

agenda

Briefing Session

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

ON TUESDAY 8 SEPTEMBER 2009
COMMENCING AT 6.30 pm

GARRY HUNT
Chief Executive Officer
4 September 2009

www.joondalup.wa.gov.au

PUBLIC QUESTION TIME

Members of the public are requested to lodge questions in writing by close of business on **Monday 7 September 2009**

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

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

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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LATE ITEMS / ADDITIONAL INFORMATION

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

[*Additional Information 080909.pdf*](#)

CITY OF JOONDALUP – BRIEFING SESSION

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 8 SEPTEMBER 2009** commencing at **6.30 pm**

ORDER OF BUSINESS

1 OPEN AND WELCOME

2 DEPUTATIONS

3 PUBLIC QUESTION TIME

The following questions were submitted to the Briefing Session held on 11 August 2009:

Mr S Magyar, Heathridge:

Re: Item 7 - Response to Joint Standing Committee on Delegated Legislation – Cats Local Law 2008:

Q1 *Could the Council resolve to have a larger difference in the fees between sterilised and unsterilised cats to encourage sterilisation?*

A1 This was not previously raised and may need to be addressed in the future. A review will be undertaken in 24 months time.

Re: Item 12 – Request For Tender 014/09 Cash Collection from parking ticket machines and associated services:

Q2 *Was there any consideration given to undertaking this work in-house as opposed to tendering out?*

A2 Yes this was considered, but there are Occupational Health and Safety issues, also the contractors were able to provide a value for money service.

4 PUBLIC STATEMENT TIME

The following statements were submitted to the Briefing Session held on 11 August 2009:

Mr R Repke, Kallaroo:

Mr Repke spoke in relation to Item 7 - Response to Joint Standing Committee on Delegated Legislation – Cats Local Law 2008.

Mr R Tait, Cannington:

Mr Tait spoke in relation to Item 3 – Requested amendment to District Planning Scheme No 2 Lot 535 (20) Burragh Way, Duncraig – Additional use, Medical Centre.

Mr B Mewhor, Greenwood:

Mr Mewhor spoke in relation to Item 27 – Petition requesting a review of the traffic treatment on Mulligan Drive between Jeffers Way and Gorman Street, Greenwood.

5 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

Cr Tom McLean 1 – 23 September 2009 inclusive
Cr Russ Fishwick 3 – 13 September 2009 inclusive
Cr Michele Rosano 3 – 14 September 2009 inclusive

6 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

7 REPORTS

ITEM 1 PETITION - CHANGE OF USE FROM SINGLE HOUSE TO RESIDENTIAL BUILDING AT 20 TROCHIDAE WAY, HEATHRIDGE

WARD:	North-Central
RESPONSIBLE DIRECTOR:	Mr. Clayton Higham Planning and Development - Acting
FILE NUMBER:	82475
ATTACHMENTS:	Attachment 1 Site Location Attachment 2 Plan of Submitters

PURPOSE

To consider a petition detailing opposition to a proposed Residential Building at 20 Trochidae Way, Heathridge.

EXECUTIVE SUMMARY

In May 2009 Council received a development application to change the use of an existing Single House at 20 Trochidae Way, Heathridge, to a Residential Building. As part of the City's development assessment process landowners adjoining and nearby to the subject site were advised of the proposal in writing.

A total of 13 responses were received as part of the public consultation process with 12 of these being objections. In addition, the City also received a 47 signature petition objecting to the proposal. This petition was tabled at Council's June 2009 meeting. The submissions received primarily raised concerns regarding noise, vehicle parking and the description of people staying within the building.

The development application sought to accommodate up to 12 persons within the dwelling. Under the definition of a Single House the applicant can accommodate up to 6 persons who do not comprise a single family on a permanent (greater than 3 months) basis.

The City has subsequently refused the proposed development under Delegated Authority.

BACKGROUND

Suburb/Location:	20 Trochidae Way, Heathridge
Applicant:	Firoz Keki Pestonji & Mahrukh Firoz Pestonji
Owner:	Firoz Keki Pestonji & Mahrukh Firoz Pestonji
Zoning: DPS:	Residential R20
 MRS:	Urban
Site Area:	955.484m ²
Structure Plan:	Not Applicable

The subject site is located within the eastern portion of Heathridge, and is adjacent to the Mitchell Freeway reserve.

The site consists of a two storey Single House. The Residential Design Codes allow a Single House to accommodate up to 6 persons who do not comprise of a single family.

DETAILS

The proposed development sought to accommodate up to 12 persons within the dwelling on a permanent basis. This falls within the definition of a Residential Building under the Residential Design Codes (R-Codes).

The application included modification to the internal layout of the dwelling to result in:

- ten bedrooms (one with ensuite);
- three bathrooms;
- two kitchen and dining areas;
- one living area; and
- six car parking bays.

Issues and options considered:

Not applicable. The application for the proposed change of use has been refused under Delegated Authority.

Legislation/Strategic Plan/Policy Implications

Not applicable.

Risk Management considerations:

Not applicable.

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 25 nearby owners were advised in writing. Advertising closed on 23 June 2009.

A total of 13 responses were received, with 12 of these being objections and one being a letter stating no objections to the proposal.

Key issues arising from Public Consultation

Objections to the proposed development raised the following concerns:

- *The potential for noise given the number of people within the dwelling;*
- *The front of the building appearing as a car park due to parking being needed for 14 vehicles;*
- *Ongoing maintenance of the outside of the house;*
- *Adequate rubbish facilities;*
- *The type of people who will be allowed to stay within the dwelling;*
- *The length of time each person will be staying in the dwelling;*
- *How the applicant will ensure that there is minimal disruption to neighbours at night from people visiting the dwelling; and*
- *How the applicant will ensure that the property is sufficiently monitored.*

In addition to the objections received, a 47 signature petition was been received which details collective opposition to the proposed development.

Attachment 1 provides a diagram indicating where submissions were received from, and where those people who signed the petition live.

COMMENT

The proposed development was refused by the City under Delegated Authority as it was considered that the land use could result in a detrimental impact on the amenity of the surrounding area. Concerns were also expressed by way of reasons for refusal in relation to car parking supply and the nature of the land use in relation to the surrounding Single Houses.

It is recommended that Council notes the concerns raised in the petition and advise the petitioners that the development has been refused by the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 NOTES receipt of the petition objecting to the development application at 20 Trochidae Way, Heathridge;**
- 2 ADVISES the lead petitioner that the application for a Change of Use from Single House to Residential Building has been refused.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf080909.pdf](#)

ITEM 2 PROPOSED HOME BUSINESS CATEGORY 2 (DRUM SCHOOL) - 6 (LOT 397) MELROSE CREST, KINROSS

WARD:	North
RESPONSIBLE DIRECTOR:	Mr. Clayton Higham Planning and Development - Acting
FILE NUMBER:	89320
ATTACHMENTS:	Attachment 1 Location Plan Attachment 2 Plan of Submitters Attachment 3 Site Plan

PURPOSE

To request Council's determination of an application for Planning Approval for a proposed Home Business (Drum School) located at Lot 397 (6) Melrose Crest, Kinross.

EXECUTIVE SUMMARY

An application for Planning Approval has been received for a Home Business Category 2 (Drum School) operating at 6 Melrose Crest, Kinross. The subject site is zoned Residential under DPS2. A Home Business Category 2 is a Discretionary use in the Residential zone.

The determination of this application by Council is required as the proposed variation exceeds the limits that allow the application to be determined under delegated authority.

The Home Business complies with the relevant requirements of the City of Joondalup District Planning Scheme No.2 (DPS2) and Policy 7-9 Home Business, except for the provision of onsite visitor parking bays.

The proposal is considered to be low impact, with the noise and traffic generated from the home business is considered not to impact on the adjoining or surrounding properties.

It is recommended that the application for Planning Approval be approved.

BACKGROUND

Suburb/Location:	Lot 397 (6) Melrose Crest, Kinross
Applicant:	J Trotter
Owner:	J & HH Trotter
Zoning: DPS:	Residential
 MRS:	Urban
Site Area:	710.971m ²
Structure Plan:	Not Applicable.

The subject site is a single residential lot, located in a cul de sac, which is accessible off Dunlop Rise, Kinross. The site is located within 500m of Kinross College and Kinross Primary School both of which are situated on Kinross Drive. Please refer to Attachment 1 for the Location Plan.

The business has been operating from the subject site for approximately 4 years without any previous complaint regarding noise or traffic being lodged with the City. The application has resulted due to a recent complaint received by the City in regard to the increase in traffic in the street because of the Home Business.

DETAILS

The proposal is for a Home Business Category 2 being a Drum School. The applicant conducts one-on-one drum lessons from the garage adjoining the dwelling. The applicant provides the lessons, and therefore there are no employees.

The lessons are held by appointment between 3pm and 5pm Monday to Thursday and from 10am to 1pm on Saturday. Additionally, in some instances the applicant provides lessons at the customer's house.

The applicant has stated that in order to minimise the impact of noise and parking on the street and neighbours, that:

- 1 Customers are required to park in the driveway;
- 2 During lesson times the applicant's vehicle is the only residential vehicle on site, as other family members work late during the week and are not home during lesson times on Saturday.
- 3 A 15 minute break is scheduled between lessons to avoid overlap between customers to ensure that there is only one customer vehicle on site at any time.
- 4 The garage has been sound proofed and a drum muffling system is used on the equipment, which further reduces instrument noise.

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

Under DPS2 Home Business Category 2 is a discretionary ('D') use in the Residential zone.

A 'D' use means:

"A use class that is not permitted, but to which the Council may grant its approval after following the procedures laid down in subclause 6.6.2;"

Clause 6.6.2 of DPS 2 requires that Council in exercising discretion to approve or refuse the application shall have regard to the provisions of Clause 6.8 as follows:

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 proper and orderly 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 provision 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 submissions process;
- (i) the comments and 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 a precedent; and
- (k) any other matter which in the opinion of the Council is relevant.

6.8.2 In addition to the matters referred to in the preceding subclause 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 subclauses 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 the same nature as the foregoing or otherwise.

Clause 6.7.2 allows Council to seek public comment prior to considering the application for Planning Approval should it be considered appropriate or necessary.

6.7 PUBLIC NOTICE

6.7.2 Notification of 'D' Uses

Before considering an application for planning approval involving a 'D' use, the Council may give notice in accordance with subclause 6.7.1

For variations to site and development requirements, Clause 4.5 of DPS2 specifies the following:

- 4.5.1 Except for development in respect of which the Residential Design 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 the 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.

Clause 4.4.2 requires that any person which to conduct a Home Business Category to is required to apply for approval from Council.

4.4.2 HOME BUSINESS CATEGORY 2

- 4.4.2.1 Any person wishing to conduct a Home Business- Category 2 on residential premises is required to apply to Council for an approval to commence development, and such use or occupation may be approved by Council at its discretion.

Strategic Plan

The proposal is considered consistent with Objective 3.2 of the City of Joondalup Strategic Plan 2008-2011 - To increase employment opportunities within the City.

Policy

The City's Policy 7-9 Home Business (Policy 7-9) aims to maintain residential areas primarily as a place to live not to work, whilst recognising that working from home is an expanding area of employment, and a significant contributor to local employment.

Policy 7-9 establishes guidelines for each of the Home Business Categories in regard, to factors such as, the number of customers permitted on site, number of employees permitted, signage, and customer parking.

Whilst this application is not affected, Policy 7-9 has recently been reviewed by the City, resulting in Council at its meeting held on 21 July 2009 approving the removal of Home Business Category 3.

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:

Clause 6.7.2 of DPS2 allows public consultation to be undertaken prior to the consideration of an application for Planning Approval where this is considered necessary or appropriate. The proposal was advertised for a period of 14 days from 19 May 2009 to 2 June 2009, by way of a letter to seven nearby landowners. Please refer to Attachment 2 for details.

During the advertising period, three submissions were received being one objection and two letters stating no objections.

Key issues arising from Public Consultation

Comments received in support of the application stated that the sound proofing of the garage was adequate and that there was no noticeable increase in traffic. The objection to the development stated that there had been a noticeable increase in traffic as a result of the home business operating.

COMMENT

Land Use

The land use 'Home Business Category 2' is a Discretionary use in the Residential zone. The proposed Home Business is consistent with the aim of Policy 7-9 in providing the opportunity for residents to work from home whilst maintaining the character of the residential area.

The Home Business proposed is not considered to have an adverse impact on the amenity of the adjoining and nearby residents and in this instance is considered to be appropriate.

Noise

During the four years of operation of the Home Business no complaints have been received by the City in regard to noise associated with its operations. During the assessment of the application noise levels have been assessed and monitored by City staff and have been found to be satisfactory as no drum noise is audible from outside the garage.

An advice note will also be included on the decision letter, should the application be approved, reminding the applicant of the requirement to comply with the provisions of the Environmental Protection (Noise) Regulations 1997.

Traffic and car parking

The driveway for the subject site is viewed as two parts, the portion within the subject site and the portion contained within the road reserve which constitutes the crossover. This application is before the Council because customer vehicles will be parked on the crossover and therefore not within the lot boundary as is a requirement of Policy 7-9 Home Business.

Inspection of the subject site was undertaken during and outside of lesson times. The following was noted:

- No traffic issues were identified on either Melrose Crest or Dunlop Rise, with customer and resident vehicles parked on site or within the crossover.
- Two cars can be accommodated on site.
- Two cars can be accommodated within the crossover without causing a hazard, as no footpath exists to be obstructed and vehicle sightlines for adjoining or nearby properties will not be affected.

While the Home Business could be required to provide an one additional (customer) parking space within the property boundary to comply with Policy 7-9, this would require a portion of the front garden to be removed and paved. In this instance such a requirement is not considered necessary as the use of the crossover for customer parking is considered acceptable as it does not affect that safety or amenity of the street.

The home business will generate four additional vehicle movements per day Monday to Thursday (two arrival and two leaving movements), and six additional vehicle movements per day on Saturday (three arrival and three leaving). It is considered that the level of traffic generated is acceptable and not out of character with normal vehicle traffic associated with a residential area or cul de sac.

Conclusion

The proposed Home Business complies with the requirements of DPS 2 and Policy 7-9 with the exception of the matter discussed above.

No noise or traffic issues have been identified as a result of the site investigation, and as the hours of operation are limited it is considered the proposed development will not have any detrimental impact on the surrounding landowners.

It is therefore recommended that the application be supported.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council:

- 1 EXERCISES discretion under Clause 4.5.1 of the City of Joondalup District Planning Scheme No.2 and determines that the provision of nil customer car parking bays in lieu of one bay within the property boundary is acceptable;**
- 2 APPROVES the application for Planning Approval dated 11 May 2009 submitted by Mr J Trotter as the applicant on behalf of the owners J & HH Trotter for a Home Business Category 2 (Music/Drum School) at 6 (Lot 397) Melrose Crest, Kinross subject to the following conditions:**
 - (a) The proposal complying with the definition of a Home Business – Category 2 as defined under the District Planning Scheme No.2 and the requirements of City Policy 7-9;**
 - (b) No on-street parking is permitted for clients. All parking to be provided on-site or on the crossover;**
 - (c) No more than 1 customer shall be permitted on the premises at any time to a maximum of 2 clients per day Monday to Thursday and 3 clients on Saturdays.**
 - (d) Client visits shall be during the hours of 3pm – 5pm Monday to Thursday and 10am – 1pm Saturday;**
 - (e) All client visits to be by appointment only;**
 - (f) The applicant shall be a permanent resident at the premises whilst they are being used for home business purposes;**
 - (g) This approval is valid for a period of 12 months from the date of approval. Prior to the expiry of the approval, the applicant shall apply to renew the home business application stating whether any part of the business has been altered since its original approval.**
- 3 BY AN ABSOLUTE MAJORITY, DELEGATES authority to the Manager Planning, Approvals and Environmental Services under Clause 8.6 of the District Planning Scheme No.2 to determine future applications for renewal of the Home Business provided no changes to the operation of the business are made.**

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf080909.pdf](#)

ITEM 3 PROPOSED ADDITION OF 15 GROUPED DWELLINGS TO CONNOLLY SHOPPING CENTRE AT LOT 406 (1/13) GLENELG PLACE, CONNOLLY

WARD:	North
RESPONSIBLE DIRECTOR:	Mr. Clayton Higham Planning and Development - Acting
FILE NUMBER:	01731
ATTACHMENTS:	Attachment 1 Location Plan Attachment 2 Advertising Plan Attachment 3 Development Plans

PURPOSE

To request Council's determination of an application for the addition of 15 grouped dwellings to the Connolly Shopping Centre, located at 1/13 Glenelg Place, Connolly.

EXECUTIVE SUMMARY

The applicant proposes a residential addition to the Connolly Shopping Centre in the form of 15 grouped dwellings, located within the centre of the existing car park (refer Location Plan – Attachment 1). The development is a mix of one and two bedroom dwellings located on one floor, approximately 3.5m above the existing car park level. The car parking area beneath the dwellings is proposed to be utilised by both the dwellings' residents and users of the shopping centre.

The Residential Design Codes (R-codes), require the provision of an additional 32 bays for the residential development. The car parking requirement for the existing development on site under the District Planning Scheme No. 2 (DPS2) results in a shortfall of 1 bay. The proposed development will result in the removal of 5 existing bays as a result of the stairwells and columns. The development will result in a shortfall of 38 bays (21.5%) for the site.

The applicant's justification for the proposed shortfall is the underutilisation of the existing car parking bays provided on site. The City has conducted a survey of the shopping centre car park over a two week period. The results of the survey indicate the car park is significantly underutilised. The proposed car parking bay shortfall is considered appropriate in this instance and will not result in any significant adverse effect on adjoining properties, or the surrounding area.

The development proposes various other areas of non-compliance with the R-codes; these being open space, outdoor living area, essential facilities, landscaping, building height and building setback. These variations result in a design that is not considered suitable, and does not present a good outcome for users of the shopping centre, or in particular, future residents of the dwellings.

