

# minutes

MEETING HELD ON **TUESDAY, 19 MARCH 2013**

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## CITY OF JOONDALUP

**COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP ON TUESDAY, 19 MARCH 2013.**

### DECLARATION OF OPENING

The Mayor declared the meeting open at 7.03pm.

### ANNOUNCEMENT OF VISITORS

Nil.

#### Mayor:

TROY PICKARD

#### Councillors:

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

#### Officers:

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

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

**PUBLIC QUESTION TIME**

**The following questions were taken on notice at the ordinary Council meeting held on 19 February 2013:**

**Mrs M Macdonald, Mullaloo:**

*Re: Responses given to the motions at the AGM of Electors in the Agenda.*

Q1 What was the cost of the extensive spraying of herbicides at Mullaloo Beach in 2012?

A1 The cost of herbicide spraying at Mullaloo Beach in the calendar year 2012 was \$13,192.

Q2 *Has the City ever done a side by side trial of herbicide and hand weeding in natural areas, taking into account the respective costs?*

A2 Yes a small scale trial was conducted in Central Park Joondalup, to compare the costs of hand weeding One-leaf Cape with herbicide control.

Q3 *Why does the City use Glyphosate and Targa in natural areas given that these chemicals were made for broad acre use and not for native vegetation and both are known to damage the respiratory systems of humans and therefore probably adversely affect native animals?*

A3 Glyphosate and Targa (Quizalofop) have been approved for use in bushland, by the appropriate State Government authorities.

Q4 *Will the sites for weed trial be identified publicly, for scrutiny by persons not employed by, nor contracted to the City of Joondalup?*

A4 Trial sites will be recorded using GPS devices. Flags and fencing will not be used, as in the past these methods have been subjected to vandalism, and can lead to the trial being aborted.

Q5 *Since both Mullaloo Beach and Central Park have recently been the sites of extensive herbicide spraying, what steps will be taken to ensure that the proposed trial is carried out on areas that have not recently been sprayed with herbicide?*

A5 The trial will be undertaken in the most appropriate areas.

**Dr M Apthorpe, Ocean Reef:**

*Re: Motion 1 carried at the Annual General Meeting of Electors.*

Q1 *To avoid conflict of interest, will the evaluation of different methods of weed control be carried out by persons having no financial interest in weed control?*

A1 The City has not as yet determined who will undertake the trial. A project proposal is being prepared.

Q2 *What is the proposed duration of the trial of different methods of weed control?*

- Q3 *How large an area will be evaluated and what groups of weeds will be targeted?*
- Q4 *Will the trial evaluate the medical cost of the adverse health effects of herbicides on people and domestic pets, when examining the relative costs of different weed control methods?*
- Q5 *Will the trial examine the effects of herbicides on natural regeneration of native plant and fungal species?*
- A2-5 The trial is at the early stage of development and this detail is to be determined.

**The following questions were submitted prior to the Council meeting on 19 March 2013:**

**Mrs M Macdonald, Mullaloo:**

- Q1 *Re Coastal Risk Assessment report due in December. Has this report been finalised and if so, is the document available to the public?*
- A1 A review of the Marmion to Sorrento and Hillarys to Ocean Reef Coastal Risk Assessment Studies has been conducted. A report summarising the findings of the studies and the key recommendations has not been finalised at this time.
- Q2 *The new roundabout at Iluka Avenue, Mullaloo had four large light poles set within it which has been reduced to two. Why has the City allowed Western Power to place unattractive, non friable objects in this roundabout when in the past light poles near roundabouts have been set on the verges adjacent, and is this the new landscaping for roundabouts?*
- A2 The street lighting poles installed on Oceanside Promenade including the roundabout with Iluka Avenue are Western Power assets and are designed to be frangible in nature. The two street light poles located within the roundabout are also located outside the required clear zone requirements for a 50km/h road. The installation of the lighting and landscaping within the roundabout central island is not uncommon and was the preferred option to highlight the island location during night-time and low visibility traffic conditions.
- Q3 *Has a report been produced detailing the effects of the proposed Ocean Reef Marina on the coast north and south since 2009 and if there has been, does it include a discussion on the impact of global warming and sea level rise and is it available to the public?*
- A3 No report has been produced yet.
- Q4 *The December 2012 Ocean Reef Marina Committee minutes do not detail any risks to the coastal environment, why not?*
- A4 The coastal risk assessment has not been completed.
- Q5 *Given that the City has stated that the reason I need to state my full address in the Chamber, when I make a statement or ask a question, is to enable people who are there to know where I live, why doesn't the City put the full address of people who send in questions for the meeting on the sheets that are in the chamber on that night?*

A5 The procedures for public question time are determined by the *Local Government Act 1995, the Local Government (Administration) Regulations 1996* and the *City's Standing Orders Local Law 2005*.

It has been the City's minute taking practice that only a person's suburb is stated in the minutes of Council meetings.

**The following questions were submitted verbally at the Council meeting:**

**Mr A Shaw, Mullaloo:**

*Re: Petition requesting the removal of light poles within the roundabout at the intersection of Iluka Avenue and Oceanside Promenade, Mullaloo.*

Q1 *Could the Council provide an explanation as to why the City of Joondalup design process has decided that the inclusion of light poles within the Iluka Avenue roundabout is justified when no comparable lighting treatments have been undertaken at the City's other numerous roundabouts?*

Q2 *Can the Council please justify the inclusion of lighting poles within the Iluka Avenue roundabout when Main Roads WA design guidelines for roundabouts states that for best practice 'Lighting poles shall not be installed in the centre of roundabouts or around the periphery of the raised island of the roundabout - unless avoidable'.*

A1-2 Mayor Pickard advised these questions would be taken on notice and a response provided in writing.

**PUBLIC STATEMENT TIME**

**The following statements were submitted verbally at the Council meeting:**

**Mr A Shaw, Mullaloo**

*Re: Petition requesting the removal of lighting poles within the roundabout at the intersection of Iluka Avenue and Oceanside Promenade, Mullaloo.*

Mr Shaw spoke in relation to the petition requesting the removal of light poles within the roundabout at the intersection of Iluka Avenue and Oceanside Promenade, Mullaloo. Mr Shaw stated his reasons for the petition included safety, best practice and aesthetics of the installation of light poles within roundabouts.

**Mr K Nolan, Associate Director – Urbis, Perth:**

*Re: CJ024-03/13 – Proposed Whitford Activity Centre Structure Plan.*

Mr Nolan spoke in favour of the application for the Proposed Whitford Activity Centre Structure Plan and asked Council to support the request to enable advertising of the proposed structure plan.

## **APOLOGIES AND LEAVE OF ABSENCE**

### **Leave of Absence previously approved**

Cr Geoff Amphlett, JP            16 March to 24 March 2013 inclusive.  
Cr Kerry Hollywood            1 May to 26 May 2013 inclusive.

### **C05-03/13            REQUEST FOR LEAVE OF ABSENCE – CR BRIAN CORR - [102280]**

Cr Corr requested Leave of Absence from Council duties covering the period 4 – 13 April 2013 inclusive.

**MOVED Mayor Pickard, SECONDED Cr McLean that Council APPROVES the request from Cr Brian Corr for Leave of Absence from Council Duties covering the period 4 – 13 April 2013 inclusive.**

**The Motion was Put and**

**CARRIED (12/0)**

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

## **CONFIRMATION OF MINUTES**

### **C06-03/13            MINUTES OF COUNCIL MEETING HELD 19 FEBRUARY 2013 – [02154], [08122]**

**MOVED Cr Norman, SECONDED Cr Chester that the Minutes of the Council Meeting held on 19 February 2013 be CONFIRMED as a true and correct record.**

**The Motion was Put and**

**CARRIED (12/0)**

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

## **ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

### **2013 JOONDALUP FESTIVAL**

Mayor Pickard announced the City is looking forward to one of the highlights of its summer events calendar, the Joondalup Festival, which will be held over the weekend of 23 – 24 March 2013.

Mayor Pickard commented that Central Park will be transformed this Saturday and Sunday into a big-top tent with a festival atmosphere that will host a range of performers from magic to music, flash projections, illuminations and fashion.

Mayor Pickard advised a fantastic range of cultural activities is designed to bring the whole community together to participate in two days of non-stop free family-friendly fun in the Joondalup City Centre.

Mayor Pickard believed a highlight of this year's programming will be the introduction of an exciting project for the opening of the festival on Saturday evening.

Mayor Pickard stated the City has commissioned Italian composer Alberto Caruso and local writer Vivienne Glance to create a new community choral work called Banuru Songs, which will be performed as a world premiere by local residents, ensembles, a local school and community choirs from Joondalup and beyond.

Mayor Pickard commented the popular Urban Couture program has been running throughout this month, bringing together fashion designers, hair and makeup stylists, textile artists, runway models and fashion photographers.

Mayor Pickard advised the VIP finale for Urban Couture will be held in conjunction with the closing of the festival on Sunday evening, and will feature guest model and Urban Couture Ambassador Renae Ayris.

Renae, of course, is Miss Universe Australia and grew up in Connolly.

Mayor Pickard stated the Joondalup Festival celebrates its 15th year in 2013, and expressed a desire to seeing everyone there to help make this year's event yet another wonderful celebration of our engaged and connected community.

### **BUSINESS FORUM**

Mayor Pickard announced the City will be hosting its first Business Forum for 2013 on Wednesday, 20 March 2013 at the beautiful Joondalup Resort Country Club.

Mayor Pickard advised the theme of the business Forum is 'Billion Dollar City', showcasing the enormous investment and commercial development that is happening in the Joondalup City Centre.

Mayor Pickard commented this included profiling the current and planned investment and development in the City Centre and local area to capitalise on the billion dollars of commercial investment currently underway, due for completion or approved in this current financial year.

Mayor Pickard stated the City is working on its investment attraction and economic development activity as the City strives to ensure Joondalup reaches its potential as a CBD for the North-West metropolitan region and is recognised as a destination city for businesses and visitors.

Mayor Pickard believed the City is committed to developing and promoting business clusters and proactively marketing the City to attract new investment and create employment opportunities as well as profiling some of the real estate and land development opportunities within Joondalup.

Mayor Pickard commented the other purpose of this business forum is to formally launch the new City business newsletter *Joondalup Business Edge*.

Mayor Pickard felt the new publication would highlight and promote positive business and investment news articles as well as showcasing innovative local businesses and research and development activity in the City.

Mayor Pickard advised the first issue will also include a feature on the 'Billion Dollar Joondalup City Centre'.

Mayor Pickard believed that those who were attending tomorrow's forum would enjoy a very interesting and informative event.

## DECLARATIONS OF INTEREST

### Disclosures of Financial / Proximity Interest

Nil.

### Disclosures of interest affecting impartiality

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

<b>Name/Position</b>	<b>Cr John Chester</b>
<b>Item No/Subject</b>	CJ024-03/13 – Proposed Whitford Activity Centre Structure Plan
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester's son owns a property in Banks Avenue, Hillarys.

<b>Name/Position</b>	<b>Cr Sam Thomas</b>
<b>Item No/Subject</b>	CJ024-03/13 – Proposed Whitford Activity Centre Structure Plan
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Thomas is the Vice President of Whitford Senior Citizens.

<b>Name/Position</b>	<b>Cr Liam Gobbert</b>
<b>Item No/Subject</b>	CJ024-03/13 – Proposed Whitford Activity Centre Structure Plan
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Employees of the applicant are known to Cr Gobbert.

<b>Name/Position</b>	<b>Cr Teresa Ritchie</b>
<b>Item No/Subject</b>	CJ033-03/13 – Petition in relation to traffic treatments on Castlegate Way, Woodvale
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Ritchie resides in Woodvale.

<b>Name/Position</b>	<b>Mr Mike Tidy, Director Corporate Services</b>
<b>Item No/Subject</b>	CJ032-03/13 – Tender 027/12 – Supply and Delivery of Workwear and Personal Protective Equipment
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mr Tidy's sister-in-law is an employee of one of the tenderers, Aurora Corporation Pty Ltd and BF and JR Cross, trading as Pacific Safety Wear.

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

Nil.

## PETITIONS

**C07-03/13**      PETITION IN RELATION TO REMOVAL OF LIGHT POLES AT THE INTERSECTION OF ILUKA AVENUE AND OCEANSIDE PROMENADE, MULLALOO – [32472], [02111], [05386]

Cr Thomas tabled a 41 signature petition on behalf of residents of the City of Joondalup requesting the removal of the 13 metre light poles installed within the small roundabout at the intersection of Iluka Avenue and Oceanside Promenade, Mullaloo.

**MOVED Cr Thomas, SECONDED Cr Taylor that the following petition be RECEIVED, REFERRED to the Chief Executive Officer and a subsequent report presented to Council for consideration:**

- Petition in relation to the removal of the 13 metre light poles installed within the small roundabout at the intersection of Iluka Avenue and Oceanside Promenade, Mullaloo.**

**The Motion was Put and**

**CARRIED (12/0)**

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

**REPORTS****CJ023-03/13 DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS – JANUARY 2013**

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

**PURPOSE**

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

**EXECUTIVE SUMMARY**

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

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

This report identifies the following applications determined by the administration with delegated authority powers during January 2013 (Attachments 1 and 2 refer):

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

**BACKGROUND**

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

**DETAILS**

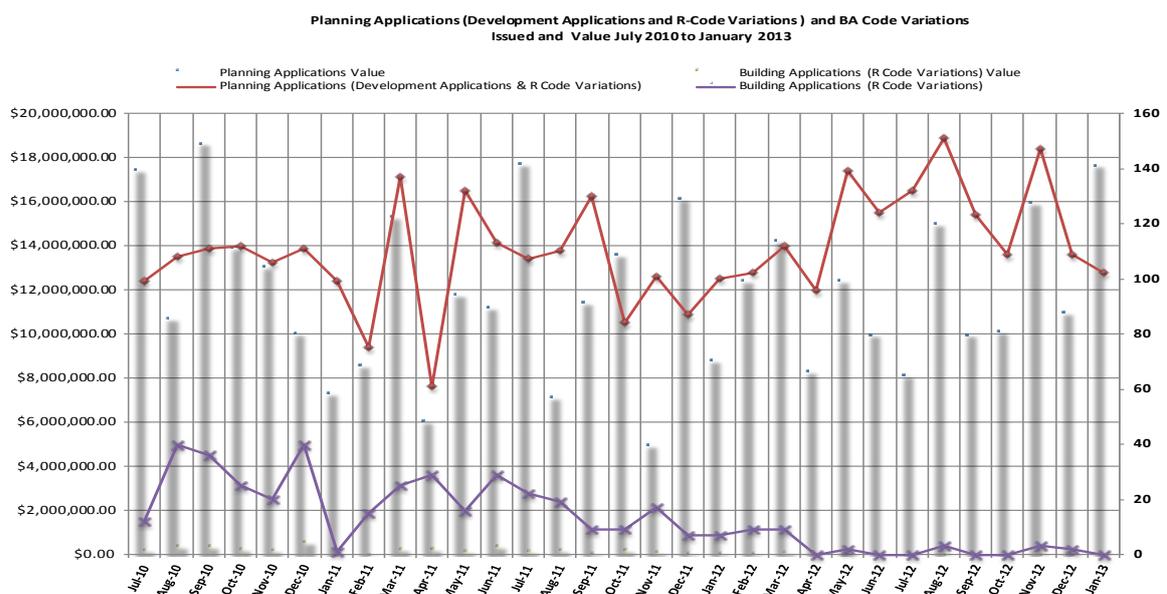
The number of applications determined under delegated authority during January 2013, is shown below:

Approvals determined under delegated authority – January 2013		
Type of Approval	Number	Value (\$)
Planning applications (development applications and R-Codes applications)	102	\$ 17,683,259
Building applications (R – Codes applications)	0	0
<b>TOTAL</b>	<b>102</b>	<b>\$ 17,683,259</b>

The number of development applications received during January was 82. (This figure does not include any applications that may become the subject of an R-Code application as part of the building permit approval process).

The number of development applications current at the end of January was 150. Of these, 46 were pending additional information from applicants, and 24 were being advertised for public comment.

In addition to the above one building application and 325 building permits were issued during the month of January with an estimated construction value of \$45,257,878.



<b>Subdivision approvals processed under delegated authority for January 2013</b>		
<b>Type of approval</b>	<b>Number</b>	<b>Potential additional new lots</b>
Subdivision applications	4	7
Strata subdivision applications	0	0

**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 102 applications were determined for the month of January with a total amount of \$56,667 received as application fees.

All figures quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

## Consultation

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

Of the 102 development applications determined during January 2013 consultation was undertaken for 46 of those applications. Applications for Residential Design Codes as part of building applications are required to include comments from adjoining landowners. Where these comments are not provided, the application will become the subject of a planning application (R Codes application). The four subdivision applications processed during January 2013 were not advertised for public comment.

## COMMENT

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

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

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Hamilton-Prime, SECONDED Cr Norman that Council NOTES the determinations made under delegated authority during January 2013 in relation to the:**

- 1 Development applications and R-Codes applications described in Attachment 1 to Report CJ023-03/13;**
- 2 Subdivision applications described in Attachment 2 to Report CJ023-03/13.**

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of CJ034-03/13, page 79 refers.**

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

*Appendix 1 refers*

To access this attachment on electronic document, click here: [Attach1brf120313.pdf](#)

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr John Chester</b>
<b>Item No/Subject</b>	CJ024-03/13 – Proposed Whitford Activity Centre Structure Plan
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester's son owns a property in Banks Avenue, Hillarys.

<b>Name/Position</b>	<b>Cr Sam Thomas</b>
<b>Item No/Subject</b>	CJ024-03/13 – Proposed Whitford Activity Centre Structure Plan
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Thomas is the Vice President of Whitford Senior Citizens.

<b>Name/Position</b>	<b>Cr Liam Gobbert</b>
<b>Item No/Subject</b>	CJ024-03/13 – Proposed Whitford Activity Centre Structure Plan
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Employees of the applicant are known to Cr Gobbert.

## **CJ024-03/13      PROPOSED      WHITFORD      ACTIVITY      CENTRE STRUCTURE PLAN**

<b>WARD</b>	South-West
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	102910, 101515
<b>ATTACHMENTS</b>	<p>Attachment 1      Location Plan</p> <p>Attachment 2      Zoning Plan</p> <p>Attachment 3      Map showing Structure Plan boundary</p> <p>Attachment 4      Assessment A: Model Centre Framework</p> <p>Attachment 5      Assessment B: Statutory Provisions</p> <p>Attachment 6      Indicative Development Plan</p> <p>Attachment 7      Implementation Table</p> <p>Attachment 8      Draft Whitford Activity Centre Structure Plan</p> <p>Attachment 9      Retail Sustainability Assessment</p> <p>Attachment 10      Structure Plan Transport Report</p> <p>Attachment 11      Whitford Shopping Centre Urban Water Balance Assessment</p> <p>Attachment 12      Servicing Report</p> <p><i>(Please Note: Attachments 8–12 are only available electronically and a hard copy is also available in the Councillor's reading room)</i></p>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

## PURPOSE

For Council to consider a draft Activity Centre Structure Plan over the Whitford City Shopping Centre and surrounding sites, for the purposes of public advertising.

## EXECUTIVE SUMMARY

The City has received an application for a draft Activity Centre Structure Plan for the Whitford City Shopping Centre and surrounds.

*State Planning Policy 4.2 - Activity Centres for Perth and Peel* (SPP 4.2) requires that Activity Centre Structure Plans be developed to guide future development of larger shopping/commercial centres before further major retail expansion can be approved, unless exceptional circumstances exist which justify development approval for a major extension in the absence of an approved Activity Centre Structure Plan. For this reason, unless the applicant can demonstrate that exceptional circumstances exist, an Activity Centre Structure Plan is required to be approved for the Whitford City Shopping Centre before further retail expansion can be approved.

The draft Whitford Activity Centre Structure Plan (WACSP) has been assessed by the City and, while the content of the draft WACSP generally adheres to the requirements of SPP 4.2, several issues have been identified, including:

- lack of appropriate justification for the indicative 95,000m<sup>2</sup> retail floor space
- inadequate information and recommendations within the Transport Report to clearly address potential impacts as a result of the development of the Whitford Activity Centre
- public realm improvements that may have budget implications for the City
- implementation strategies and actions that the City and land owners, other than Westfield, may be responsible for undertaking
- initial development staging is focused on significant retail floor space additions only, which results in a decreased land use diversity within the Whitford Activity Centre.

Despite some significant issues being identified with the draft WACSP in its current form, it is considered that there is value in releasing the draft WACSP to the community and seeking feedback at this stage to ascertain the community's views on the future direction of the centre.

This would allow the applicant to address the concerns raised by the City at the same time as considering and addressing any issues raised by the community, before the draft WACSP is put back before the Council for consideration of final adoption.

As such, it is recommended that the Council adopts the draft WACSP for the purposes of public advertising.

## BACKGROUND

**Suburb/Location** Lot 501 and Lot 6 Whitford Avenue, Hillarys; Lot 503 and Lot 9089 Banks Avenue, Hillarys; Lot 14284 Endeavour Road, Hillarys; Lot 181 St Mark's Drive, Hillarys; various residential lots in Hillarys.

**Applicant** Urbis (planning consultants).

<b>Owner</b>	Westfield Management Ltd; City of Joondalup; Department for Family and Children's Services; The Anglican School Commission Inc; the Crown; various other individual owners.
<b>Zoning</b>	<b>DPS:</b> Commercial; Business; Civic and Cultural; Residential; Private Clubs/Recreation; Local Reserve – Parks and Recreation. <b>MRS:</b> Urban
<b>Site area</b>	Various.
<b>Structure plan</b>	The subject of this report.

#### Previous draft Whitford Activity Centre Structure Plan (2011)

On 22 December 2010, a draft Activity Centre Structure Plan for the Whitford shopping centre and surrounds was submitted to the City by a planning consultancy on behalf of Westfield Management Ltd. At its meeting held on 17 May 2011 (CJ080-05/11 refers), Council resolved not to endorse the draft Activity Centre Structure Plan for a number of reasons as detailed in the report.

The applicant subsequently lodged an application for review of Council's decision with the State Administrative Tribunal (SAT) in June 2011. Based on a previous SAT case, the City challenged the applicant's right of review given that, as per the current provisions of clause 9.1.1 of *District Planning Scheme No. 2 (DPS2)*, a landowner cannot lodge a structure plan for approval, without the Council formally requesting or requiring the lodgement of the structure plan. Given the Council had not requested the preparation of the structure plan the City was of the view this nullified the applicant's right of review with the SAT. The applicant subsequently withdrew from the SAT proceedings.

#### Scheme Amendment request

On 6 September 2011, a letter was received from the planning consultancy, on behalf of Westfield, requesting that the City initiate a scheme amendment to DPS2 to:

- delete clauses 3.7.2, 3.7.3, 3.11.4 and 3.11.5 from DPS2
- delete Schedule 3 in DPS2
- insert new Detailed Area Plan provisions in DPS2.

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

At that stage, the City was only in the initial stages of preparing its Local Commercial Strategy. The City was concerned that amending DPS2 in the manner proposed, without a Local Commercial Strategy in place to guide decision-making, had the potential to undermine the existing hierarchy of centres in the City as reflected in SPP 4.2.

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

### Section 76 Order

On 21 March 2012 the City received correspondence from the Department of Planning, advising that the applicant had submitted a representation, under section 76 of the *Planning and Development Act 2005*, to the Minister for Planning to the effect that the City had failed to take requisite steps to amend its planning scheme where an amendment ought to be made. A formal section 76 Order has the legal result of allowing the Minister to direct a local government, within such time as specified in the order, to prepare and submit for the approval of the Minister a local planning scheme or an amendment to a local planning scheme, or to consent to any modifications or conditions imposed. The City was asked to comment on the proposal before the Minister made his decision on whether or not to issue the section 76 Order.

The City considered a number of options available to it, including:

- not responding to the request for comments
- providing a response that challenged the section 76 representation
- agreeing to amend DPS2 (as per the Westfield request) via the section 76 process
- agreeing to amend DPS2 (as per the Westfield request but including extra provisions to align DPS2 with the Activity Centres Policy) via the section 76 process.

