

DRAFT AGENDA

Briefing Session City of Joondalup

A BRIEFING SESSION
WILL BE HELD IN CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP

MEETING DATE



on
TUESDAY, 31 JULY 2007

PUBLIC QUESTION TIME



Public Question Time

Members of the public are requested to lodge questions in writing by close of business on Monday, 30 July 2007. Answers to those questions received within that timeframe will, where practicable, be provided in hard copy form at the Briefing Session.



GARRY HUNT
Chief Executive Officer
27 July 2007



City of
Joondalup

www.joondalup.wa.gov.au

PROTOCOLS FOR BRIEFING SESSIONS

The following protocols for the conduct of Briefing Sessions were adopted at the Council meeting held on 9 August 2005.

INTRODUCTION

The modern role of the Elected Council is to set policy and strategy, and provide goals and targets for the local government (City of Joondalup). The employees, through the Chief Executive Officer, have the task of implementing the decisions of the Elected Council.

A well-structured decision-making process that has established protocols will provide the elected body with the opportunity to:

- have input into the future strategic direction set by the Council;
- seek points of clarification;
- ask questions;
- be given adequate time to research issues;
- be given maximum time to debate matters before the Council;

and ensure that the elected body is fully informed to make the best possible decision for all the residents of the City of Joondalup.

PURPOSE OF BRIEFING SESSIONS

Briefing Sessions will involve Elected Members, staff, and external advisors (where appropriate) and will be open to the public.

Briefing Sessions will provide the opportunity for Elected Members to be equally informed and seek additional information on matters prior to the presentation of such matters to the next ordinary meeting of Council for formal consideration and decision.

Protocols for Briefing Sessions

The following protocols will apply to Briefing Sessions that are conducted by the City of Joondalup.

- 1 Briefing Sessions will be open to the public except for matters that relate to a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the Local Government Act 1995.
- 2 Dates and times for Briefing Sessions will be set well in advance where practicable, and appropriate notice given to the public.
- 3 The Chief Executive Officer will ensure timely written notice and an agenda for each Briefing Session will be provided to all Elected Members, Members of the public and external advisors (where appropriate).

- 4 The Mayor is to be the Presiding Member at Briefing Sessions. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable or unwilling, those Elected Members present may select one from amongst themselves to preside at the Briefing Session.
- 5 The Presiding Member at the commencement of each Briefing Session shall:
 - (a) Advise Elected Members that there will be no debate on any matters raised during the Sessions;
 - (b) Ensure that the relevant employee, through liaising with the Chief Executive Officer, provides a detailed presentation on matters listed on the agenda for the Session;
 - (c) Encourage all Elected Members present to participate in the sharing and gathering of information;
 - (d) Ensure that all Elected Members have a fair and equal opportunity to participate in the Session; and
 - (e) Ensure the time available for the Session is liberal enough to allow for all matters of relevance to be identified;
- 6 Elected Members, employees and relevant consultants shall disclose their interests on any matter listed for the Briefing Sessions. When disclosing an interest the following should be considered:
 - (a) Interests are to be disclosed in accordance with the provisions of the Local Government Act 1995 and the City's Code of Conduct;
 - (b) Persons disclosing a financial interest will not participate in that part of the Session relating to the matter to which their interest applies and shall depart the room;
 - (c) An exception shall be applied to the disclosing of interests by consultants where the consultant will be providing information only, and will be able to remain in the Session;
 - (d) As matters raised at a Briefing Session are not completely predictable, there is some flexibility in the disclosures of interests. A person may disclose an interest at such time as an issue is raised that is not specifically listed on the agenda for the Session.
- 7 Elected Members have the opportunity to request matters to be included on the agenda for consideration at a future Briefing Session by:
 - (a) A request to the Chief Executive Officer; or
 - (b) A request made during the Briefing Session.
- 8 A record shall be kept of all Briefing Sessions. As no decisions are made at a Briefing Session, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all elected members.

- 9 Members of the public may make a deputation to a Briefing Session by making a written request to the Mayor by 4pm on the working day immediately prior to the scheduled Briefing Session. Deputations must relate to matters listed on the agenda of the Briefing Session.
- 10 Other requirements for deputations are to be in accordance with the Standing Orders Local Law where it refers to the management of deputations.

PUBLIC QUESTION TIME

The following protocols for the conduct of Public Question Time were adopted at the Council meeting held on 11 October 2005

Members of the public are invited to ask questions, either verbally or in writing, at Briefing Sessions.

The Council encourages members of the public, where possible, to submit their questions at the earliest opportunity.

Public question time will be limited to the legislative minimum of fifteen (15) minutes and may be extended in intervals of up to ten (10) minutes by resolution of the Council, but the total time allocated for public questions to be asked and responses to be given is not to exceed thirty five (35) minutes in total.

PROCEDURE FOR PUBLIC QUESTION TIME

Members of the public are invited to ask questions, either verbally or in writing, at Briefing Sessions. Questions asked at a Briefing Session must relate to a matter contained on the draft agenda.

- 1 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 2 Each member of the public wanting to ask questions will be encouraged to provide a written form of their question(s) to the Chief Executive Officer (CEO) or designated City employee.
- 3 Public question time will be limited to two (2) minutes per member of the public, with a limit of two (2) questions per member of the public.
- 4 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 5 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.

- 6 Where the number of required questions exceeds the number able to be asked, the member of the public may submit the unasked questions to the Council, where they would be 'taken on notice' and a written response provided.
- 7 Public question time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further questions.
- 8 To enable prompt and detailed responses to questions, members of the public are encouraged to lodge questions in writing to the CEO by close of business on the working day immediately prior to the scheduled Briefing Session.

Responses to those questions received within the above timeframe will, where practicable, be provided in hard copy at the meeting.
- 9 The Mayor or presiding member shall decide to:
 - Accept or reject the question and his/her decision is final;
 - Nominate a member of the Council and/or City employee to respond to the question;
 - Due to the complexity of the question, require that it be taken on notice with a written response provided as soon as possible, and included in the agenda of the next briefing session.
- 10 Questions are to be directed to the presiding member and should be asked politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 11 Where a response has been provided to a question asked by a member of the public, and where that response, in the opinion of the presiding person, adequately deals with the question, there is no obligation to further justify the response.
- 12 Where an elected member is of the opinion that a member of the public is:
 - asking a question at a Briefing session, that is not relevant to a matter listed on the draft agenda, or;
 - making a statement during public question time;they may bring it to the attention of the meeting.
- 13 Questions and any response will be summarised and included in the notes of the Briefing Session.
- 14 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

PUBLIC STATEMENT TIME

The following protocols for the conduct of Public Statement Time were adopted at the Council meeting held on 11 October 2005

Members of the public are invited to make statements, either verbally or in writing, at Briefing Sessions of the City.

Public statement time will be limited to a maximum of fifteen (15) minutes. Individual statements are not to exceed two (2) minutes per member of the public.

PROCEDURE FOR PUBLIC STATEMENT TIME

Members of the public are invited to make statements, either verbally or in writing, at Briefing Sessions. Statements made at a Briefing Session must relate to a matter contained on the draft agenda.

- 1 A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 2 Public statement time will be limited to two (2) minutes per member of the public.
- 3 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- 4 Public statement time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further statements.
- 5 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 6 Where an elected member is of the opinion that a member of the public is making a statement at a Briefing session, that is not relevant to a matter listed on the draft agenda, they may bring it to the attention of the meeting.
- 7 Statements will be summarised and included in the notes of the Briefing Session.
- 8 It is not intended that public statement time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

DISCLAIMER

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

DEPUTATION SESSIONS

Council will conduct an informal session on the same day as the Briefing Session in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup, commencing at 6.30 pm where members of the public may present deputations by appointment only. (Please note that deputation requests are to be received by no later than 4.00 pm on the Monday prior to a Briefing Session.)

A time period of fifteen (15) minutes is set-aside for each deputation, with five (5) minutes for Elected members' questions. Deputation sessions are open to the public.

* *Any queries on the agenda, please contact Council Support Services on 9400 4369*

CITY OF JOONDALUP – BRIEFING SESSION

to be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 31 JULY 2007** commencing at **6.30 pm**

ORDER OF BUSINESS

- 1 OPEN AND WELCOME**
- 2 DEPUTATIONS**
- 3 PUBLIC QUESTION TIME**

The following questions were raised verbally at the Briefing Session on 10 July 2007:

Mrs M Zakrevsky, Mullaloo:

Q1 *Stamped Page 67 – Item 8: Warrant of Payments – May 2007*

John Banks & Associates, 31 May 2007 - Payment No 11530

<i>Effects of herbicides on trees -</i>		<i>\$8,790.10</i>
<i>Sump shrubs, trees, final report</i>	<i>-</i>	<i>\$3,670.50</i>

(a) *Is the Ph D student engaged by the City of Joondalup to investigate the sump herbicide treatment in relation to tree and shrub deaths in the employment of or contracted to John Banks & Associates or has he been paid separately under another name?*

A1 (a) He will be paid under the name of John Banks and Associates.

(b) *What are the qualifications or expertise of John Banks & Associates who have been paid over \$25,000 to date, other than information on their website i.e. “operate and maintain chainsaws, prune shrubs and trees”?*

A1 (b) Mr Banks is a qualified arbor culturist. He provides consulting advice to a wide range of local governments and government agencies in the area of arbor and is reputed to be one of the best consultants in Western Australia.

The following questions were tabled by Mrs Zakrevsky:

Q1 (c) *Does the report of John Banks & Associates provide number of species, size, age of dead trees and shrubs and does it include the number of dying trees and shrubs?*

(d) *Does John Banks & Associates have any connection with the City’s tree removal/stump grinding contractor or with any Councillor with treelopping/tree removal related work?*

- A1 (c) The report estimates the total number of trees and shrubs affected, the genus affected, and classifies the plant as either dead, unhealthy or healthy.
- (d) John Banks and Associates have advised that they have no private or business connection with the City's tree removal contractor or any Councillor with or without tree removal related work.

4 PUBLIC STATEMENT TIME

5 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

Cr Tom McLean 17 July 2007 – 6 August 2007 inclusive

Cr Brian Corr 10 August 2007 – 1 September 2007 inclusive

6 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Disclosure of Financial Interests

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

Disclosure of interest affecting impartiality

Elected members and staff are required under the Code of Conduct, in addition to declaring any financial interest, 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.

7 REPORTS

ITEM NO	TITLE	WARD	PAGE NO
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ITEM 14	MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – JUNE 2007 – [07032] [05961]	All	58
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- 8 REPORT OF THE CHIEF EXECUTIVE OFFICER**
- 9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS**

LATE ITEMS / ADDITIONAL INFORMATION

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

[Additional Information 310707.pdf](#)

ITEM 1 DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

PURPOSE

To provide a listing of those documents recently executed by means of affixing the Common Seal for noting by the Council for the period 10 July 2007 to 17 July 2007.

EXECUTIVE SUMMARY

The City of Joondalup enters 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 executed by affixing the Common Seal are reported to the Council for information on a regular basis.

BACKGROUND

Not Applicable.

DETAILS

Document:	Local Library Studies Collection – Copyright
Parties:	City of Joondalup and Jenny Fairclough
Description:	Local Studies Collection – Historical Record of Interview – Copyright legal document
Date:	10.07.07

Document:	Local Library Studies Collection – Copyright
Parties:	City of Joondalup and Nerida Clifford
Description:	Local Studies Collection – Historical Record of Interview – Copyright legal document
Date:	10.07.07

Document:	Amendment to DPS No 2
Parties:	City of Joondalup and Department of Planning and Infrastructure
Description:	Amendment No 38 to District Planning Scheme No 2 – Adding additional use 1-20 to Lot 100 (10) Oceanside Promenade, Mullaloo – Adopted at Council 19 June 2007 (CJ118-06/07 refers)
Date:	10.07.07

Document:	Lease Agreement
Parties:	City of Joondalup and Undercroft Bridge Club Incorporated
Description:	Renewal of Lease Agreement between the City and Undercroft Bridge Club Incorporated for portion of Reserve 33894 Percy Doyle Reserve, (46) Warwick Road, Duncraig. Council resolution CJ270-12/05 refers.
Date:	10.07.07

Document:	Amendment to City of Joondalup District Planning Scheme No 2
Parties:	City of Joondalup and WA Planning Commission
Description:	Amendment to City of Joondalup District Planning Scheme No 2 to adopt and certify the proposed amendment to the Caridean Street Structure Plan No 4 to modify the existing structure plan provisions to allow a maximum 1.8m high fence on the front boundaries of the site, with any fencing above 1m being permeable (open) – Lots 1-12 on Strata Plan 49689 (83) Caridean Street, Heathridge and Lots 1 and 2 on Strata Plan 12085 (79) Admiral Grove, Heathridge – Minutes of Council 24.04.07 – (CJ073-04/07 refers)
Date:	17.07.07

Document:	Offer of Preferred Service Provider Agreement
Parties:	City of Joondalup and Department for Community Development (Department for Child Protection)
Description:	Annual funding from the Department for Child Protection under this new agreement will be \$66,385.42
Date:	17.07.07

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

Some of the documents executed by affixing the common seal may have a link to the Strategic Plan on an individual basis.

Legislation – Statutory Provisions:

Sub-sections (2) and (3) of section 2.5 of the Local Government Act 1995 states:

- (2) The local government is a body corporate with perpetual succession and a common seal.
- (3) The local government has the legal capacity of a natural person.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Some of the documents executed by the City may have financial and budget implications.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The various documents have been executed by affixing the Common Seal of the City of Joondalup and are submitted to the Council for information.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the schedule of documents executed by means of affixing the Common Seal covering the period 10 July 2007 to 17 July 2007 be NOTED.