The site is zoned Commercial under the DPS2. The development is a Discretionary use 'Grouped Dwelling'. The proposed residential use is considered to meet the objective of the Commercial Zone. However, the design, scale, and location of the proposed dwellings, within the middle of the existing car parking area, and without adequate outdoor living space and essential facilities, are inappropriate. Consequently, the proposed development will result in

significant adverse effects to future residents of the dwellings, as well as adversely affecting the amenity of the site.

It is recommended that the application be refused.

BACKGROUND

Suburb/Location:	Lot 406 (1/13) Glenelg Place, Connolly
Applicant:	TPG Town Planning and Peter Raynes
Owner:	Joondalup – Connolly Shopping Centre Strata Plan 15717
Zoning:	DPS: Commercial
	MRS: Urban
Site Area:	10574m ²
Structure Plan:	Not Applicable.

Site description

The subject site is located off Glenelg Place, Connolly and is adjoined to the east by Fairway Circle, Connolly. To the west, the site is adjoined by a local Parks and Recreation Reserve, with Country Club Boulevard located slightly further to the west. The site is bordered to the north by a vacant lot zoned Commercial that has current planning approval for 16 aged person's dwellings. Directly south-west of the site is a 27 unit retirement village, while directly south-east of the site is a Mixed Use zoned residential building comprising short-stay apartments (approved by the State Administrative Tribunal). Further to the south is the Connolly Community Centre, with the surrounding area largely characterised by R20 residential properties.

The site is irregular in shape, with two vehicle access points via Glenelg Place and Fairway Circle. A third access point, for service vehicles only, is available off Fairway Circle. The site supports the Connolly Shopping Centre, located within the south-eastern corner of the site. The shopping centre currently provides for a supermarket, restaurant, liquor store, fish and chip shop, dental surgery, real estate office, bakery, beauty therapy, chemist and hairdresser. In addition, a stand-alone building housing a restaurant is located further to the west (previously a drive-through food outlet). The remainder of the site largely comprises a car park, providing 143 bays.

Relevant historical approvals

The subject site historically forms part of the Connolly Neighbourhood Centre; also comprising Lot 405 to the north and Lots 407 and 404 to the south. A coordinated development concept plan was established and approved for the Neighbourhood Centre on 24 September 1986. The concept plan provided for a Shopping Centre, Medical Centre, Service Station and Community Purpose Site.

Approval was later granted on 12 January 1987 specifically for the Shopping Centre and a drive-through fast food outlet. A condition of this approval required the owner of the Shopping Centre to construct and maintain all car parking areas within the Neighbourhood Centre. A further condition of approval required that relevant legal agreements and caveats be established to reflect the aforementioned condition, as well as a requirement for reciprocal rights of access and car parking across all four sites.

The City's records indicate resultant correspondence between the City, the owners of the Shopping Centre, and the City's solicitors, occurring from 1987 to 1992. This correspondence relates to the preparation of a draft legal agreement in accordance with the abovementioned conditions of approval. A final letter from the City's lawyers to the Shopping Centre owners, dated 13 May 1992, advised that the agreement was still outstanding. There

is no record of the final agreement being executed. A search of the Certificates of Title for Lots 404 – 407 reveals that the required easements and caveats are not in place.

DETAILS

The application seeks approval for 15 grouped dwelling additions (refer Development Plans – Attachment 3). Of these 15 dwellings, 6 comprise two bedrooms, two bathrooms, a living area, kitchen, laundry and balcony. The remaining 9 dwellings comprise one bedroom, one bathroom, laundry, living area, kitchen and balcony. These 9 dwellings can be classified as Single Bedroom Dwellings (as defined under the R-Codes). The implications of this classification are a reduced plot ratio area and car parking supply where the dwelling's plot ratio is less than 60m² (applicable to two of the dwellings).

The dwellings are positioned in a linear form following the northern and eastern boundaries, with half of the dwellings facing north and east, and half facing south and west. The dwellings are all located on the same level, approximately 3.5m above the existing shopping centre car park. Four separate communal stairwells are proposed to provide access to each of the dwellings from ground floor level, with entry provided directly into the kitchen area. A separate storage room for each dwelling is provided at ground floor level, underneath the stairwells.

24 car parking bays are maintained directly beneath the proposed development. This car parking area will be open during the day and able to be utilised by both residents and shopping centre users. At night, it is proposed that a permeable security grill will be utilised to restrict use of this area to residents of the grouped dwellings only. The security grill will be activated by a security key and will close outside opening hours of the shopping centre.

The grouped dwellings are stepped horizontally and articulated through the use of an angled roof design and the inclusion of canopies and balconies. Shade sails are also attached to the southern side and eastern end of the development.

No modification or upgrade to the existing shopping centre is proposed as part of the application.

The development has been assessed in accordance with the Residential Design Codes.

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

Criteria	R-Code Requirement	Proposed	Compliance
<u>Primary street setback</u> (Glenelg Place)	6m	7.2m	Yes
<u>Secondary street setback</u> (Fairway Circle)	1.5m	13m	Yes
<u>Essential Facilities</u>	Each dwelling to have a min. 4m ² store room	Dwellings 3, 7, 11, and 13 – 15 have store rooms in excess of 4m ² .	Yes
<u>Privacy setback</u>	4.5m setback from bedrooms and studies 6m setback from all other habitable rooms 7.5m setback from balconies	≥7.5m	Yes
<u>Overshadowing</u>	Not to overshadow more than 25% of adjoining properties	≤25%	Yes
<u>Site Area</u>	Average 450m ²	Average 704m ²	Yes

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

Criteria	R-Code Requirement	Proposed	Compliance
<u>Open Space</u>	50% lot area is open space.	5%	No
<u>On-site car parking</u> Single bedroom dwelling with a plot ratio $\leq 60\text{m}^2$	1 per dwelling (2 spaces)	0	No
Grouped dwellings	2 per dwelling (26 spaces)	0	
Visitors Parking	1 per 4 dwellings (4 spaces)	0	
	<i>Total = 32 spaces</i>		
<u>Essential Facilities</u>	Each dwelling to have a min. 4m^2 storeroom.	Dwellings 1, 2, 4, 5, 6, 8, 9, 10 and 12 do not meet the required store room area (with the smallest area being 1.2m^2).	No
	A communal bin store conveniently located and accessible.	The bin store is not considered easily accessible to all of the grouped dwellings.	No
	Clothes drying areas which are secure and screened from view.	No clothes drying areas are proposed.	No
<u>Outdoor Living Area</u>	30m^2 directly accessible from a habitable room.	The development provides for outdoor living areas of between 10.04m^2 and 23.35m^2	No
<u>Landscaping Requirements</u>	- landscaping between each six consecutive parking spaces.	No landscaping proposed.	No
<u>Building Height</u>	Top of external wall 6m	10.3m	No
	Top of pitched roof 9m	10.9m	No
<u>Building side setback</u> (Western boundary)	4.8m	1.5m	No

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 (R-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.*

City of Joondalup District Planning Scheme No.2 (DPS2)

'Grouped Dwelling' is a Discretionary ('D') use within the Commercial 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 subclause 6.6.2."

Clause 6.6.2 requires that *'The Council, in exercising its discretion as to the approval or refusal of an application for Planning Approval, shall have regard to the provisions of clause 6.8'.*

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.*

Strategic Plan

Key Focus Area: The Built Environment

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

Policy Not applicable.

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 Development Act 2005.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

The proposal was advertised to the community via four separate forums.

- 1 Notification of the proposal and development plans were available for viewing on the City's website for a period of three weeks commencing 11th of June 2009.
- 2 Weekly advertisements were placed in the local newspaper for three consecutive editions on the 11th, 18th and 25th of June 2009.
- 3 Two signs were erected on site (one at the entrance off Glenelg Place and one at the entrance off Fairway Circle) for a period of three weeks commencing 11th of June 2009.
- 4 Letters were sent to the landowners of 16 surrounding properties on 11th of June 2009 (refer attachment 2: advertising map).

The advertising period for the proposal closed on the 2nd of July 2009. Eight (8) submissions were received in response, being two (2) submissions in support, five (5) submissions in objection, and one (1) that stated no objection.

A summary of the points of submission in support of the proposal is as follows:

- *The proposal will bring business and vibrancy to the centre.*
- *The centre is small, isolated and unsuccessful and the proposal will bring much needed interest and activity to the site.*

A summary of the points of submission in objection to the proposal is as follows:

- *The development is for commercial gain only and not to do with the benefit of the shops as the increased business resulting from the number of occupants would be insignificant.*
- *Customers will not want to shop at the centre while the grouped dwellings are being developed due to lack of access and parking and may not return after finding alternatives nearby.*
- *There is no provision for public toilets as part of the development.*
- *The design of the development is not in keeping with the style of the suburb.*
- *The development has the potential to be a haven for anti-social behaviour resulting in noise and graffiti problems.*
- *The development creates a number of blind corners for vehicular and pedestrian traffic.*
- *The number of units and the layout of car parking represents over-development of the site and do not add anything to the existing community.*
- *The existing site is a small, local shopping centre and the proposal is alien to the local character of the area and does not add to the existing amenity.*
- *The development would be considerably higher than surrounding buildings and would be an eyesore, clearly visible from outside the site.*
- *The car parking bays required for the units would reduce the number of bays available for shoppers.*

COMMENT

It is considered that the key planning issues for Council to consider are the acceptability of the design outcome, the acceptability of the design variations being sought and the appropriateness of the proposed car parking shortfall.

Design Acceptability

Building Side Setback

The proposed reduced building side setback of 1.5m in lieu of 4.8m to the western boundary is not considered to result in any significant adverse effect. The western boundary of the site is adjoined by a Parks and Recreation Reserve. A moderate level of vegetation exists on this reserve that will serve to obscure view of the development to Country Club Boulevard. In addition, it is noted that first floor level of dwellings is significantly stepped and articulated such that the level of building bulk to this boundary is not considered to be significantly adverse.

Outdoor Living Area

Each dwelling provides a small balcony accessible from the living room. Seven of the dwellings provide for a second, significantly smaller balcony accessible from a bedroom. No other outdoor living areas are provided by the development, and the balconies proposed do not meet the minimum area of outdoor living space as required by the R-Codes.

The proposed balcony size, and lack of any other outdoor living area (private or communal) does not constitute a good design outcome and will result in a low level of amenity for future residents of the dwellings.

Essential Facilities

The development makes no provision for clothes drying areas. The only areas potentially able to be utilised are the balconies for each dwelling, which also constitute the only outdoor living areas provided. Given the small size of the outdoor living areas, necessary use of this space for clothes drying is not an ideal outcome and will be detrimental to the use of the balconies by the future residents of the dwellings. Furthermore, it is noted that clothes drying on the balconies will be highly visible to users of the Shopping Centre, which will also be detrimental to the amenity of the site.

Nine of the proposed storerooms do not meet the minimum required area of 4m² as specified by the Residential Design Codes; with the smallest storeroom area proposed being 1.2m². This variation is not considered appropriate as it will not provide for adequate storage facilities for future residents of the applicable dwellings.

A communal bin store is located near the north-eastern corner of the site, adjacent to the vehicle access leg off Fairway Circle. This bin store is not centrally located to the development and is a maximum distance of 75m from the furthest stairwell. The bin store is not considered to be easily accessible to all of the dwellings.

Building Height

The proposed wall height is some 3.3m higher than that permitted by the R-Codes, and the maximum roof height 1.9m higher than permitted. The proposed building height is considered to maintain appropriate levels of overshadowing and access to direct sunlight to adjoining development. However, it is noted that surrounding development, including the existing shopping centre and approved aged person's dwellings to the north of the site, are one

storey developments. The proposed height is therefore not in keeping with the character of the locality. Furthermore, it is considered that the perceived height and scale of the proposed dwellings will be exacerbated by the design and location of the development – with an open lower level to 3.5m in height and entirely surrounded by an open air car park.

Car Parking Acceptability

Supply of Car Parking Bays

The original development approval for the shopping centre required reciprocal rights of car parking and access across the subject site and three adjoining Lots. As stated earlier, this has not occurred. Lot 407 currently obtains access across Lots 404 and 406, with a requirement to maintain access over at least one of these Lots. It is therefore considered that the reciprocal access easements are still required and should be pursued independent of this application. However for the purpose of calculating car parking bays as part of this application, in the absence of a reciprocal agreement, only those car parking bays located on the subject site have been included in the following assessment.

The existing shopping centre requires the supply of car parking bays at a rate of 1 bay per 100m² of Net Lettable Area (NLA) under the DPS2. The total NLA for the shopping centre is 2,049m², requiring 144 bays to be provided. The existing car park provides 143 bays, a shortfall of 1 from the current standards.

Five of the existing bays will be removed as part of the proposed development due to the location of support columns and 4 stairwells that provide access to the dwellings. No additional bays are proposed as part of the development. The total number of bays proposed on site is therefore 138.

The proposed grouped dwellings require the provision of 29 car bays for residents plus four bays for visitors, 32 bays in total.

A total of 176 bays are required for the site.

A shortfall of 38 car parking bays (21.5%) is therefore proposed.

A car parking survey was undertaken by the City over a three week period from July 17 – August 06. Car parking counts were undertaken over different days of the week and at different times. The results are displayed in the table below, and demonstrate that the car park is consistently underutilised, with a maximum occupancy of 38% recorded.

Date	Time	Number of cars
Friday 17 July	4.30pm	41 (28%)
Sunday 19 July	3.30pm	37 (25%)
Monday 20 July	2.30pm	32 (22%)
Tuesday 21 July	4.00pm	54 (38%)
Thursday 23 July	7.30am	7 (4.9%)
Friday 24 July	4.15pm	41 (28%)
Saturday 25 July	3.40pm	43 (30%)
Tuesday 28 July	5.10pm	38 (26%)
Thursday 30 July	5.30pm	41 (28%)
Wednesday 05 August	4.45pm	38 (26%)
Thursday 06 August	10.30am	25 (17%)

Based on the above utilisation survey it is considered that 138 car bays, while lower than the requirements of the DPS2, is appropriate in this instance, with sufficient supply remaining on site following completion of the development.

Layout of Car Parking Bays

Notwithstanding the above, the proposed arrangement for the 24 bays located beneath the grouped dwellings to be available for either shopping centre customers or residents, is not considered appropriate. This arrangement does not provide for designated parking for residents. As a result, residents can not be guaranteed a car parking bay close to their residence. Additionally, it is proposed that the car parking area beneath the dwellings will be closed off at night using a permeable security grill. If one of these car parks was not available during the day, a resident may need to wait until the shopping centre closes before they may be able to move their car into a secure area overnight. It is also noted that the development requires 32 bays yet only 24 bays are provided beneath the dwellings and with overnight security.

CONCLUSION

It is considered that the subject site has the capacity for additional development, and that the addition of a residential use to the site is appropriate in terms of the objective of the Commercial zone. However, the development as proposed is not considered to present an appropriate design outcome. The dwellings are inappropriately located in the middle of the existing car park and do not relate to the existing shopping centre in terms of scale, design, colours or materials. The design of the dwellings, supported by columns and stairwells, 3.5m above a public car parking area will result in the development appearing out of scale and out of context to the existing shopping centre.

In addition, the development does not provide for a standard level of amenity and essential services as a result of the variations proposed to outdoor living area, open space and storage facilities, as well as an absence of clothes drying areas and designated parking bays. As a result, the development will have significant adverse effects for future residents of the proposed dwellings.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council REFUSES the application dated 14 August 2008, and amended plans dated 22 January 2009 and July 2009 submitted by TPG Town Planning and Peter Raynes for 15 Grouped Dwellings at Lot 406 (1/13) Glenelg Place, Connolly, for the following reasons:

- 1 The standard of amenities for each dwelling, including outdoor living space, designated parking bays, adequate storage and clothes drying areas, and communal open space, does not provide for an appropriate level of amenity for future residents of the proposed dwellings.**
- 2 The design and location of the proposed dwellings, within the middle of an existing car park, and supported by stairwells and columns 3.5m above ground level does not provide for an attractive built form, and will have significant adverse effects for the amenity of the site.**

- 3 The proposed dwellings do not appropriately relate to the existing shopping centre in terms of scale, location, design, or use of colours and materials. In addition to the points raised in (2) above, the development does not constitute a good design outcome, and is not in the interest of orderly and proper planning.**

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf080909.pdf](#)

ITEM 4 PROPOSED HERITAGE LISTING OF DUFFY HOUSE (JACK) LOT 69 (108) DUFFY TERRACE, WOODVALE

WARD:	Central
RESPONSIBLE DIRECTOR:	Mr. Clayton Higham Planning and Development - Acting
FILE NUMBER:	81629
ATTACHMENTS:	Attachment 1 Location Plan Attachment 2 Heritage Report

PURPOSE

The purpose of this report is for Council to consider the inclusion of Duffy House (Jack) on the City's Heritage List.

EXECUTIVE SUMMARY

Duffy House (Jack) is located on Lot 69 (108) Duffy Terrace, Woodvale. It is a single storey limestone cottage with brick quoining and a corrugated iron roof. Duffy House (Jack) may be the oldest surviving building in the City of Joondalup and is associated with the prominent Duffy family, early Wanneroo settlers and long time Wanneroo residents. The proposal is to include Duffy House (Jack) on the City's Heritage List.

It is recommended that Council notifies the owner of the intent to include Duffy House (Jack) on the City's Heritage List and invite submissions on the proposal.

BACKGROUND

Suburb/Location:	Lot 69 (108) Duffy Terrace, Woodvale
Applicant:	City of Joondalup
Owner:	C E Duffy Nominees Pty Ltd
Zoning: DPS:	Parks and Recreation
 MRS:	Parks and Recreation
Site Area:	5.23 ha
Structure Plan:	Not Applicable

Duffy House (Jack) is located on Lot 69 (108) Duffy Terrace, Woodvale (refer Attachment 1). Duffy House (Jack) was built between 1911 and 1913. It is a single storey dwelling constructed of limestone with brick quoining and a corrugated iron roof. It is comprised of three bedrooms and kitchen with a bullnose front verandah. The house intentionally lacks ceilings.

