Consultation**

The draft regulations were released by the WAPC for public comment. The submission period for the draft regulations closed on 30 January 2015. However, the City has been advised by the Department of Planning that all submissions lodged after the closing date to accommodate a Council resolution will be treated as if they were lodged prior to the closing date.

**COMMENT**

Proposals to streamline and improve the planning process by reducing timeframes, removing dual approvals and improving clarity within the processes are welcomed and supported.

However, there are a number of areas of concern which should be addressed prior to the draft regulations being finalised. The main areas of concern and the alternative approach recommended by the City are provided below.

#### General errors

There are a number of errors throughout the draft regulations, including reference to incorrect regulation numbers and unclear provisions. This includes the provisions that set out the process for standard and basic scheme amendments, which fail to outline the process for accepting, preparing and adopting standard and basic scheme amendments.

#### Lack of WAPC timeframes

While timeframes have been imposed on local government for every step of each process set out in the draft regulations, virtually no timeframes are set for the Department of Planning and the WAPC. Timeframe requirements for the WAPC are essential if the current delays are to be addressed and the State Government's goal of streamlining and improving the planning process is to be achieved.

#### Requirement for immediate scheme review and restrictions on scheme amendments

The draft regulations require that local government review their local planning scheme in the fifth year after approval or they must seek approval from the WAPC to initiate any scheme amendment. The Minister already has the ability to reject a scheme amendment proposed by a local government and as such this proposal is unnecessary. In addition, as there are no timeframes for the WAPC to consider the new scheme, this time restriction for new schemes or a reviewed scheme is not supported.

#### Removal of restrictive covenants

The requirement for the WAPC to be involved in the removal of restrictive covenants creates a dual approval process. If the power to remove a restrictive covenant is restricted to matters covered by the local planning scheme or local planning policy, it should not be necessary for the WAPC to be involved in the process.

#### Structure planning process

The proposal to essentially remove local government from most of the structure planning approval process is not considered appropriate or consistent with the hierarchy of the planning framework. Local government should be responsible for determining structure plans in at least the same capacity as for local planning schemes and scheme amendments, rather than simply being responsible for making recommendations on the submissions.

While the City is supportive of the removal of the dual approval process for structure plans, it is considered more appropriate for the local authority to be responsible for determining structure plans given they sit below the local planning scheme and should generally relate to detailed development requirements.

As such, an alternative approach is suggested which would see local government become responsible for structure plans, with the power of these structure plans limited in a very specific manner by the regulations and state planning policy. All high level planning decisions, such as zoning, would then be controlled by the WAPC through scheme amendments. This approach would allow a more streamlined approach to development control and remove the need for local development plans, provided local government is given responsibility for structure plans which contain development provisions.

It is also inappropriate for WAPC to have the ability to direct the local government to provide additional technical advice or information on a structure plan and to seek reimbursement costs where this information is not provided. The majority of structure plans are lodged by land owners and the applicant should be responsible for providing additional information requested by the WAPC, not the local government.

#### Local development plans

The focus of the regulations on local development plans as a way for local government to set the detail planning requirements for an area, as opposed to structure plans, simply adds further complexity to the system, making it less streamlined. The City considers that the appropriate place for such provisions is in structure plans that are the responsibility of local government to approve. This will ensure that a third layer, in the form of local development plans, is not required to be added to the planning process.

#### Conclusion

The above comments and recommendations, along with comments on more minor aspects of the draft regulations are provided as Attachment 3.

It should be noted that the discussion paper released with the draft regulations also states that the WAPC may delegate some of its decision making responsibility, such as for structure plans, back to the local government. As these delegations will determine how the planning system will operate in practice, the delegations should also be provided to local government for comment prior to the finalisation of the regulations.

Given the significance of the proposed regulations and the operational changes that would be required to implement them, it is requested that the State Government release the revised regulations along with the proposed delegations at least six months prior to their operation commencing. This will allow local government to consider the proposed changes in full, develop policies and put in place the necessary local government delegations to ensure the changes do not affect the quality or processing times of planning assessments.

It is recommended that Council endorses the City of Joondalup's submission on the draft regulations as outlined in Attachment 3.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

**That Council ENDORSES the City of Joondalup's submission on the draft *Planning and Development (Local Planning Schemes) Regulations 2014* shown as Attachment 3 to Report CJ009-02/15 and forwards it to the Western Australian Planning Commission.**

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf100215.pdf](#)*



## **CJ010-02/15      NOMINATION OF LOCAL GOVERNMENT MEMBERS TO THE NORTH-WEST METROPOLITAN JOINT DEVELOPMENT ASSESSMENT PANEL**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	09886, 101515
<b>ATTACHMENT</b>	Nil.
<b>AUTHORITY / DISCRETION</b>	Advocacy - Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

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### **PURPOSE**

For Council to nominate two Elected Members to serve as members on the North-West Metropolitan Joint Development Assessment Panel (JDAP) and two Elected Members to serve as deputies.

### **EXECUTIVE SUMMARY**

From 1 July 2011, 15 Development Assessment Panels (DAPs) commenced operation throughout Western Australia.

DAPs are responsible for determining development applications where the likely cost of the development exceeds a specified dollar value. For the City of Joondalup, any proposal over \$7 million in value would be determined by the JDAP (mandatory DAP application). An applicant may also elect for a development with a value of between \$3 million and \$7 million to be determined by the JDAP (opt-in DAP application).

Council is required to nominate two Elected Members to sit on the JDAP as the local government members, and a further two Elected Members to sit on the JDAP in the event of unavailability of one or both of the other members.

Should Council not nominate four Elected Members to sit on the JDAP, the Minister for Planning is able to nominate an elector of the district who is considered to appropriately represent local interests. As such it is recommended that Council nominate four Elected Members for these roles.

### **BACKGROUND**

From 1 July 2011, 15 DAPs commenced operation throughout Western Australia.

DAPs are responsible for determining development applications where the likely cost of the development exceeds a specified dollar value. For the City of Joondalup, any proposal over \$7 million in value would be determined by the JDAP. An applicant may also elect for a development with a value of between \$3 million and \$7 million to be determined by the JDAP.

The JDAP consists of the following members:

- Three members with specialist knowledge in the areas of town planning, architecture, or other related disciplines.
- Two Elected Members from the City of Joondalup, who sit on the panel for applications relating to the City of Joondalup only.

At its meeting held on 19 February 2013 (CJ002-02/13 refers), Council nominated Crs Gobbert and Norman to represent the City of Joondalup on the North-West Metropolitan Joint Development Assessment Panel, with Cr Chester being nominated as first alternate member and Cr Hamilton-Prime as second alternate member. At its special meeting held on 5 November 2013 (JSC06-11/13 refers), following the resignation of Cr Gobbert from the JDAP, Council nominated Cr Chester to be the second member, and nominated Cr Taylor as the first alternate member. The Minister subsequently endorsed these appointments.

Crs Chester and Norman are the current JDAP local government members who represent the City, and Crs Taylor and Hamilton-Prime are the first and second alternate members respectively. The term for these members and all other local government members expires on 26 April 2015.

The specialist members' positions on the DAPs were recently advertised and nominations closed on 23 January 2015. Advice of the new specialist members on the North-West Metropolitan JDAP will be provided once these members have been appointed by the Minister.

## **DETAILS**

The Department of Planning has requested that local government authorities begin the process of nominating Elected Members to sit on the DAP for the two year period until 26 April 2017.

As outlined above, the DAP determines all applications with a value of \$7 million or greater, and may determine applications of a value between \$3 million and \$7 million, if the applicant elects that this be the case.

Local government nominations are required to be submitted to the Department of Planning on or before 27 February 2015.

Local government members of the DAP may only fill this role while they are an Elected Member of the relevant local government. The term of appointment is for two years and will be set out in the Instrument of Appointment. An earlier appointment as a member of the DAP does not affect the ability of an Elected Member to renominate as set out in the legislation section of this report.

Local government elections may result in a change to local DAP membership if current Councillors, who are DAP members, are not re-elected. In this instance, the deputy DAP members will take the place of the former DAP members. If both the DAP member and alternate (deputy) member are not re-elected, the local government will need to renominate and the Minister reappoint new DAP members.

DAP members will receive training and cannot sit on the DAP until this training has been completed. Training of local government DAP members who have not previously held a position on the DAP will take place following formal appointment by the Minister of those members.

A range of manuals are also available for local government DAP members and applicants.

### Issues and options considered

Council is required to nominate two Elected Members to represent the City as members on the JDAP and two Elected Members to act as first alternate member (deputy) and second alternate member (deputy).

### Legislation / Strategic Community Plan / policy implications

#### Legislation

*Planning and Development Act 2005,  
Planning and Development (Development Assessment  
Panels) Regulations 2011.*

#### Strategic Community Plan

##### Key theme

- Governance and Leadership.
- Quality Urban Environment.

##### Objective

- Strong leadership.
- Quality built outcomes.

##### Strategic initiative

- Seek out City representation on key external and strategic bodies.
- Buildings and landscaping is suitable for the immediate environment and reflect community values.

#### Policy

Not applicable.

On 24 March 2011, Part 11A of the *Planning and Development Act 2005* commenced operation. This part contains the Heads of Powers required to introduce DAPs in Western Australia, through the making of regulations by the Governor.

The *Planning and Development (Development Assessment Panels) Regulations 2011* also became effective on this date. These regulations set out provisions pertaining to the operation of DAPs and membership of DAPs.

### Risk management considerations

If Council does not nominate Elected Members to sit on the JDAP on or before 13 March 2015, the Minister for Planning may, as set out above, appoint a person who is an eligible voter within the district, who the Minister feels will adequately represent the views of the community.

### Financial / budget implications

JDAP members, including local government members are to be paid \$400 per sitting of the JDAP, with the presiding member (one of the specialist members) receiving a payment of \$500 per sitting of the JDAP.

Any JDAP member who successfully completes training is entitled to the payment of \$400 from the Department of Planning.

**Regional significance**

As the JDAP determines all applications for development approval where the value of the development is greater than \$7 million, and the works do not relate to a single house or less than 10 grouped dwellings, it is likely that all proposals of regional significance will be determined by this body.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

Council is required to nominate two members and two alternate members that will sit on the JDAP for the determination of significant development applications within the City of Joondalup for a two year period up until April 2017.

Further information regarding the establishment, operations and membership of DAPs are detailed in the *Planning and Development (Development Assessment Panels) Regulations 2011*.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 NOMINATES two Elected Members to represent the City of Joondalup as members on the North-West Metropolitan Joint Development Assessment Panel;**
- 2 NOMINATES two Elected Members to represent the City of Joondalup as first alternate member (deputy) and second alternate member (deputy) on the North-West Metropolitan Joint Development Assessment Panel.**

**CJ011-02/15      DRAFT HEPBURN HEIGHTS CONSERVATION AREA  
MANAGEMENT PLAN**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy	
<b>FILE NUMBER</b>	102082, 101515	
<b>ATTACHMENTS</b>	Attachment 1	Draft Hepburn Heights Conservation Area 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 release of the draft *Hepburn Heights Conservation Area Management Plan* for community consultation.

**EXECUTIVE SUMMARY**

The City of Joondalup 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's natural areas.

The draft *Hepburn Heights Conservation Area Management Plan* has been developed to provide direction for the ongoing management of Hepburn Heights Conservation Area (Hepburn Heights) 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 *Hepburn Heights Conservation Area Management Plan*, included as Attachment 1, be released for community 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 (ceased operating due to lack of funding). Management plans are being developed for the majority of the City'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 environmental risks including management approach, activities, risks, impacts and management actions.
- 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 include the following:

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

Hepburn Heights is classified as a Major Conservation Area and is ranked in the City of Joondalup's top five bushland natural areas due to the high biodiversity values of the area. Hepburn Heights contains regionally significant plant communities including *Banksia* Low Woodland and has been recognised for its regional environmental significance by being designated as a Bush Forever site by the Western Australian Planning Commission in 2000.

Hepburn Heights is located approximately 10 kilometres north-west from the Perth Central Business District in the suburb of Padbury. The reserve covers approximately 22 hectares and is predominantly used for passive recreation purposes.

In order to provide strategic ongoing management of Hepburn Heights and protection of native vegetation and ecosystems, the draft *Hepburn Heights Conservation Area Management Plan* has been developed.

The draft *Hepburn Heights Conservation Area 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 objectives of the draft *Hepburn Heights Conservation Area 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 the impact they have on conservation and recreation values
- outline management actions to address key environmental threats including monitoring and reporting.

The aim of the draft *Hepburn Heights Conservation Area Management Plan* is to provide a framework to protect and enhance biodiversity values of the natural area while maintaining appropriate community access and awareness of the natural area.

The majority of the native vegetation at Hepburn Heights is in very good or excellent condition and surveys indicate that the area is likely to support 198 native flora species, 14 native fungi species, three native mammals, 24 native birds, 19 native reptile species and 38 native invertebrates.

The key environmental threats that have been identified at Hepburn Heights include weeds, potential plant diseases, non-native fauna, 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 directional and interpretive signage
- regular feral animal control
- the implementation of environmental education initiatives
- undertaking follow up flora, fauna and fungi surveys.

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

### **Legislation/Strategic 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 Hepburn Heights Conservation Area Management Plan are consistent with the City's *Sustainability Policy*.

**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'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 *Hepburn Heights Conservation Area Management Plan* for public comment is lack of community support for the proposed strategic direction. This is unlikely given the current level of community support for natural area management projects undertaken in the City of Joondalup.

**Financial/Budget Implications:**

A flora, fauna and fungi survey was undertaken in 2013-14 for the cost of \$45,000 (excluding GST). The survey informed the development of the draft *Hepburn Heights Conservation Area Management Plan*. Funds were allocated for the survey in the 2013-14 budget.

Funds are currently allocated within the City's annual operating budget to implement conservation and maintenance activities at Hepburn Heights, however the implementation of some recommendations from the draft *Hepburn Heights Conservation Area 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 Hepburn Heights is recognised as being regionally significant due to the type of vegetation on site and the limited amount of this vegetation 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 *Hepburn Heights Conservation Area 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 Hepburn Height's natural environment.

The draft *Hepburn Heights Conservation Area 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 Hepburn Heights. The actions proposed will enhance the natural assets of the area while providing the community with passive recreation opportunities.

**Consultation**

The draft Hepburn Heights Conservation Area Management Plan has been developed in liaison with key stakeholders including Department of Parks and Wildlife (formerly DEC) and Department of Fire and Emergency Services (formerly FESA).



Due to the technical nature of the management plan it is proposed that targeted stakeholder consultation and community consultation be undertaken, as detailed in the Community Consultation Plan included in Attachment 2. The Friends of Hepburn and Pinnaroo Bushland will be consulted during the community consultation period.

Following Council endorsement, the draft *Hepburn Heights Conservation Area Management Plan* will be released for community consultation for a period of 21 days commencing 23 February 2015.

## COMMENT

The Hepburn Heights Conservation Area Management Plan will inform and prioritise maintenance schedules and Capital Works Programs by providing prioritised management recommendations to be implemented within Hepburn Heights over a five year period. The 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 Hepburn Heights, and will provide guidance to City employees, contractors and Friends Groups operating within Hepburn Heights.

The implementation of the draft plan will allow the City to demonstrate leadership in addressing environmental threats, providing strategic ongoing management of natural areas and raise community awareness regarding the need to protect the biodiversity values of the environment for the future.

The plan will be continually monitored to track the progress of implementation and an annual review will be undertaken. 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 *Hepburn Heights Conservation Area Management Plan*, included as Attachment 1 to Report CJ011-02/15, for community consultation for a period of 21 days commencing 23 February 2015 and extending to 16 March 2015.**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf100215.pdf](#)*

**CJ012-02/15 EXECUTION OF DOCUMENTS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	15876, 101515
<b>ATTACHMENT</b>	Attachment 1 Documents executed by affixing the Common Seal for the period 20 November 2014 to 17 December 2014
<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 20 November 2014 to 17 December 2014 (Attachment 1 refers).

**EXECUTIVE SUMMARY**

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

*It is therefore recommended that Council NOTES the Schedule of Documents covering the period 20 November 2014 to 17 December 2014 executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ012-02/15.*

**BACKGROUND**

During the period 20 November 2014 to 17 December 2014, 12 documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Removal of Section 70A Notification	1
Withdrawal of Caveat	1
Easement	2
Deed	1
Local Law	2
Licence	1
Lease	4
Processing Agreement	1
Memorandum of Understanding	2

**Issues and options considered**

Not applicable.

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

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

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

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

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council NOTES the Schedule of Documents covering the period 20 November 2014 to 17 December 2014, executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ012-02/15.**

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf100215.pdf](#)*

## **CJ013-02/15 MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON 2 DECEMBER 2014**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy	
<b>FILE NUMBER</b>	103250, 101515	
<b>ATTACHMENT</b>	Attachment 1	Minutes of the Annual General Meeting of Electors held on 2 December 2014
<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 note the Minutes of the Annual General Meeting of Electors held on 2 December 2014 and to give consideration to the motions carried at that meeting.

