

## Agenda Briefing Session

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

**ON** **TUESDAY 11 AUGUST 2009**  
**COMMENCING AT** **6.30 pm**

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**PUBLIC QUESTION TIME** Members of the public are requested to lodge questions in writing by close of business on **Monday, 10 August 2009.**

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

**QUESTIONS TO** [council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)  
PO Box 21 Joondalup WA 6919

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## BRIEFING SESSIONS

The following procedures for the conduct of Briefing Sessions were adopted at the Council meeting held on 17 March 2009:

### INTRODUCTION

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

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

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

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

### PURPOSE OF BRIEFING SESSIONS

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

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

### PROCEDURES FOR BRIEFING SESSIONS

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

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

- 4 The Mayor is to be the Presiding Member at Briefing Sessions. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable or unwilling, those Elected Members present may select one from amongst themselves to preside at the Briefing Session.
- 5 There is to be no debate amongst Elected Members on any matters raised during the Briefing Session;
- 6 Relevant employees of the City will be available to make a presentation or respond to questions on matters listed on the agenda for the Briefing Session;
- 7 All Elected Members will be given a fair and equal opportunity to participate in the Briefing Session;
- 8 The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered;
- 9 Elected Members, employees and relevant consultants shall disclose their interests on any matter listed for the Briefing Sessions. When disclosing an interest the following is suggested:
  - (a) Interests are to be disclosed in accordance with the provisions of the Local Government Act 1995 and the City's Code of Conduct.
  - (b) Elected Members disclosing a financial interest will not participate in that part of the Session relating to the matter to which their interest applies and shall depart the room;
  - (c) Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered.
- 10 Elected Members have the opportunity to request matters to be included on the agenda for consideration at a future Briefing Session at Item 10 on the Briefing Session agenda.
- 11 A record shall be kept of all Briefing Sessions. As no decisions are made at a Briefing Session, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all Elected Members.
- 12 Members of the public may make a deputation to a Briefing Session by making a written request to the Mayor by 4pm on the working day immediately prior to the scheduled Briefing Session. Deputations must relate to matters listed on the agenda of the Briefing Session.
- 13 Other requirements for deputations are to be in accordance with the Standing Orders Local Law where it refers to the management of deputations.

## **PROCEDURES FOR PUBLIC QUESTION TIME**

The following procedures for the conduct of Public Question Time were adopted at the Council meeting held on 17 March 2009:

### **Questions asked verbally**

- 1 Members of the public are invited to ask questions at Briefing Sessions. Questions asked at a Briefing Session must relate to a matter contained on the agenda.
- 2 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 3 Public question time will be limited to two minutes per member of the public, with a limit of two verbal questions per member of the public.
- 4 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 5 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 6 Public question time will be limited to the legislative minimum of 15 minutes. Public question time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of ten minutes, but the total time allocated for public question time is not to exceed thirty five (35) minutes in total.
- 7 Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:
  - accept or reject any question and his/her decision is final;
  - nominate a member of the Council and/or City employee to respond to the question;
  - take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next briefing session.
- 8 Where an Elected Member is of the opinion that a member of the public is:
  - asking a question at a Briefing session that is not relevant to a matter listed on the agenda, or;
  - making a statement during public question time;they may bring it to the attention of the Presiding Member who will make a ruling
- 9 Questions and any response will be summarised and included in the notes of the Briefing Session.

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

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

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

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

#### **DISCLAIMER**

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

## **PROCEDURES FOR PUBLIC STATEMENT TIME**

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

- 1 Members of the public are invited to make statements at Briefing Sessions. Statements made at a Briefing Session must relate to a matter contained on the agenda.
- 2 A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 3 Public statement time will be limited to two minutes per member of the public.
- 4 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- 5 Public statement time will be limited to a maximum of 15 minutes. Public statement time is declared closed following the 15 minute allocated time period, or earlier if there are no further statements.
- 6 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 7 Where an Elected Member is of the opinion that a member of the public is making a statement at a Briefing session, that is not relevant to a matter listed on the draft agenda, they may bring it to the attention of the Presiding Member who will make a ruling.
- 8 A member of the public attending a Briefing Session may present a written statement rather than making the Statement verbally if he or she so wishes.
- 9 Statements will be summarised and included in the notes of the Briefing Session.

## **DEPUTATION SESSIONS**

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

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

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

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

[Additional Information 110809.pdf](#)

## CITY OF JOONDALUP – BRIEFING SESSION

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on  
**TUESDAY, 11 AUGUST 2009** commencing at **6.30 pm**

### **ORDER OF BUSINESS**

#### **1 OPEN AND WELCOME**

#### **2 DEPUTATIONS**

#### **3 PUBLIC QUESTION TIME**

#### **4 PUBLIC STATEMENT TIME**

#### **5 APOLOGIES AND LEAVE OF ABSENCE**

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

|                    |                                    |
|--------------------|------------------------------------|
| Cr Marie Macdonald | 31 July – 25 August 2009 inclusive |
| Cr Sue Hart        | 11 – 25 August 2009 inclusive      |
| Cr Brian Corr      | 18 – 23 August 2009 inclusive      |

##### **REQUEST FOR LEAVE OF ABSENCE – CR TOM McLEAN – [78624]**

Cr Tom McLean has requested Leave of Absence from Council duties covering the period 18 - 24 August 2009 inclusive.

##### **RECOMMENDATION**

**That Council APPROVES the Request for Leave of Absence from Council duties from Cr Tom McLean for the period 18 – 24 August 2009 inclusive.**

#### **6 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY**

##### **Disclosure of Financial Interests**

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

Employees are able to continue to provide advice to the Council in the decision making process if they have disclosed their interest.

|                           |   |
|---------------------------|---|
| <b>Name/Position</b>      | <b>Mr Garry Hunt , Chief Executive Officer</b>  |
| <b>Item No/Subject</b>    | Item 19 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 14 July 2009. |
| <b>Nature of interest</b> | Financial Interest  |
| <b>Extent of Interest</b> | Mr Hunt holds the position of Chief Executive Officer   |

#### **Disclosure of interest affecting impartiality**

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

|                           |   |
|---------------------------|---|
| <b>Name/Position</b>      | <b>Mr Mike Tidy, Director Corporate Services</b>  |
| <b>Item No/Subject</b>    | Item 19 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 14 July 2009. |
| <b>Nature of interest</b> | Interest that may affect impartiality   |
| <b>Extent of Interest</b> | Due to the nature of Mr Tidy's employment relationship with the Chief Executive Officer.                    |

## **7 REPORTS**

**ITEM 1 PETITION – OPERATION OF A CHILD CARE CENTRE ADJACENT TO A SERVICE STATION AT LOT 655 (255) EDDYSTONE AVENUE, BELDON****WARD:** Central**RESPONSIBLE DIRECTOR:** Mr Clayton Higham  
Planning & Development - Acting**FILE NUMBER:** 36418**ATTACHMENTS:** Nil.**PURPOSE**

To consider a 23 signature petition requesting further information regarding the operation of a Child Care Centre located adjacent to a Service Station at 255 Eddystone Avenue, Beldon.

**EXECUTIVE SUMMARY**

At its meeting held on 16 June 2009, Council received a petition signed by 23 persons, stating their concern in relation to the approved operation of a Child Care Centre adjacent to a Service Station. Information has also been requested relating to any investigation undertaken at the time of approval to determine the appropriateness of the two aforementioned uses adjoining each other.

The City received a development application on 16 June 2006 for a proposed change in use from a Community Centre to a Child Care Centre. As part of the processing of the development application, the proposal was referred to the Department of Commerce – Dangerous Goods Safety Branch for comment. This referral was in response to the proximity of the Child Care Centre to the Service Station. Discussions were also held at this time with the owners and operators of the Service Station in regard to the location of the underground fuel tank on site relative to the Child Care Centre. As a result, the Department of Commerce placed a Licence Condition on the Service Station that restricts filling of the underground tank to hours outside the operating hours of the Child Care Centre. As a result, the Department of Commerce stated that they had no objection to the Child Care Centre receiving development approval from the City, which was then granted on 27 November 2006.

It is considered that appropriate procedures have been followed in the determination of the application and the imposed Licence Conditions placed on the Service Station are appropriate to ensure compatibility and safety of the adjoining uses.

It is recommended that Council notes receipt of the petition and advises all signatories in writing that their concerns were appropriately addressed at the time of determining the application.

## BACKGROUND

|                         |                              |
|-------------------------|------------------------------|
| <b>Suburb/Location:</b> | 255 Eddystone Avenue, Beldon |
| <b>Applicant:</b>       | N/A                          |
| <b>Owner:</b>           | N/A                          |
| <b>Zoning: DPS:</b>     | Residential                  |
| <b>MRS:</b>             | Urban                        |
| <b>Site Area:</b>       | 2465.92m <sup>2</sup>        |
| <b>Structure Plan:</b>  | N/A                          |

An application for a proposed change in use from a Community Centre to a Child Care Centre was received by the City on 16 June 2006. The application was approved by Council at its 21 November 2006 meeting.

The proposal was advertised for public comment for a period of 21 days from 18 July to 7 August 2006. A sign was placed on site and an advertisement inviting public comment was placed in the local newspaper. Four submissions and a petition signed by 62 people were received in support of the application. In objection to the proposal, the City received five submissions and a petition signed by 25 people. Two objections were later withdrawn.

The application was also referred to the Department of Commerce (formerly known as the Department of Consumer and Employment Protection). The Department of Commerce reviewed the proposal in relation to the *Explosives and Dangerous Goods (Dangerous Goods Handling and Storage) Regulations 1992*, and as a result, placed a Licence Condition on the Service Station that restricted filling of the fuel tank on site to times outside the operating hours of the Child Care Centre.

Following approval of the application, the City wrote to all submitters to advise the outcome of the application and the inclusion of the aforementioned Licence Conditions to the operation of the Service Station.

## DETAILS

The approval provides for the operation of the Child Care Centre with a maximum of (62) children and twelve (12) staff.

The approved operating hours of the Child Care Centre are from 7.00am to 6.00pm Monday to Friday. The Licence Conditions imposed on the adjoining Service Station restrict filling of the fuel tank to between the hours of 6pm and 7pm Monday to Friday, and between the hours of 8am and 6pm on a Saturday.

The site is zoned Residential and Clause 3.4 of the District Planning Scheme No. 2 states that the Residential Zone is intended primarily for residential development in an environment where high standards of amenity and safety predominate to ensure the health and welfare of the population. It also provides for certain cultural and recreational development to occur where Council considers the same to be appropriate in residential neighbourhoods within the Residential Zone.

The proposed development was considered to provide an important community facility for the surrounding area, as well generating employment opportunities for local people.

The City has a policy relating to Child Care Centres (policy 3-1) which states that, where possible, it is preferable to locate Child Care Centres adjacent to non-residential uses such as shopping centres, medical centres, school sites, and community purpose buildings in order to minimise the impact of a Child Care Centre on the amenity of the Residential Area. The Child Care Centre is located adjacent to a Service Station, Medical Centre and Shopping Centre, and was considered to meet the intent of the Policy in this regard.

**Issues and options considered:**

Not Applicable.

**Legislation/Strategic Plan/Policy Implications**

**Legislation** Not Applicable.

**Strategic Plan**

**Key Focus Area:** Not Applicable.

**Objective:** Not Applicable.

**Policy** Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

It is considered that appropriate procedures were followed at the time the application for planning approval was assessed. The application was appropriately advertised to members of the public and a referral was made to the relevant government body in relation to the proximity of the Child Care Centre and Service Station.

The aforementioned Licence Conditions imposed by the Department of Commerce are a practical solution that achieves an appropriate safety level, which has received the endorsement of the Department of Commerce.

## **VOTING REQUIREMENTS**

Simple majority.

## **RECOMMENDATION**

**That in relation to the petition requesting further information regarding the operation of a Child Care Centre located adjacent to a Service Station at 255 Edystone Avenue, Beldon, Council ADVISES all signatories to the petition that their concerns were appropriately addressed at the time of determining the application, including receiving written advice from the then Department of Consumer and Employment Protection – Dangerous Goods Safety Branch that no objection was raised to the child care centre.**

**ITEM 2            MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT DEVELOPMENT, CODE VARIATIONS AND SUBDIVISION APPLICATIONS JUNE 2009****WARD:** All**RESPONSIBLE DIRECTOR:** Mr. Clayton Higham  
Planning & Development - Acting**FILE NUMBER:** 07032 05961**ATTACHMENTS:** Attachment 1 June 2009 – Decisions Planning Applications (Development Applications & R-Codes Variations)  
Attachment 2 June 2009 – Decisions Building Applications (R-Codes Variations)  
Attachment 3 June 2009 - Subdivision Applications Processed**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, R-codes variations 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.

This report identifies:

- 1        Planning Applications (Development Applications and Residential Design Codes Variations);
- 2        Building Applications (Residential Design Codes Variations); and
- 3        Subdivision Applications

determined by those staff members with Delegated Authority powers during June 2009. (see Attachments 1, 2 and 3 respectively to this Report).

**BACKGROUND**

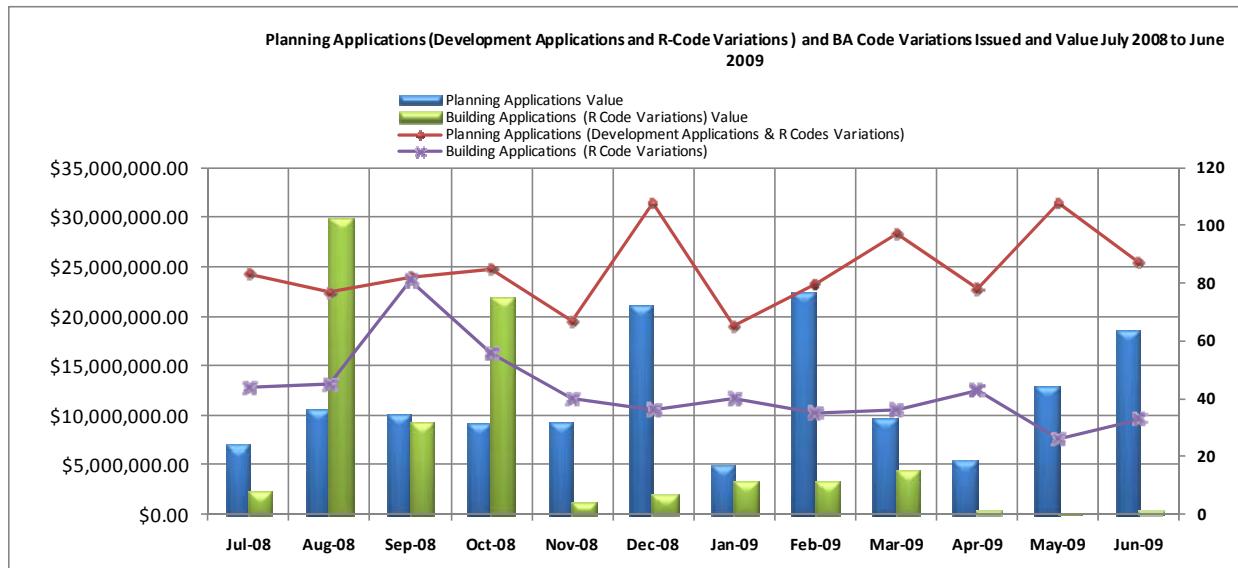
The District Planning Scheme No 2 requires that delegation be reviewed 2 yearly, unless a greater or lesser period is specified by Council. Council, at its meeting of 16 June 2009 considered and adopted the most recent Town Planning Delegation for the period to 16 June 2011.

## DETAILS

The number of applications determined under delegated authority for the period of June 2009 are shown below:

| <b>Approvals Determined Under Delegated Authority – June 2009</b>     |               |                      |
|---|---------------|----------------------|
| <b>Type of Approval</b>   | <b>Number</b> | <b>Value (\$)</b>    |
| Planning Applications (Development Applications & R-Codes Variations) | 89            | \$ 16,357,898        |
| Building Applications (R-Codes Variations)                            | 33            | \$ 404,154           |
| <b>TOTAL</b>  | <b>122</b>    | <b>\$ 16,762,052</b> |

The number of development applications received during the period for June 2009 was 118. (This figure does not include any applications that may become the subject of an R-Code Variation as part of the Building Licence process).



| <b>Subdivision Approvals Processed Under Delegated Authority<br/>From 1 June to 30 June 2009</b> |               |                           |
|--|---------------|---------------------------|
| <b>Type of Approval</b>  | <b>Number</b> | <b>Potential new Lots</b> |
| Subdivision Applications   | 2             | 2                         |
| Strata Subdivision Applications  | 4             | 9                         |

The above subdivision applications may include amalgamation and boundary realignments which may not result in any additional lots.

**Legislation/Strategic Plan/Policy Implications**

**Legislation** 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.

**Strategic Plan**

Key Focus Area: The Built Environment

Objective: 4.1.3 Give timely and thorough considerations to applications for statutory approval.

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

**Policy**

As above

**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

**Regional Significance:**

Not applicable

**Sustainability implications:**

Not applicable

**Consultation:**

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

Of the 89 development applications determined during June 2009, consultation was undertaken for 46 of those applications. Applications for Residential Design Codes Variations determined as part of Building Applications are required to include comments from adjoining landowners. Where these comments are not provided, the application will become the subject of a planning application (R-Codes Variation). Of the 6 subdivision applications determined during June 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.

**VOTING REQUIREMENTS**

Simple Majority

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

- 1      **The determinations made under Delegated Authority        in relation to the development applications and R-Codes variations described in this Report during June 2009;**
  
- 2      **The determinations made under Delegated Authority        in relation to the subdivision applications described in this Report during June 2009.**

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf110809.pdf](#)*

**ITEM 3 REQUESTED AMENDMENT TO DISTRICT PLANNING SCHEME NO 2 LOT 535 (20) BURRAGAH WAY, DUNCRAIG – ADDITIONAL USE, MEDICAL CENTRE****WARD:** South**RESPONSIBLE DIRECTOR:** Mr. Clayton Higham  
Planning & Development - Acting**FILE NUMBER:** 86629**ATTACHMENTS:** Attachment 1 Location and aerial plans**PURPOSE**

The purpose of this report is for Council to consider a request to initiate an amendment to the District Planning Scheme 2 (DPS2).

**EXECUTIVE SUMMARY**

Lot 535 (20) Burragah Way, Duncraig, is approved as 'Consulting Rooms' (one health consultant) under (DPS2). A proposal has been received to amend DPS2 to allow the site to be used by two health consultants (physiotherapists), by including 'Medical Centre' as an Additional Use under DPS2.

Although the site is currently used for a consulting room, this is not considered sufficient justification for the conversion to a Medical Centre. The City has recently commenced the review of DPS2, which will include an assessment of the current zoning and land use provisions of land surrounding commercial centres where there are issues with existing Medical Centres and Consulting Rooms. It is considered that a Medical Centre at Burragah Way be examined as part of the scheme review.

It is recommended that Council does not initiate the proposed scheme amendment. In addition, it also recommended that consideration of the zoning and permissible land uses of the site be undertaken during the Scheme review.

**BACKGROUND**

**Suburb/Location:** Lot 535 (20) Burragah Way, Duncraig  
**Applicant:** Burgess Design Group  
**Owner:** New Street Enterprises Pty Ltd  
**Zoning: DPS:** Residential  
**MRS:** Urban  
**Site Area:** 703 m<sup>2</sup>  
**Structure Plan:** Not Applicable

The subject site is located on the corner of Burragah Way and Kariong Circuit, Duncraig (refer Attachment 1). It is opposite the Duncraig Medical Centre, which is adjacent to Duncraig Village. The remaining land surrounding the subject site contains existing residential development.

Lot 535 (20) Burragah Way was approved for Consulting Rooms in January 1998 and has been used by a physiotherapist since that time. One of the conditions of approval was that a maximum of one practitioner may operate from the premises at any one time.

In January 2009, planning approval was granted for the expansion of the car park to incorporate 10 parking bays.

## DETAILS

The owner would like to employ another physiotherapist at the practice, which is not permitted under the current Consulting Rooms use class and approval. This would require a change of use to a Medical Centre which is defined under DPS2 as:

*“.... premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling).”*

However, a Medical Centre is an ‘X’ land use in the Residential Zone, which means that it is not permitted, except where that land use has been listed in Section 1 of Schedule 2 (Additional Uses) of DPS2.

An application has been received to amend DPS2 to include an Additional Use of Medical Centre in Schedule 2 for Lot 535 (20) Burragah Way Duncraig.

In support of the proposal the applicant states:

*“The proposal represents a compatible and appropriate addition to the range of uses that currently exist in the area, complementing the adjacent medical centre.*

*The subject land already accommodates one practicing physiotherapist, with the additional use allowing a second physiotherapist to work on the site to meet local demands.*

*.....the 10 car bays to be provided will be more than adequate for the needs of the practice, and as such the proposal is seen to have little or no impact upon neighbours.”*

## Issues and options considered:

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

- Support the initiation of the proposed amendment for the purpose of public advertising;
- Support the initiation of the proposed amendment, with modification, for the purpose of public advertising; or
- Not support the initiation of the proposed amendment for the purpose of public advertising.

## Legislation/Strategic Plan/Policy Implications

### Legislation

A consulting room is defined under the DPS2 as:

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

Part 5 of the Planning and Development Act enables Local Governments to amend their Local Planning Schemes and sets out the process to be followed.

Should Council support the initiation of the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review is required. Should the EPA decide that an environmental review is not required, upon the City's receipt of written confirmation of this from the EPA, the City advertises the proposed amendment for 42 days.

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

If Council resolves not to initiate the amendment, there is no right of appeal by the applicant.

### **Strategic Plan**

Key Focus Area: The built environment.

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

### **Policy**

Not Applicable

### **Risk Management considerations:**

Not Applicable

### **Financial/Budget Implications:**

Not Applicable

### **Regional Significance:**

Not Applicable

### **Sustainability implications:**

Not Applicable

### **Consultation:**

Should Council initiate the proposed amendment, it is required to be advertised for public comment for a period of 42 days. All adjoining landowners would be notified in writing, a notice placed in the Joondalup Community Newspaper and West Australian newspaper and a sign placed on the site. The proposed amendment would also be displayed on the notice board at the City's administration building and on the City's website.

**COMMENT**

The provision of small consulting rooms (operated by a single health practitioner) in close proximity to medical facilities and commercial centres is common throughout the City, with consulting rooms providing a valuable service to local residents. However, there are potential impacts on nearby residents such as traffic and loss of amenity that need to be carefully considered.

Although the site is currently used for a consulting room, this in itself is not considered sufficient justification for the expansion of the number of practitioners on that site and the conversion to a Medical Centre. An additional health consultant would increase the impact on the neighbouring properties in terms of traffic and may have other impacts that require assessment.

The City has recently commenced the review of DPS2. As part of this review, the suitability of the existing zoning around commercial centres will be examined, particularly in locations where there are known Medical Centres and Consulting Rooms such as Banks Avenue, Hillarys and Coolibah Drive, Greenwood. One of the issues is the intensification of non residential land uses in residential areas, and whether or not this is appropriate. It is therefore recommended that this proposal be examined as part of the larger scheme review.

It is recommended that Council resolve to not support the initiation of the proposed amendment to include Lot 535 (20) Burragah Way Duncraig in Schedule 2 – Section 1 – Additional Use – Medical Centre. It also recommended that consideration of the zoning and permissible land uses of the subject site be undertaken as part of the Scheme Review.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council:**

- 1 RESOLVES not to initiate an Amendment to the City of Joondalup's District Planning Scheme No. 2 to include Lot 535 (20) Burragah Way Duncraig in Schedule 2 – Section 1 – Additional Use – Medical Centre for the purposes of public advertising, pursuant to Part 5 of the Planning and Development Act 2005;**
- 2 NOTES that the zoning and land use permissibility of Lot 535 (20) Burragah Way, Duncraig will be considered as part of the review of the City of Joondalup District Planning Scheme No. 2.**

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf110809.pdf](#)*

**ITEM 4**      **PROPOSED GROUPED DWELLINGS, SHOWROOMS, OFFICES, TAKE AWAY FOOD OUTLETS, CONVENIENCE STORES, RESTAURANTS & SHOP: LOT 5005 (11) CHESAPEAKE WAY, CURRAMBINE**

**WARD:** North

**RESPONSIBLE DIRECTOR:** Mr. Clayton Higham  
Planning & Development - Acting

**FILE NUMBER:** 80612

**ATTACHMENTS:**

|              |   |
|--------------|---|
| Attachment 1 | Aerial Site Plan                                |
| Attachment 2 | Consultation Plan                               |
| Attachment 3 | Commercial Plans                                |
| Attachment 4 | Perspectives                                    |
| Attachment 5 | Materials Schedule for the Commercial Buildings |

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### **PURPOSE**

To request Council's determination of an application for grouped dwellings, showrooms, offices, take away food outlets, convenience stores, restaurants and a shop at Lot 5005 (11) Chesapeake Way, Currambine.

### **EXECUTIVE SUMMARY**

The applicant proposes to construct a one and two storey development consisting of 26 semi detached grouped dwellings, showrooms, offices, take away food outlets, convenience stores, restaurants and a shop on the subject site which is within the Currambine District Centre.

The commercial component of the proposal generally meets the requirements of the Currambine District Centre Structure Plan (CDCSP) and the City of Joondalup District Planning Scheme No.2 (DPS2) with the exception of car parking provision, landscaping provision, and some variations to design criteria of the CDCSP.

The residential component of the proposal generally meets the requirements of the Residential Design Codes (R-Codes) with the exception of minor variations to design elements including street setback, side setback, outdoor living, boundary wall, cone of vision, garage width and driveway width. In addition, some of the dwellings project through the Building Threshold Envelope (BTE) as defined in City Policy 3.2 Height and Scale of Buildings within a Residential Area.

A total of six submissions were received as part of the public consultation process, with five being no objections, and one being an objection. The objection received primarily raised concerns regarding littering from the proposed take away food outlets.

Notwithstanding the variations proposed, the development satisfies the objectives of the CDCSP in relation to design and land use, and the performance criteria of the R-Codes.

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

## BACKGROUND

|                         |   |
|-------------------------|---|
| <b>Suburb/Location:</b> | Lot 5005 (11) Chesapeake Way, Currambine          |
| <b>Applicant:</b>       | Dynamic Planning and Developments                 |
| <b>Owner:</b>           | Claymont Land Pty Ltd                             |
| <b>Zoning: DPS:</b>     | Business  |
| <b>MRS:</b>             | Urban   |
| <b>Site Area:</b>       | 14,053m <sup>2</sup>                              |
| <b>Structure Plan:</b>  | Currambine District Centre Structure Plan (CDCSP) |

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 adjacent to Delamere Avenue immediately to the north of Hobsons Gate and to the east of Chesapeake Way.

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 surrounding land is vacant, however there are several applications that have been submitted to the City and have been previously approved by Council. Of relevance to this proposal is the development of:

- Lot 5003 (14) Hobsons Gate (located to the south of the subject site). An application for Tavern and Shop was approved by Council at its April 2009 meeting; and
- Lot 5006 (24) Delamere Ave (located to the east of the subject site). An application for 63 grouped dwellings was approved by Council at its October 2008 meeting.

To the west of the subject site exists a McDonalds Restaurant, Chicken Treat, and small commercial area which includes a Restaurant, Take Away Coffee Shop, and Office.

## DETAILS

### COMMERCIAL COMPONENT

The applicant proposes to construct a two storey development consisting of 3 detached commercial buildings including:

- Showroom/Office area of 1877m<sup>2</sup>;
- Three Convenience Stores with a total area of 525.5m<sup>2</sup>;
- Take Away Food Outlet of 599.5m<sup>2</sup>;
- Restaurant of 362m<sup>2</sup>; and
- Shop of 200m<sup>2</sup>.

Three convenience stores are proposed and these are intended to accommodate a range of niche gourmet convenience stores focussing on cultural themes such as an Asian Grocer, and European Grocer. The applicant submits that '*... a successful provision of 'cultural' theme convenience stores exist in Northbridge and Myaree*'.

The development plans are provided in attachment 3 to this Report.

The following table summarises the compliance of the commercial component of the proposal with the requirements of the CDCSP and DPS2.

| <b>Standard</b>                    | <b>Required</b>  | <b>Proposed</b>  | <b>Complies</b> |
|------------------------------------|--|--|-----------------|
| Front Setback<br>(Chesapeake Way)  | Nil<br>(Urban Edge)  | Setback up to 3.6m.  | No              |
| Side Setback<br>(Hobsons Gate)     | Nil<br>(Urban Edge)  | Nil  | Yes             |
| Rear Setback<br>(eastern boundary) | Compliance with BCA<br>(Non Urban Edge)                    | Between 30m and 35m  | Yes             |
| Building Height                    | Maximum two storeys  | Two Storeys  | Yes             |
| Landscaping                        | 8%   | 6.9%   | No              |
| Building facades                   | 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 | <ul style="list-style-type: none"> <li>• &gt; 3m Chesapeake Way</li> <li>• 2.2m for internal footpaths</li> <li>• 1m at the rear.</li> </ul> | Yes<br>No       |

### Window Glazing

The CDCSP requires that 70% of the area of the building facades be glazed. The following table summarises the percentage of façade for each building and frontage proposed by the applicant.

|                                    | <b>Building 1<br/>(South)</b> | <b>Building 2<br/>(Middle)</b> | <b>Building 3<br/>(North)</b>          | <b>Average</b> |
|------------------------------------|-------------------------------|--------------------------------|--|----------------|
| <b>Chesapeake Way</b>              | 44.8%                         | 43.7%                          | 45.6%                                  | 44.7%          |
| <b>Hobsons Gate</b>                | 28%                           | N/A                            | N/A                                    | 28%            |
| <b>Internal<br/>(North facing)</b> | 33.2%                         | 31.7%                          | 5.8% (facing future grouped dwellings) | 23.6%          |
| <b>Internal<br/>(South facing)</b> | N/A                           | 31.9%                          | 40.9%                                  | 36.4%          |
| <b>Rear</b>                        | 26.9%                         | 7.1%                           | 26%                                    | 20%            |

The average glazing on the building facades facing Chesapeake Way and Hobsons Gate is 40.5%. The average ground floor glazing on the building facades facing Chesapeake Way and Hobsons Gate is 54.2%.