ITEM 2 ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 APRIL TO 30 JUNE 2007 – [20560]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Ian Cowie
 Governance and Strategy

PURPOSE

To present the *Annual Plan 2006/2007 Quarterly Progress Report* for the period 1 April to 30 June 2007.

EXECUTIVE SUMMARY

The Quarterly Progress Report provides information on the progress of projects and programs documented in the Annual Plan 2006/2007. This is the final progress report for the 2006/2007 Annual Plan.

It is recommended that Council RECEIVES the Annual Plan 2006/2007 Quarterly Progress Report shown as Attachment 1 to this Report.

BACKGROUND

The City's Corporate Reporting Framework, endorsed by Council at its meeting of 14 December 2004, requires the development of an Annual Plan and the provision of reports against the Annual Plan on a quarterly basis. (Item CJ307-12/04 refers.)

DETAILS

Issues and options considered:

The Annual Plan contains a brief description of the key projects and programs to be delivered by the City in the 2006/2007 financial year. The Quarterly Progress Report provides information on achievements against the milestones set during the year and a commentary is provided against each milestone to provide information on progress, or to provide an explanation where the milestone has not been achieved.

The milestones being reported are the shaded sections of Attachment 1. Details of progress from the previous three quarters, which have already been received by Council, are provided for background information.

As this is the final quarterly progress report for the 2006/07 Annual Plan, the following provides an overall summary of significant achievements for the financial year:

Community Wellbeing

- Delivery of a comprehensive program of cultural events throughout the year including:
 - Naidoc Week
 - Joondalup Eisteddfod
 - Invitation Art Award
 - Sunday Serenades

- Joondalup Sunset Markets
 - Summer Concert Series
 - Little Feet Festival
 - Valentine’s Day Concert
 - Joondalup Community Art Exhibition
- Feasibility study undertaken of aquatic facilities at Craigie Leisure Centre.
 - Major review of Community Funding Program resulting in improvements to approval process. Funding of approximately \$45,000 distributed to applicants.
 - Adoption of the Community Development Strategy.
 - Major review undertaken of the City Watch Service to assist in the determination of future service provision.
 - Major review of Library Management System and development of a business case for upgrades to the system.
 - Adoption of the Joondalup-Jinan Relationship Plan.

Caring for the Environment

- Midge lava monitoring of Lake Joondalup.
- Participation in the *CCP (Cities for Climate Protection) Plus* Program, which involves the development of a Greenhouse Action Plan to assist the City achieve reductions in greenhouse gas emissions.
- Budget approval for progression of the Yellagonga Integrated Catchment Management Plan (a joint project with the City of Wanneroo).
- Feasibility Study for Yellagonga Regional Park Environment Centre completed and put out for public consultation.
- Recycling bin distribution to all households in the City.
- Progress on upgrade of the Materials Recovery Facility.

City Development

- Concept design completed for the new Works Depot and development approval granted. Site works commenced.
- Presentation to Council on the Ocean Reef Marina development. Community Participation Plan endorsed by Council.
- Completion of Major Capital Works Program projects during the financial year, including:
 - Sorrento Traffic Management Scheme, Sorrento
 - Chichester Drive Traffic Management Scheme, Woodvale
 - Prince Regent Standard Median Treatments, Heathridge
 - Traffic Signals at Black Spot Intersections, (Connolly, Joondalup and Duncraig)
 - Car Park at Davallia Pre-school, Duncraig
 - Upgrade of Tom Simpson Park, Mullaloo

- Development of an Asset Management Strategy and Policy.
- Implementation of the Tourism Development Plan including:
 - Development of a branding strategy for the City
 - Development of a tourism video
 - Development of relationships with key stakeholders
 - Participation in Home and Lifestyle Expo
- Parking Strategy prepared and released for public comment.
- Purchase of Lot 9, Lawley Court and construction of the car park. The car park is now fully operational.
- Process developed for the review of DPS2. Issue Papers prepared for public comment.
- Participation in the TravelSmart Program, including development of, and progress against, the Green Transport Plan.
- Continuing operation of the Joondalup CBD CAT Bus.
- Hosting of three Business Forums to promote business attraction and development.
- Launch of *ThinkLearn* Project, including accreditation of trainers and training delivered to a number of young local business owners and managers.
- Preparation of a Draft Economic Development Strategy.

Organisational Development

- Significant progress in development of new Strategic Plan.
- Regular progress reports provided to Council on Annual Plan 2006/07.
- Progression in development of Audit Plan.
- Development of Business Continuity Plan.
- Implementation of Human Resources and Payroll System.
- Annual Customer Satisfaction Monitor conducted.
- Development of a Workforce Plan.

Link to Strategic Plan:

Outcome:	The City is a sustainable and accountable business.
Objective 4.1	To manage the business in a responsible and accountable manner.
Strategy 4.1.2	Develop a corporate reporting framework based on sustainable indicators.

Legislation – Statutory Provisions:

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

This Act is intended to result in:

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

Risk Management considerations:

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

Financial/Budget Implications:

Not applicable

Policy implications:

In accordance with Policy 8-6, Communications, the Council recognises and acknowledges the importance of consistent, clear communications and access to information for its stakeholders.

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

Not applicable

COMMENT

Significant progress on most major projects and programs has been made during the quarter. Projects not completed will be carried forward to the 2007/2008 Annual Plan.

ATTACHMENTS

Attachment 1 Annual Plan Progress Report for the period 1 April 2007 – 30 June 2007.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council RECEIVES the final Annual Plan Quarterly Progress Report for the period 1 April 2007– 30 June 2007 as shown in Attachment 1 to this Report.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf310707.pdf](#)

ITEM 3 MINUTES OF THE OCEAN REEF MARINA COMMITTEE MEETING HELD ON 17 JULY 2007 – [07030]

WARD: North-Central

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

To submit the unconfirmed minutes of the Ocean Reef Marina Committee to Council for noting and recommend appropriate action in relation to the decisions of the Committee.

EXECUTIVE SUMMARY

A meeting of the Ocean Reef Marina Committee was held on 17 July 2007.

The item of business that was considered by the Committee was:

- Commencing the Ocean Reef Consultation Process.

It is recommended that Council NOTES the unconfirmed minutes of the Ocean Reef Marina Committee held on 17 July 2007, forming Attachment 1 to this Report.

BACKGROUND

The objectives of the Ocean Reef Marina Committee are *to provide leadership for, and oversight of, the Ocean Reef Marina project.*

DETAILS

Issues and options considered:

The motion carried at the Ocean Reef Marina Committee is shown below, together with officer's comments.

Commencing the Ocean Reef Consultation Process

The following motion was carried:

That the Ocean Reef Marina Committee:

- 1 *ENDORSES the community participation approach outlined in this report;*
- 2 *NOTES that Council will determine and endorse the final composition of the Community Reference Group.*

Officer's comment

The Committee's resolution is supported.

Requests For Reports For Future Consideration

A report was requested on the major elements and their associated timelines that require to be undertaken in connection with the Ocean Reef Marina development project.

Officer's comment

Information on the major elements of the project and their timelines has already been collated and will be presented to the next meeting of the Committee.

Link to Strategic Plan:

Not applicable.

Legislation – Statutory Provisions:

The Committee is established in accordance with the Local Government Act 1995.

Risk Management considerations:

Not applicable.

Financial/Budget Implications:

Not applicable.

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

Not applicable.

ATTACHMENTS

Attachment 1 Minutes of the Ocean Reef Marina Committee meeting held on 17 July 2007

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council NOTES the unconfirmed minutes of the Ocean Reef Marina Committee held on 17 July 2007, forming Attachment 1 to this Report.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf310707.pdf](#)

ITEM 4 A NEW PARKING STRATEGY FOR THE JOONDALUP CBD – [05787]

WARD: North

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE / EXECUTIVE SUMMARY

To receive public feedback on the draft Parking Strategy and to adopt the Strategy without modification.

BACKGROUND / DETAILS

In April, Council agreed to a two-month consultation period on a draft Parking Strategy for the Joondalup CBD. The public consultation period concluded on 15 July 2007, by which time, five submissions had been received. These submissions are summarised in Attachment 1.

On the fundamental issue of paid parking, only one submission disagreed with the approach while another supported the concept. No changes are recommended to the draft Strategy as a result of the submissions based on the responses given in Attachment 1. Consequently, it is recommended that Council adopt the draft Parking Strategy, which was advertised for comment (excluding the foreword which related to the consultation process and other wording which reflected the draft nature of the document). The Strategy for adoption is included as Attachment 2. The principal elements to the Strategy are summarised in the Executive Summary to the Strategy itself (see Attachment 2).

Issues and options considered:

Council could decide to:

- Adopt the draft Strategy as is;
- Amend the draft Strategy; or
- Reject the draft Strategy and seek an alternate approach.

Link to Strategic Plan:

A Parking Strategy will support a range of outcomes identified within the Strategic Plan including:

- The City of Joondalup is recognised as a great place to visit;
- The City of Joondalup has an effective integrated transport system; and
- The City of Joondalup is recognised for investment and business development opportunities.

Legislation – Statutory Provisions:

Not applicable.

Risk Management considerations:

There are no direct risks associated with establishing a Strategy.

Financial/Budget Implications:

There are no costs associated with the adoption of the Strategy. However, the implementation of the various elements within the Strategy will have significant costs. These will be presented to Council as the various elements are implemented. (For instance, it is likely that the implementation of paid parking will cost over \$1 million but will generate a solid revenue stream.)

Policy implications:

A new Parking Strategy will set a framework for parking policy within the City.

Regional Significance:

Parking facilitates the CBD's attractiveness as a regional centre.

Sustainability implications:

The Strategy considers sustainability principles.

Consultation:

Before releasing the draft Strategy for public feedback, meetings were held with each of the following stakeholders individually:

- Lakeside Joondalup Shopping Centre
- WA Police Academy
- Edith Cowan University
- Joondalup Business Association
- Joondalup Health Campus

In addition, the following stakeholders attended a briefing with the Mayor and the two Ward Councillors:

- WA Police Academy
- Joondalup Business Association
- Edith Cowan University
- Joondalup TAFE Campus

The City received five submissions on the draft Strategy.

COMMENT

Not applicable.

ATTACHMENTS

Attachment 1 – Summary of Feedback

Attachment 2 – Parking Strategy for adoption

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council ADOPTS the Parking Strategy outlined in Attachment 2 to this Report.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf310707.pdf](#)

ITEM 5 LIST OF PAYMENTS MADE DURING THE MONTH OF JUNE 2007 – [09882]

WARD: All

DIRECTOR RESPONSIBLE: Mr Mike Tidy
Corporate Services

PURPOSE

To present to Council the list of accounts paid under the CEO's delegated authority during the month of June 2007 to note.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of June 2007, totalling \$7,903,355.24

It is recommended that Council NOTES the Chief Executive Officer's list of accounts for June 2007 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments A, B and C to this Report, totalling \$7,903,355.24.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of June 2007. Lists detailing the payments made are appended as Attachments A and B. The vouchers for the month are appended as Attachment C.

FUNDS	DETAILS	AMOUNT
Municipal Account	Cheques 79050 - 79245 EFT 11831 - 12247 Net of cancelled payments	\$5,634,631.44
	Vouchers 279A – 281A , 283A – 284A & 287A	\$2,249,691.43
Trust Account	Cheques 201458 - 201497 Net of cancelled payments	\$19,032.37
Total		\$7,903,355.24

Issues and Options Considered:

Not Applicable

Link to Strategic Plan:

Strategy 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

The Council has delegated to the CEO 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 CEO is prepared each month showing each account paid since the last list was prepared.

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 2006/7 Annual Budget as adopted by Council at its meeting of 25 July 2006, or approved in advance by Council.

Policy Implications:

All expenditure included in the list of payments is drawn from the City's accounting records.

Sustainability Implications:

Expenditure has been incurred in accordance with 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 2006/07-2009/10 which was available for public comment from 29 April 2006 to 29 June 2006 with an invitation for submissions in relation to the plan.

COMMENT

All Municipal Fund expenditure included in the list of payments is in accordance with the 2006/07 Annual Budget as adopted by Council at its meeting of 25 July 2006, or has been authorised in advance by Council where applicable.

ATTACHMENTS

- | | |
|--------------|---|
| Attachment A | CEO's Delegated Municipal Payment List for the month of June 2007 |
| Attachment B | CEO's Delegated Trust Payment List for the month of June 2007 |
| Attachment C | Municipal and Trust Fund Vouchers for the month of June 2007 |

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOTES the Chief Executive Officer's list of accounts for June 2007 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A, B and C to this Report, totalling \$7,903,355.24

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf310707.pdf](#)

ITEM 6 CITY WATCH COMMUNITY SECURITY PATROL SERVICE – [23565] [89558]

WARD: All

RESPONSIBLE DIRECTOR: Mr Dave Djulbic
Infrastructure Services

PURPOSE/EXECUTIVE SUMMARY

To report to Council the findings of the review comparing in-house provision as opposed to outsourcing the community security patrol services. This report recommends a continuation of the outsourcing option.

BACKGROUND

The Council at its meeting held on 2 November 2004 agreed to award NGS Guards and Patrols a contract for five years for the provision of a security and patrol service within the City of Joondalup. As part of that decision, the Council requested that prior to extending the contract beyond two years that a report be presented to the Council. NGS Guards and Patrols have since been taken over by Wilson Security Pty Ltd.