### **EXECUTIVE SUMMARY**

The Annual General Meeting of Electors of the City of Joondalup was held on 2 December 2014 in accordance with Section 5.27 of the *Local Government Act 1995* (the Act). Section 5.33(1) of the Act requires that all decisions made at an Electors' Meeting are to be considered at the next Ordinary Meeting of Council, where practicable.

### **BACKGROUND**

The City's Annual General Meeting of Electors was held on 2 December 2014 in accordance with Section 5.27 of the *Local Government Act 1995*. The meeting was attended by 12 members of the public, with a total of four motions carried at the meeting.

Decisions made by electors at an Electors' Meeting are the recommendations of those electors present, on the matters discussed and considered at the meeting. Any motions passed at an Electors' meeting are not binding on the Council, however, Council is required to consider them.

### **DETAILS**

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

The Motions passed at the Annual General Meeting of Electors are set out below:

**MOTION NO. 1**

**MOVED Mr K Pearce, SECONDED Mrs M Macdonald that the 2014 Annual Electors Meeting of the City of Joondalup calls on the City Council to give the residents of Joondalup a clear and unequivocal undertaking that there will be no attempt to rezone the “Bushland Forever” site in Ocean Reef until the City has released full and comprehensive costings of the proposed marina, valuations for the land proposed to be sold to fund the marina, a comprehensive explanation of how any shortfall will be funded and an estimate of on-going maintenance costs and how it is proposed to fund such costs.**

**Officer's comment**

At its meeting held on 16 July 2013 (CJ144-07/13 refers), it was agreed, among other things, that Council:

- “3     *REQUESTS the Chief Executive Officer to submit the Metropolitan Region Scheme Amendment request, provided as Attachment 1 to Report CJ144-07/13 to the Western Australian Planning Commission for consideration.*”

In April 2014, the Western Australian Planning Commission commenced the process for the initiation of the Metropolitan Region Scheme amendment to enable the development of the Ocean Reef Marina. The purpose of the amendment is to rezone and rationalise approximately 76.5 ha in Ocean Reef from Parks and Recreation (including some Bush Forever), Waterways and Public Purpose from Parks to Urban and additional Waterways zones and new Parks and Recreation reserved lands.

As part of the initiation process for the Metropolitan Region Scheme amendment, the City has committed to the provision of a negotiated planning outcome that mitigates the impact of the marina on a portion of Bush Forever site 325.

The business case for the Ocean Reef Marina will identify revenue streams from land sales, leasing and other activities to offset the cost of the infrastructure.

**Officer's recommendation**

*That Council NOTES:*

- 1     *The Western Australian Planning Commission has commenced the process for the initiation of the Metropolitan Region Scheme amendment to enable the development of the Ocean Reef Marina;*
- 2     *The City has committed to the provision of a negotiated planning outcome that mitigates the impact of the Ocean Reef Marina on Bush Forever site 325;*
- 3     *The Business Case for the Ocean Reef Marina will identify revenue from land sales, leasing and other activities to offset the cost of the infrastructure.*

**MOTION NO. 2**

**MOVED Mr M Sideris, SECONDED Mrs M Macdonald** that given some \$5,000,000 has been spent or currently budgeted for the Ocean Reef redevelopment, we the ratepayers request that the business plan/cost benefit analysis be made available by the end of May 2015.

**Officer's comment**

In order for a full and comprehensive cost analysis to be undertaken, it is necessary for the Ocean Reef Marina Local Structure Plan to be sufficiently developed and near to finalisation to ensure that the costs analysis reflects the intent of the development.

Utilising the expertise of various State Government departments and agencies, the City has commenced the preparation of the required business cases, which will include a complete, current and accurate cost analysis of the Ocean Reef Marina Local Structure Plan.

Once finalised, the required business cases will be presented to Council for consideration.

**Officer's recommendation**

*That Council NOTES the required business cases for the Ocean Reef Marina will be presented to Council for consideration once completed.*

**MOTION NO. 3**

**MOVED Mr M Sideris, SECONDED Mr K Zakrevsky**, as the Memorandum of Understanding between the State Government and the City of Joondalup is no longer current, we the ratepayers request that a new Memorandum of Understanding be signed between both the State Government and the City of Joondalup within the next three to six months.

**Officer's comment**

Negotiations on a renewed and expanded Memorandum of Understanding for the Ocean Reef Marina development have commenced with the State Government.

It is anticipated that a draft Memorandum of Understanding will be presented to Council for consideration within the next three months. It is further anticipated that formal execution of the final document will occur within the next six months.

**Officer's recommendation**

*That Council NOTES it is anticipated the renewed and expanded Ocean Reef Marina Memorandum of Understanding with the State Government will be executed within the next six months.*

**MOTION NO. 4**

**MOVED Mr M Sideris, SECONDED Mrs M Macdonald** that we the ratepayers of the City of Joondalup request that at the completion of every confidential item, that the Elected Members, where practical, resolve to declare that the report in its entirety be not confidential.

Officer's comment

Section 5.23(2) of the *Local Government Act 1995* allows meetings of Council to be closed to members of the public where it deals with certain confidential matters as prescribed in the Act. In accordance with section 5.95(3) of the *Local Government Act 1995* and regulation 29(2) and (3) of the *Local Government (Administration) Regulations 1996* a person's right to inspect information does not extend to information on matters discussed at meetings intended to be, or closed to, members of the public.

There are rare instances where meetings are closed to members of the public due to legal, commercial or personal reasons or consequences, and therefore Council in declaring information not being confidential, would need to consider the nature of the information at the time, and any legal or legislative impediments or implications that may arise.

It is therefore considered that no change be made to the current practice in regard to the treatment of confidential matters at meetings and the release of information to members of the public.

Officer's recommendation

*That Council NOTES the legislative requirements of the Local Government Act 1995 and Local Government (Administration) Regulations 1996 in relation to the release of information to members of the public.*

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

Section 5.33 of the *Local Government Act 1995* states:

**Decisions made at Electors' Meetings**

- 5.33 (1) *All decisions made at an Electors' Meeting are to be considered by the Council at the next ordinary council meeting or, if this is not practicable –*
- (a) at the first ordinary council meeting after that meeting; or*
  - (b) at a special meeting called for that purpose,*
- whichever happens first.*
- (2) *If at a meeting of the Council a local government makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the minutes of the Council Meeting.*

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

Governance and Leadership.

**Objective**

Active democracy.



**Strategic initiative** Optimise opportunities for the community to access and participate in decision-making processes.

**Policy** Not applicable.

### **Risk management considerations**

The failure to consider the decisions made at the Annual General Meeting of Electors will mean that the City has not complied with Section 5.33 of the *Local Government Act 1995*.

### **Financial/budget implications**

Not applicable.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **COMMENT**

Decisions made by electors at an Electors' Meeting are the recommendations of those electors present, on the matters discussed and considered at the meeting. Any recommendations are not binding on the Council, however, Council is required to consider them.

The motions carried at the Annual General Meeting of Electors held on 2 December 2014 are presented to Council in accordance with the requirements of the legislation.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

#### **That Council:**

- 1 NOTES the Minutes of the Annual General Meeting of Electors held on 2 December 2014 forming Attachment 1 to Report CJ013-02/15;**
- 2 in relation to Motion No. 1 carried at the Annual General Meeting of Electors**  
**NOTES**
  - 2.1 the Western Australian Planning Commission has commenced the process for the initiation of the Metropolitan Region Scheme amendment to enable the development of the Ocean Reef Marina;**

- 2.2 the City has committed to the provision of a negotiated planning outcome that mitigates the impact of the Ocean Reef Marina on Bush Forever site 325;
- 2.3 the Business Case for the Ocean Reef Marina will identify revenue from land sales, leasing and other activities to offset the cost of the infrastructure;
- 3 in relation to Motion No. 2 carried at the Annual General Meeting of Electors NOTES the required business cases for the Ocean Reef Marina will be presented to Council for consideration once completed;
- 4 in relation to Motion No. 3 carried at the Annual General Meeting of Electors NOTES it is anticipated the renewed and expanded Ocean Reef Marina Memorandum of Understanding with the State Government will be executed within the next six months;
- 5 in relation to Motion No. 4 carried at the Annual General Meeting of Electors NOTES the legislative requirements of the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996* in relation to the release of information to members of the public.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf100215.pdf](#)

**CJ014-02/15 MINUTES OF EXTERNAL COMMITTEES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	03149, 60514, 00033, 29094
<b>ALT FILE NUMBER</b>	101515
<b>ATTACHMENT</b>	<p>Attachment 1 Minutes of Joondalup Lotteries House Management Committee held on 14 August 2014</p> <p>Attachment 2 Minutes of the meeting of the Western Australian Local Government Association North Metropolitan Zone held on 27 November 2014</p> <p>Attachment 3 Summary Minutes of the Western Australian Local Government Association State Council held on 3 December 2014</p> <p>Attachment 4 Minutes of the ordinary meeting of the Mindarie Regional Council held on 11 December 2014</p> <p><i>(Please Note: These minutes are only available electronically).</i></p>
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

**PURPOSE**

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

**EXECUTIVE SUMMARY**

The following minutes are provided:

- Minutes of Joondalup Lotteries House Management Committee held on 14 August 2014.
- Minutes of the meeting of the Western Australian Local Government Association North Metropolitan Zone held on 27 November 2014.
- Summary Minutes of the Western Australian Local Government Association State Council held on 3 December 2014.
- Minutes of the ordinary meeting of the Mindarie Regional Council (MRC) held on 11 December 2014.

## DETAILS

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

### **Joondalup Lotteries House Management Committee – 14 August 2014**

A meeting of the Joondalup Lotteries House Inc. (JLH) Management Committee was held on 14 August 2014.

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

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

### **Western Australian Local Government Association North Metropolitan - 27 November 2014.**

A meeting of the Western Australian Local Government (WALGA) North Metropolitan Zone was held on 27 November 2014.

The Council's representatives on the WALGA North Metropolitan Zone are Crs Geoff Amphlett, Russ Fishwick, Sam Thomas and Philippa Taylor. On this occasion Cr Geoff Amphlett was an apology.

There were no matters requiring action or decision by the City of Joondalup resolved at the WALGA North Metropolitan Zone meeting.

### **Western Australian Local Government Association State Council – 3 December 2014.**

A meeting of the Western Australian Local Government Association (WALGA) State Council was held on 3 December 2014.

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

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

#### **Item 5.1      Metropolitan Local Government Reform**

It was resolved by the WALGA State Council as follows:

*“That WALGA advocate to the Minister for Local Government for:*

1.      *In relation to funding:*
  - a.      *An additional allocation of \$80m in grants to fund the implementation of Metropolitan Local Government reform, in accordance with WALGA's Budget Submission;*

- b. The condensation of the \$15m funding package from three years into two years, being \$5m in 2014-15 and \$10m in 2015-16; and*
    - c. A review of grant funding guidelines to include directly attributable reform costs, such as redundancy payments.*
  - 2. The opportunity for Local Implementation Committees of amalgamating Local Governments to submit ward review proposals to the Local Government Advisory Board prior to their 1 July 2015 commencement; and*
  - 3. Clarity regarding:*
    - a. The timing and content of the proposed City of Perth Act; and*
    - b. The timing of the proposed City of Riversea amalgamation, and*
    - c. with the appropriate funding package for both."*

Item 5.2 Poll Provisions Policy Position

It was resolved by the WALGA State Council as follows:

*“That WALGA adopt, and advocate for, a policy position in relation to the poll provisions that Schedule 2.1 of the Local Government Act 1995 should be amended so that the electors of a Local Government affected by any boundary change or amalgamation proposal are entitled to petition the Minister for a binding poll.”*

## Item 5.4 Interim Submission to the Electricity Market Review

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

*“That the Association’s interim submission to the State Government’s Electricity Market Review be endorsed and pursue the following additional reforms:*

- *Enabling WALGA to develop a bulk bid for renewable power for member councils.*
- *Support access to the grid for small to medium energy projects.*
- *Provide a fair feed-in tariff for Local Government and community organisations that encourages renewable energy.*
- *Virtual net metering, to allow Local Government to distribute its self-generated renewable energy across sites via the network.”*

### Item 5.5 Western Australia's GST Revenue

It was resolved by the WALGA State Council as follows:

*“That the Association advocate to the Federal Government for Western Australia to receive a greater share of GST revenue and in developing this advocacy, consideration to be given to promoting financial and area allocations per capita as criteria for GST allocation to the states.”*

Item 5.12      Planning Makes it Happen: Phase Two: Blueprint for Planning Reform

It was resolved by the WALGA State Council as follows:

*“That State Council advise the Minister for Planning and the WA Planning Commission, in regard to the Planning Makes it Happen: Phase Two: Blueprint for Planning Reform, that:*

- 1. Prior to the review of delegation arrangements under the Metropolitan Region Scheme from the WAPC, the Local Government sector should be consulted and all delegation arrangements agreed to;*
- 2. Further discussion is required on the WAPC being the single point of determination of all structure plans during the consultation on the Model Scheme Text and/or General Provisions for Local Planning Schemes Regulations;*
- 3. A commitment is sought to ensure that Local Government will be consulted in the review of delegation arrangements for structure planning delegations;*
- 4. The Local Government sector does not support full Private Certification of Planning Applications, however, if cost benefit analysis is undertaken by the Department of Planning, WALGA and Local Governments must be included in the consultation process;*
- 5. A Guide to Planning Delegations: Development applications is currently being finalised and will be discussed with the Department of Planning and Department of Local Government and Communities to address the reform measure on Local Government planning delegations; and*
- 6. The Department of Planning must be adequately resourced in order to cope with the increase in workload that will result if all of the reform measures are pursued by the WAPC.”*

Item 5.13      Local Government proposal for new 'Application for Compliance'

It was resolved by the WALGA State Council as follows:

*“That the Department of Planning and Building Commission be requested to establish a Working Group with WALGA and Local Government representatives to:*

- oversee the development of regulations to introduce a new 'Application for Compliance' as part of the Building Permit process, to ensure that building plans are compliant with State Planning Policy 3.1 - Residential Design Codes and/or Local Development Plans endorsed through the Structure Planning Process and/or any other adopted policy of Council; and*
- determine an appropriate fee (based on a cost recovery methodology) for this service.”*

Item 5.14      Amendment to State Planning Policy 3.1 – Residential Design Codes- Multiple Dwellings, Parking and Other Incidental Changes

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

*“That the State Council Recommendation is supported subject to the following points:*

1.      *That the following additional issues are included in WALGA’s interim submission to the WAPC:*

- *A comprehensive investigation be undertaken in relation to the plot ratio and open space requirements for grouped and multiple dwelling developments specifically within the medium density codes, as the generous allocation of plot ratio and variation of open space requirements are the primary concerns for Local Governments;*
- *The Department of Planning should urgently clarify that the plot ratio maximum figures in the R-Codes are to be clearly adhered to, ie they are not a discretionary item, or there is a clear process provided for circumstances when a variation may be acceptable. It has become increasingly apparent that maximum plot ratio, which replaced site area in 2010, is regarded by some developers as being subject to no limits and this was never the basis on which the multi-unit code was accepted in 2010;*
- *The Department of Planning should produce clear design guidelines for multiple dwelling developments so that they enhance the visual aesthetics of the streetscape, including increased interaction between private dwellings and the public street; and*
- *The Department of Planning should review of the provision of useable communal and private open space.*

2.      *The final recommendation in the submission paper being changed to:*

*North Metropolitan Zone Meeting – 27 November 2014 Page 7 WALGA appreciates the WAPC’s efforts to address concerns raised by some Local Governments about the Multi-unit Codes, however the Association, in preparing its submission has become aware that:*

- *the proposed amendments will not address the issues raised by all of the local governments that had expressed concerns, eg City of Stirling;*
- *some local governments do not support the proposed changes as they will undermine densification targets, particularly around activity centres, eg City of Fremantle;*
- *the amendments may have unintended consequences in some areas; and*
- *A range of additional concerns, such as increased plot ratio, have been brought to the Association’s attention that also warrant urgent attention.*

3. *The Association therefore recommends that prior to progressing the proposed amendments, the WAPC hold an urgent meeting with representatives of the following organisations to discuss all of the issues raised by Local Governments and which should be subject to further investigation and consideration before amendments to the Codes are made:*

- *WALGA*
- *Local Government Planners Association*
- *Planning Institute of Australia (WA)*
- *City of Belmont*
- *City of Stirling*
- *City of Fremantle*
- *City of Joondalup.”*

### **Mindarie Regional Council ordinary meeting – 11 December 2014.**

An ordinary meeting of the Mindarie Regional Council (MRC) was held on 11 December 2014.