The City considered that amending DPS2 in line with Westfield's request was inevitable. However, as it is important to retain control over development on the Whitford site and in order to protect the primacy of the Joondalup City Centre, it was recommended to the Council to proceed with the option described in the latter dot point. This option requires Westfield to lodge and have approved an Activity Centre Structure Plan for the site before the Development Assessment Panel can consider any development application for a significant expansion of the Whitford shopping centre. This was considered to be the best option to protect the City's interests. Consequently, at its meeting held on 17 April 2012 (CJ073-04/12 refers), Council resolved to advise the Department of Planning that the City was prepared to work with the Department towards initiating an amendment to DPS2 which incorporates the request made by Westfield in September 2011, but also includes provisions to align DPS2 with the Activity Centres Policy.

On 16 July 2012, correspondence was received from the Minister for Planning advising that the Minister had decided to deliver an Order under section 76 to the City to initiate an amendment to DPS2, as per the Westfield proposal, subject to the proposal being further modified to ensure alignment between DPS2 and SPP 4.2. The Minister advised that the modifications would require, inter alia, the inclusion of provisions for the preparation of activity centre structure plans and submission of a retail sustainability assessment as a precursor to development. The Minister also advised that modifications of existing scheme provisions (clause 9.1.1) were also required to allow for a structure plan to be prepared by either the local government or an owner of land.

The Minister advised that the City had until the end of August to comply with the section 76 Order. At its meeting held on 21 August 2012 (CJ173-08/12 refers), Council resolved to advertise proposed Scheme Amendment 66 for a period of 42 days. Following the consultation period, a report was presented to Council at its meeting held on 11 December 2012 (CJ290-12/12 refers) to consider the submissions. At this meeting, the Council adopted the amendment as final. The Western Australian Planning Commission (WAPC) has subsequently approved the amendment, subject to further modifications requested by the Minister.

### Whitford Activity Centre boundary and Centre zoning

At its meeting held on 16 September 2012 (CJ181-09/12 refers), Council determined the extent of the area to be covered by the WACSP, and requested the preparation and submission of a structure plan. The WACSP boundary is outlined at Attachment 3.

An application was also received by the City requesting the rezoning of the various lots contained within the Whitford Activity Centre from their various zonings and reservations to the 'Centre' zone under DPS2. The 'Centre' zone will replace the 'Commercial', 'Business', 'Civic and Cultural', and 'Residential' zone, and the 'Parks and Recreation' Local Reserve that currently apply to the various properties with the activity centre boundary. The zoning plan is provided in Attachment 2 of this Report.

The proposed zoning of the activity centre to 'Centre' would provide the statutory basis for the implementation of the WACSP. The standards and provisions applicable to development within the 'Centre' zone will be contained within the WACSP. The proposed zoning is consistent with SPP 4.2.

Although not addressed in the applicant's proposal, the existing R20 residential density code over the land within the activity centre was also required to be removed as an approved structure plan will contain the appropriate density and associated provisions.

At its meeting held on 23 October 2012 (CJ199-10/12 refers), Council resolved to initiate the amendment for the purposes of public consultation. However, public consultation on the amendment has been delayed pending the lodgement, assessment and support from Council for the advertising of a draft Activity Centre Structure Plan for Whitford. This was done so that the scheme amendment and the structure plan can be advertised together.

### **DETAILS**

The City has received a draft Activity Centre Structure Plan for the Whitford City Shopping Centre site and surrounds, extending to the St Mark's School site to the west, residential properties along Banks Avenue and 11 other adjoining residential zoned properties (Attachment 1 refers).

The stated intent of the draft WACSP is to create a vibrant commercial, cultural and residential area in which people can live, work and visit. A main street environment is proposed to be developed along Endeavour Road. To support this vision, improved access to the site is proposed to be delivered through improved public transport and pedestrian and cycle networks. Complementary land uses are proposed to be co-located to encourage efficiencies through trip chaining (that is accessing multiple services in the one trip).

The urban form is proposed to change from 'big box' retail and low density single and two storey residential development to an intense urban environment. Heights of up to 13.5 metres are proposed within the existing residential area along Banks Avenue and up to 27 metres along the proposed main street. The choice of housing stock will increase to include single dwellings, grouped dwellings, apartments and live-work opportunities in mixed use developments.

The draft WACSP addresses elements such as:

- building height
- setbacks
- parking
- vehicle access
- land use
- density
- cycle and shared use path networks.

The area is broken into four character districts (Attachment 3 refers) as follows:

- Retail District.
- Endeavour District.
- Banks District.
- Education and Civic District.

Some of the proposals contained within the draft WACSP include:

- Building heights of:
  - A maximum of 27m (approximately six storeys) in the Endeavour District
  - A maximum of 20m (approximately four to five storeys) in the Retail District
  - A maximum of 13.5m (approximately three storeys) in the Education and Civic District and the Banks District
- Additional footpaths and shared use paths within the structure plan area
- Shared use (traffic, pedestrian, cyclists) zones with pedestrian priority, particularly in the main street on Endeavour Road
- Main street environment on Endeavour Road and Marmion Promenade with a community square on Endeavour Road
- Residential density of R80 or greater
- Indicative retail floor space of 95,000m<sup>2</sup>.

The WACSP has been assessed against the Model Centre Framework outlined in SPP 4.2. The Model Centre Framework provides guidance on the preparation of activity centre structure plans. It requires activity centre structure plans to address elements such as centre context, activity, movement and urban form. The framework is to be considered when preparing and assessing activity centre structure plans.

An assessment summary of the WACSP against the Model Centre Framework and the statutory provisions of the proposed WACSP are contained in Attachments 4 and 5 of this report.

### **Issues and options considered**

The options available to Council in considering the draft WACSP are:

- determine that the draft WACSP is satisfactory to be advertised in accordance with DSP2
- determine that the draft WACSP should not be advertised and defers consideration until specific matters have been included or addressed by the proponent  
or
- determine that the draft WACSP should not be agreed to or progressed for stated reasons.

**Legislation / Strategic Community Plan / policy implications****Legislation**District Planning Scheme No. 2

Under clause 9.4.1 (a) of DPS2, Council may determine that the structure plan is satisfactory, send a copy to the Western Australian Planning Commission, and advertise it under the provisions of clause 9.5 and 6.7 of DPS2.

Under clause 9.4.1 (b), Council may determine that the structure plan should not be advertised until specified matters have been included in it or have otherwise been attended to by the proponent.

Under clause 9.4.1 (c), Council may determine that the structure plan should not be agreed to for the stated reasons.

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

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

Quality Urban Environment.

**Objective**

Quality built outcomes.

**Strategic initiative**

Planning frameworks promote and support adaptive, mixed-use developments with active ground floor uses on appropriately zoned sites.

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.

**Key theme**

Economic Prosperity, Vibrancy and Growth.

**Objective**

Activity centre development.

**Strategic initiative**

Understand local commercial needs and opportunities.

Support the development of fresh and exciting decentralised areas of activity.

Facilitate increased housing density in activity centres.

**Key theme**

Governance and Leadership.

**Objective**

Active democracy.

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

**Policy** State Planning Policy 4.2 - Activity Centres for Perth and Peel (SPP 4.2)

Under clause 6.4 (1) of SPP 4.2, Activity Centre Structure Plans are to be prepared for strategic metropolitan, secondary, district and specialised centres, but not for neighbourhood or local centres.

Under clause 6.3 of SPP 4.2, Activity Centres should be zoned to reflect the activity centre hierarchy. The appropriate zoning classification for a Secondary Centre (such as Whitford) is 'Centre' zone.

Under clause 6.4 (2) of SPP 4.2, Activity Centre Structure Plans should be endorsed prior to a major development being approved to ensure a centre's development is integrated, cohesive and accessible. In exceptional circumstances (in the absence of an endorsed Activity Centre Structure Plan), any major development must satisfy relevant requirements of the Model Centre Framework. The Model Centre Framework is outlined in Appendix 2 of SPP 4.2 and addresses elements such as centre context, activity, movement and urban form.

Under clause 6.4 (3) of SPP 4.2, *The Structure Plan Preparation Guidelines* (which outlines the process for the preparation of Activity Centre Structure Plans) should be considered in conjunction with this policy, including the Model Centre Framework and any other applicable regulations.

Under clause 6.4.1 (1) of SPP 4.2, Activity Centre Structure Plans for 'secondary centres' must be endorsed by the Western Australian Planning Commission.

#### Liveable Neighbourhoods

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

#### Draft Local Commercial Strategy

The draft Local Commercial Strategy will apply SPP 4.2 to the City of Joondalup. The strategy will be used as the basis for preparing and amending the local planning scheme, and for preparing and assessing Activity Centre Structure Plans and development applications.

In accordance with the requirements of the SPP 4.2, a Local Commercial Strategy will consider how to:

- optimise housing potential in walkable catchments and meet density targets
- support planning decision making by including an assessment of projected retail needs of communities, taking into account proposals in adjacent local government areas
- apply the Activity Centre hierarchy
- provide sufficient development opportunities to enable a diverse supply of commercial and residential floor space.

The draft Local Commercial Strategy was advertised for public comment, which closed on 23 October 2012. The submissions are currently being reviewed and a report will be presented to Council in 2013 for consideration of the submissions and final adoption of the strategy.

#### Draft Local Housing Strategy

The WAPC requires each local government authority to prepare a Local Housing Strategy (LHS) to identify the main housing related issues for its district and determine an appropriate response to these.

At its meeting held on 15 February 2011 (CJ006-02/11 refers), Council resolved to adopt a draft strategy and forward it to the WAPC for its endorsement. The principal recommendation of the draft strategy is the establishment of Housing Opportunity Areas where increased residential densities will be considered.

The Housing Opportunity Areas are located near train stations, major commercial centres, and transport routes. Increased residential densities in these areas will only be permitted where it is demonstrated that development or subdivision complies with specific design criteria that will be developed in conjunction with the new Local Planning Scheme. This will ensure development will contribute positively to the area, and will include environmentally sensitive design principles.

The residential densities for the majority of the City are recommended to remain the same.

There are a number of additional recommendations in the draft LHS aimed at allowing for a diverse range of housing to be provided over the next 10-15 years.

The draft LHS forms part of the overall District Planning Scheme review project. Any LHS recommendations adopted will be implemented through the new planning scheme.

Following feedback from the Department of Planning, the City has amended the Housing Opportunity Areas. The revised Housing Opportunity Areas were advertised for public comment, which closed on 22 February 2013. It is anticipated the amended document will be presented to Council in April 2013.

#### **Risk management considerations**

If the Council decides to refuse to advertise the draft WACSP or refers the draft WACSP back to the applicant, the applicant may seek a review of the Council's decision with the State Administrative Tribunal (SAT) in accordance with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*.

As the matter before the Council is to decide whether or not to advertise the draft WACSP only (not make a final decision on the WACSP), it is likely that such a review would end up in favour of the applicant and would cost the City significant resource (time and money) to defend.

In addition, clause 9.4.2 of DPS2 states that, if within 90 days of receiving a structure plan Council has not made a determination, the applicant can deem that the application has been refused and may appeal on this basis. As of the 26 February 2013, being 90 days from the submission date, the applicant has had the right to lodge an application for review in accordance with the *State Administrative Tribunal Act 2004*.

There is also the risk that if the centre is expanded to accommodate the proposed retail floor space of 95,000m<sup>2</sup> this may undermine the primacy of the Joondalup City Centre and other secondary and district centres within the City of Joondalup.

### **Financial/budget implications**

The applicant has paid fees of \$26,983.08 (including GST) to cover all costs associated with assessing the structure plan and public consultation. Of the fees paid, it is estimated that the advertising costs for notices in the newspaper and letters to nearby landowners will be at least \$810. The applicant is responsible for any costs associated with preparing and placing advertising signs on site.

### **Regional significance**

Directions 2031 and Beyond and the draft Outer Metropolitan Perth and Peel Sub-Regional Strategy provide aspirations for the better utilisation of urban land through the establishment of dwelling targets and diversity targets for greenfield, infill and activity centre sites. The draft WACSP seeks to achieve a housing target of between 500-800 additional dwellings within the structure plan area. If the structure plan were to be approved, these additional dwellings would assist in delivering aspirations of Directions 2031 and Beyond and the draft Outer Metropolitan Perth and Peel Sub-Regional Strategy for the City of Joondalup.

However the proposed retail floorspace expansion is questionable as it may result in an oversupply of retail floorspace within the catchment area if population growth does not occur in line with the applicant's expectations. The proposed retail expansion could significantly impact on the strategic metropolitan, secondary and district centres within the City.

It is important that the City pursue the best outcome for the Joondalup City Centre, being the only strategic metropolitan centre within the City of Joondalup. The proposed scale of the retail expansion may also affect the ability of the Joondalup City Centre to achieve Primary Centre status.

### **Sustainability implications**

#### Environmental

Under clause 5.5 of SPP 4.2, Activity Centre Structure Plans must ensure that planning contributes to the conservation of resources, in particular reduced consumption of energy and water. Building orientation and design should maximise opportunities for passive solar and natural ventilation and the use of renewable sources of energy such as solar panels and wind turbines is encouraged. The Model Centre Framework provides further design guidelines for the application of sustainable development principles such as maximising renewable energy use and water conservation.

## Social

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

The provision of a diverse range of land uses, a new community square and main street and improved accessibility to the various land uses within the centre may contribute to a healthier and more connected community.

## Economic

The proposed structure plan would enable the City to consider future subdivision and development on the site that will provide additional residents to the area who will contribute to supporting the local economy.

It is also anticipated that more employment opportunities will be made available as a result of the range of businesses and services proposed to be facilitated through the draft structure plan. It is hoped that this will provide people with the opportunity to live and work in the same area rather than having to travel outside of the City of Joondalup for work.

## **Consultation**

Clause 9.5 of DPS2 requires structure plan proposals to be advertised in accordance with the provisions of clause 6.7 prior to further consideration by Council. Clause 6.7 of DPS2 requires a minimum advertising period of 21 days. However, should Council resolve to advertise the draft WACSP, it is recommended that advertising be for a period of 60 days given the complexity and potential impact of the draft WACSP.

Advertising will consist of the following:

- Written notification to all land owners within the WACSP area.
- Written notification to land owners within 400 metres of the centre boundary.
- A notice placed in the Joondalup Community newspaper.
- A notice place in The West Australian newspaper for Scheme Amendment 68 to be advertised in conjunction with the draft WACSP.
- Signs on the Westfield Shopping Centre site.
- A notice on the City's website.

## **COMMENT**

### Draft WACSP

SPP 4.2 sets out a Model Centre Framework that Activity Centre Plans are to be guided by. The draft WACSP generally addresses all elements of the Model Centre Framework; however some of the content and proposals within the structure plan may be problematic. These issues are discussed further within the 'Key Elements' section below.

The draft WACSP contains a range of statutory provisions in regard to specific matters such as building height, permitted land uses and setbacks. It is evident that the detail contained within the majority of the statutory provisions is limited, and provides little guidance to appropriately assess if a development application meets the necessary requirements for

some Districts. However, it is acknowledged that in some cases the development provisions will be outlined in Local Development Plans should the draft WACSP be supported.

The current draft WACSP differs from the structure plan that was not supported by Council at its meeting held on 17 May 2011 (CJ080-05/11 refers). The key elements and any differences are outlined in the table below:

Element	Previous	Proposed
Structure Plan Area	In addition to the existing commercial and education sites, the draft WACSP included the whole residential area to the south of the shopping centre and St Marks school site down to Cook Avenue.	In addition to the existing commercial and education sites, the area now only includes properties fronting Banks Avenue, and eleven other adjoining properties as depicted in the Structure Plan Map (Attachment 3 refers). Council has already agreed to this boundary.
Building Height	Building heights varied from three to four storeys in the western and southern districts, and up to 15 storeys in the core (being the north eastern portion of the centre).	Building heights approximately three storeys in the western and southern districts, and approximately six storeys in the main street (Endeavour District).
Residential Density	R AC-0 was proposed for the whole of the Structure Plan Area.  The R AC-0 code allows development provisions to be set out in a structure plan, in place of those specified in the Residential Design Codes.	R AC-0 proposed for the Endeavour and Retail Districts, and R80 proposed for the Banks District and Education and Civic Districts.
Traffic and movement network	New streets were proposed within the residential area to the south of the shopping centre. Analysis of the traffic impact is similar to the current traffic report.	New street proposed within the shopping centre site, and a link road between the Education and Civic District and Endeavour District. No new roads through existing residential areas.
Parking	No parking standards were included, and a parking strategy would have been required.	For the Retail District a parking cap of 4,200 applies, with a generic car parking standards of 4.5 bays per 100m <sup>2</sup> applying to all land uses.  For the remaining districts, car parking is as per DPS2.
Local Development Plans	Local Development Plans (previously referred to as Detail Site Plans under the structure plan) were required for most types of development, with no detail on who would be responsible for preparing.	Local Development Plans required for most types of development outside the Retail District. The responsibility indicated is Westfield and/or other land owners.

Element	Previous	Proposed
Staging	The information provided on staging was similar to the current draft WACSP, with the exception of more residential development given the structure plan area.	Applicant has indicated that staging will be dependent on market driven demand for services and housing, and as such it is not appropriate to identify definite staging. Indicative staging is provided, as discussed further below.
Retail Sustainability Assessment	The retail analysis appears similar to the Retail Sustainability Assessment under the current draft WACSP. The trade area was slightly smaller. The proposed indicative 95,000m <sup>2</sup> of retail floor space for the centre was not supported by the City.	Independent analysis of the current Retail Sustainability Assessment indicates that the retail floor space of 95,000m <sup>2</sup> is unjustified, and will have a detrimental impact on the centre hierarchy under SPP 4.2.
Target delivery	<p>Delivery targets set by the applicant for diversity, intensity, employment and accessibility all met average targets by 2031.</p> <p>Land use diversity under SPP 4.2 was just meeting the acceptable target of 40%, while the retail floor space is only 5,000m<sup>2</sup> short of needing to meet a 50% land use diversity target. Furthermore, land use diversity will be below 40% by 2016.</p>	<p>The applicant has developed targets for the diversity, intensity, employment and accessibility of the centre. The applicant has indicated the centre will meet the average targets set by 2031. There is no improvement or undertaking by the applicant to improve the diversity, intensity, accessibility or employment for the centre to achieve their proposed 'best of type' target (instead of average).</p> <p>Land use diversity under SPP 4.2 will just meet the acceptable target of 40%, while the retail floor space is only 5,000m<sup>2</sup> short of needing to meet a 50% land use diversity target. Furthermore, land use diversity will be below 40% by 2016.</p>
Implementation	The City was required to be responsible for the majority of tasks including development of a steering committee, review of stormwater management, review of community facilities, development economic development strategy and preparation of a parking and transport strategy.	The City is still required to be involved in some implementation, however not to the same extent as the previous draft WACSP.

## Key Elements

An assessment of the draft WACSP has identified the following key elements as discussed below:

- Activity centre boundary.
- Building height.
- Residential density.
- Traffic and movement network.
- Parking.
- Local Development Plans.
- Staging.
- Retail Sustainability Assessment.
- Delivery of diversity, intensity, accessibility and employment targets.
- Implementation.

### *Activity centre boundary*

The proposed boundary identified in the draft WACSP aligns with the boundary supported by Council at its meeting held on 16 September 2012 (CJ181-09/12 refers). The boundary is also consistent with Scheme Amendment No. 68 which proposed a 'Centre' zone for the area, which was adopted by Council for the purposes of community consultation on 23 October 2012 (CJ199-10/12 refers).

### *Building height*

The height limit within the core area, being the Endeavour District and Retail District, will result in a different built form than the existing development. However, the areas are generally separated from the existing single residential development by roads, and the Banks District and Education and Civic District. The maximum height of approximately three storeys for the Banks District and Education and Civic District will provide for a transition in building height to the existing residential areas.

These heights will provide the opportunity for the centre to deliver land use and built form that meets the requirements of SPP 4.2. This includes dwelling and land use diversity targets.

### *Residential density*

The proposed density of R AC-0 requires the development provisions for multiple dwellings to be set out in the draft WACSP. These provisions include:

- maximum plot ratio
- minimum open space (% of site);
- street setbacks
- maximum building height.

The draft WACSP provides guidance with regard to building height and in some locations, setbacks and privacy. The draft WACSP does not contain any provisions for elements such as plot ratio, open space, and height of boundary walls. It is noted in most instances that these provisions will be subject to future Local Development Plan(s).

For the R AC-0 density code, the draft WACSP therefore provides inadequate information to identify the possible size, scale and number of dwellings that could be developed on any given lot within the subject site. This said, the Indicative Development Plan within Part 2 of the draft WACSP (Attachment 6 refers) illustrates a proposed spatial framework, with residential development mostly contained within the Endeavour District, yielding 673 dwellings. This Indicative Development Plan also shows redevelopment of land not owned by Westfield, which may not currently be envisaged by those land owners.

The proposed density of R80 for the Banks District and Education and Civic District is above the current density codes, and is consistent with the density proposed under the draft Local Housing Strategy for the Banks District. Under the draft Local Housing Strategy properties zoned Residential to the south of Banks Avenue will have a density code of R20/R60. Therefore, the R80 will provide a transition between the Retail District and residential area.

For the Education and Civic District, residential development on the St Mark's school site will be assessed against the requirements of the Residential Design Codes of Western Australia.

For both the R AC-0 and R80 density codes, development of grouped dwellings and/or single houses would be guided by the provisions of the R60 density code in regard to minimum and average lot sizes.

#### *Traffic and movement network*

A transport report was provided as an appendix to the draft WACSP. The report takes into account a possible staged development scenario. The City's concerns regarding the transport report include:

- lack of traffic counts and assessment for Banks Avenue
- worsening service levels of some intersections, particularly Whitfords Avenue and Marmion Avenue
- no intersection service level is provided for Endeavour Road and Banks Avenue
- limited detail on recommendations provided to improve traffic service levels (for example how and when carriageway widening would be required)
- data from 2010 has been used as the basis for traffic modelling, without accounting for annual growth
- potential impact on infrastructure within road reserves is not identified
- lack of recommendations for a future Traffic and Parking Strategy.

The draft WACSP document suggests that traffic volumes may increase by up to 95% by 2031. To counteract this increase, improvements to public transport, pedestrian/cycling facilities and increased residential development within the core are proposed with the aim of reducing traffic volume increase from 95% to 50% by 2031.

The traffic modelling outlined in the transport report is based on traffic volumes increasing by only 50%. To ensure that traffic volumes do not exceed this projection, various improvements are proposed including:

- modifications to Endeavour Road to form a shared use area as part of the main street
- increasing or improving existing entrance points to the shopping centre to spread the traffic impact over a number of intersections
- increased public transport patronage.

It is uncertain whether the projected traffic increase of 50% is a reasonable assumption. It may be necessary for the City to engage consultants to independently review the transport report and provide comment on traffic projections and impacts.

Emphasis in the traffic report on public transport improvement refers to a Bus Rapid Transit hub (BRT), which is mentioned in State Government's *Public Transport for Perth 2031*. The BRT is a public transport link proposed to run from Joondalup to Claremont via Whitford City, Hillarys, Karrinyup, Scarborough and Shenton Park. However, the link would not be operational until after 2031, and it is understood that there is no firm commitment that the link would definitely be developed. Furthermore, if the public transport improvements do not happen, are delayed, or differ from those assumed, any development which occurs in the interim (such as the retail expansion in 2016) may have a critical impact on the surrounding road network.

A new road link into the shopping centre site (identified as Marmion Promenade) is proposed from Marmion Avenue, providing a connection to Banks Avenue. This road would remain in private ownership and will be designed as a shared use area. A new access point would require approval from Main Roads WA as well as from the City. No detail has been provided in the draft WACSP in relation to any agreements with Main Roads WA.