The *Heritage of Western Australia Act 1990* requires that all local governments compile and maintain an inventory of buildings which, in its opinion, are of cultural significance, this is known as the Municipal Inventory.

The District Planning Scheme No. 2 (DPS2) requires that Council establish and maintain a Heritage List of places considered to be of cultural heritage significance and worthy of conservation under the provisions of the Scheme. DPS2 states that in the preparation of the

Heritage List, Council shall have regard to the Municipal Inventory and will include on the Heritage List those entries on the Municipal Inventory it considers appropriate.

Duffy House (Jack) is included on the City's Municipal Inventory (as follows):

WN30	DUFFY HOUSE (JACK)	Lot 69 (108) Duffy Terrace, WOODVALE WA 6026	Duffy House is the original home of Fredrick Duffy and family. The home is constructed of limestone with wooden floors and an iron roof and is located adjacent to Beenup swamp. The property was originally used for market gardening and later became a dairy farm from 1924-1962.
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DETAILS

The City commissioned a heritage assessment of Duffy House (Jack) by a professional historian, for the purpose of consideration of inclusion on the City's Heritage List (refer Attachment 2). The heritage assessment recommended:

- 1 That *Duffy House (Jack)* be given protection through its inclusion within the heritage provisions of the City of Joondalup District Planning Scheme as a place with significant cultural heritage value.
- 2 That *Duffy House (Jack)* be recommended to the Heritage Council of Western Australia for consideration for inclusion in the State Register of Heritage Places.
- 3 That the setting of *Duffy House (Jack)* be considered a key heritage value of the place, and be taken into consideration for any proposed subdivision.

The proposal is to include Duffy House (Jack) on the City's Heritage List included within DPS2.

Issues and options considered:

Council have the option to:

- Support the proposal to include Duffy House (Jack) on the Heritage List for the purpose of notifying the owner; or
- Not support the proposal to include Duffy House (Jack) on the Heritage List for the purpose of notifying the owner.

Legislation/Strategic Plan/Policy Implications

Legislation

District Planning Scheme No 2

5.2.2 Heritage List of Places, Buildings or Objects Worthy of Conservation or Preservation

- 5.2.2.1 The Council shall establish and maintain a Heritage List which shall identify those places within the Scheme Area to be of cultural heritage significance and worthy of conservation under the provisions of this Scheme, together with a description of each place and the reasons for its entry.
- 5.2.2.2 In the preparation of the Heritage List the Council shall have regard to the Municipal Inventory prepared by the Council pursuant to Section 45 of the

Heritage of Western Australia Act 1990 and will include on the List such of those entries on the Inventory it considers to be appropriate.

- 5.2.2.3 In considering a proposal to include a place on the Heritage List, the Council shall:
- (a) notify in writing the owner and occupier of the place and provide them with a copy of the description referred to in sub-clause 5.2.2.1 and the reasons for the proposed entry;
 - (b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the date specified in the notice;
 - (c) carry out such other consultations as it thinks fit; and
 - (d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.
- 5.2.2.4 Where a place is included on the Heritage List, the Council shall give notice of the inclusion to the Commission, the Heritage Council of Western Australia and to the owner and occupier of the place.
- 5.2.2.5 The Council shall keep copies of the Heritage List with the Scheme documents for public inspection.
- 5.2.2.6 The Council may remove or modify the entry of a place on the Heritage List by following the procedures set out in sub-clause 5.2.2.3.
- 5.2.3 Application for Planning Approval
- 5.2.3.1 In dealing with any matters which may affect a place included on the Heritage List, including any application for planning approval, Council shall have regard to any heritage policy of the Council.
- 5.2.3.2 The Council, shall in considering any application that may affect a place included on the Heritage List, solicit the views of the Heritage Council of WA and any other relevant bodies, and take those views into account when determining the application.
- 5.2.3.3 Notwithstanding any existing assessment on record, Council may require a heritage assessment to be carried out prior to the approval for any development proposed on land or to structures the subject of a place included on the Heritage List.
- 5.2.3.4 For the purposes of Clause 6.1 of the Scheme, the term ‘development’ shall have the meaning as set out in the Act but shall also include, in relation to any place listed in the Heritage List any act or thing that is likely to significantly change the external character of the building, object, structure or place.

Strategic Plan

Key Focus Area: Community wellbeing

Objective 5.3: To facilitate culture, the arts and knowledge within the community.

Risk Management considerations:

Not applicable.

Financial/Budget Implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

The proposal will have a positive affect on the cultural facilities in the City as it will assist in the preservation of the history of Joondalup.

Consultation:

Should Council support the proposal to include Duffy House (Jack) on the Heritage List, it is required to notify the owner and occupier of the property of the property and invite submissions within 21 days of the date specified in the notice.

COMMENT

Duffy House (Jack) is currently listed on the City's Municipal Inventory. The heritage assessment recommended that it be included on the City's Heritage List. There are currently no properties listed on the Heritage List. The Heritage List protects properties under the provisions of the Scheme by requiring an application for planning approval to be submitted for any development or demolition of a property on the Heritage List.

The heritage assessment states that Duffy House (Jack) may be the oldest surviving building in the City of Joondalup and is a fine example of a simple vernacular building influence by English Georgian architecture adapted to suit local conditions through the addition of a verandah. Duffy House (Jack) is associated with the prominent Duffy family, early Wanneroo settlers and long time Wanneroo residents.

In addition, the heritage report also recommended that the setting of Duffy House (Jack) be considered as a key heritage value of the place and this be taken into consideration in any proposed subdivision. However, the property is reserved under the Metropolitan Region Scheme as Parks and Recreation reserve and therefore is unlikely to be subdivided or developed for residential purposes. The property is identified for inclusion in Yellagonga Regional Park under the Yellagonga Regional Park Management Plan.

It also recommended that Duffy House (Jack) be considered for inclusion on the State Register of Heritage Places by the Heritage Council. However, prior to this, it is recommended that Council seek comment from the Heritage Council of Western Australia on the heritage value of Duffy House (Jack).

It is recommended that Council supports the inclusion of Duffy House (Jack) on the City's Heritage List and notifies the owner of this intent. Following the submission period, a further report will be presented to Council for consideration of any submissions received and the inclusion of Duffy House (Jack) on the Heritage List.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 Pursuant to Clause 5.2.2.3 of the City of Joondalup District Planning Scheme No. 2, NOTIFIES in writing the owner and occupier of Lot 69 (108) Duffy Terrace, Woodvale of the proposal to include the Duffy House (Jack) on the City's Heritage List and invites submissions on the proposal within 21 days of the date specified in the notice;**
- 2 SEEKS comment from the Heritage Council of Western Australia on the heritage value of Duffy House (Jack), located on Lot 69 (108) Duffy Terrace.**

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf080909.pdf](#)

ITEM 5 PROPOSED GROWERS MARKET AT POYNTER PRIMARY SCHOOL - 39 POYNTER DRIVE, DUNCRAIG

WARD:	South	
RESPONSIBLE DIRECTOR:	Mr. Clayton Higham Planning and Development - Acting	
FILE NUMBER:	07584	
ATTACHMENTS:	Attachment 1	Location Plan
	Attachment 2	Development Plans
	Attachment 3	Market Operation Details
	Attachment 4	Map of Submissions Received

PURPOSE

To request Council's determination of an application for a weekly Growers Market at an existing educational establishment (Poynter Primary School), at 39 Poynter Drive, Duncraig.

EXECUTIVE SUMMARY

The applicant proposes to establish a weekly growers market on Saturday mornings at the existing Poynter Primary School, located at 39 Poynter Drive, Duncraig. The Primary School is a State Government school, operated by the Department for Education and Training.

The subject site is zoned Urban under the Metropolitan Region Scheme (MRS) and is Reserved under the City's District Planning Scheme No.2 (DPS2). No parking standard is established for the land use 'Market' and as such Council is required to determine the application.

The proposal was advertised to nearby residents for a period of 14 days. A total of 33 submissions were received during this public consultation process with 31 being objections, and two being letters of support. The objections received raised concerns regarding traffic, parking, noise, litter and the degradation of the school oval due to vehicle movements and car parking.

The proposed operation of the market is likely to result in an adverse impact on the amenity of surrounding residents by way of increased traffic on surrounding streets, and associated noise impacts. Further it is considered that as a result of the frequency of the markets, and hours of operation, that the proposal is not consistent with the purpose of the Reservation of the land, being for a Primary School. As such it is recommended that the application be refused.

BACKGROUND

Suburb/Location:	Reserve 34149 (39) Poynter Drive, Duncraig	
Applicant:	Mrs Beverley McGhie (Market Manager)	
Owner:	Department of Education and Training	
Zoning: DPS:	Local Reserve	
 MRS:	Urban	
Site Area:	42.1ha	
Structure Plan:	Not Applicable	

The subject site is bound by Poynter Drive to the east, Griffel Way to the north, and Lionel Court to the west. The southern boundary of the school is adjacent to existing residential properties.

The subject site is located in a residential R20 area, consisting primarily of single detached houses. The subject site is located approximately one kilometre from Duncraig Village shopping centre (Burrarah Way, Duncraig), Carine Glades shopping centre (Beach Road, Duncraig) and Glengarry shopping centre (Arnisdale Road, Duncraig).

The City has not previously determined any applications of a similar nature.

DETAILS

The applicant proposes to establish a weekly Saturday market at the School including:

- up to 29 stalls (ranging in size between 20m² and 52m²) on existing basketball courts;
- parking for stallholders on existing netball courts;
- parking for up to 200 vehicles on the existing school oval;
- a one way vehicle access system, with the entrance for patrons being via Griffell Way and egress via a concrete driveway to Lionel Court; and
- proposed operating hours between 8am and 12.30pm with stallholders permitted to commence setting up from 7am.

The development plans are provided in Attachment 2.

The proposed markets will be what is commonly known as a 'farmers market' which will include primary farm produce and value-added consumable products and organic produce.

Primary farm produce includes eggs, fruit, vegetables, herbs, olives, flour, nuts, grains, honey and bee products, flowers, meat, seafood, cheese, milk and milk products; Value-added consumable products include oils, jams, preserves, breads, cakes, wool products and desserts whose principal ingredients are grown or produced by the stallholder; Organic produce include produce grown organically and certified by an Australian Organic Certification body.

The applicant has advised that the markets will not be selling craft goods, second hand goods or other non foodstuff products.

One stall will be reserved for refreshments, and one stall will be set aside free of charge for community service organisations, such as the Parents and Community Committee (P&C) and local sporting and community groups, allowing these groups to conduct their own fundraising.

Stallholders will be required to provide their own marquees and display equipment and stallholders will not be permitted to use amplified sound equipment such as megaphones or radios. It will be the responsibility of stallholders to ensure that their stall site and the area that surround it is kept clean and rubbish free during operating hours and left in a clean and tidy state once the market closes. Smoking and dogs are also not permitted within the market.

To ensure that demand is kept as equitable as possible throughout the day, end of trading day discounting is not permitted, which ensures that a peak trade period does not occur prior to closing of the markets.

The applicant has stated that the key purpose of establishing the markets is to:

“create, establish and sustain both better eating habits as well as produce economic benefits to the community of Poynter Primary School”

and the ethos being to:

“educate, continually improve and sustain a healthy community activity and good eating habits by encouraging community interaction with local primary, organic and value-added producers”.

The operation of the markets will be consistent with education programs run at the school such as *Crunch & Sip*.

Parking and Traffic Management:

Parking for the market will be provided on the school oval. Four voluntary parking attendants will be on site to direct traffic in an orderly manner in to, and out of, the school grounds. A one way traffic system will be employed with vehicle access from Griffell Way and egress via Lionel Court. Signage will also be used to ensure orderly traffic flow for vehicles entering and exiting the parking areas. It is envisaged that voluntary parking attendants will be from various P&C's and/or community organisations and a gold coin donation to the voluntary group will be requested.

The applicant's complete supporting documentation is provided in the Councillor's Reading Room.

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 City of Joondalup District Planning Scheme No.2

As the subject site is a Local Reserve, the provisions of Clauses 2.3.2, 2.3.3, and 2.3.4 apply.

2.3.2 USE OF LOCAL RESERVES

Any Local Reserve not owned by or vested in the Council may be used:

- (a) *for the purpose for which the land is reserved under the Scheme;*
- (b) *where such land is vested in a public authority, for any purpose for which such land may be lawfully used by that authority;*

- (c) *for the purpose for which it was used at the Gazettal Date unless the land in the meantime has become vested in a public authority, or unless such use has been changed with the approval of the Council; or*
- (d) *for any purpose approved by the Council but in accordance with any conditions imposed by the Council;*

but shall not be used otherwise or for any other purpose.

2.3.3 DEVELOPMENT OF LOCAL RESERVES

Unless the proposed development is a public work exempted by Section 32 of the Act, or the written approval of the Council is first obtained, no person shall:

- (a) *demolish or damage any building or works;*
- (b) *remove or damage any tree;*
- (c) *excavate spoil or waste the land so as to destroy affect or impair its usefulness for the purpose for which it is reserved;*
- (d) *construct, extend, or alter any building or structure other than a boundary fence;*
- (e) *carry out or commence to carry out any other development on any Local Reserve.*

2.3.4 APPLICATION FOR PLANNING APPROVAL ON LOCAL RESERVES

2.3.4.1 The Council may consider applications for Planning Approval for land within a Local Reserve but shall have due regard to the ultimate purpose intended for the Local Reserve and the matters set out in Clause 6.8 (“Matters to be Considered by Council”).

2.3.4.2 Provisions in the Scheme relating to applications for Planning Approval and the exercise of any discretion thereon shall, insofar as they are not inconsistent with this clause, apply to Local Reserves.

2.3.4.3 To the extent that it is reasonable to do so, the Council shall apply or impose development standards and requirements which would be imposed for development of the kind in question on zoned land, and the Council shall for that purpose stipulate the zone most relevant for comparison.

2.3.4.4 Where any land is partly zoned under the Scheme and partly included in a Local Reserve, then the general provisions of the Scheme shall apply to the part which is zoned, and where the circumstances permit, the Council may give one decision in respect of the part of the land which is zoned and a different decision in respect of the part of the land included in the Local Reserve.

2.3.4.5 The Council shall, in the case of land reserved for the purposes of a public authority, consult with that authority before giving its approval.

Under Clause 2.3.4 (above) Council is required to take into account the provisions of clause 6.8 in determining an application for Planning Approval on a Local Reserve.

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.*

Strategic Plan

Key Focus Area: Community Wellbeing

Objective: The Joondalup community is provided with opportunities to lead a healthy lifestyle.

Policy No Policies are applicable in this instance.

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 14 days. A total of 24 nearby owners were advised in writing. Advertising closed 31 July 2009.

A total of 33 responses were received, being 31 objections, and 2 letters of support. The number of submissions exceeds the number of residents advised by mail as a number of other residents in the area were made aware of the proposal.

Key issues arising from Public Consultation

Objections to the proposed development raised the following concerns:

- There is insufficient parking provided and the proposed management plan will not be successful;
- The farmers market will draw shoppers from much further afield than the nearby community and most will bring cars to transport their purchases;
- Customer parking will eventuate on the verges of nearby properties to avoid a gold coin donation. This will result in a dangerous situation for vehicles and pedestrians accessing the markets, and also for residents manoeuvring out of driveways along these streets;
- Traffic wardens will not have the necessary authority or resources to prevent visitors parking on residents' verges;
- There will be excessive noise from the operation of the markets, car doors closing and car engines revving. If stallholders are required to provide their own power, noise from generators will add to this;
- The 7am starting time is too early;
- There may be an increase in food litter and rubbish on the site;
- Vehicle movements over the school oval may damage the turf and leave oil/dirt/rubbish on the oval, which is used by the Primary School students;
- An increase in crime and vandalism will be experienced due to an increase in the number of people in the area;
- The operation of the markets will damage nearby businesses;
- The proposal has been rushed and inadequately researched;
- Houses in this area were purchased with the full knowledge of disruption from the school during the week, but not on the weekends too;
- The market will result in a decrease in property values; and
- The operation of the market will result in a loss of amenity and quality of life for residents.

Attachment 4 provides a plan indicating where submissions were received from.

COMMENTProposed Use & Location

The proposed land use is classified as a Market under DPS2. This *'means retail premises at which goods are sold from temporary stalls in individuals bays leased to or otherwise occupied by independent stallholders'*.

The markets will be operated by the Poynter Primary School Parents and Community Committee (P&C). However given the frequency and regularity of the market and the number of stallholders, it is viewed as a commercial venture.

The school site is surrounded by an existing residential area consisting of single detached homes at a density of R20. It is reasonable that residents would expect some level of disruption to the neighbourhood and amenity on weekdays during the School term, but this would not be expected on weekends or during school holidays.

Compliance with DPS2

The subject site is reserved under DPS2 and as such Council is required to have due regard to the ultimate purpose intended for the reserve. The land is set aside for Public Purposes – Primary School.

The applicant is the Poynter Primary School Parents and Community Committee (P&C) and the markets will be operated by the Committee. The P&C will benefit financially from the markets however the revenue will be returned to the school through the provision of additional equipment and improvement to the school facilities. Other local community groups such as sporting clubs and scouts will also potentially benefit from additional fundraising opportunities.

However, it is important to note that ultimately the markets are a weekly commercial operation where goods are exchanged for payment. Given the frequency and scale of the markets, in addition to their location within the school grounds, it is considered that the proposal is not consistent with the reservation of the land for the purposes of a Primary School.