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:

#### **9.3 Mindarie Regional Council and Strategic Meeting Dates for 2015**

It was resolved by the MRC as follows:

*“That the Council:*

1. *adopt the following schedule for Ordinary Council Meetings for the Year 2015 commencing at 5.30pm:*
  - *19 February 2015 (City of Joondalup)*
  - *23 April 2015 (City of Wanneroo)*
  - *2 July 2015 (City of Stirling)*
  - *20 August 2015 (City of Vincent)*
  - *8 October 2015 (City of Perth)*
  - *5 November 2015 (Mindarie Regional Council)*
  - *3 December 2015 (Town of Victoria Park); and*
2. *issue Public Notices on the meetings detailed in (1) above in accordance with Part 12 (2) of the Local Government (Administration) Regulations 1996 and the Local Government Act 1995.*
3. *adopt the following schedule for the two Strategic Workshops for 2015 as follows:*
  - *22 January 2015; and*
  - *5 November 2015.”*



**9.4 Adoption of the 2014 Annual Report**

It was resolved by the MRC as follows:

*“That the Council:*

- 1 notes the recommendation of the Audit Committee meeting held on 24 November 2014 to adopt the Financial Report for the year ended 30 June 2014; and*
- 2 adopts the Annual Report for the year ended 30 June 2014, which includes the Financial Report details in 1. above (Absolute Majority Required).”*

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

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Strong leadership.

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

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

That Council NOTES the minutes of the:

- 1 Joondalup Lotteries House Management Committee meeting held on 14 August 2014 forming Attachment 1 to Report CJ014-02/15;
- 2 Western Australian Local Government Association North Metropolitan Zone meeting held on 27 November 2014 forming Attachment 2 to Report CJ014-02/15;
- 3 Western Australian Local Government Association State Council meeting held on 3 December 2014 forming Attachment 3 to Report CJ014-02/15;
- 4 Mindarie Regional Council meeting held on 11 December 2014 forming Attachment 4 to Report CJ014-02/15.

To access this attachment on electronic document, click here: [ExternalMinutes100215.pdf](#)

## **CJ015-02/15      ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 OCTOBER TO 31 DECEMBER 2014**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy	
<b>FILE NUMBER</b>	20560, 101515	
<b>ATTACHMENT</b>	Attachment 1	Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2014
	Attachment 2	Capital Works Quarterly Report for the period 1 October – 31 December 2014
<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 October to 31 December 2014 and the Capital Works Quarterly Report for the period 1 October – 31 December 2014.

### **EXECUTIVE SUMMARY**

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

The Annual Plan Quarterly Progress Report provides information on the progress of projects and programs documented in the *Annual Plan 2014-2015*. The Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2014 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 *Report CJ015-02/15*.

*It is therefore recommended that Council RECEIVES:*

- 1      the Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2014, which is shown as Attachment 1 to Report CJ015-02/15;*
- 2      the Capital Works Quarterly Report for the period 1 October – 31 December 2014, which is shown as Attachment 2 to Report CJ015-02/15.*

## BACKGROUND

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

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 2014-15 financial year. Milestones are set for the key projects and programs to be delivered in each quarter.

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

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

### Legislation / Strategic Community Plan / policy implications

#### Legislation

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

*"This Act is intended to result in:*

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

#### Strategic Community Plan

##### Key theme

Governance and Leadership.

##### Objective

Corporate capacity.

##### Strategic initiative

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

##### Policy

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

**Risk management considerations**

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

**Financial / budget implications**

All projects and programs in the *Annual Plan 2014-2015* were included in the *2014-2015 Annual 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.

The key themes are:

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

**Consultation**

Not applicable.

**COMMENT**

The *Annual Plan 2014-2015* was received by Council at its meeting held on 19 August 2014 (CJ138-08/14 refers).

A detailed report on progress of the Capital Works Program has been included with the Annual Plan Quarterly Progress Report. This Report provides an overview of progress against all of the projects and programs in the 2014-2015 Capital Works Program.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 the Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2014, which is shown as Attachment 1 to Report CJ015-02/15;**
- 2 the Capital Works Quarterly Report for the period 1 October – 31 December 2014, which is shown as Attachment 2 to Report CJ015-02/15.**

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf100215.pdf](#)*

## **CJ016-02/15 LIST OF PAYMENTS MADE DURING THE MONTH OF NOVEMBER 2014**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services	
<b>FILE NUMBER</b>	09882, 101515	
<b>ATTACHMENT</b>	Attachment 1	Chief Executive Officer's Delegated Municipal Payment List for the month of November 2014
	Attachment 2	Chief Executive Officer's Delegated Trust Payment List for the month of November 2014
	Attachment 3	Municipal and Trust Fund Vouchers for the month of November 2014
<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 November 2014.

### **EXECUTIVE SUMMARY**

This Report presents the list of payments made under delegated authority during the month of November 2014 totalling \$12,713,624.54.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for November 2014 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 CJ016-02/15, totalling \$12,713,624.54.*

### **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 November 2014. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 99779-100006 & EF043972 – EF044644 Net of cancelled payments	\$8,404,093.65
	Vouchers 1360A-1366A & 1370A-1372A	\$4,262,368.53
Trust Account	Trust Cheques & EFT Payments 206595-206641 & TEF00043 – TEF00072 Net of cancelled payments	\$47,162.36
<b>Total</b>		<b>\$12,713,624.54</b>

### Issues and options considered

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

#### Option 1

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

#### Option 2

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

### Legislation / Strategic Community Plan / policy implications

#### Legislation

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

#### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

#### Risk management considerations

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



**Financial / budget implications**

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

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Chief Executive Officer's list of accounts for November 2014 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 CJ016-02/15, totalling \$12,713,624.54.**

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14brf100215.pdf](#)*

## **CJ017-02/15 LIST OF PAYMENTS MADE DURING THE MONTH OF DECEMBER 2014**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services	
<b>FILE NUMBER</b>	09882, 101515	
<b>ATTACHMENT</b>	Attachment 1	Chief Executive Officer's Delegated Municipal Payment List for the month of December 2014
	Attachment 2	Chief Executive Officer's Delegated Trust Payment List for the month of December 2014
	Attachment 3	Municipal and Trust Fund Vouchers for the month of December 2014
<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 December 2014.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of December 2014 totalling \$18,941,804.76.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for December 2014 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 CJ017-02/15, totalling \$18,941,804.76.*

### **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 December 2014. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 100007 - 100198 & EF044645 – EF045214 Net of cancelled payments	\$14,297,074.43
	Vouchers 1374A -1377A & 1379-1383A & 1387 & 1389	\$4,593,064.52
Trust Account	Trust Cheques & EFT Payments 206642- 206681&TEF00073 - TEF00112 Net of cancelled payments	\$51,665.81
<b>Total</b>		<b>\$18,941,804.76</b>

### Issues and options considered

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

#### Option 1

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

#### Option 2

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

### Legislation / Strategic Community Plan / policy implications

#### Legislation

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

#### Strategic Community Plan

##### Key theme

Financial Sustainability.

##### Objective

Effective management.

##### Strategic initiative

Not applicable.

##### Policy

Not applicable.

**Risk management considerations**

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

**Financial / budget implications**

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

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Chief Executive Officer's list of accounts for December 2014 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 CJ017-02/15, totalling \$18,941,804.76**

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15brf100215.pdf](#)*

## **CJ018-02/15      FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 NOVEMBER 2014**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	07882, 101515
<b>ATTACHMENT</b>	Attachment 1      Financial Activity Statement for the period ended 30 November 2014
<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 Financial Activity Statement for the period ended 30 November 2014.

### **EXECUTIVE SUMMARY**

At its meeting held on 24 June 2014 (CJ080-06/14 refers), Council adopted the Annual Budget for the 2014-15 Financial Year. The figures in this report are compared to the Adopted Budget.

The November 2014 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$12,378,737 for the period when compared to the year to date 2014-15 Adopted Budget. This variance does not represent an end of year projection. It represents the year to date position to 30 November 2014. There are a number of factors influencing the favourable variance but it is predominantly due to the timing of revenue and expenditure compared to budget estimate. The notes in Appendix 3 to Attachment 1 identify and provide commentary on the individual key material revenue and expenditure variances to date.

The variance can be summarised as follows:

The operating surplus is \$1,961,528 higher than budget, made up of higher operating revenue \$1,723,785 and lower operating expenditure of \$237,742.

Operating revenue is higher than budget on Rates \$327,234, Profit on Asset Disposals \$1,136,674, Interest Earnings \$347,044, Other Revenue \$162,936, Contributions, Reimbursements and Donations \$7,246, Grants and Subsidies \$34,249 and Specified Area Rates \$12,423 offset by lower revenue for Fees and Charges \$304,020.

Operating Expenditure is lower than budget on Materials and Contracts \$3,430,739, Utilities \$297,600, Insurance Expenses \$36,545 and Interest Expenses \$1,190. These are partly offset by higher than budget expenditure on Depreciation and Amortisation \$3,445,251, Employee Costs \$74,364 and Loss on Asset Disposals \$8,717.

The Capital Deficit is \$8,293,035 lower than budget primarily owing to lower than budgeted expenditure on Capital Works \$6,014,925, Capital Projects \$865,216 and Motor Vehicle Replacements \$379,844 as well as higher revenue from Capital Grants and Subsidies \$719,741 and Capital Contributions \$246,435. In addition the unbudgeted year to date movement for Tamala Park Development Costs generated a favourable variance of \$66,874.

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 30 November 2014 forming Attachment 1 to Report CJ018-02/15.*

## **BACKGROUND**

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

## **DETAILS**

### **Issues and options considered**

The Financial Activity Statement for the period ended 30 November 2014 is appended as Attachment 1.

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

#### **Legislation**

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

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

#### **Strategic Community Plan**

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

#### **Risk management considerations**

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

**Financial / budget implications**

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

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

**COMMENT**

All expenditure included in the Financial Activity Statement are incurred in accordance with the provisions of the 2014-15 Adopted Budget or have been authorised in advance by Council where applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 30 November 2014 forming Attachment 1 to Report CJ018-02/15.**

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16brf100215.pdf](#)*

## **CJ019-02/15      FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 DECEMBER 2014**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	07882, 101515
<b>ATTACHMENT</b>	Attachment 1      Financial Activity Statement for the period ended 31 December 2014
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

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### **PURPOSE**

For Council to note the Financial Activity Statement for the period ended 31 December 2014.

### **EXECUTIVE SUMMARY**

At its meeting held on 24 June 2014 (CJ080-06/14 refers), Council adopted the Annual Budget for the 2014-15 Financial Year. The figures in this report are compared to the Adopted Budget.

The December 2014 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$15,436,187 for the period when compared to the year to date 2014-15 Adopted Budget. This variance does not represent an end of year projection. It represents the year to date position to 31 December 2014. There are a number of factors influencing the favourable variance but it is predominantly due to the timing of revenue and expenditure compared to the budget estimate. The notes in Appendix 3 to Attachment 1 identify and provide commentary on the individual key material revenue and expenditure variances to date.

The variance can be summarised as follows:

The operating surplus is \$3,580,486 higher than budget, made up of higher operating revenue \$1,433,568 and lower operating expenditure of \$2,146,918.

Operating revenue is higher than budget on Rates \$351,768, Profit on Asset Disposals \$889,241, Interest Earnings \$410,465, Other Revenue \$192,566, Grants and Subsidies \$23,122 and Specified Area Rates \$13,060 offset by lower revenue for Fees and Charges \$316,832 and Contributions, Reimbursements and Donations \$129,821.

Operating Expenditure is lower than budget on Materials and Contracts \$4,782,125, Loss on Asset Disposals \$1,057,354, Utilities \$317,930, Employee Costs \$94,280, Insurance Expenses \$35,628 and Interest Expenses \$547. These are partly offset by higher than budget expenditure on Depreciation and Amortisation \$4,140,945.



The Capital Deficit is \$9,800,113 lower than budget primarily owing to lower than budgeted expenditure on Capital Works \$5,921,256, Capital Projects \$1,012,815 and Motor Vehicle Replacements \$831,530 as well as higher revenue from Capital Grants and Subsidies \$738,745, Equity Distribution \$1,083,333 and Capital Contributions \$316,076. In addition the unbudgeted year to date movement for Tamala Park Development Costs generated an unfavourable variance of \$103,642.

*It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 December 2014 forming Attachment 1 to Report CJ019-02/15.*

## **BACKGROUND**

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

## **DETAILS**

### **Issues and options considered**

The Financial Activity Statement for the period ended 31 December 2014 is appended as Attachment 1.

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

#### **Legislation**

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

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

#### **Strategic Community Plan**

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

#### **Risk management considerations**

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

**Financial / budget implications**

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

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

**COMMENT**

All expenditure included in the Financial Activity Statement are incurred in accordance with the provisions of the 2014-15 Adopted Budget or have been authorised in advance by Council where applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 31 December 2014 forming Attachment 1 to Report CJ019-02/15.**

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17brf100215.pdf](#)*

**CJ020-02/15      FEASIBILITY OF AN IN-HOUSE DEVELOPED PAY BY PHONE PARKING SOFTWARE SYSTEM**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	05768, 101515
<b>ATTACHMENT</b>	Nil.
<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 feasibility assessment for the City to develop a pay by phone software system.

**EXECUTIVE SUMMARY**

At its meeting held on 15 April 2014 (CJ055-04/14 refers), Council requested the Chief Executive Officer prepare a report on the feasibility of the City of Joondalup developing its own software for a pay by phone parking payment system. To determine the feasibility of developing a pay by phone software system for parking payments, a notional system was defined that would provide similar but not as extensive functionality as compared to third party products previously considered by Council.

The creation of such a system is within the capability of the City's in-house resources, but not within the capacity of the resources currently available. Consideration was also given to outsourcing the development work. There are currently no budgeted funds to support this. While technically achievable, the overall assessment is that the project is not feasible to develop in-house.

*It is therefore recommended that Council NOTES the ability for the City to develop its own software for a pay by phone parking payment system is not considered feasible.*

**BACKGROUND**

At its meeting held on 15 April 2014 (CJ055-04/14 refers), Council considered a report into the provision of a pay by phone parking payment system. The report presented a number of options from third party providers following an expression of interest process. Council resolved, in part, that the Chief Executive Officer prepare a report on the feasibility of the City of Joondalup developing its own software for a pay by phone parking payment system.

## DETAILS

### System Specifications

The development of a basic software system specification identified the following key functional requirements of the system:

- Members of the public would be able to pay the required parking fee at the time of parking, accessing the system using their mobile phone or other mobile device that supports mobile data connectivity (such as 3G, 4G or Wi-Fi).
- Payments would be made by either debiting the user's pre-registered City of Joondalup Parking Account or by making an "on-demand" online payment with a credit card. All credit card payments would be processed via the City's existing payment gateway service provider using the existing payment system. At no time would credit card details be retained by any City system. Payment Card Industry (PCI) compliance is to be handled by the payment gateway, as is the case for all existing online payments at the City.
- In the case of the referencing a pre-registered City of Joondalup Parking Account, the user of the system would need to:
  - specify the parking zone
  - nominate (select) the vehicle (by registration plate number) from their registered account details on record
  - indicate the duration of stay (respecting the zone limitations)
  - provide an option for the user to top up their account balance on the spot via an online credit card payment, if the account's balance was insufficient
  - indicate if they require a parking time expiry reminder via SMS.
- Making an "on-demand" online payment without referencing a City of Joondalup parking account the user would need to:
  - specify the parking zone
  - provide the vehicle registration plate number
  - indicate the duration of stay (respecting the zone limitations)
  - pay by credit card via the online payment option.
- The time expiry reminder option would only be available to registered users of the system as the reminders would be sent by SMS. For the SMS option the mobile phone number would need to be obtained and stored as part of the registration process.
- Implicit in the above functionality is the need to provide for members of the public to be able to:
  - register and maintain their "Parking Account" details
  - "top-up" their account balances through an online credit card payment.
  - view the above information plus view their parking activity history details.

- The functionality required for Parking Officers is to be able to enquire on the status of parked vehicles at any time in real time from their mobile tablet devices. Acting on any infringements arising is handled by an existing and separate system.
- Back office administrative functions such as reporting, handling of parking account issues and data maintenance are also required for office based staff.
- The system would consist of a central database to contain all of the relevant data and transactional information. The end-user interface presented on to the phones and/or other mobile devices used by the public and the Parking Officers in the field would be browser based, for instance a web page, implemented in HTML5 and using Responsive Design principles. The system will not be a device-specific “App”.
- To access the system, the members of the public would either:
  - follow a link off the City’s main or mobile websites
  - follow a ‘shortcut’ placed on their own device
  - or
  - scan a QR code located on a convenient parking sign.

## **Issues and options considered**

### Development

It is estimated that it would take two technical personnel (an experienced Web Developer plus an experienced Design/Database specialist) approximately six to seven months to build the system as described. It would also require a Project Manager to oversee the work as well as coordinate the involvement of City officers from areas such as Parking Services and Finance.

The system development does incorporate several features that the development team have limited experience in, but most features are, at a technical level, able to be achieved and within the technical expertise of the City’s in-house resources.

### Testing

The testing requirements for this type of system should be expected to be substantial, given the limited experience in some aspects of this application, but more importantly the public-facing, real-time nature of the required solution. It has to be 100% reliable from day one. A realistic expectation would be a rigorous test program of at least two months duration, involving the same personnel as mentioned above.

As the system will be using a public data network to deliver its services, (such as the 3G and 4G mobile phone data networks), there will be uncontrollable external factors, such as dead spots in the network coverage and varying traffic loads on the network. The impact of these uncontrollable external factors cannot be known until actual testing takes place.

