

Minutes **Ordinary Meeting of Council**

ORDINARY MEETING OF THE COUNCIL OF THE CITY OF JOONDALUP HELD
IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE,
JOONDALUP

ON TUESDAY, 17 MARCH 2009



**MINUTES OF COUNCIL MEETING
HELD ON TUESDAY 17 MARCH 2009**

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY, 17 MARCH 2009

DECLARATION OF OPENING

The Mayor declared the meeting open at 1904 hrs.

ANNOUNCEMENT OF VISITORS

Mayor Pickard welcomed Freeman of the City, Bill Marwick and his wife Bernice together with Freeman Margaret Cockman, Freeman Nick Trandos and guests of Bill Marwick.

A welcome was also extended to the 1st Warwick Venturer Scouts Unit.

ATTENDANCES

Mayor:

TROY PICKARD

Councillors:

Cr KERRY HOLLYWOOD	North Ward	
Cr TOM McLEAN	North Ward – <i>Deputy Mayor</i>	
Cr TRONA YOUNG	North-Central Ward	
Cr MARIE MACDONALD	Central Ward	
Cr GEOFF AMPHLETT	Central Ward	
Cr MIKE NORMAN	South-West Ward	
Cr BRIAN CORR	South-East Ward	
Cr RUSS FISHWICK	South Ward	
Cr FIONA DIAZ	South Ward	<i>Absent from 2103 hrs to 2108 hrs</i>

Officers:

MR GARRY HUNT	Chief Executive Officer	<i>Absent from 1941 hrs to 1942 hrs and 2251 hrs to 2258 hrs</i>
MR MIKE TIDY	Director, Corporate Services	
MR MARTYN GLOVER	Director, Infrastructure Services	<i>Absent from 2251hrs to 2258 hrs</i>
MR CLAYTON HIGHAM	Director, Planning & Community Development	<i>Absent from 2251hrs to 2258 hrs</i>
MR MIKE SMITH	Manager, Governance & Strategy	<i>Absent from 2251hrs to 2258 hrs</i>
MS GLENDA BLAKE	Manager, Organisational Development	<i>Absent from 2251hrs to 2258 hrs</i>
MR MARK McCRORY	Media Advisor	<i>to 2251 hrs</i>
MRS JANET FOSTER	Administrative Services Coordinator	
MRS ROSE GARLICK	Administrative Secretary	<i>Absent from 2251hrs to 2258 hrs</i>

There were 107 members of the Public and 1 member of the Press in attendance.

PUBLIC QUESTION TIME

The following questions were taken on notice at the Council meeting held on 17 February 2009:

Mr Charles Page, Iluka:

Re: CJ004-02/09 – Proposed Cats Local Law – Community Consultation Results.

Q1 Regarding Clause 20 (1) (c) which refers to a complaint of a cat on private premises. Is the City aware that the infringements cannot be issued merely on the hearsay of a neighbour, that the City has not laid down a fair and legal process in this clause and will thus violate the terms of reference of the Joint Standing Committee on Delegated Legislation regarding the making of unlawful laws?

A1 The processes for determining how the City will enforce offences within the law are currently in development. It is not a requirement that these processes be prescribed within the law itself.

The intent of the law is not to vexatiously penalise residents for failing to comply, but rather to encourage responsible cat ownership through education and awareness. Having enforceable offences merely aids in encouraging greater compliance.

Q2 Regarding Clause 11 which allows any person to inspect the cat registrar and take copies of any entry. Is the City aware that this invasion of privacy and security does not comply with the 1995 Local Government Act, is in variance with the WA Privacy Act, the 2002 Amendments to the Dog Act 1976 and offends the Joint Standing Committee's terms of reference on the making of unlawful laws?

A2 Clause 11 of the local law uses the same wording as is currently contained within section 14(4) of the Dog Act 1976.

Mr Mike O'Brien, JP Warwick:

Q1 What programs for the provision of fire breaks are planned for the perimeter of Warwick open space and surrounding the Warwick Senior High School?

A1 Fire and Emergency Services Authority (FESA) does not recognise the term "firebreak" and instead refers to "fire access ways" as they allow access for fire fighters to fight a fire, either on foot or with a vehicle.

There are no plans to put fire access ways at either of these locations. FESA completes annual inspections at this site and reports all issues to the City. The City has not been notified of any issues this fire season (October to April), except for some grass problems in the gardens around the recreation centre which have been dealt with by the City's Parks crew.

City Rangers are also given copies of the City's fire access ways and maintenance schedules.

In regards to the perimeter, the City is permitted to use the road reserve as a fire access way in lieu of clearing bushland around the perimeter provided the verge is kept in a low fuel state.

Information regarding alternatives to conventional fire access ways can be found in the handbook *Fire Management Planning for Urban Bushland*. This handbook is authored by FESA, with the assistance of the Urban Bushland Council.

In regard to the school boundary it is generally deemed unnecessary to have fire access ways on both sides of a boundary if one fire access way is sufficient. The school has a fire access way/car park on the north boundary, and from the car park there is an entrance road which is also acceptable as a fire access way. On the south side of the boundary is a sports oval, and this is deemed adequate.

On the southwest corner there is another road to a sump which complies as an adequate fire access way for FESA purposes. Further north in the middle of the oval there is another school road which acts as a further fire access way if required

Q2 *When is the next clean-up of the median strip on Erindale Road, between Beach Road and Warwick Road programmed?*

A2 The natural areas crew last carried out maintenance (litter removal) of the eastern verge during the week of 29 January 2009. The next scheduled maintenance is due on 16 March 2009.

The City endeavours to remove litter from this verge every four weeks, according to staff availability. If crews are unable to attend to this area on the set date, then the area maintenance is postponed until the crew is able to return within the program.

The western side of Erindale Road is residential/commercial, therefore it is the owner/occupier's responsibility to maintain.

The following question was taken on notice at the Briefing Session held on 10 March 2009:

Mr S Magyar, Heathridge:

Q1 *The information on stamped Page 140 of the attachment provided on the Web was not the same as on the hard copy. Which computer programme caused the misprint?*

A1 The program in question is Adobe Acrobat. What caused the strange formatting on one page in the new copy is not known and cannot be determined as the problem did not reoccur when the document was subsequently re-saved.

The following questions were submitted in writing prior to the Council meeting:

Dr Marjorie Apthorpe, Ocean Reef

Q1 *Which contractor is carrying out the Thermal Weed Control trial on Shenton Avenue for the City of Joondalup?*

A1 Mr Graeme Sandral (Plant Ecologist) University of Western Australia has overseen the project on behalf of the City of Joondalup. The contractor involved in applying the Hydrothermal program was Weedsafe. Ausmic Boomerang carried out the herbicide program.

- Q2 *What method(s) is/are being used? (ie. Hot water / steam / combination).*
- A2 The method is high-pressure hot water. The theory is that the heat kills the cells in the plant, while the use of pressure forces the hot water a few centimetres into the soil to kill any surrounding weeds. Regrowth is retarded and basically it burns the plant destroying its cell structure.
- Q3 *What is the timing (commencement / completion dates) of the Thermal Weed Control trial on Shenton Avenue?*
- A3 The trial commenced May 2008 and will be completed in March 2009.
- Q4 *How many thermal treatments will be carried out during this period?*
- A4 There were three treatments carried out. The first treatment was completed in May, 2008. The target areas were roadside kerb and footpaths and included the application of hydrothermal; hydrothermal and glyphosate; glyphosate; glyphosate and stomp and included an untreated control area.

The second treatment was completed in September and involved:

- Hydrothermal
- Hydrothermal and glyphosate
- Glyphosate

The third treatment was completed in November and involved only the hydrothermal application.

- Q5 *When will the results of the trial be made available?*
- A5 In March 2009 there will be the completion of the last weed count or score followed by a report submitted to Council, probably in May 2009. Results will be available to the public after Council has deliberated on the report.

Mr K Robinson, Como:

- Q1 *Has Mr Hunt received a complaint relating to possible unethical conduct by Royal Oak Trading in conducting an investigation on behalf of the City?*
- A1 Complaints are dealt with on a confidential basis.
- Q2 *Why was the response "the question is hypothetical" provided in response to Mr Spack's question asking the City what action would be taken if it was determined that a person undertaking an investigation on behalf of the City had engaged in unethical conduct given that a complaint relating to unethical conduct by Royal Oak Trading had been submitted to the City?*
- A2 The phrasing of the question led to the phrasing of the response.

Q3 *Does the City's terms and conditions of engagement require external consultants engaged by the City to act in an ethical manner?*

A3 Yes.

Q4 *If Royal Oak Trading have acted in an unethical manner in conducting an investigation on behalf of the City wouldn't that be of concern to the City?*

A4 Yes.

Q5 *Given the complaint alleging unethical conduct by Royal Oak Trading in conducting their investigation on behalf of the City would be easily verifiable wouldn't it be in the City's interest to ascertain whether a consultant working on behalf of the City has engaged in unethical conduct? If not, why not?*

A5 The City addresses matters in the manner considered most appropriate on each occasion.

Mr M O'Brien, JP Warwick:

Q1 *Have Council's Officers finished the compilation and provided a document resulting from the public's comment and the submissions regarding the November 2008 Edgewater Quarry Community Consultation Process?*

Q2 *When does the Joondalup City Council anticipate making a formal announcement to the public and stakeholders of their decision for the quarry's future use, based on any such feedback from the consultation process?*

A1-2 The Edgewater Quarry Public Consultation Process commenced on 27 October 2008 and closed on 21 November 2008. The results have been analysed and it is proposed that a report will be presented to the Briefing Session on 14 April 2009 with a view to a formal decision being made at the Council meeting on 21 April 2009.

Mr R Repke, Kallaroo:

Q1 *Why is it that the seedlings planted along Whitfords Avenue opposite of Craigie Leisure Centre, and there are hundreds, have almost all died due to lack of water? Who is responsible and what does the City intend to do?*

A1 Native plants are planted due to their ability to survive dry conditions. Due to the plants being native, limited watering is required and there has been a 40% success rate which is usual for such plantings. Those plants that have survived to date will continue to survive without additional watering.

It is anticipated there will be further weed control and planting in April/May.

Q2 *Why is the City not watering the Sword Sedges it has planted in Geneff Park, and many are dead or dying and what does the City intend to do to change the situation?*

A2 The City's Natural Areas staff will investigate the plantings of Sword Sedges at Geneff Park and re-establish the plants where necessary at this location.

- Q3 *(Southern Business Park Extension) Why is it that the two groups of trees in the middle and to the west which Landcorp left as a compensation for the big tree which had to be cut have been left unattended and unwatered with the result that these trees look shabbier and shabbier month by month and what does the City intend to do to improve the lot of these trees? Or are they just left to die? Which was not the idea?*
- A3 The trees are on private property and are therefore the responsibility of Landcorp. The City has previously contacted Landcorp on behalf of Mr Repke, in relation to the watering of the trees. Mr Repke is advised to contact Landcorp directly in relation to their current actions in regard to the trees.
- Q4 *Why is it that the walkways along North-West corner of the Craigie Bushland are demolished, are a hazard for walkers and what does the City intend to do ?*
- A4 The City is currently working with the Water Corporation and has just completed a path way linking Warrandyte Park with the Southern Access Stairway on the western edge of Craigie Bushland. These steps are being replaced, and a new stairway is also being built down the escarpment on the north western corner of Craigie Bushland.
- The other paths within the bushland are constructed of crushed limestone in keeping with the natural landscape and do not have the smooth surface of an asphalt sealed path.
- Q5 *Would it not be a good idea to support the grasstrees which are planted on City property and seem to be dying off here and there by a maintenance contract with a company that has a proven positive record of maintaining grasstrees?*
- A5 The Grasstrees in the City's parks are well established and predominantly healthy. The City is taking steps to ensure they are maintained as they would be in their natural state.

The following questions were submitted verbally at the Council meeting held on 17 March 2009:

Mr R Repke, Kallaroo:

- Q1 *Why is the recommended subsidy per cat not included in the 'Frequently Asked Questions' on the City's website and when will the subsidy be made public and widely advertised?*
- A1 There is no amount included in the Local Law for cat sterilisation. That decision will not be made until the 2009-2010 budget year. When the budget is adopted and the exact amount determined it will be advertised for public comment.
- Re: Items CJ069-03/09, CJ070-03/09 and CJ071-03/09 – Proposed Developments in Currambine*
- Q2 *Why is it that none of the green star rating requirements are included in any of these applications and when will the City establish a green star policy?*
- A2 Response by Mayor Pickard: There is no legal requirement for any developer to adopt green star requirements. Applications are considered in accordance with the relevant planning laws. A report will be presented to Council in the near future for consideration which will identify opportunities to encourage green star development within the City.

Mrs J Sivec, Mullaloo:

Q1 *What process does the City adopt with regard to applications for a new business to operate within the City, in particular when that said business is seeking to operate on public space?*

A1 This question will be taken on notice and a response will be provided in writing.

The Chief Executive Officer left the Chamber at 1941hrs and returned at 1942 hrs.

Mrs H Kraus, Mullaloo:

Q1 *Why did the City of Joondalup change the use at Mullaloo Beach by issuing a licence for kite surfing without any public consultation?*

A1 *Response by Mayor Pickard:* There has been no change of use at Mullaloo Beach.

Q2 *How is the City of Joondalup going to protect the safety of beach users at Mullaloo Beach when there are no rules for public liability?*

A2 *Response by Mayor Pickard:* The City does so by identifying what the management issues are in relation to any recreational pursuits and in conjunction with the relevant stakeholder groups and community interests groups, determines what is appropriate and develops management plans accordingly.

Mr M Caiacob, Mullaloo:

Q1 *Was the commercial licence to use the public beach at Mullaloo for kite surfing issued for use in the area between Korella Street and West View Boulevard or from Warren Street to West View Boulevard?*

A1 The licence was issued for use between Korella Street and West View Boulevard.

Q2 *Why was a licence issued for kite surfing at Mullaloo Beach when the designated area for water sport activities is Pinnaroo Point?*

A2 This question will be taken on notice.

Dr M Apthorpe, Ocean Reef:

Re Item CJ044-03/09 - Draft Perth Coastal Planning Strategy: City of Joondalup Submission

Q1 *When will the proposed plans for the Ocean Reef Marina Development be made public?*

A1 *Response by Mayor Pickard:* The public release of the concept plans for Ocean Reef Marina will take place within the next few months.

Q2 *Will there be an opportunity for local residents to comment on the concept plans and provide feedback to Council on the plans?*

A2 *Response by Mayor Pickard:* This process has already occurred. When the concept plans are publicly advertised there will be further opportunities for all residents in the community to provide feedback.

Mr C Page, Iluka:

Q1 *Clause 20(b) of the Cat Local Law states that a cat shall not be 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 whereas the information provided within the 'Frequently Asked Questions' on the City of Joondalup's website requirement of the law is that cats do not pose a nuisance to neighbours. In light of this difference will the City now change the Cat Local Law?*

A1 *Response by Mayor Pickard: No.*

Q2 *Clause 20(b) states that the law does not require that a cat be confined 24 hours a day. In light of this clause does the City agree that the 'Frequently Asked Questions' is misleading?*

A2 *Response by Mayor Pickard: No.*

Mr S Magyar, Heathridge:

Re Item CJ044-03/09 - Draft Perth Coastal Planning Strategy: City of Joondalup Submission

Q1 *Does the Council intend to use the information from that report to conduct a risk assessment of all structures, both publicly and privately owned, for possible coastal erosion?*

A1 *Response by Mayor Pickard: A report was requested at the February Council meeting in relation to coastal interface and the impacts of climate change and this matter will be presented to Council for consideration in due course.*

Re Notice Of Motion No 3 – Cr Marie Macdonald – A call for the City to implement its Local Laws and ban Kite Surfing on Mullaloo Beach North of the Surf Club

Q2 *Is the City aware of any local Council within Australia which has restricted the use of kite or wind surfing?*

A2 *This question will be taken on notice.*

Mr C Bell, Hillarys:

Q1 *Will Council deal with Notice of Motion No 3 – Cr Marie Macdonald – A call for the City to implement its Local Laws and Ban Kite Surfing on Mullaloo Beach North of the Surf Club early in the evening?*

A1 *Response by Mayor Pickard: That will be a determination for Council to make.*

Mr A Moseley, Mullaloo:

Q1 *Why is kite surfing allowed at Mullaloo Beach and wind surfing is not?*

A1 *Response by Mayor Pickard: That is not the case.*

Q2 *Why is Council not enforcing licence restrictions along Mullaloo Beach?*

A2 *Response by Mayor Pickard:* Should residents have cause for concern they can lodge a complaint to the City together with any supporting documentation and the matter will be investigated.

PUBLIC STATEMENT TIME

Mr D Arkless, Currambine:

Mr Arkless spoke in relation to C19-03/09 Notice of Motion No 3 – Cr Marie Macdonald – A call for the City to implement its Local Laws and Ban Kite Surfing on Mullaloo Beach North of the Surf Club.

Mr P Banks, Como:

Mr Banks spoke in relation to C19-03/09 - Notice of Motion No 3 – Cr Marie Macdonald – A call for the City to implement its Local Laws and Ban Kite Surfing on Mullaloo Beach North of the Surf Club.

Mr R Repke, Kallaroo:

Mr Repke spoke in relation to C19-03/09 - Notice of Motion No 3 – Cr Marie Macdonald – A call for the City to implement its Local Laws and Ban Kite Surfing on Mullaloo Beach North of the Surf Club.

Mr P Morrow, Coogee:

Mr Morrow spoke in relation to C19-03/09 - Notice of Motion No 3 – Cr Marie Macdonald – A call for the City to implement its Local Laws and Ban Kite Surfing on Mullaloo Beach North of the Surf Club.

Mrs T Jaffar, Hillarys:

Mrs Jaffar spoke in relation to Item CJ067-03/09 - Request for closure of pedestrian accessway between Murray Drive and Gipps Court, Hillarys - Reconsideration of the Urban Design Assessment.

Mr B Mosley, Hillarys:

Mr Mosley spoke in relation to Item CJ067-03/09 - Request for closure of pedestrian accessway between Murray Drive and Gipps Court, Hillarys - Reconsideration of the Urban Design Assessment.

Mr P Smyth, Hillarys:

Mr Smyth spoke in relation to Item CJ067-03/09 - Request for closure of pedestrian accessway between Murray Drive and Gipps Court, Hillarys - Reconsideration of the Urban Design Assessment.

Mr N Teo, North Perth:

Mr Teo spoke in relation to Item CJ070-03/09 - Proposed Showrooms, Offices, Food Hall, and Convenience Store at Lot 5002 (74) Delamere Avenue, Currambine and Item CJ071-03/09 - Proposed Showrooms, Offices, Shop and Convenience Store at Lot 5001 (86) Delamere Avenue, Currambine.

Mrs J Sivec, Mullaloo:

Mrs Sivec spoke in relation to C19-03/09 - Notice of Motion No 3 – Cr Marie Macdonald – A call for the City to implement its Local Laws and Ban Kite Surfing on Mullaloo Beach North of the Surf Club.

Mrs H Kraus, Mullaloo:

Mrs Kraus spoke in relation to C19-03/09 - Notice of Motion No 3 – Cr Marie Macdonald – A call for the City to implement its Local Laws and Ban Kite Surfing on Mullaloo Beach North of the Surf Club.

C10-03/09**EXTENSION OF PUBLIC STATEMENT TIME – [01122] [02154]**

MOVED Cr Young, **SECONDED** Cr McLean that Public Statement Time be extended.

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Fishwick, Macdonald, McLean and Norman

Mr M Caiacob, Mullaloo:

Mr Caiacob spoke in relation to Notice of Motion No 3 – Cr Marie Macdonald – A call for the City to implement its Local Laws and Ban Kite Surfing on Mullaloo Beach North of the Surf Club.

Mr C Page, Iluka:

Mr Page spoke in relation to the Cat Law.

Mr A Moseley, Mullaloo:

Mr Moseley spoke in relation to Notice of Motion No 3 – Cr Marie Macdonald – A call for the City to implement its Local Laws and Ban Kite Surfing on Mullaloo Beach North of the Surf Club.

Mr S Magyar, Heathridge:

Mr Magyar spoke in relation to Notice of Motion No 3 – Cr Marie Macdonald – A call for the City to implement its Local Laws and Ban Kite Surfing on Mullaloo Beach North of the Surf Club.

Mr C Bell, Hillarys:

Mr Bell spoke in relation to Notice of Motion No 3 – Cr Marie Macdonald – A call for the City to implement its Local Laws and Ban Kite Surfing on Mullaloo Beach North of the Surf Club.

Mr J Hillen, Kinross:

Mr Hillen spoke in relation to Item CJ072-03/09 - Arena Community Sport and Recreation Association (ACSRA).

APOLOGIES AND LEAVE OF ABSENCE

Apology Cr Sue Hart

Leave of Absence previously approved

Cr Michele Rosano	02 – 20 March 2009 inclusive
Cr Geoff Amphlett	22 – 28 March 2009 inclusive

CONFIRMATION OF MINUTES**C11-03/09 MINUTES OF COUNCIL MEETING, 17 FEBRUARY 2009**

MOVED Cr Norman, SECONDED Cr Young that the minutes of the Council meeting held on Tuesday, 17 February 2009 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**RECOGNITION OF BILL MARWICK**

Tonight is my pleasure to make a special presentation to a very-well respected and valued member of our community in Bill Marwick, who is seated next to me as our guest of honour.

Bill has had a profound influence on the Cities of Wanneroo and Joondalup over the many decades and he is a Freeman of both Cities.

Earlier this year, Bill received the prestigious Medal of the Order of Australia on Australia Day for his involvement in our local community.

As the founder of the Wanneroo Times Community Newspaper and with his many years on the former City of Wanneroo council, Bill has played a major role in the development of the northern corridor.

His dedication and service to the communities of Joondalup and Wanneroo is well known, particularly through his documentation of the region's history and to the newspaper industry.

The City of Joondalup is proud of its close association with Bill, one of three inaugural Freeman of the City of Joondalup along with Margaret and Nick. We congratulate you and your wife Bernice on your many achievements and this significant honour is bestowed upon you by the order of Australia.

On behalf of the City, It gives be great pleasure to present this framed certificate and newspaper article, which acknowledges Bill's recent honour.

Mr Bill Marwick Expressed his appreciation for the award presented to him.

1ST WARWICK VENTURER SCOUTS UNIT

I'd like to welcome the Venturer Scouts from the First Warwick Unit who are in the public gallery to watch proceedings of tonight's Council meeting. It's always good to see the City's youth taking an interest in Council and City affairs. The Venturer Scouts are here as part of their Queen Scout Award, which requires them to study different levels of government. I hope you all find tonight's meeting interesting and informative.

BIRTHDAY WISHES

Finally, I would like to wish Cr Kerry Hollywood a happy birthday for next week.

DECLARATIONS OF INTEREST**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	Mr Garry Hunt, Chief Executive Officer
Item No/Subject	CJ075-03/09 - Minutes of the Chief Executive Officer Performance Review Committee Meetings held on 2 February 2009 and 9 March 2009
Nature of interest	Financial
Extent of Interest	Mr Hunt is the Chief Executive Officer

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	Mayor Troy Pickard
Item No/Subject	CJ055-03/09 - Mid Year Review of Annual Budget for the 2008/09 Financial Year
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mayor Pickard resides on the same street as Barridale Park in Kingsley

Name/Position	Mr Garry Hunt, Chief Executive Officer
Item No/Subject	CJ056-03/09 - Minutes of the Audit Committee Meeting held 3 February 2009 (Item 1 – CEO's Credit Card Expenditure – Quarter Ended 30 September 2008) (Item 3 – CEO's Credit Card Expenditure – Quarter Ended 31 December 2008)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mr Hunt is the Chief Executive Officer

Name/Position	Cr Mike Norman
Item No/Subject	CJ059-03/09 – Bushland Volunteers
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Norman is a Coordinator of Friends Groups “Friends of Sorrento Beach” and “Friends of Porteous Park”

Name/Position	Cr Marie Macdonald
Item No/Subject	CJ059-03/09 – Bushland Volunteers
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Macdonald is a Coordinator of Friends of Mullaloo Dunes

Name/Position	Cr Marie Macdonald
Item No/Subject	CJ060-03/09 – Annual Funding of Bushland Friends Groups
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Macdonald is a Coordinator of Friends of Mullaloo Dunes

Name/Position	Cr Mike Norman
Item No/Subject	CJ060-03/09 - Annual Funding of Bushland Friends Groups
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Norman is a Coordinator of Friends Groups “Friends of Sorrento Beach” and “Friends of Porteous Park”

Name/Position	Cr Russ Fishwick
Item No/Subject	CJ060-03/09 - Annual Funding of Bushland Friends Groups
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Fishwick is a member of the Friends of Warwick Bushland

Name/Position	Mr Mike Tidy – Director, Corporate Services
Item No/Subject	CJ075-03/09 - Minutes of the Chief Executive Officer Performance Review Committee Meetings held on 2 February 2009 and 9 March 2009 - (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 his employment relationship with the CEO

Name/Position	Cr Brian Corr
Item No/Subject	C16-03/09 - Notice of Motion No 1 – Cr Brian Corr – Establishment of Business Development and Support Advisory Committee
Nature of interest	Interest that may affect impartiality
Extent of Interest	A company, owned by Cr Corr and his wife, is a member of the Joondalup Business Association.

Name/Position	Cr Marie Macdonald
Item No/Subject	C18-03/09 - Notice of Motion No 3 – Cr Marie Macdonald – A Call for the City to Implement its Local Laws and Ban Kite Surfing on Mullaloo Beach North of the Surf Club.
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Macdonald lives in Mullaloo

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

The Chief Executive Officer advised that Item CJ075-03/09 - Minutes Of The Chief Executive Officer - Performance Review Committee Meetings Held on 2 February 2009 and 9 March 2009 to which he has declared a financial interest is to sit Behind Closed Doors.

PETITIONS**C12-03/09 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 17 MARCH 2009**

- 1 PETITION REQUESTING INSTALLATION OF WIDE FOOTPATH AND PROVISION OF CLEAR PEDESTRIAN ACCESS – HAKEA PLACE, SORRENTO - [04528] [47625]

A 69-signature petition has been received from residents of the City of Joondalup requesting the installation of a wide footpath and the provision of clear pedestrian access around Hakea Place, Sorrento which is a cul-de-sac accessing Sorrento Primary School.

- 2 PETITION OPPOSING THE RECENT USE OF MULLALOO BEACH FOR KITE SURFING AND REQUESTING THE CITY TO BAN THE USE OF KITE SURFING ON THE ENTIRE STRETCH OF MULLALOO BEACH.

Cr Trona Young tabled a 90-signature petition on behalf of residents of the City of Joondalup requesting the City ban the use of Kite Surfing on the entire stretch of Mullaloo Beach.

- 3 PETITION OPPOSING THE RECENT USE OF KITE SURFING ON THE BEACH TO THE NORTH OF THE SURF CLUB AT MULLALOO BEACH AND REQUESTING THE CITY TO BAN THE USE OF KITE SURFING ON THE STRETCH OF MULLALOO BEACH TO THE NORTH OF THE MULLALOO SURF CLUB.

Cr Trona Young tabled a 107-signature petition on behalf of residents of the City of Joondalup requesting the City ban the use of Kite Surfing on the stretch of Mullaloo Beach to the north of the Mullaloo Surf Club.

MOVED Cr Young, SECONDED Cr McLean that the following Petition be RECEIVED, referred to the CEO and a subsequent report presented to Council for information:

- 1 **petition requesting the installation of a wide footpath and the provision of clear pedestrian access around Hakea Place, Sorrento.**
- 2 **petition opposing the recent use of Mullaloo Beach for Kite Surfing and requesting the City to ban the use of Kite Surfing on the entire stretch of Mullaloo Beach.**
- 3 **petition opposing the recent use of Kite Surfing on the beach to the north of the Surf Club at Mullaloo Beach and requesting the City to ban the use of Kite Surfing on the stretch of Mullaloo Beach to the north of the Mullaloo Surf Club.**

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

C13-03/09 CONSIDERATION TO CHANGE ORDER OF BUSINESS - [02154]

MOVED Cr Norman, **SECONDED** Cr Corr that in accordance with Clause 14(4) of the City's Standing Orders Local Law 2005, that the Notice of Motion No 3 – Cr Marie Macdonald – A Call for the City to Implement its Local Laws and Ban Kite Surfing on Mullaloo Beach North of the Surf Club be considered as the first item prior to the Order of Business – 'Reports'.

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

Disclosure of interest affecting impartiality

Name/Position	Cr Marie Macdonald
Item No/Subject	C19-03/09 - Notice of Motion No 3 – Cr Marie Macdonald – A Call for the City to Implement its Local Laws and Ban Kite Surfing on Mullaloo Beach North of the Surf Club.
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Macdonald lives in Mullaloo

C19-03/09 NOTICE OF MOTION NO 3 – CR MARIE MACDONALD – A CALL FOR THE CITY TO IMPLEMENT ITS LOCAL LAWS AND BAN KITE SURFING ON MULLALOO BEACH NORTH OF THE SURF CLUB

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Marie Macdonald has given notice of her intention to move the following Motion at the Council meeting to be held on Tuesday, 17 March 2009:

“That Council REQUESTS that the CEO immediately implements the City's Local Government and Public Property Local Law 1999 and makes the statement:

- 1 That Kite Surfing will no longer be permitted on Mullaloo Beach north of the surf club by exercising Part 4 Clause 23(1)(c) of this Local Law and places signs on the beach to that effect;***
- 2 That the act of pursuing this extreme sport on this busy beach constitutes a breach of Local Law Part 3, Clause 14 in that that personal behaviour of persons of those engaged in this activity does meet the requirements under this Clause of the City's Local Law;***
- 3 Revokes the Licence issued to Kite Boarding Perth to operate a business on Mullaloo Beach each day between the hours of 2.00 pm to 7.00 pm, seven (7) days a week between Korella Street to West View Boulevard pathway under Part 2, Clause 11, on the basis:***
 - (a) that the licence conditions are breached on a daily basis as detailed attached;***
 - (b) that personal behaviour of persons of those engaging in this activity does meet the requirements of part 3, Clause 14 under this Local Law:***

Relevant Clause of the Local Law

Personal Behaviour

14 A person on or in any local government property shall not behave in a manner which:

- (a) is likely to interrupt, disturb or interfere with the enjoyment of any other person who may use the property; or**
- (b) interrupts, disturbs or interferes with the enjoyment of any other person using the property.**

Setting aside of local government property

23 (1) A local government may set aside any local government property, local government building or reserve or portion of such for a specific use or uses and may designate by signs that use and conditions of use, including but not limited to any areas where:

- (c) boats, personal watercraft or surfboards, either generally or of a particular class are permitted, restricted or prohibited.”**

Reason for Motion

Cr Macdonald submitted the following comments in support of her Notice of Motion:

“The City has a responsibility to ensure that public places in the City can be enjoyed by the public in reasonable safety.

Kite Surfers travel at high speeds and use equipment that has the potential to seriously injure other members of the public.

Council would be failing in its responsibility to the public if it allowed this dangerous activity to be continued in an unrestricted manner.

The City has previously used its powers under the Local Government and Public Property Local Law 1999 to ban practicing golf on ovals and other recreation reserves.

The practicing of golf on ovals, and the activities of wind and kite surfing are comparable in reducing the general public’s enjoyment of public places.

Personal experience of wind and kite surfers

For two summers kite surfers have been using Mullaloo Beach to the detriment of beach users. This is an extreme sport and has the ability to cause serious injury to people in the vicinity of this activity. There has been a report of injury at Mullaloo Beach see letter attached. Mullaloo Beach is one of the top four beaches for usage in the Metropolitan area. Currently as soon as the sea breeze is in there can be as many as 20 kite surfers operating on the beach.

Anyone who enters the beach and sea when the breeze arrives at Mullaloo is at risk of injury. I first became aware of the problem when one passed by half a metre from my head whilst swimming. The surfers are powered by wind and travel at speed. To enter the water the kites require excessive amounts of beach to pull the kites in the air. I have seen a kite drop to the ground next to a family. I have seen a kite unable to be controlled by its user become free and land onto the area behind the primary dune. They often sail parallel to the beach where there are swimmers and surfers. They impede the passage of walkers.

I have lived at Mullaloo for 34 years. During this time my family had surf cats and sailboards and used them at Pinnaroo Point where such activities were permitted. No dangerous activity was deemed appropriate at Mullaloo Beach because the whole of its length is considered a safe swimming beach. Currently kite surfers use Pinnaroo Point.

It has been apparent that there has been a business operating from Mullaloo beach for two summers. When I made an enquiry, the City stated there was no business operating and no bar on the activity on Mullaloo Beach. Subsequently the City stated that they had given a licence this October for a business to train novices on Mullaloo Beach. There was no consultation with ratepayers and beach users about this activity which would reduce their amenity of beach usage. I have been told that the Surf Club is not supportive of the activity on the beach north of the Surf Club and was not consulted before a licence was issued. There is another club controlled area at the northernmost part of the beach. The licensed business is allowed to take a four wheel drive vehicle and trailer on to the beach and drive to the spot where it conducts the activity. However the business travels a greater distance than its licence allows and conducts its business at Warren Way pathway adjacent to the busiest part of the beach. Vehicles are a danger on the beach where pathways enter and children run onto the beach. The failure of the City to prohibit this activity on Mullaloo Beach when it was first identified has meant that it is now a place where Kite surfers are encouraged to come by their Association. An extract from the Kite Surfers Association web site:

From WAKSA:

It seems that kilters are again creating angst with some SLSC officials at Mullaloo. The WAKSA crew recently sacrificed themselves to check the place out first hand one windy afternoon. What a sweet way to prepare for a meeting. For those who know the area, Mullaloo foreshore, north of the SLSC - offers an ideal kite beach. Unless it is a very high tide there is a reasonably wide, straight, flat beach which can and does accommodate a solid crew of local kilters.

Below is one account of an encounter with a kite boarder. I have also been told a kite surfer has landed on the Surf club and broke both legs but to date I haven't been able to verify this. The road at Mullaloo is very close to the beach and has overhead power lines along it.

I urge Councillors to support this motion and support a ban on kite surfing on Mullaloo Beach north of the Surf Club.

Report of incident concerning a kite rider that occurred on 22 January 2008 on Mullaloo Beach at approximately 6pm.

My name is Jennifer Gates and I am a board coach at Mullaloo Surf Life Saving Club. On Tuesday evenings I coach between 20 and 30 ten and eleven year old children.

On this particular Tuesday there was a strong southerly wind.

I set up approximately 50 metres south of the club as I do each week as we are not allowed to have hard boards within the swim flag area.

About half way through the session, one group of children were paddling out in the sea with the second group on the starting line ready to run into the water. A parent who was standing on the southerly end of the starting line called out to me in a panic to watch out. A kite rider who had decided to launch his kite 10 metres away from us had lost control.

The parent and myself started to herd and call to the children and parents on the beach to move up the beach towards the dunes as fast as they could as the long strings/ropes were whipping back and forth and up and down in an horrendous manner. The kite rider was

being dragged straight north up the beach on the water's edge. I suddenly remembered the children in the water and saw them approaching the beach about 5/10metres off. (This is hard to account). I saw their heads/necks were at the same level as the ropes/strings and they were whipping towards them. I ran towards the children with my hands in front of my face calling at them to stop and not get out of the water.

At this point in time it whipped me which stopped some of the momentum and another man jumped onto the kite with the rider and helped to pull it down.

The kite rider quickly packed up and apologized and left. However, another kite rider proceeded to start launching next to us again. When I asked if he and his other friends could move further south where there were no public and where the beach was empty I had the following answers from them:

- 1 It is not your beach.*
- 2 We should train between the flags. (not allowable as we are on hard boards)*
- 3 It is too hard to drag their equipment down at the next car park. (They could use Pinnaroo)*
- 4 They don't care about other beach users.*

We have now decided to place club flags about 50m away from the Surf Life Saving Club so that they have to be at least 50m away from them also.

I had damage to my face, upper right arm and under my left underarm from the ropes whipping me. I was shocked and had to cancel the training to the children.

It was made very clear that they did not believe that they had any duty of care to anyone else on the beach.

Jennifer Gates”

General

It is acknowledged that kite surfing is a sport that has grown very rapidly in recent times and that the beaches in the City of Joondalup in the vicinity of Pinnaroo Point and at Mullaloo have proved to be particularly attractive to kite surfers. When the wind conditions are right there are a large number of kite surfers on the water.

Notwithstanding this relatively large number and the comments accompanying the notice of motion the City has received only a few complaints specifically in relation to kite surfing. The small number of complaints is not an indicator that there are no dangers involved in the sport.

Notice of Motion Recommendation 1

Under the provisions of the Local Government & Public Property Local Law (the Local Law) clause 23(1)(c) a kite surfing rig would be considered a type of **surf board**. In accordance with that clause it is open for Council to restrict or prohibit their use in areas to which the Local Law applies.

The difficulty in relation to this is that the jurisdiction of the Local Law is limited in this case to the beach reserve and does not extend below the **low** level watermark and into the water. Although the launching and recovery of kites takes place on the beach and this could be restricted there is no power to restrict kite surfing on the water.

If it is intended to restrict kite surfing activity on the beach reserve where the Local Law does apply, some consideration may need to be given to the extent of the restriction. Is the intention of the restriction to apply it to the launching and recovery of kites or is it also

intended that this apply to the transport of kites through a restricted area? Normally kites are carried folded up or packed in a bag with a board.

Notice of Motion Recommendation 2

The Council could determine that the use of kite boards should be considered as actually causing an interruption to the enjoyment of other users of the beach in accordance with clause 14 of the Local Law as proposed in the recommendation.

Unlike recommendation 1, which only seeks to prohibit kite surfing from Mullaloo Beach north of the surf club, recommendation 2 is all encompassing and would apply to all beaches in the City all year round. The jurisdiction of the Local Law, as referred to above, applies only to the reserves on the beach and not below the low level watermark and into the water.