### **Car Parking:**

| <b>Proposed Use</b>   | <b>Required by DPS2</b> |
|---|-------------------------|
| Showroom/Office (1 per 30m <sup>2</sup> NLA)  | 62.56                   |
| Take Away Food Outlet (7 per 100m <sup>2</sup> NLA for non seating serving areas) 198.6m <sup>2</sup> | 13.9                    |
| Convenience Store (4/100m <sup>2</sup> NLA)   | 21.02                   |
| Restaurant (Greater of 1 per 5m <sup>2</sup> of dining room or 1 per 4 guests)                        | 39.82                   |
| Shop (7/100m <sup>2</sup> NLA)  | 14                      |
| <b>Total Required</b>   | <b>152</b>              |
| <b>Total Provided</b>   | <b>140</b>              |

There is a proposed car parking shortfall of 12 bays over the site which is a shortfall of 7.9%.

### **RESIDENTIAL COMPONENT**

The applicant proposes to construct 26 one and two storey semi detached grouped dwellings as follows:

- each dwelling has three bedrooms and two bathrooms, a courtyard, store room and a double garage;
- six dwellings have direct access off Delamere Avenue;
- one dwelling has direct access off Chesapeake Way;
- the remaining dwellings have access from internal access roads;
- vehicle access to the internal access roads is provided from an access point off Chesapeake Way and via access roads on the previously approved development of the adjoining lot;
- seven visitor car parking bays are located on the eastern side of the site; and
- a 1m wide footpath has been provided along one side of the internal access road.

The residential dwellings which face the north-south accessway and the three dwellings facing Chesapeake Way are designed to cater for the potential accommodation of 'Home Business' uses. Any future home businesses from these dwellings shall be subject to a separate development application if operations are proposed to exceed that of a Home Business Category 1.

The full set of development plans for all 23 units are provided in the Councillors Reading Room.

The development proposal has been assessed in accordance with the Structure Plan, the R-Codes and Policy 3.2 Height and Scale of Buildings within Residential Areas.

## Residential Design Codes Compliance

Compliance with the main requirements of the R-Codes is summarised below:

| Criteria  | R-Code Requirement                                      | Proposed  | Compliance    |
|---|---|---|---------------|
| <u>Site Area</u>  | Minimum 200m <sup>2</sup><br>Average 220m <sup>2</sup>  | Minimum 208m <sup>2</sup><br>Average > 220m <sup>2</sup>  | Yes<br>Yes    |
| <u>Open Space</u>   | 45% lot area is open space.                             | > 45% for all units   | Yes           |
| <u>Primary street setback</u><br>Units 21 – 26 (Delamere Ave)<br>Unit 27 (Chesapeake Way) | Average 4m  | Average > 4m<br>Average 2.2m  | Yes<br>No     |
| <u>Secondary street setback</u><br>Unit 13 (Delamere Ave)                                 | 1m  | 0.85m   | No            |
| <u>Car parking</u><br>Dwellings<br>Visitors bays  | 2 per dwelling<br>5 bays                                | 2 per dwelling<br>7 bays  | Yes<br>Yes    |
| <u>Essential Facilities</u>   | Each dwelling to have a min. 4m <sup>2</sup> store room | Units 2 - 26 have a 4m <sup>2</sup> store room<br><br>Unit 27 has a store room of 3.285m <sup>2</sup> | Yes<br><br>No |

The applicant has requested that Council exercise its discretion and allow variations to the garage width, side setback, boundary wall, driveway width, outdoor living, and cone of vision requirements of the R-Codes. The variations are required to be assessed against the Performance Criteria set out in the R-Codes.

The following table lists the areas of non compliance with the R-Codes:

| Criteria  | R-Code Requirement | Proposed   |
|---|--------------------|------------|
| <u>Side and Rear Boundary Setbacks</u>            |                    |            |
| <u>Unit 2</u><br>North Boundary<br>South Boundary | 1.5m<br>2.5m       | 1m<br>1.8m |
| <u>Unit 3</u><br>South Boundary<br>North Boundary | 1.5m<br>2.5m       | 1m<br>1.8m |
| <u>Unit 4</u><br>North Boundary<br>South Boundary | 1.5m<br>2.5m       | 1m<br>1.8m |
| <u>Unit 5</u><br>South Boundary<br>North Boundary | 1.5m<br>2.5m       | 1m<br>1.8m |
| <u>Unit 6</u><br>North Boundary<br>South Boundary | 1.5m<br>2.5m       | 1m<br>1.8m |

|   |   |   |
|---|---|---|
| <u>Unit 7</u><br>South Boundary<br>North Boundary   | 1.5m<br>2.5m  | 1m<br>1.8m  |
| <u>Unit 27</u><br>East Boundary   | 1.5m  | 1.4m  |
| <u>Outdoor living</u><br>Unit 14<br>Unit 2, 3, 4, 5, 6, 7   | Minimum of 20m <sup>2</sup> &<br>Min. dimension of 4m   | 18.6m <sup>2</sup> provided<br>17.9m <sup>2</sup> provided. Minimum<br>dimension is 3.825m  |
| <u>Cone of vision</u><br><u>Unit 14</u><br>Bedroom 3  | 4.5m  | 1.19m (East)  |
| <u>Unit 27</u><br>Bedroom 1   | 4.5m  | 3m (East)   |
| <u>Unit 3, 5, 7</u><br>Bedroom 1<br>Bedroom 2   | 4.5m<br>4.5m  | 1.8m (North)<br>3m (South)  |
| <u>Unit 2, 4, 6</u><br>Bedroom 1<br>Bedroom 2   | 4.5m<br>4.5m  | 1.8m (South)<br>3.2m (North)  |
| <u>Garage Width</u><br>Unit 21<br>Unit 22<br>Unit 23<br>Unit 24<br>Unit 25<br>Unit 26   | Garage door and its<br>supporting structures are<br>not to occupy more than<br>50% of the frontage on a<br>primary street.  | 57.6%<br>57.6%<br>57.6%<br>57.6%<br>57.6%<br>56%  |
| <u>Driveway Width</u><br>Unit 21<br>Unit 22<br>Unit 23<br>Unit 24<br>Unit 25<br>Unit 26   | Driveways are not to<br>occupy more than 40% of<br>the frontage of a property<br>on a primary street.   | 41.1%<br>52.6%<br>52.6%<br>52.6%<br>52.6%<br>56%  |
| <u>Garage Front Setback</u><br>Unit 27  | Garage setback of 4m.   | 2.5m  |
| <u>Boundary Walls</u><br>Unit 8, 9, 10, 11, 12, 13, 14, 15,<br>16, 17, 18, 19, 20, 21, 22, 23,<br>24, 25, and 26<br><br>Unit 26 | Walls built up to a boundary<br>behind the front setback line<br>for two-thirds the length of<br>the balance of the boundary<br>or where the wall abuts a<br>simultaneously constructed<br>wall of similar or greater<br>dimension. | Boundary walls to more than<br>one side boundary.<br><br>Boundary wall within the front<br>setback area. 3.9m setback<br>in lieu of 4m. |

### **Policy 3.2 Height and Scale of Buildings within Residential Areas**

Units 13, 14, & 27 project through the sides of the Building Threshold Envelope by a maximum of 1 metre. There are no projections through the top of the Building Threshold Envelope.

Council must consider whether the proposed development satisfies the objectives of Policy 3-2 and is therefore appropriate in this regard.

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

Council has the discretion to:

- Approve the application without conditions;
- Approve the application with conditions; or
- Refuse the application.

### **Legislation/Strategic Plan/Policy Implications**

#### **Legislation – Residential Design Codes**

Clause 2.5 of the R-Codes allows for the exercise of discretion, having regard to the provisions of clause 2.5.2 of the R-Codes as follows:

##### *2.5.2 Discretion shall be exercised having regard to the following considerations:*

- (a) *the stated purpose and aims of the Scheme;*
- (b) *the provisions of Parts 2, 3 and 4 of the Codes as appropriate;*
- (c) *the Performance Criterion or Criteria in the context of the R-Coding for the locality that correspond to the relevant provision;*
- (d) *the explanatory text of the Codes that corresponds to the relevant provision;*
- (e) *any Local Planning Strategy incorporated into the Scheme;*
- (f) *the provision of a Local Planning Policy pursuant to the Codes and complying with sub-clause (5) below; and*
- (g) *orderly and proper planning.*

#### **Legislation – District Planning Scheme No.2**

Grouped Dwelling is a “D” (discretionary) use in the Residential Zone. A “D” use means:

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

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

#### **6.8 MATTERS TO BE CONSIDERED BY COUNCIL**

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

- (a) *interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) *any relevant submissions by the applicant;*
- (c) *any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*

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

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

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

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

Clause 4.5 of the DPS2 allows for the development standards of the Scheme and the CDCSP 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.

**Strategic Plan**

Key Focus Area: The Built Environment

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

**Policy** Policy 3.2 – Height and Scale of Building within Residential Areas

*To ensure that all development within a residential area of significant height and scale is given appropriate consideration with due regard to the protection and enhancement of the amenity and streetscape character of the surrounding area.*

**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.

**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 nearby owners were advised in writing, two signs were erected on the road verge adjacent to the site and advertisements were placed in the local newspaper on 9, 16 and 23 April 2009. Advertising closed on 30 April 2009.

A total of six responses were received, being five letters stating no objection, and one letter of objection.

Key issues from the objection received:

- Take Away Food Outlets are the cause of littering in the area which is already a problem; and
- The focus needs to be more on Family Entertainment.

Attachment 2 provides a diagram 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; and
- The Business Zone is intended to accommodate a wider range of uses including entertainment, professional offices, business services and residential.

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 commercial development has an active street frontage on Chesapeake Way and Hobsons Gate, separated by car parking access.

The proposed land uses within the commercial development are considered to be low impact and compatible with one another and the existing and proposed surrounding development of the Currambine District Centre.

The proposed showrooms, offices, restaurants, takeaway food outlets and convenience stores will contribute to the mixture of day and evening commercial, retail and entertainment services.

The residential component of the proposal addresses objective (b) of clause 3.4 of DPS2 by providing the opportunity for grouped dwellings in selected locations so that there is a choice in the type of housing available within the City. In addition, the CDCSP states that Grouped Dwellings shall be one of the predominant land uses in this area.

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 Chesapeake Way frontage. Setbacks to the front lot boundary vary from 2.2m to 3.6m.

It is considered that despite this variation the proposed development still meets the requirement to provide an attractive and interactive frontage to Chesapeake Way. This is done without compromising the compatibility of the development with any future treatment of Chesapeake Way and Hobsons Gate, and the requirement to provide safe and efficient pedestrian facilities.

- Building frontages with less than 70% glazing:

The proposal includes glazing of building frontages of approximately 40.5% 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 CDCSP 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 design change reflects contemporary design and is consistent with other developments approved in the Currambine District Centre and is considered to be appropriate.

In relation to glazing requirements it is considered that 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 internal footpaths are 2.2m wide and the rear footpaths are 1m wide. These variations are considered acceptable given the areas of high pedestrian movement are provided with the 3m footpath width.

- Breaks in the Urban Edge for Vehicle Access are greater than 15m in width and the separation distance between Vehicle Accesses is less than 40m.

All three points of vehicle access for the proposed development exceed the maximum 15 metre width permitted under the CDCSP, namely 23m, 23m and 32m on the western and southern urban edge (respectively). Additionally the two vehicle access points on Chesapeake Way are separated by less than 40m.

The objective of this requirement is to maintain a high quality main street style of development within the district centre.

The larger than planned breaks in the urban edge are a result of the car parking configuration. While the urban edge is somewhat fragmented it is considered that this objective needs to be weighed against the commercial design needs of the development.

On balance it is considered that the design outcome is acceptable, with a combination of hard and soft landscaping between the car parking area and Chesapeake Way providing a consistent interest along this façade.

A screen feature wall is proposed to be constructed along the southern edge of the car parking area to maintain the appearance of a constant façade. The material of the feature wall will match that of the façade of the proposed development.

- 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 both the Chesapeake Way and Hobsons Gate frontage. The landscaping strip provided varies between nil and 2m. This is considered a minor variation and acceptable as:

- The southern edge of the car park (facing Hobsons Gate) is adjacent to a landscaped area on the verge which has a combined width of 4m;
- The western edges of the car park (facing Chesapeake Way) propose soft landscaping between the pedestrian footpath and the car park which varies in width between nil and 2m. A recommended condition of approval is that proposed hard landscaping features be modified to soft landscaping due to the streetscape requirements of the CDCSP. It is recommended that a landscaping plan be requested as part of the building licence to ensure that proposed planting is appropriate in terms of height and species for that area; and
- Chesapeake Way is the main street of the Currumbine District Centre and minimal car parking setbacks to pedestrian footpath and the road way is consistent with the development of main street commercial areas.

It is considered that this variation will not have a significant detrimental impact on the desired main street character of Chesapeake Way and Hobsons Gate and therefore it is recommended that this variation be supported.

- Landscaping Area less than 8% of the Site Area

DPS2 requires that non-residential sites provide a minimum of 8% of the site area as landscaping. The proposed development achieves 6.9% landscaping over the commercial part of the site. This is considered a minor variation and is supported due to the following:

- The commercial buildings have been setback from the front lot boundary on Chesapeake Way to cater for a 3m wide pedestrian footpath;
- A recommended condition of approval is that a shade tree be provided for every four car parking bays on site to provide additional landscaping to that shown on the proposed plans; and
- Landscaping has been provided in sensitive areas to best separate the proposed residential uses with the proposed commercial uses.

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.

### **Design Variation to the Residential Design Codes**

The proposed variations to the R-Codes have been assessed against the relevant Performance Criteria for each variation proposed. This assessment is discussed in detail in the following sections.

Unit 13 secondary street (Chesapeake Way) setback of 0.85m in lieu of 1m;

Unit 27 front setback (Chesapeake Way) of 2.2m (minimum of nil) in lieu of 4m; and

Unit 27 Garage front setback (Chesapeake Way) of 2.5m in lieu of 4m.

Unit 13 and 27 both have street setback variations to Chesapeake Way. Chesapeake Way is considered a secondary street for unit 13 and a primary street for unit 27. The required setback to a primary street under the R40 density code is an average of 4m, and the required setback for a garage is 4.5m. The required setback for a secondary street under the R40 density code is 1m.

Chesapeake Way is to be developed as the main street of the Currambine District Centre. The frontage is considered to be an ‘urban edge’ where high standards of ‘Main Street’ built form are to provide visual amenity and interaction. It is considered that the proposed reduced setbacks are consistent with this requirement. Unit 27 is intended to combine a Home Business with a residential dwelling and provides a nil setback to the truncation on Chesapeake Way to encourage interaction with Chesapeake Way.

The dwellings are a combination of one and two storey dwellings which will provide interest to this frontage. In addition, these buildings have been designed with a modern façade utilising rendered finishes, balconies and diverse architectural materials to provide an attractive streetscape to Chesapeake Way.

Unit 27 has a store room of size 3.285m<sup>2</sup> in lieu of 4m<sup>2</sup>

It is recommended that a condition of approval be that unit 27 is provided with a storeroom with a minimum size of 4m<sup>2</sup> to ensure that the future needs of residents are met.

### Side and Rear Boundary Setbacks

Seven of the proposed grouped dwellings have setback variations to the side and/or rear boundaries. Many of these setback variations are ground floor setback variations where the wall contains a major opening and is therefore required to be setback 1.5 metres, but is setback only 1 metre. If the window was a minor opening it would comply with the setback requirement, however, this is not a good outcome for the future residents of the dwelling as these major openings will allow light and ventilation into the rooms, along with a view of the outside.

The construction of 1.8 metre high boundary fences between dwellings will protect the privacy between adjoining properties and therefore the setback variations will not affect privacy.

It is considered that the proposed setback variations meet the performance criteria of the R-Codes as the reduced setbacks make efficient use of space and privacy is not compromised. The setbacks ensure access to direct sun for the building and adjoining properties. Additionally, the reduced setbacks will not have a significant impact on the amenity of the adjoining properties.

It is considered that the side and rear setback variations will not negatively impact on the future occupiers of the development, and as they are internal, they will not affect the amenity of the surrounding residents or streetscape.

#### Outdoor living

Units 2, 3, 4, 5, 6, 7, and 14 of the proposed development include reductions in the total area of outdoor living and a reduction in the minimum dimension allowable under the acceptable development standards.

All outdoor living areas are capable of use in conjunction with a habitable room of the dwelling and are positioned to be exposed to direct winter sunlight.

It is considered that the outdoor living area of units 2, 3, 4, 5, 6, and 7 can be readily increased in size to the 20m<sup>2</sup> minimum and subsequently it is recommended that a condition of approval be that a minimum 20m<sup>2</sup> area is achieved for each of these dwellings. It is considered that the variation to unit 27 is minor in size and that it is of sufficient size to meet the future needs of the residents.

#### Cone of Vision

Units 2, 3, 4, 5, 6, 7, 14 and 27 of the proposed development include several cone of vision variations from the upper floor bedrooms. The dwellings have been designed so that windows do not directly overlook adjoining outdoor living areas or habitable room windows. In cases where windows could potentially overlook outdoor living areas to some extent, screening has been provided to obstruct views from the dwelling to the outdoor living area.

The remaining cone of vision variations are from the side of the windows at a 45 degree angle to the window and therefore do not directly overlook the adjoining properties. These cone of vision variations are minor and are considered to meet the Performance Criteria as they do not directly overlook habitable space and outdoor living areas of other dwellings.

#### Garage Width

Units 21 to 26 of the proposed development include variations to the allowable width of a garage door and its supporting structure to a primary street. The acceptable development standards of the R Codes allow for up to 50% of the frontage of a dwelling to consist of a garage door and its supporting structure. The proposed variations are between 56% and 57.6%.

All units are provided with a double garage. The R Codes restrict the width of garages to ensure that the resulting streetscape is not dominated by garage doors and that adequate mutual surveillance between a habitable room and the street results.

It is considered that the proposed variations are acceptable as:

- the degree of variation is considered to be minor in size;
- the main frontage of the dwelling is in line with garages to ensure that the dwellings are not hidden from view of the street;
- the modern design and materials of the proposed dwellings ensures that the resulting streetscape will be that which is desired; and
- all units are provided with major opening to the street to provide mutual surveillance opportunities.

### Boundary Walls

All units of the proposed development include boundary walls in order to make effective use of space and to provide additional privacy to all units. The proposed boundary walls of units 6 to 26 are variations to the R-Codes due to the presence of boundary walls on more than one side or rear boundary. All boundary walls meet the R-Codes requirements regarding height and length.

It is considered that the proposed boundary walls are acceptable as they make effective use of space, increase privacy between the dwellings, enhance the amenity of the development by removing the need to have narrow unusable setback spaces, and they will not have a detrimental impact on the amenity of future residents.

Unit 26 includes a boundary wall which is within the front setback area. The boundary wall has a front setback of 3.9m in lieu of 4m. It is considered that this variation is minor and will not have a detrimental impact on the desired streetscape character.

### Driveway Width

The driveway widths of units 21, 22, 23, 24, 25 and 26 exceed 40% of the frontage of the primary street (Delamere Ave). It is considered that the driveway widths can be brought into compliance without significant modification to the design or inconvenience to future residents. The reduced driveway widths will increasingly balance the appearance of soft and hard landscaping at the front of the proposed grouped dwellings on Delamere Avenue.

### **Building Materials**

The applicant has submitted a preliminary materials schedule (attachment 5) which details the specific materials and colours to be used for various aspects of the commercial buildings. The primary construction material is tilt up concrete panel which will be treated externally with a textured acrylic painted finish. The external tilt up panels are combined with feature custom orb cladding, aluminium cladding, steel framed louvres and steel mesh on street and internal frontages to provide a high quality, unique and contemporary finish to the development.

### **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 met by the proposed development:

- Surveillance & Activity Generation

The proposed development combines day and evening activity, which acts as a deterrent for anti-social behaviour. A substantial number of windows overlook Chesapeake Way and Hobsons Gate which will assist in providing natural surveillance and discourage criminal behaviour not only on the subject site but also on properties nearby. It is also possible for a number of future tenants of Restaurants and Takeaway Food Outlets to use footpath areas on Chesapeake Way and Hobsons Gate for alfresco dining (subject to a separate application) which will provide additional surveillance opportunities.

Surveillance to the car parking areas is provided via windows on the rear of the proposed commercial buildings and unobstructed sightlines through the development from Hobsons Gate and Chesapeake Way. There will also be surveillance from some upper floor windows of the grouped dwellings which will further act as a deterrent to anti-social behaviour.

- Lighting

It is recommended that a condition of any approval be that a detailed lighting plan be submitted as part of the building licence application to address sufficient lighting in and around the commercial and residential development.

- Landscaping

Landscaping is proposed throughout the development and it is recommended that a condition of any 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

It is proposed that a visually permeable gate be installed between the northern most commercial building and units 11, 12, and 13 to ensure that this space can not be accessed by unauthorised persons.

The external areas of the proposed development are open in nature and can be adequately observed from the public roads due to unobstructed sightlines reducing the potential for anti-social behaviour to occur.

- Maintenance

It is recommended that a condition of approval be that all walls including the car park area screen wall be treated with non-sacrificial anti graffiti coating to assist in the removing of graffiti if it were to occur.

## **Traffic & Parking**

The proposed development has a car parking shortfall of 12 bays (7.9%) to that required by DPS2. The applicant has submitted a traffic study which considers whether the shortfall proposed is acceptable given the mix of land uses proposed on site. This report is available in the Councillors Reading Room.

The submitted traffic study states that while the proposal does not meet DPS2 parking standards the proposed supply of car parking is adequate. The traffic study states:

- Reciprocal parking will reduce peak car parking demand to approximately 72% of the sum of individual peak demands, thus creating a likely maximum peak demand of 118 bays; and
- The time of peak demand for car parking varies depending on the land use (i.e. office is day time and restaurant is night time)

The landowner has sought as part of this application the construction of angled car parking within the road reserve, at their cost. The applicant has advised that this is to assist creating the main street character of the area as opposed to addressing any possible short fall. This aspiration is reflected in the illustrations attached to this report.

It is considered that providing some car parking in the road reserve may have merit in assisting to creating a main street 'feel'. However, such a request should be considered separately by the Council and not as part of this application.

What is considered fundamental to this application is whether the provision of 140 bays is sufficient to service the development, as opposed to 152 as required by the DPS 2.

The options available to Council are:

1. Determine that the provision of 140 bays is sufficient; or
2. Determine that a short fall does exist and thus require a cash-in-lieu payment for the short fall in car parking.

It is considered that the applicant has adequately demonstrated that the utilisation of parking does change over the course of the day, with peaks at lunch time and between 6pm and 7pm. This consideration of how different land uses work together combined with the reciprocal use of parking demonstrates that 140 bays on-site in lieu of 152 bays is sufficient. Therefore, it is considered that a cash-in-lieu payent is not required.

Three access ways are proposed to the car parking area of the commercial component of the proposed development, one off Hobsons Gate and two off Chesapeake Way. Despite this being inconsistent with the CDCSP indicative concept plan the design provides a safe and efficient flow of vehicles through the site.

### **Subdivision**

The subject land (Lot 5005) and adjoining Lot 5006 are in the same ownership and propose to integrate the internal road network between both lots. A legal agreement will be required to be prepared to facilitate legal pedestrian and vehicle access over both lots if the developer chooses to proceed with the development. The City does not envisage that this will be a problem due to both properties being in the same ownership.

### **Conclusion**

The proposed development complies with the requirements of DPS2, the R-Codes and the CDCSP with the exception of the matters discussed above. It is considered that the design variations to the commercial component of the proposed development should be supported as the proposal meets the objectives for the Currumbine District Centre and the variations requested will not have an adverse impact on the amenity of adjoining or nearby properties, and achieve a good streetscape outcome.

Due to the siting and design of the proposed grouped dwellings within the development, the majority of the variations requested are internal to the development, and meet all the relevant performance criteria of the R-Codes. Additionally the variations and are not considered to have a detrimental impact on the future residents of those dwellings. Variations that affect the external areas of the development also meet the relevant performance criteria and objectives of the CDCSP and DPS2.

The subject site is an appropriate and acceptable location for development of grouped dwellings, showrooms, offices, take away food outlets, convenience stores, restaurants and a shop given its frontage to Chesapeake Way (being the future 'main street' of the Currambine District Centre) and proximity to the existing Currambine residential area and future grouped dwelling development. The development also provides street activity and an appropriate frontage to Delamere Avenue, Chesapeake Way, and Hobsons Gate which reflects the future development of the surrounding area as a commercial and entertainment hub.

The proposed showrooms, offices, take away food outlets, convenience stores, restaurants and shop 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 Council support the requested variations to the CDCSP, DPS2 and R-Codes and that the application be approved, subject to conditions.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council:**

- 1 EXERCISES discretion under Clause 6.1.1 of District Planning Scheme No 2 and under clause 2.5 of the Residential Design Codes Variation 1 and determines that the performance criteria under clause(s) 6.2.1, 6.2.3, 6.2.8, 6.3.1, 6.3.2, 6.4.2, 6.5.4, and 6.8.1 have been met and that the variations listed in the details section of this Report are acceptable in this instance;**
- 2 DETERMINES that the portion of units 13, 14 and 27 exceeding the Building Threshold Envelope as defined in City Policy 3-2 is considered appropriate in this instance;**
- 3 EXERCISES discretion under clause 4.5 of the City of Joondalup District Planning Scheme No.2 and determines that:-**
  - (a) Setbacks up to 3.6m in lieu of nil to the western boundary;**
  - (b) Southern and Western building facade having 40.5 % glazing in lieu of 70%, with windows being 0mm from the ground floor level in lieu of 600mm;**
  - (c) Internal footpaths of between 1m and 3m around the building in lieu of 3m;**
  - (d) Car parking provision of 140 bays in lieu of 152 bays on site;**
  - (e) Accessway width of 23m and 32 m in lieu of 15m and separated by less than 40m;**

**are appropriate in this instance;**

4 APPROVES the application for Planning Approval dated 5 March 2009 and the amended plans received 11 May 2009 and 24 July 2009 submitted by Dynamic Planning and Developments, the applicant on behalf of the owner, Claymont Land Pty Ltd for Grouped Dwellings, Showrooms, Offices, Take Away Food Outlets, Convenience Stores, Restaurants and a Shop on Lot 5005 (1 1) Chesapeake Way, Currumbine, subject to the following conditions:

- (a) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS/NZS 2890.01 2004). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager 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) Visitor car parking bays are to be clearly marked and signposted to the satisfaction of the Manager Planning, Approvals and Environmental Services;
- (c) The driveway/s and crossover/s to be designed and constructed to the satisfaction of the Manager Infrastructure Management before the occupation of the development;
- (d) 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;
- (e) The finished floor levels of the proposed commercial units shall match the verge levels adjacent to the tenancies to the satisfaction of the Manager Planning, Approvals & Environmental Services;
- (f) The lodgin g 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 pu rpose 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 show n on the landscaping plan;
- (g) Landscaping, reticulation and all verge treatments are to be established in accordance with the approved detailed landscaping plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services;
- (h) 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;

- (i) Obscured or reflective glazing shall not be used at ground floor level of the commercial buildings;
- (j) 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;
- (k) All construction works to be contained within property boundaries;
- (l) Any retaining and fill over 500mm shall be subject to a separate development application;
- (m) Any roof mounted or freestanding plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from adjoining streets and public space;
- (n) Fencing shall be installed in accordance with the City's Local Laws prior to the proposed new group shed dwellings being occupied to the satisfaction of the Manager Planning, Approvals and Environmental Services;
- (o) Retaining walls and boundary walls are to be of a clean finish and made good to the satisfaction of the Manager Planning, Approvals & Environmental Services;
- (p) All signage shall be the subject of a separate Development Application;
- (q) A lighting plan detailing all external pole and fixture positions, lux levels and light spillage shall be submitted with the Building Licence Application for the approval of the Manager Planning, Approvals & Environmental Services;
- (r) Lighting shall be installed along all driveways and pedestrian pathways and in all common service areas in accordance with the approved lighting plan prior to the development first being occupied to the satisfaction of the Manager Planning, Approvals & Environmental Services;
- (s) The provision of bicycle parking facilities to be in accordance with the Guide to Traffic Engineering Practice, Austroads Part 14 and the Australian Standard for Offstreet Carparking – Bicycles (AS2890.3-1993) and shall be provided in the location/s marked in red on the approved plans prior to the development first being occupied;
- (t) The car parking area shall be provided with one shade tree for every four bays prior to the development first being occupied. The trees shall be located within tree wells protected from damage by vehicles and maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services;
- (u) The transformer screen wall of unit 21 shall be modified to comply with the requirements of clause 6.2.6 of the Residential Design Codes (Variation 1);

- (v) All ground level facades of the commercial buildings shall be treated with non-sacrificial anti-graffiti coating up to a height of 3m as measured from the adjacent ground level;
- (w) Unit 27 shall be provided with a storeroom with a minimum area of 4m<sup>2</sup>;
- (x) All awnings shall have a minimum clearance of 2.75m;
- (y) The outdoor living area of units 2, 3, 4, 5, 6, and 7 shall be modified to comply with the acceptable development standards of clause 6.4.2 of the Residential Design Codes (Variation 1);
- (z) The driveway of units 21, 22, 23, 24, 25, and 26 shall be reduced in width to comply with clause 6.5.4 of the Residential Design Codes (Variation 1);
- (aa) The hard landscaping features located on Chesapeake Way and marked in red on the approved plans shall be modified to soft landscaping features of minimum width of 1 m to the satisfaction of the Manager Planning, Approvals & Environmental Services;
- (ab) The commercial car parking area is to be maintained and available for use to all users of the development and the general public at all times and is not permitted to be segregated further to that shown on the submitted application; and
- (ac) An easement gross to the benefit of the City over the internal residential roads is to be prepared at the applicants cost (including Council's legal costs) and to the satisfaction of the Manager Planning, Approvals and Environmental Services before the occupation of the development.