### Support

Ongoing support would place significant demands on City officers and on the Information Technology (IT) Business Unit in particular for the first two to three months following the system’s implementation. Ongoing support past this would be problematic as the public is likely to expect immediate access to either online or phone based support at all times that paid parking is in force. The City’s IT Business Unit is currently not resourced to provide this level of support on top of existing services.

### Impact

The development of this system translates into at least two members from the IT Business Systems team needing to be dedicated to this work for a period of at least 10 months plus a project management overhead. In pure dollar terms, this is approximately \$209,783 of salary costs alone just for the core IT team members.

This development also needs to be considered against the relative priority of other work. Assigning a third of the Business System team to this one project for a significant period means cancelling or deferring other work. Given the skill sets required by the team members, it means deferring or cancelling all web based or intranet based projects for the duration of this development, or outsourcing the deferred work and paying for contracted labour to back-fill these positions.

Given the range of systems already needing support and other planned project activities in the IT portfolio, it is clear that the City does not have the capacity to take on this additional work with the City's current staff establishment.

### Development by a Third party

The option of having the development work undertaken by a third party was investigated and an estimate sought based on the City's specification. To develop a system to the same specification as used to estimate the internal development it would cost an estimated \$160,000 with an effort estimate of 6 person-months. Annual support from the same third party was estimated at a further \$ 27,000 per annum.

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

**Legislation** *City of Joondalup Parking Local Law 2013.*

#### **Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

**Strategic initiative** Continuously strive to improve performance and service delivery across all corporate functions.

**Policy** Not applicable.

#### **Risk management considerations**

As with any significant computer system development project there is an element of technological risk. There are the usual risks of the technology not being able to be made to function effectively, as well as the usual project management risks around scope-creep, exceeding budget or missing scheduled deadlines and the consequent impact this would have on project delivery.

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

Whether the proposal is to use internal resources or outsource it there are significant costs for the system development. The internal cost of labour in terms of salaries for the development team is estimated at \$209,783. The estimate for outsourcing the development is \$160,000.

Ongoing support costs would also be significant whether provided internally or outsourced.

There is no budget allocated in current or future financial years for the development of this system or its ongoing support.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The only sustainability implications are in the costs involved in providing ongoing support for the system created. It is not either achievable or sustainable with the City's current staff establishment.

### **Consultation**

In determining the scope-of-work for the notional system to be developed, staff members in Parking Services were consulted in regard to the functionality required and comparisons with the known alternative commercial offering.

WALGA has recently established a panel of four suppliers for parking systems and related services. Pay by phone applications were not specifically addressed in the specification. WALGA is also intending to research 'new technologies and developing systems' in this area this year.

The City of Perth does not currently use a pay by phone service but will consider one in the future. The City of Fremantle currently uses iPark and has just signed with CellOPark as well to provide an alternative parking pay by phone service for customers. They currently have no plans for further development due to the relatively low percentage of overall transactions that phone payments contribute. Recently the City of Vincent has introduced EasyPark pay by phone service. They are a Swedish based provider of pay-by-phone solutions.

### **COMMENT**

The development of a pay-by-phone parking software system, within the described functional parameters, is technically possible and within the ability of technical staff at the City to execute. However, such a development would be at the expense of other work that would have to be cancelled or deferred, as well as having a negative impact on the provision of day to day support for existing software systems. It would also require additional staff resources in the longer term to provide ongoing customer support services for the system. The project could also be undertaken by outsourcing the development and ongoing support.

The development of such a system would only provide similar features as already available from several commercially available products, and would suffer in the long run by being an in-house development without the backing and ongoing development resources that a commercially available product benefits from. In-house developments are best pursued where there is a niche or specialist requirement that cannot be met economically from existing commercial sources.

On balance, while technically possible, such a development is not considered as being feasible.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council NOTES the ability for the City to develop its own software for a pay by phone parking payment system is not considered feasible.**



## **CJ021-02/15      TENDER   037/14   CARTAGE   AND   ASSOCIATED PLANT HIRE**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services	
<b>FILE NUMBER</b>	104549, 101515	
<b>ATTACHMENT</b>	Attachment 1	Schedule of Items
	Attachment 2	Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.	

### **PURPOSE**

For Council to accept the tender submitted by Oldridge Investments Pty Ltd trading as Dalco Earthmoving for cartage and associated plant hire.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 29 November 2014 through statewide public notice for cartage and associated plant hire for a period of three years. Tenders closed on 16 December 2014. A submission was received from the following:

- H Vandertogt & M.J Vandertogt & R Vandertogt trading as Environmental Land Clearing Services.
- Oldridge Investments Dalco Earthmoving.
- Kretar Holdings Pty Ltd ATF The MAMMO Trust trading as TONCA Earthmoving.
- CCS Rentals Pty Ltd trading as Consolidated Rentals.
- Alvito Pty Ltd ATF The Tony Stampalia Trust trading as Stampalia Contractors.
- The Trustee for the Blackaller Trust trading as JSB Fencing & Machinery Hire.

The submission from Dalco Earthmoving represents best value to the City. It is an experienced company providing similar services to the City of Melville, BGC Concrete, Millstream Landscapes and Wilmac Plumbing. It provided plant hire services to the City from 2000 to 2014. It demonstrated an understanding of the requirements and has sufficient resources to provide the services. Dalco Earthmoving is located within close proximity to the City and would have a short mobilisation time for any emergency plant hire requirements.

*It is therefore recommended that Council ACCEPTS the tender submitted by Oldridge Investments Pty Ltd trading as Dalco Earthmoving for the cartage and associated plant hire as specified in Tender 037/14 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth Consumer Price Index (All Groups).*

## **BACKGROUND**

The City has a requirement to engage a suitably qualified and experienced contractor for cartage and associated plant hire with an operator to nominated sites within the City as and when required.

The City had a panel contract for the provision of plant hire with Dalco Earthmoving, Environmental Land Clearing Services and Stampalia Contractors which expired on 31 August 2014. The services are currently being provided on a quotation basis.

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

## **DETAILS**

The tender for the cartage and associated plant hire was advertised through statewide public notice on 29 November 2014. The tender period was for two weeks and tenders closed on 16 December 2014.

### **Tender Submissions**

A submission was received from the following:

- H Vandertogt & M.J Vandertogt & R Vandertogt trading as Environmental Land Clearing Services.
- Oldridge Investments trading as Dalco Earthmoving.
- Kretar Holdings Pty Ltd ATF The MAMMO Trust trading as TONCA Earthmoving.
- CCS Rentals Pty Ltd trading as Consolidated Rentals.
- Alvito Pty Ltd ATF The Tony Stampalia Trust trading as Stampalia Contractors.
- The Trustee for the Blackaller Trust trading as JSB Fencing and Machinery Hire.

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

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

### **Evaluation Panel**

The evaluation panel was composed of three members being:

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

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

## Compliance Assessment

The following offers received were assessed as fully compliant:

- Oldridge Investments trading as Dalco Earthmoving.
- Kretar Holdings Pty Ltd ATF The MAMMO Trust trading as TONCA Earthmoving.
- CCS Rentals Pty Ltd trading as Consolidated Rentals.
- The Trustee for the Blackaller Trust trading as JSB Fencing and Machinery Hire.

The following offers were assessed as non compliant:

- H Vandertogt & M.J Vandertogt & R Vandertogt trading as Environmental Land Clearing Services did not submit the prices for three types of excavators.
- Alvito Pty Ltd ATF The Tony Stampalia Trust trading as Stampalia Contractors did not submit the price for 6 Wheel Truck.

These offers were deemed to be non-conforming as the respondents did not provide rates for all plant and equipment as required under the contract terms and were not considered further.

## Qualitative Assessment

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. The minimum acceptable score was set at 50%.

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

Qualitative Criteria		Weighting
1	Capacity	55%
2	Demonstrated experience in providing similar services	25%
3	Demonstrated understanding of the required tasks	15%
4	Social and economic effects on the local community	5%

Consolidated Rentals scored 27.8% and was ranked fourth in the qualitative assessment. The company did not demonstrate experience providing similar services. It provided short duration plant hire services to private organisations. No specific dates were supplied for its contracts. It did not demonstrate an understanding of the requirements. The company is resourced but did not provide information detailing the experience of its employees, after hours contacts and safety statistics.

TONCA Earthmoving scored 52.2% and was ranked third in the qualitative assessment. It demonstrated an understanding of the required tasks and has the capacity to provide the services. The company demonstrated some experience in providing small scale and short duration plant hire services to the City of Stirling and the Town of Cambridge.

JSB Fencing and Machinery Hire scored 53.78% and was ranked second in the qualitative assessment. The company is resourced and demonstrated some understanding of the requirements. It demonstrated some experience in providing similar services to the City's requirement for Brookfield Multiplex Engineering and Infrastructure, Thiess Pty Ltd and Whiteman Park.

Dalco Earthmoving scored 53.84% and was ranked first in the qualitative assessment. It is an experienced company providing similar services to the City of Melville, BGC Concrete, Millstream Landscapes and Wilmac Plumbing. It demonstrated an understanding of the requirements and has the capacity to provide the services. It provided plant hire services to the City from 2000 to 2014.

Given the minimum acceptable qualitative score of 50%, JSB Fencing & Machinery Hire, Dalco Earthmoving and TONCA Earthmoving qualified for stage two of the assessment.

### Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the submitted rates offered by each tenderer to assess value for money to the City.

The rates are fixed for the first year of the contract, but are subject to a price variation in years two and three of the contract to a maximum of the percentage change in the Perth CPI (All Groups) for the preceding year. For estimation purposes, a 3.5% CPI increase was applied to the rates in years two and three.

<b>Tenderer</b>	<b>Price Ranking</b>	<b>Estimated Year 1 Contract Price</b>	<b>Estimated Contract Price for 3 Years</b>	<b>Qualitative Ranking</b>	<b>Weighted Percentage Score</b>
Dalco Earthmoving	1	\$351,791	\$1,092,742	1	53.84%
Tonca Earthmoving	2	\$358,015	\$1,112,075	3	52.2%
JSB Fencing and Machine Hire	3	\$366,636	\$1,138,854	2	53.78%

During 2013-14, the City incurred \$495,204 for the provision of plant hire.

### Evaluation Summary

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

<b>Tenderer</b>	<b>Estimated Year 1 Contract Price</b>	<b>Estimated Total Contract Price</b>	<b>Price Ranking</b>	<b>Weighted Percentage Score</b>	<b>Qualitative Ranking</b>
Dalco Earthmoving	\$351,791	\$1,092,742	1	53.84%	1
Tonca Earthmoving	\$358,015	\$1,112,075	2	52.2%	3
JSB Fencing and Machine Hire	\$366,636	\$1,138,854	3	53.78%	2

Based on the evaluation result the panel concluded that the tender from Dalco Earthmoving provides best value to the City and is therefore recommended.

### Issues and options considered

The City has a requirement for cartage and associated plant hire at various locations within the City. The City does not have the internal resources to provide the required services and require appropriate external contractor to provide the services.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

A statewide public tender was advertised, opened and evaluated in accordance with Clauses 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000.

#### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

#### Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City requires cartage and associated plant hire on a daily basis as part of maintenance programs.

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

#### Financial / budget implications

<b>Account no.</b>	Various maintenance accounts
<b>Budget Item</b>	Plant hire
<b>Estimated Budget amount (2014 – 15)</b>	\$ 360,000
<b>Estimated expenditure (1 July 2014 to 31 December 2014)</b>	\$ 230,000
<b>Proposed cost (1 January 2015 to 30 June 2015)</b>	\$ 130,000
<b>Balance</b>	\$ 0

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The evaluation panel carried out the evaluation of the submissions in accordance with the City's evaluation process and concluded that the Offer submitted by Oldridge Investments Pty Ltd trading as Dalco Earthmoving represents best value to the City.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the Tender submitted by Oldridge Investments Pty Ltd trading as Dalco Earthmoving for the cartage and associated plant hire as specified in Tender 037/14 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth Consumer Price Index (All Groups).**

*Appendix 18 refers*

*To access this attachment on electronic document, click here: [Attach18brf100215.pdf](#)*

**CJ022-02/15      DRAFT      MARMION      COASTAL      FORESHORE  
RESERVE MANAGEMENT PLAN 2014 - 2019**

<b>WARD</b>	South		
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services		
<b>FILE NUMBER</b>	04048, 101515		
<b>ATTACHMENT</b>	Attachment 1	Draft <i>Marmion Coastal Foreshore Reserve Management Plan 2014 - 2019</i>	
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.		

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**PURPOSE**

For Council to endorse the draft *Marmion Coastal Foreshore Reserve Management Plan 2014 - 2019*.

**EXECUTIVE SUMMARY**

At its meeting held on 21 October 2014 (CJ193-10/14 refers), Council endorsed the *Coastal Foreshore Management Plan 2014 - 2024*. This document forms the basis for strategic planning and broader operational management of the coastal foreshore reserves for a period of ten years.

The *Coastal Foreshore Management Plan 2014 - 2024* is intended as a guide for the natural areas contained within the coastal foreshore reserves. The plan was designed as an overarching document, aimed to broadly define management actions. It is intended that individual management action plans will be produced, for discrete sections of the City's coastal foreshore.

The individual management action plans will set out specific operational tasks for localised areas. The draft *Marmion Coastal Foreshore Reserve Management Plan 2014 - 2019* (the plan) (Attachment 1 refers), is the first of the local plans to be produced to manage local areas of the City of Joondalup foreshore. It is proposed that four additional individual management action plans will be produced for the following:

- Sorrento Beach.
- Whitfords Nodes - Whitfords Beach.
- Mullaloo Beach.
- Ocean Reef - Iluka.

A local plan is in place for a large section of the Burns Beach foreshore and will require revision in the future.

The City of Joondalup's coastal foreshore reserves are an important regional resource. The reserves receive many visitors, accessing coastal locations on a daily basis. The foreshore reserves are under constant environmental threat. These threats are expected to increase in future years with the rise in the population of the Swan Coastal Plain. The plan identifies these environmental threats and makes recommendations to lessen their impact.

*It is therefore recommended that Council ENDORSES the draft Marmion Coastal Foreshore Reserve Management Plan 2014 - 2019 forming Attachment 1 to Report CJ022-02/15.*

## BACKGROUND

The City began developing Natural Area Management Plans for its natural areas according to the individual priority ranking of the reserve as established as part of the City's participation in the Perth Biodiversity Project. Management plans are being developed for the majority of the City's natural areas and will vary in detail and content depending on whether the area is classified as a:

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

The City's coastal foreshore reserves are given high priority within this classification model. Marmion Coastal Foreshore Reserve ('Marmion foreshore') is not part of the Bush Forever Reserve protected under State Government regulation. This highlights the fact that when the Bush Forever surveys were undertaken in the late 1990s, Marmion foreshore was badly degraded and was not deemed to be of suitable quality to be considered for inclusion.

Within the City's previous coastal foreshore management plan (*The Joondalup Coastal Foreshore Management Plan 2000*) the condition of the Marmion foreshore was not classified as a conservation zone because of its degraded status. In recent years the City, with the assistance of the bushland environmental volunteer group (Friends' of Sorrento Beach), vegetation condition has greatly improved. The Marmion foreshore is now listed as a conservation zone (because of condition improvement) in the City of Joondalup's *Coastal Foreshore Management Plan 2014 - 2024*.

## DETAILS

The City manages approximately 206 hectares of bushland within coastal foreshore reserves. The reserves extend from Burns Beach in the north to the suburb of Marmion which forms the southern boundary. The study area included in the plan is 4.3 hectares and extends from Beach Road in the south to the Marmion Angling and Aquatic Club in the north.

The objectives and purpose of the plan are as follows:

- 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 issues apparent at various locations of the Marmion foreshore and suggest management strategies to manage those in the short to medium term.



- Outline management actions to address key threats including monitoring and reporting.
- Identify areas within the Marmion foreshore that are considered to have the highest conservation values, giving consideration to natural features including landform, flora and fauna, along with cultural values.
- Identify current best practice management practices that can be implemented by the City.
- Guide the future development of the City's *Capital Works Program*.
- Increase opportunities for grant funding by having a detailed schedule of projects.
- Provide guidance to City employees, contractors and Friends' Groups operating within the coastal foreshore reserve.

### Issues and options considered

The endorsement and implementation of the plan will help retain and improve upon the current biodiversity values of the bushland.

It is considered that without sound strategic planning the coastal bushland will degrade. This in turn can add to the risk of bush fires and a considerable loss of amenity for the City and the residents and visitors who enjoy the coastline.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

*Planning and Development Act 2005.*

#### Strategic Community Plan

#### Key theme

The Natural Environment.

#### Objective

Environmental resilience.

#### Strategic initiative

- Identify and respond to environmental risks and vulnerabilities.
- Understand the local environmental context.
- Demonstrate current best practice in environmental management for local water, waste, biodiversity and energy resources.

#### Policy

The objectives of the plan are consistent with the City's *Sustainability Policy*.

### Risk management considerations

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

### Financial/budget implications

The plan was developed using internal and external resources. The implementation of the plan will have budget implications relating to the delivery of management actions and will be subject to the City's annual budget approval process.

