

Agenda **Briefing Session**

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

ON **TUESDAY 10 FEBRUARY 2009**

COMMENCING AT **6.30 pm**

PUBLIC QUESTION TIME

Members of the public are requested to lodge questions in writing by close of business on **Monday, 9 February 2009**

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

QUESTIONS TO

council.questions@joondalup.wa.gov.au
PO Box 21 Joondalup WA 6919

BRIEFING SESSIONS

The following procedures for the conduct of Briefing Sessions were adopted at the Council meeting held on 18 December 2007:

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 procedures 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.

PROCEDURES FOR BRIEFING SESSIONS

The following procedures 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 of 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 There is to be no debate amongst Elected Members on any matters raised during the Briefing Session;
- 6 Relevant employees of the City will be available to make a presentation or respond to questions on matters listed on the agenda for the Briefing Session;
- 7 All Elected Members will be given a fair and equal opportunity to participate in the Briefing Session;
- 8 The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered;
- 9 Elected Members, employees and relevant consultants shall disclose their interests on any matter listed for the Briefing Sessions. When disclosing an interest the following is suggested:
 - (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) Elected Members 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) Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered.
- 10 Elected Members have the opportunity to request matters to be included on the agenda for consideration at a future Briefing Session at Item 10 on the Briefing Session agenda.
- 11 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.
- 12 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.
- 13 Other requirements for deputations are to be in accordance with the Standing Orders Local Law where it refers to the management of deputations.

PROCEDURES FOR PUBLIC QUESTION TIME

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

Questions asked verbally

- 1 Members of the public are invited to ask questions at Briefing Sessions. Questions asked at a Briefing Session must relate to a matter contained on the agenda.
- 2 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.
- 3 Public question time will be limited to two minutes per member of the public, with a limit of two verbal questions per member of the public.
- 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 Public question time will be limited to the legislative minimum of 15 minutes. Public question time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of ten minutes, but the total time allocated for public question time is not to exceed thirty five (35) minutes in total.
- 7 Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:
 - accept or reject any question and his/her decision is final;
 - nominate a member of the Council and/or City employee to respond to the question;
 - take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next briefing session.
- 8 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 agenda, or;
 - making a statement during public question time;they may bring it to the attention of the Presiding Member who will make a ruling
- 9 Questions and any response will be summarised and included in the notes of the Briefing Session.

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

Questions in Writing

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

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

DISCLAIMER

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

PROCEDURES FOR PUBLIC STATEMENT TIME

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

- 1 Members of the public are invited to make statements at Briefing Sessions. Statements made at a Briefing Session must relate to a matter contained on the agenda.
- 2 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.
- 3 Public statement time will be limited to two minutes per member of the public.
- 4 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.
- 5 Public statement time will be limited to a maximum of 15 minutes. Public statement time is declared closed following the 15 minute allocated time period, or earlier if there are no further statements.
- 6 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.
- 7 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 Presiding Member who will make a ruling.
- 8 A member of the public attending a Briefing Session may present a written statement rather than making the Statement verbally if he or she so wishes.
- 9 Statements will be summarised and included in the notes of the Briefing Session.

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, 10 FEBRUARY 2009** commencing at **6.30 pm**

ORDER OF BUSINESS

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

The following questions were submitted to the Briefing Session held on 9 December 2008:

Mr W Spencer, East Perth:

Re: City of Joondalup, Local Law Amendment – Shopping Trolleys

Q1 Does Council readily acknowledge that the retailers operating within the City of Joondalup boundaries play a major role in contributing to the economic welfare of the shire and the general community?

A1 Previous reports to Council on this matter have acknowledged the contribution that retailers make to the community. Council is aware of these contributions.

Q2 Why then does Council continue to antagonise retailers by not accepting that the problem of abandoned shopping trolleys is caused by elements within the community ie individual visitors to, or rate payers within the shire, and NOT retailers?

A2 It is Council's position that retailers are responsible for the effective management of their shopping trolleys.

The City's Local Government and Public Property Local Law currently has provision for fining individuals who remove trolleys from shopping precincts.

Q3 Why would Council then solicit submissions on this matter from individual rate payers who perhaps could be considered to be 'passing the buck' for their own illegal actions?

A3 It is standard procedure for the City to seek submissions from as many stakeholder groups within the community as possible. Individual ratepayers are a group of stakeholders who have the right to make submissions on local matters.

The Local Government Act 1995 also requires that the City advertises local law amendments publicly, enabling members of the public to make submissions.

In addition, not all ratepayers are responsible for abandoning shopping trolleys and many have legitimate concerns for public safety, which may be compromised if solutions to the issue are not pursued.

Q4 Why would Council not participate with retailers to develop a workable solution in this matter, as was recommended by the RTA, yet not put as an option to Council by Council officers?

A4 The City is following the legislated procedure for making a local law amendment. Council is yet to consider the outcome of the public consultation period required under this process. The consultation was in relation to the proposed Amendment Local Law and not to other methods of resolving the issue.

Should Council choose not to adopt the Amendment Local Law, other avenues for resolving the issue may present themselves to Council in the future.

Q5 Why then would Council adopt an unworkable local law that will impact dramatically financially on both retailers and the Council?

A5 Council is yet to consider the merits of the proposed Amendment Local Law based on the outcomes of the public consultation period.

The Amendment Local Law has not been adopted at this stage.

Mr S Kobelke, Sorrento:

Re: Notice of Motion – Mayor Pickard – Written Questions for Presentation at Briefing Sessions and Council Meetings – [02154]

Q1 On the basis that the State Government has contributed in excess of \$500,000 to the Ocean Reef Project, is it not appropriate to allow questions from the wider West Australian community to comment on projects of this nature?

A1 This is the issue that the Department of Local Government and Regional Development will be asked to comment on.

Re: Item 21 – Request for Review of the Coastal Height Policy

Q2 With reference to the Recommendation in Item 21, it is unclear on how Point 3 is added to assist. If public comment is not high, does that mean the proposal will go ahead?

A2 The intent is to identify instances where a proposal exceeds the policy and undertake public consultation to ensure community input.

Mr W Spencer, East Perth:

Re: Item 5 – Local Law Amendment - Shopping Trolley

Q1 *With reference to the response to Question 2 submitted in writing, how are fines imposed on individuals who remove trolleys from shopping precincts?*

Q2 *How many infringements have there been in the last twelve (12) months?*

A1 & A 2 These questions will be taken on notice.

Mr P Brodie, Mindarie:

Re: Item 5 – Local Law Amendment - Shopping Trolley

Q1 *Are shoppers aware of the infringement and is there signage of the Local Laws regarding the shopping trolleys?*

A1 The City is not aware of the knowledge the community has in relation to any of its Local Laws.

Q2 *If people are taking trolleys for whatever purpose, how are we communicating it to them that it is an offence?*

A2 Council is doing it through the Local Law.

4 PUBLIC STATEMENT TIME

The following statements were raised verbally at the Briefing Session on 9 December 2008:

Mr S Kobelke, Sorrento:

Mr Kobelke spoke in relation to the Notice of Motion – Mayor Pickard – Written Questions for Presentation at Briefing Sessions and Council Meetings and Item 21 – Request for Review of the Coastal Height Policy.

Mr P Brodie, Mindarie:

Mr Brodie spoke in relation to Item 5 – Local Law Amendment - Shopping Trolley.

Mr W Spencer, Real Estate Trader Association, East Perth:

Mr Spencer spoke in relation to Item 5 – Local Law Amendment - Shopping Trolley

5 APOLOGIES AND LEAVE OF ABSENCE

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.

| | |
|---------------------------|--|
| Name/Position | Mayor Troy Pickard |
| Item No/Subject | Item 5 – Appointment of Member to the Australian Council of Local Government |
| Nature of interest | Financial |
| Extent of interest | Mayor Pickard holds the position which is the subject of the Report |

| | |
|---------------------------|--|
| Name/Position | Mr Garry Hunt – Chief Executive Officer |
| Item No/Subject | Item 12 - Minutes of the Chief Executive Officer Performance Review Committee Meeting Held on 1 and 15 December 2008 - (Item 1 – Chief Executive Officer – New Contract of Employment) |
| Nature of interest | Financial |
| Extent of interest | Mr Hunt holds the position of CEO. |

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.

| | |
|---------------------------|--|
| Name/Position | Mr Mike Tidy - Director Corporate Services |
| Item No/Subject | Item 12 - Minutes of the Chief Executive Officer Performance Review Committee Meeting Held on 1 and 15 December 2008 - (Item 1 – Chief Executive Officer – New Contract of Employment) |
| Nature of interest | Interest that may affect impartiality |
| Extent of interest | Due to the nature of Mr Tidy's employment relationship with the CEO. |

| | |
|---------------------------|---|
| Name/Position | Mr Garry Hunt - Chief Executive Officer |
| Item No/Subject | Item 19 – Tender 030/08 – Civil Works and Footpath Modifications to Clontarf Street, Sorrento |
| Nature of interest | Interest that may affect impartiality |
| Extent of Interest | Prior to 2005, Mr Hunt provided consulting advice to bidder/tenderer |

7 REPORTS

| ITEM NO | TITLE | WARD | PAGE NO |
|---------|---|-------|---------|
| 1 | Execution of Documents – [15876] | ALL | 1 |
| 2 | Minutes of External Committees – [00033] [03149] [60514] | ALL | 4 |
| 3 | Appointment of Members – Community Safety and Crime Prevention committee and Streetscape Advisory Committee – [02153] [79623] [78623] | ALL | 5 |
| 4 | Proposed Cats Local Law – Community Consultation Results – [29182] | ALL | 11 |
| 5 | Appointment of Member to the Australian Council of Local Government – [88624] | ALL | 19 |
| 6 | Burning Ban on Private Properties - [29061] | ALL | 23 |
| 7 | Annual Plan Quarterly Progress Report for the Period 1 October – 30 December 2008 – [20560] | ALL | 28 |
| 8 | Minutes of the Policy Committee Meeting Held On 15 December 2008 – [18058] | ALL | 31 |
| 9 | List of Payments Made During the Month of November 2008 – [09882] | ALL | 39 |
| 10 | Petition Objecting to Paid Parking in Joondalup and Request for “Drop off Zone”, Davidson Terrace, Joondalup – [57618] | NORTH | 42 |
| 11 | List of Payments made during the month of December 2008 – [09882] | ALL | 45 |
| 12 | Minutes of the Chief Executive Officer Performance Review Committee Meeting Held on 1 and 15 December 2008 – [51567] | ALL | 48 |
| 13 | Financial Activity Statement for the Period Ended 30 November 2008 – [07882] | ALL | 52 |
| 14 | Financial Activity Statement for the Period Ended 31 December 2008 – [07882] | ALL | 55 |
| 15 | Adoption of a Revised Resident/Visitor Parking Permit Policy – [57618] | NORTH | 58 |
| 16 | Asset Management Plan – [08881] | ALL | 64 |

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|----|--|---|------------|
| 17 | Marmion Beach Upgrade – [02150] [61512] | SOUTH | 68 |
| 18 | Petition: Laneway Construction Between Cliff Street and Parnell Avenue, Sorrento – [01091] | SOUTH | 73 |
| 19 | Tender 030/08 Civil Works and Footpath Modifications to Clontarf Street, Sorrento – [56617] | SOUTH-WEST | 76 |
| 20 | Tender 043/08 Supply and Installation of Water Proofing Membrane to Administration Building Balcony – [71620] | NORTH | 80 |
| 21 | Tender 048/08 Replacement of Roofing and Ceilings at Various Locations – [67622] | NORTH-CENTRAL, SOUTH- EAST, SOUTH & CENTRAL | 85 |
| 22 | Duffy Terrace, Woodvale – Speed Cushion Project – [01672] | CENTRAL | 90 |
| 23 | Coastal Height Policy – Status Report – [24581] | NORTH,NORTH- CENTRAL,CENTRAL,SOUTH- WEST AND SOUTH | 95 |
| 24 | Petition on Protection of Remaining Residential Properties in Arnisdale Road, Duncraig – [04127] | SOUTH-WEST | 99 |
| 25 | Public Submissions on Proposed Amendment 40 to District Planning Scheme No 2 – Lot 500 & 501 Arawa Place, Craigie (Formerly Craigie Senior High School) – [22619] | CENTRAL | 103 |
| 26 | Request for Removal of Caveat for Pedestrian Easement at Lakeside Shopping Centre – [08431] | NORTH | 108 |
| 27 | Proposed Shade Sail Addition to Grove Child Care Centre at Lot 905 (6) Dugdale Street, Warwick – [07586] | SOUTH | 113 |
| 28 | Minutes of the Seniors Interests Advisory Committee Meeting Held on 3 December 2008 – [55511] | ALL | 118 |
| 29 | City of Joondalup Entry Statements Design Drawings – [37196] [44697] | ALL | 123 |
| 30 | Review of the Currambine District Centre Structure Plan – [47351] | NORTH | 126 |
| 31 | Review of Cash-in-Lieu Car Parking Fees for the City of Joondalup – [72020] | ALL | 132 |
| 32 | Minor Amendments to City’s Master Planning Process – [69612] | ALL | 136 |
| 33 | Proposed Additions of Self Storage Units to an Existing Self Storage | NORTH | 139 |

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|----|---|------------|-----|
| | Facility at Lot 304 (129) Winton Road, Joondalup – [03406] | | |
| 34 | Dedication of Portion of Warwick Road, Duncraig –[09384] | SOUTH-WARD | 149 |
| 35 | Request for Closure of Pedestrian Accessway between Murray Drive and Gipps Court, Hillarys – [55212] | SOUTH-WEST | 152 |
| 36 | Monthly Town Planning Delegated Authority Report – Development and Subdivision Applications – 25 November to 31 December 2008 – [07032] [05961] | ALL | 158 |
| 37 | Response to Petitions - Kinross Skate Park – [09103] | NORTH | 162 |
| 38 | Draft Joondalup City Centre Structure Plan – [00152] | CENTRAL | 167 |
| 39 | Proposed Mixed Use Development at Lot 201 (88) Lakeside Drive, Joondalup – 42 Multiple Dwellings and Associated use (Convenience Store) – [86007] | CENTRAL | 175 |
| 40 | Proposed Mixed Use Development of 24 Multiple Dwellings, 8 Grouped Dwellings, Offices, Convenience Store and Restaurant at Lot 9009 (46) Angove Drive, Hillarys – [68543] | SOUTH-WEST | 189 |

8 REPORT OF THE CHIEF EXECUTIVE OFFICER

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Notice of Motion – Cr Brian Corr – Climate Change (Sea Level rises)

Notice of Motion - Cr Geoff Amphlett – Better Utilisation of City Sumps

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.pdf](#)

ITEM 1 EXECUTION OF DOCUMENTS - [15876]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 4 December 2008 to 12 December 2008.

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 to be executed by affixing the Common Seal or signed by the Mayor and the CEO are reported to the Council for information on a regular basis.

BACKGROUND

Not Applicable.

DETAILS

The following documents have been executed by affixing the Common Seal.

| | |
|-----------------------|---|
| Document: | Deed of Easement |
| Parties: | City of Joondalup and Water Corporation |
| Description: | Deed of Easement for Water Corporation easement to protect the Water Corporation's equipment that runs the entire length of Geneff Park |
| Date: | 04.12.08 |
| Signed/Sealed: | Sealed |

| | |
|-----------------------|---|
| Document: | Section 70A Execution |
| Parties: | City of Joondalup and Marek and Jolantta Zimowski |
| Description: | To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on land at Lot 739 (32) Livingstone Way, Padbury |
| Date: | 12.12.08 |
| Signed/Sealed: | Sealed |

| | |
|-----------------------|---|
| Document: | Deed of Agreement |
| Parties: | City of Joondalup and Peet Limited |
| Description: | Deed of Agreement to ensure compliance of condition three (3) of the development approval issued 29 June 2007 for development at Lots 122-126, 132, 138 and 147 Grand Ocean Entrance, Burns Beach (DA08/0729) |
| Date: | 12.12.08 |
| Signed/Sealed: | Sealed |

| | |
|-----------------------|--|
| Document: | Section 70A Execution |
| Parties: | City of Joondalup and Peter Peon, Orlando Guadalupe Gomes Peon & Maria Aldora Gomes Silva |
| Description: | To restrict occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land at Lot 155 (3) Kinch Lane, Hillarys |
| Date: | 12.12.08 |
| Signed/Sealed: | Sealed |

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 that have been executed by affixing the Common Seal of the City of Joondalup are submitted to the Council for information.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the schedule of documents covering the period 4 December 2008 to 12 December 2008 executed by means of affixing the common seal.

ITEM 2 MINUTES OF EXTERNAL COMMITTEE - [00033] [03149] [60514]

WARD: All

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

PURPOSE

To submit minutes of external committees to Council for information.

EXECUTIVE SUMMARY

The following minutes are provided:

- Meeting of Western Australian Local Government Association – North Metropolitan Zone held on 20 November 2008
- Meeting of Mindarie Regional Council held on 11 December 2008

ATTACHMENTS

Attachment 1 Minutes of Meeting of Western Australian Local Government Association
 – North Metropolitan Zone held on 20 November 2008

Attachment 2 Minutes of Meeting of Mindarie Regional Council held on 11 December
 2008

(Please Note: These minutes are only available electronically)

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the minutes of the meeting of the:

- 1 Western Australian Local Government Association – North Metropolitan Zone held on 20 November 2008 forming Attachment 1 to this Report;**
- 2 Mindarie Regional Council held on 11 December 2008 forming Attachment 2 to this Report.**

Appendix 35 refers

To access this attachment on electronic document, click here:

[External Committees100209.pdf](#)

ITEM 3 APPOINTMENT OF MEMBERS - COMMUNITY SAFETY AND CRIME PREVENTION COMMITTEE AND STREETScape ADVISORY COMMITTEE – [02153] [79623] [78623]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

For Council to appoint Elected Member representatives to the:

- Community Safety and Crime Prevention Advisory Committee; and
- Streetscape Advisory Committee.

EXECUTIVE SUMMARY

At its meeting held on 25 November 2008 Council established the Community Safety and Crime Prevention Advisory Committee and the Streetscape Advisory Committee and requested that, following advertising for nominations for community representatives, a further report be submitted to Council on 17 February 2009 to appoint representatives to these advisory committees.

In order to avoid advertising during the Christmas/New Year period, the nomination period for community representative will close on 27 February 2009.

It is recommended that Council:

- 1 *APPOINTS four (4) Elected Members to the Community Safety and Crime Prevention Advisory Committee;*
- 2 *APPOINTS four (4) Elected Members to the Streetscape Advisory Committee;*
- 3 *REQUESTS a report be presented to the Council meeting to be held on 17 March 2009 to give consideration of appointment of community representatives to the Community Safety and Crime Prevention Advisory Committee and the Streetscape Advisory Committee.*

BACKGROUND

At its meeting held on 25 November 2008 Council resolved to:

- “1 *ESTABLISH the Community Safety and Crime prevention Advisory Committee to:*
- *provide advice to the Council on community safety and crime prevention issues;*
 - *assist the Council in developing a strategic approach to ensure the safety and well being of the wider community of the City of Joondalup.*

Membership:

The Committee will consist of the following members, to be determined by the Council:

- *Four (4) Elected Members;*
- *Eight (8) Community Representatives comprising individuals from ratepayer and residents associations or individuals residing within the City who have expertise or demonstrated interest in community safety and crime prevention.*

Meeting Frequency

The Community Safety and Crime Prevention Advisory Committee shall not convene more than two (2) ordinary meetings each between the months of February and November of each calendar year. Special meetings of the advisory committee may be held in accordance with the Standing Orders Local Law.

2 *ESTABLISH the Streetscape Advisory Committee to:*

- *provide advice to the Council on local streetscape amenity such as street trees, verges, public access ways and medians;*
- *assist the Council with the establishment of themed planting on road reserves to bolster the identity of our neighbourhoods.*

Membership

The Committee will consist of the following members, to be determined by the Council:

- *Four (4) Elected Members*
- *Eight (8) Community Representatives comprising individuals from ratepayer and residents associations or individuals residing within the City who have expertise or demonstrated interest in streetscape design.*

Meeting Frequency

The Streetscape Advisory Committee shall not convene more than two (2) ordinary meetings each between the months of February and November of each calendar year. Special meetings of the advisory committee may be held in accordance with the Standing Orders Local Law.

- 3** *REQUEST the CEO to advertise for the relevant community representatives on the Community Safety and Crime Prevention Advisory Committee and the Streetscape Committee and report back to the Council for its consideration of appointment of representatives at its meeting to be held on 17 February 2009;*
- 4** *REQUEST that a review of the two Advisory Committees be submitted to Council 12 months after their establishment.”*

DETAILS

Issues and options considered:

The City is currently inviting interested members of the community to nominate as representatives on the Community Safety and Crime Prevention Advisory Committee and Streetscape Advisory Committee. To avoid advertising during the Christmas/New Year period, the nomination period has been extended and will close on 27 February 2009. It is recommended that Council appoints Elected Members to these advisory committees and calls for a further report to be submitted to the Council meeting scheduled for 17 March 2009 to give consideration to nominations received for community representatives.

Link to Strategic Plan:

- 5.4 Objective: To work collaboratively with stakeholders to increase community safety and respond to emergencies effectively.

Strategies

5.4.1 The City develops and implements a Community Safety Plan.

5.4.2 The City maintains an effective visual presence in local residential areas and business districts.

5.4.3 The City works in collaboration with other local governments and the State Government to enhance community safety.

Outcome

Public perceptions of City safety programs remain high or increase.

- 4.2 Objective: To progress a range of innovative and high quality urban development projects within the City.

Strategy

4.2.7 The City provides technical support for externally driven infrastructure projects that are undertaken within the City.

Outcome

Projects are completed on time, within budget and reflect the interests of the community.

Legislation – Statutory Provisions:

The requirements of the Local Government Act 1995 are as follows:

Appointment of committee members

- 5.10 (1) A committee is to have as its members:

- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and

- (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* Absolute majority required.

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish:
- (a) to be a member of the committee; or
- (b) that a representative of the CEO be a member of the committee,
- the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

Tenure of committee membership

- 5.11 (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until:
- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;
- (b) the person resigns from membership of the committee;
- (c) the committee is disbanded; or
- (d) the next ordinary elections day,
- whichever happens first.

(Note: the next ordinary election for the City of Joondalup is scheduled to be held in May 2007, unless the Local Government Act 1995 is amended).

- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until:
- (a) the term of the person's appointment as a committee member expires;
 - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,
- whichever happens first.

Clause 51(2) of the City's Standing Orders Local Law 2005 states: -

A nomination to any position is not required to be seconded.

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

It is recommended that Council appoints its representatives and agrees to considering community representation at its March 2009 meeting. This will allow the Committees to meet twice prior to the local government elections in October 2009.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Absolute majority.

RECOMMENDATION

That Council:

- 1 BY AN ABSOLUTE MAJORITY, APPOINTS four (4) Elected Members to the Community Safety and Crime Prevention Advisory Committee;**
- 2 BY AN ABSOLUTE MAJORITY, APPOINTS four (4) Elected Members to the Streetscape Advisory Committee;**
- 3 REQUESTS a report be presented to the Council meeting to be held on 17 March 2009 to give consideration of appointment of community representatives to the Community Safety and Crime Prevention Advisory Committee and the Streetscape Advisory Committee.**

ITEM 4 PROPOSED CATS LOCAL LAW - COMMUNITY CONSULTATION RESULTS – [29182]

WARD: All

RESPONSIBLE Mr Ian Cowie
DIRECTOR: Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

To present Council with the outcomes of the consultation process for the proposed Cats Local Law and provide a recommendation which reflects the Policy Committee's position on the matter, namely, adopting the proposed Cats Local Law, subject to the removal of section 20(1)(a). (Additional amendments were required by virtue of removing this section and are detailed in this report).

There are a number of administrative procedures that will require finalisation before the local law can be effectively introduced.

It is recommended that Council adopts the local law in the manner prescribed in Attachment 1 to this Report.

BACKGROUND

At the meeting of 24 April 2007 (CJ064–04/07 refers), Council resolved for a local law to be drafted which requires compulsory registration of cats within the City of Joondalup. Specifically, the resolution stated that the new local law provisions should mirror as closely as possible those contained in the *Dog Act 1976*.

A report relating to the registering and identifying of cats was presented to Council at its meeting on 10 June 2008 (CJ097-06/08 refers). The matter was subsequently referred to the Policy Committee for further consideration, of which the Committee resolved to recommend drafting a Cats Local Law which includes a requirement for compulsory sterilisation.

At the meeting of Council on 15 July 2008 (CJ122 – 07/08), it was resolved that the proposed Cats Local Law be released for a public consultation period of 44 days, subject to some minor amendments to the draft.

On 2 August 2008, the consultation process was initiated. This included:

- Statewide notification in the West Australian;
- Advertisements in local newspapers;
- Letters sent directly to target stakeholders (list of stakeholders provided at Attachment 2);
- A link to an online survey on the City's website; and
- Public notices placed on the City's website, in all four of the City's libraries and in the two Customer Service Centres at Joondalup and the Whitford City Shopping Centre.

Following the conclusion of the consultation period, all results were collated and presented to the Policy Committee at its Meeting of 15 December 2008 for consideration.

This report details the information presented to the Policy Committee and provides a recommendation for Council to consider which reflects the Committee's position on the matter.

DETAILS

The detail below is the information provided to the Policy Committee from which its recommendation was formed.

Quantitative Analysis – Survey Feedback

480 completed surveys were received in total, including 147 from people living outside the City of Joondalup.

The table below shows the results of the analysis:

- For all surveys received
- For City of Joondalup residents as a discrete group

| Support introduction Cats Local Law | | | | |
|---|------------------------|-------------------|-------------------------------|-------------------|
| | All submissions | | City of Joondalup | |
| | No. of people | Percentage | No. of people | Percentage |
| Yes | 327 | 68.1 | 205 | 61.6 |
| No | 147 | 30.6 | 122 | 36.6 |
| Total | 474 | 98.8 | 327 | 98.2 |
| Not identified | 6 | 1.3 | 6 | 1.8 |
| | 480 | 100.0 | 333 | 100.0 |
| Support compulsory cat registration | | | | |
| | All submissions | | City of Joondalup only | |
| | No. of people | Percentage | No. of people | Percentage |
| Yes | 333 | 69.4 | 218 | 65.5 |
| No | 145 | 30.2 | 115 | 34.5 |
| Total | 478 | 99.6 | 333 | 100.0 |
| Not identified | 2 | 0.4 | 0 | 0.0 |
| | 480 | 100.0 | 333 | 100.0 |
| Support compulsory cat sterilisation | | | | |
| | All submissions | | City of Joondalup only | |
| | No. of people | Percentage | No. of people | Percentage |
| Yes | 404 | 84.2 | 279 | 83.8 |
| No | 73 | 15.2 | 54 | 16.2 |
| Total | 477 | 99.4 | 333 | 100.0 |
| Not identified | 3 | 0.6 | 0 | 0.0 |
| | 480 | 100.0 | 333 | 100.0 |
| Support control and identification of cats | | | | |
| | All submissions | | City of Joondalup only | |
| | No. of people | Percentage | No. of people | Percentage |
| Yes | 319 | 66.5 | 197 | 59.2 |
| No | 158 | 32.9 | 136 | 40.8 |
| Total | 477 | 99.4 | 333 | 100.0 |
| Not identified | 3 | 0.6 | 0 | 0.0 |
| | 480 | 100.0 | 333 | 100.0 |

| Support the introduction of \$50 subsidy | | | | |
|---|------------------------|-------------------|-------------------------------|-------------------|
| | All submissions | | City of Joondalup only | |
| | No. of people | Percentage | No. of people | Percentage |
| Yes | 347 | 72.3 | 217 | 65.2 |
| No | 130 | 27.1 | 115 | 34.5 |
| Total | 477 | 99.4 | 332 | 99.7 |
| Not identified | 3 | 0.6 | 1 | 0.3 |
| | 480 | 100.0 | 333 | 100.0 |

296 people responding to the survey identified themselves as owners of cats. 198 were City of Joondalup residents and of that number, 142 stated that their cats were identifiable and a further 181 that their cats were already sterilised.

Of 198 resident owners of cats:

- 90 generally support the introduction of a Cats Local Law (45%)
- 99 support compulsory cat registration (50%)
- 151 support compulsory cat sterilisation (76%)
- 80 support control and identification of cats (40%)

Nineteen groups including resident/ratepayer groups, individual veterinary hospitals, the Australian Veterinary Association Ltd, RSPCA, Cat Haven, WA Rangers Association, Cat Sterilisation Society Inc and a number of other special interest groups for cats completed and returned surveys. In addition, written submissions were made.

Of the 19 groups, 12 supported the proposed Local Law as is, including the RSPCA, the Cat Haven, three veterinary practices and the Northern Districts Cattery.

Qualitative data analysis of written submissions

5 written submissions were received from groups, or from individuals indicating themselves to be part of, or representatives of a group, namely:

- RSPCA
- The Cat Haven
- The Australian Veterinary Association (AVA)
- Cat Owners Association of Western Australia (Inc)
- WA Rangers Association Inc (WARA)
- The Cat Sterilisation Society

Whilst the RSPCA and The Cat Haven support introduction of the proposed Local Law in its present form, the Cats Owners Association submission indicates that further clauses are needed to achieve effective cat control.

AVA supports compulsory identification of cats and, other than in the case of kittens under 12 weeks, supports sterilisation. The organisation also supports extensive community education on responsible cat ownership and on 'what to do' when coming into contact with stray animals.

WARA identifies cat control as a State rather than Local Government initiative which requires appropriate resourcing to ensure its effectiveness. In addition, they believe the State should embark on extensive public education campaigns to encourage responsible cat ownership. 48 people sent in emails and letters as individual submissions, some in addition to the completed surveys.

- 45 were from City residents
- 1 was from a person whose residence was not stated
- 2 were from people living outside the City of Joondalup

Of the 45 submissions from residents, 7 fully supported the proposed Local Law while the remaining 38 either supported only aspects of the law or did not support the law at all.

The majority of submissions were from people identifying themselves as responsible owners of cats that were sterilised, identifiable and kept in at night. For the most part they supported the proposed Local Law with respect to compulsory sterilisation and identification but had concerns with the following sections:

Section 19: Registration Tags

“19 (1) A registration tag must be worn by the registered cat when in a place that is outside of the premises where the cat is ordinarily kept, as declared on the certificate of registration, and shall —

- (a) be of a durable material;*
- (b) be of a colour specified by Schedule in this Local Law in accordance with the relevant registration cycle; and*
- (c) contain the registration number of the cat.”*

In 9 of 48 qualitative responses, concerns were raised about the compulsory use of collars and registration tags. Some identified that their pets would not wear them while others stated that the collar or tag may cause harm to the cat, (by becoming snagged on obstructions or being used to capture a cat with the intent of harming it). A number of residents responding in this way preferred to use microchips for this reason.

Section 20: Control of cats in public places

“20 (1) A cat shall not be –

- (a) in a public place unless the cat is, in the opinion of an authorised officer, under effective control; or*
- (b) in any designated area specified in a Schedule to this Local Law; or*
- (c) on private premises where a complaint by the owner or occupier of the premises has been made to the City in relation to the cat’s unwanted presence on the property.*

(2) *If a cat is at any time in a place in contravention of –*

(a) *Clauses 20(1)(a) or 20(1)(c), the owner of the cat commits an offence against these Clauses unless he establishes a defence under Clause 21.*

Penalty: \$500

(b) *Clause 20(1)(b), the owner of the cat commits an offence against that Clause unless he establishes a defence under Clause 21.*

Penalty: \$1000.”

Amongst the comments suggesting the impracticability of enforcing this section, 15 out of 48 people expressed their fears that it could result in neighbour/neighbour conflict and perhaps even violence towards cats.

The Policy Committee resolved that Council should agree to remove s. 20(1)(a) for reasons of impracticability. The draft Cats Local Law provided at Attachment 1 reflects this suggested change and also includes any consequential amendments that result from removing this section. These amendments include:

- Removal of the definition of a “public place”
- Removal of the words “in a public place” from the title above s. 20. It now reads “Control of cats”
- Alterations to s.20 to make the numbering consecutive
- Removal of the modified penalty for s. 20(1)(a) in the Fourth Schedule
- Alterations to Fourth Schedule to make the numbering consecutive

Implementation costs

Concerns about the human and financial resources needed to implement the proposed Local Law were articulated by 14 individuals.

These concerns also identified a common theme, that is, the sense that owners of cats who are already responsible will be carrying an additional financial impost unlike owners who do not act responsibly.

Recommendation from the public

Nine residents suggested that the source of the cat problem lies with the market and that controls at the point where people are purchasing cats, and from whom they are purchasing them, would be more effective than a local law.

Overall analysis

Two of the key components of the proposed local law – compulsory identification and sterilisation – are supported by cat owners and non cat owners alike. The feedback suggests that people who view themselves as responsible cat owners already ensure that their pets are identifiable (with microchipping the preferred option) and sterilised. Consequently, while there is support for these initiatives, it is highly questionable whether a local law would be effective as responsible owners, who are most likely to obey the law, are already undertaking these actions.

The issue of cat control is more contentious. People who do not own cats think that cats should be constrained from nuisance behaviours at all times. On the other hand, people who own cats cannot see how this can be achieved without their pets being kept permanently in or on the property, perhaps using outdoor cat runs. Whilst owners are generally prepared to keep their cats indoors between the hours of dusk and dawn, they find the notion of being able to control the movements of a cat to be impractical. Further, it is believed that where neighbours are already at odds over cat behaviours, this section could (a) serve as a justification for involving the City in neighbour disputes or (b) increase levels of existing disputes and subsequently the extent of local law enforcement activities required across the whole of the City.

The intended effect of the proposed local law is to operationalise a system for compulsory sterilisation, registration and control of cats. From the results of the consultation it is evident that whilst there is majority support for this state of affairs, owners of cats are questioning whether the local law will increase levels of compliance in these areas (even with subsidies for sterilisation). They point out that whilst the 'market' for cats and kittens is unregulated and it is still possible for people to obtain them without any of these requirements, they will do so. Respondents suggest that a more effective approach would be to target the cat 'market' with animals being identifiable and sterilised before they are available for sale or otherwise given away.

Issues and options considered:

Option 1: In accordance with the Policy Committee's resolution, adopt the local law in the manner prescribed in Attachment 1.

Given Council's decision to refer the matter of developing a Cats Local Law to the Policy Committee, it may be prudent for Council to accept the recommendation of the Committee.

Option 2: Do not pursue a Cats Local Law

City Officers maintain the position that a Cats Local Law should not be pursued as the costs of administering and operationalising the law far outweighs any benefits the community would receive from its implementation, (which are considered minimal. These views have been explained in several earlier reports on this matter).

Link to Strategic Plan:

| | |
|----------------|--|
| Key Focus Area | Leadership and Governance |
| Objective 1.2 | To engage proactively with the community |
| Outcome | The City acts with a clear understanding of the wishes of the community. |

Legislation – Statutory Provisions:

Local Government Act (1995)

Risk Management considerations:

Should the local law be adopted, there is a risk that the community's expectation of service delivery under the law will not be met due to the inherent impracticalities present within some of the law's provisions. Community members may also complain that they are being asked to pay money to register cats when their cats are well looked after.

Financial/Budget Implications:

Should Council choose to adopt the local law in its current form, consideration will need to be given to the costs associated with its implementation. This could be in excess of \$40,000 per annum to set-up the registration system and ensure that adequate resources are available to enforce the law.

Policy implications:

Not applicable

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

The Details section of the report outlines the consultation process undertaken in relation to this matter.

COMMENT

It should be noted that a number of points made in previous reports submitted to Council (*CJ097 – 06/08; CJ122 – 07/08 refers*), with respect to the practicalities associated with implementing a Local Law, have been borne out by the consultation.

Firstly, that implementation of a Cats Local Law will represent an additional cost to owners of cats who already act responsibly with respect to their pets. Secondly, that the intended benefits of introducing a Cats Local Law are unlikely to be realised, as people who do not take their ownership responsibilities seriously will not comply.

Analysis of the feedback identifies differing levels of community support for the various sections of the Local Law, with most support being given to compulsory sterilisation. It should be noted however, that compulsory sterilisation cannot be achieved without compulsory registration and that support for this aspect of the law was not substantive.

Notwithstanding the above comments and Officer's concerns about the local law, this report recommends that Council adopts the Policy Committee's recommendation in order to further legitimise the advisory function of the Committee.

ATTACHMENTS

Attachment 1: Draft Cats Local Law 2008
Attachment 2: Stakeholder List for Letter Recipients

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION**That Council:**

- 1 BY AN ABSOLUTE MAJORITY, ADOPTS the City of Joondalup Cats Local Law 2008 in the manner prescribed in Attachment 1 to this Report;**
- 2 NOTES that if adopted, the local law will not commence operationally until 1 October 2009;**
- 3 NOTES that to implement the local law effectively, funding of approximately \$40,000 will need to be allocated in the 2009/2010 budget to cover administrative and enforcement costs;**
- 4 NOTES that any costs associated with implementing the local law may need to be varied during the year, based on the number of resident requests for action in relation to the local law.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf100209.pdf](#)

Disclosure of Financial Interests

| | |
|---------------------------|--|
| Name/Position | Mayor Troy Pickard |
| Item No/Subject | Item 5 – Appointment of Member to the Australian Council of Local Government |
| Nature of interest | Financial |
| Extent of interest | Mayor Pickard holds the position which is the subject of the Report |

ITEM 5 APPOINTMENT OF MEMBER TO THE AUSTRALIAN COUNCIL OF LOCAL GOVERNMENT– [88624]

WARD: All

RESPONSIBLE Mr Ian Cowie
DIRECTOR: Governance and Strategy

PURPOSE/ EXECUTIVE SUMMARY

For the Council to note the appointment of Mayor Troy Pickard to the Australian Council of Local Government (ACLG) and to agree to meet relevant costs for his attendance, including his attendance at the meeting recently held.

BACKGROUND

On 18 November 2008, the Prime Minister, the Hon Kevin Rudd MP and the Minister for Infrastructure, Transport, Regional Development and Local Government hosted the inaugural plenary meeting of the ACLG. This meeting discussed a number of important issues, including:

- the provision of local and national infrastructure,
- improving the long-term sustainability and efficiency of local government,
- considering Constitutional recognition of local government,
- plans to make major cities more liveable, sustainable and productive, and
- ways to strengthen and support regional economies.

At this meeting, the Minister for Infrastructure, Transport, Regional Development and Local Government announced the Government's intention to establish a streamlined steering committee to continue the engagement, policy coordination and close cooperation between local and federal government.

DETAILS**Issues and options considered:**

Mayor Troy Pickard has been invited to serve as a member of the ACLG. The first meeting occurred on Thursday 5 February 2009 at Parliament House, Canberra.