A new link road is also proposed from Whitfords Avenue linking to Endeavour Road, between the Education and Civic District and Endeavour District. This link road is proposed to improve access to the St Mark's school, as well as providing rear access to future buildings in the Endeavour District. The road classification is proposed to be an "Access Street B" as defined by Liveable Neighbourhoods, which caters for two way traffic, pedestrian access and on street parking without the requirement for a central median. As the purpose of this link road is to provide access for students from the Education and Civic District to the remainder of the centre, it is important that pedestrian crossings are not compromised in this road environment and two stage crossings at mid-block locations or at junctions will need to be considered to achieve appropriate access. It is also noted that approval from Main Roads WA would be required for the intersection upgrade (where the link road connects) at the Endeavour Road and Banks Avenue intersection.

The draft WACSP proposes significant improvements to the existing street environment, including upgraded and new shared use paths, cycle lanes, shared zones and landscaping. Whilst in principle such improvements are supported, no detail is provided on how and when such improvements would be implemented. Although Westfield is a major land holder, there still remains fragmented land ownership (particularly on Banks Avenue) and no detail is provided as to how such infrastructure improvements will be coordinated or funded, even in the short term. For example, the major retail expansion proposed by 2016 (increasing the size of the shopping centre from 50,000m<sup>2</sup> to 90,000m<sup>2</sup> retail floor space) is expected to result in an increase in the volume of traffic to the centre with no clear detail on what infrastructure improvement, road and intersection modifications would be required.

### *Parking*

The draft WACSP suggests that reduced parking standards can be supported on the basis of:

- improved public transport (increased public transport use)
- improved cycle routes (increased cycling)
- improved pedestrian amenity (increased walking)
- provision of on-street parking
- trip chaining (such as accessing multiple services in the one trip)

- reciprocal parking benefits
- improved parking management to maximise efficiency.

For the Retail District, a parking cap has been proposed, being 4,200 bays. A generic car parking standard is also proposed to apply to all land uses within this district, being 4.5 bays per 100m<sup>2</sup>. This parking cap equates to 93,333m<sup>2</sup> of floor space. The retail addition proposed in 2016 will bring the total retail floor space to approximately 90,000m<sup>2</sup>, and does not take into consideration the parking for existing and/or proposed non-retail floor space. Whilst the parking cap can be revised, it would indicate that the draft WACSP does not contemplate the full development of the site to 2031. The 4,200 bay parking cap also does not align with the Traffic Report, which indicates a parking cap of 5,300 bays.

The parking requirement for all other districts is as per DPS2. It is noted that the parking standards in DPS2 are generic standards and may be onerous for an Activity Centre. This could indicate that the benefits of an Activity Centre have not necessarily been considered for these districts.

#### *Local Development Plans*

Formally referred to as Detailed Area Plans, Local Development Plans (LDPs) can be used to provide specific development requirements which would form the basis for considering applications for planning approval. Generally a LDP is prepared as a condition of subdivision; however through the structure plan there is the ability to require a LDP where the City is of the opinion that greater detail is required in order to achieve a desirable design outcome for a site.

The draft WACSP indicates the LDPs may incorporate provisions to address the following:

- Building envelopes.
- Subdivision of land.
- Private open space.
- Services.
- Advertising signs, lighting and fencing.
- Vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures.
- The location, orientation and design of buildings and the space between buildings.
- Landscaping, finished site levels and drainage.
- Protecting sites of heritage, conservation or environmental significance.
- Special development controls and guidelines.
- Such other information considered relevant by the local government.

The draft WACSP indicates that LDPs are required for various types of development. While it states that Westfield and landowners are responsible for preparing LDPs, given the fragmented land ownership within the structure plan area, it may not be appropriate for one landowner to prepare a LDP for multiple sites. LDPs could also be seen as a disincentive for development, which could then leave the responsibility of the development of LDPs with the City to encourage development. In addition to LDPs, further guidance in regard to specific elements could be sought upfront within the draft WACSP.

### *Staging*

The draft WACSP is intended to guide development of the centre for the next 20 years in alignment with the State Government planning framework Directions 2031 and Beyond.

The draft WACSP indicates that the staging of development for the centre will be dependent on market driven demand for services and housing. As there are many factors which may impact on the timing of each stage, definite staging has not been provided.

Factors which may impact on the staging and timing of the growth of the activity centre include:

- population and employment growth
- existing leasing arrangements
- planning context
- transport context
- local community acceptance
- community and utility infrastructure
- commercial competition
- construction costs and industry conditions
- visitation rates and commercial success.

Based on information in the draft Structure Plan, the possible staging scenario is as follows:

	<b>2012</b>	<b>2021</b>	<b>2031</b>
Retail (m <sup>2</sup> )	49,900	90,000	95,000
Other retail (m <sup>2</sup> )	8,500	11,500	11,500
Office (m <sup>2</sup> )	7,800	7,800	22,800
Residential (dwellings)	30	400	800
Entertainment / Recreation / Culture (m <sup>2</sup> )	9,500	9,500	16,000
Health / Welfare / Community	16,200	16,200	16,200
Other	2,400	2,400	2,500

The staging demonstrates how the Whitford Activity Centre can be developed to achieve the necessary diversity and intensity targets through additional floor space. The achievement of these targets requires commitment from not only the applicant but also adjoining landowners who are yet to be informed about the proposed structure plan. As such there is no certainty as to what may be delivered and when, with the exception of the majority of the retail floorspace expansion which is due to be completed by 2016. This lack of certainty may concern nearby landowners.

### *Retail Sustainability Assessment*

The City has engaged the services of an independent economic consultant (RPS) to review the Retail Sustainability Assessment (RSA) which was submitted with the proposed WACSP. The review concluded that the applicant's retail assessment does not adequately justify the proposed retail expansion, as the justification is based on the need for greater floor space provision for the North West sub-region, rather than the trade area or beyond-trade expenditure capture. Furthermore, the RSA overemphasises the role of Whitford in the retail hierarchy and therefore overestimates the need for additional retail floorspace in that location.

The independent review of the Retail Sustainability Assessment document raises significant concern regarding the ability for Westfield Whitford to appropriately support the requested retail floorspace.

It appears the retail sustainability report seeks to justify the expansion of the centre, not on the growth of its trade area or increases in its beyond-trade expenditure capture, but on the need for greater floorspace provision in the Joondalup LGA and North West Sub-Region. However, no affirmative evidence is provided as to the appropriate role of Westfield Whitford in contributing to the current and future floorspace shortfall being addressed. The population analysis of the report suggests that Whitfords role may in fact be limited. The established nature of the centre's primary and secondary trade areas and an already high beyond trade expenditure capture mean that Whitfords is not well positioned to assist address this issue to the extent proposed.

Feedback from the independent economic consultant concludes that while an increase in retail floorspace may be justified, it is not in the order contemplated by the structure plan, and is likely to be more in the order of 65,000sqm rather than 95,000sqm.

Given the conclusions by RPS, should the indicative retail floor space of 95,000m<sup>2</sup> be supported, it could significantly impact on the strategic metropolitan, secondary and district centres within the City.

It is important that the City pursue the best outcome for the Joondalup City Centre, being the only strategic metropolitan centre within the City of Joondalup. The proposed scale of the proposed retail expansion may also affect the ability of the Joondalup City Centre to achieve Primary Centre status.

*Delivery of diversity, intensity, accessibility and employment targets*

The draft WACSP demonstrates centre maturity through targets established by Pracsys (economic analysts for the applicant), based on best practice (best of type), average and below average performance for employment, accessibility, diversity and intensity. Based on the staged development scenario discussed previously, the draft WACSP demonstrates how average targets can be achieved by 2031.

Land Use	Pracsys centre maturity scores			ACSP Proposal		
	Best of Type	Average	Below Average	2010	2016	2031
Diversity	7.8 or more	5.2-7.7	5.1 or less	5.25	4.4	4.7
Intensity	3.8 or more	2.2 – 3.7	2.1 or less	1.5	1.7	2.8
Employment (jobs per gross Ha)	6.2 or more	2.9 - 6.1	2.8 or less	1.75	3.5	4.2
Accessibility (% of users not using a private car)	4.2 or more	2.2-4.1	2.2 or less	1.0	1.5	2.8

SPP 4.2 requires a diversity target of 40% for centres with a retail floor space greater than 50,000m<sup>2</sup> but less than 100,000m<sup>2</sup>. The table below sets out the diversity target based on staging scenario provided.

<b>SPP 4.2 Diversity Target</b>				
	Target land use diversity mix	2012	2016	2031
For centres greater than 50,000m <sup>2</sup> but less than 100,000m <sup>2</sup>	40%	47%	34%	42%

The development staging provided in the draft WACSP indicates that:

- the initial diversity of activity will decrease to accommodate the immediate demand for retail (from 50,000m<sup>2</sup> to 90,000m<sup>2</sup>)
- increased intensity (particularly residential) and diversity performance is reliant on improvements in accessibility
- initially employment will depend on population driven consumer services before significant agglomerations of activity drive the presence of knowledge intensive consumer services and producer services.

This means that in the medium to short term the focus of the centre will remain retail based and in the long term as the centre matures, the performance should achieve average targets.

There is some concern that the draft WACSP will facilitate short term retail expansion plans without any mechanism to require the development of other land uses in the short or medium term to improve the land use mix. It would be more desirable if, as the centre matures, it is required to improve diversity with each stage.

#### *Implementation*

The draft WACSP identifies the following stakeholders as being key to the implementation of the plan:

- City of Joondalup.
- Westfield.
- State Government Agencies.
- Landowners in the centre.
- Local community.

A number of actions are identified as possibly being required to implement the draft WACSP (Attachment 11 refers). Commitment by the City may be needed for the following actions:

- Approval of the draft WACSP.
- A community engagement strategy (consultation).
- Modification of the draft Local Commercial Strategy.
- Assessment and approval of Local Development Plans.
- Assessment of Urban Water Management Plans, Environmental Management Plan and Traffic Management Plans.
- Provision of community facilities.
- Assessment of development applications and subdivisions as a result of the new development potential gained under the WACSP.
- Provision of infrastructure.

### Proponent and affected landowners

While it is preferable that all property owners within a structure plan area are in support of the plan, it is possible for a single property owner to undertake the structure planning approvals process without the involvement of all landowners. This is due to the fact that a structure plan does not *require* landowners within it to subdivide or redevelop; rather guides subdivision and development should it occur. A lot affected by structure planning can remain undeveloped for as long as the landowner wishes. However it may impact on how the centre could develop and achieve the desired outcomes of the structure plan.

### Conclusion

The draft WACSP is intended to guide development until 2031. With the exception of the Retail District, the development provisions are limited and do not provide a clear vision of the expected development and commitment by all other stakeholders.

Despite some significant issues being identified with the draft WACSP in its current form, it is considered that there is value in releasing the draft WACSP to the community and seeking feedback at this stage to ascertain the community's views on the future direction of the centre.

This would allow the applicant to address the concerns raised by the City at the same time as considering and addressing any issues raised by the community, before the draft WACSP and the outcomes of the consultation are reported to Council for consideration of final adoption.

As such, it is recommended that the Council adopts the draft WACSP for the purposes of public advertising.

## **VOTING REQUIREMENTS**

Simple Majority.

## **OFFICER'S RECOMMENDATION:**

That Council:

- 1 pursuant to Clause 9.4 of the *City of Joondalup District Planning Scheme No. 2* ADVERTISES the draft Whitford Activity Centre Structure Plan (Structure Plan No 15) forming Attachment 8 to Report CJ024-03/13 for the purpose of public consultation and make it available for comment for 60 days, by way of:
  - 1.1 written notification to land owners within the Whitford Activity Centre Structure Plan Area;
  - 1.2 written notification to land owners within 400 metres of the Whitford Activity Centre Structure Plan Area;
  - 1.3 notices placed in the Joondalup Community newspaper;
  - 1.4 signs on the Westfield Shopping Centre site;
  - 1.5 a notice on the City's website;
- 2 NOTES that in accordance with Council Resolution CJ199-10/12, Scheme Amendment No. 68 will be advertised concurrently with the draft Whitford Activity Centre Structure Plan.

**MOVED Cr Norman, SECONDED Cr Hamilton-Prime that Council:**

- 1 pursuant to Clause 9.4 of the *City of Joondalup District Planning Scheme No. 2* **ADVERTISES** the draft Whitford Activity Centre Structure Plan (Structure Plan No 15) forming Attachment 8 of Report CJ024-03/13 for the purpose of public consultation and make it available for comment for 60 days, by way of:
  - 1.1 written notification to land owners within the Whitford Activity Centre Structure Plan Area;
  - 1.2 written notification to land owners within 400 metres of the Whitford Activity Centre Structure Plan Area;
  - 1.3 notices placed in the Joondalup Community newspaper;
  - 1.4 signs on the Westfield Shopping Centre site;
  - 1.5 a notice on the City's website;
- 2 prior to the commencement of public advertising, **REQUIRES** the applicant to amend the draft Whitford Activity Centre Structure Plan to include the requirement for the preparation of a Development Contribution Plan for the Whitford Activity Centre area and surrounds in accordance with State Planning Policy 3.6;
- 3 **REQUESTS** the preparation of a report seeking Council's approval to initiate an amendment to the *City of Joondalup District Planning Scheme No. 2* (DPS2) to include generic provisions for Development Contributions and to introduce a Development Contribution Plan into DPS2 for the Whitford Activity Centre Structure Plan area and surrounds;
- 4 **NOTES** that in accordance with Council Resolution CJ199-10/12, Scheme Amendment No. 68 will be advertised concurrently with the draft Whitford Activity Centre Structure Plan.

**AMENDMENT MOVED Mayor Pickard, SECONDED Cr Hamilton-Prime that:**

- 1 Parts 1 - 4 be renumbered to Parts 2 – 5;
- 2 a new Part 1 be added to the Motion as follows:
  - “1 **NOTES:**
    - 1.1 *the draft Whitford Activity Centre Structure Plan is not a plan that has been prepared by the City;*
    - 1.2 *the City is obliged to assess and the Council is obliged to make a determination on the draft structure plan;*
    - 1.3 *a number of issues have been identified which require resolution to the City's satisfaction, including the implications and future management of increased traffic, the staging and implementation of development and cost-sharing arrangements for infrastructure upgrades and public realm improvements, and the scale of the retail expansion and its impact on other nearby centres and the Joondalup City Centre;*

- 1.4 notwithstanding part 1.3 above, it is considered timely for the structure plan to be advertised so the community is given opportunity to comment, after which the applicant may consider making changes to the document to address both the City's issues and any community issues before Council is asked to make a final decision on the structure plan after advertising;"**

**The Amendment was Put and**

**CARRIED (12/0)**

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

**The original Motion as amended:**

**That Council:**

**1 NOTES:**

- 1.1 the draft Whitford Activity Centre Structure Plan is not a plan that has been prepared by the City;**
- 1.2 the City is obliged to assess and the Council is obliged to make a determination on the draft structure plan;**
- 1.3 a number of issues have been identified which require resolution to the City's satisfaction, including the implications and future management of increased traffic, the staging and implementation of development and cost-sharing arrangements for infrastructure upgrades and public realm improvements, and the scale of the retail expansion and its impact on other nearby centres and the Joondalup City Centre;**
- 1.4 notwithstanding part 1.3 above, it is considered timely for the structure plan to be advertised so the community is given opportunity to comment, after which the applicant may consider making changes to the document to address both the City's issues and any community issues before Council is asked to make a final decision on the structure plan after advertising;**

**2 pursuant to Clause 9.4 of the *City of Joondalup District Planning Scheme No. 2* ADVERTISES the draft Whitford Activity Centre Structure Plan (Structure Plan No. 15) forming Attachment 8 of Report CJ024-03/13 for the purpose of public consultation and make it available for comment for 60 days, by way of:**

- 2.1 written notification to land owners within the Whitford Activity Centre Structure Plan Area;**
- 2.2 written notification to land owners within 400 metres of the Whitford Activity Centre Structure Plan Area;**
- 2.3 notices placed in the Joondalup Community newspaper;**
- 2.4 signs on the Westfield Shopping Centre site;**
- 2.5 a notice on the City's website;**

- 3 prior to the commencement of public advertising, **REQUIRES** the applicant to amend the draft Whitford Activity Centre Structure Plan to include the requirement for the preparation of a Development Contribution Plan for the Whitford Activity Centre area and surrounds in accordance with State Planning Policy 3.6;
- 4 **REQUESTS** the preparation of a report seeking Council's approval to initiate an amendment to the *City of Joondalup District Planning Scheme No. 2 (DPS2)* to include generic provisions for Development Contributions and to introduce a Development Contribution Plan into DPS2 for the Whitford Activity Centre Structure Plan area and surrounds;
- 5 **NOTES** that in accordance with Council Resolution CJ199-10/12, Scheme Amendment No. 68 will be advertised concurrently with the draft Whitford Activity Centre Structure Plan.

**Was Put and**

**CARRIED (12/0)**

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

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf120313.pdf](#)

## **CJ025-03/13      NOTES OF THE STRATEGIC COMMUNITY REFERENCE GROUP MEETING HELD ON 4 FEBRUARY 2013**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	102605, 101515
<b>ATTACHMENTS</b>	Attachment 1 Notes of the Strategic Community Reference Group meeting held on 4 February 2013
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

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### **PURPOSE**

For Council to receive the notes of the Strategic Community Reference Group meeting of 4 February 2013, relating to the review of the City's Community Safety and Crime Prevention Plan (Attachment 1 refers).

### **EXECUTIVE SUMMARY**

At its meeting held on 26 June 2012 (CJ112-06/12 refers), Council adopted a new participation mechanism for the external provision of advice to Council, namely, a City of Joondalup Strategic Community Reference Group (SCRG).

The inaugural meeting of the SCRG was held on 4 February 2013 for the purposes of reviewing the City's current Community Safety and Crime Prevention Plan. The SCRG consisted of appointed community representatives from each Ward, Elected Members and seconded experts in the field of crime prevention.

Main points raised by the SCRG included an increased focus on closed-circuit television (CCTV), enhancement of the City Watch service, greater participation from the community in crime prevention initiatives and future leveraging of social media platforms to enhance communication.

The City will utilise this feedback to assist in the development of a revised Community Safety and Crime Prevention Plan.

*It is recommended that Council NOTES the outcomes of the inaugural Strategic Community Reference Group meeting, held on 4 February 2013, as presented in Attachment 1 of Report CJ025-03/13.*

## BACKGROUND

At its meeting held on 26 June 2012 (CJ112-06/12 refers), Council considered options for future engagement with the community in reviewing the existing Working Group and Community Forum formats.

As an alternative option, Council supported the establishment of a Strategic Community Reference Group with the objective of providing advice to the Council on:

- matters of significant community interest
- strategic initiatives, as determined by the Council.

The format of the SCRG was to include:

- Council-appointed community representatives from each Ward who were subject to a nomination process addressing their experience in strategic planning and decision-making
- up to three Elected Members, one of whom acts as a Presiding Member
- up to four temporary-appointed professionals to provide expert advice and information on specific matters as required
- resident and/or ratepayer group representatives if matters presented to the Group are relevant to a specific location.

Council also adopted the Terms of Reference and the 2012-13 Work Plan for the Strategic Community Reference Group, which listed the review of the City's current Community Safety and Crime Prevention Plan as the first item for consideration.

At its meeting held on 21 August 2012 (CJ156-08/12 refers), Council appointed all standing members of the Strategic Community Reference Group for a tenure of two years.

## DETAILS

The first meeting of the Strategic Community Reference Group was held on 4 February 2013 to consider the review of the City's current Community Safety and Crime Prevention Plan.

The format of the meeting provided members with the opportunity to consider progress against the current plan, discuss potential areas for focus in the future and determine how alignment with the City's Strategic Community Plan 2012-2022: "Joondalup 2022" would be achieved.

Major points raised by the group related to the following:

- An increased focus on the use of CCTV to act as a deterrent and assist in evidence gathering for prosecutions. Acknowledgement of the costs associated with the maintenance and use of the infrastructure was also discussed, noting that sustainable practices should be considered to ensure its ongoing affordability.
- City Watch was acknowledged as a useful service that could be better leveraged for improved outcomes in the future.

- The issue of achieving enhanced community spirit, participation and activation in the delivery of community safety and crime prevention initiatives was discussed. It was believed that greater resident awareness and systems for volunteering could be pursued in the future.
- Social media was considered a largely untapped communication platform the City could consider leveraging for future community safety and crime prevention initiatives.

The group also discussed the effective alignment of issues raised in the meeting with the City's new strategic direction on community safety and crime prevention within *Joondalup 2022*.

The City will use this information to prepare a revised Community Safety and Crime Prevention Plan over the coming months, which will be presented for consideration by SCRG members and the broader community.

For full details on matters discussed at the meeting, please refer to the meeting notes in Attachment 1 of this Report.

### **Issues and options considered**

Not applicable.

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

#### **Legislation**

Section 1.3 (2) of the *Local Government Act 1995* 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 government;*
- (c) Greater accountability of local governments to their communities; and*
- (d) More efficient and effective local government.*

#### **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.

Adapt to community preferences for engagement formats.

### **Risk management considerations**

Not applicable.

### **Financial/budget implications**

Not applicable.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The Strategic Community Reference Group contributes to social cohesion by enabling participants to interact and contribute on matters associated with the common good of the community. They are also a mechanism for involvement by the community on matters of social, economic and environmental matters and for better informing the Council to assist with decision making.

### **Consultation**

This report discusses the outcomes of a new community engagement format, namely, the inaugural meeting of the Strategic Community Reference Group.

### **COMMENT**

Local government undertakes a variety of roles within the community all of which have the potential to be enhanced and influenced by community participation and engagement. Increasingly, communities are concerned about their future and in many areas community networks are being driven by active citizens.

As a result of its first meeting, the City is satisfied that the new format of a Strategic Community Reference Group has provided a unique and relevant platform for effective engagement with the community.

The quality of the matters discussed at the meeting was strategic, well-informed and relevant to the City's needs. It will also effectively inform the development of a revised Community Safety and Crime Prevention Plan that is high-level and consistent with the City's broader strategic objectives.

Further progress in relation to the review of the Community Safety and Crime Prevention Plan will be presented to Council in the coming months.

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Hamilton-Prime, SECONDED Cr Norman that Council NOTES the outcomes of the inaugural Strategic Community Reference Group meeting, held on 4 February 2013, as outlined in Attachment 1 of Report CJ025-03/13.**

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of CJ034-03/13, page 79 refers.**

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

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf120313.pdf](#)*

**CJ026-03/13 EIGHT YEAR REVIEW OF LOCAL LAWS**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	05885, 101515
<b>ATTACHMENTS</b>	Attachment 1 Table of Submissions
<b>AUTHORITY / DISCRETION</b>	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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**PURPOSE**

For Council to determine whether to retain, repeal or amend the City's local laws that have been reviewed as part of the eight year statutory review.

**EXECUTIVE SUMMARY**

Section 3.16 of the *Local Government Act 1995* requires a local government to undertake a review of its local laws within a period of eight years from the day on which the local law commenced, or was last reviewed. The purpose of the review is to determine whether or not the local laws should be repealed, retained or amended.

The City commenced a statutory review of its local laws in late 2012 with statewide and local public notices advertising the review and seeking public comment on the contents and suitability of the local laws. The public submission period closed on 31 December, with only one submission being received.

In addition to the public consultation process, officers have undertaken a preliminary review of the local laws under review and identified a number of changes that will assist in improving the operation and enforcement of the City's local laws.

It is recommended that a number of local laws be repealed and replaced with new local laws and that one local law be repealed.

**BACKGROUND**

It is a requirement that local governments undertake a review of their local laws within eight years from when the local law commenced or was last reviewed. The City currently has 11 local laws; however the *Pest Plant Local Law 2012* is new and not considered as part of this review and a review of the *Parking Local Law 1998* and *Standing Orders Local Law 2005* has commenced independent of this current statutory review.

The last statutory review of the City's local laws commenced in 2005 (CJ263-12/05 refers) and completed in April 2006 (CJ043-04/06 refers) where it was resolved to retain the City's local laws as presented at that point in time.

