

agenda

Briefing Session

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

ON **TUESDAY, 6 OCTOBER 2009**
COMMENCING AT **6.30 pm**

GARRY HUNT
Chief Executive Officer
2 October 2009

www.joondalup.wa.gov.au

PUBLIC QUESTION TIME

Members of the public are requested to lodge questions in writing by close of business on **Monday, 5 October 2009**

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

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

BRIEFING SESSIONS

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

INTRODUCTION

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

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

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

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

PURPOSE OF BRIEFING SESSIONS

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

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

PROCEDURES FOR BRIEFING SESSIONS

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

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

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

PROCEDURES FOR PUBLIC QUESTION TIME

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

Questions asked verbally

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

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

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

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

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

DISCLAIMER

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

PROCEDURES FOR PUBLIC STATEMENT TIME

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

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

DEPUTATION SESSIONS

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

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

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

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10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS

LATE ITEMS / ADDITIONAL INFORMATION

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

[Additional Information 061009.pdf](#)

CITY OF JOONDALUP – BRIEFING SESSION

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 6 OCTOBER 2009** commencing at **6.30 pm**

ORDER OF BUSINESS

1 OPEN AND WELCOME

2 DEPUTATIONS

3 PUBLIC QUESTION TIME

The following questions were submitted to the Briefing Session held on 8 September 2009:

Mr D Vidler, Kinross:

Re: Item 2 – Proposed Home Business Category 2 (Drum School) – 6 (Lot 397) Melrose Crest, Kinross.

Q1 How can comments regarding traffic and car parking state that cars can be parked on the crossover without causing a hazard, and vehicle sightlines for adjoining properties will not be affected when the photographs I submitted clearly show otherwise? (Attachment 4 refers.)

A1 The parking of vehicles on the crossover does not result in a traffic hazard as it is in accordance with the City's Parking Local Law 1998.

Additionally, the distance between the crossover of the subject site and the adjoining crossovers provides adequate visual clearance for drivers and pedestrians to see vehicles entering or exiting the site or street. This has been confirmed by on site observations and demonstrations.

Q2 If Council approves parking of vehicles on the crossover and there is an accident with people injured or killed, what is Council's legal liability especially as this is now brought to Council's attention? If my visibility is restricted then so is that of the road users, particularly motor cycles, cyclists including young children from seeing me leaving my driveway. As this matter is so serious all of this parking should be stopped immediately.

A2 As per the answer to question 1 (above), the City is satisfied that parking on the crossover will be in accordance with the City's Parking Local Law, and will not create a hazard for vehicles or pedestrians.

Q3 What action will Council take if the special conditions are not complied with and what penalties will apply? Applicant is still giving lessons and not complying with the suggested conditions.

- A3 If the application is approved, and the City becomes aware that conditions of approval are not adhered to, then enforcement measures can be undertaken. If approval is granted it will be for a period of 12 months only, and the suitability of the business in this location will be reassessed at that time.
- Q4 *Does the building now comply with the building codes now it does not have a garage or carport and should a replacement be built?*
- A4 There is no requirement under the Residential Design Codes (Variation 1)(R-codes) or Building Codes of Australia for a residential property to have a garage or carport. The R-codes require two car parking bays on site, however there is no requirement for the bays to be covered. Two car parking bays are provided on site.
- Q5 *Has a parking plan been approved as the only parking available is on the road crossover? Is this legal as vehicles parked there obscure my vision when I drive out from my own driveway?*
- A5 If the application is approved by the Council with a variation to the number of on-site car parking bays, the plans provided in Attachment 3 of the Report will form part of the approval.

Mr S Magyar, Heathridge:

Re: Item 4 – Proposed Heritage Listing of Duffy House (Jack) Lot 69 (108) Duffy Terrace, Woodvale:

Q1 *Are there any other buildings on the heritage list for the City of Joondalup?*

A1 No.

Re: Item 21 – Elected Member Resignation – Marie Macdonald, Central Ward Councillor:

Q2 *Does Council have a policy for the end of an Elected Member's term or retirement?*

A2 Yes.

4 PUBLIC STATEMENT TIME

The following statements were submitted to the Briefing Session held on 8 September 2009:

Mr J Chester, Kingsley:

Mr Chester spoke in relation to Item 9 – Potential Mechanisms to Manage the Interface Between Cyclists and Pedestrians.

Mr D Mills, Duncraig:

Mr Mills spoke in relation to Item 5 – Proposed Growers Market at Poynter Primary School – 39 Poynter Drive, Duncraig.

Mr D Vidler, Kinross:

Mr Vidler spoke in relation to Item 2 – Proposed Home Business Category 2 (Drum School) – 6 (Lot 397) Melrose Crest, Kinross.

5 APOLOGIES AND LEAVE OF ABSENCE

6 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

7 REPORTS

ITEM 1 AMENDMENT TO DELEGATED AUTHORITY MANUAL – TOWN PLANNING DELEGATIONS

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Clayton Higham Planning and Development (Acting)
FILE NUMBER:	07032
ATTACHMENTS:	Attachment 1 Town Planning Delegations including proposed amendments

PURPOSE

For Council to amend the Corporate Delegated Authority Manual, in respect of Town Planning Delegations.

EXECUTIVE SUMMARY

The current delegation notice was adopted by Council in June 2009 – (CJ127-06/09 refers).

Three changes to the delegation notice are proposed:

- 1 changing clause 2(a)(v) and 2(a)(vi) of the Town Planning Delegations from 10% to 15% the extent of variation (Residential Design Codes) able to be approved by a Senior Planning Officer or Coordinator Planning Approvals.
- 2 amending the title of Director Planning and Community Development to Director Planning and Development to reflect the current position title;
- 3 including the ability to determine built strata applications under the Subdivision section of the delegation and including the Coordinator Planning Approvals as an officer with authority on subdivision matters.

The report to Council in June 2009 was intended to amend the extent of variation from 10% to 15% for Outbuildings. However, the relevant clause of the amended Delegated Authority Manual attached to the Council report, and the report, inadvertently amended clause 2(a)(vi) rather than clause 2(a)(v) This report details the requested amendment to the Delegated Authority Manual to correct this.

On 9 June 2009 the Western Australian Planning Commission delegated to local government the responsibility to determine all built strata applications.