5 ADVISES those who made a submission in relation to the application in Part 3 above of Council's decision.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf110809.pdf](#)

**ITEM 5 DRAFT DIRECTIONS 2031 AND DRAFT ACTIVITY CENTRES POLICY****WARD:** All**RESPONSIBLE DIRECTOR:** Mr. Clayton Higham  
Planning and Development - Acting**FILE NUMBER:** 07147**ATTACHMENTS:** Attachment 1 Directions 2031 Spatial Framework Plan  
Attachment 2 Submission – Directions 2031  
Attachment 3 Submission – Activity Centres Policy

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**PURPOSE**

The purpose of this report is to inform Council of two draft documents released by the Western Australian Planning Commission, regarding the future planning for Perth and Peel, and to seek endorsement of submissions on the documents.

**EXECUTIVE SUMMARY**

The State Government, through the Western Australian Planning Commission, has released two strategic documents for public comment, being Directions 2031 (Draft Spatial Framework for Perth and Peel), and Activity Centres for Perth and Peel (Draft State Planning Policy).

Directions 2031 is a high level strategic plan that establishes a vision for future growth of the Perth and Peel regions. The plan builds on the themes identified in Network City, although Directions 2031 is not intended to be a replacement of Network City.

The draft Activity Centres policy provides more detail on the development of the activity centre hierarchy identified in Directions 2031 and will replace the existing Metropolitan Centres Policy.

Draft submissions on both documents have been prepared for Council consideration and endorsement. Generally, the principles outlined in Directions 2031 are supported, in particular the designation of Joondalup City Centre as a Primary Centre is appropriate and fully supported. However, a clear commitment by the State Government is needed to ensure that government priorities are aligned across agencies to enable the delivery of the aspirations of Directions 2031.

**BACKGROUND**Directions 2031

Network City was released in 2004 as the State Government's strategy for guiding the future development of Perth. Network City contains principles and priorities of an inspirational nature aimed at managing urban growth.

Directions 2031 is stated as not a replacement of Network City, but more a successor to 1990 plan for Perth, Metroplan. Directions 2031 does, however, build on the themes identified in Network City.

### Activity Centres for Perth and Peel

Activity Centres for Perth and Peel is a draft State Planning Policy, and will replace the current Metropolitan Centres Policy.

The current Metropolitan Centres Policy establishes a hierarchy of centres primarily based on shopping floorspace, with each level of the hierarchy subject to a shopping floorspace ‘cap’.

In 2001, the City of Joondalup adopted a Centres Strategy (known as Policy 3-3) which aligns with the Metropolitan Centres Strategy.

### **DETAILS**

#### Directions 2031

Directions 2031 is a spatial framework which will guide the growth of Perth and Peel. The spatial map is provided in Attachment 1 to this Report.

The document makes a number of assumptions being:

- A more compact city is desirable,
- We must work with the city we have,
- We must make more efficient use of land and infrastructure,
- We must prioritise land that is already zoned.

Vision: By 2031, Perth and Peel people will have created a world class liveable city; green, vibrant, more compact and accessible with a unique sense of place.

Key Themes:

- A liveable city – Living in or visiting our city should be a safe, comfortable and enjoyable experience.
- A prosperous city – our success as a global city will depend on building on our current prosperity.
- An equitable city – All Western Australians should enjoy a benefits of growth and changes in the city.
- An accessible city – people should be able to easily meet their education, employment, recreation, services and consumer needs within a reasonable distance of their home.
- A green city – We should grow within the constraints placed on us by the environment we live in.
- A responsible city – we have a responsibility to manage urban growth and make the most efficient use of available land and infrastructure.

Three possible growth scenarios are cited in the document, being:

- Linear city – which assumes the continuation of current trends to 2031 or business as usual growth patterns.
- Connected city – which assumes a more balanced distribution of housing, population and employment across the metropolitan area.
- Compact city – which assumes a more intensive redistribution of growth to existing urban areas.

Directions 2031 promotes the ‘Connected City’ model, which recognises that the future growth will be shaped in part by the planning decisions that have already been made, however, will require significant improvement over the next 20 years in targeted infill development and an increase in greenfield residential densities.

The key features of Directions 2031 and the ‘Connected City’ model are:

- Reworking of hierarchy of centres, with Joondalup and Rockingham designated Primary Centres. Yanchep designed a Strategic Regional Centre (previously only a Regional Centre).
- A 50% improvement on current infill housing trends. This translates to a target of 47% of all new dwellings accommodated within existing developed areas or 154,000 of the required 328,000 dwellings.
- An average of 15 dwellings per gross hectare for greenfield housing development (equivalent to approximately R30)
- Increasing employment self sufficiency in the north-west corridor from 47% to 60%.

#### Activity Centres for Perth and Peel

Draft Activity Centres Policy builds on the hierarchy of activity centres established in Directions 2031.

Key Themes:

Features/changes from existing Policy:

- The existing ‘caps’ on shopping floorspace within centres have been removed,
- A new ‘mixed use threshold’ that requires 1 sqm of community or commercial floorspace (other than shop retail) for every 1 sqm of shopping floorspace proposed above 15,000 sqm of shop floorspace,
- Local Governments (not landowners) are required to prepare Centre Plans for Primary and Regional Centres. Landowners may prepare Centre Plans for District Centres.
- Housing targets for Activity Centres through the provision of appropriate R-codings.
- Regional Centres now make reference to Department Stores (not just discount department stores)

The responsible authority should not support rezoning or development proposals which are deemed likely to:

- Undermine the established and/or planned activity centre hierarchy
- Result in a deterioration on the level of service to the local community or undermine public investments in infrastructure and services; or
- Unreasonably affect the amenity of the locality in terms of traffic or similar impacts.

#### Local Planning Strategy and Local Housing Strategy

A draft Local Planning Strategy for the City of Joondalup was considered by Council in August 2008. The draft LPS sets the strategic urban planning direction for the development of the City for the next 5-10 years, and is required to consider the relevant state level of planning direction.

The draft LPS is currently awaiting consent to advertise from the Department of Planning. Following public advertising, the draft document will be reviewed to ensure appropriate reference is made to Directions 2031.

A draft Local Housing Strategy is currently being prepared. The LHS will be an important document in setting the framework to achieve the stated aims of Directions 2031, in the event that Directions 2031 is adopted as government policy.

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

Council has the option to:

- Endorse the submissions on Directions 2031 and the Activity Centres Policy and forward to the Department of Planning,
- Modify the submission, and forward to the Department of Planning
- Not forward a submission to the Department of Planning.

#### **Legislation/Strategic Plan/Policy Implications**

**Legislation** Directions 2031 is to be adopted by Government as the strategic planning document for Perth and Peel. Activity Centres for Perth and Peel is to be adopted as a State Planning Policy.

#### **Strategic Plan**

**Key Focus Area:** **Economic prosperity and growth**

**Objective:** To encourage the development of the Joondalup CBD  
To increase employment opportunities within the City

**Key Focus Area:** The built environment

**Objective:** To ensure high quality urban development within the City

**Policy** Policy 3-3 Commercial Centres Strategy will need to be reviewed in light of the draft Activity Centres.

#### **Risk Management considerations:**

There is a risk that the release of Directions 2031 and the Activity Centres Policy will affect the progress of the preparation of the City's own strategic planning documents. The risk is increased if there is a misalignment of the strategic aims of documents. This risk is, however, considered to be low.

#### **Financial/Budget Implications:**

The draft Activities Centres Policy in particular has substantial potential financial implications for the City. These involve the requirement for the City to prepare:

- Centre Plans for Primary and Regional activity centres. This will require centre plans for Whitfords and Warwick regional centres prior to any further expansion of these centres.
- A local Activity Centres Strategy to replace Council Policy 3-3 Commercial Centres Strategy.

Funding to prepare the above plans and strategies is not contained within the 09/10 budget. However, there is likely to be pressure from shopping centre owners, in particular Westfield (Whitfords), to prepare centre plans in order to allow for expansion. Given the complexity of the development of the centre plan, specialist consultants would need to be engaged to undertake the work. Scoping of the task would need to be undertaken in the first instance.

This being the case, alternative ways to engage with the landowners to progress and develop an appropriate centre plan may need to be explored.

### **Regional Significance:**

Directions 2031 and the Activity Centres Policy are important documents that will affect the City of Joondalup and Wanneroo beyond their individual boundaries.

Directions 2031 divides the Perth region into sub-regional areas. A structure plan for each sub-region will be produced by the Department of Planning. The structure plans will be strategic documents with key principles and policies for the region to which lower order structure plans will need to align.

A draft sub-regional structure plan has been released for comment for the southern metropolitan area. A draft Growth Management Strategy and structure plan for the northern metropolitan area is proposed to be released for public comment later this year.

### **Sustainability implications:**

#### Environmental

Directions 2031 seeks to support a range of environmental considerations. One of the key challenges identified is the ability influence a change in personal travel patterns.

This can be achieved through measures such as:

- improving the relationship between land use and public transport.
- promoting higher levels of employment self-sufficiency in sub-regional areas, thereby reducing commuting distances and times.

In addition, Directions 2031 recognises the need to protect and manage significant biodiversity areas, protect water supplies, minimise the impact of stormwater run-off, improve air quality and promote the reduction of the amount of waste generated and promote reuse and recycling.

Overall, the aspirations of Directions 2031 align well with the City's Environment Plan.

#### Social

Directions 2031 and the Activity Centres Policy supports social sustainability by promoting centres that provide a wide range of shopping, community and services, that are accessible by public transport.

#### Economic

Directions 2031 promotes an increase in the levels of employment self-sufficiency in the sub-regional areas. For the North west sub-region, this means an increase in self sufficiency from the current 41% to at least 60%, or an additional 72,000 jobs. Joondalup City Centre is stated as not yet providing a strong employment base, and that the centre must mature in order to fulfil its primary status.

The City's Economic Development Plan was adopted in 2007, with an outlook to 2011. While the Plan is not misaligned with the draft Directions 2031 and Activity Centres Policy, it is considered that, in the future review of the current plan, more emphasis should be given to the role of centres as important employment generators.

### **Consultation:**

The Western Australian Planning Commission is undertaking a two month public consultation period.

### **COMMENT**

#### **Directions 2031**

Overall, Directions 2031 is supported. The format and aspirations of the document are clearer than those of Network City.

##### Designation as Primary Centre

From its inception, the primary intention for Joondalup has been to provide a true city centre that services the entire northwest corridor. This intention has remained unaltered through the various incarnations of metropolitan planning. As the regional centre serving the largest population of a sub-regional corridor, the Joondalup city centre must remain at the highest level in the hierarchy in order to achieve its intention of a commercial, civic, cultural and recreational hub for the region. The designation of Joondalup City Centre as a Primary Centre is considered appropriate and fully supported for the following reasons:

- Joondalup is centrally located within the northwest corridor
- Significant investment in terms of infrastructure has already been undertaken and should be used to full advantage
- Major facilities such as the Joondalup Health Campus, ECU Campus, TAFE campus are unlikely to be replicated in any other centre in the northern corridor
- Joondalup has a well developed public transport system, including a CAT bus, which will allow the city centre to develop and mature.

Joondalup City Centre should be the only designated Primary Centre in the North West sub-region for the foreseeable future. Any such designation of other centres within the sub region will only serve to undermine the level of any investment and the rate of growth of Joondalup City, and the realisation of the full potential of investment to date.

##### Alignment of State Government Policy and Expenditure

As stated, the designation of Joondalup City Centre as a Primary Centre is considered appropriate, and is fully supported. However, it will be critical that the State Government make a strong commitment to support the Joondalup City Centre by infrastructure and employment generation. This will require a whole of government approach to the commitments made within Directions 2031. While it is acknowledged that Directions 2031 may not be the place to outline specific initiatives, it is expected that the sub-regional plan should clearly articulate how the government will be supporting Joondalup as a Primary Centre.

This alignment should include consideration of Joondalup as part of the State Government office accommodation strategy, the spatial distribution of regional cultural facilities, and the provision of housing diversity.

Furthermore, public transport is a key area for policy alignment and infrastructure decisions. Local Government has little direct control over public transport, and therefore the Public Transport Authority programmes need to be fully aligned and committed to the aspirations of Directions 2031. The PTA programme to build additional car bays at rail stations is an example of the need to address current demand issues while also helping to deliver the more effective use of land by delivering on the principles of Transit Orientated Development and good urban design outcomes.

This document also provides the opportunity to discuss granting air rights over the rail line in the Joondalup City Centre as a way to support further development within the City Centre.

### Housing Targets

The aspirational targets of Network City have been given a reality check, and this has resulted in a plan that is more cognisant of working with the existing urban form, while acknowledging the need to improve on existing trends.

The infill targets expressed under Directions 2031 are less than those of Network City. The proposed infill target is 47% of new dwellings within the existing urban area, whereas Network City contained a target of 60%. The more realistic target is supported, although it is anticipated that further detail will be contained within the Growth Strategy for the Northwest Corridor due to be released by the WAPC later this year.

Directions 2031 states that the preferred growth model is that of the ‘Connected City’. While this growth model is supported, the document does not sufficiently demonstrate, through statutory or policy measures, how this is to be achieved. The emphasis from the Department of Planning is a keenness to work in partnership with local government to achieving a common vision and way forward.

The potential for increased residential density in areas adjoining transport hubs, such as railway stations, is identified, however this will need to be more fully addressed in the Growth Management Strategy and future Sub-regional Structure Plan.

While the targets in Directions 2031 for infill development have been reduced somewhat, there will be an inevitable increase in demand on local infrastructure, which will need be considered by all levels of government to ensure that infill is implemented in a sustainable manner.

It is considered that as an aspiration, a target of 47% infill by 2031 is appropriate. How this is translated into reality will need to be carefully considered as part of the review of District Planning Scheme No 2.

### Implementation

There are 44 key actions outlined to implement Directions 2031. There is a danger that Directions 2031 will be seen as a plan to prepare more plans. The actions to implement Directions 2031 must be made clearer and more targeted in their approach. The key actions should be prioritised and ‘key performance indicators’ established to monitor progress. In addition, the actions should then be highlighted within the document, rather ‘buried’ within the text as is currently the case.

This approach would also be in line with the WAPC and Government aim of reforming the planning system.

### Economic and Employment Strategy

A Perth and Peel Economic and Employment Strategy is to be prepared as an implementation task of Directions 2031. It is considered that this will be key to making the transition from the aspirations of Directions 2031 into real strategies to increase employment in the sub-regions. The work, if it is to be successful, will require a sub-regional approach to investment and employment and a strong collaboration between state and local government.

### Activity centres policy for Perth and Peel

It is considered that the principle of the Activity Centres Policy is sound. That is, the attempt to evolve centres from retail shopping centres, to those that provide a range of community activities, employment, retail and residential components is supported.

The main street form of development continues to be the preferred urban design for activity centres, including the redevelopment of existing centres. To date, the City of Joondalup, with the exception of the City Centre, has little experience with converting existing centres to main street style development. The new development within the Currumbine District Centre is based on main street principles, however it is yet to be seen if the existing shopping centre can be successfully integrated into the main street arrangement.

Notwithstanding, if well implemented, main street is supported.

### Mixed Use Thresholds

There are, however, implications associated with the Activity Centres Policy that are of concern. A simplistic view of the new Policy is that it has merely removed the shopping floorspace caps on shopping centres. However, in reality, the removal of caps has been replaced with a ‘mixed use threshold’ that requires the provision of a 1 for 1 shopping ratio of floorspace to commercial floorspace if any expansion (above a certain sqm threshold) is to occur.

While the mixed use threshold is proposed as a way to ensure that activity centres provide a more diverse range of uses, it is unclear how this can be successfully implemented. Centre plans (see below) may be adopted as the blueprint for development of the centre, however, there would appear to be no mechanism to ensure that all the uses proposed are actually developed. This could lead to the retail floorspace being developed well ahead of other uses.

### Centre Plans

A Centre Plan is an outline of the overall development intentions for an activity centre, and the coordination, integration and mix of uses of the activity centre. The draft policy states that Centre Plans should be prepared by local government for endorsement by the WAPC before approving major developments in activity centres.

Pressure is likely to be exerted by shopping centre owners for centre plans to be prepared sooner rather than later. This is particularly the case for Whitfords Shopping Centre. However, there is a possibility that the preparation of centre plans may not occur within the timeframes required by developers. This could lead to development applications being lodged ahead of centre plans, with a likely outcome that deemed refusals will then be the subject of State Administration Tribunal review, taking the planning control away from local government.

The draft Activity Centres Policy indicates that local governments will continue to be required to prepare Local Commercial Strategies. These will be used as the basis for preparing and amending local planning schemes, and for preparing and assessing centre plans. There will need to be a clear alignment with any adopted Activity Centres Policy and Local Commercial Strategies to ensure the integrity and consistency of the hierarchy is maintained.

### Economic Impact Assessments

The draft Policy states that there will be an expanded role for economic impact assessments as a decision making tool for the assessment of rezoning and development proposals involving major retail uses. It appears these assessments would be prepared by the proponent as part of a development application, however must be prepared in a manner that allows the analysis to be readily verified by the responsible authority. This is considered to be appropriate.

### Housing targets within Activity Centres

The draft policy advocates that activity centres should have an appropriate Residential Code applied to enable housing development within the centre that is consistent with the scale and intensity of other development in the centre.

| Activity centre       | Minimum dwellings per gross hectare <sup>9</sup> ( <i>walkable catchment</i> ) | Desirable dwellings per gross hectare ( <i>walkable catchment</i> ) |
|-----------------------|--|---|
| Primary centre        | 25   | 45  |
| Strategic city centre | 25   | 40  |
| Regional town centre  | 20   | 35  |
| District town centre  | 15   | 30  |
| Neighbourhood centre  | 15   | 25  |

<sup>9</sup> As a general guide, the associated average R Code for a centre locality is about twice the number of dwellings per gross hectare.

The policy of ensuring appropriate R Codes over activity is supported. However, the above table indicates that the desirable R Code for the Joondalup City Centre is approximately R90. This is considered somewhat arbitrary, with density of residential development more likely to vary across the city centre from medium density to high density. The variety ensures that a diversity of housing types are provided to meet community needs. What is therefore needed is that the desirable target is not construed as a maximum density target.

### Conclusion

Overall, the objectives of both Directions 2031 and the Activity Centres Policy are broadly supported. Better utilisation of greenfield sites and appropriate levels of infill development is desirable. The designation of Joondalup City Centre as a Primary Centre is considered appropriate and is fully supported. Of most concern is how the draft Activity Centres Policy and in particular the 'mixed use threshold', will be implemented and managed.

The translation of the draft documents from state level to local government level will be through the City's Local Planning Strategy, Local Housing Strategy, and District Planning Scheme. Further detail will be provided later in the year when the Growth Management Strategy and Sub-regional Structure Plan is released by the WAPC for public comment.

Submissions on the draft documents have been developed from the comments in this report. It is recommended that Council endorse the submissions on the draft Directions 2031 and the Activity Centres Policy as shown in Attachments 2 and 3 to this Report.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council**

- 1. ENDORSES the submissions from the City of Joondalup on the draft Directions 2031 and Activity Centres for Perth and Peel documents, as outlined in Attachments 2 and 3 to this Report.**
- 2. FORWARDS the submission to the Western Australian Planning Commission noting:**
  - (a) The importance of the designation of the City as the Primary Centre for the North West sub-region;**
  - (b) That the City should be the only designated Primary Centre in the North West region for the foreseeable future;**
  - (c) Any change to the status of other centres within the sub-region in the foreseeable future, will only serve to undermine the level of any new investment and the rate of growth of Joondalup City, and the realisation of the full potential of investment to date.**

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf110809.pdf](#)*

**ITEM 6 PROPOSED SHORT STAY ACCOMMODATION POLICY AND SCHEME AMENDMENT NO 36 – STATUS UPDATE**

**WARD:** All

**RESPONSIBLE  
DIRECTOR:** Mr. Clayton Higham  
Planning and Development - Acting

**FILE NUMBER:** 81593

**ATTACHMENTS:** Attachment 1 Advertised Scheme Amendment  
Attachment 2 Modified Scheme Amendment

## PURPOSE

The purpose of this report is to provide an update on the progress of Scheme Amendment No. 36 – Short Stay Accommodation and the associated policy.

## **EXECUTIVE SUMMARY**

A scheme amendment and policy were prepared to provide guidance on the location and operation of short stay accommodation within the City of Joondalup. In August 2007, Council resolved to advertise the draft policy and scheme amendment. Following public advertising, Council in April 2008 adopted the draft policy and scheme amendment, however, modified the scheme amendment so that short stay accommodation was not permitted within the Residential Zone. These documents were forwarded to the Minister for approval.

The Minister for Planning has decided not to approve the scheme amendment until it has been modified and readvertised for a minimum period of 21 days.

## BACKGROUND

In order to provide guidance on the location of Short Stay Accommodation within the City, as well as appropriate management of these premises, a draft policy and a scheme amendment were prepared and considered by Council at its meeting of 28 August 2007 (Attachment 1).

## The scheme amendment sought to:

- provide a definition of short stay accommodation,
  - specify in which zones short stay accommodation would be permitted, and
  - modify the existing definitions of ‘Dwelling’ and ‘Residential Building’ to assist in clarifying what constitutes ‘short stay’ versus ‘permanent’ accommodation .

The draft policy provided guidelines in terms of the preferred location, and management of, short stay accommodation. The scheme amendment and draft policy were advertised with short stay accommodation designated as an 'A' use in the Residential Zone.

Following public advertising, Council at its meeting of 15 April 2008 adopted the draft policy and scheme amendment, however, modified the scheme amendment so that short stay accommodation would not be permitted within the Residential Zone. The basis for this decision was that of 30 submissions received during the advertising period, 26 were objections stating that short stay accommodation should not be permitted in the Residential Zone.

The Scheme Amendment has been with the Western Australian Planning Commission (WAPC) since April 2008 pending final approval.

## **DETAILS**

Correspondence has now been received from the WAPC stating that the Minister for Planning has decided not approve the scheme amendment until the modified definitions of 'Dwelling' and 'Residential Building' are removed. The correspondence states that these are considered unnecessary changes to the Model Scheme Text and Residential Design Code definitions.

In addition, the Minister considers the modification to make short stay accommodation a not permitted use in the Residential Zone constitutes a significant change, and directs that the scheme amendment be re-advertised for a minimum period of 21 days.

The City is required to follow the directions given by the Minister in relation to the required modifications to the scheme amendment, and its re-advertising. Following the close of advertising, the scheme amendment will be referred to Council for consideration of submissions and a decision whether or not to adopt the scheme amendment. The final decision on the scheme amendment rests with the Minister for Planning.

## **Legislation/Strategic Plan/Policy Implications**

### **Legislation**

Upon closure of the advertising period, Council considers all submissions received during the advertising period and resolves to either grant final approval to the amendment, with or without modifications, or refuse the amendment. The decision is then forwarded to the WAPC that makes a recommendation to the Minister for Planning and Infrastructure. The Minister can either grant final approval to the amendment, with or without further modifications, or refuse the amendment.

### **Strategic Plan**

Key Focus Area: Economic Prosperity and Growth

Objective: To increase employment opportunities within the City.

**Policy** It is proposed to implement a new policy.

### **Risk Management considerations:**

Not Applicable

### **Financial/Budget Implications:**

Not Applicable

**Regional Significance:**

Not Applicable

**Sustainability implications:**

The proposed short stay accommodation policy could (if adopted) support tourism by providing alternative accommodation choices.

**Consultation:**

The proposed scheme amendment and draft policy were advertised concurrently concluding on 23 January 2008.

Thirty submissions were received, being 26 submissions of objection, and four neutral submissions, and one late submission of objection. The submissions were considered by Council at its meeting of 15 April 2008.

**COMMENT**

The Scheme Amendment has been modified in accordance with the Ministers direction (refer Attachment 2). It is considered that the modifications will not have a significant impact on the operation of the policy as the existing definitions of 'Dwelling' and 'Residential Building' are considered to adequately define those land uses.

In addition, the proposed definition of short stay accommodation clearly defines what short stay accommodation is. Clause 3.2.3 of DPS2 states that:

*"where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any other use class which by its more general terms might otherwise include such particular use"*

Therefore, the Minister's requirement to remove the changes to the definition of dwelling and residential building and revert to the MST definitions should not impact short stay accommodation as a proposal will still fall under the specific definition of short stay accommodation.

The changes to dwelling and residential building were primarily to provide more clarity, however, even without these changes, anything that fits into the specific definition of short stay will be considered short stay, even if it could fit into a more general definition such as residential building.

However, the proposed changes will be reviewed and the impact on the policy will be investigated. The City will also seek further clarification regarding the Ministers reasons for supporting the requested definition changes.

It is recommended that the modified scheme amendment and policy be readvertised for a period of 21 days. Advertising will be undertaken by way of a notice published in the local newspaper, as well as on the City's website.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council:**

1. NOTES the Minister's decision not to support the scheme amendment until:
  - (a) the modified definitions of 'Dwelling' and 'Residential Building' are removed;
  - (b) it has been re-advertised for a minimum period of 21 days;
2. NOTES that a modified Amendment No 36, reflecting the Minister's decision, and a draft Local Planning Policy – Short Stay Accommodation, will be concurrently advertised in accordance with the Town Planning Regulations (1967), following clarification in relation to the impact of the definition changes on the draft policy.

Appendix 23 refers

To access this attachment on electronic document, click here: [Attach23brf110809.pdf](#)

**ITEM 7            RESPONSE TO JOIN T STANDING COMMITTEE ON  
DELEGATED LEGISLATION - CATS LOCAL LAW  
2008****WARD:** All**RESPONSIBLE DIRECTOR:** Mr. Jamie Parry  
Governance and Strategy**FILE NUMBER:** 29182**ATTACHMENTS:** Nil.

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As a result of a recent direction from the Joint Standing Committee on Delegated Legislation, the report entitled "Response to Joint Standing Committee on Delegated Legislation - Cats Local Law 2008" has been made a confidential item. This is due to the privileged status of the information contained within the report, as designated by Parliament.











**ITEM 8                   DISTRIBUTION OF COMMUNITY NEWSPAPER –  
RESULTS OF TRIAL****WARD:** All**RESPONSIBLE DIRECTOR:** Mr. Jamie Parry  
Governance and Strategy**FILE NUMBER:** 29610, 07719**ATTACHMENTS:** Nil.**PURPOSE**

For the Council to: -

- consider the feedback following the approved trial of the local newspaper by the ‘roll and throw’ method; and
- Determine if the request from the Community Newspaper Group for the local paper to be distributed by the ‘roll and throw’ method be approved on an ongoing basis.

**EXECUTIVE SUMMARY**

The Community Newspaper Group (CNG) was granted approval by the Council on a 12 month trial basis to be able to distribute its local papers within the City of Joondalup by the ‘roll and throw’ method. The trial has come to a conclusion which has indicated that the: -

- Number of papers printed has increased;
- Delivery figures of the local papers has increased; and
- Six (6) complaints were received (none received by the City).

The CNG has requested that this distribution method continue on an ongoing basis within agreed suburbs. It is suggested that this request be agreed to.

**BACKGROUND**

Following a request from the Community Newspaper Group, the Council at its meeting held on 15 July 2008 resolved (Item CJ116-07/08 refers) as follows: -

*“That Council:*

1. *AGREES to allow the Community Newspaper Group to distribute its community papers by a “roll and throw” method, similar to the way daily newspapers are distributed to households throughout the City of Joondalup for a period of 12 months to the following suburbs;*
  - Heathridge
  - Marmion
  - Sorrento
  - Craigie
  - Hillarys
  - Warwick
  - Joondalup

2. *DELEGATES authority to the Chief Executive Officer to add or subtract suburbs upon written request by the Community Newspaper Group in accordance with the approval detailed in (1) above;*
3. *REQUESTS that the Community Newspaper Group provide feedback to the City which evaluates the trial of the revised distribution method;*
4. *SEEKS a further report evaluating the trial of the revised distribution method following 9 months of the 12 month approval granted in (1) above;*
5. *NOT AGREE to be responsible to responding to residents' complaints relating to the revised distribution method as detailed in (1) above and that responsibility is maintained by the publisher of the local newspaper;*
6. *ADVISES the Keep Australia Beautiful Council of the Council's decision and seeks its views on this matter;*
7. *ENCOURAGES the Community Newspaper Group to develop a recyclable or biodegradable wrapper and comment on the progress in achieving this in the evaluation report."*

Since the initial approval for the trial the CEO agreed to add the suburb of Duncraig to the list of approved suburbs.