Since the completion of the previous review of the local laws, a number of amendments have been gazetted as indicated in the following table:

<b>Year of amendment</b>	<b>Name of Local Law</b>
2007	<i>Local Government and Public Property Amendment Local Law Local Government and Public Property Amendment Local Law (No. 2)</i>
2008	<i>Animals Amendment Local Law Local Government and Public Property Amendment Local Law Parking Amendment Local Law Trading in Public Places Amendment Local Law</i>
2009	<i>Trading in Public Places Amendment Local Law (No.2 )</i>
2010	<i>Animals Amendment Local Law</i>

## **DETAILS**

The following local laws are the subject of the statutory review process:

- *Animals Local Law 1999*

To provide for the regulation, control and management of the keeping of animals within the City of Joondalup.

- *Bushfire Prevention and Control Local Law 1998*

To provide for the prevention, regulation, control and management of bushfires and the reduction of fire hazards within the City of Joondalup.

- *Extractive Industries Local Law 1998*

(a) To prohibit the carrying on of an extractive industry unless by authority of a licence issued by the local government.

(b) To regulate the carrying on of the extractive industry in order to minimise damage to the environment, thoroughfares and other persons health and property.

(c) To provide for the restoration and reinstatement of any excavation site.

- *Health Local Law 1999*

To provide for the regulation, control and management of day to day health matters within the district.

- *Local Government and Public Property Local Law 1999*  
To provide for the regulation, control and management of activities and facilities on local government and public property within the district.
- *Private Property Local Law 1998*  
To provide for the regulation, control and management of street numbering, fencing, tennis court floodlighting and vehicle wrecking on private property within the district.
- *Signs Local Law 1999*  
To provide for the regulation, control and management of signs within the district, in support of the town planning scheme provisions.
- *Trading in Public Places Local Law 1999*  
To provide for the regulation, control and management of outdoor dining areas, street markets, trading, and street entertainment, in any street or public place within the district.

The City commenced a statutory review of its local laws in late 2012 with statewide and local notices advertising the review and seeking public comment and opinion on the contents and suitability of the local laws.

The public submission period closed on 31 December, with only one submission being received.

An outline of the submission and the City's response is provided in Attachment 1.

In conjunction with the public consultation process, an internal review of the above local laws was also conducted to:

- identify potential inconsistencies between the local laws and State legislation
- assess their operational and enforcement efficiency
- identify changes or amendments in drafting.

A number of amendments have been identified at an operational level for a majority of the local laws under review. In addition, all local laws reviewed, with the exception of the *Health Local Law 1999*, are different from the WALGA Model Local Laws and are not drafted in the contemporary manner.

Furthermore, the City has previously provided undertakings to the Joint Standing Committee on Delegated Legislation to make minor amendments to the *City of Joondalup Local Government and Public Property Local Law 1999* and *City of Joondalup Trading in Public Places Local Law 1999*.

To implement the required amendments and to modernise the drafting of the local laws, it is considered that the majority of local laws ought to be repealed and replaced with new local laws. This will require the local law creation process as detailed in the Act to be repeated for each local law that is affected.

However, it is recommended that the *Extractive Industries Local Law 1998* be repealed and not replaced, as the provisions of *District Planning Scheme No. 2* provide adequate control measures for this land use activity.

### **Issues and options considered**

Council is to determine whether to retain, repeal or amend the City's local laws that have been reviewed as part of the eight year statutory review.

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

#### **Legislation**

Section 3.16 of the *Local Government Act 1995*.

#### **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**

The City is required to undertake an eight year review of its local laws to ensure statutory compliance.

### **Financial/budget implications**

All costs associated with the review will be met within existing budget allowances and proposed budgets.

### **Regional significance**

Not applicable.

### **Sustainability implications**

A revised and modern set of local laws will assist in maintaining the lifestyle of the City's residents and the amenity which they enjoy.

### **Consultation**

Public consultation occurred in accordance with section 3.16 of the Act. Where the City wishes to amend, repeal or create a local law, the statutory advertising process as described in the Act must be followed. This includes a six week public consultation period.

## COMMENT

The City's current local laws have served the City and its community well, however a majority them are nearing 15 years old.

The review of the City's local laws has identified that a majority of the local laws require amendment and it would be preferable to repeal the current local laws and create new local laws that:

- are consistent with contemporary local law drafting standards
- based on the industry accepted WALGA model local laws or best practice examples
- meet the needs of the community in respect of protection and enjoyment of amenity
- reflect the operational and enforcement needs of the City.

It is anticipated that to repeal the existing local laws and create new ones will take in the vicinity of 12 months.

## VOTING REQUIREMENTS

Absolute Majority.

**MOVED Mayor Pickard, SECONDED Cr Chester that Council:**

- 1 **NOTES** the submission received during the eight year review of its local laws undertaken in accordance with section 3.16 of the *Local Government Act 1995*, as outlined in Attachment 1 to Report CJ026-03/13;
- 2 **BY AN ABSOLUTE MAJORITY APPROVES** the details of the review of the City of Joondalup's local laws as follows:
  - 2.1 **Local laws to be repealed:**
    - 2.1.1 *City of Joondalup Extractive Industries Local Law 1998;*
  - 2.2 **Local laws to be repealed and new local laws created:**
    - 2.2.1 *City of Joondalup Animals Local Law 1999;*
    - 2.2.2 *City of Joondalup Bushfire Prevention and Control Local Law 1998;*
    - 2.2.3 *City of Joondalup Health Local Law 1999;*
    - 2.2.4 *City of Joondalup Local Government and Public Property Local Law 1999;*
    - 2.2.5 *City of Joondalup Private Property Local Law 1998;*
    - 2.2.6 *City of Joondalup Signs Local Law 1999;*
    - 2.2.7 *City of Joondalup Trading in Public Places Local Law 1999;*

- 3**      **NOTES the repeal or creation of the local laws detailed in parts 2.1 and 2.2 above will be subject to further reports to the Council in accordance with section 3.12 of the *Local Government Act 1995*.**

**The Motion was Put and**

**CARRIED (12/0)**

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

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf120313.pdf](#)*

**CJ027-03/13 STATUS OF PETITIONS**

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<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER:</b>	05386, 101515
<b>ATTACHMENTS:</b>	Attachment 1 Status of Petitions – 21 February 2012 to 11 December 2012
<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 status of outstanding petitions.

**BACKGROUND**

At its meeting held on 16 December 2008 (CJ261-12/08 refers), Council considered a report in relation to petitions received covering the period February 2007 to October 2008, together with commentary in relation to each petition.

As part of that report, it was advised that quarterly reports would be presented to Council in the future.

**DETAILS****Issues and options considered**

Attachment 1 provides a list of all outstanding petitions, which were received during the period 21 February 2012 to 11 December 2012, with a comment on the status of each petition.

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

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

"22. *Petitions*

- (1) *A petition received by a member or the CEO is to be presented to the next ordinary Council meeting;*

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

### **Strategic Community Plan**

**Key Themes** Governance and Leadership.

**Objective** Active democracy.

### **Strategic Initiatives**

- Fully integrate community consultation practices into City activities.
- Optimise opportunities for the community to access and participate in decision-making processes.
- Adapt to community preferences for engagement formats.

### **Policy Implications**

Each petition may impact on the individual policy position of the City.

### **Risk Management Considerations**

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

### **Financial/Budget Implications**

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

### **Regional Significance**

Not applicable.

### **Sustainability Implications**

Not applicable.

### **Consultation**

Not applicable.

## COMMENT

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

## VOTING REQUIREMENTS

Simple Majority.

### MOVED Cr Hamilton-Prime, SECONDED Cr Norman that Council NOTES:

- 1 the status of outstanding petitions submitted to Council during the period 21 February 2012 to 11 December 2012, forming Attachment 1 to Report CJ027-03/13;
- 2 that a report in relation to the petition requesting Council oppose the establishment of a community garden in Regents Park or Charing Cross Park, Joondalup, will be presented to Council following the development of a proposal by the Community Garden Working Group for the establishment of a community garden within the City;
- 3 that a report in relation to the petition requesting the removal of existing bushland vegetation on the eastern boundary of Bramston Park, Burns Beach was presented to Council at its meeting held on 11 December 2012 (CJ280-12/12 refers);
- 4 that a report in relation to the petition requesting an upgrade of the playground at Glengarry park within the next 12 months (from August 2012), including the installation of exercise equipment and drinking water fountains similar to those in other recreational spaces was presented to Council at its meeting held on 11 December 2012 (CJ282-12/12 refers);
- 5 that a report in relation to the petition requesting Council take prompt action to remedy the traffic issues in Castlegate Way, Woodvale by truncating the street at the northern end adjacent to the medical centre is proposed to be presented to Council at its meeting to be held on 19 March 2013;
- 6 that a report in relation to the petition requesting Council complete the Marri Park playground precinct by the installation of shade sails over the play equipment and BBQs to further enhance the area is proposed to be presented to Council at its meeting to be held on 16 April 2013.

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of CJ034-03/13, page 79 refers.**

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

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf120313.pdf](#)

**CJ028-03/13 MINUTES OF EXTERNAL COMMITTEES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	48543, 101515
<b>ATTACHMENT</b>	Attachment 1 Minutes of the Local Emergency Management Committee meeting held 7 February 2013  <i>(Please Note: These minutes are only available electronically)</i>
<b>AUTHORITY / DISCRETION</b>	Information - Includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting')

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**PURPOSE**

For Council to note the minutes of various external committees.

**EXECUTIVE SUMMARY**

The following minutes are provided:

- Local Emergency Management Committee meeting held on 7 February 2013.

**DETAILS**

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

**Local Emergency Management Committee – 7 February 2013**

A Meeting of the Local Emergency Management Committee was held on 7 February 2013.

Cr John Chester is Council's representative on the Local Emergency Management Committee.

There were no matters of significant interest to the City of Joondalup resolved at the Local Emergency Management Committee meeting.

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

Not applicable.

**Strategic Community Plan**

Not applicable.

**Key theme**

Not applicable.

**Objective**

Not applicable.

**Strategic initiative**

Not applicable.

**Policy**

Not applicable.

**Risk management considerations**

Not applicable.

**Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED** Cr Hamilton-Prime, **SECONDED** Cr Norman that Council **NOTES** the minutes of the Local Emergency Management Committee meeting held on 7 February 2013 forming Attachment 1 to Report CJ028-03/13.

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of CJ034-03/13, page 79 refers.**

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

*Appendix refers*

To access this attachment on electronic document, click here: [externalminutes120313.pdf](#)

**CJ029-03/13 EXECUTION OF DOCUMENTS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	15876, 101515
<b>ATTACHMENT</b>	Attachment 1 Documents executed by affixing the Common Seal for the period 1 February 2013 to 13 February 2013
<b>AUTHORITY / DISCRETION</b>	Information - Includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting')

**PURPOSE**

For Council to note the documents executed by means of affixing the Common Seal for the period 1 February 2013 to 13 February 2013 (Attachment 1 refers).

**EXECUTIVE SUMMARY**

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

*It is recommended that Council NOTES the Schedule of Documents covering the period 1 February 2013 to 13 February 2013, executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ029-03/13.*

**DETAILS**

During the period 1 February 2013 to 13 February 2013, six documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Section 70A Notification	4
Deed	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** Not applicable.

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED** Cr Hamilton-Prime, **SECONDED** Cr Norman that Council **NOTES** the Schedule of Documents covering the period 1 February 2013 to 13 February 2013, executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ029-03/13.

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of CJ034-03/13, page 79 refers.**

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

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6brf120313.pdf](#)

## **CJ030-03/13 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JANUARY 2013**

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

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

At its Special meeting held on 10 July 2012 (JSC04-07/12 refers), Council adopted the Annual Budget for the 2012-13 Financial Year. The figures in this report are compared to the Adopted Budget figures.

The January 2013 Financial Activity Statement Report shows an overall favourable variance from operations and capital of \$7,660,926 for the period when compared to the 2012-13 Adopted Budget.

The variance can be summarised as follows:

The Operating Surplus is \$1,972,367 above budget, made up of higher operating revenue of \$1,726,421 and lower operating expenditure of \$245,946.

Higher operating revenues are primarily as a result of higher Fees and Charges \$681,291, Interest Earnings \$985,860, Contributions, Reimbursements and Donations \$97,868 and Rates \$98,705. These are offset by revenue below budget on Grants and Subsidies \$114,272 and Other Revenue \$42,043. The additional fees and charges are mainly from Sports and Recreation Fees and Building and Development Fees.

Operating expenditure is below budget on Materials and Contracts \$1,641,181, Employee Costs \$454,238, Insurance \$58,630 and Interest \$1,948. These are offset by higher Depreciation and Utilities expenditure which are \$1,966,467 and \$6,751 above budget respectively.

The favourable variance on Materials and Contracts is spread across a number of areas including External Service Expenses \$643,367, Professional Fees and Charges \$345,214, Contributions and Donations \$288,455, Furniture, Equipment and Artworks \$213,351 and Public Relations and Advertising \$205,593. These are partly offset by an unfavourable variance of \$223,202 on Waste Management Services.

The Capital Deficit is \$3,804,271 below budget as a result of lower expenditure on Capital Projects \$1,441,750, Capital Works \$2,408,253, Motor Vehicle Replacements \$204,045 and Equity Investments \$330, offset by lower capital revenue of \$250,107.

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

*It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 January 2013 forming Attachment 1 to Report CJ030-03/13.*

## **BACKGROUND**

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

## **DETAILS**

### **Issues and options considered**

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

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

#### **Legislation**

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

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

#### **Strategic Community Plan**

##### **Key theme**

Financial Sustainability.

##### **Objective**

Effective management.

##### **Strategic initiative**

Not applicable.

##### **Policy**

Not applicable.

**Risk management considerations**

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

**Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

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

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED** Cr Hamilton-Prime, **SECONDED** Cr Norman that Council **NOTES** the Financial Activity Statement for the period ended 31 January 2013 forming Attachment 1 to Report CJ030-03/13.

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of CJ034-03/13, page 79 refers.**

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

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf120313.pdf](#)

## **CJ031-03/13 LIST OF PAYMENTS MADE DURING THE MONTH OF JANUARY 2013**

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

---

### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of January 2013 totalling \$11,456,863.48.

*It is recommended that Council NOTES the Chief Executive Officer's list of accounts for January 2013 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 in Attachments 1, 2 and 3 to Report CJ031-03/13, totalling \$11,456,863.48.*

### **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 January 2013. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 94678 - 94896 & EF029137 – EF029681 Net of cancelled payments	\$7,764,974.33
	Vouchers 1075A – 1083A	\$3,676,865.25
Trust Account	Trust Cheques 205437 - 205474 Net of cancelled payments	\$15,023.90
<b>Total</b>		<b>\$11,456,863.48</b>

### Issues and options considered

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

### Legislation / Strategic Community Plan / policy implications

#### Legislation

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

#### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic Initiative** Not applicable.

**Policy** Not applicable.

#### Risk management considerations

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

#### Financial/budget implications

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

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED** Cr Hamilton-Prime, **SECONDED** Cr Norman that Council **NOTES** the Chief Executive Officer's list of accounts for January 2013 paid under Delegated Authority in accordance with Regulation 13 (1) of the *Local Government (Financial Management) Regulations 1996* forming Attachments 1, 2 and 3 to Report CJ031-03/13, totalling \$11,456,863.48.

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of CJ034-03/13, page 79 refers.**

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

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf120313.pdf](#)

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Mr Mike Tidy, Director Corporate Services</b>
<b>Item No/Subject</b>	Item CJ032-03/13 – Tender 027/12 – Supply and Delivery of Workwear and Personal Protective Equipment
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mr Tidy's sister-in-law is an employee of one of the tenderers, Aurora Corporation Pty Ltd and BF and JR Cross, trading as Pacific Safety Wear.

## **CJ032-03/13 TENDER 027/12 – SUPPLY AND DELIVERY OF WORKWEAR AND PERSONAL PROTECTIVE EQUIPMENT**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	102622, 101515
<b>ATTACHMENTS</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 Kamsue Pty Ltd ATF Kamsue Family Trust T/as Totally Workwear Joondalup for the supply and delivery of work wear and personal protective equipment.

**EXECUTIVE SUMMARY**

Tenders were advertised on 21 November 2012 through statewide public notice for the supply and delivery of work wear and personal protective equipment for a period of three years. Tenders closed on 6 December 2012. Thirteen submissions were received from:

- Kamsue Pty Ltd ATF Kamsue Family Trust trading as Totally Workwear Joondalup.
- Heatley Sales Pty Ltd trading as Heatley Sales (Conforming Offer).
- Aurora Corporation Pty Ltd & BF & JR Cross trading as Pacific Safety Wear.
- My Prize Investments Pty Ltd trading as Safety World.
- Direct Trades Supply Pty Ltd.
- Workers World Pty Ltd.
- Excalibur Printing Pty Ltd trading as Hip Pocket Workwear & Safety Wangara.

- Protector Alsafe Pty Ltd (Conforming Offer).
- Protector Alsafe Pty Ltd (Alternative Offer).
- RSEA Pty Ltd.
- Heatley Sales Pty Ltd trading as Heatley Sales (Alternative Offer).
- Aqua Terra Oil and Mineral Service and Supply Company Pty Ltd trading as Atom Supply.
- Pacific Brands Workwear Group Pty Ltd.

The submission from Kamsue Pty Ltd ATF Kamsue Family Trust trading as Totally Workwear Joondalup represents best value to the City. Totally Workwear Joondalup demonstrated a thorough understanding of the requirements. The company is a well established local supplier with significant industry experience and proven capacity to provide the goods to the City. It has successfully provided similar services for the City in the past and is currently supplying work wear and personal protective equipment to various private organisations.

*It is therefore recommended that Council ACCEPTS the tender submitted by Kamsue Pty Ltd ATF Kamsue Family Trust trading as Totally Workwear Joondalup for the supply and delivery of work wear and personal protective equipment as specified in Tender 027/12 for a period of three years at the submitted schedule of rates, with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.*

## **BACKGROUND**

The City has a requirement for the supply and delivery of work wear and personal protective equipment to various locations within the City.

The City currently has a single contract for work wear and personal protective equipment with Pacific Safety & Industrial, which will expire on 31 March 2013.

Pacific Safety & Industrial has met the City's requirement throughout the term of its contract.

## **DETAILS**

The tender for the supply and delivery of work wear and personal protective equipment was advertised through statewide public notice on 21 November 2012. The tender period was for two weeks and tenders closed on 6 December 2012.

### **Tender Submissions**

Thirteen submissions were received from:

- Kamsue Pty Ltd ATF Kamsue Family Trust trading as Totally Workwear Joondalup.
- Heatley Sales Pty Ltd trading as Heatley Sales (Conforming Offer).
- Aurora Corporation Pty Ltd & BF & JR Cross trading as Pacific Safety Wear.
- My Prize Investments Pty Ltd trading as Safety World.
- Direct Trades Supply Pty Ltd.
- Workers World Pty Ltd.
- Excalibur Printing Pty Ltd trading as Hip Pocket Workwear & Safety Wangara.
- Protector Alsafe Pty Ltd (Conforming Offer).
- Protector Alsafe Pty Ltd (Alternative Offer).
- RSEA Pty Ltd.

- Heatley Sales Pty Ltd trading as Heatley Sales (Alternative Offer).
- Aqua Terra Oil and Mineral Service and Supply Company Pty Ltd trading as Atom Supply.
- Pacific Brands Workwear Group Pty Ltd.

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

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

### **Evaluation Panel**

The evaluation panel comprised of four members:

- one with tender and contract preparation skills
- one with safety and risk management 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:

- Totally Workwear Joondalup.
- Safety World.
- Direct Trades Supply Pty Ltd.

Heatley Sales (Conforming Offer) and Pacific Safety Wear did not submit prices for a number of scheduled items. Their submissions although not fully compliant were included for further assessment as the variations were considered minor and will have little impact on the City's requirements.

Workers World was assessed as partially compliant. The offer was subject to the company reserving the right to re-negotiate prices, if there is a variation in the Australian dollar by more than 15% in addition to not submitting prices for a number of items. The submission was included for further assessment on the basis that clarification could be sought on the pricing, should the offer represent best value to the City.

The following offers were assessed as non compliant:

- Hip Pocket Workwear & Safety Wangara.
- Protector Alsafte Pty Ltd (Alternative Offer).
- Protector Alsafte Pty Ltd (Conforming Offer).
- RSEA Pty Ltd.
- Heatley Sales (Alternative Offer).
- Atom Supply.
- Pacific Brands Workwear Group Pty Ltd.

Hip Pocket Workwear submitted an alternative offer that proposed alternative brands for clothing and footwear items. This was not accompanied by a conforming offer and did not comply with clause 4.8 of the conditions of tendering.

Protector Alsafe submitted alternative and conforming offers subject to nine proposed amendments to the conditions of contract and two to the specification relating to indemnity, insurance, variations to delivery, substitute brands and price variations. The alternative offer also proposed alternative brands for various items.

RSEA Pty Ltd did not submit prices for 33 scheduled items and did not submit any responses to the compliance criteria.

Heatley Sales did not submit prices for 267 scheduled items and submitted substitute brands for many items in its alternative offer.

Atom Supply did not submit prices for 374 scheduled items, submitted substitute brands for items and did not address the majority of the qualitative criteria.

Pacific Brands Workwear proposed alternative products and submitted prices for footwear and clothing items only and the offer was also subject to proposed amendments to the conditions of contract.

These offers did not meet the City's scope of requirements and were not considered further.

### **Qualitative Assessment**

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

<b>Qualitative Criteria</b>		<b>Weighting</b>
1	Capacity	50%
2	Demonstrated experience in providing similar services	30%
3	Demonstrated understanding of the required tasks	15%
4	Social and economic effects on the local community	5%

Workers World scored 51.5% and was ranked sixth in the qualitative assessment. Its submission included examples of similar works undertaken for local governments including the Mackay Regional Council and the City of Wanneroo. Workers World indicated the company has an in-house embroidery capability and can deliver the goods within the specified timeframe. Its response to capacity did not provide information on its key personnel, after hours contact, safety procedures or actual safety record. Fitting arrangements required by the City was also not addressed.

Direct Trades Supply scored 52.5% and was ranked fifth in the qualitative assessment. Its submission included timeframes for delivery of goods. Examples of similar works undertaken for various organisations were supplied but did not include local governments. Direct Trades Supply did not indicate if embroidery services are available in house and also did not address the ability to provide fitting arrangements required by the City.

Safety World scored 55% and was ranked fourth in the qualitative assessment. The company has experience in providing similar services to local governments including the Cities of Wanneroo, Subiaco, Nedlands and Perth. Safety World did not indicate if embroidery services are available in house and did not supply evidence of its safety procedures or safety record. It will supply a range of sizes for fittings at the City's Works Operations Centre to meet operational needs.

Pacific Safety scored 57% and was ranked third in the qualitative assessment. The company has been the City's current contractor for the supply and delivery of work wear and PPE for the past three years and also supplies numerous other large organisations such as Leighton Holdings, Water Corporation, Theiss Contracting and Coates Hire. It demonstrated a sound understanding of the required tasks but did not address fitting requirements. The company did not provide any information on the experience of its key personnel, ability to supply additional resources or personnel, its safety policy, procedures or statistics.

Heatley Sales scored 65.8% and was ranked second in the qualitative assessment. The company has significant experience in providing similar services to various organisations and local governments including Cities of Bunbury, Stirling and Wanneroo. It demonstrated a sound understanding of the requirements and capacity to supply the required goods.

Totally Workwear scored 77% and was ranked first in the qualitative assessment. The company demonstrated a thorough understanding and appreciation of the City requirements. It has significant industry experience and has successfully provided similar services for the City in the past (for nine years). The company is well resourced and proposed the use of its store located in Winton Road for fitting and warehousing. It can also supply a size range on site at the Works Operation Centre if required.

### Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the submitted rates offered by each tenderer to assess value for money to the City.

To provide an estimated expenditure over a 12 month period the 365 most commonly used items and their typical usage based on historical data have been used. The table below provides a comparison of the estimated expenditure based on tendered rate. Any future requirements will be based on demand and subject to change in accordance with the operational needs of the City.

The rates are fixed for the first year of the contract, but are subject to a price variation in years two and three of the contract to a maximum of the percentage change in the Perth CPI (All Groups) Index for the preceding year. For estimation purposes, a 3% CPI increase in years two and three was applied to the tendered rates.