BACKGROUND

Council, at its meeting held on 16 June 2009 adopted an updated version of its Delegated Authority Manual.

A change was requested in relation to the clause of the Residential Design Codes (R-Codes) that addresses Outbuildings. This was to allow standard Outbuildings with a wall height of 2.7 metres to be determined by the Senior Planning Officer or Coordinator Planning Approvals.

Report CJ127-06/09 set out:

The proposed change in clause 2(a)(vi) would allow outbuildings with a standard wall height of 2.7 metres to be determined under Senior Planning Officer/Co-ordinator Planning Approvals' delegation, rather than requiring a report to be prepared for the Manager/Director where an outbuilding exceeds the permitted 2.4m wall height.

The current delegation only allows Senior Planning Officers and the Co-ordinator to determine outbuilding heights of up to 2.64 metres. However, as outbuildings generally come in pre-fabricated form with standard wall heights of 2.4 metres, 2.7 metres, and 3.0 metres, it would improve processing time and overall efficiency to determine these at Senior Planning Officer /Co-ordinator level.

This reference and change should relate to clause 2(a)(v) of the Delegation.

On 9 June 2009 the Western Australian Planning Commission (WAPC) delegated responsibility to local government to determine all built strata applications.

DETAILS

Outbuilding Approval

It is proposed to modify the Town Planning Delegations as below:

- 2(a) (v) the requirements of clause 6.10.1 A1 (iii), (iv) or (v) of the Residential Design Codes are exceeded by more than ~~40%~~ 15% of those requirements; or
- (vi) the requirements of clause 6.3.2 A2 (ii) or (iii) of the Residential Design Codes are exceeded by more than ~~45%~~ 10% of those requirements; or

This will allow Senior Planning Officers or the Coordinator Planning Approvals to determine applications for outbuildings with a wall height of 2.7 metres.

Importantly, the intent of the modifications to the Delegated Authority Manual has not changed from what Council approved on 16 June 2009.

Director Planning and Community Development

It is proposed to modify the Town Planning Delegations by amending the title of Director Planning and Community Development to Director Planning and Development to reflect the current position title.

Built Strata Applications

On 9 June 2009 the Western Australian Planning Commission (WAPC) delegated to local government the responsibility to approve built strata applications.

It is proposed to modify the Town Planning Delegations by adding the following clauses:

- 4(c) the local government's functions under section 25 of the Strata Titles Act 1985, as delegated by the Western Australian Planning Commission under Section 16 of the Planning and Development Act 2005 on 9 June 2009.
- 4(v) the Coordinator Planning Approvals.

Issues and options considered/Risk Management Considerations:

Applications and matters of significance are reported to Council, regardless of the empowerment provided by the delegated authority instrument.

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

The Model Scheme Text (adopted by WAPC) includes provision for the use of delegated authority in decision making.

Council's DPS2 includes clauses which provide for delegation to officers.

City of Joondalup District Planning Scheme No. 2

8.6 *Delegation of Development Control Powers and Powers and Duties in Relation to other planning function:*

8.6.1 *The Council may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or an employee of the City, the exercise of any of its powers or the discharge of any of its duties under the Scheme, under this power of delegation.*

8.6.2 *Sections 5.45 and 5.46 of the Local Government Act 1995 and the Regulations referred to in section 5.46 apply to the delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.*

Section 5.45(2) of the Local Government Act 1995 provides that:

“Nothing in this Division is to be read as preventing –

- (a) a local government from performing any of its functions by acting through a person other than the CEO; or
- (b) a CEO from performing any of his or her functions by acting through another person.”

Section 5.46(2) of the Local Government Act 1995 provides that:

“at least once every financial year, delegations made under this Division are to be reviewed by the delegator”

Strategic Plan

Key Focus Area: Leadership & Governance

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

Policy

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENTOutbuilding Approval

The proposed change in clause 2(a)(v) will allow outbuildings with a standard wall height of 2.7 metres to be determined by the Senior Planning Officers / Co-ordinator Planning Approvals. Currently a report is required to be prepared for the Manager/Director to determine Outbuildings with a wall height of 2.7m.

The current delegation only allows Senior Planning Officers and the Co-ordinator to determine outbuilding heights of up to 2.64 metres. However, as outbuildings are often pre-fabricated with standard wall heights of 2.4 metres, 2.7 metres, and 3.0 metres, it would improve processing time and overall efficiency to determine these at Senior Planning Officer /Co-ordinator level.

This minor change to the delegation was presented to the Council at its meeting held on 16 June 2009. However, while the report stated that the change in delegation related to Outbuildings, the relevant clause of the amended Delegated Authority Manual attached to the Council report, and the detail in the report, inadvertently referred to clause 2(a)(vi) rather than clause 2(a)(v)

Director Planning and Community Development

The position of Director Planning and Community Development was recently amended to Director Planning and Development. This change is to ensure that the Council's delegation reflects the current position title.

Built Strata Applications

Applications for built strata approval involve developments that have completed construction. These developments have therefore already obtained the Council's planning approval and received a building licence. Approval of the Built Strata is to ensure that the strata subdivision of the constructed building complies with the Council's approvals.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council, BY AN ABSOLUTE MAJORITY, AMENDS the Delegation of Authority titled 'Town Planning Delegations' forming Attachment 1 to this Report as outlined below:

- 1 changing clause 2(a)(v) and 2(a)(vi) of the Town Planning Delegations from 10% to 15% the extent of variation (Residential Design Codes) able to be approved by a Senior Planning Officer or Coordinator Planning Approval;**
- 2 amending the title of Director Planning and Community Development to Director Planning and Development to reflect the current position title;**
- 3 including the ability to determine built strata applications under the Subdivision section of the delegation and including the Coordinator Planning Approvals as an officer with authority on subdivision matters.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf061009.pdf](#)