## **Regional significance**

A large section of the vegetation contained within the City's coastal foreshore reserves has been recognised as having regional significance and, as such, is included in bushland protected under the State Government's *Bush Forever* legislation. The Marmion foreshore is not included in this legislation, but is an amenity utilised by a much wider catchment than the residents of the City of Joondalup.

## **Sustainability implications**

### Environmental

Environmental threats have the potential to degrade natural areas and reduce biodiversity values. The development and implementation of the plan will ensure that measures are taken to address threats within natural area reserves, and provide strategies for ongoing long term management which will result in protection of the City's coastal environment.

## **Consultation**

A full community consultation was undertaken in June 2014 as part of the development of the *Coastal Foreshore Management Plan 2014-2024* which has guided the development of this specific plan.

The draft plan was developed with input from the Joondalup Community Coast Care Forum (JCCCCF). The Chair of JCCCCF is also the coordinator of the Friends' of Sorrento Beach. This group's activities include a history of extensive bushland rehabilitation work on the Marmion foreshore.

Targeted consultation was undertaken with the Chair of JCCCCF and Friends' of Sorrento Beach who was invited to provide comment. Minor amendments to the plan were made following responses received.

The JCCCCF has always been very supportive of, and willing to have an input into the City's coastal management plans, and have assisted the consultant and the City with this draft plan.

## **COMMENT**

The City of Joondalup's coastal foreshore reserves are an important regional resource. The reserves receive many visitors accessing various coastal locations on a daily basis. The reserves are under existing environmental threat. These threats are expected to increase with the rise in the population of the Swan Coastal Plain in future years. The plan identifies these environmental threats and makes recommendations to lessen their impact.

The plan will inform and prioritise broad scale maintenance activities and *Capital Works Programs* over the forthcoming five year period. It will increase opportunities for the City to apply for grant funding and guide employees, contractors and friends' groups operating within the coastal bushland. The plan is acknowledged as a crucial step on the path to managing this important bushland to a standard deserving of its biodiversity values.

Actions contained within the plan will be monitored with a review to be undertaken after five years.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ENDORSES the draft *Marmion Coastal Foreshore Reserve Management Plan 2014 – 2019* forming Attachment 1 to Report CJ022-02/15.**

*Appendix 19 refers*

*To access this attachment on electronic document, click here: [Attach19brf100215.pdf](#)*

**REPORT – CAPITAL WORKS COMMITTEE – 3 FEBRUARY 2015****CJ023-02/15      2015-16 COMMUNITY FACILITY REFURBISHMENT PROJECT**

<b>WARD</b>	South-East	
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services	
<b>FILE NUMBER</b>	07174, 58541	
<b>ATTACHMENT</b>	Attachment 1	Aerial map of Kingsley Park Memorial Clubrooms
	Attachment 2	Kingsley Park Memorial Clubrooms floor plan (existing)
	Attachment 3	Kingsley Park Memorial Clubrooms concept plan
	Attachment 4	Kingsley Park Memorial Clubrooms revised concept 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 approve the revised concept plan, estimated capital costs and recommendations for the 2015-16 community facility refurbishment project, for the Kingsley Park Memorial Clubrooms.

**EXECUTIVE SUMMARY**

Each year the City plans to undertake one or two refurbishments of community and sporting facilities.

As part of the City's *Five Year Capital Works Program* the Kingsley Park Memorial Clubrooms is listed for refurbishment in 2015-16 and there is \$650,000 currently listed for this project.

The Kingsley Park Memorial Clubrooms meets the needs of the user groups well, however activity room two has not been updated since construction and does not have direct access to toilet facilities. The lesser hall kitchen also needs updating. Other issues at the facility include a lack of adequate storage, the size and orientation of the existing changerooms and lack of an umpire changeroom.

As part of the needs analysis stage of the project, stakeholder consultation was undertaken with existing user groups who hire the facility on a regular basis. Considering the feedback from user groups and priorities identified by the City, a scope of works was developed in order to undertake concept plans and a cost estimate for the project.

At its meeting held on 21 October 2014 (CJ196-10/14 refers), Council approved the proposed concept plan at a cost estimate of \$841,000 noting that the storeroom extension would be removed if cost savings are required once tender quotes are received. Following the decision of Council, a request to reconfigure the proposed changeroom layout was received from the Kingsley Amateur Football Club. At its meeting held on 24 November 2014, the Capital Works Committee requested a report on the possible reconfiguration of the changerooms, as requested by the Kingsley Amateur Football Club.

The revised concept plan includes the reorientation of the changerooms to run north-south providing more space, the ability to use the changerooms for warming-up before games and direct access onto the oval. To reconfigure the changerooms the universal park toilet has been relocated to between the home-and-away changerooms and the umpire changeroom relocated to outside the lesser hall kitchen.

The revised estimated capital cost for the project is \$852,000 (includes the \$44,000 that is estimated for the temporary toilets and changerooms that would be required during the construction) which is \$202,000 over the existing budget allocation. It is recommended that the existing \$650,000 budget within the City's *2015-16 Capital Works Program* for the project is not increased. Based on the determined project priorities, it is recommended that the storeroom extension be removed from the proposed refurbishment project following the tender process if required to provide cost savings.

*It is therefore recommended that Council BY AN ABSOLUTE MAJORITY AMENDS Part 3 of its decision of 21 October 2014 (CJ196-10/14 refers) to read as follows:*

*"3 APPROVES the proposed refurbishment works at the Kingsley Park Memorial Clubrooms as detailed in Attachment 4 of this Report at a project cost estimate of \$852,000 (includes temporary toilets/changerooms during construction), with the storeroom extension works (estimated at \$167,000) to be removed if cost savings are required once tender quotes are received;"*

## **BACKGROUND**

The Kingsley Park Memorial Clubrooms are located on 68 Kingsley Drive, Kingsley (Attachment 1 refers). The facility has been constructed in various stages over the years and consists of two halls, two activity rooms, four kitchens/kitchenettes, toilets, changerooms, four furniture stores, memorial area and user group storage (Attachment 2 refers).

As part of the City's *Five Year Capital Works Program* the Kingsley Park Memorial Clubrooms is listed for refurbishment in 2015-16 and there is \$650,000 currently listed for this project.

At its meeting held on 21 October 2014 (CJ196-10/14 refers), Council approved the proposed concept plan (Attachment 3 refers) at a cost estimate of \$841,000 noting that the storeroom extension would be removed if cost savings are required once tender quotes are received. Following the decision of Council, a request to reconfigure the changeroom refurbishment was received from the Kingsley Amateur Football Club (KAFC). At its meeting held on 24 November 2014, the Capital Works Committee requested a report on the possible reconfiguration of the changerooms, as requested by the KAFC.

## DETAILS

### Stakeholder consultation

As part of the needs analysis stage of the project, stakeholder consultation was undertaken with existing user groups who hire the facility on a regular basis. A consultation package was sent to each regular user group which included a cover letter, frequently asked questions sheet and comment form. Stakeholder consultation was undertaken from Monday 3 February 2014 to Friday 28 February 2014.

During May - July 2014 a number of meetings were held with the sporting clubs that use the facility to provide an overview of the concept plan and discuss the proposed changerooms and storeroom works. During these meetings the KAFC did not raise any issues with the proposed refurbishment works.

Following the request from the Capital Works Committee in November 2014 to consider the reconfiguration of the changerooms, a revised concept plan was developed. In December 2014, the four sporting clubs that use the facility were given the opportunity to provide feedback on the revised concept plan. There was no opposition from the clubs for the reconfigured changeroom area.

### Concept plan and capital cost estimates

The revised concept plan (Attachment 4 refers) includes the following changes from the original concept plan:

- Reorientation of the changerooms to provide more space and allow players to use the changerooms for warming-up before games.
- Direct access to the home changeroom from the oval.
- Home changeroom size (existing size is 41m<sup>2</sup>) increased from approximately 50m<sup>2</sup> to approximately 58m<sup>2</sup> and away changeroom size (existing size is 29m<sup>2</sup>) increased from approximately 41m<sup>2</sup> to approximately 42m<sup>2</sup>.
- Relocation of the universal park toilet to between the home and away changerooms.
- Relocation of the umpire changeroom to outside the Lesser Hall kitchen (will require the removal of the kitchen window).

The following is a summary of the items included in the refurbishment project, with a comparison showing the original cost estimate and revised cost estimate:

Item	Cost (\$)	Revised cost (\$)
Activity room two refurbishment and provision of bin wash down area	108,000	108,000
Activity room two universal access toilet	40,000	40,000
Changeroom reconfiguration and new umpire changeroom and universal access 'park' toilet <sup>1</sup>	353,000	364,000
Lesser hall refurbishment	49,000	49,000
New security screens to doors and windows	34,000	34,000
Activity room one and main hall repainting	4,000	4,000
Main Hall kitchen ventilation	14,000	14,000
Storeroom extension	167,000	167,000
PV (solar) panels	28,000	28,000
<b>TOTAL</b>	<b>797,000</b>	<b>808,000</b>

<sup>1</sup> temporary toilets and changerooms would be required during construction – this has been estimated at an additional \$44,000 which is not included in the above table.

The cost estimate summary table includes preliminaries and small works margin (15%), professional fees in order to undertake detailed design (10%), design contingencies (5%), building contingencies (5%) and cost escalation to June 2015 (2.9%).

The additional \$11,000 that the revised cost estimate has identified can be attributed to the changeroom reconfiguration which has resulted in a size increase to the home and away changerooms.

### **Issues and options considered**

It is important to note that the budget amounts within the *Five Year Capital Works Program* were indicative and the figures were not based on any project scoping, concept plan or cost estimate.

There is currently \$650,000 listed for consideration in 2015-16 of the City's *Five Year Capital Works Program* for this project. The total cost estimate to undertake all the works as part of the revised refurbishment project is \$808,000 which does not include the \$44,000 that is estimated for the temporary toilets and changerooms that would be required during the construction. There are therefore two options for the project – either list an additional \$202,000 for consideration as part of the 2015-16 budget or remove some of the recommended facility refurbishment items (if required once a tender price is received).

Updating the lesser hall kitchen; refurbishing and providing activity room two with direct access to toilet facilities; reconfiguring the existing changerooms to provide more space and creating an umpire changeroom; repainting of activity room one and the main hall; and addressing the main hall kitchen ventilation issues are considered items required to meet compliance standards or are important to the user groups' functionality of the facility.

The storeroom extension at the southern end of the facility was proposed to provide the sporting clubs with additional externally accessible storage areas and is considered the lowest priority for the project.

Therefore, based on the determined project priorities, the following item could be removed from the project scope if cost savings are required:

- Storeroom extension – \$167,000.
- TOTAL saving of \$167,000.

Removing the storeroom extension from the project (based on the revised cost estimate) will reduce the total project cost to \$685,000 (which includes the estimated costs for the temporary toilets and changeroom). While this is \$35,000 over the project budget of \$650,000, it is anticipated that given the current building industry climate, the project may be achievable for the budget. It is also proposed to include the storeroom extension as part of the tender for the project. If the tender price received is over the \$650,000 budget, it is proposed the storeroom extension would be the refurbishment item removed from the project.

The Kingsley Amateur Football Club have identified they are willing to make a financial contribution of \$30,000 to the project based on their request for the changerooms to be reconfigured from the original concept plan.

If the storeroom extension is removed from the project due to budget constraints, the Kingsley Amateur Football Club could be given approval to proceed with their application to the City to undertake a 'Club Funded Upgrade' project for their requested storeroom where they proposed to fund the new 38m<sup>2</sup> storeroom to be constructed next to the junior football club's existing externally accessible storeroom. It is suggested that this approval is not provided until after the tender process for the project, to ensure it cannot be included in the City's refurbishment project within the existing budget.

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

**Legislation** Not applicable.

### **Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

**Strategic initiative**

- Support a long-term approach to significant facility upgrades and improvements.
- Understand the demographic context of local communities to support effective facility planning.
- Employ facility design principles that will provide for longevity, diversity, inclusiveness and where appropriate support the decentralising of City services.

**Policy** Not applicable.

### **Risk management considerations**

All capital projects bring risks in relation to contingencies and over runs against original design. The capital cost estimate is based on high level concept plans and may differ once further detailed designs are undertaken for the project.

Although the Kingsley Amateur Football Club have identified they are willing to make a financial contribution of \$30,000 to the project if required, there is a risk that the City will be required to contribute further funds to the project if the club is unable to meet this financial obligation.

### **Financial / budget implications**

The following is listed within the City's *2015-16 Capital Works Program*:

<b>Account no.</b>	BCW2524
<b>Budget Item</b>	Kingsley Park Memorial Clubrooms Refurbishment
<b>Budget amount</b>	\$ 650,000
<b>Amount spent to date</b>	\$ Nil
<b>Balance</b>	\$ 650,000

The revised estimated capital cost as provided by the external Quantity Surveyor for this project is \$808,000 (plus an additional amount of an estimated \$44,000 for temporary toilets and changerooms required during construction).



There are therefore two options for the project – either list an additional \$202,000 for consideration as part of the 2015-16 budget or remove some of the recommended facility refurbishment items as discussed in the issues and options section of this Report (if required once a tender price is received).

Based on the determined project priorities, the following item could be removed from the project scope if cost savings are required:

- Storeroom extension – \$167,000
- TOTAL saving of \$167,000.

#### Future financial year impact

**Annual operating cost** The operating cost for the Kingsley Park Memorial Clubrooms is estimated at \$124,147 for 2014-15.

It is estimated that with the proposed refurbishment works the annual operating costs would increase by \$18,364 to \$142,511. This increase includes additional maintenance, cleaning, utilities and air-conditioning and PV panel services as a result of the refurbishment.

**Estimated annual income** The income for the Kingsley Park Memorial Clubrooms is estimated at \$23,894 for 2014-15.

It is expected that the proposed refurbishment works would not have an impact on the annual income for the facility.

**20 Year Strategic Financial Plan impact** The estimated net cash impact over the current adopted *20 Year Strategic Financial Plan* is estimated to be \$367,289. This is based on the estimated increase to the annual operating costs for a 20 year period (does not include escalation/inflation costs).

All amounts quoted in this report are exclusive of GST.

#### **Regional significance**

Not applicable.

#### **Sustainability implications**

##### Environmental

All facility refurbishment projects are planned to reduce the impact of the carbon footprint and consider environmental sustainability design features where possible within the project budget.

##### Social

The project has included consultation with existing user groups to ensure that feedback received represents their needs. Furthermore, any refurbishment works will consider access and inclusion principles and will aim to enhance the amenity of the public space.

### Economic

One of the main principles of the City's *Master Planning Framework* is the development of 'shared' and 'multi-purpose' facilities to avoid their duplication, and to reduce the ongoing maintenance and future capital expenditure requirements.

### **Consultation**

Consultation was undertaken with existing user groups of the facility during the site and needs analysis stage of the project. In addition, the City also met with the sporting clubs on a number of occasions during the original concept design stage of the project to discuss the proposed changeroom and storeroom works. In December 2014 the clubs were given the opportunity to provide feedback on the revised concept plan.

### **COMMENT**

As requested by the Capital Works Committee in November 2014, a revised concept plan has been developed including a reconfiguration of the changeroom area of the facility. The additional \$11,000 that the revised cost estimate has identified can be attributed to the changeroom reconfiguration which has resulted in a size increase to the home and away changerooms.

The total cost estimate to undertake all the works as part of the revised refurbishment project is \$852,000 (includes \$44,000 that is estimated for the temporary toilets and changerooms that would be required during the construction) which is \$202,000 over the existing budget allocation. As outlined, based on the determined project priorities, the storeroom extension can be removed from the proposed refurbishment project following the tender process, if required to provide cost savings. It is recommended that the existing \$650,000 budget within the City's *2015-16 Capital Works Program* for the project is not increased as it is anticipated that given the current building industry climate, the project may be achievable for the budget.

### **VOTING REQUIREMENTS**

Absolute Majority.

### **COMMITTEE RECOMMENDATION**

The Committee recommendation to Council for this Report (as detailed below) was resolved by the Capital Works Committee at its meeting held on 3 February 2015.

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

**RECOMMENDATION**

**That Council:**

**BY AN ABSOLUTE MAJORITY AMENDS Part 3 of its decision of 21 October 2014 (CJ196-10/14 refers) to read as follows:**

- “3 APPROVES the proposed refurbishment works at the Kingsley Park Memorial Clubrooms as detailed in Attachment 4 of Report CJ023-02/15 at a project cost estimate of \$852,000 (includes temporary toilets/changerooms during construction), with the storeroom extension works (estimated at \$167,000) to be removed if cost savings are required once tender quotes are received;”.**

*Appendix 21 refers*

*To access this attachment on electronic document, click here: [Attach21brf100215.pdf](#)*

## REPORTS – ART COLLECTION AND ADVISORY COMMITTEE – 9 FEBRUARY 2015

<b>Name/Position</b>	<b>Mr Mike Tidy, Director Corporate Services.</b>
<b>Item No./Subject</b>	CJ024-05/15 - Composition of the Community Invitation Art Award Judging Panel.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mr Tidy approved Report CJ024-02/15.

