

# minutes

## Ordinary Meeting of Council

HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP

MEETING HELD ON TUESDAY, 15 SEPTEMBER 2009

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# CITY OF JOONDALUP

## MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY, 15 SEPTEMBER 2009

### DECLARATION OF OPENING

The Mayor declared the meeting open at 1900 hrs.

### ANNOUNCEMENT OF VISITORS

Nil.

### ATTENDANCES

#### Mayor:

TROY PICKARD

#### Councillors:

Cr TOM McLEAN	North Ward
Cr KERRY HOLLYWOOD	North Ward
Cr GEOFF AMPHLETT	Central Ward
Cr MICHELE ROSANO	South-West Ward
Cr MIKE NORMAN	South-West Ward
Cr BRIAN CORR	South-East Ward
Cr RUSS FISHWICK	South Ward
Cr FIONA DIAZ	South Ward

#### Officers:

MR GARRY HUNT	Chief Executive Officer	<i>Absent from 1945 hrs to 1957 hrs</i>
MR CLAYTON HIGHAM	Acting Director, Planning and Development	<i>To 1945 hrs</i>
MR JAMIE PARRY	Director, Governance and Strategy	
MR MIKE TIDY	Director, Corporate Services	
MR MARTYN GLOVER	Director, Infrastructure Services	<i>Absent from 1945 hrs to 1957 hrs</i>
MR MIKE SMITH	Manager, Governance and Marketing	<i>Absent from 1945 hrs to 1957 hrs</i>
MR ROBERT FARLEY	Manager Planning Approvals and Environmental Services	<i>To 1945 hrs</i>
MR MARK McCRORY	Media Advisor	<i>Absent from 1945 hrs to 1957 hrs</i>
MRS JANET FOSTER	Administrative Services Coordinator	
MRS ROSE GARLICK	Administrative Secretary	<i>Absent from 1945 hrs to 1957 hrs</i>
MS ANNE PURDY	Administrative Secretary	<i>Absent from 1945 hrs to 1957 hrs</i>

There were 27 members of the Public and 1 member of the Press in attendance.

**PUBLIC QUESTION TIME**

The following questions were submitted prior to the Council meeting:

**Mr M O'Brien, President of the Australian Pensioners and Superannuants League WA, Warwick.**

*Re 2009-2010 Property Tax Rate invoiced for Property Number 140214:*

Q1 *Regarding Property No 140214: Has the State Government Valuer General set the current Gross Rental Valuation for this property at \$10,660?*

A1 Yes.

Q2 *On Wednesday 17<sup>th</sup> June 2009 was Council Employee Mr Tidy responsible for delivering a recommendation to the Mayor and the City's Elected Members that for the 2009/2010 Municipal Year that a Property Tax Rate of .056234 Cents in the Dollar be applied for Residential Improved Properties within the City of Joondalup's Boundaries and did the Mayor and Elected Members vote in favour of Mr Tidy's Recommendation?*

A2 Council approved a rate in the Dollar of 0.056234 to be applied to residential improved properties with a minimum payment of \$611.

Q3 *Regarding Property No 140214: If \$10,660 is multiplied by .056234 Cents in the Dollar would a "Proportional Property Tax Rate" of \$599.45 apply to Property No 140214?*

A3 No, in respect of property No 140214 the minimum payment of \$611 applied as approved by Council

Q4 *What specific "measurable specific additional services or goods" are estimated, or intended to be supplied to Property No 140214 during the 2009/2010 Municipal Budget Year that would account for the additional \$11.44 above a Proportional Property Tax Rate, included in the Rate Notice dated Friday 24<sup>th</sup> July 2009 for Property No 140214, issued to the occupants?*

A4 No additional charge levied to property No 140214 over the applicable minimum payment approved by Council.

Q5 *Are Mr Tidy, the Mayor and the Elected Members aware, that on Saturday the 5<sup>th</sup> May 2001 in a Referendum of the Electors of the City of Joondalup, conducted by the WA State Electoral Commission, 24,123 Electors rejected the "flat taxing" of Joondalup Properties with only 7,499 Electors voting for, in percentage terms 68.91% against to 31.09% for?*

A5 This is a question that should be asked of the individual Elected Members. The City did conduct a referendum during the May 2001 ordinary election.

**Mrs M Macdonald, Mullaloo**

*Re: Ocean Reef Marina Development:*

Q1 *What environmental study indicated that the plan put to the public, Plan 7 with artificial reef, was environmentally viable?*

- A1 The report and concept plan indicated that Plan 7 had not been the subject of a detailed environmental study and that this would occur after the public comment period finished.
- Q2 *What Structure Planning study indicated that the plan put to the public, Plan 7 with artificial reef was viable?*
- A2 A structure planning process has not been initiated. The feedback from the concept plan will be utilised to instruct the development of the structure plan.
- Q3 *What coastal engineering and hydrology study indicated that the plan put to the public, Plan 7 with artificial reef, was environmentally viable?*
- A3 See A1 above.
- Q4 *What financial study indicated that the plan put to the public, Plan 7 with artificial reef, was financially viable?*
- Q5 *What business study indicated that the plan put to the public, Plan 7 with artificial reef, was commercially viable?*
- A4-5 A business plan, that will include a detailed financial analysis of the project, will be undertaken post the analysis of the concept plan community comment period.