BACKGROUND

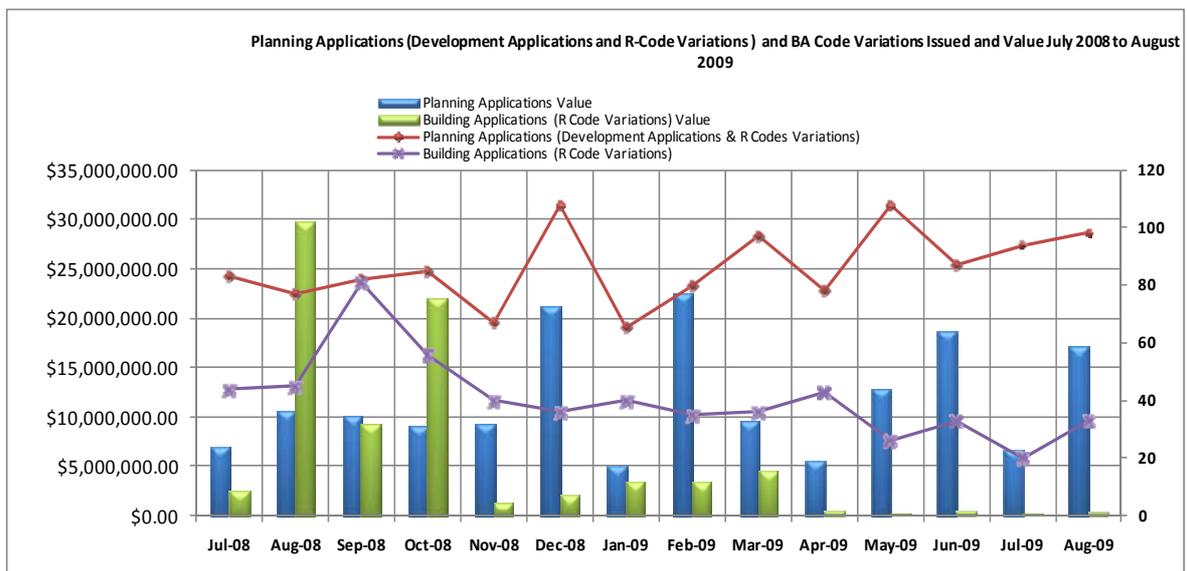
The District Planning Scheme No 2 requires that delegation be reviewed two yearly, unless a greater or lesser period is specified by Council. Council, at its meeting of 16 June 2009 considered and adopted the most recent Town Planning Delegation for the period to 16 June 2011.

DETAILS

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

Approvals Determined Under Delegated Authority – August 2009		
Type of Approval	Number	Value (\$)
Planning Applications (Development Applications & R-Codes Variations)	98	\$ 17,000,511
Building Applications (R-Codes Variations)	33	\$ 299,843
TOTAL	131	\$ 17,300,354

The number of development applications received during the period for August 2009 was 102. (This figure does not include any applications that may become the subject of an R-Code Variation as part of the Building Licence process).



Subdivision Approvals Processed Under Delegated Authority From 1 August to 31 August 2009		
Type of Approval	Number	Potential new Lots
Subdivision Applications	4	1
Strata Subdivision Applications	2	2

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

Legislation/Strategic Plan/Policy Implications

Legislation Clause 8.6 of the District Planning Scheme No 2 permits development control functions to be delegated to persons or Committees. All subdivision applications were assessed in accordance with relevant legislation and policies, and a recommendation made on the applications to the Western Australian Planning Commission.

Strategic Plan

Key Focus Area: The Built Environment

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

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

Policy

As above.

Risk Management considerations:

The delegation process includes detailed practices on reporting, checking and cross checking, supported by peer review in an effort to ensure decisions taken are lawful, proper and consistent.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

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

Of the 98 development applications determined during August 2009, consultation was undertaken for 23 of those applications. Applications for Residential Design Codes Variations determined as part of Building Applications are required to include comments from adjoining landowners. Where these comments are not provided, the application will become the subject of a planning application (R-Codes Variation). Of the six subdivision applications determined during August 2009, no applications were advertised for public comment, as the proposals complied with the relevant requirements

COMMENT

Large local governments utilise levels of delegated authority as a basic business requirement in relation to Town Planning functions. The process allows determination times to be reasonably well accepted and also facilitates consistent decision-making in rudimentary development control matters. The process also allows the Elected Members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

All proposals determined under delegated authority are assessed, checked, reported and crosschecked in accordance with relevant standards and codes.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the determinations made under Delegated Authority in relation to the:

- 1 development applications and R-Codes variations forming Attachments 1 and 2 to this Report during August 2009;**
- 2 subdivision applications forming Attachment 3 to this Report during August 2009.**

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf061009.pdf](#)

ITEM 3 RELEASE OF DISCUSSION PAPER ON DEVELOPMENT ASSESSMENT PANELS

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Clayton Higham Planning and Development (Acting)
FILE NUMBER:	09886
ATTACHMENTS:	Attachment 1 Submission – Development Assessment Panels

PURPOSE

The purpose of this report is to inform Council of a discussion paper released for public comment by the Western Australian Planning Commission regarding the establishment of Development Assessment Panels, and to seek endorsement of a submission on the proposal.

EXECUTIVE SUMMARY

The State Government, through the Department of Planning, released on 11 September 2009 a discussion paper for public comment, titled *Implementing Development Assessment Panels in Western Australia*.

Development Assessment Panels are stated as being part of the State Government's commitment to reform of the planning system. The Panels would replace the local government or the Western Australian Planning Commission, as appropriate, in determining development applications that meet a certain value and class of development. The Panel would consist of three (3) specialist members, appointed by the State Government, and 2 Elected Members from the relevant Council.

While development panels may have some merit in certain circumstances, it is not considered that the current proposals would provide any meaningful benefit to the planning process for the City of Joondalup. A draft submission has been prepared for Council consideration and endorsement.

BACKGROUND

In March 2009, the Department of Planning released the *Building a Better Planning System* paper, which sets out the broader planning agenda for improvement and reform of the planning system.

One of the suggested reform initiatives was the introduction of development assessment panels to determine significant development proposals, as a means to simplify planning approvals. The City of Joondalup provided the following comment in regard to that suggested reform:

Clear guidelines would need to be in place as to when DAPs would be used, and should also be used sparingly. Also, there may be a perception that DAPs are taking away the Council's right to determine applications.

The current discussion paper is seeking comments on the implementation of development assessment panels.

It is noted, however, that the form of the proposed development assessment panels appears to have changed since the suggestions contained within the *Building a Better Planning System* paper, as highlighted in the Comment section below.