Notice of Motion Recommendation 3

In August 2008, the City received a request from Kite Boarding Perth to conduct a kite boarding school from a designated area north of the Mullaloo Surf Club.

In assessing the application, the City's intent was to look for a way to educate new and current casual kite boarders that regularly utilise this particular part of the beach.

As a result, a 12-month licence was issued to Kite Boarding Perth commencing in October 2008 from an area at the northern end of Mullaloo Beach (between Korella Street and West View Boulevard).

Details of the booking are:

Days: Monday to Sunday

Hours: 2.00pm to 7.00pm

To ensure public safety, the City has held discussions with the surf club regarding the best way of providing beach access to the kite boarding operator. It was decided that a key to the bollard in the carpark would be provided and vehicle access granted subject to a number of safety conditions.

The City has received some anecdotal feedback from residents and surf club members regarding concerns for the safety of swimmers. In addition, the City has also met with the Mullaloo and Sorrento Surf Clubs to discuss the option of designated swimming areas at both beaches. It was hoped that this approach would increase safety for swimmers and create areas where board riding activities were considered appropriate.

Upon further investigation with Surf Life Saving WA (SLSWA), it appears that designated swimming areas would also limit the activities and functions of the two (2) surf clubs. SLSWA has also recently met with the City of Wanneroo regarding issues that they are having with Kite Surfers and similar concerns over the safety of swimmers.

The nature of kite surfing means that it is possible for the community to directly relate the issuing of the kite surfing school to the safety concerns that are being caused by casual kite boarders at Mullaloo Beach. However, the intent of the licence issued to the kite boarding school was to train participants in how to control their equipment and educate them to consider all beach users. It is felt that most of the kite surfers operating in this area are casual surfers and not those using the kite surfing school.

To date the City has no evidence that there has been any breach of the licence conditions. The licence for the kite boarding school expires on 9 October 2009. The City would need to seek legal advice on the potential claims that could be made by the kite boarding school against the City if the licence were to be revoked.

Officer's proposal

While the concerns that the recommendations seek to address are appreciated it is felt that they need further consideration. Although kite surfing may be regarded as an extreme sport it is nevertheless a legitimate sport that is growing rapidly in popularity. The recommendations focus on restrictions on kite surfing. It is felt that a more holistic approach should be taken to addressing the issue, not only identifying where restrictions may apply but also specifying where kite surfing may legitimately be conducted and in what circumstances or under what conditions. It is suggested that a report to Council to consider all of the issues should be prepared.

ADDITIONAL INFORMATION

There is a need to amend certain words within the officer's comment for the above Notice of Motion, as shown on Page 183 of the Agenda for the Council meeting to be held on 17 March 2009.

These minutes have been amended to show the correct wording, with the relevant words shown highlighted on pages 18 and 19.

MOVED Cr Macdonald, SECONDED Cr Norman that Council *REQUESTS that the CEO immediately implements the City's Local Government and Public Property Local Law 1999 and makes the statement:*

- 1 *That Kite Surfing will no longer be permitted on Mullaloo Beach north of the surf club by exercising Part 4 Clause 23(1)(c) of this Local Law and places signs on the beach to that effect;*
- 2 *That the act of pursuing this extreme sport on this busy beach constitutes a breach of Local Law Part 3, Clause 14 in that that personal behaviour of persons of those engaged in this activity does meet the requirements under this Clause of the City's Local Law;*
- 3 *Revokes the Licence issued to Kite Boarding Perth to operate a business on Mullaloo Beach each day between the hours of 2.00 pm to 7.00 pm, seven (7) days a week between Korella Street to West View Boulevard pathway under Part 2, Clause 11, on the basis:*
 - (a) *that the licence conditions are breached on a daily basis as detailed attached;*
 - (b) *that personal behaviour of persons of those engaging in this activity does meet the requirements of part 3, Clause 14 under this Local Law:*

Relevant Clause of the Local Law

Personal Behaviour

- 14 *A person on or in any local government property shall not behave in a manner which:*
 - (a) *is likely to interrupt, disturb or interfere with the enjoyment of any other person who may use the property; or*

- (b) *interrupts, disturbs or interferes with the enjoyment of any other person using the property.*

Setting aside of local government property

23 (1) *A local government may set aside any local government property, local government building or reserve or portion of such for a specific use or uses and may designate by signs that use and conditions of use, including but not limited to any areas where:*

- (c) *boats, personal watercraft or surfboards, either generally or of a particular class are permitted, restricted or prohibited.*

Discussion ensued.

The Motion was Put and

LOST (1/9)

In favour of the Motion: Cr Macdonald **Against the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, McLean, Norman and Young

MOVED Cr Young, SECONDED Cr Amphlett that a report be presented to Council in relation to Kite Surfing along the City of Joondalup coastline to be considered after full consultation with relevant stakeholders

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

CJ043-03/09 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 28 January 2009 to 17 February 2009.

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:	Lease
Parties:	City of Joondalup and Department of Education and Training
Description:	Lease for Duncraig Pre-Primary School, Lot 2 (57) Marri Road, Duncraig – (Council resolution 2 September 2008)
Date:	28.01.09
Signed/Sealed:	Sealed

Document:	Section 70A Execution
Parties:	City of Joondalup and Lynne D Mounier and Peter H Mounier
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 the land – Lot 88 (40) Seapeak Road, Ocean Reef
Date:	28.01.09
Signed/Sealed:	Sealed

Document:	Section 70A Execution
Parties:	City of Joondalup and Woon Cheong Chan
Description:	To restrict the registered proprietors and prospective purchasers from occupying, offering or permitting the studio as a household independent of the household occupying the main dwelling components of the development – Lot 1 (51A) Lakeside Drive, Joondalup
Date:	28.01.09
Signed/Sealed:	Sealed

Document:	Section 70A Execution
Parties:	City of Joondalup and Min Wan Tang
Description:	To restrict the registered proprietors and prospective purchasers from occupying, offering or permitting the studio as a household independent of the household occupying the main dwelling components of the development – Lot 2 (51B) Lakeside Drive, Joondalup
Date:	28.01.09
Signed/Sealed:	Sealed

Document:	Section 70A Execution
Parties:	City of Joondalup and K L and P J Stenner
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 the land – Lot 330 (122) Clontarf Street, Sorrento
Date:	03.02.09
Signed/Sealed:	Sealed

Document:	Section 70A Execution
Parties:	City of Joondalup and Jillian L and Ross James
Description:	Lot 227 (1) Chapel Court, Kingsley – to restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land
Date:	17.02.09
Signed/Sealed:	Sealed

Document:	Section 70A Execution
Parties:	City of Joondalup and Inara E and Stuart W Barrowman
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 the land – Lot 879 (23) Ormond Court, Woodvale
Date:	17.02.09
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

MOVED Cr McLean, SECONDED Cr Amphlett that Council NOTES the schedule of documents covering the period 28 January 2009 to 17 February 2009 executed by means of affixing the common seal.

The Motion was Put and CARRIED (10/0) by En Bloc Resolution following consideration of Item CJ073-03/09, Page 185 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

CJ044-03/09 DRAFT PERTH COASTAL PLANNING STRATEGY: CITY OF JOONDALUP SUBMISSION - [02152]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Garry Hunt
Office of CEO

PURPOSE/EXECUTIVE SUMMARY

To provide Council with information relating to the draft *Perth Coastal Planning Strategy* and the City's draft submission to the Department of Planning and Infrastructure (DPI) with suggested changes to the Strategy.

BACKGROUND

The draft *Perth Coastal Planning Strategy* was produced by DPI on behalf of the Western Australian Planning Commission (WAPC). The document was published in December 2008 after extensive scientific and planning research and a community engagement program. The Strategy builds on *Network City*, the State Government's framework for the implementation of State coastal policy. The purpose of the *Perth Coastal Planning Strategy* is to guide future sustainable planning along the metropolitan coastline. The *Perth Coastal Planning Strategy* is a high-level strategic document which provides a broad guide to future sustainable planning along the metropolitan coastline.

The City of Joondalup has been asked by DPI to review the Strategy and provide feedback in the form of a Public Submission (Attachment 1 refers). This draft Submission outlines any inconsistencies between the Strategy and current City policy as well as instances where the City's future coastal planning vision has not been effectively articulated. This Submission must be presented to DPI by 31 March 2009.

DETAILS

Issues and options considered:

The study area for the Strategy is the coastal zone in the *Metropolitan Regional Scheme*, extending 120 kilometres from Two Rocks to Singleton. The western boundary extends 500 metres offshore (excluding the islands) with the eastern boundary being the first main road running parallel to the coast. The guidance provided in the Strategy is focused on the coastal foreshore reserve and the land abutting it.

The Strategy identifies 56 broadly defined coastal Precincts to provide a framework in which coastal planning and development can be coordinated (Attachment 2 refers). Eight of these Precincts (numbers 15-22) fall within City of Joondalup boundaries and include: Burns Beach; Iluka; Ocean Reef; Mullaloo; Whitfords; Hillarys; Sorrento; and Marmion. The Strategy provides specific planning guidance through via recommendations that detail the future type and character of each coastal Precinct into the year 2020.

For each of the 56 Precincts, the following information is presented:

- Precinct name and number;
- Description of the existing environment (including current land use, land and marine environment and *Network City* description);
- Opportunities, challenges, wishes and fears identified by the community during the community engagement program;
- Major issues and planning considerations;
- Land uses and features to be promoted; and
- Recommendations (including recommended Precinct Type, Character and Intensity).

Extracts from the Strategy that describe the eight Precincts that lie within the City of Joondalup, (ie: numbers 15-22: Burns Beach; Iluka; Ocean Reef; Mullaloo; Whitfords; Hillarys; Sorrento; and Marmion), have been provided at Attachment 3, (please note that Precinct 16 – Iluka is incorrectly titled as “North Two Rocks”).

Link to Strategic Plan:

Key Focus Area: The Built Environment

- Objective 4.1: To ensure high quality urban development within the City.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

The draft *Perth Coastal Planning Strategy* extends along the metropolitan coastline from Two Rocks to Singleton. The Strategy is significant for all metropolitan suburbs located along the coast.

Sustainability Implications:

Not Applicable.

Consultation:

Extensive scientific and planning research and a community engagement program were conducted by DPI in the preparation of the draft *Perth Coastal Planning Strategy*. The steps taken in its development are outlined in an extract from the Strategy, provided as Attachment 4.

The City of Joondalup was involved at an administrative level in the Perth Coastal Planning Strategy Steering Committee, which was formed in June 2004, the Local Government Reference Group, which was formed in July 2004, and in the Community Engagement Program which was conducted in 2005. Details of the Community Engagement Program are provided as Attachment 5.

COMMENT

Overall, the draft *Perth Coastal Planning Strategy* is relatively consistent with current City planning practices. The Strategy provides some guiding principles and identifies issues and community aspirations for the coastal Precincts that lie within the City's borders. As a future document, the Strategy may be useful to reflect upon when dealing with planning matters such as Structure Plans and Scheme Amendments within the coastal strip.

ATTACHMENTS

Attachment 1	City of Joondalup Public Submission
Attachment 2	Precinct Type and Character – North Sector (map – extract from the draft Perth Coastal Planning Strategy)
Attachment 3	Precinct Descriptions and Recommendations (numbers 15-22: Burns Beach; Iluka; Ocean Reef; Mullaloo; Whitfords; Hillarys; Sorrento; and Marmion – extract from the draft Perth Coastal Planning Strategy)
Attachment 4	Figure 3.2 – Steps taken in the development of the Perth Coastal Planning Strategy (table – extract from the draft <i>Perth Coastal Planning Strategy</i>)
Attachment 5	Figure 3.3 – Perth Coastal Planning Strategy community engagement program (table – extract from the draft <i>Perth Coastal Planning Strategy</i>)

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Corr, SECONDED Mayor Pickard that Council APPROVES the City Of Joondalup Public Submission shown as Attachment 1 to Report CJ044-03/09, for presentation to the Department of Planning and Infrastructure.

Discussion ensued.

The Motion was Put and**CARRIED (9/1)**

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, McLean, Norman and Young
Against the Motion: Cr Macdonald

Appendices 1 and 28 refer

To access this attachment on electronic document, click here: [Attach1agn170309.pdf](#)
[Attach28agn170309.pdf](#)

CJ045-03/09 APPOINTMENT OF MEMBERS – COMMUNITY SAFETY AND CRIME PREVENTION COMMITTEE AND STREETScape ADVISORY COMMITTEE - [02153, 79623, 78623]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of the CEO

PURPOSE

For Council to appoint Community 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 two (2) advisory committees, being the Community Safety and Crime Prevention and Streetscape Advisory Committees. At its February meeting, Council appointed elected members to each of the committees and requested a report to be presented to the March 2009 meeting to consider the community nominations.

Nominations were sought from a number of associations and advertisements were placed in the local paper.

This report presents the nominations from interested community representatives for consideration by the Council.

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.”*

The Council at its meeting held on 17 February 2009 resolved as follows:

“That Council:

1. *APPOINTS the following Elected Members to the Community Safety and Crime Prevention Advisory Committee:*
 - *Cr Tom McLean;*
 - *Cr Geoff Amphlett;*
 - *Cr Russ Fishwick;*
 - *Mayor Troy Pickard.*

2. *APPOINTS the following Elected Members to the Streetscape Advisory Committee:*
 - *Cr Brian Corr;*
 - *Cr Trona Young;*
 - *Cr Kerry Hollywood;*
 - *Cr Mike Norman.*

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.”*

DETAILS

Issues and options considered:

The Council may:

- Appoint eight (8) community representatives to each of the committees;
- Appoint less than eight (8) community representatives to each of the committees. If this were to occur, Council could either:
 - Seek nominations to fill any vacancies, or;
 - amend its resolution of November 2008 and reduce the committee membership;
- Appoint more than eight (8) community representatives to each of the committees. If this were to occur, Council would need to amend its resolution of November 2008 and increase the committee membership.

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.

- 1.2 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

Section 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

Section 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.

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:

The following associations were written to inviting them to submit nominations:

Ratepayers Associations List (for both committees)

- Burns Beach Ratepayers association Inc
- City of Joondalup Association Forum Inc
- Connolly Residents Association
- Harbour Rise Homeowners Association
- Hepburn Heights Landowner's Association
- Iluka Homeowners' Association
- Joondalup Combined Community Groups Association Inc.
- Kingsley and Greenwood Residents Association (K.A.G.R.A)
- Kinross Residents Association
- Marmion Sorrento Duncraig Progress & Ratepayers Association Inc.
- North Shore Country Club and Residents Association
- Ocean Reef Residents Association Inc
- Oceanside Gardens Residents Association
- Whitfords Community, Ratepayers & Recreation Association Inc
- Woodvale Waters Land Owners Association

Streetscape Advisory Board

- The University of Western Australia
- Challenger TAFE
- Tree Guild of WA
- Landscape Industry's Association
- Classic Tree Services
- Arbor Logic
- Swan TAFE
- Kings Park & Botanic Garden

Community Safety and Crime Prevention Advisory Committee

- Joondalup Police Station
- Department of Housing and Works
- Joondalup Department of Corrective Services
- Joondalup Child Development Centre
- Joondalup Child Health Centre
- Department of Education and Training
- Joondalup District Education Office
- Department of Education Employment and Workplace Relations

Advertisements were placed in the local paper on 29 January and 3 February 2009, with nominations closing 27 February 2009. There were 11 responses received for the Community Safety and Crime Prevention Advisory Committee (two being received after the 27 February deadline) and 13 responses received for the Streetscape Advisory Committee (one being received after the 27 February deadline).

These nominations have been forwarded to Elected Members under separate cover.

The resolution establishing the Committees requires members to reside within the City of Joondalup. Of the nominations received one (1) for the Community Safety and Crime Prevention Advisory Committee and four (4) for the Streetscape Advisory Committee were from residents from outside of the City of Joondalup. The Council could resolve to:

- Not appoint these nominees in accordance with the membership requirements;
- Amend the membership to allow some or all of these nominees to be appointed;
- Not appoint these nominees and invite them to relevant meetings where required.

COMMENT

It is suggested that the Council gives consideration to appointing the community representatives to each of the committees.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council, BY AN ABSOLUTE MAJORITY, appoints eight (8) community representatives to each of the following:

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

MOVED Mayor Pickard, SECONDED Cr McLean that Council:

1 APPOINTS eight (8) community representatives to each of the following:

(a) Community Safety and Crime Prevention Advisory Committee:

- **Christine Hamilton Prime**
- **Clive Elliot**
- **Denise Farquhar**
- **Diana Squires**
- **Ian Counsell**
- **Joe Kelly**
- **Mervyn Rae**
- **Wesley Buzza**

(b) Streetscape Advisory Committee.

- **Christine Hamilton Prime**
- **Des Lock**
- **Jason Royal**
- **Kathryn Muhlelsen**
- **Kevin Burke**

- Mark McPherson
- Yvonne McPherson
- Penny Gilpin

AMENDMENT MOVED Cr Macdonald SECONDED Cr Norman that an additional point be added to the motion to read:

“2 ENCOURAGES the invitation of specialists to contribute to particular areas of relevance when items are considered by the advisory committees.”

The Amendment was Put and

CARRIED (10/0)

In favour of the Amendment: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

The Original Motion as amended, being:

That Council:

1 APPOINTS eight (8) community representatives to each of the following:

(a) Community Safety and Crime Prevention Advisory Committee:

- Christine Hamilton Prime
- Clive Elliot
- Denise Farquhar
- Diana Squires
- Ian Counsell
- Joe Kelly
- Mervyn Rae
- Wesley Buzza

(b) Streetscape Advisory Committee.

- Christine Hamilton Prime
- Des Lock
- Jason Royal
- Kathryn Muhlsen
- Kevin Burke
- Mark McPherson
- Yvonne McPherson
- Penny Gilpin

2 ENCOURAGES the invitation of specialists to contribute to particular areas of relevance when items are considered by the advisory committees;

Was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (10/0)**

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

CJ046-03/09 STATUS OF PETITIONS TO COUNCIL – [05386]**WARD:** All**RESPONSIBLE
DIRECTOR:** Mr Garry Hunt
Office of the CEO

PURPOSE/ EXECUTIVE SUMMARY

To advise Council of the status of petitions received during the period 27 February 2007 to 17 February 2009.

BACKGROUND

A report was presented to Council at its meeting held on 16 December 2008 detailing the status of petitions received during the period from February 2007 to October 2008. Quarterly reports on outstanding petitions are to be presented to Council.

DETAILS**Issues and options considered:**

Attachment 1 provides a list of all outstanding petitions received during the period 27 February 2007 to 17 February 2009 with a comment on the status of each petition.

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 to public participation.

Legislation – Statutory Provisions:

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

"22. Petitions

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

Risk Management considerations:

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

Financial/Budget Implications:

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

Policy Implications:

Individual petitions may impact on the policy position of the City.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

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

ATTACHMENTS

Attachment 1 Status of Petitions – 27 February 2007 to 17 February 2009.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr McLean, SECONDED Cr Amphlett that Council:

- 1 **NOTES the status of outstanding petitions submitted to Council during the period 27 February 2007 to 17 February 2009, forming Attachment 1 to Report CJ046-03/09;**
- 2 (a) **TAKES no further action in relation to the application for the construction of a storage facility and compound at Pinnaroo Point;**

 (b) **ADVISES the Western Australian Planning Commission accordingly;**
- 3 **NOTES the response to the petition in relation to traffic problems on Coolibah Drive, Greenwood, being:**
 - **Relocation of bus stop opposite school to 80 Coolibah Drive;**

- **Modification of bus times on school side;**
 - **Issue of infringements to vehicles illegally parked;**
 - **Regular police patrols in school zone;**
 - **Consideration of additional funding by Department of Education for off street parking in embayment and use of the embayment as a bus stop;**
- 4 **NOTES that the upgrade to the shade structure located on the beach adjacent to Volante Elbow, Iluka will be considered in the draft 2009/10 budget;**
- 5 **NOTES that the traffic management in Cliff Street will commence in 2008/09 with the balance to be completed in 2009/10;**
- 6 **NOTES that reticulation works have been included in the 2008/09 Capital Works Program and that play equipment at Santa Ana Park, Currambine will be replaced in the 2009/10 Capital Works Program;**
- 7 **NOTES its decision CJ244-11/08 of 25 November 2008 in relation to Proposed Regional Park between Burns Beach and Mindarie;**
- 8 **in relation to Points 2 to 7 inclusive above, ADVISES the petitioners accordingly.**

The Motion was Put and CARRIED (10/0) by En Bloc Resolution following consideration of Item CJ073-03/09, Page 185 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf100309.pdf](#)

CJ047-03/09 PROCEDURES FOR PUBLIC QUESTION TIME - COUNCIL MEETINGS AND BRIEFING SESSIONS - [01122] [02154]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Garry Hunt
Office of the CEO

PURPOSE

For Council to consider amendments to the procedures for public question time at Council Meetings and Briefing Sessions.

EXECUTIVE SUMMARY

To assist the Council and members of the public during Council Meetings and Briefing Sessions, the Council adopted procedures relating to public question time. Since the adoption, a number of amendments have been made to reflect current practices.

The Council resolved at its December 2008 meeting to amend the procedures to limit those members of the public residing outside the City of Joondalup to verbal questions only. This report details the advice from the Department of Local Government and Regional Development.

BACKGROUND

The current procedures for the conduct of public question time at Council meetings and Briefing Sessions were originally adopted by Council in August 2005 (CJ154-08/05 refers).

A number of amendments to the procedures have been made; with the latest occurring in December 2007 (CJ264-12/07 refers).

At the Council meeting held on 16 December 2008 (C91-12/08 refers), Council resolved as follows:

“that subject to supportive legal advice and/or the confirmation of the Department of Local Government and Regional Development that the proposal does not contravene relevant legislation, the City no longer accepts written questions for presentation at Briefing Sessions and Council Meetings from people living outside of the City.”

DETAILS

The advice of the Department of Local Government and Regional Development has been received which confirms that the proposal submitted by the City as detailed within the resolution dated 16 December 2008 is in accordance with the objectives of the Local Government Act 1995.

Issues and options considered:

Council could:

- Agree to amend the procedures; or
- Not agree to amend the procedures. If the Council chooses this option, the resolution of 16 December 2008 will need to be revoked.

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.

Legislation – Statutory Provisions:

Section 5.24 covers public question time along with the Local Government (Administration) Regulations.

Risk Management considerations:

The risk associated with the amendments to the procedures may cause difficulties to those members who reside outside the City of Joondalup (some may be ratepayers) from asking questions of the local government at a Council meeting or Briefing Session, where they physically cannot attend the meeting.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

As identified.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

As requested by the decision of Council on 16 December 2008, advice was sought from the Department of Local Government and Regional Development, which confirms the intent of the resolution is in accordance with the objectives of the Local Government Act 1995.

Under the proposed amendments to the procedures, members of the public who do not reside or own rateable property within the City of Joondalup are still able to ask questions, but are required to attend the Council meeting or Briefing Session at which they wish to ask those questions.

Where those members of the public are unable to ask questions at a Council meeting or Briefing Session, they are encouraged to ask questions of the City and responses will be prepared appropriately.

As a result of this advice, the procedures have been amended accordingly and are attached to this report (Attachments 1 and 2 refer).

ATTACHMENTS

Attachment 1 Amended Procedures for Public Question Time - (Council)
Attachment 2 Amended Procedures for Public Question Time – (Briefing)

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr Young that Council AGREES to amend the existing procedures for public question time with respect to questions submitted in writing to Briefing Sessions and Council Meetings as shown on Attachments 1 and 2 to Report CJ047-03/09.

Discussion ensued

The Motion was Put and**CARRIED (8/2)**

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, McLean, and Young
Against the Motion: Crs Macdonald and Norman

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3agn170309.pdf](#)

CJ048-03/09 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE HELD ON 19 FEBRUARY 2009 – [00906]

WARD: All
RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of the CEO

PURPOSE

To submit the unconfirmed minutes of the Sustainability Advisory Committee to Council for noting and to give consideration to the recommendations contained therein.

EXECUTIVE SUMMARY

A meeting of the Sustainability Advisory Committee was held on 19 February 2009.

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

- Item 1 - Presentation of Landscape Master Plan
- Item 2 - Presentation of Biodiversity Action Plan
- Notice of Motion Mr S Magyar

BACKGROUND

The objectives of the Sustainability Advisory Committee are:

- 1 To recommend to the City of Joondalup Council on policy, advice and appropriate courses of action which promote sustainability, which is:
 - (a) environmentally responsible,
 - (b) socially sound, and
 - (c) economically viable
- 2 To provide advice to Council on items referred to the Committee from the City of Joondalup Administration.

The Committee membership comprises of four Elected Members and eight Community Representatives.

DETAILS

Issues and options considered:

The Motions carried at the Sustainability Advisory Committee meeting held on 19 February 2009 are shown below, together with officer's comments.

1 Presentation of Landscape Master Plan

The following officer's recommendation was presented to the Committee:

"That the Sustainability Advisory Committee NOTES the attached Landscape Master Plan 2009-2019 endorsed by Council."

The following motion was carried at the committee meeting:

"That the Sustainability Advisory Committee:

- 1 *NOTES the attached Landscape Master Plan 2009-2019 endorsed by Council;*
- 2 *THANKS the Council and Staff for developing and endorsing the Landscape Master Plan 2009-2019;*
- 3 *REQUESTS Council to seek a report from the CEO projecting the estimate of:*
 - (a) *maintenance costs avoided;*
 - (b) *quantity of water saved;**by implementing the Landscape Master Plan*
- 4 (a) *REQUESTS Council to ensure that a report on the Landscape Master Plan is included in the annual report;*

(b) *SEEKS confirmation that an evaluation on the KPIs contained in the Landscape Master Plan will be recorded in the annual report.*
- 5 *INFORMS the Council that the WAPC has released a publication, "Visual Landscape Planning in Western Australia: A manual for evaluation, assessment, siting and design.*
- 6 *REQUESTS Council to seek a report from the CEO on the usefulness of the publication, "Visual Landscape Planning in Western Australia" in evaluating the success of the City's Landscape Master Plan."*

Officer's Comment

The Landscape Master Planning Program will be implemented once the pilot and iconic projects have been completed and evaluated. A cost benefit analysis of these projects will include an assessment of costs associated with the implementation and ongoing maintenance associated with these projects. It is therefore premature to request a report on maintenance costs avoided.

The City currently provides information on water consumption (scheme and bore) in the Annual Report, along with a suite of other environmental indicators.

The Annual Plan includes information on all major projects and programs and information on the Landscape Master Plan will be included in the 2008/09 Annual Report.

The City has a copy of the publication “Visual Landscape Planning in Western Australia”. The publication provides standard landscape planning information and describes landscaping principles and processes currently utilised in the City’s landscape activities.

2 Presentation of Biodiversity Action Plan

The following officer’s recommendation was presented to the Committee:

“That the Sustainability Advisory Committee NOTES the attached Biodiversity Action Plan 2009-2019 endorsed by Council.”

The following motion was carried at the committee meeting:

“That the Sustainability Advisory Committee:

- 1 NOTES the attached Biodiversity Action Plan 2009-2019 endorsed by Council;*
- 2 THANKS the Council and staff for developing and endorsing the Biodiversity Action Plan;*
- 3 SEEKS ongoing involvement within the Terms of Reference of the Sustainability Advisory Committee in many tasks identified in the Biodiversity Action Plan.*
- 4 REQUESTS that Council CONSIDERS increasing beyond three (3) the number of locations for biodiversity signage along the coastal foreshore.”*

Officer’s Comment

The Biodiversity Action Plan is an operational plan to guide the work of the City in managing its biodiversity and natural areas over the next ten years, and given the operational nature of the Plan and the advisory nature of the Sustainability Advisory Committee, ongoing involvement in the actions are outside of the terms of reference of the Sustainability Advisory Committee.

The Biodiversity Action Plan, including the LAB on-the-ground projects, was endorsed by Council on 16 December 2008.

The Coastal Biodiversity Signage Project is designed to include large signs at three major locations and additionally will include a number of smaller signs strategically located along the coastal foreshore.

3 Notice Of Motion – Mr S Magyar

The following motion was carried at the committee meeting:

“That the Sustainability Advisory Committee, in accordance with Council’s resolution of 30th September 2008, Item CJ198-09/08, that “Council requests that proposals for workshops be presented to Council in the first instance to determine whether a workshop should be held”, hereby submit the following reports and references and documents for Council’s determination of the suitability of the documents for one or more Sustainability Advisory Committee Workshop/s:

- 1 *“Sustainability Reporting Guidelines, Version 3.0”, Global Reporting Initiative;*
- 2 *“Standards and Practices for Forecasting”, J Scott Armstrong, The Wharton School, University of Pennsylvania;*
- 3 *Weathercocks & signposts, The environment movement at a crossroads, April 2008, WWF;*
- 4 *“Five Axioms of Sustainability”, Richard Heinberg’s MuseLetter #178 – February 2007.”*

Officer’s Comment

If the workshops require attendance by City staff, there would be considerable resource implications in terms of reviewing documents, attendance at workshops and preparation of minutes, which will also impact on the City’s ability to meet existing priorities as detailed in the Annual Plan and other reports requested by Council.

Link to Strategic Plan:

Key Focus Area: The Natural Environment

Objective 2.2 To engage proactively with the community and other relevant organisations in the preservation of the City’s natural environmental assets.

Legislation – Statutory Provisions:

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

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

The Sustainability Advisory Committee provides an opportunity for consideration of regional matters that may impact on local sustainability.

Sustainability Implications:

The Sustainability Advisory Committee provides a forum for consideration of a range of sustainability issues by Elected Members and community representatives with local knowledge and expertise.

Consultation:

Not Applicable.

COMMENT

Not Applicable.

ATTACHMENTS

Attachment 1 Minutes of the Sustainability Advisory Committee meeting held on 19 February 2009

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 NOTES the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 19 February 2009 forming Attachment 1 to Report CJ048-03/09;
- 2 (a) DOES NOT SUPPORT at this time the request from the Sustainability Advisory Committee to seek a report from the Chief Executive Officer projecting the estimate of:
 - (i) maintenance costs avoided;
 - (ii) quantity of water saved;by implementing the Landscape Master Plan, due to the current extensive work commitments in achieving the Annual Plan 2008/09 as adopted by the Council;
- (b) NOTES that a report on the Landscape Master Plan will be included in the Annual Report, including environmental indicators;
- (c) DOES NOT SUPPORT the request from the Sustainability Advisory Committee to seek a report from the Chief Executive Officer on the usefulness of the publication "Visual Landscape Planning in Western Australia" in evaluating the success of the City's Landscape Master Plan as the publication provides standard landscaping planning information and principles currently utilised in the City's landscape activities;

- 3 (a) DOES NOT SUPPORT the request from the Sustainability Advisory Committee to seek ongoing involvement within its Terms of Reference in many tasks identified in the Biodiversity Action Plan as this is an operational plan to guide the work of the City and ongoing involvement in specific actions are outside the Terms of Reference of the Sustainability Advisory Committee;
- (b) NOTES that the Biodiversity Action Plan will include large signs at three major locations and a number of smaller signs strategically located along the coastal foreshore;
- 4 NOTES the request from the Sustainability Advisory Committee to conduct one or more workshops and SEEKS clarification from the Sustainability Advisory Committee in relation to the purpose and scope of such workshops to enable further consideration of their merits and associated impact on resources.

MOVED Cr Corr, SECONDED Cr Fishwick that Council:

- 1 **NOTES the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 19 February 2009 forming Attachment 1 to Report CJ048-03/09;**
- 2 (a) **DOES NOT SUPPORT at this time the request from the Sustainability Advisory Committee to seek a report from the Chief Executive Officer projecting the estimate of:**
- (i) **maintenance costs avoided;**
- (ii) **quantity of water saved;**
- by implementing the Landscape Master Plan, due to the current extensive work commitments in achieving the Annual Plan 2008/09 as adopted by the Council;**
- (b) **NOTES that a report on the Landscape Master Plan will be included in the Annual Report, including environmental indicators and that this will be sent to the Sustainability Advisory Committee for consideration;**
- (c) **DOES NOT SUPPORT the request from the Sustainability Advisory Committee to seek a report from the Chief Executive Officer on the usefulness of the publication “Visual Landscape Planning in Western Australia” in evaluating the success of the City’s Landscape Master Plan as the publication provides standard landscaping planning information and principles currently utilised in the City’s landscape activities;**
- 3 (a) **DOES NOT SUPPORT the request from the Sustainability Advisory Committee to seek ongoing involvement within its Terms of Reference in many tasks identified in the Biodiversity Action Plan as this is an operational plan to guide the work of the City and ongoing involvement in specific actions are outside the Terms of Reference of the Sustainability Advisory Committee;**
- (b) **NOTES that the Biodiversity Action Plan will include large signs at three major locations and a number of smaller signs strategically located along the coastal foreshore;**

- 4 NOTES the request from the Sustainability Advisory Committee to conduct one or more workshops and SEEKS clarification from the Sustainability Advisory Committee in relation to the purpose and scope of such workshops to enable further consideration of their merits and associated impact on resources.**

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf100309.pdf](#)

CJ049-03/09 SEACREST COMMUNITY SPORTING FACILITY PROJECT - [02146]

WARD: South-West

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

PURPOSE

To seek formal Council endorsement of a new application for the Federal Government's Regional and Local Community Infrastructure Program.

EXECUTIVE SUMMARY

In February 2009, the Federal Government increased funding for the Regional and Local Community Infrastructure Program which provides local governments with an opportunity to either review previous applications or seek funding for new projects.

The City identified Seacrest Park Community Sporting Facility as an appropriate project that would provide significant benefit to the community. The project involves the development of a multi-purpose, shared-use sporting facility including change rooms, clubrooms, car parking and floodlighting at a total cost of \$5,218,200

The City's application seeks funding of \$2,609,100 towards the construction of the facility. It is intended that this application replace its predecessor; the West Coast Drive Coastal Pathway Enhancement Project, as the priority application.

It is recommended that Council endorses the application for the Seacrest Community Sporting Facility Project and agrees to revoke the Resolution passed at its meeting on 16 December 2008, allowing the City to withdraw its application for the West Coast Drive Coastal Pathway Enhancement Project.

BACKGROUND

Federal Funding Program

In May 2008, the Federal Government announced in its budget speech the allocation of \$300 million to local governments across Australia to address the infrastructure needs of local

communities. It was stated at the time that funding would be delivered through the *Regional and Local Community Infrastructure Program* in 2009-10.

Availability of this funding was moved forward to November 2008 following an announcement by the Prime Minister at the inaugural Australian Council of Local Governments meeting in Canberra.

A report was subsequently presented to Council in December 2008 which indicated potential City infrastructure projects that would be eligible for funding. Council resolved at this meeting the following:

“APPROVES the recommended projects listed in Table 1 for the \$833,000 funding and the West Coast Drive Coastal Pathway Enhancement Project outlined in Option 2 for the competitive funding program and submits these to the Federal Government for funding under the Regional and Local Community Infrastructure Program 2008-09.”

The City consequently submitted funding applications to the Department of Infrastructure, Transport, Regional Development and Local Government in line with Council’s resolution above.

Seacrest Park Community Facility Project

In 2008, the Whitford Amateur Football Club met with the City and expressed its desire to be a leading partner in the establishment of a sports association, based at a proposed new facility at Seacrest Park. Other clubs that had previously expressed an interest in being members of a new association include:

- Sorrento Duncraig Junior Cricket Club
- Sorrento Duncraig Senior Cricket Club

In assessing the scope of the proposed facilities, the financial costs to the City to deliver the project was acknowledged as a limiting factor. As such, the City did not seek to progress the project at that stage.

DETAILS

In February 2009, the Federal Government released an additional \$550 million as part of the Regional and Local Community Infrastructure Program. These funds are intended for large scale infrastructure projects that utilise partnerships within the community and require substantial federal funding in order to ensure the project is progressed.

The City immediately identified the Seacrest Park Community Sporting Facility as a project that would meet the program guidelines and benefit from the shared funding model.

The deadline for submitting an application for this latest round of funding fell on Friday 6 March 2009. “In principle” support for the project was obtained from Elected Members in March, allowing the City to develop and submit an application within the required deadline.

The City is now seeking formal endorsement of the project by Council to enable resources and efforts to be reprioritised towards the Seacrest Facility Project.

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

Key Focus Area: Community Wellbeing

Objective 5.2: To facilitate healthy lifestyles within the community.

Strategy 5.2.1: The City provides high quality recreation facilities and programs.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Without providing formal endorsement of the project by Council to the Federal Government, there is a risk that the success of the City's application will be reduced.

Financial/Budget Implications:

In providing formal endorsement of the Seacrest Community Sporting Facility Project, Council will be committing the City to potential borrowings of \$2,209,100 in the delivery of the facility and associated sporting infrastructure upgrades at the park. The City's forward budget estimates do not currently take into account this project, therefore, substantial borrowings and resource reallocations will become necessary requirements to deliver the project within the timeframes required by the Federal Government.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

External funding for large infrastructure projects will increase the City's financial capacity to deliver otherwise unachievable projects, which will enhance the local economy and social well-being of its residents.

Consultation:

Prior to receiving feedback on the success of the City's application, a community consultation process will need to be undertaken to ensure that support exists within the community for the construction of the proposed facility. It will also be necessary to undertake this process to meet the project delivery timelines set by the Federal Government.

COMMENT

The application to the Regional and Local Government Infrastructure Program provides the City with an opportunity to deliver an otherwise unachievable project in the short-term.

ATTACHMENTS

Attachment 1 Concept Plan of proposed facility

VOTING REQUIREMENTS

Absolute Majority

Call for Support of one-third of members of the Council

The Local Government Act 1995, under regulations prescribed to deal with Section 5.25(e), lays down the following procedure for dealing with revoking or changing decisions made at Council or Committee meetings:

If a decision has been made at a Council meeting, then any motion to revoke or change the decision must be supported by at least one-third of the number of officers (whether vacant or not) of members of the Council.