Tenderer	Year 1	Year 2	Year 3	Total
Heatley Sales (Conforming Offer)	\$129,904	\$133,801	\$137,816	\$401,521
Workers World Pty Ltd	\$135,042	\$139,093	\$143,266	\$417,401
Pacific Safety Wear	\$135,080	\$139,132	\$143,306	\$417,518
Totally Workwear Joondalup	\$138,821	\$142,986	\$147,276	\$429,083
Safety World	\$150,323	\$154,833	\$159,478	\$464,633
Direct Trades Supply Pty Ltd	\$187,870	\$193,506	\$199,311	\$580,688

It is to be noted that Heatley Sales, Pacific Safety Wear and Workers World did not submit prices for a small number of scheduled items. These however were considered immaterial and were not taken into account in the price assessment.

During the last financial year 2011-12, the City incurred \$110,050 for the supply and delivery of work wear and personal protective equipment and is expected to incur in the order of \$429,100 over the three year contract period.

## Evaluation Summary

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

Tenderer	Estimated Year 1 Contract Price	Estimated Total Contract Price	Price Ranking	Weighted Percentage Score	Qualitative Ranking
Totally Workwear Joondalup	\$138,821	\$429,083	4	77%	1
Heatley Sales (Conforming Offer)	\$129,904	\$401,521	1	65.8%	2
Pacific Safety Wear	\$135,080	\$417,518	3	57%	3
Safety World	\$150,323	\$464,633	5	55%	4
Direct Trades Supply Pty Ltd	\$187,870	\$580,688	6	52.5%	5
Workers World Pty Ltd	\$135,042	\$417,401	2	51.5%	6

Based on the evaluation result the panel concluded that the tender from Totally Workwear Joondalup provides best value to the City and is therefore recommended.

While Pacific Safety and Workers World offered lower prices than Totally Workwear Joondalup, neither addressed the fittings arrangements required by the City and did not submit prices for all scheduled items.

Heatley Sales also did not submit prices for all items. It did address fitting requirements, offering a sizing range of clothing to be stored at the Works Operation Centre and could supply staff on site for fittings at agreed scheduled intervals. Heatley Sales is located in Malaga and Canning Vale. Travel by staff to either of its locations for fittings will result in lost productivity time.

It should be noted that the City issues its clothing to employees on a 'fair wear and tear' basis not by seasonal issue. This results in items being ordered on an ad hoc basis in small quantities. On-site fittings by a supplier at scheduled intervals do not address the irregular nature of the City's ordering of clothing and footwear. The City has space to hold a sizing range of the most commonly required sizes of items for operational staff only. It does not have the capacity to hold the full size range of all clothing and footwear items.

Totally Workwear is located in Winton Road in Joondalup. It offers the least amount of lost productivity time when staff require fittings and also will stock a much larger range of clothing and footwear items than the City could hold at the Works Operation Centre.

## Issues and options considered

The City has a requirement for the supply and delivery of work wear and personal protective equipment to various locations within the City. The City does not have the internal resources to supply the required goods and requires an appropriate external contractor for the supplies.

## Legislation / Strategic Community Plan / policy implications

**Legislation** A state wide public tender was advertised, opened and evaluated in accordance with Clause 11(1) of Part 4 of the *Local Government (Functions & 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** 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

Should the contract not proceed, the risk to the City will be high as the City will not be providing the appropriate clothing and safety equipment required for its employees under occupational safety and health guidelines.

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

### Financial/budget implications

<b>Account no.</b>	Various Account Codes.
<b>Budget Item</b>	Work wear and personal protective equipment.
<b>Estimated budget amount</b>	\$120,000
<b>Amount spent to date</b>	\$57,382
<b>Proposed cost</b>	\$46,274
<b>Balance</b>	\$16,344

All amounts quoted in this report are exclusive of GST.

### Regional significance

Not applicable.

### Sustainability implications

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The evaluation panel carried out the evaluation of the submission in accordance with the City's evaluation process and concluded that the offer submitted by Totally Workwear Joondalup represents best value to the City.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Taylor, SECONDED Cr Thomas that Council ACCEPTS the tender submitted by Kamsue Pty Ltd ATF Kamsue Family Trust trading as Totally Workwear Joondalup for the supply and delivery of work wear and personal protective equipment as specified in Tender 027/12 for a period of three years at the submitted schedule of rates, with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.**

**The Motion was Put and**

**CARRIED (12/0)**

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

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf120313.pdf](#)

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Teresa Ritchie</b>
<b>Item No/Subject</b>	CJ033-03/13 – Petition in relation to traffic treatments on Castlegate Way, Woodvale
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Ritchie resides in Woodvale.

## **CJ033-03/13      PETITION IN RELATION TO TRAFFIC TREATMENTS ON CASTLEGATE WAY, WOODVALE**

**WARD:** Central

**RESPONSIBLE DIRECTOR:** Mr Nico Claassen  
Infrastructure Services

**FILE NUMBER:** 48565

**ATTACHMENTS:** Attachment 1 Locality Plan  
Attachment 2 Traffic Treatment Proposal  
Attachment 3 Traffic Treatment Proposal north of Lyell Grove, Woodvale

**AUTHORITY / DISCRETION** Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to consider the petition requesting a road closure for Castlegate Way, Woodvale at the northern end adjacent to the medical centre.

**EXECUTIVE SUMMARY**

Castlegate Way is located in Woodvale and connects Trappers Drive in the north to Timberlane Drive in the south and provides a direct connection to Lyell Grove as shown on Attachment 1. The carriageway is approximately six metres in width and 800 metres in length.

Traffic treatments on Castlegate Way, Woodvale are scheduled for construction in the 2012-13 financial year (Attachments 2 and 3 refer). Community consultation undertaken with residents in October 2012 to determine the level of support for the treatments revealed that the majority of the residents who responded did not support the proposal.

At its meeting held on 23 October 2012 (C72-10/12 refers), Council received a 111 signature petition from residents of Castlegate Way, Timberlane Drive, Everard Close and Lyell Grove, Woodvale requesting “*that the Council take prompt action to remedy the traffic issues in Castlegate Way, Woodvale by truncating the street at the northern end adjacent to the medical centre.*”

On the basis of the technical assessment for Castlegate Way, Woodvale the request to close the road at the northern end adjacent to the medical centre is not considered an appropriate workable solution to address traffic concerns. A revised traffic treatment scheme for Castlegate Way is the preferred option to limit traffic speeds and modify the road environment.

*It is therefore recommended that Council:*

- 1 *NOTES the traffic technical assessment for Castlegate Way, Woodvale as detailed in Report CJ033-03/13;*
- 2 *DOES NOT SUPPORT a road closure at the northern end adjacent the medical centre on Castlegate Way, Woodvale;*
- 3 *REQUESTS WA Police to enforce compliance to the 50km/h speed limit on Castlegate Way, Woodvale;*
- 4 *DEVELOPS a revised traffic management scheme for Castlegate Way, Woodvale and consult with residents and property owners to determine the level of support for the scheme;*
- 5 *NOTES a further report will be presented to Council providing the results of the consultation with residents and property owners of Castlegate Way, Woodvale regarding the revised traffic management scheme;*
- 6 *ADVISES the petition organiser of Council's decision.*

## **BACKGROUND**

In response to a resident's petition in relation to speed concerns on Castlegate Way, Woodvale received on 2 September 2008 (C57-09/08 refers), Council at its meeting held on 18 August 2009 (CJ192-08/09 refers), resolved that it:

*"LISTS \$75,000 for consideration in the draft five year Capital Works Program for provision of traffic management treatments on Castlegate Way, Woodvale as shown on Attachment 3 to Report CJ192-08/09;"*

Further to the 18 August 2009 Council resolution (CJ192-08/09 refers), the traffic treatments recommended for Castlegate Way, Woodvale (Attachment 2 refers) are designed to control traffic movements and limit traffic speeds. The proposed treatments are scheduled for construction in the 2012-13 financial year. Residents of Castlegate Way affected by the treatments north of Lyell Grove were notified in writing in October 2012 and were requested to comment on the traffic median treatment proposal as shown on Attachment 3.

To determine the level of support, 29 residents north of Lyell Grove were requested in writing in October 2012 to provide feedback on the median treatment proposal as shown on Attachment 3. Of the 14 responses received, four responses supported the proposal and 10 responses did not.

In reviewing the feedback, some residents suggested that the proposal did not cover all aspects of the traffic problems that relate to Castlegate Way. Other residents suggested that a road closure would be appropriate to address the traffic issues.

At its meeting held on 23 October 2012 (C72-10/12 refers), Council received a 111 signature petition from 68 residential properties of which 44 properties front Castlegate Way. The petition requested that Council “*take prompt action to remedy the traffic issues in Castlegate Way, Woodvale by truncating the street at the northern end adjacent to the medical centre.*”

## **DETAILS**

### **Technical Assessment Castlegate Way**

To determine the extent of the traffic issues on Castlegate Way, Woodvale a technical assessment involving a seven day traffic count survey, site investigations and traffic analysis was undertaken in late 2012 and early 2013.

Castlegate Way carriageway is approximately six metres in width and 800 metres in length. The road connects Trappers Drive in the north to Timberlane Drive in the south and provides a direct connection to Lyell Grove as shown on Attachment 1.

Castlegate Way provides access to 47 residential properties that front the road and also provides the only access to the medical centre located adjacent to the intersection with Trappers Drive.

The road alignment is a combination of straights and curves and includes a section that has a relatively steep grade north of Lyell Grove adjacent to Yellagonga Regional Park.

The technical assessment results include the following:

#### Traffic Volumes

The single carriageway road is classified as an “Access Road” under Main Roads WA Metropolitan Functional Road Hierarchy and is designed to carry a maximum desirable traffic volume of 3,000 vehicles per day (vpd).

The results of the seven day traffic count survey undertaken in October 2012 revealed that traffic volumes on Castlegate Way ranged between 668vpd north of Timberlane Drive and 759vpd north of Lyell Grove. The traffic volume between Trappers Drive and the medical centre access crossover approximately 20 metres east was 1,198vpd. The results of the traffic analysis for Castlegate Way confirmed that the traffic volumes are well within acceptable limits for a road of this type.

The results of the October 2012 traffic count survey are consistent with the survey of March 2007, indicating that traffic volumes on Castlegate Way have remained steady within this period.

#### Traffic Speeds

The urban speed limit of 50km/h applies to Castlegate Way. The seven day traffic count survey undertaken in October 2012 at two locations confirmed that the 85<sup>th</sup> percentile traffic speeds are higher than desirable. The traffic speeds ranged between 55km/h north of Timberlane Drive to 67km/h north of Lyell Grove within the steeper grade section of road.

The 85<sup>th</sup> percentile traffic speed is the speed that 85 percent of the vehicles are travelling at or less.

### Crash Analysis

A review of Main Roads WA most recent five year crash data for Castlegate Way to December 2011 revealed that there were no reported crashes at the intersections with Trappers Drive, Timberlane Drive and Lyell Grove within this period. There has been one reported non-injury crash along the road section within this period (off carriageway hit object crash).

The resident's petition received on 23 October 2012 advised of a pedestrian crash on 22 September 2012 involving a child of one of the residents. As a result of this crash the child required hospital medical treatment. WA Police have confirmed that a pedestrian crash involving a child and a slow moving vehicle occurred on 22 September 2012.

### Traffic Investigation and Intervention Guidelines

An analysis of the City's Traffic Management Investigation and Intervention Guidelines confirmed an Action Priority Score of 62 for Castlegate Way. On the basis of the Action Priority Score being higher than 50, the road is considered to have a "Technical Problem" and therefore a structural traffic management solution needs to be considered.

### Traffic Numberplate Survey

To determine the extent of vehicles utilising Castlegate Way for through movements, a numberplate survey was conducted on Tuesday, 12 February 2013 during morning and afternoon peak periods. The survey periods were selected with the aim of assessing the combination of school and general peak traffic times.

The locations for the survey included the intersections with Timberlane Drive, Lyell Grove, Trappers Drive and just east of the access crossover to the medical centre. Through movements were defined as vehicles that were observed entering Castlegate Way at one end then observed departing at the other within a short period of time.

The survey revealed that for the morning peak period between 7.30am and 9.00am, a total of 112 vehicles were recorded on Castlegate Way east of the crossover to the medical centre of which 85 vehicles were classified as through movements.

For the afternoon peak period at the same location between 3.00pm and 4.30pm a total of 104 vehicles were recorded, of which 62 vehicles were classified as through movements.

It was noted that the majority of morning through movements and to a lesser degree the afternoon peak periods were school related traffic movements with multiple occupancy. It is also noted that the number of vehicles recorded during the peak period on average would be approximately one vehicle per minute based on time and vehicles counted. In reference to the medical centre traffic, it was observed that 95% of traffic arrived and departed via Trappers Drive.

### Issues and options considered

Traffic treatment options that need to be considered for Castlegate Way, Woodvale include the following:

- |              |  |
|--------------|--|
| Option One   | No change to Castlegate Way road environment or road infrastructure.   |
| Option Two   | Install a full or partial road closure on Castlegate Way.  |
| Option Three | Install traffic treatments on Castlegate Way as shown on Attachments 2 and 3.  |
| Option Four  | Revise the proposed traffic treatments as shown on Attachment 2 to further control traffic movements and reduce traffic speeds along the length of Castlegate Way. |

#### Option One – No change to Castlegate Way road environment or road infrastructure

Advantages of Option one include:

- Police will need to enforce compliance to the speed limit and road rules. No infrastructure changes required.

Disadvantages of Option one include:

- Does not address the speeding issue in the long term with Police enforcement considered a short term solution only.

A long term solution is required to address traffic concerns on Castlegate Way therefore this is not considered the preferred option.

#### Option Two – Install partial or full road closure on Castlegate Way in the vicinity of the medical centre

Advantages of Option two include:

- Removes through traffic movements from Trappers Drive and Timberlane Drive.

Disadvantages of option two include:

- A full or partial road closure would not be in accordance with the original structure planning for the area which is designed to disperse traffic movements.
- Restricts access for all residents, commercial vehicles, emergency services vehicles, waste removal vehicles and general public.
- A full road closure would require the installation of a turn around facility in both directions to enable vehicles to circulate appropriately. The minimum radius or area for the facility to cater for commercial vehicles such as waste or furniture removal trucks would require a substantial land uptake beyond the boundaries of the road reserve. The land ownership within the vicinity of the northern end of Castlegate Way consists of freehold land, drainage reserve and Yellagonga Regional Park. On this basis, land acquisition is not considered an appropriate or workable solution.

- In the case of a partial road closure (that is left out only from Castlegate Way onto Trappers Drive), this option would limit access to the medical centre and restrict access to one direction only for residents, commercial vehicles, emergency services, waste removal vehicles. This is not considered a workable solution.

A road closure on Castlegate Way would impact on all road users in the area and restrict access for commercial vehicles such as waste removal and emergency service vehicles. On this basis, Option two is not considered an appropriate solution to address traffic concerns and therefore is not considered the preferred option.

Option Three – Install traffic treatments on Castlegate Way as shown on Attachments 2 and 3 (current proposal)

Advantages of Option three include:

- The traffic treatment would improve the speed environment along the steep grade section of Castlegate Way north of Lyell Grove without impacting on resident's property access. The proposed intersection islands at Trappers Drive and Timberlane Drive would also control traffic movements and reduce corner cutting.
- The traffic treatments could be installed and monitored for a 12 month period and additional measures be installed at a later date if required.

Disadvantages of Option three include:

- The treatments are localised in nature and may not cover all aspects of the traffic issues raised by residents.

On the basis of the residents' feedback, this is not considered the preferred option.

Option Four – Revise the proposed traffic treatments as shown on Attachment 2 to further address the traffic concerns along the length of Castlegate Way

This option would retain the existing full movements at all intersections with Castlegate Way however would require additional traffic treatments to modify the road environment beyond that shown on Attachment 2.

Advantages of Option four include:

- Full vehicle access/egress to Castlegate Way and Lyell Grove including all residential properties and medical centre.
- Maintains the current equitable situation for all road users.
- Improves road environment and reduces potential for vehicle crashes.
- This option is in accordance with the original structure planning for the area with the aim of dispersing traffic efficiently within the local road network.

Disadvantages of option four include:

- Traffic treatment design options for 6 metre wide roads are limited due to the narrow carriageway configuration. The traffic treatments may require minor road widenings in some instances to retain appropriate lane widths thereby contributing to the project costs.

This is the preferred option to address traffic concerns along Castlegate Way.

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

**Legislation** Sect 3.50 (amended) of the *Local Government Act 1995*  
*Road Traffic Code 2000*

**Strategic Community Plan**

**Key Theme** Quality Urban Environment.

**Objective** Integrated spaces.

**Strategic Initiative** Understand issues arising from the interaction between current transport modes.

**Policy** Not applicable.

**Risk management considerations:**

The City receives many requests to provide traffic management measures on local roads. The requests are prioritised based on a number of factors including traffic speed, traffic volumes, crash history and road environment.

**Financial/Budget implications:**

The funding requirements if Option two or Option four were adopted would need to be determined as part of design process including community consultation outcomes. Option 3 is already budgeted for at \$85,000. Further community consultation may lead to a delay in completing traffic treatments on Castlegate Way in 2012-13 and it may be necessary to carry forward the funding for this project.

Traffic treatments for Castlegate Way are programmed for 2012-13 financial year in response to the August 2009 Council recommendation (CJ192-08/09 refers), relating to speed concerns.

<b>Account No</b>	CW 000757.
<b>Budget Item</b>	Castlegate Way traffic treatments.
<b>Budget Amount</b>	\$85,000.
<b>Amount Spent to Date</b>	Nil.
<b>Proposed Cost</b>	To be determined.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation:**

In response to the petition received by Council in September 2008 and Council's decision of 18 August 2009 Castlegate Way traffic treatments were listed for construction in the 2012-13 Capital Works Program. Community consultation with residents and property owners of Castlegate Way north of Lyell Grove occurred in October 2012. The aim of the consultation was to determine the level of support for traffic treatments as shown in Attachment 3.

**COMMENT**

Key findings of the traffic technical assessment for Castlegate Way include the following:

- Traffic volumes on Castlegate Way are considered to be well within acceptable limits for a road of this type and range between 668vpd and 759vpd north of Timberlane Drive and north of Lyell Grove respectively. Traffic volumes are consistent with March 2007 traffic counts taken for Castlegate Way which indicate that traffic volumes have not increased within this period.
- A review of Main Roads WA five year crash data for the period ending December 2011 revealed that one reported non-injury crash had occurred in this period. A pedestrian crash occurred in September 2012. The child involved required hospital medical treatment.
- The 85<sup>th</sup> percentile traffic speeds on Castlegate Way north of Lyell Grove within the steeper section of road were found to be 67km/h which is higher than desirable.
- The traffic speeds between Timberlane Drive and Lyell Grove are higher than the urban speed limit, however at 55km/h the speeds are consistent with many access roads within the City's jurisdiction.
- An analysis of the City's Traffic Management Investigation and Intervention Guidelines confirmed that Castlegate Way is considered to have a "Technical Problem" and therefore a structural traffic management solution needs to be considered.

On the basis of the technical assessment undertaken for Castlegate Way, the request for closing the road at the northern end adjacent the medical centre is not considered an appropriate workable solution to address traffic concerns. A revised traffic treatment scheme for Castlegate Way is the preferred option to address resident's traffic concerns.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 NOTES the results of the traffic technical assessment for Castlegate Way, Woodvale as detailed in Report CJ033-03/13;**
- 2 DOES NOT SUPPORT a road closure at the northern end adjacent the medical centre on Castlegate Way, Woodvale;**
- 3 REQUESTS WA Police to enforce compliance to the 50km/h speed limit on Castlegate Way, Woodvale;**
- 4 DEVELOPS a revised traffic management scheme for Castlegate Way, Woodvale and consult with residents and property owners to determine the level of support for the scheme;**
- 5 NOTES a further report will be presented to Council providing the results of the consultation with residents and property owners of Castlegate Way, Woodvale regarding the revised traffic management scheme;**
- 6 ADVISES the petition organiser of Council's decision.**

**The Motion was Put and****CARRIED (12/0)**

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

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf120313.pdf](#)*

**C08-03/13                    COUNCIL DECISION – EN BLOC RESOLUTION - [02154], [08122]**

**MOVED Cr Hamilton-Prime, SECONDED Cr Norman that pursuant to the Standing Orders Local Law 2005 – clause 48 – Adoption of Recommendations En Bloc, Council ADOPTS the following items:**

**CJ023-03/13, CJ025-03/13, CJ027-03/13, CJ028-03/13, CJ029-03/13, CJ030-03/13 and CJ031-03/13.**

**The Motion was Put and**

**CARRIED (12/0)**

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

**JOONDALUP PERFORMING ARTS AND CULTURAL FACILITY – STEERING COMMITTEE REPORTS – 20 FEBRUARY 2013****CJ034-03/13 JOONDALUP PERFORMING ARTS AND CULTURAL FACILITY - PROJECT STATUS REPORT**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Chief Executive Officer
<b>FILE NUMBER</b>	75577, 101515
<b>ATTACHMENT</b>	Attachment 1 Market Analysis and Feasibility Study  <i>(Please Note: This Attachment is confidential and will appear in the official Minute Book only)</i>  Attachment 2 Consultation Plan Attachment 3 Artist impressions Attachment 4 Project Program
<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 consider the results of the market analysis and feasibility study, including design description and the options available for progressing the project. An update on the proposed Jinan Garden is also provided for information.

**EXECUTIVE SUMMARY**

In March 2012 the City engaged consultants, Pracsys, to undertake a market analysis and feasibility study for the Joondalup Performing Arts and Cultural Facility (JPACF).

The study covers the following key topics:

- Demand and supply analysis with gap analysis (latent and unmet demand for activities and facilities).
- Accommodation schedule and detailed development concept description.
- Operations management and description of the proposed facility.
- Documented business analysis framework and financial analysis.

The final report was delivered to the City in November 2012 (Attachment 1 refers).

An interim status report on the market analysis and feasibility study was presented to Elected Members at the Strategy Session held on 4 September 2012 and the final Market Analysis and Feasibility Study was presented to Elected Members on 27 November 2012. External members of the JPACF- Steering Committee were briefed on the results of the study at a series of informal meetings held during December 2012.

Following a review of the market analysis and feasibility study by City officers, a project program, including tasks and milestones, has been developed to progress the project. The project program, including proposed tasks, is discussed later in this report.

*It is recommended that Council:*

- 1 *NOTES the Joondalup Performing Arts and Cultural Facility Project Status Report, including the Market Analysis and Feasibility Study as detailed in Attachment 1 to Report CJ034-03/13;*
- 2 *SUPPORTS progressing the Joondalup Performing Arts and Cultural Facility project in accordance with the project program as detailed in Attachment 4 to Report CJ034-03/13, including the following tasks:*
  - 2.1 *Further investigations into alternative facility design options;*
  - 2.2 *Undertake a Social Impact Assessment of the Joondalup Performing Arts and Cultural Facility;*
  - 2.3 *Further investigations of potential capital funding sources for the construction of the Joondalup Performing Arts and Cultural Facility;*
  - 2.4 *Further investigation of processes towards developing a concept design for the facility.*

## **BACKGROUND**

At its meeting held on 22 June 2010 (CJ103-06/20 refers), Council established the JPACF-Steering Committee and endorsed the Project Philosophy and Parameters for the JPACF which articulated the philosophy/vision for the facility as:

- the provision of a world class, state of the art facility; incorporating innovative and sustainable design, symbiotic with the existing natural and built environment
- a place for the pursuit of activities such as:
  - performing arts
  - visual arts and crafts
  - film and media
  - cultural events
- able to host a mixture of commercial and community activities
- the creation of an inclusive environment – a place to celebrate imagination and creativity

- inspiring individuals and the community to participate in culture and the arts
- reinforcing the Joondalup City Centre as the creative and education centre of the northern corridor.

Further, Council endorsed the following Terms of Reference for the JPACF-Steering Committee at its meeting held on 21 September 2010 (CJ150-09/10 refers):

- To provide advice and make recommendations to Council on:
  - the architectural design elements to be incorporated into the Joondalup Performing Arts and Cultural Facility
  - the core components to be included in the Joondalup Performing Arts and Cultural Facility
  - the capacity of the design features to be included in the Joondalup Performing Arts and Cultural Facility
  - the options for the ongoing management and utilisation of the Joondalup Performing Arts and Cultural Facility.
- The authority to form a reference or working group (as deemed appropriate) to assist with the implementation of the required tasks.