The first meeting focused on the Charter for the ACLG, the operational arrangements for the Council and major priority issues for future work. It is envisaged that four meetings will occur in any one year.

Link to Strategic Plan:

Not applicable.

Legislation – Statutory Provisions:

One of the main objectives of the ACLG is to achieve constitutional recognition for the local government industry.

Risk Management considerations:

Not applicable.

Financial/Budget Implications:

The 2009/10 budget contains funds for general training relevant to the Council as a whole, and for each elected member in accordance with the current City Policy. It is estimated that attendance at these meetings based on business class airfares, accommodation and incidental expenses would be \$4000 per meeting. There are no budget funds specifically allocated for this.

Policy implications:

Policy 8-2 Elected Members Allowances details travel arrangements for elected members. The Policy contains the following clauses:

“Part 4 – Attendance at conferences and training within Australia

4.1 Objective

To enable Elected Members to develop and maintain skills and knowledge relevant to their role as a representative of the City of Joondalup.

4.2 Statement

Elected Members are encouraged to attend appropriate conferences and training to enable them to be more informed and better able to fulfil their duties of office. In order to support this, the following is provided.

4.3 Annual Conference and Training Expense Allocation

(1) The following annual conference and training expense allocation shall be made available to Elected Members:

(a) The Mayor shall be entitled to an annual expense allocation of \$12,000 (July 2008), inflated annually from the date the \$10,000 was first set at the CPI rate for Australia on 1 July each year and rounded to the nearest \$100; and

(b) All Councillors shall be entitled to an annual expense allocation of \$5,900 (July 2008), inflated annually from the date the \$5,000 was first set at the CPI rate for Australia on 1 July each year and rounded to the nearest \$100.

(2) *In addition to the annual expense allocation detailed in clause (1)(a) above, the Mayor shall be entitled to attend the following conferences:*

- *Annual Western Australian Local Government Association;*
- *Annual National Australian Local Government Association;*
- *Annual National Congress of the Local Government Managers Australia.*

4.4 Definition

In this part, “Conferences and Training” means conferences, seminars, congresses, forums, workshops, courses, meetings, deputations, information and training sessions and events related to the industry of local government and held within Australia.”

The Policy states that all air travel within Australia shall be business class, except where an elected member chooses to travel at a cheaper rate.

Regional Significance:

Having an elected representative serving on the ACLG will give significant recognition for the region.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

This item was listed for consideration by the Council at the Special meeting held on 27 January 2009, but was withdrawn. The Mayor has subsequently agreed to serve on the ACLG and attended the inaugural meeting held on 5 February 2009. Costs associated with the Mayor’s attendance was met via his annual allocation included in Policy 8.2.

The establishment of the ACLG is as a result of the summit convened by the Prime Minister in December 2008. Having representation on the ACLG from Western Australia has significance for the local government industry, and having a representative from the City of Joondalup has great significance for the City.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 NOTES that Mayor Troy Pickard will serve on the Australian Council of Local Government;**
- 2 AGREES to meet all associated costs relative to the attendance of Mayor Troy Pickard on the Australian Council of Local Government, including business class airfares, accommodation and incidental expenses, estimated at \$4,000 per meeting;**
- 3 AGREES to meet all the costs associated with Mayor Troy Pickard's attendance at the inaugural meeting of the Australian Council of Local Government held on 5 February 2009 outside his annual allocation within Policy 8-2 – Elected Members Allowances.**

ITEM 6 BURNING BAN ON PRIVATE PROPERTIES – [29061]

WARD: All

RESPONSIBLE Mr Ian Cowie
DIRECTOR: Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

To present Council with information considered by the Policy Committee in relation to banning the burning of fires on private property within the City of Joondalup.

It is proposed that Council adopts the Policy Committee's recommendation, namely that a blanket ban be introduced through notice in the *Government Gazette* and local newspaper. Amendments will also need to be made to the City's Policy 6-5 "Burning on Private Property" to ensure its alignment with the recommendation.

BACKGROUND

At the Policy Committee Meeting of 16 September 2008 a request for a report was made in relation to "backyard fires".

A report was subsequently drafted which outlined the level of influence the City has in regulating such fires and if possible, the City's capacity to ban them via a local law.

The Policy Committee considered the report at its meeting of 15 December 2008 and recommended the following:

"...that Council ADOPTS Option 2, namely agreeing to publish a notice in the Government Gazette and in a local newspaper stating that "backyard burning and the use of incinerators are prohibited within the City of Joondalup at all times" and amend the City's current Policy 6-5 to state that the City will not issue permits."

DETAILS

The detail below is the information provided to the Policy Committee from which its recommendation was formed.

The City has several instruments enabling it to regulate burning on private property to a certain degree. These include:

- Policy 6-5 "Burning on Private Property" which states:

"Residential Garden Refuse and other Rubbish

Garden refuse and rubbish intended for burning shall be placed on the ground in a heap no more than one metre across and to a height of no more than one metre. Only one heap may be burnt at any one time.

Between 1 October and 31 May annually, provided that the day of burning is not designated as an extreme or very high fire danger rating, garden refuse may be burned between 6.00pm and 11.00pm only.

Cleared Land Development Sites

The burning of cleared vegetation on subdivisional land development sites shall be prohibited at all times.”

- *Bushfire Prevention and Control Local Law 1998* which allows:

Authorised City Officers to require occupiers of land within the City to establish and maintain firebreaks following the commencement of the firebreak period.

- *Bush Fires Act 1954* which provides the City, inter alia, with the following powers:
 - Ability to make local laws that require owners and occupiers of land to have sufficient firebreaks in place;
 - Ability to appoint Bush Fire Control Officers for the purposes of ensuring that effective firebreaks are in place during the bush fire season;
 - Ability to issue permits that allow bush to be burnt during restricted burning times;
 - Ability to prohibit the burning of garden refuse or rubbish in an incinerator or on the ground on private premises by publishing a notice in the *Government Gazette*; and
 - Ability to issue permits for lighting fires on private premises for cooking or camping.
- *Health Act 1911* which provides the City with the following powers:
 - Ability to make local laws for the purposes of preventing nuisances.

Most of the regulatory powers above only apply during prohibited and restricted burning times, which are as follows:

- Prohibited burning times are from 1 December to 31 March
- Restricted burning times are from 1 October – 30 November and from 1 April – 31 May

This means that the months of June, July, August and September are currently not subject to burning restrictions under the City’s local law or the *Bush Fires Act 1954* and are therefore mostly unregulated by the City. The *Health Act 1911* enables smoke from burning to be dealt with under nuisance provisions, however, this only applies to the burning of rubbish and does not include garden refuse. Issues also surround prosecuting nuisance offences, which may reduce the effectiveness of such an approach.

For an effective blanket ban to be achieved, the months currently not subject to regulation will need to be incorporated into the restricted burning period. The options below provide examples of how this may be achieved.

Issues and options considered:

1. Following a resolution of Council, publish a notice in the *Government Gazette* and in a local newspaper stating that “burning on private property and the use of incinerators are prohibited within the City of Joondalup **at all times without a permit**” and amend the City’s Policy 6-5 to reflect this.

Effect: This option would effectively restrict people from burning any materials either on the ground or in an incinerator at any time during the year without obtaining a permit from the City.

The City could then develop criteria for determining the circumstances in which a permit would be issued (most likely for instances where removing a fire hazard is best achieved through controlled burning) and amend the City's Policy 6-5 to reflect this.

In all other circumstances an application for a permit would be refused.

2. Following a resolution of Council, publish a notice in the *Government Gazette* and in a local newspaper stating that "burning on private property and the use of incinerators are prohibited within the City of Joondalup **at all times**" and amend the City's current Policy 6-5 to state that the City will not issue permits.

Effect: This option would effectively restrict people from burning any materials either on the ground or in an incinerator at any time during the year.

The City's policy would then make it clear to residents that burning on private property and the use of incinerators are banned, as permits will not be available.

3. Introduce a local law, under the general powers provisions of the *Local Government Act 1995*, which bans the burning of any materials either on the ground or in an incinerator on private property

Effect: This option would achieve the same outcomes as options 1 and 2, however, legal advice would need to be obtained to ensure that no inconsistencies exist between provisions in the local law and other legislation.

In addition, it should be noted that the process for introducing a local law is often long and expensive and is best avoided if other effective options are also available.

4. Amend the City's *Health Local Laws 1999* to prohibit the burning of rubbish on the ground or in an incinerator.

Effect: This option has been pursued by the City of Rockingham; however, it is not very effective as the prohibition only captures a limited number of materials and does not extend to green waste.

Additionally, the new *Health Bill* has omitted the nuisance provisions and as such, the City's Health Local Laws will require a major review in the next 12 to 18 months and may not be able to capture offences relating to smoke emissions.

5. Do nothing.

Effect: This option would enable City Officers to issue permits for residents to burn garden refuse, rubbish or bush on the ground or in an incinerator during prohibited or restricted burning periods.

Outside of limited burning periods, permits would not be required to burn materials in on private property.

Link to Strategic Plan:

Not applicable.

Legislation – Statutory Provisions:

Relevant legislation includes:

Local Government Act 1995

Bush Fires Act 1954

Health Act 1911

Bush Fire Prevention and Control Local Law 1998

Health Local Laws 1999

Risk Management considerations:

There is a risk that instituting a complete fire ban may seem unreasonable to residents who are undertaking all necessary precautions to ensure that fires on private property are contained. Limiting reasonable acts within a controlled environment on private land may appear to some residents as an unwarranted over-regulation on behalf of the City.

Financial/Budget Implications:

Should option 3 be adopted and a local law is pursued, the cost of instituting a blanket ban significantly increases. Consultation processes required under section 3.12 of the *Local Government Act 1995* cost a minimum of \$2,000 to undertake. The cost of obtaining legal advice would also need to be factored into this option.

Policy implications:

Should options 1, 2, 3 or 4 be adopted, the City's Policy 6-5 will require amending to reflect the elements of the option pursued.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

It is the City's position that instituting a blanket ban for burning on private property may be of some merit to residents from both a safety and public health perspective.

It should also be noted that the Policy Committee did not adopt the recommendation put forward by the City, and as such, the recommendation being presented to Council in this report remains consistent with the decision of the Policy Committee. Though, a slight amendment has been made to the wording in order to remove the term "backyard" and replace it with the words "burning on private property" to expand the area in which the ban will apply.

ATTACHMENTS

Attachment 1 – Policy 6-5 – Burning of Private Property.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1** **ADOPTS** Option 2, namely agreeing to publish a notice in the Government Gazette and in a local newspaper stating that “burning on private property and the use of incinerators are prohibited within the City of Joondalup at all times”:
- 2** **AMENDS** the City’s current Policy 6-5 as outlined on Attachment 1 to this Report.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf100209.pdf](#)

ITEM 7 ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 OCTOBER - 30 DECEMBER 2008 – [20560]

WARD: All

RESPONSIBLE Mr Ian Cowie
DIRECTOR: Governance and Strategy

PURPOSE

To present the Annual Plan Quarterly Progress Report for the period 1 October – 30 December 2008.

EXECUTIVE SUMMARY

The Annual Plan Quarterly Progress Report provides information on the progress of projects and programs documented in the Annual Plan 2008-2009. The Annual Plan Quarterly Progress Report for the period 1 October – 30 December 2008 is shown as Attachment 1 to this report.

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

It is recommended that Council RECEIVES the Annual Plan Quarterly Progress Report for the period 1 October - 30 December 2008 and the Capital Works Overview Report for the period 1 October - 30 December 2008.

BACKGROUND

The City's Corporate Reporting Framework, endorsed by Council, requires the development of an Annual Plan and the provision of reports against the Annual Plan on a quarterly basis.

DETAILS

Issues and options considered:

The 2008-2009 Annual Plan contains a brief description of the key projects and programs that the City intends to deliver in the financial year. Milestones are set for the key projects and programs to be delivered in each quarter.

The Quarterly Progress Report provides information on progress against the milestones and a commentary is provided against each milestone to provide further information on progress, or to provide an explanation where the milestone has not been achieved.

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

Link to Strategic Plan:

This item has a general link to the Strategic Plan through the Key Focus Area – Leadership and Governance.

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 communication, and access to information for its stakeholders.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

A copy of the Annual Plan 2008-2009 was provided to Elected Members in September 2008.

The Annual Plan Quarterly Progress Report is supplemented by a detailed report on progress of the Capital Works Program.

The majority of project milestones have been met for the October to December Quarter.

ATTACHMENTS

- Attachment 1 Annual Plan Quarterly Progress Report for the period 1 October – 30 December 2008.
- Attachment 2 Capital Works Overview Report for the period 1 October – 30 December 2008.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council RECEIVES:**

- 1. The Annual Plan Quarterly Progress Report for the period 1 October – 30 December 2008 forming Attachment 1 to this Report;**
- 2. The Capital Works Overview Report for the period 1 October – 30 December 2008 forming Attachment 2 to this Report.**

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf100209.pdf](#)

ITEM 8 MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 15 DECEMBER 2008 – [18058]

WARD: All

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

PURPOSE

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

EXECUTIVE SUMMARY

A meeting of the Policy Committee was held on 15 December 2008 to consider the following matters:

- Item 1 Proposed Cats Local Law – Report on Community Consultation
- Item 2 Review of Policy 8-2 – Elected Members Allowances
- Item 3 Backyard Burning
- Item 4 Future Verge Enhancement Strategies
- Item 5 Proposed Parking Policy for Commercial Developments within the City Centre – Analysis of Public Feedback
- Item 6 Draft Policy 3-7 – Signs – Consideration following advertising
- Item 7 Proposed Local Planning Policy – Cubby Houses
- Item 8 Review of Policy 7-9 – Home Business
- Item 9 Alfresco Activities Policy – Issues

It is recommended that Council:

- 1 *NOTES the unconfirmed minutes of the Policy Committee Meeting dated 15 December 2008 forming Attachment 1 to this Report;*
- 2 *AMENDS Policy 8-2 – Elected Members Allowances as shown on Attachment 2 to this Report;*
- 3 *in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADOPTS Policy 7-24 – Cubby Houses, as shown in Attachment 3 to this Report;*
- 4 (a) *Pursuant to Part 5 of the Planning and Development Act 2005, CONSENTS to initiate an Amendment to the City of Joondalup's District Planning Scheme No. 2 to remove all reference to Home Business Category 3, as outlined in Attachment 5 to this Report, for the purposes of public advertising for a period of forty two (42) days;*

(b) *In accordance with Clause 8.11 of the City of Joondalup's District Planning Scheme No 2, ADVERTISES modified Policy 7-9 Home Business, as shown in Attachment 4 to this Report, concurrently with the Amendment;*

- 5 *REQUESTS a report be presented to the Policy Committee on Policy 1-2 - Public Participation.*

BACKGROUND

Council established a Policy Committee and endorsed a new Policy Framework on 26 April 2005. (*CJ064–04/05 refers*). The framework separated the policies of the Council into two categories:

- 1 Council Policies - Strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic external focus and align with the Mission, Vision and Strategic Directions; and
- 2 City Policies - Policies that are developed for administrative and operational imperatives and have an internal focus.

Council policies are to be developed and reviewed by the Policy Committee and may be subject to community consultation processes in recognition of the community leadership role Council has in guiding the formation and development of the City, and in representing the values and interests of the broader community. Officers may be requested by the Policy Committee to draft specific policies as required for referral to the Policy Committee.

City policies are to be developed and drafted for Policy Committee consideration and recommendation to the Council. The Policy Committee may determine, if appropriate, to request that a City Policy be subject to public comment prior to recommending it for Council adoption.

DETAILS

Issues and options considered:

The Motions carried at the Policy Committee meeting held on 15 December 2008 are shown below, together with officer's comments:

Item 1 Proposed Cats Local Law – Report on Community Consultation

The following motion was carried:

“That the Policy Committee RECOMMENDS that Council ADOPTS the Cats Local Law as advertised, subject to the deletion of Clause 20(1)(a).”

Officer's comment

This matter will be the subject of a separate report to the Council meeting to be held on 17 February 2009.

Item 2 Review of Policy 8-2 – Elected Members Allowances

The following motion was carried:

“That the Policy Committee RECOMMENDS that Council adopts amended Policy 8-2 Elected Members Allowances as detailed in Attachment 1 to this Report, subject to an amendment to Clause 2.5(6) to read as follows:

“2.5(6) Where an Elected Member is issued with a vehicle licence number plate as detailed within this policy, that vehicle fitted with the licence number plate shall not have visible electoral advertising place on or in the vehicle.” “

Officer’s comment

The recommended changes are shown highlighted on Attachment 2.

Item 3 Backyard Burning

The following motion was carried:

“That the Policy Committee RECOMMENDS that Council ADOPTS Option 2, namely agreeing to publish a notice in the Government Gazette and in a local newspaper stating that “backyard burning and the use of incinerators are prohibited within the City of Joondalup at all times” and amend the City’s current Policy 6-5 to state that the City will not issue permits.”

Officer’s comment

This matter will be the subject of a separate report to the Council meeting to be held on 17 February 2009.

Item 4 Future Verge Enhancement Strategies

The following motion was carried:

“That the Policy Committee RECOMMENDS that Council:

- 1 IMPLEMENTS a verge enhancement competition for Greenwood, similar to the competition that was held in Heathridge but with the following modifications:*
 - A reduced prize pool of \$2,500;*
 - That the competition covers both the front garden and the verge; and*
 - That a prize be awarded for the best street which would include a sign in the street and \$500 for a street resident BBQ.*
- 2 REQUESTS that, following the completion of the trial at Greenwood, a report be prepared and presented on the trial to the Policy Committee for consideration.”*

Officer's comment

A report in relation to this matter was presented to the Council on 16 December 2008 (Item C88-12/08 refers) and the above Committee recommendation was adopted by Council.

Item 5 Proposed Parking Policy for Commercial Developments within the City Centre – Analysis of Public Feedback

The following motion was carried:

“That the Policy Committee RECOMMENDS that Council ADOPTS Policy – Joondalup City Centre Car Parking for Commercial Development, forming Attachment 2 to this Report.”

Officer's comment

A report in relation to this matter was presented to the Council on 16 December 2008 (Item C89-12/08 refers) and the above Committee recommendation was adopted by Council.

Item 6 Draft Policy 3-7 – Signs – Consideration following advertising

The following motion was carried:

“That City Policy 3-7 Signs be REFERRED BACK for further development and a subsequent report presented to the Policy Committee.”

Officer's comment

A further report will be prepared and presented to the Policy Committee.

Item 7 Proposed Local Planning Policy – Cubby Houses

The following motion was carried:

“That the Policy Committee RECOMMENDS that Council, in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADOPTS modified City Policy 7-24 – Cubby Houses, as shown in Attachment 1 to this Report, as final.”

Officer's comment

The recommended changes are shown highlighted on Attachment 3.

Item 8 Review of Policy 7-9 – Home Business

The following motion was carried:

“That the Policy Committee RECOMMENDS that Council MODIFIES Policy 7-9 Home Business by:

- *Deleting all reference to Category 3;*
- *Amending hours of operation to read “9.00 am to 5.00 pm”;*
- *Amending Section 3(g) by the deletion of the word “Large”.*

Officer's comment

In order to give effect to the above recommendation, the Policy will need to be amended and advertised for public comment. In addition, a scheme amendment will also be needed to remove all reference to Home Business Category 3 from DPS2. This will also need to be advertised for public comment for a period of 42 days. In the event that Council wishes to proceed with the removal of Category 3 Home Business, the required modifications to the Policy and DPS2 are attached – Attachments 4 and 5 refer.

There are advantages and disadvantages associated with the removal of a Home Business Category 3 from DPS2. Removal of Category 3 will ensure that the more intensive Home Businesses cannot be considered for approval, and would remove any uncertainty as to the possible impact on residential amenity if they were to be approved.

However, the disadvantage of removing Home Business Category 3 from DPS2 is that it removes the flexibility for people to carry out certain businesses from their property which are not of a scale that requires business premises. There may be properties and situations where a Home Business Category 3 is appropriate and will not have a negative impact on neighbouring properties, as well as providing small business opportunities.

Alternative ways of handling Home Business Category 3 activity could be investigated, including increased controls within the Policy and DPS2, and regular monitoring of the property to check that the business complies with the approval. It should be noted that approval for a home business is granted on an annual basis, and must be renewed every year. Therefore, if there are significant problems with a Home Business Category 3, the renewal will not be granted.

Item 9 Alfresco Activities Policy – Issues

The following motion was carried:

“That the Policy Committee:

- 1 *NOTES the following principles to be incorporated into the review of Policy 7-5 Alfresco Activities:*
 - *Pedestrian access under any awnings must be maintained.*
 - *‘Café blinds’ may be affixed to temporary and permanent shade structures*
 - *‘Café blinds’ must not be affixed to awnings.*
 - *Shade structures must not obstruct pedestrian access, damage street trees or pose a safety risk.*
 - *Permanent shade structures will be considered, where the footpath width exceeds 5 metres.*
 - *Any proposal to erect temporary screens to frame alfresco dining areas must be included with an application for alfresco dining and the appropriateness of these structures will be considered on individual merit.*
 - *Standard size and location for alfresco areas:*

General Standard

| | |
|------------------|--|
| Pedestrian Zone: | 2.0 metres minimum width |
| Alfresco Zone: | 2.5 metres maximum width |
| Kerbside Zone: | 0.5 metres minimum (where the kerbside zone adjoins on-street parking) |
| | 1.0 metres minimum (where the kerbside zone adjoins a lane of traffic) |

Central Walk

| | |
|------------------|--------------------------|
| Alfresco Zone: | 2.5 metres maximum width |
| Pedestrian Zone: | 5 metres minimum width |
| Kerbside Zone: | None |

Lakeside Drive

| | |
|------------------|--------------------------|
| Pedestrian Zone: | 2.5 metres minimum width |
| Alfresco Zone: | 4.0 metres maximum width |
| Kerbside Zone: | 1.0 metres minimum width |

- 2 *REQUESTS that input be sought from affected businesses prior to commencing the process to amend Policy 7-5 Alfresco Activities.”*

Officer's comment

A further report will be prepared and presented to the Policy Committee following consultation.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

The following report was requested:

- Report on Policy 1-2 Public Participation.

Officer's comment

A report can be prepared.

Link to Strategic Plan

This item has a general connection to the Strategic Plan.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

As detailed in this report.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Relevant officer's comments have been made regarding the matters considered by the Committee.

ATTACHMENTS

| | |
|--------------|---|
| Attachment 1 | Unconfirmed minutes of the Policy Committee meeting of 15 December 2008 |
| Attachment 2 | Policy 8-2 – Elected Members Allowances – with revisions highlighted |
| Attachment 3 | Proposed Policy 7-24, as modified |
| Attachment 4 | Policy 7-9 – Home Business – with revisions highlighted |
| Attachment 5 | Proposed Amendments to DPS2 relating to Home Business |

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 NOTES the unconfirmed minutes of the Policy Committee Meeting dated 15 December 2008 forming Attachment 1 to this Report;**
- 2 AMENDS Policy 8-2 – Elected Members Allowances as shown on Attachment 2 to this Report;**
- 3 in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADOPTS Policy 7-24 – Cubby Houses, as shown in Attachment 3 to this Report;**
- 4 (a) Pursuant to Part 5 of the Planning and Development Act 2005, CONSENTS to initiate an Amendment to the City of Joondalup's District Planning Scheme No. 2 to remove all reference to Home Business Category 3, as outlined in Attachment 5 to this Report, for the purposes of public advertising for a period of forty two (42) days;**

- (b) In accordance with Clause 8.11 of the City of Joondalup's District Planning Scheme No 2, ADVERTISES modified Policy 7-9 Home Business, as shown in Attachment 4 to this Report, concurrently with the Amendment;
- 5 REQUESTS a report be presented to the Policy Committee on Policy 1-2 - Public Participation.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf100209.pdf](#)

ITEM 9 LIST OF PAYMENTS MADE DURING THE MONTH OF NOVEMBER 2008 – [09882]

WARD: All

RESPONSIBLE: Mr Mike Tidy
Director Corporate Services

PURPOSE

To present to Council the list of accounts paid under the CEO's delegated authority during the month of November 2008 to note.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of November 2008 totalling \$10,674,308.12.

It is recommended that Council NOTES the CEO's list of accounts for November 2008 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 \$10,674,308.12.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of November 2008. 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 82734 - 82993 and EF 2558 - 3665 Net of cancelled payments | \$7,959,230.20 |
| | Vouchers 472A - 475A, 476A – 479A, 480A - 483A & 485A | \$2,691,416.42 |
| Trust Account | Cheques 202428 - 202476 Net of cancelled payments | \$23,661.50 |
| Total | | \$10,674,308.12 |

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 2008/9 Annual Budget as adopted by Council at its meeting of 22 July 2008 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:

Not applicable.

COMMENT

All Municipal Fund expenditure included in the list of payments is in accordance with the 2008/9 Annual Budget as adopted by Council at its meeting of 22 July 2008 or has been authorised in advance by Council where applicable.

ATTACHMENTS

| | |
|--------------|---|
| Attachment A | CEO's Delegated Municipal Payment List for the month of November 2008 |
| Attachment B | CEO's Delegated Trust Payment List for the month of November 2008 |
| Attachment C | Municipal and Trust Fund Vouchers for the month of November 2008 |

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOTES the CEO's list of accounts for November 2008 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 \$10,674,308.12.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf100209.pdf](#)

ITEM 10 PETITION OBJECTING TO PAID PARKING IN JOONDALUP AND REQUEST FOR ‘DROP OFF ZONE’, DAVIDSON TERRACE, JOONDALUP – [57618]

WARD: North

RESPONSIBLE Mr Mike Tidy
DIRECTOR: Corporate Services

PURPOSE

To respond to a petition objecting to paid parking and requesting a free five (5) minute drop off zone in the vicinity of 17 Davidson Terrace, Joondalup.

EXECUTIVE SUMMARY

The petition requests a free five (5) minute drop off zone in the vicinity of 17 Davidson Terrace, Joondalup to allow visitors, patients and service providers to drop off and pick up as necessary from the street. It is felt that the issues raised in the petition are adequately provided for either on site or through the existing parking provisions.

The report recommends that the Council does not support the petition by the Directors practitioners staff and patients of Physical Solutions Joondalup for a drop off zone with free five (5) minute parking on Davidson Terrace.

BACKGROUND

The business owners operating from Unit 1, 17 Davidson Terrace believe the introduction of paid parking has been disadvantageous to their business. They have lodged a petition seeking the creation of a special free, five (5) minute parking bay to provide drop off and pick up access for their clients and for deliveries.

DETAILS

Issues and options considered:

Physical Solutions have parking bays in the undercroft car park of the premises that can be used by customers and which provide access for deliveries. That car park is privately operated and the City has no control over the allocation of customer and staff parking arrangements.

Further, there is provision in the Road Traffic Code 2000 for dropping off and picking up provided the vehicle is not stationary for more than 2 minutes. Specifically, the definition of “park” in the code is: -.

park means to permit a vehicle, whether attended or not, to remain stationary, except for the purpose of —

- (a) *avoiding conflict with other traffic;*
- (b) *complying with the provisions of any law; or*
- (c) *taking up or setting down persons or goods (maximum of 2 minutes);*

For a drop off bay to be provided, one would either have to be constructed by curtailing the footpath or an existing paid parking bay would have to be converted. The bays on this part of Davidson Terrace are ½ hour bays reflecting the steady use and regular turnover of the clientele using the businesses located there.

Link to Strategic Plan:

Not applicable

Legislation – Statutory Provisions:

The Parking Local Law provides the same opportunities as the Road Traffic Code for the setting down or picking up of persons or goods.

Risk Management considerations:

Not applicable

Financial/Budget Implications:

If a new bay were to be constructed for a drop off zone it would cost approximately \$10,000. Converting an existing paid parking bay would result in lost revenue in the order of \$1250 per year.

Policy implications:

There is capacity in the existing traffic management arrangements operated by the City for reasonable requests to create bays for loading and unloading where the situation is considered appropriate for such a treatment. Significant or heavy use and the access requirements of particular vehicle types typically are the factors that are examined in making such a determination. There are no such factors in this request.

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

Not applicable

COMMENT

Physical Solutions have parking bays in the undercroft car park of the premises that can be used by customers and which provide access for deliveries. Further, there is provision in the Road Traffic Code 2000 for such eventualities.

If stopping to load or unload is required for a longer time, and there is no provision for that in the undercroft car park, a parking ticket can be purchased for 50 cents which will provide the maximum possible stay in that location i.e. ½ an hour.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council

- 1 NOTES the issues raised in the petition;**
- 2 DOES NOT SUPPORT the creation of a drop off zone with 5 minute free parking in the vicinity of Davidson Terrace, Joondalup;**
- 3 ADVISES the petitioners of Council's decision.**

ITEM 11 LIST OF PAYMENTS MADE DURING THE MONTH OF DECEMBER 2008 – [09882]

WARD: All

RESPONSIBLE: Mr Mike Tidy
Director Corporate Services

PURPOSE

To present to Council the list of accounts paid under the CEO's delegated authority during the month of December 2008 to note.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of December 2008 totalling \$9,210,664.20.

It is recommended that Council NOTES the CEO's list of accounts for December 2008 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 \$9,210,664.20.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of December 2008. 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 82994 - 83180 and EF 3666 - 3797 Net of cancelled payments | \$6,360,875.29 |
| | Vouchers 486A, & 488A – 494A | \$2,819,015.36. |
| Trust Account | Cheques 202477 - 202544 Net of cancelled payments | \$30773.55. |
| Total | | \$9,210,664.20 |

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 2008/9 Annual Budget as adopted by Council at its meeting of 22 July 2008 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:

Not applicable.

COMMENT

All Municipal Fund expenditure included in the list of payments is in accordance with the 2008/9 Annual Budget as adopted by Council at its meeting of 22 July 2008 or has been authorised in advance by Council where applicable.

ATTACHMENTS

| | |
|--------------|---|
| Attachment A | CEO's Delegated Municipal Payment List for the month of December 2008 |
| Attachment B | CEO's Delegated Trust Payment List for the month of December 2008 |
| Attachment C | Municipal and Trust Fund Vouchers for the month of December 2008 |

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOTES the CEO's list of accounts for December 2008 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 \$9,210,664.20.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf100209.pdf](#)

Disclosure of Financial Interests

| | |
|---------------------------|--|
| Name/Position | Mr Garry Hunt – Chief Executive Officer |
| Item No/Subject | Item 12 - Minutes of the Chief Executive Officer Performance Review Committee Meeting Held on 1 and 15 December 2008 - (Item 1 – Chief Executive Officer – New Contract of Employment) |
| Nature of interest | Financial |
| Extent of interest | Mr Hunt holds the position of CEO. |

Disclosure of interest affecting impartiality

| | |
|---------------------------|--|
| Name/Position | Mr Mike Tidy - Director Corporate Services |
| Item No/Subject | Item 12 - Minutes of the Chief Executive Officer Performance Review Committee Meeting Held on 1 and 15 December 2008 - (Item 1 – Chief Executive Officer – New Contract of Employment) |
| Nature of interest | Interest that may affect impartiality |
| Extent of interest | Due to the nature of Mr Tidy's employment relationship with the CEO. |

ITEM 12 MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MEETINGS HELD ON 1 AND 15 DECEMBER 2008 – [51567]

WARD: All

RESPONSIBLE Mr Mike Tidy
DIRECTOR: Corporate Services

PURPOSE

To submit the minutes of the Chief Executive Officer Performance Review Committee meetings to Council for noting.

EXECUTIVE SUMMARY

Meetings of the Chief Executive Officer Performance Review Committee were held on 1 and 15 December 2008.

The items of business that were considered by the Committee at these meetings related to the new contract of employment for the Chief Executive Officer.

It is recommended that Council NOTES the minutes of the Chief Executive Officer Performance Review Committee meetings held on:

- 1 1 December 2008, forming Attachment 1 to this Report;
- 2 15 December 2008, forming Attachment 2 to this Report.

BACKGROUND

The Chief Executive Officer Performance Review Committee is formed for the purpose of conducting the annual performance review of the CEO in accordance with the following terms of reference:

- (a) *Review the Chief Executive Officer's performance in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment Contract;*
- (b) *Prepare and table the concluded report, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract to the Council at a Council meeting for consideration and actioning;*
- (c) *Review the Chief Executive Officer's performance on an on-going basis as and when deemed necessary in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment contract;*
- (d) *Review the Key Performance Indicators to be met by the Chief Executive Officer;*
- (e) *Review the Chief Executive Officer's remuneration package, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract;*
- (f) *Review the Chief Executive Officer's Employment Contract and make recommendations to Council in relation to varying the contract as and when necessary.*

DETAILS

Issues and options considered:

The Motions carried at the Chief Executive Officer Performance Review Committee meetings are shown below, together with officer's comments.

Meeting held on 1 December 2008 - Item 1 - Chief Executive Officer – New Contract Of Employment

“That the Chief Executive Officer - Performance Review Committee:

- 1 *ENDORSES option 2, as set out in the Report, for the development of the new contract of employment between the Chief Executive Officer and the City of Joondalup;*
- 2 *DETERMINES the changes required to be made to the existing contract in order to develop the new contract of employment between the Chief Executive Officer and the City of Joondalup to be as outlined in Confidential Appendix 2;*
- 3 *REQUESTS the Chief Executive Officer to attend the next meeting of the Committee to discuss the issues identified as requiring clarification for the development of a new Contract of Employment.”*

Officer's Comment

The Committee completed a schedule of items that it wished to consider in the development of a new contract. An invitation was issued to the CEO to attend the next Committee meeting to discuss the issues that he had raised.

Meeting held on 15 December 2008 - Item 1 - Chief Executive Officer – New Contract Of Employment

“That the Chief Executive Officer Performance Review Committee:

- 1 *AGREES the changes required to be made to the existing contract in order to develop the new contract of employment between the Chief Executive Officer and the City of Joondalup;*
- 2 *REQUESTS that the agreed changes be submitted to the City's legal advisor as drafting instructions for the preparation of a first draft new contract of employment between the Chief Executive Officer and the City of Joondalup;*
- 3 *REQUESTS the administration to review the Chief Executive Officer's position description in accordance with the agreed changes.”*

Officer's Comment

The Committee agreed on a schedule of changes proposed for the new contract following discussions with the CEO. The schedule has been submitted to the City's legal advisors for the preparation of a draft new contract. The review of the CEO's position description is progressing and a draft will be complete by the time the draft contract is completed.

Link to Strategic Plan:

Objective 4.5 - To manage our workforce as a strategic business resource.

Legislation – Statutory Provisions:

Division 4 of the Local Government Act 1995 sets out provisions in relation to Local Government employees. Sections 5.36 to 5.39 deal with issues relating to a contract with the CEO (a copy of these sections is at Attachment 2).

Risk Management considerations:

The Local Government Act 1995 requires that the employment of a CEO is to be governed by a written contract. As this proposal is to enter into a new contract before the expiry of the existing contract the risk of non compliance is negligible.

Financial/Budget Implications:

The costs of developing a new contract for the CEO are expected to comprise some legal expenses and possibly some consultant costs. Under the proposal to use the existing contract as the base for a new one, however, these are expected to be minimal and covered by general operational budget allocations.

Policy Implications:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The development of a new draft contract between the CEO and the City of Joondalup is progressing with drafting instructions having been given to the City's legal advisor. Development of a new position description is also progressing.

ATTACHMENTS

| | |
|--------------|---|
| Attachment 1 | Minutes of the Chief Executive Officer Performance Review Committee meeting held on 1 December 2008. |
| Attachment 2 | Minutes of the Chief Executive Officer Performance Review Committee meeting held on 15 December 2008. |

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council NOTES the confirmed minutes of the Chief Executive Officer Performance Review Committee meetings held on:

- 1 1 December 2008, forming Attachment 1 to this Report;**
- 2 15 December 2008, forming Attachment 2 to this Report.**

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf100209.pdf](#)

ITEM 13 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 NOVEMBER 2008 – [07882]

WARD: All

RESPONSIBLE Mr Mike Tidy
DIRECTOR: Corporate Services

PURPOSE

The November 2008 Financial Activity Statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

The November 2008 year to date report shows an overall increase in budgeted surplus from operations and capital of \$5,539K when compared to the 2008-2009 adopted budget (JSC3 - 07/08).

This variance can be summarised as follows:

- The **Operating** surplus at the end of November 2008 is \$1,986K above budget made up of lower Revenue of \$(53)K offset by lower operating expenditure of \$2,039K.

Revenue was below budget on Fees & Charges by \$(645)K and Profit on Disposals by \$(106)K. There was additional revenue of \$303K from Rates and \$488K from Investment Earnings.

Expenditure variances arose principally from underspending on Employee Costs \$1,178K; Materials and Contracts \$624K and Other Expenses \$239K, while Depreciation exceeded the budget by \$(147)K.

- The **Capital Revenue and Expenditure** deficit compared to the budget is \$3,293K comprising a surplus of Revenue of \$2,563K and under expenditure of \$730K. The variance is mainly due to higher Capital Grants and Subsidies \$2,563K and lower than expected expenditure on Corporate Projects of \$960K and Vehicle and Plant Replacements \$807K, offset by Capital Works over expenditure to budget of \$(1,037)K.

The variances are detailed in the attached notes.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 30 November 2008.

BACKGROUND

The Local Government (Financial Management) Regulations 1996 requires the production of financial activity statements. Council approved at the 11 October 2005 meeting to accept the monthly Financial Activity Statement according to nature and type classification.

DETAILS**Issues and options considered:**

The Financial Activity Statement for the period ended 30 November 2008 is appended as Attachment A.

Link to Strategic Plan:

Objective 1.3 – To lead and manage the City effectively.

Legislation – Statutory Provisions:

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

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

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:

Refer attachment A.

Policy implications:

All expenditure included in the Financial Activity Statement is drawn from the City's accounting records.

Regional Significance:

Not applicable.

Sustainability implications:

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

Consultation:

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

COMMENT

All expenditures included in the Financial Activity Statement are incurred in accordance with the 2008-09 Annual Budget or have been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A - Financial Activity Statement for the period ended 30 November 2008.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 30 November 2008.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf100209.pdf](#)

ITEM 14 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 DECEMBER 2008 - [07882]

WARD: All

RESPONSIBLE Mr Mike Tidy
DIRECTOR: Corporate Services

PURPOSE

The December 2008 Financial Activity Statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

The December 2008 year to date report shows an overall increase in budgeted surplus from operations and capital of \$7,065K when compared to the 2008-2009 adopted budget (JSC3 - 07/08).

This variance can be summarised as follows:

- The **Operating** surplus at the end of December 2008 is \$1,494K above budget made up of lower Revenue of \$(120)K offset by lower operating expenditure of \$1,614K.

Revenue was below budget on Fees & Charges by \$(553)K and Profit on Disposals by \$(96)K. There was additional revenue of \$526K from Investment Earnings.