Prior to the CNG being issued with the approval the views of the Keep Australia Beautiful Council (KABC) were sought. The KABC noted that the City would not be responsible for dealing with residents' complaints as a result of the revised distribution method. However, the KABC was of the opinion that the 'hotline' established by the CNG would help resolve any issues with distribution quickly.

The KABC further advised that if the CNG did not meet its responsibilities and/or a conflict arose relating to the 'roll and throw' distribution, it would be the City's responsibility to resolve the issue under the *Litter Act 1979*.

The CNG has advised that the plastic that it is currently using is recyclable. However, as the composition of the plastic wrapping has to be such that it sticks to itself, this plastic cannot be sourced in either a biodegradable or degradable form.

CNG has advised that in an effort to reduce the amount of plastic used in wrapping the papers, it intends to use a revised wrapping process which, rather than wrapping the whole paper in plastic CNG, would simply be a band around the middle section of the paper.

## DETAILS

CNG commenced the trial in November 2008 and has provided the following information: -

- Around 6,500\* additional newspapers have been printed across the Tuesday and Thursday publication days using this method;
- In the past few months the traditional distribution method (walkers) has increased;
- With an increase in walkers, combined with the 'roll and throw' method the following increases have occurred: -

| Edition             | March 09** | March 08** | Difference | Current 09 | Difference |
|---------------------|------------|------------|------------|------------|------------|
| Joondalup Times     | 64,958     | 61,069     | + 3,889    | 70,635     | + 6,037    |
| North Coast Times   | 17,741     | 16,533     | + 1,208    | 18,175     | +434       |
| Joondalup Weekender | 80,223     | 71,324     | + 8,899    | 84,805     | + 4,582    |

- Total of six (6) complaints were received in relation to the revised distribution method (no complaints were received by the City during this time).

*\* These figures provided by CNG and are the extra copies of the papers required to be printed following introduction of the revised distribution method;*

*\*\* The March 08 v March 09 figures are derived from the audit of CNG circulation figures which is carried out every 6 months by the independent industry body the Circulations Audit Board.*

Due to the success of the trial, the CNG has requested that the Council agree to allow the 'roll and throw' distribution method on an ongoing basis, and that the following suburbs be added: -

- Beldon;
- Connolly;
- Kingsley;
- Mullaloo; and
- Woodvale

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

The Council has three options: -

- To agree to a further trial period and seek further feedback before determining an ongoing position;
- Noting the results of the trial and not agreeing to the request of the CNG distributing its papers by the 'roll and throw' method; or
- Noting the results of the trial and agreeing to the request of the CNG and allowing it to continue to distribute its papers by the 'roll and throw' method within agreed suburbs.

#### **Legislation/Strategic Plan/Policy Implications**

##### **Legislation**

Provisions of the Litter Act 1979 have prevented a 'roll and throw' distribution from being permitted when distributing newspapers or other promotional publications unless the resident has consented to the distribution and paid for the publication. The KABC has been established in accordance with the Litter Act 1979 with its primary responsibility to oversee the objectives of the legislation

Section 1.7 of the Local Government Act (*the Act*) 1995 states: -

##### ***Local public notice***

1. *Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —*
  - a. published in a newspaper circulating generally throughout the district.*

The Act requires the local government to give local public notice before it undertakes many functions such as advertising council meetings, election processes. The local papers distributed by the CNG within the City of Joondalup is the primary source for the City to meet its legislative responsibilities.

**Strategic Plan**

Key Focus Area: Not applicable

**Policy** Not applicable

**Risk Management considerations:**

The City uses the CNG as one of its major communication tools with its residents to communicate both statutory and non statutory messages. Distribution problems may prevent these key messages reaching some of the residents of the City.

**Financial/Budget Implications:**

The change to the way the CNG distributes its local papers has no financial impact on the City.

**Regional Significance:**

The CNG has local papers that cover the entire metropolitan area. Three (3) of its papers circulate in and around the City's boundaries.

**Sustainability implications:**

Not applicable

**Consultation:**

Not applicable

**COMMENT**

The residents of the City of Joondalup have for some time experienced distribution problems of the community newspaper in sections of some suburbs within its region. The City has been discussing these issues with the CNG for some time in an effort to find some resolution to the lack of distribution of the local paper within the certain locations.

The local newspaper is a major medium by which the City communicates with its residents in the form of advertisements and media releases. Research in 2006 indicated that the local newspaper was the main source from which local residents sought information regarding the activities and operations of the City.

The results of the trial appear encouraging with distribution figures on the rise. It is therefore suggested that the Council agree to the request from CNG to enable it to continue the distribution of its newspapers by the 'roll and throw' method on an ongoing basis. If approval is granted, 13 of the City's 22 suburbs will have the potential for the 'roll and throw' distribution' method to be used.

The City will continue to comply with its legislative responsibilities under the *Litter Act 1979* where a dispute may arise.

The ‘roll and throw’ distribution method is used primarily in suburbs where there is the need to address distribution issues where the traditional distribution method can not be used. The ongoing approval is subject to similar conditions placed on as part of the trial, with CNG being requested to provide an annual report relating to the distribution method. The Chief Executive Officer will maintain the delegation in dealing with requests from the CNG for adding or subtracting suburbs.

## **VOTING REQUIREMENTS**

Absolute majority

## **RECOMMENDATION**

**That Council:**

- 1. AGREES to allow the Community Newspaper Group to distribute its community papers by a “roll and throw” method, for the following suburbs;**
  - Heathridge
  - Marmion
  - Sorrento
  - Craigie
  - Hillarys
  - Warwick
  - Joondalup
  - Kingsley
  - Woodvale
  - Duncraig
  - Beldon
  - Connolly
  - Mullaloo
- 2. BY AN ABSOLUTE MAJORITY, DELEGATES authority to the Chief Executive Officer to add or subtract suburbs upon written request by the Community Newspaper Group in accordance with the approval detailed in (1) above;**
- 3. REQUESTS that the Community Newspaper Group provide feedback to the City which evaluates the ‘roll and throw’ distribution method on an annual basis, in December each year;**
- 4. NOT AGREE to be responsible to responding to residents’ complaints relating to the revised distribution method as detailed in (1) above and that responsibility is maintained by the publisher of the local newspaper;**
- 5. ADVISES the Keep Australia Beautiful Council of the Council’s decision.**

**ITEM 9 LOCAL GOVERNMENT REFORM SUBMISSION - CITY OF JOONDALUP****WARD:** All**RESPONSIBLE DIRECTOR:** Mr. Jamie Parry  
Governance and Strategy**FILE NUMBER:** 08144, 51577, 00033, 01139**ATTACHMENTS:** Attachment 1 Reform Submission and Community Consultation Discussion Paper to be provided

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The Chief Executive Officer will circulate a report on the City of Joondalup's proposed Local Government Reform Submission to the Minister for Local Government, due by 31 August 2009, prior to the Briefing Session.

The community consultation period concluded on 5 August 2009 and is being incorporated into the report and submission for Elected Members' consideration.

*Appendix 5 refers*

*To access this attachment on electronic document (when it is available), click here:*  
[Attach5brf110809.pdf](#)

**ITEM 10            ANNUAL PLAN QUARTERLY PROGRESS REPORT  
FOR THE PERIOD 1 APRIL TO 30 JUNE 2009**

|                              |  |
|------------------------------|--|
| <b>WARD:</b>                 | All  |
| <b>RESPONSIBLE DIRECTOR:</b> | Mr Jamie Parry<br>Governance and Strategy  |
| <b>FILE NUMBER:</b>          | 20560  |
| <b>ATTACHMENTS:</b>          | Attachment 1 Annual Plan Quarterly Progress Report for the period April to June 2009<br>Attachment 2 Capital Works Program Overview Report for the period April to June 2009 |

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**PURPOSE**

To present the Annual Plan 2008-2009 Quarterly Progress Report for the period 1 April to 30 June 2009.

**EXECUTIVE SUMMARY**

The Quarterly Progress Report provides information on the progress of projects and programs documented in the Annual Plan 2008-2009. This is the final progress report for the 2008-2009 Annual Plan.

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

It is recommended that Council RECEIVES the Annual Plan Quarterly Progress Report for the period 1 April – 30 June 2009 and the Capital Works Overview Report for the period 1 April – 30 June 2009.

**BACKGROUND**

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

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

The Annual Plan contains a description of the key projects and programs to be delivered by the City in the 2008-2009 financial year. The Quarterly Progress Report provides information on achievements against the milestones set during the year and a commentary is provided against each milestone to provide information on progress, or to provide an explanation where the milestone has not been achieved.

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

As this is the final quarterly progress report for the 2008-2009 Annual Plan, the following provides an overall summary of significant achievements for the financial year:

### **Leadership and Government**

- Celebration of the City's tenth Anniversary;
- Hosting of a delegation of senior bureaucrats from the Jinan Municipal People's Government;
- Development of the City's new website;
- Community Consultation conducted on the following projects:
  - Proposed Cat Law 2008;
  - Local Government and Public Property Amendment Local Law 2008 (Smoke-free Apertures);
  - Local Government and Public Property Amendment (No 2) Local Law 2008 (Shopping Trolleys);
  - Trading in Public Places Amendment Local Law 2008 (Smoke-free Alfresco Dining);
  - Edgewater Quarry Master Planning;
  - Penistone Oval Shared Use Agreement;
  - City's new website;
  - Housing Strategy;
  - City Centre Structure Plan;
  - Ocean Reef Marina Concept Plan;
  - Seacrest Park Proposed Development;
- The hosting of the North Metropolitan Zone Australia Day Citizenship Ceremony in conjunction with the Cities of Wanneroo and Stirling at Edith Cowan University at which 1863 guests became Australian citizens;
- Annual Customer Satisfaction Monitor conducted;
- Provision of quarterly progress reports to Council on the Annual Plan and Capital Works Program for 2008-2009.

### **The Natural Environment**

- Completion of construction and official opening of Resource Recovery Facility for the processing of solid waste in Neerabup which is now fully operational;
- Official handover of the Materials Recovery Facility in Wangara for the sorting of recyclable materials which is now fully operational;
- Endorsement of the Landscape Master Plan 2009-2019;
- Provision of the Water Conservation Plan 2009-2010;
- Completion of Milestone 1 and 2 of the ICLEI Water Campaign;
- Endorsement of the City's Bike Plan 2009;
- Completion of stormwater upgrades around the Yellagonga Regional Park;
- Substantial progress towards completion of the ICLEI Local Action for Biodiversity on the ground Projects;
- Endorsement of the Yellagonga Integrated Catchment Management Plan for public consultation.

## Economic Prosperity and Growth

- Proposed designation of the City of Joondalup as a Tourism Precinct;
- Significant progress on the City Centre Structure Plan to guide future development within the City;
- Provision of assistance to local businesses through the Eco Business Program;
- The hosting of a Breakfast Business Forum *Trading with China* in conjunction with the Joondalup Business Association and the City of Wanneroo;
- Implementation of Paid Parking in Joondalup City Centre;
- Endorsement of the Parking Policy.

## The Built Environment

- Endorsement of the Ocean Reef Marina Development Concept Plan for public consultation;
- Major Capital Works completed, which include:
  - Burns Beach Road carriageway duplication;
  - Addition of 110 car parking bays in Shenton Avenue, Joondalup;
  - New roundabout at the intersection of Winton Road and Pontiac Way, Joondalup as part of State Black Spot Projects;
  - Woodlake Retreat, Kingsley – extension to Wanneroo Road;
  - Local traffic treatments in Penistone Street, Greenwood, Spinaway Street, Craigie, Twickenham Drive, Kingsley and a roundabout in Cliff Street, Marmion;
  - Resurfacing of sections of Ocean Reef Road, Warwick Road and Waterford Drive;
  - The installation of treatments to six stormwater outfalls around the Yellagonga Regional Park;
  - Bicycle network improvements in Joondalup City Centre;
  - The upgrade of play equipment at a number of parks in the City.

## Community Wellbeing

- Delivery of a comprehensive program of cultural events throughout the year, including:
  - NAIDOC Week
  - Joondalup Festival
  - Joondalup Sunset Markets
  - Summer Concert Series
  - Valentine's Day Concert
  - Joondalup Eisteddfod
  - Sunday Serenades
  - Invitation Art Award
  - Community Art Exhibition
  - Little Feet Festival
- Significant progress towards the upgrade of the Craigie Leisure Centre Aquatic Expansion Project, including commencing construction of a 50 metre pool;
- Upgrade of community buildings and facilities, including:
  - MacNaughton Clubrooms; and
  - Kingsley Memorial Clubrooms.
- Funding of approximately \$76,000 distributed to community groups as part of the Community Funding Program;
- Installation of 12 Community Safety Cameras at various locations in the Joondalup City Centre.

**Legislation/Strategic Plan/Policy Implications**

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

*This Act is intended to result in:*

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

**Key Focus Area:** Leadership and Governance

**Objective:** 1.3 To lead and manage the City effectively.

**Policy** Policy 8-6 Communications – the Council recognises and acknowledges the importance of consistent, clear communication, and access to information for its stakeholders.

**Risk Management considerations:**

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

**Financial/Budget Implications:**

Not applicable.

**Regional Significance:**

Not applicable.

**Sustainability implications:**

All projects and programs in the Annual Plan contribute to community wellbeing, the natural and built environment, economic development and good governance.

**Consultation:**

Not applicable.

**COMMENT**

Significant progress on most major projects and programs has been made during the final quarter. Projects not completed will be carried forward to the 2009-2010 Annual Plan.

**VOTING REQUIREMENTS**

Simple majority.

## **RECOMMENDATION**

**That Council RECEIVES:**

1. **The final Annual Plan Quarterly Progress Report for the period 1 April – 30 June 2009 which is shown as Attachment 1 to this Report;**
2. **The Capital Works Overview Report for the period 1 April – 30 June 2009 which is shown as Attachment 2 to this Report.**

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf110809.pdf](#)*

**ITEM 11                    EXECUTION OF DOCUMENTS****WARD:** All**RESPONSIBLE DIRECTOR:** Mr Garry Hunt  
Office of the CEO**FILE NUMBER:** 15876**ATTACHMENTS:** Nil.**PURPOSE**

For Council to note the documents executed by means of affixing the Common Seal for the period 10 June 2009 to 21 July 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**

Nil.

**DETAILS**

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

|                       |   |
|-----------------------|---|
| <b>Document:</b>      | Section 70A Notification  |
| <b>Parties:</b>       | City of Joondalup and Patricia Canning  |
| <b>Description:</b>   | 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 at Lot 218 (20) Triton Place, Mullaloo |
| <b>Date:</b>          | 10.06.09  |
| <b>Signed/Sealed:</b> | Sealed  |

|                       |  |
|-----------------------|--|
| <b>Document:</b>      | Section 70A Notification   |
| <b>Parties:</b>       | City of Joondalup and Marjorie Field, Leesa Caldwell and Joanne Dallachy   |
| <b>Description:</b>   | To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling at Lot 309 (50) Seaflower Crescent, Craigie |
| <b>Date:</b>          | 10.06.09   |
| <b>Signed/Sealed:</b> | Sealed   |

|                       |  |
|-----------------------|--|
| <b>Document:</b>      | Section 70A Notification   |
| <b>Parties:</b>       | City of Joondalup and P and S Krajisnik  |
| <b>Description:</b>   | 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 161 (92) Camberwarra Drive, Craigie |
| <b>Date:</b>          | 18.06.09   |
| <b>Signed/Sealed:</b> | Sealed   |

|                       |  |
|-----------------------|--|
| <b>Document:</b>      | Section 70A Notification   |
| <b>Parties:</b>       | City of Joondalup and Frances L Wills  |
| <b>Description:</b>   | 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 254 (16) Castlefern Way, Duncraig |
| <b>Date:</b>          | 18.06.09   |
| <b>Signed/Sealed:</b> | Sealed   |

|                       |   |
|-----------------------|---|
| <b>Document:</b>      | Amendment No 44 to District Planning Scheme No 2 (modified)   |
| <b>Parties:</b>       | City of Joondalup and WA Planning Commission  |
| <b>Description:</b>   | Amendment No 44 to District Planning Scheme No 2 (modified) as per resolution of Council 16 June 2009 – Report CJ139-06/09 refers |
| <b>Date:</b>          | 18.06.09  |
| <b>Signed/Sealed:</b> | Sealed  |

|                       |   |
|-----------------------|---|
| <b>Document:</b>      | Withdrawal of Caveat (Temporary)                                    |
| <b>Parties:</b>       | City of Joondalup, Zangel P/L and Sarah Marion Birch                |
| <b>Description:</b>   | Temporary withdrawal of caveat to enable registration of a mortgage |
| <b>Date:</b>          | 26.06.09  |
| <b>Signed/Sealed:</b> | Sealed  |

|                       |   |
|-----------------------|---|
| <b>Document:</b>      | Lease   |
| <b>Parties:</b>       | City of Joondalup, Armstrong Jones Management P/L and ING Real Estate Joondalup |
| <b>Description:</b>   | Lease – Lakeside Joondalup, Pt Lot 6 Lawley Court                               |
| <b>Date:</b>          | 07.07.09  |
| <b>Signed/Sealed:</b> | Sealed  |

|                       |   |
|-----------------------|---|
| <b>Document:</b>      | Section 70A Notification  |
| <b>Parties:</b>       | City of Joondalup and J P and R L Taliano   |
| <b>Description:</b>   | To restrict the occupation of the ancillary accommodation to depend member(s) of the family of the occupier(s) of the main dwelling on the land – Lot 54 (9) Waraker Road, Hillarys |
| <b>Date:</b>          | 14.07.09  |
| <b>Signed/Sealed:</b> | Sealed  |

|                       |   |
|-----------------------|---|
| <b>Document:</b>      | Licence Agreement   |
| <b>Parties:</b>       | City of Joondalup and Department for Planning and Infrastructure  |
| <b>Description:</b>   | Licence pursuant to the Jetties Act 1926 for structure of Groyne Number 3820 giving the City a licence to construct, maintain and use a groyne (referred to as "the Jetty") on a site within the Indian Ocean adjacent to Ocean parade, Burns Beach |
| <b>Date:</b>          | 21.07.09  |
| <b>Signed/Sealed:</b> | Sealed  |

**Issues and options considered:**

Not Applicable.

**Legislation/Strategic Plan/Policy Implications**

**Legislation** 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.

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

**Policy** Nil.

**Risk Management considerations:**

Nil.

**Financial/Budget Implications:**

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

**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.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council NOTES the schedule of documents covering the period 10 June 2009 to 21 July 2009 executed by means of affixing the common seal.**

**ITEM 12 REQUEST FOR TENDER 014/09 CASH COLLECTION FROM PARKING TICKET MACHINES AND ASSOCIATED SERVICES****WARD:**

North

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

16628

**ATTACHMENTS:**

Attachment 1      Summary of Tender Submissions

**PURPOSE**

This report is to seek the approval of Council to accept the Tender submitted by West-Sure Group Pty Ltd trading as Secure Cash Logistics for the provision of Cash Collection from Parking Ticket Machines and Associated Services (Tender 014/09).

**EXECUTIVE SUMMARY**

Tenders were advertised on 9 May 2009 through state wide public notice for the provision of Cash Collection from Parking Ticket Machines and Associated Services. Tenders closed on 26 May 2009. Eight (8) Submissions were received from:

- Black Diamond Protection Pty Ltd;
- Brink's Australia Pty Ltd;
- Chubb Security Services Ltd;
- CTi Risk Management;
- Dodds Co Pty Ltd t/a Electrodry;
- Linfox Armaguard Pty Ltd t/a Armaguard;
- Newcrest Security & Investigations Services Pty Ltd; and
- West-Sure Group Pty Ltd t/a Secure Cash Logistics.

The submission from West-Sure Group Pty Ltd trading as Secure Cash Logistics represents best value to the City. Secure Cash Logistics scored 87%, ranked first, for its qualitative assessment and was the lowest priced conforming offer received. It has significant industry experience and the capacity to provide the cash collection services for the City.

*It is recommended that Council ACCEPTS the Tender submitted by West-Sure Group Pty Ltd trading as Secure Cash Logistics for the provision of Cash Collection from Parking Ticket Machines and Associated Services for a three (3) year period with a further two-year optional extension in accordance with the statement of requirements as specified in Tender 014/09 at the submitted schedule of rates.*

**BACKGROUND**

The City has recently installed one hundred and four (104) Pay and Display Parking Ticket Machines in the City Centre and two (2) replacement machines in the Ocean Reef Boat Harbour.

There is now a need to establish a Contract with an organisation that is able to provide a comprehensive service consisting of all the requirements and processes for cash collection from the parking ticket machines and associated services. When paid parking commenced in October 2008, Armaguard was appointed to provide the services on a temporary basis until a Contract could be established.

## DETAILS

Tenders were advertised on 9 May 2009 through state wide public notice for the provision of Cash Collection from Parking Ticket Machines and Associated Services. Tenders closed on 26 May 2009. Eight (8) Submissions were received from:

- Black Diamond Protection Pty Ltd;
- Brink's Australia Pty Ltd;
- Chubb Security Services Ltd;
- CTi Risk Management;
- Dodds Co Pty Ltd t/a Electrodry;
- Linfox Armaguard Pty Ltd t/a Armaguard;
- Newcrest Security & Investigations Services Pty Ltd; and
- West-Sure Group Pty Ltd t/a Secure Cash Logistics.

### Evaluation Criteria

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

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

### Evaluation Panel

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

### Tender Submissions

The City required tenderers to submit their offers priced on the rate for cash collection services per individual parking ticket machine, and for cash collection services from all parking ticket machines throughout the City.

To calculate estimated expenditure, the rates offered for cash collection per parking ticket machine for all parking ticket machines have been used, as well as a price escalation per year based on an average CPI increase of 3.5% compounded. The table below provides a comparison of the estimated total expenditure over the Contract period, and further details of the Tender submissions are provided in Attachment 1.

| <b>Respondent</b>                                   | Three (3) years plus one (1) two-year extension.<br><b>Total Five (5) years</b> |             |              |
|---|---|-------------|--------------|
|   | <b>Evaluation Score</b>   | <b>Rank</b> | <b>Price</b> |
| West-Sure Group Pty Ltd t/a Secure Cash Logistics   | 87%   | 1           | \$417,157    |
| Chubb Security Services Ltd                         | 86%   | 2           | \$1,232,510  |
| CTi Risk Management                                 | 80%   | 3           | \$477,834    |
| Newcrest Security & Investigations Services Pty Ltd | 75%   | 4           | \$1,175,624  |
| Black Diamond Protection Pty Ltd                    | 71%   | 5           | \$720,544    |
| Brink's Australia Pty Ltd                           | 71%   | 5           | \$1,351,968  |
| Dodds Co Pty Ltd trading as Electrodry              | 42%   | 6           | \$587,907    |

The Offer submitted by Armaguard was considered non compliant. Its Submission included changes to sixteen (16) clauses and contained a number of departures in the Request for Tender (RFT). The evaluation panel unanimously agreed these represented a potential higher commercial and financial risk to the City and were unacceptable.

West-Sure Group Pty Ltd trading as Secure Cash Logistics is the lowest priced fully conforming Offer and has significant industry experience and capacity to provide the cash collection services for the City in accordance with the requirements of the RFT.

CTi Risk Management, Black Diamond Protection Pty Ltd, Newcrest Security & Investigations Services Pty Ltd, Chubb Security Services Ltd and Brink's Australia Pty Ltd, scored well for their qualitative assessments and have demonstrated experience and capacity to provide the services, however, all are not recommended on the basis of their higher tendered price.

Dodds Co Pty Ltd trading as Electrodry scored the lowest at 42% for its qualitative assessment and did not demonstrate sufficient experience in completing similar projects as they have been providing cash collections for only 12 months. Its Submission provided insufficient information to demonstrate experience and capacity to provide the required services for the City and was therefore not recommended.

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

The City has a requirement for Cash Collection from Parking Ticket Machines and Associated Services. The current service provider was engaged on a temporary basis only to allow the new service to be assessed and a new Tender specification to be prepared. The City does not have the internal resources to provide the collection services and as such requires an appropriate external contracted service provider.

The Contract pricing, stated in Clause 7.2 of the RFT, will be for a fixed and firm Schedule of Rates for the first twelve (12) month period during which it shall not be subject to adjustment for rise and fall in any costs and the charges detailed shall not be subject to variation for profits, labour, fuel, materials, taxes, levies, insurance, GST administration expenses or any other charges in connection with supply under the Contract.

## **Legislation/Strategic Plan/Policy Implications**

### **Legislation**

A state wide public tender was advertised, opened and evaluated in accordance with the Local Government (Functions & General) Regulations 1996, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000.

### **Strategic Plan**

- 3. Economic prosperity and growth
- Objective 3.1 To encourage the development of the Joondalup CBD

### **Policy**

Not applicable.

### **Risk Management considerations:**

Should the Contract not proceed, the risk to the City will be high as the City's current service provider was engaged on a temporary basis only. To ensure cash collection from parking machines is maintained a formal Contract is required to be in place.

It is considered that the Contract will represent a low risk to the City as the recommended Respondent is a well-established company with significant industry experience and the capacity to provide the cash collection services for the City.

### **Financial/Budget Implications:**

| <b>Current Year Budget Allocation for this Contract</b> | <b>Projected Expenditure on these Services to 30 June 2010</b> | <b>Projected Expenditure on these Services in first 12 Months of Contract if Accepted</b> | <b>Projected Expenditure on these Services over the Life of the Contract if Accepted</b> |
|---|--|---|--|
| \$75,000  | \$77,792   | \$77,792  | \$417,157  |

Based on the current collection schedule and known requirements, the projected expenditure for these Services is calculated on the rates offered for cash collection services for all parking ticket machines, as well as a price escalation per year based on an average CPI increase of 3.5% compounded. On these criteria it is estimated that the expenditure over the Contract period will be in the order of \$417,157.

The \$2,792 shortfall in the current year budget allocation for this Contract can be accommodated within the overall parking budget.

### **Regional Significance:**

Not applicable.

**Sustainability implications:**

The City has implemented paid parking within the City centre to address the current and future requirement of the residents, businesses and visitors and to ensure that there is fair and equitable use of the limited parking facilities. Cash collection from parking machines and associated services by a well established security service provider is a vital component of the City's CBD Parking Strategy. This provision will support economic prosperity with increased revenue opportunities and growth within the City.

**Consultation:**

Not applicable.

**COMMENT**

The Offer representing best value to the City is that as submitted by the West-Sure Group Pty Ltd trading as Secure Cash Logistics. Secure Cash Logistics ranked first scoring 87% for its qualitative assessment and was the lowest priced fully conforming Offer received. The company is well established and resourced with fully equipped facilities to provide the cash collection services for the City in accordance with the requirements of the RFT.

**VOTING REQUIREMENTS**

Simple majority

**RECOMMENDATION**

**That Council ACCEPTS the Tender submitted by West-Sure Group Pty Ltd trading as Secure Cash Logistics for the provision of Cash Collection from Parking Ticket Machines and Associated Services for a three (3) year period with a further two-year optional extension in accordance with the statement of requirements as specified in Tender 014/09 at the submitted schedule of rates.**

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf110809.pdf](#)*

**ITEM 13 REQUEST FOR TENDER 020/09 RECONSTRUCTION  
OF MARMION BEACH PUBLIC TOILET BLOCK****WARD:** Central**RESPONSIBLE DIRECTOR:** Mr Mike Tidy  
Corporate Services**FILE NUMBER:** 60628**ATTACHMENTS:** Attachment 1      Summary of Tender Submissions**PURPOSE**

This report is to seek the approval of Council to accept the Tender submitted by Devco Holdings Pty Ltd for the Reconstruction of Marmion Beach Public Toilet Block (Tender 020/09).

**EXECUTIVE SUMMARY**

Tenders were advertised on 24 June 2009 through state wide public notice for the Reconstruction of Marmion Beach Public Toilet Block. Tenders closed on 9 July 2009. Three (3) Submissions were received from:

- Connolly Building Company;
- Devco Holdings Pty Ltd; and
- Orixon Pty Ltd.

The submission from Devco Holdings Pty Ltd represents best value to the City and is the lowest priced Tender. It is a well established company with significant industry experience in providing construction and refurbishment works for state and local governments including private organizations.

It is recommended that Council:

1. *ACCEPTS the Tender submitted by Devco Holdings Pty Ltd for the reconstruction of Marmion Beach Public Toilet Block in accordance with the statement of requirements as specified in Tender 020/09 for the fixed lump sum of \$347,939 (GST Exclusive) for completion of the works within twelve (12) weeks from issue of the letter of acceptance, and*
2. *BY AN ABSOLUTE MAJORITY, AUTHORISES that the budget shortfall for the reconstruction of Marmion Beach Public Toilet Block of \$120,881 be funded from the Asset Replacement Reserve which was established for such purposes.*

**BACKGROUND**

The City has a requirement for reconstruction works to Marmion Beach Public Toilet Block. The Works shall comprise of the removal of existing toilet block, rationalisation of site levels in conjunction with the City's civil works adjacent the site and the construction of a new toilet block.

The general requirements include the following:

- Demolition of existing toilet block;
- Site retaining, possibly sheet piling to allow positioning of proposed new toilet block;
- Re-routing of underground electrical services by subcontractor, as nominated by the City;
- Installation of a package pump station and associated hydraulic services by subcontractor, as nominated by the City;
- Decommission existing septic system and removal of existing septic tanks;
- Backfilling and levelling of retained areas as required against finished position of new toilet block;
- Provide safe and even gradients, around the entrances of the toilet blocks, not exceed those gradients specified in AS1428.1.; and
- Constructs new toilet facility as per Drawings provided in the RFT.