At its meeting held on 11 October 2011 (CJ200-10/11 refers), at the recommendation of the JPACF-Steering Committee, Council agreed, in part, to support:

*“the undertaking of future market analysis involving comprehensive research into:*

- *Market analysis of stakeholder requirements and potential users of facilities for the performing arts events and visual arts;*
- *Events and visual arts activities;*
- *Consumer preferences;*
- *Economic impact studies and economic modelling;*
- *Management and operational modelling;*
- *Funding and financial models; and*
- *Social and community impact studies.”*

In March 2012, in accordance with the City's procurement processes, consultants Pracsys were engaged by the City to undertake a market analysis and feasibility study for the JPACF.

## **DETAILS**

The City engaged Pracsys to conduct a market analysis and feasibility study for the proposed JPACF. The JPACF will represent an on-going cost to the City if it is built; however it will significantly improve the City's cultural life and urban development.

The research undertaken for the market analysis and feasibility study indicates there is currently a significant under-provision of performing arts and cultural facilities within the northern corridor.

As part of the study extensive demand modelling was undertaken based on Australian Bureau of Statistics (ABS) surveys of culture and arts participation and attendance, and population projections. These tools were used to develop a model that estimates the level of cultural activity that could be expected of a Western Australian population of the size and

demographic profile of the primary catchment area (defined as the Cities of Joondalup and Wanneroo).

The ABS culture and arts participation and attendance survey data indicated that people within the primary catchment area were involved, or would like to be involved, in significantly more activities than the estimation model suggested. This indicates local residents are either travelling outside of the primary catchment area for their cultural pursuits or the activity is not occurring at all.

Extensive consultation was also undertaken as part of the market analysis (Attachment 2 refers). This consultation included Western Australian cultural organisations and art producers, local cultural organisations within the City, the existing school-based performing arts centres in the area, existing conference and function venues and the Perth Convention Bureau.

The results of the consultation reinforced the suggestion that there is a lack of facilities within the City and the north west metropolitan region. Evidence exists that local groups travel considerable distances to access suitable facilities for performances and the like. A significant number of respondents consulted indicated their support for the development of a purpose-built performing arts centre, with a large primary performance space.

Based on the results of the market analysis a model program of events was developed connecting the results with the facility design. The model program is typical of programs run by existing facilities similar to that proposed for the JPACF. A detailed design description was also developed, informed by the model program and the market analysis. The design description outlined in the study allows for considerable community cultural activity and activation and differs to that of a traditional performing arts facility. For the purposes of the study the design is referred to as an "Art Box". Artistic impressions of what an Art Box design could look like on the development site have been prepared (Attachment 3 refers).

While an exact accommodation schedule is yet to be confirmed, the Art Box design proposed in response to the market analysis contains the following spaces:

- A lyric theatre of 850 seats, including a fly tower, of the highest mechanical standard, lighting and acoustic specifications.
- A 200 seat black box theatre to accommodate a variety of non-traditional theatre stagings and performances.
- A range of rehearsal spaces that could also serve as places for small performances and general community activities.
- Theatre support spaces such as box office, green room, make up and change areas, backstage workshops and storage.
- A foyer to serve both theatres that could also function as a reception and exhibition space.
- A dedicated art gallery.
- Spaces for the practice of fine art and crafts.
- Curatorial storage.
- Bar and catering facilities (the proximity to the West Coast Institute of Training Hospitality School should be factored into this activity).
- Offices and managerial spaces.
- An undercroft car park to cater for staff, and patrons of the JPACF and day-time public parking.

The proposed accommodation schedule addresses the demand identified through the market analysis and defines the primary purpose of the JPACF as being the delivery of a wide range of performance activities including drama, dance and music and the provision of

visual arts spaces. The proposed facility would also accommodate secondary functions such as conferences and civic receptions adding to its financial viability. In addition, the consideration of additional (multi-level) car-parking and commercial office space may assist with the financial viability of the facility.

The capital cost for the "Art Box" facility described above is in the vicinity of \$78 million. This figure would increase to approximately \$100.5 million with the inclusion of additional car parking and commercial office space.

For the purposes of analysing the financial feasibility of the Art Box design, a management model whereby the JPACF is run as a division/department of the City was used. However, this model is one of a number of potential management models that have varying degrees of autonomy from the City.

In addition to the capital cost, it has been estimated that the JPACF will require an ongoing operating contribution from the City. The feasibility analysis estimates this contribution to be approximately \$496,000 per annum after reaching projected operational capacity. Further rigorous analysis of the ongoing operating contribution and the financing costs associated with the City's contribution to constructing the facility is required. However, this analysis is dependent on the design and management options under consideration by Council.

Given the substantial financial implications to the City of constructing the JPACF and the potential on-going financial contribution, as part of the feasibility study, further research was conducted that investigated options for reducing the capital cost of the facility while maintaining Council's philosophy and parameters for the development.

The construction of an Art Box design for the JPACF:

- allows for substantial community activity, in addition to professional performances in the two main spaces
- provides significant visual arts potential
- provides purpose built arts and crafts workshop and learning spaces that have the potential to improve community engagement.

An alternative to the Art Box design is the construction of a more traditional performing arts centre (traditional PAC) that would provide a greater focus on performing arts due to the absence of an art gallery, workshop and dedicated studio spaces, curatorial spaces and a reduction in the size of the conference and function spaces.

For comparison purposes an estimate of the capital cost of a traditional performing arts centre was made based on the provision of the following:

- 550 seat lyric theatre.
- 200 seat flexible "black box" theatre.
- Front of house amenities (including foyer, bar/restaurant and ancillary spaces).
- Back of house amenities (including dressing rooms, storage and ancillary spaces).
- Rehearsal and function spaces.
- Management spaces.
- Undercroft parking.

The capital cost of a traditional PAC is estimated to be \$58.8 million.

The program for a traditional design would vary considerably in terms of diversity and scale from that proposed by the Art Box design. Given that the size of the main theatre would be

smaller, a traditional PAC would be limited in the number of annual hires, particularly for local community groups thereby reducing the potential income stream.

### **Issues and options considered**

It is clear from the results of the market analysis and feasibility study that there is a lack of facilities within the City and the north west metropolitan region. However, the construction and on-going operational costs will have significant financial implications to the City.

In considering proceeding with the development of a concept design for the JPACF, based on the information obtained through the market analysis and feasibility study, further investigation into the financial impact of the facility will need to be undertaken. The financial feasibility undertaken thus far focussed on the Art Box design. Substantial variations to this design, such as those considered in the traditional PAC will significantly impact on all financial aspects of the development; including capital cost, potential on-going City contribution, revenue, management costs and cost of finance.

These investigations, together with the identification of additional funding sources, will enable further recommendations to Council.

Further consideration of the benefits to the community of providing a comprehensive cultural and artistic program to residents and ratepayers should also be taken into account. The social impact of the provision of a facility such as the JPACF includes:

- personal and capital outcomes and practical outcomes associated with participation in arts and cultural activities
- personal confidence and self-esteem outcomes
- educational impacts
- local economic impact and regeneration
- health promotion
- increased social cohesion
- community development
- community empowerment
- social inclusion
- a sense of local identity
- improved community safety
- sustainable development.

It is considered appropriate that a social and economic impact study be undertaken as part of the next phase of the project.

A proposed project program has been prepared for consideration (Attachment 4 refers). The next tasks and milestones are summarised below:

- Further investigations into alternative facility design options.
- Undertake a Social Impact Assessment of the JPACF.
- Further investigations of potential capital funding sources for the construction of the JPACF.
- Consideration of options for the development of a concept design for the facility.

## **Jinan Garden**

At its meeting held on 14 December 2010 (CJ217-12/10 refers), Council agreed to incorporate the Jinan Garden into the design of the JPACF. However, preliminary site investigations indicate that the JPACF site (Lot 1001 (3) Teakle Court) does not have the capacity to house both the JPACF and the Jinan Garden. In order to accurately review the design for the garden potential sites were investigated and an area of Central Park, adjacent to the JPACF site, was identified as a potential site for the Jinan Garden.

The design documentation prepared by the Jinan Municipal People's Government was reviewed by consultants Plan E and has been modified to suit the potential site and Western Australian conditions and statutory requirements. The City is currently undertaking a financial assessment of the revised design. Upon completion, financial assessment and proposed design will be presented to Council for consideration.

While the Jinan Garden is a development project in its own right, significant synergies exist between the proposed garden and the JPACF. Opportunities exist to integrate the access to both the garden and the JPACF into a cultural forecourt. It is therefore considered appropriate that the JPACF-Steering Committee has the opportunity to provide comment and feedback on the proposed location and design development of the Jinan Garden.

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

**Legislation** The City is governed by the requirements of the *Local Government Act 1995* in relation to dealings involving commercial undertakings and land development.

## **Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Cultural development.

**Strategic initiative** Establish a significant cultural facility with the capacity to attract world-class visual and performing arts events.

**Policy** Not applicable.

## **Risk management considerations**

A Risk Register for the JPACF is provided as part of the Market Analysis and Feasibility Study. A comprehensive Risk Management Assessment Report outlining the risks apparent to the project will be prepared and updated as the project progresses.

## **Financial/budget implications**

The development of a Performing Arts and Cultural Facility will require a significant financial contribution towards the capital cost and a significant ongoing subsidy for the facility's operations.

<b>Account no.</b>	1-210-C1002
<b>Budget Item</b>	Joondalup Performing Arts and Cultural Facility
<b>Budget amount</b>	\$ 406,850
<b>Amount spent to date</b>	\$ 161,778
<b>Proposed cost</b>	\$ N/A
<b>Balance</b>	\$ 245,072

The budget allocated for 2012-13 is for the engagement of consultants and other costs to assist with site assessment, feasibility plans, design concepts and financial modelling.

All amounts quoted in this report are to be exclusive of GST.

### **Regional significance**

The construction of the Joondalup Performing Arts and Cultural Facility will enhance the City Centre as the major commercial, educational, recreational and arts and culture centre for the northern corridor of the Perth metropolitan area.

### **Sustainability implications**

It is anticipated that environmental sustainability implications will be considered during the preparation of a concept design for the facility.

The engagement of the general community and bodies representing the arts community in the design and development stage of the project will cultivate a sense of ownership over the facility. This sense of ownership will provide the impetus for the ongoing sustainability of the facility by ensuring maximum use by a wide variety of individuals and groups.

### **Consultation**

A significant component of the Market Analysis and Feasibility Study undertaken by consultants Pracsys included consultation with Western Australian cultural organisations, arts producers, local cultural organisations, school based performing arts centres, existing conference/function venues and the Perth Convention Bureau.

The study also included data obtained by the City through consultation with local schools, Joondalup Learning Precinct institutions and the Department of Culture and the Arts.

Community consultation will also be undertaken in accordance with the City's public consultation policies and protocols as the project progresses.

### **COMMENT**

The Market Analysis and Feasibility Study has indicated that a Performing Arts and Cultural Facility will require significant capital investment and an ongoing operational subsidy. There exists a potential risk of the City over-investing in a cash flow negative facility therefore further investigations should be undertaken into opportunities for capital cost reduction and additional revenue streams through detailed examination of alternative facility concept design options.

To completely understand the cultural, social and economic impacts of a performing arts and cultural facility on the City, a comprehensive Social Impact Assessment should be conducted once a concept design has been ascertained. This assessment would assist the City in

determining the overall impact of the JPACF and if the facility will be an effective method of achieving its cultural aspirations.

A capital cost funding strategy should be developed to explore all opportunities for capital fund raising. The study would explore in detail the possibilities for funding a performing arts and cultural facility including identification of funding sources and recommendations to maximise funding from key stakeholders.

Investigations into options for the development of a facility concept design have commenced and require further research. Alternative methods of developing a facility concept design such as an architectural design competition would be explored.

## **VOTING REQUIREMENTS**

Simple Majority.

## **COMMITTEE RECOMMENDATION**

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Joondalup Performing Arts and Cultural Facility - Steering Committee at its meeting held on 20 February 2013.

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

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

- 1 NOTES the Joondalup Performing Arts and Cultural Facility Project Status Report, including the Market Analysis and Feasibility Study as detailed in Attachment 1 to Report CJ034-03/13;**
- 2 SUPPORTS progressing the Joondalup Performing Arts and Cultural Facility Project in accordance with the project program as detailed in Attachment 4 to Report CJ034-03/13 , including the following tasks:**
  - 2.1 Further investigations into alternative facility design options;**
  - 2.2 Undertake a Social Impact Assessment of the Joondalup Performing Arts and Cultural Facility;**
  - 2.3 Further investigations of potential capital funding sources for the construction of the Joondalup Performing Arts and Cultural Facility;**
  - 2.4 Further investigation of processes towards developing a concept design for the facility.**

**The Motion was Put and**

**CARRIED (12/0)**

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

*Appendix 11 refers*

To access this attachment on electronic document, click here: [Attach11brf120313.pdf](#)

**POLICY COMMITTEE REPORTS – 11 MARCH 2013****CJ035-03/13      EMPLOYMENT POLICY — MAJOR REVIEW**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER:</b>	00384, 101515
<b>ATTACHMENTS:</b>	Attachment 1    Revised Employment Policy Attachment 2    Current Employment Policy Attachment 3    Relevant Legislative Provisions
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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**PURPOSE**

For Council to consider proposed amendments to the Employment Policy as a result of the Policy Manual review process.

**EXECUTIVE SUMMARY**

During the 2011 Policy Manual review, the Employment Policy was identified as requiring significant amendments to:

- remove operational components currently contained within the policy
- remove elements of the policy that duplicate existing plans and legislation
- focus the objective of the policy as being to fulfil the requirements of section 5.50 of the *Local Government Act 1995*, namely, to adopt a policy that sets out the circumstances in which an employee leaving the organisation can receive payments in addition to a contract or award
- introduce a statement allowing the City to settle court actions by employees or former employees out of court, through a severance payment.

The City of Wanneroo first considered matters relating to voluntary redundancy packages as part of an organisational structure review in 1996 (P70-07/96 refers). This became a policy position in 1998 when the Selective Voluntary Severance Policy was adopted by the Joint Commissioners to meet the requirements of section 5.50 of the *Local Government Act 1995*. Since then, the policy has been amended several times to reflect new legislative requirements and in 2005, was incorporated into a more comprehensive Employment Policy as part of the last Policy Manual review process.

In light of the internal and operational matters that much of the current Employment Policy reflects, it is recommended that the policy be refocused on the legislative requirement for local governments to have a position on payments to employees in addition to an award or contract upon leaving the local government.

It is proposed that the Policy Committee recommends that Council adopt the amended Employee Policy (to be renamed the Payments to Employees in Addition to a Contract or Award Policy), as outlined in Attachment 1 to this report.

## **BACKGROUND**

A review of the Policy Manual was conducted in 2011 to assess all current policies against the following criteria:

- Consistency — with regard to language, style and format.
- Relevance — in terms of new plans and strategies that now supersede previously endorsed positions within existing policies.
- Duplication — identified sections of policies that duplicate other policies, City plans and strategies, local laws, and/or State legislation.
- Operational content — identified sections of policies deemed as being too operational and therefore more appropriate to be incorporated into a City protocol or operational plan.

As a result of the review process, a standardised policy format was developed and current policies were categorised as requiring either:

- minor amendments (changes that do not impact on the application of the policy) or
- major amendments (significant changes that alter the City's position on an issue or matter).

The Employment Policy was identified as requiring major amendments based on the significant operational content within the policy and its duplication of existing plans and legislation. This report outlines the proposed amendments to this policy and the justification for the changes.

## **DETAILS**

### ***Policy History***

Prior to 2005, the City's position on employment-related matters was articulated through the following policies:

- Employment Policy.
- Equal Employment Opportunity Policy.
- Occupational Health and Safety Policy.
- Payment to Employees in Addition to Contract or Award Policy.
- Selective Voluntary Severance Policy.
- Staff Uniforms Policy.

In 2005, a major Policy Manual Review was undertaken in which the abovementioned policies were consolidated into a single Employment Policy. The purpose of this consolidation was to reduce the overall number of policies, while still recognising the relevant statutory responsibilities governing the City's management of human resources. In addition to statutory requirements, residual organisational matters were also incorporated which related to:

- requirements for staff uniforms
- the provision of vehicles to employees.

In 2005, the *Local Government (Administration) Regulations 1996* were amended to restrict the total severance payments able to be paid to former employees. This extended to the value of an employee's final annual remuneration if a voluntary severance was accepted, or in all other cases, an amount not exceeding \$5,000. These amendments were to have effect from 1 January 2010. The City's current Employment Policy has not been reviewed since these provisions came into effect.

### ***Proposed Change in Purpose***

As a result of the 2011 Policy Manual Review, it was considered that many of the organisational requirements pertaining to staff uniforms and employee vehicle provisions within the current Employment Policy, were either too internally focused or duplicated existing asset management guidelines (i.e. the provision of vehicles to employees is currently governed by the City's Fleet Asset Management Plan). Other duplications also extend to legislative references within the Policy such as Equal Employment Opportunity and Occupational Health and Safety requirements.

If these are removed, the residual provisions within the policy relate to the payment of employees in addition to a contract or an award upon leaving the organisation. While these provisions are also legislative obligations (similar to those described above which are recommended for removal), it is a requirement under section 5.50 of the *Local Government Act 1995* for all local governments to have a policy in relation to this issue. As such, the Employment Policy has been rewritten and retitled to fulfil this requirement.

### ***Current Situation – Employee Redundancy and Severance Entitlements***

National Employment Standards contained within the *Fair Work Act 2009 (Cth)* outline the minimum requirements for termination and redundancy pay for employees working within Australian organisations.

The City's current Workforce Workplace Agreements reflect these standards and provide further detail with regard to specific processes, benefits and entitlement calculations to support the implementation of the Commonwealth legislation.

Since the City's establishment in 1999, there have been no circumstances in which redundancy or voluntary severance payments have been made to employees, demonstrating the rarity of the circumstances in which these provisions apply. In fact for most local governments, redundancy and voluntary severance provisions are only relevant during amalgamation processes where alternative options for employment within the organisation are not able to be accommodated.

The proposed amendments to the City's Employment Policy seek to outline the circumstances in which additional payments over and above those provided for within the current Workforce Workplace Agreements, would be supported and how they would be calculated. Given that standard employment provisions relating to redundancy are yet to be applied by the City, it is even less likely that a policy that goes above and beyond these provisions would be activated. Nonetheless, it is a requirement under section 5.50 of the *Local Government Act 1995* that the City transparently outlines the circumstances in which it would consider making such payments.

### ***Proposed Policy Amendments***

To fulfil the requirements of section 5.50 of the *Local Government Act 1995*, the following position on payments to employees in addition to a contract or award is suggested for inclusion within the City's current Employment Policy:

- Additional payments only apply in circumstances of redundancy or voluntary severance (as defined in Attachment 1).
- Redundancy or voluntary severance packages are to be consistently applied between employees under a Workplace Agreement or Contract of Employment (excluding the Chief Executive Officer or Senior Employees).
- Any additional payments must not exceed the maximum amount prescribed by legislation within Regulation 19A of the *Local Government (Administration) Regulations 1996*.
- The criteria for determining eligibility is based on a combination of long-term service and consistently high performance by the employee.
- Assessment criteria for calculating payments are consistent with the current Employment Policy in terms of applying two weeks and recognised motor vehicle usage, however, references to pro rata long service leave have been removed due to their duplication with the current Workforce Workplace Agreements.
- An additional section is included to allow court actions by employees or former employees to be settled out of court, through a severance payment by the City. (This amendment aims to provide a mechanism for avoiding potentially expensive litigation processes if the Chief Executive Officer determines a settlement to be in the financial interests of the City).

Also, in accordance with the new policy template the proposed Payments to Employees in Addition to a Contract or Award Policy incorporates a revised objective, authority and application statements and definitions to reflect its new focus.

### **Issues and options considered**

Council can either choose to:

- adopt the proposed amendments to the Employment Policy, as outlined in Attachment 1
- make further modifications to the Employment Policy
- or
- retain the policy in its current format.

It is recommended that option 1 is adopted by Council.

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

**Legislation** Section 5.50 of the *Local Government Act 1995*.

**Strategic Community Plan**

**Key Theme** Leadership and Governance.

**Objective** Effective representation.

**Policy** Employment Policy.

**Risk Management considerations**

Given that the Employment Policy is applied at the discretion of the Chief Executive Officer, the proposed changes do not present any real variation to the City's risk profile. Currently, the City is limited in its ability to respond to legal actions and claims where a financial settlement may prevent further litigation, and/or be in the best financial interests of the City. This limitation could force potentially expensive litigation that otherwise may have been avoided through an established policy position.

**Financial/Budget Implications**

The financial implications of this policy arise on a 'case by case' basis and are subject to the circumstances of the severance, redundancy or particular legal action being considered. In making a determination, the Chief Executive Officer will consider the most appropriate outcome according to the circumstance presented.

**Regional Significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Given that the matter of additional payments to employees is restricted by legislation, it is not considered necessary that a community consultation process be pursued. However, it should be noted that section 5.50 of the *Local Government Act 1995* (the Act) requires that any amendments to the policy be advertised as a local public notice in accordance with section 1.7 of the Act.

If the amendments to the policy as proposed within this report are endorsed by Council, the Chief Executive Officer will ensure that local public notice of the changes are appropriately advertised.

**COMMENT**

The proposed new section to the policy regarding the use of severance payments to settle legal matters out of court is considered important in providing the City with flexibility in dealing with sensitive employee matters in an effective and timely manner.

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 11 March 2013.

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

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

- 1 **ADOPTS** the proposed amendments to the Employment Policy, as outlined in Attachment 1 to Report CJ035-03/13;
- 2 in accordance with sections 5.50 and 1.7 of the *Local Government Act 1995*, **NOTES** local public notice of the amendments to the Employment Policy as outlined in Attachment 1 to Report CJ035-03/13, will be advertised.

The Motion was Put and

**CARRIED (12/0)**

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

*Appendix 12 refers*

To access this attachment on electronic document, click here: [Attach12agn190313.pdf](#)

## **CJ036-03/13 ALCOHOL MANAGEMENT POLICY – MAJOR REVIEW AND RESERVES, PARKS AND RECREATION GROUNDS POLICY – REVOCATION**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER:</b>	102015, 101515
<b>ATTACHMENTS:</b>	Attachment 1 Revised Alcohol Management Policy Attachment 2 Reserves, Parks and Recreation Grounds Policy Attachment 3 Revised Terms and Conditions for Hire of City Facilities and Reserves
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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### **PURPOSE**

For Council to consider proposed major amendments to the Alcohol Management Policy and to revoke the Reserves, Parks and Recreation Grounds Policy as a result of the Policy Manual review process.

### **EXECUTIVE SUMMARY**

The current Alcohol Management Policy and Reserves, Parks and Recreation Grounds Policy were first adopted by Council in 2011 and 2005 respectively.

As part of the Policy Manual review process, it was identified that alcohol-related provisions currently contained within the Reserves, Parks and Recreation Grounds Policy could be consolidated into the City's recently adopted Alcohol Management Policy.

The City's Beach Management Plan also identifies the need to expand on current policy positions relating to the consumption or sale of alcohol on City property. As such, the revised version of the Alcohol Management Policy provided at Attachment 1, includes these suggested amendments.

As a result of removing alcohol-related provisions from the Reserves, Parks and Recreation Grounds Policy, the policy is recommended for revocation based on the duplication of most of its current content.

It is proposed that Council adopt the amended Alcohol Management Policy, as shown in Attachment 1 and agrees to revoke the Reserves, Parks and Recreation Grounds Policy, as presented in Attachment 2.