If supported by one-third of the members, then any decision to revoke a resolution of the Council is required to be passed by an Absolute Majority.

Prior to giving consideration to the following recommendation, Elected Members are required to give the support of one-third of its members, and such support is to be recorded in the Minutes of this meeting.

The Mayor called for support from one-third of the members of Council. Support for this Item was given by Mayor Pickard, Crs Fishwick, Diaz, Young and Amphlett.

MOVED Cr Norman, SECONDED Cr Corr that Council:

1 REVOKES in part, its decision (CJ287-12/08) of 16 December 2008 to:

“approve...the West Coast Drive Coastal Pathway Enhancement Project...for the competitive funding program and submits these to the Federal Government for funding under the Regional and Local Community Infrastructure Program 2008-09.”;

2 ENDORSES the action of the CEO to submit the Seacrest Community Sporting Facility Project in partnership with the Federal Government and relevant local sporting associations under the Regional and Local Community Infrastructure Program 2008-09;

3 NOTES that if successful Council may be required to borrow approximately \$2.3M;

4 ENDORSES the action of CEO to write to the Federal Government to request the withdrawal of the West Coast Drive Coastal Pathway Enhancement Project, to be replaced with the Seacrest Community Sporting Facility Project;

5 NOTES that the City will be undertaking community consultation with local Sorrento residents and sporting clubs on the proposed project, prior to the development of detailed concept designs and final cost estimates; and

6 NOTES that a future report will be presented to Council on the total cost of delivering the project.

Cr Diaz left the Chamber, the time being 2103 hrs.

The Motion was Put and**CARRIED BY AN
ABSOLUTE MAJORITY (9/0)**

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

Appendix 25 refers

To access this attachment on electronic document, click here: [Attach25aqn170309.pdf](#)

CJ050-03/09 MEMBER RESIGNATION – COUNCILLOR ALBERT JACOB, NORTH CENTRAL WARD - [22624] [78624]

This Item was considered later in the Meeting following Item C14-03/09 - Council Decision – En Bloc Resolution - Page 185 refers.

CJ051-03/09 MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 4 MARCH 2009 – [26276, 18058]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Garry Hunt
Office of the CEO

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 4 March 2009 to consider the following matters:

- Item 1 Burning Ban on Private Properties
- Item 2 Tradesman's Temporary Parking Permits
- Item 3 Consideration of Public Consultation for Compliant Commercial Development
- Item 4 Coastal Height Policy - Status Report

It is recommended that Council:

- 1 *NOTES the unconfirmed minutes of the Policy Committee Meeting held on 4 March 2009 forming Attachment 1 to this Report;*
- 2 *AGREES that a paper on the "Burning Ban on Private Properties" be advertised for public comment for a period of thirty (30) days and a report be submitted to the Policy Committee for consideration;*

- 3 *NOTES that:*
- (a) *the City has protocols in place for Hoarding License and Construction Site Parking Permits to manage the parking, verge, footpath and site access issues associated with construction and work sites;*
 - (b) *the Hoarding License and Construction Site Parking Permit protocols do not provide for parking permits, reserved or exclusive access to parking for the general parking requirements of individual workers and trades people working on work sites;*
- 4 (a) *REQUESTS the preparation of a Policy that will ensure owners of residential zoned land that adjoins land zoned Business, Commercial, Service Industrial or Mixed Use, are notified of planning approvals granted on that land;*
- (b) *When completed, REQUESTS that the draft policy referred to in Point 5(a) above be presented to the Policy Committee for consideration;*
- 5 *REQUESTS a report be presented to the Policy Committee on the operation of kite surfing on City of Joondalup beaches.*

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 4 March 2009 are shown below, together with officer's comments:

Item 1 Burning Ban on Private Properties

The following motion was carried:

“That the Policy Committee RECOMMENDS to the Council that a paper on the “Burning Ban on Private Properties” be advertised for public comment and a report be submitted back to the Policy Committee for consideration.”

Officer’s comment

It is recommended that a paper be developed and advertised for a period of thirty (30) days.

Item 2 Tradesman's Temporary Parking Permits

The following motion was carried:

“That the Policy Committee NOTES that:

- 1 the City has protocols in place for Hoarding License and Construction Site Parking Permits to manage the parking, verge, footpath and site access issues associated with construction and work sites;*
- 2 the Hoarding License and Construction Site Parking Permit protocols do not provide for parking permits, reserved or exclusive access to parking for the general parking requirements of individual workers and trades people working on work sites.”*

Officer’s comment

No further action is required.

Item 3 Consideration of Public Consultation for Compliant Commercial Development

The following motion was carried:

“That the Policy Committee RECOMMENDS that Council REQUESTS the preparation of a Policy in accordance with Option 1 of this Report, and presented to the Policy Committee for consideration.”

Officer’s comment

The policy will be developed and presented to a future meeting of the Policy Committee.

Item 4 Coastal Height Policy - Status Report

The following motion was carried:

“That the Policy Committee RECOMMENDS 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 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.”*

Officer's comment

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

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

It was requested that a report in relation to the operation of kite surfing on City of Joondalup beaches be presented to the Policy Committee.

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 4 March 2009

VOTING REQUIREMENTS

Simple Majority

Cr Diaz entered the Chamber, the time being 2108 hrs.

MOVED Cr Hollywood, SECONDED Cr Young that Council:

- 1 **NOTES** the unconfirmed minutes of the Policy Committee Meeting held on 4 March 2009 forming Attachment 1 to Report CJ051-03/09;
- 2 **AGREES** that a paper on the "Burning Ban on Private Properties" be advertised for public comment for a period of thirty (30) days and a report be submitted to the Policy Committee for consideration;
- 3 **NOTES** that:
 - (a) the City has protocols in place for Hoarding License and Construction Site Parking Permits to manage the parking, verge, footpath and site access issues associated with construction and work sites;
 - (b) the Hoarding License and Construction Site Parking Permit protocols do not provide for parking permits, reserved or exclusive access to parking for the general parking requirements of individual workers and trades people working on work sites;
- 4 (a) **REQUESTS** the preparation of a Policy that will ensure owners of residential zoned land that adjoins land zoned Business, Commercial, Service Industrial or Mixed Use, are notified of planning approvals granted on that land;
 - (b) When completed, **REQUESTS** that the draft policy referred to in Point 4 (a) above be presented to the Policy Committee for consideration;
- 5 **REQUESTS** a report be presented to the Policy Committee on the operation of kite surfing on City of Joondalup beaches.

The Mayor advised that Point 3 will be voted on separately.

MOVED Cr Hollywood, SECONDED Cr Young that Council:

- 1 **NOTES the unconfirmed minutes of the Policy Committee Meeting held on 4 March 2009 forming Attachment 1 to Report CJ051-03/09;**
- 2 **AGREES that a paper on the “Burning Ban on Private Properties” be advertised for public comment for a period of thirty (30) days and a report be submitted to the Policy Committee for consideration;**
- 4 (a) **REQUESTS the preparation of a Policy that will ensure owners of residential zoned land that adjoins land zoned Business, Commercial, Service Industrial or Mixed Use, are notified of planning approvals granted on that land;**

(b) **When completed, REQUESTS that the draft policy referred to in Point 4 (a) above be presented to the Policy Committee for consideration;**
- 5 **REQUESTS a report be presented to the Policy Committee on the operation of kite surfing on City of Joondalup beaches.**

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

MOVED Cr Hollywood, SECONDED Cr Young that Council:

- 3 **NOTES that:**
 - (a) **the City has protocols in place for Hoarding License and Construction Site Parking Permits to manage the parking, verge, footpath and site access issues associated with construction and work sites;**
 - (b) **the Hoarding License and Construction Site Parking Permit protocols do not provide for parking permits, reserved or exclusive access to parking for the general parking requirements of individual workers and trades people working on work sites;**

The Motion was Put and

CARRIED (7/3)

In favour of the Motion: Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald and McLean **Against the Motion:** Mayor Pickard, Crs Young and Norman

Appendix 26 refers

To access this attachment on electronic document, click here: [Attach26agn170309.pdf](#)

CJ052-03/09 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 10 MARCH 2009 - 2008 COMPLIANCE AUDIT RETURN - [50068] [09492]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of the CEO

PURPOSE

To submit the unconfirmed minutes of the Audit Committee to Council for noting and consideration of the recommendation contained therein.

EXECUTIVE SUMMARY

A meeting of the Audit Committee was held on 10 March 2009.

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

- 2008 Compliance Audit Return

It is recommended that Council:

- 1 *NOTES the unconfirmed Minutes of the Audit Committee meeting held on 10 March 2009, forming Attachment 1 to this Report;*
- 2 *ADOPTS the completed Local Government Compliance Audit Return for the period 1 January 2008 to 31 December 2008 forming Attachment 1 to this Report;*
- 3 *in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, SUBMITS the completed Compliance Audit Return to the Department of Local Government and Regional Development.*

BACKGROUND

The Council's Audit Committee was established in May 2001 to oversee the internal and external Audit, Risk Management and Compliance functions of the City. The City has also employed an internal auditor since May 2002.

DETAILS

Issues and options considered:

The Motion carried at the Audit Committee meeting held on 10 March 2009 is shown below, together with officer's comments.

Item 1 2008 Compliance Audit Return

The following Motion was carried:

"That the Audit Committee RECOMMENDS that Council:

- 1 *ADOPTS the completed Local Government Compliance Audit Return for the period 1 January 2008 to 31 December 2008 forming Attachment 1 to this Report;*
- 2 *in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, SUBMITS the completed Compliance Audit Return to the Department of Local Government and Regional Development.”*

Officer’s Comment

The Compliance Audit is required to be presented to the Audit Committee prior to consideration by the Council. Following adoption of the Compliance Audit Return at the 17 March 2009 Council meeting, the Mayor and the Chief Executive Officer will jointly certify it.

Link to Strategic Plan:

- 1.1 To ensure that the processes of local governance are carried out in a manner that is ethical, transparent and accountable.

Legislation – Statutory Provisions:

Section 5.8 of the Local Government Act 1995 provides for a local government to establish a committee to assist Council.

Part 7 of the Act sets out the requirements in relation to Audits. Division 1A of Part 7 deals with the establishment, membership, decision-making and duties that a local government can delegate to an Audit Committee.

Risk Management considerations:

The risk associated with the Council failing to adopt the Return would result in non-compliance with the legislative requirements of the Local Government Act 1995.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The unconfirmed minutes of the Audit Committee meeting held on 10 March 2009 are submitted to Council for noting, and to consider the recommendation of the Committee.

It is a requirement of the Compliance Audit Return that details of voting at the Council meeting is recorded in the Minutes.

ATTACHMENTS

Attachment 1	Minutes of the Audit Committee meeting held on 10 March 2009
Attachment 2	2008 Compliance Audit Return
Attachment 3	Statutory requirements omitted from the 2008 Return

VOTING REQUIREMENTS

Simple Majority

MOVED Cr McLean, **SECONDED** Cr Amphlett that Council:

- 1** **NOTES** the unconfirmed Minutes of the Audit Committee meeting held on 10 March 2009, forming Attachment 1 to Report CJ052-03/09;
- 2** **ADOPTS** the completed Local Government Compliance Audit Return for the period 1 January 2008 to 31 December 2008 forming Attachment 1 to Report CJ052-03/09;
- 3** in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, **SUBMITS** the completed Compliance Audit Return to the Department of Local Government and Regional Development.

The Motion was Put and **CARRIED (10/0)** by En Bloc Resolution following consideration of Item CJ073-03/09, Page 185 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

Appendix 27 refers

To access this attachment on electronic document, click here: [Attach27agn170309.pdf](#)

CJ053-03/09 LIST OF PAYMENTS MADE DURING THE MONTH OF JANUARY 2009 – [09882]

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services

PURPOSE

To present to Council the list of accounts paid under the CEO's delegated authority during the month of January 2009 to note.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of January 2009 totalling \$14,074,002.85

It is recommended that Council NOTES the CEO's list of accounts for January 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 Report CJ053-03/09, totalling \$14,074,002.85.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of January 2009. 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 83181 - 83420 and EF 3798 - 4559 Net of cancelled payments	\$9,286,239.56
	Vouchers 496A – 501A & 504A - 506A	\$4,748,695.60
Trust Account	Cheques 202545 - 202607 Net of cancelled payments	\$39,067.69
Total		\$14,074,002.85

Issues and Options Considered:

Not Applicable.

Link to Strategic Plan:

- 1.1 To ensure that the processes of Local Governance are carried out in a manner that is ethical, transparent and accountable.

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 January 2009
Attachment B	CEO's Delegated Trust Payment List for the month of January 2009
Attachment C	Municipal and Trust Fund Vouchers for the month of January 2009

VOTING REQUIREMENTS

Simple Majority

MOVED Cr McLean, SECONDED Cr Amphlett that Council that Council NOTES the CEO's list of accounts for January 2009 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 Report CJ053-03/09, totalling \$14,074,002.85.

The Motion was Put and CARRIED (10/0) by En Bloc Resolution following consideration of Item CJ073-03/09, Page 185 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf100309.pdf](#)

CJ054-03/09 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JANUARY 2009 – [07882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

The January 2009 Financial Activity Statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

The January 2009 year to date report shows an overall increase in surplus from operations and capital of \$7,634K when compared to the 2008-2009 adopted budget (JSC3 -07/08 refers).

This variance can be summarised as follows:

- The **Operating** surplus is \$1,142K above budget made up of lower Revenue of \$(272)K offset by lower operating expenditure of \$1,415K.

Revenue was below budget from Fees & Charges by \$(638)K and Contributions, Reimbursements and Donations by \$(101)K. There was additional revenue of \$563K from Investment Earnings.

The main cause of Revenue falling below the budget was the delayed implementation of Paid Parking within the City Centre.

The operating expenditure variance arose principally from underspending on Materials and Contracts of \$1,142K, with the main causes being outstanding accounts for Waste Collection of \$626K which are still to be received.

The other differences are detailed in the attached notes.

- The **Capital Revenue and Expenditure** deficit is \$6,231K below budget made up of a surplus of Revenue of \$1,583K and under expenditure of \$4,648K.

The Revenue variance was mainly due to higher Capital Grants and Subsidies which included additional funding for the Burns Beach Road – East and West project \$1,600K.

Capital Expenditure on projects and works was lower than expected in the budget by \$3,280K and Vehicle and Plant replacements by \$1,376K.

Further details of the variances are contained in the notes attached to this Report.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 January 2009 forming Attachment A to this Report.

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 January 2009 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 January 2009.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr McLean, **SECONDED** Cr Amphlett that Council **NOTES** the Financial Activity Statement for the period ended 31 January 2009 forming Attachment a to Report CJ054-03/09.

The Motion was Put and CARRIED (10/0) by En Bloc Resolution following consideration of Item CJ073-03/09, Page 185 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf100309.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Mayor Troy Pickard
Item No/Subject	CJ055-03/09 - Mid Year Review of Annual Budget for the 2008/09 Financial Year
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mayor Pickard resides on the same street as Barridale Park in Kingsley

CJ055-03/09 MID YEAR REVIEW OF ANNUAL BUDGET FOR THE 2008/09 FINANCIAL YEAR – [66610]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

The purpose of this report is for Council to consider and adopt the mid year review of the Annual Budget for the 2008/09 financial year.

EXECUTIVE SUMMARY

The review of the 2008/09 annual budget has identified an overall budget surplus of \$534k compared to an original budget surplus of \$28k.

- **Operations**, after adjustments for non-cash movements, will result in a \$1,819k lower surplus (\$13,981k compared to adopted budget of \$15,800k) attributable mainly to adverse variances in parking revenue \$646k, investment interest \$455k, an increase in employee costs \$436k and an increase in materials and contracts \$750k. This is offset by higher revenue from rubbish charges \$239k, additional sports and recreation fees \$193k and grant income \$242k.
- **Capital Revenue** from grants and contributions will be \$2,859k more than budget resulting mainly from additional funds received for the Burns Beach Road construction project \$1,677k and the Federal Government's Regional and Local Community Infrastructure Program (RLCIP) \$833k.
- **Capital Expenditure** has increased overall by \$5,369k predominantly due to the Burns Beach Road construction project, RLCIP projects, the 50 metre pool project and additional projects of \$553k recommended in this report. This is offset by savings in the Vehicle Replacement program and principal loan repayments due to delayed funding of the loans.
- **Surplus Carried Forward** was \$2,171k greater than budgeted. Some of this surplus relates to the additional expenditure that has been incurred in the current 2008/09 budget year.
- **Closing Funds Available** has increased by \$505k after relevant adjustments to the funds brought forward and the transfer to and from Reserves.

It is recommended that Council:

- 1 *BY AN ABSOLUTE MAJORITY, APPROVES the mid year review of the budget for the 2008/09 financial year;*
- 2 *in accordance with Local Government (Financial Management) Regulation 33A PROVIDES a copy of the 2008/09 annual budget review and determination to the Department of Local Government and Regional Development;*
- 3 *BY AN ABSOLUTE MAJORITY, APPROVES the inclusion of the following projects to be undertaken in the 2008/09 financial year:*
 - (a) *\$30,000 Springvale Park, Warwick, provision of soft fall and benches;*
 - (b) *\$8,000 Bracken Park Footpath, Duncraig, provision of path linking Sequoia Road and Halgania Way;*
 - (c) *\$2,000 Warwick Bushland, Warwick, provision of improvements to signage;*
 - (d) *\$95,000 Aberdare Way Footpath, Warwick, provision of full length footpath;*
 - (e) *\$45,000 Burns Beach Park, Burns Beach, provision of drainage and park upgrade;*
 - (f) *\$5,000 Jack Kikeros Hall, Burns Beach, provision of curtains;*

- (g) \$10,000 Amalfi Drive Median, Hillarys, provision of traffic island;
 - (h) \$5,000 Manakoora Rise Median, Sorrento, provision of traffic island;
 - (i) \$15,000 Timberlane Drive Verge, Woodvale, provision of verge paving;
 - (j) \$43,000 McNaughton Playground, Kinross, provision of soft fall;
 - (k) \$55,000 Mirror Park, Ocean Reef, provision of kerbing, carpark (10 cars), footpath and park upgrade;
 - (l) \$24,500 Mamo Park, Greenwood, provision of play equipment, barbeque, table, seating, drinking fountain;
 - (m) \$24,500 Barridale Park, Kingsley, provision of barbeque, table, seating, drinking fountain;
 - (n) \$58,000 Blackall Park, Greenwood, provision of barbeque, table, seating, drinking fountain, soft fall, shade over play equipment;
 - (o) \$36,000 Purchase of a Turf Vacuum Unit;
 - (p) \$50,000 Purchase of a Customer Response Unit Truck;
 - (q) \$47,000 Purchase of Verti Drain Unit;
- 4 BY AN ABSOLUTE MAJORITY, APPROVES the increase in proposed loan borrowings from \$2,794,000 as provided in the adopted 2008/09 Budget to \$3,312,937.

BACKGROUND

Under Regulation 33A of the Local Government (Financial Management) Regulations 1996 the City is required to conduct a review of its approved annual budget after considering the changes in its operating environment since the beginning of the financial year with a view to forecasting the financial impacts likely to arise for the remainder of the year.

DETAILS

The proposed revised budget includes the following major variances:

Operating Expenditure

(a) Employee Costs

The original budget provided for an EBA increase of 4% (as per previous EBA), whereas the EBA negotiated increase was 5.8% for the year. The additional 1.8% has mostly been offset by savings achieved in employee costs however there have been additional requirements for staff resources.

The principal contributors to this are the bringing of weed spraying operations in-house and revised cleaning arrangements with in-house labour resources picking up the additional cleaning. There is a trade-off for weed spraying in reduced contractor costs.

(b) Domestic Rubbish Removal

An additional \$393k has been provided to cover the increased cost of domestic rubbish removal mainly attributable to significantly reduced returns from recyclables. This is partly offset by an additional \$239k in rubbish charges collected due to an under estimation of the number of chargeable properties in the original budget.

(c) Buildings Cleaning Contract

The tenders for the buildings cleaning contract were significantly higher than anticipated in the original budget and an additional \$210k has been allowed for in the review to cover the shortfall.

(d) Graffiti Removal

With 2008/09 as the first full year of the revised graffiti removal arrangements with the City's contractor and significantly increased volumes of graffiti the revised budget has provided an additional \$423k to cover the additional costs of graffiti removal. This increase more than doubles the original budget.

Capital Expenditure

(e) Burns Beach Road

The original budget for Burns Beach Road was based on expectations that the majority of the project funds would be expended in 2007/08. The majority of the project expenditure has, however, been incurred in 2008/09. The effect is an increase of \$2,842k in capital expenditure. This offset by an increase in grant funds and additional carried forward municipal funds from 2007/08. Allowance has also had to be made for \$346k in grant funds previously thought to be attributable to the Burns Beach Road project but now confirmed as applying to the Connolly Road project. These have been retained in reserve for 2009/10.

(f) Works Operation Centre (WOC)

The WOC project has spanned several years and has been funded from the Assets Replacement Reserve. The original 2008/09 budget provided \$660k to complete the project based on the expenditure anticipated to be incurred in 2007/08. The expenditure in 2007/08 was less than expected resulting in additional expenditure in the current year. A provision of \$950k is proposed in the revised budget (\$290k more than in the original budget) for the purpose, offset by an additional \$290k transfer from the Assets Replacement Reserve.

(g) Craigie 50 Metre Pool

Following the tender and the beginning of work on this project it is estimated that additional funds will be required before the end of 2008/09. The funding for this project is from the remaining funds in the Leisure Centres Capital Replacement Reserve with the balance to be borrowed. The loan borrowing will therefore need to be increased.

A provision of \$3,286k is proposed in the revised budget (\$376k more than in the original budget) for the purpose, offset by additional loan borrowings.

(h) Vehicle and Fleet Replacement

Funds allocated to Vehicle and Fleet Replacement has reduced a net of \$528k due to the adoption of an alternative replacement interval for light vehicles. The City will hold the vehicles for an additional year to reduce the whole of life cost for the fleet. There are additional savings due to some specification changes and delays in the replacement of other items in sound condition.

(i) Additional Projects and Works

During the budget review process and the workshops conducted with Elected Members a number of projects were identified that have arisen since the original budget adoption and which ideally should be undertaken in 2008/09 although they may not all be completed by the 30 June 2009. These projects are itemised in the recommendation and are mostly of a modest size although in total they amount to \$553k.

In addition to the above the **Capital Works Schedule** (included in Attachment 1) in the budget review shows details of other adjustments.

Further details of the 2008/09 mid year budget review are provided in the attachments.

Issues and options considered:

The budget review has essentially comprised three elements:

- A review of the adopted budget and an assessment of actual projected results against that budget,
- Consideration of any issues not provided for in the adopted budget that may need to be considered,
- The proposals and recommendations that result from the first two elements, and
- Elected Member workshops to go through the proposals and recommendations.

The review of the adopted budget has taken into account what has transpired over the first six months of the year, the likely operating environment over the remaining six months under the prevailing economic conditions and the most likely impact on the City's financial position.

It is normal in a budget review to give consideration to issues not included in the original budget particularly where it appears there is financial capacity to accommodate them. Financial capacity however should not be the sole determinate. The focus in this review has been on issues, for which there is a benefit in undertaking them now rather than in the future and most importantly where the organisation has capacity to undertake them now.

In that latter regard the inclusion of additional projects and works of \$553k as well as the RLCIP of \$833k will significantly test the organisation's capacity.

Link to Strategic Plan:

Objective 1.1 To ensure that the processes of local government are carried out in a manner that is ethical, transparent and accountable.

Objective 1.3 To lead and manage the City effectively

Legislation – Statutory Provisions:

Regulation 33A of the Local Government (Financial Management) Regulations 1996, as amended, requires the local government to carry out a review of its annual budget between 1 January and 31 March each year as follows:

“33A Review of budget

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2) Within 30 days after the review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.”*

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:

Taking into account the additional proposed project items the anticipated budget surplus is \$534k. Further financial details are set out in the attachment.

With the significant downturn in the overall economic environment any surplus that can be carried forward or transfer that can be made to reserves for future use will contribute positively to the upcoming 2009/10 Budget.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Budget parameters are structured based on financial viability and sustainability principles.

Consultation:

Extensive internal consultation with the Executive and all Business Units has been undertaken to prepare the revised budget and it has been presented to two Elected Member workshops.

COMMENT

Council is required to consider the budget review submitted to it (regulation 33A of the Local Government (Financial Management) Regulations 1996) and make a determination in relation to the outcomes and recommendations.

ATTACHMENTS

Attachment 1 Mid Year Review of Annual Budget for the 2008/09 Financial Year

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr McLean SECONDED Mayor Pickard that Council:

- 1 APPROVES the mid year review of the budget for the 2008/09 financial year;**
- 2 in accordance with Local Government (Financial Management) Regulation 33A PROVIDES a copy of the 2008/09 annual budget review and determination to the Department of Local Government and Regional Development;**
- 3 APPROVES the inclusion of the following projects to be undertaken in the 2008/09 financial year:**
 - (a) \$30,000 Springvale Park, Warwick, provision of soft fall and benches;**
 - (b) \$8,000 Bracken Park Footpath, Duncraig, provision of path linking Sequoia Road and Halgania Way;**
 - (c) \$2,000 Warwick Bushland, Warwick, provision of improvements to signage;**
 - (d) \$95,000 Aberdare Way Footpath, Warwick, provision of full length footpath;**
 - (e) \$45,000 Burns Beach Park, Burns Beach, provision of drainage and park upgrade;**
 - (f) \$5,000 Jack Kikeros Hall, Burns Beach, provision of curtains;**
 - (g) \$10,000 Amalfi Drive Median, Hillarys, provision of traffic island;**
 - (h) \$5,000 Manakoora Rise Median, Sorrento, provision of traffic island;**
 - (i) \$15,000 Timberlane Drive Verge, Woodvale, provision of verge paving;**
 - (j) \$43,000 McNaughton Playground, Kinross, provision of soft fall;**
 - (k) \$55,000 Mirror Park, Ocean Reef, provision of kerbing, carpark (10 cars), footpath and park upgrade;**
 - (l) \$24,500 Mamo Park, Greenwood, provision of play equipment, barbeque, table, seating, drinking fountain;**

- (m) \$24,500 Barridale Park, Kingsley, provision of barbeque, table, seating, drinking fountain;
 - (n) \$58,000 Blackall Park, Greenwood, provision of barbeque, table, seating, drinking fountain, soft fall, shade over play equipment;
 - (o) \$36,000 Purchase of a Turf Vacuum Unit;
 - (p) \$50,000 Purchase of a Customer Response Unit Truck;
 - (q) \$47,000 Purchase of Verti Drain Unit;
- 4 APPROVES the increase in proposed loan borrowings from \$2,794,000 as provided in the adopted 2008/09 Budget to \$3,312,937.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (10/0)**

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf100309.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Mr Garry Hunt, Chief Executive Officer
Item No/Subject	CJ056-03/09 - Minutes of the Audit Committee Meeting held 3 February 2009 (Item 1 – CEO’s Credit Card Expenditure – Quarter Ended 30 September 2008) (Item 3 – CEO’s Credit Card Expenditure – Quarter Ended 31 December 2008)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mr Hunt is the Chief Executive Officer

CJ056-03/09 MINUTES OF THE AUDIT COMMITTEE MEETING HELD 3 FEBRUARY 2009 - [50068, 09492]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Mike Tidy
Corporate Services

PURPOSE

To submit the unconfirmed minutes of the Audit Committee to Council for noting.

EXECUTIVE SUMMARY

A meeting of the Audit Committee was held on 3 February 2009.

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

- CEO'S Credit Card Expenditure – Quarter Ended 30 September 2008
- Appointment of External Member of Audit Committee
- CEO'S Credit Card Expenditure – Quarter Ended 31 December 2008
- Half Yearly Report – Write Off of Monies (1 July 2008 – 31 December 2008)
- Half Yearly Report - Contract Extensions (1 July 2008 - 31 December 2008)

It is recommended that Council NOTES the unconfirmed Minutes of the Audit Committee meeting held on 3 February 2009, forming Attachment 1 to Report CJ056-03/09.

BACKGROUND

The Council's Audit Committee was established in May 2001 to oversee the internal and external Audit, Risk Management and Compliance functions of the City. The City has also employed an internal auditor since May 2002.

DETAILS

Issues and options considered:

The Motions moved at the Audit Committee meeting held on 3 February 2009 are shown below, together with officer's comments.

CEO'S Credit Card Expenditure – Quarter Ended 30 September 2008

CEO'S Credit Card Expenditure – Quarter Ended 31 December 2008

The following motion was moved:

"That the Audit Committee NOTES the report on the:

- 1 *Corporate Credit Card Usage of the CEO for the Quarter Ended 30 September 2008;*
- 2 *Corporate Credit Card Usage of the CEO for the Quarter Ended 31 December 2008."*

Officer's Comment

No further action is required.

Appointment of External Member of Audit Committee

The following motion was moved:

"That the Audit Committee AUTHORISES the Presiding Person, Deputy Presiding Person, the Chief Executive Officer and Director Corporate Services to interview the two candidates and report back to the Audit Committee."

Officer's Comment

A Report on the candidates was presented to Council at its Meeting on 17 February 2009 and an external member appointed.

Half Yearly Report – Write Off of Monies (1 July 2008 – 31 December 2008)

The following motion was moved:

“That the Audit Committee receives the report of Monies Written Off Under Delegated Authority for the period July to December 2008.”

Officer's Comment

No further action is required.

Half Yearly Report - Contract Extensions (1 July 2008 - 31 December 2008)

The following motion was moved:

“That the Audit Committee NOTES the report detailing Contracts Extended by the CEO during the period July 2008 to December 2008.”

Officer's Comment

No further action is required.

Link to Strategic Plan:

1.1 Objective:

To ensure that the processes of local governance are carried out in a manner that is ethical, transparent and accountable.

4.2.1 Provide efficient and effective service delivery

4.3.3 Provide fair and transparent decision-making processes

Legislation – Statutory Provisions:

Section 5.8 of the Local Government Act 1995 provides for a local government to establish a committee to assist Council.

Part 7 of the Act sets out the requirements in relation to Audits. Division 1A of Part 7 deals with the establishment, membership, decision-making and duties that a local government can delegate to an Audit Committee.

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 unconfirmed minutes of the Audit Committee meeting held on 3 February 2009 are submitted to Council for noting.

ATTACHMENTS

Attachment 1 Minutes of the Audit Committee meeting held on 3 February 2009

VOTING REQUIREMENTS

Simple Majority

MOVED Cr McLean, SECONDED Cr Young that Council NOTES the unconfirmed Minutes of the Audit Committee meeting held on 3 February 2009, forming Attachment 1 to Report CJ056-03/09.

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf100309.pdf](#)

**CJ057-03/09 PROPOSED NEW PARKING SCHEME -
JOONDALUP CITY NORTH - [07190] [57618]**

WARD: North

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

For Council to consider a proposal for a new Parking Scheme in Joondalup City North.

EXECUTIVE SUMMARY

There are significant parking issues that have developed in Joondalup City North. Key drivers of these issues are commuters seeking to avoid paid parking in the areas south of Shenton Avenue and staff and visitors of the Hospital and surrounding commercial and medical activities. The main area impacted by these issues is from Shenton Avenue north to Plaistow Street.

The current limited parking prohibitions are no longer adequate and it is proposed to consider implementing a new Parking Scheme after consultation with affected residents, owners and businesses.

The major changes proposed are:

- Designation of Resident/Visitor Parking Permit areas to provide support for residents and visitor parking.
- Implementation of two (2) Hour Parking restrictions in various streets north of Shenton Avenue and west of Grand Boulevard and in two (2) cul-de-sacs on the east side of Grand Boulevard.

The recommendation calls for the scheme to be adopted as a draft, for consultation.

BACKGROUND

The City of Joondalup Parking Strategy which provided for the introduction of paid parking in Joondalup City Centre was adopted by Council at its meeting on 7 August 2007.

Paid parking in Joondalup City Centre commenced on 9 October 2008. Since the introduction of paid parking some drivers have opted to use the on-street parking in the residential streets in Joondalup City North, immediately north of Shenton Avenue, for commuter parking. Joondalup Hospital has also recently introduced paid parking in its visitor car parks.

The recent introduction of paid parking in Joondalup Hospital (Hospital) visitor car parks has also increased the level of parking in this area. Many of the Hospital visitors and staff are using the on-street parking in residential and commercial areas of Joondalup City North surrounding the Hospital, to facilitate their long term parking requirements. This has impacted on the ability for residents, their visitors and customers of commercial premises to access the limited parking facilities in these streets. The main area impacted by these issues is from Shenton Avenue north to Plaistow Street.

DETAILS

Issues and options considered:

The options open to Council for managing parking in the area referred to are:

1. No change to existing arrangements and continue to enforce the prohibitions that currently exist

The current prohibitions are very limited. Time restricted parking only exists in Regents Park Road and there are some sections of "No Stopping Road" and "No Stopping Road and Verge". These prohibitions were put in place when parking demand for the area was a lot less than it is now. The introduction of paid parking by

the City, expansion of the Hospital facility and the introduction by the Hospital of paid parking in its own carparks means that the current parking prohibitions do not adequately provide for the needs of resident, visitor and commercial customer parking requirements. This is not a recommended option.

2. Amend the current parking prohibitions, introduce a resident/visitor parking permit scheme, introduce paid parking or a combination of these.

In regard to the possibility of paid parking it is considered that the best option would be to make the section of Regents Park Road between the Hospital entrance and Upney Mews into paid parking. This section has 26 parking bays with a primary frontage to the Hospital facilities and limited residential frontages. At this stage, however for such a small area and the capital cost of parking machines and maintenance it would not be financially viable and it is not proposed as part the recommendation.

The most viable method of addressing the parking issues at this point is considered to be a combination of changing/extending the parking prohibitions and introducing a resident/visitor parking permit scheme.

Plans are attached of both the existing Parking Schemes (Attachment 1 refers) and the proposed Parking Scheme (Attachment 2 refers) showing the existing and proposed parking restrictions and prohibitions in on-street locations in the area north of Shenton Avenue to Plaistow Street.

The proposed Parking Scheme has been prepared with the intention to:

- Manage on-street parking for people living in Joondalup City North to balance residential, commercial and other parking demands.
- Provide some support for residents and their visitors with the ability to park in close vicinity to their homes.
- Support business operations and development in Joondalup City North by encouraging high turnover of parking bays closest to businesses.
- Provide for the safety of pedestrian and vehicle movement.
- Encourage people wanting commuter parking to park in long term parking facilities provided by the City for this purpose.
- Achieve best utilisation of all public parking facilities managed by the City.

The recommendation to introduce resident/visitor parking permits would not apply to that part of the Joondalup City North area north of Plaistow Street at this stage. While there have been some complaints in this area in regards to parking issues they are not the large scale commuter parking and non resident parking issues that exist south of Plaistow Street.

Managing these types of parking issues is incremental and if it becomes necessary in the future the resident/visitor parking permit scheme can be extended north of Plaistow Street.

At the Council meeting on 17 February 2009 the Council resolved to adopt a resident visitor parking permit scheme for the Joondalup City Centre. It is proposed that the provisions of that scheme will apply to this new proposed designated resident/ visitor permit area.

Those provisions, in outline are:

- Up to 5 permits for resident, visitor parking free of charge (any combination)
 - Further permits on application at a fee set down in the City's Fees and Charges, currently \$30 for an annual permit
3. The City's McLarty Avenue Car Park No P1 (on corner of Shenton Avenue), has recently been extended to create an additional ninety five (95) parking bays and increase the total number to one hundred and seventy four (174) parking bays. This carpark is currently significantly under utilised and it is considered it could be made more attractive to commuters who are currently parking in Joondalup City North as a parking option. A separate report in this agenda considers a proposal to address this.
4. There are two (2) cul-de-sacs Mooregate Court and Putney Place off Regents Park Road which experience considerable Hospital related traffic looking for parking which is competing with resident and business parking. Business owners have lodged complaints in this regard. The resident/visitor parking permits scheme will extend to parts of these streets and it is proposed to introduce two (2) Hour Restricted parking at the ends of each cul-de-sac.

There are possibilities for some further engineering solutions to improve traffic flow and possibly increase the number of available parking bays. This requires further investigation.

Link to Strategic Plan:

Objective:

To encourage the development of the Joondalup CBD.

Strategy:

3.1.5 The City implements its CBD Parking Strategy.

Legislation – Statutory Provisions:

The City of Joondalup Parking Local Law (1998) was made in keeping with the requirements of Section 3.12 of the Local Government Act (1995), Procedure for making local laws.

Clause 33 of the Parking Local law applies:

Establishing and Amending the Parking Scheme

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

- (a) prohibitions;*
- (b) regulations; and*
- (c) restrictions,*

on the parking and stopping of vehicles of a specified class or classes in all roads, or specified roads or specified parts of roads in the parking region at all times or at specified

times, but this authority shall not be exercised in a manner inconsistent with the provisions of this local law or any other written law.

Risk Management considerations:

If the proposed scheme amendments are not introduced, there is a risk that further development potential and community amenity in City North could be harmed. .

Financial/Budget Implications:

Signage relating to the proposed changes can be accommodated within the current budget allocations.

Policy Implications:

The proposed parking scheme is consistent with the City's parking strategy and the Resident/ Visitor Parking Permits for Joondalup City Centre Policy.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

There is a growing concern by residents and business owners in the affected area in regard to commuter parking that is spilling into Joondalup City North streets and the City has been working with these stakeholders to understand their concerns. It is recommended that a consultation period of 30 days be undertaken with residents and business owners within the affected area via a letter drop and through general advertising mechanisms utilised by the City.

COMMENT

The proposed Scheme represents the most appropriate solution to meet the previously stated aims, for the mix of parking demands. Parking schemes are subject to ongoing amendment in keeping with changes in parking demand. The City will monitor changes in parking demand and evaluate requests to change time limits, allocation of on-street parking facilities and for residential/visitor parking permits to support business activity and residential amenity. The parking permit designated area may be extended to other parts of City North in the future in response to the results of that monitoring.