Traffic and Car Parking

DPS2 does not provide a car parking standard for markets; however, other nearby Local Governments use the following standards:

7 per 100m² NLA (Net Lettable Area) or 1 per 20m² GLA (Gross Lettable Area)

The proposed markets seek to have up to 29 stalls, totalling 786m² NLA of floorspace. Using the standard of 7 per 100m² NLA this would generate a requirement for 55 car parking bays. As there are 29 stalls at least 29 bays will be used by stallholders leaving 26 bays for customers. It is considered that this is not sufficient.

The GLA of the proposed markets is 1165.5m². Using the standard of 1 per 20m² GLA this would require 59 car parking bays. As discussed above this is also considered insufficient.

It is anticipated that each stall will generate a requirement for at least 1 car parking bay for the stall holder as they will need to transport goods and equipment to the site. It could be expected that an average of 2 to 3 customers per stall will also be in attendance at the markets at any given time. It should also be noted that as the markets are proposed to be operated over a period of 4½ hours, that the customers will be dispersed over this time, particularly as produce will not be discounted at the end of the day for a quick sale.

It is considered that a car parking standard of 7 per 100m² NLA plus one bay per stallholder is appropriate in identifying a realistic parking demand. This would result in the proposal requiring 84 bays. The applicant proposes to utilise the school oval for all car parking, and traffic would be directed to this location by four wardens and also through the use of signage. The school oval and netball courts are capable of accommodating the suggested number of vehicles.

The parking area is accessed from Griffell Way and vehicles exit onto Lionel Court (refer Attachment 1 – Location Plan). These streets could be best described as minor residential streets. The main street servicing the school is Poynter Drive, but due to the proposed location of the markets and the school oval, vehicles will need to utilise Griffell Way and Lionel Court.

It is considered that utilising these minor streets to access the markets is not appropriate, particularly on the weekend, when residents would expect lower traffic levels.

Additionally, the operators of the markets will not be able to prevent customers parking on the verge, and this may be the case as customers attempt to avoid paying a gold coin donation to enter the school oval, or to get closer to the markets themselves. Although parking on the verge is not illegal (with the consent of the owner of the land abutting the verge), it is not desirable due for reasons of safety for other vehicles and pedestrians, and also for the amenity for the nearby residential properties. Also, as the traffic management plan relies on volunteer groups, there is no guarantee that the required number of wardens will be available every weekend.

Noise

There has been concern expressed by surrounding residents regarding noise from vehicles, people and the general operation of the market. The applicant has stated that heavy vehicles will not be permitted for stallholders (no larger than a commercial van) and that electrical generators and sound amplification will not be permitted. Electricity can be connected to the main school building via extension leads.

The operation of the markets, like other development, would be required to comply with the Environmental Protection (Noise) Regulation 1997. However, it could be expected that noise from vehicle manoeuvring and numbers of people accessing the markets is likely to create some level of disturbance to nearby residents.

Potential Impact on City Resources

If the proposed markets were to be approved and resultant parking or traffic problems eventuated, this could have implications for the City's Rangers or Parking Inspectors needing to patrol the street network surrounding the school and potentially issue infringements as necessary.

Community and Social Benefits

Notwithstanding the aforementioned negative impacts of the proposed markets, there are a number of community and social benefits to such a venture, being:

- 1 The school will make money from the venture which can be used for increasing the quality of educational facilities and resources at the school;
- 2 Local residents will have the ability to buy fresh produce without necessarily driving to nearby commercial centres;
- 3 The market will promote healthy/environmentally sound products;
- 4 The markets have the potential to support local small businesses;
- 5 There are other community benefits from local meeting events to establish social and neighbourhood relationships, and inject vibrancy into the area.

It also noted that the nearest permanent commercial market where residents and small businesses in the City have the ability to purchase and promote these types of locally produced goods in a market environment is located in Wangara at the Wanneroo Market, approximately 7km away.

Conclusion

While noting the benefits of the proposed market, in this instance it is considered that there are a number of aspects of the proposal that are likely to result in a detrimental impact on the general amenity of the neighbourhood and nearby properties.

The frequency, scale and operation of the market results in an inconsistency with the reservation of the land for the purposes of a Primary School, and also exceeds the expectations of surrounding residents in relation to the operation of a school.

The proposed traffic management plans rely on relatively quiet residential streets to provide access to the oval parking, presenting potential safety issues for vehicles and pedestrians, and reducing amenity of nearby residences by way of vehicle noise, and visual outlook on to parked vehicles.

It is therefore recommended that the application be refused.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 REFUSES the application dated 13 July 2009, submitted by Beverley McGhie (Market Manager), on behalf of the owner, Department of Education & Training, for Markets at Reserve 34149 (39) Poynter Drive, Duncraig, for the following reasons:**
 - (a) The proposed markets will have an adverse impact on the amenity of surrounding residents and the locality by way of additional traffic accessing the area and site.**
 - (b) The proposed markets will have an adverse impact on the amenity of surrounding residents and the locality by way of additional noise and general disruption to adjacent residents.**
 - (c) The frequency, location, size, and operation of the proposed Markets is not consistent with the Reservation of the land for the purposes of a Primary School.**
- 2 ADVISES the applicants of its decision in Part 1 above.**

Appendix 5 refers

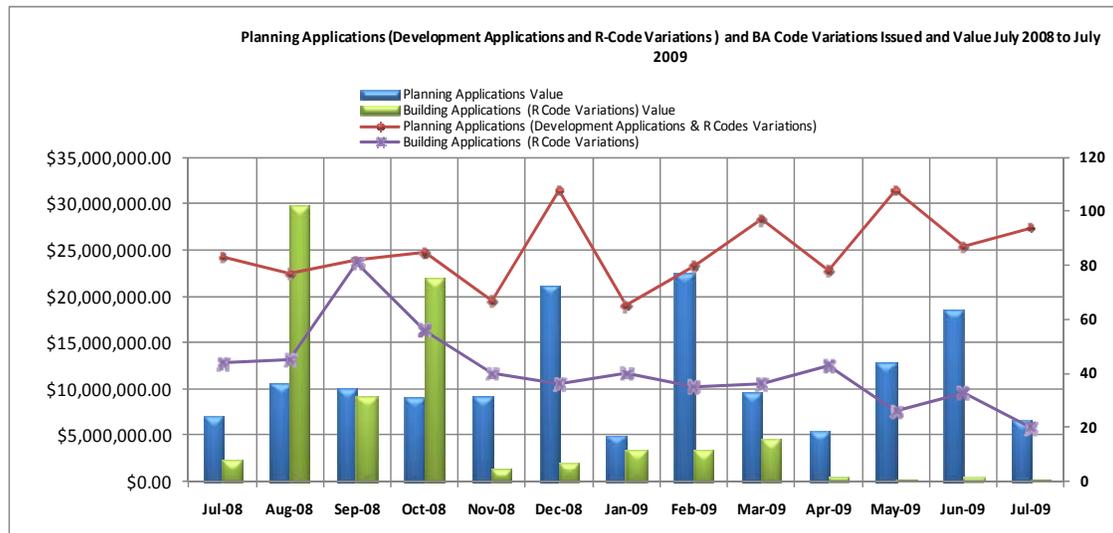
To access this attachment on electronic document, click here: [Attach5brf080909.pdf](#)

DETAILS

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

Approvals Determined Under Delegated Authority – July 2009		
Type of Approval	Number	Value (\$)
Planning Applications (Development Applications & R-Codes Variations)	94	\$ 6,621,598
Building Applications (R-Codes Variations)	20	\$ 190,835
TOTAL	114	\$ 6,812,433

The number of development applications received during the period for July 2009 was 123. (This figure does not include any applications that may become the subject of an R-Code Variation as part of the Building Licence process).



Subdivision Approvals Processed Under Delegated Authority From 1 July to 30 July 2009		
Type of Approval	Number	Potential new Lots
Subdivision Applications	4	4 Business lots 11 Residential lots
Strata Subdivision Applications	7	14

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 consideration 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 94 development applications determined during July 2009, consultation was undertaken for 33 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). Subdivision applications are not required to be advertised for public comment as the City is not the determining authority.

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 July 2009;**
- 2 The determinations made under Delegated Authority in relation to the subdivision applications described in this Report during July 2009.**

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf080909.pdf](#)

ITEM 7 STATUS OF PETITIONS TO COUNCIL

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Governance and Strategy
FILE NUMBER:	05386
ATTACHMENTS:	Attachment 1 Status of Petitions 27 February 2007 to 18 August 2009.

PURPOSE/ EXECUTIVE SUMMARY

To advise Council of the status of petitions received during the period 27 February 2007 to 18 August 2009.

BACKGROUND

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

DETAILS

Issues and options considered:

Attachment 1 provides a list of all outstanding petitions received during the period 27 February 2007 to 18 August 2009 with a comment on the status of each petition.

Legislation/Strategic Plan/Policy Implications

Legislation

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

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

Strategic Plan:

Objective: 1.2 To engage proactively with the community.

Strategy: 1.2.4 The City maintains its commitment to public engagement, allowing Deputations and Public Statement Times, in addition to the Legislative requirements to public participation.

Policy implications:

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

Risk Management considerations:

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

Financial/Budget Implications:

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

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:****1 NOTES:**

- (a) the status of outstanding petitions submitted to Council during the period 27 February 2007 to 18 August 2009, forming Attachment 1 to this Report;
- (b) that works to re-tar the pathway in Sherington Park, Greenwood are included in the Capital Works Program 2009/10;

- (c) that provision of play equipment replacement for Montague Park, Kallaroo is not listed in the 5-year Capital Works Program;
 - (d) that the City is currently developing a separate shade sail program for commencement in 2010/11 and the shade sail at Montague Park, Kallaroo will be considered as part of this program;
- 2 in relation to Point 1(b) to (d) inclusive above, ADVISES the petitioners accordingly.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf080909.pdf](#)

ITEM 8 COMMUNITY CONSULTATION RESULTS: TRADING IN PUBLIC PLACES AMENDMENT LOCAL LAW 2009

WARD:	North
RESPONSIBLE DIRECTOR:	Mr. Jamie Parry Governance and Strategy
FILE NUMBER:	23122, 04028
ATTACHMENTS:	Attachment 1 Trading in Public Places Amendment Local Law 2009

PURPOSE/EXECUTIVE SUMMARY

To present Council with the results of the community consultation process undertaken in relation to the City's proposed *Trading in Public Places Amendment Local Law 2009*.

Given that no submissions were received and the amendment was drafted on the basis of direction from the Joint Standing Committee on Delegated Legislation ("The Committee"), it is recommended that Council adopts the Amendment Local Law in the manner prescribed in Attachment 1.

BACKGROUND

At the Meeting of 21 April 2009, Council resolved the following (*CJ097-04/09 refers*):

APPROVES the submission of a written undertaking to the Joint Standing Committee on Delegated Legislation, committing the City to:

- *recommence the process for amending a local law;*
- *repeal the current Trading in Public Places Amendment Local Law 2008; and*
- *cease enforcing the provisions within the Trading in Public Places Amendment Local Law 2008 that will be subject to change.*

A written undertaking was drafted and submitted to the Committee in line with the communication agreed to by Council above.

At the Meeting of 16 June 2009, Council then resolved (*C53-06/09 refers*):

That... in accordance with section 3.12 of the Local Government Act 1995, [Council] APPROVES the content of the Trading in Public Places Amendment Local Law 2009 provided at Attachment 2 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 prohibit the act of smoking in outdoor dining areas that are situated on public property within the City of Joondalup."

"The effect of this Amendment Local Law is that a system for prohibiting smoking in alfresco dining areas within the City of Joondalup will be operational."

A public consultation period has since been undertaken and this report outlines the results of that process.

DETAILS

The community consultation period commenced on Saturday 27 June 2009 via a public notice in the state newspaper. This satisfied the requirements of section 3.12 of the *Local Government Act 1995* and was considered sufficient in encouraging submissions from the general public, given that a consultation on the same matter had already been undertaken in December 2008. This latest amendment did not aim to alter the intent of the original law and therefore, the City did not proactively seek comment from the broader community.

In addition to the statewide public notice, the City sent direct correspondence to affected business owners, outlining the nature of the proposed amendments and explaining the impacts they would have on current arrangements, (which were minimal).

The City did not receive any formal submissions; however, two queries from affected businesses were raised in relation to the implementation of the amendment and have since been dealt with as a separate issue.

Issues and options considered:

Given that no submissions were received and the amendment is merely satisfying a commitment to the Committee, it is recommended that Council adopts the *Trading in Public Places Amendment Local Law 2009*, in the manner prescribed in Attachment 1 to the Report.

Legislation

Local Government Act 1995

Trading in Public Places Amendment Local Law 2009

Trading in Public Places Amendment Local Law 2008 - repealed

Strategic Plan

Key Focus Area: Leadership and Governance

Objective: To engage proactively with the community

Policy

Not applicable.

Risk Management considerations:

Should Council choose not to adopt the amendment local law, the City will fail to deliver its stated commitment to the Committee. This will result in the amendment being disallowed after 2 years from the date of the City's written undertaking to the Committee.

Financial/Budget Implications:

Should Council adopt the amendment local law, there are minor costs associated with its gazettal.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Information regarding the consultation process is outlined in the Details section of this report.

COMMENT

Not applicable.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council, BY AN ABSOLUTE MAJORITY, ADOPTS the City of Joondalup Trading in Public Places Amendment Local Law 2009 in the manner prescribed in Attachment 1 to this Report.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf080909.pdf](#)

ITEM 9 POTENTIAL MECHANISMS TO MANAGE THE INTERFACE BETWEEN CYCLISTS AND PEDESTRIANS

WARD:	All
RESPONSIBLE DIRECTOR:	Mr. Jamie Parry Governance and Strategy
FILE NUMBER:	56564
ATTACHMENTS:	Nil.

PURPOSE

The purpose of this report is to provide Council with options for potential mechanisms to manage the interface between cyclists and pedestrians on dual use paths.

EXECUTIVE SUMMARY

This report details current research and examples for decreasing shared path conflict between pedestrians and cyclists. It further details common issues associated with shared paths and potential options for consideration to reduce conflict between pedestrians and cyclists on shared paths.

Options are presented in Table 1: 'Options for Reducing Pedestrian/Cyclist Conflict on Shared Paths' for Council to consider and determine which option, if any, should be pursued.

BACKGROUND

At the meeting of Council on 16 June 2009, the City's *Bike Plan 2009* was approved and Council requested a further report on potential mechanisms to manage the interface between cyclists and pedestrians on shared paths that included, but not limited to, liaison with relevant agencies, speed limits and research related to national and international best practice.

Local government has an established role of providing cycling and walking infrastructure for both recreation and commuting use. The provision of a safe and easy to use path network is imperative for assisting and encouraging the community to use these facilities.

The *Bike Plan 2009* is designed to establish strategic direction for the range of people who utilise transport infrastructure within the City. The Plan refers to best practice models for improvements, education and encouragement. It recommends that education is integral to raising community awareness of shared path use as well as infrastructure improvements, including line marking and increased signage to improve safety.

DETAILS

Context

Most sustainable transport strategies in Australia aim to increase cycling, walking and public transport use and reduce reliance on cars. In Western Australia, there are many recreational areas that are used extensively by both pedestrian and cyclists, in particular, the coastal shared path in which the City of Joondalup has 17 km from Marmion to Burns Beach.

Pedestrians and cyclists are both vulnerable road users and differ from each other in their speed of travel and the nature of their movement activity. For shared paths, the interaction between cyclists and pedestrians has received much attention in recent years and this attention will continue to increase as more people walk and cycle¹.

Current Research

In 2006, Austroads investigated the conflicts between cyclists and pedestrians and developed best practice engineering, traffic management and urban design measures as well as education and awareness strategies to minimise conflict and improve perceived and actual safety on shared paths¹.

The main causes of conflict on shared paths include: pedestrians and cyclists not keeping left; cyclists not giving way to pedestrians; speeding cyclists; uncontrolled dogs; lack of education; lack of courtesy; pedestrians walking in pairs or groups; cyclists riding two abreast; pedestrians moving unpredictably; lack of pavement marking; and signage¹.

This research indicated a number of key areas for minimising conflict, including;

- integrated policy, strategy and planning;
- urban design and place making;
- infrastructure planning;
- infrastructure design;
- infrastructure construction and maintenance;
- information;
- regulation;
- enforcement;
- education and awareness raising; and
- travel behaviour change.

Improvement Strategies and Case Studies

In Western Australia, nationally and internationally, a number of strategies have been implemented, including: separating paths; pavement markings and signage; infrastructure design; maintenance; education; and enforcement.

The following case studies detail best practice strategies that have been implemented. It is difficult to determine the success of such strategies, as feedback about the specific strategies are anecdotal and crash statistics can be unreliable (as the majority of crashes occur on-road and many crashes go unreported.)

1 Separated Paths

With the main cause of fatal bicycle accidents being collisions with motor vehicles¹, separating cyclists from road traffic provides safety benefits to cyclists. Separate paths for pedestrians and cyclists may also help to avoid pedestrian and cyclist conflict. However, paths would need to be separated sufficiently to avoid pedestrians straying into cycling space and there is a significantly higher cost in constructing two paths of sufficient width. This

¹ *Pedestrian and Cyclist Conflict Minimisation on Shared Paths* 2006, Austroads Research Report, No. AP-R287/06, Austroads, retrieved from <http://www.austroads.com.au/documents/Ped-cyclist_conflict_minimisation_on_shared_paths.pdf>.

option would be appropriate if large numbers of cyclists and pedestrians use the path and there is sufficient space to provide two separate paths¹.

Separated paths with cyclist-only and pedestrian-only lanes next to each other have been constructed in Subiaco near the railway station. This was implemented as there is a high volume of traffic in that area and many complaints from users. The City of Subiaco reports that this has been a successful option and has defined spaces for pedestrians and cyclists.

Main Roads are currently experiencing a lot of conflict and injury on the shared path along the Kwinana Freeway from Canning Bridge to The Narrows Bridge. There is currently a proposal to either duplicate the path or widen the path to 5 metres and retain the shared path status but provide more room for cyclists and pedestrians to move around each other. This is currently in the proposal stage and will be monitored by the City of Joondalup.