## BACKGROUND

A review of the Policy Manual was conducted in 2011 to assess all current policies against the following criteria:

- Consistency — with regard to language, style and format.
- Relevance — in terms of new plans and strategies that now supersede previously endorsed positions within existing policies.
- Duplication — identified sections of policies that duplicate other policies, City plans and strategies, local laws, and/or State legislation.
- Operational content — identified sections of policies deemed as being too operational and therefore more appropriate to be incorporated into a City protocol or operational plan.

As a result of the review process, a standardised policy format was developed and current policies were categorised as requiring either:

- minor amendments (changes that do not impact on the application of the policy)  
or
- major amendments (significant changes that alter the City's position on an issue or matter).

The Alcohol Management Policy and Reserves, Parks and Recreation Grounds Policy were identified as requiring major amendments, based on a preliminary review of their relevance and last review dates. This report outlines the proposed amendments to these policies and the justification for the changes.

## DETAILS

### Alcohol Management Policy

The Alcohol Management Policy was only recently adopted by Council in 2011 (CJ159-09/11 refers). It was introduced as a result of the City's participation in a pilot program to develop an Alcohol Management Plan and Policy through a Western Australian Local Government Association (WALGA) coordinated initiative.

The current policy presents a background of alcohol-related issues present within the community; provides a statement on the City's commitment to encouraging the responsible availability and consumption of alcohol; and outlines the manner in which the City will support the achievement of this objective. A qualifying statement is also included that acknowledges the jurisdictional limitations of alcohol management and the need for a partnership approach.

The policy was developed on the basis of WALGA developed guidelines and incorporated consultation with local licensees and the City's Community Safety and Crime Prevention Working Group.

As part of the Policy Manual Review, it has been identified that alcohol-related provisions are currently contained within the Reserves, Parks and Recreation Grounds Policy, namely:

*"The Chief Executive Officer may approve the consumption and/or sale of alcohol on Council parks and reserves under the following circumstances:*

- *the Chief Executive Officer is satisfied that the application will not cause undue disruption to the community*
- *appropriate liquor licence/s are in place*
- *restricted Licence applications as follows:*
  - *Thursdays to 11.00pm*
  - *Fridays & Saturdays to 12 midnight*
  - *Sundays to 10.00pm.*

The above provision is also reflected in the City's Beach Management Plan (issue 30), which states that the consumption of liquor at events or functions booked on City parks or within community facilities should be permitted to occur in alignment with this policy. It also specifies the circumstances in which an event or function is "*unlikely to cause undue disruption to the community,*" which includes the following:

- *"For the duration of a wedding ceremony on a City park or reserve (not to exceed one hour).*
- *For private events or functions held within community facilities.*
- *For a fundraising event held either on a City park or reserve or within a community facility, where liquor is being sold and a liquor licence has been successfully obtained from the Department of Racing, Gaming and Liquor.*
- *For corporate functions or events held on a City park or reserve or within a community facility.*
- *For City-run community events held on a City park or reserve, allowing BYO liquor.*

*The City does not support the consumption or sale of liquor in the following circumstances:*

- *Within Tom Simpson Park, Mullaloo (excluding the Mullaloo Surf Life Saving Club Rooms facility).*
- *For private functions or events on a City park or reserve that are not of a fundraising or corporate purpose (excluding wedding ceremonies)."*

This extended policy position is only reflected in the Beach Management Plan and not within any City Policies at present. It is proposed that in consolidating alcohol management provisions into the Alcohol Management Policy, the abovementioned provision from the Beach Management Plan is also included.

It is also proposed that the policy be realigned to the new policy template and as such, the background content contained within the policy is removed, with the general sentiment of the provision to be incorporated into a broader policy statement. References to the City issuing Liquor Licences are also proposed for removal as the City does not issue these types of licences.

**Recommendation:** Provisions relating to the approval to consume and/or sell alcohol on City parks and in City facilities within the Reserves, Parks and Recreation Grounds Policy and Beach Management Plan, are consolidated into the Alcohol Management Policy.

The revised Alcohol Management Policy is realigned to the new Policy template, by removing detailed background information and references to the City issuing Liquor Licences.

### **Reserves, Parks and Recreation Grounds Policy**

The Reserves, Parks and Recreation Grounds Policy originated as several policies before their consolidation during the 2005 Policy Manual review process. Below is an outline of the history of these policies, a description of their current relevance and a justification for the revocation of the Reserves, Parks and Recreation Grounds Policy based on the reasons presented.

- Council Reserves and Parks Policy (CJ213-06/99 refers).

In 1999 the newly established City of Joondalup Council readopted many policies from the former City of Wanneroo, including the Council Reserves and Parks Policy.

This policy outlined a classification system for the City's parks, reserves and conservation areas based on their level of reticulation and highlighted the circumstances in which the reticulation of dry parks would be considered by the City. The classification of parks is now reflected in the City's Parks and Public Open Spaces Classification Framework (CJ014-02/10 refers) and the reticulation of these areas is managed in accordance with the City's Landscape Master Plan and Water Plan 2012-2015.

In 2005, the provisions of the Council Reserves and Parks Policy were consolidated into the new Reserves, Parks and Recreation Grounds Policy as part of the Policy Manual review process. The provisions were significantly simplified by removing specific classification references, describing a "Parks Management Plan" as the source of information for park development and maintenance approaches and stating that reticulation would be managed in accordance with a "Reticulation Plan" and "individual park management plans."

This information is now significantly out-of-date and has been absorbed by the introduction of new plans and frameworks. As such, it is recommended for removal

Recommendation: Reticulation and park classification provisions within the Reserves, Parks and Recreation Grounds Policy are removed.

- Floodlighting on Sporting Parks Policy (CJ189-06/01 refers).

Introduced in 2001, this policy sought to provide an equitable standard for floodlighting in active reserves; namely, a minimum of two floodlights per reserve with a 1,000 watt capacity per luminary.

The policy also outlined the criteria for assessing applications by sporting clubs and associations to increase floodlighting above this standard. The same criteria is now reflected in the City's guidelines and application form for Community Sport and Recreation Facilities Fund (CSRFF) projects, which is determined by the Department of Sport and Recreation.

During the 2005 Policy Manual review process, provisions within this policy were consolidated into the new Reserves, Parks and Recreation Grounds Policy with significant amendments (CJ206-10/05 refers). The assessment criteria for CSRFF floodlighting projects were removed, an outline of the City's minimum standards for floodlighting was introduced and a generic statement regarding responsibilities for the

installation and maintenance of lighting infrastructure above this standard was outlined (as shown in Attachment 2). These standards and processes are now significantly out-of-date, are inconsistent with current Australian Standards for floodlighting and do not demonstrate a strategic approach to the provision and maintenance of this infrastructure type.

It is proposed that instead of revising the current policy to update the standards and approach to installing and maintaining floodlighting on active reserves, that the issue be incorporated into the review of the City's Parks and Public Open Spaces Classification Framework and the development of a Parks Asset Management Plan. This will enable all park asset types to be considered in a holistic manner, rather than establishing separate policies on discrete asset types. This action is currently listed in the City's Annual Plan 2012-2013 to be conducted over Quarters 2 and 3.

There are no anticipated impacts from removing the provision, given the outdated information currently presented within the policy and its misalignment with City operations and decision-making processes.

Recommendation: Sports lighting provisions within the Reserves, Parks and Recreation Grounds Policy are removed and incorporated into the review of the City's Parks and Public Open Spaces Classification Framework.

- Floodlighting Policy (CJ213-06/99 refers).

In 1999 the newly established City of Joondalup Council re-adopted many policies from the former City of Wanneroo, including the Floodlighting Policy.

This policy outlined the City's commitment to install and maintain floodlights on sports fields in accordance with Australian Standards. It also reinforced the position that the installation and maintenance of any additional floodlights was the responsibility for sporting clubs and associations to finance.

Given its clear duplication with the Floodlighting on Sporting Parks Policy, the two were consolidated into the Reserves, Parks and Recreation Grounds Policy as part of the Policy Manual review process in 2005.

Recommendation: Floodlighting provisions within the Reserves, Parks and Recreation Grounds Policy are removed and incorporated into the review of the City's Parks and Public Open Spaces Classification Framework.

- Commercial Usage of Beachfront and Beach Reserves Policy (CJ213-06/99 refers).

In 1999 the newly established City of Joondalup Council readopted many policies from the former City of Wanneroo, including the Commercial Usage of Beachfront and Beach Reserves Policy.

This policy specified in detail, the types of commercial trading activities that were permitted to occur within beachfront areas along the City's coast. (For example, the selling of drinks, ice creams, sunscreen, goods for hire and secure locker systems).

As part of the 2005 Policy Manual review process, the decision was made to significantly reduce the detail of this policy and apply it more generally to all reserve areas, rather than just coastal locations (CJ206-10/05 refers).

As a result, a provision was incorporated into the new Reserves, Parks and Recreation Grounds Policy that required applications for commercial activities to be submitted to the City in accordance with the relevant local laws. General consideration of potential impacts, such as environmental, community demand and existing commercial activities were listed broadly in the policy and a requirement to produce a Certificate of Currency for public liability insurance was also acknowledged.

Given that the City's current *Trading in Public Places Local Law 1999* already outlines in detail the application process required to approve a commercial activity on City property, (including public liability insurance requirements), the policy provision seems an unnecessary duplication of existing legislative provisions.

Recommendation: Commercial activity provisions within the Reserves, Parks and Recreation Grounds Policy are removed based on their duplication of existing legislative requirements.

- Condition of Hire for City of Joondalup Facilities Child Protection Policy, (CJ269-11/04 refers).

Introduced in 2004, this policy required community groups with members under the age of 18 to provide the City with a copy of the organisation's Child Protection Policy in order to secure a permanent booking within a City facility.

In 2005, the provisions were consolidated into the previous Community Facilities – Built Policy and the Reserves, Parks and Recreation Grounds Policy as part of the Policy Manual Review process. In 2006 the State Government's *Working With Children (Criminal Record Checking) Act 2004* (the Act) came into effect and the former Community Facilities – Built Policy was amended to reflect the new requirements under the Act, until the five year phase in period for the legislation was complete (CJ168-09/06 refers). These changes were not reflected in the complementary provisions contained within the Reserves, Parks and Recreation Grounds Policy as part of this amendment process.

On 1 January 2011, the phase in period expired and the State Government became fully responsible for administering all legislative requirements pertaining to working with children. While the legal obligations under the Act reside with the Department of Child Protection, WALGA recently circulated information requesting local governments to consider promoting compliance with the Act to their facility hirers. This is considered best achieved through the incorporation of a statement within the City's Terms and Conditions of Hire for City Buildings, Parks, Reserves and Beaches, as hirer's are more likely to refer to an operational document than a Policy to obtain awareness of external legal obligations.

Given the promotional rather than policy-oriented nature of the provision and its duplication of existing legislation, it is considered unnecessary to be retained within the Reserves, Parks and Recreation Grounds Policy. Council recently endorsed this approach in the review of the Community Facilities – Built Policy, where similar provisions were transferred to the City's Terms and Conditions of Hire for City Buildings, Parks, Reserves and Beaches (CJ260-11/12 refers).

Recommendation: Child protection provisions within the Reserves, Parks and Recreation Grounds Policy are removed and reflected in the City's Terms and Conditions of Hire for City Buildings, Parks, Reserves and Beaches (as shown in Attachment 3).

As a result of all elements of the current Reserves, Parks and Recreation Grounds Policy being recommended for removal or incorporation into alternative policies and planning documents, it is proposed that the policy be revoked by Council.

**Issues and options considered:**

With regard to the Alcohol Management Policy, Council can either choose to:

- adopt the proposed amendments to the policy, as outlined in Attachment 1
- request further modifications to the policy  
or
- retain the policy in its current format.

It is recommended that option 1 is adopted by Council.

With regard to the Reserves, Parks and Recreation Grounds Policy, Council can either choose to:

- revoke the policy
- retain the policy with modifications  
or
- retain the policy in its current format.

It is again recommended that option 1 is adopted by Council.

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

**Legislation**                    *Liquor Control Act 1988*  
    *Liquor Licensing Act 1988*  
    *Trading in Public Places Local Law 1999*  
    *Local Government and Public Property Local Law 1999*

**Strategic Community Plan**

**Key Theme**                    Community Wellbeing.

**Objective**                    Community safety.

**Strategic Initiatives**

- Build a community that works in partnership with government and non-government organisations to achieve real and long lasting improvements in safety and wellbeing.
- Build a healthy community that is aware of and responsive to current public health risks.

**Policy**                            Alcohol Management Policy and Reserves, Parks and Recreation Grounds Policy.

**Risk Management Considerations**

In order to remain transparent and to facilitate appropriate decision-making processes, it is imperative that policies reflect the current positions of Council and work practices at the City. If not effectively maintained, there are risks associated with potentially misleading the community through publicly available, unreviewed policies.

**Financial/Budget Implications**

There are no identified financial or budget implications in amending the Alcohol Management Policy or revoking the Reserves, Parks and Recreation Grounds Policy.

**Regional Significance**

Not applicable.

**Sustainability Implications**

The responsible sale and consumption of alcohol is an important management issue that aims to reduce the social and economic cost of alcohol-related harm and injury within the community. The City's Alcohol Management Policy provides a framework for the City to appropriately allocate resources and provide assistance in achieving a reduction in alcohol-related issues within the community.

**Consultation**

Not applicable.

**COMMENT**

In reviewing the Policy Manual many incidences of duplication were identified, particularly in relation to alcohol management-related provisions. To avoid unnecessary repetition and inconsistency, it was considered appropriate that all related provisions be incorporated into a single policy.

With regard to the Reserves, Parks and Recreation Grounds Policy, the City has introduced more detailed and appropriate decision-making frameworks and planning documents to support effective park and public open space management. As such, it was considered appropriate that out-of-date policy statements be revoked and more recent and relevant documents be relied upon, namely, the Parks and Public Open Spaces Classification Framework and future Parks Asset Management Plan.

**VOTING REQUIREMENTS**

Simple Majority.

## COMMITTEE RECOMMENDATION

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 11 March 2013.

The original recommendation as presented by City officers to the Committee is as follows:

*That Council:*

- 1 *ADOPTS the revised Alcohol Management Policy as shown in Attachment 1 to this Report;*
- 2 *REVOKES the current Reserves, Parks and Recreation Grounds Policy as shown in Attachment 2 to this Report.*

The Committee's subsequent recommendation to the Council is as follows (changes identified):

*That Council:*

- 1 *ADOPTS the revised Alcohol Management Policy as shown in Attachment 1 to this Report, subject to:*
  - 1.1 AMENDING clause 2.2.2(a) by replacing the words '1 hour' with the words '2 hours';
  - 1.2 DELETING clause 2.2.3(b) from the policy;
  - 1.3 AMENDING clause 2.2.2(b) by adding the words 'and/or parks' after the word 'facilities';
- 2 *REVOKES the current Reserves, Parks and Recreation Grounds Policy as shown in Attachment 2 to this Report.*

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

- 1 **ADOPTS the revised Alcohol Management Policy as shown in Attachment 1 to Report CJ036-03/13, subject to:**
  - 1.1 **AMENDING clause 2.2.2(a) by replacing the words '1 hour' with the words '2 hours';**
  - 1.2 **DELETING clause 2.2.3(b) from the policy;**
  - 1.3 **AMENDING clause 2.2.2(b) by adding the words 'and/or parks' after the word 'facilities';**
- 2 **REVOKES the current Reserves, Parks and Recreation Grounds Policy as shown in Attachment 2 to Report CJ036-03/13.**

**AMENDMENT MOVED Cr Taylor, SECONDED Cr Thomas** that Part 1.2 be amended to read as follows:

*“1.2 DELETING clause 2.2.3 from the policy;”*

**The Amendment was Put and**

**LOST (3/9)**

**In favour of the Amendment:** Crs Chester, Taylor and Thomas.

**Against the Amendment:** Mayor Pickard, Crs Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Ritchie.

**The Motion as Moved by Cr Corr, and Seconded by Cr Hollywood was Put and**

**CARRIED (12/0)**

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

*Appendix 13 refers*

To access this attachment on electronic document, click here: [Attach13agn190313.pdf](#)

**CJ037-03/13      REVIEW OF SIGNS POLICY**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	01907, 101515
<b>ATTACHMENT</b>	Attachment 1      Modified Signs Policy
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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**PURPOSE**

For Council to consider advertising proposed amendments to the Signs Policy for public comment.

**EXECUTIVE SUMMARY**

The Signs Policy, which has been in operation since October 2009 (CJ255-10/09 refers), provides guidance on the permissible types and locations of signage within the City. The operation of the policy was reviewed in 2012 and, although it was found to be operating well, amendments were adopted by Council in August 2012 (CJ167-08/12 refers) to provide greater clarity in relation to the permissibility of illuminated variable message board signs.

It is now recommended that the policy be updated further to include provisions for monolith signs and to make minor amendments to the standard requirements for pylon signs. It is also proposed to clarify that signs should be site specific and not located within the road reserve. An update to the policy wording to reflect the terminology used within the draft Joondalup City Centre Structure Plan (JCCSP) is also proposed.

Since amendments were approved to the policy in August 2012, a concern has been raised about the new limitations on the permissibility of illuminated variable message board signs. This report provides some information on the restriction of illuminated variable message signs within the City and a minor modification is proposed to this aspect of the policy.

It is recommended that the modified policy be advertised for public comment for a period of 21 days.

**BACKGROUND**

Council, at its meeting held on 13 October 2009 (CJ225-10/09 refers), adopted a new Signs Policy that provides guidance for the types and locations of signage within the City.

A modified Signs Policy was adopted by Council in August 2012 (CJ167-08/12 refers) which provides additional provisions for inflatable signs, and deals with the permissibility of illuminated variable message board signs.

A further review of the policy has now been undertaken as a result of potential improvements that have been identified through the application of the policy in the assessment of development applications. While the latest review has found that the Signs Policy is operating effectively, it has been identified that certain modifications would further improve the operation of the policy.

## DETAILS

The proposed modifications to the Signs Policy are as follows:

- Clarification in Section 4.1 of the policy that signs should be located on land to which they relate, and are not to be located within the road reserve.
- Minor amendments to the standard sign requirements of pylon signs to clarify the permitted number of free standing signs per frontage, and the provision or maintenance of vehicle sightlines within the lot.
- Addition of the category 'Monolith Signs' and the provision of standard sign requirements applicable to this type of signage.
- Amend the Variable Message Board sign requirements to include use of this type of sign for a period of time that is in accordance with a Traffic Management Plan approved by the City.
- Updating the 'Applicable Zones' categories to reflect the terms used in the draft JCCSP.

Although no changes are proposed in this regard, this report also provides further clarification on the permissibility of illuminated variable message board signs within the City.

The proposed modifications are outlined in Attachment 1.

## Issues and options considered

Council has the option to:

- advertise the modified policy for public comment
- advertise the modified policy for public comment without further modifications  
or
- not support the advertising of the modified policy for public comment.

## Legislation / Strategic Community Plan / policy implications

### Legislation

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

Clause 8.11 of DPS2 enables Council to prepare, amend and add to the local planning policies that relate to any planning and development matter within the Scheme area.

### Strategic Community Plan

#### Key theme

Quality Urban Environment.

#### Objective

Quality built outcomes.

#### Strategic initiative

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

#### Policy

Signs Policy.

**Risk management considerations**

While there is minimal risk if the proposed modifications to the Signs Policy are not made, the modifications will improve the operation of the current policy.

**Financial/budget implications**

No costs are associated with the policy remaining in its current form. Advertising the amended policy in the local newspaper and notice of any final adoption of the amended policy will be approximately \$810.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Clause 8.11 of DPS2 requires a new policy or amendment to a policy to be advertised for public comment for a period of 21 days. The proposed amendment would be advertised as follows:

- A notice published once a week for two consecutive weeks in the local newspaper.
- A notice and documents placed on the City's website.

**COMMENT****Site specific signage and location within the road reserve**

To ensure that signs are appropriate to their location and function, they should only advertise products or services that relate to the land use on the site upon which they are erected. Furthermore, signs are to be erected on the land to which they relate to enable a clear means of identification and relevance within the context of the streetscape. It is therefore proposed to clarify within the policy that signs should only be located on land to which they relate to ensure that signage is site specific.

As the erection of a sign within the road reserve is currently not addressed in the policy, it is proposed to be modified to include an additional requirement which specifically states that signs should not be located within a road reserve.

General advertising signs within the road reserve may create a hazard to pedestrians and road users and could potentially interfere with safe movement through a public space. Liability and ownership in the event of damage to the sign is also an issue of concern when signs are placed in the road reserve.

### Minor amendments to pylon sign standard requirements

The overuse of signage can contribute to visual clutter and negatively impact on the aesthetics and amenity of the streetscape. As such, minor amendments are proposed to the standard requirements for pylon signs, with wording changes and additional detail added to clarify that only one free standing sign should be erected on a frontage. Additional detail is also provided to ensure that vehicle sightlines within the lot are maintained.

### Monolith signs

A monolith sign is similar to a pylon sign; however, it is solid in structure from ground level to the top of the sign as the supporting columns cannot be seen.

The policy currently does not provide guidance on this specific signage type. The policy is therefore proposed to be modified to include requirements for monolith signs, with regard to size, location, design and permissibility, dependent on zoning or other classification of land on which the sign is to be erected. These requirements are similar to those that apply to pylon signs. Specifically, a monolith sign is not to exceed six metres in height or two metres in width and only one free standing sign is permitted on any one frontage. The sign cannot impede vehicle sightlines and is to be no closer than 15 metres to intersecting points of corner truncations.

### Applicable zones

At its meeting held on 11 December 2012 (CJ271-12/12 refers), Council adopted the revised draft JCCSP and Scheme Amendment No. 64. The existing Joondalup City Centre Development Plan and Manual divides the City Centre into seven districts, while the revised draft JCCSP divides the City Centre into nine new districts, as depicted in the table below. It is envisaged that the amendments to this policy will coincide with the finalisation and implementation of the draft JCCSP. As such, the Signs Policy has been amended to reflect the new district names under the draft JCCSP.

<b>Existing - Joondalup City Centre Development Plan and Manual</b>	<b>Proposed - Draft Joondalup City Centre Structure Plan</b>
<ul style="list-style-type: none"> <li>• Central Business</li> <li>• City North</li> <li>• Western Business</li> <li>• Campus</li> <li>• Lakeside</li> <li>• Southern Business</li> <li>• Northern Recreation</li> </ul>	<ul style="list-style-type: none"> <li>• Central core</li> <li>• Lakeside</li> <li>• City fringe</li> <li>• Mixed use corridor</li> <li>• Business boulevard</li> <li>• Business support</li> <li>• Inner city residential</li> <li>• Arena</li> <li>• The Gateway</li> </ul>

### Illuminated variable message board signs

In August 2012 (CJ167-08/12 refers), Council adopted modifications to the Signs Policy that prohibit usage of illuminated variable message board signs for the purposes of advertising as these signs are considered to be potentially distracting to passing motorists and therefore considered to be a hazard. They are also considered to contribute to visual clutter, particularly in the commercial and industrial areas.

Since adoption of the policy modifications mentioned above, a concern has been raised that the modifications prevent the use of illuminated variable message board signs by community groups to advertise forthcoming events. It has been queried whether this type of signage could be considered appropriate if it is advertising a significant community event by an appropriate community organisation.

Currently, the Signs Policy does not permit the use of illuminated variable message board signs by commercial operators or community groups. The policy does recognise that there are certain circumstances under which usage of illuminated variable message board signs are appropriate and therefore allows the use of these signs if they erected by or on behalf of a public utility or authority or for the purpose of temporary traffic management for a period of less than 48 hours.

It is recognised that for larger traffic management issues, the use of a variable message board sign for 48 hours may not be long enough. Given that these larger traffic management issues require a Traffic Management Plan to be approved by the City, it is considered appropriate that variable message board signage be permitted for a longer period provided it is outlined in that approved plan.

The amount of signage within the streetscape can potentially be a distraction to motorists. Signs which display dynamic, moving content provide a greater distraction than familiar or static displays. For this reason, the extent of the permissibility of variable message signs, with their animated content, needs to be seriously considered.