### CJ024-02/15 COMPOSITION OF THE COMMUNITY INVITATION ART AWARD JUDGING PANEL

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	35613
<b>ATTACHMENT</b>	Nil.
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

#### PURPOSE

For Council to consider amending the composition of the Community Invitation Art Award (CIAA) judging panel.

#### EXECUTIVE SUMMARY

The CIAA is an annual art award that recognises the practice of prominent Western Australian professional contemporary artists.

With an acquisitive prize of \$7,000, the overall winning art work becomes part of the City of Joondalup Art Collection. There is also currently a Popular Choice Award of \$2,000 for the artwork that receives most votes by members of the community voting for their favourite artwork.

The CIAA format involves a callout for expressions of interest (EOI) from Western Australian artists. A panel of three independent arts industry professionals assesses the EOI's received and creates a shortlist of up to 15 artists who are each invited to create a series of three artworks for exhibition.

Once the artworks are exhibited, an independent judging panel of three arts industry professionals assesses the artworks and makes the awards.

This Report responds to the Art Collection and Advisory Committee's (ACAC) request to consider adding a member of the public to the CIAA judging panel. It is recommended not to add a member of the public to the CIAA judging panel on account of the high degree of expertise required for this role.

## **BACKGROUND**

The CIAA (formerly the Invitation Art Award) is an acquisitive art award and exhibition that entered its 17th year in 2014. The CIAA was established by Council at its meeting held on 20 November 2012 (CJ249-11/12 refers), following a review of the former Invitation Art Award (IAA).

This review covered a number of aspects of the former IAA, including a review of the selection and judging panels. At its meeting held on 19 February 2013 (CJ020-02/13 refers), Council resolved that no representation of the City or the elected Council should serve on either the selection and/or the judging panels. This position was established by the ACAC agreeing that the selection of the exhibition artists and judging of the artworks needed to be external to the City with a high degree of expertise from the visual arts industry.

The award recognises the practice of prominent professional Western Australian artists and provides the Joondalup community with an opportunity to engage with contemporary visual art at a professional level.

It offers an acquisitive cash prize of \$7,000 (previously \$15,000 as the IAA) and a total prize pool of \$15,000. There is currently a Popular Choice Award of \$2,000 for the artwork that receives most votes by members of the community voting for their favourite artwork.

The CIAA format involves a callout for EOI and a panel of three independent arts industry professionals who assess the EOI's received and create a shortlist of up to 15 artists. These artists are invited to create a series of three artworks for exhibition. Once the artworks are exhibited, an independent judging panel of three arts industry professionals assess the artworks and make the awards.

At its meeting held on 14 October 2014, the ACAC requested a report considering adding a member of the public to the CIAA judging panel.

## **DETAILS**

### The City of Joondalup Art Collection

The City's Art Collection currently houses 232 artworks, with a focus on Western Australian contemporary art. The collection is comprised of a range of media including painting, sculpture, drawing, ceramic, print, photography, digital media and textile.

The judges engaged for the CIAA are qualified to assess and select work that represents the best standards of contemporary art in Western Australia while also considering the requirements of the City of Joondalup Art Collection.

There are selection criteria for acquiring art into the collection to guide the way that acquisitions are made and ensure that the integrity of the collection is maintained in terms of financial and cultural value.

Each of the recommended artworks must meet the following selection criteria:

- Is a quality example that will be a significant addition to the art collection.
- Enhances the current scope of the City of Joondalup Art Collection.
- Is an unconditional donation, purchase or lease which has valid and clearly verifiable legal title.
- Has the capacity to be displayed in a Council building or other appropriate space without hindrance to public access or safety.
- Has the necessary resources allocated to resolve all foreseeable issues related to conservation, presentation and storage, as part of the acquisition.
- Is quality artwork by a contemporary Western Australian artist.
- Represents a significant period, occasion or initiatives in the evolution of the City.
- Represents the artistic practice of a Western Australian artist (or artist residing in Western Australia) who has received acclaim for their work locally, nationally or internationally.
- Strengthens and adds to an existing series of works.
- Builds on identifiable themes within the whole Collection.

#### National Association of Visual Arts Code of Practice

The City of Joondalup follows the National Association of Visual Arts (NAVA) Code of Practice for the Professional Australian Visual Arts, Craft and Design (the Code) when engaging selection panel and judging panel members for both of the City's two major art awards, the Community Art Exhibition (CAE) and the Community Invitation Art Award.

NAVA, as the Australian national peak body for the visual and media arts, craft and design sector, provides a set of practical and ethical guidelines and sets and monitors adherence to best practice standards.

The CIAA selection panel members and judges are carefully considered and invited based on their professional experience, knowledge of contemporary art on a local, national and international level and their knowledge of the Western Australian arts industry, artists and of major Western Australian public art collections including the City of Joondalup Collection.

A role on the CIAA judging panel has a direct impact on the Art Collection with regard to the winning artwork that needs to be selected carefully with consideration to its place in the City's Art Collection.

Qualified art industry professionals have a comprehensive understanding of art materials, genres and methodologies. They are able to recognise work that is archival and suitable for collecting, and they can also recognise art that will have value and meaning in the long term. It can take years of study to recognise and appreciate the physical qualities of an artwork that are not immediately apparent to a person without such education.

Art awards are competitive and a strong judging panel ensures that the organiser and the exhibition personnel are protected against criticism or negative opinions of entrants and audience members. Reputable judging panels are recognised within the industry as an important way to maintain transparency and promote a best practice model at all times.

In rare circumstances, organisers and judges may reject or censor artworks that violate laws in relation to obscenity, libel, defamation, sedition, breach of Indigenous or other cultural protocols, invasion of privacy, or breach of copyright. In such cases, the judges are called upon to exercise judgement. Their own professional standing and reputation must be used in these cases and a person without a technical background is not necessarily equipped with the knowledge, social standing, and experience to handle such situations. Judges accept the

job understanding that their professional reputation may be under scrutiny or criticism and with confidence that they have adequate understanding of cultural matters.

Within the arts industry, inviting an unqualified person to contribute to decisions relating to the awarding of artists and acquiring artwork is not adhering to the best industry practice and standards which could have consequences for the reputation of the CIAA and the City of Joondalup within the Western Australian and national arts industry.

#### Professional reputation of the CIAA

The CIAA has an excellent reputation as a major Western Australian art award, therefore, it is important to consider the consequences and impact changes to the format of the prize and the judging panel will have.

Professional artists will usually only enter competitions where best practice is followed, and where they trust that their work will be viewed and assessed by professionals.

Introducing unqualified members to the panels may undermine the value of the award and could have a negative impact on the quality and quantity of entrants.

The NAVA Code of Practice states: "The quality of the judge or judges says a lot about the event and can attract participation by artists and craft practitioners who wish to bring their work to the attention of gallery directors, curators, arts writers and reviewers."

#### Other contributions by the judging panel

Selection and judging panel members are often very generous with their time, and their contribution is something of great value to the City.

The judges will often provide the City's arts officers with additional text and comments that can be used on didactic panels, catalogue essays, and marketing material. They will present a speech at the opening event, or give other useful advice, and add weight to other projects and ideas outside of the award.

The presence of arts industry professionals in the Joondalup community ensures that there are opportunities for networking with the greater Perth arts industry and the local Joondalup arts community.

The continuous annual visits by professionals from other institutions also keeps the City involved and active in the wider Perth arts and culture community, and helps the City to maintain a good reputation.

#### Popular Choice Award

The CIAA currently awards a Popular Choice Award category with a prize total of \$2,000. During the course of the exhibition, members of the community vote for their favourite artwork and the artist who receives the most votes wins the category and is awarded the prize money.

The intent of this award was to allow the public to determine which in their opinion was the most popular of the artwork displays as part of the CIAA.

#### Art award pre-selection and judging formats in Western Australia

The standard format for the pre-selection process in other comparable Western Australian art awards is that of a selection panel with either external arts industry professionals (who review all entries and shortlist the number to be considered for the exhibition and judging) or

a panel comprised of a curator supported by knowledgeable staff. The standard format for the judging process in other comparable Western Australian art awards is that of a judging panel of external arts industry professionals (who award the prizes).

Award	Acquisitive	Overall prize	Selection panel	Judging panel
Bankwest Art Prize	Yes	\$30,000	Curator and 2 arts industry professionals	Curator and 2 arts industry professionals
Fremantle Print Award	Yes	\$15,000	Staff and curator	3 arts industry professionals
Black Swan Art Prize	No	\$50,000	5 arts industry professionals	3 arts industry professionals
Mid West Art Prize	No	\$20,000	Staff and curator	3 arts industry professionals
Albany Art Prize	Yes	\$25,000	3 arts industry professionals	3 arts industry professionals
Cossack Art Award	Yes	\$10,000	Staff and curator	2 arts industry professionals
Madorla Art Award	Yes	\$25,000	2 arts industry professionals and one religious representative	2 arts industry professionals and one religious representative
Minnawarra Art Award	No	\$5000	Staff and curator	2 arts industry professionals
Sculptures by the Sea	No	\$60,000	4 arts industry representatives	4 arts industry representatives

### Issues and options considered

If the City of Joondalup was to introduce a position for a member of the public on the judging panel for the CIAA, clear criteria would need to be established.

The premise behind inviting a member of the public (the member) to be on a judging panel would also need to be made clear.

Criteria that would need to be addressed include the following:

- Who the member is representing?
- The professional background and experience required for the role.
- What kind of interest in, experience and knowledge of art would the member have?
- What framework would the person use to judge artworks if they are not an arts industry professional?
- Does the member need to be a member of the Joondalup community?
- By whom and how is the member selected?

The following potential issues may also need to be considered:

- Would the input by an unqualified member assist with the judging process or possibly hinder it through a lack of knowledge of the process?
- Would the member feel qualified to take part in a process driven by the experience and knowledge of Visual Art experts?



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

**Legislation** The ACAC and the Chief Executive Officer have been granted delegated authority to purchase artworks recommended up to an amount of \$15,000 and within budget allocations.

**Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Cultural development.

**Strategic initiative** Invest in publicly accessible visual art that will present a culturally enriched environment.

**Policy** *The City's Art and Memorabilia Collection Policy.*

**Risk management considerations**

The risks of adding artwork that is not aligned to the City's current Art Collection are as follows:

- The City's Art Collection is a specialised and curated collection. The integrity of the Collection could be jeopardised by purchasing artworks based on subjective criteria.
- The collection is building in value year on year and now represents a sizeable asset. Thus, the overall value of the Collection is of concern and this will deteriorate if not directed correctly or if 'weak' works enter the collection.

**Financial / budget implications**

The 2014-15 Budget has an amount of \$30,000 allocated: \$7,000 for the Overall Winner of the CIAA acquisition award, \$8,000 for the prize winner in the CIAA non-acquisitive prizes and a further \$15,000 for the City to acquire art.

<b>Account No:</b>	C1020	<b>Account No:</b>	C10211
<b>Budget Item:</b>	Community Invitation Art Award Acquisition	<b>Budget Item:</b>	Art Acquisitions
<b>Budget Amount:</b>	\$7,000	<b>Budget Amount:</b>	\$15,000
<b>Amount Spent to</b>	\$7,000	<b>Amount Spent to</b>	\$13,750
<b>Date:</b>		<b>Date:</b>	
<b>Proposed Cost:</b>	\$7,000	<b>Proposed Cost:</b>	\$TBD
<b>Balance:</b>	\$0	<b>Balance:</b>	\$TBD

All amounts quoted in this report are exclusive of GST.

**Regional significance**

The CIAA attracts entries from professional artists from across the state and is, therefore, considered to be a regional event hosted by the City. The ongoing provision of an accessible and high-calibre art event is integral to the cultural development and vibrancy of the City and for the development of visual arts within the industry of local government.

**Sustainability implications**

The CIAA has positive social sustainability implications for the City. The event provides enhancement of the locality and acts as a catalyst for public discussion about current social, economic and environmental issues. The CIAA physically enhances public places and the public realm by creating points of interest, animating spaces and providing beauty, character and colour to the City. It also enhances the relevance for the local community of the City's cultural position and increases the value of the City's cultural resources.

**Consultation**

Not applicable.

**COMMENT**

The City of Joondalup needs to adhere to best professional practice and within the arts industry inviting an unqualified person to contribute to decisions relating to the awarding of artists and acquiring artwork is not adhering to these standards.

The benefits to the City of having a member of the public on the CIAA judging panel are not clear and there are serious considerations about how changing the award judging format impacts on the reputation of the CIAA and City of Joondalup within the arts industry and beyond.

**VOTING REQUIREMENTS**

Simple Majority.

**COMMITTEE RECOMMENDATION**

The Committee recommendation to Council for this Report (as detailed below) was resolved by the Art Collection and Advisory Committee at its meeting held on 9 February 2015.

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

**RECOMMENDATION**

**That Council SUPPORTS maintaining the selection of the Community Invitation Art Award exhibition artists and judging of the artworks by individuals external to the City with a high degree of expertise from the visual arts industry.**

<b>Name/Position</b>	<b>Mr Mike Tidy, Director Corporate Services.</b>
<b>Item No./Subject</b>	CJ025-02/15 – Review of Potential Inside-Out Billboard Locations within the City of Joondalup City Centre Including Referred Location – Pump House at Central Park West.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mr Tidy approved Report CJ025-02/15.

## **CJ025-02/15      REVIEW OF POTENTIAL INSIDE-OUT BILLBOARD LOCATIONS WITHIN THE CITY OF JOONDALUP CITY CENTRE INCLUDING REFERRED LOCATION - PUMP HOUSE AT CENTRAL PARK WEST**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	35613
<b>ATTACHMENT</b>	Attachment 1      Proposed billboard locations
<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 approve a new billboard location as part of the City of Joondalup Inside-Out Billboard project.

### **EXECUTIVE SUMMARY**

This report provides information on eight sites within the City of Joondalup for consideration as potential locations for a new billboard to complement the existing location on the west side of the library building.

Potential locations were identified and initial quotes were obtained from suppliers of the necessary infrastructure.

In a report presented to the Art Collection and Advisory Committee (ACAC) in October 2014 seven locations were listed however Council requested a new report including information on another proposed site: the pump station at Central Park West Parking Station number eight, adjacent to the site of the proposed Joondalup Performing Arts and Cultural Facility. The information about this site is included in this report alongside information on options presented to date.

## BACKGROUND

In March 2014, the City installed a standard 6 metre x 3 metre billboard in order to display contemporary pieces of artwork that it had commissioned. The inaugural artwork was produced by Western Australian artist Helen Smith, with the most recent and current artwork on display from Chloe Tupper.

Positive feedback was received for both billboard displays.

At its meeting held on 12 June 2014, the ACAC requested a report assessing the feasibility of new billboard locations for the Inside-Out Billboard project.

At its meeting held on 6 October 2014, the ACAC was presented with a report assessing the feasibility of seven new billboard locations for the Inside-Out Billboard project.

Following the meeting of the ACAC on 6 October 2014, Council at its meeting held on 21 October 2014 (CJ202-10/14 refers), further considered the matter and referred the report back to the CEO to consider the site suitability of the Central Park pump house located at the northern entrance to Central Park West Parking Station number eight.

## DETAILS

In assessing the suitability for billboard locations the issues considered are as follows:

- Visibility within the designated public space.
- Whether a billboard would block sight lines of vehicle traffic.
- Whether a billboard would obstruct or alter the flow of pedestrian traffic.
- Proximity to the first billboard on the City of Joondalup Library in the City Centre.
- The type of billboard structure suitable for the location (wall based, free standing, rooftop).
- The amount of site preparation and works required to install the billboard structure.
- Whether the site is owned by the City of Joondalup or private property requiring negotiation with private lease holders.

In assessing new billboard locations the following points need to be considered:

- The first billboard installed on the side of the Library uses sail track to rope the 6 metre x 3 metre canvas banner into place. For it to be possible to rotate canvas banners between sites, the other sites must also have 6 metre x 3 metre billboard frames that utilise the same sail track system.
- Canvas banners (especially facing west) begin to fade after six months, and the banner surface can begin to crack. Each banner may only be able to be displayed for six months and may need to be reprinted for future display at another site. The cost for banner printing and installation is between \$2,000 and \$4,000 depending on the location. Banners in reasonable condition can be stored and reinstalled, however, their lifespan at best would not extend beyond two displays.

This Report provides a summary of the sites and the range of quotes provided by four suppliers. As they are estimated quotes, the costs may change if engineering drawings and site preparation/management are required. The quotes are to be regarded as accurate but not final.

Quotes below provide an indication of the cost of installing a billboard in the listed locations however the final quality of the quoted infrastructure would need to be assessed before committing to a supplier and to determine the final budget that would be required if a new site is approved. All costs are excluding GST.

Visual representations of billboards in the proposed sites are shown on Attachment 1 to this Report.

### Issues and options considered

Eight sites have been identified within the City Centre and are listed below. The identified sites contain a combination of freestanding, wall-based and rooftop billboards.

The feasibility of each site has been considered and issues identified. The recommended sites are the simplest in terms of site preparation and infrastructure install.