Expenditure variances arose principally from underspending on Materials and Contracts \$1,081K and Other Expenses \$239K, while Depreciation exceeded the budget by \$(187)K.

- The **Capital Revenue and Expenditure** deficit to the budget is \$5,341K comprising a surplus of Revenue of \$2,185K and under expenditure of \$3,156K. The variance is mainly due to higher Capital Grants and Subsidies \$2,185K and lower than expected expenditure on Corporate Projects of \$1,658K and \$1,202K on Vehicle and Plant replacements.

The variances are detailed in the attached notes.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 December 2008.

BACKGROUND

The Local Government (Financial Management) Regulations 1996 requires the production of financial activity statements. Council approved at the 11 October 2005 meeting to accept the monthly Financial Activity Statement according to nature and type classification.

DETAILS**Issues and options considered:**

The Financial Activity Statement for the period ended 31 December 2008 is appended as Attachment A.

Link to Strategic Plan:

Objective 1.3 – To lead and manage the City effectively.

Legislation – Statutory Provisions:

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

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

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:

Refer attachment A.

Policy implications:

All expenditure included in the Financial Activity Statement is drawn from the City's accounting records.

Regional Significance:

Not applicable.

Sustainability implications:

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

Consultation:

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

COMMENT

All expenditures included in the Financial Activity Statement are incurred in accordance with the 2008-09 Annual Budget or have been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A - Financial Activity Statement for the period ended 31 December 2008.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 31 December 2008.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf100209.pdf](#)

ITEM 15 ADOPTION OF A REVISED RESIDENT/VISITOR PARKING PERMIT POLICY – [57618]

WARD: North

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

To facilitate the implementation of a Resident / Visitor Parking Permit Policy in the Joondalup City Centre.

EXECUTIVE SUMMARY

In July 2008 Council adopted a Resident Visitor Permit Parking Policy for the City Centre. This was subsequently deferred to enable further community consultation to occur. As a result of this consultation a significantly revised policy is now proposed.

BACKGROUND

In an attempt to protect the amenity of residents living in areas adjacent to Lakeside Drive following the introduction of paid parking, the City developed a Resident/Visitor Parking Permits for Joondalup City Centre Policy. Although the Policy was designed to be implemented in any area in the City Centre it was initially planned for introduction to the areas adjacent to Lakeside Drive. This was adopted by Council in July 2008 (refer CJ126-07/08). The policy's main features were;

- Number of permits per property restricted to a maximum of 2 resident and 2 visitor permits
- The number of permits was subject to the area of on-site garage/carport space
- All permits charged for with the fee structure based on cost recovery (annual fee for 2008/09 \$50.00 excl GST)

In September 2008 Council deferred the introduction of the Resident Visitor Permit Parking Policy for the Joondalup City Centre following a notice of motion (refer C52-09/08). Subsequently letters were sent to affected residents seeking feedback and in December 2008 a workshop (Community Forum summary of outcomes Attachment 3) was conducted with over 100 community members in attendance.

The significant themes which were identified through this consultation by most participants were;

- Permits are necessary to assist in managing the influx of non resident and non visitor parking (paid parking had been operating for approximately two months by the time of the workshop)
- Permits should be free, at least for an initial allocation
- Permits should not be limited or offset against available garaging
- The system should be flexible, both resident and visitor permits in any combination
- Initial allocation of permits should be sufficient for most householders' needs
- Permit scheme does not need to operate on weekends

Further a number of issues were identified by a small number of respondents such as;

- Permits should allow free parking anywhere in the CBD
- Introduce time limited parking instead of permit parking
- Need to manage vehicles parking on empty blocks
- Laneway parking can be an issue
- Need to recognise the difference between owner/occupiers and other types of resident
- Special permits may be needed for special days
- Additional provisions needed for parking caravans and trailers

DETAILS

In response to the above feedback a new Resident Visitor Parking Permit Policy for Joondalup City Centre has been prepared (attachment 1). Again, this Policy can be implemented in any part of the City Centre that is consistent with the Parking Local Law 1998. The key elements of this policy are that;

- Each residential address will be entitled to apply for an initial allocation of up to 5 resident/visitor permits in any combination at no charge. Visitor permits may be shared or loaned between households by mutual arrangement.
- Residents may apply for additional permits of any type but a fee for each additional permit of \$30 per annum (\$20 per half year) will apply. The City reserves the right to cap the total number of permits issued to any individual residence.
- Permits issued to residents on the eastern side of Lakeside Drive and whose properties face Lakeside Drive will be valid for Lakeside Drive ticket parking areas and for the adjacent residential streets to the east.
- Permits issued to residents in streets other than Lakeside Drive will not be valid on Lakeside Drive in the fee paying areas.
- Livered emergency response vehicles on active duty may park freely in controlled permit locations.

The policies and Local Laws relating to parking of vehicles for people with disabilities are unaffected by this policy.

A parking permit issued by the City does not guarantee that an on-street parking space will be available to the holder of the parking permit either directly in front of their property or elsewhere in the parking permit area.

Issues and options considered:

Council can;

- i) Adopt the Resident Visitor Parking Permit Policy for Joondalup City Centre as presented,

- ii) Amend the draft Resident Visitor Parking Permit Policy for Joondalup City Centre and then adopt it, or
- iii) Reject the concept of Resident Visitor Parking Permit Policy for Joondalup City Centre and not adopt one.

Link to Strategic Plan:

Objective:

1.3 Lead and manage the City effectively.

Strategy:

1.3.1 The City develops and implements comprehensive and clear policies which are reviewed regularly.

Legislation – Statutory Provisions:

Under the City's Parking Local Law Resident Parking Permits can be approved when specific criteria are met as follows:

Issue of Residential Parking Permits

- 52 (1) *The local government may, on written application, issue a residential parking permit in respect of a particular vehicle to a person who is:*
- (a) the occupier of a dwelling house fronting a road within the parking region; and*
 - (b) the holder of the requisite vehicle licence under the Road Traffic Act for a vehicle licensed at the address shown on the application.*
- (2) The residential parking permit issued by local government may be either:
- (a) an annual residential parking permit, issued for a period not in excess of one year and expiring on 31 December in the year of issue; or*
 - (b) a temporary residential permit, issued for a period not greater than 6 months.*
- (3) Every residential parking permit shall specify:
- (a) a permit number;*
 - (b) the registration number of the vehicle in respect of which the permit was issued;*
 - (c) the name of the roads or parking stations to which the exemption granted by clause 53 applies; and*
 - (d) the date on which the permit expires.*

Conditions of Exemption for Residential Parking Permits

- 53 *Where the stopping or parking of a vehicle on any part of a road within the parking region, whether such part be marked as a parking space or not, is prohibited for more than a specified time, or in a ticket parking zone without an unexpired parking ticket being displayed within the vehicle, the holder of a residential parking permit is exempted from such prohibition provided that such exemption shall apply only:*

- (a) *to the road, roads or parking station specified in the residential parking permit, but excluding areas of road adjacent to retail premises, where parking of all classes of vehicles is subject to time restrictions;*
- (b) *if the residential parking permit is affixed to the windscreen or a window of the vehicle in a prominent position;*
- (c) *if the period in respect of which the residential parking permit was issued has not expired; and*
- (d) *if the holder of the residential parking permit at the time of parking the vehicle still occupies the premises in respect of which the residential parking permit was granted.*

Removal of Residential Parking Permit from Vehicle

- 54 *The holder of a residential parking permit who changes residence shall remove the residential parking permit from the vehicle to which it is affixed.*

Fees for Residential Parking Permits

- 55 *The fees payable for residential parking permits shall, in accordance with section 6.16 of the Act, be such fees as shall be set by a resolution of local government.*

Visitor Permits

The provisions of the Parking Local Law enable the City to issue permits to authorised vehicles for use in areas designated by signs; the City of Joondalup Parking Local Law Part 5 – Stopping and Parking Generally - Clause 48 applies.

Although the Local Law does not specifically identify the issue of Visitor Parking Permits it is considered necessary to include these permits in the policy as a practical means of addressing the needs of residents who will have a requirement to temporarily park vehicles belonging to their visitors, carers or tradespeople in the area from time to time.

The attached policy has been prepared pursuant to the Local Law which has provisions that require that parking restriction signs will need to include the wording “Except Authorised Vehicles” to enable the City to issue Resident / Visitor Parking Permits in any area designated for parking restrictions. This will enable practical enforcement of these parking restrictions to be achieved.

It should be noted;

- Parking permits do not allow vehicles to park in areas which prohibit stopping or parking of vehicles on roads identified as No Stopping and No Parking regardless of the time(s) or day(s) that the restrictions apply.
- Parking permits issued by the City to authorised vehicles, only apply in areas designated by signs as “Except Authorised Vehicles”.
- Resident Permits will be affixed to the windscreen by a similar method as that used by Vehicle Registration labels and must have all details clearly visible. Visitor Permits will be of a laminated card variety to enable residents to give them to their visitors to clearly display on the dashboard of their vehicle and will be transferable from one vehicle to another as required.

Risk Management considerations:

Not applicable

Financial/Budget Implications:

The proposal to issue an initial five (5) permits free of charge (all permits previously \$50) and to charge \$30 for additional permits is projected to result in a modest net reduction in revenue which has been factored into the mid year budget review. The current Fees and Charges incorporated in the budget will require amendment as part of this proposal.

The City is required to advertise any proposed changes to the Fees and Charges schedule.

Policy implications:

The draft Policy is consistent with the aims of the Joondalup CBD Parking Scheme being, to provide some support for residents and visitor parking in areas affected by the introduction of parking fees.

Regional Significance:

The City of Joondalup is developing as the major regional centre outside the Perth CBD. It is vital for that development that effective parking schemes are developed and adopted that meet the needs of residents, businesses and visitors alike.

Sustainability implications:

N/A

Consultation:

The affected residents were advised in writing of the adoption of the original, now deferred Policy. As a consequence of considerable public interest the original Policy was deferred and further consultation conducted. A mail out was conducted in August 2008 which sought to discover the range of needs of affected residents and an independently facilitated workshop for affected residents was conducted on Saturday 13 December 2008.

COMMENT

The proposed Policy is considered to be the most appropriate response to manage resident and visitor parking. The City will monitor changes in parking demand and evaluate requests that are received should the implementation of the Resident Visitor Parking Permit Policy for Joondalup City Centre proceed.

ATTACHMENTS

- Attachment 1 Proposed Resident / Visitor Parking Permit Policy
- Attachment 2 Map of the affected area
- Attachment 3 Community Forum summary of outcomes

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council

- 1 **ADOPTS** with effect from 1 March 2009 in accordance with resolution C52-09/08, modified Policy 7-23 – Resident/Visitor Parking Permits for Joondalup City Centre as shown in Attachment 1 to this Report with the following key elements
 - Each residential address will be entitled to apply for an initial allocation of up to 5 resident/visitor permits in any combination at no charge. Visitor permits may be shared or loaned between households by mutual arrangement.
 - Residents may apply for additional permits of any type but a fee for each additional permit of \$30 per annum (\$20 per half year) will apply. The City reserves the right to cap the total number of permits issued to any individual residence.
 - Permits issued to residents on the eastern side of Lakeside Drive and whose properties face Lakeside Drive will be valid for Lakeside Drive ticket parking areas and for the adjacent residential streets to the east.
 - Permits issued to residents in streets other than Lakeside Drive will not be valid on Lakeside Drive in the fee paying areas.
- 2 **APPROVES** the roll out of the Policy to the areas shown on Attachment 2 to this Report;
- 3 **BY AN ABSOLUTE MAJORITY, ADOPTS** the following amended Fees and Charges for Parking Permits Joondalup City Centre, as shown, with effect from 1 March 2009.

| DESCRIPTION | Basis of charge | GST (Y/N) | Fee |
|--|--|-----------|----------------|
| <i>Resident / Visitor Parking Permit in Joondalup City Centre where fees apply</i> | <i>Annual Permit Additional to those Issued Free (Expires 31 December)</i> | <i>N</i> | <i>\$30.00</i> |
| | <i>Temporary Permit Additional to those Issued Free (Maximum 6 Months)</i> | <i>N</i> | <i>\$20.00</i> |
| | <i>Replacement Permit (Damaged, lost or stolen)</i> | <i>N</i> | <i>\$20.00</i> |

- 4 **in accordance with Section 6.19 of the Local Government Act 1995 GIVES** local public notice of the amended fees and charges as detailed in Point 3 above.

Appendix 10 refers

To access the attachments on electronic document, click here: [Attach10brf100209.pdf](#) and [Attach37brf100209.pdf](#)

ITEM 16 ASSET MANAGEMENT PLAN – [08881]

WARD: All

RESPONSIBLE Mr Martyn Glover
DIRECTOR: Infrastructure Services

PURPOSE

To provide Council with an update on the progress of the Asset Management Strategy and seek Council endorsement of the Asset Management Plan (see attached).

DETAIL

Prior to 2006, the City's Asset Management focus was basically operational and consisted of:

- Asset maintenance
- Project management
- Facility management, and
- Data collection

The City's Strategic Plan 2003-2008 identified the development of an Asset Management Strategy as a key tactic which led to the establishment of a new Asset Management Business Unit and the City's participation in the West Australian Asset Management Improvement Program (WAAMI). This program is since completed and the City has developed its own framework.

The asset management activities identified in the Strategy beyond the previously adopted operational focus included:

- Policies and strategies
- Risk management
- Levels of service
- Community consultation
- Performance measurement
- Financial and condition monitoring
- Optimised decision making

The City has since developed policy, strategy, plans and numerous procedures including:

- Asset Management Policy (adopted by Council in March 2007)
- Asset Management Strategy (2006-2011)
- Capital Works Appraisal Process
- Project Initiation
- Works Category Definitions
- Life Cycle Roles and Responsibilities
- Road Asset Management Plan representing 44% of the City's infrastructure by Replacement Value (RV)
- Building Asset Management Plan (19% of total RV)
- Asset Management Plan (2 year review of the original AM Strategy)

Further progress includes:

- Completion of a comprehensive building inventory
- Road network revaluation
- Building Condition Audit
- Improved (consultative) process for building budget development
- Building and land revaluations
- Application of market rentals for the Department of Education and Training (believed to be the first time this has been achieved in W.A.)
- Renewal Gap modelling

Issues and options considered:

In accordance with the 2008/09 Annual Plan, the Asset Management Plan 2009-2012 has been prepared. The Council may choose one of the following options:

- Adopt the Asset Management Plan
- Adopt the Asset Management Plan with amendments
- Not adopt the Asset Management Plan

Link to Strategic Plan:

4.2.5 The City develops and implements its Asset Management Strategy.

Legislation – Statutory Provisions:

There are currently no statutory provisions.

Risk Management considerations:

This plan will minimise risk through the co-ordinated approach to asset management.

Financial/Budget Implications:

There are no specific financial or budget implications attached to the adoption of the Asset Management Plan however, it will contribute valuable financial information to annual budgets and the Strategic Financial Plan.

Policy implications:

Policy 7-19 Asset Management lists many key principles including; 'Continually improve our knowledge of the assets we manage'. This is a key outcome of the Asset Management Plan.

Regional Significance:

There is no regional significance.

Sustainability implications:

This Asset Management Plan will assist in the provision of sustainable infrastructure and the sustainability of the City as a whole.

Consultation:

Only internal consultation has taken place to date.

COMMENT

The City of Joondalup's Asset Management Plan provides the next stage in the evolution of the City's Asset Management Strategy. Initially asset management plans focus on the vision at one end and the systems and inventory at the other end. This is then expanded into a framework which links Policy through to Operations in the field. The Asset Management Plan provides the second tier of the framework. The third tier consists of the Infrastructure Asset Management Plans (IAMPs) which focus on;

- Asset Register (data)
- Service levels
- Risk Management

The first two Infrastructure Asset Management Plans are those for roads and buildings which together represent 63% of the City's infrastructure by value. These are nearing completion and have been linked to both the Strategic Financial Plan and the 5 Year Capital Works Program. Generally the IAMPs will be developed in both short-term (five year) or long-term (20 year) formats. Currently the Building IAMP is the most complete and the current five and 20 year plans are attached. They will continue to be developed over time based on the improved quality of the data held in the inventories and available funding.

A Parks Asset Management Plan (9% of total RV) is also under development and a Drainage Asset Management Plan (18% of total RV) is nearing completion. Once these two IAMPs are completed, the City will have plans for 90% of its infrastructure (by value) which is a considerable achievement and probably the most complete in metropolitan Perth.

During the budget compilation process, information in IAMPs will be tabled for funding of individual projects in each asset class.

Progress of the Asset Management Strategy has been fair to date and current emphasis will be placed on data collection to enable further priority replacement programs to be developed, especially in the area of parks. A playground strategy is currently being developed and the results of this should be available early in 2009.

ATTACHMENTS

Attachment 1 - Asset Management Plan (2008-2012)

Attachment 2 - 5 Year Building Maintenance and Capital Works Program

Attachment 3 - 20 Year Financial projections - Buildings

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council ENDORSES the Asset Management Plan (2008-2012) as shown at Attachment 1 to this Report.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf100209.pdf](#)

ITEM 17 MARMION BEACH UPGRADE – [02150] [61512]**WARD:** South**RESPONSIBLE** Mr Martyn Glover
DIRECTOR: Infrastructure Services

PURPOSE

This report is to provide a concept plan for the development of Marmion Beach adjacent to and south of the Marmion Angling & Aquatic Club (MAAC).

EXECUTIVE SUMMARY

A concept proposal is presented for the Marmion Beach area (attachment 1). This proposal incorporates a new toilet block to replace the existing facility with stairs from the West Coast Drive dual use path and disabled access via a ramp from the bituminised car park south of the MAAC.

It is proposed that the limestone car parking area at the bottom of the delivery driveway south of the MAAC will be formalised to include car bays, landscaping and a pathway leading to the new toilet block and the Marmion Beach swimming hole.

Revegetation and rehabilitation with local native species is proposed to the degraded area (Zone E) interfacing the vegetated area in good condition (Zone F).

The final documentation has been completed for the West Coast Drive Dual Use Path Upgrade. The installation of access steps to the Marmion Beach and toilet block area have been included and will form part of the works going to tender in early 2009. The beach access's component of this project will be one of the first items constructed.

Construction of the new toilet block, landscaping and works on the informal car park will be funded by the Federal Government Grant for infrastructure upgrades and scheduled for completion by September 2009.

It is therefore recommended that Council Endorses the Concept Plan for Marmion Beach.

BACKGROUND

The Marmion Beach area referred to in this report is a protected swimming hole situated to the south of the Marmion Angling & Aquatic Club (MAAC). This beach has a small clientele of mainly local residents some of which are elderly and have been regular users of the beach for many years.

The area has a small toilet block with external showers servicing the beach goers and the general public using the West Coast Drive dual use path. This toilet block is one of the oldest buildings within the City of Joondalup and is in a state of disrepair.

During 2005 the Water Corporation as part of the deep sewerage program in the Marmion area chose this site for the pumping station with the main storage tanks being located adjacently under the road on West Coast Drive and Gull Street. This location was not supported by the City of Joondalup but Water Corporation could offer no alternative and the pumping station was subsequently installed in 2006.

The West Coast Drive Dual Use Path Upgrade project was approved for development in the 2006/2007 budget period and the initial assessment undertaken for that project identified the area overlooking Marmion Beach as a desirable location for a lookout. The close proximity of public toilets and car parking contributed to its suitability.

The Water Corporation pump station installation required the construction of extensive retaining walls to protect the infrastructure from erosion and subsidence. The existing access steps to the toilet block were removed to facilitate the installation of the pump station and the surrounding steep banks were stabilised as part of that construction. With the West Coast Drive Dual Use Path Upgrade then in the early stages of development, further refurbishment of this area was deferred awaiting the impact of Consultants' proposals.

The Concept proposals initially recommended the removal of the existing Toilet Block, relocating it to the north of the MAAC building. Public consultation was undertaken in 2007 and this recommendation was not supported. The significance of retaining the toilet facility in its existing location was strongly highlighted in the consultation feed back results.

Currently the only access to the beach is via the steep drive way past the MAAC building and through an informal limestone car parking area. This is a precarious route to access Marmion Beach; many residents have raised this issue and requested reinstatement of the steps.

DETAILS

On completion of the Water Corporation pump station installation, proposals were put forward by local residents recommending landscaping and infrastructure upgrades. These proposals were deferred for assessment once details for the West Coast Drive Dual Use Path Upgrade Project were finalised.

In 2008 the City of Joondalup received advice of a \$833,000 grant from the Federal Government for community infrastructure improvements. Given the works currently being proposed along the coastal strip and public interest in this specific area, the replacement of the Marmion Beach Toilet Block was identified as an appropriate recipient of \$200,000 of this funding. The Federal Government has stipulated that these funds be expended by September 2009.

The Consultants for the West Coast Drive Dual Use Path Upgrade have included steps and disabled access ramp details in their documentation of that project to tie in with a new toilet block. The new toilet block will be relocated against the new steps and existing pump station retaining walls and the floor level raised one metre to facilitate construction of the ramp to disabled standards.

Early investigations of vegetation condition during the West Coast Drive Dual Path Upgrade Project showed the condition of the native vegetation in the immediate area around Marmion Beach (Zone E) as being heavily weed infested and in very poor condition. Further south, vegetation of low weed infestation is in fair to good condition (Zone F). Whilst the Water Corporation has stabilised the area of impact immediately behind the existing toilet block there is an opportunity to incorporate extensive rehabilitation of this degraded section of the coast line into the new proposed works.

Issues and options considered:

The existing toilet facility is in disrepair with an overburdened septic system. Safe access to the toilets and beach has become a critical issue following the completion of the Water Corporation pump station installation early in 2007.

The steep site presents difficulties, with an approximate four meter drop from West Coast Drive to the existing toilet block floor level. Disabled access is not achievable with these level differences and the location of the deep sewer connection necessitates pumping the sewerage.

There is a strong focus on preserving and enhancing the vegetation along the coastal strip which is a prime consideration and whilst the area impacted around Marmion Beach itself is degraded, it does abut the only section of vegetation in good condition.

Other issues for consideration affecting the overall outcome will be the interface between the lookout area as part of the West Coast Drive Dual Path Upgrade Project, the new toilet block as part of the Marmion Beach Development and constraints applied by Water Corporation enabling access to their Pump Station infrastructure.

With limited options available in such a confined and difficult site, the proposed change in level of the new toilet block will address the disabled access and minimise pumping requirements for the sewerage disposal.

Link to Strategic Plan:

Links to Key Focus Area 3 City Development

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

Legislation – Statutory Provisions:

Not applicable

Risk Management considerations:

Requirements for the provision of safe access for the public to Council facilities and local beaches are met.

Financial/Budget Implications:

The access ramp and stairs are budgeted in the West Coast Drive Dual Path Upgrade project.

The new toilet block and associated works will be funded by the Federal Government Grant to Council for infrastructure upgrades.

Policy implications:

Not applicable

Regional Significance:

Not applicable

Sustainability implications:

The existing infrastructure is in a state of disrepair, demanding a high level of maintenance to sustain a functional condition. Replacement of the toilet block complements the Dual Use Path Upgrade Project and provides modern facilities into the future.

Consultation:

Public Consultation was carried out during 2007 on the West Coast Dual Use Path Upgrade Project with recommendations for the Marmion Beach area forming part of those Concept proposals. Public response was analysed and the recommendations were amended accordingly.

COMMENT

The proposed improvements to Marmion Beach will create a protected environment with modern facilities. The access improvements avails use of the beach to the disabled and elderly previously denied.

The rehabilitation of this small section of coastline will reinforce the integrity of the vegetation zone further to the south by reducing the proliferation of weeds and supporting natural revegetation.

These improvements are timely and along with the West Coast Dual Use Path Upgrade Project provide a comprehensive undertaking by the City of Joondalup along this outstanding section of coastline.

A high priority must be placed on the finalisation of documentation of this project to meet the Federal Government's expenditure timelines.

ATTACHMENTS

Attachment 1 – Concept drawing of the Marmion Beach Development

Attachment 2 - West Coast Drive, Figure 1, Vegetation Condition

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council ENDORSES the Concept Plan for Marmion Beach forming Attachment 1 to this Report.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf100209.pdf](#)

ITEM 18 PETITION: LANEWAY CONSTRUCTION BETWEEN CLIFF STREET AND PARNELL AVENUE, SORRENTO – [01091]

WARD: South

RESPONSIBLE DIRECTOR: Mr Martyn Glover
Infrastructure Services

PURPOSE

To consider a petition requesting the upgrade of the laneway between Cliff Street and Parnell Avenue Sorrento at the rear of 41-47 Clontarf Street (see attached plan 1). It is noted that the constructed section is actually between number 39 and number 49 Clontarf Street.

EXECUTIVE SUMMARY

There are 4.4km of right of way or laneways in Sorrento and currently four sections totalling 210m in length remain unconstructed. The City has received a petition containing eight signatures requesting the construction of the laneway behind 39-49 Clontarf Street, Sorrento.

There are a number of constraints with the construction of the laneway between 39 and 49 Clontarf Street which need to be addressed. Furthermore, because there are so few sections remaining, it is considered that all of the unconstructed sections of laneway should be investigated and a determination made as to the feasibility and cost implications of constructing them during future construction programmes.

It is therefore recommended that Council:

- 1 *REQUESTS that investigations be completed to determine the feasibility of constructing the sections of unconstructed laneway in Sorrento;*
- 2 *CONSIDERS provision in future annual budgets to undertake construction of the unconstructed sections of laneway in Sorrento;*
- 3 *ADVISES the petition organiser of Council's decision.*

BACKGROUND

The southern part of Sorrento has a number of laneways providing access to the rear of properties. There are currently four sections of unconstructed laneway totalling 210m in length and detailed in the table below as well as shown on the aerial photograph in Attachment to this Report.

| Laneway Section | Location | Length |
|------------------------|------------------------------|---------------|
| 1 | Behind 39-49 Clontarf Street | 97m |
| 2 | Behind 100 West Coast Drive | 30m |
| 3 | Behind 31& 33 Marine Terrace | 30m |
| 4 | Behind 91-95 High Street | 53m |
| TOTAL | | 210m |

The section of laneway, the subject of this request, is administratively referred to as Laneway No. 1. It runs west to east from Cliff Street towards St Patricks Road. The unconstructed section of laneway at the rear of 39 to 49 Clontarf Street is 97 metres in length, is 6.0 metres wide and is quite steep. The lane currently consists of unsealed compacted fill material. Piped drainage is not available within the laneway; however, the Water Corporation has recently constructed infill sewerage through this section of laneway.

There have been several requests over a number of years to construct this section of laneway, however, due to the steep grade it is a high cost project and has not received support at budget.

At the Ordinary Meeting of Council on 15 April 2008, a 10 signature petition representing eight properties was submitted requesting the upgrade of the laneway.

DETAILS

Some sections of laneways throughout Sorrento remain unconstructed due to topographic constraints. If the City is to consider the construction of this laneway to the same standards as existing laneways in Sorrento and Marmion, then it is suggested that all of the remaining sections of unconstructed laneway also be considered. Although the sections are relatively short, the known prevalence of limestone in the area along with the awkward topography will require a detailed investigation into the feasibility and design of the laneway pavements and drainage.

In particular there would be a requirement for retention and extensive fill to Laneway 1 due to the topography of the laneway shown in the photographs in Attachment 3. In some cases, it may not be possible to connect the laneways to the street network due to the steepness of the grade or the quantity of rock; however a thorough investigation can identify these constraints and confirm what is possible.

Link to Strategic Plan:

4.2.6 The City implements, and if necessary, refines its Capital Works Programme

Legislation – Statutory Provisions:

Not Applicable

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

To be allocated in future budgets.

Policy implications:

Nil

Regional Significance:

Nil

Sustainability implications:

Nil

Consultation:

As part of the investigation, consultation will be required with residents to ensure equitable access issues are considered.

COMMENT

There is a need for further investigation of the sites to fully consider the potential to action the request by the residents of 39-49 Clontarf Street, Sorrento, for the construction of the section of laneway to the rear of their properties. In addition, the three other sections of laneway that are not constructed should also be investigated and considered to allow Council to form a position on future construction plans for the laneways. Because the unconstructed sections all have similar issues and constraints. By addressing all the unconstructed sections of laneway the City would be proactively responding to any future requests from residents regarding the other laneways.

In consideration of the previous comments as well as the other priorities and projects in the current 5-Year Programme it is recommended that the investigation take place during the next 12 months so that these projects may be considered in future budgets, commencing 2010/2011.

ATTACHMENTS

| | |
|--------------|---|
| Attachment 1 | Location Map of Laneway 1, at rear of 39-49 Clontarf Street, Sorrento |
| Attachment 2 | Unconstructed sections of laneway to investigate |
| Attachment 3 | Site Photos |

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 REQUESTS that investigations be completed to determine the feasibility of constructing the sections of unconstructed laneway in Sorrento;**
- 2 CONSIDERS provision in future annual budgets to undertake construction of the unconstructed sections of laneway in Sorrento;**
- 3 ADVISES the petition organiser of Council's decision.**

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf100209.pdf](#)

Disclosure of interest affecting impartiality

| | |
|---------------------------|---|
| Name/Position | Mr Garry Hunt - Chief Executive Officer |
| Item No/Subject | Item 19 – Tender 030/08 – Civil Works and Footpath Modifications to Clontarf Street, Sorrento |
| Nature of interest | Interest that may affect impartiality |
| Extent of Interest | Prior to 2005, Mr Hunt, provided consulting advice to bidder/tenderer |

ITEM 19 TENDER 030/08 CIVIL WORKS AND FOOTPATH MODIFICATIONS TO CLONTARF STREET, SORRENTO – [56617]

WARD: South-West

RESPONSIBLE DIRECTOR: Mr Martyn Glover
Infrastructure Services

PURPOSE

This report is to seek the approval of Council to accept the Tender submitted by Griffin Civil for Civil Works and Footpath Modifications to Clontarf Street, Sorrento (Tender 030/08).

EXECUTIVE SUMMARY

Tenders were advertised on 15 November 2008 through state wide public notice for Civil Works and Footpath Modifications to Clontarf Street, Sorrento. Tenders closed on 2 December 2008. Three (3) Submissions were received from:

- Griffin Civil;
- Outlook Contracting Pty Ltd; and
- Downer EDI Works Pty Ltd.

The submission from Griffin Civil represents best value to the City. The evaluation panel has confidence in their ability to complete the works in the required timeframe and their breakdown of price reflects an appropriate understanding of the requirements. They have sufficient resources and the relevant experience to complete the City's requirements.

It is recommended that Council ACCEPTS the Tender submitted by Griffin Civil for Civil Works and Footpath Modifications to Clontarf Street, Sorrento in accordance with the statement of requirements as specified in Tender 030/08 for the fixed lump sum of \$298,135.00 (GST Exclusive) for completion of the works within sixteen (16) weeks from issue of the letter of acceptance.

BACKGROUND

The scope of works consists of modifications to existing footpaths, kerbing and traffic calming devices in Clontarf Street, Sorrento. This includes the demolition of existing structures and the construction of new limestone and reinforced concrete retaining walls, including excavations and backfill, construction of stormwater drainage structures, restoration of access to properties and traffic management.

DETAILS

Tenders were advertised on 15 November 2008 through state wide public notice for Civil Works and Footpath Modifications to Clontarf Street, Sorrento. Tenders closed on 2 December 2008. Three (3) Submissions were received from:

- Griffin Civil;
- Outlook Contracting Pty Ltd; and
- Downer EDI Works Pty Ltd.

Evaluation Criteria

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

| Qualitative Criteria | | Weighting |
|----------------------|--|-----------|
| 1 | Capacity | 35% |
| 2 | Demonstrated experience in completing similar projects | 35% |
| 3 | Demonstrated understanding of the required tasks | 25% |
| 4 | Social and economic effects on the local community | 5% |

Evaluation Panel

The evaluation panel comprised of three members; one with tender and contract preparation skills and two with the appropriate technical expertise and involvement in supervising the Contract. The panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner.

Tender Submissions

A summary of the Tender submissions is provided in Attachment 1.

This Contract is for a fixed lump sum with completion of the works within sixteen (16) weeks from issue of the letter of acceptance.

Evaluation Summary

| Tenderer | Evaluation Score | Price | Qualitative Rank |
|-----------------------------|------------------|--------------|------------------|
| Downer EDI Works Pty Ltd | 72.7% | \$423,245.00 | 1 |
| Griffin Civil | 66.5% | \$298,135.00 | 2 |
| Outlook Contracting Pty Ltd | 57.2% | \$286,485.01 | 3 |

Issues and options considered:

Civil works and footpath modifications are required to provide Clontarf Street residents with minimum pedestrian facilities. The City does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

Link to Strategic Plan:

This requirement is linked to the Strategic Plan in accordance with the following item:

4. The built environment

Objective 4.2 To progress a range of innovative and high quality urban development projects within the City.

Strategy 4.2.6 The City implements, and if necessary, refines its Capital Works Program.

Legislation – Statutory Provisions:

A state wide 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.

Risk Management considerations:

Should the contract not proceed, the risk to the City will be moderate due to the condition of the site and existing structures.

It is considered that the Contract will represent a low risk to the City as the recommended Tenderer is a well-established company with significant industry experience and the capacity to complete the works in the required timeframe.

Financial/Budget Implications:

| Current Year Budget Allocation for this Contract | Projected Expenditure on these Services to 30 June 2009 | Projected Expenditure on these Services over the Life of the Contract if Accepted |
|---|--|--|
| \$450,000 | \$298,135.00 | \$298,135.00 |

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

While Downer EDI Works Pty Ltd achieved the highest qualitative score, their Tender was \$125,110 (42%) more expensive than that of Griffin Civil and the additional cost could not be justified.

The Tender from Griffin Civil was ranked second in both qualitative score and price. They demonstrated a good understanding of the City's requirements and have sufficient capacity to complete the works in the required timeframe. Griffin Civil has recent experience in completing works of a similar nature including projects with extensive retaining walls. While their price was 4% more expensive than that of Outlook Contracting, they provided a more comprehensive submission supporting their experience, which the panel considered a key component of the City's requirements.

Reference checks supported their claims and confirmed a high level of satisfaction with their work. The evaluation panel is confident that they can fulfil the City's requirements and they are accordingly recommended.

Attachment 1 summarises the assessment of each Submission and includes the location of each of the Tenderers.

ATTACHMENTS

Attachment 1 – Summary of Tender Submissions

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the Tender submitted by Griffin Civil for Civil Works and Footpath Modifications to Clontarf Street, Sorrento in accordance with the statement of requirements as specified in Tender 030/08 for the fixed lump sum of \$298,135.00 (GST Exclusive) for completion of the works within sixteen (16) weeks from issue of the letter of acceptance.

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf100209.pdf](#)

ITEM 20 TENDER 043/08 SUPPLY AND INSTALLATION OF WATERPROOFING MEMBRANE TO ADMINISTRATION BUILDING BALCONY – [71620]

WARD: North

RESPONSIBLE Mr Martyn Glover
DIRECTOR: Infrastructure Services

PURPOSE

This report is to seek the approval of Council to accept the Tender submitted by Savcor Finn Pty Ltd for the Supply and Installation of Waterproofing Membrane to Administration Building Balcony (Tender 043/08).

EXECUTIVE SUMMARY

Tenders were advertised on 15 October 2008 through state wide public notice for the Supply and Installation of Waterproofing Membrane to Administration Building Balcony. Tenders closed on 30 October 2008. Two (2) Submissions were received from:

- Savcor Finn Pty Ltd; and
- Central Systems Pty Ltd.

The submission from Savcor Finn Pty Ltd represents best value to the City. They demonstrated more than sufficient resources, considerable industry experience, a comprehensive understanding of the required tasks and were the lowest priced Tender.

It is recommended that Council ACCEPTS the Tender submitted by Savcor Finn Pty Ltd for the Supply and Installation of Waterproofing Membrane to Administration Building Balcony in accordance with the statement of requirements as specified in Tender 043/08 for the fixed lump sum of \$89,191.00 (GST Exclusive) for completion of the works within twelve (12) weeks from issue of the letter of acceptance.

BACKGROUND

The City has a requirement to repair the waterproof membrane to the balcony on level three of the administration building located at 90 Boas Avenue, Joondalup. This is required to stop the leaking of water into the lower levels of the building due to the breakdown of the current membrane.

DETAILS

Tenders were advertised on 15 October 2008 through state wide public notice for the Supply and Installation of Waterproofing Membrane to Administration Building Balcony. Tenders closed on 30 October 2008. Two (2) Submissions were received from:

- Savcor Finn Pty Ltd; and
- Central Systems Pty Ltd.

Evaluation Criteria

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

| Qualitative Criteria | | Weighting |
|----------------------|--|-----------|
| 1 | Demonstrated understanding of the required tasks | 35% |
| 2 | Capacity | 30% |
| 3 | Demonstrated experience in completing similar projects | 30% |
| 4 | Social and economic effects on the local community | 5% |

Evaluation Panel

The evaluation panel comprised of three members; one with tender and contract preparation skills and two with the appropriate technical expertise and involvement in supervising the Contract. The panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner.

Tender Submissions

A summary of the Tender submissions is provided in Attachment 1.

This Contract is for a fixed lump sum with completion of the works within twelve (12) weeks from issue of the letter of acceptance.

Evaluation Summary

| Tenderer | Evaluation Score | Option A Price | Option B Price | Qualitative Rank |
|-------------------------|------------------|----------------|----------------|------------------|
| Central Systems Pty Ltd | 79.3% | \$257,508.00 | \$130,433.00 | 1 |
| Savcor Finn Pty Ltd | 78.6% | \$251,689.05 | \$89,191.00 | 2 |

Issues and options considered:

The supply and installation of a waterproofing membrane is required to stop the leaking of water into lower levels of the administration building which is also contributing to concrete cancer. The City does not have the internal resources to provide the required specialist services and as such, requires an appropriate external service provider to undertake the works.

There were two options tendered for this project. These were included to give the City flexibility in the amount of work to be undertaken, which would be dependent on the value of the tendered prices compared against the available budget funds. The two options are as follows:

Option A Requires extensive work comprising of the removal of the existing membrane and pavers and/or tiles to the level three balcony back to the structural concrete slab. The slab is to be repaired and screeded to achieve smooth falls to the drainage outlets. The existing drains are to be lowered to the necessary levels and a new waterproof membrane applied to the slab.

Option B Is a short term solution and comprises of the removal of the existing membrane surface, replacement and cleaning of drainage outlets, replacement of the existing grates and application of the new membrane directly over the existing pavers.

Option A provides a long term solution and a guarantee to solve the current problem of water ingress to the administration building and has a lifespan expectancy of up to 20 years, and is a more economical option based on whole of life costs. Although option A is initially more expensive due to additional work to be done, it does provide a long term solution.