Two years of the contract expired in December 2006. A report was presented to the Council meeting held on 19 September 2006 (Item CJ162-09/06), where it was resolved as follows:

“That Council:

- 1 EXERCISES its option to extend Contract 014-04/05 with Wilson Security Pty Ltd (previously NGR Guards and Patrols) for the provision of community security and patrol services in the City of Joondalup for an additional 12 months to 17 December 2007;*
- 2 REQUESTS the CEO to undertake a review comparing in-house provision as opposed to outsourcing the community security and patrol services, and that a report on the review findings be submitted to Council for consideration prior to the 2007/08 budget decision.”*

The City appointed a consultant to undertake the comparison. After extensive analysis, the consultant presented six possible options to a Strategy Session for Elected Members on 17 March 2007.

DETAILS

The current contract for the City Watch community security patrol service commenced on 18 December 2004 and involved the contractor providing the field staff and associated vehicles to conduct patrols. The contract ran for an initial 12 month period with four options to extend, at the City’s discretion and subject to satisfactory performance reviews, each for a 12 month period. If all extensions are granted, the contract would run for five years.

A decision needs to be made on whether to extend the contract for another 12 month period from December 2007 to December 2008.

This report brings the six options previously identified by the consultant to the Council to enable a decision to be made on the future of the security patrol service. The six options are explained in detail in Attachment 1. This indicates the advantages and disadvantages

associated with each option, and compares the costs of matching existing service levels with maintaining the current budgetary commitment. The options, and their associated costs, are summarised in the table below:

OPTION	CITY WATCH	RANGER	TOTAL
Outsourced option (as per current contract)	\$1.75m	\$1.03m	\$2.78m
In-house provision of security service separate from Ranger services	\$2.7m	\$1.03m	\$3.73m
In-house provision of security service shared with adjacent local governments	\$2.75m	\$1.03m	\$3.78m
In-house provision of combined Ranger and security service	\$3.07m	\$1.03m	\$3.81m to \$4.10m
Ward or region based Ranger service		\$2.31m	\$2.31*m
No dedicated security patrols		\$1.03m	\$1.33**m

***Note:** Provides additional six Rangers, one in each ward but with no focus on safety/security patrols. City Watch patrols discontinued.

****Note:** City Watch patrols discontinued. Provision of \$300,000 for replacement of services currently undertaken by City Watch, to be done by City staff or other contract arrangements.

The consultant's report identifies that providing a security service in-house is the most expensive option if current service levels are to be maintained. (The service could be provided in-house using the current budget; however, lower service levels would be achieved.). There is little difference between the costs of providing a combined security service and Ranger service in-house or separating the Ranger and security services and providing both in-house. Further the cost does not decrease if an in-house service is provided in conjunction with an adjacent local government.

Here it should be noted that the City previously provided a combined Ranger and security patrol service until 2000. This approach was abandoned for reasons which generally reflect the disadvantages identified by the consultant in relation to the combined security and Ranger services. These reasons include:

- Ranger and security officer roles are distinctly different;
- There is likely to be a diluted focus on both elements if the roles are combined;
- It could be difficult for the City to recruit additional staff to undertake the combined role; and
- Existing Rangers may leave the City if they are dissatisfied with the changes.

The consultant concludes that the most cost effective way of providing a security patrol service is through a contractor and an outsourced arrangement. This option should be significantly cheaper for the City to implement each year based on the consultant's analysis. However, the actual savings will depend on the final cost for delivering an outsourced option in coming years.

Basing Rangers on wards is not considered appropriate. While Rangers working in a single ward could be expected to build greater rapport with local residents, present staffing levels are insufficient to allow such an approach and additional staff would be needed (for instance, such an approach would require two Rangers per ward to cover all shifts as the barest minimum. However, if one was on leave or was sick, there would be a gap in coverage for part of the day or a Ranger would need to be drawn from another ward to deal with issues. This latter option would generate further gaps within the system).

Further, while wards are ideal for determining electoral representation, they do not make logical boundaries for the allocation of Ranger functions. If such an approach were to be supported, it would be better to base the regions on major roads rather than wards to reflect people movements.

Link to Strategic Plan:

Provision of the City Watch community and security patrol service is in keeping with the City's Strategic Plan Key Focus Area 1. – Community Wellbeing:

- Outcome: The City is a safe and healthy City;
- Objective 1.4: Continue to implement the Safer Community Program.

Legislation – Statutory Provisions:

The provision of this service is at the discretion of the Council, as there are not statutory obligations requiring the City to undertake this activity.

Risk Management Considerations:

Recent annual customer surveys show that there is a very high customer awareness of the community security patrol service and reasonable satisfaction with the service provided.

	2003	2004	2005	2006	2007
Awareness	95%	87%	84%	92%	-
Satisfaction	82% *	79%	65%	72%	71%

* In 2003, the rating was based on usage rather than satisfaction.

Both of these percentages are high compared to many other City services. This is impressive when it is noted that the City Watch service has not been actively marketed for several years. This said, the level of service provided, and number of operational hours over which the current City Watch community security patrol service operates is considerably higher than the level of service operational hours that other local governments provide. However, these other local governments achieve similar satisfaction and awareness ratings.

Another important but more dated reference point is the referendum that the City conducted on the service in May 2001. This saw 68% of those who cast a vote favouring continuation of the service.

It should also be noted that if the service were to be discontinued, the City would need to make other provisions for some of the services currently undertaken by City Watch that could not be readily discontinued, such as responding to alarms at City buildings and checks at City facilities. Reporting of maintenance issues, such as graffiti, street lights not working and vandal damage to City assets, would also require review.

Financial/Budget Implications:

Provision of the City Watch service currently costs a total \$1,745,111 per annum which consists of contract costs approximately \$1,609,613 (for provision of the community patrol service by the contractor for a whole year), fuel costs of \$120,000 and \$50,000 for additional patrols over and above the specified hours. The other main components of the budget cover in-house staff costs, public relations, promotions and communication costs including provision of the emergency telephone 1300 655 860 number.

Policy Implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability Implications:

The community security patrol service assists with maintenance of a safe and secure social environment that contributes to quality of life.

Consultation:

During the course of the review, the consultant had discussions with representatives of the Cities of Wanneroo, Stirling and Melville, the Police and the Office of Crime Prevention.

COMMENT

Given the most recent survey results and good performance indicators, cancellation of the service is unlikely to be realistic. However, what is clear is that, while the City's patrols are well received by the community, satisfaction levels and recorded response times are similar to other local governments who provide a service with far less man hours of patrols.

It should also be noted that the broad coverage of all streets each day currently required by the security patrol contract represents a blunt instrument in addressing crime and anti-social behaviour. That is, the patrols do not specifically target 'hot spots' for trouble and they do not encompass specific measures or initiatives to address particular problems such as graffiti. (Here, increasing the speed of graffiti clean up could possibly be viewed as adding effectiveness to targeted patrols.) Consequently, combining patrols with other initiatives may produce a better return on the funds invested by the City.

Provided the City does not wish to discontinue the service altogether, and does not wish to increase funding levels, the most suitable outcome appears to be:

- Continue to provide a community security patrol service via a contractor at a reduced level but which targets zones depending on the time of day and day of the week;
- Negotiate the cost of this level of service with the current contractor;
- Assuming a satisfactory outcome, place any remaining funding (it is noted that the cost of providing the service will most likely rise under a renewed contract) into a range of new initiatives, which could be flexible and change focus as the 'on the ground' situation demands but could include:
 - Increased funding for graffiti removal and prevention programs;
 - Undertaking regular crime audits – identification of areas to concentrate resources, e.g. saturation or targeted patrols;
 - Additional support for neighbourhood watch programs;
 - Funding for software to link mobile staff to corporate data (this could have benefits for all mobile City services); and
 - Funding of outreach or 'at risk' programs.

The City Watch service is currently deployed on the basis of six cars in six zones during the evening/night shift and three cars in six zones during the day shift. An additional vehicle is deployed in the CBD zone covering Thursday night-Friday morning, Friday night-Saturday morning, Saturday night-Sunday morning. If a contractor provided service is retained but reduced to a lower service level, it is possible that approximately 27,612 man hours of service could be deployed under a two car four zone day shift and four car four zone night shift, plus CBD configuration at a cost of \$1.2 million per annum (or less). This is not dissimilar to the service provided at the City of Stirling.

In terms of the contract, a variation may be requested by the principal (Chief Executive Officer) by notice in writing to the contractor seeking a variation to the service, either by increase or decrease in the service, and shall be mutually agreed to by all parties.

ATTACHMENTS

Attachment 1 Extract from consultant's report identifying options, advantages, disadvantages and costs.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council:

- 1 CONTINUES TO PROVIDE a dedicated community security patrol service via a contractor;**
- 2 SEEKS to implement a service level based on patrols on a 24 hour a day, 7 day a week basis under a 2 car 4 zone configuration throughout the City, varying by time of day and day of the week depending upon demand;**
- 3 REQUESTS the Chief Executive Officer to negotiate provision of the level of service outlined in Clause 2 above with the current contractor within the existing contract provisions with a view to continuation to December 2008;**
- 4 NOTES that the outcome of these negotiations will be reported back to Elected Members and the community.**

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf310707.pdf](#)

ITEM 7 TENDER 033-06/07 SUPPLY AND LAYING OF CONCRETE KERBING – [21600]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure Services

PURPOSE

This report is to seek approval of Council to establish a panel contract and accept the tenders submitted by Weskerb Pty Ltd and Works Statewide Kerbing for the supply and laying of concrete kerbing (Tender 033-06/07).

EXECUTIVE SUMMARY

Tenders were advertised on Saturday, 19 May 2007 through statewide public notice for the Supply and Laying of Concrete Kerbing. Tenders closed on Tuesday, 5 June 2007 and three submissions were received, being:

- Weskerb Pty Ltd;
- Roadsite Kerbing; and
- Works Statewide Kerbing.

It is recommended, in relation to Tender 033-06/07, that Council ACCEPTS the tenders submitted by Weskerb Pty Ltd and Works Statewide Kerbing for the Supply and Laying of Concrete Kerbing in accordance with the requirements as stated in Tender 033-06/07 and the Schedule of Rates for a three (3) year period.

BACKGROUND

Each year the City completes capital and maintenance works to roads, requiring the supply and laying of concrete kerbing. The estimated annual value of kerbing required is \$600,000. The tender includes provision of mountable, semi-mountable, flush and barrier kerbs and kerb ramps to the City's and Main Roads Western Australia standards.

DETAILS

Tenders were advertised on Saturday, 19 May 2007 through statewide public notice for the Supply and Laying of Concrete Kerbing. Tenders closed on Tuesday, 5 June 2007 and three submissions were received from:

- Weskerb Pty Ltd;
- Roadsite Kerbing; and
- Works Statewide Kerbing.

The first part of the tender evaluation process is to check conformance to the Compliance Criteria, in order to ensure that all essential requirements have been met.

All three submissions received were considered compliant and remained for further consideration and were therefore carried forward to the second part of the evaluation process. This involves an independent assessment of the qualitative and quantitative criteria by each member of the evaluation panel. Each member of the evaluation panel assessed the submissions individually against the selection criteria using the weightings determined

during the tender planning phase. The evaluation panel then discussed their assessments, in order to ensure that the Tenderers had the capability and resources to provide the services and to make a recommendation.

Under the City's Contract Management Framework, the tender was assessed by the Evaluation Panel using a weighted multi-criterion assessment system and AS 4120-1994 'Code of Tendering', ensuring compliance with Regulation 18(4) of the Local Government (Functions and General) Regulations 1996.

The selection criteria for Tender Number 033-06/07 is as follows:

Demonstrated Understanding of the Required Tasks

- Appreciation of the requirements
- Outline of the proposed methodology

Capacity

- A brief history of the company and the structure of the business
- Specialised equipment that will be used
- Local Infrastructure
- Safety Management Policy

Social and Economic Effects on the Local Community

- Maintain or increase opportunities for local employment
- Maintain or increase arrangements with both Goods and Services providers within the City
- Provide value added services to the City

Demonstrated Experience in Completing Similar Projects

- Scope of work
- Similarities between those Contracts and this requirement
- Period and dates of Contracts

The evaluation panel carried out the evaluation of the above submissions in accordance with the Qualitative Criteria and concluded that the offers submitted by Weskerb Pty Ltd and Works Statewide Kerbing represented the best value to the City.

Issues and options considered:

Should the Contract not proceed the risk to the City will be high as the provision of concrete kerbing is a critical part of the City's Capital Works Programme for the maintenance of the road network in a safe and usable state for the community.

This selection was based upon the ability of the Respondents to meet the City's requirements and their capacity to complete the works in a timely manner.

The City is currently experiencing delays in service delivery with its current Contractor (Works Statewide Kerbing) due to its resources being over-extended on other work commitments. The kerbing industry has a high volume of work in new subdivisions, which is impacting on this organisation providing dedicated service delivery to local governments. Having a panel contract arrangement will reduce delays and improve service delivery to the City.

Link to Strategic Plan:

3 City Development.

Objective 3.1 To develop and maintain the City of Joondalup's assets and built environment.

Strategy 3.1.1 Plan the timely design, development, upgrade and maintenance of the City's infrastructure.

Legislation – Statutory Provisions:

A statewide public tender was advertised, opened and evaluated in accordance with 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. The consideration for this contract exceeds the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$250,000.

Risk Management considerations:

It is considered that awarding the contract to the recommended Respondents will represent a low risk to the City based on both having highly experienced personnel with fully equipped teams and previous satisfactory performance in supplying services of this nature.

Financial/Budget Implications:

The City has sufficient allocated funds in its annual maintenance and Capital Works budget, as adopted by Council for this appointment to proceed. The City is expected to incur in excess of \$1,800,000 over the three (3) year period.

The City of Joondalup is a registered business entity for GST purposes and is able to claim input tax credit for the amount of GST payable.

Policy implications:

While there are no specific policy implications, the City's current practice is to encourage local business in the purchasing and tendering process and this practice has been incorporated into the selection criteria.