## **DETAILS**

Tenders were advertised on 24 June 2009 through state wide public notice for the Reconstruction of Marmion Beach Public Toilet Block. Tenders closed on 9 July 2009. Three (3) Submissions were received from:

- Connolly Building Company;
- Devco Holdings Pty Ltd; and
- Orixon Pty Ltd.

### **Evaluation Criteria**

| <b>Qualitative Criteria</b>                            | <b>Weighting</b> |
|--|------------------|
| Capacity   | 50%              |
| Demonstrated experience in completing similar projects | 25%              |
| Demonstrated understanding of the required tasks       | 20%              |
| Social and economic effects on the local community     | 5%               |

### **Evaluation Panel**

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

### **Tender Submissions**

A summary of the Tender submissions including the location of each Tenderer is provided in Attachment 1.

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

## Evaluation Summary

| Tenderer Evaluation Rank  | Score | Price     | Qualitative |
|---------------------------|-------|-----------|-------------|
| Devco Holdings Pty Ltd    | 88%   | \$347,939 | 1           |
| Connolly Building Company | 52%   | \$353,593 | 2           |

The Offer submitted by Orixon Pty Ltd was considered non compliant. Its Submission did not address the qualitative criteria and has provided no information on the company's profile, business structure or work history. In addition, it did not tender for a couple of items required.

Devco Holdings Pty Ltd is well established with significant industry experience being in the construction and refurbishment business for over 35 years. The company has demonstrated sound understanding of the required tasks and is well equipped to provide the reconstruction works.

Connolly Building Company has demonstrated experience in undertaking similar projects, however, its submission did not identify when the projects previously undertaken were commissioned or completed. The company has limited resources, operating with a small team of 2 full-time and 2 part-time employees and has provided a list of 6 subcontractors who may be involved in completing the work. The panel, therefore, had some reservation as to the builder's capacity to complete the work within the required timeframe.

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

The City has recently received funding from the Federal Government under the Regional and Local Community Infrastructure Program (RLCIP) to undertake various refurbishment works to community facilities, which include the reconstruction of Marmion Beach public toilet block, within the City of Joondalup. The City does not have the internal resources to provide the required reconstruction works and requires an appropriate external service provider.

### **Legislation/Strategic Plan/Policy Implications**

**Legislation** A state wide public tender was advertised, opened and evaluated in accordance with the Local Government (Functions & General) Regulations 1996, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000.

### **Strategic Plan**

Key Focus Area: Community Wellbeing

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

**Policy** Not applicable

### **Risk Management considerations:**

Should the Contract not proceed there is a risk that the City will lose the RLCIP Federal Grant which is not automatically transferable to another project. There is also a risk to the successful completion of the Westcoast Drive Streetscape Enhancement project of which the toilet block replacement is an important albeit separate element.

It is considered that awarding the Contract will represent a low risk to the City as the recommended Respondent is a well established company with significant industry experience in providing construction and refurbishment works for state and local governments including private organizations.

### **Financial/Budget Implications:**

| <b>Current Year Budget Allocation for this Contract</b> | <b>Projected Expenditure on these Services to 30 June 2010</b> | <b>Projected Expenditure on these Services in first 12 Months of Contract if Accepted</b> | <b>Projected Expenditure on these Services over the Life of the Contract if Accepted</b> |
|---|--|---|--|
| \$227,058   | \$347,939  | \$347,939   | Not Applicable   |

There was \$35,000 in the capital works budget for the sewer connection and \$200,000 from the federal funding of which approximately \$8,000 was spent on design services.

The additional cost for the project was due to:

- (i) Increased sewer connection cost at \$114,697 being \$79,697 above budget. This is mainly due to the size of the pump to meet public facility requirements and the need to direct drill through rock.
- (ii) Increased building cost at \$233,242 being \$41,184 above budget. This was due to a change in the construction methodology from tilt up panel to brick construction. The change is recommended to increase the life of the structure in a marine environment.

The overall shortfall against the available budget is \$120,881. Although being constructed separately the Marmion Beach Public Toilet Block is an integral part of the overall Westcoast Drive streetscape enhancement project. To not proceed at this point would detract significantly from the streetscape enhancement once completed.

At this early point in the financial year there are no opportunities that could be used with confidence to redirect funds to cover the Marmion Beach Public Toilet Block. It is proposed that the funds be drawn from the Asset Replacement Reserve. The expenditure meets the purpose of this reserve which has a current balance of approximately \$2.7m.

### **Regional Significance:**

Not applicable.

### **Sustainability implications:**

Not applicable.

**Consultation:**

Not applicable.

**COMMENT**

The Offer representing best value to the City is that as submitted by Devco Holdings Pty Ltd. It scored 88% for the qualitative criteria and is the lowest priced offer received. The company is well established with extensive industry experience being in the construction business for over 35 years. It is well equipped and resourced to provide the reconstruction works for the City within the required timeframe.

**VOTING REQUIREMENTS**

Absolute majority

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

1. ACCEPTS the Tender submitted by Devco Holdings Pty Ltd for the reconstruction of Marmion Beach Public Toilet Block in accordance with the statement of requirements as specified in Tender 020/09 for the fixed lump sum of \$347,939 (GST Exclusive) for completion of the works within twelve (12) weeks from issue of the letter of acceptance;
2. BY AN ABSOLUTE MAJORITY, AUTHORISES that the budget shortfall for the reconstruction of Marmion Beach Public Toilet Block of \$120,881 be funded from the Asset Replacement Reserve which was established for such purposes.

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf110809.pdf](#)*

**ITEM 14                    GRAFFITI REMOVAL****WARD:** All**RESPONSIBLE DIRECTOR:** Mr. Mike Tidy  
Corporate Services**FILE NUMBER:** 13845, 78624**ATTACHMENTS:** Nil.

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**PURPOSE**

To advise Council on the outcomes of its request to the West Australian Local Government Association (WALGA), the State Government and the Federal Government in relation to issues regarding graffiti removal.

**EXECUTIVE SUMMARY**

At its meeting of 17 March 2009 Council resolved to seek a report from the Chief Executive Officer on seeking support from WALGA, the State Government and the Federal Government in relation to tackling graffiti. The request to WALGA was to adopt a position in relation to assisting local governments to recover the cost of graffiti removal from graffiti vandals. The request to the State Government was seeking support for the prohibition of the sale of aerosol paint cans to persons under the age of 25 and trialling a scheme of using young graffiti offenders to clean up graffiti. The request to the Federal Government was seeking support for prohibiting the importation and sale of aerosol paint cans that can be used for graffiti vandalism.

The City wrote to WALGA, the State Government and the Federal Government in relation to the various requests and has now received responses from those authorities.

*It is recommended that Council –*

- 1 *NOTES the encouraging responses from the West Australian Local Government Association and the State Minister for Police, Emergency Services and Road Safety and the lack of response from the Federal Government, and*
- 2 *NOTES that the City has entered into a Memorandum of Understanding to participate in a Pilot Project for the Office of Crime Prevention's Graffiti Clean-up Referral Program designed to involve first time and low level graffiti offenders in graffiti removal and to undertake restoration works.*

**BACKGROUND**

At its meeting of 17 March 2009 Council resolved as follows –

- "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."*

Subsequently the City wrote to WALGA in relation to point 1, the Hon Rob Johnson JP MLA, Minister for Police in relation to the State Government support sought in point 2 and to the Hon Simon Crean MP, Minister for Trade in relation to point 3.

Responses from WALGA, the State Government and the Federal Government have now been received.

## **DETAILS**

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

#### **WALGA**

The request to WALGA was for it to develop a position for Local Government as an Association to assist local governments to recover the costs of graffiti removal from graffiti vandals. The response from WALGA advises that the Association has been developing such a position and that this has now been considered by the State Council resulting in the following resolution –

*"That the Association:*

- 1 *seek a meeting with the Police Commissioner to discuss the WA Police implementing a standing policy of always seeking restitution from graffiti offenders, following seeking advice from the Council on the cost of the damage;*
- 2 *brings to the attention of the State Government the problems in winning a restitution order, and seeking support for the process to be improved;*
- 3 *explores the development of a training program to teach Council Officers how to initiate and present a claim through the Minor Case Procedure in the Magistrates Court or other jurisdictions as required;*
- 4 *advocates for the Western Australian State Government to introduce a separate Act to deal only with Graffiti including appropriate penalties; and*
- 5 *consult with Local Governments and consider developing a policy regarding Local Government participation in Victim Offender Mediation and having graffiti offenders on community service orders."*

As the resolution from WALGA indicates, the City's position and request for assistance is well supported. The report that was considered by WALGA however does identify a number of issues that make recovery of costs problematic.

Firstly, in terms of the criminal prosecution it is dependent on the police seeking restitution and is then dependent on restitution being granted when sought. The record in relation to both these is not good. The alternative to a criminal process is a civil process however, this also is fraught with difficulties because of the costs and administrative bureaucracy in the process. Nonetheless there is a commitment from WALGA to progress these issues both with the Police Commissioner and the State Government.

#### State Government

The first issue that support was sought from the State Government on was in relation to the prohibition sale of aerosol paint cans to persons under the age of 25 years and a requirement to introduce a register for aerosol paint can sales.

The Minister for Police, Emergency Services and Road Safety has responded advising that there are a number of measures that the government is committed to, the most significant of which is a doubling of the current fines that can be imposed on retailers breaching the current provisions in relation to the sale of spray paint. The current age limit is 18 years of age and there is no indication of any intention to raise this as was suggested by Council's resolution. There is also no response in relation to the proposal or suggestion for the introduction of an aerosol paint sales register.

The second issue on which support from the State Government was sought was in relation to trialling a scheme utilising young graffiti offenders to clean-up graffiti and to connect them with services in the community that could provide positive diversions. The Minister has advised that a Graffiti Clean-up Referral Program has been initiated that would specifically look at having first time or low level graffiti offenders involved in a program of removing graffiti and undertaking restoration work with appropriate and trained supervision. The Minister advised that a pilot program was to be setup and that the Wangara Juvenile Justice Team area, which covers the City of Joondalup, had been identified for that pilot. Subsequent to the Ministers advice the City has agreed to participate in the pilot and has signed a Memorandum of Understanding to that effect.

#### Federal Government

Support was sought from the Federal Government in relation to prohibiting the importation and sale of aerosol paint cans that could be used for graffiti vandalism. It is known that there are aerosol spray can products available that are specifically developed and designed for use by graffiti artists and vandals alike. These products are openly promoted on the internet and can be ordered from overseas.

The Minister for Trade has advised that as they believe the underlying policy issue is in relation to crime prevention and enforcement that it is a matter for the Attorney-General and that it has therefore been referred there. In turn the Attorney General's office has advised that as customs falls under the Minister for Home Affairs the City's correspondence has been forwarded to that office. Despite the initial advice of the referral being received from the Minister for Trade's office more than two months ago and the City following up with the other Ministers Offices, no further response has been received.

**Legislation/Strategic Plan/Policy Implications**

**Legislation** Not applicable.

**Strategic Plan**

Key Focus Area: Community Wellbeing.

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

**Policy** Not applicable.

**Risk Management considerations:**

Not applicable.

**Financial/Budget Implications:**

There are no additional budget implications for any of the issues covered by Council's resolution of 17 March 2009. The Graffiti Clean-up Referral Program Pilot Project which the City has signed a Memorandum of Understanding for does not involve any additional direct costs to the City. Any outcomes that come from Council's resolution in the form of reduced graffiti levels would contribute positively by reducing the amount of expenditure that the City currently incurs in graffiti removal.

**Regional Significance:**

The issues raised in the City's resolution of 17 March 2009 are not peculiar or unique to the City of Joondalup and have application to local governments across the state.

**Sustainability implications:**

Graffiti vandalism is a significant problem for the City and every opportunity needs to be taken to help mitigate and reduce the problem. Simply removing graffiti is not sustainable in terms of costs and resources.

**Consultation:**

Not applicable.

**COMMENT**

The responses received from WALGA and from the State Government are positive and encouraging although the State Government has not embraced all of the City's suggestions. Notwithstanding this, the pilot project for the Graffiti Clean-up Referral Program is a positive one and the City is keen to participate. The City recognises that addressing graffiti is not about a single one size fits all solution and that it is an incremental process and there will be many programs and initiatives that will need to be implemented.

Unlike WALGA and the State Government however, the response from the Federal Government is disappointing. The availability of aerosol paint cans specifically developed for use for graffiti is widely known and while it could prove difficult in practical terms to completely ban their importation there is certainly no obvious reason why importation of this product should be allowed.

**VOTING REQUIREMENTS**

Simple majority.

**RECOMMENDATION**

**That Council:**

- 1      **NOTES the encouraging responses from the West Australian Local Government Association and the State Minister for Police, Emergency Services and Road Safety and the lack of response from the Federal Government;**
- 2      **NOTES that the City has entered into a Memorandum of Understanding to participate in a Pilot Project for the Office of Crime Prevention's Graffiti Clean-up Referral Program designed to involve first time and low level graffiti offenders in graffiti removal and to undertake restoration works.**

**ITEM 15                    PROPOSED AMENDMENT TO TRADING IN PUBLIC PLACES LOCAL LAW 1999 AND POLICY 7-5 ALFRESCO ACTIVITIES****WARD:** All**RESPONSIBLE DIRECTOR:** Mr. Mike Tidy  
Corporate Services**FILE NUMBER:** 03360, 23122**ATTACHMENTS:** Attachment 1: Draft *Trading in Public Places Amendment Local Law (No.2) 2009***PURPOSE/EXECUTIVE SUMMARY**

To present Council with a local law amendment which seeks to address an outstanding issue in relation to public liability insurance and indemnities for outdoor dining and trading in public places licences.

The amendment has been drafted in consultation with the City's insurers to ensure adequate protection in the event of a claim for an incident that occurs within an alfresco dining area or public place where authorised trading has taken place.

It is recommended that, pursuant to section 3.12 of the *Local Government Act 1995*, Council agrees to publicly state the purpose and effect of the local law amendment provided at Attachment 1 and agrees to its release for a public consultation period of 44 days.

It is also recommended that Council notes that as part of the process for reviewing the *City Policy 7-5 Alfresco Activities*, clause 3A of the Policy will be amended to reflect the changes made to the *Trading in Public Places Local Law 1999* described above. The Policy will be reviewed by the Policy Committee at its next meeting and presented to Council for adoption soon after.

**BACKGROUND**

The City has received ongoing concerns from applicants of outdoor dining licences and trading in public places licences in regard to their ability to obtain insurance policies that comply with the City's relevant local laws and policies.

Under the City's *Trading in Public Places Local Law 1999* and *Policy 7-5 Alfresco Activities*, it is a current requirement that licence applicants take out a public liability insurance policy in joint names under the City and the licensee. Many applicants have reported that insurance companies will not allow such a policy to be granted. This has caused issues for the City in its ability to obtain a certificate of insurance from the licensee which adequately meets the City's legislated requirements.

In addition, the City's insurers are of the position that the City's current practice of requiring jointly named insurance policies may expose the City to potential claims for incidences that are not directly caused by an activity, action or performance undertaken by the City. As such, advice was provided to amend the City's current *Trading in Public Places Local Law 1999* and *Policy 7-5 Alfresco Activities* to remove the requirement for jointly named insurance policies and to include a statement of clarification of the circumstances under which liability should apply to each party.

This report outlines the nature of these changes and the processes required to progress the amendments.

## DETAILS

### *Trading in Public Places Amendment Local Law (No.2) 2009*

In consultation with the City's insurers, it was agreed that the following wording be included within the indemnity provisions of the City's *Trading in Public Places Local Law 1999* to clarify the circumstances in which liability for each party (being the City and the licensee) should apply:

*"it is a condition of the licence that the City will respond to any actions, suits, claims, damages, losses and expenses caused by or arising from the negligence, or alleged negligence, of the City and the licensee will respond to any suits, claims, damages, losses and expenses caused by or arising from the negligence, or alleged negligence, of the licensee"*

As illustrated in Attachment 1, this wording has been incorporated into the opening statement of s. 48(1) of the *Trading in Public Places Local Law 1999*.

Further to this, s. 48(1)(b) has also been amended to remove the requirement for licensees to take out public liability insurance policies in the names of both the licensee and the City. The consequence of this is that the City can rely on its own public liability insurance policy for coverage against negligence claims, without being exposed to potential claims which do not relate to its responsibilities or actions.

This subclause has also been amended to reflect the City's current administrative practice of requesting that public liability insurance policies be of a minimum value of \$10 million, rather than \$5 million. This is also based on the advice of the City's insurers.

### *Policy 7-5 Alfresco Activities*

In order to reflect the amendments made to the *Trading in Public Places Local Law 1999*, the City's *Policy 7-5 Alfresco Activities* will require similar changes, however, this will occur as part of a general review of the Policy that is currently being undertaken. It is anticipated that the Policy will be reviewed at the next Policy Committee meeting and presented to Council for adoption soon after. Given the lengthy process required to amend a local law, there is no issue in delaying the changes required within the Policy to reflect the local law, as it will be several months before a local law amendment is ready for adoption.

**Issues and options considered:**

- Option 1: Agree to release the *Trading in Public Places Amendment Local Law (No.2) 2009*, as provided at Attachment 1, for a public consultation period of 44 days.
- Option 2: Do not agree to release the *Trading in Public Places Amendment Local Law (No.2) 2009*, as provided at Attachment 1, for a public consultation period of 44 days.

**Legislation**

This report seeks Council approval to amend the City's *Trading in Public Places Local Law 1999*.

**Strategic Plan**

Not applicable.

**Policy**

This report highlights the need to amend the City's *Policy 7-5 Alfresco Activities* to reflect the changes made to the City's *Trading in Public Places Local Law 1999* via a general policy review process.

**Risk Management considerations:**

Should Council not agree to pursue the amendments, the City may be exposed to potential claims for negligence in which it was not a causal agent. There will also continue to be a discrepancy between the City's practices and its legislative requirements if jointly named insurance policies are not granted by insurance companies, yet the City requires that they be obtained.

**Financial/Budget Implications:**

The process for amending a local law incurs minor costs to advertise the amendment and gazette it once adopted by Council.

**Regional Significance:**

Not applicable.

**Sustainability implications:**

Not applicable.

**Consultation:**

Should Council agree to amend the *Trading in Public Places Local Law 1999*, a community consultation period of 6 weeks must be undertaken by the City in accordance with s. 3.12 of the *Local Government Act 1995*.

## COMMENT

At the Meeting of 16 June 2009, Council requested the Chief Executive Officer to provide a written undertaking to the Joint Standing Committee on Delegated Legislation to repeal the City's *Local Government and Public Property Amendment Local Law (No.2) 2008* (relating to a \$500 penalty for abandoned shopping trolleys) within a two-year period.

To satisfy the City's commitment to the Joint Standing Committee, a repeal provision has been included in the *Trading in Public Places Amendment Local Law (No.2) 2009* at Attachment 1. This has no relationship to the insurance amendment, however, its inclusion reduces the costs and administrative burden on the City to create a new legal instrument to repeal the aforementioned amendment.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

**That Council:**

1. In accordance with section 3.12 of the Local Government Act 1995, APPROVES the content of the Trading in Public Places Amendment Local Law (No.2) 2009 provided at Attachment 1 to this report and AGREES for its release for a public consultation period of 44 days, with the following purpose and effect:

*"The purpose of this Amendment Local Law is to enhance the City's protection against public liability claims which relate to outdoor eating licences."*

*"The effect of this Amendment Local Law is that the City's exposure to public liability claims within outdoor eating areas on public land will be reduced and the circumstances in which liabilities should apply to the licensee and City will be better clarified."*

2. NOTES that the City Policy 7-5 Al fresco Activities will be amended as part of a general policy review process to reflect the changes made to the Trading in Public Places Local Law 1999 and will be presented to Council after its consideration by the Policy Committee.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf110809.pdf](#)

**ITEM 16            LIST OF PAYMENTS MADE DURING THE MONTH OF JUNE**

|                              |  |
|------------------------------|--|
| <b>WARD:</b>                 | All  |
| <b>RESPONSIBLE DIRECTOR:</b> | Mr. Mike Tidy<br>Corporate Services  |
| <b>FILE NUMBER:</b>          | 09882  |
| <b>ATTACHMENTS:</b>          | Attachment A      CEO's Delegated Municipal Payment List for the month of June 2009<br>Attachment B      CEO's Delegated Trust Payment List for the month of June 2009<br>Attachment C      Municipal and Trust Fund Vouchers for the month of June 2009 |

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**PURPOSE**

To present to Council the list of accounts paid under the CEO's delegated authority during the month of June 2009 for noting.

**EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of June 2009 totalling \$12,026,616.20

*It is recommended that Council NOTES the CEO's list of accounts for June 2009 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments A, B and C to this Report, totalling \$12,026,616.20.*

**BACKGROUND**

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

**DETAILS**

The table below summarises the payments drawn on the funds during the month of June 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 | <b>Cheques</b> 84281 - 84527<br>and EF 6705 - 7205<br>Net of cancelled payments<br><br><b>Vouchers</b> 548A – 550A,<br>552a – 554A & 556A -557A | \$7,816,165.43<br><br>\$4,180,734.76 |
| Trust Account     | <b>Cheques</b> 202835 - 202883<br>Net of cancelled payments   | \$29,716.01                          |
|                   | <b>Total</b>  | <b>\$12,026,616.20</b>               |

**Issues and options considered:**

Not applicable.

**Legislation/Strategic Plan/Policy Implications**

**Legislation** 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.

**Strategic Plan**

Key Focus Area: Leadership and Governance  
Objective: 1.1 – To ensure that the processes of Local Governance are carried out in a manner that is ethical, transparent and accountable.

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

**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.

**Regional Significance:**

Not applicable.

**Sustainability implications:**

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

**Consultation:**

Not applicable.

**COMMENT**

All Municipal Fund expenditure included in the list of payments is 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.

**VOTING REQUIREMENTS**

Simple majority.

**RECOMMENDATION**

**That Council NOTES the CEO's list of accounts for June 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 this Report, totalling \$12,026,616.20.**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf110809.pdf](#)*

## ITEM 17                    POLICY FOR SUBURBAN PARKING SCHEMES

**WARD:** All

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

**FILE NUMBER:** 05787

**ATTACHMENTS:** Attachment 1 Policy - Parking Schemes for Suburban Areas Outside of the Joondalup City Centre

### PURPOSE

For Council to consider adopting the policy, Parking Schemes for Suburban Areas Outside of the Joondalup City Centre, following public consultation.

### EXECUTIVE SUMMARY

At its meeting in June 2009 Council resolved to accept a recommendation from the Policy Committee (refer CJ123 -06/09) to release the draft policy Parking Schemes for Suburban Areas Outside of the Joondalup City Centre for public comment for three weeks. The public consultation has been completed and one (1) submission was received

In addition to considering the adoption of the policy Council also needs to set the fees that will be charged for the resident/visitor parking permits in addition to the free allocation and to consider a delegation of authority to the Chief Executive Officer (CEO) to approve minor amendments to any scheme previously adopted by the Council. It is proposed that both of these will mirror the arrangements that currently apply for the City Centre resident/visitor parking permit schemes.

It is recommended that Council:

1. *ADOPTS the Policy – Parking Schemes for Suburban Areas Outside of the Joondalup City Centre,*
2. *DELEGATES to the Chief Executive Officer authority to make minor amendments to schemes adopted by Council under the Parking Schemes for Suburban Areas Outside of the Joondalup City Centre policy, and*
3. *ADOPTS the following Fees and Charges for Parking Permits for areas outside Joondalup City Centre with effect from 1 September 2009.*

| .DESCRIPTION  | Basis of charge  | GST (Y/N)         | Fee |
|---|--|-------------------|-----|
| <i>Resident / Visitor Parking Permit issued above the free initial allocation</i> | <i>Annual Permit Additional to those Issued Free (Expires 31 December)</i> | <i>N \$30.0 0</i> |     |
|   | <i>Temporary Permit Additional to those Issued Free (Maximum 6 Months)</i> | <i>N \$20.0 0</i> |     |
|   | <i>Replacement Permit (Damaged, lost or stolen)</i>                        | <i>N \$20.0 0</i> |     |

- 4 *GIVES public notice in accordance with Section 6.19 of the Local Government Act 1995 of the fees in (3) above.*

## BACKGROUND

Having already established a policy in relation to parking schemes in the City Centre and that there was a need to have a similarly consistent approach to establishing parking schemes in suburban areas a draft policy was presented and considered by the Policy Committee at its meeting in June 2009. The Committee recommended to Council that it be advertised for public comment for a period of three weeks. Council resolved to accept the recommendation at its meeting on Tuesday 16 June 2009 and further agreed:

*"that should no significant public submissions be received during the consultation period, the Draft Policy "Parking Schemes for Suburban Areas Outside of the Joondalup City Centre" in the format presented in Attachment 3 to Report CJ123-06/09, be presented to Council at its July 2009 meeting for approval;"*

The public comment period could not be completed in time to allow a report to the July Council meeting.

## DETAILS

The Policy identifies ways in which parking regimes may assist in preserving the amenity of a particular neighbourhood or location by utilising a combination of parking restriction types. Criteria for determining the particular combination of restrictions required is also provided. The draft policy is in most regards the same as the adopted Policy for the Joondalup City Centre with the major exception of the number of free permits available in an initial allocation. The number has been reduced from five (5) to three (3) reflecting the greater availability in most suburban locations of driveways and front gardens for vehicular parking.

The policy provides for residents to apply for additional permits to the initial free allocation, for a fee. The fees need to be set by Council. It is recommended that they are the same as those that apply to the City Centre parking schemes.

It is not unusual in the day to day management of the parking schemes that it becomes necessary to make minor amendments to maintain the effectiveness of the schemes. In the case of the City Centre the CEO has a delegation to make such minor amendments. A minor amendment is one where the overall intention and the general area covered by the parking scheme is not altered. It is restricted to refinements to accommodate unexpected consequences or facilitate better use and availability within the scheme intentions. Examples could include changing time restrictions, extending or reducing the length of a kerb or verge prohibition in a particular street or modifying a prohibition from "no stopping" to "no parking" or vice versa. It is recommended that a similar delegation apply to the new policy covering suburban parking schemes.

## Legislation/Strategic Plan/Policy Implications

**Legislation**                    The Council may make Policy and establish parking schemes under the provisions of the City of Joondalup Parking Local Law 1999

### Strategic Plan

Key Focus Area:                1.3     To lead and manage the City effectively  
Objective:                      1.3.1    The City develops and implements comprehensive and clear policies which are reviewed regularly.

**Policy**                        There is no current policy and the purpose of this report is to adopt a policy on suburban parking schemes outside the City Centre.

**Risk Management considerations:**

Not applicable

**Financial/Budget Implications:**

Not applicable

**Regional Significance:**

Not applicable

**Sustainability implications:**

Not applicable

**Consultation:**

The Policy was advertised for comment for a period of three (3) weeks, ending 1 August 2009. One submission was received. The concerns raised and the officer's responses are in the table below. Considering the nature of the concerns and the responses it is not felt that the Policy should be revised.

| <b>Concerns raised</b>   | <b>Officer response</b>  |
|--|--|
| Need to reapply for permits each year each year is onerous; Rates record could be used   | Annual renewal is designed to eliminate the possibility of inappropriate use of permits when occupiers change at any particular address.   |
| The expiry of permits at 31 December may affect residents' ability to hold New Year parties unless permits can be issued ahead of time | Occupiers will be written to and replacement permits will be offered in sufficient time, prior to the expiry of old permits  |
| The 3 hour time limit for visitor permits will inhibit trades persons working on a property  | Trades persons could park on the property if the visit is likely to be extended. Equally, if a complaint was received, the City would make enquiries at the property if a trade vehicle was parked for more than 3 hours to determine if the parking was legitimate. |
| An initial free allocation of 3 permits will cause excessive costs in purchasing extra permits for people who have large parties.      | Visitor permits may be shared amongst consenting residents without the need to apply for additional permits. Permits are not normally needed at night or at the weekends when parties most commonly take place.  |

**COMMENT**

The Policy provides for a range of suitable parking scheme types which can meet the expectations of the users of any particular location as well as manage the reasonable expectations of the local community.

**VOTING REQUIREMENTS**

Absolute majority.

**RECOMMENDATION**

That Council:

- 1 ADOPTS the Policy – Parking Schemes for Suburban Areas Outside of the Joondalup City Centre;
- 2 BY AN ABSOLUTE MAJORITY, DELEGATES to the Chief Executive Officer authority to approve amendments to parking schemes adopted by Council under the Parking Schemes for Suburban Areas Outside of the Joondalup City Centre policy in relation to the authority to implement and change time limits and prohibitions in streets and parking stations and the designation of visitor and authorised vehicle parking;
- 3 ADOPTS the following Fees and Charges for Parking Permits for areas outside Joondalup City Centre with effect from 1 September 2009.

| DESCRIPTION   | Basis of charge  | GST (Y/N) | Fee |
|---|--|-----------|-----|
| <i>Resident / Visitor Parking Permit issued above the free initial allocation</i> | <i>Annual Permit Additional to those Issued Free (Expires 31 December)</i> | N \$30.00 | 0   |
|   | <i>Temporary Permit Additional to those Issued Free (Maximum 6 Months)</i> | N \$20.00 | 0   |
|   | <i>Replacement Permit (Damaged, lost or stolen)</i>                        | N \$20.00 | 0   |

- 4 GIVES public notice in accordance with Section 6.19 of the Local Government Act 1995 of the fees in (3) above.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf110809.pdf](#)

**ITEM 18 FINANCIAL ACTIVITY STATEMENT FOR THE FINANCIAL YEAR ENDED 30 JUNE 2009 (SUBJECT TO END OF YEAR ADJUSTMENTS)**

|                              |  |
|------------------------------|--|
| <b>WARD:</b>                 | All  |
| <b>RESPONSIBLE DIRECTOR:</b> | Mr. Mike Tidy<br>Corporate Services  |
| <b>FILE NUMBER:</b>          | 07882  |
| <b>ATTACHMENTS:</b>          | Attachment A      Financial Activity statement for the Period Ended 30 June 2009 |

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**PURPOSE**

The June 2009 Financial Activity Statement (subject to end of year adjustments) is submitted to Council to be noted.