**The following questions were submitted verbally at the Council meeting;**

**Mr J Trotter, Kinross:**

*Re: CJ198-0909 Proposed Home Business Category 2 (Drum School) - 6 (Lot 397) Melrose Crest, Kinross.*

- Q1 *For a typical Council approved home business in Joondalup, what is the average number of cars that would visit daily?*
- A1 The average would be in the order of two or three per day.
- Q2 *In regards to home businesses that have been approved for music tuition, what hours are they able to operate?*
- A2 Piano Teaching in Iluka operates from 8am–5pm Monday to Friday and 9am-5pm Saturday, Piano Teaching in Currabine operates from 3pm-5pm Monday to Wednesday and a Music and English Tuition in Padbury operates from 8am-5pm Monday to Friday and 9am-5pm Saturday.

**Mr M O'Brien, Warwick:**

*Re: 30<sup>th</sup> Anniversary of Administration Building, 1 December 2009.*

- Q1 *What arrangements are being made to celebrate the 30<sup>th</sup> Anniversary of the Administration building in Joondalup?*
- A1 This question will be taken on notice.

*Re: Proposed footpath, Aberdare Way Warwick.*

Q2 *When is it envisaged that the proposed footpath in Aberdare Way, Warwick will commence construction?*

A2 The survey for Aberdare Way has been completed and there is no defined mandate for the route of that path. There will be a report submitted to the next Council meeting for Council's decision.

**Mr S Magyar, Heathridge:**

*Re: Council's policy on Elected Members retiring*

Q1 *How many times has Council complied with the Policy?*

A1 This question will be taken on notice.

## **PUBLIC STATEMENT TIME**

**Mr J Trotter, Kinross:**

Mr Trotter spoke in relation to CJ198-0909 Proposed Home Business Category 2 (Drum School) - 6 (Lot 397) Melrose Crest, Kinross.

## **APOLOGIES AND LEAVE OF ABSENCE**

Apologies Cr Sue Hart  
Cr Trona Young

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

Cr Tom McLean 1 – 23 September 2009 inclusive

## **CONFIRMATION OF MINUTES**

### **C75-09/09 MINUTES OF COUNCIL MEETING - 18 AUGUST 2009**

**MOVED Cr Amphlett SECONDED Cr McLean that the minutes of the Council Meeting held on 18 August 2009 be confirmed as a true and correct record.**

**The Motion was Put and**

**CARRIED (9/0)**

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

### **C76-09/09 MINUTES OF SPECIAL MEETINGS OF COUNCIL - 1 SEPTEMBER 2009**

**MOVED Cr Rosano, SECONDED Cr Norman that the following Minutes be confirmed as a true and correct record:**

- 1 Special Meeting of Council held on 1 September 2009 (in relation to the proposed Sporting Facility at Seacrest Park);**
- 2 Special Meeting of Council held on 1 September 2009 (in relation to the Cats Local Law).**



**The Motion was Put and****CARRIED (9/0)**

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

**DECLARATIONS OF INTEREST****Disclosure of Financial Interests**

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

<b>Name/Position</b>	<b>Mr Garry Hunt , Chief Executive Officer</b>
<b>Item No/Subject</b>	CJ218-09/09 – Minutes of the Chief Executive Officer - Performance Review Committee Meeting held on 25 August 2009 and 1 September 2009
<b>Nature of interest</b>	Financial Interest
<b>Extent of Interest</b>	Mr Hunt holds the position of Chief Executive Officer

**Disclosure of interest affecting impartiality**

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

<b>Name/Position</b>	<b>Mr Mike Tidy, Director Corporate Services</b>
<b>Item No/Subject</b>	CJ218-09/09 – Minutes of the Chief Executive Officer - Performance Review Committee Meeting held on 25 August 2009 and 1 September 2009
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Due to the nature of Mr Tidy's employment relationship with the Chief Executive Officer.

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

CJ218-09/09 Minutes of the Chief Executive Officer – Performance Review Committee Meeting held on 25 August 2009 and 1 September 2009

**ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION****Acknowledge Community Funding Program groups**

The City has recently approved a series of Community Funding applications from several local groups and schools.

The Community Funding Program is designed to assist and support the development of the City's many varied groups, be it sporting organisations or arts and cultural groups that positively contribute to the well-being of the community.

Representatives from the following successful groups attended the meeting to receive a certificate acknowledging the funding grant.

**The Wanneroo Arts Society**, which meets and is located in the Joondalup region, was given \$3800 to purchase lighting and other materials to assist the group hold its annual exhibition of members' works of art.

**Peter Cowan Writers Centre** was given \$3000 to publish an anthology of their members' writing for the wider community.

**Davallia Primary School** was presented with \$2950 in funding to assist in their showcasing the academic and artistic achievement of a group of students with disabilities with their work to be published in an illustrated book.

**The South Padbury Primary School P&C group** was given \$1800 in funding to put on an art exhibition showcasing the artwork of the school's students. The money will assist the P&C to professionally frame and present the students' work.

### **2009 WA Seniors Awards**

Mayor Pickard stated that the City has been recognised for its efforts to provide an opportunity for seniors to engage in a broad range of programs, events and activities promoting well being and healthy living at the 2009 WA Seniors Awards.

The City's many programs for seniors encourages them to participate in fun and entertaining events at the City's libraries and leisure centres and this has been acknowledged with Joondalup being named a finalist in the Active Ageing Leadership Award category at the upcoming State Awards.

### **C77-09/09          PETITIONS**

1          PETITION REQUESTING A CONTROLLED PARKING ZONE FOR LOCAL RESIDENTS ONLY IN NOTTINGHILL STREET, JOONDALUP – [07431]

A 43-signature petition has been received from residents of Nottinghill Street, Joondalup requesting a controlled parking zone for local residents only in Nottinghill Street, Joondalup.