The recommended Respondents Weskerb Pty Ltd and Works Statewide Kerbing are both Western Australian companies located in Morley and Redcliffe respectively.

Regional Significance:

Not applicable.

Sustainability implications:

This Contract will ensure the City is able to upgrade and maintain the road network in a safe and usable state for the community.

Consultation:

Not applicable.

COMMENT

The Evaluation Panel concluded that the submissions from both Weskerb Pty Ltd and Works Statewide Kerbing represented the best value to the City for the supply and laying of concrete kerbing and recommend that both Respondents are established as service providers on a panel contract to be used on an 'as required' basis at the submitted schedule of rates.

Nominating both respondents as service providers on a panel contract arrangement will provide the City with more flexibility of service delivery and reduce the delays currently being experienced by the City with the current sole provider.

Both respondents have fully equipped teams of personnel with extensive kerbing experience and have provided similar services to the City and other local government authorities in a cost effective and expedient manner. Weskerb Pty Ltd have stated in their submission that the City would be given 100% priority over other work.

With regard to Roadside Kerbing, the evaluation panel had some concerns with their tender response. Roadside are a new contracting group, less than twelve months old with limited resources continuously deployed and no assurance given as to the priority offered to the City's work. Although they are undertaking work for other local councils and are awaiting the outcome of several tender submissions for other contracts they have no existing local government contracts. Although their rates are very competitive there is a risk in appointing a very new contractor in terms of an unproven track record and the additional supervision and oversight that an unproven contractor would require. The evaluation panel considered that Roadside Kerbing represented a higher risk in service delivery to the City and is therefore not recommended.

Simply comparing individual line items on a schedule of rates does not give an accurate comparison of tendered prices. To compare each tenderers schedule of rates a basket of the most commonly used services, including mountable sections, semi mountable sections and crossover kerbs, was identified with quantities indicative of that required for a twelve month period. A comparative price was then determined using the same services and quantities calculated using each of the tenderers schedule of rates. The comparative calculations are:

Weskerb Pty Ltd	\$837,500.00
Roadside Kerbing	\$840,425.00
Works Statewide Kerbing	\$951,225.00

This total cost is indicative only based on the City's capital and operational works programmes and may be subject to amendment but the comparative is based on the same services and the same quantities.

The protocols that apply to this requirement will be that the Manager Operational Services will ensure the service provider with the lowest schedule of rates will be contacted to provide its services. If that service provider is not able to meet the service timeframes due to undertaking other requirements, the Manager Operational Services will seek those required services from the other service provider.

This panel contract will enable the City to obtain the required services in order of needs, pricing and availability of resources of the service providers.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council, in relation to Tender 033-06/07, ACCEPTS the tenders submitted by Weskerb Pty Ltd and Works Statewide Kerbing for the Supply and Laying of Concrete Kerbing in accordance with the requirements as stated in Tender 033-06/07 and the Schedule of Rates for a period of three (3) years.

ITEM 8 PROPOSED PARKING RESTRICTIONS – SANDAY PLACE, WARWICK – [03117] [32190] [85506]

WARD: South

RESPONSIBLE DIRECTOR: Mr Dave Djulbic
Infrastructure Services

PURPOSE

The purpose of this report is to present an amendment to the existing parking restrictions in Sanday Place, Warwick, to address residents' concerns in relation to commuter parking associated with Warwick Bus/Rail Station.

EXECUTIVE SUMMARY

The City has received correspondence from residents of Sanday Place in Warwick requesting that a parking restriction be reviewed to prevent commuters associated with the Warwick Bus/Rail Station parking in the street.

This Report recommends that Council AMENDS the City of Joondalup Parking Scheme in accordance with Clause 33 of the City's Parking Local Law (1998) by the installation of a "PARKING – 15 minutes" carriageway or verge along the east side of Sanday Place, Warwick. The proposed hours of restriction will be from 7:30am – 4:00pm Monday to Friday as shown in Attachment 1 to this Report.

BACKGROUND

The City has been monitoring the impact of all day commuter parking in Sanday Place, Warwick on a regular basis for some time.

A parking restriction was implemented in November 2004 in Sanday Place, Warwick to address concerns of commuter parking along the street, and ease traffic congestion at school times. The restriction allowed parking on the carriageway for 15 minutes, Monday to Friday. The restriction did not apply to the verge area. This restriction successfully addressed the commuter parking at the time but due to the increased demand for public transport since then it was necessary for the City of Joondalup to review the restrictions in Sanday Place, Warwick.

In view of these concerns a parking restriction that permits parking on the carriageway or verge for 15 minutes, Monday to Friday is recommended for implementation.

DETAILS

Issues and options considered:

Hawker Park Primary School is bounded by Hawker Avenue, Sanday Place and Kirkcolm Way, Warwick. Hawker Avenue provides a carpark access to the school. Vehicle speed is restricted to 40km/h during school peak times, 7:30am-9am and 2:30pm-4pm on school days. During these times the school verge side of Sanday Place, Warwick is used for commuter parking, resulting in the street becoming congested, restricting normal traffic flow and reducing the level of pedestrian safety.

The local community is concerned that commuter parking in conjunction with parent parking at this location on Sanday Place restricts the normal traffic flow, making it more hazardous for road users, students and other pedestrians.

In view of this, to prevent all day commuter parking along Sanday Place, Warwick it is proposed to implement a 15-minute parking restriction, covering the carriageway or verge during weekdays. This restriction would still allow parents to park on the school verge of Sanday Place, Warwick for up to 15 minutes.

The proposed parking prohibition is shown on Attachment 1.

Link to Strategic Plan:

The recommendation in this report is supported by the following objective and strategy in the City's Strategic Plan 2003 – 2008:

Objective: 1.4 to work with the community to enhance safety and security in a healthy environment.

Strategy: 1.4.2 contribute to the protection of human health.

Legislation – Statutory Provisions:

The City of Joondalup Parking Local Law 1998 was made in keeping with the requirements of the Local Government Act (1995):

33 *The local government may by resolution constitute, determine, vary and indicate by signs:*

- (a) *Prohibitions;*
- (b) *Regulations; and*
- (c) *Restrictions,*

on the parking and stopping of vehicles of a specified class or classes in all roads, specified roads or specified parts of roads in the parking region at all time or at specified times, but this authority shall not be exercised in a manner inconsistent with the provisions of this local law or any other written law.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

The cost to erect the necessary signage is approximately \$150 each, and sufficient funds exist in the maintenance operational budget for this work to occur.

Policy implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

The residents directly opposite the proposed prohibition, as outlined in Attachment 1, were consulted. All residents supported the proposed prohibition.

In addition, Hawker Park Primary School has been consulted in relation to this issue and supported the proposed prohibition.

COMMENT

The proposal to restrict parking along Sanday Place, Warwick to 15 minutes, adjacent to the school as per Attachment 1, will maintain the general traffic flow at all times and therefore increase the level of safety and access at all times for all road users.

On this basis, it is recommended that the proposed parking prohibition be supported.

ATTACHMENTS

Attachment 1 Parking Prohibition – Sanday Place, Warwick.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council AMENDS the City of Joondalup Parking Scheme in accordance with Clause 33 of the City's Parking Local Law (1998) by the installation of a "PARKING – 15 minutes" carriageway or verge along the east side of Sanday Place, Warwick. The proposed hours of restriction will be from 7:30am – 4:00pm Monday to Friday as shown in Attachment 1 to this Report.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf310707.pdf](#)

ITEM 9 PETITION REGARDING TRAFFIC CONCERNS ALONG CONRAD WAY, CURRAMBINE – [45223] [01398]

WARD: North

**RESPONSIBLE
DIRECTOR:** Mr Dave Djulbic
 Infrastructure Services

PURPOSE

To consider a petition regarding traffic concerns along Conrad Way in Currambine.

EXECUTIVE SUMMARY

The City's most recent traffic surveys for Conrad Way, Currambine indicate that this road carries approximately 100 vehicles per day, travelling at an 85th percentile speed of 39km/h. Crash data provided by Main Roads WA indicates that there has only been one (1) recorded crash along Conrad Way, Currambine in the 5-year period between January 2002 and December 2006. These values are within the ranges expected for a local access road such as Conrad Way.

It is recommended that Council:

- 1 *DOES NOT SUPPORT the construction of traffic management treatments along Conrad Way, Currambine;*
- 2 *INTRODUCES a number of community awareness programs and initiatives with the support of the local community and residents of Conrad Way, Currambine, including the Community Speed Watch program;*
- 3 *ADVISES the Petition Organiser of Council's decision.*

BACKGROUND

At the Ordinary Meeting of Council held on 27 February 2007, an 8-signature petition was received from residents of Currambine requesting the construction of a speed hump in Conrad Way, Currambine.

A location plan identifying the subject area is attached – refer to Attachment 1.

Conrad Way, Currambine is classified as a local access road under the City's Functional Road Hierarchy. The physical characteristics of Conrad Way, Currambine are a straight road, 170 metres long and 6.1 metres wide, centrally located within a 14-metre road reserve. Conrad Way, Currambine extends between Carlton Turn east and Carlton Turn west, providing frontage to 13 residential properties and access to the Currambine Primary School.

A site inspection indicated that the road surface is in good condition. There is no footpath along this road and the street lighting is located adjacent to the southern kerb. Conrad Way, Currambine is governed by the default urban speed limit of 50km/h, which was introduced by law in Western Australia on 1 December 2001.

In accordance with the City's Functional Road Hierarchy, a road of this type may reasonably be expected to carry up to 3,000 vehicles per day. The industry standard for traffic assessments uses the 85th percentile speed (i.e. the speed at which 85% of vehicles are

travelling below) and traffic volumes measured over seven days as the criteria for evaluating traffic. This is prescribed in the Australian Standard *AS1742.4-1999 Manual of Uniform Traffic Control Devices, Part 4: Speed Controls*.

DETAILS

Issues and options considered:

The City's most recent traffic surveys for Conrad Way, Currambine were undertaken at a mid-block location in March 2007. These surveys indicated that Conrad Way carries approximately 100 vehicles per day with an 85th percentile speed of 39km/h. The data collected from these surveys is summarised as follows:

Average Weekday Traffic	Heavy Vehicles	85 th Percentile Speed	Mean Speed	Speed Distribution (km/h)			
				Below 50	50-60	60-70	Above 70
<i>Conrad Way, between Carlton Turn west and Carlton Turn east</i>							
101 vpd	2.8%	38.9 km/h	30.7km/h	100 vpd (99.8%)	1 vpd (0.2%)	0 vpd (0.0%)	0 vpd (0.0%)

Crash data provided by Main Roads WA indicates that has only been one recorded crash along Conrad Way, Currambine in the 5-year period between January 2002 and December 2006. This was a right-angle crash, which occurred in April 2005 at the Carlton Turn west intersection, and resulted in property damage only.

Conrad Way, Currambine's position in the road network is such that it is unlikely to attract through traffic from the local distributor network and therefore any traffic behaviour issues are likely related to local usage of the road. This is confirmed by the traffic count data, which showed a relatively low average weekday traffic flow.

The traffic data collected suggests that the traffic volumes, travel speeds and crash history for Conrad Way, Currambine are within the ranges expected for a local access road. On the basis of this assessment, the construction of traffic management measures along Conrad Way, Currambine would have a very low priority in comparison with other roads already listed for treatment as part of the City's Five Year Capital Works Program.

The City's current focus is to traffic calm the local distributor roads that have higher traffic volumes, vehicle speeds and recorded crash histories. Any traffic management treatment will aim at lowering the 85th percentile speed but will most likely have little affect on the antisocial driver behaviour that creates most distress to residents.

Link to Strategic Plan:

The consideration of traffic management measures is consistent with the following objectives and strategies from the City of Joondalup's Strategic Plan 2003-2008:

- 1.4.2 Contribute to the protection of human health
- 3.1 To develop and maintain the City of Joondalup's assets and built environment
- 4.1.3 Develop a risk management strategy
- 4.2 To provide quality services with the best use of resources.
- 4.3.3 Provide fair and transparent decision-making processes.

Legislation – Statutory Provisions:

Not applicable

Risk Management considerations:

The City receives many requests to construct traffic management measures on local roads and therefore follows a system of prioritising these requests based on various factors, including traffic volumes, (85th percentile) travel speeds, crash data, road geometry, proximity to major trip generators, percentage of heavy vehicles and percentage of non-local through traffic. In comparison with other roads within the local road network, the construction of any traffic management devices along Conrad Way, Currambine would have a low priority.

Financial/Budget Implications:

Not Applicable

Policy implications:

Not applicable

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

No community consultation was undertaken in conjunction with the assessment of the petition, as there was no proposed solution to be addressed with adjoining residents.

COMMENT

The local government responsibility for roads is primarily focussed on the care, control and management of the road asset. Conrad Way, Currambine is in good condition and can be driven safely and comfortably at 50km/h. The issue of traffic speeding and inappropriate driver behaviour is by State Government legislation, a policing matter.

Residents often request traffic management treatments in order to enforce compliance of speed limits and prevent hoon behaviour. Engineering such compliance is very costly and rarely successful, and usually incurs some loss of amenity to adjacent residents, usually in the form of loss of parking and noise associated with vehicles braking, manoeuvring and acceleration. Due to these limitations, traffic management should only be considered when a risk assessment shows that non-compliance with road rules is compromising road safety.

In order to address the concerns raised in the petition, it is proposed to introduce a number of community awareness programs and initiatives with the support of the local community and residents of Conrad Way, Currambine. Such measures include the reporting of specific traffic incidents through the City's Community Speed Watch program, the formation of a neighbourhood traffic watch community group and the distribution of "50 in My Street" and "Please Slow Down Consider Our Kids" bin stickers to residents along this road. The City would be able to assist residents in the implantation of these programs and initiatives with the provision of advice and resources.