DETAILS

Development Assessment Panels will have the power to determine development applications on behalf of the relevant current decision making authority. In Western Australia, the panels will make decisions on specified applications on behalf of local government, and the Western Australian Planning Commission.

The Minister for Planning will create the panels through publication of an Order in the Government Gazette. New *Planning and Development (Development Assessment Panels) Regulations 2010* will also be prepared.

Type of development to be determined by Development Assessment Panels

Applications for development approval valued at \$2 million or more (\$1 million or more in country areas), and that fall into one of the following categories, will be required to be determined by the Development Assessment Panel:

- All commercial, retail and office applications;
- All mixed use/centre applications (such as commercial, retail and residential);
- All industrial (including, but not limited to, light, service, extractive, general, noxious and rural industry) applications;
- All grouped dwelling or multiple dwelling applications of over 10 dwellings;
- Non-complying grouped dwelling or multiple dwelling applications of 10 or less dwellings;
- All aged and dependent persons dwelling applications;
- All infrastructure proposals;
- Applications requiring dual approval of the local government and the WAPC, under the Metropolitan Region Scheme;
- Strategic land use, transport and infrastructure projects;
- Public works of State/regional significance where not exempt from local planning approval requirements;
- All applications for hospitals, TAFEs, universities and non-government schools.

Development that will not be required to be determined by the panel include:

- Applications for approval of one or more single houses, complying and non-complying;
- Applications application for approval of not more than 10 complying grouped dwellings or multiple dwellings;
- Minor applications, such as carports, shade sails, outbuildings and sheds.

Where the approval of both the local government and the WAPC is usually required, the panel will be the only approval authority.

Panel Membership

The discussion paper states that it is anticipated that there will be a minimum of 15 development assessment panels in Western Australia. With the exception of the City of Perth which will have its own panel, all other local authorities will be grouped together into 14 joint development assessment panels (5 metro and 9 non-metro). The City of Joondalup would be included in the North West panel along with the Cities of Stirling and Wanneroo and the Town of Vincent.

It is proposed that the panel will consist of 5 members consisting of 3 specialist members (including the chair and deputy chair), and 2 Elected Members from the relevant local government.

The specialist members for the North West panel will remain constant, however the relevant 2 Elected Members will sit on the panel when considering applications from their local government.

The range of expertise required of the specialist members appointed to the panel may include (but not limited to) planning, architecture, urban design, engineering, landscape design, environment, law property development or management.

Training will be mandatory for panel members, and will cover aspects such as the planning framework, development assessment, roles and responsibilities and code of conduct issues. The Department of Planning will be responsible for developing the training course.

Panel Costs

Development application fees will continue to be levied in accordance with current fee regulations. The local government will continue to receive the fee, however, the local government will be required to pay the sitting fees of the specialist panel members, as well as secretariat and technical support.

Secretariat support for the panel will be provided by staff from the local government on a six monthly rotational basis. These duties will include preparing agendas, advertising meetings, organising meetings, taking minutes and publicising outcomes.

Operation of the Panel

Meetings of the panel will be conducted in a place open to the public such as a local government meeting room. People who made submissions during public comment periods will be permitted to make a presentation on that particular application.

Meetings will operate according to a set of Standing Orders to be developed by the Department of Planning. A quorum for the panel will be three members which comprise of a least the chair (or deputy chair), one local government member and one specialist member. Meeting frequency will be determined by the individual panel, however is likely to be monthly as a minimum.

The panel will be required to assess applications in accordance with the existing planning framework, that is, in accordance will all local government planning schemes and policies, and WAPC region schemes and policies.

Applicants will have the right to request panel decisions to be reviewed by the State Administrative Tribunal (SAT). The local government will be respondent for applications determined under the local planning scheme, while the WAPC will be the respondent for applications determined under the metropolitan region scheme.

Minister's Call in Power

The Minister for Planning will have the power to 'call in' any application that is prescribed in the Regulations (yet to be drafted) as a project of State or regional significance. The Minister will be the determining person in the event that an application is called in, and there will be no right of review on those decisions (ie no appeal rights).

The full discussion paper is provided for Elected Members in the Councillor's reading room or is available on the Department of Planning website (www.planning.wa.gov.au).

Issues and options considered:

Council has the option to:

- Endorse the submission on Implementing Development Assessment Panels in Western Australian and forward to the Department of Planning,
- Modify the submission, and forward to the Department of Planning
- Not forward a submission to the Department of Planning.

Legislation/Strategic Plan/Policy Implications

Legislation Development assessment panels are to be implemented by the State Government through amendments to the Planning and Development Act 2005 and new Planning and Development (Development Assessment Panels) Regulations 2010.

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

Key Focus Area: The built environment

Objective: To ensure high quality urban development within the City

Policy:

Not Applicable

Risk Management considerations:

The panel system will remove some of Council's ability to determine development applications. There is the risk that this will undermine the standing of local government in the view of the community given the existing powers are being removed.

There is a risk that applications that are currently determined under delegated authority and that will be required to be determined by a panel under the proposed system, will take longer to be determined than is currently the case.

There is also the risk that the panel will make decisions that the Council would not have made if it were the determining authority.

Financial/Budget Implications:

For development applications which are to be determined by the panel, the prescribed application fee will still be applicable. However, the implementation of the panel system will increase the cost of development assessment as local government will be required to meet its share of the cost of the operation of the panels.

Costs will include the panel members sitting fees, which are proposed to be \$400 for the specialist members and \$500 for the chairman. Elected members on the panel will not be entitled to a sitting fee.

A development application of \$2 million attracts a fee of \$6050. \$1,300 of this fee would be absorbed by sitting fees. Costs will also be incurred by local government in attending meetings and providing secretariat support, although these costs are difficult to quantify.

There is no proposed funding from the State Government to support the proposed panels.

Regional Significance:

Given that threshold for applications to be referred to and determined by the panel has been set low, the majority of applications dealt with by the panel will not be of regional significance.

Sustainability implications:

The discussion paper states that the Development Assessment Panel will support sustainability by:

“The involvement of both independent experts and elected members on a development assessment panel should ensure that the panel makes the most sustainable decision possible.”

It is considered, however, that the presence of a development assessment panel will make little difference to the making of sustainable decisions.