In considering sites, the potential to attract graffiti has also been considered. The suggested sites are situated in high foot and vehicular traffic areas, reducing the risk of graffiti occurring. The canvas banners can be graffiti coated, or if they are slashed or damaged beyond repair they can be reprinted.

The type of lighting selected will also have an impact on costs. External floodlights attract insects that stick to the lamps, can fall and gather below the billboard, and cause hot spots that flare on the surface of the billboard.

Internal (lightbox) lighting is the preferred option as it is uniform and washes the entire surface of the banner. The first billboard on the side of the Library is lit with internal lighting. The two different types of lighting are very different in visual effect, and internal lighting is premium in effect and price.

Proposed location 1: The pump house at Central Park West Parking Station number eight.

The land is owned by the City, negotiation to install billboards would not be required.

One freestanding billboard could be installed in front of the Pump House facing west.

Locating the billboard on the wall of the pump house itself facing west is not considered a viable option as the dimensions of the billboard are greater than the surface area available on the wall, access to the pump station would be restricted and the height of the billboard would make it vulnerable to graffiti and vandalism.

<b>1 x freestanding illuminated billboard (lightbox)</b>	<b>Quote range</b>
Capital cost to manufacture and install	\$16,000 - \$27,500
Annual operational cost (banner print, install and artist fees)	\$10,000 - \$14,300
Contingency	\$2,000

Contingency includes traffic management costs and site preparation including the removal of vegetation where required.

Proposed location 2 (recommended location): The land between Teakle Court and Central Park West Parking Station number eight, site of the proposed Joondalup Performing Arts and Cultural Facility.

The land is owned by the City.

One billboard could be installed on the corner of Teakle Court and Grand Boulevard facing south-west.

<b>1 x freestanding illuminated billboard (lightbox)</b>	<b>Quote range</b>
Capital cost to manufacture and install	\$16,000 - \$27,500
Annual operational cost (banner print, install and artist fees)	\$10,000 - \$14,300
Contingency	\$2,000

Contingency includes traffic management costs and site preparation including the removal of vegetation where required.

Proposed location 3: The north-west and/or south-west corners of Kendrew Crescent and Grand Boulevard.

This site is directly opposite the entrance to Edith Cowan University (ECU) with a large amount of exposure to passing vehicle traffic travelling in both directions on Grand Boulevard, as well as foot traffic between ECU, West Coast Institute and the Joondalup bus and train station.

The land is owned by ECU and negotiation would be required to install billboards.

One billboard could be installed on the north-west corner of Kendrew Crescent.

<b>1 x freestanding illuminated billboard (lightbox)</b>	<b>Quote range</b>
Capital cost to manufacture and install	\$16,000 - \$27,500
Annual operational cost (banner print, install and artist fees)	\$10,000 - \$14,300
Contingency	\$2,000

Proposed location 4: The City of Joondalup Police Station and Courts, 9 Reid Promenade.

This site is owned by Department of Lands and negotiation would be required to install billboards.

- One free standing billboard could be installed on the lawn facing south-east towards Grand Boulevard.
- One billboard may be installed on a structurally suitable and sound part of the roof.
- One wall-based billboard could be installed on a suitable wall, for example the east wall facing Grand Boulevard.

<b>1 x freestanding illuminated billboard (lightbox)</b>	<b>Quote range</b>
Capital cost to manufacture and install	\$16,000 - \$27,500
Annual operational cost (banner print, install and artist fees)	\$10,000 - \$14,300
Contingency	\$2,000

<b>1 x rooftop illuminated billboard (lightbox)</b>	<b>Quote range</b>
Capital cost to manufacture and install	\$16,000 - \$60,000
Annual operational cost (banner print, install and artist fees)	\$11,500 - \$16,400
Contingency	\$3,800
<b>1 x wall mounted illuminated billboard (lightbox)</b>	<b>Quote range</b>
Capital cost to manufacture and install	\$11,500 - \$60,000
Annual operational cost (banner print, install and artist fees)	\$11,500 - \$16,400
Contingency	\$3,800

Proposed location 5: Corner of Shenton Avenue and Grand Boulevard.

This site is owned by the Department of Lands and negotiation would be required to install billboards.

One free standing billboard could be installed facing the intersection of Grand Boulevard and Shenton Avenue facing north-east.

<b>1 x freestanding illuminated billboard (lightbox)</b>	<b>Quote range</b>
Capital cost to manufacture and install	\$16,000 - \$27,500
Annual operational cost (banner print, install and artist fees)	\$10,000 - \$14,300
Contingency	\$2,000

Proposed location 6: 140 Grand Boulevard, above Westpac overlooking the intersection of Boas Avenue facing south-east.

This site is privately owned and negotiation would be required to install billboards.

One roof mounted billboard could be installed on a structurally suitable part of the roof on top of the building overlooking the intersection of Grand Boulevard and Boas Avenue.

<b>1 x rooftop illuminated billboard (lightbox)</b>	<b>Quote range</b>
Capital cost to manufacture and install	\$16,000 - \$60,000
Annual operational cost (banner print, install and artist fees)	\$11,500 - \$16,400
Contingency	\$3,800

Proposed location 7: Lakeside Joondalup Shopping City buildings, Corner of Grand Boulevard and Boas Avenue.

This site is owned by Lend Lease and negotiation would be required to install billboards.

Options:

- One free standing billboard could be installed on the roof facing east over the intersection of Grand Boulevard and Boas Avenue.
- One wall based billboard could be installed on the wall facing east over Grand Boulevard.

<b>1 x rooftop illuminated billboard (lightbox)</b>	<b>Quote range</b>
Capital cost to manufacture and install	\$16,000 - \$60,000
Annual operational cost (banner print, install and artist fees)	\$11,500 - \$16,400
Contingency	\$3,800
<b>1 x wall mounted illuminated billboard (lightbox)</b>	<b>Quote range</b>
Capital cost to manufacture and install	\$11,500 - \$60,000
Annual operational cost (banner print, install and artist fees)	\$11,500 - \$16,400
Contingency	\$3,800

Proposed location 8: 151 Grand Boulevard, Grand Boulevard Hotel.

This site is privately owned, negotiation would be required to install a billboard.

One rooftop billboard could be installed above the wall facing south over Boas Avenue.

<b>1 x rooftop illuminated billboard (lightbox)</b>	<b>Quote range</b>
Capital cost to manufacture and install	\$16,000 - \$60,000
Annual operational cost (banner print, install and artist fees)	\$11,500 - \$16,400
Contingency	\$3,800

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

#### **Legislation**

As the construction and installation of the 'Inside Out Billboard' will be undertaken by the City, it would therefore be regarded as a 'public work' and no planning approval would be required. Section 6(3) of the *Planning and Development Act 2005* requires the responsible authority to be consulted with at the time the public work is being formulated. The structure would be classified as a class 10b within the *Building Code of Australia* and would require a building permit as required by the *Building Act 2011*. The structure may also require a Structural Engineer Certificate.



## Strategic Community Plan

<b>Key theme</b>	Community Wellbeing.
<b>Objective</b>	Cultural development.
<b>Strategic initiative</b>	Invest in publically accessible visual art that will present a culturally-enriched environment.
<b>Policy</b>	Not applicable.

## Risk management considerations

All works considered would need to meet stringent public safety criteria.

## Financial / budget implications

The financial implications are variable and will be determined by the choice of site and billboard type approved. Further final/detailed quotes would be required. All amounts quoted in this report are exclusive of GST.

Below is the actual capital cost to the 2013-14 budget for installation of the Inside-Out Billboard located at the Library.

Item	Cost
Manufacture and installation of billboard including printing of first banner	\$26,755
Traffic management for 1.5 days	\$2,684
Manufacture, printing and install of the tag/sign (once off cost)	\$930
<b>Total</b>	<b>\$30,361</b>

The installation of the tag/sign at the inaugural site at the Library was to launch the project and will not be repeated at future sites.

The annual cost to operate the Inside-Out Billboard located at the Library is \$15,200:

Item	Cost
Artist commission fee 1	\$3,000
Artist commission fee 2	\$3,000
Banner printing, changeover for commission 1	\$3,800
Road traffic management for commission 1	\$800
Banner printing, changeover for commission 2	\$3,800
Road traffic management for commission 2	\$800
<b>TOTAL</b>	<b>\$15,200</b>

Proposed Costs of installing an additional Inside-Out Billboard/s - for displaying previously commissioned works:

Item	Cost
Installation Cost including (first banner install)	\$27,500
Road traffic management for billboard infrastructure installation	\$2,500
<b>TOTAL</b>	<b>\$30,000</b>

Annual operating costs of a second Inside-Out Billboard - for displaying previously commissioned works:

Item	Cost
Banner changeover	\$1,500
Road traffic management for banner changeover	\$800
<b>TOTAL</b>	<b>\$2,300</b>

If Council proceeds with additional Inside-Out Billboard locations, a capital budget will need to be established for each site for the design, manufacture and installation of a billboard. An annual operational budget will need to be established and allocated to the annual program of each additional site.

### Regional significance

The City's Art Collection, including its public art, archives and memorabilia, plays an important part in shaping and developing a sense of community.

The on-going provision of an accessible and high calibre art collection is integral to the cultural development and vibrancy of the City of Joondalup region and to best practice standards for the development of the visual arts in local government.

### Sustainability implications

The installation of public artworks has positive social sustainability implications. Public artworks physically enrich a locality and provide a catalyst for public discussion about current social, economic and environmental issues. Public artworks strengthen the public realm by creating points of interest, animating spaces and providing beauty, character and colour to places. A new public artwork will build upon the relevance of the City's public spaces for the local community and increase the value of the City's cultural resources.

### Consultation

At its meeting held on 20 November 2012 (CJ248-11/12 refers), Council agreed that no community consultation will take place for the Inside-Out Billboard project. However engagement would need to be undertaken with the relevant land owners and statutory authorities where appropriate.

**COMMENT**

The site at Central Park West Parking Station number eight is suitable for the installation of a billboard, however, the positioning of the billboard does not optimize the view for cars passing north to south along Grand Boulevard.

**VOTING REQUIREMENTS**

Simple Majority.

**COMMITTEE RECOMMENDATION**

The Committee recommendation to Council for this Report (as detailed below) was resolved by the Art Collection and Advisory Committee at its meeting held on 9 February 2015.

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

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

- 1 APPROVES the recommended option location 2 - the land between Teakle Court and Central Park West Parking Station number eight, site of the proposed Joondalup Performing Arts and Cultural Facility as the site for the second Inside-Out Billboard location;**
- 2 Lists for consideration an amount of \$30,000 for the second City of Joondalup Inside-Out Billboard as part of the 2015-16 budget.**

*Appendix 22 refers*

*To access this attachment on electronic document, click here: [Attach22agn170215.pdf](#)*

## REPORTS – CHIEF EXECUTIVE OFFICER

### **CJ026-02/15 TENDER 020/14 DEMOLITION OF EXISTING JETTIES AND CONSTRUCTION OF SIX PILED FLOATING JETTY SYSTEMS AT THE OCEAN REEF BOAT HARBOUR FACILITY**

<b>WARD</b>	North-Central	
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services	
<b>FILE NUMBER</b>	104273	
<b>ATTACHMENT</b>	Attachment 1 Attachment 2	Schedule of Items Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.	

## PURPOSE

For Council to accept the tender submitted by The Trustee for the CLM Trust t/as Engineered Water Systems for demolition of existing jetties and construction of six piled floating jetty systems at the Ocean Reef boat harbour facility.

## EXECUTIVE SUMMARY

Tenders were advertised on 15 November 2014 through statewide public notice for demolition of existing jetties and construction of six piled floating jetty systems at the Ocean Reef boat harbour facility. Tenders closed on 9 December 2014. A submission was received from each of the following:

- The Trustee for the CLM Trust t/as Engineered Water Systems.
- Australian Civils Pty Ltd.
- Marine & Civil Pty Ltd.
- SMC Marine Pty Ltd t/as Swan Marine Construction.
- DB Cunningham Pty Ltd t/as Advantearing – Civil Engineers.
- Neo Infrastructure Pty Ltd.
- Walcon Marine Australasia Pty Ltd.
- Transfield Services (Australia) Pty Ltd.

The submission from Engineered Water Systems represents best value to the City. The company demonstrated thorough understanding of the City requirements. It has extensive experience completing similar projects for local governments and private organisations. Engineered Water Systems is a well established company with adequate resources and personnel to complete the project for the City.

*It is therefore recommended that Council ACCEPTS the tender submitted by The Trustee for the CLM Trust t/as Engineered Water Systems for demolition of existing jetties and construction of six piled floating jetty systems at the Ocean Reef boat harbour facility (Alternative 1) as specified in Tender 020/14 for the fixed lump sum of \$725,940 (GST Exclusive) with works to be completed within four months from the issue of letter of acceptance.*

## **BACKGROUND**

The City has a requirement for demolition of existing jetties and construction of six piled floating jetty systems at the Ocean Reef boat harbour facility. The project intends to remove the existing jetty at Ocean Reef boat harbour and replace it with a new floating jetty system. The aim is to provide a safe system for the use of recreational boating at the harbour that also encourages increased usage.

This project has been planned following concerns raised by key users of the site and discussions with City staff. The problems include corrosion to existing fittings and connectors which in places do not support wailing and chafers properly, cracked and rotten timber wailing and chafers, and protruding timber decking in sections which are a trip hazard.

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

## **DETAILS**

The tender for demolition of existing jetties and construction of six piled floating jetty systems at the Ocean Reef boat harbour facility was advertised through statewide public notice on 15 November 2014. The tender period was for two weeks and tenders closed on 9 December 2014.

### **Tender Submissions**

A submission was received from each of the following:

- The Trustee for the CLM Trust t/as Engineered Water Systems.
- Australian Civils Pty Ltd.
- Marine & Civil Pty Ltd.
- SMC Marine Pty Ltd t/as Swan Marine Construction.
- DB Cunningham Pty Ltd t/as Advantengineering – Civil Engineers.
- Neo Infrastructure Pty Ltd.
- Walcon Marine Australasia Pty Ltd.
- Transfield Services (Australia) Pty Ltd.

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

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

## Evaluation Panel

The evaluation panel was composed of three members being:

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

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

## Compliance Assessment

The following offers received were assessed as fully compliant:

- The Trustee for the CLM Trust t/as Engineered Water Systems.
- Australian Civils Pty Ltd.
- SMC Marine Pty Ltd t/as Swan Marine Construction.
- DB Cunningham Pty Ltd t/as Advantesting – Civil Engineers.
- Walcon Marine Australasia Pty Ltd.

The following offers were assessed as non compliant:

- Transfield Services (Australia) Pty Ltd did not agree to the conditions of tendering and contract and specification of the tender. It also did not submit any price and rates as well as any response addressing the qualitative criteria.
- Marine & Civil Pty Ltd did not agree to the conditions of tendering and contract and did not warrant unconditional compliance with the Specification.
- Neo Infrastructure Pty Ltd proposed for no liquidated damage, delays associated with obtaining all licenses and permits to be paid as a variation, 4% of retention monies to be returned at practical completion, costs associated with storm damage to be treated as variation to Contract and extensions of time with costs will apply and tender validity period of four weeks.

These offers were deemed to be non-conforming and were not considered further.

## Qualitative Assessment

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. The minimum acceptable score was set at 70%.

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

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

Australian Civils Pty Ltd scored 56.1% and was ranked fifth in the qualitative assessment. The company demonstrated experience in completing similar projects for the Shire of Roebourne, Department of Transport, the Town of Port Hedland and Fremantle Sailing Club.

The company demonstrated an understanding of the required tasks. The company is resourced but did not specify after hours contacts.

Advanteering – Civil Engineers scored 68% and was ranked fourth in the qualitative assessment. It demonstrated a thorough understanding of the required tasks and has the capacity to provide the services. The company demonstrated experience in completing similar projects for the Town of East Fremantle and Bassendean, the City of Busselton and Bridgem Pty Ltd.

Engineered Water Systems scored 70.5% and was ranked third in the qualitative assessment. It demonstrated extensive experience completing similar projects for the City of Busselton, East Fremantle Yacht Club, Department of Transport and Base Marine. The company is well established with adequate resources and personnel to complete the project for the City. It demonstrated a thorough understanding of the requirements.

Swan Marine Construction scored 75.6% and was ranked second in the qualitative assessment. It demonstrated a complete understanding of the requirements and has the capacity to deliver the project. The company demonstrated extensive experience in completing similar projects for the Department of Transport, Boulderstone Hornibrook, the City of Busselton and Bellingham Marine Australia.

Walcon Marine Australasia scored 76.7% and was ranked first in the qualitative assessment. It demonstrated extensive experience in completing floating jetty systems for the Department of Transport, Australand and Port of Airlie, Queensland. The company is also contracted to construct a 220 – 350 berth temporary marina for Sydney International Boat Show Marina every year from 2014 to 2020. It demonstrated a complete understanding of the requirements and is resourced to complete the project.

Based on the minimum acceptable score (70%), Walcon Marine Australasia Pty Ltd, Swan Marine Construction and Engineered Water Systems qualified for stage 2 (price) assessment.