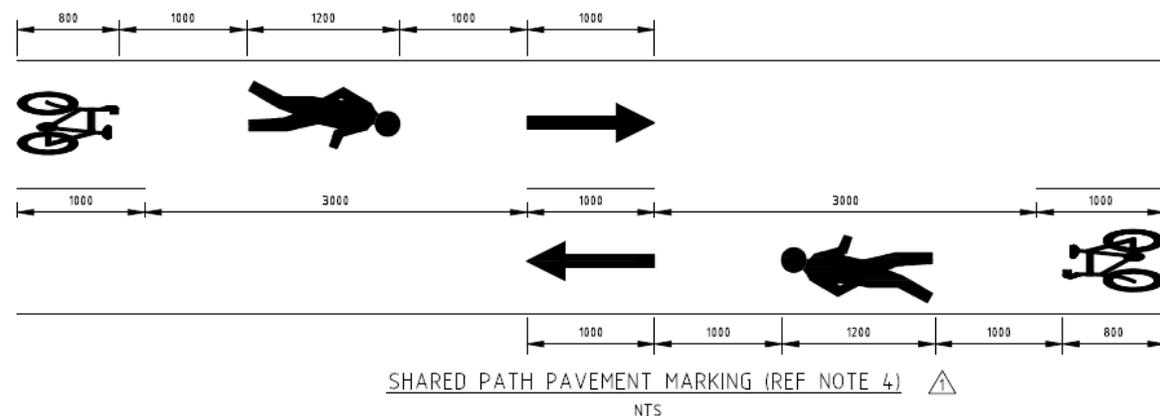
Internationally, the City of Vancouver has separated bicycle and pedestrian paths in high traffic areas where space permits. Daily trips by bicycle have increased from approximately 20,000 in 1994 to 55,000 in 2004.

2 Pavement markings and signage

Pedestrians and cyclists do not always keep left on shared paths. Research has shown that the introduction of line markings down the centre of a shared path encourages people to move to the left².

Pavement markings and signage are frequently used and resemble an image of a cyclist and pedestrian with an arrow to indicate a shared path (figure a). A dotted line down the centre of the path also defines spaces for two-way traffic on a shared path:

figure a.



More recently, pavement markings indicating frequent crossing of pedestrians (figure b) and markings for pedestrians to give way at intersections have been implemented around Perth (figure c):

² Walter, N 1995, *The White Line Project: A Report on the Impact of a Centre White Line and Directional Arrows in Modifying Trail User Behaviour*, Bicycle Victoria, Melbourne.

figure b.

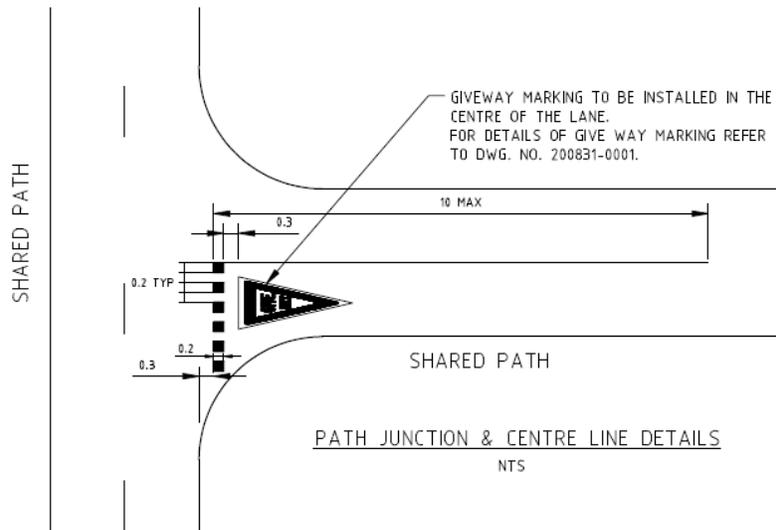
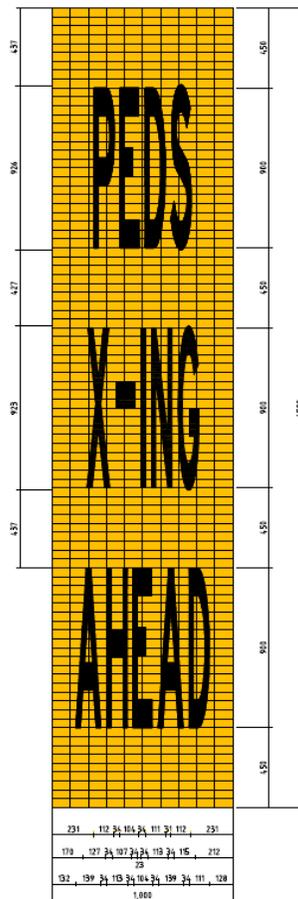


figure c.



Further, cyclists are often accused of not giving way to pedestrians. Under Section 216(2) of the *Road Traffic Code 2000*, pedestrians have right-of-way on dual paths at all times and cyclists must give way to pedestrians³. Strategies to enforce this section of the Code, include the installation of shared path symbols (figure a above) as well as signage indicating that

³ *Riding Safely on Shared Paths*, Department of Planning and Infrastructure (WA), retrieved from http://www.dpi.wa.gov.au/mediaFiles/cycling_borchure_ridingsharedpath.pdf.

pedestrians have right-of-way. Internationally, centre-line marking and shared path symbols are standard best-practice.

Intersections or T-Junctions where an accessway (such as a beach accessway), meets a shared path (such as the coastal path), are potential conflict areas for pedestrians and cyclists as either party may not see the other approaching.

Some strategies for improving these intersections include the installation of 'Give Way' symbols on the pavement of the accessway (figure b above), the installation of 'Peds X-ing Ahead' symbols on the pavement of a shared path (figure c above) or the installation of a 'Crosswalk' symbol combined with red asphalt brick paving strips 20 metres on the approach to the pathway intersection. The latter option is currently being trialled by Main Roads at the Claremont Train Station where there have been previously reported conflicts resulting from pedestrians crossing a shared path.

Regulatory signage appears throughout Western Australia on all paths and may include prohibition and restriction signs and 'Give Way' signs. In the City of Joondalup, signage indicating 'Shared Paths', 'Keep Left', 'Keep a Dog on a Lead' are all displayed alongside the coastal shared path as well as other high use paths.

A significant proportion of the City of Joondalup's path network is not marked with centre lines or shared path symbols, and this was identified in the review of existing cycling facilities for the Bike Plan 2009. As a result, a budget has been allocated for each year of the *Bike Plan 2009* for spot improvements to signage and line marking (such as those illustrated in figure a, b and c above).

3 Infrastructure Design

In Australia and New Zealand shared paths are the most common off-road provision for cyclists as they are believed to be most suitable for all kinds of users provided the appropriate design, construction and maintenance is adhered to. In particular, path width is of great importance for shared paths, and *Austrroads Part 14* is a best-practice guide for the design of shared paths. The City of Joondalup uses this guide for the design of paths and facilities within the municipality.

Some areas have installed localised obstacles such as grab rails or bollards to slow the traffic on shared paths at intersections. This is not recommended by the Department for Transport (WA) or BikeWest as it is potentially dangerous for both cyclists and pedestrians.

4 Maintenance

Poor maintenance can reduce the effective path width. Programmed maintenance, planned routine maintenance and responsive or emergency maintenance are essential for maintaining user safety on shared paths. The City of Joondalup reviewed its maintenance schedule as part of the review of the Bike Plan and has identified actions to maintain the City's bicycle facilities network.

5 Education

The Department for Transport (WA) has produced resources for shared paths use. The document *Riding Safely on Shared Paths* details guidelines for path rules, shared path courtesy, path hazards, reckless cycling and cycling at night. This resource can be distributed to cyclists and pedestrians to ensure consistent information is given. Additionally, the City of Joondalup and many other local governments in the Perth Metropolitan Area have produced TravelSmart maps that indicate path types and route planning.

Further, cyclists' not using bells is a common complaint by pedestrians. Signage for cyclists that encourages cyclists to use their bells is installed along some of the City's path network.

6 Enforcement

Under Section 229 of the *Road Traffic Code 2000* a cyclist may not ride recklessly on any road or path. A rider failing to heed warning signs on a shared path or riding at a speed, may be deemed reckless and issued with an on-the-spot infringement by the Police. The current fine for this offence can be up to \$800. Nonetheless, It is not recommended that speed limits be posted on shared paths. Speed limits are difficult to enforce, the majority of cyclists do not have a speedometer on their bicycle, and where shared paths are next to a road carriageway, motorists may be confused by the different signage and speed limits.

Issues and options considered:

The following are common issues for shared paths:

- pedestrians and cyclists not keeping left;
- pedestrians and cyclists not sharing the path;
- pedestrians with earphones in
- intersections between access ways and shared paths;
- cyclists not using bells;
- cyclists riding too fast; and
- cyclists not giving way to pedestrians.

The *Bike Plan 2009*, which was approved by Council in June 2009, reviewed the City's cycling facilities. The following recommendations were made to improve safety and user satisfaction, that the City:

- installs signage and line marking as listed in the Schedule of Infrastructure Works in the Plan.
- improves the recreational cycling network by undertaking work items listed in the Schedule of Infrastructure Works in the Plan.
- consider cyclists in future traffic calming measures installed and are convenient and safe for use by cyclists.
- undertakes maintenance actions, as required, to maintain the path network and provide for safe operation of the network.
- works in partnership with relevant agencies towards the education of cyclists, motorists and pedestrians.
- undertakes strategic actions to encourage and promote cycling.

These recommendations have been made based on an extensive review of the network and the best practice guidelines available at this time.

The following options could be considered to improve the interaction of users on shared paths:

Table 1. Options for Reducing Pedestrian/Cyclist Conflict on Shared Paths			
Benefits	Issues	Cost Implications	Expected outcome
Option 1. Separating of shared paths			
<ul style="list-style-type: none"> Separation of users at different speeds. Minimises interaction between cyclists and pedestrians. 	<ul style="list-style-type: none"> Space to separate and duplicate a path is usually limited. Pedestrian straying into cyclists path even though they are separated. 	<ul style="list-style-type: none"> There are significant costs to duplicating paths and each path would be different. 	<ul style="list-style-type: none"> Reduced potential for pedestrian/cyclist conflict.
Option 2. Marked Centre Lines			
<ul style="list-style-type: none"> Separation of two-way traffic. 	<ul style="list-style-type: none"> Pedestrians and cyclists straying into oncoming path. 	<ul style="list-style-type: none"> Installation and ongoing maintenance of markings. 	<ul style="list-style-type: none"> Reduced potential for pedestrian/cyclist conflict.
Option 2. Shared Path Pavement Marking			
<ul style="list-style-type: none"> Increases awareness that the path is to be shared. 	<ul style="list-style-type: none"> Pedestrians and cyclists not sharing the path. 	<ul style="list-style-type: none"> Installation and ongoing maintenance of markings 	<ul style="list-style-type: none"> Increased awareness of shared paths. Reduced potential for pedestrian/cyclist conflict.
Option 3. 'Give Way' Pavement Marking			
<ul style="list-style-type: none"> Increases awareness that pedestrians must give way at an intersection. 	<ul style="list-style-type: none"> Pedestrians not looking before they step out into oncoming traffic. 	<ul style="list-style-type: none"> Installation and ongoing maintenance of markings. 	<ul style="list-style-type: none"> Increased awareness of oncoming traffic at intersections. Reduced potential for pedestrian/cyclist conflict.
Option 4. 'Peds X-ing Ahead' Pavement Marking			
<ul style="list-style-type: none"> Increases awareness that cyclists must be aware and must slow down at an intersection. 	<ul style="list-style-type: none"> Cyclists not slowing down at intersections. 	<ul style="list-style-type: none"> Installation and ongoing maintenance of markings. 	<ul style="list-style-type: none"> Increased awareness of pedestrians at intersections by cyclists. Reduced potential for pedestrian/cyclist conflict.
Option 5. Traffic Calmers (eg: bollards, grab rails etc.)			
<ul style="list-style-type: none"> May slow traffic in high use areas. 	<ul style="list-style-type: none"> Considered a safety issue for cyclists. 	<ul style="list-style-type: none"> Installation and ongoing maintenance of traffic calmers. 	<ul style="list-style-type: none"> Slowing of traffic.

Benefits	Issues	Cost Implications	Expected outcome
Option 6. Education			
· Increase awareness of shared path etiquette.	· Will not reach all users.	· Printing and distribution of marketing materials.	· Increased awareness of shared path etiquette.
Option 7. Speed Limits for Cyclists			
· May slow some cyclists in high traffic areas.	· Not all cyclists have a speedometer and it is not mandatory to have one. · Confusion for motorists. · Difficult to enforce. · Cyclists not adhering to the speed limits.	· Design, construction, Installation and ongoing maintenance.	· Reduced potential for pedestrian/cyclist conflict.

Legislation/Strategic Plan/Policy Implications:

Strategic Plan: Key Focus Area 5: Community Well Being
Objective 5.2.1: The City provides high quality recreation facilities and programs.

Risk Management Considerations:

- 1 Injury to a cyclist or pedestrian as a result of providing insufficient signage, infrastructure or education to minimise conflict.
- 2 Adherence to laws/rules/signage by cyclists and pedestrians.

Financial/Budget Implications:

The City of Joondalup has allocated a budget to carry out specific infrastructure works for the path network in the *Bike Plan 2009*. From 2010/2011, there is an annual allocation for line marking and signage. Additional budget would be required for additional works.

Regional Significance:

The City's bicycle network is a part of the wider Perth Bicycle Network, which is a continuous and easy to use network that links with the City of Stirling and the City of Wanneroo.

Sustainability Implications:

The City should provide a safe and enjoyable pedestrian and cycle network that encourages both walking and cycling activities for recreational and commuting purposes. Strategies that prevent safe walking or cycling should be discouraged as this will impact negatively on community health and well being as well as greenhouse gas emissions

Consultation:

BikeWest, Main Roads

COMMENT

The City has recently completed an extensive review of its bicycle facilities which includes facilities used by pedestrians. The *Bike Plan 2009* was approved by Council in June 2009. Recommendations and Actions in this Plan are best-practice and aim to improve the safety and experience for all users. In addition, a range of options are available to further reduce the opportunities for cyclist/pedestrian conflict on shared paths.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council NOTES:**

- 1 the report related to Potential Mechanisms to Manage the Interface between Cyclists and Pedestrians dated 15 September 2009;**
- 2 that the City of Joondalup Bike Plan 2009 comprises a number of actions to improve the safety and minimise the opportunity for cyclist/pedestrian conflict on shared paths.**

ITEM 10 REVIEW OF GOVERNANCE FRAMEWORK

WARD:	All
RESPONSIBLE DIRECTOR:	Mr. Jamie Parry Governance and Strategy
FILE NUMBER:	25548, 01139, 02154, 08122, 76541
ATTACHMENTS:	Attachment 1 Revised Governance Framework

PURPOSE

For Council to give consideration to the revised City of Joondalup Governance Framework.

BACKGROUND

The City of Joondalup's Governance Framework was prepared following the recommendations of the Governance Review – Final Report and was adopted by Council at its meeting held on 11 October 2005 (Item CJ204-10/05 refers).

Since its adoption the principles and practices of the City's Governance Framework have assisted in guiding the specific processes of decision making by which the City is directed, controlled and held to account.

Ensuring that the document is relevant and current to the operations of the City is imperative, and as such, it is considered that a review of the framework should be undertaken.

DETAILS

The Governance Framework is an internal document that guides the governance operations of the Elected Council and the City.

Governance is an important concept and impacts on all sectors of the community. The practice of good governance is increasingly seen as critical for ensuring that:

- The organisation meets legal and ethical compliance.
- Decisions are made in the interests of stakeholders.
- The organisation behaves as a good corporate citizen should.

There are a range of benefits that can be derived from the development and implementation of an effective Governance Framework. These include:

- Providing clear guidelines for the roles of the Council and the CEO, ensuring that all responsibilities are properly allocated and performance expectations are well understood.
- Enshrining best practice in relation to board processes.
- Assisting the Council and the CEO in delivering good governance.
- Ensuring legal and ethical compliance.

- Influencing processes throughout the organisation by setting guidelines for strategic planning at all levels.
- Acting as a point of reference for disputes.
- Assisting as an induction tool for new Elected Members.

The Governance Framework has been reviewed to ensure it is relevant and current to the operations of the City, taking into consideration developments in governance since the adoption of the Framework. Whilst the content of the original document largely remains a number of amendments have been made to the Framework including the following:

- **Order of Business in the Framework** – amendments have been made to establish four principles of a Governance Framework as key chapters in the document (being Culture and Vision, Roles and Relationships, Decision-making and Management, and Accountability). As such, the order of business within the Framework has been revised to place relevant sections within the principle to which it refers. It is considered that this review allows for improved ease of understanding.
- **Financial Management** – a good Governance Framework comprises of robust and transparent financial management to meet a local government's accountability to its stakeholders, particularly in terms of stewardship of community assets, both now and into the future. A section on financial management has therefore been included in the document.
- **Qualified Privilege** – a brief overview of qualified privilege for Elected Members has been added to the Framework.
- **Legal Framework** – a good Governance Framework should include an overview of the legal framework within which the governance structure operates. The Framework has been amended to include sections related to the Act and accompanying Regulations, delegations, policies and management practices, records management, FOI, Corruption and Crime Commission, and the City's Code of Conduct.
- **Accountability** – the Framework has been amended in order that the key principle of accountability is referenced more significantly, including information on statutory compliance and controls, auditing and compliance functions, consultation processes, and the audit framework.
- **Key Corporate Documents, Planning Process and Strategic Plans** – the ability to easily reference key documents is proposed to be included by way of hyperlinks.