2          PETITION IN RELATION TO PROPOSED FOOTPATH – ABERDARE WAY AND EDDINGTON ROAD, WARWICK - [11053] [74506]

A 2- signature petition has been received from Warwick residents opposing the installation of a footpath along Eddington Road, Warwick.

3          PETITION REQUESTING CONSTRUCTION OF A FENCE BETWEEN TRAPPERS DRIVE AND DELONIX CIRCLE, WOODVALE – [09070] [03065]

A 50-signature petition has been received requesting construction of a suitably designed fence along the opening between Trappers Drive and Delonix Circle, Woodvale with a view to curtailing anti-social behaviour.

4 PETITION REQUESTING THAT THE BLINDS AND THE FRONT SIGN AT THE LA VITA RESTAURANT IN JOONDALUP BE RETAINED – [29060]

A 195-signature petition has been received from residents of the City of Joondalup requesting that the blinds at The La Vita Restaurant be retained as they help to protect customers from strong winds and the sign at the front of the restaurant indicates the location of the restaurant to customers.

**MOVED Cr Hollywood, SECONDED Cr Amphlett that the following Petitions be RECEIVED, referred to the CEO and subsequent reports presented to Council for information:**

- 1 **Petition requesting a controlled parking zone for local residents only in Nottinghill Street, Joondalup;**
- 2 **Petition in relation to the installation of a footpath along Eddington Road, Warwick.**
- 3 **Petition in relation to the construction of a fence between Trappers Drive and Delonix Circle, Woodvale.**
- 4 **Petition requesting that the blinds and the sign at the La Vita restaurant, Joondalup be retained.**

**The Motion was Put and**

**CARRIED (9/0)**

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

**CJ197-09/09 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

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**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

<b>Suburb/Location:</b>	20 Trochidae Way, Heathridge
<b>Applicant:</b>	Firoz Keki Pestonji & Mahrukh Firoz Pestonji
<b>Owner:</b>	Firoz Keki Pestonji & Mahrukh Firoz Pestonji
<b>Zoning:</b>	<b>DPS:</b> Residential R20
	<b>MRS:</b> Urban
<b>Site Area:</b>	955.484m <sup>2</sup>
<b>Structure Plan:</b>	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

**MOVED Cr Amphlett, SECONDED Cr McLean 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.**

**The Motion was Put and CARRIED (9/0) by En Bloc Resolution following Item CJ217-09/09 Minutes of the Ocean Reef Marina Committee Meeting held on 3 September 2009, Page 89 refers.**

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

*Appendix 1 refers*

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

## **CJ198-09/09 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

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## 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

<b>Suburb/Location:</b>	Lot 397 (6) Melrose Crest, Kinross
<b>Applicant:</b>	J Trotter
<b>Owner:</b>	J & HH Trotter
<b>Zoning:</b>	<b>DPS:</b> Residential
	<b>MRS:</b> Urban
<b>Site Area:</b>	710.971m <sup>2</sup>
<b>Structure Plan:</b>	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 consisted 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

**MOVED Cr Hollywood, SECONDED Cr McLean 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 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.

The Motion was Put and

**CARRIED BY AN  
ABSOLUTE MAJORITY (9/0)**

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

*Appendix 2 refers*

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

## **CJ199-09/09 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

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### **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

<b>Suburb/Location:</b>	Lot 69 (108) Duffy Terrace, Woodvale
<b>Applicant:</b>	City of Joondalup
<b>Owner:</b>	C E Duffy Nominees Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Parks and Recreation
	<b>MRS:</b> Parks and Recreation
<b>Site Area:</b>	5.23 ha
<b>Structure Plan:</b>	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

**MOVED Cr Amphlett, SECONDED Cr McLean 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.**

**The Motion was Put and CARRIED (9/0) by En Bloc Resolution following Item CJ217-09/09 Minutes of the Ocean Reef Marina Committee Meeting held on 3 September 2009, Page 89 refers.**

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

*Appendix 4 refers*

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

## **CJ200-09/09 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

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### **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

<b>Suburb/Location:</b>	Reserve 34149 (39) Poynter Drive, Duncraig
<b>Applicant:</b>	Mrs Beverley McGhie (Market Manager)
<b>Owner:</b>	Department of Education and Training
<b>Zoning:</b>	<b>DPS:</b> Local Reserve
	<b>MRS:</b> Urban
<b>Site Area:</b>	42.1ha
<b>Structure Plan:</b>	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 20m<sup>2</sup> and 52m<sup>2</sup>) 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;
- 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.

## **COMMENT**

### Proposed 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 100m<sup>2</sup> NLA (Net Lettable Area)                      or                      1 per 20m<sup>2</sup> GLA (Gross Lettable Area)



The proposed markets seek to have up to 29 stalls, totalling 786m<sup>2</sup> NLA of floorspace. Using the standard of 7 per 100m<sup>2</sup> 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 1165.5m<sup>2</sup>. Using the standard of 1 per 20m<sup>2</sup> 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 100m<sup>2</sup> 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

**MOVED Cr Fishwick, SECONDED Cr Diaz 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.**

**The Motion was Put and**

**CARRIED (9/0)**

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

*Appendix 5 refers*

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

## **CJ201-09/09 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT DEVELOPMENT, CODE VARIATIONS AND SUBDIVISION APPLICATIONS JULY 2009**

**WARD:** All

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

**FILE NUMBER:** 07032, 05961

**ATTACHMENTS:**

Attachment 1	July 2009 – Decisions Planning Applications (Development Applications & R-Codes Variations)
Attachment 2	July 2009 - Decisions Building Applications (R – Codes Variations)
Attachment 3	July 2009 – Subdivision Applications Processed

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

The provisions of clause 8.6 of the text to the District Planning Scheme No 2, allows Council to delegate all or some of its development control powers to a committee or an employee of the City.