ATTACHMENTS

Attachment 1	Existing Parking Scheme Joondalup City North Plan No 1 – 19/02/09
Attachment 2	Proposed Parking Scheme Joondalup City North Plan No 2 – 4/03/09
Attachment 3	Schedule of Changes from the existing Joondalup City North Parking Scheme to the New Parking Scheme

VOTING REQUIREMENTS

Simple Majority

MOVED Cr McLean, SECONDED Cr Amphlett that Council:

- 1 **AGREES** to advertise for public comment with residents and businesses in the affected area for a period of 30 days the Parking Scheme for allocation of on-street parking restrictions as detailed on the Parking Scheme – Joondalup City North Plan No 2, dated 4 March 2009 as shown on Attachment 2 to Report CJ057-03/09;
- 2 **REQUESTS** a further report on the public consultation detailed in (1) above prior to consideration of the adoption of the Parking Scheme – Joondalup City North Plan 2, dated 4 March 2009 as shown on Attachment 2 to Report CJ057-03/09;
- 3 **NOTES** that parking demand in City North will continue to be monitored and that resident/visitor parking permits may be extended to further areas in City North in the future.

The Motion was Put and **CARRIED (10/0)** by En Bloc Resolution following consideration of Item CJ073-03/09, Page 185 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

Appendix 23 refers

To access this attachment on electronic document, click here: [Attach23agn170309.pdf](#)

CJ058-03/09 ADOPTION OF NEW FEES IN MCLARTY AVENUE CAR PARK, JOONDALUP NO P1 - [57618] [07190]

WARD: North

**RESPONSIBLE
DIRECTOR:** Mr Mike Tidy
Corporate Services

PURPOSE

For Council to consider the adoption of a new fee structure in McLarty Avenue Car Park No P1 located on the corner of McLarty Avenue and Shenton Avenue, Joondalup.

EXECUTIVE SUMMARY

The current fee structure for the McLarty Avenue Car Park No P1 provides for no time restriction parking at an hourly fee of 80c. This makes it attractive for short term parking but not for all day parking. With the recent addition of ninety five (95) bays to bring the total to one hundred and seventy four (174) this carpark is currently significantly under utilised.

With the growing problems in Joondalup City North and proposals to implement parking prohibitions to manage this (subject of another report in this agenda – Item 11 refers) McLarty Avenue Car Park No P1 is ideally placed to accommodate this parking need. The proposal is to adopt a similar fee structure in McLarty Avenue Car Park No P1 as that applied in other City Centre car parks where all day parking is catered for with a daily, weekly and monthly parking fee.

It is recommended that Council:

- 1 *BY AN ABSOLUTE MAJORITY, ADOPTS in accordance with Clause 18 of the City of Joondalup Parking Local Law, the following fee structure effective 6 April 2009 for the McLarty Avenue Car Park No P1.*

<i>Hourly Fee</i>	<i>\$0.60</i>
<i>Daily Fee</i>	<i>\$3.00</i>
<i>Weekly Fee</i>	<i>\$15.00</i>
<i>Monthly</i>	<i>\$45.00</i>

- 2 *GIVES local public notice in accordance with Section 6.19 of the Local Government Act 1995 of the fees in (1) above.*

BACKGROUND

The City of Joondalup Parking Strategy relating to the introduction of paid parking in Joondalup City Centre was adopted by Council at its meeting held on 7 August 2007.

With the introduction of paid parking in Joondalup City Centre on 9 October 2008 McLarty Avenue Car Park No P1 has a fee structure of 80c per hour with no maximum daily fee. It is currently well under utilised with less than ten percent occupancy on most days.

DETAILS

Issues and options considered:

It is proposed that, to encourage commuters to use McLarty Avenue Car Park No P1, the fees be amended to adopt a similar fee structure as applied in other City Centre car parks where all day parking is catered for with a daily, weekly and monthly parking fee.

This would provide long term parking options while not preventing short term parking. As a result it is anticipated that this would lead to an increase in the patronage of the car park and provide an attractive parking alternative to commuters currently parking in Joondalup City North streets.

The proposed amendment to the fees in McLarty Avenue Car Park No P1 would support the Parking Scheme which was introduced to:

- Support business operations and development in the CBD by encouraging high turnover of parking bays closest to businesses that have high customer numbers and short time business transaction needs;
- Encourage people wanting long term parking to park on the periphery of the CBD where there is limited short term parking demand in the areas set aside for long term parking;
- Provide some support for residents and visitor parking in areas not subject to parking fees;
- Provide for safety of pedestrian and vehicle movement;
- Limit the volume of vehicular traffic movement in the CBD due to motorists searching for a parking bay; and
- Achieve best utilisation of all public parking facilities managed by the City.

Link to Strategic Plan:

Objective:

3.1 To encourage the development of the Joondalup CBD.

Strategy:

3.1.5 The City implements its CBD Parking Strategy.

Legislation – Statutory Provisions:

Council is required to give local public notice in accordance with Section 6.19 of the Local Government Act 1995 regarding the proposal to adopt new fees.

Risk Management considerations:

The City is required to manage its assets, including car parks, effectively and efficiently. Sound parking management underpins a vibrant local economy and future development of the area.

Financial/Budget Implications

The existing parking ticket machines can be reprogrammed and existing signage can be replaced to reflect the new fees. These costs are minimal and can be accommodated within existing expenditure budget requirements.

Policy Implications:

The proposed amendments to the fee structure for McLarty Avenue Car Park No P1 are consistent with the City's Parking Strategy.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The proposed change to the fee structure represents the most appropriate option to meet the need for all day parking and to provide alternatives to parking in the streets in Joondalup City North. Parking schemes are subject to ongoing amendment in keeping with changes in parking demand. The City will continue to monitor these changes.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr McLean, SECONDED Cr Hollywood that Council:

- 1 BY AN ABSOLUTE MAJORITY, ADOPTS in accordance with Clause 18 of the City of Joondalup Parking Local Law, the following fee structure effective 6 April 2009 for the McLarty Avenue Car Park No P1:**

Hourly Fee	\$0.60
Daily Fee	\$3.00
Weekly Fee	\$15.00
Monthly	\$45.00

- 2 GIVES local public notice in accordance with Section 6.19 of the Local Government Act 1995 of the fees in (1) above.**

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (10/0)**

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

Disclosure of interest affecting impartiality

Name/Position	Cr Mike Norman
Item No/Subject	CJ059-03/09 – Bushland Volunteers
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Norman is a Coordinator of Friends Groups “Friends of Sorrento Beach” and “Friends of Porteous Park”

Name/Position	Cr Marie Macdonald
Item No/Subject	CJ059-03/09 – Bushland Volunteers
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Macdonald is a Coordinator of Friends of Mullaloo Dunes

CJ059-03/09 BUSHLAND VOLUNTEERS – [06812]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Martyn Glover
Infrastructure Services

PURPOSE

To inform Council on matters relating to bushland volunteers working in City Reserves.

EXECUTIVE SUMMARY

This report considers two matters relating to volunteers working in natural area reserves managed by the City of Joondalup, as follows:

1. The City’s insurance cover offered to volunteers working in natural area reserves.

2. A proposal by the Conservation Advisory Committee (CAC) for Bushland Friends Groups to become involved in local schools' community service programs.

It is recommended that Council:

- 1 *NOTES the report titled Bushland Volunteers;*
- 2 *REFERS the report titled Bushland Volunteers to the Conservation Advisory Committee for its consideration.*

BACKGROUND

Minutes of the Conservation Advisory Committee held on 27 August 2008 were presented to the Council Meeting on 30 September 2008, whereby the following decisions were made:

“That Council:

- 3 *ENDORSES the Conservation Advisory Committees request for a report on insurance arrangements for volunteers working under Friends Group supervision at Friends Group events within the City of Joondalup;*
- 4 *ENDORSES the Conservation Advisory Committee request for a report that provides information on the process by which Friends Groups can engage school students under the community service program or any aged group students working in bushland.”*

As both topics are closely linked, they are being considered in the one report.

DETAILS

The City currently has management responsibility for over 500 hectares of natural areas (this is land containing bushland). The term also encompasses coastal heath, wetlands and coastal dune systems. These natural areas are contained within 108 separate reserves.

There are volunteers from twelve bush care groups that assist the City with management activities within these reserves. The friends groups hold a number of planting and weed removal days per year and the community are invited to participate in such events. All of the participants over the age of sixteen are covered by the City's Insurance Policy. The City of Joondalup currently maintains a number of insurance policies for volunteers, as follows:

- The City's Public Liability Insurance covers volunteers for damage they may cause to third parties.
- Personal Accident Insurance covers volunteers if they injure themselves.
- Copies of a certificate of currency for Public Liability (upper limit \$100,000), and Personal Accident Liability (upper limit \$500,000), have been forwarded to Friends group representatives, upon request.

Discussions were held at the August 2008 CAC meeting on the topic of volunteers' insurance cover, which revealed concerns that children working as volunteers on bushland projects may not have insurance cover. The current status regarding volunteer insurance cover is that children over sixteen are covered by the City's policy, while working in City reserves. The City has commenced discussions with its insurance brokers to consider the extension of this cover to younger children.

School Pupil Bushland Volunteers

At the CAC meeting held in August 2008, Committee members discussed the possibility of engaging high school children to work as volunteers on bushland rehabilitation projects. Currently, all year ten, eleven and twelve pupils are required to commit to twenty hours of community service prior to their graduation. The CAC felt this was a potential resource for bushland projects.

The City has run an environmental program with local schools for nearly ten years. The Adopt a Coastline Program has proven to be very popular and has always been oversubscribed. The program consists of pupils learning about coastal processes and ecology in the formal setting of the classroom. This is followed by working with their teachers and City staff on coastal bushland rehabilitation projects in Joondalup's coastal reserves. An information sheet on the "Adopt a Coastline" program is included as Attachment 1.

In these instances the school students are insured by the Department of Education and Training, and the projects are sanctioned by the School and the City.

School children have also been involved in assisting Friends volunteers in bushland reserves on a more informal basis. The removal of weeds in Porteous Park, Sorrento, in conjunction with a local friends group, is an example of this cooperation.

The Department of Education and Training has recently introduced the Give 20 Community Service Program. Through this program, students must complete a minimum of 20 hours service between years 10 and 12 of secondary school. From 2009, students will need to have completed 20 hours of community service to gain the WA Certificate of Education.

A wide range of activities can be undertaken for community service. These activities can be:

- School or community oriented
- Done in school or out of school
- Linked to one or more learning area programs
- One off or long-term
- Direct, eg visiting the elderly, coaching, supporting refugees
- Indirect, eg food drives, fundraising activities

This program will give bushland friends groups an opportunity to be assisted by students undertaking the Give 20 community service program.

Bushland friends groups or any community group wishing to participate will need to contact the Community Service Program Coordinator at any secondary school.

This type of arrangement with schools completing their community service obligations could be a 'win-win' situation for the City, schools and the community. However, any such project would require approval and monitoring by City personnel to ensure potential safety issues are effectively managed. This process, in cooperation with the school's staff, takes into account any working with children certification requirements.

Link to Strategic Plan:

- 1.2 OBJECTIVE: To engage proactively with the Community and other relevant organisations in the preservation of the City's natural environmental assets.
- 5.2 OBJECTIVE: To facilitate healthy lifestyles within the community.

5.2.1 The City provides high quality recreation facilities and programs.

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:

The Conservation Advisory Committee consists of representatives of most Friends' Groups operating in the City. A range of topics relating to the management of Joondalup's natural areas are discussed at this forum. The Conservation Advisory Committee also acts as an efficient mechanism for the City to consult with the community on environmental and biodiversity issues.

COMMENT

Bushland volunteers contribute a significant number of hours annually to conserve Joondalup's bushland. It is in the City's best interest to ensure adequate insurance cover during volunteer activities.

The participation of bushland friends' groups and the City in the Department of Education and Training's Give 20 Community Service Program is fully supported. It would help students gain an appreciation of their local bushland biodiversity and assist friends' groups and the City achieve effective management of the City's natural areas.

ATTACHMENTS

Attachment 1 Information for Site Visits – Adopt a Coastline

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Norman, SECONDED Cr Young that Council:

- 1 NOTES the report titled Bushland Volunteers;**
- 2 REFERS the report titled Bushland Volunteers to the Conservation Advisory Committee for its consideration.**

The Motion was Put and**CARRIED (10/0)**

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf100309.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Cr Mike Norman
Item No/Subject	CJ060-03/09 - Annual Funding of Bushland Friends Groups
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Norman is a Coordinator of Friends Groups "Friends of Sorrento Beach" and "Friends of Porteous Park"

Name/Position	Cr Russ Fishwick
Item No/Subject	CJ060-03/09 - Annual Funding of Bushland Friends Groups
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Fishwick is a member of the Friends of Warwick Bushland

Name/Position	Cr Marie Macdonald
Item No/Subject	CJ060-03/09 – Annual Funding of Bushland Friends Groups
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Macdonald is a Coordinator of Friends of Mullaloo Dunes

CJ060-03/09 ANNUAL FUNDING OF BUSHLAND FRIENDS GROUPS [17877]

WARD: All

RESPONSIBLE DIRECTOR: Mr Martyn Glover
Infrastructure Services

PURPOSE

To consider provision of Annual Funding for Bushland Friends Groups to assist with their administration and projects.

EXECUTIVE SUMMARY

There are currently twelve Bushland Friends Groups who operate in the City of Joondalup (Attachment 1 refers). The groups have actively assisted the City for many years, with its natural areas management responsibilities.

There are costs associated with the works carried out by the groups, such as telephone calls, mail outs, protective clothing, gloves, sun screen etc. It is considered appropriate that that

the City provides limited financial support to the sum of \$500 per annum to all the registered, active Bushland Friends Group that contributes to the care of natural areas managed by the City.

It is recommended that Council:

- 1 *ENDORSES the contribution of \$500 per annum to all registered, active Bushland Friends Groups that meet the eligibility criteria established by the City of Joondalup.*
- 2 *ADOPTS the eligibility criteria for incorporated and non-incorporated Friends Groups as follows:*

Incorporated Group has reported on the following each year:

- *Annual Work Plan*
- *Minutes of Annual General Meeting*
- *Confirmation of Group structure/membership*
- *Audited accounts of funds expenditure (excluding primary report)*

Non-incorporated Group has reported on the following each year:

- *Annual Work Plan*
- *Notes of an annual meeting of the group*
- *Confirmation of Group structure/membership*
- *Copies of invoices for expenditure of funds (excluding primary report)*

BACKGROUND

A Bushland Friends Group is a formal or informal gathering of volunteers that work together to conserve and restore natural areas. Eleven of the twelve Bushland Friends Groups that operate in the City of Joondalup do so solely on land managed by the City.

The twelfth group, the Friends of Yellagonga Regional Park, works on land managed by the Department of Environment and Conservation as well as a number of natural areas managed by the City. A number of Bushland Friends Groups have been actively working in local bushlands in excess of ten years.

There are three current types of Bushland Friends Groups operating in the City, these are:

1. The Formalised Friends Groups which are Community organisations that encourage community participation conduct formal meetings in which they produce agendas and minutes of their meetings. They also hold annual general meetings; elect a chairperson and a committee. The Joondalup Community Coast Care Forum is an example of this type of Bushland Friends Group.
2. Informal Friends Groups which are informal coalitions of like minded people that undertake bush restoration work. They tend to hold informal meetings and have an unelected spokesperson for the group. The Friends of Korella Park is an example of this type of Bushland Friends Group.
3. Unrecognised Friends Groups which are groups of people or individuals who operate as Friends Groups without the recognition of the City. The Friends of Braden Park is an example of this type of Bushland Friends Group.

Bushland Friends Groups assist the City's management of natural areas in a number of ways, examples are:

- Undertaking on ground work, weeding, planting, plant watering.
- Carrying out weed surveys.
- Incident reporting e.g. fires, vandalism, infrastructure maintenance issues.
- Advise Council on biodiversity issues through Friends Group representation on the Conservation Advisory Committee.
- Contribute financial resources to Joondalup's natural areas management by sourcing grant funding, towards works in the City's Bushland reserves.

DETAILS

The Bushland Friends Groups that operate within the City have historically been formed by one or two people who have been passionate about caring for bushland in their local area. In turn they have gathered like minded people around them, communicated their ideas to City Officers and formed a friends group.

The City offers assistance by attending the first few group meetings' providing copies of the Bushland Friends' manual, photocopying newsletters, providing management plans and biodiversity information on the particular bushland that is of interest to the group, and conducting guided walks.

The day to day costs of setting up and running the group are generally sourced from within the group itself. These costs include telephone calls, email, mail outs, newspaper advertisements, bush regeneration tools, protective clothing and sunscreen.

It is considered that these costs may inhibit the work that the Friends Groups would like to do. One method of assisting Friends groups in this area would be to provide ongoing funding on an annual basis. The funding would be dependant on the Groups' adhering to strict reporting criteria.

It is proposed that funding of up to \$500 per annum be provided in one of two ways with the following criteria:

Incorporated Groups: Subject to the provision each year of an annual work plan, minutes of their annual general meeting and confirmation of the group structure, they would receive the \$500. At the completion of each financial year they would provide audited accounts of where the funds were expended.

Non-incorporated Group: Subject to the provision of an annual work plan, notes of an annual meeting and confirmation of the Group structure, the City will reimburse expenditure for materials and projects included in the annual plan, and supported by invoices, up to a maximum of \$500 per financial year.

Issues and options considered:

The following options are available:

- To retain the status quo, that is to assist Bushland Friends Groups on an ad hoc basis when assistance is requested from the City. This process does encourage inequity between the Groups, that is, the ones that don't ask, don't receive.
- To put an assistance process in place to offer to reimburse funds spent to a maximum of \$500 per annum. This is the recommended model.
- That Bushland Friends Groups become incorporated bodies and that the City provides funds at the beginning of the financial year and that the groups' audited annual accounts account for the funds. This is complicated and most of the Friends' Groups would not be prepared to meet the requirements of this status. Currently the Joondalup Community Coast Care Forum and the Friends of Yellagonga are the only groups which are incorporated.

Link to Strategic Plan:

2.2.3 The City undertakes actions to protect and rehabilitate its natural bushland and coastal environment and works closely with Friends and local environmental groups to achieve these actions.

3.2 OBJECTIVE To engage proactively with the Community and other relevant organisations in the preservation of the City's natural environmental assets.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

The cost to assist the registered active Bushland Friends Groups currently operating in the City would be \$6000 per annum. It is proposed that these funds would be sourced from the annual operations budget for the reserve/s in which each of the Friends Groups is operating. The contribution will go a long way to offset the current expenditure incurred by Bushland Friends Groups from their own sources.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Volunteer groups such as Bushland Friends Groups suffer from regular “burn out” and the City needs to look to means of supporting the Bushland Friends Groups to reduce the risk.

Consultation:

There has been no formalised consultation with the Bushland Friends Groups; however officers have been cognisant for a number of years that there are costs incurred by the Bushland Friends Groups which they meet from their own sources.

COMMENT

The annual funding of Bushland Friends Groups recognised by the City is supported subject to the groups meeting the minimum criteria. Bushland Friends Groups have over the years volunteered many thousands of hours assisting in maintaining and caring for the City’s bushland reserves. Bushland Friends Group Members in most cases have personally paid out of their own pockets for many of the items needed to operate a Friends Group.

The City values the efforts of Bushland Friends Groups and an appropriate way of demonstrating this would be to provide limited financial support for their activities.

ATTACHMENTS

Attachment 1 List of registered, active Bushland Friends Groups.

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION: That Council:

- 1 ENDORSES the contribution of \$500 per annum to all registered, active Bushland Friends Groups that meet the eligibility criteria established by the City of Joondalup;
- 2 ADOPTS the eligibility criteria for incorporated and non-incorporated Friends Groups as follows:

Incorporated Group has reported on the following each year:

- Annual Work Plan
- Minutes of Annual General Meeting
- Confirmation of Group structure/membership
- Audited accounts of funds expenditure (excluding primary report)

Non-incorporated Group has reported on the following each year:

- Annual Work Plan
- Notes of an annual meeting of the group
- Confirmation of Group structure/membership
- Copies of invoices for expenditure of funds (excluding primary report)

MOVED Cr Norman, SECONDED Cr Macdonald that Council:

- 1 ENDORSES the contribution of \$500 per annum to all registered, active Bushland Friends Groups that meet the eligibility criteria established by the City of Joondalup;**
- 2 ADOPTS the eligibility criteria for incorporated and non-incorporated Friends Groups as follows:**

Incorporated Group has reported on the following each year:

- **Annual Work Plan**
- **Minutes of Annual General Meeting**
- **Confirmation of Group structure/membership**
- **Audited accounts of funds expenditure (excluding primary report)**

Non-incorporated Group has reported on the following each year:

- **Annual Work Plan**
- **Notes of an annual meeting of the group**
- **Confirmation of Group structure/membership**
- **Copies of invoices for expenditure of funds (excluding primary report)**

- 3 PERMITS an incorporated group to receive and bank the City's contribution on behalf of one or more non-incorporated Friends Groups and directly pay for their invoices and receipts, provided all the financial transactions appear in the audited accounts of the incorporated group.**

Discussion ensued

The Mayor advised that Point 3 of the Motion would be voted upon separately.

MOVED Cr Norman, SECONDED Cr Macdonald that Council:

- 1 ENDORSES the contribution of \$500 per annum to all registered, active Bushland Friends Groups that meet the eligibility criteria established by the City of Joondalup;**
- 2 ADOPTS the eligibility criteria for incorporated and non-incorporated Friends Groups as follows:**

Incorporated Group has reported on the following each year:

- **Annual Work Plan**
- **Minutes of Annual General Meeting**
- **Confirmation of Group structure/membership**
- **Audited accounts of funds expenditure (excluding primary report)**

Non-incorporated Group has reported on the following each year:

- **Annual Work Plan**
- **Notes of an annual meeting of the group**
- **Confirmation of Group structure/membership**
- **Copies of invoices for expenditure of funds (excluding primary report)**

The Motion was Put and**CARRIED (10/0)**

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

MOVED Cr Norman, SECONDED Cr Macdonald that Council:

- 3 PERMITS an incorporated group to receive and bank the City's contribution on behalf of one or more non-incorporated Friends Groups and directly pay for their invoices and receipts, provided all the financial transactions appear in the audited accounts of the incorporated group.

The Motion was Put and**LOST(3/7)**

In favour of the Motion: Crs Corr, Macdonald and Norman **Against the Motion:** Mayor Pickard, Crs Amphlett, Diaz, Fishwick, Hollywood, McLean and Young

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf100309.pdf](#)

CJ061-03/09 MINUTES OF THE CONSERVATION ADVISORY COMMITTEE HELD ON 29 OCTOBER 2008 [12168]

WARD: All

RESPONSIBLE DIRECTOR: Mr Martyn Glover
Infrastructure Services

PURPOSE

To submit the confirmed minutes of the Conservation Advisory Committee to Council for noting.

EXECUTIVE SUMMARY

A meeting of the Conservation Advisory Committee was held on 29 October 2008.

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

- Conservation Advisory Committee - Proposed Meeting Dates for 2009
- Natural Areas Management Planning

It is recommended that Council NOTES:

1 *the confirmed minutes of the Conservation Advisory Committee held on 29 October 2008 forming Attachment 1 to Report CJ061-03/09;*

2 *the 2009 meeting dates for the Conservation Advisory Committee as follows:*

*Wednesday, 25 February 2009
Wednesday, 29 April 2009
Wednesday, 24 June 2009
Wednesday, 26 August 2009*

- 3 *that the recently formed in-house weed control service will increase the level of weed control on natural area reserves in the 2009/10 budget including those involving Friends Groups.*

BACKGROUND

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

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

DETAILS

Issues and options considered:

The Motions carried at the Conservation Advisory Committee meeting held 29 October 2008 are shown below, together with officer's comments.

1 Conservation Advisory Committee - Proposed Meeting Dates for 2009

The following Motion was carried at the meeting on 29 October 2008:

"That the Conservation Advisory Committee SETS the following 2009 meeting dates to be held at 6pm in the Joondalup Civic Centre, Boas Avenue, Joondalup:

*Wednesday, 25 February 2009
Wednesday, 28 April 2009
Wednesday, 24 June 2009
Wednesday, 25 August 2009."*

Officer's comment

It was noted that two incorrect dates were adopted at the Committee meeting on 29 October 2008 and the correct meeting dates for the Conservation Advisory Committee are as follows:

*Wednesday, 25 February 2009
Wednesday, 29 April 2009
Wednesday, 24 June 2009
Wednesday, 26 August 2009*

Meeting dates beyond August 2009 are not included due to the Council election in October.

2 Natural Areas Management Planning

The following Motion was carried at the meeting on 29 October 2008:

"That the Conservation Advisory Committee:

- 1 RECEIVES Report CJ187-09/08 - Natural Areas Management Planning;

2 PROVIDES the following advice to Council:

- The Conservation Advisory Committee wishes to express its serious concern that the biodiversity of the City's natural areas is under threat from widespread weed infestation and requests that the Council gives urgent consideration to increase its natural areas budget specifically for weed control of areas involving Friends Groups including:
 - Carnaby Reserve
 - Craigie Open Space
 - Gunida Park
 - Harman Park
 - Hepburn Conservation Area
 - Iluka Foreshore Reserve
 - Korella Park
 - Maritana Park
 - Mullaloo Beach Foreshore
 - Periwinkle Park
 - Porteous Park
 - Robin Park
 - Sorrento Foreshore
 - Warwick Open Space"

Officer's comment

The City has now changed to an in-house weed control service which includes the natural area reserves. Future budgets will include increased weed control activity on these reserves including those involving Friends Groups.

Link to Strategic Plan:

Key Focus Area: The Natural Environment

Objective 2.2 To engage proactively with the community and other relevant organisations in the preservation of the City's natural environmental assets.

Strategies

2.1.1 Maintain and protect natural assets to retain biodiversity.

2.1.2 Further develop environmentally effective and energy-efficient programs.

2.1.3 Develop a coordinated environmental framework, including community education.

Legislation – Statutory Provisions:

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

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:Environmental

Conservation Advisory Committee objective - "To make recommendations to Council for the Conservation of the City's natural biodiversity".

Social

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

Consultation:

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

COMMENT

Comments are provided within this report.

ATTACHMENTS

Attachment 1 Minutes of the Conservation Advisory Committee Meeting held on 29 October 2008

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Norman, SECONDED Cr Corr that Council NOTES:

- 1 **the confirmed minutes of the Conservation Advisory Committee held on 29 October 2008 forming Attachment 1 to Report CJ061-03/09;**
- 2 **the 2009 meeting dates for the Conservation Advisory Committee as follows:**
 - Wednesday, 25 February 2009**
 - Wednesday, 29 April 2009**
 - Wednesday, 24 June 2009**
 - Wednesday, 26 August 2009**
- 3 **that the recently formed in-house weed control service will increase the level of weed control on natural area reserves in future budgets including those involving Friends Groups.**

The Motion was Put and**CARRIED (10/0)**

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf100309.pdf](#)

**CJ062-03/09 BURNS BEACH GROYNE RECONSTRUCTION -
[00567]**

WARD: North

**RESPONSIBLE
DIRECTOR:** Mr Martyn Glover
Infrastructure Services

PURPOSE

To inform Council of the different options and associated costs for the reconstruction of the Burns Beach groyne.

EXECUTIVE SUMMARY

In May 2002, the City engaged specialist coastal and port engineers to complete the design of the Burns Beach groyne reconstruction, including the development of five groyne options for consideration by the City. The officers preferred option was the design which met the 0% to 5% damage in a 20 to 30 year Average Recurrence Interval (ARI) storm event (Attachment 1 refers).

Further to the consultant's design, the City has also developed a low cost basic design which improves the groyne structurally, but does not provide for pedestrian access or recreational purposes (Attachment 2 refers).

The City has submitted a Community Infrastructure Grant for \$150,000 towards the reconstruction of the groyne and expects to be successful. Furthermore, an application for the Coastal Protection Infrastructure Grant was submitted in February 2009 to match the funding. The approval of the second grant will determine the level of pedestrian access to the reconstructed groyne. No City funds have been allocated as part of the 2008/2009 capital works budget.

The costing for the groyne reconstruction design is \$300,000, and the cost for the basic design completed by the City is \$150,000.

It is recommended that Council:

- 1 *NOTES the submission for funding assistance from the Department of Planning and Infrastructure, under the Coastal Protection Infrastructure Grant Scheme, to allow for improved pedestrian and recreational access;*

- 2 *APPROVES the Burns Beach groyne reconstruction of the basic design at a cost of \$150,000, and, subject to the success of the Coastal Protection Infrastructure Grant Scheme, ENDORSES the pedestrian accessible groyne design in Attachment 1 of Report CJ062-03/09 at a cost of \$300,000.*

BACKGROUND

The original Burns Beach groyne was first constructed between 1965 and 1970. This groyne has slowly deteriorated over the years to its current state of disrepair.

In May 2002, the City engaged specialist coastal and port engineers to complete the design of the Burns Beach groyne reconstruction, including the development of five groyne options for consideration by the City.

The scope of the project can be broken into the following items:

1. Reconstruct the groyne to the same length as the original groyne;
2. Provide a concrete path along the crest of the groyne;
3. Provide a fishing and recreational viewing platform near the head of the groyne;
4. The original drainage pipe is to discharge from the reconstructed groyne structure (the position of the outlet can be relocated if required);
5. A service corridor is to be provided along the groyne to facilitate with future lighting provisions.
6. Completion of the groyne reconstruction would be in late winter or early spring (July – September).

The preferred design option selected by the City allowed for a 0% to 5% damage in a 20 to 30 year ARI storm event and pedestrian safety in a 1 to 2 year ARI storm event. The design also makes provision for a 3 metre wide path and a fishing/recreational platform. This option had the lowest capital and annual service costs of all five options.

In October 2008 a Coastal Engineering Investigation was conducted by the Department of Planning and Infrastructure for the Tamala Park and Burns Beach region. One of the recommendations stipulated that the Burns Beach Groyne be reinstated to its current 'effective length' to provide a safe and functional groyne, with the possible added benefit of a recreational viewing platform.

On the basis of the Coastal Engineering Investigation report findings, the designs were revised, and an amended design was completed in 2009 by the City. The revised design involved improvements to the groyne structure, but design elements that allowed pedestrian access and recreational activities were not provided. To minimise costs associated with the reconstruction, it is the City's intention to use rocks from Tamala Park for use as the armour rock and additional core rock.

DETAILS

Issues and options considered:

There are two design options available for the reconstruction of the Burns Beach groyne. The first is the design completed by the consultant. This option involves the reconstruction of the

groyne to make it structurally sound, as well as providing pedestrian access with a recreational viewing platform. This is shown in Attachment 1.

The second option involves reconstruction of the groyne to achieve structural functionality only, that is, it does not provide for pedestrian access or recreational purposes. This is shown in Attachment 2.

Link to Strategic Plan:

2.1 OBJECTIVE: To ensure that the City's natural environmental assets are preserved, rehabilitated and maintained.

2.2 OBJECTIVE: To engage proactively with the community and other relevant organisations in the preservation of the City's natural environmental assets.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

The reconstruction of the Burns Beach groyne will minimise risk to the general public and assist in retaining the small sandy beach during summer.

The original groyne was not designed to the standard of the proposed groyne reconstruction, meaning the risks of collapse for the new groyne are significantly less.

Financial/Budget Implications:

The City has submitted a Community Infrastructure Grant for \$150,000 towards the reconstruction of the groyne and expects to be successful. Furthermore, an application for the Coastal Protection Infrastructure Grant was submitted in February 2009 to match the funding. The approval of the second grant will determine the level of pedestrian access to the reconstructed groyne. No City funds have been allocated as part of the 2008/2009 capital works budget.

The groyne reconstruction design completed by the consultant which included pedestrian and recreational access, was estimated to cost \$300,000, while the design completed by the City, which does not include pedestrian and recreational access, was estimated to cost \$150,000.

It should be noted that if the Coastal Protection Infrastructure Grant is unsuccessful then the basic design still allows for pedestrian facilities to be retro-fit at a later stage.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Community consultation will be undertaken with local residents, prior to works commencing.

COMMENT

It is proposed to reconstruct the Burns Beach groyne in order to make it structurally sound. The construction will take place between July and September 2009. Provisions for pedestrians and recreational activities will be subject to additional funding assistance awarded from the Coastal Protection Infrastructure Grant Scheme.

ATTACHMENTS

Attachment 1 Plan and sections for design completed by M P Rogers & Associates
Attachment 2 Plan and sections for design completed by the City

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Hollywood, SECONDED Cr McLean that Council:

- 1 NOTES the submission for funding assistance from the Department of Planning and Infrastructure, under the Coastal Protection Infrastructure Grant Scheme, to allow for improved pedestrian and recreational access;**
- 2 APPROVES the Burns Beach groyne reconstruction of the basic design at a cost of \$150,000, and, subject to the success of the Coastal Protection Infrastructure Grant Scheme, ENDORSES the pedestrian accessible groyne design in Attachment 1 of Report CJ062-03/09.**

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf100309.pdf](#)

CJ063-03/09 BURNS BEACH ROAD LANDSCAPING STAGE 1 AND HODGES DRIVE LANDSCAPING STAGE 1 - [02018, 01275]

WARD: North

RESPONSIBLE DIRECTOR: Mr Martyn Glover
Infrastructure Services

PURPOSE

To seek Council endorsement for the final designs of the Burns Beach Road Landscaping Project Stage 1 (Attachment 1 refers) and the Hodges Drive Landscaping Project Stage 1 (Attachments 2 & 3 refer) and Council agreement to proceed to the tendering stage for these two projects

EXECUTIVE SUMMARY

The 2008/2009 Capital Works Program included provision for the City to undertake final design documentation and commence installation of the two first Iconic Arterial Road Projects in accordance with the City of Joondalup Landscape Master Plan 2009-2019.

The design concept for Iconic Arterial Road Projects developed by Plan E Landscape Architects was endorsed by Council at its meeting on 2 September 2008 (Report CJ176-09/08 refers). The approved concept has been applied to the final designs on Burns Beach Road median and Hodges Drive median and verges.

It is proposed to amalgamate the Burns Beach Road Landscaping Project Stage 1 and the Hodges Drive Landscaping Project Stage 1 into the same tender as Part 1 and Part 2.

It is recommended that Council:

- 1 ENDORSES the final design for the Burns Beach Road Landscaping Project Stage 1 and the Hodges Drive Landscaping Project Stage 1 incorporating the replacement of loose median hardstand areas with consolidated pavements;*
- 2 AGREES to the public tender stage for the Burns Beach Road Landscaping Project Stage 1 and the Hodges Drive Landscaping Project Stage 1.*

BACKGROUND

In February 2007 Acacia Springs Environmental was contracted to undertake a desk top review of landscape planning and management for the City of Joondalup. The report addressed the issues of predicted climate change and impacts on the provision of amenities to the City of Joondalup's electorate with particular emphasis on the availability and efficient use of ground water.

The consultant's report led to the establishment of aims and principles from which the City of Joondalup Landscape Master Plan 2009-2019 was drafted. Key focus areas were identified and strategies developed for the management of Parks, Verges and medians, Community Buildings and Joondalup City Centre.

In July 2008 Plan E Landscape Architects were commissioned to design a concept for median treatments using local and WA native species reflecting the changing plant communities from coastal through to inland environments. The design concept for Iconic Arterial Road Projects was endorsed by Council at its meeting 2 September 2008 (Report CJ176-09/08 refers).

Under the key focus area of Verges and Medians, the roll out of Iconic Arterial Road Projects has been prioritised, as approved by Council, with Burns Beach Road median and Hodges Drive median and verge being the first projects undertaken in the 2008-2009 budget period. The approved concept has been applied to the final designs on Burns Beach Road median and Hodges Drive median and verges.

It was recognised during the implementation planning phase that the procurement of the desired local and WA native species plant stock for these two projects would present problems to the project delivery times. Subsequently a report went to Council seeking endorsement for a staged approach to the installation and the City's participation in a specialised growing program. The recommendations were approved at the Council meeting on 25 November 2008 (Report CJ245-11/08 refers) and documentation has proceeded accordingly.

DETAILS

Issues and options considered:

Given the similarity of construction details, close proximity of the site locations and timing of the installation of the two projects, it is proposed to amalgamate them into the same tender as Part 1 and Part 2. This should afford the City a more competitive tender result and consolidate the administration process.

Burns Beach Road Median

The City's consultants, Plan E, have advised that they had concerns with the hard stand material proposed for the medians. The concerns were due to the potential for the loose material to spill onto the road and its propensity to capture litter.

The hardstand material ranging from shell grit through to gravel being a loose medium has been changed to a rigid material comprised of consolidated limestone and laterite pavement. The colour grading will be achieved by varying the percentage component of each material in each zone (zone 1 being 100% limestone at the western end grading through to 100% laterite in zone 4 at the eastern end). The new design directs water run-off to the central garden beds and significantly reduces the maintenance while still providing the landscape aesthetics of the original concept.

The project installation will be undertaken in three stages, with Stage 1 being undertaken in the 2008/2009 budget period forming Part 1 of this Tender.

Stage 1 includes: Zones 1, 2 and 3: Delgado Parade to the Freeway

- Installation of irrigation
- Formation of garden beds with consolidated limestone and laterite paving
- Tree and specimen planting
- Green waste mulch to garden beds

Zones 4 and 5: The Freeway to Joondalup Drive

- Green waste mulch to median

Installation of irrigation, garden bed formation, tree and specimen planting to Zones 4 and 5 and shrub planting to Zones 1, 2 and 3 will be undertaken in Stage 2 of this project. Shrub planting to Zones 4 and 5 will be undertaken in Stage 3 of this project.