While Option B has an initial lower cost to the City it is only a short term solution. The Tenderers will not provide any guarantee in relation to the performance of the new membrane. The surface pavers it rests on are loose in some areas, thus creating a potential risk of premature failure of the membrane. This will drastically reduce the life expectancy of the new membrane with a potential to allow water ingress to the administration building. However, this type of fix and repair was undertaken previously and lasted approximately a decade. The evaluation panel has recommended Option B as this more closely matches the budget allocation.

Link to Strategic Plan:

This requirement is linked to the Strategic Plan in accordance with the following item:

5. Community Wellbeing

Objective 5.1 To ensure the City's facilities and services are of a high quality and accessible to everyone.

Strategy 5.1.1 The City develops and implements a Strategic Asset Management Framework to improve the standard and management of its community infrastructure, including the consolidation and rationalisation of current building facilities.

Legislation – Statutory Provisions:

A state wide 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.

Risk Management considerations:

Should the contract not proceed, the risk to the City will be relatively high as the existing membrane will continue to leak allowing water ingress into lower levels of the administration building, resulting in extra maintenance and contributing to the existing concrete cancer.

It is considered that the Contract will represent a low risk to the City as the recommended Tenderer is a well-established company with significant industry experience and the capacity to complete the works within the required timeframe.

Financial/Budget Implications:

| Current Year Budget Allocation for this Contract | Projected Expenditure on these Services to 30 June 2009 | Projected Expenditure on these Services over the Life of the Contract if Accepted |
|---|--|--|
| \$75,000* | \$89,191.00 | \$89,191.00 |

The original cost allocation of \$75,000 was determined from a recent building condition audit and only included the replacement of the membrane. Engineers have since recommended that the pavers be removed and in addition to this, asbestos was found later in the process. Together these items contributed to the significant increase in cost. The shortfall of \$14,191.00 for this Contract will be obtained from:

W1026 McNaughton Park Clubrooms**\$82,417.00**

This project has been completed \$82,417 under budget. Part of this saving will offset the additional \$14,191 required.

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

The submissions from Central Systems Pty Ltd and Savcor Finn Pty Ltd achieved qualitative scores of 79.3% and 78.6% respectively. They both demonstrated more than sufficient resources, considerable industry experience and a comprehensive understanding of the required tasks. As there was only 0.7% difference in qualitative scoring between the two Tenderers, selection was based upon cost to the City.

The lowest Option B A price was submitted by Savcor Finn Pty Ltd for the sum of \$89,191.00 (excl. GST). Central Systems Pty Ltd was \$42,242.00 (46%) more expensive and the additional cost to the City could not be justified.

The evaluation panel considered all factors and concluded that the submission from Savcor Finn Pty Ltd represents best value to the City. The panel has confidence in their ability to complete the work to the required standards and their Offer was the lowest submitted price.

The attached summary of Tender submissions includes the location of each of the Tenderers.

ATTACHMENTS

Attachment 1 – Summary of Tender Submissions

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council:

- 1 ACCEPTS the Tender submitted by Savcor Finn Pty Ltd for the Supply and Installation of Waterproofing Membrane to Administration Building Balcony in accordance with the statement of requirements as specified in Tender 043/08 for the fixed lump sum of \$89,191.00 (GST Exclusive) for completion of the works within twelve (12) weeks from issue of the letter of acceptance;**
- 2 AGREES that the over expenditure of \$14,191 to undertake the works in (1) above will be met from surplus funds from project W1026 – McNaughton Park Clubrooms, Kinross.**

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf100209.pdf](#)

ITEM 21 TENDER 048/08 REPLACEMENT OF ROOFING AND CEILINGS AT VARIOUS LOCATIONS – [67622]

WARD: North-Central, South-East, South & Central

RESPONSIBLE Mr Martyn Glover
DIRECTOR: Infrastructure Services

PURPOSE

This report is to seek the approval of Council to accept the Tender submitted by PRC Building Services Pty Ltd for the Replacement of Roofing and Ceilings at Various Locations (Tender 048/08).

EXECUTIVE SUMMARY

Tenders were advertised on 26 November 2008 through state wide public notice for the Replacement of Roofing and Ceilings at Various Locations. Tenders closed on 11 December 2008. Four (4) Submissions were received from:

- PRC Building Services Pty Ltd;
- Mini Projects WA;
- CPD Group Pty Ltd; and
- Air Roofing Co. Pty Ltd.

The submission from PRC Building Services Pty Ltd represents best value to the City. They demonstrated an understanding of the City's requirements, have significant experience in completing works of a similar nature and have sufficient capacity to complete the works in the required timeframe.

It is recommended that Council ACCEPTS the Tender submitted by PRC Building Services Pty Ltd for the Replacement of Roofing and Ceilings at Various Locations in accordance with the statement of requirements as specified in Tender 048/08 for the fixed lump sum of \$386,579.33 (GST Exclusive) for completion of the works within fifty-two (52) weeks from issue of the letter of acceptance.

BACKGROUND

The City has recently undertaken a building condition audit of its portfolio of properties which identified the need to replace numerous roofs and ceilings.

The replacement of roofing is at the following locations:

- Mullaloo North Toilet/Changerooms;
- Calecstasia Hall;
- Duncraig Pre-school / Child Health Centre; and
- Craigie Language Centre / Child Health Centre.

In addition, the City requires the roofing and ceiling replacement of the following club rooms:

- Sorrento Bowling Club; and
- Warrandyte Park Clubrooms.

A programme of works is included in Attachment 2.

DETAILS

Tenders were advertised on 26 November 2008 through state wide public notice for the Replacement of Roofing and Ceilings at Various Locations. Tenders closed on 11 December 2008. Four (4) Submissions were received from:

- PRC Building Services Pty Ltd;
- Mini Projects WA;
- CPD Group Pty Ltd; and
- Air Roofing Co. Pty Ltd.

Evaluation Criteria

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

| Qualitative Criteria | | Weighting |
|----------------------|--|-----------|
| 1 | Capacity | 50% |
| 2 | Demonstrated experience in completing similar projects | 30% |
| 3 | Demonstrated understanding of the required tasks | 15% |
| 4 | Social and economic effects on the local community | 5% |

Evaluation Panel

The evaluation panel comprised of three members; one with tender and contract preparation skills and two with the appropriate technical expertise and involvement in supervising the Contract. The panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner.

Tender Submissions

A summary of the Tender submissions is provided in Attachment 1.

This Contract is for a fixed lump sum with completion of the works within fifty-two (52) weeks from issue of the letter of acceptance.

The Tender submitted by Air Roofing Co. Pty Ltd consisted of a quotation for each location only. The quotations submitted for Sorrento Bowling Club and Warrandyte Park Clubrooms did not include the replacement of ceilings as required in the Specification. They did not address any compliance or qualitative criteria. As a result, the Tender was unable to be evaluated and was deemed non-compliant.

Evaluation Summary

| Tenderer | Evaluation Score | Price | Qualitative Rank |
|-------------------------------|---------------------------------------|--------------|------------------|
| CPD Group Pty Ltd | 69.7% | \$653,540.00 | 1 |
| PRC Building Services Pty Ltd | 69% | \$386,579.33 | 2 |
| Mini Projects WA | 53% | \$417,361.00 | 3 |
| Air Roofing Co. Pty Ltd | Non-compliant, not considered further | | |

Issues and options considered:

The roofs at the nominated locations are at the end of their economic life and if not replaced, will result in further risk of water ingress resulting in further property damage and possible personal injury. In addition, asbestos was identified in some buildings and is a risk management issue.

The replacement of roofing and ceilings is required to remove asbestos and improve the condition of City buildings. The City does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

Link to Strategic Plan:

This requirement is linked to the Strategic Plan in accordance with the following item:

5. Community Wellbeing

Objective 5.1 To ensure the City's facilities and services are of a high quality and accessible to everyone.

Strategy 5.1.1 The City develops and implements a Strategic Asset Management Framework to improve the standard and management of its community infrastructure, including the consolidation and rationalisation of current building facilities.

Legislation – Statutory Provisions:

A state wide 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.

Risk Management considerations:

Should the contract not proceed, the risk to the City will be high as several of the identified roofs have asbestos.

It is considered that the Contract will represent a low risk to the City as the recommended Tenderer has extensive experience, the capacity to complete the works in the required timeframe and demonstrated a good understanding of the required tasks.

Financial/Budget Implications:

| Current Year Budget Allocation for this Contract | Projected Expenditure on these Services to 30 June 2009 | Projected Expenditure on these Services over the Life of the Contract if Accepted |
|---|--|--|
| \$244,300.00* | \$244,300.00 | \$386,579.33 |

The budget was estimated based on a building condition audit undertaken in February 2008 with costing based on industry rates. The actual extent of work was unknown at the time, and with rapidly increasing building costs for labour and materials has contributed to the significant increase in cost.

*Although there is a shortfall of \$142,279.33 for the complete Contract the project will take a year to complete and none of the additional funds will be required in the current financial year. The additional funds will be rebudgeted in 2009/2010.

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

The Tender from PRC Building Services Pty Ltd was ranked second in qualitative score and first in price. They demonstrated a good understanding of the City's requirements and have more than sufficient capacity to complete the works in the required timeframe. PRC Building Services has significant experience in completing works of a similar nature and they submitted the lowest priced Tender. While their qualitative score was 0.7% less than CPD Group, reference checks supported their experience, work methodology and confirmed a high level of satisfaction with their work. The evaluation panel is confident that they can fulfil the City's requirements and they are accordingly recommended.

Attachment 1 summarises the assessment of each Submission and includes the location of each of the Tenderers.

ATTACHMENTS

Attachment 1 – Summary of Tender Submissions.

Attachment 2 – Programme of Works.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council ACCEPTS the Tender submitted by PRC Building Services Pty Ltd for the Replacement of Roofing and Ceilings at Various Locations in accordance with the statement of requirements as specified in Tender 048/08 for the fixed lump sum of \$386,579.33 (GST Exclusive) for completion of the works within fifty-two (52) weeks from issue of the letter of acceptance.

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf100209.pdf](#)

ITEM 22 DUFFY TERRACE, WOODVALE - SPEED CUSHION PROJECT – [01672]

WARD: Central

RESPONSIBLE Mr Martyn Glover
DIRECTOR: Infrastructure Services

PURPOSE

To consider a traffic management speed cushion project to reduce traffic speeds on Duffy Terrace, Woodvale.

EXECUTIVE SUMMARY

A petition signed by 168 residents was received by Council at its meeting held on 10 June 2008 with a request to install traffic calming treatments along the length of Duffy Terrace in Woodvale. Speeding and inappropriate driver behaviour in the form of vehicle racing on Duffy Terrace was highlighted as a major concern by local residents.

The City has received numerous complaints culminating in the most recent petition regarding hoon behaviour and speeding on Duffy Terrace, Woodvale. As a proactive approach to these complaints, the State Government through Main Roads WA (MRWA) has offered to fully fund a new speed cushion project for demonstration purposes as a long term initiative. The proposed project consists of rubberised speed cushions located at eight locations on Duffy Terrace to control traffic speeds and limit hoon activity.

It is recommended that Council:

- 1 *NOTES Main Roads WA's request for a demonstration speed cushion project on Duffy Terrace, Woodvale as shown on Attachment 2 to this Report;*
- 2 *ACCEPTS the State Government's offer to fully fund the speed cushion project on Duffy Terrace, Woodvale.*

BACKGROUND

The City has received numerous complaints culminating in the most recent petition regarding hoon behaviour and speeding on Duffy Terrace, Woodvale. As a proactive approach to these complaints, the State Government through Main Roads WA (MRWA) has offered to fully fund a new speed cushion project for demonstration purposes. The proposed project consists of rubberised speed cushions located at eight locations on Duffy Terrace to control traffic speeds and limit hoon activity.

At the Ordinary Meeting of Council held on 10 June 2008, a 168-signature petition was received from residents indicating concerns regarding traffic speeds and vehicle racing on Duffy Terrace and requesting "*that the City of Joondalup urgently and as a matter of priority, install traffic calming treatments along the length of Duffy Terrace in Woodvale*".

In response to these concerns, Council at the Meeting of 5 August 2008 recommended the following:

- “1 *ADOPTS the recommendations of the Duffy Terrace, Woodvale Road Safety Audit (June 2008) prepared by Traffic and Transport Solutions and included in Attachment 2 to Report CJ156-08/08;*
- 2 *ENDORSES the Duffy Terrace, Woodvale traffic management project submission for funding in the 2009/2010 State Black Spot Program;*
- 3 *NOTES that provision will need to be made in the draft 2009/2010 Infrastructure Capital Works Program to accommodate the approved State BlackSpot funding and associated contribution from the City;*
- 4 *REQUESTS the WA Police Service to enforce speed compliance on Duffy Terrace, Woodvale;*
- 5 *ADVISES the Petition Organiser of Council’s decision.”*

MRWA has since advised that the Duffy Terrace State Black Spot traffic management project submission has received endorsement as part of the draft list of projects for the 2009/2010 program. It is anticipated that final approval for the program will occur late in the 2008/2009 financial year.

DETAILS

Existing Situation

Duffy Terrace performs the function of a local distributor road and extends from Whitfords Avenue in the south to Woodvale Drive to the north. The road provides frontage access to approximately 35 residential properties and direct vehicular access to a number of local access roads. Duffy Terrace also forms part of Transperth’s bus route for the area. The Yellagonga Regional Park is situated on the eastern side of the carriageway and there are two schools at the northern and southern ends. A location plan identifying the subject area is shown as **Attachment 1**.

The existing single carriageway road is 1.3 km in length and straight in alignment. The existing road cross section consists of a 10m wide kerbed carriageway with marked 1.5m cycle lanes and centreline. A concrete pathway has been provided on the western verge area for pedestrian access.

Traffic Speeds and Traffic Volumes

The traffic count survey of June 2008 revealed that the 85% percentile traffic speeds on Duffy Terrace range between 63km/h to 66km/h. This indicates that the majority of drivers are not complying to the urban speed limit of 50km/h. Whilst the recorded 85th percentile traffic speeds are higher than desirable, the traffic volume and percentage of heavy vehicles along this road are within the acceptable range. The results of the June 2008 seven-day traffic survey are summarised below:

| Road | Location | Average Week Day Traffic (vpd) | 85 th Percentile Speed (km/h) | Mean Speed (km/h) |
|---------------|---------------------------|--------------------------------|--|-------------------|
| Duffy Terrace | South of Woodvale Drive | 1733 | 65km/h | 57km/h |
| Duffy Terrace | North of Fallbrook Avenue | 1841 | 65km/h | 56km/h |
| Duffy Terrace | South of Fallbrook Avenue | 2214 | 66km/h | 57km/h |
| Duffy Terrace | North of Whitfords Avenue | 2887 | 63km/h | 52km/h |

A detailed assessment of the 40km/h school speed zone at the southern end of Duffy Terrace has not been undertaken. However it is anticipated that a high degree of non compliance to the 40km/h posted speed limit would exist during the morning and afternoon school peak periods.

Crash History

An analysis of the most recent five year crash data from MRWA revealed that 17 crashes had occurred on Duffy Terrace with the majority of these crashes occurring at the intersections with Whitfords Avenue and Woodvale Drive. Several midblock crashes had occurred within this period with two crashes relating to parked vehicles. The majority of crashes resulted in vehicle damage only, however one hit pedestrian crash had occurred in this period.

2009/2010 State Black Spot Project Submission

In order to control traffic movements and manage traffic speeds on Duffy Terrace a median treatment including traffic islands, median trees and narrow marked traffic lanes are proposed for construction in 2009/2010 financial year. Based on similar traffic treatments, the median treatment will provide for a slower speed environment than currently exists but may not achieve a desirable operating speed of 50km/h.

Proposed Speed Cushions Project

The proposed speed cushion project will complement the black spot median treatment which is programmed for construction in late 2009/2010 financial year. The speed cushion treatment will enable further reduction of traffic speeds on Duffy Terrace with an overall target operating speed of 50km/h. It is proposed that the rubberised speed cushions be strategically located at eight locations on Duffy Terrace as shown on **Attachment 2**.

It is proposed that speed cushions be installed on Duffy Terrace in its current 10m wide carriageway configuration with the aim of having the devices in place by late February early March 2009. In support of the proposed black spot median treatment planned for 2010, the speed cushions would be reconfigured at all locations to allow the central median to be constructed.

The rubberised speed cushions are designed to reduce vehicle speeds, limit vehicle noise but have minimal impact on buses, emergency vehicles and commercial vehicle movements. A photograph of the typical speed cushion is shown on Attachment 3. To encourage and enforce a low speed environment, spacing between the speed cushions at each end of Duffy Terrace have been reduced and are less than the midblock speed cushion spacings.

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 2008-2011:

4.2.6 The City implements, and if necessary, refines its Capital Works Program.

Legislation – Statutory Provisions:

Not applicable.

Risk Management considerations:

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

Traffic treatments such as speed cushions are designed for safe vehicle operation with the aim of reducing traffic speeds. Due to the high number of speed cushions proposed for Duffy Terrace, extensive monitoring by City Officers will be undertaken to confirm the safe operation of the treatments once installed.

Financial/Budget Implications:

The proposed rubberised speed cushion project for Duffy Terrace will be fully funded by the State Government.

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

The consultation with the residents of Duffy Terrace regarding the proposed speed cushion project has commenced. This is in advance of Council's decision because of the State Government's timeframe. Due to the high level of concern regarding traffic in Duffy Terrace it is anticipated that there will be a high level of support. It is proposed that a follow up survey of residents be undertaken in approximately 12 months time once the speed cushions are installed to confirm the operation prior to the construction of the median treatment on Duffy Terrace.

COMMENT

The local government responsibility for roads is primarily focussed on the care, control and management of the road asset. The recorded 85th percentile traffic speeds on Duffy Terrace are considered high and indicate that a significant proportion of drivers are not complying to the urban speed limit. The issue of speeding and inappropriate driver behaviour is difficult to control and is the responsibility of the WA Police to enforce compliance to the road rules as detailed in the Traffic Code 2000. However it is anticipated that proposed changes to the road environment such as speed cushions will reduce the 85th percentile speed on Duffy Terrace.

On the basis of the traffic assessment, the construction of traffic management measures on Duffy Terrace has a higher priority to some other roads already listed for treatment as part of the City's Five Year Capital Works Program.

To determine the effectiveness of the proposed speed cushion project, a follow up traffic count survey approximately 12 months after the installation of the treatment is proposed.

ATTACHMENTS

| | |
|----------------------------|--|
| Attachment 1 | Location map of Duffy Terrace, Woodvale. |
| Attachment 2 (Sheets 1& 2) | Concept plan showing the proposed speed cushion locations. |
| Attachment 3 | Photograph of speed cushions |

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council:

- 1 NOTES Main Roads WA's request for a demonstration speed cushion project on Duffy Terrace, Woodvale as shown on Attachment 2 to this Report;**
- 2 ACCEPTS the State Government's offer to fully fund the speed cushion project on Duffy Terrace, Woodvale.**

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf100209.pdf](#)

ITEM 23 COASTAL HEIGHT POLICY – STATUS REPORT – [24581]

WARD: North, North-Central, Central, South-West and South

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE

To provide background information on the request for a review of the Coastal Building Height Policy.

EXECUTIVE SUMMARY

This report was deferred from the December 2008 Council meeting.

Council adopted Policy 3-4 Height of Buildings within the Coastal Area (Non-Residential Zone) in February 2006. The Policy provides a guideline for the consideration of the appropriate height of buildings along the coast.

Concurrently, Council sought to introduce an amendment to District Planning Scheme No. 2 (DPS2) to reflect the coastal height policy limit. The amendment has not been finalised and is awaiting the approval of the Minister.

Council recently approved a new auditorium for the Sacred Heart College. The auditorium projects above the 10 metre height limit established by the policy. The issue generated significant debate on the application of the policy.

Council has requested a review of the policy.

This report notes that

1. Council policy is established to assist with decision making;
2. Policies do not provide a mandatory control on issues;
3. Policies can be varied depending on merit and circumstance of related decisions; and
4. The making of a decision in variance of a policy does not invalidate the policy.

A high number of submissions were received endorsing the merit and content of Policy 3-4 prior to its adoption. Since that time there has been no indication that community sentiment in favour of the policy has wavered. On this basis, it is concluded that the policy is appropriate in its current form with one minor change. That is that there be consultation on any proposal which exceeds the policy.

BACKGROUND

At the Council meeting held on 2 September 2008, it was resolved:

“That a report be presented to Council this year addressing the status of Policy 3-4 – Height of Buildings within Coastal Area (non-residential zones) and associated Scheme Amendments.”

The Coastal Height Policy includes a provision to limit the height of development of non-residential land within 300m of the coastline. The policy height limit is for buildings not to exceed 10m above natural ground level, which is approximately equivalent to a 2 storey commercial building with a pitched roof, or a 3 level commercial building with a flat roof. The sites affected by the policy are shown in Attachment 1.

The policy was adopted following a proposal by some local land owners to develop a 4 and 5 level development on land very near the coast, to accommodate a range of commercial and residential uses. The land was not zoned for the purposes proposed, and the height and density of development were significantly different to anything previously contemplated on the subject land. As a result of the Council's increased interest in the issue of building bulk along the coast, Council resolved to prepare a policy and DPS2 amendment to introduce guidelines for maximum height along the coast.

The public responded with approximately 270 submissions in support of the proposed policy. Council subsequently adopted the policy and initiated a DPS2 amendment. While the policy was finalised, the amendment requires the final approval of the Minister for Planning. Correspondence has been exchanged with the Minister's office to answer queries and seek finalisation of the amendment, but to date approval has not been forthcoming.

Council recently gave planning approval for a proposed auditorium for Sacred Heart College. The auditorium raised a number of issues, a key matter being the height and bulk of the development. A portion of the proposed building is 14.6 metres in height when evaluated as required by the policy. This aspect was considered in great detail, and Council resolved to vary the policy and give its consent for the development.

Proposed Scheme amendment

Council has submitted the draft Scheme amendment to the Western Australian Planning Commission (WAPC) requesting that the amendment be finalised. Correspondence has been exchanged with the WAPC and Minister's office in an effort to have the matter finalised.

The most recent correspondence received from the Minister's office (in October 2008) suggests that there is concern about a scheme amendment that potentially limits the height of development below the 5 storey limit espoused in the State's planning policy for development near the coast. The correspondence requests that Council reviews its position on the limits for the few non-residential sites along the coast, having regard to site conditions, view corridors etc. Alternately, more suitable justification is requested for the amendment, although the form for that is not prescribed.

DETAILS

The role of Council policy is to provide parameters to guide decision making. In planning matters, policies assist the evaluation process in circumstances where:

- standards are not prescribed in the DPS2,
- the DPS2 includes provision for the exercise of discretion, or
- the Council adopts criteria for assessment to complement DPS2 controls.

Policy limits are not statutory limits, and can be varied having regard to circumstance and the merit of a proposal. In fact, Council is obliged by DPS2 to consider such factors when making planning decisions.

In regard to the amendment proposal, work will be conducted including site analyses of each non residential affected land holding, to validate and refine the proposed height limits for each of those sites. It should however be borne in mind that the likely optimum development outcome in the near future is not a significantly bulky or high cluster of buildings in any of those sites.

COMMENT

Although Council has varied the Policy in making its decision by approving the Sacred Heart auditorium, that decision does not invalidate the policy, nor does it weaken the general intent of the policy. The Sacred Heart decision was made in recognition of the individual circumstances of that site. It is therefore considered that the intention of the policy remains valid.

However, Council may consider it appropriate to modify the policy so that all proposals that exceed the height are advertised for public comment in accordance with the provisions of the planning scheme. All other principles and wording within the current policy will remain unchanged.

Some work needs to be done in response to the Minister's request, particularly in relation to the sites known as Sorrento Village and Harbour Rise. This will be done as part of the Scheme review process, with this anticipated to take twelve (12) months.

Subsequent to the report submitted to Council in December 2008, in an effort to clarify the proposal and its intent, the recommendations have been modified slightly to make them clearer, but the intent has not been changed.

ATTACHMENTS

| | |
|--------------|---|
| Attachment 1 | Coastal Strip (featuring non-residential sites) |
| Attachment 2 | Policy 3-4 Height of Buildings within the Coastal Area (Non-Residential Zone) |

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 NOTES the current status of Policy 3-4 Height of Buildings within the Coastal Area (Non-Residential Zone);**
- 2 In accordance with Clause 8.11 of the City of Joondalup's District Planning Scheme No 2, ADVERTISES for public comment for a period of twenty one (21) days, modifications to Policy 3-4 Height of Buildings within the Coastal Area (Non-Residential Zone) to add the following Point Statement 3:**

- “3 Where a proposal exceeds the 10 metre height limit outlined in Point 2, that proposal shall be advertised for public comment in accordance with the provisions of Clause 6.7 of District Planning Scheme No 2.”**
- 3 NOTES that the public comments in relation to the proposed modified policy will be presented to the Policy Committee in the first instance, prior to submitting to Council;**
- 4 NOTES that in relation to the Minister’s request, specific site analysis will be undertaken in the initial stage of the review of DPS2 and this will be included in the Scheme review process.**

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf100209.pdf](#)

ITEM 24 PETITION ON PROTECTION OF REMAINING RESIDENTIAL PROPERTIES IN ARNISDALE ROAD, DUNCRAIG – [04127]

WARD: South-West

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE

To consider a 19 signature petition requesting the protection of the remaining residential properties in Arnisdale Road, Duncraig from intrusion of non-residential land uses.

EXECUTIVE SUMMARY

A 19 signature petition from residents of Arnisdale Road was received on 27 October 2008 requesting Council to consider taking action to protect the amenity of the remaining residential properties in Arnisdale Road, Duncraig from the intrusion on non residential land uses such as consulting rooms.

Council has several options for dealing with this request:

1. No change;
2. Undertake a Scheme Amendment to the City of Joondalup District Planning Scheme No. 2 (DPS2) to restrict additional consulting rooms; or
3. Investigate the matter in the ~~upcoming~~ review of DPS2 to restrict additional consulting rooms.

Given that the issue encompasses numerous properties and raises the issue of the broader zonings of the area, the preferred option is to investigate the matter in the ~~upcoming~~ review of DPS2.

BACKGROUND

The western end of Arnisdale Road contains a hospital, retirement village, a shopping centre, car wash and several medical centres. Adjacent to these medical centres, the land is zoned 'Residential'.

A consulting room is defined under the DPS2 as:

“means a building used by no more than one health consultant for the investigation or treatment of human injuries or ailments and for general patient care.”

DETAILS

The petition requests that Council:

“Consider taking appropriate action to protect the amenity of the remaining residential properties in Arnisdale Road, Duncraig from the growing intrusion on non residential uses such as consulting rooms by amending the District Planning Scheme to prevent the further development of such uses.”

There are currently five approved consulting rooms in Arnisdale Road. These are all located west of Dinroy Road at house numbers 50, 48, 44, 38 and 31 (refer Attachment 1). In

addition, house numbers 40 and 23 have had previous use approval for consulting rooms but have reverted back to single residential dwellings.

Options:**Option 1 – No change**

All applications for consulting rooms are required to be determined on their merit after a detailed planning assessment and consultation with the community. Council may consider that no changes are required to the current practice.

Option 2 – Undertake a Scheme Amendment to restrict additional consulting rooms

The DPS2 could be amended via a Scheme Amendment to restrict the further development of consulting rooms in Arnisdale Road. An amendment to DPS2 would take approximately 12 to 18 months to complete.

DPS2 allows the uses permitted on a specific site to be restricted in accordance with Clause 3.16. Sites that are specified for restricted use can only be used for the uses that are listed in Schedule 2 of DPS2. Therefore, the remaining residential properties along Arnisdale Road could have their land uses restricted to uses such as Single House, Grouped Dwelling, Ancillary Accommodation and Home Business – Category 1 and 2. This would require a scheme amendment to add the remaining residential properties along Arnisdale Road to Schedule 2 of DPS2.

Amending DPS2 to prohibit consulting rooms from being considered in Residential areas is also possible, but not recommended, as consulting rooms are small scale, and provide important services close to the local community.

Option 3 – Investigate the matter further in the review of DPS2

The review of DPS2 has recently commenced and this matter could be investigated further during this review. The new scheme resulting from the scheme review could restrict the further development of consulting rooms in Arnisdale Road in accordance with the method outlined in Option 2.

Link to Strategic Plan:

Not applicable

Legislation – Statutory Provisions:

Land uses such as ‘consulting rooms’, “home business – category 2” and “bed and breakfast” are discretionary (“D”) land uses within the Residential Zone of DPS2. A discretionary land use is a use class that is not permitted but to which Council may grant its approval following the exercise of discretion.

DPS2 states that Council may advertise applications for discretionary “D” land uses in accordance with the DPS2. In addition, Council must give consideration to the matters listed under Clause 6.8 which includes such things as the nature of the proposed use and its relationship to the use of other land within the locality, available parking facilities and any relevant submissions on the proposal.

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

The provision of small consulting rooms within close proximity to major medical facilities is common throughout Perth. With Glengarry Hospital and several medical centres located on the western portion of Arnisdale Road, several of the houses within the street have been converted to consulting rooms to support the hospital and medical centres. These consulting rooms were converted from residential dwellings and are therefore the same age and style as the remaining dwellings in the street.

Nineteen of the residents of the remaining residential properties have signed a petition to request that no further consulting rooms be approved in the street.

Potential issues associated with consulting rooms

The petition does not indicate the specific issues associated with the consulting rooms in Arnisdale Road. However, one of the issues residents may have with consulting rooms is parking and traffic. By nature of the definition of consulting room under DPS2, only one medical practitioner can operate from the premises at any one time. Five parking bays are required to be provided for a consulting room and all parking is required to be maintained on site, with no parking on the street permitted. The traffic impact of a consulting room should be minimal as there is the restriction that only one practitioner may occupy a site. It is considered likely that the parking issues in Arnisdale Road arise from the hospital and not the consulting rooms.

Another issue with the conversion of houses to consulting rooms is the social impact, which arises from the loss of neighbours due to the dwelling being used for commercial purposes. In addition, whilst there are people at the consulting room during the day, it is empty at night.

Recommended Option

Of the several options that Council has for dealing with this request, it is recommended that the issue of consulting rooms along Arnisdale Road be investigated in the upcoming review of DPS2 rather than as a separate scheme amendment. The review of DPS2 is a comprehensive process that will examine the scheme in great detail and encompass many changes. As the scheme review has recently commenced, it is timely that this issue be examined during this process.

In addition, it will allow the City to carry out appropriate consultation with the community and to canvas the opinion of all residents in Arnisdale Road, not just the residents that signed the petition. It may be considered appropriate to protect the residential amenity of all houses east of house number 36, or it may be appropriate for all existing residential properties to have their residential amenity protected.

There are other areas within the City that are in close proximity to Medical Centres where several of the dwellings have been converted to consulting rooms, such as Banks Avenue, Hillarys, Eddystone Avenue, Beldon and Coolibah Drive, Greenwood. As part of the scheme review these areas (and any others) would be also be investigated to determine whether these consulting rooms are having a negative impact on the adjacent residential properties.

In the meantime, it is to be noted that the petitioners' concerns will be taken into consideration in the assessment of any future Development Applications for consulting rooms in Arnisdale Road.

ATTACHMENTS

Attachment 1 Location Map

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 REQUESTS that restriction on the further development of Consulting Rooms in Arnisdale Road, Duncraig be considered as part of the review of the City of Joondalup District Planning Scheme No. 2;**
- 2 Prior to the Scheme review, NOTES that the petitioners concerns will be taken into consideration when assessing any future Development Applications for Consulting Rooms in Arnisdale Road;**
- 3 ADVISES the petitioners of Council's decision;**
- 4 REQUESTS the Chief Executive Officer to place a notation on the Property and Rating System, of the City's possible intent to limit the development of any further non-residential land uses such as Consulting Rooms on the remaining residential properties in Arnisdale Road.**

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19brf100209.pdf](#)

ITEM 25 PUBLIC SUBMISSIONS ON PROPOSED AMENDMENT 40 TO DISTRICT PLANNING SCHEME NO 2 - LOT 500 & 501 ARAWA PLACE, CRAIGIE (FORMERLY CRAIGIE SENIOR HIGH SCHOOL) – [22619]

WARD: Central

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

The purpose of this report is for Council to consider submissions received during the public advertising of proposed Amendment No 40 to District Planning Scheme No 2 (DPS2), and to decide whether to adopt the amendment.

EXECUTIVE SUMMARY

The proposed amendment to DPS2 relates to the former Craigie Senior High School site located at Lots 500 and 501 Arawa Place, Craigie (Attachments 1 and 2 refer). The land has been rezoned from 'Public Purposes – High School' to 'Urban' under the Metropolitan Region Scheme (MRS). It is a requirement of the Planning and Development Act 2005 that the local planning scheme be made consistent with the MRS.

The proposed amendment to the City's local planning scheme will zone Lot 501 from 'Public Purposes – High School' to 'Urban Development' enabling the DPS2 to be consistent with the MRS. Lot 500 Arawa Place, Craigie, has been excised from the Craigie Senior High School site and is vested in the Minister for Child Protection. A proposal to develop a community facility has been received by the City. It is proposed to amend the DPS2 zoning from 'Public Purposes – High School' to 'Civic and Cultural' to reflect the proposed use.

On 2 September 2008, Council resolved to initiate advertising of Amendment No 40 for a period of 42 days. Advertising closed on 10 December 2008 and 10 submissions were received, comprising 1 submission of support, 4 objections, 4 'no objections', and 1 submission that both supports and objects to aspects of the amendment. The objections relate to loss of recreation opportunities, loss of vegetation and the uncertainty of the future housing density.

It is recommended that Council adopts Amendment No 40 to DPS2 without modification.

BACKGROUND

| | |
|-------------------------|--|
| Suburb/Location: | Craigie |
| Applicant: | Taylor Burrell Barnett (Lot 501) |
| Owner: | Department of Education (Lot 501); Minister for Child Protection (Lot 500) |
| Zoning: DPS: | Public Purposes (High School) |
| MRS: | Urban |
| Site Area: | 9.9086ha (Lot 501); 2381m ² (Lot 500) |

In 2002, the Craigie Senior High School was considered surplus to the requirements of the Department of Education and Training (DET), and ceased operating in 2003. In 2004, all buildings on the site were demolished. In June 2008, the MRS amendment was finalised whereby the subject land was rezoned from 'Public Purposes – High School' to 'Urban.'

The subject land is managed by the DET, however, DET and Landcorp have entered into an agreement that permits Landcorp to progress the rezoning of the site. Further to these arrangements, Landcorp has entered into a partnership with developers Stockland to develop the subject land.

Portion of the site (now Lot 500) on the corner of Camberwarra Drive and Arawa Place has been excised from the former Craigie Senior High School site for use by the Department for Child Protection. A development application has been approved by the WAPC for a community facility on the site. The applicant has stated the community facility will provide a range of local activities and community services, such as early learning activities, parenting programs and local support groups.

On 2 September 2008, Council resolved to initiate advertising of Amendment No 40 for a period of 42 days.

Details

Applicant's Comment

Following the close of the advertising period, the applicant has submitted the following information:

"...The applicant is in the process of preparing a Local Structure Plan for the site, in accordance with Council's scheme requirements. The Structure Plan will address density, amongst other things. It is the intent of our client to work with the City, the community and the Department of Planning and Infrastructure through the consultation process towards an acceptable Structure Plan and associated residential densities.

Our client acknowledges the presence of existing vegetation on the site, and through the structure plan preparation process, has commenced assessing the type and quality of vegetation, concurrently with determining the physical site constraints such as earth working, drainage and topography, to identify areas where native and other significant vegetation can be retained on site and enable the structure plan to respond accordingly.

Public open space will be provided in accordance with the policies of the Department for Planning and Infrastructure. In locating public open space, consideration will be given to:

- *Suitable distribution of public open space*
- *Maximising accessibility of open space to residents*
- *Retention of native vegetation within public open space where practical and possible*
- *Location of existing open space areas*
- *Drainage requirements..."*

Options:

The options available to Council in considering the proposal are:

- Adopt the proposed amendment,
- Adopt the proposed amendment, with modification, or
- Not adopt the proposed amendment.

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

Link to Strategic Plan:

Objective 4.2 To progress a range of innovative and high quality urban development projects within the City.

Legislation – Statutory Provisions:Consistency of Local Planning Scheme with the MRS

Section 124 of the Planning and Development Act 2005 requires that the local government must, within 90 days of an amendment to the MRS coming into effect, resolve to prepare an amendment to the local planning scheme which renders the local scheme consistent with the MRS.

Amendments to the Local Planning Scheme

Part 5 of the Planning and Development Act enables Local Authorities to amend the Town Planning Scheme and sets out the process to be followed.

Upon closure of the advertising period, Council is to consider all submissions received during the advertising period. In accordance with the Town Planning Regulations 1967, the Council must then pass a resolution to either refuse to proceed the amendment or "adopt with or without modification". The resolution is then forwarded to the WAPC that makes a recommendation to the Minister for Planning and Infrastructure. The Minister can either grant final approval to the amendment, with or without further modifications, or refuse the amendment.

Council's consideration of submissions and forwarding of the amendment to the WAPC are required within 42 days. However, as this was not possible due to the timing of Council meetings, the WAPC has been informed of the February Council meeting date, and an extension of time requested.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

The proposed scheme amendment to the former Craigie Senior High School site and subsequent structure plan will allow assessment of the built form in order to promote both economic and social sustainability.

The proposed scheme amendment to Lot 500 Arawa Place, Craigie, will enable a designated community facility to promote social sustainability within the area.

Consultation:

The proposed scheme amendment was advertised for public comment for a period of 42 days, with advertising concluding on 10 December 2008. Two signs were placed on the site, a notice placed in the local and West Australian newspapers, and letters were sent to nearby landowners advising of the proposed amendment. The proposal was also placed on the City's website.

Ten submissions were received comprising 1 submission of support, 4 objections, 4 'no objections' from service authorities, and 1 submission that both supports, and objects, to aspects of the amendment. Copies of the submissions have been placed in the Councillors reading room.

COMMENT

The main issues raised with the submissions of objection are:

- Unknown density related to the 'Urban Development' zoning
- Loss of native vegetation
- Loss of parks and recreation opportunities
- Loss of high schooling opportunities

It is important to note that, in the event that the site is zoned "Urban Development", a structure plan will be required to be prepared to guide the future development of the site. As part of that process, residential density options will be investigated, native vegetation on the site will be assessed, as well as the need for public open space. Further public consultation will be undertaken in regard to the structure plan.

The main comments in support of the amendment relate to improving the amenity of the area.

The submissions are summarised and comments provided in Attachment 4.

Conclusion

The proposed scheme amendment over the former Craigie Senior High School site and subsequent structure plan will provide further opportunities for public consultation and input regarding the future development of the site. It is recommended that Amendment No 40 be adopted.