The purpose of delegation of certain powers by Council, in addition to other Town Planning matters, is to facilitate timely processing of development applications, R-codes variations and subdivision applications. The framework for the delegation of those powers is set out in resolutions adopted by Council and is reviewed generally on a 2 yearly basis, or as required. All decisions made by staff, acting under delegated authority as permitted under the delegation notice, are reported to Council on a monthly basis.

This report identifies:

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

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

## BACKGROUND

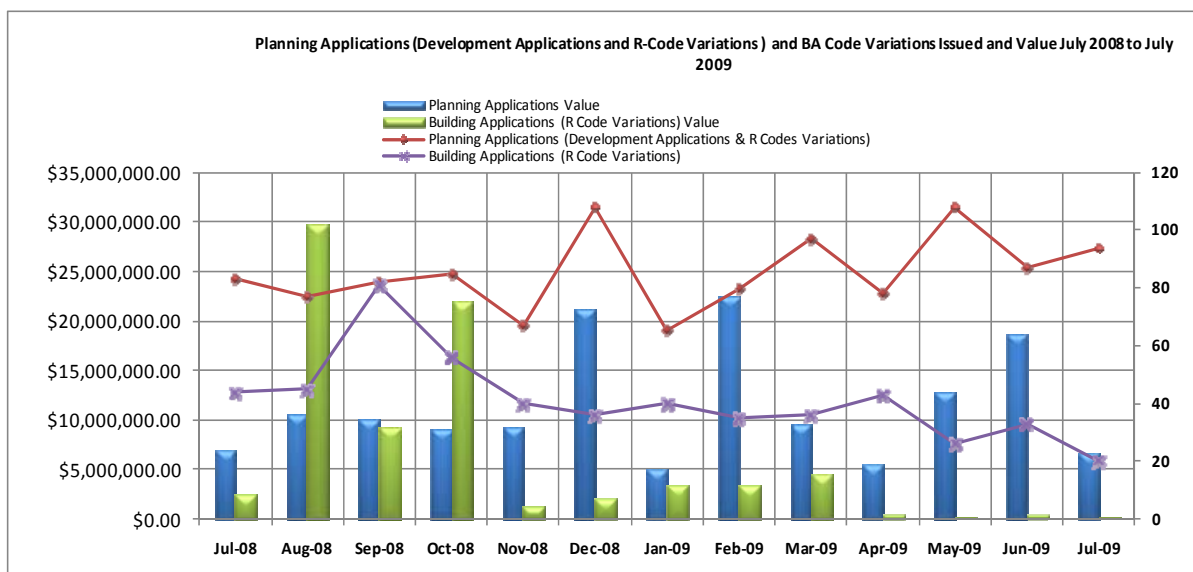
The District Planning Scheme No 2 requires that delegation be reviewed 2 yearly, unless a greater or lesser period is specified by Council. Council, at its meeting of 16 June 2009 considered and adopted the most recent Town Planning Delegation for the period to 16 June 2011.

## DETAILS

The number of applications determined under delegated authority for the period of 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
<b>TOTAL</b>	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).



<b>Subdivision Approvals Processed Under Delegated Authority From 1 July to 30 July 2009</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Potential new Lots</b>
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

**MOVED Cr Amphlett, SECONDED Cr McLean that Council NOTES the determinations made under Delegated Authority in relation to the:**

- 1 development applications and R-Codes variations described in Attachment 1 to Report CJ201-09/09 during July 2009;**
- 2 subdivision applications described in Attachment 3 to Report CJ201-09/09 during July 2009.**

**The Motion was Put and CARRIED (9/0) by En Bloc Resolution following Item CJ217-09/09 Minutes of the Ocean Reef Marina Committee Meeting held on 3 September 2009, Page 89 refers.**

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

*Appendix 6 refers*

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

**CJ202-09/09 STATUS OF PETITIONS TO COUNCIL**

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

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**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

**MOVED** Cr Amphlett, **SECONDED** Cr McLean 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 Report CJ202-09/09;
- (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.

The Motion was Put and CARRIED (9/0) by En Bloc Resolution following Item CJ217-09/09 Minutes of the Ocean Reef Marina Committee Meeting held on 3 September 2009, Page 89 refers.

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

*Appendix 7 refers*

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

## **CJ203-09/09 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

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### **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

**MOVED Cr McLean, SECONDED Cr Amphlett that Council ADOPTS the City of Joondalup Trading in Public Places Amendment Local Law 2009 in the manner prescribed in Attachment 1 to Report CJ203-09/09.**

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY (9/0)**

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

*Appendix 8 refers*

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

## **CJ204-09/09      POTENTIAL MECHANISMS TO MANAGE THE INTERFACE BETWEEN CYCLISTS AND PEDESTRIANS**

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

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### **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 cycle<sup>1</sup>.

### **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 paths<sup>1</sup>.

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 signage<sup>1</sup>.

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
- ravel 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 vehicles<sup>1</sup>, 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,

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<sup>1</sup> *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](http://www.austroads.com.au/documents/Ped-cyclist_conflict_minimisation_on_shared_paths.pdf)>.