Issues and options considered:

The Council has the following options:

- Not amend the Governance Framework;
- Agree to the proposed amendments to the Governance Framework;

Legislation/Strategic Plan/Policy Implications

Legislation

The Local Government Act 1995 is the principal piece of legislation governing the operations of all local governments in Western Australia and contains many sections that relate to the roles and functions of the Mayor, Councillors, Chief Executive Officer and employees.

Strategic Plan

Key Focus Area: Objective: 1.2 To engage proactively with the community.

Policy

The Governance Framework and associated documents describe the principles and key roles that guide Council in its decision-making. The adoption of protocols and principles relating to good governance of the City of Joondalup will impact on all Council policies and the implementation of such policies.

Risk Management considerations:

The Governance Framework provides guidelines on the processes that will ensure the good governance of the City of Joondalup, and highlights a number of other documents that set down the fundamental principles of good governance.

The Governance Framework establishes the respective roles and responsibilities of the Council and Management, promotes ethical and responsible decision making, promotes timely and balanced disclosure, respects the rights of the community and other stakeholders, recognises and manages risk, and encourages better performance by all participants in the governance process at the City of Joondalup.

Financial/Budget Implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

The Governance Framework sets out governance principles that will ensure that Council's management and organisational practices are professional and decisions will be informed and take into account the needs of the community to which it is primarily accountable.

The Governance Framework and associated documentation is designed to ensure effective, transparent and sustainable management of the City's affairs.

Consultation:

Not applicable.

COMMENT

Not applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ADOPTS the revised Governance Framework as shown in Attachment 1 to this Report.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf080909.pdf](#)

ITEM 11 MINUTES OF EXTERNAL COMMITTEES**WARD:** All**RESPONSIBLE
DIRECTOR:** Mr Jamie Parry
Governance and Strategy**FILE NUMBER:** 00033 03149 60514**ATTACHMENTS:** Attachment 1 Minutes of the Mindarie Regional Council meeting held on 23 July 2009
Attachment 2 Minutes of the Western Australian Local Government Association North Metropolitan Zone held on 30 July 2009

PURPOSE

To submit minutes of external committees to Council for information.

EXECUTIVE SUMMARY

The following minutes are provided:

- Meeting of the Mindarie Regional Council held on 23 July 2009.
- Meeting of the Western Australian Local Government Association North Metropolitan Zone held on 30 July 2009.

(Please Note: These minutes are only available electronically)

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the minutes of the meeting of the:

- 1 Mindarie Regional Council held on 23 July 2009 forming Attachment 1 to this Report.**
- 2 Western Australian Local Government Association – North Metropolitan Zone held on 30 July 2009 forming Attachment 2 to this Report.**

To access this attachment on electronic document, click here:

[External Committees 080909.pdf](#)

ITEM 12 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE HELD ON 20 AUGUST 2009

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Governance and Strategy
FILE NUMBER:	00906
ATTACHMENTS:	Attachment 1 Minutes of the Sustainability Advisory Committee meeting held on 20 August 2009

PURPOSE

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

EXECUTIVE SUMMARY

A meeting of the Sustainability Advisory Committee was held on 20 August 2009.

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

Item 1 Sustainability Advisory Committee Workshop

BACKGROUND

The objectives of the Sustainability Advisory Committee are:

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

- 2 To provide advice to Council on items referred to the Committee from the City of Joondalup Administration.

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

DETAILS**Issues and options considered:**

The Motion carried at the Sustainability Advisory Committee meeting held on 20 August 2009 is shown below, together with officer's comments.

1 Sustainability Advisory Committee Workshop

 "That the Sustainability Advisory Committee;

- 1 NOTES the progress report dated 20 August 2009;
- 2 CONDUCTS a workshop on 24 September 2009 at 6pm;
- 3 REQUESTS the City provides the necessary stationery resources to conduct the workshop;
- 4 CONFIRMS the content prior to the workshop.”

Officer's Comment

Council supported the Sustainability Advisory Committee (SAC) conducting a workshop, with officer support, at its May 2009 meeting.

The SAC agreed that the format and content of the workshop would be discussed and agreed to by SAC members prior to the workshop. A City Officer will attend the workshop to respond to any queries that may be raised.

Legislation/Strategic Plan/Policy Implications

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

Strategic Plan

Key Focus Area: The Natural Environment

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

Policy Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

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

Sustainability implications:

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

Consultation:

Not Applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 20 August 2009 forming Attachment 1 to this Report.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf080909.pdf](#)

ITEM 13 PETITION FOR PARKING PERMITS - UPNEY MEWS AND PROPOSED AMENDMENTS TO EXISTING PARKING SCHEME - JOONDALUP CITY CENTRE (NORTH)

WARD:	North
RESPONSIBLE DIRECTOR:	Mr. Mike Tidy Corporate Services
FILE NUMBER:	07190, 57618
ATTACHMENTS:	Attachment 1 Existing Parking Scheme Joondalup City Centre (North) 19/05/09 Attachment 2 Proposed Amendment to Parking Scheme Joondalup City Centre (North) 21/08/09 Attachment 3 Schedule of Changes from the existing Joondalup City North Parking Scheme to the amended Parking Scheme

PURPOSE

For Council to consider consulting residents in relation to a proposed amendment to the existing Parking Scheme in Joondalup City North in response to petition from residents in Upney Mews, Joondalup concerned about residential and visitor parking.

EXECUTIVE SUMMARY

Council adopted a parking scheme for the south western portion of Joondalup City North (refer attachment 1) at its meeting on 19 May 2009 (refer CJ111-05/09). That parking scheme was introduced to address parking by commuters, staff and visitors of the Joondalup Hospital and surrounding commercial and medical activities seeking to avoid the paid parking south of Shenton Avenue which was impacting on the residential streets north to Plaistow Street.

A petition bearing 21 signatures from residents in Upney Mews has been received by the City raising concerns about the parking by non residents in their street and requesting resident/visitor parking permits. This has resulted from drivers seeking parking and trying to avoid the restrictions in the parking scheme area. Observations of parking in the area suggest the problem also extends north of Upney Mews and Plaistow Street.

It is proposed to consult affected residents and businesses across the whole area in relation to implementing an amendment to further extend the existing parking scheme.

It is recommended that Council:

- 1 *AGREES to advertise for public comment from residents and owners in the affected area for a period of 30 days the proposed amendments to the existing Parking Scheme for allocation of on-street parking restrictions as detailed on the Proposed Amendments to Parking Scheme – Joondalup City Centre (North) 21/08/09 as shown on Attachment 2 to this Report;*

- 2 *REQUESTS a further report on the public consultation prior to consideration of the adoption of the amendments detailed in (1) above;*
- 3 *RESPONDS to the petitioners from Upney Mews advising them of the proposals outlined in 1 and 2 above; and*
- 4 *NOTES that parking demand in the Joondalup City Centre (North) will continue to be monitored and that resident/visitor parking permits may be extended to further areas in City North in the future.*

BACKGROUND

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

Since the introduction of paid parking in Joondalup City Centre on 9 October 2008 and the introduction of paid parking in Joondalup Hospital visitor car parks in January 2009 some drivers and many of the hospital visitors and staff have opted to use the on-street parking in the residential streets in Joondalup City North, immediately north of Shenton Avenue, to meet their parking requirements.

A new Joondalup City North Parking Scheme (refer CJ111–05/09) was approved by Council at its meeting of 19 May 2009 to address this issue. Since the introduction of this parking scheme many of these drivers have migrated to the residential streets of Upney Mews and other streets to the north of Upney Mews and Plaistow Street to avoid the resident/visitor areas south of Plaistow Street. This has impacted on the ability for residents and their visitors to access the limited parking facilities in these streets. The main area impacted by these issues is from Upney Mews and Plaistow Street north to Aldgate Street.

DETAILS

Issues and options considered:

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

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

The current prohibitions are very limited. There are some sections of “No Stopping Road” but generally the on-street parking is available to anyone. These arrangements originated when parking demand for the area was a lot less than it is now. The introduction of paid parking by the City, expansion of the hospital facility and the introduction by the hospital of paid parking in its own car parks means that the current limited parking prohibitions do not adequately provide for the needs of resident and visitor parking requirements. This is not a recommended option.

- 2 Amend the current parking scheme by introducing time prohibitions that prevent all day or long term parking.

It is possible to put various time restrictions in place in the affected streets such as two or four hour parking that would have the effect of preventing drivers from parking all day. The down side to parking prohibitions alone is that it does not distinguish between commuters looking to avoid paid parking and residents and their visitors parking outside their residence. It also encourages the shuffling of cars between bays in an attempt to avoid the prohibitions.

Parking prohibitions alone may well cause as many problems for residents and visitors as it solves in relation to commuters and is not recommended.

- 3 Amend the current parking scheme by extending the area including the application of resident/visitor parking permits.

The most viable method of addressing the parking issues at this point is considered to be extending the resident/visitor parking permit scheme.

Plans are attached of the proposed Parking Scheme (Attachment 2) showing the proposed parking restrictions and prohibitions in on-street locations in the area north of Upney Mews and Plaistow Street to Aldgate Street.

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

- Provide some support for residents and their visitors with the ability to park in close vicinity to their homes.
- Provide for the safety of pedestrian and vehicle movement.
- Encourage people wanting commuter parking to park in long term parking facilities provided by the City for this purpose.
- Achieve best utilisation of all public parking facilities managed by the City.

The recommendation to introduce resident/visitor parking permits schemes would not apply to Aldgate Street or the streets to the north of Aldgate Street at this time. While there has not been any complaints in this area in regards to parking issues it is possible that the introduction of this amendment may result in this area being subjected to similar parking issues in the future.

Managing these types of parking issues is incremental and if it becomes necessary in the future the resident/visitor parking permit scheme can be extended to include Aldgate Street and the remainder of the residential streets to the north of Aldgate Street.

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

Those provisions, in outline are:

- Up to five (5) resident or visitor parking permits free of charge (any combination).
- Further permits on application at a fee set down in the City's Fees and Charges, currently \$30 for an annual permit.

Legislation/Strategic Plan/Policy Implications

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

Clause 33 of the Parking Local law applies:

Establishing and Amending the Parking Scheme

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

(a) prohibitions;

(b) regulations; and

(c) restrictions,

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

Strategic Plan

Key Focus Area: 3.1.5 The City implements its CBD Parking Strategy.

Objective: To encourage the development of the Joondalup CBD.

Policy The proposed parking scheme is consistent with the City's Parking Strategy and the Resident/Visitor Parking Permits for Joondalup City Centre Policy (Policy No 7-23).

Risk Management considerations:

The proposed scheme amendments are intended to address community amenity in City North. The prior consultation should ensure that there is an opportunity to identify any concerns with the proposal prior to final consideration.

Financial/Budget Implications:

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

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

The City has received a petition from the residents of Upney Mews in regards to concerns about parking. A solution to their issue which is also affecting others in City North has been developed. It is proposed in this report that this solution be put out for community consultation prior to final consideration. It is recommended that a consultation period of 30 days be undertaken with residents and business owners within the affected area via a letter drop and through general advertising mechanisms utilised by the City.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1** **AGREES** to advertise for public comment from residents and owners in the affected area for a period of 30 days the proposed amendments to the existing Parking Scheme for allocation of on-street parking restrictions as detailed on the Proposed Amendments to Parking Scheme – Joondalup City Centre (North) 21/08/09 as shown on Attachment 2 to this Report;
- 2** **REQUESTS** a further report on the public consultation prior to consideration of the adoption of the amendments detailed in (1) above;
- 3** **RESPONDS** to the petitioners from Upney Mews advising them of the proposals outlined in 1 and 2 above;
- 4** **NOTES** that parking demand in the Joondalup City Centre (North) will continue to be monitored and that resident/visitor parking permits may be extended to further areas in City North in the future.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf080909.pdf](#)

ITEM 14 REVISED PARKING SCHEME RELATED TO WARWICK TRAIN STATION

WARD:	South
RESPONSIBLE DIRECTOR:	Mr. Mike Tidy Corporate Services
FILE NUMBER:	04378
ATTACHMENTS:	Attachment 1 Warwick Train Station Resident/Visitor Permit Parking Area

PURPOSE

To review the parking scheme adopted by Council on 15 May 2008 (report CJ078-05/08) and the temporary permits implemented as a result of the scheme.

EXECUTIVE SUMMARY

The scheme is considered sound in its scope and prohibitions and there is no requirement for any substantive change. There is a need, however, to replace the temporary permits which occupiers have been using with authorised permits issued under the provisions of the Policy- Parking Schemes for Suburban Areas outside the Joondalup City Centre (the Policy).

It is recommended that Council APPROVES the application of the Policy-Parking Schemes for Suburban Areas outside the Joondalup City Centre to the existing area wide parking scheme associated with Warwick train station as detailed in Attachment 1, and that residents and occupiers of affected properties be invited to apply for resident and visitor parking permits under the provisions of that Policy.

BACKGROUND

Council resolved on 13 May 2008 to introduce an area wide parking restriction in Warwick in the vicinity of Warwick train station in response to a 26 signature petition. A “temporary” parking permit arrangement for affected residents was introduced. The temporary arrangement provided two permits to every residential address without requiring occupiers to apply for them.

Since the introduction of the parking scheme Council has adopted a Policy-Parking Schemes for Suburban Areas outside the Joondalup City Centre at its meeting on 18 August 2009, (Report CJ183-08/09). The scheme has been reviewed in the light of that Policy. The existing scheme has been found to be consistent with the policy except that the currently issued permits which have technically expired need to be replaced.

DETAILS

The temporary permits have been used successfully by residents and occupiers since September 2008, and there have been no complaints from residents about a lack of parking opportunity locally to their property.

Under the temporary arrangement each household was provided with two temporary permits. In accordance with the new policy each household will be offered three permits free with the ability to purchase additional permits for a fee.

Issues and options considered:

The scheme has been reviewed against the policy. The current mix of time restricted parking in association with the primary school and permit parking for residents is considered to be working well.

It is recommended that the scheme's fundamental elements remain unchanged at this time.

Legislation/Strategic Plan/Policy Implications

Legislation The scheme falls within the provisions of the City of Joondalup Parking Local Law 1999

Strategic Plan

Key Focus Area: Leadership and Governance

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

Policy Policy-Parking Schemes for Suburban Areas outside the Joondalup City Centre

Risk Management considerations:

Not applicable

Financial/Budget Implications:

Not applicable

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

There has not been specific consultation on the proposal for new permits as there is no substantive change proposed. Residents have previously been advised that the temporary permit would continue until a replacement could be implemented.

COMMENT

The officer review of the parking scheme has found it to be largely consistent with the policy and to be working well for the residents. The adoption of the policy now allows for residents to be given the opportunity to replace the "temporary" permits issued previously with permits under the provisions of that policy.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council APPROVES the application of the Policy- Parking Schemes for Suburban Areas outside the Joondalup City Centre to the existing area wide parking scheme associated with Warwick train station as detailed in Attachment 1 to this Report, and that residents and occupiers of affected properties be invited to apply for resident and visitor parking permits under the provisions of that Policy.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf080909.pdf](#)

ITEM 15 REVISED RESIDENT PARKING SCHEME IN WOODVALE

WARD:	Central
RESPONSIBLE DIRECTOR:	Mr. Mike Tidy Corporate Services
FILE NUMBER:	04378
ATTACHMENTS:	Attachment 1 Woodvale Resident/Visitor Permit Parking Area

PURPOSE

To review the parking scheme adopted by Council on 13 May 2008, (report CJ077-05/08).

EXECUTIVE SUMMARY

The scheme is considered sound in its scope and prohibitions but lacks flexibility for residents in that it does not provide street parking for them through the use of authorised permits. There is now an opportunity to offer authorised permits issued under the provisions of the Policy-Parking Schemes for Suburban Areas outside the Joondalup City Centre (the Policy).

The recommendation is that Council *APPROVES the application of the Policy-Parking Schemes for Suburban Areas outside the Joondalup City Centre to the existing area wide parking scheme associated with Whitfords train station as delineated in Attachment 1 and that residents and occupiers of affected properties be invited to apply for resident and visitor parking permits under the provisions of that policy.*

BACKGROUND

Council resolved on the 13 May 2008 to adopt an area wide parking prohibition scheme on Trailwood Drive and associated streets to manage the nuisance of commuter parking associated with the Whitfords train station. The scheme did not make any provision for resident/ visitor parking permits and the prohibitions therefore applied to residents' own vehicles and those of their visitors as well as commuters. It is clear that residents are being inconvenienced by the prohibitions and a number of written complaints have been received in relation to this.

Since the introduction of the parking scheme Council has adopted a Policy- Parking Schemes for Suburban Areas outside the Joondalup City Centre at its meeting on 18 August 2009, (Report CJ183-08/09). The scheme has been reviewed in the light of that Policy. The existing scheme was found to be consistent with the policy except that residents and occupiers should be allowed to apply for resident and visitor parking permits in accordance with the Policy.

DETAILS

The scheme structure has been successful in removing the problem of commuter parking from the affected streets. There is no proposal to amend any of the scheme provisions in terms of restrictions. Instead, the scheme could be amended to allow for residents and occupiers to apply for resident/ visitor parking permits. This would overcome the current problem of the prohibitions applying to residents and their visitors. The signage in the area

would need to be upgraded to reflect that change and to allow residents and occupiers to use their permits.

Issues and options considered:

The scheme has been reviewed against the policy. The current mix of time restricted parking is considered to be working well, but the loss of on street parking for residents and occupiers outside their own homes is causing inconvenience and is not in keeping with the intentions of the scheme. There is an opportunity to apply the principles of the Policy to the scheme and designate the existing area of the scheme eligible for resident and visitor parking permits.

Legislation/Strategic Plan/Policy Implications

Legislation The scheme falls within the provisions of the City of Joondalup Parking Local Law 1999

Strategic Plan

Key Focus Area: Leadership and Governance

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

Policy Policy-Parking Schemes for Suburban Areas outside the Joondalup City Centre

Risk Management considerations:

Not applicable

Financial/Budget Implications:

The existing budget provision for sign maintenance is adequate to provide for the required signage changes.