ATTACHMENTS

Attachment 1 Location and aerial plan
Attachment 2 Scheme Amendment process flowchart
Attachment 3 Scheme Amendment Zoning
Attachment 4 Schedule of submissions

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1. Pursuant to Town Planning Regulations 17(2) ADOPTS Amendment No 40 to the City of Joondalup's District Planning Scheme No. 2, without modification, for the purpose of zoning Lot 501 and 500 Arawa Place, Craigie to 'Urban Development' and 'Civic and Cultural' respectively, as shown on Attachment 3 to this Report;**
- 2. AUTHORISES the affixation of the Common Seal and to endorse the signing of the amendment documents;**
- 3. NOTES the submissions received and advises the submitters of Council's decision;**
- 4. ADVISES the Western Australian Planning Commission of Council's decision**

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20brf100209.pdf](#)

ITEM 26 REQUEST FOR REMOVAL OF CAVEAT FOR PEDESTRIAN EASEMENT AT LAKESIDE SHOPPING CENTRE – [08431]

WARD: North

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE

The purpose of this report is for Council to consider ING Real Estate's request to revoke the legal agreement requiring the provision of a pedestrian easement over a portion Lakeside Shopping Centre at Lot 706 (420) Joondalup Drive, Joondalup.

EXECUTIVE SUMMARY

In February 2000, the Western Australian Planning Commission (WAPC) granted approval for the amalgamation of land comprising the current shopping centre site. As a condition of amalgamation, a pedestrian easement from Grand Boulevard to the Joondalup Train Station is required over a portion of Lakeside Shopping Centre to allow pedestrian access to the train station.

As there was no development on the subject portion of Lakeside Shopping Centre at the time, the exact route of the pedestrian easement could not be established. Therefore, a legal agreement was entered into requiring that the easement be created prior to the occupation of any development over the land. A caveat was also placed on the land.

Development of Stage 3 of the shopping centre, which is now complete, envisaged a pedestrian route from Grand Boulevard, through the decked car park, down to the train station. ING Real Estate, the owners of the Lakeside Shopping Centre, have requested the removal of the caveat from the Certificate of Title and the requirement for the easement. They have stated that pedestrians favour the use of the Collier Pass footpath to access the train station and that there are anti-social problems associated with keeping the car park open at night.

It is considered that Collier Pass will provide a safer environment for the pedestrians, contribute to street front activity and capitalise on the green boulevard treatment proposed under the new Joondalup City Centre Structure Plan. It is therefore recommended that the legal agreement be revoked and the caveat withdrawn.

BACKGROUND

Lakeside Shopping Centre is situated within the Joondalup City Centre and is bounded by Joondalup Drive, Grand Boulevard, Collier Pass and Boas Avenue (refer Attachment 1). It is owned by ING Real Estate.

Prior to the further development of the shopping centre, the land comprising the shopping centre was amalgamated. The WAPC approved the amalgamation on 9 February 2000 subject to conditions, of which condition 2 states:

“The landowner entering into a legal agreement with the City of Joondalup, binding on successors of title and supported by a caveat on Certificate of Title agreeing to provide 24 hour public access easements, pursuant to section 195 and 196 of the Land Administration Act 1997 over the subject lot which links Station Square to Grand Boulevard, Civic Walk and Campus walk (as shown on the attached plan), for the use and benefit of the public at large for pedestrian and cycle access in favour of the City of Joondalup, at the subdivider’s cost to the satisfaction of the Western Australian Planning Commission.”

The requirement for the easement therefore arose from the above condition. However, the easement was not created as there was no development proposed on the site at that time and hence no specified route for the pedestrian path. Therefore, a legal agreement was entered into requiring that an easement over the pedestrian path be provided prior to the occupation of any development within the vicinity of the easement. A caveat was also placed on the land.

The attached plan indicates the general location of the proposed easement and the preferred movement pattern for pedestrians prior to development of the shopping centre extensions (refer Attachment 2).

The easement was proposed to guarantee an attractive and appropriate line of travel for the movement of pedestrians from the train station, through the shopping centre land to the city centre and the education campuses. The desired line for the pedestrian route has been a longstanding town planning concept that was intended to guide this aspect of the design and staging of the centre as it spread across the south east section of the ING land holding.

The shopping centre has been constructed over a number of years and in a number of stages. The most recent stage of extensions (known as Stage 3) were approved by Council in 2005, and completed in December 2008 (CJ258 - 11/05 refers).

In the past, pedestrian movement through the area has been problematic due to the natural grade of the land and the steep slope down from Grand Boulevard to the previous shopping centre level. During construction of the latest stage of the shopping centre, access was prohibited due to the construction works.

From a practical viewpoint, the alignment of the pedestrian easement has been a minor issue compared to the fundamental challenges of planning and integrating the centre with the surrounding city.

DETAILS

ING is requesting the removal of the caveat from the Certificate of Title and the requirement for the easement.

The legal agreement and caveat requires that land be given for a pedestrian easement from Grand Boulevard to the train station. The stage 3 extensions proposed that this pedestrian access would be via the decked car park adjacent to Lakeside Shopping Centre. Pedestrians would access the car park at the Grand Boulevard level, take the lift or stairs down to the transit level and walk through the ground level of the car park to the station entrance (refer Attachment 3).

The owners of the shopping centre have provided the following justification for the removal of the easement obligation:

- *Visual examination of current pedestrian traffic show Edith Cowan and TAFE College users cross Grand Boulevard at the intersection of Collier Pass with the assistance of the traffic lights.*
- *Pedestrians from the CBD wanting to access the Station do so via the shopping centre.*
- *Since the Cat Bus system has been introduced, the number of pedestrians from the City's CBD and education facilities has been reduced.*
- *The decked car park is constantly being vandalised (fire hydrants turned on and sprinkler pipes broken) and the car park lift graffitied.*
- *As a result of this, Centre Management are restricting vehicular access to the car park and locking the lift off after the shopping centre closes.*

Issues and options considered:

Council has the option to:

- Support the removal of caveat and the requirement for an easement; or
- Not support the removal of caveat and the requirement for an easement.

Link to Strategic Plan:

Not applicable.

Legislation – Statutory Provisions:

Not applicable.

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

The easement was designed to link Campus Walk and Civic Walk through the shopping centre to the train station. The most recently approved additions to the centre included a designated pedestrian path through the multi-deck carpark down to the station, however in practical terms this is not considered, or proved to be, the optimal solution.

In practice, it appears that most pedestrians prefer to access the station via Collier Pass, rather than through the decked car park. Pedestrian access along Collier Pass provides activity at the street level and avoids potential conflicts with motor vehicles. The option also provides an opportunity to capitalise on the proposed green boulevard treatment planned under the new Joondalup City Centre Structure Plan.

There has also been some feedback from the community regarding the limitations on access through the shopping centre. This has focussed on the agreement between ING and the Perth Transit Authority for access to the train station through the shopping centre to remain open after hours for the use of the public. However, this is a separate issue and is not linked to the station access via the car park easement. Station access through the shopping centre is neither favoured nor worsened by the proposal to remove the car park access easement, although it could be concluded that station access via Collier Pass could provide for easier control and thereby more flexible access arrangements (by avoiding the need to go inside the shopping centre malls after hours).

It is considered that one of the primary reasons pedestrians have preferred to access the station via Collier Pass is due to the construction works and fencing to the southern end of the shopping centre land holding that has prevented access to station via this land. In addition, these construction works, fencing, and the impact on the Grand Boulevard streetscape has significantly reduced the attraction of Grand Boulevard's western footpath as a preferred walking path to the campuses.

Notwithstanding the above, the proposed treatment of the buildings along the western side of Grand Boulevard and the potential for establishing a boulevard theme on Collier Pass (with associated landscaping) as foreshadowed through the proposed City Centre Structure Plan all combine to reinforce the potential of those walking routes as appropriate high quality safe pedestrian connections from the rail station to the education campuses.

It is therefore recommended that Council revokes the legal agreement, withdraw the caveat from the Certificate of Title and the requirement for the easement.

ATTACHMENTS

Attachment 1 Location Plan

Attachment 2 Proposed Easement Location

Attachment 3 Photographs of proposed easement through the carpark

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council agrees to REVOKE the legal agreement dated 31 December 2001 between Armstrong Jones Management Pty Ltd, ING Real Estate Joondalup BV and City of Joondalup and WITHDRAW the Caveat on Lot 706 on Deposited Plan 54561.

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21brf100209.pdf](#)

ITEM 27 PROPOSED SHADE SAIL ADDITION TO GROVE CHILD CARE CENTRE AT LOT 905 (6) DUGDALE STREET, WARWICK – [07586]

WARD: South

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

To request Council's determination of an application for a proposed shade sail addition at Grove Child Care Centre located at 6 Dugdale Street, Warwick.

EXECUTIVE SUMMARY

An application for Planning Approval has been received for a shade sail to be erected at the Grove Child Care Centre site. The shade sail, located over the existing outdoor sand pit to the north-east of the site, has a side setback variation to the north-eastern boundary.

Determination of this application by Council is required as the proposed variation exceeds the limit that enables the application to be determined under delegated authority.

The proposed variation will not affect any adjoining or surrounding properties, or the Dugdale Street streetscape. Accordingly, it is recommended that the application for Planning Approval be granted.

BACKGROUND

| | |
|-------------------------|---------------------------|
| Suburb/Location: | 6 Dugdale Street, Warwick |
| Applicant: | Aqua Shades |
| Owner: | City of Joondalup |
| Zoning: | DPS: Commercial |
| | MRS: Urban |
| Site Area: | 1813.9m ² |
| Structure Plan: | Not applicable |

The subject site is bordered by Dugdale Street to the north-west, Dorchester Hall to the south-west, a Community Hall and Care Centre to the south, and Warwick Commercial Centre to the north-east. Residential development, with an R20 density code, is located along the northern side of Dugdale Street (refer to the Aerial Plan – Attachment 1).

The development site is zoned Commercial under DPS2 (refer to Zoning Plan – Attachment 1).

DETAILS

The applicant proposes to erect a shade sail directly over the existing children's sand pit, having a setback of 0.5m from the north-eastern boundary. This structure will be rectangular in shape with dimensions of 6m by 7m. The structure will be supported by four galvanised steel posts, the northern and southernmost posts being 3.1m in height, with the eastern and westernmost posts being 2.1m in height. The colours of the shade sail are proposed to be blue and yellow, while the supporting posts will be red.

The shade sail will be setback 19m from the front property boundary and approximately 40m from the nearest residential property, on the opposite side of Dugdale Street.

The table below sets out the area of non-compliance with the requirements of DPS2.

| Building Setbacks for Non Residential Buildings | REQUIRED | PROVIDED | COMPLIANCE |
|---|----------|------------|------------|
| Side setback (north-eastern boundary) | 3 metres | 0.5 metres | No |
| Side setback (south-western boundary) | 3 metres | 29 metres | Yes |
| Rear setback (south-eastern boundary) | 6 metres | 27 metres | Yes |
| Front setback (Dugdale Street) | 9 metres | 19 metres | Yes |

The development is required to be determined by Council as the side setback variation exceeds the limit that enables the proposal to be considered under delegated authority.

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

The following Clauses of DPS2 are relevant to the development proposal.

4.5 Variations to site and development standards and requirements

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

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

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

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

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*

- (b) *the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

4.7 *Building setbacks for non-residential buildings*

- 4.7.1 *Unless otherwise provided for in Part 3 of the Scheme, buildings shall be set back from property boundaries as follows:*

Setback from street boundary 9.0 metres

Setback from side boundary 3.0 metres

Setback from rear boundary 6.0 metres

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 in so far as they can be regarded as seriously entertained planning proposals;*
- (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

Risk Management considerations:

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

Financial/Budget Implications:

Not applicable.

Policy implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

The Child Care Centre is a ('D') Land Use. Due to the location of the proposed shade sail being setback 19m from the front property boundary, and approximately 40m from the nearest residential property, there will be no adverse impact on the amenity of the locality as a result of the development. As such, advertising was not required in this instance.

COMMENT

Under DPS2, the required side setback for non-residential buildings is 3 metres. The applicant is proposing a side setback of 0.5 metres to the north-eastern boundary, which adjoins the Warwick Commercial Centre. The proposed shade sail is setback a distance of approximately 19m from the front property boundary. There is also a distance of approximately 40m between the development and the closest residential properties, located on the northern side of Dugdale Street.

The adjoining Warwick Commercial Centre is setback 3m from the common boundary with the subject site. A pedestrian pathway is located within this setback area, with a dense hedge and enclosed bin store located along the boundary and immediately adjacent to the location of the proposed shade sail. Significantly, the elevation of the Warwick Commercial Centre that faces the subject site has only one obscure glazed window located opposite the proposed development (refer to the Site Photographs – Attachment 3).

Conclusion

Having regard to the:

- small scale of the proposed structure;
- distances that the proposed structure is located from Dugdale Street and closest residential properties;

- absence of any major openings along the south-western boundary of the adjoining Warwick Commercial Centre opposite the proposed structure; and
- partial screening of the proposed structure by the existing vegetation and bin store on the adjoining Warwick Commercial Centre site;

it is considered that the proposed boundary setback variation will not have a detrimental impact on any adjoining or surrounding properties, or the amenity of the area. As such, it is recommended that the proposed variation be supported and that the application is approved.

ATTACHMENTS

| | |
|--------------|-------------------------|
| Attachment 1 | Aerial and Zoning Plans |
| Attachment 2 | Development Plans |
| Attachment 3 | Site Photographs |

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

1. **EXERCISES discretion under Clause 4.5.1 of District Planning Scheme No. 2 and determines that the side setback of 0.5m in lieu of 3m to the north-eastern boundary is appropriate in this instance.**
2. **APPROVES the application for Planning Approval dated 4 November 2008 submitted by Aqua Shades, as the applicant, for a shade sail addition to the existing Grove Child Care Centre at 6 Dugdale Street, Warwick, subject to the following condition:**
 - (a) **this approval relates only to the proposed shade sail, as indicated on the approved plans. It does not relate to any other development on this lot.**

Appendix 23 refers

To access this attachment on electronic document, click here: [Attach23brf100209.pdf](#)

ITEM 28 MINUTES OF THE SENIORS INTERESTS ADVISORY COMMITTEE MEETING HELD ON 3 DECEMBER 2008 – [55511]

WARD: All

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE

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

EXECUTIVE SUMMARY

A meeting of the Seniors Interests Advisory Committee was held on 3 December 2008.

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

- Seniors Interests Advisory Committee - Meeting Dates 2009
- Aged Accommodation in the City of Joondalup

It is recommended that Council:

- 1 *NOTES the confirmed minutes of the Seniors Interests Advisory Committee held on 3 December 2008 forming Attachment 1 to this Report;*
- 2 *NOTES the following dates for meetings of the Seniors Interests Advisory Committee:*
 - 4 February 2009
 - 1 April 2009
 - 3 June 2009
 - 5 August 2009
 - 7 October 2009;
- 3 *REQUESTS the following reports be prepared:*
 - A report including a map of where existing bus routes are within the City of Joondalup covering access from retirement villages to shopping centres, railway stations and public services;
 - A report on *the City of Joondalup Community Transport Program.*

BACKGROUND

The SIAC was established for the benefit of exchanging views with residents of the City on matters related to seniors, an ageing population and the need for community input into the Seniors Plan, the Strategic Plan and other matters that impact upon seniors.

In accordance with its role, the Committee identified priority focus areas that complement various tasks and actions of the City's Seniors Plan 2004-2008. These include: seniors' health issues, transport accessibility and affordability and staying active through leisure and entertainment.

Recommendations of the Committee will facilitate progress on initiatives that are generated by the provision of ongoing Seniors Plan status reports. Other initiatives that complement the Seniors Plan such as the Transitions in Ageing Research Project Report will be useful resources to inform the review of the Seniors Plan, whilst the School Volunteer Program promotes intergenerational activities.

DETAILS

Issues and options considered:

The Motions moved at the Seniors Interests Advisory Committee meeting 3 December 2008 are shown below, together with officer's comments.

1 Seniors Interests Advisory Committee - Meeting Dates 2009

The following Motion was carried at the meeting on 3 December 2008:

“That the Seniors Interests Advisory Committee RECOMMENDS that Council adopts the following dates for its meetings:

- **4 February 2009**
- **1 April 2009**
- **3 June 2009**
- **5 August 2009**
- **7 October 2009 ”**

Officer's Comment

It is important that the dates are set ahead of time to allow for the preparation of agenda items and information provided to the committee.

A meeting for December 2009 has not been listed. This is because, according to procedure, all committees will be disbanded following the Council elections scheduled in October 2009. The Seniors Interests Advisory Committee will be listed for re-instatement once the Council election process is complete.

2 Aged Accommodation in the City of Joondalup

The following Motion was carried at the meeting on 3 December 2008:

“That the Seniors Interests Advisory Committee NOTES the information provided in this Report on the availability of Aged Accommodation within the City of Joondalup.”

Officer's Comment

Low and high care facilities have no vacancies (most with waiting lists) with only a few vacancies in independent living accommodation.

According to the Australian Bureau of Statistics survey in 2006, 28.3% of the City's population were over 50 (42,000 people). The size of the older population is increasing as the baby boomers move into this phase of their lives. The Accommodation Report and the projected increase in the City's ageing population demonstrate the need for an accommodation capacity increase in the City.

An increase in the rate of development approvals for seniors accommodation of 1.15% will cater for the existing seniors population. As the population of the City of Joondalup ages, the amount of residential care requires a further increase in aged accommodation facilities.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

The following Motion was carried at the meeting on 3 December 2008:

“The following reports be prepared:

- **A report including a map of where existing bus routes are within the City of Joondalup covering access from retirement villages to shopping centres, railway stations and public services;**
- **A report on the City of Joondalup Community Transport Program.”**

Officer's Comment

The requested reports will enable the City to identify the accessibility of aged accommodation to public services facilities. Any gaps identified will be important for service planning and the provision of recommendations to the Public Transport Authority. Every effort is made by the Public Transport Authority to place bus stops in close proximity to residences with priority being given to aged accommodation.

Link to Strategic Plan:

The Seniors Interests Advisory Committee is linked to the Strategic Plan through the following objectives:

- To develop, provide and promote a diverse range of lifelong learning opportunities.
- To meet the cultural needs and values of the community.
- To continue to provide services that meet changing needs of a diverse and growing Community.
- To work with the community to enhance safety and security in a healthy environment.
- To continue to meet changing demographic needs.
- To ensure the City responds to and communicates with the community.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy implications:

The existing policies that are deemed to have the most impact on seniors are:

- Access and inclusion (access to community facilities and public space: overcoming barriers that could prevent participation in community activities)
- Rates (reduced rates for seniors)
- Fees and Charges (reduced fees for seniors for some services)
- Use of community facilities (accommodation provided free of charge to seniors groups under the “subsidised use” policy).

Regional Significance:

The Seniors Interests Advisory Committee is a locally focussed group, established by Council to represent and advocate for the needs of seniors within the City of Joondalup.

Sustainability implications:

Not Applicable.

Consultation:

A consultation plan has been developed to ensure that the Plan captures current issues, trends and concerns.

COMMENT

Not Applicable.

ATTACHMENTS

Attachment 1 Minutes of the Seniors Interests Advisory Committee meeting held on 3 December 2008

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 NOTES the confirmed minutes of the Seniors Interests Advisory Committee meeting held on 3 December 2008 forming Attachment 1 to this Report;**

2 NOTES the following dates for the Seniors Interest Advisory Committee meetings:

- **4 February 2009**
- **1 April 2009**
- **3 June 2009**
- **5 August 2009**
- **7 October 2009;**

3 Council REQUESTS the following reports be prepared:

- (a) **A report including a map of where existing bus routes are within the City of Joondalup covering access from retirement villages to shopping centres, railway stations and public services;**
- (b) **A report on the City of Joondalup Community Transport Program.**

Appendix 24 refers

To access this attachment on electronic document, click here: [Attach24brf100209.pdf](#)

ITEM 29 CITY OF JOONDALUP ENTRY STATEMENTS DESIGN DRAWINGS – [37196] [44697]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

To seek Council's endorsement for the design of the entry statements for the City and allocation of funds for their construction.

EXECUTIVE SUMMARY

A suitably qualified designer was engaged by the City to assist in designing Entry Statements.

In accordance with the resolution of Council in September 2007, the appointed designer attended a number of Strategy Sessions to assist with the development of the design.

The final design is a product of an extensive design process with input from Elected Members. Following endorsement of the design, tenders will be called for the construction of the Entry Statements.

BACKGROUND

Entry Statements have been considered by the Council over many years. In 2001/2002 the five year capital works program included \$75,000 for Entry Statement works. Prototypes were designed and installed. On the basis of community feedback the entry statements as proposed were not proceeded with. An amount of \$75,000 was included in the Capital Works up to, and including, the 2006/2007 five year capital works program.

Elected Members were surveyed between December 2006 and March 2007 on various entry statement options. The feedback from the survey was reported to Council in September 2007. In terms of future location of the entry statements, the majority of responses from Elected Members supported the provisional locations identified on the map (see attachment 1).

At its meeting held 25 September 2007, the City sought further direction from Council for developing and implementing Entry Statements for the City of Joondalup.

At that meeting Council resolved to:

- 1 *REQUEST the Chief Executive Officer to appoint a suitably qualified designer to assist in designing Entry Statements for the City of Joondalup;*
- 2 *REFER consideration of Entry Statements for the City of Joondalup to the next available Strategy session;*
- 3 *INVITE the appointed designer to attend the Strategy Session that considers the Entry Statements for the City of Joondalup;*

- 4 *REQUEST the Chief Executive Officer to advise the suitably qualified designer of a requirement to make the entry statement design reasonably vandal and graffiti proof.*

The City appointed Greg Grabasch, Landscape Architect, Urban design and Landscape Architecture (UDLA) to undertake this project. In accordance with the resolution of Council the designer attended a number of Strategy Sessions and conducted workshops with Elected Members to assist with the development of the preferred design. Following the final session with Elected Members on 19 August 2008 the consultants have prepared a report which provides detailed design drawings and documentation including estimated costs of the preferred entry statement (see attachment 2).

DETAILS

The consultant describes the concept for the City's Entry statements as follows:

'A memorable gateway into the City of Joondalup, with visitors and residents "moving through" the design.

A clear Joondalup sign informs people of where they are entering while the rest of the design mimics a city skyline and the individual elements are an interpretative reflection of what is the City of Joondalup (past, present and future)'

The concept comprises four elements being the poles, Joondalup sign, trees with lighting and ground treatment. Each of these elements is described below.

Constant Element One - Poles

The staggered line of poles represent a city skyline. Furthermore, each pole reflects a specific concept through its colour (matte) and motif. (The reflective stick on motif on portions of each pole will glow at night from headlights). The number of each colour will vary depending on location.

Constant Element Two – Joondalup Sign

A consistent element at each location, it clearly states where a person is. Constructed from brushed steel with the text made from a reflective material that is brightly up lit at night. (5m tall x 0.6m wide) The exit sign is half width at 5m tall x 0.3m wide.

Constant Element Three – Trees

A species suited to each location will be chosen and grouped on the back batter to form a gateway entrance behind the poles. Dim canopy/trunk up lighting will create a night time spectacle.

Constant Element Four – Ground Treatment

A clear ground treatment of gravel will ensure all focus is on the gateway of poles and trees. This clear surveillance will discourage vandals. The lifted ground plane creates a crescendo to the gateway for vehicles to move through.

The concept presented in the attached drawings is indicative of one of the main entry statements to the City, however, this may be scaled down for the less significant entry points to the City as identified in the future.

Risk Management considerations:

The concept has been designed in accordance with the Australian Standards to minimise any risks associated with vehicle or pedestrian movement through the proposed Entry Statements.

Financial/Budget Implications:

There is no allocation in the current budget for Entry Statements. Each Entry Statement is estimated by the consultant to cost \$125,250 (estimate 31/10/2008).

The priority map identifies three locations. The total estimated cost would therefore be \$375,750.

COMMENT

The concept design is unique and very distinctive. The design is also very reflective of the City of Joondalup. Elected Members have had extensive opportunity to provide input into the design through a number of workshops held with the designer.

The design is therefore submitted to Council for endorsement.

Following Council's endorsement the next step would be to go to tender, however, until budget funds have been allocated this step will be put on hold. Council may, therefore, consider an allocation of funds in the 2009/2010 budget.

ATTACHMENTS

Attachment 1 Priority locations for Entry Statements

Attachment 2 Landscape consultation report – City of Joondalup Primary Entry Statement

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 ENDORSES the concept design for the Entry Statements for the City of Joondalup as presented in Attachment 2 to this Report;**
- 2 LISTS for consideration in the Draft Budget 2009/2010 an amount of \$375,750 for Entry Statements.**

Appendix 25 refers

To access this attachment on electronic document, click here: [Attach25brf100209.pdf](#)

ITEM 30 REVIEW OF THE CURRAMBINE DISTRICT CENTRE STRUCTURE PLAN – [47351]

WARD: North

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE

For Council to consider the review of the Currambine District Centre Structure Plan No 6 (Structure Plan).

EXECUTIVE SUMMARY

Council requested a review of the Structure Plan at its meeting of 10 June 2008.

A report on the issues and options regarding the review was presented to the Strategy Session on 16 September 2008. The review has now been completed and it is recommended that no changes be made to the Structure Plan. The review found that the Structure Plan was developed in accordance with Main Street design principles, it was advertised for public comment and the outcomes were incorporated into the Structure Plan.

The majority of the Structure Plan area has proposals over the various lots; there are only two lots that have no current applications over them. As a result of this, it is not recommended to make any changes to the Structure Plan. It is therefore recommended that Council notes that the review of the Structure Plan has been completed and makes no changes to the Structure Plan.

BACKGROUND

The area encompassed by the Structure Plan comprises approximately 18.35 hectares and is bounded by Shenton and Delamere Avenues, Chesapeake Way, Hobsons Gate and Marmion Avenue (refer Attachment 1).

The subject land is zoned 'Commercial', 'Business', 'Civic and Cultural' and 'Residential – R40' under the City of Joondalup District Planning Scheme No 2 (DPS2). Lot 929 is listed as the Currambine District Centre under Schedule 3 of DPS2, with a retail net lettable area of 10,000m².

The current retail floorspace upon Lot 929 is approximately 5413m², comprising 4083m² of supermarket and 1330m² of specialty stores. In addition, 229m² of office floor space is provided, which is considered non-retail floor space.

Council at its 10 June 2008 meeting refused an application for planning approval for a Liquor Store at Lot 929 (1244) Marmion Avenue, Currambine (report CJ106-06/08 refers). Concern was expressed by members of the community and Elected Members regarding the potential impact the sale of packaged alcohol from the District Centre could have on the amenity of the area. Part of the resolution of Council called for a review of the Structure Plan:

- “2 *REVIEWS the Currambine District Centre Structure Plan and seeks urgent advice on:*
- (a) *the rationale leading to the adoption of the structure plan;*
 - (b) *the timing of adoption of the plan and any changes;*
 - (c) *the potential impact of any proposals lodged or identified for the structure plan area.”*

A report on the issues and options regarding the review of the Structure Plan was presented to the Strategy Session on 16 September 2008.

Issues and options considered:

Several options were identified for Elected Members regarding the control of liquor related land uses. The options were:

Option 1 – No change

Determine applications on their merit in accordance with their land use permissibility and compliance with the provisions of the Structure Plan.

Option 2 – Greater control of liquor related uses

Amend the Structure Plan to set design criteria that restricts the location and operation of liquor related land uses such as Hotels, Night Clubs, Taverns and Liquor Stores, but continue to allow Restaurants without any further restrictions or controls.

Option 3 – Prohibition of liquor related uses

Amend the Structure Plan to prohibit liquor related land uses such as Hotels, Night Clubs, Taverns and Liquor Stores, but continue to allow Restaurants.

Since the initial review in September, a number of Development Applications within the Structure Plan have been received and determined.

Development Applications within the Structure Plan area:

The following lists the development applications for land within the Structure Plan area (refer to Attachment 2 for location):

| Address | Proposed Development | Status |
|--------------------|--|------------------------------------|
| 24 Delamere Avenue | 63 Grouped Dwellings | Approved by Council October 2008. |
| 74 Delamere Avenue | Showrooms, Offices, Foodhall and Convenience Store | Waiting on additional information. |
| 86 Delamere Avenue | Showrooms, Offices, Convenience Store and a Shop | Currently being assessed. |
| 94 Delamere Drive | Tavern, Liquor Store and Video Store | Application withdrawn. |
| 4 Hobsons Gate | Showrooms and Shop | Approved by Council December 2008. |
| 14 Hobsons Gate | Offices/ Showrooms and Aged Persons Dwellings | Refused by Council July 2008. |

| | | |
|---------------------|--------------------------|---|
| | Tavern, Offices and Shop | Approved by Council November 2008. |
| 1244 Marmion Avenue | Liquor Store | Refused by Council June 2008. Currently subject to review by the State Administrative Tribunal. |

The only lot within the Structure Plan area that has not yet been subject to an application is 11 Chesapeake Way. In addition, no further applications have been submitted for 94 Delamere Avenue. Therefore, only two lots within the Structure Plan area have no current development applications over them.

DETAILS

The outcome of the review is detailed below.

Rationale leading to the adoption of the Structure Plan:

The need for a Structure Plan arose in March 2002. The owners of the shopping centre sought to expand the centre from approximately 6,500m² (excluding cinemas) to 10,000m² of retail space in a manner to be integrated with the future community facility.

The purpose of the Structure Plan is to:

1. Create a framework for a Village Style District Centre developed along Main Street Principles (providing a strong sense of place and support for social, economic and environmental sustainability) and serving the surrounding local residential neighbourhoods.
2. Create a safe, attractive and vibrant centre that will be sustainable over time and contribute to the quality of life of the local community.
3. Focus on land uses that support the best outcome for the site within its context and constraints.

This is expressed in the objectives and criteria for each of the zones within the Structure Plan.

Attachment 1 shows the zoning of the land. The Structure Plan does not change the permissibility of land uses with the Zones; the permissibility is in accordance with DPS2.

Timing of adoption of the Structure Plan:

The Structure Plan was adopted by the Council for the purpose of public advertising in September 2005 following considerable time in preparing the draft structure plan (report CJ194-09/05 refers). That report states that the town planning and urban design principles used to prepare the structure plan are in accordance with the Council's previous resolution for the centre's future growth to evolve from an internalised shopping centre model to a traditional mainstream model.

The Structure Plan was advertised for public comment from 24 November 2005 to 22 December 2005 (report CJ16-02/06 refers). A total of 28 submissions were received, of which 19 supported or did not object to the Structure Plan and 9 objected to the Structure Plan. As a result of the advertising, the Structure Plan was modified so that all buildings within the Business Zone fronting Delamere Avenue must present a 2 storey façade to the

street and be sympathetic in scale and built form to minimise the impact on the amenity of the adjacent residential dwellings. In addition, all applications for development in this area are required to be advertised for public comment.

The Structure Plan was adopted and endorsed by the WAPC on 29 August 2006. It has not been amended since its adoption.

Potential Impact of Proposals:

The potential impact of a proposal is identified as part of the assessment of the proposal when the application is lodged with the City. Development applications are assessed on their merits in accordance with the requirements of DPS2 and the Structure Plan.

Some of the factors taken into consideration when assessing a proposal are:

- traffic and parking;
- noise;
- land use permissibility;
- setbacks;
- landscaping; and
- height.

There are only two lots remaining within the Structure Plan area that have no current development applications over them. Therefore the potential impact of proposals within the Structure Plan area has largely been assessed and determined by Council.

Options:

- Amend the Currambine District Centre Structure Plan;
- Not amend the Currambine District Centre Structure Plan; or
- Amend DPS2 to restrict the land uses for the remaining lots located within Lot 5000 (94) Delamere Avenue to those that do not allow the sale of alcohol.

Link to Strategic Plan:

Not applicable.

Legislation – Statutory Provisions:

Under Clause 9.7 of DPS2 Council may amend a structure plan. Public Notice of the amendment must be given in accordance with Clause 9.5, unless the amendment is minor in nature and does not alter the intent of the structure plan or cause detriment to land within the structure plan area. Council may apply the provisions of Clause 9.6 in the consideration of the amended structure plan.

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

The review found that the Structure Plan was developed in accordance with Main Street design principles, it was advertised for public comment and the outcomes were incorporated into the Structure Plan.

With the exception of two lots, there are current development proposals for all lots within the Structure Plan area. It is therefore considered that a further review of the Structure Plan is not necessary as Council has made determinations on applications over the majority of land within the Structure Plan area.

The main issue appears to be with regards to liquor related land uses as Council refused an application for a Liquor Store at 1244 Marmion Avenue, (and it was at this meeting that Council called for a review of the Structure Plan). However, Council at its meeting of 25 November 2008 (report CJ252-11/08 refers) approved a Tavern at 14 Hobsons Gate. It is considered that this location within the Structure Plan area is appropriate for a Tavern as it is the furthest site from existing residential areas within the Currambine District Centre and the Tavern is opposite Showrooms and a Shop which should not be adversely affected by the Tavern land use.

Given that Council has approved a Tavern within the Structure Plan area and that the majority of sites have development proposals over them, it is not considered necessary to make any changes to the Structure Plan at this point in time. It is therefore recommended that Council proceed with option 1 – no change. Applications should continue to be assessed on their merits in regards to both land use and compliance with the provisions of the Structure Plan.

The remaining two lots within the Structure Plan area without current approvals could apply for a Tavern, Restaurant, or other liquor related land use, however, it is considered that any application would be assessed on its merits once submitted. All development applications for discretionary “D” land uses are advertised to the community via sign on site, advertisements in the local newspaper and letters to adjoining landowners. This process gives the community the opportunity to comment on the land use proposed and Council can take into consideration the opinions of the community in their determination of the application.

It is therefore recommended that Council notes that the review of the Structure Plan has been completed and makes no changes to the Structure Plan.

ATTACHMENTS

Attachment 1 Location Plan

Attachment 2 Currambine District Centre Structure Plan

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 NOTES the review of the Currambine District Centre Structure Plan;**
- 2 DOES NOT amend the Currambine District Centre Structure Plan.**

Appendix 26 refers

To access this attachment on electronic document, click here: [Attach26brf100209.pdf](#)

ITEM 31 REVIEW OF CASH-IN-LIEU CAR PARKING FEES FOR THE CITY OF JOONDALUP – [72020]

WARD: All

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE

The purpose of this report is for Council to consider adopting revised cash-in-lieu car parking fees for the City of Joondalup.

EXECUTIVE SUMMARY

Council requires that the cash-in-lieu car parking fees are reviewed on an annual basis. An independent licensed land valuer was commissioned to review of the current commercial land values within the City of Joondalup. In addition, the construction costs of a car bay are added to the land value.

The current value per car bay is considered to be:

Joondalup City Centre - \$34,323
Standard District Centres (Service Industrial/Commercial Land) - \$25,929
Beachfront Commercial - \$69,429

It is recommended that Council amend the Schedule of Fees and Charges to include the revised fees for the payment of cash in lieu of parking.

BACKGROUND

Council at its meeting of 4 April 2006 (CJ056 - 04/06 refers) resolved to review the cash-in-lieu car parking fees on an annual basis. The fees were last updated on 30 July 2007 as part of the annual budget review process. The current cash-in-lieu figures are:

Joondalup City Centre - \$30,458
Standard District Centres (Service Industrial/Commercial Land) - \$22,820
Beachfront Commercial - \$69,320

Clause 4.11 of DPS2 allows Council to consider accepting a payment in lieu of the on-site provision of car parking. Cash-in-lieu of car parking provides a potential alternative to the development of on-site car parking should there be a shortfall in the provision of car parking bays as outlined under Table 2 of DPS2. The DPS2 provision does not replace the developer's responsibility to provide on-site parking, but rather is a mechanism to enable otherwise desirable developments, for which the full amount of parking cannot be provided on site, to proceed. However, in accordance with Clause 4.11, there must be an adequate provision or a reasonable expectation in the immediate future, that there will be adequate provision for public car parking in the proximity of the proposed development.

The payment of cash in lieu is applied in accordance with Policy 7-10 – Cash-in-lieu of car parking. The cash-in-lieu parking fees are set within the Schedule of Fees and Charges and referenced from Policy 7-10.

DETAILS

Land Valuation Review

The City commissioned an independent licensed land valuer to undertake a review of the current commercial land values within the City of Joondalup. At the completion of the review, a report was provided to the City outlining the current land values. The figures were calculated at a rate per square metre and broken down into three land use categories. These land use categories and per square metre land values are:

Joondalup City Centre - \$1250 per square metre of land
Standard District Centres - \$800 per square metre of land
Beachfront Commercial - \$2,000 - \$2,500 per square metre of land

Construction Costs

Policy 7-10 states that a car bay (at-grade) is assumed to require 30m² in area. A bay within a multi-level car park (applicable to the City Centre) requires 32m². Construction costs are also added to the cash-in-lieu figure, which are currently estimated to be \$1,929 for an at-grade bay, and \$20,990 for a bay within a multi-level car park (applicable to the City Centre).

Current Value per Bay

Given the above parameters, the current value per car bay has been assessed to be:

Joondalup City Centre - \$34,323
Standard District Centres (Service Industrial/Commercial Land) - \$25,929
Beachfront Commercial - \$69,429

In regard to the Joondalup City Centre figure, the land value component has been based on the development of a 3 storey multi-deck car park, whereby the land value would be amortised over the total development. The land value has therefore been reduced to one-third (i.e. \$416.67m²) to account for the three levels of the car park.

Options:

Council has the option to:

- Adopt the revised cash-in-lieu car parking valuations; or
- Not adopt the revised cash-in-lieu car parking valuations.

Link to Strategic Plan:

Not applicable.

Legislation – Statutory Provisions:

Clause 4.11 of DPS2 allows Council to accept the payment of cash in lieu of parking.

Risk Management considerations:

Not applicable.

Financial/Budget Implications:

The funds received by the City from cash-in-lieu car parking arrangements will contribute towards the provision and management of future car parking facilities within the locality.

All funds received from cash in lieu payments are placed in a Reserve fund for that specific purpose.

Policy implications:

Policy 7-10 – Cash-in-lieu of car parking refers.

Regional Significance:

Not applicable.

Sustainability implications:

Cash-in-lieu of car parking enables public car parking to be provided in strategic locations, and assists in reducing the amount of private land that is given over to car parking, which could be used for other development.

Regulating the amount of car parking in the City Centre will also assist in encouraging other forms of transport to access the City Centre.

Consultation:

Not applicable.

COMMENT

The updated cash in lieu figures ensure that any cash in lieu required is paid at the current market rate. It is recommended that Council amends the Schedule of Fees and Charges to include the revised cash in lieu parking fees.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION**That Council:**

- 1 NOTES the review of Cash-in-Lieu Car Parking Fees for the City of Joondalup;**
- 2 AGREES to the following updated fee relating to cash-in-lieu payment for car parking to be included in the 2009/10 budget:**
 - Joondalup City Centre - \$34,323**
 - Standard District Centres (Service Industrial/Commercial Land) - \$25,929**
 - Beachfront Commercial - \$69,429**

ITEM 32 MINOR AMENDMENTS TO CITY'S MASTER PLANNING PROCESS – [69612]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

To provide details of the proposed minor amendments to the City's Master Planning Process.