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 option would be appropriate if large numbers of cyclists and pedestrians use the path and there is sufficient space to provide two separate paths<sup>1</sup>.

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.

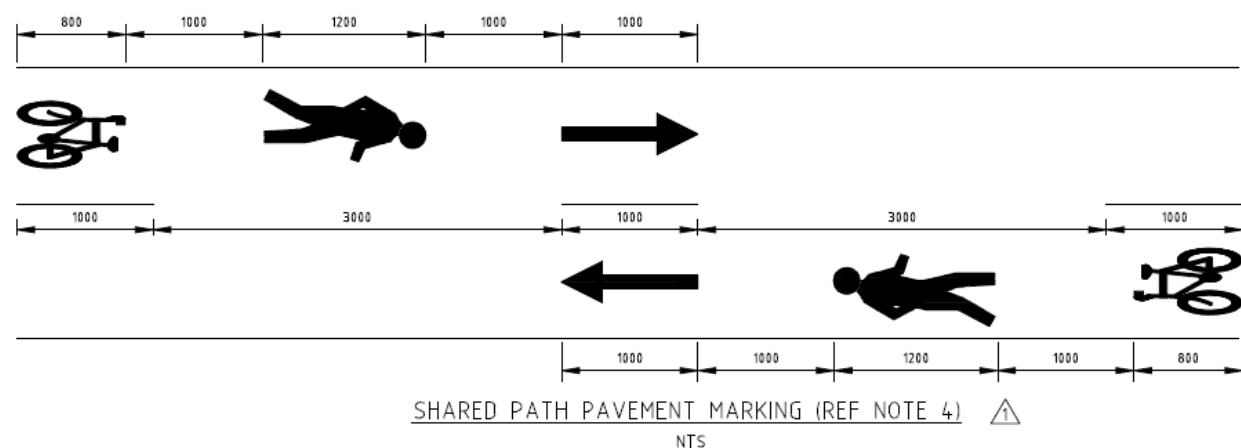
Internationally, the City of Vancouver has separated bicycle and pedestrian paths in high traffic areas where space permits. Daily trips by bicycle have increased from approximately 20,000 in 1994 to 55,000 in 2004.

## 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 left<sup>2</sup>.

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):

<sup>2</sup> 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.

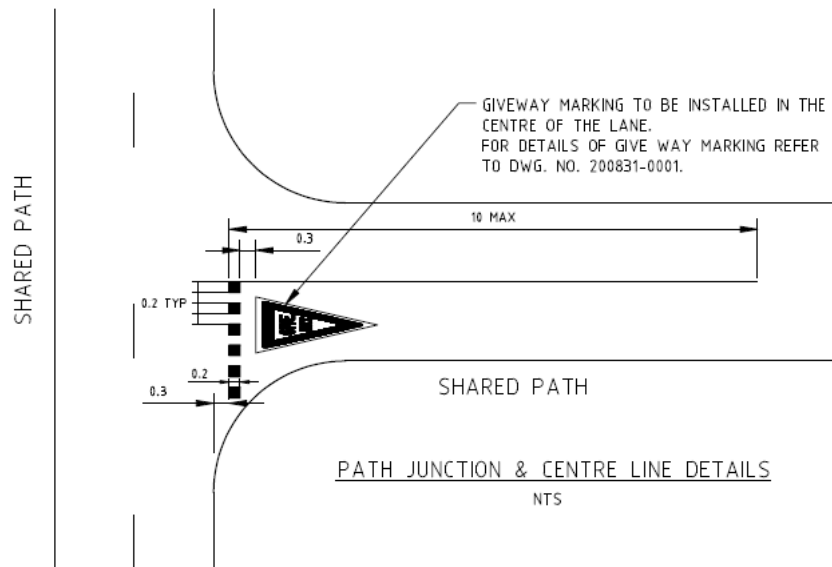
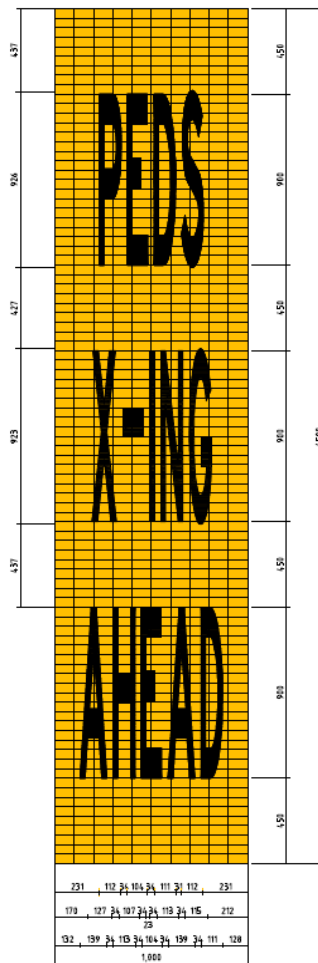


figure c.