Hodges Drive Median and Verges

The entire Hodges Drive Project commences at Marmion Avenue in the west extending eastward to Joondalup Drive. The consolidated limestone and laterite pavement will be colour graded from 100% limestone at the western end to 100% laterite at the eastern end.

The project installation will be undertaken in stages, with Stage 1 being undertaken in the 2008/2009 budget period forming Part 2 of this Tender.

Stage 1, Joondalup Drive to the Freeway includes:

- Installation of irrigation
- Formation of garden beds with 100% laterite paving
- Tree and specimen planting
- Green waste mulch to garden beds

The shrub planting of Hodges Drive from Joondalup Drive to the Freeway will be undertaken in Stage 2 of this project.

Link to Strategic Plan:

This report links to key focus area – Caring for the Environment which requires the City to implement its Environment Plan.

The City's Environment Plan has three key actions relating specifically to landscape master planning:-

Action 1.1.1

Develop a comprehensive Landscape Master Plan that incorporates environmental aspects.

Action 1.1.2

Develop a generic Landscape Management Plan for the City (i.e. planning templates, species lists and user guides).

Action 1.1.3

Develop Individual Landscape Management Plans in accordance with the Generic Landscape Management Plan. (Note Individual Management Plans will be developed for parks, verge/medians and building surrounds)

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

The major risk associated with landscape projects using local native species, is the failure to procure the specified quantities of plant stock. The supply of plants can fail for various reasons from reduced seed production to pest and disease infestations. The City has taken steps to reduce this risk by developing and implementing its own growing program to ensure the long term supply of the appropriate plants in the quantities required.

Financial/Budget Implications:*Burns Beach Road Landscaping Project Stage 1*

Program: Five Year Capital Works program
Main Roads Construction Program 2008/2009

Budget Amount: \$725,000 (Project No W0002)

Hodges Drive Landscaping Project Stage 1

Program: Five Year Capital Works program
Streetscape Enhancement Program 2008/2009

Budget Amount: \$179,900 (Project No's W1155, W1150)

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

The iconic arterial road projects of the City's Landscape Master Plan will contribute to the preservation of local biodiversity through the collection, propagation and mass planting of local native species, thus ensuring the preservation of local biodiversity. Showcasing the City's unique native plants through the arterial road projects will educate and encourage the community to include local plants in their home gardens.

Consultation:

Not Applicable.

COMMENT

The Burns Beach Road Landscaping Project and the Hodges Drive Landscaping Project have reflected all intentions in the approved design concept and the supporting growing program is in progress ensuring the delivery of specified plant stock for future stages.

The changes proposed to the graded colour mulch from a loose medium to a pavement will provide a more stable finish eliminating maintenance requirements to continually top up loose mulch. There is also an initial cost benefit gained in the installation of the pavement compared to installing kerb around each individual garden bed.

ATTACHMENTS

Attachment 1	Burns Beach Road Stage 1 Landscape Plan, LC-01 to LC-05
Attachment 2	Hodges Drive Stage 1 Landscape Plan, Coloured Concept LC-01 and LC-02
Attachment 3	Hodges Drive Stage 1 Landscape Plan, LC-01 and LC-02

VOTING REQUIREMENTS

Simple Majority

MOVED Cr McLean, SECONDED Cr Amphlett that Council:

- 1 ENDORSES the final design for the Burns Beach Road Landscaping Project Stage 1 and the Hodges Drive Landscaping Project Stage 1 incorporating the replacement of loose median hardstand areas with consolidated pavements;**
- 2 AGREES to the public tender stage for the Burns Beach Road Landscaping Project Stage 1 and the Hodges Drive Landscaping Project Stage 1.**

The Motion was Put and CARRIED (10/0) by En Bloc Resolution following consideration of Item CJ073-03/09, Page 185 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf100309.pdf](#)

CJ064-03/09 GREENMOUNT HEIGHTS AND NEWPORT GARDENS HILLARYS - [46607] [47607]

WARD: South-West

RESPONSIBLE DIRECTOR: Mr Martyn Glover
Infrastructure Services

PURPOSE

To give consideration to the petition from residents of Greenmount Heights, Hillarys requesting an amendment to the current approved Parking Prohibition.

EXECUTIVE SUMMARY

Residents from Greenmount Heights, Hillarys, are seeking to amend the current approved parking restriction at the bottom end of Greenmount Heights from “No Parking Carriageway or Verge” to read “No Parking on Carriageway” and remove the word “verge”. This would allow residents to park outside their own properties on the verge, without incurring a penalty.

It is recommended that Council:

- 1 *APPROVES the amendment of the entire Parking Prohibition along both Greenmount Heights and Newport Gardens, Hillarys referred to as option 2 in the community consultation and included in Attachment 2 to Report CJ064-03/09;*
- 2 *APPROVES replacement of the nature strip grassed area between the footpath and the fence line on the park side of Newport Gardens with mulch and native landscaping to improve the amenity of the area;*
- 3 *ADVISES residents of both Greenmount Heights and Newport Gardens of Council’s decision.*

BACKGROUND

The Council at its meeting on 20 November 2007, resolved to install a “NO PARKING” carriageway or verge along the western side of Newport Gardens, Hillarys (CJ247-11/07 refers) to address the parking congestion caused by visitors attending Mawson Park. Since the inception of the parking prohibition, there was an increase in the number of requests for the City to monitor and patrol the area more frequently. This resulted in some residents incurring penalties for parking their vehicles contrary to signage on the verge area outside their own properties.

DETAILS

Under the current Parking scheme the parking of vehicles on the verge area on the residential side of Greenmount Heights and Newport Gardens, Hillarys is prohibited at all times. This restricts the availability for the parking of vehicles directly outside residential properties. A site visit confirmed that it would be more appropriate for the City to consult with all property owners to determine the effectiveness of the current parking restrictions on the residential side of the above mentioned streets.

During the site visit, it was also acknowledged that the available parking on the verge area along Mawson Crescent was a considerable distance from the City’s premier playground; this may also be a contributing factor for visitors parking illegally in Newport Gardens. It was also recognised that since the inclusion of a new footpath on the park side of Newport Gardens, a nature strip of grass between the footpath and the fence line is not reticulated and has become unsightly and laborious to maintain (Attachment 1 refers). It is therefore recommended that the area be replaced with mulch and native landscaping to improve the amenity of the area.

Link to Strategic Plan:

The consideration of parking prohibition schemes is consistent with the following objectives and strategies from the City of Joondalup’s Strategic Plan 2008-2011:

- 2.2 OBJECTIVE: To engage proactively with the community and other relevant organisations in the preservation of the City’s natural environmental assets.
- 2.2.4 The City will promote and support sustainable transport opportunities.

Legislation – Statutory Provisions:

The City of Joondalup Parking Local Law 1998 was made in keeping with the requirements of the Local Government Act (1995): 33 the Local Government may by resolution constitute, determine, vary and indicate by signs:

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

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

Risk Management considerations:

Any amendments to the current parking scheme by excluding the word “verge” from the current parking prohibition may result in visitors parking on residential verges. However, under the City’s local parking laws, it is an offence to drive, park or stop a vehicle upon a road verge without obtaining prior consent from the owner/ occupier. This offence carries a penalty of \$60 and is enforceable by the City’s Ranger Service.

Financial/Budget Implications:

The cost to replace the necessary signage is approximately \$300; sufficient funds exist in the maintenance operational budget for this work to occur.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

In order to determine the views of residents regarding the suggested amendment to the parking prohibition, owners of properties in the area were consulted. Correspondence and consultation feedback forms were sent to the twelve residents affected by the current parking restriction, including three (3) options available to be considered which are outlined as follows;

- 1 Amend the current Parking Prohibition in Greenmount Heights, Hillarys only. This option would require the consent of the effected residents and the installation of two additional signs at the bottom of Greenmount Heights.
- 2 Amend the entire Parking Prohibition along both Greenmount Heights and Newport Gardens, Hillarys, to allow all residents to park approved vehicles on their own verges without incurring a penalty. The parking prohibition scheme will retain the existing

carriageway prohibitions but remove the verge prohibitions adjacent to residential properties (Attachment 2 refers).

- 3 Retain the current Parking Prohibitions as originally endorsed by Council.

The city received seven responses as a result of the consultation process which represents a 58% response rate. Of the seven responses received, six residents supported Option 2 and one resident supported Option 1.

During the collation of the feedback, it was noted that one resident suggested the inclusion of the words “Residential verge parking only” on the amended signage and another resident raised concerns with the removal of verge parking from the signage and suggested that the introduction of a permit system similar to the City of Subiaco be considered. Both suggestions are acknowledged by the City however, the inclusion of the words “Residential verge parking only” on the amended signage would be of limited value under the City’s Parking Local Laws 1998 and the Road Traffic Code 2000 because it would require the owner/occupier to register a complaint with the City before action would be taken against a driver parking on the verge abutting that owner/occupier’s property. This could lead to an impression of inconsistent action where some vehicles may be infringed and others not conform. The introduction of permit systems is generally set aside for larger parking areas which have significant spill over and parking congestion issues. The inclusion of a parking permit scheme would not be considered necessary because the current parking prohibitions are considered sufficient.

COMMENT

The proposal to amend the current parking prohibition along Greenmount Heights and possibly Newport Gardens, Hillarys, will not have an adverse effect on the existing carriageway prohibitions adjacent to residential properties. The amendment would also allow greater flexibility for residents to utilise the maximum parking available outside their properties.

It is also important to be mindful that by excluding the word “verge” from the current parking prohibition may result in an increase in visitors parking illegally on residential verges. As suggested during the consultation process the inclusion of the wording “Residential verge parking only” on the amended signage should be included (Attachment 2 refers) to provide a visual deterrent for visitors of the park, and reduce the opportunity for illegal parking. However, this would require the owner/occupier to report any illegal verge parking concerns to Ranger Services for their action, as previously outlined within this report.

ATTACHMENTS

Attachment 1	Photograph of street verge
Attachment 2	City of Joondalup Greenmount Heights and Newport Gardens Parking Prohibition plan. (Option 2)
Attachment 3	Proposed Parking Prohibition signage

VOTING REQUIREMENTS

Simple Majority

MOVED Cr McLean, SECONDED Cr Amphlett that Council:

- 1 **APPROVES** the amendment of the entire Parking Prohibition along both Greenmount Heights and Newport Gardens, Hillarys referred to as Option 2 in the community consultation and included in Attachment 2 to Report CJ064-03/09;
- 2 **APPROVES** replacement of the nature strip grassed area between the footpath and the fence line on the park side of Newport Gardens with mulch and native landscaping to improve the amenity of the area;
- 3 **ADVISES** residents of both Greenmount Heights and Newport Gardens of Council's decision.

The Motion was Put and CARRIED (10/0) by En Bloc Resolution following consideration of Item CJ073-03/09, Page 185 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf100309.pdf](#)

CJ065-03/09 PETITION REQUESTING THE PROVISION OF TRAFFIC CALMING DEVICES IN WOODVALE, KINGSLEY AND GREENWOOD - [56534, 48565, 01672, 35580, 00412, 09430, 31487, 62482, 05820, 85570]

WARD: Central and South East

RESPONSIBLE DIRECTOR: Mr Martyn Glover
Infrastructure Services

PURPOSE

To consider a petition requesting the provision of traffic calming devices in Woodvale, Kingsley and Greenwood.

EXECUTIVE SUMMARY

A 105-signature petition was presented to the Council at its Ordinary Meeting of 2 September 2009 from residents of the City of Joondalup requested the provision of traffic calming devices at the following locations:

- Castlegate Way, Woodvale
- Duffy Terrace, Woodvale
- Shepherds Bush Drive, Kingsley
- Maple Street, Greenwood
- Tingle Court, Greenwood
- Blackbutt Drive, Greenwood

A technical assessment of each road has been undertaken to determine the extent of the traffic issues. The analysis includes a review of the traffic speeds, traffic volumes, crash history and existing road environment.

Proposed traffic treatments for Duffy Terrace have previously been endorsed by Council at the Ordinary Meetings of 2 September 2008 and 17 February 2009. Both Castlegate Way and Shepherds Bush Drive required further investigation to determine options for minor traffic treatments. Funding of the traffic treatments to be considered as part of the 2010/2011 Infrastructure Capital Works Program. The traffic assessment has confirmed that no further investigation is warranted for Maple Street, Tingle Court and Blackbutt Drive.

It is recommended that Council:

- 1 *NOTES the need for further traffic investigation to take place in Castlegate Way, Woodvale and Shepherds Bush Drive, Kingsley, with a report to be prepared to Council in August 2009;*
- 2 *NOTES that no further traffic management is required for Blackbutt Drive, Greenwood, Maple Street, Greenwood and Tingle Court, Greenwood;*
- 3 *REQUEST that the petitioners be advised of Council's decision including the current approved proposals in Duffy Terrace, Woodvale.*

BACKGROUND

A 105 signature petition was received by Council at the Ordinary Meeting of 2 September 2009 from Judy Hughes former Member for Kingsley. The petition on behalf of residents of the City of Joondalup requested the provision of traffic calming devices in the 2009/10 Council budget in an attempt to stop "hoons" at the following locations:

- Castlegate Way, Woodvale
- Duffy Terrace, Woodvale
- Shepherds Bush Drive, Kingsley
- Maple Street, Greenwood
- Tingle Court, Greenwood
- Blackbutt Drive, Greenwood

Duffy Terrace, Woodvale

In response to residents concerns, Council at the meeting of 2 September 2008 endorsed the Duffy Terrace 2009/2010 State Black Spot traffic management submission. Main Roads WA has since advised that the submission has been successful. In addition to the proposed traffic treatments, Council at the meeting of 17 February 2009 accepted Main Roads WA offer to fully fund eight speed cushions on Duffy Terrace as part of a demonstration project. It is anticipated that these works will commence in mid March 2009.

Tingle Court, Greenwood

Tingle Court provides access to Greenwood Senior High School's car park. In response to residents concerns regarding school access issues, a speed plateau was installed at the north end of Tingle Court during 2006.

DETAILS

A technical assessment of each road has been undertaken to determine the extent of the traffic issues. The analysis includes a review of the traffic speeds, traffic volumes, crash history and existing road environment.

The table below is a summary of the analysis for each road.

ROAD NAME	ROAD LENGTH	TRAFFIC VOLUME	85% PERCENTILE SPEED	5 YEAR CRASH DATA	EXISTING TRAFFIC TREATMENT
Castlegate Way, Woodvale	800m	760 vpd (Mar 07)	53-63 km/h	1	No
Duffy Terrace, Woodvale	1.3 km	2930 vpd (Jun 08)	62-65 km/h	17	In progress
Shepherds Bush Drive, Kingsley	1.0 km	770 vpd (Nov 08)	42-55 km/h	1	No
Maple Street, Greenwood	200m	170 vpd (Oct 08)	40 km/h	Nil	No
Tingle Court, Greenwood	80m	< 100	< 40 km/h	Nil	Yes
Blackbutt Drive, Greenwood	350m	260 (May 07)	37-54 km/h	Nil	No

Castlegate Way, Woodvale

Castlegate Way is classified as an Access Road under the City's Functional Road Hierarchy and is designed to carrying a maximum of 3,000 vehicles per day. The default urban speed limit of 50km/h applies.

The traffic analysis confirmed that traffic volumes are within acceptable limits, however the midblock traffic speeds are higher than desirable. An analysis of the most recent five year crash history from 1 January 2002 to 31 December 2007 revealed that one reported crash had occurred in this period. Substantial evidence of hoon activity (tyre marks) were observed mid block on Castlegate Way.

Duffy Terrace, Woodvale

Duffy Terrace is classified as a Local Distributor road under the City's Functional Road Hierarchy and is designed to carrying a maximum of 6,000 vehicles per day. The default urban speed limit of 50km/h applies.

The traffic analysis confirmed that traffic volumes on Duffy Terrace are within acceptable limits, however the traffic speeds are higher than desirable. The five year crash analysis revealed that 17 reported crashes had occurred in this period. The majority of the crashes occurred at the intersections with Woodvale Drive and Whitfords Avenue. Substantial evidence of hoon activity was observed at a number of locations on Duffy Terrace as part of the field investigations.

Shepherds Bush Drive, Kingsley

Shepherds Bush Drive is classified as an Access Road under the City's Functional Road Hierarchy. The default urban speed limit of 50km/h applies.

The traffic count survey confirmed that this road is operating well within acceptable limits. An analysis of the five year Main Roads crash data revealed that one crash had occurred in this period. The site investigation for this road revealed that the majority of evidence of hoon activity is at the intersections of Newhaven Place and Chiswick Place.

Maple Street, Greenwood

Maple Street is classified as a Local Access Road and is designed to carrying a maximum of 3,000 vehicles per day. The default urban speed limit of 50km/h applies.

The traffic count survey confirmed that this road is operating well within acceptable limits for both traffic speeds and traffic volumes. An analysis of the most recent 5 year Main Roads crash data revealed that no reported crashes had occurred in this period.

Tingle Court, Greenwood

Tingle Court cul de sac is approximately 80 metres in length and connects Maple Street to the Greenwood Senior High School car park. At the request of residents in 2006, a speed plateau was installed at the northern end to reduce traffic speeds on the approach to the 90 degree bend that connects to Maple Street. An analysis of the five year crash data revealed that no reported crashes had occurred in this period.

Blackbutt Drive, Greenwood

The traffic analysis confirmed that this road is operating well within acceptable limits for both traffic speeds and traffic volumes. The most recent five year Main Roads crash data revealed that no reported crashes had occurred in this period. Traffic treatments would be difficult to justify. No further investigation is warranted.

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.

Financial/Budget Implications:

Funding for Castlegate Way and Shepherds Bush Drive traffic treatments will require funding consideration in the 2010/2011 Infrastructure Capital Works Program.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Previous community consultation has occurred with residents of Tingle Court and Duffy Terrace in 2006 and 2009 respectively.

COMMENT***Castlegate Way, Woodvale***

Further investigation is required to confirm the extent of the traffic issue. Subject to the investigations, minor traffic treatments will be listed for consideration as part of the draft 2010/2011 capital works program.

Shepherds Bush Drive, Kingsley

Further investigation is required to confirm the extent of the traffic issue. Subject to the investigations, minor traffic treatments will be listed for consideration as part of the draft 2010/2011 capital works program.

Duffy Terrace, Woodvale

On the basis of the Black Spot traffic assessment of 2008, the installation of traffic management measures including a central median treatment and speed cushions on Duffy Terrace has a high priority.

Maple Street, Greenwood

Maple Street is similar in nature to many other minor access roads. The results of the traffic investigation confirmed that traffic treatments for Maple Street would be difficult to justify, no further investigation is warranted.

Tingle Court, Greenwood

At the request of residents in 2006, a speed plateau was installed at the northern end of Tingle Court to reduce traffic speeds. No further investigation is warranted.

Blackbutt Drive, Greenwood

Blackbutt Drive is similar in nature to many other minor access roads. The traffic analysis confirmed that this road is operating well within acceptable limits for both traffic speeds and traffic volumes. No further investigation is warranted.

The local government responsibility for roads is primarily focussed on the care, control and management of the road asset. The issue of speeding and inappropriate driver behaviour is difficult to control and is the responsibility of the WA Police Service to enforce compliance to the road rules as detailed in the Traffic Code 2000.

ATTACHMENTS

Attachment 1	Locality plan Castlegate Way, Woodvale
Attachment 2	Location plan Shepherds Bush Drive
Attachment 3	Locality plan Blackbutt Drive, Maple Street and Tingle Court

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, SECONDED Cr Macdonald that Council:

- 1 NOTES the need for further traffic investigation to take place in Castlegate Way, Woodvale and Shepherds Bush Drive, Kingsley, with a report to be prepared to Council in August 2009;**
- 2 NOTES that no further traffic management is required for Blackbutt Drive, Greenwood, Maple Street, Greenwood and Tingle Court, Greenwood;**
- 3 REQUEST that the petitioners be advised of Council's decision including the current approved proposals in Duffy Terrace, Woodvale.**

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf100309.pdf](#)

CJ066-03/09 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – JANUARY 2009 – [07032, 05961]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and 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:

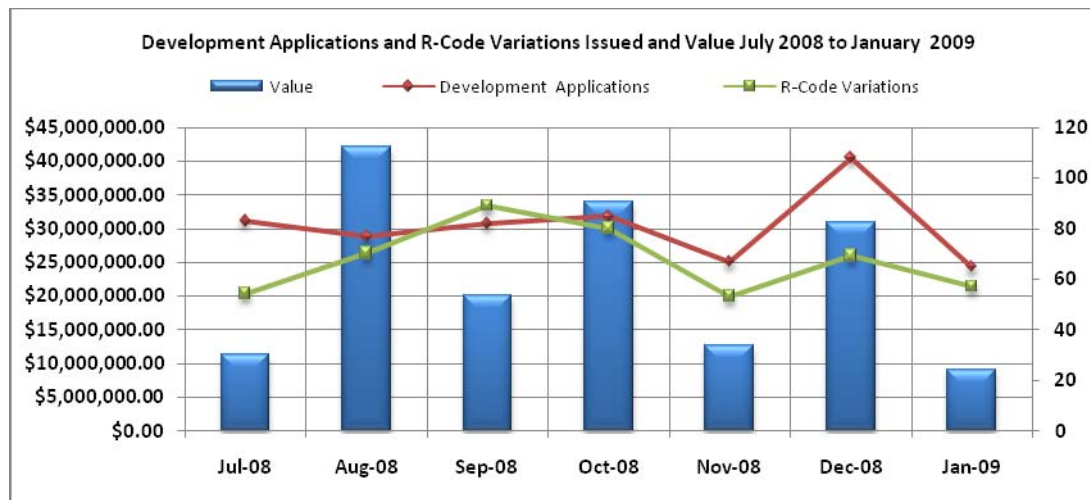
- 1 Major Development Applications
- 2 Residential Design Codes Applications
- 3 Subdivision Applications

This report provides a list of the development and subdivision applications determined by those staff members with Delegated Authority powers during January 2009. (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 during January 2009 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 – January 2009		
Type of Approval	Number	Value (\$)
Development Applications	65	\$ 5,026,359
R-Code Variations (Single Houses)	57	\$ 4,063,342
Total	122	\$ 9,089,701



The number of development applications received during the period for January 2009 was 86. (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	0	0
Strata Subdivision Applications	5	10

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:

Key Focus Area: The Built Environment

Objective: 4.1.3 Give timely and thorough consideration to applications for statutory approval.

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 65 development applications determined during January 2009, consultation was undertaken for 18 of those applications. Of the 5 subdivision applications determined during January 2009, 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	January 2009 – Decisions - Development Applications
Attachment 2	January 2009 - Subdivision Applications Processed

VOTING REQUIREMENTS

Simple Majority

MOVED Cr McLean, SECONDED Cr Amphlett that Council NOTES the determinations made under Delegated Authority in relation to the:

- 1 development applications forming Attachment 1 to Report CJ066-03/09 during January 2009;**
- 2 subdivision applications forming Attachment 2 to Report CJ066-03/09 during January 2009.**

The Motion was Put and CARRIED (10/0) by En Bloc Resolution following consideration of Item CJ073-03/09, Page 185 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf100309.pdf](#)

CJ067-03/09 REQUEST FOR CLOSURE OF PEDESTRIAN ACCESSWAY BETWEEN MURRAY DRIVE AND GIPPS COURT, HILLARYS - RECONSIDERATION OF THE URBAN DESIGN ASSESSMENT – [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.

Council, at its meeting held on 17 February 2009, resolved that:

“The request for the closure of the access way between Gipps Court and Murray Drive, Hillarys was REFERRED BACK for reconsideration of the urban design assessment criteria.”

The February 2009 report is reproduced below, together with additional information contained within the Comment section.

BACKGROUND

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.

Suburb/Location:	Hillarys
Applicant:	Mr T A & Mrs T M Jaffa
Owner:	Crown Land
Zoning:	DPS: Residential
	MRS: Urban
Site Area:	240.8m ²
Structure Plan:	Not applicable

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 PAWs."

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 Avenue; 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.

Issues and options considered:

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 Access Ways 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 refers).

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.

ADDITIONAL INFORMATION

Council, at its meeting held on 17 February 2009, considered the request for closure of the PAW and referred the report back for reconsideration of the urban design assessment criteria.

The Council developed a Pedestrian Access Way Policy in 2000. The Policy was then adopted at the Council meeting held on 24 April 2001.

The PAW Policy was originally developed to provide a framework that would ensure the assessment of requests to close existing PAWs are based on performance measures derived from principles of urban design and planning and, recognise the importance PAWs can have to the overall movement network. The policy is structured to ensure that assessment of new or existing PAWs is provided on a case by case basis. By adopting this approach the policy attempts to remove some of the subjectivity that arises from these types of applications.

Council is required to have regard to Policy 7-16, however is not bound by it. If Council considers the closure proposal has merit, Council can support the closure and/or may also wish the assessment criteria of the Policy to be reviewed.

The Policy provides the following breakdown to determine the rating of the Urban Design Assessment; comments provided next to each seek to clarify the Urban Design Assessment.

High

- *PAW provides a direct route to community facilities.*

No

The PAW provides a route to Mawson Park and a bus stop for residents on Gipps Court and Rossiter Heights. This route is not direct as the PAW does not directly lead to these community facilities but rather links with Murray Drive and Flinders Avenue which adjoin Mawson Park and a bus stop. The PAW route is more direct than the alternative.

- *A safe, alternative route does not exist*

No

A safe alternative route does exist via walking along the verge of Gipps Court/ Rossiter Heights and then following the footpath along Murray Drive.

- *PAW is part of a continuous PAW link - ie a chain of two or three PAWs and is linked to streets with existing path systems*

Yes

The PAW links with Colson Close/Drinan Place PAW, Drinan Place/Watt Street PAW, Campbell Drive/ Empen Way PAW. (Attachment 6 refers)

- *PAW is a designated 'safe route to school' and 'bikeplan'*

No

The subject PAW is part of a small network of local PAWs which provides the most direct route to Hillarys Primary School; however it is not identified as being a part of the "Safe Routes to School" programme or having significant regard to the City's Bike Plan.

Medium

- *PAW provides a route to community facilities but not direct*

Yes

The PAW provides route to Mawson Park and a bus stop for residents on Gipps Court and Rossiter Heights via Murray Drive and Flinders Avenue. This route is not direct as the PAW does not directly lead to these community facilities; however the PAW route is more direct than the alternative.

- *An alternative route exists but some inconvenience*

Yes

An alternative route does exist with an additional distance of an average 350m. (Attachment 6 refers)

- *PAW not designated as a 'safe route to school' or bikeplan*

Yes

The subject PAW is not identified as being a part of the "Safe Routes to School" programme or having significant regard to the City's Bike Plan.

Low

- *PAW not linked to any community facility*

No

The PAW provides a link to the Bus Stop on Flinders Avenue and Mawson Park. (Attachment 6 refers)

- *A safe, reasonable alternative walkway exists*

Yes

A safe alternative route is available via walking along the verge of Gipps Court/ Rossiter Heights and then following the footpath along Murray Drive.

- *PAW is not part of a continuous link to community facilities.*

No

The PAW is part of a continuous link which provides the most direct route to Hillarys Park and Hillarys Primary School.

- *PAW is not designated as a 'safe route to school' or bikeplan*

Yes

The subject PAW is not identified as being a part of the "Safe Routes to School" programme or having significant regard to the City's Bike Plan.

The Urban Design Impact assessment is therefore determined to be 'medium'.

Applicant's justification

The applicant has provided the following justification for the Urban Design Impact assessment to be classified 'low'.

"An additional PAW linking Carron Rise and Rossiter Heights was approved for closure by COJ in 2002. This means that there is no continuing link with the Murray Drive/Gipps Court PAW. The closure of Murray/Gipps PAW would only add 150 metres distance to those directly affected."

"The main reasons why the PAW route would not be used as access to Hillarys Shopping Centre are:

- 1. Walking along this route would be uphill either way versus the alternative flat route.*
- 2. The PAW route is longer in distance to walk.*
- 3. There are no footpaths via the PAW route as opposed to the alternative route."*

"This minor deviation amounts to a mere 150 metres (or 1 minute of extra walking time) for the people opposed to the closure of the PAW.

"The PAW is not linked to any community facility apart from Mawson Park. A safer, very reasonable alternative walkway exists. It may have served as a link in the past, but other PAW closure has affected its effectiveness. The PAW is not designated as a safe route to school or bike plan."

In 2002, Council approved the closure of the nearby Carron Rise/Rossiter Heights PAW. The request for closure was assessed in accordance with the PAW Policy, which concluded that the PAW is of medium urban design value, low nuisance and low community impact and it was recommended that the closure not be supported. In this instance however, Council did not adopt the recommendation and resolved to support the PAW closure.

It is acknowledged that the 2002 closure of the Carron Rise/Rossiter Heights PAW link has reduced the accessibility through this portion of the Hillarys PAW network. As this Carron Rise/Rossiter Heights PAW link is now closed, the subject PAW (Gipps/Murray) no longer provides a significant benefit for the purpose of direct access to Hillarys Shopping Centre. Alternative routes via Murray Drive and Flinders Avenue are comparable in travel time.

It is important to note that the PAW subject to this application does provide a more direct route to other community facilities including Mawson Park and the Flinders Avenue bus stop (being the nearest bus stop servicing the 442 bus route) to the north/east. For this reason there will be some inconvenience to residents within Rossiter Heights and Gipps Court. Furthermore the PAW routes utilise footpaths along Murray Drive and Flinders Avenue in the same manner as the alternative routes. Three residents of Rossiter Heights and Gipps Court objected, three supported and two were neutral to the closure.

The City met with two of the applicants on 4 March 2009. The applicants provided additional justification in response to the Urban Design assessment and raised concerns with the Policy. The justification forms Attachment 7 of this report. However, this additional information is not considered to provide any new information and does not change the outcome of the urban design assessment in accordance with the PAW Policy assessment criteria.

Conclusion

For the reasons discussed above the Urban Design Impact assessment is determined to be medium.

The request for PAW closure is assessed to be of medium Urban Design Impact, low Nuisance Impact and medium Community Impact.

The Policy 7-16 assessment criteria is considered to provide the best possible level of objectiveness for the purposes of assessing applications of this nature which will undoubtedly have a significant impact to applicants and the wider community alike. In accordance with Policy 7-16 the assessment accords with Case 5 of the PAW Policy where closure is not supported. It is therefore recommended that the closure not be supported.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Photographs of PAW
Attachment 3	Summary of questionnaire results
Attachment 4	Policy 7-16 Pedestrian Accessways assessment matrix
Attachment 5	Map of submissions
Attachment 6	Existing PAW network & routes to community facilities
Attachment 7	Applicants submission regarding Urban Design assessment

VOTING REQUIREMENTS

Simple Majority

OFFICER'S 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.

MOVED Cr Norman, SECONDED Cr Corr that Council:

- 1 **DOES SUPPORT the closure of the access way between Gipps Court and Murray Drive, Hillarys;**
- 2 **REFERS the closure to the Department of Planning and Infrastructure for determination;**
- 3 **ADVISES the applicant and submitters accordingly.**

In discussion, the scoring of the urban design assessment was challenged.

The Motion was Put and**CARRIED (9/1)**

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Macdonald, McLean, Norman and Young **Against the Motion:** Cr Hollywood

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf100309.pdf](#)

CJ068-03/09 PROPOSED REMOVAL OF LANDSCAPE BUFFERS FROM JOONDALUP DRIVE AND EDDYSTONE AVENUE, JOONDALUP – [06056] [19002]

WARD: North

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

The purpose of this report is to seek Council's consent to initiate the removal of a landscape buffer along Joondalup Drive and Eddystone Avenue, Joondalup, with a view to Landcorp purchasing and amalgamating the land into adjoining Lot 9000.

EXECUTIVE SUMMARY

A request has been received from Masterplan Consultants WA Pty Ltd (the applicant) on behalf of Landcorp (owner of Lot 9000) for the removal of a landscape buffer in the form of two 6m wide pedestrian accessways (PAW) along Joondalup Drive and Eddystone Avenue, legally known as PAW 55 and PAW 56 (hereinafter referred to as the subject land), to enable purchase and amalgamation of this land into adjoining Lot 9000.

The subject land is within the Southern Business District, which sets aside land for Bulk Retail, Showroom, Service Industry and Technology. It appears the subject land was originally set aside as a landscape buffer which extends along Joondalup Drive as far north as Kennedy Drive and south to Eddystone Avenue. All vegetation has been cleared from the subject land. In addition, the subject land serves a dual purpose and restricts vehicular access from Lot 9000 to/from Joondalup Drive and Eddystone Avenue.

There are no proposals to use the subject land as a landscape buffer. The request for the removal of the landscape buffer and vehicular access can be restricted through the use of Restrictive Covenants on Title. Therefore, the request for the removal of the landscape buffer is supported for the purposes of public advertising for a period of 35 days subject to no objections from Department for Planning and Infrastructure (DPI) and service authorities together with preparation of a restrictive covenant for the purpose of vehicular access restrictions to prevent vehicular access to/from Joondalup Drive and Eddystone Avenue.

BACKGROUND

Suburb/Location:	Joondalup
Applicant:	Masterplan Consultants WA Pty Ltd
Owner:	Crown Land
Zoning: DPS:	Other Regional Roads Reservation
MRS:	Central City Area
Site Area:	Approximately 2479m ²
Structure Plan:	Southern Business District Structure Plan

The landscape buffer extends from Kennedy Drive (Joondalup Arena) to Eddystone Avenue in the south (Attachment 1 refers). It appears that this buffer was placed when the Joondalup City Centre was initially created, for the purpose of providing a visual separation between the Service Industrial zoned land, known as the Joondalup Business Park, and Joondalup Drive. In addition, the landscape buffer served a dual purpose providing a vehicular access restriction from/to Joondalup Drive.

The subject land is located within the Southern Business District precinct of the City Centre. This area is zoned Centre and earmarked for Bulk Retail, Showroom, Service Industry and Technology. The landscape buffer is not continuous along the entire length of the Southern Business District therefore the buffer cannot be implemented in full for the purpose it was originally intended. In addition, all vegetation within the landscape buffer has been cleared therefore rendering the buffer defunct (Attachment 2 refers).

DETAILS

In the event the PAW closure is agreed to, Landcorp's intention is to purchase the subject land with a total area of approximately 2479m² and amalgamate the land with adjacent Lot 9000 (271) Joondalup Drive, Joondalup.

The Applicant advises the following:

- The PAW is currently not constructed and appears to have been a historical action to restrict vehicular access from Joondalup Drive and Eddystone Avenue to the adjoining allotment.
- Recent WAPC subdivision approvals provide restrictive covenants preventing all vehicular access to Joondalup Drive and Eddystone Avenue and therefore providing the same result as the historical PAWs.

- The subdivision also provides a dual use path along the entire Joondalup Drive frontage (within the verge) for pedestrian movements and as such renders the unconstructed PAW redundant.

The subject land serves a dual purpose providing vehicular access restriction from/to Joondalup Drive and Eddystone Avenue. Removal of the landscape buffer will require an alternative form of vehicular access restriction.

The approximate 2479m² PAW must formally be 'closed' for the amalgamation to proceed.

Closure Process

This proposal involves a request from an adjoining owner to formally close a PAW. Ordinarily, the City would follow the PAW closure process and assess the application against the City's PAW Policy, however this procedure is not applicable in this instance given the nature of the PAW as 'road reserve'.

Notwithstanding the technical terminology applied to the subject land, this proposal is assessed as a road closure application, the process of which is expanded in proceeding sections of this report.

Issues and options considered:

Council has the option to:

- Resolve to support the removal of the landscape buffer for the purpose of public advertising, or
- Resolve to not support the removal of the landscape buffer for the purposes of public advertising.

Link to Strategic Plan:

Strategy 3.2 – To encourage the development of the Joondalup CBD

Legislation – Statutory Provisions:

PAWs are created as a result of the subdivision of land under the Planning and Development Act 2005 (formally the Town Planning and Development Act). A request can be made to Council to close a PAW. In this proposal, the PAW is used as a landscape buffer and an access restriction.

If Council supports the proposed PAW closure, the proposal will be referred to the DPI and servicing authorities for comment.

Service authorities are requested to provide details of any service plant that is located within the PAW. If such infrastructure exists, the cost of relocation or provision of easements to protect and obtain access to that infrastructure (should the need arise in the future) are generally met by the applicant/landowner.

Upon no objections being received from the DPI and servicing authorities, the proposal is advertised for public comment for a period of 35 days. Upon the closure of public advertising, the proposal is presented to Council for its further consideration, together with details of any submissions received.

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

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Any easement requirements or relocation of existing servicing infrastructure would be negotiated between the service authority and the applicant, with all costs borne by the applicant.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Support for the closure of PAWs is required by the DPI. If the DPI has no objection to the proposal, the servicing authorities are consulted to determine whether they object to the PAW closure and if there are services (pipes and/or cables) located within the portion of PAW being considered for closure.

The City will ask the service authorities if the services can be modified, removed or relocated if necessary, what costs are involved and any conditions they wish to be applied. The City then forwards this information to the applicant to determine whether to proceed now that most of the costs are known.

Once the applicant confirms acceptance of easements and responsibility for costs associated with the removal of infrastructures assets (if applicable), the proposal must then be advertised for public comment for 35 days by way of a sign on site, an advertisement in the local newspaper, information on the City's website and letters to service authorities.

COMMENT

The City has not initiated the removal of the landscape buffer and is not the determining authority for the proposal. However, the City is required by the LAA to undertake the public consultation on this matter as it relates to land within its jurisdiction.

It is considered that the proposal to remove the landscape buffer and amalgamate the land into the Southern Business District has merit for the following reasons:

- Vehicular access restrictions can now be imposed through the use of restrictive covenants on Title.
- Businesses prefer exposure to Joondalup Drive, while the intent of the landscape buffer was to provide screening of buildings along Joondalup Drive. The use of

architectural elements will enhance design and visual appearance of future development on the site.