ATTACHMENTS

Attachment 1 Location Map of Conrad Way, Currambine

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION**That Council:**

- 1 DOES NOT SUPPORT the construction of traffic management treatments along Conrad Way, Currambine;**
- 2 INTRODUCES a number of community awareness programs and initiatives with the support of the local community and residents of Conrad Way, Currambine including the Community Speed Watch program;**
- 3 ADVISES the Petition Organiser of Council's decision.**

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf310707.pdf](#)

ITEM 10 MINUTES OF THE CONSERVATION ADVISORY COMMITTEE HELD ON 27 JUNE 2007 – [12168]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Director Infrastructure Services

PURPOSE

To submit the unconfirmed minutes of the Conservation Advisory Committee to Council for noting and endorsement of the recommendations contained therein.

EXECUTIVE SUMMARY

A meeting of the Conservation Advisory Committee was held on 27 June 2007.

The items of business that were considered by the Committee were:

- Conservation Advisory Committee Planning Workshop

It is recommended that Council NOTES the unconfirmed minutes of the Conservation Advisory Committee held on 27 June 2007 forming Attachment 1 to this Report;

BACKGROUND

The Conservation Advisory Committee is a Council Committee that advises Council on issues relating to biodiversity and the management of natural areas within the City of Joondalup. The Conservation Advisory Committee meets on a monthly basis.

The Committee membership comprises of five Councillors, a representative from each of the City's Bushland Friends Groups and community members with specialist knowledge of biodiversity issues.

DETAILS

Issues and options considered:

The Motions moved at the Conservation Advisory Committee meeting held on 27 June 2007 are shown below, together with officer's comments.

1 Conservation Advisory Committee Planning Workshop

The following Motion was moved:

“That the Conservation Advisory Committee RESOLVES to hold a strategic planning workshop at its next meeting on 25 July 2007 and that the Conservation Advisory Committee requests that the following documents be made available for that workshop:

- *Strategic Plan 2005 – 2008*
- *Environmental Plan*
- *December 2006 Workshop Notes*
- *Dry Park List*

- *City of Wanneroo policy on dry parks*
- *Aerial photos of bushland parks within City of Joondalup*

Officer's Comment

The Conservation Advisory Committee developed a Strategic Plan for the future activities of the Committee in 2005. Many of the goals for the Committee have been met. In December 2006 a facilitated workshop was held to define future strategic goals for the CAC for the five year period from 2008.

At the June 2007 CAC Meeting Members moved the above Motion requesting that CAC hold a follow up workshop to complete the tasks commenced in December 2006.

This action is considered the appropriate course to take.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

The following reports were requested at the meeting of the Conservation Advisory Committee:

1 A report on coastal water quality

Officer's Comment

At the June CAC Meeting members briefly discussed a recently released report titled Contaminants in Stormwater Discharge and Associated Contaminants in Stormwater Discharge, and Associated Sediments, at Perth's Marine Beaches. This Department of Water document contains baseline data for microbial quality, heavy metals, nutrients, petroleum hydrocarbons, organic chemical compounds and suspended solids in nine Perth coastal regions to aid local government in managing stormwater. It also contains a preliminary study of the impacts of stormwater contaminants on near-shore coastal environments.

The above report is available on the Department of Water's website, details of which will be provided to CAC members.

Link to Strategic Plan:

Key Focus Area

Caring for the environment.

Outcomes

The City is environmentally responsible in its activities.

Objectives

To plan and manage the City's natural resources to ensure environmental sustainability.

Strategies

- 2.1.1 Maintain and protect natural assets to retain biodiversity.
- 2.1.2 Further develop environmentally effective and energy-efficient programs.
- 2.1.3 Develop a coordinated environmental framework, including community education.

Legislation – Statutory Provisions:

The Local Government Act 1995 allows a council to establish committees to assist a council to exercise the powers and discharge duties that can be delegated to a committee.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:Environmental

Conservation Advisory Committee objective - “To make recommendations to Council for the Conservation of the City’s natural biodiversity”.

Social

To promote partnerships between Council and the Community to protect the City’s natural biodiversity as contained within its various natural areas (bushland, wetlands and the coastal environment).

Consultation:

The Conservation Advisory Committee provides a forum for community consultation and engagement on natural areas.

COMMENT

Not Applicable.

ATTACHMENTS

Attachment 1 Minutes of the Conservation Advisory Committee meeting held on 27 June 2007

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the unconfirmed minutes of the Conservation Advisory Committee held on 27 June 2007 forming Attachment 1 to this Report;

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf310707.pdf](#)

ITEM 11 PROPOSED 42 MULTIPLE DWELLINGS AT LOT 2260 (17) SUNLANDER DRIVE, CURRAMBINE – [63562]

WARD: North

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE

The purpose of this report is to request Council's determination of an application for planning approval for 42 Multiple Dwellings at Lot 2260 (17) Sunlander Drive, Currambine.

EXECUTIVE SUMMARY

An application has been received for a three storey building composed of 42 multiple dwellings containing 10 single bedroom units and 32 two/three bedroom units. Multiple dwellings are a discretionary land use within the Residential zone.

Council's determination of the application is required as the number of multiple dwellings proposed is greater than the number that can be approved under delegated authority.

The proposal includes variations to the Residential Design Codes 2002 (R-Codes) and a variation to the City's Policy 3.2 Height and Scale of Buildings within a Residential Area as the proposal projects through the Building Threshold Envelope (BTE).

The variations to the R-Codes are considered to be minor and consistent with the intent and purposes of both the R-Codes and the City of Joondalup District Planning Scheme No 2 (DPS2). The proposed projection through the BTE is considered appropriate as it is in keeping with the height of existing buildings within the surrounding area. Development to this density will support the usage of the adjoining Currambine Train Station and is considered to be consistent with the objectives of DPS2.

BACKGROUND

Suburb/Location:	Lot 2260 (17) Sunlander Drive, Currambine
Applicant:	Designinc Pty Ltd
Owner:	Goldzen Holdings Pty Ltd
Zoning:	DPS: Residential R80
	MRS: Urban
Site Area:	4905 m ²
Structure Plan:	Not Applicable

The subject site is situated between Sunlander Drive and Currambine Train Station (refer Attachment 1). Sunlander Drive is located to the west of the subject site, Citadel Way (north) is to the north of the site and Citadel Way (east) is located on the eastern side of the property.

There are existing three storey developments to the north and south of the subject site. The site to the west is currently vacant, and in February 2007, Council resolved to revoke the Structure Plan for that site. It has potential to be developed as a Retirement Village. The development site is currently vacant.

The DPS2 zoning for the subject site and surrounding residential lots is Residential R80.

The density coding of the land at R80 is in keeping with the Western Australian Planning Commission's Development Control Policy 1.6 Planning to Support Transit Use and Transit Oriented Development – Amended 2006, which supports higher density residential development around public transport nodes.

The land was given a density code of R80 in 1991 after negotiations with the State Government for the subdivision of the land. The then City of Wanneroo proposed, as part of amendment No. 452 of Town Planning Scheme No. 1, to develop the subject land at a density of R40. The Department of Planning and Urban Development (now Department for Planning and Infrastructure) consented to the amendment subject to some modifications, including a requirement to code the subject land at a density of R80.

DETAILS

The proposed development includes the following features:

- one 3 storey building and two 2-3 storey buildings;
- a maximum building height of 12 metres above natural ground level;
- 42 multiple dwellings (including 10 single bedroom units and 32 two/three bedroom units) ranging in size from 53m² to 98m²;
- each unit is provided with a balcony or courtyard;
- the provision of 64 car parking bays on site;
- vehicle access to the site provided from Sunlander Drive and Citadel Way (East);
- store rooms for each residential unit; and
- pool with lounge, BBQ and seating area.

The development site has three street frontages and a Right of Way (ROW) at the rear. The two proposed northern buildings front onto Citadel Way (north) and the southern building is located adjacent to the ROW. The three buildings are separated by landscaped open space and the pool area.

The car park for the proposed development is located beneath the southern building. Access to the car park is from Sunlander Drive and Citadel Way (east). Both vehicular access points to the site are designed to accommodate two-way traffic.

The materials of the proposed development will comprise:

- concrete walls with a painted finish;
- aluminium window frames with a powdercoat finish;
- aluminium framed glass balustrades;
- metal louvers with a powdercoat finish; and
- a sheet metal roof.

The development plans are provided in Attachment 2.

The compliance with the relevant requirements of the R-Codes is summarised below:

Criteria	R-Code Requirement	Proposed	Compliance
Density Code	R80	R80	Yes
Site Area 10 x 1 bedroom 32 x 2/3 bedrooms Total	Minimum 833m ² 4000m ² 4833m ²	4905m ²	Yes
Plot Ratio	Maximum 1.0	0.738	Yes
Total Open space	Minimum 60%	53%	No
Communal open space	Minimum 16m ² per dwelling 672m ²	1716m ²	Yes
<u>Setbacks</u> Front Sunlander Drive Citadel Way East Right of Way	Average 4m 4.8 4.3 6.7	Average 4m 2.6 4 3.6	Yes No No No
<u>Car parking</u> Single bedroom 2/3 bedroom Visitors bays	10 x 0.75 = 7.5 bays 32 x 0.35 = 11.2 bays 2968.8 x 0.015 = 44.5 bays Total = 63.2 bays 10% = 7 bays	 64 bays 6 bays	 Yes Condition

The applicant has requested that Council exercises discretion and allow variations to the open space and setback requirements of the R-Codes and variation to the City's Policy 3.2 Height and Scale of Buildings in a Residential Area.

The applicant has provided written justification for the proposed variations, which are summarised below.

Open Space Provision:

- Provides adequate open space around the buildings – the setbacks between the buildings exceed the requirements of the R-Codes.
- Creates a generously landscaped setting for the buildings.
- The open space achieved is largely landscaped communal open space, with only a small percentage occupied by car parking due to the car park being largely located beneath the southern building.
- The small concession sought in Open Space provision will not reduce the amenity of the residents as the area of Communal Open Space is over 250% of that required by Table 1.

Setback Variations:

- Adequate light and ventilation is achieved for both the proposed development and the existing neighbouring development.
- The shadow cast by the proposed development at 12pm on the winter solstice is cast predominantly over the subject lot and the ROW.
- Increasing the setback of the two northern buildings would have little benefit in increasing the area of landscaping to the street and is of greater advantage for the residents being located within the pool area.
- This width has been maximised to enable as much penetration of the northern winter sun into the central courtyard; the primary communal open space within the development.

Projection through the Building Threshold Envelope (BTE):

- *The building form generated in the proposed development is consistent and compatible with an R80 density coding.*
- *It would not be possible to achieve a design on the subject land which exploited the development potential available under the R80 zoning that complied with the BTE.*
- *With two and three storey building forms proposed, the height of the proposed development is compatible with that of surrounding development.*
- *The proposed development is compatible with and does not negatively impact on adjacent residential development with respect to overshadowing or building bulk.*
- *The proposed development will provide high density residential development adjacent to the existing railway station and will facilitate better use of this existing transport infrastructure.*

Issues and options considered:

Council has the discretion to:

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

Link to Strategic Plan:

The proposal is considered to be consistent with objective 3.3 of the City's Strategic Plan 2003-08: *To continue to meet changing demographic needs.*

Legislation – Statutory Provisions:

In considering the subject application, the following clauses of the R-Codes and DPS2 require consideration:

Residential Design Codes 2002

Clause 2.3.4 of the R-Codes allows for the exercise of discretion, having regard to the provisions of clause 2.3.4 (2) of the R-Codes as follows:

- 2.3.4(2) *Discretion shall be exercised having regard to the following considerations:*
- (i) *the stated purpose and aims of the Scheme;*
 - (ii) *the provisions of Parts 2, 3 and 4 of the Codes as appropriate;*
 - (iii) *the Performance Criterion or Criteria in the context of the R-Coding for the locality that correspond to the relevant provision;*
 - (iv) *the explanatory text of the Codes that corresponds to the relevant provision;*
 - (v) *any Local Planning Strategy incorporated into the Scheme;*
 - (vi) *the provision of a Local Planning Policy pursuant the Codes and complying with sub-clause (5) below; and*
 - (vii) *orderly and proper planning.*

District Planning Scheme No 2 (DPS2)

Multiple Dwelling is a 'D' use in the Residential Zone. A 'D' use means:

“A use class that is not permitted, but to which the Council may grant its approval after following the procedures laid down by sub clause 6.6.2.”

Clause 6.6.2 requires that Council in exercising discretion to approve or refuse an application shall have regard to the provisions of clause 6.8, which is shown below:

6.8 *Matters to be considered by Council*

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

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

As the proposed use is a “D” use, the additional matters identified in Clause 6.8.2 also require Council consideration in relation to this application for planning consent:

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

- (a) the nature of the proposed use and its relationship to the use of other land within the locality;*
- (b) the size, shape and character of the parcel of land to which the application relates and the nature and siting of any proposed building;*
- (c) the nature of the roads giving access to the subject land;*

- (d) *the parking facilities available or proposed and the likely requirements for parking, arising from the proposed development;*
- (e) *any relevant submissions or objections received by the Council; and*
- (f) *such other matters as the Council considers relevant, whether of the same nature as the foregoing or otherwise.*

DPS2 promotes development around existing railway stations. The relevant Clause of DPS2 is as follows:

3.18 New Development around existing railways stations

In order to promote public transport usage, Council shall encourage appropriate transit-related development to take place around existing railway stations. This relates to both private property, and government-owned land and air rights above that land where achievable.

Risk Management considerations:

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

Financial/Budget Implications:

Not applicable

Policy implications:

Policy 3.2 Height and Scale of Buildings within a Residential Area.