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 pedestrians<sup>3</sup>. Strategies to enforce this section of the Code

<sup>3</sup> *Riding Safely on Shared Paths*, Department of Planning and Infrastructure (WA), retrieved from [http://www.dpi.wa.gov.au/mediaFiles/cycling\\_borchure\\_ridingsharedpath.pdf](http://www.dpi.wa.gov.au/mediaFiles/cycling_borchure_ridingsharedpath.pdf).

include the installation of shared path symbols (figure a above) as well as signage indicating that 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 trialed 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 *Austroroads 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:

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

<b>Option 5. Traffic Calmers (eg: bollards, grab rails etc.)</b>			
· May slow traffic in high use areas.	· Considered a safety issue for cyclists.	· Installation and ongoing maintenance of traffic calmers.	· Slowing of traffic.
<b>Benefits</b>	<b>Issues</b>	<b>Cost Implications</b>	<b>Expected outcome</b>
<b>Option 6. Education</b>			
· Increase awareness of shared path etiquette.	· Will not reach all users.	· Printing and distribution of marketing materials.	· Increased awareness of shared path etiquette.
<b>Option 7. Speed Limits for Cyclists</b>			
· 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

**MOVED Cr Amphlett, SECONDED Cr McLean 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.

The Motion was Put and **CARRIED (9/0)** by En Bloc Resolution following Item **CJ217-09/09 Minutes of the Ocean Reef Marina Committee Meeting held on 3 September 2009, Page 89** refers.

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

**CJ205-09/09 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

**MOVED Cr Corr, SECONDED Cr Rosano that Council ADOPTS the revised Governance Framework as shown in Attachment 1 to Report CJ205-09/09.**

**The Motion was Put and**

**CARRIED (9/0)**

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

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9agn150909.pdf](#)*

**CJ206-09/09 MINUTES OF EXTERNAL COMMITTEES**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER:</b>	00033 03149 60514
<b>ATTACHMENTS:</b>	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

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**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

**MOVED Cr Amphlett, SECONDED Cr McLean that Council NOTES the minutes of the meeting of the:**

- 1 Mindarie Regional Council held on 23 July 2009 forming Attachment 1 to Report CJ206-09/09;**
- 2 Western Australian Local Government Association – North Metropolitan Zone held on 30 July 2009 forming Attachment 2 to Report CJ206-09/09.**

**The Motion was Put and CARRIED (9/0) by En Bloc Resolution following Item CJ217-09/09 Minutes of the Ocean Reef Marina Committee Meeting held on 3 September 2009, Page 89 refers.**

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

*To access this attachment on electronic document, click here:*

[External Committees 080909.pdf](#)



## **CJ207-09/09      MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE HELD ON 20 AUGUST 2009**

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

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### **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

**MOVED** Cr Amphlett, **SECONDED** Cr McLean that Council **NOTES** the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 20 August 2009 forming Attachment 1 to Report CJ207-09/09.

The Motion was Put and **CARRIED (9/0)** by En Bloc Resolution following Item CJ217-09/09 Minutes of the Ocean Reef Marina Committee Meeting held on 3 September 2009, Page 89 refers.

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

*Appendix 10 refers*

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

## **CJ208-09/09      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

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**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 Report CJ208-09/09;*
- 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) residents 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

**MOVED Cr Amphlett, SECONDED Cr McLean 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 Report CJ208-09/09;
- 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.**

**The Motion was Put and CARRIED (9/0) by En Bloc Resolution following Item CJ217-09/09 Minutes of the Ocean Reef Marina Committee Meeting held on 3 September 2009, Page 89 refers.**

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

*Appendix 11 refers*

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

## **CJ209-09/09 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

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### **PURPOSE**

To review the parking scheme adopted by Council on 15 May 2008 (Report CJ078-05/08 refers) 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 refers). 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

**MOVED** Cr Amphlett, **SECONDED** Cr McLean 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 Report CJ209-09/09, and that residents and occupiers of affected properties be invited to apply for resident and visitor parking permits under the provisions of that Policy.

The Motion was Put and **CARRIED (9/0)** by En Bloc Resolution following Item CJ217-09/09 Minutes of the Ocean Reef Marina Committee Meeting held on 3 September 2009, Page 89 refers.

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

*Appendix 12 refers*

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

**CJ210-09/09      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

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**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 refers). 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

**MOVED** Cr Amphlett, **SECONDED** Cr McLean 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 Report CJ210-09/09 and that residents and occupiers of affected properties be invited to apply for resident and visitor parking permits under the provisions of that policy.

**The Motion was Put and CARRIED (9/0) by En Bloc Resolution following Item CJ217-09/09 Minutes of the Ocean Reef Marina Committee Meeting held on 3 September 2009, Page 89 refers.**

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

*Appendix 13 refers*

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

## **CJ211-09/09 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

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### **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 Advanteeing 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:

<b>Qualitative Criteria</b>	<b>Weighting</b>
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 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).

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

**MOVED** Cr Amphlett, **SECONDED** Cr McLean 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.

The Motion was Put and **CARRIED (9/0)** by En Bloc Resolution following Item CJ217-09/09 Minutes of the Ocean Reef Marina Committee Meeting held on 3 September 2009, Page 89 refers.

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

*Appendix 14 refers*

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

## **CJ212-09/09 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

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### **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

**MOVED** Cr Amphlett, **SECONDED** Cr McLean that Council **NOTES** the Financial Activity Statement for the period ended 31 July 2009 forming Attachment A to Report CJ212-09/09.

**The Motion was Put and CARRIED (9/0) by En Bloc Resolution following Item CJ217-09/09 Minutes of the Ocean Reef Marina Committee Meeting held on 3 September 2009, Page 89 refers.**

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

*Appendix 15 refers*

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

## **CJ213-09/09 LIST OF PAYMENTS MADE DURING THE MONTH OF JULY 2009**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER:</b>	09882
<b>ATTACHMENTS:</b>	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

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### **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 within this report 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	<b>Cheques</b> 84528 - 84781 and EF 7206 - 7687 Net of cancelled payments	\$7,773,357.18
	<b>Vouchers</b> 558A – 559A, 561A – 563A & 565A - 568A	\$3,037,519.78
Trust Account	<b>Cheques</b> 202884 - 202927 Net of cancelled payments	\$24,192.50
<b>Total</b>		<b>\$10,835,069.46</b>

### Issues and options considered:

Not Applicable.