- An 18m wide verge exists along the Joondalup Drive frontage. In addition, a 3m wide landscape requirement exists under Draft Joondalup City Centre Structure Plan.
- The Draft Joondalup City Centre Structure Plan incorporates architectural elements to enhance design and visual appearance.
- District Planning Scheme No. 2 incorporates landscaping provisions for non residential development.
- The Draft Joondalup City Centre Structure Plan incorporates the provision of landscaping including onsite landscaping and landscaping along street frontages.
- The landscape buffer does not extend along the entire length of the Southern Business District, as shown on Attachment 2 and therefore the buffer cannot be implemented in full for the purpose as may have been originally intended.

No issues have been identified in regards to the removal of the landscape buffer, and therefore public advertising is recommended.

ATTACHMENTS

Attachment 1 Extent of landscape buffer
Attachment 2 Location Plan

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council INITIATES the permanent closure of paw 55 & 56 Joondalup Drive/Eddystone Avenue, Joondalup, as shown in attachment 2 to report cj068-03/09 for the purpose of advertising for a period of 35 days subject to:

- 1 no objections from Servicing Authorities and the Department for Planning and Infrastructure being received;
- 2 Landcorp's acceptance of possible easements and responsibility for costs associated with the removal / relocation of infrastructure assets, if required by each respective service authority;
- 3 the applicant preparing a restrictive covenant preventing motor vehicle access onto Joondalup Drive and Eddystone Avenue benefiting the City of Joondalup being lodged on the Certificate(s) of Title of Lot 9000 (271) Joondalup Drive, Joondalup, at the expense of the applicant.

MOVED Mayor Pickard, SECONDED Cr McLean that the proposal dated 9 January 2009 submitted by Masterplan Town Planning Consultants, the applicant, for the permanent closure of PAW 55 & 56 Joondalup Drive/Eddystone Avenue, Joondalup be referred back to the CEO for further consideration and to allow discussion between representatives of Landcorp, the City's administration and relevant Elected Members, and a report presented to the next Council meeting to be held on 21 April 2009.

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf100309.pdf](#)

CJ069-03/09 PROPOSED SHOWROOM AND WAREHOUSE DEVELOPMENT AT LOT 1032 (1) HOBSONS GATE, CURRAMBINE – [54619]

WARD: North

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

To request Council's determination of an application for seven showrooms and seven warehouses at Lot 1032 (1) Hobsons Gate, Currambine.

EXECUTIVE SUMMARY

The applicant proposes to construct a single storey development consisting of seven showrooms and seven warehouses on the subject site. The site is located within the Currambine District Centre, however the site is excluded from the requirements of the Currambine District Centre Structure Plan (CDCSP) and therefore only the provisions of the District Planning Scheme No.2 (DPS2) apply.

The proposal generally meets the requirements of DPS2 with the exception of the width of the landscaping strip adjoining the car parking area, front setback, and car parking requirements.

The development was not advertised as the variations requested are considered to be minor in nature and will not have an adverse impact on the amenity of adjoining or nearby properties. The proposed land uses are considered to be compatible with surrounding development.

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

BACKGROUND

Suburb/Location: Lot 1032 (1) Hobsons Gate, Currambine
Applicant: Vespoli Constructions
Owner: Goldprime Corporation Pty Ltd
Zoning: **DPS:** Business
 MRS: Urban
Site Area: 6479m²
Structure Plan: Not Applicable

The subject site is located within the Currambine District Centre, however the CDCSP does not apply to this lot. The Currambine District Centre is bounded by Marmion Avenue to the west, Shenton Avenue to the south, and Delamere Avenue to the north and east. The subject site is located adjacent to Marmion Avenue immediately to the north of Hobsons Gate and to the west of Chesapeake Way.

To the north of the subject site is an existing commercial and retail development containing restaurants, take away food outlets, shops and offices. All other surrounding land is vacant (Attachment 1 refers). There are several applications that have recently been determined by Council on these surrounding vacant sites which are relevant to this development:

- Lot 5003 (14) Hobsons Gate (located to the south east of the subject site). An application for Tavern, Offices and Shop was approved by Council at its November 2008 meeting; and
- Lot 5004 (4) Hobsons Gate (located to the south of the subject site). An application for three showrooms and a shop was approved by Council at its December 2008 meeting.

Although the CDCSP does not apply to this lot it is considered that the objectives and principles of the CDCSP should be given due regard in the consideration of this application, as a result of the location of the subject site within the Currambine District Centre.

DETAILS

The applicant proposes to construct a single storey development which includes:

- Seven showrooms with a combined floor area of 1480m² Net Lettable Area (NLA) including 240m² (NLA) of mezzanine storage area; and
- Seven warehouses with a combined floor area of 1540m² NLA.

The development plans are provided in Attachment 2.

The following table summarises the compliance of the proposal with the requirements of DPS2.

Standard	Required	Proposed	Complies
Front Setbacks (Hobsons Gate)	6m	Nil	No
Side Setback (Chesapeake Way)	Compliance with Building Code of Australia (BCA).	15m	Yes
Side Setback (Marmion Avenue)	Compliance with BCA.	16.8m	Yes
Rear Setback (eastern boundary)	Compliance with BCA.	Nil	Yes
Landscaping	8%	8%	Yes
	3m landscaping strip adjoining car parking areas adjacent to the street	Landscaping strip of 0.8m – 3.6m	No
Building facades	Each street frontage to have a façade of brick, plate glass or other approved material	Combination of brick, glazing and other feature material.	Yes

Car Parking:

Proposed Use	Required by DPS2
Showroom (1/30m ² NLA)	1480m ² NLA = 49.3 bays
Warehouse (1/50m ² NLA)	1780m ² NLA = 35.6 bays
Total Required	85
Provided	83

There is a proposed short fall of 2 bays (2.4% of the required bays) over the site.

Issues and options considered:

Council has the discretion to:

- Approve the application without conditions;
- Approve the application with conditions; or
- Refuse the application.

Link to Strategic Plan:

The proposal is consistent with objective 4.1 of the City of Joondalup Strategic Plan 2008-2011 – to ensure high quality urban development within the City.

Legislation – Statutory Provisions:

Clause 4.5 of the DPS2 allows for the development standards of the Scheme to be varied:

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.*

The matters listed under Clause 6.8 require consideration:

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.*

Council is required to exercise discretion in relation to the following two clauses:

4.12 LANDSCAPING REQUIREMENTS FOR NON RESIDENTIAL BUILDINGS

4.12.2 *When a proposed development includes a car parking area abutting a street, an area no less than 3 metres wide within the lot along all street boundaries shall be designed, developed and maintained as landscaping to a standard satisfactory to the Council. This landscaped area shall be included in the minimum 8% of the area of the total development site referred to in the previous subclause.*

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.*

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 proposed development was not advertised as the proposed variations to DPS2 are considered minor, and the proposed use of the buildings will not have an adverse impact on the amenity of adjoining properties or the surrounding area.

COMMENTConsideration of the CDCSP

The proposed development is located within the Currambine District Centre, however the requirements of the CDCSP do not apply to this lot. Due to the subject sites location it is considered that the objectives and aims of the CDCSP should be given due regard when considering this development.

The CDCSP guides development within this area and sets out objectives whereby:

- The Currambine District Centre is to be developed to the diversity and robustness of a small town centre;
- To create an active focus for the community with a diversity of non-retail mainstreet uses that generate day and evening activity;
- To allow appropriate businesses to locate and develop in close proximity to residential areas for the convenience of the community;
- Encourage high standards of 'Main' Street built form and an active edge to create an attractive façade to vehicle and pedestrian routes providing visual amenity and interaction;
- Provide efficient vehicle access and circulation with pedestrian priority;
- Encourage a high level of passive surveillance of public and private spaces;

The proposed development has a proposed nil setback to Hobsons Gate and provides an active frontage to Hobsons Gate via at grade pedestrian entrances on this frontage. It is anticipated that the proposed development will generally attract day time uses and it is considered that the proposed uses are compatible with the surrounding development approved or proposed within the Currambine District Centre and generally follows the objectives and aims of the CDCSP.

Location and Use of the Proposed Development

The proposed development consists of seven showrooms and seven warehouses. The proposed Showrooms face toward Marmion Avenue, and the Warehouses face Chesapeake Way. Warehouse is defined by DPS2 as:

“premises used for storage of goods and the carrying out of commercial transactions involving the sale of such goods by wholesale”

The applicant has submitted that the proposed development is configured to allow future businesses the flexibility to have a showroom function on the Marmion Avenue side of the development and an associated warehouse at the rear if required.

The CDCSP aims to develop Chesapeake Way as a ‘Main Street’. It would not generally be expected that warehouses would form part of a ‘main street’ development. However it is considered that the proposed warehouses will provide an underlying support service for the future businesses of Currambine District Centre. The nearest warehouse facilities to the Currambine District Centre are those in the Winton Road area, in Joondalup.

Reduced Front Setback to Hobsons Gate

The reduced front setback to Hobsons Gate has been proposed in order to provide an active street edge on to Hobsons Gate, an objective of the CDCSP. The nil street setback to Hobsons Gate is consistent with development which has been approved by Council on Lot 5003 and 5004 Hobsons Gate.

It is recommended that a condition of approval be that the windows facing Hobsons Gate not be obscured in any way to allow surveillance between the street and the proposed units on this frontage.

Landscaping Strip Adjacent to Car Parking Areas

DPS2 requires a 3m wide landscaping strip be provided where car parking areas abut street boundaries. This has not been achieved by the proposed development on the Marmion Avenue frontage. The landscaping strip provided varies between 0.8m and 3.6m wide. This is considered acceptable as:

- The area with a reduced landscaping strip is adjacent to a lot containing a pedestrian underpass which is approximately 10 metres wide and separates the subject lot from the Marmion Avenue road reserve.
- The proposed driveway which links Hobsons Gate with the development to the north of the subject site is aligned with an existing opening in the median of Hobsons Gate. It is proposed that this median opening remain.

It is considered that this variation will not have a significant detrimental impact on the existing streetscape character of Marmion Avenue and therefore it is recommended that this variation be supported.

Car Parking

The proposed development has a car parking deficit of two bays to that required by DPS2. This is a 2.4% reduction in car parking and requires the exercise of discretion of Council for approval.

It is recommended that the proposed car parking variation be supported for the following reasons:

- The reduced car parking is relatively minor (2.4%);
- It is unlikely that each of the 14 units will experience a peak in demand for car parking at the same time; and

- The development has the capacity for a single business to utilise a linked showroom and warehouse unit and there will therefore be a reduced demand for car parking by staff and clients in these cases.

The proposed development has two access ways to both Hobsons Gate and Chesapeake Way. This includes the two access ways which are currently both located on the site. Both access ways to Hobsons Gate are left-out only due to the proximity of the access ways to both the roundabout and Marmion Avenue intersection. The access way arrangements are considered to be acceptable.

Reciprocal Vehicle Access Arrangements

The site has an existing reciprocal vehicle access agreement with the lots to the north of the subject site. It is understood that this is in place as the subject site was previously proposed to be developed as a service station. This development did not proceed and the easement remains in place (refer attachment 4).

The easement allows vehicle access through the subject site to the adjoining sites to the north. It is considered that this should remain as it benefits users of all developments involved.

In order to facilitate the proposed development the shape of the easement will need to be modified to reflect the proposed vehicle access design. Without modification to the easement, the proposed development could not be constructed.

It is therefore recommended that a condition of approval be that the necessary steps are taken by the owner/developer to remove the existing easement and put in place one which reflects the current vehicle access design, at the owner's expense.

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 satisfied by the proposed development:

- Surveillance

A substantial number of windows overlook Hobsons Gate which will assist in providing natural surveillance and discourage anti-social behaviour not only on the site but also in the surrounding area.

The car parking area on the western side of the subject site will be adequately observed by vehicular traffic on Marmion Avenue during both the day and night, and the windows on the showroom facades during business hours.

The car parking area to the eastern side of the subject site will be adequately surveilled by activity on Chesapeake Way and the windows in the warehouse facades.

- Landscaping

Landscaping is proposed throughout the development and it is recommended that a condition of approval be that a detailed landscaping plan be submitted as part of the building licence, where it can then be confirmed that landscaping will not obstruct surveillance.

- Predictable Routes and Spaces Safe from Entrapment

The layout of the proposed development is open in nature which reduces the potential for anti-social behaviour to occur.

A laneway is proposed in the middle of the development to provide rear service to Showroom units one and two, and Warehouse units one and two. Due to the design there is potential for undesirable activities to occur in the laneway after hours, as it can not be readily observed from public areas. A wrought iron security gate has been proposed at the end of the laneway in order to prevent unauthorised access to the laneway after hours. It is proposed that the gate be electronically controlled via key codes and electronic tags to ensure that the gates remain closed after hours.

Conclusion

The proposed development complies with the requirements of DPS2 with the exception of the matters discussed above. It is considered that the proposed variations should be supported as the proposal meets the objectives of DPS2 and for development within the Currambine District Centre.

The subject site is an appropriate and acceptable location for development of Showrooms and Warehouses given its frontage to Marmion Avenue. The development also provides street activity and frontage to Hobsons Gate which will contribute to the Main Street style of development which the CDCSP aims to achieve. The warehouse development will also provide a necessary service to businesses within the Currambine District Centre which is currently lacking the facilities and will enhance the diversity of businesses which can locate in the area in the future.

The proposed showrooms and warehouses will contribute to the mixture of commercial and retail services that the Currambine District Centre is expected to provide to the surrounding community.

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

ADDITIONAL INFORMATION

Amended plans (elevations) have been received in response to concerns raised regarding façade materials and design.

- Tilt up panels will have a textured finish applied to the external face;
- Awnings will be heavy duty steel and will be painted to those colours indicated on the perspectives and will be of glossy finish;
- Windows will be aluminium and glass;
- Box out signage panels will be constructed from steel frame and claded with hi-gloss painted hardi-flex sheeting panels;
- Brick work features have been added to the elevations. It is however the opinion of the applicant that this has not softened the elevation as it has added another building element (the sixth);

The applicant has also submitted that the amount of glazing which is proposed is the maximum that can be included whilst still satisfying the Energy Efficiency requirements of the Building Code of Australia (BCA). Glazing is focussed on the ground level to create the best shop-frontage for each individual unit.

It is considered that diversity of building façade materials will result in an interesting and unique development within the Currambine District Centre.

ATTACHMENTS

Attachment 1	Locality Plan
Attachment 2	Development Plans
Attachment 3	Perspectives
Attachment 4	Existing Easement Details
Attachment 5	Amended Elevation Drawing

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 EXERCISES discretion under clause 4.5 of the City of Joondalup District Planning Scheme No.2 and determines that:
 - (a) Nil front setback in lieu of 6m;
 - (b) Landscaping Strip with minimum width of 0.8m in lieu of 3.0m on the western boundary;
 - (c) Provision of 83 car parking bays in lieu of 85;are appropriate in this instance;
- 2 APPROVES the application for planning approval, dated 1 September 2008 and amended plans dated 12 March 2009, submitted by Vespoli Constructions on behalf of the owners, Goldprime Corporation Pty Ltd for Showrooms and Warehouses at Lot 1032 (1) Hobsons Gate, Currambine, subject to the following conditions:
 - (a) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS2890.1 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 program;
 - (b) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the Manager Infrastructure Management prior to the commencement of construction;
 - (c) 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;

- (d) Landscaping and reticulation to be established in accordance with the approved plans and Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services;
- (e) The car parking area shall be provided with one shade tree for every four 4 bays prior to the development first being occupied. The trees shall be located within tree wells protected from damage by vehicles and maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services.
- (f) The bin storage areas shall be a minimum of 3500mm x 2500mm (internal dimensions) and provided with a concrete floor graded to a 100mm commercial floor waste connected to sewer and the provision of a hose cock;
- (g) A concrete apron shall be provided in front of the bin stores with a minimum dimension 5m long x 3m wide to the satisfaction of the Manager Planning, Approvals & Environmental Services;
- (h) A protection island shall be provided adjacent to the end bay at the rear of warehouse two to the satisfaction of the Manager Planning, Approvals & Environmental Services;
- (i) Verges are to be made good where existing crossovers are to be removed to the Manager Infrastructure Management Services;
- (j) Road works in Hobsons Gate are to be at the expense of the applicant and to the satisfaction of the Manager Infrastructure Management Services. Engineering details are to be submitted as part of the building licence application. Such works shall be completed prior to occupation of the development.
- (k) Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from ground level;
- (l) No obscure or reflective glazing is permitted at ground floor level;
- (m) Any advertising signage shall be subject to a separate development application;
- (n) The Chesapeake Way and Hobsons Gate verge marked in RED on the approved plans shall be brick paved at the owners cost to match the existing paving to the satisfaction of the Manager Planning, Approvals & Environmental Services;
- (o) Boundary walls and retaining walls being of a clean finish and made good to the satisfaction of the Manager Planning, Approvals and Environmental Services;
- (p) All construction works shall be contained within the property boundary;
- (q) All ground level façades shall be treated with non-sacrificial anti-graffiti coating up to a height of 3m;
- (r) The mezzanine levels in showrooms 4, 5, 6, and 7 are permitted to be used for storage purposes only;

- (s) Easement H223418 shall be removed subject to the consent of both the owners and Lessees on the Certificate of Title and any other parties who have an interest in the Easement;
- (t) A new easement, which the City shall be a party to, shall be put in place allowing right of carriageway for lots 1018 (6) Delamere Avenue, 1019 (6) Chesapeake Way, and 1020 (10) Chesapeake Way over the access ways of the proposed development to the satisfaction of the Manager Planning, Approvals and Environmental Services, prior to the issuing of a building licence. This shall be done at the expense of the owner of the subject site;
- (u) The parking area and pedestrian areas shall be artificially illuminated at night. 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.

MOVED Cr Hollywood, SECONDED Cr McLean that Council REFUSES the application dated 1 September 2008 submitted by Vespoli Constructions on behalf of the owners, Goldprime Corporation Pty Ltd for Showrooms and Warehouses at Lot 1032 (1) Hobsons Gate, Currambine, for the following reasons:

- 1 The nature of the proposed warehouse land use is not consistent with the use and development of other land in the locality, or the desired main street character of the surrounding area which will result in a high quality streetscape;**
- 2 The nature, siting, and materials to be used for the facades of the proposed building will adversely impact on the amenity of the locality because of the resultant lack of active street frontage to Chesapeake Way, the industrial appearance of the building to Chesapeake Way, and the likely associated heavy vehicle activity commensurate with a warehouse use;**
- 3 The proposed development does not provide adequate car parking to satisfy the requirements of District Planning Scheme No.2;**
- 4 The proposed development does not provide an adequate landscaping strip to the western boundary to satisfy the requirements of District Planning Scheme No 2, and adequately screen the car park from the street.**

Discussion ensued.

The Motion was Put and

CARRIED (8/2)

In favour of the Motion: Mayor Pickard, Crs Corr, Diaz, Fishwick, Hollywood, McLean, Norman and Young
Against the Motion: Crs Amphlett and Macdonald

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19agn170309.pdf](#)

CJ070-03/09 PROPOSED SHOWROOMS, OFFICES, FOOD HALL, AND CONVENIENCE STORE AT LOT 5002 (74) DELAMERE AVENUE, CURRAMBINE – [87607]

WARD: North

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

To request Council's determination of an application for showrooms, offices, food hall and convenience store at lot 5002 (74) Delamere Avenue, Currambine.

EXECUTIVE SUMMARY

The applicant proposes to construct a one and two storey development consisting of showrooms, offices, a food hall (Restaurant) and a convenience store on the subject site which is within the Currambine District Centre, and subject to the provisions of the Currambine District Centre Structure Plan (CDCSP)

The proposal generally meets the requirements of the CDCSP and the City of Joondalup District Planning Scheme No2 (DPS2) with the exception of variations to development standards including front and side setback, landscaping, façade treatment, and car parking. Notwithstanding the variations proposed, the development satisfies the objectives of the CDCSP in relation to design and land use.

A total of 11 submissions were received as part of the public consultation process with four being objections, six being letters stating no objection, and one being a letter of support. The submissions received primarily raised concerns regarding the compatibility of the proposed land uses with the existing Currambine residential area, construction materials, and traffic impacts.

The proposed development is consistent with the type of development that is desirable in the District Centre. It is considered that the proposed development is appropriate and compatible with the nearby existing residential uses by virtue of its design and will not have an adverse impact on adjoining and nearby properties.

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

BACKGROUND

Suburb/Location: Lot 5002 (74) Delamere Avenue, Currambine
Applicant: Dynamic Planning and Developments
Owner: Claymont Westcapital Pty Ltd
Zoning: **DPS:** Business
MRS: Urban
Site Area: 4627m²
Structure Plan: Currambine District Centre Structure Plan

The subject site is located within the CDCSP area. The Currambine District Centre is bounded by Marmion Avenue to the west, Shenton Avenue to the south, and Delamere Avenue to the north and east. The subject site is located at the eastern edge of the Currambine District Centre, immediately to the north of Cuba Way and to the west of Delamere Avenue.

The CDCSP guides development within this area. The CDCSP follows main street principles with the aim of creating an integrated retail centre that can serve the local community with its required retail needs as well as form a liveable town centre.

The land to the north of the subject site is currently vacant but is owned by the City and is designated as a Community Purpose site. There are no proposals or plans to develop this site in the near future.

The land to the west of the subject site contains the Currambine Marketplace Shopping Centre and Cinema Complex.

The land to the south of the subject site is also owned by Claymont Westcapital Pty Ltd and is proposed to be developed as showrooms, offices, shop and convenience store. This development is the subject of another report on this agenda.

DETAILS

The applicant proposes to construct a one to two storey development which includes:

- Showrooms/Offices with a floor area of 1157m² Net Lettable Area (NLA);
- Offices with a floor area of 733m² NLA;
- Convenience Store with a floor area of 200m² NLA; and
- Food Hall of floor area 457m² which includes 140m² of dining area and eight tenancies.

The development plans are provided in attachment 2.

The following table summarises the compliance of the proposal with the requirements of the CDCSP and DPS2.

Standard	Required	Proposed	Complies
Front Setbacks (Delamere Avenue)	Nil (Urban Edge)	Nil – 1.4m. With gaps for access which exceed 15m (namely 50m)	No
Side Setback (Cuba Way)	Nil (Urban Edge)	2.4m – 6.6m.	No
Side Setback (North)	Compliance with BCA (Non Urban Edge)	Nil	Yes
Rear Setback (Western Boundary)	Compliance with BCA (Non Urban Edge)	5.4m	Yes
Building Height	Maximum two storeys	One to Two Storeys	Yes
Landscaping	8%	11.8%	Yes
	3m strip adjoining car parking areas adjacent to the street	0.4m – 3m	No
Building facades	Active frontages with 70% glazing.	Active street frontages with 26.8% glazing over both street facades.	No
	Window sills not less than 600mm above ground floor level	Window sills 0mm above ground floor level	No
Footpaths	A continuous footpath (3m minimum) along the building edge	Nil – 1.5m.	No

Car Parking:

Proposed Use	Required by DPS2
Showroom/Office (1/30m ² NLA)	1890m ² = 63 bays
Convenience Store (recommended 4/100m ² NLA)	200m ² = 8 bays
Food Hall / Restaurant (Greater of 1 per 5m ² dining area or 1 per 4 guests)	140m ² = 140 guests (Building Codes standard of 1 guest per 1m ²) = 35 bays
Total Required	106
Provided	95

The proposed development will have a shortfall of 11 bays (10.3%) to 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 applicant has provided the following justification for the proposal:

- *The proposal is consistent with the provisions of the Metropolitan Region Scheme and facilitates urban development, as intended for the subject site;*
- *The proposal is consistent with the 'Business' zoning of the subject site and achieves the objective for the zone of the subject site under the provisions of DPS2;*
- *The proposed development achieves the objectives for the subject site prescribed within the CDCSP;*
- *The proposed development is consistent with the relevant criteria prescribed within the CDCSP and strives to achieve an excellent and balanced outcome;*
- *The proposed development promotes interactive streetscape elevations and positively contributes to the visual amenity of the locality;*
- *The proposed development achieves an excellent and balanced mixture of promoting main street design and natural surveillance principles, especially to abutting public open space/civic-cultural areas;*
- *The proposed development shall act as a catalyst for development within the CDCSP area and shall provide a significant economic foundation for existing and future commercial/business and residential uses;*
- *The proposed development assists overall progression towards achieving sustainable development outcomes; and*
- *The proposed development by virtue of building design and spatial planning for the site ensures that a robust long term use of the development is catered for.*

Issues and options considered:

Council has the discretion to:

- Approve the application without conditions;
- Approve the application with conditions; or
- Refuse the application

Link to Strategic Plan:

The proposal is consistent with objective 4.1 of the City of Joondalup Strategic Plan 2008-2011 – to ensure high quality urban development within the City.

Legislation – Statutory Provisions:

The proposed development includes variations to the requirements of the Structure Plan. Clause 4.5 of DPS2 allows for these variations to be considered.

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.*

The matters listed under Clause 6.8 require consideration:

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.*

Council is also required to exercise discretion in relation to the following two clauses:

4.12 LANDSCAPING REQUIREMENTS FOR NON RESIDENTIAL BUILDINGS

4.12.2 *When a proposed development includes a car parking area abutting a street, an area no less than 3 metres wide within the lot along all street boundaries shall be designed, developed and maintained as landscaping to a standard satisfactory to the Council. This landscaped area shall be included in the minimum 8% of the area of the total development site referred to in the previous subclause.*

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.*

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 proposal was advertised for public comment for a period of 21 days. A total of 61 adjoining and nearby owners were advised in writing, a sign was erected on the road verge adjacent to the site and the proposal was advertised on the City's website. Advertising closed 22 December 2008.

A total of 11 responses were received, being four objections, six letters stating no objection, and one letter of support.

Key issues arising from Public Consultation

Objections to the proposed development raised the following concerns:

- There is a lack of a residential component;
- Food Hall and Convenience Store type of developments would be more suited centrally located in the main area – the Structure Plan suggests a layered effect to development adjacent to existing residence thus lessening the impact on surrounding families;
- The development would be more suited to offices, showrooms and suites with a residential component which would achieve day and evening uses;
- It is important that the amenity currently enjoyed by the families adjacent to Delamere Avenue is preserved as much as possible;
- Entertainment type venues and more social type development in this area is against the spirit of the Structure Plan and a more suitable location for these types of establishments would be on the main street creating a more vibrant central area and also minimising the impact on nearby residences;
- The proposed tilt slab design would be something you would expect to see in the Wangara Industrial area not in the midst of a retail/residential area. This is not in keeping with the proposed "Currambine Village" concept;
- Delamere Avenue will have to accommodate increased traffic flow on what is presently a narrow road and would not allow any street parking at the same time to provide safe two way traffic flow;
- As buildings on Delamere Avenue are single storey consider reducing height of the signage to 6m;
- The bin storage area adjacent to Delamere Avenue is in close proximity to existing residential properties;

Attachment 2 provides a plan indicating where submissions were received from.

COMMENT**Location and Use of the Proposed Development**

The site is located within the Business Zone of the Currambine District Centre. The CDCSP guides development within this area and sets out objectives whereby:

- The Currambine District Centre is to be developed to the diversity and robustness of a small town centre;

The objectives for the Business Zone are:

- To create an active focus for the community with a diversity of non-retail mainstreet uses that generate day and evening activity;
- To allow appropriate businesses to locate and develop in close proximity to residential areas for the convenience of the community;
- Encourage high standards of 'Main Street' built form and an active edge to create an attractive façade to vehicle and pedestrian routes providing visual amenity and interaction;
- Provide efficient vehicle access and circulation with pedestrian priority; and
- Encourage a high level of passive surveillance of public and private spaces;

The proposed development has an active street frontage on Delamere Avenue and partly on Cuba Way as access to the site occurs on both of these roads. A link is also proposed from the food hall to the western areas of the Currambine District Centre which presents an opportunity to provide an integral pedestrian link to future development in this area and the existing Cinema complex.

The proposed land uses within the development are considered to be low impact and compatible with one another and the existing and proposed surrounding uses, including the Currambine residential area. The proposed Delamere Avenue interface of the development is considered to be sympathetic to the existing streetscape character and the existing Currambine residential area.

The proposed food hall has been classified as a Restaurant for the purposes of DPS2 in regard to land use and car parking and is consistent with this definition. The proposed showrooms, offices, food hall and convenience store will contribute to the mixture of day time and night time commercial, retail, and entertainment services that the Currambine District Centre is expected to provide to the surrounding community.

The proposed development satisfies the objectives of the Business Zone of DPS2 and the CDCSP and is compatible with the proposed developments for surrounding and adjacent sites, and the existing Currambine residential area.

Design Variations to the CDCSP

The proposed development is subject to the CDCSP. The proposal seeks to vary the following standards of the CDCSP:

- Setback to Urban Edges

The CDCSP seeks to have nil setbacks on 'Urban Edges' and minimise any recesses within these urban edges to dimensions no greater than 1.5m deep and 3m wide. The proposed development does not achieve this for the full Delamere Avenue or Cuba Way frontage. This is due to the awkward shape of the lot, and the design of the proposed development. Setbacks to the front lot boundary vary from nil to 1.4m and the opening for the accessway through the middle of the development site is approximately 50m wide, in lieu of the 15m allowable under the CDCSP, which is due to the design and location of the vehicle access way.

It is considered that despite this variation the proposed development still meets the requirement to provide an attractive and interactive frontage to Delamere Avenue and Cuba Way without compromising the compatibility of the development with the existing residential area on the eastern side of Delamere Avenue.

- A canopy is not proposed for the full distance on pedestrian access ways:

This is considered a minor variation given that canopies are provided for the majority of the development and over the areas where a high amount of pedestrian usage is expected. Canopies are not provided adjacent to the Convenience Store on the Delamere Avenue and Cuba Way frontage due to the distance from the building to the existing footpath and the location of the adjacent loading bay.

- Loading bay located adjacent the urban edge:

The loading bay and service area for the convenience store is located adjacent the Delamere Avenue frontage and nearby the pedestrian footpath. The loading bay is considered acceptable as it is screened from view from the pedestrian footpath by a low wall and landscaping area along Delamere Avenue.

- Building frontages with less than 70% glazing:

The proposal includes glazing of building frontages of approximately 26.8% of the area of the building facade. Whilst this is a large reduction to the 70% required by the CDCSP, it is considered that the glazing provided does promote surveillance of the street via large ground floor windows. It is also considered that the development is of the high main street quality that the CDCSP aims to achieve.

In addition, the Structure Plan requires all windows to be a minimum of 600mm above ground floor level, with the proposal incorporating a number of windows to all frontages that begin at ground level. This is consistent with other developments approved in the Currabine District Centre and is considered to be appropriate.

In relation to glazing requirements it is considered that the proposal satisfies the one of the objectives for the Business Zone under the Structure Plan, this being to *“encourage high standards of Main Street built form and an active edge to create an attractive facade to vehicle and pedestrian routes providing visual amenity and interaction”*.

- Footpaths

The CDCSP requires all developments to have footpaths with a minimum width of 3 metres surrounding the proposed building. The eastern most internal footpath is 1.5m wide and the proposed development does not include a footpath on Delamere Avenue and Cuba Way abutting the development. This is considered acceptable given the presence of an existing footpath constructed at time of subdivision along Delamere Avenue and Cuba Way which is a safe and efficient route for pedestrian traffic moving in these directions.

The proposed design variations to the CDCSP are considered minor in nature and the design of the building is consistent with that encouraged by the objectives of the CDCSP. It is recommended that the above variations be supported.

Landscaping

The proposal includes a variation to the required 3m wide landscaping strip that is required by DPS2 where a car parking area abuts a street. This variation occurs at the access way on Delamere Avenue as a result of the location of the car parking area. It is considered that this is a minor variation to the requirements of DPS2, as the remainder of the landscaping strip is of a width greater than that required. The proposed variation is 0.4m in lieu of 3m. The current development plans show that car parking bay 21 is outside of the lot boundary and

consequently it is recommended that a condition of approval be that bay 21 be deleted. As such, the car parking figures listed in this report do not include bay 21.

Furthermore, 11% of the site is proposed to be used for landscaping which exceeds the DPS2 requirement for 8% of the subject site to be developed and maintained as landscaped areas. As such, the variation is considered acceptable.

It is recommended that a condition of approval be that shade trees be provided within the ground floor car parking area at a rate of one per every four car parking bays in accordance of the requirements of DPS2. The species and location of the trees can be determined with the inclusion of a landscape plan with the building licence application.

Crime Prevention through Environmental Design (CPTED)

The WAPC 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 satisfied by the proposed development:

- Surveillance

The development has been designed to allow direct line of sight into the development from Delamere Avenue which will provide constant surveillance from passing traffic. A substantial number of windows on the development also overlook Delamere Avenue and internally over the development and car parking area which will assist in providing surveillance and discourage criminal behaviour not only on the site but also in the surrounding area.

The proposed development includes uses which will provide activity on the site during both the day and night time. This will provide natural surveillance during these times and the mixture of uses should be encouraged. The food hall includes an alfresco area and windows which overlook the adjoining Civic and Cultural Zoned site.

It is recommended that, should the proposed development be approved, a condition of approval be that the windows are required to remain clear glazed and not obscured to maintain adequate surveillance.

- Landscaping

Landscaping is proposed throughout the development and it is recommended that a condition of approval be that a detailed landscaping plan be submitted as part of the building licence application where it can be confirmed that landscaping will not obstruct surveillance opportunities.

- Predictable Routes and Spaces Safe from Entrapment

The internal layout of the proposed development is open in nature which reduces the potential for anti-social behaviour to occur. The undercroft parking area is open to the west to ensure that activities can be observed from outside of the undercroft area. The loading bay area adjacent to Delamere Avenue is enclosed by a low wall to enhance surveillance opportunity from the residential area into this area after hours.

Traffic & Parking

The proposed development has a car parking shortfall of 11 bays (10.3% shortfall) to that required by DPS2, subject to Council supporting a parking standard of 4 bays per 100m² NLA for the Convenience Store component of the development.

It is considered appropriate that the Corner Store car parking standard of 4 bays per 100m² should apply to the Convenience Store component of the development 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.

The proposed development combines both day (showrooms and offices) and night (food hall) uses which experience their peak customer periods at different times of day. Separately the day uses (showrooms, offices and convenience store) would require 71 bays, and the night uses (food hall and convenience store) 43 bays. Given the peak customer periods of the food hall fall generally being outside the operating hours of the showrooms and offices, the provision of 95 bays, being a shortfall of 11 bays is considered acceptable.

Additionally, it is anticipated that a substantive portion of clientele to the food hall will be local residents or employees of the various businesses in the remainder of the development, who may walk or ride to the development. Bicycle parking is provided at the Delamere Avenue frontage to facilitate this.

Two access ways are proposed to the ground floor car parking area, one off Hobsons Gate and one off Cuba Way. This provides a safe and efficient flow of vehicles through the site and is in accordance with the CDCSP indicative concept plan. The undercroft car park is accessed via Cuba Way and will direct traffic to the existing round-a-bout at the intersection of Cuba Way and Delamere Avenue.

Conclusion

The proposed development complies with the requirements of DPS2 and the CDCSP with the exception of the matters discussed above. It is considered that the design variations should be supported as the proposal meets the objectives for the Currambine District Centre and the variations requested will not have an adverse impact on the amenity of adjoining or nearby properties.

The subject site is an appropriate and acceptable location for development of showrooms, offices a food hall and convenience store given its frontage to Delamere Avenue and proximity to the existing Currambine residential area. The development also provides street activity and frontage to Delamere Avenue and Cuba Way in an acceptable way which is sensitive to the proximity of the development to the residential area.

The proposed showrooms, offices, food hall and convenience store will contribute to the mixture of commercial, retail, and entertainment services that the Currambine District Centre is expected to provide to the surrounding community.

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

ADDITIONAL INFORMATION

Amended plans (elevations) have been received in response to concerns raised regarding façade materials and design.

- The amount of glazing on the building on the corner of Delamere Avenue and Cuba Way has been increased;
- The applicants have incorporated feature designs and an increased mixture of materials on the prominent corners of the development;

- Speed Bumps have been included to assist with internal traffic management;
- The owner of the subject site and adjoining site at Lot 5001 Delamere Avenue has made a commitment, to enhance the amenity of the subject site and that of the adjoining site. As such, a sum of \$10,000 (GST inclusive) has been committed for the provision of public art across the two sites. Details are to be determined at the building licence stage to ensure a locally appropriate and value adding element to the development, which may include sculpture, murals, plaques, or mosaics on the facades.

The applicant has also submitted a draft materials schedule (attachment 6) which details the specific materials to be used for various aspects of the facades. The applicant has submitted that this level of detail is usually determined at building licence stage due to costing, availability and structural details, therefore the specifics could be subject to change. It is however accepted by the applicant that the development will generally comply with this schedule, to the satisfaction of the Manager Planning, Approvals & Environmental Services.