It is generally considered that variable message signs should only be used as traffic control devices, limited to the delivery of road related information to road users within real time. This includes the electronic message signs installed by Main Roads Western Australia to display text information to road users, and be erected in accordance with the relevant Australian Standards. Conversely, content relating to the advertising of goods and services can divert driver attention away from the road. As such, variable message signs are usually only appropriate when providing pertinent traffic operational and guidance details only, and do not give the appearance of advertising.

Given the above, it is considered difficult to distinguish between variable message signs used by commercial operators versus those used to advertise events by community groups, given that the potential impact on the streetscape and motorists is the same.

On 8 March 2012, the State Administrative Tribunal (SAT) heard an application for review of the City's refusal of a development application for the use of an illuminated variable message board sign in Winton Road, Joondalup. The SAT dismissed the application for review and upheld the City's decision on the basis that the proposed signage did not satisfy the objectives of the provisions for the control of advertisements contained in the District Planning Scheme and did not meet the objectives of the City's Signs Policy.

It is important to note that the SAT hearing took place before the Council decided to adopt the modified policy for the purposes of advertising. The SAT therefore made its decision on the basis of the requirements of the District Planning Scheme and the Signs Policy at that time and did not rely on the modifications that specifically prevent the use of illuminated variable message board signage.

Given all of the above, it is considered that these forms of signs, whether of a commercial or community nature, not be permitted unless erected on the verge on a temporary basis by or on behalf of a public utility or authority or for the purpose of temporary traffic control or other directional reasons.

## VOTING REQUIREMENTS

Simple Majority.

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 11 March 2013.

The original recommendation as presented by City officers to the Committee is as follows:

*That Council:*

- 1 *ADOPTS the proposed amendments to the Signs Policy as detailed in Attachment 1 to this Report, for the purpose of advertising;*
- 2 *in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADVERTISES the proposed amendments to the Signs Policy as detailed in Attachment 1 to this Report, for public comment for a period of 21 days.*

The Committee's subsequent recommendation to the Council is as follows (changes identified):

*That Council:*

- 1 *ADOPTS the proposed amendments to the Signs Policy as detailed in Attachment 1 to this Report, for the purpose of advertising, subject to allowing the use of illuminated variable message signs by not for profit organisations to promote significant community events;*
- 2 *in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADVERTISES the proposed amendments to the Signs Policy as detailed in Attachment 1 to this Report and as amended, for public comment for a period of 21 days.*

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

- 1 **ADOPTS the proposed amendments to the Signs Policy as detailed in Attachment 1 to Report CJ037-03/13, for the purpose of advertising, subject to allowing the use of illuminated variable message signs by not for profit organisations to promote significant community events;**
- 2 **in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADVERTISES the proposed amendments to the Signs Policy as detailed in Attachment 1 to Report CJ037-03/13 and as amended, for public comment for a period of 21 days.**

**The Motion was Put and**

**CARRIED (12/0)**

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

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14agn190313.pdf](#)*

**REPORT OF THE CHIEF EXECUTIVE OFFICER****CJ038-03/13 CHANGE OF MEETING DATE - MAY ORDINARY COUNCIL MEETING**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	08122, 101515
<b>ATTACHMENT</b>	Nil.
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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**PURPOSE**

For Council to consider changing the ordinary meeting date of the May Council meeting to enable representatives of the Cities of Joondalup and Wanneroo to engage with representatives of the Federal Government and Coalition prior to the September 2013 Federal Election.

**EXECUTIVE SUMMARY**

At its meeting held on 20 November 2012 (Item CJ228-11/12 refers) Council set the meeting dates for Council meetings and Briefing Sessions for 2013.

An opportunity has arisen for the Cities of Joondalup and Wanneroo to make representation to the Federal Government and Coalition in Canberra on issues of significance to the north-west corridor. To facilitate this occurring, the date of the May 2013 Council meeting, scheduled to occur on 28 May 2013, will need to change.

It is therefore recommended that the date of the May Council meeting be changed from Tuesday, 28 May 2013 to Monday, 27 May 2013 to enable this delegation to occur.

**BACKGROUND**

Council at its meeting held on 20 November 2012 (Item CJ228-11/12 refers) set the meeting dates for Council meetings and Briefing Sessions for 2013. In accordance with the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* the meeting dates for the 2013 calendar year have been advertised.

## DETAILS

An opportunity has arisen for the Cities of Joondalup and Wanneroo to undertake a joint advocacy visit to the Federal Government and Coalition in Canberra between 28 and 29 May 2013.

The purpose of the delegation is to conduct a joint briefing with both the representatives of Federal Government and Coalition ahead of the Federal Election (14 September 2013) on the key opportunities and issues facing the north-west corridor with an aim to build the profile of the region ahead of the Federal Election. The format of events is two sessions at Parliament House, one for each party on Wednesday, 29 and Thursday, 30 May 2013 where each Mayor will deliver a presentation.

The outcome of the presentations is to:

- highlight the location and strategic vision of both local governments
- identify the location of the north-west corridor and the importance it plays at a state and national level
- identify current Federal Government strategic and policy objectives that are aligned to the strategic issues facing the corridor (including funding opportunities)
- identify the partnership opportunities that are available based on this strategic alliance
- identify areas that both state and federal government can work in partnership with the two local governments
- highlight and promote the strategic significance of the Joondalup City Centre for the north-west corridor and region.

The request to Council is for the Council meeting on Tuesday, 28 May 2013 be moved forward one day to Monday, 27 May to accommodate this visit to Canberra.

### Issues and options considered

Council can either:

- change the meeting date as proposed in this report or
- retain the meeting date as set by Council in November 2012.

### Legislation / Strategic Community Plan / policy implications

<b>Legislation</b>	Section 5.3 of the <i>Local Government Act 1995</i> . Regulation 12 of the <i>Local Government (Administration) Regulations 1996</i> .
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Governance and Leadership.
<b>Objective</b>	Strong leadership.
<b>Strategic initiative</b>	Advocate and influence political direction to achieve local and regional development.
<b>Policy</b>	Not applicable.

Regulation 12(2) of the *Local Government (Administration) Regulations 1996* requires a local government to give local public notice of any change to the date, time or place of a meeting that has been set by Council.

### **Risk management considerations**

Failure to set and advertise Council's meeting dates will contravene the requirements of the *Local Government Act 1995*.

### **Financial/budget implications**

Cost to advertise the proposed change to the May meeting date of Council can be accommodated in the City's 2012-13 operational budget.

### **Regional significance**

Whilst there is no regional significance in setting the meeting date for Council, a unique opportunity has arisen for the Mayors and Chief Executive Officers of the Cities of Joondalup and Wanneroo to meet with key representatives of the Federal Government and Coalition prior to the Federal Election and following the delivery of the 2013 Federal Budget. Such advocacy activity has major significance to forwarding the City's strategic initiatives within its Strategic Community Plan and progressing issues facing the north-west corridor.

### **Sustainability implications**

Not applicable.

### **Consultation**

Any change to the proposed meeting dates for Council meeting will need to be advertised in accordance with the *Local Government Act 1995*.

## **COMMENT**

Changing the meeting date for the May Council meeting will allow the Mayor and the Chief Executive Officer to make representations to the Federal Government and the Federal Coalition.

The ability for the City of Joondalup to make representation at the Federal level provides a unique and significant opportunity for the City to engage with the Federal Government and Coalition before the Federal election. Support and partnerships with all levels of government will be a significant driver toward the City achieving the aspirational outcomes stated in the City's Strategic Community Plan.

### **Call for One-Third Support**

The *Local Government Act 1995*, under regulations prescribed to deal with Section 5.25(e), lays down the following procedure for dealing with revoking or changing decisions made at Council or Committee meetings:

*If a decision has been made at a Council meeting, then any motion to revoke or change the decision must be supported by at least one-third of the number of offices (whether vacant or not) of members of the Council.*

*If supported by one-third of the members, then any decision to revoke a resolution of the Council is required to be passed by an Absolute Majority.*

Mayor Pickard called for support from one-third of the members of Council. Support to revoke Council's resolution in relation to Item CJ038-03/13 was given by Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime and Norman.

## **VOTING REQUIREMENTS**

Absolute Majority.

**MOVED Cr Fishwick, SECONDED Cr Ritchie that Council:**

- 1 BY AN ABSOLUTE MAJORITY REVOKES the following Council meeting date from its decision on 20 November 2012 (Item CJ228-11/12) as follows:**

***“7.00 pm on Tuesday, 28 May 2013”;***

- 2 SETS the date for the Ordinary Meeting of Council in May 2013 to occur at 7.00pm on Monday, 27 May 2013 in the City of Joondalup Council Chambers.**

**The Motion was Put and**

**CARRIED (12/0)**

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

**CJ039-03/13      2012 COMPLIANCE AUDIT RETURN**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	09492, 50068, 101515
<b>ATTACHMENT</b>	Attachment 1    2012 Compliance Audit Return
<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 2012 Compliance Audit Return (CAR) for its submission to the Department of Local Government.

**EXECUTIVE SUMMARY**

The Department of Local Government ("the Department") CAR for the period 1 January 2012 to 31 December 2012 has been completed by the City and is required to be reviewed by the Audit Committee and Council before being submitted to the Department by 31 March 2013.

*It is therefore recommended that Council adopts the 2012 Compliance Audit Return and submits it to the Department of Local Government prior to 31 March 2013.*

**BACKGROUND**

The 2012 CAR was made available to local governments by the Department on its website 19 December 2012 for online completion.

The structure of the CAR is similar to previous years and as with the CAR for 2011 has been restricted to areas of compliance considered high risk. This incorporates all the statutory requirements prescribed in Regulation 13 of the *Local Government (Audit) Regulations 1996*.

Regulations 14 and 15 of the *Local Government (Audit) Regulations 1996* prescribe the requirements for local governments when carrying out the compliance audit, reporting to the Audit Committee and Council, and, certification and submission of the CAR to the Department.

## DETAILS

The 2012 Compliance Audit Return contains the compliance categories of:

- Commercial Enterprises by Local Governments
- Delegation of Power / Duty
- Disclosure of Interest
- Disposal of Property
- Elections
- Finance
- Local Government Employees
- Official Conduct
- Tenders for Providing Goods and Services.

The 2012 CAR incorporates all the statutory requirements listed in Regulation 13 of the *Local Government (Audit) Regulations 1996*.

Regulation 14 of the *Local Government (Audit) Regulations 1996* prescribes the requirements for undertaking the compliance audit including review by the Audit Committee and presenting to Council for adoption. Regulation 15 prescribes the requirements for the certification and submission of the CAR to the Department.

### Issues and options considered

Not applicable.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

Regulations 14 and 15 of the *Local Government (Audit) Regulations 1996* state as follows:

#### 14 Compliance audits by local governments

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be:
  - (a) presented to the council at a meeting of the council; and
  - (b) adopted by the council; and

- (c) recorded in the minutes of the meeting at which it is adopted.

**15 Compliance audit return, certified copy of etc. to be given to Executive Director**

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with:

- (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and  
 (b) any additional information explaining or qualifying the compliance audit,

is to be submitted to the Executive Director by 31 March next following the period to which the return relates.

- (2) In this regulation:

**certified** in relation to a compliance audit return means signed by -

- (a) The mayor or president; and  
 (b) The CEO.

**Strategic Community Plan**

<b>Key theme</b>	Governance and Leadership.
<b>Objective</b>	Corporate capacity.
<b>Strategic initiative</b>	Demonstrate accountability through robust reporting that is relevant and easily accessible by the community.
<b>Policy</b>	Not applicable.

**Risk management considerations**

The risk associated with the Council failing to adopt the CAR would result in non-compliance with the legislative requirements of the *Local Government (Audit) Regulations 1996*.

**Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The responses to the questions in the CAR were provided by the relevant Managers to their Director for their review and approval before being forwarded to the Internal Auditor for further review and entry on the Department's website.

The 2012 CAR reveals a high level of compliance with legislation by the City. However there was one instance of non-compliance in the Disclosure of Interest category when a newly designated employee was issued with a Primary Return but lodged it thirteen days after the deadline. Processes have been enhanced to assist all designated employees to lodge their returns in a timely manner.

To ensure that the CAR is submitted to the Department of Local Government before 31 March 2013, this report has been listed on the agenda of Council for its meeting on 19 March 2013 and will be subject to the decision of the Audit Committee.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 **ADOPTS the Local Government Compliance Audit Return for the period 1 January 2012 to 31 December 2012 forming Attachment 1 to Report CJ039-03/13;**
- 2 **in accordance with Regulation 15 of the *Local Government (Audit) Regulations 1996*, SUBMITS the completed Compliance Audit Return to the Department of Local Government.**

**The Motion was Put and****CARRIED (12/0)**

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

*Appendix 15 refers*

To access this attachment on electronic document, click here: [Attach15agn190313.pdf](#)

**CJ040-03/13 JOONDALUP PERFORMING ARTS AND CULTURAL FACILITY - PROJECT PROGRESSION**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Chief Executive Officer
<b>FILE NUMBER</b>	75577, 101515
<b>ATTACHMENT</b>	Nil.
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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**PURPOSE**

For Council to consider progression of the Joondalup Performing Arts and Cultural Facility (JPACF) project through an architectural design competition process.

**EXECUTIVE SUMMARY**

At its meeting held on 20 February 2013 the JPACF Steering Committee recommended that Council note the JPACF Market Analysis and Feasibility Study and support the progression of the JPACF project in accordance with the project program and identified tasks.

One of the key stages of a project of this nature is the progression of a concept design for the facility. Several options for the development of a concept design have been investigated including undertaking an architectural design competition.

The Market Analysis and Feasibility Study which is the subject of a separate report to Council considered two separate facility models, being a traditional performing arts theatre and a model referred to as the "Art Box". The "Art Box" model is considered to satisfy both Council's Project Philosophy and Parameters for the facility and the demand identified through the market analysis.

At this stage the "Art Box" is recommended as the preferred model for progression via an architectural design competition. This will lead to the development of a refined concept design for the JPACF and will enable a more accurate financial analysis, contribute significantly to the Social Impact Assessment and would allow the City to instigate negotiations with the relevant private and government funding sources.

*It is therefore recommended that Council:*

- 1 *APPROVES the "Art Box" as the preferred model for the basis of an architectural design competition for the development of a refined conceptual design for the Joondalup Performing Arts and Cultural Facility;*
- 2 *AUTHORISES the Chief Executive Officer to initiate an architectural design competition for the development of a refined conceptual design for the Joondalup Performing Arts and Cultural Facility;*
- 3 *AUTHORISES the Chief Executive Officer to appoint a selection panel for the purpose of assessing respondents' submissions to a request for Expressions of Interest for the architectural design competition;*
- 4 *NOTES the proposal of \$10,000 being the amount of an honorarium to be paid to a maximum of four shortlisted respondents to the request for Expressions of Interest for the architectural design competition;*
- 5 *AUTHORISES the Chief Executive Officer to further pursue funding options for external contributions to the capital costs of the Joondalup Performing Arts and Cultural Facility.*

## **BACKGROUND**

At its meeting held on 22 June 2010 (CJ103-06/20 refers), Council endorsed the JPACF Project Philosophy and Parameters and the establishment of the JPACF Steering Committee. The primary objective of the Steering Committee is to provide leadership for, and oversight of, the planning, design and the consideration of funding options for the JPACF.

In March 2012, consultants Pracsys were engaged by the City to undertake a market analysis and feasibility study for the JPACF. The study covered the following key topics:

- Demand and supply analysis with gap analysis.
- Accommodation schedule and detailed development concept description.
- Operations management and description of the proposed facility.
- Documented business analysis framework and financial analysis.

After consideration of the final Market Analysis and Feasibility Study, at its meeting held on 20 February 2013 the JPACF Steering Committee recommended that Council:

- 1 *NOTES the Joondalup Performing Arts and Cultural Facility Project Status Report, including the Market Analysis and Feasibility Study as detailed in Attachment 1 to this Report;*
- 2 *SUPPORTS progressing the Joondalup Performing Arts and Cultural Facility Project in accordance with the project program as detailed in Attachment 4 to this Report, including the following tasks:*
  - 2.1 *Further investigations into alternative facility design options;*
  - 2.2 *Undertake a Social Impact Assessment of the Joondalup Performing Arts and Cultural Facility;*

- 2.3 *Further investigations of potential capital funding sources for the construction of the Joondalup Performing Arts and Cultural Facility;*
- 2.4 *Further investigation of processes towards developing a concept design for the facility.”*

These recommendations are the subject of a separate report to be considered by Council.

## **DETAILS**

The JPACF Market Analysis and Feasibility Study outlined a conceptual facility model referred to as the “Art Box”. This facility description is based on the results of the market analysis and takes cognisance of the Project Philosophy and Parameters. The “Art Box” describes how the JPACF could be built on the site. However the description is not sufficient enough to be considered a concept design for the purpose of detailed design development, social impact analysis, accurate financial modelling, or funding opportunity negotiations.

In order to progress the development of a concept design, a design brief is required. The design brief informs the architect and design team of the intended technical details and design rationale for the facility however is not so detailed as to inhibit the creativity of the concept design.

The City has undertaken preliminary investigations into the various options for the development of a design brief and resultant concept design. An Expression of Interest (EOI) process will lead to the creation of a number of initial concepts by architects for discussion and consideration. These options would be tested and evaluated against the design brief and the City’s financial capacity.

A potential method for an EOI process is an architectural design competition. Current investigations indicate that a two stage architectural design competition can overcome the difficulties that may occur in receiving and adjudicating a potentially large number of respondents that may result from a standard tender process.

The first stage of a competition involves requesting expressions of interest in the form of submissions of ideas and concept sketches in response to a design brief. An evaluation of these submissions by a selection panel, against established criteria, leads to a shortlist of architects who would then enter the second stage.

During the second stage, the short-listed architects develop a more detailed schematic plan for the concepts (an honorarium, recommended to be \$10,000, should be awarded to cover the costs of preparing a second stage submission). At the end of the second stage a winning design is chosen and the winning architect could potentially be awarded the design development contract for the project.

It is envisaged that the selection panel for the architectural design competition will comprise a minimum of four members including:

- the Presiding Member of the JPACF Steering Committee
- an individual with relevant architectural expertise
- an individual with expertise in the management of similar facilities
- the Chief Executive Officer.

The architectural design competition offers the opportunity to market the project to a wider audience. In addition, the potential also exists for the community to comment or vote during the architectural design competition.

It is anticipated that an architectural design competition, instigated through an EOI process, will take approximately three months.

### Issues and options considered

Not applicable.

### Legislation / Strategic Community Plan / policy implications

**Legislation** The City is governed by the requirements of the *Local Government Act 1995* in relation to dealings involving commercial undertakings and land development.

### Strategic Community Plan

**Key theme** Community Wellbeing.

**Objective** Cultural development.

**Strategic initiative** Establish a significant cultural facility with the capacity to attract world-class visual and performing arts events.

**Policy** The concept design for the JPACF will be developed in accordance within the City's policies and procedures.

### Risk management considerations

A Risk Register for the JPACF is provided as part of the Market Analysis and Feasibility Study. A comprehensive Risk Management Assessment Report outlining the risks apparent to the project will be prepared and updated as the project progresses.

### Financial/budget implications

The cost of the process for the development of a concept design for the facility will be met by the Joondalup Performing Arts and Cultural Facility budget and includes architectural advisor fees, design brief development costs, honorariums paid to nominated finalists, and Quantity Surveyor fees.

The development of a Performing Arts and Cultural Facility will require a significant financial contribution towards the capital cost and an ongoing subsidy for the facility's operations.

The project budget allocated for 2012/2013 is as follows:

<b>Account no.</b>	1-210-C1002
<b>Budget Item</b>	Joondalup Performing Arts and Cultural Facility
<b>Budget amount</b>	\$ 406,850
<b>Amount spent to date</b>	\$ 161,778
<b>Balance</b>	\$ 245,072

All amounts quoted in this report are exclusive of GST.

## **Regional significance**

The construction of the Joondalup Performing Arts and Cultural Facility will enhance the City Centre as the major commercial, educational, recreational and arts and culture centre for the northern corridor of the Perth metropolitan area.

## **Sustainability implications**

It is anticipated that environmental sustainability implications will be considered during the preparation of a concept design brief for the facility. The development parameters for the facility include the achievement of best practice in environmentally sustainable design principles.

The engagement of the general community and bodies representing the arts community in the design and development stage of the project will cultivate a sense of ownership over the facility. This sense of ownership will provide the impetus for the ongoing sustainability of the facility by ensuring maximum use by a wide variety of individuals and groups.

The JPACF project includes the undertaking of a Social Impact Assessment of the facility. The results of the Social Impact Assessment will further inform the City of the social and economic implications of the development of the JPACF.

## **Consultation**

Community consultation will be undertaken in accordance with the City's public consultation policies and protocols as the project progresses.

The City's ratepayers and residents may have the opportunity to participate and contribute in the concept design process for the JPACF. An architectural design competition process could provide the opportunity for ratepayers and residents to comment or vote on potential concept designs.

## **COMMENT**

As outlined in this report, investigations into the options for the development of a concept design have commenced. These investigations include the potential of hosting an architectural design competition through an EOI process.

To enable these options to be fully considered and the process developed it is appropriate that a facility model be identified for the purposes of preparing a design brief. The "Art Box" model, as described in the Market Analysis and Feasibility Study, satisfies both Council's philosophies for facility and the demand identified through the market analysis.

The instigation of an architectural design competition at this time will ensure the project not only progresses in accordance with Council's expectations, it also provides the City with the opportunity to market the project to a wider audience.

As considered by the JPACF Steering Committee in order to finalise a Social Impact Assessment and commence capital funding negotiations on the facility, a finalised concept design is required. A robust business case based on the Market Analysis and Feasibility Study, a completed Social Impact Assessment and a concept design will allow the City to instigate negotiations with the relevant private and government funding sources.

Investigations relating to opportunities for the project indicate that an architectural design competition is an effective method of developing a concept design for a project such as the JPACF whilst providing the opportunity to ensure City's financial objectives are achieved. An architectural design competition process will provide the opportunity for the consideration of alternative facility design options.

Given the current political climate, opportunities may arise with regard to state and federal funding for the JPACF.

### **VOTING REQUIREMENTS**

Simple Majority.

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

- 1 APPROVES the "Art Box" as the preferred model for the basis of an architectural design competition for the development of a refined conceptual design for the Joondalup Performing Arts and Cultural Facility;**
- 2 AUTHORISES the Chief Executive Officer to initiate an architectural design competition for the development of a refined conceptual design for the Joondalup Performing Arts and Cultural Facility;**
- 3 AUTHORISES the Chief Executive Officer to appoint a selection panel for the purpose of assessing respondents' submissions to a request for Expressions of Interest for the architectural design competition;**
- 4 NOTES the proposal of \$10,000 being the amount of an honorarium to be paid to a maximum of four shortlisted respondents to the request for Expressions of Interest for the architectural design competition;**
- 5 AUTHORISES the Chief Executive Officer to further pursue funding options for external contributions to the capital costs of the Joondalup Performing Arts and Cultural Facility.**

**The Motion was Put and**

**CARRIED (12/0)**

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

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING****C09-03/13                    NOTICE OF MOTION – CR BRIAN CORR – [02154]**

In accordance with Clause 26 of the City's *Standing Orders Local Law 2005*, Cr Brian Corr has given notice of his intention to move the following Motion at the Council meeting to be held on 16 April 2013:

***“That Council REQUESTS the Chief Executive Officer to prepare a report on the “spending” of \$4,000,000 of our ratepayers’ money without a decision of Council, by Premier Barnett, during the recent state election. The report to include all documentation relating to this matter (written and electronic, including, but not limited to press releases, letters, file-notes, emails (with attachments) and text messages sent and received by the City, Mayor Pickard and all Councillors. The report to highlight any governance issues and/or irregularities.”***

**CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 8.10pm the following Elected Members being present at that time:

MAYOR TROY PICKARD  
CR KERRY HOLLYWOOD  
CR TOM MCLEAN, JP  
CR PHILIPPA TAYLOR  
CR SAM THOMAS  
CR LIAM GOBBERT  
CR CHRISTINE HAMILTON-PRIME  
CR MIKE NORMAN  
CR JOHN CHESTER  
CR BRIAN CORR  
CR RUSS FISHWICK, JP  
CR TERESA RITCHIE