### Legislation/Strategic Plan/Policy Implications

**Legislation** The Council has delegated to the CEO the exercise of its authority to make payments from the Municipal and Trust Funds, therefore in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the CEO is prepared each month showing each account paid since the last list was prepared.

### Strategic Plan

Key Focus Area: Leadership and Governance

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

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

### Risk Management considerations:

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

### Financial/Budget Implications:

All expenditure from the Municipal Fund was included in the 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

**MOVED** Cr Amphlett, **SECONDED** Cr McLean 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 Report CJ213-09/09, totalling \$10,835,069.46.

The Motion was Put and **CARRIED (9/0)** by En Bloc Resolution following Item CJ217-09/09 Minutes of the Ocean Reef Marina Committee Meeting held on 3 September 2009, Page 89 refers.

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

*Appendix 16 refers*

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

**CJ214-09/09      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.

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**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 the project.*

## 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.

Main Roads WA data has identified noise levels to be approximately 25 decibels, upon completion of the Connolly Drive duplication project. Further data from Main Roads WA has identified noise levels on the Freeway to be approximately 65 decibels during the day and 60 decibels at night. This means that noise levels on the Freeway are more than double that of Connolly Drive.

### **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 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.

A budget of \$3,630,000 was allocated to the project this financial year. Projected expenditure for the project is anticipated to be approximately \$2,830,000. This includes the value of the contract with "Ertech", consultant fees for design, drafting and superintending and contract variations. The surplus funds of approximately \$800,000 will be expended on safety and security measures in the underpass, improved lighting and landscaping, as accepted by Council at its April 2009 meeting.

**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

**MOVED Cr Amphlett, SECONDED Cr McLean 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.

The Motion was Put and **CARRIED (9/0)** by En Bloc Resolution following Item CJ217-09/09 Minutes of the Ocean Reef Marina Committee Meeting held on 3 September 2009, Page 89 refers.

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

## **CJ215-09/09 PROPOSED MODIFICATIONS TO THE MATERIALS RECOVERY FACILITY (MRF) AT WANGARA**

**WARD:** All

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

**FILE NUMBER:** 53119

**ATTACHMENTS:** Nil.

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## 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).

<b>\$/TONNE (2008/2009)</b>			
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 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	<b>\$1,200,000</b>
<b>Building Extension to Materials Recovery Facility</b>	<b>\$</b>
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>
<b>Subtotal</b>	<b>673,460.00</b>
<b>Glass Cleaning</b>	
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>
<b>Sub Total</b>	<b>405,000.00</b>
<b>Operation Modifications</b>	
Access servicing Overhead monorail	30,000.00
Mods pre sort and dust control	70,000.00
Emergency Risk Assessment	<u>10,000.00</u>
<b>Sub Total</b>	<b>110,000.00</b>
<b>Estimated Total</b>	<b>\$1,188,460.00</b>

### 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

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

- 1 **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 Report CJ215-09/09:**
  - (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.**

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY (9/0)**

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

## REPORT OF THE CHIEF EXECUTIVE OFFICER

### **CJ216-09/09 ELECTED MEMBER RESIGNATION – MARIE MACDONALD, CENTRAL WARD COUNCILLOR**

**WARD:** Central

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

**FILE NUMBER:** 78624

**ATTACHMENTS:** Nil.

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#### **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.

**MOVED Cr Amphlett, SECONDED Cr McLean 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.**

**The Motion was Put and CARRIED (9/0) by En Bloc Resolution following Item CJ217-09/09 Minutes of the Ocean Reef Marina Committee Meeting held on 3 September 2009, Page 89 refers.**

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

## **CJ217-09/09 MINUTES OF THE OCEAN REEF MARINA COMMITTEE MEETING HELD ON 3 SEPTEMBER 2009**

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<b>WARD:</b>	North-Central
<b>RESPONSIBLE DIRECTOR:</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER:</b>	04171
<b>ATTACHMENTS:</b>	Attachment 1 Minutes of the Ocean Reef Marina Committee meeting held on 3 September 2009

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### **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 Report CJ217-09/09;*
- 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

**MOVED Mayor Pickard, SECONDED Cr Amphlett that Council:**

- 1 **NOTES the unconfirmed minutes of the Ocean Reef Marina Committee meeting held on 3 September 2009 forming Attachment 1 to Report CJ217-09/09;**
- 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.**

**The Motion was Put and**

**CARRIED (9/0)**

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

*Appendix 17 refers*

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

**C78-09/09                    COUNCIL DECISION – EN BLOC RESOLUTION - [02154] [08122]**

**MOVED** Cr Amphlett, **SECONDED** Cr McLean that pursuant to the Standing Orders Local Law 2005 – Clause 48 - Adoption of Recommendations En Bloc, Council **ADOPTS** Items CJ197-09/09, CJ199-09/09, CJ201-09/09, CJ202-09/09, CJ204-09/09, CJ206-09/09, CJ207-09/09, CJ208-09/09, CJ209-09/09, CJ210-09/09, CJ211-09/09, CJ212-09/09, CJ213-09/09, CJ214-09/09 and CJ216-09/09.