Regional Significance:

Not applicable

Sustainability implications:

The proposed development will provide high density development adjacent to a major transport node. This will facilitate better use of this transport system in accordance with sustainable development principles.

Consultation:

The proposal was advertised for a period of 21 days, by way of signs on site and advertisements in the local newspaper. No submissions were received.

COMMENT

Variation is being sought to the open space and setback requirements of the R-Codes and the City's Height and Scale Policy. The other aspects of the proposal generally comply with the requirements of the R-Codes.

Residential Density and Land Use

The site is zoned 'Residential' and has a density code of R80. The proposed development complies with the R80 density coding of the site. The proposed land use of 'Multiple Dwelling' is a 'D' discretionary land use within the Residential zone. Council may grant its approval following the exercise of discretion.

The density of the land anticipates the development of Multiple Dwellings on the site as only Multiple Dwellings may be developed at the R80 density. Single Houses and Grouped Dwellings can only be developed to an R60 density. The land use of 'Multiple Dwelling' is an appropriate land use for this location given the density of the land.

One of the objectives of the Residential Zone under DPS2 is to provide the opportunity for grouped and multiple dwellings in selected locations so there is a choice of housing types available within the City. The development of multiple dwellings on this site is considered to be consistent with the objectives of the Residential Zone. Additionally, the proposed land use is consistent with the existing adjacent developments, which are also developed as Multiple Dwellings.

Open Space

The acceptable development standards of the R-Codes require a minimum of 60% of the site area to be provided as open space for development in areas coded R80. Open space is the area of the lot that is not covered by buildings, and differs from communal open space, which is open space set aside for the recreational use of the residents. The applicant has provided 53% of the site as open space.

The proposed open space variation of 53% in lieu of 60% is supported as it meets the performance criteria of the R-Codes for the following reasons:

- There is ample open space surrounding the buildings, which provides a landscaped setting for the buildings.
- The street setback areas are proposed to be landscaped which will provide attractive streetscapes.
- 1716m² of the open space provided is communal open space, which provides for the recreation needs of the residents and enhances the amenity of the development.

Although there is a reduction in the amount of open space provided, the amount of communal open space provided is significantly greater than the amount required by the R-Codes. This increased provision of communal open space will be of greater benefit to the residents as it includes facilities such as a pool, BBQ area and lounge, which can be actively used by residents of the development. Additionally, each ground floor unit is provided with a courtyard and each upper floor unit is provided with a balcony which can be used for private recreation purposes.

It is considered that the reduction in the provision of open space is more than adequately compensated for by the increased provision of communal open space. It is therefore requested that Council grants its discretion in regard to the reduction of open space provision.

Setbacks

The proposed development includes several setback variations to the secondary streets and the rear boundary. Citadel Way (north) is the primary street and Sunlander Drive and Citadel Way (east) are the secondary streets. The setbacks for the secondary streets are calculated using the boundary setback requirements of the R-Codes.

Setback variations are proposed from both of the northern buildings fronting Citadel Way (north) to Sunlander Drive and Citadel Way (east). The setback variations are 2.6 metres in lieu of 4.8 metres from the north western building to Sunlander Drive and 4 metres in lieu of 4.3 metres from the north eastern building to Citadel Way (east). It is considered that these setback variations meet the Performance Criteria of the R-Codes as the buildings are

setback an appropriate distance to contribute to the desired streetscape. It is only minor portions of the buildings that protrude into the required setback area due to the stepped nature of the buildings. The street setback areas are also proposed to be landscaped which will soften the appearance of the dwellings and further enhance the streetscape of the development.

There is also a setback variation of 3.6 metres in lieu of 6.7 metres from the southern building to the rear boundary (ROW). It is considered that this setback variation meets the performance criteria of the R-Codes as there is adequate light and ventilation to the proposed building and the existing neighbouring buildings. Additionally, it is only a small portion of the building that protrudes into the setback due to the angled nature of the lot boundary.

The proposed setback variations to Sunlander Drive and Citadel Way (east) and the ROW (rear boundary) are all considered to be minor and will not have a detrimental impact on the amenity of the adjoining residences. These variations are considered to meet the performance criteria of the R-Codes and therefore it is recommended that they be supported.

Car Parking

Car parking for Multiple Dwellings is required to be provided in accordance with the R-Codes at a rate of 0.35 spaces per dwelling plus 0.015 spaces per square metre of plot ratio area, to a maximum of two spaces per dwelling. For single persons dwellings parking is provided at the rate of 0.75 bays per unit.

At least one space per dwelling is to be provided for the exclusive use of each dwelling and not less than 10% of the required spaces are to be provided for visitors.

The number of car parking bays provided complies with the number of car parking bays required (64 bays). Each dwelling within the development is provided with at least one covered car bay and 16 dwellings have two bays which are provided in tandem.

A total of 64 car parking bays are required for the proposed development, of which seven must be provided as visitors bays. The applicant has provided 64 car parking bays on site of which six are allocated for visitors and the remaining 58 have been allocated for the exclusive use of the residents. It is therefore recommended that 57 bays be allocated for the exclusive use of residents and seven bays be provided for visitor parking in accordance with R-Code requirements.

Projection through the BTE

The proposed development projects through the BTE as the majority of the development has a three storey built form.

The application of the BTE to the site is problematic if the full development potential of the site is to be achieved. In order to develop to the R80 density coding, multiple dwellings must be developed, however the BTE restricts development to a height that would not allow the R80 density coding to be achieved. Grouped dwellings and single houses may be developed on the site, but this can only be to the R60 Code, which would not maximise the development potential of the site. The projection through the BTE is therefore considered acceptable as it allows the development potential of the site to be utilised, which is desirable given the site's proximity to the train station.

Further, the height of the proposed development is compatible with the height of surrounding development. The sites to the north and south of the proposed development both have three storey built forms. Given this, the proposal will not have an adverse impact on the amenity of the adjoining lots as it is in keeping with the existing development that currently exists on the

surrounding lots. Additionally there were no objections to the proposed development or the projection through the BTE.

It is therefore recommended that Council support the proposed projection through the BTE as it will allow development to the R80 density coding, is characteristic of surrounding development and will not have a negative impact on the residential amenity of the area.

Conclusion

The proposed development complies with the majority of the requirements of the R-Codes. The proposed open space and setback variations are considered to be appropriate and are not expected to have an adverse impact on the surrounding area or the amenity of the residents. The proposal is considered to be of an appropriate scale and form in close proximity to the existing train station and to other buildings in the locality.

The proposed projection through the BTE is considered to be appropriate in relation to the scale of existing adjacent developments and to enable the development of the site to the R80 density. Development to this density will support the usage of the adjoining train station and is considered to be consistent with the objectives of DPS2. It is considered that the projection through the BTE will not have an adverse effect on the amenity of nearby landowners or the surrounding locality.

It is recommended that the proposed variations be supported and the application be approved.

ATTACHMENTS

Attachment 1	Location Plans
Attachment 2	Development Plans
Attachment 3	Applicant's Submission

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 EXERCISES discretion under Clause 6.8 of District Planning Scheme No 2 and under clause 2.3.4 of the Residential Design Codes 2002 and determines that the performance criteria under clause(s) 3.2.1, 3.3.1 and 3.4.1 have been met and determines that Policy 3.2 has been addressed and that the:**
 - (a) open space provision of 53% in lieu of 60%;**
 - (b) setback of 2.6 metres in lieu of 4.8 metres from the north western block to Sunlander Drive;**
 - (c) setback of 4 metres in lieu of 4.3 metres from the north eastern block to Citadel Way (east);**
 - (d) setback of 3.6 metres in lieu of 6.7 metres from the south block to the Right-of-Way; and**
 - (e) projection through the Building Threshold Envelope;**

are acceptable in this instance;

- 2 **APPROVES** the application for Planning Approval dated 16 March 2007 submitted by Designinc Pty Ltd, the applicant on behalf of the owner, Goldzen Holding Pty Ltd for 42 Multiple Dwellings at Lot 2260 (17) Sunlander Drive, Currabmine, subject to the following conditions:
- (a) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS/NZS 2890.01 2004). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services prior to the development first being occupied. These works are to be done as part of the building program;
 - (b) Resident Parking Bay 1 shall have a 1.5 metre by 1.5 metre sightline truncation as marked in RED on the approved plans;
 - (c) A minimum of seven visitors car parking bays are to be provided on site;
 - (d) Visitor car parking bays shall be a minimum of 2.5 metres wide or the end bays shall be a minimum of 2.8 metres wide;
 - (e) Visitor car parking bays are to be clearly marked and signposted to the satisfaction of the Manager Approvals, Planning and Environmental Services;
 - (f) The driveway/s and crossover/s to be designed and constructed to the satisfaction of the Manager Infrastructure Management before the occupation of the development;
 - (g) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the Manager Infrastructure Management prior to the commencement of construction;
 - (h) A refuse management plan indicating the method of rubbish collection, number and type of bins shall be submitted as part of the building licence and approved by the Manager Approvals, Planning and Environmental Services;
 - (i) Bin storage area shall consist of a concrete floor that grades evenly to an industrial floor waste connected to sewer and the provision of a hose cock;
 - (j) The lodging of detailed landscaping plans, to the satisfaction of the Manager Approvals, Planning and Environmental Services, for the development site with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges, to be shown on the landscaping plan;

- (k) Landscaping, reticulation and all verge treatment is to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services;**
- (l) Landscaping of the communal open space shall be provided in accordance with the Acceptable Development criteria of Clause 3.4.5 of the Residential Design Codes 2002.**

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf310707.pdf](#)

ITEM 12 PROPOSED CLOSURE OF A PORTION OF 0.1 METRE PEDESTRIAN ACCESSWAY ADJACENT TO LOT 1 (113) GRAND BOULEVARD, JOONDALUP – [47996]

WARD: North

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

The purpose of this report is for Council to consider initiating the proposed closure of a portion of a 0.1 metre wide pedestrian accessway (PAW) adjacent to Lot 1 (113) Grand Boulevard, Joondalup to facilitate access to the land.

EXECUTIVE SUMMARY

Lot 1 (113) Grand Boulevard, Joondalup, is located within the Joondalup City Centre and is currently vacant. An easement across an adjacent lot (Lot 2) is intended to provide vehicular access to and from Lot 1.

A request has been received to gain access to Lot 1 from a service road that forms part of Grand Boulevard. This would require a portion of the 0.1 metre wide PAW (used to prevent access to Grand Boulevard) to be closed. Should Council support the closure request, public advertising would be initiated.

Legal advice has indicated that the easement arrangements for access over the adjoining Lot 2 do not provide for a suitable means of vehicle access to Lot 1. Therefore, in effect, Lot 1 does not have an appropriate or legal access to a street.

The request for Lot 1 to access the service road adjoining Grand Boulevard is supported, subject to changes to the on-street car parking and landscaping that would be required with the construction of a crossover occurring at the cost of the landowners. These modifications would occur through the development approval stage.

It is recommended that Council initiates the proposed closure of a portion of the 0.1 PAW through the commencement of public advertising for a period of 35 days.

BACKGROUND

Suburb/Location: Lot 1 (113) Grand Boulevard, Joondalup
Applicant: Frank Borello – Complex Land Solutions Pty Ltd
Owners: PA & MJ McBride, M Dawn & Real Estate Property Shop Operations Network Pty Ltd

Zoning: **DPS:** Centre
 MRS: Central City Area

Site Area: Lot 1 - 2.0 hectares
Structure Plan: Joondalup City Centre Development Plan and Manual

This report refers to the following lots:

- Lot 1 (113) Grand Boulevard, Joondalup, (subject lot) is vacant land located within the Joondalup City Centre (see Attachment 1).
- Lot 2 (115) Grand Boulevard adjacent to the southern boundary of Lot 1 was developed with a mixed use building in 1995.
- Lot 466 (109) to the north of the subject site is developed as a church.

The subject lot was created through subdivision of a larger lot in 1994. An easement was created across the balance of the land (Lot 2) with the intent to allow for the provision of vehicular access from Lot 1 to Reid Prom, via Lot 2 (see Attachment 2). Vehicular access to and from the subject lot is otherwise prevented by a 0.1m PAW along Grand Boulevard, and by a PAW (Central Walk) to the rear. A service road is located within the road reserve of Grand Boulevard, including along the frontage of Lot 1.

PAWs 0.1 metre in width were created through the subdivision process and served to restrict vehicular access to roads.

DETAILS

A request has been received to close a 5.8 metre portion of the 0.1 metre wide PAW adjacent to Lot 1 (113) Grand Boulevard to enable future access to and from Grand Boulevard. The reason for this request is that the applicant considers the wording of the current access easement over adjacent Lot 2 (115) Grand Boulevard is inadequate and does not ensure unrestricted access to owners and users of Lot 1 (Attachment 3). Until the landowners are assured that unrestricted access is guaranteed, plans to develop the subject land will not progress.

The applicant has provided a letter from the body corporate operating for the strata unit owners on Lot 2 indicating a preference for access to be achieved from Grand Boulevard. The applicant also investigated the possibility of gaining access to Lot 1 through an arrangement with the owners of Lot 466 (the Church site). This option was not acceptable to the owners of Lot 466 as it was considered this may be detrimental to any future development plans for that site.

Should the 0.1m PAW closure be approved, the future construction of a crossover to provide the required access to Lot 1 would involve the loss of one car parking bay and one street tree located within the service road along Grand Boulevard. The applicant has offered to pay for the loss of any car parking bays or trees located within the road reserve that would occur with the provision of a future crossover.

Issues and options considered:

The options available to Council are:

- Support the proposed closure of a portion of the 0.1 metre wide PAW for the purposes of public advertising.
- Not support the proposed closure of a portion of the 0.1 metre wide PAW.