EXECUTIVE SUMMARY

In April 2008, Council endorsed the City's Master Planning Process. The first master planning project being undertaken by the City is the Edgewater Quarry site. The second project approved by Council is the Percy Doyle Reserve Master Plan.

In initiating the Percy Doyle Reserve project, a review of the Master Planning Process was conducted. Through the Edgewater Quarry project, a better understanding has been gained on the most effective way to implement the master planning process. Some minor amendments to the process have been recommended including combining the concurrent planning and initiation stages into one stage, changing the timings for key tasks and changing the terms 'Council Action' to Elected Member engagement in each consultation process.

This report outlines the minor amendments recommended to the Master Planning Process.

It is recommended that Council ENDORSES the City's revised Master Planning Process.

BACKGROUND

At its meeting in April 2008, Council gave consideration to a report on master planning principles and processes (CJ062-04/08 refers) and resolved to:-

“ENDORSE the City's Master Planning Principles and Process to be applied to all future developments and upgrades of sport, leisure and recreational facilities and infrastructure within the City, as detailed in Attachments 1 and 2 to Report CJ062-04/08;

NOTE that further master planning projects will be listed for consideration in the 2008/2009 budget.”

The first master planning project being undertaken by the City is the Edgewater Quarry site. The second project approved by Council is the Percy Doyle Reserve Master Plan.

DETAILS

In initiating the Percy Doyle Reserve Master Planning Project, a review was conducted of the City's Master Planning Process. This review was undertaken in light of what has been learnt to date through the Edgewater Quarry Master Planning Project. As this project is now approaching the Concept Design stage, a better understanding has been gained on the most effective process for master planning projects.

A copy of the City's original Master Planning Process has been provided in attachment 1, with the proposed Master Planning Process detailed in attachment 2. The key changes to the process have been summarised below;

- Involvement of Elected Members (Consultation)
The involvement of Elected Members in the process is currently referred to as "Council Action". This has been amended where appropriate to reflect the fact that it is actually Elected Member engagement and consultation that is undertaken rather than a direct action or resolution of Council that is required. This change has been proposed for Stages 1, 2, and part of stage 3.
- Project Initiation and Project Planning
Stage 1 (Project Initiation) and Stage 2 (Project Planning) have been combined into one stage (Project Initiation and Planning). Previously these two stages occurred concurrently, so combining them into one stage is a logical amendment that will improve efficiency in the process.
- Detailed Design
Developing a detailed design for a concept plan was originally listed in the Funding and Approval stage. This has been moved into the Feasibility Analysis stage to ensure the projected costs of the proposed concept plan are taken into consideration when assessing the feasibility for a project.
- Community Consultation
The Community Consultation process in the Construction stage has been amended to reflect that the consultation actually occurs before the construction phase takes place.

Link to Strategic Plan:

Objective 1.2: To engage proactively with the community.

Strategy 1.2.4: The City maintains its commitment to public engagement, allowing, deputations and public statement times, in addition to the legislative requirements for public participation.

Outcome: The City acts with a clear understanding of the wishes of its community.

Objective 5.2: To facilitate healthy lifestyles within the community.

Strategy 5.2.1: The City provides high quality recreation facilities and programs.

Outcome: The Joondalup community is provided with opportunities to lead a healthy lifestyle.

COMMENT

The Master Planning process was developed to provide clear direction for the City in undertaking Master Planning projects including details of when data and information is collected, how Elected Members and the community are engaged and the timelines established for each stage. The minor amendments to the process outlined in this report will ensure that the integrity of the Master Planning Framework remains, with improvements based on “lessons learnt” through the Edgewater Quarry project.

ATTACHMENTS

Attachment 1 Original Master Planning Process

Attachment 2 Revised Master Planning Process

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council ENDORSES the City’s revised Master Planning Process as outlined in Attachment 2 to this Report.

Appendix 27 refers

To access this attachment on electronic document, click here: [Attach27brf100209.pdf](#)

ITEM 33 PROPOSED ADDITIONS OF SELF STORAGE UNITS TO AN EXISTING SELF STORAGE FACILITY AT LOT 304 (129) WINTON ROAD, JOONDALUP – [034060]

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 the addition of 280 self-storage units, being an extension to an existing self-storage facility at Lot 304 (129) Winton Road, Joondalup.

EXECUTIVE SUMMARY

The proposal involves the addition of 280 storage units to the existing self storage facility. The subject site is located at the northern end of Winton Road, immediately south of Shenton Avenue and immediately east of the Mitchell Freeway Reserve, Joondalup.

An identical application was previously approved by Council at its meeting of May, 2006. This application has been re-submitted as the approval under DA06/0287 (dated 9th June, 2006) has lapsed.

The proposal represents the final stage of development for the self storage facility. The first two stages of the development occurred in 1997 and 1999 respectively. There are currently 500 units within the self-storage facility, with a Net Lettable Area (NLA) of approximately 5800m². There are 77 car parking bays servicing the existing stages of the development. A further 18 bays are proposed to be added.

The proposed extensions comprise a two-storey building, with 1717m² NLA floor space to be provided on both floors (3424m² totals).

"Self Storage Facility" is a use not listed under the District Planning Scheme No 2 (DPS2), however the existing use of the site is considered to be consistent with the objectives and purpose of the Service Industrial Zone.

BACKGROUND

| | |
|-------------------------|--------------------------------|
| Suburb/Location: | Lot 304 Winton Road, Joondalup |
| Applicant: | Planning Solutions |
| Owner: | Trust Company of Australia |
| Zoning: | DPS: Service Industrial |
| | MRS: Urban |
| Site Area: | 1.3626 hectares |
| Structure Plan: | Not Applicable |

The subject site is located at Lot 304 (129) Winton Road, Joondalup, at the northern end of Winton Road, immediately south of Shenton Avenue and immediately east of the Mitchell Freeway Reserve. The site, which is partly developed, is currently used as a self storage facility.

This is the third and final stage of development of this site. The previous stages of the development were approved in 1997 and 1999 respectively. The plans for the first two stages showed an outline plan for the total development of the site. The third stage is similar to this plan, apart from the development being two storeys and located along the southern boundary.

The first stage of the development involved the construction of 4 buildings with a total storage floor space of approximately 4000m². There were 60 car parking bays provided to service the storage units.

The second stage of the development involved extensions to the existing buildings and construction of a single stand-alone storage building. The floor space of the second stage additions was approximately 1800m². An additional 17 car parking bays were provided to service this stage of the development.

At its meeting of May 2006, Council resolved that pursuant to Clause 3.3 of DPS2 the proposed use is consistent with the objectives of the service industrial zone, and should be permitted. It was further resolved to accept a car parking standard of 1 car parking bay per 100m² of NLA for this use class.

DETAILS

The proposed development consists of the addition of 280 self storage units to an existing 500 unit self storage facility within the Winton Road service industrial area. The proposed additions are two storey with a floor space addition of 3424m² NLA. Nil setbacks are proposed to the western (approximately 30 metres in length) and southern (approximately 77 metres) boundaries. The depth of the buildings is proposed to be approximately 20 metres.

A goods hoist and stairs are proposed, to provide access to the second storey storage units. It is also proposed that trolleys be provided adjacent to the goods hoist, to assist customers in transferring their goods to the second storey units.

An additional 18 car parking bays are proposed to service the additions, resulting in a total of 95 bays servicing the fully developed self-storage facility.

The following table outlines compliance with DPS2:

| STANDARD | REQUIRED | PROVIDED | COMPLIANCE |
|--|------------------------------|-----------------|-------------------|
| Building Setback for Non Residential Buildings | | | |
| Front Boundary (east) Winton Rd Frontage | Minimum 6m | 15.7m | Yes |
| Side and rear boundaries | As per the BCA Nil Permitted | Nil | Yes |

Issues and options considered:

Council is required to determine whether the proposed land use is consistent with an existing use under Table 1 of District Planning Scheme No 2. If it is not it is deemed to be an unlisted land use class.

If Council determines it to be a listed use class, the application must be determined in accordance with the permissibility of that use in the Service Industrial zone under DPS2. However, if it is considered that the proposed use is a use class not listed in DPS2, Council then needs to determine whether the proposal meets the objectives and purpose of the Service Industrial Zone and therefore, if the proposed use:

- (i) may be consistent with the objectives and intent of the zone, and advertising of the proposal is required before a decision can be made on the development application, and;
- (ii) should be considered to be a permitted land use; or
- (iii) is a prohibited land use

Secondly, having determined the land use classification, Council is then required to make a determination on the application for Planning Approval. In this instance, the issues to be considered are car parking, design and setbacks.

Link to Strategic Plan:

The proposal is not considered to have any strategic plan impacts as the self storage facility is an existing development.

Legislation – Statutory Provisions:

The subject site is zoned Service Industrial under the City's DPS2. Clause 3.10 of states:

The Service Industrial Zone is intended to provide for a wide range of business, industrial and recreational developments which the Council may consider would be inappropriate in Commercial and Business Zones and which are capable of being conducted in a manner which will prevent them being obtrusive, or detrimental to the local amenity.

The objectives of the Service Industrial Zone are to:

- (a) *accommodate a range of light industries, showrooms and warehouses, entertainment and recreational activities, and complementary business services which, by their nature, would not detrimentally affect the amenity of surrounding areas;*
- (b) *ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas.*

With regard to the self storage facility being a use class not listed, Clause 3.3 of the Scheme states:

If the use of the land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:

- (a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*
- (b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the procedures set down for an 'A' use in Clause 6.6.3 in considering an application for planning approval; or*
- (c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*

Clause 4.5.1 of DPS2 allows the City to approve development proposals where standards or requirements of the Scheme have not been complied with:

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

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

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

Clause 4.8 of DPS2 allows the City to consider appropriate car parking standards for all types of development within the City as follows:

4.8 Car Parking Standards

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

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

Clause 6.8.1 of DPS2 requires that Council, when considering an application for Planning Approval, shall have due regard to the following:

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

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

Not Applicable

Policy implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

As outlined later in this report, it has been recommended that the land use be considered to be consistent with the objectives of the Service Industrial zone and thereby a permitted land use, not requiring public advertisement. The need to advertise the proposal is contingent upon Council's acceptance of this recommendation.

COMMENTDetermination of Land Use and Permissibility

The Town Planning Delegation Notice does not give delegated authority to determine an application for a use class not listed in Table 1 of DPS2 (the Zoning Table).

It is considered that a "Self Storage Facility" is not a listed land use in Table 1 – The Zoning Table of the DPS2. Therefore, Council is required to determine the matter having regard to the provisions of Clause 3.3 of DPS2. Under clause 3.3, it is necessary for Council to determine whether:

- (i) the application meets the objectives of the Service Industrial zone and is therefore permitted;
- (ii) the proposed use may be considered with the objectives and purpose of the Service Industrial Zone and, consequently should be advertised in accordance with clause 6.7 or
- (iii) the use is not consistent with the objectives and therefore refuse the application.

The objectives of the Service Industrial zone are to:

- (a) *accommodate a range of light industries, showrooms and warehouses, entertainment and recreational activities, and complementary business services which, by their nature, would not detrimentally affect the amenity of surrounding areas;*
- (b) *ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas.*

The proposed self storage units are a relatively low-key land use which will provide for the storage of goods by individuals and businesses. The proposed use is similar in nature to warehouses and storage depots which have been established throughout the Winton Road service industrial area. The existing self storage facility has operated for a number of years without incident, and in this regard it is considered that the proposed additions will not detrimentally affect the amenity of the surrounding area.

With regard to (b) above, it is considered appropriate that a condition be imposed on the development approval requiring further articulation of the rear façade of the development facing the Mitchell Freeway. The current design depicts a blank concrete façade, however further articulation in the form of the feature panels as shown on the eastern front elevation of the proposal finished in the same colours and materials will assist in breaking up the building bulk.

The draft Joondalup City Centre Structure Plan proposes that lots adjoining the freeway be constructed with a minimum 25% of the façade facing the freeway reserve to be glazed. As only a small portion of the façade will be visible from the Mitchell Freeway glazing was considered not to be necessary. Additionally the rear façade will be screened by existing vegetation within the reserve and the topography of the freeway batter (refer to Site Photographs – Attachment 3).

In light of the above, it is considered that the proposed additions to the self storage units are consistent with the objectives and purposes of the Service Industrial Zone, as the use will be similar in nature to existing development on the site and within the surrounding locality, and would not detrimentally affect the amenity of the surrounding area.

The existing and proposed land use is therefore considered to be a use class not listed in Table 1 – The Zoning Table of DPS2, however, the land use is considered to be consistent with the objectives and purposes of the Service Industrial zone. If Council is of a similar position, then it is required to resolve as such in accordance with clause 3.3(a) of the Scheme.

Setbacks

The design of the development proposes to continue the building line from the existing storage units along the western boundary of the development site for approximately 30 metres, and then for a length of 77 metres along the southern boundary. Nil setbacks are proposed to the western and eastern boundaries. The depth of the building is proposed to be approximately 20 metres with a height of 6.5 metres. Access to the development is proposed to be provided from the existing crossover onto Winton Road.

DPS2 requires development within the Service Industrial zone to have a minimum setback of 6 metres from the front boundary, with side and rear setbacks to meet the requirements of the Building Codes of Australia (BCA). The BCA allow buildings to be constructed to a boundary provided the walls achieve the correct fire rating and openings are either a minimum of 3 metres from the boundary or protected. The proposal complies with these requirements.

Car Parking

DPS2 does not prescribe a car parking standard for a Self Storage Facility. In terms of the development of the total site, 77 bays have already been provided on the subject site, through the previous planning approvals. An additional 18 car parking bays are proposed to service the additions. With the total floor space of the additions being in the vicinity of 3400m², the proposed parking for the additions is at a rate of approximately 1 bay per 189m².

With a total existing floor space of 5833m², the current car parking provision is at a rate of 1 bay per 75m². The combined car parking, inclusive of the additions and the existing development, represents a total of 95 bays and a total NLA of 9267m². The overall rate for the development (Stages 1, 2 and 3 combined) would therefore be in the order of 1 per 98m² NLA.

In this instance, it is considered appropriate that a car parking standard of 1 car parking space per 100m² of NLA for the overall development should apply, given that:

- industrial car parking standards have been established for uses such as factories and warehouses, which have different customer usage patterns than self storage units and generally have greater number of employees (for example warehouse has a car parking requirement of 1 bay per 50m²);
- A maximum of 2 persons are employed at the self storage facility at any given time, and the City has no record of complaint or issue related to the current parking provision at the facility;
- Persons with materials stored in a self storage facility would not be expected to access these materials on a regular basis;
- Site visits undertaken by the City's Officers have indicated minimal parking usage of the facility during regular work hours.

In light of the above, it is considered that the proposed allocation of 18 additional car parking bays is appropriate, and will be sufficient to accommodate the anticipated demand for the facility.

Additionally, Council previously resolved to support a car parking standard of 1 bay per 100m² NLA. This development proposal has not been altered and is in accordance with the car parking standard.

Conclusion:

The proposed use class "Self Storage Facility" is considered to be consistent with the objectives of the Service Industrial Zone, and therefore it is recommended that it be determined that it is a permitted use in this zone. The proposed addition of 280 self storage units is supported, as the proposal is generally consistent with the previously approved and constructed stages of the self storage facility, and the objectives of the Service Industrial Zone.

The car parking provision for the site is supported, given the likely limited demand for use of the site.

This application is identical to the expired Development Application (DA08/0287 – dated 9 June, 2006). It is recommended that Council conditionally approves the application for planning approval.

ATTACHMENTS

| | |
|--------------|-------------------|
| Attachment 1 | Locality Plans |
| Attachment 2 | Development Plans |
| Attachment 3 | Site photographs |

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 DETERMINES under Clause 3.3(a) of District Planning Scheme No 2 that:**
 - (a) Self Storage Facility is deemed to be a use class not listed;**
 - (b) The proposed use meets the objectives and purpose of the Service Industrial zone, and therefore, is a permitted land use;**

- 2 Having regard to Clause 4.8.2 of the City of Joondalup District Planning Scheme No 2, DETERMINES that:**
 - (a) the car parking standard for the use “Self Storage Facility” shall be one (1) car parking bay per 100m² Net Lettable Area;**
 - (b) the number of existing and proposed parking bays meets the standard referred to in 2(a);**

- 3 Subject to 1 above, APPROVES the application for planning approval received on 12 December 2008, submitted by Planning Solutions Pty Ltd on behalf of the landowner, Trust Company of Australia, for the proposed additions and extensions to the existing self storage facility at Lot 304 (129) Winton Road, Joondalup, subject to the following conditions:**
 - (a) The provision of 18 additional car parking bays, as depicted on the approved plans;**
 - (b) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for off street Car Parking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building program;**
 - (c) An on site stormwater drainage system and points of ingress and egress to be designed in accordance with the Australian Standards for Offstreet Car Parking (AS2890). Such areas are to be constructed, drained and marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building program;**
 - (d) Parapet walls abutting the Mitchell Freeway Reserve and on the southern boundary on the development shall be of a clean finish and made good with anti-graffiti coated protection;**
 - (e) Landscape, reticulation and all verge treatments to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;**

- (f) **The vehicle movement system shall be clearly marked on the pavement of the approved area prior to the occupation;**
- (g) **No waste or other goods shall be stored on site. Except within the confines of the storage units;**
- (h) **Any advertising signage shall be subject to a separate application for Planning Approval.**
- (i) **Further articulation is to be provided to the western façade of the development facing the Mitchell Freeway in the form of featured panels as shown on the eastern elevation in the same colours and materials.**

Appendix 28 refers

To access this attachment on electronic document, click here: [Attach28brf100209.pdf](#)

ITEM 34 DEDICATION OF PORTION OF WARWICK ROAD, DUNCRAIG- [09384]

WARD: South

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

For Council to consider advising the Department for Planning and Infrastructure's State Land Services Division that Council is agreeable to the dedication of a portion of Warwick Road, Duncraig.

EXECUTIVE SUMMARY

A search by the Department for Planning and Infrastructure (State Land Services) records has revealed that a portion of Warwick Road, Duncraig, was not formally dedicated at the time the surrounding land was subdivided in the 1970's. State Land Services wishes to dedicate this portion of road and requests confirmation from the City on whether the public has had uninterrupted use of this road for a period not less than ten (10) years and whether the City is agreeable to the dedication of the private road as a dedicated road.

BACKGROUND

Suburb/Location: Subject land held in Certificate of Titles 537/100A, 1368/535, 1340/701, 1418/183, 1365/790, 1327/676 and 1378/201 Warwick Road, Duncraig
Applicant: State Land Services
Owner: The Crown
Zoning: **DPS:** Other Regional Roads Reserve
MRS: Other Regional Roads Reserve
Site Area: Approximately 3.3364ha
Structure Plan: N/A

State Land Services has notified the City that a portion of Warwick Road requires dedication. The subject portion of road was constructed at the time the surrounding land was subdivided in the 1970's, however the road has not been formally dedicated.

DETAILS

Issues and options considered:

The role of the City is to advise State Land Services whether it is agreeable to the private road being dedicated as a public road, and whether the public has had uninterrupted use of the subject land for a period not less than ten (10) years under Section 56 (1) (c) of the Land Administration Act 1997.

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

A dedicated road is one that has been created by a lawful process, whether by approval of a plan creating the road, or by publication in the Government Gazette or State newspaper of a notice of dedication, or by registration against a Crown Land Title of an order declaring that the land has been set aside for such purposes. Most roads within the City are dedicated through the freehold subdivision process.

Occasionally, it will be discovered that a road that has been used by the public for many years is not dedicated. In this situation a resolution is required to dedicate the land as a public road in accordance with Section 56 of the Land Administration Act.

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

The dedication of portion of Warwick Road as public road is an administrative process to rectify the identified anomaly. As the public has had uninterrupted use of the subject land for a period of not less than ten (10) years, it is considered appropriate that the City advise State Land Services it is agreeable to the private road being dedicated as a public road.

ATTACHMENTS

Attachment 1 – Location Plan – Road Dedication

Attachment 2 – Portion of Warwick Road subject to dedication

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council, in accordance with Section 56 (1) (c) of the Land Administration Act 1997 ADVISES State Land Services that:

- 1 the public has had uninterrupted use of the portion of Warwick Road held in Certificates of Titles 537/100A, 1368/535, 1340/701, 1418/183, 1365/790, 1327/676 and 1378/201 for a period of not less than ten (10) years;**
- 2 the City is agreeable to the dedication of the private road as a dedicated road.**

Appendix 29 refers

To access this attachment on electronic document, click here: [Attach29brf100209.pdf](#)

ITEM 35 REQUEST FOR CLOSURE OF PEDESTRIAN ACCESSWAY BETWEEN MURRAY DRIVE AND GIPPS COURT, HILLARYS – [55212]

WARD: South-West

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

The purpose of this report is for Council to consider a request to close the pedestrian accessway (PAW) between Murray Drive and Gipps Court, Hillarys.

EXECUTIVE SUMMARY

The applicant has requested the closure of the pedestrian accessway (PAW) on the grounds that the PAW attracts antisocial behaviour. The request was advertised for public comment and as part of the advertising process, questionnaires were forwarded to local residents seeking their view on the closure of the PAW.

The City's Policy 7-16 Pedestrian Accessways requires evaluation of the request by assessing Urban Design, Nuisance Impact, and Community Impact aspects.

Based on the public consultation and assessment, it is recommended that Council does not support the closure between Gipps Court and Murray Drive.

BACKGROUND

| | |
|-------------------------|-------------------------|
| Suburb/Location: | Hillarys |
| Applicant: | Mr T A & Mrs T M Jaffa |
| Owner: | Crown Land |
| Zoning: | DPS: Residential |
| | MRS: Urban |
| Site Area: | Not Applicable |
| Structure Plan: | Not Applicable |

The PAW is located between Murray Drive and Gipps Court and is approximately 4 metres in width and 60 metres in length. The PAW was inspected on 9 September, 2008 and was in fair condition, with no evidence of graffiti or damage to the fencing. Attachment 1 contains a location plan and Attachment 2 contains photographs of the PAW. Three of the four adjoining owners are prepared to purchase the land within the PAW, should the closure proceed. The fourth owner is not prepared to purchase the land, however the adjoining owners will purchase this share.

DETAILS

Applicant's justification

In support of the request to close the PAW, the applicant states:

"...the danger, damage to property and inconvenience it causes to the adjacent properties can only be justified if its existence benefits a significant majority."

“To our mind, the PAW does not provide an important access route to community services or facilities, other than a select few, and then perhaps only to the local park”.

“The many well recognised flaws of loss of privacy, safety issues, illegal dumping, graffiti, noise pollution and increased crime occur here as in probably most other PAW’s.”

The applicant has provided a list of incidents associated with the PAW including persons found climbing PAW fence into neighbouring properties, gathering of youths in the PAW, bottles, drug paraphernalia and other rubbish dumped in the PAW. Other specific incidents reported by the applicant include:

- A house insurance claim in 2002 for damaged fencing;
- The riding and dumping of shopping trolleys in the PAW;
- Using the PAW to escape after stealing a wheelie bin and then riding this bin down Flinders Ave; and
- The attempted break-in and poisoning of a dog.

The applicant has recorded a number of occurrences of crime and antisocial behaviour, however, not all these may be directly attributed to the proximity to the PAW and may also occur elsewhere in the suburb. It is also noted that none of these incidences have been recorded against nearby properties through Police or City Watch records in the last 12 months.

Closure Process

A request can be made to close a PAW from an adjoining landowner/s. The City’s Pedestrian Accessway Policy assists to guide the process of evaluation. From the outset, the City must have an indication that some or all of the adjoining landowners are prepared to acquire the land within the PAW, pay all the associated costs, and meet any necessary conditions or requirements from the service authorities. As part of the process, the service authorities are asked to provide details of any service plant that may be within the PAW that would be affected by the proposed closure and if it can be modified or removed to accommodate the request.

In the event that Council supports the closure, the request is referred to the Department of Planning and Infrastructure (DPI) for determination. If Council and the DPI support an application to close a PAW, then Landgate will arrange a land valuation and commence formal closure actions, including the carrying out of any requirements of the service authorities, and the purchase and amalgamation of the land into the adjoining properties.

Service Authorities Requirements

All service authorities have advised that they have no objection to the proposed PAW closure.

In this instance, should the proposal be supported for closure, the Water Corporation has advised that an existing water main is located within the area. The main can be cut, capped and the system modified at the cost of the applicant. The cost of these works may exceed \$3000.

Western Power has advised that low voltage cables currently traverse the PAW and an easement will be required to be registered on the affected properties at the cost of the applicant. The easement and appropriate fencing will enable Western Power services access to the cables for maintenance purposes.

Options

Council has the following options when considering this request:

- Support the closure of the PAW and forward the request to DPI.
- Not support the request to close the PAW

Link to Strategic Plan:

Objective 4.1 - To ensure high quality urban development within the City.

Legislation – Statutory Provisions:

The City must agree to support the PAW closure in order for the proposal to progress. If the request for closure is supported the recommendation is forwarded to the WAPC for consideration.

Risk Management considerations:

Not applicable

Financial/Budget Implications:

Not applicable

Policy implications:

Not applicable

Regional Significance:

Not applicable

Sustainability implications:

The provision of PAWs has the ability to support and enhance the wellbeing of the community by providing access to community facilities, public transport, shops and schools. However, PAWs can attract antisocial behaviour and criminal activity.

Consultation:

In accordance with Policy 7-16, a notification sign was placed at each end of the PAW for a period of 30 days, from 17 October 2008 to 17 November 2008. A letter and questionnaire was forwarded to local residents within 400 metres of the PAW (397 letters sent in total). The letter provided the reasons the adjoining owner is seeking the closure and the questionnaire requested information from residents on various matters relating to the use of the PAW. Attachment 3 summarises the returned responses.

COMMENT

Policy 7-16 Pedestrian Accessways provides guidance on the inclusion and design of PAWs in new subdivisions and as well as assessment criteria for the consideration of the closure of existing PAWs.

When the closure of a PAW is requested, a formal evaluation of the application is conducted. This evaluation is composed of three parts; Urban Design, Nuisance Impact and Community Impact. The assessments are rated 'high', 'medium' or 'low' and a recommendation made whether to support the closure or not using the matrix in the policy (Attachment 4).

Urban Design Assessment

The Urban Design Assessment determines the importance of the PAW in the pedestrian movement network by analysing the impact closure would have on homes that are accessible within 400 metres of local community facilities. An additional PAW is located in Colson Court, which provides links to a system of PAWs to provide access to nearby parks and bus stops.

The urban design assessment is rated as 'medium' in accordance with the criteria outlined in the Policy 7-16, as follows:

Medium

- *PAW provides a route to community facilities but not direct*

The PAW route provides an access to Hillarys Shopping Centre, however, an alternative route is more direct. The PAW route does provide a direct route for some properties to Mawson Park and public transport on Flinders Avenue.

- *An alternative route exists but some inconvenience*

Gipps Court links with Murray Drive and would only be considered a minor deviation.

- *PAW is not designed as a 'safe route to school', 'bike plan'*

The subject PAW is part of a small network of local PAWs. It has been identified as not being a part of the "Safe Routes to School" programme or significant with regard to the City's Bike Plan.

Nuisance Impact Assessment

The Nuisance Impact Assessment is carried out by investigating any reported anti-social behaviour, based on evidence from the applicant, police and City records.

The landowner's justification for closure is that the PAW results in the loss of privacy, safety issues, illegal dumping, graffiti, noise pollution and increased crime.

City Watch records indicate that there had been no reported instances of antisocial activity occurring in the PAW in the past 12 months, however several reports of disturbances have been recorded within the last five years.

Warwick Police indicate that over the past twelve months there was one reported vehicle break-in in the area, however this would not be directly attributed to the PAW.

Based on the above, the Nuisance Impact Assessment is rated as 'low' as per Policy 7.16:

Low

- *Occurrence of criminal activity or antisocial behaviour is considered similar to elsewhere in the suburb.*

No substantiated evidence indicates the frequent occurrence of antisocial behaviour associated with the PAW that would otherwise be higher than elsewhere in the suburb.

- *Types of offences are limited to antisocial behaviour*

Offences attributed to the PAW are generally of an antisocial nature, while the few reports of criminal activity can not be directly attributed to the PAW.

- *The severity of antisocial activity is similar to elsewhere in the suburb.*

Antisocial behaviour has been reported by neighbours in their application. The most recent Council records regarding antisocial behaviour date back to 2001 when two requests for City Watch patrols were required due to the gathering of youths and suspicious persons within the PAW. A similar number of complaints regarding antisocial behaviour have been reported by occupants of properties adjoining the nearby Mawson Park.

Community Impact Assessment

The Community Impact Assessment considers the information provided from the surrounding residents to determine the PAW's level of use.

Attachment 3 indicates the reasons for and frequency of use for those who use the PAW. From the 55 people who responded to the questionnaire (as illustrated in Attachment 5) 19 respondents disclosed that they use the PAW and 36 people indicated that they did not use the PAW. A further two letters of submission were received from people who did not receive a questionnaire but do live locally and wished to object to the proposed closure.

The Community Impact Assessment is rated 'medium' in accordance with the criteria outlined in the Policy 7-16, as follows:

Medium

- *Medium portion of respondents not in favour of closure (over 30%)*

Almost 45% of respondents are not in favour of closure

- *Moderate level of respondents use the PAW regularly*

35% of respondents that use the PAW indicated that they use it on a daily or weekly basis.

- *Moderate portion of users inconvenienced by the closure*

17% of respondents who use the PAW indicate that they would be inconvenienced by the closure.

Final Assessment

The result of each assessment is detailed below:

- Urban Design – Medium
- Nuisance Impact – Low
- Community Impact – Medium

The assessment accords with Case 5 of the Pedestrian Accessway Policy where closure is not supported. Therefore, it is recommended that the PAW between Gipps Court and Murray Drive, Hillarys is not supported for closure.

ATTACHMENTS

Attachment 1 – Location Plan

Attachment 2 – Photographs of Pedestrian Access way

Attachment 3 – Summary of questionnaires results

Attachment 4 – Policy 7-16 Pedestrian Access ways

Attachment 5 – Map of submissions

Attachment 6 – Pedestrian Shed (walkable catchment) Diagram

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1. In accordance with the assessment against Policy 7-16 Pedestrian Accessways, does NOT SUPPORT the closure of the access way between Gipps Court and Murray Drive, Hillarys;**
- 2. ADVISES the applicant and submitters accordingly;**
- 3. ADVISES the Western Australian Planning Commission of Council's decision.**

Appendix 30 refers

To access this attachment on electronic document, click here: [Attach30brf100209.pdf](#)

ITEM 36 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – FROM 25 NOVEMBER TO 31 DECEMBER 2008 – [07032] [05961]

WARD: All

RESPONSIBLE Mr Clayton Higham
DIRECTOR: 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 a committee or an employee of the City.

The purpose of delegation of certain powers by Council, in addition to other Town Planning matters, is to facilitate timely processing of development applications 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 2 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:

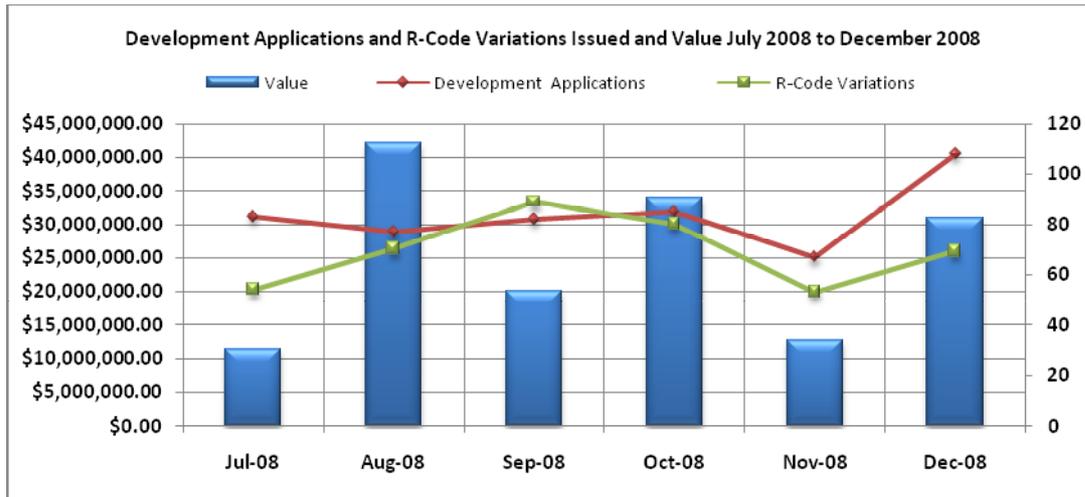
- 1 Major Development Applications
- 2 Residential Design Codes Applications
- 3 Subdivision Applications

This report provides a list of the development and subdivision applications determined by those staff members with Delegated Authority powers during the period from 25 November to 31 December 2008. (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 the period from 25 November to 31 December 2008 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 – from 25 November to 31 December 2008 | | |
|--|---------------|-------------------|
| Type of Approval | Number | Value (\$) |
| Development Applications | 108 | \$21,210,713 |
| R-Code Variations (Single Houses) | 69 | \$ 9,749,178 |
| Total | 177 | \$30,959,891 |



The number of development applications received for the period from 25 November to 31 December 2008 was 123. (This figure does not include any applications that may become the subject of the R-Code Variation process). The R Code Variation figure provided does not include the Code Variations determined as a Building Licence Application.

| Subdivision Approvals Processed Under Delegated Authority From 25 November to 31 December 2008 | | |
|---|--------|--------------------|
| Type of Approval | Number | Potential new Lots |
| Subdivision Applications | 6 | 6 |
| Strata Subdivision Applications | 10 | 20 |

The above subdivision applications may include amalgamation and boundary realignments which may not result in any additional lots.

The District Planning Scheme No 2 requires that delegation be reviewed 2 yearly, unless a greater or lesser period is specified by Council. Council, at its meeting of 13 May 2008 considered and adopted the most recent Town Planning Delegation for the period to 17 July 2009.

DETAILS

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, any relevant Town Planning Scheme Policy and/or the District Planning Scheme.

Of the 108 development applications determined from 25 November to 31 December 2008, consultation was undertaken for 55 of those applications. Of the 16 subdivision applications determined during December 2008, no applications were advertised for public comment, as the proposals complied with the relevant requirements.

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 25 November to 31 December 2008 – Decisions - Development Applications

Attachment 2 25 November to 31 December 2008 - 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 this report from 25 November to 31 December 2008;**
- 2 The determinations made under Delegated Authority in relation to the subdivision applications described in this report from 25 November to 31 December 2008.**

Appendix 31 refers

To access this attachment on electronic document, click here: [Attach31brf100209.pdf](#)

ITEM 37 RESPONSE TO PETITIONS - KINROSS SKATE PARK – [09103]

WARD: North

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE

To consider a 295-signature petition calling for the closure of Kinross Skate Park, a 118-signature petition seeking for the Kinross Skate Park to remain open and recommend strategies for ongoing management of the facility.

EXECUTIVE SUMMARY

A 295-signature petition from residents in and around the Kinross area, presented to Council on 25 November 2008, requested *‘the removal and possible relocation of the Kinross MacNaughton Skate Park due to continual vandalism and anti-social behaviour creating fear in the area, and causing the degrading reputation of Kinross, as a suburb, and the effect this will have on our property values.’*

A 118-signature petition from residents in and around the Kinross area, to be presented to Council on 17 February 2009, requested *“that Council retain the Skate Park facility at McNaughton Park and implement improved safety and security measures in and around the facility to deter anti-social behaviour”.*

The purpose of this report is to provide Council with an overview of options to manage Kinross Skate Park and resolve community concerns.

This report will recommend that Council:

- 1 *NOTES the issues raised in the petitions;*
- 2 *ENDORSES the continuation of the current management strategies pending development of Facility Management Plan for the Kinross Skate Park;*
- 3 *ADVISES the petitioners of Council’s decision.*

BACKGROUND

The establishment of the Kinross Skate Park was agreed by Council in February 2001 after an extensive skate park site assessment incorporating 16 possible locations. The skate park was officially opened in November 2002.

Over the last 18 months the skate park has been the focus of both the community and the City for a number of reasons including graffiti, anti-social behaviour, litter and the general amenity of the area.

The facility has been managed in an ad-hoc manner resulting in the general degradation of the area. In June 2008, a working group was established to develop and implement strategies to reduce/resolve the concerns of the local community. Officers from Youth Services, Recreation Services, Operations, Community Safety and City Watch are on the working group.

A major clean up of the area including the implementation of graffiti control measures and resurfacing of skate park was completed in 16 June 2008.

Strategies that have continued to be implemented since July 2008 include -

- Minor infrastructure works
- Refuse collections increased from 3 days a week to 5 days a week
- Increased presence of the Youth Mobile Bus
- Increased presence of Youth Outreach Team
- Graffiti removal from facility - twice weekly (weather permitting)
- Increased City Watch patrols when requested
- Ongoing targeting of criminal activity provided by Police
- Liaison with the Kinross Shopping Centre to gain co-operation to remove objects such as pallets from outside the Centre so they are not taken into the skate park.

The management strategies for the Kinross Skate Park are proving beneficial in terms of a reduction in complaints from residents, a reduction in anti-social behaviour and increased engagement with the young people utilising the facility. There is however, a strong likelihood that these issues will re-emerge if management of the facility does not continue.

DETAILS

Issues and options considered:

The working group have developed four options for dealing with issues raised in the petitions:

1. Remove Current Management Strategies/Self-Manage

The current management strategies being implemented could be removed and the facility could return to its self-managed status as occurred between 2002 and 2008. Historically this self-managed approach has led to the issues currently faced within the area and will not reduce the concerns of the local community.

2. Maintain Current Management Strategies/Develop Facility Management Plan

Current management strategies could remain in place until a facility management plan for the Kinross Skate Park is developed.

Facility management plans are currently being utilised by the Cities of Wanneroo and Stirling for their skate parks. These plans will provide the City with examples of best practice. Key components of the City's plan would include –

- Project management structures
- Community safety
- Community involvement
- A comprehensive maintenance program
- Guiding principles that will be used in planning for future facilities.

If this option is progressed, it is recommended that an evaluation of the effectiveness of the Facility Management Plan is undertaken 12 to 18 months after implementation to ascertain if community concerns are being addressed.

3. Fill In/Close Facility

The suburb of Kinross currently has limited youth programs and facilities so a reduction in scarce facilities could lead to an increase in anti-social behaviour and criminal activity. The removal of the skate park may create an adverse reaction from pro-facility community members and penalise legitimate facility users for the actions of a small minority.