It is considered that the proposed façade treatments and combined public art feature will result in a high quality and unique development within the Currambine District Centre. The public art proposal will also add a unique and local element to the development.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Consultation Plan
Attachment 3	Development Plans
Attachment 4	Perspectives
Attachment 5	Amended Site Plan and Elevations
Attachment 6	Materials Schedule

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1 EXERCISES discretion under clause 4.5 of the City of Joondalup District Planning Scheme No.2 and determines that:-
 - (a) Setback of 1.4m in lieu of nil to the eastern and southern boundaries;
 - (b) Building facade having 26.8% glazing in lieu of 70%, with windows to the ground level in lieu of 600mm above it;
 - (c) Internal footpaths of between 1.2m and 3m width around the building in lieu of 3m;
 - (b) Landscaping Strip with minimum width of 0.4m in lieu of 3.0m on the eastern boundary;
 - (c) Provision of 95 car parking bays in lieu of 106;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 APPROVES the application for planning approval, dated 24 October 2008, and amended plans dated 12 March 2008 submitted by Dynamic Planning and Developments on behalf of the owners, Claymont Westcapital Pty Ltd for Showrooms, Offices, Convenience Store and Restaurant at Lot 5002 (74) Delamere Avenue, Currambine, subject to the following conditions:
- (a) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS2890.1 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 program;
- (b) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence Application and be approved by the Manager Infrastructure Management prior to the commencement of construction;
- (c) 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;
- (d) Landscaping and reticulation to be established in accordance with the approved plans and Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services;
- (e) The ground floor car parking area shall be provided with one shade tree for every four 4 bays prior to the development first being occupied. The trees shall be located within tree wells protected from damage by vehicles and maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services.
- (f) The bin storage areas shall be provided with a concrete floor graded to a 100mm commercial floor waste connected to sewer and the provision of a hose cock;
- (g) Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from ground level;
- (h) No obscure or reflective glazing is permitted at ground floor level;
- (i) Any advertising signage shall be subject to a separate development application;

- (j) Boundary walls and retaining walls being of a clean finish and made good to the satisfaction of the Manager Planning, Approvals and Environmental Services;
- (k) All construction works shall be contained within the property boundary;
- (l) All ground level façades shall be treated with non-sacrificial anti-graffiti coating up to a height of 3m;
- (m) Car parking bay 21 shall be constructed, marked and set aside as a small car bay only, as detailed in the Australian Standard for Offstreet Car Parking (AS2890.1 2004) and as marked in RED on the approved plans;
- (n) The parking area and pedestrian areas shall be artificially illuminated at night. 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;
- (o) Public Art by a local artist up to the value of \$5,000 (including GST) shall be integrated into the development. Details are to be submitted with the Building Licence Application for approval by the Manager Planning, Approvals & Environmental Services.

MOVED Cr McLean, SECONDED Cr Hollywood that Council:

- 1 EXERCISES discretion under clause 4.5 of the City of Joondalup District Planning Scheme No.2 and determines that:-**
 - (a) Setback of 1.4m in lieu of nil to the eastern and southern boundaries;**
 - (b) Building facade having 26.8% glazing in lieu of 70%, with windows to the ground level in lieu of 600mm above it;**
 - (c) Internal footpaths of between 1.2m and 3m width around the building in lieu of 3m;**
 - (b) Landscaping Strip with minimum width of 0.4m in lieu of 3.0m on the eastern boundary;**
 - (c) Provision of 95 car parking bays in lieu of 106;**

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 APPROVES the application for planning approval, dated 24 October 2008, and amended plans dated 12 March 2008 submitted by Dynamic Planning and Developments on behalf of the owners, Claymont Westcapital Pty Ltd for Showrooms, Offices, Convenience Store and Restaurant at Lot 5002 (74) Delamere Avenue, Currambine, subject to the following conditions:**

- (a) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS2890.1 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 program;
- (b) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence Application and be approved by the Manager Infrastructure Management prior to the commencement of construction;
- (c) 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;
- (d) Landscaping and reticulation to be established in accordance with the approved plans and Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services;
- (e) The ground floor car parking area shall be provided with one shade tree for every four 4 bays prior to the development first being occupied. The trees shall be located within tree wells protected from damage by vehicles and maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services.
- (f) The bin storage areas shall be provided with a concrete floor graded to a 100mm commercial floor waste connected to sewer and the provision of a hose cock;
- (g) Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from ground level;
- (h) No obscure or reflective glazing is permitted at ground floor level;
- (i) Any advertising signage shall be subject to a separate development application;
- (j) Boundary walls and retaining walls being of a clean finish and made good to the satisfaction of the Manager Planning, Approvals and Environmental Services;

- (k) All construction works shall be contained within the property boundary;
- (l) All ground level façades shall be treated with non-sacrificial anti-graffiti coating up to a height of 3m;
- (m) Car parking bay 21 shall be constructed, marked and set aside as a small car bay only, as detailed in the Australian Standard for Offstreet Car Parking (AS2890.1 2004) and as marked in RED on the approved plans;
- (n) The parking area and pedestrian areas shall be artificially illuminated at night. 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;
- (o) Public Art by a local artist up to the value of \$5,000 (including GST) shall be integrated into the development. Details are to be submitted with the Building Licence Application for approval by the Manager Planning, Approvals & Environmental Services.
- (p) The traffic calming devices shall extend for the full width of the car parking area as marked in RED on the approved plans.

Discussion ensued

The Motion was Put and

CARRIED (9/1)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, McLean, Norman and Young
Against the Motion: Cr Macdonald

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20agn170309.pdf](#)

CJ071-03/09 PROPOSED SHOWROOMS, OFFICES, SHOP AND CONVENIENCE STORE AT LOT 5001 (86) DELAMERE AVENUE, CURRAMBINE – [86607]

WARD: North

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

To request Council's determination of an application for showrooms, offices, shop and convenience store at Lot 5001 (86) Delamere Avenue, Currambine.

EXECUTIVE SUMMARY

The applicant proposes to construct a one and two storey development consisting of showrooms, offices, a shop and a convenience store on the subject site which is within the Currambine District Centre, and subject to the provisions of the Currambine District Centre Structure Plan (CDCSP)

The proposal generally meets the requirements of the CDCSP and the City of Joondalup District Planning Scheme No2 (DPS2) with the exception of variations to development standards including front and side setback, landscaping, façade treatment, and car parking variations. Notwithstanding the variations proposed, the development satisfies the objectives of the CDCSP in relation to design and land use.

A total of 11 submissions were received as part of the public consultation process with three being objections, seven being letters stating no objection, and one being a letter of support. The submissions received primarily raised concerns regarding the compatibility of the proposed uses with the existing Currambine residential area, construction materials, and traffic concerns.

The proposed development is consistent with the type of development that is desirable in the district centre. It is considered that the proposed development is appropriate and compatible with the nearby existing residential uses by virtue of its design and will not have an adverse impact on adjoining and nearby properties.

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

BACKGROUND

Suburb/Location:	Lot 5001 (86) Delamere Avenue, Currambine
Applicant:	Dynamic Planning and Developments
Owner:	Claymont Westcapital Pty Ltd
Zoning:	DPS: Business
	MRS: Urban
Site Area:	7659m ²
Structure Plan:	Currambine District Centre Structure Plan

The subject site is located within the CDCSP area. The Currambine District Centre is bounded by Marmion Avenue to the west, Shenton Avenue to the south, and Delamere Avenue to the north and east. The subject site is located at the eastern edge of the Currambine District Centre, immediately to the north of Tyger Entrance and to the west of Delamere Avenue.

The CDCSP guides development within this area. The CDCSP follows main street principles with the aim of creating an integrated retail centre that can serve the local community with its required retail needs as well as form a liveable town centre.

The land to the north of the subject site is also owned by Claymont Westcapital Pty Ltd and is proposed to be developed as showrooms, offices, a convenience store and a food hall (restaurant). The proposed development on this site is also the subject of a report on this agenda.

The land to the south of the subject site is currently vacant and no application has been made to the City to develop this site following the withdrawal of an application for a Tavern and other associated land uses in November 2008.

The land to the west of the subject site contains the Currambine Marketplace Shopping Centre and Cinema Complex.

DETAILS

The applicant proposes to construct a one and two storey development which includes:

- Showrooms/Offices with a floor area of 2593.3m² Net Lettable Area (NLA);
- Offices with a floor area of 1522m² NLA;
- Shop with a floor area of 200m² NLA; and
- Convenience Store with a floor area of 187m² NLA.

The development plans are provided in attachment 2.

The following table summarises the compliance of the proposal with the requirements of the CDCSP and DPS2.

Standard	Required	Proposed	Complies
Front Setbacks (Delamere Avenue)	Nil (Urban Edge)	Nil – 2.6m. With gaps for access which exceed 15m (namely 23m)	No
Side Setback (Cuba Way)	Nil (Urban Edge)	Nil – 6.0m.	No
Side Setback (Tyger Entrance)	Nil (Urban Edge)	1.8m – 2.6m	No
Rear Setback (Western Boundary)	Compliance with BCA (Non Urban Edge)	12.4m	Yes
Building Height	Maximum two storeys	One to Two Storeys	Yes
Landscaping	8%	9.8%	Yes
	3m strip adjoining car parking areas adjacent to the street	1.6m – 3m	No
Building facades	Active frontages with 70% glazing.	Active street frontages with 24.2% glazing over both street facades.	No
	Window sills not less than 600mm above ground floor level	Window sills 0mm above ground floor level	No
Footpaths	A continuous footpath (3m minimum) along the building edge	Nil – 1.5m.	No

Car Parking:

Proposed Use	Required by DPS2
Showroom/Office (1/30m ² NLA)	2593.3m ² = 86.4 bays
Office (1/30m ² NLA)	1522m ² = 50.7 bays
Convenience Store (4/100m ² NLA recommended)	187m ² = 8 bays
Shop (7/100m ²)	200m ² = 14 bays
Total Required	160
Provided	156

Should Council support the parking standard of 4 bays per 100m² NLA for the Convenience Store component of the development, there will be a proposed shortfall of 4 bays (2.5% shortfall to that required) over the site.

The applicant has provided the following justification for the proposal:

- *The proposal is consistent with the provisions of the Metropolitan Region Scheme and facilitates urban development, as intended for the subject site;*
- *The proposal is consistent with the 'Business' zoning of the subject site and achieves the objective for the zone of the subject site under the provisions of DPS2;*
- *The proposed development achieves the objectives for the subject site prescribed within the CDCSP;*
- *The proposed development is consistent with the relevant criteria prescribed within the CDCSP and strives to achieve an excellent and balanced outcome;*
- *The proposed development promotes interactive streetscape elevations and positively contributes to the visual amenity of the locality;*
- *The proposed development achieves an excellent and balanced mixture of promoting main street design and natural surveillance principles;*
- *The proposed development shall act as a catalyst for development within the CDCSP area and shall provide a significant economic foundation for existing and future commercial/business and residential uses;*
- *The proposed development assists overall progression towards achieving sustainable development outcomes; and*
- *The proposed development by virtue of building design and spatial planning for the site ensures that a robust long term use of the development is catered for.*

Issues and options considered:

Council has the discretion to:

- Approve the application without conditions;
- Approve the application with conditions; or
- Refuse the application

Link to Strategic Plan:

The proposal is consistent with objective 4.1 of the City of Joondalup Strategic Plan 2008-2011 – to ensure high quality urban development within the City.

Legislation – Statutory Provisions:

The proposed development includes variations to the requirements of the Structure Plan. Clause 4.5 of DPS2 allows for these variations to be considered.

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.*

The matters listed under Clause 6.8 require consideration:

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.*

Council is also required to exercise discretion in relation to the following two clauses:

4.12 LANDSCAPING REQUIREMENTS FOR NON RESIDENTIAL BUILDINGS

4.12.2 *When a proposed development includes a car parking area abutting a street, an area no less than 3 metres wide within the lot along all street boundaries shall be designed, developed and maintained as landscaping to a standard satisfactory to the Council. This landscaped area shall be included in the minimum 8% of the area of the total development site referred to in the previous subclause.*

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.*

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 proposal was advertised for public comment for a period of 21 days. A total of 61 adjoining and nearby owners were advised in writing, a sign was erected on the road verge adjacent to the site and the proposal was advertised on the City's website. Advertising closed on 22 December 2008.

A total of 11 responses were received, being three objections, seven letters stating no objection, and one letter of support.

Key issues arising from Public Consultation

Objections to the proposed development raised the following concerns:

- There is a lack of a residential component;
- A Convenience Store type of development would be more suited to being centrally located in the main area – the Structure Plan suggests a layered effect to development adjacent to existing residence thus lessening the impact on surrounding families;
- The development would be more suited to offices, showrooms and suites with a residential component which would achieve day and evening uses;
- It is important that the amenity currently enjoyed by the families adjacent to Delamere Avenue is preserved as much as possible;
- Entertainment type venues and more social type development in this area is against the spirit of the Structure Plan and a more suitable location for these types of establishments would be on the main street creating a more vibrant central area and also minimising the impact on nearby residences;
- The proposed tilt slab design would be something you would expect to see in the Wangara Industrial area not in the midst of a retail/residential area. This is not in keeping with the proposed "Currambine Village" concept;
- Delamere Avenue will have to accommodate increased traffic flow on what is presently a narrow road and would not allow any street parking at the same time to provide safe two way traffic flow; and
- There is a very short distance between the proposed extra entry/exit point on Delamere Avenue with the intersections of Cuba Way and Tyger Entrance.

Attachment 2 provides a diagram indicating where submissions were received from.

COMMENTLocation and Use of the Proposed Development

The site is located within the Business Zone of the Currambine District Centre. The CDCSP guides development within this area and sets out objectives whereby:

- The Currambine District Centre is to be developed to the diversity and robustness of a small town centre;

The objectives for the Business Zone are:

- To create an active focus for the community with a diversity of non-retail main street uses that generate day and evening activity;
- To allow appropriate businesses to locate and develop in close proximity to residential areas for the convenience of the community;
- Encourage high standards of 'Main Street' built form and an active edge to create an attractive façade to vehicle and pedestrian routes providing visual amenity and interaction;
- Provide efficient vehicle access and circulation with pedestrian priority; and
- Encourage a high level of passive surveillance of public and private spaces;

The proposed development has active street frontages on Delamere Avenue and partly on Cuba Way and Tyger Entrance including street entrances to units and substantial glazing on all frontages. The rear showroom and office building is accessed via the internal car parking area which is also visible from Delamere Avenue, Cuba Way, and Tyger Entrance.

The proposed uses of the development are considered to be low impact and compatible with the nearby Currambine residential area. The proposed Delamere Avenue interface of the development is considered to be sympathetic to the existing streetscape character and the existing Currambine residential area. The proposed showrooms, offices, shop and convenience store will contribute to the mixture of day time and evening commercial and retail services that the Currambine District Centre is expected to provide to the surrounding community.

The proposed development satisfies the objectives of the Business Zone of DPS2 and the CDCSP and is compatible with the proposed developments for surrounding and adjacent sites, and the existing Currambine residential area.

Design Variations to the CDCSP

The proposed development is subject to the CDCSP. The proposal seeks to vary the following standards of the CDCSP:

- Setback to Urban Edges

The CDCSP seeks to have nil setbacks on 'Urban Edges' and minimise any recesses within these urban edges to dimensions no greater than 1.5m deep and 3m wide. The proposed development does not achieve this for the full Delamere Avenue, Cuba Way, and Tyger Entrance frontage. This is due to the awkward truncations and angles of the lot which are not perpendicular and consequently difficult and expensive to building up to the lot boundary. Setbacks to the front lot boundary vary from nil to 2.6m and the opening for the accessway through the middle of the development site is approximately 23m wide, in lieu of the 15m allowable under the CDCSP, which is due to the design of the car parking area and location of the vehicle access way.

It is considered that despite this variation the proposed development still meets the requirements of providing an attractive and interactive frontage to Delamere Avenue, Cuba Way and Tyger Entrance without compromising the compatibility of the development with the existing residential area on the eastern side of Delamere Avenue.

- Building frontages with less than 70% glazing:

The proposed glazing of building frontages is approximately 24.2% of the area of the building facade. Whilst this is a large reduction to the 70% required by the CDCSP, it is considered that the glazing does promote surveillance of the street via large ground floor windows and that the development is of high main street quality that the CDCSP aims to achieve.

In addition, the Structure Plan requires all windows to be a minimum of 600mm above ground floor level, with the proposal incorporating a number of windows to all frontages that begin at ground level.

Despite the variations being it is considered that this aspect of the proposal satisfies one of the objectives for the Business Zone under the Structure Plan, this being to *“encourage high standards of Main Street built form and an active edge to create an attractive facade to vehicle and pedestrian routes providing visual amenity and interaction”*.

- Footpaths

The CDCSP requires all developments to have footpaths with a minimum width of 3 metres surrounding the proposed building. The proposed development does not include a footpath on Delamere Avenue abutting the development. This is considered acceptable given the presence of an existing footpath constructed at time of subdivision along Delamere Avenue which is a safe and efficient route for pedestrian traffic moving in these directions. It is recommended that a condition of approval be that a 3m wide footpath be installed at the owners cost abutting the showroom/office building on Tyger Entrance where it has not already been proposed.

The proposed design variations to the CDCSP are considered minor in nature and the design of the building is consistent with that encouraged by the objectives of the CDCSP. It is recommended that the above variations be supported.

Landscaping

The proposal includes a variation to the required 3m wide landscaping strip that is required by DPS2 where a car parking area abuts a street. This variation occurs at the accessway on Tyger Entrance as a result of the location of the car parking area. It is considered that this is a minor variation to the requirements of DPS2, as the landscaping strip extends to the edge of the kerb which is approximately 2.5m wide. The proposed variation is 1.6m in lieu of 3m.

Furthermore, 9.8% of the site is proposed to be used for landscaping which exceed the DPS2 requirement for 8% of the subject site to be maintained as landscaped areas. As such, the car parking landscape width variation is considered acceptable.

It is recommended that a condition of approval be that trees be provided within the car park area at a rate of one per every four car parking bays in accordance of the requirements of DPS2. The species and location of the trees can be determined with the inclusion of a landscape plan with the building licence application.

Crime Prevention through Environmental Design (CPTED)

The WAPC 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 satisfied by the proposed development:

- Surveillance

The development has been designed maintaining direct line of sight into the development from Delamere Avenue which will provide constant surveillance from passing traffic. A substantial number of windows on the development also overlook Delamere Avenue and internally to the development which will assist in providing surveillance and discourage criminal behaviour not only on the site but also in the surrounding area.

The proposed development includes uses which will provide activity on the site during both the day and evening time. This will provide natural surveillance during these times.

It is recommended that should the proposed development be approved, a condition of approval be that none of the windows in the proposed development are permitted to be obscure glazed to maintain adequate surveillance.

- Landscaping

Landscaping is proposed throughout the development and it is recommended that a condition of approval be that a detailed landscaping plan be submitted as part of the building licence application where it can be confirmed that landscaping will not obstruct surveillance opportunities.

- Predictable Routes and Spaces Safe from Entrapment

The internal layout of the proposed development is open in nature which reduces the potential for anti-social behaviour to occur. The undercroft is open to the west to ensure that activities can be observed from outside of the undercroft area.

Traffic & Parking

The proposed development has a car parking shortfall of 4 bays (2.5% shortfall) to that required by DPS2 should Council support the application of the car parking standard of 4 bays per 100m² NLA for the Convenience Store component of the development.

It is considered appropriate that the Corner Store car parking standard of 4 bays per 100m² should apply to the Convenience Store component of the development 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.

The proposed car parking shortfall is considered to be relatively minor considering the size of the proposed development. It is anticipated that a portion of clientele to the convenience store and retail uses to the site will be local residents who may walk or ride to the development. Bicycle parking is provided on the development adjacent to Delamere Avenue. It is therefore recommended that the proposed shortfall be supported.

Three access ways are proposed to the ground floor car parking area, one off Hobsons Gate, one off Cuba Way, and one off Tyger Entrance. This provides a safe and efficient flow of vehicles through the site and is in accordance with the CDCSP indicative concept plan with the exception of the accessway directly on to Delamere Avenue. Despite this addition the layout and configuration of the parking and access areas are considered acceptable.

The undercroft car park is accessed via an existing private access road on the western side of the subject site. The undercroft car park is one way in order for it to be as safe as possible. The private access road links to Cuba Way and Tyger Entrance allowing easy distribution of traffic along these routes.

Conclusion

The proposed development complies with the requirements of DPS2 and the CDCSP with the exception of the matters discussed above. It is considered that the design variations should be supported as the proposal meets the objectives for the Currambine District Centre and the variations requested will not have an adverse impact on the amenity of adjoining or nearby properties.

The subject site is an appropriate and acceptable location for development of showrooms, offices, shop and convenience store given its frontage to Delamere Avenue and proximity to the existing Currambine residential area. The development also provides street activity and frontage to Delamere Avenue, Cuba Way, and Tyger Entrance in an acceptable way which is sensitive to the proximity of the development to the residential area.

The proposed showrooms, offices, food hall and convenience store will contribute to the mixture of commercial and retail services that the Currambine District Centre is expected to provide to the surrounding community.

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

ADDITIONAL INFORMATION

Amended plans (elevations) have been received in response to concerns raised regarding façade materials and design.

- The amount of glazing on the façades facing Delamere Avenue, Tyger Avenue and Cuba Way have been increased. This has resulted in an overall percentage of glazing of 24.2%;
- The applicants have incorporated feature designs and an increased mixture of materials on the prominent corners of the development;
- Speed Bumps have been included to assist with internal traffic management;
- The owner of the subject site and adjoining site at Lot 5002 Delamere Avenue has made a commitment, to enhance the amenity of the subject site and that of the adjoining site. As such, a sum of \$10,000 (GST inclusive) has been committed for the provision of public art across the two sites. Details are to be determined at the building licence stage to ensure a locally appropriate and value adding element to the development, which may include sculpture, murals, plaques, or mosaics on the facades.

The applicant has also submitted a draft materials schedule (attachment 6) which details the specific materials to be used for various aspects of the facades. The applicant has submitted that this level of detail is usually determined at building licence stage due to costing, availability and structural details, therefore the specifics could be subject to change. It is however accepted that general compliance with this schedule will be met to the satisfaction of the Manager Planning, Approvals & Environmental Services.

It is considered that the proposed façade and combined public art feature will result in a high quality and unique development within the Currambine District Centre. The public art proposal will also add a unique and local element to the development.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Consultation Plan
Attachment 3	Development Plans
Attachment 4	Perspectives
Attachment 5	Amended Site Plan and Elevations
Attachment 6	Materials Schedule

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 EXERCISES discretion under clause 4.5 of the City of Joondalup District Planning Scheme No.2 and determines that:
 - (a) Setback of 2.6m in lieu of nil to the eastern and southern boundaries;
 - (b) Setback of 6m lieu of nil to the northern boundary;
 - (c) Building facade having 24.2% glazing in lieu of 70%, with windows to the ground level in lieu of 600mm above it;
 - (d) Internal footpaths of between nil and 3m width around the building in lieu of 3m;
 - (e) Landscaping Strip with minimum width of 1.6m in lieu of 3.0m on the southern boundary;
 - (f) Provision of 156 car parking bays in lieu of 160;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 APPROVES the application for planning approval, dated 24 October 2008, and amended plans dated 12 March 2008 submitted by Dynamic Planning and Developments on behalf of the owners, Claymont Westcapital Pty Ltd for Showrooms, Offices, Shop and Convenience Store at Lot 5001 (86) Delamere Avenue, Currambine subject to the following conditions:
- (a) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS2890.1 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 program;
 - (b) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence Application and be approved by the Manager Infrastructure Management prior to the commencement of construction;
 - (c) 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;
 - (d) Landscaping and reticulation to be established in accordance with the approved plans and Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services;
 - (e) The ground floor car parking area shall be provided with one shade tree for every four 4 bays prior to the development first being occupied. The trees shall be located within tree wells protected from damage by vehicles and maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services.
 - (f) The bin storage areas shall be provided with a concrete floor graded to a 100mm commercial floor waste connected to sewer and the provision of a hose cock;
 - (g) Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from ground level;
 - (h) No obscure or reflective glazing is permitted at ground floor level;
 - (i) Any advertising signage shall be subject to a separate development application;
 - (j) Boundary walls and retaining walls being of a clean finish and made good to the satisfaction of the Manager Planning, Approvals and Environmental Services;

- (k) All construction works shall be contained within the property boundary;
- (l) The area marked as retail on the approved plans shall be limited to a total area of 200m² net lettable area;
- (m) The area marked as 'back of house' on the approved plans is permitted to be used for toilets, cleaners' cupboard, motor room, tea room, plant room and other service area only;
- (n) The parking area and pedestrian areas shall be artificially illuminated at night. 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;
- (o) Public Art by a local artist up to the value of \$5,000 (including GST) shall be integrated into the development. Details are to be submitted with the Building Licence Application for approval by the Manager Planning, Approvals & Environmental Services;
- (p) All ground level façades shall be treated with non-sacrificial anti-graffiti coating up to a height of 3m.

MOVED Cr Hollywood, SECONDED Cr McLean that Council:

1 EXERCISES discretion under clause 4.5 of the City of Joondalup District Planning Scheme No.2 and determines that:

- (a) Setback of 2.6m in lieu of nil to the eastern and southern boundaries;**
- (b) Setback of 6m lieu of nil to the northern boundary;**
- (c) Building facade having 24.2% glazing in lieu of 70%, with windows to the ground level in lieu of 600mm above it;**
- (d) Internal footpaths of between nil and 3m width around the building in lieu of 3m;**
- (e) Landscaping Strip with minimum width of 1.6m in lieu of 3.0m on the southern boundary;**
- (f) Provision of 156 car parking bays in lieu of 160;**

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 APPROVES the application for planning approval, dated 24 October 2008, and amended plans dated 12 March 2008 submitted by Dynamic Planning and Developments on behalf of the owners, Claymont Westcapital Pty Ltd for Showrooms, Offices, Shop and Convenience Store at Lot 5001 (86) Delamere Avenue, Currambine subject to the following conditions:**
- (a) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS2890.1 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 program;**
 - (b) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence Application and be approved by the Manager Infrastructure Management prior to the commencement of construction;**
 - (c) 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;**
 - (d) Landscaping and reticulation to be established in accordance with the approved plans and Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services;**
 - (e) The ground floor car parking area shall be provided with one shade tree for every four 4 bays prior to the development first being occupied. The trees shall be located within tree wells protected from damage by vehicles and maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services.**
 - (f) The bin storage areas shall be provided with a concrete floor graded to a 100mm commercial floor waste connected to sewer and the provision of a hose cock;**
 - (g) Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from ground level;**

- (h) No obscure or reflective glazing is permitted at ground floor level;
- (i) Any advertising signage shall be subject to a separate development application;
- (j) Boundary walls and retaining walls being of a clean finish and made good to the satisfaction of the Manager Planning, Approvals and Environmental Services;
- (k) All construction works shall be contained within the property boundary;
- (l) The area marked as retail on the approved plans shall be limited to a total area of 200m² net lettable area;
- (m) The area marked as 'back of house' on the approved plans is permitted to be used for toilets, cleaners' cupboard, motor room, tea room, plant room and other service area only;
- (n) The parking area and pedestrian areas shall be artificially illuminated at night. 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;
- (o) Public Art by a local artist up to the value of \$5,000 (including GST) shall be integrated into the development. Details are to be submitted with the Building Licence Application for approval by the Manager Planning, Approvals & Environmental Services;
- (p) All ground level façades shall be treated with non-sacrificial anti-graffiti coating up to a height of 3m;
- (q) The traffic calming devices shall extend for the full width of the car parking area as marked in RED on the approved plans.

The Motion was Put and

CARRIED (9/1)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, McLean, Norman and Young **Against the Motion:** Cr Macdonald

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21agn170309.pdf](#)

CJ072-03/09 ARENA COMMUNITY SPORT AND RECREATION ASSOCIATION (ACSRA) – [05005]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

To seek approval for the inclusion of an additional condition in the Deed of Agreement between the WA Sports Centre Trust (WASCT) and the City in relation to the Arena Community Sport and Recreation Association (ACSRA).

EXECUTIVE SUMMARY

This report outlines a key change that has been proposed by the WASCT to the previously endorsed key principles of the draft Deed of Agreement for ACSRA, and seeks Council's endorsement of that amendment. The WASCT final draft of the Deed of Agreement has significantly increased the City's level of risk.

The key change relates to the City now being liable for 50% of total costs, losses and damages should ACSRA default on its Lease Agreement with the WASCT. These costs could relate to such items as lease payments, costs for returning the facility to a rentable condition, legal costs, administration costs and damages claims. A risk assessment on the likelihood and consequence of each risk has been undertaken by the City, which does identify some significant risks. However, the City is proposing a series of actions in order to mitigate these risks, which, coupled with the good governance of ACSRA should reduce any significant exposure to the City.

Despite the key change proposed to the conditions, the Deed of Agreement for ACSRA still provides the City with a unique opportunity to be able to jointly support, with the State Government, the provision of facilities for local sporting clubs with over 2200 members at a cost that still remains significantly less than the City providing individual facilities for those Clubs.

The report also provides information on the current status of the construction of the ACSRA Clubrooms.

It is recommended that Council:

- 1 *NOTES that the City's original commitment to the ACSRA project was \$710,000 which was \$120,000 higher than the other funding partners, to reflect the City having no further operational obligations to the project;*
- 2 *NOTES that the conditions of the agreement have changed significantly since the CEO was authorised to execute the Agreement;*
- 3 *NOTES the current status of ACSRA Clubroom development and level of support being provided by City;*

- 4 *NOTES the level of risk associated with the Agreement, as detailed in Attachment 1 to Report CJ072-03/09;*
- 5 *ENDORSES the CEO to execute the Agreement inclusive of the Item 3.7 - Default by ACSRA;*
- 6 *REQUESTS ACSRA to:*
 - (a) *Include in its constitution a City of Joondalup employee as a voting representative to the ACSRA Advisory Council;*
 - (b) *Consider the adoption of the risk minimisation strategies as detailed in Attachment 1 of Report CJ072-03/09.*

BACKGROUND

In November 2004, Council supported a Community Sport & Recreation Facilities Fund (CSRFF) application from ACSRA for the development of sporting infrastructure at Arena Joondalup.

The application sought financial assistance from the City and the Department of Sport and Recreation for the construction of nine (9) outdoor netball courts, floodlighting to sporting grounds and a clubroom facility. The total cost of the project was \$1,685,000, with the City committing \$710,000 towards the project. The project was driven by the WASCT as a way of increasing visitation to the Arena, however, also provided the City with a solution to having to potentially construct individual facilities for each of these Clubs.

The Department of Sport and Recreation CSRFF funding guidelines state that funding cannot be provided to State Government organisations, (such as WASCT), therefore, the application was approved conditional upon the City being a party through entering into a 20 year Agreement with the WASCT.

As a result, in June 2007, it was agreed that the responsibilities of the WASCT and the City in relation to ACSRA would be outlined in a Deed of Agreement between the two parties, the first draft of which was developed by the WASCT. Under this first draft, the City's only responsibility was an annual \$10,000 contribution to maintenance of the clubrooms.

Since that time, there have been a number of significant changes to the Board of the WASCT and management of the Arena which have resulted in the development of a far more detailed Deed of Agreement, in terms of the City's responsibilities under that Agreement.

On 20 November 2007, a report was presented to Council (CJ257-11/07 refers) seeking endorsement of the then key principles to be included in the Deed of Agreement between the City and the WASCT. The principles related to the City's financial contributions towards renewals and maintenance costs and a requirement that the Agreement be reviewed by both parties every five (5) years.

Council resolved as follows:

- "1 *NOTES the current status of Arena Community Sport and Recreation Association's agreement between the Western Australian Sports Centre Trust and the City;*

- 2 *ENDORSES the following principles to be incorporated in the agreement:*
- (a) *The City commits to making a 50% contribution toward the agreed renewal for playing fields;*
 - (b) *The City commits to making a 50% contribution to the agreed renewal of the clubrooms less any amount that has been accumulated in the Arena Community Sport and Recreation Association's clubroom sinking fund, provided the Western Australian Sports Centre Trust gives a minimum of 12 months notice of such works;*
 - (c) *The City commits to a 50% contribution to the maintenance costs of the actual playing fields on an annual basis, subject to the Western Australian Sports Centre Trust providing a detailed statement of expenditure prior to 30 June each year and that the contribution is based on 50% of the expenditure up to the agreed level of service for maintenance;*
 - (d) *The City and the WA Sports Centre Trust review the conditions of the agreement every 5 years to ensure the contribution principles remain in line with the initial intent of the agreement.*
- 3 *DELEGATES to the Chief Executive Officer the authority to execute the agreement once finalised on the basis of the principles in 2 above."*

The final draft Deed of Agreement was developed by the WASCT and presented to the City in November 2008. The City sought legal advice on the conditions listed in the Agreement, all of which were acceptable with the exception of a newly included Item 3.7 - Default by ACSRA.

The intent of the new Item is to ensure that both the City and the WASCT share any costs should ACSRA default on its lease, with the City required to meet 50% of any costs the WASCT would incur in that situation. This could include (but may not be limited to) lease payments, costs for returning the facility to a rentable condition, legal costs, administration costs and damages claims.

Item 3.7 significantly alters the conditions of the previous Deed of Agreement the CEO was authorised to execute, and increases the City's exposure to legal and financial risks. Council endorsement is therefore sought to execute the Deed of Agreement.

This report seeks to clarify those identified risks associated with the Item 3.7 - Default by ACSRA - and to outline the City's approach to finalising the Deed of Agreement.

DETAILS

The City's increased liability under the proposed Deed of Agreement directly relates to ACSRA defaulting on its lease with the WASCT. The City therefore needs to consider the likelihood and risk of that occurring.

Outlined below are the key areas which could result in ACSRA defaulting on its lease:

- Failure to pay rent - (\$541 per month) within 30 days.
- Failure to maintain premises in good state of repair.
- Failure to gain approval prior to construction of clubrooms or for future additions / alternations to the building.

- Failure to maintain insurances.
- Claim for loss, injury or damages.

Such a default could potentially incur costs of an unspecified nature to the City. As with all risks, minimisation strategies are able to be implemented to reduce the likelihood of this occurring. As ACSRA is a separate entity to the City, and operates under its own Constitution, the City cannot directly control the Association's actions and therefore its obligations under the lease. It is therefore proposed that the City request that an officer be appointed to the ACSRA Advisory Council, to play an overseeing role in the activities of ACSRA. It is believed this will significantly reduce the City's exposure to any risk.

If ACSRA were to default on its lease, resulting in it being terminated by the WASCT, there are two key areas under Item 3.7 where the City may be liable, as detailed below:

- **Total Cost Losses and Damage** - Items covered under this clause are not specified but would typically relate to legal costs, repairs to facility, removing any unapproved structures/additions, damages (not covered by insurance), WASCT staff costs and professional fees (consultants). Due to their unspecified nature, there may be additional items to those listed (if they relate to a cost incurred by WASCT).
- **Lease Payment** – Item 3.7 requires the City to pay the balance of lease fees for the entire unexpired portion of the term. For example, if ACSRA defaulted after its first year, the City would be liable for the remaining 19 years of lease payments. The proposed lease for ACSRA is \$6,500 per annum plus CPI. The maximum cost to the City would be 50% of those total lease payments over the unexpired term of the lease.

Current Status

The current status of the Deed of Agreement between the City and the WASCT has a direct link to ACSRA's ability to proceed with the project.

Separate to finalisation of the Deed of Agreement, the City has been working with ACSRA to develop its clubrooms. During the State Government elections, an additional \$200,000 of State funds was committed to the development of the clubrooms, however, these funds have not yet been received by ACSRA.

The City has established a project control group, including representatives from ACSRA and the WASCT to assist in finalising a design brief, architectural drawings and tendering for the construction of the clubrooms. A preferred builder has been recommended by the architect and the City has committed to providing a project manager to oversee the development and contract administration of the Clubroom facility. However, before proceeding to formal appointment of a builder the following key steps are still required:

1. ACSRA – to confirm via a bank guarantee the amount of available funds for the project.
2. ACSRA – to confirm receipt of State Government funding commitment of \$200,000 for the project.
3. WASCT and the City to finalise the Deed of Agreement.
4. Project Control Group to finalise design inclusive of cost savings options (from items 1 and 2 above).
5. WASCT Board to approve final design and preferred builder.

Issues and options considered:

The City now has three options available to consider on how to finalise the Deed of Agreement with the WASCT. It can either:

- Reject the proposed Agreement.
- Accept the conditions of the proposed Agreement.
- Seek amendments to the Agreement.

Reject the proposed Deed of Agreement

Under this option the City would need to consider the risks associated with the Deed of Agreement as being too great.

Outcome – the project could not proceed, as it would not meet the conditions of the CSRFF guidelines and would have a budget shortfall of \$590,000.

Accept the conditions of the proposed agreement

Under this option the City would need to understand and accept the risks associated with the Deed of Agreement. The City could however work with ACSRA and the WASCT to attempt to ensure that key responsibilities of the lease are met by ACSRA to minimise the potential for a default.

Outcome – The project could proceed.

Seek Amendments to the Agreement

Whilst the City is able to seek further amendment to the Deed of Agreement, the City has engaged extensively with the WASCT to develop the Deed of Agreement, and the WASCT has indicated it is not prepared to negotiate further on the terms and conditions within the Agreement.

Outcome – the City seeks amendments to the Agreement, which the WASCT may or may not accept. Should the amendments not be accepted, the City would then need to consider whether its support for the project would continue.

Link to Strategic Plan:

The service provided by the WA Sports Centre Trust links with the following outcome in the City's Strategic Plan 2003-2008.

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

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

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

1.3.2 Provide quality-of-life opportunities for all community members.

1.3.3 Provide support, information and resources.

Legislation – Statutory Provisions:

No legislation/statutory provisions are identified.

Risk Management considerations:

A risk assessment on the conditions of the proposed Lease Agreement between WASCT and ACSRA has been undertaken by the City (Attachment 1 refers), which identified the following as being of highest risk to the City in terms of ACSRA's defaulting on that lease agreement:

- legal action against the WASCT (in the form of a negligence claim);
- ACSRA's failure to maintain insurances; and
- ACSRA's failure to maintain premises in a good state of repair.

A review of the City's insurance policy has clarified that the City would not be covered under any of the items listed above.

A summary of these key risks is detailed below:

Claim for Loss or Damages - If a negligence claim were to be made against WASCT relating to the facility, and that claim arose from the failure of ACSRA or the City to carry out their obligations under the lease or Deed of Agreement, the City would be liable for 50% of the costs, losses and damages incurred by the WASCT. These costs could relate to legal costs, damages claims, consultant costs, WASCT staff costs etc.

This risk could be minimised by:

- WASCT and the City meeting all of its maintenance and renewal works responsibilities for the facility.
- WASCT regularly reviewing the condition of the facility and requesting or undertaking remedial works as required.