Link to Strategic Plan:

Strategy 3.1.2 – Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.

Legislation – Statutory Provisions:

PAWs are created as a result of the subdivision of land under the Planning & Development Act 2005 (formerly the Town Planning and Development Act). A request can be made to Council to close a PAW.

If Council supports the proposed PAW closure, the proposal is advertised for public comment for a period of 35 days. Upon the closure of public advertising, the proposal is presented to Council for its further consideration, together with details of any submissions received.

If Council resolves to progress the closure request, all relevant documentation is forwarded to the DPI with a request to formally close the PAW for its determination. The Minister for Planning and Infrastructure makes the final decision on whether or not closures take place.

Risk Management considerations:

There is a risk that supporting the proposed closure of a portion of a 0.1m wide PAW may cause other developers to submit similar requests involving to access major roads. This may have impacts on the streetscape in terms of landscaping and availability of car parking embayments within the road reserves in the city centre.

Financial/Budget Implications:

The City is responsible for all cost associated with advertising of the proposed PAW closure. The current budget has sufficient funds to cover the advertising costs.

If services are located within the PAW or the future crossover to Lot 1, these would need to be relocated and would be the subject of negotiations between the service agency and the applicant.

Policy implications:

Not applicable

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

Alinta has advised that gas mains will not be affected provided boundaries and property levels are not being amended. Water Corporation has advised it has no assets within the area that would be affected and has no objection to the proposed closure. Telstra has not provided comments, however it is noted that a Telstra manhole along the front boundary of Lot 1 is indicated on the submitted plan. Western Power has raised no objection to the proposal. DPI has not provided preliminary comments on the closure request.

COMMENT**Existing Easement for access over Lot 2**

The current easement over Lot 2 (115) Grand Boulevard is located in the centre of the lot, in an unusual 'Z' shape arrangement. Access to Lot 1 using this easement is from Reid

Promenade (see Attachment 2). This access is between existing buildings and through the existing car parking bays located at the rear for these buildings.

The wording of the easement document is unclear in terms of providing certainty of unrestricted access to Lot 1 as it refers to enabling 'city officers' to gain access. This suggests that others wishing to access Lot 1 using the easement require permission to be sought from the Lot 2 landowners. Even if the wording was not ambiguous, or the easement document reworded, the provision of access over another land parcel is highly undesirable due to lack of ownership and control over development on the land where access is to be obtained.

Legal advice has been sought on the intent and adequacy of the existing access easement. The advice is that it could be argued that access is limited to officers of the City of Wanneroo, the original party to the legal agreement, and therefore does not serve the intended purpose. On account of this, it could be argued that the owner and any invitees of Lot 1 would need specific authorisation from the City to use the easement. The owner of Lot 2 could therefore prevent use of the easement by the owners and any invitees of Lot 1. The existing easement is inadequate for its intended use and an alternative access should be considered.

Access options and 0.1 metre PAW

Adjacent Lot 466 to the north (the church site) currently gains access from the Grand Boulevard service road. The applicant has attempted to achieve access to Lot 1 through an arrangement with adjacent Lot 446, such as a reciprocal access agreement over the existing crossover. The applicant advises that this has been unsuccessful.

The 0.1 metre wide PAW along Grand Boulevard was provided at the subdivision stage to prevent vehicular access to and from Grand Boulevard. A service road is located along the front boundary of Lot 1 and provides car parking embayments and landscaping within the Grand Boulevard road reserve. The closure request would similarly facilitate the construction of a crossover off the service road for Lot 1.

In the event of the closure of the PAW being approved, the applicant is prepared to pay compensation for the loss of an on-street car parking bay and tree that will occur when with the construction of a crossover. It is noted that a 6 metre wide crossover would be preferred as the standard width for a double crossover. However, this is not feasible due to the location of a Telstra manhole.

Similar future requests

Should the request be approved, other developers in the city centre may seek to gain access from major roads. Alternative access, however, is provided to other lots and easements such as for Lot 1 do not apply. The current closure request is extraordinary.

Conclusion

The access arrangement for Lot 1 is unusual and the wording of the access easement is unclear. The adjacent landowner on Lot 466 is not prepared to share the existing crossover from the service road and Lot 2 landowners would prefer alternative access than across their land.

The landowners of Lot 1 require certainty of access before commencing plans for the development of the land. Closing of a portion of the PAW would not affect access to other lots along Grand Boulevard, or have a significant impact upon traffic movement in the area. On this basis, public advertising of the proposed 0.1m PAW closure is recommended.

ATTACHMENTS

Attachment 1	Location and Aerial Plan, including subject portion of 0.1m wide PAW
Attachment 2	Easement Plan

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 INITIATES the closure of a portion of the 0.1 metre wide pedestrian accessway adjacent to Lot 1 (113) Grand Boulevard, Joondalup, as shown on Attachment 1 to this Report for the purpose of public advertising for a period of 35 days;**
- 2 ADVISES the applicant, should approval be granted by the Western Australian Planning Commission for the subject closure, payment for the loss of one car parking embayment and one street tree within the service road adjacent to Grand Boulevard that would result from the future construction of a crossover for Lot 1 will be required from the landowners of Lot 1, prior to approval for the crossover being issued by the City.**

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf310707.pdf](#)

ITEM 13 REQUEST FOR REMOVAL OF PATH WITHIN PUBLIC OPEN SPACE ON FORMER CSIRO SITE - NO. 14 (LOT 61) LEACH STREET, MARMION – CONSIDERATION FOLLOWING ADVERTISING – [84563]

WARD: South-West

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE

For Council to consider the submissions received during advertising of the proposed amendment to the Marmion Structure Plan No. 9 for the deletion of the requirement for a path within the bush land (public open space).

EXECUTIVE SUMMARY

The Marmion Structure Plan guides the future subdivision and development of Lot 61 Leach Street, Marmion, to create 35 single residential lots and a public open space lot. The structure plan includes a vegetation management plan for the public open space, which provides for the rehabilitation and maintenance of the vegetation, and includes low impact pathways and bench seating. The vegetation management plan was prepared, with community input, by the Joondalup Coast Care Forum Inc.

A 22-signature petition from Marmion residents was tabled at the Council meeting on 27 February 2007. The petitioners objected to the installation of a path through the public open space. Additional information to support the petition was requested and subsequently provided by the head petitioner.

There are no technical reasons why the path cannot be removed from the structure plan. However, in line with appropriate management of the public open space, the deletion of the path would require the site to be fully fenced to ensure no pedestrian entry. This has implications on the enjoyment of the regenerated open space by the community.

Council resolved to advertise the proposed amendment to the Marmion Structure Plan to remove the requirement to provide a path within the open space. During the advertising period, 30 submissions were received, with 28 supporting the amendment, and 2 neutral submissions.

It is not considered that the advertising of the proposed amendment has raised any issues that would warrant Council not proceeding with the amendment to the structure plan.

BACKGROUND

Suburb/Location:	Lot 61 (No. 14) Leach Street, Marmion
Applicant:	City of Joondalup
Owner:	Marmion Estate Pty Ltd
Zoning:	DPS: Urban Development
	MRS: Urban
Site Area:	2.1885 hectares
Structure Plan:	Marmion Structure Plan No. 9

Previous Council Resolution

Council at its May 2007 meeting resolved (report CJ095 – 05/07):

- “1 Pursuant to clause 9.7 of the City of Joondalup’s District Planning Scheme No 2, INITIATES public advertising, for a period of 21 days, the proposed amendment to the Marmion Structure Plan to remove the requirement for a path within the Public Open Space, by adding the following to Clause 8.2,
- (v) The path stated in Recommendation 1 of the Vegetation Management Plan is not required to be implemented as part of the implementation of that plan.
- 2 ADVISES the petitioners of Council’s decision accordingly.”

DETAILS

A 22-signature petition was received objecting to the installation of a path through the bush land (public open space) on the former CSIRO site at 14 Leach Street, Marmion (C03-02/07 refers). The path is yet to be constructed, however the perimeter of the site is fenced.

The petitioners stated they, “*would like to see the bush land remain in its current condition and not be destroyed by this development*”.

Issues and options considered:

The options available to the Council are;

- To adopt as final the amendment to the structure plan, and forward the amendment to the Western Australian Planning Commission for their adoption and certification.
- To not support the amendment to the structure plan.

Link to Strategic Plan:

Amendment to structure plan is supported by the following objective and strategy of the City’s Strategic Plan 2003-2008:

Objective 2.1 To plan and manage our natural resources to ensure environmental sustainability.

Strategy 2.1.1 Maintain and protect natural assets to retain biodiversity.

Legislation – Statutory Provisions:

Clause 9.7 of DPS2 enables Council to amend an agreed structure plan subject to the approval of the WAPC. Under Clause 9.6, upon the completion of any public advertising period, Council is required to consider all submissions within sixty (60) days to either adopt or refuse to adopt the amended structure plan, with or without modifications. Attachment 2 sets out the structure plan process.

Risk Management considerations:

Not applicable.

Financial/Budget Implications:

A bond of \$100,000 has been provided by the subdivider to cover development and maintenance costs for the open space area.

Policy implications:

Not applicable.

Regional Significance:

The proposal is not considered to be regionally significant.

Sustainability implications:

The development of the public open space area in accordance with the vegetation management plan will assist in providing a habitat for native wildlife and contribute to local environmental sustainability.

Consultation:

The proposed amendment to the Marmion Structure Plan was advertised for public comment for a period of 21 days, by way of two signs on the site, a notice in the local paper and on the City's website, and letters to nearby owners.

A total of 30 submissions were received, being 28 in support, and 2 neutral submissions. A schedule of submissions is included as Attachment 3. Copies of all submissions have been placed in the Councillors' reading room.

COMMENT

The vegetation management plan was developed through an extensive consultative process, including public advertising, and utilising the expertise of the Joondalup Coast Care Forum Inc.

The request by the petitioners to remove the path requires formal amendment to the structure plan and will have implications with respect to the loss of public access to, and enjoyment of, the public open space area for passive recreational purposes.

There are no technical reasons why the path cannot be removed from the vegetation management plan. However, if the path is not constructed, then the vegetation will need to be protected from trampling by the erection of suitable fencing. This is to ensure that no damage occurs to the area.

Importantly, the two preferences for the open space area do not present any issues from a planning perspective. When the vegetation management plan was developed, the inclusion of the path, and its chosen alignment, reflected what was understood to be the position of the interested local stakeholders.

No objections have been received in regard to the proposal to remove the requirement for the path within the open space. On this basis, Council could proceed to finalise the amendment to the structure plan. To clarify that public access to the open space is to be prevented, the proposed modification to the structure plan is recommended to be amended as outlined below.

ATTACHMENTS

Attachment 1	Vegetation Management Plan – Figure 3 (Path and seat location plan)
Attachment 2	Structure Plan Amendment Process Flowchart
Attachment 3	Schedule of Submissions

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 Pursuant to clause 9.7 of the City of Joondalup’s District Planning Scheme No 2, ADOPTS as final the following proposed modification (as amended) to clause 8.2 of the Marmion Structure Plan, and submits it to the Western Australian Planning Commission for final adoption and certification:**

Amends Clause 8.2 to add the following:

- (v) The path (and associated seating) stated in Recommendation 1 of the Vegetation Management Plan is not required to be implemented as part of the implementation of that plan. The open space shall be fenced so as to prevent public access, and any openings (for maintenance purposes) shall be suitable barriers to prevent public access;**
- 2 ADVISES the petitioners of Council’s decision accordingly.**

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf310707.pdf](#)

ITEM 14 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – JUNE 2007 – [07032] [05961]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Clayton Higham
 Planning & Community Development

PURPOSE

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

EXECUTIVE SUMMARY

The provisions of clause 8.6 of the text to the District Planning Scheme No 2 allows Council to delegate all or some of its development control powers to those persons or committees identified in Schedule 6 of the Scheme text.

The purpose of delegation of certain powers by Council, in addition to other Town Planning matters, is to facilitate timely processing of development applications and subdivision applications. The framework for the delegation of those powers is set out in resolutions adopted by Council and is reviewed generally 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.

The normal monthly report on Town Planning Delegations identifies:

- 1 Major development applications
- 2 Residential Design Codes
- 3 Subdivision applications

This report provides a list of the development and subdivision applications determined by those staff members with delegated authority powers during the month of June 2007 (see Attachments 1 and 2 respectively) for those matters identified in points 1-3 above.

BACKGROUND

The number of development and subdivision applications determined for June 2007 under delegated authority and those applications dealt with as “R-code variations for single houses” for the same period are shown below:

Approvals Determined Under Delegated Authority – Month of June 2007		
Type of Approval	Number	Value (\$)
Development Applications	145	29,980,933
R-Code variations (Single Houses)	60	5,475,376
Total	205	35,456,309

The number of development applications received in June 2007 was 85. (This figure does not include any applications that may become the subject of the R-Code variation process).

Subdivision Approvals Processed Under Delegated Authority Month of June 2007		
Type of Approval	Number	Potential new Lots
Subdivision Applications	5	9
Strata Subdivision Applications	4	9

The District Planning Scheme No 2 requires that delegation be reviewed annually, unless a greater or lesser period is specified by Council. The Council, at its meeting of 17 July 2007 considered and adopted the most recent Town Planning Delegation for the period to 17 July 2009.

DETAILS

Issues and options considered:

Not Applicable

Link to Strategic Plan:

The strategic plan includes a strategy to provide quality value-adding services with an outcome to provide efficient and effective service delivery. The use of a delegation notice allows staff to efficiently deal with many simple applications that have been received and allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

Legislation – Statutory Provisions:

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

Risk Management considerations:

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

Financial/Budget Implications:

Not Applicable

Policy implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

Consultation may be required by the provisions of the Residential Design Codes 2002, any relevant Town Planning Scheme Policy and/or the District Planning Scheme.