Consultation:

The Western Australian Planning Commission is undertaking a two month public consultation period, closing on 2 November 2009.

COMMENT

A draft submission on the discussion paper has been prepared and is included as Attachment 1.

The main points of contention addressed in the submission are:

- The panels will not address matters that are stated as being addressed, such as timeliness of approvals and the lack of technical skills of some local governments. The proposed panels are a ‘one size fits all’ approach whereby large metropolitan councils, which have specialist planning, urban design and engineering skills, are treated the same as small council’s that may need assistance.
- The panel will remove local government decision making roles for larger applications, and is unlikely to improve the quality of decisions made, or their timeliness.

- The proposed Development Assessment Panel model is markedly different from that suggested in the *Building a Better Planning System* paper, whereby panels were suggested for major applications, and where local technical capacity was lacking. The discussion paper does not outline any reason for the change in intent of the panels, and importantly does not present any evidence to support the need for development assessment panels.
- The class and value of development proposed to be determined by assessment panels is considered excessively low.
- The discussion paper states that the assessment panels will improve transparency in decision making. It is considered that this view demonstrates a lack of understanding of the workings of local government.
- The description of how the Minister's call-in and determination powers will be used lacks substance, and it is a concern that there is no right of independent review by an applicant against a refusal by the Minister.
- There is a concern regarding the working relationship between the assessment panel and officers representing the local government.

Impact on Council's decision making ability

In effect, the panel will be an additional administrative system, and will remove Council's decision making role for development applications \$2M and over where they fall into the categories described in the Detail section above.

An analysis of development applications determined by the City of Joondalup over the last three years is shown in the table below. It illustrates that over this 3 year period that 63 applications were received that were valued at \$2m or more. It is noted that five single dwellings were approved that had a value over \$2m. Given these are exempt from referral to the assessment panel, these have been excluded from the below statistics.

Of the 58 applications:

- 34 were determined by Council;
- 24 were determined under delegated authority;

Year	Total DA's determined	No of DA's \$2m and over	Assumed average no of DA'S per month to joint DAP	Total Value of proposed DAP \$	Total Value remaining \$
2006/07	1,403	18	1.5	74,438,071	340,466,546
2007/08	1,169	18	1.5	530,360,826	669,534,576
2008/09	1,162	22	2	232,821,546	443,703,900

The type of applications received varied and included additions to private schools, car parks, grouped and multiple dwelling developments, and mixed use developments. Under the panel system, the 58 applications would be required to be referred to the panel for determination including the 24 applications determined under delegated authority.

It is noted that development assessment panels will determine developments that require planning approval. Therefore, the panel would not determine local government works and buildings that would be considered as public work on public land.

Conclusion

The implementation of a panel system will be a fundamental shift in the way larger development applications are determined, with that determination being taken away from local government and Councils. The evidence that this will improve the planning system, the quality of decisions, or their timeliness, is severely lacking.

It may be possible to demonstrate that panels would be of benefit in certain circumstances, for example, to determine developments of genuine state or regional significance, or where a local government is not meeting appropriate benchmarks. However, as proposed, the panel system cannot be supported.

It is recommended that Council not support the implementation of development assessment panels in the form currently proposed, and endorse the submission presented in Attachment 1.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

1 ADVISES the Department of Planning that:

- (a) The lack of detailed procedural arrangements intended to be outlined in the proposed Planning and Development (Development and Assessment Panels) Regulations 2010 limits to some extent a considered view being determined,**
- (b) Based on the information released;**
 - (i) The introduction of Development Assessment Panels in the form proposed is not supported as it is considered that the panels will provide little or no benefit to this local government, the City of Joondalup community or the development industry, as it is considered that they will not increase transparency of decision making beyond what is already provided by local government, and on the whole will not improve the timeliness or quality of decisions;**
 - (ii) Further consideration on the funding of Development Assessment Panels will need to be undertaken, as their implementation as proposed will unfairly place additional funding and resourcing pressure on to local government;**
- (c) If Panels are to be introduced for larger Local Governments such as the City of Joondalup, the benchmark value should be \$50m;**

- 2** **ENDORSES** the submission from the City of Joondalup on the Development Assessment Panel discussion document, as outlined in Attachment 1 to this Report and **FORWARDS** the submission to the Department of Planning.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf061009.pdf](#)

ITEM 4 EXECUTION OF DOCUMENTS

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Garry Hunt Office of the CEO
FILE NUMBER:	15876
ATTACHMENTS:	Nil.

PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 4 August 2009 to 1 September 2009.

EXECUTIVE SUMMARY

The City of Joondalup enters various agreements by affixing its Common Seal. The Local Government Act 1995 states that the City is a body corporate with perpetual succession and a common seal. Those documents that are to be executed by affixing the Common Seal or signed by the Mayor and the CEO are reported to the Council for information on a regular basis.

BACKGROUND

Nil.

DETAILS

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

Document:	Amendment No 43, District Planning Scheme No 2
Parties:	City of Joondalup and Western Australian Planning Commission
Description:	Amendment No 43 to District Planning Scheme No 2 to remove all reference to Home Business Category 3 from the Scheme text as per resolution of Council at its meeting held 21 July 2009
Date:	04.08.09
Signed/Sealed:	Sealed

Document:	Withdrawal of Caveat
Parties:	City of Joondalup and Butte Holdings Pty Ltd and Rockingham Park Pty Ltd
Description:	Withdrawal of Caveat to facilitate the creation of new titles (SU128759) which will fulfil the requirements of the Deed between parties. The Deed protects the City's interest in a portion of the site that abuts Yellagonga Regional Park and is zoned for Parks and Recreation. The Deed requires that the position of the site below 30m Australian Height Datum be transferred to the Crown free of cost in lieu of onsite Public Open space. As part of subdivision 128759 this land has been surrendered for the purpose of conservation and environment protection.
Date:	04.08.09
Signed/Sealed:	Sealed

Document:	Funding Agreement
Parties:	City of Joondalup and Minister for Transport
Description:	Recreational Boating Facilities Scheme – Round 14 – Funding Agreement for Ocean Reef Harbour safety ladders.
Date:	11.08.09
Signed/Sealed:	Sealed

Document:	Section 70A Execution
Parties:	City of Joondalup and Fatima Martins
Description:	To restrict occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on land at 24 (Lot 660) Tasman Road, Beldon
Date:	25.08.09
Signed/Sealed:	Sealed

Document:	Section 70 A Execution
Parties:	City of Joondalup and Christine P Golder
Description:	Lot 296 (54) Clontarf Street, Sorrento – to restrict occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land.
Date:	01.09.09
Signed/Sealed:	Sealed

Issues and options considered:

Not Applicable.