**EXECUTIVE SUMMARY**

Council adopted the Mid Year Budget Review for the 2008/09 Financial Year at its Meeting held on 17th March – CJ055-03/09. The figures in this report are compared to the Revised Budget figures.

The June 2009 Financial Activity Statement year to date report shows an overall variance from operations and capital of \$9,256K when compared to the 2008-2009 Revised Budget subject to end of year adjustments.

This variance can be summarised as follows:

- The **Operating** deficit is \$(3,420K) above budget made up of higher revenue of \$517K and higher operating expenditure of \$(3,937K).

Operating revenue was above budget for Contributions Reimbursements and Donations by \$1,062K, including \$933K for the sale of Recyclable Materials resulting from a change in accounting practice. Grants & Subsidies were \$713K above budget which includes \$758K received early for the first quarterly payment of the 2009/10 general purpose State Local Government Assistance Grant. Operating revenue was below budget from Profit on Asset Disposals \$(1,814K) mainly due to land sales not proceeding.

The operating expenditure variance arose principally from Depreciation being \$(3,627K) above budget mainly due to the revaluation of the City's buildings.

- The **Capital Revenue and Expenditure** deficit is \$7,218K below budget made up of a deficit of revenue of \$(1,437K), under expenditure of \$14,741K plus \$6,085K for Developers Contributions that is still to be ascertained.

The revenue deficit is mainly due to Grant funding for Burns Beach Road and Connolly Drive \$(2,970K) now to be received in 2009/10 partially offset by Grant funding received early for 50% of the Seacrest Community Sport Facility \$1,305K and the State Local Roads Grant \$490K.

Capital expenditure on projects and works was lower than expected in the budget by \$14,523K. The major areas of Capital Works experiencing delays are Major Road Construction \$4,517K, primarily for Connolly Drive and Streetscape Enhancements \$2,639K, mainly for West Coast Drive where Stage One is programmed for Winter 09/10. Vehicle and Plant replacements are \$247K below budget.

Further details of the operating and capital variances are contained in the notes attached to this report.

*It is recommended that Council NOTES the Financial Activity Statement for the financial year ended 30 June 2009 (subject to end of year adjustments).*

## **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 financial year ended 30 June 2009 (subject to end of year adjustments) is appended as Attachment A.

### **Legislation/Strategic Plan/Policy Implications:**

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

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

### **Strategic Plan**

Key Focus Area:      Leadership and Governance

Objective:      Objective 1.3 – To lead and manage the City effectively.

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

**Risk Management considerations:**

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

**Financial/Budget Implications:**

Not applicable

**Regional Significance:**

Not applicable.

**Sustainability implications:**

Expenditure has been incurred in accordance with 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 revised 2008-09 Annual Budget or have been authorised in advance by Council where applicable.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 30 June 2009 (subject to end of year adjustments).**

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf110809.pdf](#)*

**ITEM 19            TENDER 022/09 SUPPLY AND DELIVERY OF LIBRARY BOOKSTOCK****WARD:** All**RESPONSIBLE DIRECTOR:** Mr. Mike Tidy  
Corporate Services**FILE NUMBER:** 69628**ATTACHMENTS:** Attachment 1      Summary of Tender Submissions

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**PURPOSE**

This report is to seek the approval of Council to accept the Tender submitted by James Bennett Pty Ltd for the Supply and Delivery of Library Book Stock (Tender 022/09).

**EXECUTIVE SUMMARY**

Tenders were advertised on 30 May 2009 through state wide public notice for the Supply and Delivery of Library Book Stock. Tenders closed on 16 June 2009. Four (4) Submissions were received from:

- James Bennett Pty Ltd;
- ALS Library Services Pty Ltd;
- Bolinda Publishing Pty Ltd; and
- DA Information Services Pty Ltd.

The submission from James Bennett Pty Ltd represents best value to the City and offered the highest average discount below recommended retail price for library materials. They demonstrated a thorough understanding of the requirements, extensive experience in providing similar services to other local government public libraries and have the capacity to meet the City's requirements.

*It is recommended that Council ACCEPTS the Tender submitted by James Bennett Pty Ltd for the Supply and Delivery of Library Book Stock for an initial one (1) year period and two (2) optional one (1) year extensions in accordance with the statement of requirements as specified in Tender 022/09 at the submitted 30% discount below recommended retail price.*

**BACKGROUND**

The City has a requirement for the bulk supply of book stock and other materials to its Libraries and the expenditure of this requirement now exceeds the tender threshold of \$100,000 and a Tender was required to be called.

This is the first time the City has tendered for these services and Library materials were previously selected and sourced from multiple suppliers by library personnel. The Tender was advertised with the view of appointing a panel of suppliers, to cover the possibility of one supplier not being able to provide all the required formats.

## DETAILS

Tenders were advertised on 30 May 2009 through state wide public notice for the Supply and Delivery of Library Book Stock. Tenders closed on 16 June 2009.

The Contractor is to select and supply newly released library materials from selection profiles supplied by the City. The selection profiles will include suggested authors, genres, series, book award winners and the number of copies.

The library materials are to be supplied in the following formats:

- Hardcover
- Trade paperback
- Large print
- Audio CD
- Digital audio books
- DVD
- Music CD

### Evaluation Criteria

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

| <b>Qualitative Criteria</b> |   | <b>Weighting</b> |
|-----------------------------|---|------------------|
| 1                           | Demonstrated experience in providing similar services | 35%              |
| 2                           | Capacity  | 35%              |
| 3                           | Demonstrated understanding of the required tasks      | 25%              |
| 4                           | Social and economic effects on the local community    | 5%               |

### Evaluation Panel

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

### Tender Submissions

Four (4) Submissions were received from the following Tenderers:

- James Bennett Pty Ltd;
- ALS Library Services Pty Ltd;
- Bolinda Publishing Pty Ltd; and
- DA Information Services Pty Ltd.

A summary of the Tender submissions including the location of each Tenderer is provided in Attachment 1 to this Report.

This Contract is for a fixed percentage discount below recommended retail price (R.R.P.) for library materials. The price assessment was based upon the average percentage discount offered across the material formats. The higher the discount offered by Tenderers, the greater the number of items the City is able to purchase with the available budget. The average discount offered by each of the Tenderers is detailed below in the summary table.

Bolinda Publishing Pty Ltd offered three pricing options for their services. These were standard, pay as you go (PAYG) standing order and prepay standing order. Prepay standing orders do not conform to the City's payment terms.

### **Evaluation Summary**

| Tenderer Evaluation             | Score | Average % Discount Below R.R.P.            | Qualitative Rank |
|---------------------------------|-------|--|------------------|
| James Bennett Pty Ltd           | 83.7% | 30%  | 1                |
| ALS Library Services Pty Ltd    | 76%   | 18%  | 2                |
| Bolinda Publishing Pty Ltd      | 68.4% | 10% standard<br>15% PAYG<br>standing order | 3                |
| DA Information Services Pty Ltd | 63.1% | 23%  | 4                |

The Offer from James Bennett Pty Ltd was ranked first in both qualitative assessment and percentage discount. They demonstrated a comprehensive understanding of the requirements, extensive experience in supplying similar services to other local government libraries and more than sufficient capacity to meet the City's requirements. They offered the highest average percentage discount below recommended retail price.

The remaining Tenderers all demonstrated sufficient experience, capacity and understanding of the City's requirements, however each offered a lower average percentage discount below recommended retail price than James Bennett Pty Ltd and are accordingly not recommended.

The Tender was advertised with the possibility of appointing a panel of suppliers. The Offer from James Bennett Pty Ltd met all the City's requirements and the evaluation panel considered the appointment of any other Tenderer to a panel of suppliers would not provide any added benefit to the City.

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

The City's libraries require the bulk supply and delivery of library materials. The expenditure on this requirement exceeds the tender threshold of \$100,000 and a Tender was required to be called. Library materials are selected by the supplier in accordance with profiles and budgets supplied by the City. This reduces the workload on library personnel.

### **Legislation/Strategic Plan/Policy Implications**

**Legislation** A state wide public tender was advertised, opened and evaluated in accordance with Clause 11(1) of Part 4 of the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000.

#### **Strategic Plan**

Key Focus Area: Community wellbeing  
Objective: To facilitate culture, the arts and knowledge within the community.

**Policy** Not applicable.

#### **Risk Management considerations:**

Should the contract not proceed, the risk to the City will be low as library materials can continue to be purchased through the current process, however the expenditure exceeds \$100,000 per year and is not in accordance with the requirements of Clause 11(1) of part 4 of the *Local Government (Functions and General) Regulations 1996*.

It is considered that the Contract will represent a low risk to the City as the recommended Tenderer is a well-established company with significant industry experience and the capacity to provide the services to the City.

#### **Financial/Budget Implications:**

| <b>Current Year Budget Allocation for this Contract 2009/2010</b> | <b>Projected Expenditure on these Services to 30 June 2010</b> | <b>Projected Expenditure on these Services in first 12 Months of Contract if Accepted</b> | <b>Projected Expenditure on these Services over the Life of the Contract if Accepted</b> |
|---|--|---|--|
| \$129,300   | \$107,750  | \$129,300   | \$387,900*   |

\* Inclusive of two (2) optional one year (1) extensions.

#### **Regional Significance:**

Not applicable.

#### **Sustainability implications:**

Not applicable.

#### **Consultation:**

Not applicable.

**COMMENT**

The evaluation panel carried out the evaluation of the Submissions in accordance with the Qualitative Criteria in a fair and equitable manner and concluded that the Offer representing best value to the City is that as submitted by James Bennett Pty Ltd.

**VOTING REQUIREMENTS**

Simple majority.

**RECOMMENDATION**

**That Council ACCEPTS the Tender submitted by James Bennett Pty Ltd for the Supply and Delivery of Library Book Stock for an initial one (1) year period and two (2) optional one (1) year extensions in accordance with the statement of requirements as specified in Tender 022/09 at the submitted 30 % discount below recommended retail price.**

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf110809.pdf](#)*

**ITEM 20                    MINUTES OF THE COMMUNITY SAFETY AND CRIME PREVENTION ADVISORY COMMITTEE MEETING HELD ON 23 JULY 2009****WARD:** All**RESPONSIBLE DIRECTOR:** Mr Mike Tidy  
Corporate Services**FILE NUMBER:** 78623**ATTACHMENTS:** Attachment 1 Minutes of the Community Safety and Crime Prevention Advisory Committee Meeting held on 23 July 2009**PURPOSE**

To submit the unconfirmed minutes of the Community Safety and Crime Prevention Advisory Committee to Council for noting and to give consideration to the recommendations contained therein.

**EXECUTIVE SUMMARY**

A meeting of the Community Safety and Crime Prevention Advisory Committee was held on 23 July 2009.

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

- 1 Information Pack and Presentation on Community Safety and Crime Prevention - [78623]

**BACKGROUND**

The objectives of the Community Safety and Crime Prevention Advisory Committee are:

- 1 to provide advice to the Council on community safety and crime prevention issues;
- 2 to assist the Council in developing a strategic approach to ensure the safety and well being of the wider community of the City of Joondalup.

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

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

The Motion carried at the Community Safety and Crime Prevention Advisory Committee meeting held on 23 July 2009 is shown below, together with officer's comment.

**1 Information Pack and Presentation on Community Safety and Crime Prevention - [78623]**

"That Community Safety and Crime Prevention Advisory Committee:

- 1 NOTES the Information Pack provided to Committee members;
- 2 NOTES the presentation of 23 July 2009 in relation to Community Safety and Crime Prevention within the City of Joondalup and the draft Community Safety and Crime Prevention Plan;
- 3 PROVIDES comments on the draft Community Safety and Crime Prevention Plan by 21 August 2009 for consideration at the next meeting of the Community Safety and Crime Prevention Advisory Committee;
- 4 SETS the next meeting of the Community Safety and Crime Prevention Advisory Committee to be held on Thursday, 3 September 2009.
- 5 REQUESTS endorsement from Council for the preparation of reports addressing the following Community Safety and Crime Prevention areas – identifying gaps, constraints and opportunities:
  - (a) Neighbourhood Watch;
  - (b) Youth Engagement;
  - (c) Hooning;
  - (d) Hot spot Management;
  - (e) Mural Arts Program."

**Officer's Comment**

In relation to the recommendation 3, the comments received will be incorporated into a report for the Committee to consider at its meeting on 3 September 2009. The Committee will then make its recommendation to Council on the draft Community Safety and Crime Prevention Plan.

Reports can be prepared in relation to recommendation 5.

**Legislation/Strategic Plan/Policy Implications**

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

**Strategic Plan** Not applicable.

**Policy** Not applicable.

**Risk Management considerations:**

Not applicable.

**Financial/Budget Implications:**

Not applicable.

**Regional Significance:**

Not applicable.

**Sustainability implications:**

Not applicable.

**Consultation:**

Not applicable.

**COMMENT**

Not applicable.

**VOTING REQUIREMENTS**

Simple Majority

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

- 1      NOTES th e unconfirmed minutes of the Community Safety and Crime Prevention Advisory Committee meeting held on 23 Jul y 2009 forming Attachment 1 to this Report;
- 2      SUPPORTS the Committee's request for the preparation of reports addressing the following Community Safety and Crime Prevention areas – identifying gaps, constraints and opportunities on the basis that they will be brief and are not required by the next meeting of the committee:
  - (a) Neighbourhood Watch;
  - (b) Youth Engagement;
  - (c) Hooning;
  - (d) Hot spot Management;
  - (e) Mural Arts Program.

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf110809.pdf](#)

|                           |   |
|---------------------------|---|
| <b>Name/Position</b>      | <b>Mr Garry Hunt , Chief Executive Officer</b>  |
| <b>Item No/Subject</b>    | Item 19 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 14 July 2009. |
| <b>Nature of interest</b> | Financial Interest  |
| <b>Extent of Interest</b> | Mr Hunt holds the position of Chief Executive Officer   |

|                           |   |
|---------------------------|---|
| <b>Name/Position</b>      | <b>Mr Mike Tidy, Director Corporate Services</b>  |
| <b>Item No/Subject</b>    | Item 19 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 14 July 2009. |
| <b>Nature of interest</b> | Interest that may affect impartiality   |
| <b>Extent of Interest</b> | Due to the nature of Mr Tidy's employment relationship with the Chief Executive Officer.                    |

## **ITEM 21                    MINUTES OF THE CHIEF EXECUTIVE OFFICER - PERFORMANCE REVIEW COMMITTEE MEETING HELD ON 14 JULY 2009**

**WARD:** All

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

**FILE NUMBER:** 51567

**ATTACHMENTS:** Attachment 1 Minutes of the CEO Performance Review Committee meeting held on 14 July 2009

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

A meeting of the Chief Executive Officer Performance Review Committee was held on 14 July 2009.

The item of business that was considered by the Committee at this meeting related to the CEO Annual Performance Review, Review of Key Performance Indicators and Annual Salary Review

*It is recommended that Council NOTES the unconfirmed minutes of the Chief Executive Officer Performance Review Committee meeting held on 14 July 2009 forming Attachment 1 to this Report.*

### **BACKGROUND**

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

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

## DETAILS

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

The Motion carried at the Chief Executive Officer Performance Review Committee meeting is shown below, together with officer's comments.

*"That the CEO Performance Review Committee:*

- 1 *APPROVES the revised timetable for the performance review of the Chief Executive Officer, forming Attachment 1 to these Minutes, and sets the date for the formal performance review interview as Tuesday 25 August 2009;*
- 2 *REQUESTS Workplace Solutions (John Phillips) be appointed as the external and independent HR expert for the committee to consult with and seek guidance from and to facilitate the review of the CEO's performance;*
- 3 *ENDORSES the process of seeking input into the CEO's KPIs from Elected Members at the same time as feedback is provided in relation to the CEO's performance review and that the review of the CEO's KPIs be undertaken at the interview with the CEO in relation to his annual performance;*
- 4 *ENDORSES the process of undertaking the annual salary review at the same meeting as its consideration of the Concluded Annual Performance Review Report."*

**Officer's Comment**

The process for the CEO's performance review is underway in accordance with the timetable.

**Legislation/Strategic Plan/Policy Implications**

|                       |  |
|-----------------------|--|
| <b>Legislation</b>    | Section 5.8 of the Local Government Act 1995 provides for a local government to establish a committee to assist council.   |
|                       | Section 5.38 of the Local Government Act 1995 states that each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of employment. |
| <b>Strategic Plan</b> | Objective 4.5 To manage our workforce as a strategic business resource.  |

|               |                 |
|---------------|-----------------|
| <b>Policy</b> | Not Applicable. |
|---------------|-----------------|

**Risk Management considerations:**

The performance review process is designed to evaluate and assess the CEO's performance against key performance indicators on an annual basis. The requirement for the performance review is a contractual one between the Chief Executive Officer and the Council. The Contract provides for the review to be conducted by the Chief Executive Officer's Performance Review Committee. Failure to undertake the review as required in the contract terms would risk a breach of contract.

**Financial/Budget Implications:**

The provisions of the Chief Executive Officer's Employment Contract in relation to performance reviews requires that the Performance Review Committee engage an independent consultant to advise it and assist it in undertaking the Chief Executive Officer's performance review. Provisions have been made within the City's consultancy budget for the engagement of a suitable consultant to assist the Committee in the performance review process.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

Not applicable.

**VOTING REQUIREMENTS**

Simple majority.

**RECOMMENDATION**

**That Council NOTES the unco nfirmed minutes of the Chief Executive Officer Performance Review Committee meetings held on 14 July 2009 forming Attachment 1 to this Report.**

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15brf110809.pdf](#)*

**ITEM 22 MINUTES OF THE CONSERVATION ADVISORY COMMITTEE HELD 24 JUNE 2009****WARD:** All**RESPONSIBLE DIRECTOR:** Mr Martyn Glover  
Infrastructure Services**FILE NUMBER:** 12168**ATTACHMENTS:** Attachment 1 Minutes of the Conservation Advisory Committee Meeting held on 24 June 2009

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**PURPOSE**

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

**EXECUTIVE SUMMARY**

A meeting of the Conservation Advisory Committee was held on 24 June 2009.

The items of business considered by the Committee were:

Item 1 Resignation from the Conservation Advisory Committee;

Item 2 Conservation Advisory Committee Work Plan 2009 - 2010 Committee Update, June 2009;

Item 3 Yellagonga Integrated Catchment Management Plan.

It is recommended that Council:

- 1 *NOTES the unconfirmed minutes of the Conservation Advisory Committee held on 24 June 2009 forming Attachment 1 to this report.*
- 2 *NOTES the resignation of Mr Gary Tate and thanks him for his past contribution to the Conservation Advisory Committee.*
- 3 *DOES NOT appoint a replacement community representative at this time.*
- 4 *NOTES the report titled Conservation Advisory Committee Work Plan 2009-2010 Committee Update, June 2009;*
- 5 *AGREES that the comments from the Conservation Advisory Committee on the Draft Yellagonga Integrated Catchment Management Plan, be considered prior to the formalisation of the document.*

## 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 bi-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 24 June 2009 is shown below, together with officer's comments.

#### **Item 1 Resignation from the Conservation Advisory Committee**

The following motions were carried at the Committee meeting:

*"That the Conservation Advisory Committee:*

- 1      *NOTES the resignation of Mr Gary Tate and thanks him for his contribution to the Committee;*
- 2      *RECOMMENDS that Council DOES NOT appoint a replacement community representative at this time."*

#### Officer's comment

City Officers fully support both motions. Mr Tate was an active member of the Conservation Advisory Committee and his contribution will be missed.

The Conservation Advisory Committee was of the opinion that because Council elections will be held in October 2009, and the current Conservation Advisory Committee will be disbanded, it would be more appropriate to replace Mr Tate's position on the Conservation Advisory Committee after the elections.

#### **Item 2      Conservation Advisory Committee Work Plan 2009 - 2010 Committee Update, June 2009**

The following motions were carried at the Committee meeting:

*"That the Conservation Advisory Committee:*

- 1      *NOTES the report titled Conservation Advisory Committee Work Plan 2009-2010 Committee Update, June 2009;*
- 2      *THANKS the staff for their ongoing initiatives regarding biodiversity issues."*

#### Officer's comment

No Comment

**Item 3 Yellagonga Integrated Catchment Management Plan**

The following motion was carried at the Committee meeting:

*"That the comments from the Conservation Advisory Committee included in the minutes be referred to Council for consideration."*

The following comments and concerns were raised:

- The treatment of midge control, one of the key threats;
- Impact of introduced animals and pets;
- Page 20, reference to the management of nuisance midge swarms, residents should be encouraged to use orange lights to reduce midge attraction;
- Page 21, reference to monitoring of groundwater at monthly intervals, concern and questions raised over the disintegration of bores;
- Page 9 & 22, reference to "Unallocated Crown Land", concern over Fire Emergency Services Authority (FESA) being able to burn on Unallocated Crown Land;
- Page 24, reference to Indigenous sacred sites, caution suggested as sacred sites must not be identified. It should state that the information on Indigenous sacred sites is not for public distribution;
- Concern that the Department of Environment and Conservation (DEC) do not have the funds for managing the regional park;
- Page 30, the direct discharge of storm water being an ongoing source of pollution; concern over the words "is considered" being used;
- Page 31, reference to dot points on the Stormwater Management Plan, questioned the use of biofiltration;
- Page 33, reference to "Give 20 Program" no longer in practice;
- Page 49, reference to "Cities" in plural, and the use of an apostrophe;
- Page 38 & 39, The 'Project Description' being identical. Major imperfections have been noted in the report and recommend that Council have them amended prior to finalisation;
- Place Part 1 of the Technical Draft Report on the Web.

**Officer's comment**

The City Officer's recommendation is that the comments from the Conservation Advisory Committee on the Draft Yellagonga Integrated Catchment Management Plan, be considered prior to the formalisation of the document.

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

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

**Strategic Plan**

Key Focus Area:

Caring for the Environment

Outcomes

The City is environmentally responsible in its activities

Objective:

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

Strategies

2.1.1 Maintain and protect natural assets to retain biodiversity.

2.1.2 Further develop environmentally effective and energy –efficient programs

2.1.3 Develop a coordinated environmental framework, including community education.

**Policy**

Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget 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)

Economic

Not Applicable.

**Consultation:**

The Conservation Advisory Committee provides a forum for community consultation and engagement on issues relating to biodiversity.

**COMMENT**

Not Applicable

**VOTING REQUIREMENTS**

Simple majority

**RECOMMENDATION**

**That Council:**

- 1     NOTES the unconfirmed minutes of the Conservation Advisory Committee held on the 24 June 2009 forming Attachment 1 to this report;
- 2     NOTES the resignation of Mr Gary Tate and thanks him for his past contribution to the Conservation Advisory Committee;
- 3     DOES NOT appoint a replacement community representative at this time;
- 4     NOTES the report titled Conservation Advisory Committee Work Plan 2009-2010 Committee Update, June 2009;
- 5     AGREES that the comments from the Conservation Advisory Committee on the Draft Yellagonga Integrated Catchment Management Plan, be considered prior to the formalisation of the document.

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16brf110809.pdf](#)*

**ITEM 23 MINUTES OF THE MEETING OF THE  
STREETSCAPE ADVISORY COMMITTEE HELD ON  
16 JULY 2009****WARD:** All**RESPONSIBLE DIRECTOR:** Mr Martyn Glover  
Infrastructure Services**FILE NUMBER:** 79623**ATTACHMENTS:** Attachment 1 Minutes of Streetscape Advisory Committee meeting held on 16 July 2009

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**PURPOSE**

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

**EXECUTIVE SUMMARY**

A meeting of the Streetscape Advisory Committee was held on 16 July 2009.

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

Item 1 Presentation on Service Provision/and or Current Programs Relating to the Streetscape Advisory Committee.

*It is recommended that Council:*

- 1 *NOTES the unconfirmed minutes of the Streetscape Advisory Committee meeting held on 16 July 2009 forming Attachment 1 to this Report;*
- 2 *DOES NOT SUPPORT the Streetscape Advisory Committee's request for the Council to seek a report from the Chief Executive Officer on the management of street verges and enforcement of same, to be referred to the Policy Committee for consideration as the management and enforcement of street verges is already addressed by the City of Joondalup Local Government and Public Property Local Law 1999;*
- 3 *SUPPORTS the Streetscape Advisory Committee's request for the Council to seek a report from the Chief Executive Officer relating to the maintenance and presentation of public access ways;*
- 4 *NOTES the Streetscape Advisory Committee's request for a report relating to the identification of public access ways for possible closure and that such a process is already considered under Policy 7-16 Pedestrian Accessways;*

**5 NOTES:**

- (a) *the Streetscape Advisory Committee's request for a report relating to strategies for offsetting of CO<sub>2</sub>;*
  - (b) *the City of Joondalup is already exploring all alternatives for the reduction of greenhouse gas emissions including carbon offset programs;*
- 6 *SUPPORTS the Streetscape Advisory Committee's request for the Council to seek a report from the Chief Executive Officer on the street tree species available for planting in the City of Joondalup, including both exotic and native species;*
- 7 *SUPPORTS the Streetscape Advisory Committee's request for a presentation to be given in relation to the Landscape Master Plan to the Committee.*

**BACKGROUND**

The objectives of the Streetscape Advisory Committee are:

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

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

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

The Motions carried at the Streetscape Advisory Committee meeting held on 16 July 2009 are shown below, together with officer's comments.

**Item 1      Presentation on Service Provision/and or Current Programs Relating to the Streetscape Advisory Committee.**

*"That the Streetscape Advisory Committee REQUESTS Council to seek a report from the Chief Executive Officer on the management of street verges and enforcement of same, to be referred to the Policy Committee for consideration."*

**Officer's Comment**

The management and enforcement of street verges is already determined by the City of Joondalup Local Government and Public Property Local Law 1999. In particular Part 8 – Activities in Thoroughfares addresses works, permissible verge treatments, owners or occupiers responsibilities for verge treatments and enforcement. It is intended that this will be reviewed and as part of this process it would be submitted to the Policy Committee for consideration. This motion is therefore not supported by officers.

*"That the Streetscape Advisory Committee REQUESTS Council to seek a report from the Chief Executive Officer relating to public access ways, including maintenance, safety and security, improvements in presentation and lighting, and identification of those for possible closure."*

**Officer's Comment**

The maintenance and presentation of public access ways is limited to the existing resources available to the City. Consideration can be given to a review of the maintenance practices and presentation and as such a report generated that identifies the specific requirements of public access ways. This portion of the motion is therefore supported.

In relation to the closure of public access ways, this is already considered under the City's Policy 7-16 Pedestrian Accessways.

*"That the Streetscape Advisory Committee REQUESTS Council to seek a report from the Chief Executive Officer relating to strategies for offsetting of CO<sub>2</sub> through the increased planting of trees in the City of Joondalup."*

**Officer's Comment**

The City has been actively involved in the International Council for Local Environmental Initiatives – Local Governments for Sustainability (ICLEI) in collaboration with the Australian Greenhouse Office (AGO). This Federal Government Program has recently been discontinued however the Western Australian Local Government Association (WALGA) are looking to continue the Program in another form with local governments, and the City of Joondalup is working with WALGA to progress this. Under the ICLEI CCP abatement reporting process tree planting did not count towards the total tonnes of CO<sub>2</sub>e abated by the City. ICLEI's reason for this was that the planting of trees relates to a future sequestration of carbon as the trees mature, whereas the annual reporting measures accounted for actual emission abatements achieved in the reporting year.

The City has set ambitious greenhouse gas emission targets and will continue to progress initiatives to achieve the stretch targets. Budget allocations have been made in the 2009/10 Budget to purchase carbon offsets, and as a result of the discontinuation of the ICLEI CCP Program, the City will work closely with WALGA in the development of a replacement program. A component of the Program will be the investigation of the purchase of carbon offsets and the measurement of City initiatives to reduce emissions. It is not considered necessary to request a report on this matter as the City is already exploring all alternatives for the reduction of greenhouse gas emissions.

*"That the Streetscape Advisory Committee REQUESTS Council to seek a report from the Chief Executive Officer on the street tree species available for planting in the City of Joondalup, including both exotic and native species."*

**Officer's Comment**

The City of Joondalup has guidelines in place for the planting of street trees. These guidelines include a list of preferred species that includes both exotic and native trees. The current list includes fourteen species that have been determined to be successful in City of Joondalup conditions. It would be appropriate to review this list and give consideration to the inclusion of additional species that are to be deemed suitable, the motion is therefore supported.

**Presentation to next Committee meeting**

*It was agreed that a presentation would be given in relation to the Landscape Master Plan at the next meeting of the Committee.*

**Officer's Comment**

The Director Infrastructure Services will be delivering a presentation on the Landscape Master Plan to the IPWEA National Conference in Melbourne during September. It was suggested that this be presented to the committee to further explain the concepts and direction of the plan. This motion is supported.