Of the 145 development applications determined during June 2007, consultation was undertaken for 52 of those applications. Of the 9 subdivision applications determined during June 2007, no applications were advertised for public comment, as the proposals complied with the relevant requirements.

All applications for an R-codes variation require the written support of the affected adjoining property owner before the application is submitted for determination by the Coordinator Planning Approvals. Should the R-codes variation consultation process result in an objection being received, then the matter is referred to the Director Planning and Community Development or the Manager, Approvals, Planning and Environmental Services, as set out in the notice of delegation.

COMMENT

Large local governments utilise levels of delegated authority as a basic business requirement in relation to Town Planning functions. The process allows determination times to be reasonably well accepted and also facilitates consistent decision-making in rudimentary development control matters. The process also allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

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

ATTACHMENTS

Attachment 1	June 2007 decisions - Development Applications
Attachment 2	June 2007 Subdivision Applications processed

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council NOTES:**

- 1 The determinations made under Delegated Authority in relation to the development applications described in Attachment 1 to this Report for June 2007;**
- 2 The determinations made under Delegated Authority in relation to the subdivision applications described in Attachment 2 to this Report for June 2007.**

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf310707.pdf](#)

ITEM 15 REQUEST FOR FACILITY UPGRADES – BRADEN PARK, MARMION – [04519] [01122]

WARD: South

**RESPONSIBLE
DIRECTOR:** Mr Clayton Higham
 Planning & Community Development

PURPOSE

To provide recommendations for a proposed upgrade of facilities at Braden Park, Marmion.

EXECUTIVE SUMMARY

In July 2006, the City received a 100 signature petition from Marmion residents requesting the installation of new equipment at Braden Park.

City officers met with the residents who submitted the petition on site to discuss their requests and conducted an assessment of the park's existing facilities.

The City developed a plan of Braden Park detailing possible locations for the new equipment proposed. A letter describing each item of equipment and a copy of the plan was sent to a total of 157 households for comment. This included all residents who signed the petition and those households that immediately surround the park.

A total of 58 responses were received. 90% of respondents were in favour of the picnic shelter and 62% were in favour of the sports goals being installed. 52% were opposed to the tennis hit-up wall and 14% were opposed to all three items.

On 19 June 2007, a further 23 signature petition was submitted requesting the City to reconsider the proposed installation of sports goals and a tennis hit-up wall in Braden Park.

It is recommended that Council APPROVES the installation of a picnic shelter and sports goals (football and soccer) at Braden Park, Marmion.

BACKGROUND

This item was deferred by the Council, at its meeting held on 17 July 2007.

At the 25 July 2006 Council meeting, the City received a petition containing 100 signatures from local Marmion residents requesting new equipment to be installed at Braden Park. The items identified were:

- 1 A tennis hit-up wall, two sided;
- 2 Goal posts for practice purposes only (football and soccer);
- 3 An exercise circuit around the perimeter of the park; and
- 4 Picnic shelters.

At its meeting on 19 June 2007, Council received an additional 23 signature petition. The petition requests the City to reconsider and decide against the installation of the sports goals (football and soccer) and the tennis hit-up wall.

DETAILS

Braden Park is 4.71 hectares in size and contains a playground, areas of natural vegetation, security lighting, a central footpath and a large level grassed area.

There is currently no formal hierarchy used to classify the City's parks and reserves. When reviewing Braden Park it was considered a 'passive neighbourhood' area as it services the local neighbouring community, and does not cater for active sports participation. Standard features commonly found in these parks include:

- Bushland / conservation areas
- Floodlighting for safety and security
- Minor sporting infrastructure (basketball ring, BMX track)
- Play equipment
- Picnic shelters
- Bench seating
- Footpaths

Assessment:

The City conducted an assessment of Braden Park against the standard facilities that are provided at parks with similar characteristics. A summary of the evaluation of each item requested is detailed below:

- 1 Tennis hit-up wall
Standard Feature of a Passive Neighbourhood Park (Yes/No): No

Comment:

Currently, only one such facility exists within the City of Joondalup at Heathridge Park to accommodate the Heathridge Tennis Club.

Cost Estimate: \$10,000

- 2 Goal posts (football and soccer)
Standard Feature of a Passive Neighbourhood Park (Yes/No): No

Comment:

Goal posts are not a standard feature on 'Passive Neighbourhoods Parks' and are generally confined to active sporting parks. However, such items could be considered if they involved one (1) single set for each sport as proposed, were designed for casual unstructured participation and had the support of the local community.

Cost Estimate: \$5,000

- 3 Exercise circuit
Standard Feature of a Passive Neighbourhood Park (Yes/No): No

Comment:

An exercise circuit is not a standard feature on 'Passive Neighbourhoods Parks'. Currently, no parks in the City of Joondalup contain an exercise circuit. Such items attract users from outside the local area and are best situated in parks where ancillary facilities are available including car parking and toilets.

Cost Estimate: \$3,000 (6 items - cost does not include installation or instructional signage).

- 4 Picnic shelter
Standard Feature of a Passive Neighbourhood Park (Yes/No): Yes

Comment:

Picnic shelters are considered a standard feature and an appropriate item of equipment to be installed at Braden Park.

Cost Estimate: \$5,600 (with base included).

Consultation:

City officers met with the residents who submitted the petition to Council at Braden Park on the 17 April 2007. The purpose of this meeting was to discuss the items of equipment that had been requested and explain the consultation process being undertaken for the project.

On 3 May 2007, the City sent a letter to all residents who signed the petition and those households immediately surrounding the park. The letter included information on the proposed items of equipment requested, and a map of the park with possible locations indicated (Attachment 1). Of the items requested, the tennis hit-up wall, the sports goal posts and the picnic shelter were listed for consideration. The exercise circuit was not considered appropriate for Braden Park.

Residents were encouraged to provide comments on the proposal by Friday 25 May 2007.

Results:

A total of 157 letters were sent to residents surrounding Braden Park. 58 responses were received representing a 40% response rate. A summary table including the results of the community consultation is detailed below.

ITEM OF EQUIPMENT	SUPPORTED		OPPOSED	
	NUMBER OF RESPONSES	%	NUMBER OF RESPONSES	%
TENNIS HIT-UP WALL	28	48%	30	52%
GOAL POSTS	36	62%	22	38%
PICNIC SHELTER	52	90%	6	10%
ALL 3 ITEMS	25	43%	8	14%

Tennis hit-up wall

52% of respondents were opposed to this item. Negative comments focused on the tennis hit-up wall attracting anti-social behaviour, being noisy and a potential site for graffiti. Comments in support of this item suggested that an alternative location might be more appropriate nearer to the picnic shelter.

Goal posts

62% of respondents were supportive of this item. Supportive comments centered on increasing opportunities for children to participate in sport activities. Negative responses stated that the goal posts are unnecessary and a duplication of nearby facilities.

Picnic shelter

90% of respondents were supportive of this item. Negative comments were with regard to the picnic shelter potentially attracting anti-social activities and providing a place where young people 'hang out'.

Other

Additional comments received include;

- Provide a netball / basketball hoop
- Better lighting
- Put in a fence around the playground
- Provide cricket nets
- Provide shade cloth over playground
- Don't remove any trees
- Need pooch bags
- Provide a BBQ
- Provide more picnic shelters

Link to Strategic Plan:

Outcome The City of Joondalup provides social opportunities that meet community needs.

Objectives 1.3 To continue to provide services that meet the changing needs of a diverse and growing community.

Strategies 1.3.1 Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment.

1.3.3 Provide support, information and resources.

Risk Management considerations:

There is both support for and opposition to the proposed amendments.

Financial/Budget Implications:

Account No:	
Budget Item:	2007/2008 Financial Budget
Budget Amount:	\$24,000
YTD Amount:	Nil
Actual Cost:	To be determined

Sustainability Implications:

Not Applicable.

COMMENTS

Braden Park is considered a passive neighbourhood area designed to cater for the needs of the local community. It features playground equipment, areas of natural vegetation, security lighting, a central footpath that divides the park and a large level grassed area suitable for casual sports participation.

The initial petition that was presented to Council requested four (4) items of equipment to be installed at Braden Park. The City conducted an assessment of the park and evaluated the new equipment requested against the standard features that are provided at similar parks. The exercise circuit was not recommended as such items generally attract users from outside the local area and are best situated in parks that have facilities to accommodate regional users (car parking and toilets). No other parks in the City of Joondalup contain an exercise circuit.

The picnic shelter is a feature consistent with similar parks and was supported by 90% of community respondents. The goal posts, whilst not a common feature in passive park areas, have been requested to meet a local community need and were supported by the residents through the consultation process (62%).

The tennis hit-up wall was a specific item requested in the petition. A tennis hit-up wall is similar in nature to other pieces of minor sporting infrastructure. However, 52% of respondents were opposed to this item of equipment as they felt it would attract anti-social behaviour and provide a potential site for graffiti.

The second petition presented to Council requested the City to reconsider the installation of the goal posts and the tennis hit-up wall. Concerns focused on the tennis hit-up wall being a potential site for graffiti and attracting anti-social behaviour. Other signatories made additional comments requesting the park to be left 'as is'.

It is recommended that the City install a picnic shelter and goal posts at Braden Park. The picnic shelter will provide a meeting point for parents with children using the playground equipment and the goal posts will offer opportunities for casual sports participation. These items comply with the standard features provided by the City at parks with similar characteristics and will assist to increase local community use of the area.

The City will be implementing a review of all parks and reserves to develop a formal classification and facility provision schedule. The outcome of the review, which will recommend specific classifications for parks and reserves, will be presented to Council for endorsement. The outcome of the review will assist Council in managing future requests similar to Braden Park.

ATTACHMENTS

Attachment 1 Plan of Braden Park with proposed locations of new facilities.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council APPROVES the installation of a picnic shelter and sports goals (football and soccer) at Braden Park, Marmion.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf310707.pdf](#)

8 REPORT OF THE CHIEF EXECUTIVE OFFICER

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NOTICE OF MOTION NO 1 – CR KERRY HOLLYWOOD – REFURBISHMENT OF BURNS BEACH GROYPNE

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr Kerry Hollywood has given notice of her intention to move the following motion at the Council meeting to be held on 7 August 2007:

“That a report be presented to Council that:

- 1** ***REVIEWS the options available for refurbishment of the Burns Beach Groyne identifying existing impacts on the beach and user safety;***
- 2** ***CONSIDERS risks including sea level rises and wave overtopping, user safety and life cycle and future reconstruction costs for the options;***
- 3** ***IDENTIFIES potential sources of funding from State and Commonwealth Governments that may reduce the City’s capital cost of refurbishment;***
- 4** ***OUTLINES a timeline for the project management of any refurbishment – detail investigation and planning, funding, community consultation, detail design, statutory approvals, tender and construction.”***

REASON FOR MOTION:

The City has become aware of possible sources of grant funding from State and Commonwealth Governments that may reduce the City’s capital cost of refurbishment. The report would identify the most suitable option, total costs and which costs can be offset by grant funds. If grant funding is available and an option which mitigates future risks and costs is determined to be suitable, then consideration may be given, subject to the grant program schedule, to funding the project as part of future budget deliberations.

OFFICER’S COMMENT

The City engaged a coastal engineering consultant in 2002 to conceptually design and report on the layouts and costs of a range of options for the refurbishment of the Burns Beach Groyne. Although the costs were reviewed late last year, since the time of the original report there has been a better definition of the risk management issues associated with both user safety and financial consequences of storm damage and long-term maintenance.

To properly inform Council of the current issues, options, costs and time scale for project delivery, a review of the previous report is required. It is considered that this review by the City’s panel coastal engineering consultant is estimated to cost \$10,000 with a 3 to 4 month time period for project briefing, reviews and reporting.

NOTICE OF MOTION NO 2 – CR GEOFF AMPHLETT – REPORT ON THE CITY'S ABILITY TO ENHANCE THE WELFARE OF ANIMALS IN PET SHOPS IN JOONDALUP

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Geoff Amphlett has given notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 7 August 2007:

“That Council REQUESTS a report from the Chief Executive Officer on the City’s ability to enhance the welfare of animals and, in particular, cats and dogs, which are sourced by and sold through pet shops within the City.”

REASONS FOR MOTION

In 2002, the State Government passed a new Animal Welfare Act for Western Australia. This significantly enhanced animal protection as the new Act covered more animal species and increased penalties (to a maximum of \$50,000 for an individual with a minimum of \$2,000).

While acknowledging the State Government’s initiative, the welfare of animals sourced by and sold through pet shops can be of concern in some instances. Consequently, the report requested will identify whether the City of Joondalup can assist in supporting animal welfare in this important area.

OFFICER’S COMMENT

A report can be prepared.

10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS



**DECLARATION OF
FINANCIAL INTEREST/INTEREST THAT MAY AFFECT
IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER
CITY OF JOONDALUP**

Name/ Position	
Meeting Date	
Item No/ Subject	
Nature of Interest	Financial Interest * Interest that may affect impartiality* <i>* Delete where not applicable</i>
Extent of Interest	
Signature	
Date	

Section 5.65(1) of the Local Government Act 1995 states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) *in a written notice given to the CEO before the meeting; or*
- (b) *at the meeting immediately before the matter is discussed.*



**QUESTION TO BE ASKED AT
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

QUESTIONS

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Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to council.questions@joondalup.wa.gov.au

Please note that:

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called



**STATEMENT TO BE MADE AT
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

STATEMENT

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Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to council.questions@joondalup.wa.gov.au

Please note that:

- Statements made at a **Briefing Session** must relate to matters contained on the draft agenda.
- Statements made at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Statements made at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called.