### Price Assessment

The panel carried out a comparison of the lump sum prices offered by three qualified tenderers for stage 2 to assess value for money to the City.

<b>Tenderer</b>	<b>Fixed Lump Sum Price (GST Exclusive)</b>
Walcon Marine Australasia Pty Ltd	\$1,087,533
Swan Marine Construction	\$1,280,000
Engineered Water Systems	\$779,520 \$725,940 (Alternative 1) \$717,380 (Alternative 2)

Alternative 1 of Engineered Water Systems proposed to supply and install the tender specified pontoon system with Poralu decking instead of FRP decking. Alternative 2 proposed to supply and install an Engineered Water Systems propriety pontoon system with the tender specified FRP decking.

## Evaluation Summary

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

Tenderer	Price Ranking	Total Contract Price	Qualitative Ranking	Weighted Percentage Score
Walcon Marine Australasia Pty Ltd	4	\$1,087,533	1	76.7%
Swan Marine Construction	5	\$1,280,000	2	75.6%
Engineered Water Systems	3 2 1	\$779,520 \$725,940 (Alternative 1) \$717,380 (Alternative 2)	3	70.5%

Based on the evaluation result the panel concluded that the tender from Engineered Water Systems (Alternative 1) provides best value to the City and is therefore recommended.

Proposed Alternative 1 of Engineered Water Systems keeps the approved pontoon system and a change in deck material (from FRP to Poralu). This isn't a significant variation to the original specification. Alternative 2 (change of pontoon system), although it meets the requirements, is a change to core specification for the project and is not recommended.

## Issues and options considered

The City has a requirement for the demolition of existing jetties and construction of six piled floating jetty systems at the Ocean Reef boat harbour facility. The City does not have the internal resources to complete the required works and require appropriate external contractor to complete the project.

## Legislation / Strategic Community Plan / policy implications

### Legislation

A state wide public tender was advertised, opened and evaluated in accordance with Clauses 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000.

### Strategic Community Plan

#### Key theme

Community wellbeing.

#### Objective

Quality facilities.

#### Strategic initiative

Support a long term approach to significant facility upgrades and improvements.

#### Policy

*Asset Management Policy.*



**Risk management considerations**

Should the contract not proceed, the risk to the City will be moderate. The City has received 75% of the total budget of this project from Recreational Boating Facilities Scheme (RBFS) Works Project Grant through the Department of Transport. This grant must be spent within the 2014-15 financial year. An extension of time may be possible.

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

**Financial / budget implications**

<b>Project number</b>	MPP 2037
<b>Cost Code</b>	W2671
<b>Budget Item</b>	Ocean Reef boat harbour floating jetties
<b>Budget amount</b>	\$ 600,000 (RBFS - \$450,000, COJ - \$150,000)
<b>Amount spent to date</b>	\$0
<b>Proposed cost</b>	\$ 725,940
<b>Balance</b>	(\$125,940)

All amounts quoted in this report are exclusive of GST.

RBFS will likely fund 75% of the shortfall (\$94,455) and Asset Management has identified cost savings in some projects with sufficient funds to cover the remaining shortfall of \$31,485.

**Regional significance**

The Ocean Reef Boat Harbour is the home for the Ocean Reef Sports Club and Whitfords Volunteer Sea Rescue Group (WVSRG). These organisations provide recreation, training and rescue facilities for club members and the community.

**Sustainability implications**

Upgraded facilities will enhance community participation in recreational boating activities, increase club membership leading to increased awareness of recreational boating safety and coastal environmental ecologies. The upgrade will also provide a safer option for people with disabilities to undertake recreational boating activities creating a more inclusive environment.

**Consultation**

Not applicable.

**COMMENT**

The evaluation panel carried out the evaluation of the submissions in accordance with the City's evaluation process and concluded that the Offer submitted by The Trustee for the CLM Trust t/as Engineered Water Systems represents best value to the City.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the tender submitted by The Trustee for the CLM Trust t/as Engineered Water Systems for demolition of existing jetties and construction of six piled floating jetty systems at the Ocean Reef boat harbour facility (Alternative 1) as specified in Tender 020/14 for the fixed lump sum of \$725,940 (GST Exclusive) with works to be completed within four months from the issue of letter of acceptance.**

*Appendix 23 refers*

*To access this attachment on electronic document, click here: [Attach23agn170215.pdf](#)*

## CJ027-02/15 MID-YEAR REVIEW OF THE ANNUAL BUDGET FOR THE 2014-15 FINANCIAL YEAR

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	103774
<b>ATTACHMENT</b>	Attachment 1      Mid Year Budget Statement and Notes for the 2014-15 Financial Year
<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 and adopt the mid-year review of the Annual Budget for the 2014-15 financial year.

### EXECUTIVE SUMMARY

The review of the 2014-15 annual budget has been completed. A number of variations to existing budget allocations have been identified and included in the revised budget. The projected overall budget surplus at 30 June 2015, after taking into account these variations, is \$1,449,943 compared to an original budget surplus of \$37,105. The major areas of variance are as follows:

- **Operations**, after adjusting for non-cash movements, shows a surplus expected to be \$559,016 more than budget. This is attributable mainly to increased revenue from general rates \$360,556, interest earnings \$465,661 and other revenue \$194,921, as well as reduced expenditure on materials and contracts \$520,594, interest expenses \$129,544, utilities \$92,078 and insurance \$43,662. This is offset by lower revenue from fees and charges \$760,475 and contributions, reimbursements and donations \$263,008 as well as higher expenditure on employee costs \$252,917.
- **Capital revenue** is \$2,173,365 more than budget, comprising higher Tamala Park Regional Council equity distributions \$2,666,667 and capital contributions \$316,076 partly offset by lower capital grants and subsidies \$809,377.
- **Capital expenditure** has reduced overall by \$6,255,032 (Refer Attachment 1 Notes 16, 17 and 18). Capital works, capital projects and loan repayments are under budget by \$5,203,403, \$837,324 and \$231,115 respectively while motor vehicle replacements are over budget by \$16,810.
- **Surplus carried forward** from 2013-14 was \$918,973 more than budget. This was made up of higher than expected operating surplus \$2,216,527 and reduced capital expenditure of \$3,555,372 offset by lower capital revenue \$656,855 and reduced funding requirements \$4,196,071.

- **Loans** are \$4,545,423 lower than anticipated in the budget.
- **Reserves Transfers** net drawn on reserves has decreased by \$3,937,540 (Refer Attachment 1 Notes 21 and 22). This comprises increased transfers to reserves \$3,032,763 with the main contributor higher transfers to the Tamala Park Land Sales reserve \$2,666,667 and the Waste Management reserve \$481,342. Offsetting these are net reduced transfers from reserves \$904,777 with the main contributor being lower transfers from the Parking Facility reserve \$2,463,742.

*It is recommended that Council BY AN ABSOLUTE MAJORITY:*

- 1 *APPROVES the inclusion of the following projects to be undertaken in the 2014-15 financial year:*
  - 1.1 *Installation of a drinking fountain with dog bowl in Robin Park - \$8,000;*
  - 1.2 *Purchase of new wheeled fold up tables for use in various facilities - \$65,000;*
  - 1.3 *The installation of new athletics long jump pits at McDonald, Penistone and Robin Parks and new throwing circles at Korella Park - \$40,000;*
  - 1.4 *Realignment of the footpath around Seacrest Park to facilitate additional verge parking - \$145,000;*
  - 1.5 *Provide for a power upgrade to facilitate the Windermere Park floodlight project - \$50,000;*
  - 1.6 *Installation of a drinking fountain with dog bowl in Moolanda Park - \$8,000;*
  - 1.7 *Installation of a drinking fountain with dog bowl in Juniper Park - \$8,000;*
- 2 *APPROVES the transfer of \$1,125,943 to the Strategic Asset Management Reserve in the 2014-15 financial year;*
- 3 *Subject to the approval of parts 1 and 2 above APPROVES the Mid Year Review of the budget for the 2014-15 financial year as detailed at Attachment 1 to Report CJ027-02/15;*
- 4 *In accordance with regulation 33A of the Local Government (Financial Management) Regulations 1996 PROVIDES a copy of the 2014-15 annual budget review and determination to the Department of Local Government and Communities.*

## **BACKGROUND**

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* provides that the City is required to conduct a review of its approved annual budget after considering the changes in its operating environment since the beginning of the financial year with a view to forecasting the financial impacts likely to arise for the remainder of the year.

## DETAILS

### Issues and options considered

The budget review has comprised:

- a review of the adopted budget and an assessment of actual results to date against that budget
- an assessment and projection of likely results over the remainder of the financial year against the adopted budget
- consideration of any issues not provided for in the adopted budget that may need to be addressed.

The review of the adopted budget has taken into account what has transpired in the first half of the year, the likely operating environment over the remaining part of the year under prevailing economic conditions and the most likely impact on the City's financial position.

The focus in this review has been on ensuring that there is sufficient operational capacity to deliver the services and budget programs as set out in the adopted 2014-15 Budget and to accommodate events and issues that have arisen since budget adoption.

The most significant variations between the original adopted budget and the revised budget are as follows:

#### Equity Distribution – Tamala Park Regional Council

The unbudgeted revenue of \$2,666,667 represents the City's share of additional interim dividends expected to be received from the Tamala Park Regional Council to member local governments based on its dividend payment projection. This is largely a timing issue with a higher number of lot sales than originally projected. The distribution is proposed to be transferred to the Tamala Park Land Sales Reserve.

#### Capital Works

The reduction in capital works of \$5,203,403 is primarily due to timing with the completion of a number of projects expected to extend into next financial year, including the Multi Storey Car Park \$3,316,970, the Bramston Park Facility project \$2,519,000 and the Synthetic Hockey Pitch project \$1,076,423. These have been offset by increased expenditure in respect of a number of projects some of which are funded by brought forward funds or unspent reserve funds from the previous financial year. Projects include Marmion Angling and Aquatic Club Parking \$890,598, Ocean Reef Road/Swanson Way Intersection Modification \$306,174, Broadbeach/Flinders Park Upgrade \$264,570, Joondalup Library and Reception Centre Chillers \$150,992 and Delamere Park New Park and Carpark Construction \$148,472.

#### Surplus Carried Forward

The actual surplus brought forward from 2013-14 was higher than the budget estimate by \$918,973.

#### Loans

The loan draw downs have been reduced by \$4,545,423 mainly due to timing where loans for the Bramston Park Facility \$1,769,000 and the Synthetic Hockey Pitch \$1,276,423 will not be required until 2015-16 as well as a \$1,500,000 reduction in loan requirements for the Multi Storey Car Park project.

### Reserve Transfers

Provision has been made for the additional transfer of \$2,666,667 to the Tamala Park Land Sales Reserve.

The notes in Attachment 1 set out the detail of all the major variations between the original adopted budget and the revised budget and provide explanations for these variations.

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

#### **Legislation**

Regulation 33A of the *Local Government (Financial Management) Regulations 1996*, requires the local government to carry out a review of its annual budget between 1 January and 31 March each year as follows:

#### *“33A Review of budget*

- (1) *Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2) *Within 30 days after the review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

*\* Absolute majority required*

- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.”*

#### **Strategic Community Plan**

**Key theme** Financial Sustainability.

**Objective** Effective Management.

**Strategic initiative** Manage assets and liabilities through a planned, long-term approach.

**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 decision of the Council.

**Financial / budget implications**

The anticipated budget surplus is \$1,449,943. Additional financial details are provided in Attachment 1.

The Rate Setting Statement in Attachment 1 includes year to date actuals to the end of December 2014. While the year to date surplus appears significant, the majority of this is driven by timing differences, not savings and the Statement does not include any reserve transfers that are still to be determined by the end of the financial year.

**Regional significance**

Not applicable

**Sustainability implications**

Budget parameters are structured based on financial viability and sustainability principles.

**Consultation**

Extensive internal consultation with the executive and all business units has been undertaken and a mid-year budget review workshop conducted with Elected Members to prepare the revised budget.

**COMMENT**

Council is required to consider the budget review submitted to it (regulation 33A of the *Local Government (Financial Management) Regulations 1996*) and make a determination in relation to the outcomes and recommendations.

**VOTING REQUIREMENTS**

Absolute Majority.

**RECOMMENDATION**

**That Council BY AN ABSOLUTE MAJORITY:**

- 1 APPROVES the inclusion of the following projects to be undertaken in the 2014-15 financial year:**
  - 1.1 Installation of a drinking fountain with dog bowl in Robin Park - \$8,000;**
  - 1.2 Purchase of new wheeled fold up tables for use in various facilities - \$65,000;**
  - 1.3 The installation of new athletics long jump pits at McDonald, Penistone and Robin Parks and new throwing circles at Korella Park - \$40,000;**
  - 1.4 Realignment of the footpath around Seacrest Park to facilitate additional verge parking - \$145,000;**
  - 1.5 Provide for a power upgrade to facilitate the Windermere Park floodlight project - \$50,000;**

- 1.6 Installation of a drinking fountain with dog bowl in Moolanda Park - \$8,000;
- 1.7 Installation of a drinking fountain with dog bowl in Juniper Park - \$8,000;
- 2 APPROVES the transfer of \$1,125,943 to the Strategic Asset Management Reserve in the 2014-15 financial year;
- 3 Subject to the approval of parts 1 and 2 above APPROVES the Mid Year Review of the budget for the 2014-15 financial year as detailed at Attachment 1 to Report CJ027-02/15;
- 4 In accordance with regulation 33A of the *Local Government (Financial Management) Regulations 1996* PROVIDES a copy of the 2014-15 annual budget review and determination to the *Department of Local Government and Communities*.

*Appendix 24 refers*

*To access this attachment on electronic document, click here: [Attach24agn170215.pdf](#)*



**11 URGENT BUSINESS****12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****NOTICE OF MOTION – CR RUSS FISHWICK – ESTABLISHMENT OF A 33.33% DISCOUNT CONCESSION TO SENIORS, AGED OVER 75, WHO LIVE WITHIN THE DISTRICT OF THE CITY OF JOONDALUP AND ARE IN POSSESSION OF A COMMONWEALTH SENIORS HEALTH CARD, OR A PENSIONER CONCESSION CARD, UPON ENTRY TO ANY OF THE CITY'S LEISURE CENTRES – [55055, 23039, 104767]**

In accordance with Clause 4.6 of the City of Joondalup *Meeting Procedures Local Law 2013*, Cr Russ Fishwick has given notice of his intention to move the following Motion at the Council meeting to be held on 17 February 2015:

***“That Council REQUESTS a report from the Chief Executive Officer on offering a 33.33% discount to Seniors, aged over 75, who live within the district of the City of Joondalup and are in possession of a Commonwealth Seniors Health Card, or a Pensioner Concession Card, upon entry to any of the City's Leisure Centres.”***

**REASON FOR MOTION**

A discount would encourage the elderly to undertake a healthy lifestyle (i.e. exercise) and (hopefully), reduce the possibility of degenerative illnesses brought about by a sedentary lifestyle. It would also encourage elderly members to remain members as they get older and their source of income reduces.

This could fit into the City's "Positive Ageing" policy.

It is well known that there are already several discounts available to seniors living in Western Australia such as:

- A 50% discount for holders of a Commonwealth Seniors Health Card or a Pensioner Concession Card on Local Government Rates and Water Rates; and
- The Federal Government has implemented legislation to give increased discounts of 35% and 40% on private health cover to seniors over the ages of 65 and 70 respectively.

The City, approximately 10 years ago abolished the discounts applicable to "Off Peak" and "Loyalty" costs and, in their place, introduced a 25% discount to seniors living within the City of Joondalup, and in possession of a State Seniors Card (i.e. aged over 60).

It is not expected that an increase in the discount from 25% (a quarter), to 33.3% (a third), would be a major expense for the City.

As an example, the current annual cost, for full membership at the Craigie Leisure Centre is \$970. Applying a 25% discount reduces this amount to \$727.50 whilst a 33.33% discount brings the amount down to \$646.60 being a variance of \$80.90. If 100 members take advantage of this increased discount it would be an annual cost of \$8,090 to the City.

Notwithstanding the above, the increase in the discount rate could encourage more seniors over the age of 75 to join or those already members to remain and the discount of 33.33%, if approved, could even be cost neutral or generate additional income.

**Officer's Comment**

A report can be prepared.

**13 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

**14 CLOSURE**



**DECLARATION OF  
FINANCIAL INTEREST/PROXIMITY INTEREST/INTEREST THAT MAY  
AFFECT IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER  
CITY OF JOONDALUP**

<b>Name/ Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Proximity Interest* Interest that may affect impartiality* <span style="float: right;">* Delete where not applicable</span>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

Section 5.65(1) of the *Local Government Act 1995* states that:

*"A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:*

- (a) in a written notice given to the CEO before the meeting; or*
- (b) at the meeting immediately before the matter is discussed.*



**QUESTION TO BE ASKED AT  
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

**QUESTIONS**

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Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to [council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

**Please note that:**

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called



**STATEMENT TO BE MADE AT  
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

**STATEMENT**

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Please submit this form at the meeting or:

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**Please note that:**

- 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