Legislation/Strategic Plan/Policy Implications

Legislation Sub-sections (2) and (3) of section 2.5 of the Local Government Act 1995 states:

- (2) The local government is a body corporate with perpetual succession and a common seal.
- (3) The local government has the legal capacity of a natural person.

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

Policy Nil.

Risk Management considerations:

Nil.

Financial/Budget Implications:

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

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the schedule of documents covering the period 4 August 2009 to 1 September 2009 executed by means of affixing the common seal.

ITEM 5 MINUTES OF EXTERNAL COMMITTEE**WARD:** All**RESPONSIBLE DIRECTOR:** Mr Jamie Parry
Governance and Strategy**FILE NUMBER:** 03149**ATTACHMENTS:** Attachment 1 Minutes of Meeting of the Mindarie Regional Council held on 3 September 2009.*(Please Note: These minutes are only available electronically)*

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 3 September 2009.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the minutes of the meeting of the Mindarie Regional Council held on 3 September 2009 forming Attachment 1 to this Report.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf061009.pdf](#)

ITEM 6 2008/2009 ANNUAL REPORT

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Governance and Strategy
FILE NUMBER:	82623 42503
ATTACHMENTS:	Attachment 1 2008/2009 Annual Report

PURPOSE

For the Council to:

- adopt the Annual Report for the 2008/2009 financial year;
- give consideration to the date for the Annual General Meeting of Electors.

EXECUTIVE SUMMARY

In accordance with Section 5.53 of the Local Government Act 1995, the 2008/2009 Annual Report has been prepared, summarising the year's highlights and achievements, as well as including specific statutory requirements.

The City's auditors have completed the audit of Council's financial statements for the 2008/2009 financial year. The abridged Financial Statements will form part of the 2008/2009 Annual Report. The Annual Report and the Financial Report will form an integral part of Council's report to the electors at the Annual General Meeting.

Section 5.27 of the Local Government Act 1995 requires that the Annual General Meeting of Electors is to be held on a day selected by the local government, but not more than 56 days after the report is accepted by the local government.

It is suggested that the most appropriate date for holding the Annual General Meeting of Electors is 24 November 2009.

BACKGROUND

The Local Government Act 1995 requires that every local government prepares an Annual Report and holds an Annual General Meeting (AGM) of Electors. Both the Annual Report and the Financial Report reflect on the City's achievements during 2008/2009 and focus on the many highlights of a busy year.

At its meeting held on 16 October 2007 (Item CJ206-10/07 refers), Council resolved to:

“AGREE to hold all future Annual General Meeting of Electors as soon as practical following the adoption of the Annual Report, but in a year where an ordinary election is held, not before the first ordinary meeting of the newly elected Council.”

DETAILS

Issues and options considered:

The Annual Report for the City of Joondalup and the holding of the AGM of Electors are statutory requirements of the Local Government Act 1995. The issue to consider is the date to hold the AGM of Electors, being aware of the decision of the Council on 16 October 2007, and the limitations in being able to finalise the necessary documentation that is required to be available.

Legislation/Strategic Plan/Policy Implications

Legislation

Local Government (Financial Management) Regulation 51(2) states:

“A copy of the annual financial report of a local government is to be submitted to the Executive Director within 30 days of the receipt by the CEO of the auditor’s report on that financial report.”

Section 5.53 of the Local Government Act 1995 states:

5.53 Annual Reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
 - (a) *a report from the mayor or president;*
 - (b) *a report from the CEO;*
 - (c) *and d. deleted;*
 - (e) *an overview of the plan for the future of the district made in accordance with Section 5.56 including major initiatives that are proposed to commence or to continue in the next financial year;*
 - (f) *the financial report for the financial year;*
 - (g) *such information as may be prescribed in relation to the payments made to employees;*
 - (h) *the auditor’s report for the financial year;*
 - (ha) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993, and;*
 - (i) *such other information as may be prescribed.*

Section 5.54 of the Local Government Act 1995 states:

5.54 Acceptance of Annual Reports

- (1) *Subject to subsection (2) the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*
** absolute majority required.*
- (2) *If the auditor’s report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor’s report becomes available.*

Section 5.55 of the Local Government Act 1995 states:

5.55 Notice of Annual Reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Section 5.27 states:

5.27 Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

The Local Government (Administration) Regulations 1996 at Clause 15 details the matters for discussion at the Annual General Meeting. They are the contents of the Annual Report for the previous financial year and then any other general business. It is suggested therefore, that the Agenda format for the Annual Meeting of Electors be:

- Attendances and Apologies
- Contents of the 2008/2009 Annual Report
- General Business

Strategic Plan

Key Focus Area: Leadership and Governance

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

Policy

Not Applicable.

Risk Management considerations:

The risk associated with not adopting the 2008/2009 Annual Report and failure to set a date for the 2009 Annual General Meeting of Electors will result in non-compliance with the requirements of the Local Government Act 1995.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

There is no legislative requirement to consult on the Annual Report, but the Local Government Act 1995 requires an Annual General Meeting of Electors to be held and the Annual Report to be made available publicly.

COMMENT

The audited financial statements for 2008/2009 will be submitted to an Audit Committee meeting to be held prior to the Council meeting.

In order for the City to meet its legislative requirements, it is recommended that the Council adopts the Annual Report for 2008/2009 and convenes the 2009 Annual General Meeting of Electors for 24 November 2009. This date satisfies the 16 October 2007 decision of the Council.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION**That Council:**

- 1 BY AN ABSOLUTE MAJORITY, ACCEPTS the Annual Financial Report of the City of Joondalup for the financial year 2008/09 forming Attachment 1 to this Report;**
- 2 AGREES to convene the 2009 Annual General Meeting of Electors on Tuesday 24 November 2009, commencing at 7pm in the Council Chambers.**

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf061009.pdf](#)

ITEM 7 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 AUGUST 2009

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	07882
ATTACHMENTS:	Attachment A Financial Activity Statement for the period 31 August 2009

PURPOSE

The August 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 refers). The figures in this report are compared to the Adopted Budget figures.