Failure to maintain insurances – under its Lease Agreement, ACSRA is required to maintain a \$10 million public liability insurance policy, a replacement and reinstatement policy for the clubroom premises, and also plate glass insurance. It is critical to the protection of ACSRA, the WASCT and ultimately the City that these insurances are current for the entire term of the Lease.

This risk could be minimised by:

- ACSRA presenting to WASCT and the City a certificate of currency for the following 12 months, at least three months prior to expiry every year.
- ACSRA listing insurance cover as an item on the Agenda for its Annual General Meeting.
- City of Joondalup employee representation on the ACSRA Advisory Council.

Failure to maintain premises in good state of repair – ACSRA is required to maintain its building in a good state of repair (which includes the re-painting of facilities every five years, cleaning, and general (non structural) building maintenance).

This risk could be minimised by:

- A regular facility inspection being coordinated with ACSRA, with defect items listed for ACSRA repair.
- ACSRA being required to effect repairs as directed by WASCT within a reasonable time.
- Developing an outline of the annual maintenance responsibilities for ACSRA, with the ACSRA Board regularly checking items have been attended.
- ACSRA Treasurer allocating an annual maintenance budget.
- City of Joondalup employee representation on the ACSRA Advisory Council.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Sustainability Implications:

Not Applicable.

COMMENT

The final draft Deed of Agreement between the City and the WASCT has significantly increased the City's obligations in relation to ACSRA and the WASCT beyond the initial intent of it being a funding partner.

Under the current conditions of the draft Deed of Agreement, the City is exposed to a range of financial and legal risks should ACSRA default on the terms of its lease, and the City has no control over the level of expenditure incurred by the WASCT to manage such a default, despite being responsible for 50% of such costs. Should the default occur for non-payment of rent, the City is liable for 50% of all outstanding lease fees for the remainder of the lease term, resulting in the potential for the City to be charged for a cost the WASCT has not actually incurred.

However, despite highlighting these risks, the risk assessment undertaken by the City has also outlined a range of mitigation strategies that could be implemented to reduce the likelihood of their occurrence. With the conditions of the lease agreement clearly understood and managed by ACSRA, the risk of default should be minimised. This could also be further managed through the City requesting representation by City employee on the ACSRA Advisory Council, to oversee the implementation and ongoing adherence to the terms of the Lease Agreement.

The WASCT is very keen to increase the City's involvement in the project and ongoing operations of ACSRA to reflect a partnership approach to the management of the Deed of Agreement. The proposal does however also offer the City the benefit of sharing with the State Government the costs associated with providing facilities for a number of local sporting clubs at significantly less cost than providing individual facilities for each Club. The City would typically fully fund these types of facilities for clubs, and the proposal offers a unique opportunity, for an initial cost to the City of \$710,000, to gain approximately \$1.7 million of community sporting infrastructure. This approach to funding community sporting groups is also one which the City is keen to promote as a sustainable one into the future.

ATTACHMENTS

Attachment 1 Risk assessment

VOTING REQUIREMENTS

Simple Majority

MOVED Cr McLean, SECONDED Cr Amphlett that Council:

- 1 NOTES that the City's original commitment to the Arena Community Sport and Recreation Association (ACSRA) project was \$710,000 which was \$120,000 higher than the other funding partners, to reflect the City having no further operational obligations to the project;**
- 2 NOTES that the conditions of the agreement have changed significantly since the Chief Executive Officer was authorised to execute the Agreement;**
- 3 NOTES the current status of ACSRA Clubroom development and level of support being provided by City;**
- 4 NOTES the level of risk associated with the Agreement as detailed in Attachment 1 to Report CJ072-03/09;**
- 5 ENDORSES the Chief Executive Officer to execute the Agreement inclusive of the Item 3.7 - Default by ACSRA;**
- 6 REQUESTS ACSRA to:**
 - (a) include in its constitution a City of Joondalup employee as a voting representative to the ACSRA Advisory Council;**
 - (b) consider the adoption of the risk minimisation strategies as detailed in Attachment 1 to Report CJ072-03/09.**

The Motion was Put and CARRIED (10/0) by En Bloc Resolution following consideration of Item CJ073-03/09, Page 185 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

Appendix 22 refers

To access this attachment on electronic document, click here: [Attach22brf100309.pdf](#)

CJ073-03/09 COASTAL HEIGHT POLICY - STATUS REPORT - [24581]

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

RESPONSIBLE DIRECTOR: Mr Clayton Higham
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 initially considered by Council in December 2008, where it was deferred to the February 2009 meeting. At the February 2009 meeting Council, resolved to refer the report to the Policy Committee for consideration.

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)
Attachment 3	Information Sheet – District Planning Scheme Amendment No. 32

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION PRESENTED TO COUNCIL ON 17 FEBRUARY 2009

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 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.

ADDITIONAL INFORMATION

The report reproduced above was considered by Council at its meeting held on 17 February 2009. The motions carried at that Council meeting are shown below:

Motion - deferral to Council on 17 March 2009

“That the following Motion BE DEFERRED to the next Council meeting to be held on 17 March 2009:

“MOVED Cr Corr, SECONDED Cr Norman that Council:

- 1 *fully SUPPORTS Policy 3-4 - Height of Buildings within the Coastal Area (Non-Residential Zone) and the Planning Scheme Amendment approved by Council in April 2006;*
- 2 *WRITES to the Planning Minister(s) requesting that the Amendment to District Planning Scheme No 2 be finalised and that this matter be treated as urgent.”*

Motion – officer’s recommendation referred to Policy Committee

“That the following officer’s recommendation be REFERRED to the Policy Committee meeting to be held on 4 March 2009 for further consideration:

“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 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."*

A report was tabled at the Policy Committee meeting held 4 March 2009 and the Policy Committee resolved to support the above officer's recommendation.

Council is required to give consideration to the deferral motion when debating the matter at the Council meeting to be held on 17 March 2009.

ADDITIONAL INFORMATION PROVIDED ON 17 MARCH 2009

The attached correspondence has been received today from the Minister for Planning, refusing to grant final approval to Amendment No 32 – Appendix 31 refers.

This decision effectively ends Amendment 32 as there are no appeals on the Minister's decision. Policy 3-4 Height of Buildings within the Coastal Area (non-residential zones) is not affected by this decision, and remains in place.

Options

Should Council still wish to pursue the issue, the following options could be considered:

- Initiate a new scheme amendment. Any new proposed amendment would need to address the issues raised in the Minister's decision being, principally, the lack of discretion to consider a proposal on its merits, and a more site specific approach.
- Consider other measures to control height. For example, amendments to applicable structure plans, or new structure plans, where appropriate. However, the same issues outlined by the Minister would still need to be addressed.

In order to consider the options, the following recommendation relating to Item CJ073-03/09 – Coastal Height Policy – Status Report, is proposed:

That Council:

- 1 *NOTES that the Hon Minister for Planning has refused to grant final approval to Amendment No 32 to District Planning Scheme No 2 for the following reasons:*
 - (a) *the proposed 10.0 metre height limit has not been appropriately justified in the context of the limited sites to which it would apply;*
 - (b) *the proposed height limit would give the Council no discretion to determine a development application on its merits where a greater building height was proposed as has already shown itself to be an issue in the determination of the development application at Sacred Heart College;*

- 2 as a result of the Minister for Planning's refusal as detailed in 1 above, REFERS the matter pertaining to coastal height to the Policy Committee for further consideration.

MOVED Cr Corr, SECONDED Cr Norman that Council:

- 1 fully SUPPORTS Policy 3-4 - Height of Buildings within the Coastal Area (Non-Residential Zone) and the Planning Scheme Amendment approved by Council in April 2006;
- 2 WRITES to the Planning Minister(s) requesting that the Amendment to District Planning Scheme No 2 be finalised and that this matter be treated as urgent.

Discussion ensued.

AMENDMENT MOVED Cr Fishwick SECONDED Cr Corr that the words "and the Planning Scheme Amendment approved by Council in April 2006" be DELETED from Point 1 of the Motion.

Discussion ensued.

The Amendment was Put and

CARRIED (6/4)

In favour of the Amendment: Crs Corr, Diaz, Fishwick, Macdonald, Norman and Young **Against the Amendment:** Mayor Pickard, Crs Amphlett, Hollywood and McLean

It was requested that Points 1 and 2 of the Original Motion, as amended, be put separately.

The Original Motion, as amended, being:

That Council:

- 1 fully SUPPORTS Policy 3-4 - Height of Buildings within the Coastal Area (Non-Residential Zone).

Was Put and

CARRIED (6/4)

In favour of the Motion: Crs Corr, Diaz, Fishwick, Macdonald, Norman and Young **Against the Motion:** Mayor Pickard, Crs Amphlett, Hollywood and McLean

The Original Motion, as amended, being:

That Council:

- 2 WRITES to the Planning Minister(s) requesting that the Amendment to District Planning Scheme No 2 be finalised and that this matter be treated as urgent.

Was Put and

LOST (0/10)

Against the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

Appendices 24, 30 and 31 refer

To access the attachments on electronic document, click here: [Attach24brf100309.pdf](#)
[Attach30agn170309.pdf](#) [Attach31min170309.pdf](#)

C14-03/09 COUNCIL DECISION – EN BLOC RESOLUTION

MOVED Cr McLean, **SECONDED** Cr Amphlett that pursuant to the Standing Orders Local Law 2005 – Clause 48 - Adoption Of Recommendations En Bloc, Council Adopts Items CJ043-03/09, CJ046-03/09, CJ052-03/09, CJ053-03/09, CJ054-03/09, CJ057-03/09, CJ063-03/09, CJ064-03/09, CJ066-03/09 and CJ072-03/09.

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

CJ050-03/09 MEMBER RESIGNATION – COUNCILLOR ALBERT JACOB, NORTH CENTRAL WARD - [22624] [78624]

WARD: North-Central

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

PURPOSE / EXECUTIVE SUMMARY

For Council to allow the office of Councillor for the North Central Ward to remain unfilled until the 2009 ordinary elections as a result of the resignation of former Councillor Albert Jacob.

BACKGROUND

Councillor Albert Jacob resigned on 9 March 2009 in written notice to the Chief Executive Officer, as required by Section 2.31(3) of the Local Government Act, 1995 (the Act). The resignation is effective from 10 March 2009.

The Council at its meeting held on 9 August 2005 resolved to:

- “1 *NOTE that the Electoral Commissioner has agreed in writing to be responsible for all elections for the Cit of Joondalup until 31 December 2011;*
- 2 *DECLARE, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for all Council elections for the City of Joondalup between now and 31 December 2011;*
- 3 *DECIDE, in accordance with section 4.61(2) of the Local Government Act 1995, that the method of conducting all Council elections for the City of Joondalup between now and 31 December 2011 will be postal elections;*
- 4 *CONFIRM that Resolutions 2 and 3 are not a binding contract with the Electoral Commissioner to conduct all elections until 31 December 2011 and nothing shall prevent Council from rescinding the decisions at any time in the future.”*

As a result of the resignation of former Councillor Marie Evans in 2007, the Council resolved to seek the approval of the WAEC to defer filling the vacancy until the subsequent 2007 ordinary elections. The WAEC granted the approval. Council, at its meeting held on 22 May 2007, resolved that Council:

- 1 *NOTES that the Western Australian Electoral Commissioner has granted his approval to allow the Council to defer the vacancy in the South West Ward until the 2007 Local Government ordinary elections;*
- 2 *In accordance with Section 4.16(4) of the Local Government Act 1995, AGREES to fix the 2007 Local Government ordinary elections as the day for the holding of the extraordinary election to fill the vacancy in the South West Ward created from the resignation of former Councillor Marie Evans.*

Given the likely possibility of the resignation of Cr Jacob (following his election as Member for Ocean Reef), advice was previously sought from the Western Australian Electoral Commission (WAEC) on allowing the resulting vacancy to remain unfilled until the October 2009 ordinary elections. The Electoral Commissioner has advised in writing he would accede to such a formal request.

DETAILS

Section 4.8 of the Local Government Act states that if a position on Council becomes vacant because of a resignation, an extraordinary election will generally be held. Section 4.9(2) then states that an extraordinary election should be held within four months of the vacancy occurring. However, section 4.17(2) states that if a vacancy occurs after the third Saturday in January in an election year in which the term would have ended, but before the third Saturday in July in that election year (as is the case in relation to this resignation) "Council may, with the approval of the Electoral Commissioners allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded in Section 4.6 as ending on the day in which it would have ended if the vacancy had not occurred."

This provision allows for an extraordinary election to be postponed with the vacancy arising from former Councillor Jacob's resignation to be filled at the October 2009 elections. Former Councillor Jacob's term of office was due to expire on 17 October 2009.

Issues and options considered:

Council could decide on an alternative date for holding the extraordinary election. Indicative costs obtained from the Western Australian Electoral Commission for the extraordinary election held on 31 March 2007 for the vacancy in the Central Ward was \$30,000. An extraordinary election for the North Central Ward could be expected to cost this amount. With the election process taking 80 days, and the term of former Councillor Jacob being scheduled to expire in October 2009, it is likely that the person who filled the position through an extraordinary election would hold the seat for approximately three months.

Link to Strategic Plan:

Not applicable

Legislation – Statutory Provisions:

The following statutory provisions relate to this report. Each has been mentioned within the report.

- Section 2.31(3)
- Section 4.8
- Section 4.9(2)
- Section 4.17(2)

Risk Management considerations:

Not applicable. Council needs to follow statutory processes.

Financial/Budget Implications:

An election, if held, would cost in the vicinity of \$30,000. No funds are allocated in the 2008/09 budget for such a purpose.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Given the likely possibility of the resignation of Cr Jacob following his election as State Member for Ocean Reef, consultation was undertaken with the WAEC.

COMMENT

Section 4.17(2) requires the Council to seek the approval of the Electoral Commissioner for the vacancy to remain unfilled until the next ordinary election.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Young, SECONDED Cr Amphlett that Council:

- 1 **NOTES** that the Western Australian Electoral Commissioner has indicated he would allow the Council to defer the vacancy in the North Central Ward until the 2009 Local Government ordinary elections;
- 2 **REQUESTS** the Chief Executive Officer, in accordance with Section 4.17(2) of the Local Government Act 1995 to seek formal approval of the Electoral Commissioner to allow the vacancy in the North Central Ward to remain unfilled until the 2009 Local Government ordinary elections;
- 3 **SUBJECT** to the approval being obtained from the Electoral Commissioner in Point 2 above, **ALLOWS** the vacancy in the North Central Ward to remain unfilled until the 2009 Local Government ordinary elections.

The Motion was Put and**CARRIED (10/0)**

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

11 REPORT OF THE CHIEF EXECUTIVE OFFICER**CJ074-03/09 LOCAL GOVERNMENT STRUCTURAL REFORM
[08144] [51577] [00033] [01139]****WARD:** All**RESPONSIBLE
DIRECTOR:** Mr Garry Hunt
Office of CEO

PURPOSE

To provide an update to the Council relating to the recently announced Local Government Structural Reform.

EXECUTIVE SUMMARY

In February 2009, the Minister for Local Government; Heritage; Citizenship and Multicultural Interests, Mr GM (John) Castrilli (the Minister), announced the State Government's package of Local Government reform strategies. These strategies were aimed at achieving greater capacity for Local Governments to better plan, manage and deliver services to their communities with a focus on social, environmental and economic sustainability.

The principal strategies are voluntary structural reform, with the main objective to reduce the number of local governments across the State, and reduce the total number of elected members to between six and nine.

The Minister established a Steering Committee to coordinate the review.

Since the assessment, the WA Local Government Authority (WALGA) has carried a resolution in response and is intending to take a lead in responding to the Minister.

The Steering Committee has issued a set of guidelines to assist local governments through the reform process. The first step in the process is to complete and submit the reform checklist by the end of April 2009. It is proposed that a further report will be presented to the Council at its April 2009 meeting relating to the completion of the checklist.

BACKGROUND

Structural reform for local government as an industry has been the subject of discussion amongst the industry and with State Governments for a number of years. Leading into the 2005 State Election a number of statements from both parties were made relating to the future of local government.

This resulted in a motion at the 2004 WALGA Annual General Meeting to conduct a structural reform forum. Further motions and reports have since been carried and undertaken to ensure a framework was established for the future sustainability of Local Government. Such a framework was to encompass the assessment of economic, social

capabilities and capacities of individual communities and regions. This subsequently led to the Systemic Sustainability Study (SSS) report being finalised in 2008.

In early February 2009, the Minister announced the Liberal-National Government package of Local Government reform strategies. In the announcement the Minister stated the following:

“These strategies are aimed at achieving greater capacity for Local Government to better plan, manage and deliver services to their communities with a focus on social, environmental and economic sustainability.

The principle strategies in the package focus on voluntary structural reform of local government that, if adopted, will completely transform the sector. Specifically, these strategies encourage local governments to take steps over the next six months to voluntarily amalgamate and form larger local governments, to reduce the total number of elected members to between six and nine, and for local governments to form appropriate regional groupings of councils too assist with the efficient delivery of services.

I formally invite each of the 139 councils within Western Australia to embrace this opportunity to voluntarily amalgamate and to voluntarily reduce the total number of elected members for each council. I look forward to receiving advice on your council’s clear intention on these matters within a period of six months from the date of this announcement.

Other key strategies of the State Government’s reform package include: -

- *Adoption by local governments of a longer term strategic planning framework, including asset and financial management and workforce planning;*
- *Development of measures to enhance the skills and competency of elected members and staff;*
- *Examination of options to maintain local community identity and greater community representation including consideration of community based committees;*
- *Identification of proposals to amend the local government legislation to facilitate local government sustainability;*
- *Examination of the ability for local governments to form corporate identities to undertake urban regeneration projects and other business activities;*
- *Identification and implementation of approaches to reduce town planning and building licence approvals time; and*
- *Development of measures to encourage a diverse range of citizens to stand for council.”*

It was acknowledged in the announcement that many of the key strategies outlined above directly relate to the SSS.

Subsequent to the announcement by the Minister, the following series of events have taken place: -

- The Local Government Reform Steering Committee established by the Minister met on 13 February 2009, the committee comprises: -
 - Jennifer Matthews, Department of Local Government and Regional Development (Chair);
 - Garry Brennan, Chief of Staff, Minister for Local Government, (deputy chair);
 - Bill Mitchell, President, WA Local Government Association;
 - Michael Parker, President, Local Government Manager’s Australia (WA);

- Helen Dullard, Local Government Advisory Board Member;
 - Ron Yuryevich, Local Government Advisory Board Member;
 - Eric Lumsden, Director General, Department for Planning and Infrastructure;
 - Maree De Lacey, Regional Development Council Representative;
 - Alex Scherini, Assistant Director, Revenue and Government Relations, Department of Treasury and Finance;
 - Tim Shanahan, Director, Energy and Minerals Initiative, UWA; and
 - Nathan Taylor, Manager, Economic Policy, Chamber of Commerce and Industry WA.
- The Council of the City of Joondalup at its meeting held on 17 February 2009 carried the following motion:

That following the recent announcement by Mr John Castrilli, Minister For Local Government; Heritage; Citizenship And Multicultural Interests regarding the current government's strategies for local government reform based on a voluntary reduction in the number of individual local governments, the Council REQUESTS the Chief Executive Officer to prepare a report on the opportunities and options to review the City of Joondalup's:

- (a) *current district boundary;*
 - (b) *current ward boundaries;*
 - (c) *number of offices of elected members on the council; and*
 - (d) *ratio of elected members to electors.*
- The WALGA North Metropolitan Zone meet on 25 February 2009 and carried the following resolution to be forwarded to the State Council of WALGA:
 1. *LOBBY all members of State Parliament seeking support and commitment to the Principles and Actions of the Systemic Sustainability Study (SSS) Report and enabling local governments to determine appropriate avenues of reform;*
 2. *ENDORSE the re-formation of the State Council SSS taskforce to over see and facilitate Local Government's response to the State Government Reform Proposals;*
 3. *COORDINATE a Local Government response to the State Government's reform proposals;*
 4. *ADVISE the State Government of Local Government's commitment to work together with the State Government towards a voluntary reform process;*
 5. *SUPPORT the principle of a business case that is demonstrated and proven with regard to any adjustment to local government boundaries.*
 - On Friday 27 February 2009, the Local Government Reform Steering Committee issued the structural reform guidelines to assist local governments in responding to the Minister's request in relation to voluntary structural reform. The guidelines include the following information: -
 - A time line for the development of reform Submissions;
 - A checklist for local governments to assess their current situation as part of considering the type of reform proposals that should be developed;
 - A process for local governments to explore partners;
 - A process for developing a Reform Submission;
 - Options for engaging the community; and
 - The required format of a Reform Submission.

The guidelines recommend a format for developing a Reform Submission which is to include a council resolution of the intent in relation to: -

- Amalgamation proposals;
- The proposed number of elected members;
- Details on the appropriate regional group of local governments;
- A completed Local Government Reform Checklist; and
- A timeline for implementation of reform.

The Minister has requested that the checklist be completed and returned to the Steering Committee by 30 April 2009.

- WALGA State Council meet on 4 March to consider the recommendations made by its various zones (North Metropolitan Zone recommendation of 25 February 2009) and resolved as follows: -

“That WALGA:

- 1 lobby all Members of State Parliament seeking a commitment to the Principles and Actions of the Systemic Sustainability Study (SSS) Report and support for a collaborative approach between the State Government, the Department of Local Government and Regional Development, Local Government and the Western Australian Local Government Association to ensure the best possible outcomes for structural reform of the sector;
- 2 commit to expediting the implementation of the recommendations stemming from the SSS report;
- 3 endorse the re-formation of the SSS Taskforce, with the addition of a representative from the North West, to oversee and facilitate a response from the Local Government sector to the State Government reform proposals;
- 4 support Councils throughout the reform process and assist Local Governments in preparing responses to the Minister for Local Government;
- 5 lobby the Minister for Local Government to ensure that any adjustment to Local Government boundaries is based on an appropriate business case that is demonstrated and proven to develop sustainable Local Government;
- 6 advise the Minister that a 6 month period for response is inadequate and that a more realistic timeframe be considered in consultation with WALGA;
- 7 lobby the Minister for Local Government seeking appropriate reimbursement to Councils for costs associated with the preparation of reform submissions;
- 8 advise the Minister for Local Government of WALGA’s commitment to work together with the State Government towards a voluntary reform process; and
- 9 partner with the State Government to develop quantitative guidelines outlining preferred reform models and benchmarks, specifically identifying elected member to resident ratios and Local Authority area and/or population, depending on their specific geographical location within the State.

DETAILS

The Local Government Reform Steering Committee's – Structural Reform Guidelines is divided into five (5) stages, as follows: -

Stage 1 – Agreement on need to reform and partners (March/April 2009)

- Local Governments to complete reform checklist and forward to the Local Government reform Steering Committee by 30 April 2009;
- Local Governments identify and meet with potential partners;
- Local Governments undertake preliminary assessment to confirm amalgamation grouping is appropriate;
- Local Governments to decide on the appropriate combination of Councils;
- Local Governments to consider proposals for a reduction in the number of elected members;
- Local Governments to consider the skill sets for establishing a project team to coordinate the reform process.

Stage 2 – Initial Preparatory Work for Reform Submission

- Establish project team;
- Project team to meet as required;
- Project team to consider preferred amalgamated structure;
- Project team to consider elected member representation;
- Project team to consider local government regional grouping;
- Project team to consider whether State Government financial assistance to assist with facilitation or submission preparation is required;
- Undertake community consultation providing the information from the checklist to assist understanding.

Stage 3 – Preparation of Reform Submission

- Undertake detailed assessment for amalgamation;
- Prepare Reform Submission having regard to:
 - Amalgamation;
 - Elected member representation;
 - Regional grouping
 - Transition timeline

Stage 4 – Council Endorsement

- Councils to resolve to advise the Minister for Local Government of its intention for structural reform in relation to amalgamation, the number of councillors and regional grouping;

Stage 5 – Reform Submission to the Minister for Local Government

- The finalised Reform Submission to be forwarded to the Minister for Local Government. Attached to this will be the council resolution, supporting documentation, including the completed checklist and amalgamation timeline;
- Provide additional information to the Local Government Reform Steering Committee as requested.

Issues and options considered:

The Minister has indicated that the reform is based on Local Governments' voluntarily participating in the process. Based on it being voluntary, the Council has the following options: -

- Agree to undertake a review in accordance with the guidelines distributed; or
- Not agree to undertake a review as requested by the Minister.

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

The Local Government Act 1995 sets out the requirements when a local government wishes to amend its boundaries and elected member representation and the role of the Local Government Advisory Board.

The language used in the guidelines is clearly voluntary. The Minister, through the CEO of the Department of Local Government and Regional Development (the Department), may require the City to provide the information requested in the Stage 1 of the checklist by exercising powers under section 8.2 of the Local Government Act 1995, but to date there is no suggestion that this power has been exercised.

On this basis, there does not appear any statutory obligation to complete and return the Local Government Reform Checklist, as requested in stage 1 of the guidelines, or to complete the tasks leading to the submission of a Reform Submission.

Risk Management considerations:

There are a number of risks involved if the Council does not comply with the guidelines: -

- The CEO of the Department may request various information in accordance with section 8.2 of the Local Government Act 1995;
- Other Local Governments may undertake a review which may impact on the City of Joondalup without it being involved in the process.
- The State Government may through legislation undertake structural reform of local government.

Legal action circulating within the industry has cautioned local governments if they choose not to undertake a review.

Financial/Budget Implications:

There are no specific budgetary funds to undertake the review, nor for any boundary adjustments. A major concern expressed by WALGA is the issue relating to who is responsible for the costs associated with any structural reform.

Policy Implications:

Not Applicable.

Regional Significance:

Structural reform has significant implications for the region.

Sustainability Implications:

It has been acknowledged through the industry via the SSS Report that the current structure of local government needs to be reviewed to ensure it is sustainable.

Consultation:

The guidelines provide an overview of how the Council may consult with the community. At the checklist stage it is not anticipated that consultation take place with the community.

COMMENT

The first step in the process is for the City of Joondalup to complete the Reform Checklist. An initial review of the checklist indicates that the City of Joondalup would respond most favourably to a vast majority of the questions.

Internally, a working group of employees have been established to work through the City of Joondalup's response to the checklist, which will form a report to the Council at its April 2009 meeting, prior to submitting to the Reform Steering Committee.

At the elected representative level, the matter relating to local government reform will continue to be a primary item of discussion at WALGA North Metropolitan Zone meetings.

ATTACHMENTS

Attachment 1	Local Government Reform Steering Committee Bulletin No. 1 - 2009
Attachment 2	Local Government Reform Steering Committee Bulletin No. 2 – 2009
Attachment 3	Local Government Reform Steering Committee – Structural Reform Guidelines

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 NOTES the progress report relating to Local Government Reform Strategies;
- 2 REQUESTS that the Local Government Reform Checklist be submitted for consideration at the April 2009 Council meeting prior to forwarding to the Local Government Reform Steering Committee.

MOVED Cr Fishwick, SECONDED Cr Young that Council:

- 1 **NOTES the progress report relating to Local Government Reform Strategies;**
- 2 **REQUESTS that the Local Government Reform Checklist be submitted for consideration at the April 2009 Council meeting prior to forwarding to the Local Government Reform Steering Committee;**

- 3 REQUESTS that the CEO ascertains the views of other local governments and WALGA, in mounting a campaign to highlight the contribution of various government departments and agencies in adding to the delay in processing applications for various development approvals.**

Discussion ensued

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

Appendix 29 refers

To access this attachment on electronic document, click here: [Attach29agn170309.pdf](#)

C15-03/09 CONSIDERATION TO CHANGE ORDER OF BUSINESS - [02154]

MOVED Cr Young, SECONDED Cr Amphlett that in accordance with Clause 14(4) of the City's Standing Orders Local Law 2005, Item CJ075-03/09 - Minutes of the Chief Executive Officer - Performance Review Committee Meetings held on 2 February 2009 and 9 March 2009 be considered after the Notice of Motions .

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Disclosure of interest affecting impartiality

Name/Position	Cr Brian Corr
Item No/Subject	C16-03/09 - Notice of Motion No 1 – Cr Brian Corr – Establishment of Business Development and Support Advisory Committee
Nature of interest	Interest that may affect impartiality
Extent of Interest	A company, owned by Cr Corr and his wife, is a member of the Joondalup Business Association.

C16-03/09 NOTICE OF MOTION NO 1 - CR BRIAN CORR - ESTABLISHMENT OF A BUSINESS DEVELOPMENT AND SUPPORT ADVISORY COMMITTEE - [78624]

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 17 March 2009:

“That Council REQUESTS the CEO to prepare a report on the establishment of a Business Development and Support Advisory Committee consisting of business representatives and Elected Members to provide advice to Council on ways of helping and supporting the business community within the City of Joondalup.”

Reason for Motion

Cr Corr submitted the following comments in support of his Notice of Motion:

“The City of Joondalup has a large business community, some of it visible (eg shopping centres, industrial areas) and some not so visible (eg trades-people working from home). These businesses are spread right across the City, from Warwick in the south to Burns Beach in the north.

The benefits of helping to develop and support local businesses could be immense:

- People working closer to home;
- Less travelling on trains and roads;
- Fuel and energy saving;
- More money in the local economy;
- A larger local payroll;
- More profits staying with local owners;
- Greater interaction amongst local businesses;
- More employment of local workers;
- Economic vitality of the community;
- Less stress leading to better health.

One outcome could be a “Buy Local” campaign as each additional dollar that circulates locally boosts economic activity and employment. This is just one of the many areas that a “Business Development and Support Advisory Committee” could evaluate with advice to Council.”

Officer’s comment

A report can be prepared.

MOVED Cr Corr, SECONDED Cr Norman that Council REQUESTS the CEO to prepare a report on the establishment of a Business Development and Support Advisory Committee consisting of business representatives and Elected Members to provide advice to Council on ways of helping and supporting the business community within the City of Joondalup.

C17-03/09 EXTENSION OF TIME TO SPEAK – [29610]

MOVED Cr Fishwick, SECONDED Cr Norman that Cr Corr be permitted to speak for a further five (5) minutes.

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

Discussion ensued

The Motion as MOVED Cr Corr SECONDED Cr Norman was Put and

TIED (5/5)

In favour of the Motion: Mayor Pickard, Crs Corr, Fishwick, Macdonald, Norman and Crs Amphlett, Diaz, Hollywood, McLean and Young **Against the Motion:**

There being an equal number of votes, the Presiding Person exercised his casting vote and declared the Motion **CARRIED**

C18-03/09 NOTICE OF MOTION NO 2 – CR RUSS FISHWICK – GRAFFITI REMOVAL – [13845, 78624]

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr Russ Fishwick has given notice of his intention to move the following motion at the Council Meeting to be held on Tuesday, 17 March 2009:

“That Council requests a report from the Chief Executive Officer on:

- 1 *REQUESTING WALGA to develop a position for Local Government as an Association to assist local governments to recover the costs of graffiti removal from graffiti vandals;***
- 2 *SEEKING State Government support on:***
 - (a) reducing graffiti vandalism by prohibiting the sale of aerosol paint cans to persons under the age of 25 years and requiring vendors to maintain a register of aerosol paint can sales by recording details of the purchaser from their drivers licence and other relevant identification documentation; and***
 - (b) trialling a scheme of utilising young graffiti offenders to clean-up graffiti and also connect them with services in the community that could provide positive diversions such as the City’s Youth programs;***
- 3 *SEEKING Federal Government support by prohibiting the importation and sale of aerosol paint cans that have been specifically developed for graffiti vandalism.”***

Reason for motion

Cr Fishwick has submitted the following comments in support of his Notice of Motion:

“The treatment and penalties handed down by the judiciary to graffiti vandals is not acting as a deterrent to prevent this crime. I support the view that perpetrators should be punished more severely than a rap over the knuckles.

Weak punishments are an invitation to graffiti vandals to continue scarring suburbs with spray paint.

The Bayswater and Stirling Councils intend to take civic action and I believe that the City of Joondalup should seek WALGA’s support to investigate this punitive option.

The cost to the Council in removing graffiti over the last five years amounts to \$1.525 million which could have been used to improve infrastructure, provide playgrounds and community facilities.

Tasmania, New South Wales, Victoria and the South Australian State Governments have all regulated aerosol paint sales. I would also urge our State Government to follow suit. I would also urge the Federal Government to prohibit the importation and sale of aerosol paint cans that have been specifically developed for graffiti vandalism which are advertised on the internet.

I also consider that a program should be developed of utilising young graffiti offenders to clean-up graffiti and also connect them with services in the community that could provide positive diversions such as the City's Youth programs."

Officer's comment

A report can be prepared.

MOVED Cr Fishwick, SECONDED Cr McLean that Council REQUESTS a Report from the Chief Executive Officer on:

- 1 REQUESTING WALGA to develop a position for Local Government as an Association to assist local governments to recover the costs of graffiti removal from graffiti vandals;**
- 2 SEEKING State Government support on:**
 - (a) reducing graffiti vandalism by prohibiting the sale of aerosol paint cans to persons under the age of 25 years and requiring vendors to maintain a register of aerosol paint can sales by recording details of the purchaser from their drivers licence and other relevant identification documentation; and**
 - (b) trialling a scheme of utilising young graffiti offenders to clean-up graffiti and also connect them with services in the community that could provide positive diversions such as the City's Youth programs;**
- 3 SEEKING Federal Government support by prohibiting the importation and sale of aerosol paint cans that have been specifically developed for graffiti vandalism.**

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

C19-03/09

NOTICE OF MOTION NO 3 – CR MARIE MACDONALD – A CALL FOR THE CITY TO IMPLEMENT ITS LOCAL LAWS AND BAN KITE SURFING ON MULLALOO BEACH NORTH OF THE SURF CLUB

This Item was considered earlier in the meeting following Petitions Page 15 refers.

Disclosure of Financial Interest

Name/Position	Mr Garry Hunt, Chief Executive Officer
Item No/Subject	CJ075-03/09 - Minutes of the Chief Executive Officer Performance Review Committee Meetings held on 2 February 2009 and 9 March 2009 - (Item 1 – Chief Executive Officer – New Contract of Employment)
Nature of interest	Financial
Extent of Interest	Mr Hunt is the Chief Executive Officer

Disclosure of Interest affecting impartiality

Name/Position	Mr Mike Tidy – Director, Corporate Services
Item No/Subject	CJ075-03/09 - Minutes of the Chief Executive Officer Performance Review Committee Meetings held on 2 February 2009 and 9 March 2009 - (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 his employment relationship with the CEO

The Chief Executive Officer left the Chamber, the time being 2251 hrs.

C20-03/09 MOTION TO GO BEHIND CLOSED DOORS - [02154] [29610]

MOVED Cr Young, **SECONDED** Cr Hollywood that in accordance with section 5.23 of the Local Government 1995 and clause 67 of the City of Joondalup's Standing Orders Local Law 2005 this Meeting of the Council sit behind closed doors to consider Item CJ075-03/09 – Confidential Report – Minutes of the Chief Executive Officer – Performance Review Committee Meetings held on 2 February 2009 and 9 March 2009 – [51567], with the following employees and persons being in attendance:

- Director Corporate Services – Mr Mike Tidy
- Administrative Services Coordinator - Mrs Janet Foster

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Macdonald, McLean, Norman and Young

Members of staff (with the exception of Director Corporate Services, and Administrative Services Coordinator) and members of the public and press left the Chamber at this point, the time being 2251hrs.

CJ075-03/09 MINUTES OF THE CHIEF EXECUTIVE OFFICER - PERFORMANCE REVIEW COMMITTEE MEETINGS HELD ON 2 FEBRUARY 2009 AND 9 MARCH 2009 - [51567]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

This Item is Confidential – Not for Publication

A full report was provided to Elected Members under separate cover.

MOVED Cr Fishwick, SECONDED Mayor Pickard that Council:

- 1 NOTES the confirmed minutes of the Chief Executive Officer Performance Review Committee meetings held on 2 February 2009, forming Attachment 1 to Report CJ075-03/09 appended hereto in the official Minute Book;**
- 2 NOTES the unconfirmed minutes of the Chief Executive Officer Performance Review Committee meetings held on 9 March 2009, forming Attachment 2 to Report CJ075-03/09 appended hereto in the official Minute Book;**
- 3 Is SATISFIED, in accordance with the requirements of the Local Government Act S5.36(2)(b) with the provisions of the new proposed contract of employment with the CEO as set out in Attachment 3 to Report CJ075-03/09 (marked Confidential) appended hereto in the official Minute Book;**
- 4 RE-APPOINTS Garry George Hunt as CEO of the City of Joondalup on the contract of employment referred to in 3 above for a term of five (5) years commencing 18 March 2009;**
- 5 AUTHORISES the Mayor and Director of Corporate Services to prepare and execute the necessary documents to give effect to the re-appointment in 4 above.**

The Motion was Put and

CARRIED (9/1)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, McLean, Norman and Young **Against the Motion:** Cr Macdonald

Appendix 32 refers - Confidential - as appended hereto in the Official Minute Book

C21-03/09**MEETING TO GO TO OPEN DOORS - [29610] [02154]**

MOVED Cr Hollywood, **SECONDED** Cr Amphlett that in accordance with clause 67 of the City of Joondalup's Standing Orders Local Law 2005, the Meeting of Council be held with open doors, the time being 2258 hrs.

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, McLean, Norman and Young **Against the Motion:** Cs Macdonald

Members of staff entered the Chamber at 2259 hrs. No members of the public or press were present.

In accordance with the City's Standing Orders Local Law 2005, Mayor Pickard read aloud the motion in relation to Item CJ075-03/09 – Confidential Report – Minutes of the Chief Executive Officer – Performance Review Committee Meetings held on 2 February 2009 and 9 March 2009.

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2300 hrs; the following Elected Members being present at that time:

MAYOR T PICKARD
Cr K HOLLYWOOD
Cr T McLEAN
Cr T YOUNG
Cr M MACDONALD
Cr G AMPHLETT
Cr B CORR
Cr M NORMAN
Cr R FISHWICK
Cr F DIAZ