Since the receipt of the closure petition, the City has received correspondence from two residents indicating that they do not want the facility closed. One of these residents has indicated they will be starting a petition to have the skate park remain open. The Kinross Residents Association has also expressed concern about the closure petition.

4. Build New Facility/Close Kinross Skate Park

Significant planning would need to be conducted in order to address the contemporary needs of users of skate parks who are no longer just skateboarders. Other users consist of BMX, scooter riders and roller-bladers.

Consideration would also need to be given to the most appropriate site for a new multipurpose park. Aspects for considerations are – space required, undulation of the land, proximity to public transport, proximity to residential areas, lighting and flexibility of design for future uses.

If this option is taken, it would be optimal to build the new facility before closing the existing skate park. This is so that facilities continue to be available for the majority of young people who access these facilities for their intended purpose.

Link to Strategic Plan:

Key focus area: Community Wellbeing

Objective 5.2: To facilitate healthy lifestyles within the community.

Strategies: 5.2.1 The City provides high quality recreation facilities and programs.

Legislation – Statutory Provisions:

Not Applicable

Risk Management considerations:

There is the potential risk of ongoing anti-social behaviour and damage to surrounding infrastructure and private property if the facility remains open. It is anticipated that the ongoing management strategies and the Facility Management Plan will be a risk mitigation strategy.

There is potential for an adverse reaction from members of the community who are opposed to the closure of the skate park. There is also potential for anti-social behaviour and damage to escalate if youth facilities are removed from the community.

Financial/Budget Implications:

The projected expenditure is dependent on which option is endorsed.

Estimates for the various options are:

Option 1

A return to the level of service before the intervention in June 2008 can be absorbed into the existing operational budget.

Option 2

In order to maintain the current management strategies, additional funding in the vicinity of \$70,000 may be required for ongoing graffiti removal and increased youth services. The remaining strategies are being absorbed into the existing operational budget. An amount of \$50,000 has been included in the draft 2009-10 budget to undertake infrastructure works that may be required as part of a Facility Management Plan.

Option 3

It is estimated that to fill in and close the skate park will require funds in the vicinity of \$15,000 to \$20,000.

Option 4

Dependent on the size, a new facility could cost between \$250,000 and \$300,000 for capital. Ongoing management and maintenance could be in the vicinity of \$50,000 to \$80,000 per year.

Policy implications:

Not Applicable

Regional Significance:

Kinross Skate Park is the only permanent purpose built facility within the City. It provides opportunity to local talent to compete in regional competitions.

Sustainability implications:

Not Applicable

Consultation:

Ongoing consultation has been in place since June 2008 in response to reports of damage and anti-social behaviour at the skate park. Groups involved in discussions and consultation have been both internal and external as listed below -

Internal

Community Safety
City Watch
Recreation Services
Youth Services
Operations

External

Community members
Facility users
Young People
Kinross Residents Association
Kinross Shopping Centre Management

COMMENT

Analysis of the 295-signature petition reveals that 216 identified as Kinross residents, 46 of which reside adjacent to and or one street back from MacNaughton Reserve on which the skate park is situated. The remainder are non-Kinross residents or did not provide an address.

Analysis of the 118-signature petition reveals that 85 identified as Kinross residents, 26 of which reside adjacent to or one street back from MacNaughton Reserve. The remainder are non-Kinross residents or did not provide an address.

The total population of Kinross is 7,083 (2006 census), the predominant age group that frequent the facility are 12-17 years old which represents 12.9% of the Kinross population. Kinross has been identified through community profile data to currently be and forecasted to be the highest youth-populated suburb within the City. Young people in Kinross have limited access to youth-appropriate programs and service. A reduction in scarce facilities could lead to an increase in anti-social behaviour and criminal activity.

Given that the City has yet to implement a strategy of utilising a Facility Management Plan for the Kinross Skate Park, and this appears to have a degree of success in other Councils, it is recommended that Option 2 is supported. If this option is progressed, it is recommended that an evaluation of the effectiveness of the Facility Management Plan is undertaken 12 to 18 months after implementation to ascertain if community concerns are being addressed.

ATTACHMENTS

Attachment 1 History of the Kinross Skate Park.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 NOTES the issues raised in the petitions;**
- 2 ENDORSES the continuation of the current management strategies pending development of Facility Management Plan for the Kinross Skate Park;**
- 3 ADVISES the petitioners of Council's decision.**

Appendix 32 refers

To access this attachment on electronic document, click here: [Attach32brf100209.pdf](#)

ITEM 38 DRAFT JOONDALUP CITY CENTRE STRUCTURE PLAN – [00152]

WARD: Central

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE

For Council to consider advertising the draft Joondalup City Centre Structure Plan (Structure Plan) for public comment and initiating the associated amendment to the District Planning Scheme No. 2 (DPS2).

EXECUTIVE SUMMARY

The Joondalup City Centre Development Plan and Manual (JCCDPM), in its current form, is now some 13 years old. While the JCCDPM may be seen to have been moderately successful during the early development of the City Centre, it is now not considered to be the most appropriate framework to move the City Centre forward in its next phase of development.

Throughout 2008, a number of sessions have been undertaken with elected members to collect feedback on the aspirations for the future of the Joondalup City Centre. This resulted in Council adopting Key Principles to be included in the revised Joondalup City Centre Structure Plan.

A new structure plan has been drafted, and the draft document is now at a point where public feedback is appropriate.

A complementary amendment to the City of Joondalup District Planning Scheme No. 2 (DPS2) has also been prepared, and is attached for information. Should the proposed scheme amendment be considered satisfactory, it is required to be formally advertised for public comment prior to further consideration by Council.

Council at its December 2008 meeting resolved:

“that this matter be DEFERRED to the next Council meeting to be held 17 February 2009, to allow investigation into the impact of the business park on the Structure Plan.”

The December 2008 report is reproduced below, together with additional information contained within the Comment section.

BACKGROUND

The current JCCDPM was last updated in 1995. Since then significant development has occurred within the City Centre, however the quality and scale of the urban form is not truly representative of the intentions of the Development Plan.

This review of the 1995 JCCDPM was initiated to adopt a planning framework to stimulate the desired outcome and vision for the future.

DETAILS

The purpose of the Structure Plan is to provide a guiding framework for the growth and evolution of the Joondalup City Centre in a form that enables it to perform and sustain its role as the predominant strategic regional centre of activity in the northern corridor of the Perth Metropolitan area.

The 2009 Structure Plan (Attachment 1 refers) is the product of the review of the 1995 JCCDPM.

The Structure Plan is comprised of:

- the Structure Plan text which contains the objectives and principles that guide development within the Structure Plan area;
- the Structure Plan map which depicts the location of the zones with the Structure Plan area, together with a building height plan and residential density code plan; and
- the Structure Plan report which provides the background and philosophy behind the structure plan.

The Structure Plan divides the City Centre into nine new zones. Each Zone defines an area that is intended to have common characteristics and serve a common function in relation to the City Centre as a whole. The Zones are:

- Central core;
- City fringe;
- Mixed use corridor;
- Business Boulevard;
- Business Support;
- Inner City Residential;
- Central Park;
- Arena; and
- Transit Development.

In addition a Scheme Amendment (Attachment 2 refers) has also been prepared which will insert these new zones into DPS2 and provide objectives and land use standards for these zones.

Issues and options considered:

Council at its July 2008 meeting adopted a set of Key Principles that have been included in the draft City Centre Structure Plan as follows:

| Principle | Draft City Centre Structure Plan |
|---|--|
| <ul style="list-style-type: none"> • Encourage commercial development with suitable and substantial height and bulk within the CBD precinct through measures such as: <ul style="list-style-type: none"> - No plot ratio restrictions - Applying minimum heights, but no height limits. - Amalgamation of land to allow for larger development sites | <ul style="list-style-type: none"> • There are no plot ratio limits proposed. • Within the Central Core Zone, there are minimum, but no maximum heights proposed. Within the other Zones, there are minimum and maximum heights proposed. • This issue has not been addressed within the Structure Plan, as further investigation into the possible incentives to encourage amalgamation is required (eg rates reduction, car parking variation), which would be appropriately addressed in a Policy. |

| | |
|---|--|
| <ul style="list-style-type: none"> • Adopt a parking policy which assists in encouraging commercial development in the CBD on the basis of 50% car parking on site and 50% off site. | <ul style="list-style-type: none"> • Draft Parking Policy has been considered by Council and has been advertised for public comment. |
| <ul style="list-style-type: none"> • Incorporate the land between Joondalup Drive, Ocean Reef Road, the Freeway, and Eddystone Avenue within the City Centre Structure Plan, and give preference for employment intensive uses. | <ul style="list-style-type: none"> • The area has been incorporated in the Structure Plan area, and a wide range of land uses permitted (excluding shops). |
| <ul style="list-style-type: none"> • Incorporate the Winton Road Service Industrial area within the City Centre Structure Plan, and plan for office development along the Freeway edge. | <ul style="list-style-type: none"> • The area has been incorporated in the Structure Plan area, and offices are proposed to be a permitted use in the Zone. |
| <ul style="list-style-type: none"> • Incorporate provisions that require quality commercial and mixed use development, by way of: <ul style="list-style-type: none"> - The use of public art - Materials - Public spaces and forecourts - Architectural features | <ul style="list-style-type: none"> • Objectives of the Structure Plan refer to the desired quality of commercial buildings; however, it is appropriate to develop a Policy that addresses these issues in detail. |
| <ul style="list-style-type: none"> • Ensure active street frontages (ground floor) by prohibiting residential uses on the ground floor in the CBD precinct: <ul style="list-style-type: none"> - Permitting alfresco areas - Ensuring 'open' facades (use of glass) - Providing awnings and shelter - Public art - Use of appropriate materials | <ul style="list-style-type: none"> • The Scheme Amendment has provisions that do not permit residential uses on the ground floor within the Central Core Zone, Mixed Use, Business Boulevard, and Transit Development Zone. The Structure Plan requires pedestrian shelter and the use of glass. It is appropriate that issues such as public art and alfresco areas be addressed in policies as these are matters suited to a flexible approach. |
| <ul style="list-style-type: none"> • Ensure an appropriate balance of commercial and residential development, with particular emphasis on preventing exclusively residential development in the CBD precinct at the expense of commercial development. This can be achieved by: <ul style="list-style-type: none"> - Establishing the maximum percentage of residential development within a mixed use development. - Requiring a proportion of office development in mixed use developments. | <ul style="list-style-type: none"> • The Scheme Amendment proposes that a maximum of 50% of the floor space of a building in the Central Core Zone can be utilised for residential development. |
| <ul style="list-style-type: none"> • Introduce mandatory provisions to require 'green' quality buildings. | <ul style="list-style-type: none"> • It is appropriate that this issue be addressed within a policy to respond to developments in standards and the rapidly changing technologies in building construction techniques. |
| <ul style="list-style-type: none"> • Provisions to recognise and build on the existing public transport and accessibility network in the City Centre, by: <ul style="list-style-type: none"> - Eliminating the need for residential density codes - Ensuring a mix of housing - Encouraging tourist accommodation | <ul style="list-style-type: none"> • With the exception of the Inner City Residential Zone, there are no residential densities specified within the Structure Plan. • The Structure Plan allows for single houses, grouped dwellings and multiple dwellings within the Inner City Residential Zone, and multiple dwellings within many of the other Zones. • Within the Central Core, City Fringe and Mix Use Corridor Zones, the permitted land uses include hotel and short stay accommodation. |

Link to Strategic Plan:

Objective 3.1: To encourage the development of the Joondlaup CBD.

Objective 3.2: To increase employment opportunities within the City.

Objective 4.1: To ensure high quality urban development within the City.

Objective 4.2: To progress a range of innovative and high quality urban projects within the City.

Legislation – Statutory Provisions:

Part 9 of DPS2 enables Council to consider a structure plan, subject to approval of the WAPC. Should Council determine the draft structure plan is satisfactory, advertising of the proposal is required in accordance with clause 9.5 of DPS2.

Upon the completion of public advertising, Council is required to consider all submissions within 60 days and proceed to either adopt or refuse to adopt the structure plan, with or without modifications.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

The consultation costs associated with advertising the Structure Plan are unknown at this point.

Policy Implications:

Policies to support the Structure Plan are likely to be necessary. These may include policies on 'green' buildings, bike end of trip facilities and public art. In addition, the Joondalup City Centre Car Parking Policy has been prepared and advertised for public comment.

Regional Significance:

The structure plan is important to ensure that the Joondalup City Centre is the major centre of the north-west region, as intended.

Sustainability Implications:

The development of a 'green buildings' policy will assist with the implementation of sustainability objectives.

Consultation:

Clause 9.5 of DPS2 requires structure plan proposals to be advertised in accordance with the provisions of clause 6.7 prior to further consideration by Council. Clause 6.7 of DPS2 requires a minimum advertising period of 21 days, however, given the status of the City Centre Structure Plan, a 60 day advertising period is proposed.

Advertising would consist of written notification to all adjoining landowners, signs erected in prominent locations throughout the City Centre, advertisements being placed in the Joondalup community newspaper and a notice being placed on the Council website.

It is proposed that a consultation plan be prepared prior to advertising to outline how consultation will occur and who will be targeted, alongside the general community.

In addition to the advertising of the Structure Plan, the scheme amendment is also required to be advertised. Should Council support the initiation of the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review is required. Should the EPA decide that an environmental review is not required, upon the City's receipt of written confirmation of this from the EPA, the City advertises the proposed amendment for 42 days.

Advertising would not occur until late January 2009 in keeping with the City's protocol of not advertising over the Christmas period.

COMMENT

The general aim of the review of the current JCCDPM was to ensure that provisions of the structure plan do not discourage development and limit the Joondalup City Centre's growth as the major centre for the north-west corridor.

The draft does include provisions that may be considered by some to be onerous, in particular, the minimum height of buildings. However, the development of the Joondalup City Centre is at a stage where it needs to take the next step, and 'more of the same' development will not assist in the progression of the City Centre. In order to ensure this occurs, it is proposed that certain provisions (such as minimum building height) cannot be varied under Clause 4.5.1 of DPS2. This may cause some developments to be delayed until such time as it is economically viable for the developer to build to the minimum height, however, it will guarantee a minimum scale of development.

Some of the principles adopted by Council at the July 2008 meeting have been included in the Scheme Amendment rather than the Structure Plan for legal reasons. For example, the restriction on residential land uses at the ground floor of buildings within the Central Core Zone must be controlled through DPS2 and not the Structure Plan. This is the same for the requirement that only a maximum of 50% of a building may be used for residential land uses.

One of the points to note about the Structure Plan and Scheme Amendment is that the Residential Design Codes only apply to the Inner City Residential Zone. The Codes do not apply to development in any of the other zones within the Structure Plan area. The reason for this is that development in the other zones is controlled through the application of provisions such as setbacks, height and land uses. This should allow development of a site to be maximised.

The land between Joondalup Drive, the Freeway, Ocean Reef Road and Okely Park has been included in the Structure Plan as the Transit Development Zone as this land is adjacent to the Edgewater Train Station. It is intended that in the long term this area will contain a mix of residential, office and commercial land uses focused around the train station. However, the development of this Zone will require an overall master plan to ensure this vision is achieved.

In addition to the inclusion of the above land in the Structure plan, the Winton Road Service Industrial area has also been included, and renamed the 'Business Support' zone. This will allow the area to have a broader focus and permit a 'business park' style of development with the inclusion of office as a permitted land use. It is intended that this area have a high standard of built form and support the City Centre, rather than allowing City Centre uses to locate there in preference. For this reason, shops are still not permitted in this area as it is planned that the Central Core be the retail focus of the City. It is also noted that the current 'Southern Business District' precinct is proposed to be incorporated into the 'Business Support' zone.

As a result of the City Centre being divided into zones, rather than districts, the revised Structure Plan has a different look and feel to the current version. The Structure Plan has been drafted in accordance with requirements of DPS2, and will operate alongside the DPS2, rather than instead of the Scheme. As the zones are inserted into the Scheme, both provisions of the Scheme and the Structure Plan will apply. Therefore, development will need to meet both the objectives of the Scheme and the Structure Plan as well as the specific provisions of the Structure Plan.

DPS2 requires that structure plans use the same zones as those listed within DPS2. It was therefore considered appropriate to create new zones, in order to achieve the desired outcome for the City Centre, as none of the existing zones were conducive to the development of a city centre with the appropriate scale and intensity of development. The scheme amendment has been prepared to insert these new zones into DPS2. It is therefore recommended that Council advertise the scheme amendment concurrently with the Structure Plan.

Additional Information

Council at its December 2008 meeting resolved:

“that this matter be DEFERRED to the next Council meeting to be held 17 February 2009, to allow investigation into the impact of the business park on the Structure Plan.”

Impact on Business Park

The draft structure plan does not propose to substantially change the nature of the existing Service Industrial zoned area (to be known as the Business Support precinct under the draft structure plan). The planning implications are that the Service Industrial area was not intended to be a retail location. The City Centre suffers from having its commercial activity being too widespread, and to broaden the permissibility of land use within this area would only worsen this situation. If critical mass and passing trade is to occur at meaningful levels (to support business) then commercial activity needs to be concentrated and adjacent to like businesses. For that reason, retail businesses are better suited to locations such as Central Walk or surrounding commercial areas.

However, it is acknowledged that there are currently constraints in the Service Industrial area in regard to establishment of warehouse or service industrial style developments that incorporate a substantial office component. Given that offices are not currently a permitted use in the Service Industrial area, these types of developments cannot be approved, and Joondalup is missing out on the 'Business Park' style developments. From a planning point of view, the Central Core of the City Centre is still to be the prime location for purely office development. To encourage that, height limits are proposed for the Business Support area, but not for the Central Core area.

Survey of land uses within the Service Industrial area

A survey of land uses within the Service Industrial area has been undertaken to ascertain the extent to which existing businesses comply with the existing District Planning Scheme, and the draft Joondalup City Centre Structure Plan.

There are 231 premises that are appropriately approved under DPS2, and would not be affected by the draft structure plan.

For ease of reference, 3 categories have been established to describe the impact on the remaining premises:

Category A premises

Some premises (37 in total) do not have, but could obtain approval for their land use if they made an application, subject only to the development conforming to the provisions of the current Planning Scheme. The City will be writing to these proprietors and the land owners advising that approval is to be sought under the current DPS2.

Category B premises

Some premises (18) are conducting business activities that are not approvable, and would remain that way under the draft structure plan. Generally, these premises are clothing or food retailers.

An alternate approach could be to consider further amending the Structure Plan to allow it (when adopted) to accommodate applications from those businesses – so that they can continue to operate, however, this ad-hoc approach to planning is not supported or recommended.

Category C premises

Some premises (11) are conducting businesses which are not approvable currently, but may be approvable under the proposed structure plan (if adopted in its current draft form). Generally these premises are offices. These future applications would also be dependent on conformity to any development standards contained within the new structure plan.

Conclusion

Overall, it is evident that the draft structure will expand the number of land uses permitted within the current Service Industrial area. Some land uses will remain as not permitted uses within the draft structure, as is currently the case under DPS2.

ATTACHMENTS

| | |
|--------------|--|
| Attachment 1 | Draft Joondalup City Centre Structure Plan |
| Attachment 2 | Draft Scheme Amendment |

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council, pursuant to Clause 9.5 of the City of Joondalup District Planning Scheme No 2:

- 1 INITIATES public advertising of the draft Joondalup City Centre Structure Plan as outlined in Attachment 1 to Report CJ286-12/08 for a period of 60 days;**
- 2 NOTES that a consultation plan will be prepared prior to advertising;**
- 3 Pursuant to Part 5 of the Planning and Development Act 2005, CONSENTS to initiate Amendment No 42 to the City of Joondalup's District Planning Scheme as outlined in Attachment 2 to Report CJ286-12/08 for the purposes of public advertising for a period of 42 days.**

Appendix 33 refers

To access this attachment on electronic document, click here: [Attach33brf100209.pdf](#)

ITEM 39 PROPOSED MIXED USE DEVELOPMENT AT LOT 201 (88) LAKESIDE DRIVE, JOONDALUP - 42 MULTIPLE DWELLINGS AND ASSOCIATED USE (CONVENIENCE STORE) – [86007]

WARD: Central

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE

To request Council's determination of an application for forty two multiple dwellings and a convenience store at lot 201 (88) Lakeside Drive, Joondalup.

EXECUTIVE SUMMARY

The applicant proposes to construct a residential apartment complex, comprising three separate buildings of one, three and four storeys in height on the subject site which is on the eastern side of Lakeside Drive, Joondalup. The subject site is within the Lakeside District of the Joondalup City Centre. Forty two residential multiple dwellings and one commercial unit are proposed as part of the development. Although the dwellings will be located within three separate buildings, the development will appear as a continuous built form, as viewed from the street frontages.

The proposal generally meets the statutory requirements of the Joondalup City Centre Development Plan and Manual (JCCDPM) and the Residential Design Codes Variation 1 (R-Codes) and is identical to a previous application made to Council for the subject site in October 2006. A new application for planning approval has been submitted, as the previous approval has lapsed.

It is recommended that the Council approves the development subject to conditions as resolved in October 2006.

BACKGROUND

| | |
|-------------------------|--|
| Suburb/Location: | Lot 201 (88) Lakeside Drive, Joondalup |
| Applicant: | Greg Rowe and Associates |
| Owner: | Webborton Holdings |
| Zoning: | DPS: Centre |
| | MRS: Central City Area |
| Site Area: | 3705m ² |
| Structure Plan: | JCCDPM |

The subject site is located on the eastern side of Lakeside Drive, approximately 250 metres south of the intersection with Shoveler Terrace and directly opposite the WA Police Academy complex. The property is zoned Centre under the City's District Planning Scheme No 2 (DPS2) and is subject to the provisions of the JCCDPM.

Under the JCCDPM, the site is located within the Lakeside District and is designated as "Landmark Apartments".

Council has previously considered three applications for planning approval for this site. In November 2004, the City refused an application for 41 multiple dwellings on the subject land. The application was refused for a number of reasons, including a shortfall of 8 car parking bays and the design exceeding the setback requirements of the JCCDPM.

In April 2005, development approval was granted for 45 multiple dwellings and one commercial unit on the subject land. As part of this approval, Council exercised its discretion to allow variations to open space, residential density and plot ratio for single-bedroom dwellings within the development.

In October 2006, development approval was issued for 42 multiple dwellings and one commercial unit on the subject land, which is identical to this proposal. The approval has since expired and the applicant wishes to continue with the development, therefore requiring a new approval.

DETAILS

The proposed development includes the following:

- Three separate buildings, comprising a four storey building on the western portion of the site, a three storey building on the eastern portion of the site and a single level building on the northern boundary of the site;
- 42 multiple dwellings (including 15 single bedroom dwellings) ranging in size from 66m² to 123m²;
- A 75m² convenience store fronting Lakeside Drive;
- 73 car parking bays including one disabled bay;
- Service vehicle access and car parking to be provided from a right of way (ROW) at the rear of the property, accessible from Sittella Turn.

Compliance with the relevant requirements of the JCCDPM is summarised below:

| Standard | Required | Proposed | Compliance |
|---------------|---------------------------------|----------------|------------|
| Front Setback | Nil, maximum 2 metres. | Nil | Yes |
| Side Setback | Nil, maximum 2 metres | Nil, up to 2m. | Yes |
| Height | 13.5m with 60° recession plane. | 13.5m | Yes |

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

| Standard | Required | Proposed | Compliance |
|----------------------------------|---|---|------------|
| Balconies for Multiple Dwellings | 10m ² with minimum 2m dimension per multiple dwelling. | > 10m ² with > 2m dimension per multiple dwelling. | Yes |
| Communal Open Space | 16m ² per dwelling (672m ²) | Approximately 700m ² | Yes |
| Open Space | 60% | 35% | No |
| Storerooms | 1 per dwelling, 4m ² each | 1 per dwelling, 4m ² each | Yes |

Compliance with the car parking requirements, as outlined in the JCCDPM and DPS2 is summarised below:

| Use | Parking Standard | Required | Proposed |
|-------------------------|---|-----------|-----------|
| Multiple Dwelling | 2 bays per dwelling | 54 | 54 |
| Single Bedroom Dwelling | 1 bay per dwelling | 15 | 15 |
| Convenience Store | No prescribed standard. | 3 | 4 |
| | Corner Store: 4 bays / 100m ² NLA | | |
| Total | | 72 | 73 |

The proposed development complies with the car parking requirements of the JCCDPM and DPS2 subject to Council approving the use of a car parking standard of 4 bays per 100m² for the Convenience Store.

The proposed development generally complies with the requirements of the Draft Joondalup City Centre Structure Plan 2009, as considered by Council at the December 2008 meeting.

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:

Not Applicable.

Legislation – Statutory Provisions:

DPS2 requires development in the Centre Zone to be in accordance within an approved Structure Plan. The relevant Structure Plan is the JCCDPM. Variations to the standard requirements are sought for residential density, open space and plot ratio for one bedroom dwellings.

Council is also required to exercise discretion for a convenience store as an associated use to the development.

The provisions of DPS2 which enable Council to consider variations to the standard requirements of the JCCDPM are identified below:

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

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

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

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

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

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

4.8 CAR PARKING STANDARDS

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

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 certain clauses of the R-Codes are to be varied Council is required to exercise discretion under clause 2.5 of the R-Codes. Clause 2.5.2 of the R-Codes specify matters to be taken into consideration when exercising that discretion.

2.5.2 Discretion shall be exercised having regard to the following considerations:

- (a) the stated purpose and aims of the scheme;*
- (b) the provisions of part 1-7 of the codes, as appropriate;*
- (c) the performance criterion or criteria in the context of the coding for the locality that corresponds to the relevant provision;*
- (d) the explanatory guidelines of the codes that correspond to the relevant provision;*
- (e) any local planning strategy incorporated into the scheme;*
- (f) a provision of a local planning policy pursuant to this policy and complying with clause 2.5.3; and*
- (g) orderly and proper planning*

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:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

The proposed development was not advertised, as it is generally consistent with the JCCDPM and identical to that approved previously by Council. The variations being sought will not adversely impact on the amenity of surrounding residents as they are internal to the development and as such the proposal was not advertised for public comment.

A 43 signature petition was received in August 2005 requesting that the proposed development under consideration at that time be modified to have direct access to Lakeside Drive. It was considered not to be appropriate to advertise the application to these submitters as the development was previously approved in its current form and although Council resolved to approve the development subject to left out access on to Lakeside Drive from Building A this is inconsistent with the JCCDPM and does not form part of this recommendation. This is further discussed in the Comment section of this report.

COMMENT**Joondalup City Centre Development Plan and Manual (JCCDPM)**

The subject land is located within the Lakeside District of the JCCDPM. The JCCDPM provides development control standards for the subject land. Within the district, the subject site is designated "Landmark Apartment Developments". Such sites present the opportunity to create a significant landmark for the district and provide a point of orientation within the locality.

Land Use and Character

Residential development is identified as the preferred use for the site. The JCCDPM states that Landmark Apartment sites may be developed to include associated uses that are for the benefit of the predominant use, being residential. The applicant proposes to include a commercial unit to be used as a convenience store.

It is considered that a convenience store is an associated use within the residential development and will provide a useful service for local residents and workers within and nearby the Lakeside District.

Residential Density

The density permitted for the site by the JCCDPM is R60. The JCCDPM gives Council the discretion to consider a density bonus to R100 where Council is satisfied that the proposed development:

- (a) creates an appropriate landmark; and
- (b) enhances the overall legibility and amenity of the Lakeside District and the City Centre.

Section A4.3 of the JCCDPM indicates that building height is a key determinant of the landmark quality of a building and states that buildings on the subject site should be at least 2 storeys in height. From Lakeside Drive the proposed development will appear four storeys in height, from Greenshank Park the proposed development will appear three storeys in height. Compared with surrounding buildings which are predominantly two storeys, the proposal will be a prominent landmark building and will therefore act as a key reference point within the greater Joondalup City Centre area.

The 15 proposed single bedroom dwellings have an average area of 67m² each. The R-Codes allow 60m² each under the Acceptable Development Standards. The performance criteria of the R-Codes state that single bedroom dwellings are “*dwellings that provide limited accommodation, suitable for one or two persons*”. Although larger than 60m², all units have only one bedroom and one open plan living area. It is considered that the 15 single bedroom units are generally only suitable for one or two persons, and therefore meet the performance criteria of the R-Codes.

If Council resolves that the 15 single bedroom units meet the performance criteria of Clause 7.1.3 of the R Codes, this aspect of the development will attract a density bonus of one third in area. The table below summarises the site area calculation (including the density bonus).

| Minimum Land Area per Unit | Site Area Calculation |
|---|-----------------------|
| 27 x 2 & 3 Bedroom Units at 100m ² each | 2700m ² |
| 15 x 1 Bedroom Units at 66.66m ² each <i>Note: density bonus reduction of 33.33m².</i> | 1000m ² |
| Total Area | 3700m ² |

As such the development complies with the R100 density requirements of the R-Codes.

Car Parking

The proposed development meets the car parking requirements of DPS2 and the JCCDPM subject to approval of a car parking standard for the Convenience Store.

The car parking standards for multiple dwellings and single bedroom dwellings are outlined in the JCCDPM. ‘Convenience Store’ does not have a prescribed parking standard under the JCCDPM or DPS2 and as such Council is required to exercise discretion in nominating a car parking standard for Convenience Store.

It is considered appropriate that the car parking standard for a corner store, as outlined in DPS2 should apply (4 bays per 100m²) as:

- The proposed Convenience Store is similar in size and scale to a Corner Store;
- The proposed Convenience Store will offer similar goods and services to a Corner Store; and
- It is considered that the proposed Convenience Store will attract a similar rate of customers as a Corner Store.

Building Height

Under the provisions of the JCCDPM, a minimum height requirement of two storeys applies to Landmark Apartment sites in the Lakeside District. Proposed buildings A and B, where the residential component of the development is proposed to be located, satisfy this requirement.

While the proposed building C is only one storey in height, the building is to be used as a vehicle garage fronting the right of way (ROW) on the northern boundary of the development site and a storage and pump room for the communal pool. Building C is a minor component of the development and will not affect the landmark status of the development, given that it does not front Lakeside Drive or Greenshank Park.

The JCCDPM further states that buildings in the Lakeside District are required to have a maximum street frontage height limit of 13.5 metres, with development above this height to be set back behind a 60-degree height plane. The proposed development satisfies the maximum building height requirement.

Site Coverage / Open Space

The R-Codes require 60% open space for sites coded R100. The proposed development has an open space provision of 35%.

The performance criteria of the R-Codes in relation to open space require that there is sufficient open space around buildings:

- To complement the building;
- To allow attractive streetscapes; and
- To suit the future needs of residents, having regard to the type and density of the dwelling.

The proposed development is located within the Lakeside District of the Joondalup City Centre and it is intended that the development will have a character and urban design consistent with a city centre where interaction between public and private spaces is encouraged. Open space around buildings is considered inappropriate for this development, as it would detract from the active frontages the development will have to Lakeside Drive and Greenshank Park.

The proposed private open space and communal recreational facilities within the development will be of high amenity and quality to the residents of the apartment complex and are considered to meet the future needs of the residents.

It is recommended that in this instance, an open space allocation of 35% be supported as it complements the building, adds to a streetscape that is consistent with the provisions of the JCCDPM and provides for the future needs of residents. The proposed 35% open space is consistent with the development approvals issued for the site in April 2005 and October 2006.

Site Access

Vehicle access to the development is proposed from a ROW adjacent to Sittella Turn. The proposed access arrangement is consistent with that previously approved by Council in April 2005 and October 2006.

The proposed access arrangement is consistent with the JCCDPM, which identifies Lakeside Drive as a major road carrying a medium volume of vehicles at moderate to higher speeds. It is anticipated that traffic volumes along Lakeside Drive will increase to the point where the road will need to be upgraded to a four lane dual carriageway with vehicle access points along its length required to be strictly controlled.

In support of this, the Lakeside District design guidelines of the JCCDPM are very specific with regards to access. The guidelines require that all dwellings in the Lakeside District address the primary street frontage and obtain vehicle access from other streets.

Section A3.2 of the Lakeside District design guidelines states that "for landmark sites, car parking shall be provided out of sight of primary frontages." The proposed development is consistent with this requirement.

Section A4.1 of the Lakeside District design guidelines also requires that the primary frontage of development shall be to Lakeside Drive and that vehicle access shall be provided from rear ROWs. The proposed development is also consistent with this requirement.

The proposed access arrangements are considered consistent with the relevant guidelines and requirements of the JCCDPM.

Traffic Safety Audit

Council resolved in September 2006 to conduct a traffic safety audit of the proposed development prior to resolving to grant approval for the development in October 2006. The traffic safety audit included consideration of probable traffic generation, the existing road and ROW environment, and the function and classification of the surrounding road network. As the proposed development and the surrounding road layout has not changed since this audit was conducted, the findings of this report are relevant to this proposal.

- Proposed ROW Closure/Rubbish Collection

The conclusion of the audit is that a vehicle closure of the ROW (marked in red on attachment 1) running parallel to Lakeside Drive at its junction with the ROW adjacent to the development is recommended to prevent future residents and users of the development taking a shortcut from Sittella Turn from Lakeside Drive. Pedestrian and bicycle access should be retained. However, this will require rubbish collection practices to be addressed as this impacts on the current route of the garbage truck. It is recommended that a condition of any approval be that this is resolved at the building licence stage.

The section of the ROW adjacent to the proposed development closest to Lakeside Drive (as marked in blue on attachment 1) does not have provision for vehicles to turn around and has the potential to become an unintended parking area. It is concluded in the audit that consideration be given to remove the road pavement in this area to prevent parking there whilst maintaining pedestrian and cycle access. Council previously resolved to monitor the use of this part of the ROW.

It is recommended that Council initiate processes to close the junction and monitor use of the ROW adjacent the proposed development.

- Existing ROW Lighting

The positioning of the lighting bollards in the ROW has effectively narrowed the ROW adjacent to the development from 5.5m in width to approximately 4.8m. Lighting methods within the ROW should be reviewed to consider options that have less impact on the available ROW width. The cost of any works associated with this should be met by the owner.

- Temporary Vehicular Access from Lakeside Drive

A temporary access for construction vehicles to the development site should be considered off Lakeside Drive for the duration of the construction period in order to minimise the impact on the adjacent residential area. This should be closed off immediately following completion of construction.

It is recommended that Council allow temporary access from Lakeside Drive during construction of the proposed development.

- Direct Access to Lakeside Drive

While direct access from the ROW onto Lakeside Drive was raised by the local residents as a means to reduce traffic impact on the residential area, a traffic study has indicated that this is not necessary. It is estimated that the development will generate 190 vehicle trips per day which is well within the indicative maximum daily traffic volume for a ROW of 300 vehicle trips per day.

- Previous Council Resolution

The previous approval granted by Council in October 2006 included a resolution different to the officer's recommendation. The changes related to access in to and out of building A and are directly copied below:

“the laneway adjacent to the northern boundary of the property being modified such that vehicles can enter Building A via the lane off Sittella Turn and only exit Building A left via the lane being extended to a left turn only single lane crossover at Lakeside Drive in conjunction with the closure of the ROW between the entry and exit point to Building A”

As previously discussed, the JCCDPM identifies that access to the site be from other streets other than the primary street (Lakeside Drive). Access to Lakeside Drive should be restricted due to the potential future development of Lakeside Drive as a four lane dual carriageway, and to maintain safe and efficient movement of pedestrians along Lakeside Drive. The conclusion of the traffic safety audit was that the ROW had ample capacity to carry the anticipated residential traffic from the proposed development, which when combined with the access closure (as discussed above) to prevent future residents 'rat-running' along the ROW parallel to Lakeside Drive is a suitable outcome. As such the above resolution is not included in the current recommendation.

Designing Out Crime

The Western Australian Planning Commission and Office of Crime Prevention have developed guidelines for development to reduce the opportunity for crime through simple design solutions. The following designing out crime measures have been met by the proposed development:

- Surveillance

A substantial number of dwellings have major openings to habitable rooms and balconies which face Lakeside Drive, Greenshank Park, and the adjacent ROW which provide natural surveillance and a deterrent to anti-social behaviour and crime activities in these areas.

Natural surveillance is also provided internally within the development over communal recreation areas from balconies and major openings from dwellings.

It is recommended that a condition of approval be that the internal facing openings to both basement car parks of buildings A and B meet the requirements of visual permeability (as specified by the R-Codes) to assist in surveillance of the car parking areas.

- Activity Generation

The proposal combines residential development, and a commercial use (convenience store). The convenience store will operate during day time hours providing surveillance and activity in the surrounding area at times when the residential component of the development would be relatively quiet.

The development also has a nil setback to the street on Lakeside Drive encouraging interaction between the public and private space which will increase surveillance.

- Access Control

Controlled access gates are proposed around the perimeter of the proposed development to restrict access into the development by non-residents and increase security for occupants.

- Predictable Routes and Space Safe from Entrapment

Access gates are in visible locations and internal communal areas are open in nature and readily overlooked by surrounding dwellings.

- Lighting

It is recommended that a condition of approval be that a detailed lighting plan be included with the building licence submission in order to ensure that sufficient lighting is provided on the perimeter of the development and in internal communal spaces.

- Maintenance

It is recommended that a condition of approval be that the walls facing Greenshank Park on the northern, eastern and southern boundary be treated in non sacrificial anti graffiti treatment, at the applicants cost, to assist in future maintenance.

Conclusion

The proposed development complies with the majority of the requirements as outlined in the JCCDPM. The proposal is considered to be a landmark development by virtue of its height, size and location.

The proposed density bonus for single bedroom dwellings, variations to the height and open space requirements and the provision of a convenience store are considered minor in the context of the overall development and will not have an adverse impact on the adjoining areas.

It is considered that the development will contribute to the identity of the area as a city centre where high-density development is expected.

The variations will serve to promote a city centre character, which is appropriate for the area, and will not adversely impact upon the surrounding areas. The traffic audit also proposes some enhancements to the local road network, which are endorsed and form part of this recommendation. It is therefore recommended that the proposed development be approved, subject to conditions.