The August 2009 Financial Activity Statement report shows an overall adverse variance from operations and capital of \$(496K) when compared to the 2009-2010 Adopted Budget.

This variance can be summarised as follows:

- The **Operating** surplus is \$(2,246K) below budget made up of lower revenue of \$(1,633K) and higher operating expenditure of \$(613K).

Operating revenue was below budget for Rates \$(604K) due to the timing of Administration Fees and Interest on Instalments were processed in September 2009, Fees and Charges \$(495K), which includes \$(521K) for Refuse Charges predominantly due to the post budget reduction of \$10 per service adopted at the Special Meeting of Council on 7 July 2009. Lower Grants and Subsidies \$(698K) resulted from the advance payment of the 2009/10 general purpose State Local Government Assistance Grant being received in the last financial year. The shortfalls are partially offset by revenue being above budget for Investment Earnings \$150K and Contribution Reimbursements and Donations \$12K.

The operating expenditure was above budget for Employee Costs \$(449K), predominantly due to adjustments to the provision for Employee Entitlements, Depreciation \$(675K) following the revaluation of the City's buildings in 2008/09 and higher Insurance Expenses \$(53K). Operating expenditure is below budget for Materials and Contracts by \$365K and Utilities \$196K, reflecting mainly timing differences.

- The **Capital Revenue and Expenditure** deficit is \$1,077K below budget made up of a shortfall of revenue of \$(4,415K) and under expenditure of \$5,492K.

The revenue deficit variance is mainly due to budgeted Grant funding for the Seacrest Community Sport Facility \$(1,305K) and the State Local Roads Grant \$(490K) being received early in the previous financial year. The balance comprises grant recoups

which are subject to progress of works compared to the phasing in the budget and include \$(1,500K) for the Connolly Drive duplication and \$(664K) for the Moore Drive / Connolly Drive works.

Capital expenditure on projects and works was lower than expected in the budget by \$5,492K. The major variances occurred on Streetscape Enhancements \$2,179K including West Coast Drive where work has commenced and Connolly Drive - Burns Beach Road to McNaughton Crescent \$1,360K.

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 August 2009 forming Attachment A to this Report.

BACKGROUND

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

DETAILS

Issues and options considered:

The Financial Activity Statement for the period ended 31 August 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: 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 the Council.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

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

Consultation:

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

COMMENT

All expenditures included in the Financial Activity Statement are incurred in accordance with the 2009-10 Annual Budget or have been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 31 August 2009 forming Attachment A to this Report.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf061009.pdf](#)

ITEM 8 LIST OF PAYMENTS MADE DURING THE MONTH OF AUGUST 2009

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 09882

ATTACHMENTS: Attachment A CEO's Delegated Municipal Payment List for the month of August 2009
Attachment B CEO's Delegated Trust Payment List for the month of August 2009
Attachment C Municipal and Trust Fund Vouchers for the month of August 2009

PURPOSE

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

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of August 2009 totalling \$10,535,309.73.

It is recommended that Council NOTES the CEO's list of accounts for August 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 \$10,535,309.73.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of August 2009. Lists detailing the payments made are appended as Attachments A and B. The vouchers for the month are appended as Attachment C.

FUNDS	DETAILS	AMOUNT
Municipal Account	Cheques 84782 - 85006 and EF 7688 - 8150 Net of cancelled payments	\$7,559,738.94
	Vouchers 570A – 575A, 577A	\$2,904,836.01
Trust Account	Cheques 202928 - 202975 Net of cancelled payments	\$70,734.78
Total		\$10,535,309.73

Issues and options considered:

Not Applicable.

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

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

Strategic Plan

Key Focus Area: Leadership and Governance

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

Policy

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

Risk Management considerations:

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

Financial/Budget Implications:

All expenditure from the Municipal Fund was included in the 2009/10 Annual Budget as adopted by Council at its meeting of 17 June 09 or approved in advance by Council.

Regional Significance:

Not Applicable.

Sustainability Implications:

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

Consultation:

Not Applicable.

COMMENT

All Municipal Fund expenditure included in the list of payments is in accordance with the 2009/10 Annual Budget as adopted by Council at its meeting of 17 June 2009 or has been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the CEO's list of accounts for August 2009 paid under delegated authority in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A, B and C to this Report, totalling \$10,535,309.73.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf061009.pdf](#)

ITEM 9 MINUTES OF THE COMMUNITY SAFETY AND CRIME PREVENTION ADVISORY COMMITTEE MEETING HELD ON 3 SEPTEMBER 2009

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	78623
ATTACHMENTS:	Attachment 1 Minutes of the Community Safety and Crime Prevention Advisory Committee Meeting held on 3 September 2009

PURPOSE

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

EXECUTIVE SUMMARY

A meeting of the Community Safety and Crime Prevention Advisory Committee was held on 3 September 2009.

The following item of business was considered by the Committee:

Item 1 Committee Comment on the Draft Community Safety and Crime Prevention Plan.

BACKGROUND

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

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

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

DETAILS

Issues and options considered:

The Motion carried at the Community Safety and Crime Prevention Advisory Committee meeting held on 3 September 2009 is shown below, together with officer's comment.

Item 1 - Committee comment on the Draft Community Safety and Crime Prevention Plan

“That the Community Safety and Crime Prevention Advisory Committee:

- 1 NOTES the feedback made by individual Committee Members and the responses;*
- 2 RECOMMENDS to Council that the draft Community Safety and Crime Prevention Plan, as amended (Attachment 1 to this Report) be approved for release for public comment;*
- 3 REQUESTS that relevant feedback received during the public comment period that falls outside of the specific jurisdiction of the City of Joondalup be captured and reported separately to the Western Australian Local Government Association, through the North Metropolitan Zone.”*

Officer’s Comment

The draft Plan captures the programs operating currently in the City. Some of the programs are run by the City and some are run by other organisations or groups. The intention is for further programs to be identified and evaluated and if appropriate, initiated to operate in the City to augment the overall approach to community safety and crime prevention. Community consultation will assist in identifying possible new programs.