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

There has been no specific consultation on the proposal to implement resident/ visitor parking permits however the proposal does address complaints that have been raised. The intention is to write to the affected residents offering parking permits. The first three permits per residence will be free. It should be noted that if a resident or occupier chooses not to take up the offer to apply for permits their parking entitlements will remain as they currently are.

COMMENT

The officer review of the parking scheme has found it to be largely consistent with the policy and to be working well in removing the problem of commuter parking. The adoption of the

policy now allows for residents to be given the opportunity to apply for permits under the provisions of that policy, thereby overcoming the problem of the prohibitions applying to residents and their visitors.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council APPROVES the application of the Policy- Parking Schemes for Suburban Areas outside the Joondalup City Centre to the existing area wide parking scheme associated with Whitfords train station as delineated in Attachment 1 to this Report and that residents and occupiers of affected properties be invited to apply for resident and visitor parking permits under the provisions of that policy.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf080909.pdf](#)

ITEM 16 TENDER 028/09 CONSTRUCTION OF A ROUNDABOUT AT THE INTERSECTION OF OCEAN REEF ROAD AND CRAIGIE DRIVE

WARD:	Central
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	100037
ATTACHMENTS:	Attachment 1 Summary of Tender Submissions

PURPOSE

This report is to seek the approval of Council to accept the Tender submitted by Tasman Civil Pty Ltd for the Construction of a Roundabout at the Intersection of Ocean Reef Road and Craigie Drive (Tender 028/09).

EXECUTIVE SUMMARY

Tenders were advertised on 18 July 2009 through state wide public notice for the Construction of a Roundabout at the Intersection of Ocean Reef Road and Craigie Drive. Tenders closed on 11 August 2009. Seven (7) Submissions were received from:

- Croker Construction (WA) Pty Ltd;
- D.B. Cunningham Pty Ltd t/a Advantearing Civil Engineers;
- Industrial Roadpavers (WA) Pty Ltd;
- Mako Civil Pty Ltd;
- Tasman Civil Pty Ltd;
- VDM Earthmoving Contractors t/a Malavoca; and
- Downer EDI Works Pty Ltd (Late tender).

The submission from Tasman Civil Pty Ltd represents value to the City. Tasman Civil demonstrated a sound understanding of the requirements, experience in completing works of a similar nature and the capacity to complete the project in the required timeframe.

It is recommended that Council ACCEPTS the Tender submitted by Tasman Civil Pty Ltd for the Construction of a Roundabout at the Intersection of Ocean Reef Road and Craigie Drive in accordance with the statement of requirements as specified in Tender 028/09 for the fixed lump sum of \$403,558 (GST Exclusive) for completion of the works within ten (10) weeks from possession of site.

BACKGROUND

The City has a requirement for the construction of a roundabout at the intersection of Ocean Reef Road and Craigie Drive, Beldon. The construction is part of the City's black spot submissions for the 2008-2009 financial year.

The Contractor is to construct the roundabout in accordance with the drawings which form part of the Specification in the Request.

DETAILS

Tenders were advertised on 18 July 2009 through state wide public notice for the Construction of a Roundabout at the Intersection of Ocean Reef Road and Craigie Drive. Tenders closed on 11 August 2009. Seven (7) Submissions were received.

Evaluation Criteria

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

Qualitative Criteria	Weighting
Capacity	50%
Demonstrated understanding of the required tasks	25%
Demonstrated experience in completing similar projects	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

Seven (7) Submissions were received from the following Tenderers:

- Croker Construction (WA) Pty Ltd;
- D.B. Cunningham Pty Ltd t/a Advanteeering Civil Engineers;
- Industrial Roadpavers (WA) Pty Ltd;
- Mako Civil Pty Ltd;
- Tasman Civil Pty Ltd;
- VDM Earthmoving Contractors t/a Malavoca; and
- Downer EDI Works Pty Ltd (Late tender).

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 ten (10) weeks from possession of site.

Evaluation Summary

Tenderer	Evaluation Score	Qualitative Rank	Price
Mako Civil Pty Ltd	78%	1	\$499,600
D.B. Cunningham Pty Ltd t/a Advanteering Civil Engineers	77%	2	\$483,016
VDM Earthmoving Contractors t/a Malavoca	73%	3	\$521,288
Tasman Civil Pty Ltd	72%	4	\$403,558
Croker Construction (WA) Pty Ltd	65%	5	\$491,691
Industrial Roadpavers (WA) Pty Ltd	62%	6	\$364,326

Industrial Roadpavers did not specifically address any of the qualitative criteria and the examples provided of past works undertaken by the company were mainly for subdivision projects rather than road constructions.

Croker Construction (WA) Pty Ltd has demonstrated the industry experience to undertake the works. It provided 3 examples of similar work undertaken. However, they were 22% more expensive than the recommended Tenderer Tasman Civil Pty Ltd.

Malavoca, Advanteering Civil Engineers and Mako Civil Pty Ltd are well established and have the capacity and experience to undertake the works. However, they were more expensive, by 20% to 29%, when compared to Tasman Civil.

Tasman Civil Pty Ltd is well resourced and has a team of key personnel with extensive industry experience in completing works of a similar nature and the capacity to complete the project in the required timeframe.

Issues and options considered:

The City requires the construction of a roundabout at the intersection of Ocean Reef Road and Craigie Drive. The requirement is a Government Black Spot funded Project and the project must be fully completed by 30 December 2009.

The City will engage its own Contractor in conjunction with Western Power for street lighting works.

The Contractor shall not commence construction works on the roundabout until the lighting works have been completed by Western Power and Contractors.

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 work collaboratively with stakeholders to increase community safety and respond to emergencies effectively.

Risk Management considerations:

Should the Contract not proceed, the risk to the City will be high as it is a Government Black Spot funded Project and the project must be fully completed within the required timeframe.

It is considered that the Contract will represent a low risk to the City as the recommended Respondent is a well established civil construction company with extensive industry experience to provide the work.

Financial/Budget Implications:

Current Year Budget Allocation for this Project	Projected Expenditure on these Services to 30 June 2010	Projected Expenditure on these Services in first 12 Months of Contract if Accepted	Projected Expenditure on these Services over the Life of the Contract if Accepted
\$621,271	\$403,557.75	\$403,557.75	Not Applicable

Of the allocated fund for this project, approximately \$211,010 will be used for street lighting works. Lighting works will be completed by Western Power and Contractors to be engaged by the City outside of Contract.

Regional Significance:

Not applicable.

Sustainability implications:

The construction of a roundabout at the intersection of Ocean Reef Road and Craigie Drive will improve the flow of heavy traffic, increase safety, reduce traffic incidents and improve community safety.

Consultation:

The City will advise immediate residents of proposed works prior to the commencement of work by the Contractor.

COMMENT

The Offer representing value to the City is that as submitted by Tasman Civil Pty Ltd. The company is well established and has the experience and capacity to complete the work within the required timeframe.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the Tender submitted by Tasman Civil Pty Ltd for the Construction of a Roundabout at the Intersection of Ocean Reef Road and Craigie Drive in accordance with the statement of requirements as specified in Tender 028/09 for the fixed lump sum of \$403,558 (GST Exclusive) for completion of the works within ten (10) weeks from possession of site.

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf080909.pdf](#)

ITEM 17 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JULY 2009

WARD:	All
RESPONSIBLE DIRECTOR:	Mr. Mike Tidy Corporate Services
FILE NUMBER:	07882
ATTACHMENTS:	Attachment A Financial Activity Statement for the Period Ended 31 July 2009

PURPOSE

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

EXECUTIVE SUMMARY

Council adopted the Annual Budget for the 2009/10 Financial Year at its Meeting held on 17 June 2009 - JSC10-06/09. The figures in this report are compared to the Adopted Budget figures.

The July 2009 Financial Activity Statement report shows an overall variance from operations and capital of \$805K when compared to the 2009-2010 Adopted Budget.

This variance can be summarised as follows:

- The **Operating** surplus is \$187K above budget made up of lower revenue of \$(418K) and offset by lower operating expenditure of \$605K.

Operating revenue was below budget for Fees and Charges \$(501K), which included \$(521K) for Refuse Charges predominantly due to the \$10 per service reduction adopted at the Special Meeting of Council 7 July 2009 after the annual budget was adopted. This has been partially offset by revenue being above budget for Investment Earnings \$63K and Contribution Reimbursements and Donations \$22K.

The operating expenditure was below budget for Materials and Contracts by \$703K, primarily in External Service Expenses \$329K due to scheduling of work. Other variances were incurred in Utilities \$169K, Employee Costs \$60K while expenditure was above budget for Depreciation \$(304K), mainly due to the revaluation of the City's buildings and Insurance Expenses \$(31K).

- The **Capital Revenue and Expenditure** deficit is \$315K below budget made up of a deficit of revenue of \$(2,909K) and under expenditure of \$3,224K.

The revenue deficit is mainly due to Grant funding received early in the previous financial year for 50% of the Seacrest Community Sport Facility \$(1,305K) and Tom Simpson Park video surveillance \$(100K). The balance is due to grant recoups being prepared later than phased in the budget including \$(664K) for the Moore Drive / Connolly Drive works.

Capital expenditure on projects and works was lower than expected in the budget by \$3,225K. The major variances occurred on Streetscape Enhancements \$1,106K

including West Coast Drive where work has commenced, Connolly Drive - Burns Beach Road to McNaughton Crescent \$775K and the Aquatic Facilities Upgrade \$485K.

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 period ended 31 July 2009.

BACKGROUND

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

DETAILS

Issues and options considered:

The Financial Activity Statement for the period ended 31 July 2009 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: 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 2009-10 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 31 July 2009.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf080809.pdf](#)

ITEM 18 LIST OF PAYMENTS MADE DURING THE MONTH OF JULY 2009

WARD:	All
RESPONSIBLE DIRECTOR:	Mr. Mike Tidy Corporate Services
FILE NUMBER:	09882
ATTACHMENTS:	Attachment A CEO's Delegated Municipal Payment List for the month of July 2009 Attachment B CEO's Delegated Trust Payment List for the month of July 2009 Attachment C Municipal and Trust Fund Vouchers for the month of July 2009

PURPOSE

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

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of July 2009 totalling \$10,835,069.46.

It is recommended that Council NOTES the CEO's list of accounts for July 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 \$10,835,069.46.

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 July 2009. Lists detailing the payments made are appended as Attachments A and B. The vouchers for the month are appended as Attachment C.

FUNDS	DETAILS	AMOUNT
Municipal Account	Cheques 84528 - 84781 and EF 7206 - 7687 Net of cancelled payments	\$7,773,357.18
	Vouchers 558A – 559A, 561A – 563A & 565A - 568A	\$3,037,519.78
Trust Account	Cheques 202884 - 202927 Net of cancelled payments	\$24,192.50
Total		\$10,835,069.46

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 2009/10 Annual Budget as adopted by Council at its meeting of 17 June 09 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 2009/10 Annual Budget as adopted by Council at its meeting of 17 June 2009 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 July 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 \$10,835,069.46.

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf080909.pdf](#)

**ITEM 19 PETITION SUPPORTING THE CONSTRUCTION OF
SOUND BARRIERS ALONG CONNOLLY DRIVE,
KINROSS**

WARD:	North
RESPONSIBLE DIRECTOR:	Mr. Martyn Glover Infrastructure Services
FILE NUMBER:	08352
ATTACHMENTS:	Nil.

PURPOSE

To consider a petition requesting the provision of sound barriers along Connolly Drive, from Burns Beach Road to MacNaughton Crescent, Kinross.

EXECUTIVE SUMMARY

Council at its Ordinary Meeting of 19 May 2009 received a 31 signature petition from residents of Whithorn Circle, Monkton Place and Kirkdale Turn, Kinross, requesting “some form of noise barrier between the new lanes and our houses”.

A number of sound reducing initiatives will be installed as part of the Connolly Drive duplication project which are anticipated to have a positive impact on traffic associated noise. These initiatives include extensive native tree planting along verges and within the central median and the installation of low noise asphalt surface treatment. In addition to these treatments, intersection improvements currently underway will reduce vehicle congestion and also have a positive impact on traffic associated noise.

An investigation has identified that the installation of sound barriers is considerably expensive and would have a negative impact on residents’ amenity. In addition, the sound barriers would prove ineffective in some areas, due to the raised levels of some residential properties.

The provision of sound barriers along Connolly Drive therefore lacks justification.

It is recommended that Council:

- 1 *DOES NOT SUPPORT the request for the construction of sound barriers along Connolly Drive between Burns Beach Road and MacNaughton Crescent.*
- 2 *ADVISES signatories to the petition, requesting sound barriers along Connolly Drive of its decision, as well as the other traffic noise reduction strategies which have been included in this report.*

BACKGROUND

A 31 signature petition was received by Council at its Ordinary Meeting on 19 May 2009. The petition was received from residents of Whithorn Circle, Monkton Place and Kirkdale Turn, Kinross, requesting “some form of noise barrier between the new lanes and our houses”.

Noise barriers are solid structures which deflect noise from its normal path. They can be made of brick, concrete, timber or steel and vary in height subject to the topography.

Under the Metropolitan Region Scheme, District Distributor roads such as Connolly Drive are designed to carry significant volumes of traffic between residential areas and link to Primary Distributor Roads such as the Mitchell Freeway.

There are currently no plans for physical sound barriers as part of the current improvement works on Connolly Drive. However, a number of sound reducing initiatives will be installed, which will have a positive impact on traffic associated noise. These initiatives include extensive native tree planting along verges and within the central median and the installation of low noise asphalt surface treatment. In addition to these treatments, intersection improvements currently underway should reduce vehicle congestion and have a positive impact on traffic noise.

There are no arterial roads maintained by the City of Joondalup which have physical sound barriers. All sound barriers in the City of Joondalup are associated with State Government controlled roads.

DETAILS

Connolly Drive was designed at subdivision stage as a dual carriageway. It was originally constructed as a single carriageway leaving the remainder of the road reserve vacant until northern development produced traffic volumes that warranted the construction of the second carriageway.

The duplication of the Connolly Drive carriageway is from Burns Beach Road to MacNaughton Crescent and this section of road is 1.5 km long. The completion of the duplication of the project is scheduled for the second half of this financial year and with an expected completion date in September.

The concerns raised by the community are predominantly around reducing traffic noise to nearby homes as a result of the carriageway duplications along Connolly Drive.

The most cost-effective type of solid sound barrier would be in the form of a 'concrete tilt-up construction', similar to that installed along the western side of the new Mitchell Freeway extension. However, the construction of a 1.5km long wall along Connolly Drive would be considerably expensive, would reduce the amenity of the area and create a target for graffiti. In addition, given the raised levels of some of the residential properties, this sound barrier would prove ineffective in many areas.

Issues and options considered:

Site inspections have confirmed that the planned noise reducing initiatives (extensive native tree planting along verges and central median installation, low noise asphalt surface treatment and intersection improvements) will have a positive impact on traffic associated noise.

The proposed extension of the Mitchell Freeway, which is predicted to take place within the next five to ten years, will greatly reduce the volume of traffic using this section of Connolly Drive and thus further reduce traffic associated noise considerably.

It was considered that the installation of sound barriers would have a negative visual impact on the amenity of the surrounding area and be a target for graffiti. In addition, costs of installing sound reducing barriers in this section of Connolly Drive would be in the range of \$2M-\$3M. Furthermore, the installation of a sound barrier may set a precedence for residents occupying properties in similar positions. The City has a number of carriageway

dualling projects scheduled in the near future, as well as existing dual carriageways. All of these projects may be subject to requests for sound barriers.

Other noise barrier materials were considered however, the lighter and less expensive alternatives (timber and steel) are far more susceptible to severe vandalism and consequently were not supported.

Legislation/Strategic Plan/Policy Implications

Legislation

Not Applicable

Strategic Plan

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:

The installation of sound barriers along Connolly Drive (from Burns Beach Road to MacNaughton Crescent, Kinross) would price future similar projects beyond consideration for state funding. This is based upon the cost of installing sound barriers in this section of Connolly Drive to be in the range of \$2M-\$3M.

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

Not Applicable

COMMENT

The petitioners have requested Council install sound barriers along Connolly Drive to achieve “some form of noise barrier between new lanes and our houses”. However, the installation of sound barriers along Connolly Drive will result in a significant cost and result in a negative impact on residents’ amenity. In addition, the installation of sound barriers may set precedence for future requests.

The extensive native tree planting along verges and median, installation of low noise asphalt treatment and intersection improvements are considered the most appropriate treatments to reduce noise and maintain a positive visual impact on residents’ amenity. However, it is acknowledged by the City that tree planting has a minimal impact on noise reduction.

It is therefore recommended that Council does not support the provision of noise or sound barriers on Connolly Drive. However, it is also recommended that the petitioners be advised of the traffic noise reduction components built into the project.

VOTING REQUIREMENTS

Simple “Majority

RECOMMENDATION

That Council:

- 1 DOES NOT SUPPORT the request for the construction of sound barriers along Connolly Drive between Burns Beach Road and MacNaughton Crescent;**
- 2 ADVISES signatories to the petition requesting sound barriers along Connolly Drive of its decision, as well as the other traffic noise reduction strategies which have been included in the project.**

ITEM 20 PROPOSED MODIFICATIONS TO THE MATERIALS RECOVERY FACILITY (MRF) AT WANGARA

WARD:	All
RESPONSIBLE DIRECTOR:	Mr. Martyn Glover Infrastructure Services
FILE NUMBER:	53119
ATTACHMENTS:	Nil.

PURPOSE

To seek approval to utilise the \$400,000 allocated originally in the 2008/09 budget for improvements to the Materials Recovery Facility (MRF) and approval for the extension of the current Agreement from 30 December 2012 to 30 December 2014 in accordance with Clauses 2.2 and 2.3 of the Agreement.