ATTACHMENTS

Attachment 1 Location Plan
Attachment 2 Development Plans
Attachment 3 Traffic and Safety Review Report

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 EXERCISES discretion in relation to Clause 4.5 of District Planning Scheme No 2 and the Joondalup City Centre Development Plan and Manual and determines that:**
 - (a) Residential density bonus up to a maximum of R-100 in recognition that the building will create a suitable landmark that will be legible in terms of the surrounding Joondalup City area;**
 - (b) An open space provision of 35% in lieu of 60% is acceptable in this instance;**
 - (c) A Convenience Store is an associated use and therefore permitted as part of a landmark apartment development;**
 - (d) Single bedroom dwellings with a plot ratio (floor area) greater than 60m² is acceptable in this instance; and**
 - (e) A height of 1 storey in lieu of 2 storeys is acceptable for proposed building C.**
- 2 Having regard to Clause 4.8.2 of the City of Joondalup District Planning Scheme No 2, DETERMINES that:**
 - (a) The car parking standard for the use “Convenience Store” shall be four (4) car parking bays per 100m² Net Lettable Area.**
- 3 APPROVES the application dated 20 October 2008 submitted by Greg Rowe & Associates on behalf of the owners Webberton Holdings, for 42 multiple dwellings and a convenience store at Lot 201, (88) Lakeside Drive, Joondalup, 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 Carparking (AS/NZS2890.1-2004). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services prior to the development first being occupied. These works are to be done as part of the building programme;**

- (b) All stormwater to be contained on site to the satisfaction of the Manager Infrastructure Management Services. The proposed stormwater drainage system is required to be shown on the Building Licence application and be approved by the City prior to the commencement of construction. It shall be designed to cater for the 100 year 24 hour storm event;
- (c) The driveways and crossovers to be designed and constructed to the satisfaction of the Manager Planning, Approvals and Environmental Services before occupation of development;
- (d) The footpath treatment in the adjoining road reserve to match the existing paving and at a grade of 2% rising from the kerbline, prior to the development first being occupied;
- (e) Any roof mounted or free standing plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site;
- (f) Submission of a Construction Management Plan with the Building Licence application detailing phasing of construction, access, storage of materials, protection of pedestrians, footpaths and other infrastructure;
- (g) A refuse management plan indicating the method of rubbish collection is to be submitted as part of the building licence and approved by the Manager Planning, Approvals and Environmental Services;
- (h) Boundary walls being of a clean finish and made good to the satisfaction of the Manager Planning, Approvals and Environmental Services;
- (i) The application of an acoustic consultant's report with the Building Licence application demonstrating to the satisfaction of the Manager Planning, Approvals and Environmental Services that the proposed development is capable of containing all noise emissions in accordance with the Environmental Protection Act;
- (j) The lodging of detailed landscaping plans based on water sensitive urban design and Designing Out Crime principles, to the satisfaction of the Manager Planning, Approvals 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 treatments are 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 Planning, Approvals and Environmental Services;
- (l) The levels of the proposed development shall match the existing road and verge levels to the satisfaction of the Manager Planning, Approvals and Environmental Services;

- (m) Details of the proposed servicing of the Convenience Store are to be submitted prior to the issue of a Building Licence for approval by the Manager Planning, Approvals and Environmental Services;
 - (n) Temporary vehicular access from Lakeside Drive will be permitted during the construction phase in order to facilitate the construction of the proposed development. The temporary access way shall be removed at the direction of the City or prior to a Certificate of Classification being issued and the owner will be responsible for the reinstatement of the verge and any costs associated with those works to the satisfaction of the Manager Infrastructure Management Services. Plans showing the location and detailed design of the temporary access way shall be submitted for approval by the Manager Infrastructure Management Services prior to the issue of a Building Licence.
 - (o) The location of the existing lighting in the right of way is to be the subject of a review by the owner to ensure that the lights do not impair the efficiency of vehicle movements in the area. The details of the review are to be provided to the satisfaction and approval of the Manager Infrastructure Management Services. Any works required with the re-location of the existing lights as a result of the review are to be carried out to the satisfaction of the Manager Infrastructure Management Services and at the owners cost;
 - (p) the six car parking spaces located in proposed building "C" being marked and set aside for use as visitor car parking spaces;
 - (q) Directional signage indicating the location of the visitor car parking bays in Building 'C' shall be provided within the lot boundary so as to be visible from Sitella Turn, to the satisfaction of the Manager Planning, Approvals and Environmental Services. Details of signage shall be included in the Building Licence application;
 - (r) The northern, eastern, and southern ground level facades as marked in RED on the approved plans shall be treated with non-sacrificial anti-graffiti coating;
 - (s) Obscured or reflective glazing shall not be used at ground floor level fronting Lakeside Drive;
 - (t) A lighting plan detailing all pole and fixture positions, lux levels and light spillage shall be submitted with the Building Licence Application for approval of the Manager Planning, Approvals & Environmental Services; and
 - (u) The internal facing ground floor openings of the basement car park shall be visually permeable as defined by the Residential Design Codes Variation 1.
- 4 INITIATES the closure of the right of way running parallel to Lakeside Drive at its junction with the right of way adjacent to the development;
- 5 NOTES that the future use of the right of way adjacent to the northern side boundary of Lot 201 (88) Lakeside Drive will be monitored.

Appendix 34 refers

To access this attachment on electronic document, click here: [Attach34brf100209.pdf](#)

**ITEM 40 PROPOSED MIXED USE DEVELOPMENT OF 24
MULTIPLE DWELLINGS, 8 GROUPED DWELLINGS,
OFFICES, CONVENIENCE STORE & RESTAURANT AT
LOT 9009 (46) ANGOVE DRIVE, HILLARYS – [68543]**

WARD: South-West

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE

To request Council's determination of an application for Planning Approval for a Mixed Use Development consisting of 24 Multiple Dwellings, 8 Grouped Dwellings, Offices, Convenience Store and Restaurant at Lot 9009 (46) Angove Drive, Hillarys.

EXECUTIVE SUMMARY

The applicant proposes to construct a two and three storey development of multiple dwellings, grouped dwellings, offices, convenience store and restaurant on the subject site, which is within the Hillarys Structure Plan Area.

The proposal generally meets the requirements of the Hillarys Structure Plan (the Structure Plan), the City of Joondalup District Planning Scheme 2 (DPS2) and the Residential Design Codes (R-Codes). The proposed variations to the Structure Plan, and the R-Codes satisfy the relevant objectives and Performance Criteria.

The proposed buildings have a maximum height which exceeds that prescribed in Council Policy 3-4 Height of Buildings within the Coastal Area - Non-Residential Zones (Policy 3-4). This Policy is the subject of another report on this agenda. The 10 metre height limit set by this Policy is consistent with the height limit set by proposed Amendment 32 to DPS2. In this regard, it should be noted that the Minister and Western Australian Planning Commission (WAPC) have requested that the City reconsiders Amendment 32, and the application of this height limit to the few non-residential sites along the coast, including the subject site, due to concerns about limiting the height of developments to less than the five storeys or 21 metres set by the WAPC's Coastal Height Policy.

The Structure Plan also sets out height requirements and the proposal is consistent with these requirements, and surrounding residential development, in regard to Building Height.

The development was advertised for public comment for a period of 21 days. A total of 44 submissions were received as part of the public consultation process with 40 of these being objections to the proposal. These objections raised concerns including additional traffic being generated, whether sufficient parking is provided, and the scale of the proposed development, being out of character with the existing development in the surrounding area.

It is considered that the development will contribute to the desired character of the Harbour Rise area and is compatible with other proposed developments in the locality.

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

BACKGROUND

| | |
|-------------------------|---------------------------------------|
| Suburb/Location: | Lot 9009 (46) Angove Drive, Hillarys. |
| Applicant: | Hames Sharley Pty Ltd |
| Owner: | Paltara Pty Ltd |
| Zoning: | DPS: Urban Development |
| | MRS: Urban |
| Site Area: | 6389m ² |
| Structure Plan: | Hillarys Structure Plan (No.20) |

The subject site currently forms part of Lot 9009 Angove Drive Hillarys. Lot 9009 is a 'balance title' comprising the remainder of the Structure Plan Area yet to be subdivided. This subject site, which is proposed to be Lot 479 Martinique Mews, is located on the Corner of Whitfords Avenue and Hepburn Avenue, Hillarys, within the Hillarys Structure Plan Area. Martinique Mews forms the northern boundary of the site, and Kos Link forms the eastern boundary (Attachment 1 refers).

A mix of existing residential development and vacant residential sites surround the property to the north and east. These are also within the Structure Plan Area. To the west of the subject site, on the opposite side of Whitfords Avenue is the existing Hillarys Marina.

The site is zoned Urban Development under DPS2 and is subject to the provisions of the Structure Plan. The site is designated Mixed Use under the Structure Plan.

The Structure Plan Area consists primarily of residential development at various scales and densities, with two sites designated for Mixed Use developments, the subject site being the larger of the two.

Council Policy 3-4 was adopted by Council in February 2006 as an interim measure whilst proposed Scheme Amendment 32 (adopted by Council in April 2006) is progressed. The policy introduces the same height limits for non residential buildings within the same coastal area as Amendment 32, this being a maximum of 10 metres on any non-residential land within 300 metres of the coastline. The policy recognises the coastline within the City as a regional asset and the policy ensures the protection of its unique amenity and characteristics by controlling the height of development within the coastal area. The City has been requested to give further consideration to a number of aspects of the Scheme Amendment prior to this being determined. As such, Policy 3-4 only is applicable to this application.

DETAILS

The applicant proposes to construct a two and three storey mixed use development on the subject site, consisting of:

- 24 Multiple Dwellings;
- 8 Grouped Dwellings;
- 794m² of Offices at ground floor and first floor levels;
- a Convenience Store of 350m² Net Lettable Area (NLA); and
- a Café (Restaurant) seating 48 persons, with a floor area of 150m² NLA.

Access to the site is from Martinique Mews for residents of the Grouped Dwellings and visitors to the residential dwellings, and from Kos Link for residents of the Multiple Dwellings and for staff and customers of the Offices, Restaurant and Convenience Store.

Compliance with the relevant requirements of DPS2, the Structure Plan and the R-Codes are summarised below:

| Standard | Required | Proposed | Compliance |
|---------------------------------------|--|--|-------------------|
| Building Setbacks | Front (Hepburn Avenue): nil | Retaining: nil – 4m | No |
| | Front (Whitfords Avenue): nil | Building: nil – 8.8m | No |
| | Rear (Kos Link): 6 metres | Retaining: nil – 4m | No |
| | Side (Martinique: Mews) nil | Building: 6.0m – 6.8m 6m | No |
| Internal Setbacks (Grouped Dwellings) | 2.5 metres to common driveway | 2.4m – 4.009m | Yes |
| Cone of Vision (Grouped Dwellings) | 7.5 metre setback from balconies and unenclosed outdoor living areas | Nil | No |
| Landscaping | 8% of total site area | Setbacks of nil and 2 metres from upper floor balconies overlooking outdoor living areas of adjoining grouped dwellings within the development | 8% |
| Open Space (Grouped Dwellings) | 45% of individual site areas | 8% | Yes |
| Plot Ratio | 0.8 | 14% of individual site areas | No |
| Office Floorspace | 0.8 | 0.8 | Yes |
| Restaurant Floorspace | Maximum 800m ² NLA Ground Floor 500m ² NLA Upper Floor 300m ² NLA | Maximum 794m ² Ground Floor 187m ² Upper Floor 607m ² | Yes Yes No |
| Retail Floorspace | Maximum 150m ² NLA | 150m ² NLA | Yes |
| Building Height | Maximum 350m ² NLA | 350m ² NLA | Yes |
| | Maximum two storeys or three storeys where development considered to be of landmark quality | Maximum three storeys | Yes |

Car Parking requirements for the proposed development are set out below:

| Proposed Use | Required by DPS2 |
|--|-------------------------|
| Office (1 per 30m ² NLA) | 26.46 bays |
| Convenience Store – No Standard Specified by DPS2 (standard of 4 bays per 100m ² NLA recommended) | 14 bays |
| Restaurant (Greater of 1 per 5m ² of dining room or 1 per 4 guests) | 12 bays |
| Multiple Dwellings | 48 Bays |
| Grouped Dwellings | 16 Bays |
| Visitor Bays (Grouped Dwellings) | 2 Bays |
| Total Required | 118.46 (119) bays |
| Total Provided | 126 bays |

The applicant has provided the following justifications for the proposed development and the variations sought:

- *The development has been designed to provide an attractive and visually interesting presentation to all streets. The Martinique Mews street edge has been treated with two storey townhouse development to complement and provide a transition area between the surrounding medium density single residential development and the proposed apartment and commercial building on the subject land. The proposed development will be sympathetic to the surrounding buildings in bulk and scale;*
- *Private spaces will be used to encourage passive surveillance of the adjoining public street area;*
- *The Whitfords and Hepburn Avenue corner will be punctuated by an attractive three storey apartment building designed to create an identity worthy of a landmark building;*
- *Provision of commercial uses will provide convenient facilities to both the residents of the development and surrounding local residents. It is expected that a significant proportion of visitors will walk from the immediate surrounding area; and*
- *The development will contribute to a variety in housing type and density.*

Issues and options considered:

Council has the option to:

- Approve the application without conditions;
- Approve the application subject to conditions; or
- Refuse the application.

Link to Strategic Plan:

The proposed development is consistent with Objective 4.1 of the City of Joondalup Strategic Plan 2008-2011 – to ensure high quality urban developments within the City.

Legislation – Statutory Provisions:

Clause 4.5 of DPS2 allows Council to vary the standards and requirements of the Scheme where appropriate.

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

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

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

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

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

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

4.8 CAR PARKING STANDARDS

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

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.*

8.11 LOCAL PLANNING POLICIES

8.11.2 Relationship of Local Planning Policies to Scheme

8.11.2.2 *A Local Planning Policy is not part of the Scheme and shall not bind the Council in respect of any application for planning approval but the Council shall have due regard to the provisions of any Policy and its objectives which the Policy is designed to achieve before making its decision.*

9.8 OPERATION OF AGREED STRUCTURE PLAN

9.8.3 *Without limiting the generality of the preceding subclause, under an Agreed Structure Plan:*

- (a) *in the areas designated as zones, the permissibility of uses shall be the same as set out in the Zoning Table as if those areas were zones under the Scheme, having the same designation;*
- (b) *the standards and requirements applicable to zones and R Codings under the Scheme shall apply with the necessary changes or alterations to the areas having corresponding designations under the Agreed Structure Plan. However an Agreed Structure Plan may make provision for any standard or requirement applicable to zones or R Codings to be varied, and the standard or requirement varied in that way shall apply within the area of the Agreed Structure Plan, or any stipulated part of that area, as if it was a variation incorporated in this Scheme; and*
- (c) *the development control procedures including (without limitation) the procedures for approval of uses and developments under the Scheme shall apply as if the land was correspondingly zoned or reserved under the Scheme;*
- (d) *provisions duplicating or substantially to the same effect as any provisions of the Scheme shall have the same force and effect in regard to the land in the Structure Plan as if they were provisions of the Scheme;*
- (e) *where land is classified as a Local Authority Reservation, the rights, provisions and procedures, and the obligation of the Council in regard to compensation shall apply as if the land was correspondingly reserved under the Scheme;*

- (f) *any other provision, standard or requirement in the Structure Plan shall be given the same force and effect as if it was a provision standard or requirement of this Scheme, but in the event of there being any inconsistency or conflict between any provision, requirement or standard of the Scheme and any provision requirement or standard of an Agreed Structure Plan, the provision requirement or standard of the Scheme shall prevail;*
- (g) *an Agreed Structure Plan may distinguish between provisions, requirements or standards which are intended to have effect as if included in the Scheme, and provisions, requirements or standards not so intended, and it is only the provisions so intended which have that effect. Any other provisions are for guidance or information only, or such other purpose as stipulated in the Agreed Structure Plan documents.*

As certain clauses of the R-Codes are to be varied Council is required to exercise discretion under clause 2.5 of the R-Codes. Clause 2.5.2 of the R-Codes specify matters to be taken into consideration when exercising that discretion.

2.5.2 Discretion shall be exercised having regard to the following considerations:

- (a) *the stated purpose and aims of the scheme;*
- (b) *the provisions of part 1-7 of the codes, as appropriate;*
- (c) *the performance criterion or criteria in the context of the coding for the locality that corresponds to the relevant provision;*
- (d) *the explanatory guidelines of the codes that correspond to the relevant provision;*
- (e) *any local planning strategy incorporated into the scheme;*
- (f) *a provision of a local planning policy pursuant to this policy and complying with clause 2.5.3; and*
- (g) *orderly and proper planning*

Risk Management considerations:

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

Financial/Budget Implications:

Not Applicable

Policy implications:**Council Policy 3-4 – Height of Buildings within the Coastal Area (Non – Residential Zones)**

Council Policy 3-4 is an interim measure that was adopted by Council in February 2006 whilst Scheme Amendment 32 is progressed. The proposed Amendment introduces the same height limits for non residential buildings within the same coastal area as Council Policy 3-4. Scheme Amendment 32 is the subject of another report on this agenda.

The objective of this policy is to ensure that the height of development within the coastal area protects and enhances the amenity and streetscape character of the coastal area. The policy states that buildings within 300 metres of the coast shall not exceed a height of 10 metres above natural ground level.

The Council must have regard to the requirements and objectives of this policy when determining this application.

Regional Significance:

Not Applicable

Sustainability implications:

The development will provide additional commercial development in close proximity (walking distance) to existing and proposed residential development and services such as public transport, which is generally in accordance with sustainable development principles.

Consultation:

The proposal was advertised for public comment for a period of 21 days. A total of 67 nearby owners were advised in writing, two signs were erected on the site and advertisements were placed in the Joondalup Weekender on 13, 20 and 27 November 2008 and on the City's website. Advertising closed on 4 December 2008.

A total of 44 responses were received, being 2 non objections, 1 letter of support, 1 neutral submission and 40 objections. Attachment 3 indicates the locations of submitters.

Key issues arising from Public Consultation

Comments received in support of the application are summarised as follows:

- Dispersed shopping centres are important due to continuing and pressing needs to reduce car use. Many nearby residents will be closer to shopping facilities, particularly after hours/convenience shopping.

Objectors to the proposed development raised the following concerns:

- Traffic being generated by the development and its movement through the subdivision area will have an adverse impact on the amenity of the area and its residents;

- Whether there is adequate parking on site, as the site is often used for overflow parking from the Marina;
- The buildings exceed the City's 10 metre Coastal Height Policy (Policy 3-4) and are out of character with the surrounding residential development; and
- The height of the buildings being three storeys and whether or not the development is of landmark quality to be permitted to go to three storeys.

The submissions and the City's response are outlined in Attachment 4. A copy of the submissions is also available in the Councillors Reading Room.

COMMENT

Land Use

The site is located in the Structure Plan Area and is designated Mixed Use. The Structure Plan guides development within this area and sets out objectives whereby:

- A diversity of land uses and housing types is encouraged;
- The landmark significance of the site on the corner of Hepburn Avenue and Whitfords Avenue is emphasised, and an active focus for the community is created by means of associated commercial uses;
- A high level of pedestrian amenity is maintained; and
- Development that is human in scale and provides an interesting and pedestrian friendly streetscape.

The proposed development is focused on Whitfords Avenue and Hepburn Avenue, with three storey development to three frontages creating an attractive landmark feature. The varying facades, roof designs, colours and materials also assist in contributing to the landmark quality of the proposal. The development to the side and rear of the site is generally two storeys in height to provide a transition between the existing single residential development in the surrounding area, and the three storey component of this development.

The proposed development will have both day and evening activity by combining offices, and a convenience store, which would predominantly be day time uses, with a restaurant and residential dwellings which will achieve both day time and be an evening use. This achieves a high level of diversity as sought by the Structure Plan.

Footpaths are proposed to be incorporated surrounding the development along with large amounts of verge landscaping which will provide an attractive setting for the development and allow for a high degree of pedestrian interaction, particularly with the commercial component of the development. It is intended by the applicant that the restaurant and convenience store will be largely accessed by residents of the complex and surrounding Harbour Rise Area, and as such it has been ensured that a high degree of pedestrian amenity is maintained.

The proposed development meets the objectives of the Structure Plan given its diversity of housing types and land uses, landmark quality development and pedestrian accessibility to the development.

Height and Scale

The Western Australian Planning Commission's State Planning Policy 2.6 – State Coastal Planning Policy sets a maximum height of five storeys or 21 metres for development within 300m of the coast. The proposed development complies with the requirements of this policy.

The City's Policy 3-4 sets a height limit of 10 metres for non-residential land within 300 metres from the coast. The proposed development is a maximum of 12.52 metres as measured from natural ground level, exceeding the maximum height limit by 2.52 metres. The Council is required to have due regard to the requirements of this Policy when determining the application.

The objective of this policy is to ensure that the height of development within the coastal area protects and enhances the amenity and streetscape character of the coastal area. The policy recognises the coastline within the City as a regional asset and ensures the protection of its unique amenity and characteristics by controlling the height of development within the coastal area.

The proposed development is of a greater density and scale than surrounding residential development, however is compliant with the Structure Plan in this regard. It should also be noted that the Structure Plan also controls building height for the surrounding residential development. The Structure Plan area is divided into a number of precincts, and the development control standards vary between precincts. The Structure Plan sets a maximum ridge height for dwellings of 9.5 metres. In certain precincts 'tower elements' are also permitted and these may be an additional three metres in height to that permitted, allowing a maximum building height of 12.5 metres. The proposed development will be consistent with the height of those dwellings with 'tower elements' throughout the surrounding Structure Plan area.

The Structure Plan also provides a height limit for the subject site, requiring development on the subject site to be a "minimum and maximum of two storeys", with development of a maximum of three storeys being permitted where a development of landmark quality is proposed. It is considered that the proposed development is of landmark quality by way of its varying facades, materials and finishes, the scale of the development and its location on a major intersection and as such it is recommended that the development be permitted to be a height of three storeys.

Variations to DPS2, R-Codes and the Structure Plan

The proposed development is subject to the provisions of the DPS2, R-Codes and the Structure Plan. The proposal seeks to vary the following standards:

- Building Setbacks

The Structure Plan seeks to have development on the subject site provide nil setbacks to front and side boundaries. The proposed development does not achieve this on the corner of Whitfords Avenue and Hepburn Avenue, or to the Martinique Mews boundary.

The increased setbacks to the Hepburn Avenue and Whitfords Avenue frontages will not adversely impact on the amenity of the area as this will allow for the corner of the site to be landscaped, providing an attractive setting for buildings. Furthermore, it allows the provision of private open spaces for the dwellings facing these street frontages which will then encourage surveillance of the streets and surrounding areas reducing the potential for antisocial behaviour.

The increased setbacks to the Martinique Mews frontage also allows for the provision of adequate outdoor living areas for the proposed Grouped Dwellings and is consistent with surrounding residential development.

The proposed Grouped Dwellings also have an internal setback of nil in lieu of 2.5 metres to the common driveway. This arises from the requirement of the Residential Design Codes to assess each Grouped Dwelling based on its individual site area and will not have an adverse impact on the amenity of the future residents. There will be no impact on the surrounding area as a result of this variation as it is internal to the development.

- Cone of Vision and Open Space (Grouped Dwellings)

The R-Codes require that the Grouped Dwelling component of the development is assessed based on the individual site area for each dwelling rather than the overall site area for the proposed development and as such minor overlooking and open space variations are proposed.

The balconies of the proposed Grouped Dwellings provide screening to allow a degree of privacy between the dwellings, however some minor overlooking will occur into the adjoining Grouped Dwellings within the subject lot. The amount of overlooking is consistent across the eight dwellings, and will not adversely impact on the amenity of adjoining residents as a portion of the outdoor living area provided is beneath the balconies and is not visible from the street or surrounding properties.

45% open space is also required for each individual Grouped Dwelling site, and is not provided as the site area for these dwellings consists only of the dwelling and its outdoor living area to the rear. The outdoor living area that is provided complies with the requirements of the R-Codes by way of minimum dimensions, area, and area without permanent roof cover and as such the needs of future residents are considered to be adequately met.

- Office Floor Space Distribution

The Structure Plan permits a maximum office floor space of 800m² NLA and requires the distribution of this to be 500m² on the ground floor and 300m² on the upper floor. The proposed development requests a total of 794m² office floor space, with a distribution of 187m² on the ground floor and 607m² on the upper floor. It is considered that this varied distribution of the floor space will not adversely impact on future users of the development or the amenity of the area, and that sufficient office floor space is provided at ground level, along with other non-residential land uses to provide interaction at street level.

Traffic and Car Parking

Two access ways are proposed to the car parking areas for the proposed development, one off Martinique Mews and one off Kos Link. This provides a safe and efficient flow of vehicles to the car parking areas for the various components of the development and also ensures a high level of pedestrian safety through and around the site. No vehicular access to the site is permitted from either Hepburn Avenue or Whitfords Avenue.

In 2001 Council resolved to amend the Hillarys Structure Plan by way of designating the sites on the corner of Whitfords Avenue and Hepburn Avenue, and Whitfords Avenue and Angove Drive as Mixed Use. As part of this Structure Plan amendment a detailed traffic study was sought. This Traffic Study concluded that “anticipated traffic is within acceptable limits (albeit with minor residential amenity impacts for the high traffic scenario) and the access points have been found to be well located”

It has been determined that the surrounding road network is able to adequately cater for the increased traffic volumes that the development will create, and the access points to the subject site are suitably located. As such, the traffic impact of the proposed development is considered to be acceptable.

Council is required to determine the parking standard that should apply to the Convenience Store component of the development as a standard is not set out by DPS2. It is considered appropriate that the car parking standard for a corner store, as outlined in DPS2 should apply (4 bays per 100m²) as:

- The proposed Convenience Store is intended to operate in a manner similar to a Corner Store in that it will attract customers from within the development and surrounding area that will walk to the site;
- The proposed Convenience Store is similar in size and scale to a Corner Store;
- The proposed Convenience Store will offer similar goods and services to a Corner Store; and
- It is considered that the proposed Convenience Store will attract a similar rate of customers as a Corner Store.

If Council adopts this parking standard, the development will require parking provision of 119 car parking bays, with the development providing 126 bays. As such a surplus of 7 parking bays will be provided which is adequate to service the development.

Conclusion

The proposed development complies with the requirements of DPS2, the R-Codes and the Structure Plan with the exception of the matters discussed above. It is considered that the proposed variations should be supported as they are minor in nature, will not adversely impact the amenity of future residents or the surrounding area, and the proposal meets the objectives for the subject site under the Structure Plan.

The subject site is an appropriate and acceptable location for development of this nature. The quality of the design of the development and proposed materials and finishes will ensure that it is in-keeping with surrounding development in the Structure Plan area.

The proposed office, restaurant and convenience store floor space will contribute to the mixture of commercial and retail services that the Structure Plan Objectives seeks to provide to the surrounding community.

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

ATTACHMENTS

- Attachment 1 Location Plan
- Attachment 2 Development Plans
- Attachment 3 Plan of Submissions Received
- Attachment 4 Response to Submissions Received

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1. EXERCISES discretion under Clause 4.5 of District Planning Scheme No. 2 and determines that the:**
 - (a) Retaining setbacks of between nil and 4 metres in lieu of nil to the Hepburn Avenue and Whitfords Avenue boundaries;**
 - (b) Building setbacks of between nil and 8.8 metres in lieu of nil to the Front (Hepburn Avenue) Boundary;**
 - (c) Building setbacks of between 6.0 and 6.8 metres in lieu of nil to the Front (Whitfords Avenue) Boundary;**
 - (d) Building setbacks of between 2.4 and 4.009 metres in lieu of nil to the Side (Martinique Mews) Boundary;**
 - (e) Grouped Dwelling Setbacks (Units 25-32) of nil in lieu of 2.5 metres to the internal driveway;**
 - (f) Cone of vision Setbacks of nil and 2 metres in lieu of 7.5 metres from the balconies to the adjoining Grouped Dwelling courtyards;**
 - (g) Grouped Dwellings (Units 25-32) having 14% open space per unit in lieu of 45%; and**
 - (h) Office floorspace distribution of 607m² on the upper floor in lieu of 300m².**

are appropriate in this instance
- 2 Having regard to Clause 4.8.2 of the City of Joondalup District Planning Scheme No 2, DETERMINES that:**
 - (a) The car parking standard for the use “Convenience Store” shall be four (4) car parking bays per 100m² Net Lettable Area.**

- 3 SUPPORTS** the proposed height of a maximum of 3 storeys under clause 6.5.3(c) of the Hillarys Structure Plan and Clause 9.8 of the City of Joondalup District Planning Scheme No. 2 and **DETERMINES** that the proposed height is appropriate in this instance as the development is considered to be of a landmark quality.
- 4. NOTES** that Policy 3-4 has been addressed and the maximum building height of 12.52 metres as measured from natural ground level, is appropriate;
- 5. APPROVES** the application dated 5 December 2006, with amended plans received on 19 September 2008 submitted by Hames Sharley Pty Ltd for 24 Multiple Dwellings, 8 Grouped Dwellings, Offices, Convenience Store & Restaurant at Lot 9009 (46) Angove Drive, Hillarys 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 Carparking (AS/NZS2890.1-2004). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services prior to the development first being occupied. These works are to be done as part of the building programme;
 - (b)** All stormwater to be contained on site to the satisfaction of the Manager Infrastructure Management Services. The proposed stormwater drainage system is required to be shown on the Building Licence application and be approved by the City prior to the commencement of construction. It shall be designed to cater for the 100 year 24 hour storm event;
 - (c)** The driveways and crossovers to be designed and constructed to the satisfaction of the Manager Planning, Approvals and Environmental Services before occupation of development;
 - (d)** Any roof mounted or free standing plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site;
 - (e)** A refuse management plan indicating the method of rubbish collection is to be submitted as part of the building licence and approved by the Manager Planning, Approvals and Environmental Services;
 - (f)** Retaining walls being of a clean finish and made good to the satisfaction of the Manager Planning, Approvals and Environmental Services;
 - (g)** All construction works shall be contained within the property boundaries;

- (h) The lodging of detailed landscaping plans based on water sensitive urban design and Designing Out Crime principles, to the satisfaction of the Manager Planning, Approvals 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;
- (i) Shade trees shall be planted and maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services in the ground level car park at a rate of one tree per four (4) car parking bays.
- (j) The area in front of the proposed retaining walls in the south-western corner of the site, as marked in RED on the approved plans, shall be landscaped to the satisfaction of the Manager Planning, Approvals & Environmental Services.
- (k) Landscaping, reticulation and all verge treatments are 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 Planning, Approvals & Environmental Services;
- (l) Visitor parking bays for the Residential Dwellings shall be marked and permanently set aside;
- (m) The use of the Convenience Store shall not include the sale of petrol;
- (n) Any signage shall be in accordance with the provisions of the Hillarys Structure Plan and shall be the subject of a separate Application for Planning Approval;
- (o) Buildings and parking areas shall be well lit to encourage safe use after hours to the satisfaction of the Manager Planning, Approvals & Environmental Services. Light spill onto surrounding streets or properties shall not be permitted;
- (p) A maximum of 48 patrons are permitted to occupy the restaurant at any given time. Any Alfresco Dining shall be the subject of a separate Application for Planning Approval;
- (q) Any fencing installed above the retaining walls adjacent to Hepburn Avenue and Whitfords Avenue shall be visually permeable above 1.2 metres as measured from natural ground level prior to this approval;
- (r) Each dwelling shall be provided with an adequate area for clothes drying that is screened from view from all streets;
- (s) Suitably screened bin storage areas are to be provided prior to the development first being occupied, in the location shown on the approved plans. Such an area must be constructed with a concrete floor, graded to a 100mm industrial floor waste gully, connected to sewer and be provided with a hose cock;

- (t) **The loading bay for the Commercial Development shall be marked and signed to indicate that it is for loading and servicing only. Such signage shall be installed prior to occupation of the development to the satisfaction of the Manager Planning, Approvals, and Environmental Services;**
- (u) **The two turning bays indicated on the approved plans shall be marked and permanently set aside for this purpose, to the satisfaction of the Manager Planning, Approvals & Environmental Services.**

Appendix 35 refers

To access this attachment on electronic document, click here: [Attach35brf100209.pdf](#)

8 REPORT OF THE CHIEF EXECUTIVE OFFICER

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NOTICE OF MOTION NO. 1 – CR BRIAN CORR – CLIMATE CHANGE (SEA LEVEL RISES) - [59091]

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr Brian Corr has given notice of his intention to move the following motion at the Council Meeting to be held on Tuesday, 17 February 2009:

“That Council:

NOTING the following:

- 1 the scientific evidence is overwhelming: climate change presents very serious risks;***
- 2 preparing for the impacts of climate change is imperative;***
- 3 the sea level is estimated to rise 18 to 59 cm by the end of this century with shoreline retreat being as much as 50 to 200 times the vertical sea level rise (i.e. 9M to 118M, depending on the coastal geomorphology);***
- 4 sea level rises could affect drainage, road and pathway construction and maintenance, coastal assets and infrastructure, open space, marinas and jetties, dunes etc;***
- 5 developments where climate change is taken into account are more likely to be successful, be a better investment, command a higher price, and have lower long-term running costs (such as insurance etc);***
- 6 developments where climate change is ignored could be too dangerous or uncomfortable to utilise, too expensive to run and maintain, and affordable insurance may not be available;***
- 7 down the track, when a problem arises, the City of Joondalup will still be here to be held to account, the developer may or may not be. The cost to ratepayers in litigation could be enormous;***
- 8 owners rely on the City of Joondalup for advice on matters such as this to reduce their risks and demonstrate due diligence;***
- 9 the need for due diligence cannot now be ignored because a risk is uncertain or is in the future;***
- 10 the general awareness of the impacts of climate change has increased dramatically in the recent past;***
- 11 a number of other authorities have published climate change impact assessments;***

- 12** *buyers and tenants expect that developments designed and built now will withstand the impacts of climate change within the lifetime of the development;*
- 13** *the head of the climate change unit at the Australian National University and science advisor to the Federal Government, Professor Will Steffen, said “we see things happening much faster than we thought” (ABC News 19 August 2008);*
- 14** *a Victorian Civil and Administrative Tribunal (VCAT) decision, labelled ‘Red Dot’ for emphasis and referenced VCAT 1545 (29 July 2008), overturns a planning approval for six (6) houses as, “applying the precautionary principle, we consider that increases in the severity of storm events coupled with rising sea levels create a reasonably foreseeable risk of inundation of the subject land and the proposed dwellings, which is unacceptable.”*

REQUESTS a report from the Chief Executive Officer advising Council whether, or not, a full climate change/risk assessment, with particular attention being given to sea level rises and its effects, should be done, giving the pros and cons, with a recommendation to Council, and, if the recommendation is yes, the urgency that the assessment should be given.”

Reason for Motion

Cr Corr submitted the following comments in support of his Notice of Motion:

- Climate change predictions indicate a high risk of increased sea levels often associated with extreme storm events. The debate is about the extent of the risks, particularly in coastal areas.
- Charles Johnson, Executive Director of Urban Policy at DPI, at the Perth NRM Local Government Reference Group meeting on 3 December 2008 said, when discussing Climate Change, that unless action is taken quickly, we may have to write off most of Rockingham and Mandurah. I asked him, considering the major projects we have earmarked for our coastal strip, should the City of Joondalup do its own Climate Change study. He said ‘Yes’.
- We are about to embark on some terrific, and exciting, and costly, projects along our coastline and our residents/ratepayers need to be assured that all the risks have been taken into account.
- The effects of climate change will not just happen one day in 2030 or 2050. Every storm could be a new line in the sand. Some people will pack up and move to higher ground, like they did in New Orleans, and some will stay until the next storm tells them they are on the wrong side of the line. Was Brisbane in November a sign of things to come?
- Can we assure our residents and ratepayers that we are considering these possibilities seriously?
- A number of authorities, local and other, have already looked at Climate Change. Attached are the following documents.
 - A Darwin City Council paper dated July 2008 on climate change;

- A copy of the program for a July 2008 conference on the subject 'Responding to Sea Level Rise' held in Coffs Harbour;
- A Fact Sheet from Lake Macquarie City Council detailing their work on climate change;
- A copy of a report from the Greater Wellington Regional Council titled 'Sea Level Rise – A New Zealand Context';
- A 2002 report from the CSIRO titled 'Using Sea Level Rise Projections for Urban Planning in Australia' – in particular Pages 31 and 32 which refer to erosion, extreme storm events and the magnitude of sea level rise here in Western Australia.

There are many more papers and studies available, mostly taking a pessimistic view and urging action.

- The West Australian reported on 23 October 2008 (copy attached) that Mandurah City Council has employed consultants to “formulate an action plan for its coastal zone and waterways.” The same report mentioned that Cottesloe had done a similar study in June 2008.
- The Claremont Nedlands Post on 22 November 2008 (copy attached) reports that a meeting took place on Cottesloe Beach the previous Sunday as part of “Australia’s biggest call for climate change action.” The Mayor of Cottesloe, Kevin Morgan, reportedly told the crowd that the Indiana Teahouse could be under water by 2030 if serious action on climate change was not taken today. “Doing nothing is not an option,” he said. Organiser, Carolyn Hofmeester reportedly said “If we fail to take action, then as well as losing Cottesloe we risk losing many of our beautiful beaches from Yallingup to Cable Beach.”
- Whilst I have the utmost respect for our officers and their advice, this is one example of a situation that requires, in my opinion, expert external opinion.
- This motion asks the question “Should we do a full climate change/risk assessment specific to the City of Joondalup? If yes, how urgent should it be?”

Officer’s comment

A report can be prepared.

Appendix 36 refers

To access this attachment on electronic document, click here: [Attach36brf100209.pdf](#)

NOTICE OF MOTION NO.2 – CR GEOFF AMPHLETT – BETTER UTILISATION OF CITY SUMPS - [42666]

In accordance with Clause 26 of 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, 17 February 2009:

“That Council request a report from the Chief Executive Officer on the potential to better utilise the City’s sumps, including but not limited to passive recreational purposes, enhanced beautification and improved bio filtration. The report should also identify the indicative costs, timing and technical issues associated with sump upgrading.”

REASON FOR MOTION

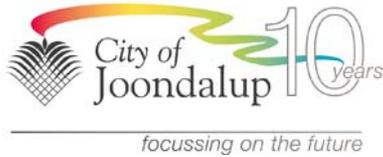
Cr Amphlett submitted the following comments in support of his Notice of Motion:

“The City maintains a large number of sumps. These have received considerable focus and attention recently because of tree deaths on land surrounding the sumps. The City is commencing the process of replanting trees to replace the dead trees. In conjunction with this action, it is considered desirable to consider and evaluate whether better use could be made of the City’s sumps, particularly for recreation purposes.”

Officer’s comment

A report can be prepared.

10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS



DECLARATION OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

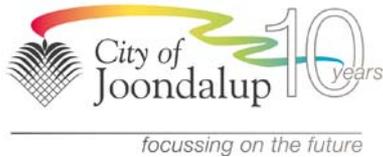
**To: CHIEF EXECUTIVE OFFICER
CITY OF JOONDALUP**

| | |
|-------------------------------|---|
| 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.*



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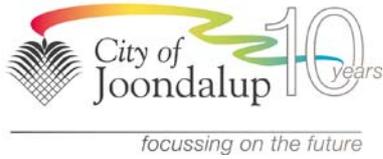
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**QUESTION TO BE ASKED AT
BRIEFING SESSION/COUNCIL MEETING**

| 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