**Legislation/Strategic Plan/Policy Implications**

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

**Strategic Plan**

**Key Focus Area:**              Caring for the Environment

**Objective:**              The City is environmentally responsible in its activities

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

**Strategies**              2.1.2 Further develop environmentally effective and energy – efficient programs

**Policy**              Policy 7-16 Pedestrian Accessways

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

The recommendations within this report can be accommodated with existing budget and resource allocations.

**Regional Significance:**

The Streetscape Advisory Committee provides advice to the Council on local streetscape amenity such as street trees, verges, public access ways and medians.

**Sustainability implications:**

The Streetscape Advisory Committee provides a forum for consideration of a range of sustainability issues related to street trees and streetscapes by Elected Members and community representatives with local knowledge and expertise.

**Consultation:**

The Streetscape Advisory Committee includes a number of community members who have been involved in the committee process.

**COMMENT**

Please refer to individual officer comments under the details heading.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

**That Council:**

- 1 NOTES the unconfirmed minutes of the Streetscape Advisory Committee meeting held on 16 July 2009 forming Attachment 1 to this Report;
- 2 DOES NOT SUPPORT the Streetscape Advisory Committee's request for the Council to seek a report from the Chief Executive Officer on the management of street verges and enforcement of same, to be referred to the Policy Committee for consideration as the management and enforcement of street verge issues is already addressed by the City of Joondalup Local Government and Public Property Local Law 1999;
- 3 SUPPORTS the Streetscape Advisory Committee's request for the Council to seek a report from the Chief Executive Officer relating to the maintenance and presentation of public access ways;
- 4 NOTES the Streetscape Advisory Committee's request for a report relating to the identification of public access ways for possible closure and that such a process is already considered under Policy 7-16 Pedestrian Accessways;

**5 NOTES:**

- (a) the Streetscape Advisory Committee's request for a report relating to strategies for offsetting of CO<sub>2</sub>;
  - (b) the City of Joondalup is already exploring all alternatives for the reduction of greenhouse gas emissions including carbon offset programs;
- 6 SUPPORTS the Streetscape Advisory Committee's request for the Council to seek a report from the Chief Executive Officer on the street tree species available for planting in the City of Joondalup, including both exotic and native species;
  - 7 SUPPORTS the Streetscape Advisory Committee's request for a presentation to be given in relation to the Landscape Master Plan to the Committee.

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf110809.pdf](#)

**ITEM 24 PARKING REVIEW ARNISDALE ROAD DUNCRAIG**

|                              |  |
|------------------------------|--|
| <b>WARD:</b>                 | South  |
| <b>RESPONSIBLE DIRECTOR:</b> | Mr. Martyn Glover<br>Infrastructure Services   |
| <b>FILE NUMBER:</b>          | 14626  |
| <b>ATTACHMENTS:</b>          | Attachment 1      Aerial Photo of site location<br>Attachment 2      Proposed parking embayment concept plan on Arnisdale Road, Duncraig |

**PURPOSE**

To consider the construction of additional on-street parking bays adjacent to Glengarry Park on Arnisdale Road, Duncraig.

**EXECUTIVE SUMMARY**

Following receipt of a petition on 28 October 2008, the City conducted a review of parking habits in Arnisdale Road, Duncraig.

A review of the facilities identified that there was demand for additional embayments adjacent to Glengarry Park. A survey was conducted with the immediately affected residents and the result is positive for the embayments.

*It is therefore recommended that Council:*

1. APPROVES the concept plan for the construction of nine additional on-street parking embayments on Arnisdale Road, Duncraig adjacent to Glengarry Park as shown on attachment2.
2. LIST \$25,000 for consideration in the 2010 /11 Capital Works Program for the provision of on-street parking embayments on Arnisdale Road, Duncraig.

**BACKGROUND**

Council at its Meeting on 28 October 2008 resolved the following:

*"that the petition requesting Council to consider taking appropriate action to protect the amenity of remaining residential properties in Arnisdale Road, Duncraig be received and referred to the appropriate Business Unit for action"*

Although the petition specifically considered planning issues, Infrastructure Management also commenced a review of the traffic in the area.

In addition to the petition, the City received a request on 19 January 2009 suggesting that the report on Arnisdale Road also consider the amount of on-street parking abutting residential properties and vehicles parking on the verge adjacent to Glengarry Park. The City reported to Council in February 2009 on the planning issues in Arnisdale Road however the traffic issues were not incorporated in this report.

## DETAILS

Arnsdale Road is a local access road, 765 m long and there are currently on-street parking embayments which service the commercial and residential area at the western end of the street. The concerns raised by the community were predominantly due to spill over parking on the verge area adjacent to Glengarry Park beyond the existing parking as shown in Attachment 1.

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

A site inspection confirmed that parking is available both on-street and within the private properties of the commercial precinct. However, it was also noted that a small number of vehicles are parking on the verge area adjacent to Glengarry Park. It was also identified that the verge area is the most convenient location for the community to park when utilising the Glengarry Park tennis courts.

The options were to support additional parking with the provision of embayments or alternatively place restrictions to prevent people from parking on the verge.

The City considered the embayments as a recognised resource in the street and to further confirm the position the City conducted a survey of the immediately affected residents'.

### **Legislation/Strategic Plan/Policy Implications**

#### **Legislation**

Not Applicable

#### **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 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.

#### **Policy**

Not Applicable

### **Risk Management considerations:**

Not Applicable

### **Financial/Budget Implications:**

The estimated cost for the construction of the additional on-street parking embayments on Arnsdale Road, as shown on Attachment 2, is \$25,000. Funding for the project is to be considered in the 2010/11 Capital Works Program.

### **Regional Significance:**

Not Applicable

**Sustainability implications:**

Not Applicable

**Consultation:**

Correspondence and consultation feedback forms were sent to the 17 residents located in the vicinity of the commercial precinct.

The City received six responses as a result of the consultation process, which represents a 35% response rate. There were six responses received and all six residents supported the concept plan for the construction of nine additional embayments on Arnisdale Road. However, additional comments were received from one resident suggesting that a timed parking restriction should be considered.

**COMMENT**

The proposal to construct additional on-street parking embayments on Arnisdale Road (as per Attachment 2) will assist in improving the amenity of the street and address residents' concerns regarding overflow parking from the commercial precinct at this location.

The existing parking prohibition scheme on Arnisdale Road has been reviewed as part of the overall assessment and found to be adequate for the control of parking within the commercial precinct. Consideration was also given for the inclusion of a timed parking restriction however, this option would relocate the spill over parking onto surrounding residential streets and have a negative impact on the residential amenity, and consequently it was not supported.

**VOTING REQUIREMENTS**

Simple Majority

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

1. APPROVES the conce pt plan for the construction of n ine additional on-stre et parking embayments on Arnisdale Road, Duncraig adjacent to Glengarry Park as shown in Attachment 2 to this Report;
2. LIST \$25,000 for consideration in the 2010/11 Capital Works Program for the provision of on-street parking embayments on Arnisdale Road, Duncraig.

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf110809.pdf](#)

**ITEM 25 BETTER UTILISATION OF CITY OF JOONDALUP DRAINAGE SUMPS****WARD:** All**RESPONSIBLE DIRECTOR:** Mr. Martyn Glover  
Infrastructure Services**FILE NUMBER:** 42666**ATTACHMENTS:** Attachment 1 Traditional Sump.  
Attachment 2 Modern Sumps  
Attachment 3 Yellagonga Regional Park Biofiltration Basin  
Attachment 4 Burns Beach Estate – Biofiltration Basin.**PURPOSE**

The purpose of this report is to discuss the concept of better utilising the City's sumps, and associated drainage network, and that through retrofitting the network the City of Joondalup can achieve sustainable and best practice stormwater management.

**EXECUTIVE SUMMARY**

The City of Joondalup has predominantly a traditional drainage network where stormwater is transported along a pipe network to an “end of pipe” infiltration facility or drainage sump. There are 228 drainage sumps throughout the City and the great majority are deep trapezoidal structures devoid of vegetation and surrounded by linkmesh fencing (see attachment 1).

The modern approach to drainage sumps considers not only the drainage capacity but also the aesthetics of the infrastructure and the ability to add value to the public space (see attachment 2 for examples).

Where existing traditional drainage sumps are in place, it is possible to retrofit the modern drainage facilities, including grassed swales, subterranean infiltration structures and biofiltration basins into the existing catchments.

It is recommended that Council:

- 1 *DEVELOPS a ten year plan for drainage structures and networks to be retrofitted. Priority to be based on identifying sumps and drainage networks that are assessed to have the highest environmental and societal impacts.*
- 2 *INCORPORATES Best Practice Stormwater Management and Water Sensitive Urban Design into any future developments within the City of Joondalup.*

## BACKGROUND

It was resolved at the Ordinary Meeting of Council of 17 February 2009 that:

*Council requests a report from the Chief Executive Officer on the potential to better utilise the City's sumps, including but not limited to passive recreational purposes, enhanced beautification, increased biodiversity, and improved bio filtration. The report should also identify the indicative costs, timing and technical issues associated with sump upgrading.*

There are 228 drainage sumps throughout the suburbs of the City of Joondalup. The sumps are located in residential, parkland, bushland or commercial areas. The sumps are mostly deep trapezoidal retention basins surrounded by fences. Many of the fences are the steel mesh cyclone type. Although the sumps are effective at performing their role, as a sink for soil materials and pollutants and an infiltration point for stormwater, they detract from the amenity and aesthetics of where they are located.

The importance of water management has also become a major issue in the past decade. As the climate in the Perth Region has become drier, there has been a paradigm shift, in the perception of water, from it being an unlimited to a finite resource. Consequently the need to manage it better has become more important. The City of Joondalup is located on the Gnangara Mound, a large superficial aquifer, which is the source of all of the City's water for the purpose of consumption and irrigation. Therefore the stormwater management initiatives and actions we undertake will have a direct impact on the water source that we rely upon.

## DETAILS

### Existing Drainage Sumps

City of Joondalup drainage sumps are designed to temporarily retain stormwater, trap pollutants and allow for the rapid infiltration of stormwater down into the groundwater. This method of drainage is effective in the City of Joondalup because the sandy soils of the Swan Coastal Plain have high infiltration rates. Stormwater carries rubbish, pollutants and soil material collected by runoff from the catchment. The rubbish accumulates on the floor of the sump and a proportion of the pollutants are trapped in the surface soil layers. Ideally the top layer of soil is then removed annually to ensure that infiltration rates are maintained.

The sumps have the capacity to retain stormwater for up to '1 in 100 year' rainfall events in order to prevent flooding. The capacity of an individual sump is relative to the size of the catchment area i.e. a catchment covering a large area requires a sump with large retention capacity or alternatively a number of sumps which collectively meet the capacity. In the Perth Region over 98% of the rainfall events are between '1 in 5 year' and '1 in 1 year' occurrences and these events yield comparatively low stormwater volumes.

The sumps found within the City of Joondalup can be classified into the following categories:

| Land use Category | # of Sumps | %          |
|-------------------|------------|------------|
| Residential       | 97         | 43%        |
| Parkland          | 90         | 39%        |
| Bushland          | 32         | 14%        |
| Commercial        | 9          | 4%         |
|                   | <b>228</b> | <b>100</b> |

Almost half the sumps in the City are located in residential and commercial areas. These sumps are generally located close to residential or commercial blocks and are often located on a corner site. Unfortunately the land use surrounding sumps in residential areas tends to limit the scope for retrofitting works due to the lack of space.

The next largest proportion of sumps are found in parkland. The scope for retrofitting in parkland areas is greater because there is more space and an opportunity to use the whole park area to contain flood events.

The rest of the sumps are located in the bushland areas where space is not an issue but any development would have to be in keeping with the importance and sensitive nature of the individual natural area.

| Land Tenure | # of Sumps     | %        |
|-------------|----------------|----------|
| Freehold    | 63             | 28%      |
| Crown Land  | 165            | 72%      |
|             | <b>228 100</b> | <b>%</b> |

While most of the sumps are situated on crown reserve, around one third of sumps are located on freehold land. This allows the potential for the City of Joondalup to consider the option to sell the land which in turn may fund future sump retro-fitting works.

A review of the 63 freehold sumps has identified that 20 are worthy of further investigation because they are:

- (i) larger than required
- (ii) have alternatives nearby
- (iii) are opposite parkland which could provide an alternative site

### **Construction**

Recently, the practice in metropolitan Perth has been to reconstruct existing sumps and drainage networks to improve the end of pipe drainage sump so that (i) it was more aesthetically pleasing to look at or (ii) became part of the useable public open space while still achieving the drainage function. This method is often referred to as retro-fitting.

The objectives of retro-fitting as specified in the Water Stormwater Manual include:

- Reduction of flooding risk
- Improvement of public health and safety
- Improvement of water quality
- Restoration and conservation of environmental conditions
- Creation of more attractive and liveable neighbourhoods
- Enhancement of the values of the urban water landscape
- Improvement of community environmental awareness
- Increased cost effectiveness

The City of Joondalup has promoted retrofitting in recent programmes and some of the projects to date are as follows:

### Standard Combination Gully Soakwells - Harley Way Catchment, Kingsley

Retrofitting infiltration capacity was implemented at this location to resolve the drainage network in the local area not being able to cope with the volume of stormwater. These types of problems arise because traditional drainage network design focused on the retention of stormwater at the end-of-pipe structure. This can be alleviated by installing at-source and in-transit infiltration structures such as standard combination gully soakwells. The combination of the gully and soakwell works effectively to capture up to a '1 in 5 year' rainfall event. Once captured the stormwater is able to infiltrate the groundwater through a soakwell structure at the base of the installation.

Eight combination gully soakwells were installed in the Harley Place Catchment in 2008/09 at an estimated cost of \$45,000.

### Gross Pollutant Trap (GPT) and Grassed Swales – Various Reserves, Kingsley & Woodvale

A combination of GPTs and grassed swales have been installed at reserves in Kingsley and Woodvale at the interface with Yellagonga Regional Park (see Attachment 3 example). The GPTs are designed to trap at-source and in-transit pollutants and the grassed swales are the end-of-pipe infiltration structure.

Six GPTs were installed in 2007/08 and 2008/09 and the total cost including supply, installation and consultancy was \$574,243.

### Flush Kerbing, Grass Swales & Biofiltration Basins - Burns Beach Estate

The recent development of Burns Beach Estate incorporated Water Sensitive Urban Design (WSUD) and best practice stormwater management techniques in its design. Instead of a traditional drain, pipe and sump system stormwater is infiltrated at-source or in-transit through soakwells and excess water is diverted to large grass swales. Flush kerbing was installed around hard surfaces, such as parking areas, which were situated next to grass swales (Attachment 4). This allows for runoff to infiltrate at-source which in turn lowers the capacity requirement for end-of-pipe structures.

One other WSUD technique implemented at the Burns Beach Estate is the use of biofiltration basins. The basins are revegetated with a combination of native rushes, sedges and shrubs. Overflow stormwater is diverted to the basins where the vegetation filters out stormwater nutrients, pollutants and soil material prior to infiltration into the groundwater.

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

In consideration of the objectives previously discussed the major issues with respect to drainage sumps are:

- 1 Functional capacity as a drain;
- 2 Flood mitigation (1 in 100 year flood event);
- 3 Environmental control; and
- 4 Community aesthetics.

Currently the drainage sumps in the City of Joondalup perform the engineering functions of capacity and flood mitigation well however their environmental control mechanisms are poor and the aesthetics are extremely poor with a few exceptions.

The options to treat or retrofit these structures are as follows:

- 1 Do nothing (not acceptable);
- 2 Reshape and revegetate (dependent on the space available);
- 3 Convert to a wetland (risk of mosquito breeding);
- 4 Convert to biofiltration;
- 5 Replace with subterranean structure with either parkland or car park above (most expensive option);
- 6 Infill and replace with alternative infiltration facilities elsewhere in the catchment (option for freehold land);
- 7 Hybrids of any number of the previous options.

Every catchment is different and there is no one size fits all solution to the problem. It is therefore suggested that a prioritised ten year plan be developed where the above techniques are demonstrated and then the balance of the drainage sumps be upgraded as the opportunities eventuate either through the budget or development.

### **Legislation/Strategic Plan/Policy Implications**

|                       |  |
|-----------------------|--|
| <b>Legislation</b>    | Stormwater drainage is protected by twenty pieces of State Legislation, including the Local Government Act 1995, Health Act 1911, Town Planning and Development Act 1928 and Environmental Protection Act 1986 to mention a few.   |
| <b>Strategic Plan</b> | The retrofitting of the City's drainage network is linked to the City of Joondalup's Strategic Plan as follows: <ul style="list-style-type: none"><li>• Objective 2.1 - To plan and manage our natural resources to ensure environmental sustainability.</li><li>• Strategy 2.1.2 – Further develop environmentally effective and energy efficient programs.</li></ul> |
| <b>Policy</b>         | 1 Stormwater Drainage – Policy 6-3<br>2 Sustainability – Policy 1-3<br>3 Sustainability – Policy 5-4   |

### **Risk Management considerations:**

The risks associated with drainage networks predominantly are related to property damage through flooding. However, the drying climate has now raised the concern of lowering water tables which in turn reduces the available water for irrigation and potable supplies. Maximising infiltration inclusive of appropriate pollutant trapping will ensure that both the quantity and quality of the groundwater is maximised.

### **Financial/Budget Implications:**

|                      |  |
|----------------------|--|
| <b>Program:</b>      | Five Year Capital Works Program<br>Stormwater Drainage Program |
| <b>Project Code:</b> | SWD1004<br>SWD1005   |

|                       |  |
|-----------------------|--|
| <b>Budget Item:</b>   | Stormwater Drainage Upgrades – To address and resolve road and property flooding                 |
| <b>Budget Amount:</b> | 2009/2010 - \$400,000<br>2010/2011 - \$450,000<br>2011/2012 - \$470,000<br>2012/2013 - \$450,000 |
| <b>YTD Amount:</b>    | Not Applicable   |
| <b>Actual Cost:</b>   | Not Applicable   |

The existing budget includes coastal outfalls and drainage upgrades. It is anticipated that up to two sumps could be treated each year while the coastal outfall program is being completed and then the number of sump upgrades would increase thereafter. The current forward budgets provide sufficient funds to commence the program however once the program is recognised it is anticipated that the demand by the community will increase. There is also the possibility that the program can be subsidised by the sale of sumps which are currently freehold land.

Currently the 2009/2010 draft budget includes funding for the Burns Beach Reserve major sump and Whitfords West Park sump.

#### **Regional Significance:**

Due to the location of the City of Joondalup over the Gnangara Mound, and that the mound extends beyond the City's boundaries, the issue of retrofitting sumps and other drainage does have regional significance.

#### **Sustainability implications:**

The City of Joondalup's management of stormwater can have environmental and societal effects that can impact on future generations. The enhancement of the sumps for recreation and beautification of drainage areas will contribute positively to the lifestyle of City residents and visitors. Retrofitting that is designed to minimise pollution and increase stormwater direction back into the groundwater will ensure that future generations will have healthy wetlands and water for consumption.

#### **Consultation:**

Not applicable

#### **COMMENT**

The modern trend for the management of stormwater is water sensitive design in consideration of the total water cycle (rainfall, infiltration, evaporation). There are numerous examples in the metropolitan area where these methods have been adopted and recognised specifically the City of Canning, the Town of Mosman Park, the City of Mandurah and the City of Perth.

The major influence is that stormwater is a resource that should not be wasted. This has now been well documented in the Department of Water Stormwater Management Manual for Western Australia, as well as the Western Australia Planning Commission's Liveable Neighbourhoods, Planning Bulletin 61 and Better Urban Water Management documents.

The majority of the City of Joondalup's drainage infrastructure and specifically the drainage sumps are examples of how stormwater used to be managed. This report sets the direction for the City to continue a process of converting the old drainage infrastructure to the new paradigm demonstrated in the new development at Burns Beach.

The redevelopment of the sumps is a long term project consequently it is recommended that a Ten Year Plan be developed. It is also important that all future property development including residential infill is built in consideration of modern stormwater management practice and Water Sensitive Urban Design techniques.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council:**

- 1 DEVELOPS a ten year plan for drainage structures and networks to be retrofitted. Priority to be based on identifying sumps and drainage networks that are assessed to have the highest environmental and societal impacts;**
- 2 INCORPORATES Best Practice Stormwater Management and Water Sensitive Urban Design into any future developments within the City of Joondalup.**

*Appendix 19 refers*

*To access this attachment on electronic document, click here: [Attach19brf110809.pdf](#)*

**ITEM 26 PETITION REQUESTING THE PROVISION OF TRAFFIC CALMING DEVICES IN WOODVALE, KINGSLEY AND GREENWOOD**

|                              |  |
|------------------------------|--|
| <b>WARD:</b>                 | Central and South East   |
| <b>RESPONSIBLE DIRECTOR:</b> | Mr Martyn Glover<br>Infrastructure Services  |
| <b>FILE NUMBER:</b>          | 56534, 48565, 01672, 35580, 00412, 09430, 31487, 62482, 05820,<br>85570  |
| <b>ATTACHMENTS:</b>          | Attachment 1      Locality plan Castlegate Way, Woodvale<br>Attachment 2      Locality plan Shepherds Bush Drive, Kingsley<br>Attachment 3      Castlegate Way proposed traffic treatment<br>Attachment 4      Shepherds Bush Drive proposed traffic treatment |

**PURPOSE**

To consider a petition requesting the provision of traffic calming devices in Woodvale, Kingsley and Greenwood.

**EXECUTIVE SUMMARY**

In response to the petition received by Council in September 2008, Council at the Ordinary Meeting of 17 March 2009 resolved the following:

- "1 NOTES the need for further traffic investigations 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 REQUESTS that the petitioners be advised of Council's decision including the current approved proposals in Duffy Terrace, Woodvale."

A technical assessment of Castlegate Way and Shepherds Bush Drive 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.

On the basis of the technical assessment, the proposed traffic treatments as shown on attachment 3 and attachment 4 are designed to reduce traffic speeds and control traffic movements on these roads.

It is therefore recommended that Council:

- 1 *LISTS \$75,000 for consideration in the draft five year Capital Works Program for provision of traffic management treatments on Castlegate Way, Woodvale as shown on attachment 3;*
- 2 *LISTS \$65,000 for consideration in the draft five year Capital Works Program for provision of traffic management treatments on Shepherds Bush Drive, Kingsley as shown on attachment 4;*
- 3 *ADVISES the signatories to the petition for the provision of traffic management treatments in Woodvale, Kingsley and Greenwood of its decision.*

## **BACKGROUND**

A 105 signature petition was received by Council at the Ordinary meeting of 2 September 2008 from the 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

Consequently, it was resolved at the Ordinary Meeting of 17 March 2009 that Council:

- “1 *NOTES the need for further traffic investigations 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 *REQUESTS that the petitioners be advised of Council's decision including the current approved proposals in Duffy Terrace, Woodvale.”*

## **DETAILS**

A technical assessment of both Castlegate Way and Shepherds Bush Drive has been undertaken to determine the extent of the traffic issues. The analysis includes a review of the traffic volumes, traffic speeds, crash history, and road environment.

### **Castlegate Way**

Castlegate Way connects Trappers Drive to Timberlane Drive and provides direct access to 47 residential properties that front the road, (refer Attachment 1). The single carriageway road is classified as an Access Road under the Metropolitan Functional Road Hierarchy and is designed to carry a maximum traffic volume of 3,000 vehicles per day (vpd). The 800m long road alignment is a combination of small straights and curves. The default urban speed limit of 50km/h applies.

The results of the seven day traffic count survey undertaken in March 2007 revealed that traffic volumes on Castlegate Way recorded at two locations ranged between 694vpd and 762vpd. The 85<sup>th</sup> percentile traffic speeds ranged between 60km/h and 63km/h either side of Lyell Grove with the higher speed adjacent to Yellagonga Reserve. The maximum traffic speed of 105km/h was also recorded at this site.

The five year crash analysis for the period from January 2004 to December 2008 revealed that two reported casualty crashes had occurred within this period. One right turn crash occurred at the intersection of Trappers Drive and Castlegate Way and one driveway related crash occurred west of Trappers Drive.

The results of the traffic count survey confirmed that the majority of drivers do not comply with the urban speed limit of 50km/h on Castlegate Way north of Lyell Grove. The high traffic speeds recorded north of Lyell Grove and adjacent to Yellagonga Reserve are not considered acceptable for a road of this nature. The proposed median treatment as shown on attachment 3 will control traffic vehicle movements and limit traffic speeds through the steep grade section at the northern end of Castlegate Way. Traffic islands have also been included as part of the proposal at the intersections of Castlegate Way/Timberlane Drive and Castlegate Way/Trappers Drive to further control vehicle movements.

### **Shepherds Bush Drive**

Shepherds Bush Drive connects Kingsley Drive to New Cross Road as shown on attachment 2 and provides direct access to 60 residential properties that front the road. Under the Metropolitan Functional Road Hierarchy, Shepherds Bush Drive is classified as an Access Road and is designed to carry a maximum of 3,000vpd. The road alignment is approximately 1000m in length and consists of a combination of curves and straights. The default urban speed limit of 50km/h applies.

The results of the seven day traffic count survey undertaken in November 2008 revealed that traffic volumes ranged between 522vpd and 973vpd. The 85<sup>th</sup> percentile traffic speeds ranged between 50km/h and 55km/h in the vicinity of Peckham Crescent and Kidbrooke Way. The maximum traffic speed of 91km/h was recorded east of Kidbrooke Way.

The five year crash analysis for the period from January 2004 to December 2008 revealed that one property damage crash had been reported within this period.

The curved alignment of Shepherds Bush Drive between Peckham Crescent north and Kidbrooke Way does not include centreline marking and lacks road delineation through the bends. The proposed median treatment as shown on attachment 4 will separate opposing traffic movements and limit traffic speeds within this section of road. Traffic islands have also been included as part of the proposal at the intersections of Shepherds Bush Drive/Newhaven Place and Shepherds Bush Drive/Kinglsey Drive to further control vehicle movements.

The proposed flush red asphalt median treatments for Castlegate Way and Shepherds Bush Drive are considered the most appropriate treatments to limit traffic speeds and control traffic movements without having a negative impact on residents' amenity. Full access to residential crossovers will be maintained as part of the proposed traffic treatments. However both proposals are subject to Main Roads WA approval and may require further development as part of the design process.

**Issues and options considered:**

The options to be considered are:

- No change to the existing road configuration for both Castlegate Way and Shepherds Bush Drive.
- Provide traffic management to Castlegate Way but not Shepherds Bush Drive.
- Provide traffic management to both streets.

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

Not Applicable

**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.

**Policy**

Not Applicable

**Risk Management considerations:**

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

**Financial/Budget Implications:**

Funding for Castlegate Way and Shepherds Bush Drive proposed traffic treatments will require funding consideration as part of the five year Capital Works Program.

**Regional Significance:**

Not Applicable

**Sustainability implications:**

Not Applicable

**Consultation:**

No community consultation for Castlegate Way and Shepherds Bush Drive has occurred to date.

Community consultation will be undertaken at the time of concept design for both projects.

## **COMMENT**

The petitioners have requested Council to provide traffic calming devices in Castlegate Way and Shepherds Bush Drive “to stop hoons.” However hoon activity is a behavioural issue and that cannot be addressed by traffic calming treatments alone. The provision of traffic management treatments will however reduce traffic speeds, control traffic movements and reduce the potential for road crashes.

An analysis of the City’s Traffic Management Investigation and & Intervention Guidelines confirmed an Action Priority Score of 48 and 33 for Castlegate Way and Shepherds Bush Drive respectively. On the basis of the Action Priority Score, both roads are considered to have a “Minor Technical Problem” which would involve low cost non-capital works solutions only. However the traffic speed in Castlegate Way is well in excess of the speed zone while it is less in Shepherds Bush Drive. Both are adjacent to bushland which can promote speed due to the open nature of the road environment and have attracted regular complaints regarding speed. It is therefore considered appropriate to develop traffic management responses to both streets.

The proposed flush red asphalt median treatments for Castlegate Way and Shepherds Bush Drive are considered the most appropriate treatments to limit traffic speeds and control traffic movements without having a negative impact on residents’ amenity. Full access to residential crossovers will be maintained as part of the traffic treatments.

The traffic speed in Castlegate Way is well in excess of the speed zone while it is less in Shepherds Bush Drive. However, both are adjacent to parkland which can promote speed due to the open nature of the road environment, and have attracted regular complaints regarding speed. It is therefore considered appropriate to develop management responses to both streets.

Both Castlegate Way and Shepherds Bush Drive proposed median treatments are subject to Main Roads WA approval.

### **Castlegate Way**

The results of the traffic count survey confirmed that the majority of drivers do not comply with the urban speed limit of 50km/h on Castlegate Way north of Lyell Grove. The high traffic speeds recorded north of Lyell Grove and adjacent to Yellagonga Reserve are not considered acceptable for a road of this nature. The proposed median treatment as shown on attachment 3 will control traffic vehicle movements and limit traffic speeds through the steep grade section at the northern end of Castlegate Way. Traffic islands have also been included as part of the proposal at the intersections of Castlegate Way/Timberlane Drive and Castlegate Way/Trappers Drive to further control vehicle movements.