EXECUTIVE SUMMARY

The Cities of Swan, Wanneroo and Joondalup are parties to an Agreement for the cost sharing of the MRF at Wangara. The 2008/2009 budget included \$400,000 from the Waste Collection Reserve as the City of Joondalup's contribution for upgrading the MRF to provide improved operation of the facility. The funds were not expended in 2008/09 and were not re-budgeted in 2009/10 and currently remain in the reserve fund.

The proposal was originally limited to the extension of the cover for the tipping floor. However, in consideration of an excellent price for this facility, the proposal now includes a glass cleaning facility and operational modifications, which will enhance the MRF and reduce tipping costs.

BACKGROUND

The City has a partnership agreement with the Cities of Swan and Wanneroo to operate the Wangara MRF. The original Agreement between the Cities of Wanneroo, Joondalup and Swan to operate the MRF concluded on 30 December 2006. A new Agreement was entered into based on the previous Agreement. The Agreement, both previous and current, is based on defraying the operational cost from the sales of the commodities. The Cities agreed to fund the new MRF by each contributing \$1.2M. The Agreement provides for the repayment of the capital over its lifetime and also provides a 7% interest rate for lost opportunity costs. The MRF is managed by the City of Wanneroo with key recommendations for the operation of the facility being provided by the partnership representative group known as the Operational Management Team (OMT).

In terms of the cost of processing recyclables under the previous and current Agreement, it has been a successful venture and remains very competitive with other gate fees charged around the metropolitan area by other private and local government operated MRFs (see table below).

\$/TONNE (2008/2009)			
SMRC (Canning Vale)	Cleanaway Baywaste (Bayswater)	Perth Engineering (North Coogee)	Wangara MRF
\$80	\$85	\$90 casual \$65-\$75 (half year term)	\$59

Both the City of Joondalup and the City of Wanneroo changed recycling service from a bag system to a yellow top recycling bin system in 2006/07 and 2008 respectively. At the time a MRF with a capacity of 32,000 tonnes per annum (tpa) was considered appropriate. The residents of the two Cities embraced the recycling service and as a consequence, the tonnes collected were much higher (41,000 tonnes) than first estimated in the original business case.

Recognising the increased throughput, the OMT proposed a shed modification. An allocation of \$400,000 was provided by each of the Cities in the 2008/2009 budgets providing a total improvement budget of \$1,200,000. The OMT requested the allocation in the knowledge that improvements to the shed were necessary to increase efficiencies and capacity of the MRF.

DETAILS

Shed Improvements (Cost Estimate \$673,460)

The delivery, tipping and loading the conveyor is frustrated by the size of the tipping floor and it needs to be increased. The increase in volumes from the introduction of recycling bins in the Cities of Joondalup and Wanneroo has caused a 'bottleneck' at the tipping floor and hampers operations to the extent that the recyclable material is often tipped out into the open areas causing operational movement issues and is exposed to the wind causing litter issues. The tender for the shed has been let and construction has begun.

Glass Cleaning and Beneficiation (Cost Estimate \$405,000)

The MRF currently produces approximately 41,000 tonnes of material per year, approximately 30% (12,500 tonnes per year) being glass cullet. Glass cullet contains contamination that is required by the Department of Environment and Conservation, to be disposed to a class 3 landfill site at Tamala Park.

The OMT negotiated a landfill price at \$22 per tonne with the Mindarie Regional Council for disposal at Tamala Park, however, this concession rate will end on 1 July 2009 when the pricing structure for the Resource Recovery Facility at Neerabup is initiated. The cost for disposal of the contaminated cullet will increase to the non-processable gate fee of \$79.50 per tonne at the start of the 2009/2010 financial year, representing a disposal cost of nearly \$1,000,000. Cleaned glass cullet is suitable for disposal to an inert site and the cost of disposal is estimated at \$25 per tonne or an annual cost of approximately \$300,000. This represents a saving of approximately \$700,000 per year.

Equipment required for glass cleaning and beneficiation:

- Vibratory screen, angled with multiple screening sizes consisting of a to 10mm screen and a 10 – 50 mm finger screen Capital Cost \$70,000.
- Auca / Separator and ancillary conveyors and transport costs, as these items are overseas sourced cost of \$115,000.

- Glass crusher a Krysterline (or similar) is \$160,000 plus transport and screens at a cost of an additional \$60,000.

Operational Modifications and In-Line Processing Improvements

A need has been identified to improve a number of issues such as Occupational Health and access aspects of the MRF – railings, gantries signs, foot restraints are required. Modifications to the pre-sort area are also required. There is also a proposal for the relocation of a work station to improve efficiencies (depending on a trial) and investigations into a plastics perforator and bailer.

The following details are provided:

Access for Servicing Motors /Gearboxes / Belts (Cost Estimate \$30,000)

A review of the current layout shows some conveyor heads, having the motors / gearboxes located in areas which are difficult to access and any servicing or replacements is time consuming and difficult. These conveyors will need a modification to improve access. Another conveyor is inaccessible and there is no room to service drive pulleys. The installation of an overhead monorail appears the best option to allow lifting of equipment in and out and servicing.

Modify Sort Areas (Cost Estimate \$70,000)

A works order from Worksafe identifies the need for improved dust control. An effective dust control system is estimated to be \$50,000. Modification is also required in the pre-sort area to allow 2 separate conveyors, for large aluminium and steel items and to improve sorting capabilities. Cost estimated at \$20,000.

Implement Recommendations from the Emergency Risk Assessment (Cost Estimate \$10,000)

Fire events have caused concerns at the MRF, subsequently an Emergency Risk Assessment has been completed. The assessment's recommendations are to be implemented as soon as possible at a cost of \$10,000.

The following table is a summary of the proposals for the MRF:

Project Funding from the three Cities	\$1,200,000
Building Extension to Materials Recovery Facility	\$
Construction of earthworks and ring road – by City	116,760.00
Wood and Grieve – Engineering Fee	31,500.00
Conforming Tender – Badge Constructions	483,700.00
Project Management	20,000.00
Tender Advertisement & Administration Costs	1,500.00
Contingency for Site Service	<u>20,000.00</u>
Subtotal	673,460.00
Glass Cleaning	
Glass cleaning for inert disposal	70,000.00
Glass cleaning and refining	115,000.00

Glass Crusher and screens	160,000.00
Screen and conveyors	<u>60,000.00</u>
Sub Total	405,000.00
Operation Modifications	
Access servicing Overhead monorail	30,000.00
Mods pre sort and dust control	70,000.00
Emergency Risk Assessment	<u>10,000.00</u>
Sub Total	110,000.00
Estimated Total	\$1,188,460.00

Extension to Agreement

The current Agreement concludes on 30 December 2012 with an option to extend for two years. The recent fire at the Southern Metropolitan Regional Council's MRF has highlighted the limited capacity for recycling in metropolitan Perth. This is further exacerbated by the Mindarie Regional Council's unwillingness to consider an MRF in their suite of services.

The City of Wanneroo has also discussed the potential to close the Wangara MRF at the end of the Agreement due to issues with neighbours and other potential uses for the freehold site.

In consideration of this it is extremely important that the City of Joondalup evokes the extra two years of the Agreement to ensure recycling facilities are available until the end of 2014.

Under the Agreement between the Cities the capital funds provided by each of the Cities for the modifications will be treated the same way as the original funds, that is, repaid over the life of the Agreement which also provides a 7% interest rate for lost opportunity costs

Issues and options considered:

Nil.

Legislation/Strategic Plan/Policy Implications

Legislation

There are a number of Occupational health issues that Worksafe have identified. The proposal resolves these issues

Strategic Plan

Key Focus Area:	The project is consistent with the City's Strategic Plan
Objective 2.1:	To ensure the City's natural environment assets are preserved, rehabilitated and maintained
Objective 2.1.1:	The City implements, and if necessary, refines its Environment Plan
Objective 2.1.6:	The City implements strategies and projects to reduce the amount of disposal

Policy Not applicable

Risk Management considerations:

Fire events have caused considerable concern at the MRF. An Emergency Risk Assessment has been completed which recommends a number of actions. The risk of fire is high in MRF's as can be seen from the recent experience at the Southern Metropolitan Regional Council's MRF.

Financial/Budget Implications:

The 2009/2010 budget has not recommitted the \$400,000 for improvements to the Wangara MRF. The funds were coming from the Waste Collection Reserve, however, and as they were not expended in 2008/09 they remain available in that reserve. The cost to the City of Joondalup for the proposals listed is \$396,153. The purpose of the funds as originally specified in the 2008/09 budget was improvement to the MRF. It is considered that all of the proposals constitute improvements to the MRF.

Regional Significance:

The City of Swan and the City of Wanneroo have committed the funds in their budgets towards the expanded project and have approval to proceed.

Sustainability implications:

The MRF is currently operating under extreme pressure due to the high volumes being collected from residents who have embraced the recycling programme. These pressures have resulted in inefficiencies whereby significant volumes of waste are being disposed of to landfill. In the first quarter of 2009, 50% of the material collected was being disposed of to landfill. With the implementation of the improvements, efficiencies will increase to a level forecast in the original business case of around 35%. It is noted that none of the recyclable material originating from the City of Joondalup excluding residual waste was disposed of in landfill.

Consultation:

The City of Wanneroo and the City of Swan have been consulted extensively on the project through the OMT.

COMMENT

The funds for the shed extension project were allocated in the 2008/2009 budget and while they have not been recommitted in 2009/2010 the funds are still available from the Waste Collection Reserve. The tender and site works for this project have come in under the budget originally agreed by the three Cities. The MRF is under extreme pressure from the residents embracing the recycling service. The current put out rate for recycling bins for the City's residents is between 80 to 85% which is exceeding expectations. Because of the overloading, significant quantities of the collected material cannot be sorted to a satisfactory level increasing the risk of excessive residual to landfill. The modifications being requested will assist in resolving this issue.

The business case for the cleaning of glass cullet to a level acceptable for diversion to an inert landfill provides a rapid return on investment. The end of the current glass tipping agreement with Mindarie Regional Council and the introduction of the landfill levy of \$28 per tonne for waste going into a class 3 site at Tamala Park adds a significant cost to disposal of

the glass. This in comparison to cleaned glass tipped in inert landfill provides an increased cost of approximately \$700,000 per annum in tipping fees.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council:

- 1 BY AN ABSOLUTE MAJORITY, AUTHORISES the expenditure of \$400,000 to be funded from the Domestic Cart – Refuse Collection Reserve for the improvements to the Wangara Materials Recovery Facility for the following components in accordance with the details in the report:**
 - (a) Extension to shed;**
 - (b) Glass cleaning equipment;**
 - (c) Overhead monorail;**
 - (d) Pre-sort and dust control;**
 - (e) Emergency risk assessment;**

- 2 APPROVES the extension of the ‘Agreement Relating to the Operation of the Motivation Drive Materials Recovery Facility’ between the Cities of Swan, Wanneroo and Joondalup to 31 December 2014 and the appropriate changes to the Agreement to allow amortisation of capital for the Materials Recovery Facility’s Modifications to be spread over the extended period.**

8 REPORT OF THE CHIEF EXECUTIVE OFFICER

ITEM 21 ELECTED MEMBER RESIGNATION – MARIE MACDONALD, CENTRAL WARD COUNCILLOR

WARD:	Central
RESPONSIBLE DIRECTOR:	Mr Garry Hunt Office of the CEO
FILE NUMBER:	78624
ATTACHMENTS:	Nil.

PURPOSE/ EXECUTIVE SUMMARY

For the Council to note the resignation of former Councillor Marie Macdonald.

BACKGROUND

Marie Macdonald formally tendered her resignation from the position of Councillor of the Central Ward effective 2 September 2009. Marie Macdonald was elected at an extraordinary election in March 2007.

DETAILS

The term for the position of Councillor held by Marie Macdonald was due to conclude on 17 October 2009, as part of the City's ordinary election.

Issues and options considered:

The only option for the Council is to formally note the resignation of Marie Macdonald.

Legislation/Strategic Plan/Policy Implications

Legislation Section 2.31 of the Local Government Act 1995 allows an elected member to resign from office by written notice to the CEO, with the date of resignation taking effect being the date of delivery or date specified in the notice. Once the resignation has been tendered it cannot be withdrawn.

Section 4.17(1) of the Local Government Act 1995 states:

“If a member’s office become vacant under Section 2.32 on or after the first Saturday in July in the election year in which the term of the office would have ended under the Table to Section 2.28, the vacancy is to remain unfilled and the term of the member who held the office is to be regarded in Section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.”

Strategic Plan

Key Focus Area: Leadership and governance.

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

Policy Policy 8-2 – Elected Members Allowances - provides for those items required to be returned by Marie Macdonald.

Risk Management considerations:

Not applicable. Council is required to follow statutory processes.

Financial/Budget Implications:

There are some minor operational costs associated with the resignation. As the term of office was to conclude in October 2009, there are no additional costs to be incurred in filling the vacancy.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

Section 4.17(1) of the Local Government Act 1995 allows for the position to remain vacant until the October 2009 ordinary election.

It is recommended that Marie Macdonald's resignation be noted and she be thanked for contributions whilst serving on the Council.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 NOTES the resignation of Marie Macdonald from the position of Councillor for the Central Ward, effective 2 September 2009;**
- 2 NOTES that in accordance with Section 4.17(1) of the Local Government Act 1995, the position vacated by Marie Macdonald will remain vacant until the ordinary election to be held on 17 October 2009;**
- 3 THANKS Marie Macdonald for her service to the community while fulfilling the position of Councillor for the Central Ward from 31 March 2007 to 2 September 2009.**

**ITEM 22 MINUTES OF THE OCEAN REEF MARINA
COMMITTEE MEETING HELD ON 3 SEPTEMBER
2009****WARD:** North-Central**RESPONSIBLE
DIRECTOR:** Mr Garry Hunt
Office of the CEO**FILE NUMBER:** 04171**ATTACHMENTS:** Attachment 1 Minutes of the Ocean Reef Marina Committee meeting
held on 3 September 2009

PURPOSE

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

EXECUTIVE SUMMARY

A meeting of the Ocean Reef Marina Committee was held on 3 September 2009.

It is recommended that Council:

- 1 *NOTES the unconfirmed minutes of the Ocean Reef Marina Committee Meeting held on 3 September 2009 forming Attachment 1 to this Report;*
- 2 (a) *NOTES the report on the Ocean Reef Marina Concept Plan community consultation and REFERS the report to the Ocean Reef Marina Community Reference Group for further comment;*

 (b) *following the review of the report by the Ocean Reef Marina Community Reference Group, REFERS the matter back to the Ocean Reef Marina Committee for further consideration;*
- 3 *NOTES the report on the Ocean Reef Marina Concept Plan Submissions External to the Community Consultation Process.*

BACKGROUND

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

DETAILS**Issues and options considered:**

The Motions carried at the Ocean Reef Marina Committee held on 3 September 2009 are shown below, together with officer's comments.

Item 1 Ocean Reef Marina Concept Plan - Report on Consultation Process

"That the Ocean Reef Marina Committee RECOMMENDS that Council:

- 1 *NOTES the report on the Ocean Reef Marina Concept Plan community consultation and REFERS the report to the Ocean Reef Marina Community Reference Group for further comment;*
- 2 *following the review of the report by the Ocean Reef Marina Community Reference Group, REFERS the matter back to the Ocean Reef Marina Committee for further consideration."*

Officer's Comment

The Committee's resolution is supported.

Item 2 Ocean Reef Marina Concept Plan - Submissions External to the Community Consultation Process

"That the Ocean Reef Marina Committee RECOMMENDS that Council NOTES the report on the Ocean Reef Marina Concept Plan Submissions External to the Community Consultation Process."

Officer's Comment

The Committee's resolution is supported.

Legislation/Strategic Plan/Policy Implications

Legislation Not applicable.

Strategic Plan

Key Focus Area: The Built Environment

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

Strategy 4.2.1 Develop a concept for, and commit to, the development of land at the Ocean Reef Marina Site.

Policy Public Participation Policy 1.2

Development of the consultation process for the Ocean Reef Marina Concept Plan was informed by the Policy and in alignment with the Public Participation Strategy (2006).

Risk Management Considerations:

The focus on the top line of support for the project in the analysis may be unpalatable for the minority who rejected the notion of developing the site, or the Concept Plan or some of the features within it. However, further exploration of minority views would not add value to the outcome of the consultation at this time.

Financial/Budget Implications:

The overall cost of the Community Consultation was below budget forecasts and is detailed below:

Displays	\$ 3,252.60	
Newspaper advertising	\$ 8,793.54	
Preparation & printing of brochure:	\$27,251.18	
Mail out and reply-paid return:	\$24,807.46	
Data entry – external:	<u>\$20,365.47</u>	\$84,470.25

Regional Significance:

Not Applicable.

The survey used for the consultation did not explore matters associated with local sustainability although some inferences could be drawn from the qualitative feedback provided, given a longer reporting time frame.

Consultation:

As detailed in the report.

COMMENT

Not applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 NOTES the unconfirmed minutes of the Ocean Reef Marina Committee meeting held on 3 September 2009 forming Attachment 1 to this Report;**
- 2 (a) NOTES the report on the Ocean Reef Marina Concept Plan community consultation and REFERS the report to the Ocean Reef Marina Community Reference Group for further comment;**
(b) following the review of the report by the Ocean Reef Marina Community Reference Group, REFERS the matter back to the Ocean Reef Marina Committee for further consideration;
- 3 NOTES the report on the Ocean Reef Marina Concept Plan Submissions External to the Community Consultation Process.**

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf080909.pdf](#)

- 9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS**
- 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/ Position	
Meeting Date	
Item No/ Subject	
Nature of Interest	Financial Interest * Interest that may affect impartiality* <i>* Delete where not applicable</i>
Extent of Interest	
Signature	
Date	

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

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

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



DECLARATION OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

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

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

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