**The Motion was Put and**

**CARRIED (9/0)**

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

**C79-09/09                    MOTION TO GO BEHIND CLOSED DOORS - [02154] [08122]**

**MOVED** Cr Rosano, **SECONDED** Cr Fishwick that:

- 1** in accordance with Section 5.23 of the Local Government Act 1995 and Clause 67 of the City of Joondalup's Standing Orders Local Law 2005, this meeting of Council sit behind closed doors to consider Item CJ218-09/09 – Minutes of the Chief Executive Officer - Performance Review Committee Meeting held on 25 August 2009 and 1 September 2009, being a matter affecting the personal affairs of a person;
- 2** the following employees be permitted to remain in the Chamber while the meeting is sitting behind closed doors as detailed in (1) above:
  - Director Corporate Services, Mr Mike Tidy;
  - Director Governance and Strategy, Mr Jamie Parry;
  - Administrative Services Coordinator, Mrs Janet Foster.

**The Motion was Put and**

**CARRIED (9/0)**

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

*Members of staff (with the exception of the Director, Corporate Services, Director Governance and Strategy and Administrative Services Coordinator), members of the public and press left the Chamber at this point, the time being 1945 hrs.*

<b>Name/Position</b>	<b>Mr Garry Hunt , Chief Executive Officer</b>
<b>Item No/Subject</b>	CJ218-09/09 – Minutes of the Chief Executive Officer - Performance Review Committee Meeting held on 25 August 2009 and 1 September 2009
<b>Nature of interest</b>	Financial Interest
<b>Extent of Interest</b>	Mr Hunt holds the position of Chief Executive Officer

<b>Name/Position</b>	<b>Mr Mike Tidy, Director Corporate Services</b>
<b>Item No/Subject</b>	CJ218-09/09 – Minutes of the Chief Executive Officer - Performance Review Committee Meeting held on 25 August 2009 and 1 September 2009
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Due to the nature of Mr Tidy's employment relationship with the Chief Executive Officer.

**CJ218-09/09 MINUTES OF THE CHIEF EXECUTIVE OFFICER - PERFORMANCE REVIEW COMMITTEE MEETING HELD ON 25 AUGUST 2009 AND 1 SEPTEMBER 2009**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr. Mike Tidy Corporate Services
<b>FILE NUMBER:</b>	51567
<b>ATTACHMENTS:</b>	Attachment 1 Minutes of the CEO Performance Review Committee meeting held on 25 August 2009 Attachment 2 Minutes of the CEO Performance Review Committee meeting held on 1 September 2009 Attachment 3 Confidential Concluded Annual Performance Review Report for the CEO's Annual Performance Review 2009 (distributed under separate confidential cover)

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This Item is Confidential - Not for Publication

A full report was provided to Elected Members under separate cover and is provided in the Minute Books – Appendix 18 refers

**MOVED Cr Fishwick, SECONDED Cr Rosano that Council:**

- 1 NOTES the confirmed minutes of the Chief Executive Officer Performance Review Committee meeting held on 25 August 2009 forming Attachment 1 to this Report;**
- 2 NOTES the unconfirmed minutes of the Chief Executive Officer Performance Review Committee meeting held on 1 September 2009 forming Attachment 2 to this Report;**
- 3 ADOPTS the Chief Executive Officer Performance Review Committee's Confidential Concluded Annual Performance Review Report forming Attachment 3 to this Report and endorses the overall rating of "Meets Performance Requirements";**
- 4 NOTES that in two out of the five Key Result Areas the Chief Executive Officer exceeded the performance requirements;**
- 5 ADOPTS the Key Performance Indicators and Measures against each of the Key Result Areas for the next review period 2009/10;**
- 6 NOTES that the Chief Executive Officer Performance Review Committee considered in accordance with the requirements of the Chief Executive Officer's contract, amongst other things, the results of the Annual Performance Review, the Mercer (Australia) Pty Ltd Public Sector Movement Index and the relevant report of the Salaries & Allowances Tribunal in regard to its recommendation on the Annual Salary Review of the Chief Executive Officer;**

- 7 DETERMINES that the Chief Executive Officer's remuneration package remain at its current rate reflecting on this occasion the recommendation of the report of the Salaries and Allowances Tribunal that there be no general increase in salary rates.**

**The Motion was Put and**

**CARRIED (9/0)**

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

*Appendix 18 Refers – Confidential – as appended hereto in the Official Minute Book*

**C80-09/09**

**MOTION TO GO TO OPEN DOORS - [02154] [08122]**

**MOVED Cr Rosano, SECONDED Cr McLean that in accordance with clause 67 of the City of Joondalup's Standing Orders Local Law 2005, this Meeting of Council be held with open doors.**

**The Motion was Put and**

**CARRIED (9/0)**

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

*Members of staff entered the Chamber at 1957 hrs. There were 2 members of the public and 1 member of the press present.*

In accordance with the City's Standing Orders Local Law 2005, Mayor Pickard read aloud the motion in relation to CJ218-09/09 – Minutes of the Chief Executive Officer – Performance Review Committee Meetings held on 25 August 2009 and 1 September 2009.

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

Nil.

**CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 1959 hrs; the following Elected Members being present at that time:

MAYOR T PICKARD  
Cr T McLEAN  
Cr K HOLLYWOOD  
Cr G AMPHLETT  
Cr B CORR  
Cr M ROSANO  
Cr M NORMAN  
Cr R FISHWICK  
Cr F DIAZ