### **Shepherds Bush Drive**

The curved alignment of Shepherds Bush Drive between Peckham Crescent north and Kidbrooke Way does not include centreline marking and lacks road delineation through the bends. The proposed median treatment as shown on attachment 4 will separate opposing traffic movements and limit traffic speeds within this section of road. Traffic islands have also been included as part of the proposal at the intersections of Shepherds Bush Drive/Newhaven Place and Shepherds Bush Drive/Kingsley Drive to further control vehicle movements.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council:**

- 1      LISTS \$75,000 for consideration in the draft five year Capital Works Program for provision of traffic management treatments on Castlegate Way, Woodvale as shown on Attachment 3 to this Report;**
- 2      LISTS \$65,000 for consideration in the draft five year Capital Works Program for provision of traffic management treatments on Shepherds Bush Drive, Kingsley as shown on Attachment 4 to this Report;**
- 3      ADVISES the signatories to the petition for the provision of traffic management treatments in Woodvale, Kingsley and Greenwood of its decision.**

*Appendix 20 refers*

*To access this attachment on electronic document, click here: [Attach19brf110809.pdf](#)*

**ITEM 27****PETITION REQUESTING A REVIEW OF THE TRAFFIC TREATMENT ON MULLIGAN DRIVE BETWEEN JEFFERS WAY AND GORMAN STREET, GREENWOOD****WARD:** South East**RESPONSIBLE DIRECTOR:** Mr Martyn Glover  
Infrastructure Services**FILE NUMBER:** 14100**ATTACHMENTS:** Attachment 1 Greenwood East Precinct – LATM scheme  
Attachment 2 Mulligan Drive, existing traffic treatment plan  
Attachment 3 Mulligan Drive, Slow Point treatment**PURPOSE**

To consider a petition requesting the review of the traffic treatment on Mulligan Drive, between Jeffers Way and Gorman Street, Greenwood.

**EXECUTIVE SUMMARY**

Council at its Ordinary Meeting of 17 February 2009 received a six signature petition from residents of Mulligan Drive, Greenwood requesting “*to have this chicane removed or a speed hump to be placed in the middle of both lanes*”.

The aim of the existing traffic treatments on Mulligan Drive is to limit traffic speeds and control vehicle movements. In comparing the speeds before and after installation, the Slow Point has been successful in reducing speeds between Jeffers Way and Gorman Street from 69km/h to 46km/h.

The site investigation confirmed that the traffic treatment is in accordance with AUSTROADS guidelines and Main Roads WA standards and that appropriate line marking and signage is in place. On the basis of the traffic assessment, the removal of the Slow Point would lack justification and result in a substantial increase in the vehicle speeds at this location.

**RECOMMENDATION**

*That Council:*

- 1 *RETAINS the existing Slow Point traffic management treatment in its current configuration between Jeffers Way and Gorman Street on Mulligan Drive, Greenwood;*
- 2 *REQUESTS that the WA Police enforce compliance to the 50km/h urban speed limit on Mulligan Drive, Greenwood;*
- 3 *ADVISES the signatories to the petition for a review of the traffic treatment on Mulligan Drive, between Jeffers Way and Gorman Street, Greenwood of its decision.*

## BACKGROUND

Council at its Ordinary Meeting of 17 February 2009 received a six signature petition from the residents of Mulligan Drive, Greenwood, requesting “to have this chicane removed or a speed hump to be placed in the middle of both lanes”.

At the Meeting of Joint Commissioners held on 24 August 1999, the Greenwood East Precinct Local Area Traffic Management (LATM) scheme was approved for implementation (CJ290-08/99 refers). The LATM scheme (as shown on Attachment 1) consists of a number of traffic treatments located along Mulligan Drive and surrounding roads. The primary aim of the treatments is to control traffic movements and reduce traffic speeds. The majority of treatments detailed in the scheme have since been constructed.

Mulligan Drive traffic management treatments were subsequently approved in the 2005/2006 Capital Works Program. In February 2006 residents of Mulligan Drive were requested to provide feedback as part of the design process for the proposed treatments (as shown on Attachment 2). The majority of residents, including residents directly affected by the Slow Point treatment between Jeffers Way and Gorman Street, supported the proposal at the time. Construction of the traffic treatments on Mulligan Drive occurred in 2007.

## DETAILS

A technical assessment of Mulligan Drive between Reilly Way and Mattison Way has been undertaken to confirm the current situation and determine the extent of the traffic issue. The traffic analysis includes a review of the traffic volumes, traffic speeds, crash history and road environment for Mulligan Drive.

Mulligan Drive is a local Access Road that connects Cockman Road in the south to Smallman Crescent in the north. The single carriageway road is 1.2 km in length and includes a down hill gradient on the approach to the Slow Point south of Gorman Street. The road is designed to carry a maximum of 3,000 vehicles per day (vpd). The default urban speed limit of 50km/h applies.

The results of the July 2009 traffic count survey and comparison with previous traffic counts at the same locations are detailed below:

| <b>Mulligan Drive</b>                        | July 2009            |  | Pre treatment counts |  |
|--|----------------------|--|----------------------|--|
|  | Traffic Volume (vpd) | 85 <sup>th</sup> Percentile Traffic Speed (km/h) | Traffic Volume (vpd) | 85 <sup>th</sup> Percentile Traffic Speed (km/h) |
| North of Swift Street                        | 849                  | 45   | 800                  | 59<br>(May 1992)                                 |
| North of Smallman Crescent                   | 850                  | 59   | 786                  | 59<br>(Apr 2005)                                 |
| South of Gorman Street (North of Slow Point) | 1175                 | 44   | -                    | -  |
| North of Jeffers Way (South of Slow Point)   | 1168                 | 46   | 1133                 | 69<br>(Oct 1993)                                 |
| North of Mattison Way                        | 1125                 | 58   | 1170                 | -  |
| East of Cockman Road                         | 1559                 | 52   | -                    | -  |

An analysis of the July 2009 seven day traffic count survey confirmed that traffic volumes on Mulligan Drive ranged between 849vpd and 1559vpd. The 85<sup>th</sup> percentile traffic speeds on Mulligan Drive ranged between 44km/h and 59km/h. The traffic speeds in the vicinity of the Slow Point, north of Jeffers Way and south of Gorman Street were 44km/h and 46km/h respectively. The traffic count recorded at approximately the same location as the Slow Point in October 1993 was 69km/h.

A site investigation in July 2009 confirmed that appropriate centreline marking is in place on both the northern and southern approaches to the Slow Point. In addition "KEEP LEFT" signs, a chevron marker sign and a 20km/h "SLOW POINT" advanced warning sign was found to be in place on the northern approach. The advanced warning sign on the southern approach was missing and Main Roads WA has since been requested to reinstate this sign.

The sight distances on the approaches to the Slow Point were found to be clear and unobstructed. The street lighting is also in place to further enhance the traffic treatment for night time operation. Full access to the residential crossovers either side of the Slow Point has been provided as part of the traffic treatment design. Pedestrian access has been provided with a concrete footpath along the western side of Mulligan Drive.

The five year crash analysis for the period January 2004 to December 2008, revealed that one reported right angle crash had occurred on Mulligan Drive within this period. This crash was a minor property damage crash occurred at the southern end of Mulligan Drive near the intersection with Cockman Road.

The design of the Slow Point traffic treatment is in accordance with the AUSTROADS guidelines and was approved for construction by Main Roads WA.

**Issues and options considered:**

Option 1 is for the Slow Point to be retained.  
Option 2 is for the Slow Point to be removed.

**Legislation/Strategic Plan/Policy Implications**

**Legislation**

Not Applicable

**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.

**Policy**

Not Applicable

**Risk Management considerations:**

Not Applicable

**Financial/Budget Implications:**

Not Applicable

**Regional Significance:**

Not Applicable

**Sustainability implications:**

Not Applicable

**Consultation:**

No community consultation for Mulligan Drive has occurred in relation to this petition.

**COMMENT**

The existing traffic treatments on Mulligan Drive have been successful in limiting traffic speeds and controlling vehicle movements. In comparing the before and after speeds, the Slow Point has significantly reduced traffic speeds between Jeffers Way and Gorman Street from 69km/h to 46km/h.

The petitioners have requested Council “*to remove the Slow Point or provide a speed hump to be placed in the middle of both lanes*”. The use of speed humps on Mulligan Drive would not be consistent with other traffic treatments provided as part of the Greenwood East Precinct LATM. Issues such as excessive vehicle noise and the potential for out of control vehicle crashes on downhill grades are significant concerns with speed humps. In the case of Mulligan Drive, the use of speed humps in conjunction with the Slow Point as requested by the petitioners is not considered an appropriate traffic treatment in this instance.

The site investigation confirmed that the Slow Point traffic treatment has been designed in accordance with AUSTROADS guidelines and Main Roads WA standards and that appropriate line marking and signage is in place. On the basis of the traffic assessment, the removal of the Slow Point would lack justification and result in a substantial increase in traffic speeds at this location.

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 RETAINS the existing Slow Point traffic management treatment in its current configuration between Jeffers Way and Gorman Street on Mulligan Drive, Greenwood;**
- 2 REQUESTS that the WA Police enforce compliance to the 50km/h urban speed limit on Mulligan Drive, Greenwood;**
- 3 ADVISES the signatories to the petition for a review of the traffic treatment on Mulligan Drive, between Jeffers Way and Gorman Street, Greenwood of its decision.**

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21brf110809.pdf](#)

**ITEM 28 PETITION REQUESTING THE PROVISION OF A FOOTPATH IN HAKEA PLACE, SORRENTO**

**WARD:** South-West  
**RESPONSIBLE DIRECTOR:** Mr. Martyn Glover  
Infrastructure Services  
**FILE NUMBER:** 04528 47625  
**ATTACHMENTS:** Attachment 1 Initial proposed path plan – March 2008  
Attachment 2 Proposed parking restrictions for Hakea Place

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**PURPOSE**

To consider a sixty nine (69) signature petition requesting the provision of a path in Hakea Place, Sorrento.

**EXECUTIVE SUMMARY**

A sixty nine (69) signature petition representing properties outside of Hakea Place, Sorrento, was submitted to Council on 17 March 2009 requesting the provision of a path along the northern and southern sides of the cul-de-sac. Additionally, the petition seeks the removal of all verge obstructions to allow for safe pedestrian movement along the verge.

It was noted that no residents of Hakea Place signed the petition in support of a footpath. The majority of signatories were from nearby streets throughout Sorrento and also included residents of Duncraig, Hillarys and Padbury.

Upon receipt of the petition, the City consulted further with residents. A number of options for the provision of a path, in conjunction with a review of parking prohibitions, were presented to residents of Hakea Place.

The feedback from residents did not indicate a preferred option. However, the City's preferred option included the provision of a path along the northern verge (underneath the existing street lights) and an extension of parking restrictions along the southern verge.

In view of the concerns expressed in the petition and the City's recent assessment of Hakea Place, it is recommended that Council:-

- 1 APPROVES the construction of a 1.5 m wide path along the northern verge of Hakea Place, Sorrento. The path is to be constructed directly behind the kerb to minimise disruption to the verge area. Provision of the path is to be listed for consideration in the 2010/2011 Capital Works Program.
- 2 APPROVES the installation of a 'NO STANDING' 8:15am – 9:15am and 2:30 – 4:00pm, Monday to Friday, CARRIAGeway along the southern side of Hakea Place, Sorrento. As shown on Attachment 2. The installation of parking restrictions is to be subject to the path provision being supported at budget.
- 3 ADVISES residents of their obligations under the City's verge guidelines to remove obstructions from the verge area abutting their property.

## BACKGROUND

Hakea Place is a cul-de-sac off Justin Drive in Sorrento where the cul-de-sac head bounds the Sorrento Primary School via Hakea Park (see Attachment 1 to this Report).

The City investigated a proposal to construct a path in Hakea Place in 2008, based on a request from the community. The outcome of a consultation letter to residents of Hakea Place (dated 27 March 2008) revealed strong objection to the proposal. Subsequently, the path was not constructed as part of the 2008/2009 Capital Works Program.

A petition signed by sixty nine (69) residents (dated 9 March 2009), requesting the provision of a footpath in Hakea Place, Sorrento, was received by Council at its meeting held on 17 March 2009. The petition did not contain any signatures from residents of Hakea Place.

Council at its Ordinary Meeting on 17 March 2009 resolved:

*“That the petition requesting the installation of a wide footpath and the provision of clear pedestrian access around Hakea Place, Sorrento be RECEIVED, referred to the CEO and a subsequent report presented to Council for information.”*

The petition is based on the requirement for the construction of a path on both sides of the cul-de-sac and a request for obstructions to be removed from the verges to enable safe pedestrian movement to and from Sorrento Primary School.

As a result of a request from the community and subsequent investigation, the construction of a path was proposed for Hakea Place as part of the 2008/09 Capital Works Program. The path was proposed for the northern verge as it would be underneath the existing street lighting.

The City consulted with residents of Hakea Place in late March 2008. The outcome of the consultation revealed strong objection to the proposal. Two residents directly affected by the proposed path objected and two residents not directly affected supported the provision of the path. On this basis, the path was not constructed.

## DETAILS

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

Following receipt of the petition, the City carried out a further assessment at Hakea Place during school pick-up time in April. A number of issues were identified as follows:

#### Parking

Vehicles were parked in Hakea Place along both sides of the road allowing the traffic to flow in only one direction. The existing parking restrictions are in place at the end of the cul-de-sac and restrict vehicles from standing in this area from 8:15am to 9:15am and 3:00pm to 4:00pm, Monday to Friday. An inspection of this area showed that the existing parking restrictions were regularly ignored by some parents. There were no vehicles parked on the adjacent street (Justin Drive), therefore, if parking prohibitions were introduced into Hakea Place then Justin Drive could supply an alternative location for parking.

### Pedestrians

Parents pushing prams and accompanied by young children were observed walking along the centre of the road to get to their vehicles. The majority of pedestrians did not use the verge to walk to their vehicles and used the road instead.

### Verge Obstructions

Contrary to Council's Local Law a number of properties along the northern side of the cul-de-sac were observed to have obstructions on their verges. The obstructions included overgrown vegetation and pine bollards, which caused an undesirable environment for pedestrians using the verge.

Based on the above assessment, it was determined that a path constructed along the kerb alignment would enhance pedestrian safety in the cul-de-sac. It was recommended that a higher level of community consultation be undertaken, presenting the following options to residents, in conjunction with a review of parking prohibitions.

- Option 1 - Path to be constructed along the northern verge only (parking restriction along southern verge).
- Option 2 - Path to be constructed along the southern verge only (parking restriction along northern verge).
- Option 3 - Path to be constructed along both verges (parking restriction to be determined from further consultation).
- Option 4 – No path.

In terms of road safety, the most appropriate location for the path to be built is along the northern verge as it would be constructed underneath the existing street lighting. The path would be constructed directly behind the back of the kerb.

### **Legislation/Strategic Plan/Policy Implications**

#### **Legislation**

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.

## **Strategic Plan**

The recommendation in this report is supported by the following objective and strategy in the City's Strategic Plan 2008 – 2011:

**Strategy:**     *5.4.4 The City develops and implements a comprehensive Road Safety Program.*

**Outcome:**    Public perceptions of City safety programs remain high or increase.

## **Policy**

Part 8, Clause 50b of the City of Joondalup Local Government and Public Property Local Law states:

*“an owner or occupier who installs and maintains a verge treatment shall keep the verge treatment in good and tidy condition and ensure, where the verge treatment is a garden or lawn, that no obstruction of any sort (physical, sight or other) is caused to any access way, footpath, pavement or thoroughfare;”*

### **Risk Management considerations:**

The City has an obligation to maintain a safe pedestrian environment around schools.

### **Financial/Budget Implications:**

To construct the path along the north or south verge would cost \$17,000 (including kerb replacement) and construction of a path along both verges would cost \$26,000 (including kerb replacement). If supported, provision for this funding could be listed for consideration in the 2010-2011 Capital Works Budget.

The cost to erect the necessary signage is approximately \$600. Sufficient funds exist in the maintenance operational budget for this work to occur.

### **Regional Significance:**

Not Applicable

### **Sustainability implications:**

#### **Environmental**

Not Applicable

#### **Social**

*The proposal to construct a path in Hakea Place will improve the safety for pedestrians in the cul-de-sac. This will be beneficial during school pick-up and drop-off times.*

*It is noted that there was no strong support among residents of Hakea Place for the provision of a path.*

#### **Economic**

Not Applicable

### **Consultation:**

The City sought feedback from fifteen (15) residents and owners of Hakea Place in March 2008. There were four (4) responses received and eleven (11) residents did not reply. See the table below for information relating to the community feedback.

| Street Address             | Support | Object | No Reply | Comments  |
|----------------------------|---------|--------|----------|---|
| 1 Hakea Place              |         |        | ✓        |   |
| 3 Hakea Place              | ✓       |        |          |   |
| 4 Hakea Place              |         | ✓      |          | Investigate the installation of parking prohibitions. |
| 5 Hakea Place              |         |        | ✓        |   |
| 6 Hakea Place              |         |        | ✓        |   |
| 7 Hakea Place              | ✓       |        |          |   |
| 8 Hakea Place              |         | ✓      |          | Footpath is counter-productive. Parking concerns.     |
| 9 Hakea Place              |         |        | ✓        |   |
| 10 Hakea Place             |         |        | ✓        |   |
| 12 Hakea Place             |         |        | ✓        |   |
| 39 Justin Drive            |         |        | ✓        |   |
| 3 Hakea Place (Occupier)   |         |        | ✓        |   |
| 10 Hakea Place (Occupier)  |         |        | ✓        |   |
| 12 Hakea Place (Occupier)  |         |        | ✓        |   |
| 39 Justin Drive (Occupier) |         |        | ✓        |   |

Following further assessment, the City undertook a higher level of consultation with residents in June 2009. The City sought feedback from ten (10) residents of Hakea Place as well as Sorrento Primary School. There were five (5) responses received and six (6) residents did not reply.

See the table below for information relating to the community feedback.

| Street Address          | Option 1 | Option 2 | Option 3 | Option 4 | No Reply | Comments                                     |
|-------------------------|----------|----------|----------|----------|----------|--|
| 1 Hakea Place           |          |          |          |          | ✓        |  |
| 3 Hakea Place           |          |          |          |          | ✓        |  |
| 4 Hakea Place           |          |          |          |          | ✓        |  |
| 5 Hakea Place           | ✓        |          |          |          |          |  |
| 6 Hakea Place           |          |          | ✓        |          |          |  |
| 7 Hakea Place           |          |          |          |          | ✓        |  |
| 8 Hakea Place           |          |          |          | ✓        |          |  |
| 9 Hakea Place           |          |          |          |          | ✓        |  |
| 10 Hakea Place          |          |          |          |          | ✓        |  |
| 39 Justin Drive         |          |          |          | ✓        |          | Please do not damage vegetation on the verge |
| Sorrento Primary School |          | ✓        |          |          |          |  |
| TOTAL                   | 1        | 1        | 1        | 2        | 6        |  |

The table (above) shows no strong support for any of the path proposal options offered to residents of Hakea Place.

## **COMMENT**

In the initial consultation, there was resistance to the provision of a path in Hakea Place. It was recommended that a higher level of consultation take place to present options on path provision and parking restrictions.

Following the higher level of consultation with residents of Hakea Place there did not appear to be any particular option favoured by residents. The majority of responses received back from residents favoured the provision of a path (of some configuration) along Hakea Place, Sorrento, however there was no specific mandate.

The City therefore needs to defer to the issue of road safety and particularly the risk of conflict between pedestrians (school children) and vehicles.

Due to the high risk in this area, being immediately adjacent to a primary school, it is recommended that a path be constructed along the kerb alignment in Hakea Place as pedestrian safety would be enhanced in the cul-de-sac. To maximise the benefit of the path, it should be constructed along the northern verge due to it being under the existing street lighting.

The proposal to restrict parking along the southern side of Hakea Place as per Attachment 2, will assist in improving the amenity of the street, maintain the general traffic flow and raise the level of safety for all road users in the cul-de-sac. The restriction limited to drop off and pick up during the week is the City's typical response to policy issues near school sites.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council:**

- 1 APPROVES the construction of a 1.5m wide path along the northern verge of Hakea Place, Sorrento. The path is to be constructed directly behind the kerb to minimise disruption to the verge area. Provision of the path is to be listed for consideration in the 2010/2011 Capital Works Program;**
- 2 APPROVES the installation of a 'NO STANDING' 8:15am – 9:15am and 2:30 – 4:00pm, Monday to Friday, CARRIAGEWAY along the southern side of Hakea Place, Sorrento. As shown on Attachment 2 to this Report. The installation of parking restrictions is to be subject to the path provision being supported at budget.**
- 3 ADVISES residents of their obligations under the City's verge guidelines to remove obstructions from the verge area abutting their property.**

Appendix 22 refers

To access this attachment on electronic document, click here: [Attach22brf110809.pdf](#)

**ITEM 29                   REPLACEMENT OF OCEAN REEF BOAT RAMP  
TOILETS – [83565]****WARD:** North Central Ward**RESPONSIBLE DIRECTOR:** Mr Martyn Glover  
Infrastructure Services**FILE NUMBER:** 83565**ATTACHMENTS:** Nil.

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**PURPOSE**

To seek Council approval for the demolition of the Ocean Reef Boat Ramp Toilets, its temporary replacement with a pre-fabricated transportable structure and resulting over-expenditure of \$70,000 in program W1003 'Ocean Reef Boat Ramp Toilets'.

**EXECUTIVE SUMMARY**

The Ocean Reef Boat Ramp Toilets is in a very poor condition and requires replacement. Due to the progress of the Ocean Reef Marina project, it is not considered appropriate to replace the toilets with a permanent structure at this stage. Instead, the proposal is to demolish the structure and replace it with a prefabricated transportable toilet block that could be utilised at other locations in the future once the progress of the project is determined.

**BACKGROUND**

**Suburb/Location:** 362L Ocean Reef Road, Ocean Reef  
**Applicant:** City of Joondalup  
**Owner:** City of Joondalup  
**Zoning: DPS:** Parks and Recreation MRS.  
**MRS:** Parks and Recreation  
**Site Area:** N/A  
**Structure Plan:** Council has endorsed a concept plan for the proposed Ocean Reef Marina development, which may form the basis of a formal structure plan for the planning approval process.

**DETAILS**

The concrete slab roof on the Ocean Reef Boat Ramp Toilets has been an issue for some time and has undergone minor repairs in recent years. The toilets were constructed in 1980 and their proximity to the coast is a particularly inhospitable environment for an exposed concrete slab.

The City completed a building condition audit of all City Buildings in April 2008 which suggested the following action for this building:

*Remove concrete roof and replace with new metal structure - \$28,750.*

However, around this time there were reports of loose concrete on the slab and an engineer's report was commissioned which was received on 2 May 2008. This recommended that a portion of the roof be removed immediately. The toilets were subsequently closed and these repairs undertaken in early May 2008.

Architects were commissioned to design the replacement roof and these were received in March 2009. Due to the coastal location and engineering requirements, the structure was more substantial than expected. In addition to this, the brick supporting structure also had issues with failing mortar, due to the age and location, and additional work was required to stabilise this.

An estimate from the building industry was obtained based on the design details provided to date. This estimate was as follows:

|                                |                  |
|--------------------------------|------------------|
| Render and painting of toilets | \$75,600         |
| New Steel Roof                 | \$108,145        |
| <b>TOTAL</b>                   | <b>\$183,745</b> |

As the Ocean Reef Marina project is now at the public consultation stage, this amount of expenditure was considered excessive as the location of the toilets may eventually change. As such, other possible alternatives to the new roof and rendering mentioned above have been looked at. These options are considered in light of the expectation that the Ocean Reef Marina Project could be 3-5 years away and the understanding that the concept plan shows the toilets and change rooms in the same location but is silent on whether or not they are new or refurbished. Of course, the project may not proceed or may take longer than anticipated and this also influences the discussion below.

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

##### Option One – continue to undertake minor repairs

It is possible to undertake minor repairs to the brick structure to improve its structural capacity to support the slab roof but unfortunately there is no medium term simple option to repair the slab roof. The slab has exposed reinforcement which is contributing to concrete cancer and spalling of the concrete which poses a risk of personal injury.

It would be possible to maintain a safe structure for up to 12 months under this option, but not for the 3-5 year expected life of the toilets. If this option was undertaken, it would simply delay the inevitable major repairs or reconstruction.

##### Option Two – undertake major repairs (re-render and new roof)

The total cost of this option is estimated to be \$183,745 and would deliver a contemporary toilet and change room facility. The internal fittings would also be replaced progressively under the building maintenance program.

This option would add 30 to 40 years life to the toilets and easily see out the implementation of the Ocean Reef Marina project if it proceeds. However, the cost of \$183,745 is considered too high considering the risk that the location of the toilets may actually change during the project's development.

##### Option Three – Reconstruct a new facility

The cost estimate to reconstruct a similar facility is between \$350,000 and \$500,000 which is at least twice the cost of option 2. The current facility is approximately 173m<sup>2</sup> and the estimate is based on a unit cost of between \$2,000 and \$3,000 per square metre.

This option comes with an additional risk that the final approved concept plan for the project could locate the toilets in a different location. This may then involve demolishing a relatively new facility.

**Option Four – demolish the facility and replace with a temporary facility.**

It is possible to demolish the current facility and replace it with a temporary (portable) facility as was provided during the repairs in 2008. However, due to the possible length of time that the facility would be required, it would be better to purchase a suitably sized facility which could be utilised beyond its use on this site rather than rent. For the purposes of this estimate, a facility with 1 male WC and urinal, 2 female WCs and an accessible WC is considered appropriate. Enquiries in the market indicate that such a facility would cost between \$20,000 and \$30,000 with connection of electrical and plumbing costing an additional \$5,000.

The demolition is estimated to cost in the vicinity of \$50,000 due to the large amount of concrete that would need to be disposed of, particularly the roof. It is recommended that this demolition proceed as soon as a practicable to reduce the City's risk and replace it with a small temporary facility while the new transportable facility is constructed and installed.

The total cost of this option is approximately \$85,000.

**Legislation/Strategic Plan/Policy Implications**

**Legislation**                    N/A

**Strategic Plan**

Key Focus Area:                    Community Well Being  
Objective:                         To ensure the City's facilities and services are of a high quality and accessible to everyone  
[Click here and type](#)

**Policy**                            N/A

**Risk Management considerations:**

The risk associated with this project is high due to the potential for the toilet structure to collapse. There has already been significant work to reduce the potential for the concrete slab roof to fall however there is still extensive concrete cancer in the roof and loss of grout in the support walls.

**Financial/Budget Implications:**

The 2008/09 Budget allowed \$28,750 for the repair of the roof of which \$13,984 has been spent to date on architectural design and engineering specification. The remaining \$14,766 has been carried over to 2009/10. If the recommended option proceeds, approximately \$70,000 would be required for this project to proceed.

At this early point in the financial year there are no opportunities that could be used with confidence to redirect funds to cover the additional (approximately) \$70,000 to undertake these works. The City's adopted 2009/10 budget has provided for an estimated surplus of \$93,000. It is proposed that \$70,000 of these funds be allocated to the proposed demolition and temporary facility as per option 4,

|                       |                 |
|-----------------------|-----------------|
| <b>Account No:</b>    | W1003           |
| <b>Budget Item:</b>   | Ocean Reef Boat |
|                       | Ramp Toilets    |
| <b>Budget Amount:</b> | \$14,766        |
| <b>YTD Amount:</b>    | \$0             |
| <b>Actual Cost:</b>   | \$85,000        |

**Regional Significance:**

The use of the Ocean Reef Boat Ramps and this facility extends beyond City of Joondalup residents and, as such, has a regional significance.

**Sustainability implications:**Environment

The construction of a temporary facility that can be relocated in preference to a permanent facility that may need to be demolished in the near future will minimise the impact on the environment.

Social

The removal of the current facility and its replacement will enhance the amenity of this public space and the services to the community.

Economic

The operational cost of the new facility will be similar to that of the one being replaced.

**Consultation:**

No consultation has taken place to date.

**COMMENT**

The failing slab roof on the Ocean Reef Boat Ramp Toilets has been an issue for some time now and currently presents a moderate risk to the City. The likelihood that falling concrete will cause personal injury is currently low as the toilets are inspected regularly by City staff and repairs are undertaken immediately. It does however; present a risk with a potential outcome being catastrophic.

In consideration of the options and potential long term use of this site, Option 4 is recommended with the cost overrun of \$70,000 to be included in the mid year review for consideration.

**VOTING REQUIREMENTS**

Absolute majority.

## **RECOMMENDATION**

**That Council:**

- 1 APPROVES the demolition of the Ocean Reef Boat Ramp Toilets at an estimated cost of \$50,000;**
- 2 APPROVES the purchase and connection of transportable toilets for an estimated cost of \$35,000;**
- 3 APPROVES, BY AN ABSOLUTE MAJORITY, the following reallocation of funds to allow recommendations 1 and 2 to proceed:**
  - **\$15,000 - from existing account W1003, and**
  - **\$70,000 - from the budgeted closing surplus of \$93,000.**

**8 REPORT OF THE CHIEF EXECUTIVE OFFICER**

**9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS D**

**11 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

**12 CLOSURE**



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

To: CHIEF EXECUTIVE OFFICER  
CITY OF JOONDALUP

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

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

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

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



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# *City of Joondalup*

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

| <b>TITLE</b><br><i>(Mr/Mrs/Ms/Dr)</i> | <b>FIRST NAME</b> | <b>SURNAME</b> | <b>ADDRESS</b> |
|---------------------------------------|-------------------|----------------|----------------|
|                                       |                   |                |                |

## QUESTIONS

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Please submit this form at the meeting or:

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

#### **Please note that:**

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



# *City of Joondalup*

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

| <b>TITLE</b><br><i>(Mr/Mrs/Ms/Dr)</i> | <b>FIRST NAME</b> | <b>SURNAME</b> | <b>ADDRESS</b> |
|---------------------------------------|-------------------|----------------|----------------|
|                                       |                   |                |                |

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