The Members of the Advisory Committee had previously reviewed the draft Community Safety and Crime Prevention Plan (the draft Plan) and provided individual comment or suggestions. The comments and suggestions were consolidated and incorporated into the draft Plan for the Advisory Committee to collectively consider and make further comment upon. The Committee has endorsed the draft Plan with some further changes to make it simpler to understand, a change to the statistics within the tables to improve the interpretation of comparisons between suburbs and a correction to the references to the “Give 20” program. The suggestions and correction have been incorporated into the draft Plan attached to this report.

Legislation/Strategic Plan/Policy Implications

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

Strategic Plan Not Applicable.

Policy Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

It is recommended that the draft plan be published on the City's website and that a representative sample of the resident population be made aware of this opportunity to comment. The Policy 1-2 "Public Participation" and City Protocol "Community Consultation" provides the framework under which community consultation should be undertaken

COMMENT

The Advisory Committee recommends to the Council that the draft Plan should be put out for public comment in its current form and that at the end of the comment period a report be prepared for the Council to consider which summarises the comments received. It also recommends that any comments that relate to activities, programs, strategies, organisations and the like that are outside of the specific jurisdiction of the City be referred to the Western Australian Local Government Association for their consideration through the North Zone.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 NOTES the unconfirmed minutes of the Community Safety and Crime Prevention Advisory Committee meeting held on 3 September 2009 forming Attachment 1 to this Report;**
- 2 AGREES that the Draft Community Safety and Crime Prevention Plan be advertised for public comment and that a further report be presented to the Council following closure of the comment period.**

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf061009.pdf](#)

ITEM 10 TENDER 012/09 - PROVISION OF DRILLING, DEVELOPMENT AND TESTING OF BORES

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	03627
ATTACHMENTS:	Attachment 1 Summary of Tender Submissions

PURPOSE

This report is to seek the approval of Council to accept the Tender submitted by Ardmay Pty Ltd T/as RBM Drilling (Conforming Offer) for the Provision of Drilling, Development and Testing of Bores (Tender 012/09).

EXECUTIVE SUMMARY

This requirement is for the drilling of new bores and replacement of existing bores at the end of their operational life.

Tenders were advertised on 8 August 2009 through state wide public notice for the Provision of Drilling, Development and Testing of Bores. Tenders closed on 25 August 2009. Six (6) Submissions were received from:

- Miltide Pty Ltd T/as Rond Drilling;
- Western Irrigation Pty Ltd;
- Monclauz Pty Ltd T/as Water Pump Services & Aqua Attack Drilling;
- Diverse Resources Group Pty Ltd;
- Ardmay Pty Ltd T/as RBM Drilling (Conforming Offer); and
- Ardmay Pty Ltd T/as RBM Drilling (Alternative Offer).

The conforming offer from Ardmay Pty Ltd T/as RBM Drilling represents best value to the City. The evaluation panel has confidence in their ability to complete the works in the required timeframe. They have sufficient resources and the appropriate experience to complete the City's requirements.

It is recommended that Council ACCEPTS the Tender submitted by Ardmay Pty Ltd T/as RBM Drilling (Conforming Offer) for the Provision of Drilling, Development and Testing of Bores for a three (3) year period in accordance with the statement of requirements as specified in Tender 012/09 at the submitted schedule of rates.

BACKGROUND

The City has a requirement for the drilling, casing, screening, developing and test pumping of new bores and replacement of existing bores at various locations within the City. The City has numerous bores nearing the end of their operational life which will require the drilling of new bores to ensure future efficient water usage. The City also has the need to drill new bores to supplement the existing bore field or service new reserves, eg Santa Ana Park. These require approval by the Department of Water and must comply with the City's water allocation.

Drilling shall be undertaken by both mud rotary and cable tool drilling methods. The appropriate method of drilling will be determined on a bore by bore basis at the discretion of the City. Bores are an essential and effective component in the irrigation of the City's parks and open spaces.

The City had a single Contract for the provision of drilling, development and testing of bores which expired in March 2009.

DETAILS

Tenders were advertised on 8 August 2009 through state wide public notice for the Provision of Drilling, Development and Testing of Bores. Tenders closed on 25 August 2009.

Evaluation Criteria

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

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

Evaluation Panel

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

Tender Submissions

Six (6) Submissions were received from:

- Miltide Pty Ltd T/as Rond Drilling;
- Western Irrigation Pty Ltd;
- Monclauz Pty Ltd T/as Water Pump Services & Aqua Attack Drilling;
- Diverse Resources Group Pty Ltd;
- Ardmay Pty Ltd T/as RBM Drilling (Conforming Offer); and
- Ardmay Pty Ltd T/as RBM Drilling (Alternative Offer).

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

To provide an estimated expenditure over a 12month period the bores listed in the capital works and maintenance programmes were identified and used in the calculation. This included four mud rotary bores and one cable tool bore. The following table provides a summary of the comparison of the estimated expenditure of each Tenderer. Four bores per year was used in the calculation of years' two and three of the contract, with two mud rotary and two cable tool bores used in the calculation. Any future mix of requirements will be based on demand and subject to change in accordance with the operational needs of the City. The costs for years' two and three were calculated on a CPI increase of 3.5% compounded over the two year period.

Drilling can be undertaken by mud rotary and cable tool methods. The selection of drilling method is determined by the ground conditions where the bore is to be located. The City has various ground conditions within its boundaries including coastal limestone. Cable tool drilling is better suited to limestone conditions where fissures are commonly encountered, as a solid casing is inserted in the bore during the drilling process and muds are not used. If mud rotary drilling is used in these conditions, the bore has a higher possibility of failing due to the evacuation of the muds into fissures. The muds are used to hold the bore open during the drilling process.

The City will undertake the drilling of bores by both mud rotary and cable tool methods. The appropriate method of drilling will be determined by the City on a bore by bore basis. One bore in the first year has been identified to be drilled by cable tool method. Monclauz Pty Ltd t/a Water Pump Services & Aqua Attack Drilling and Diverse Resources Group Pty Ltd did not offer rates for cable tool drilling. These organisations were assessed on mud rotary drilling only.

Tenderer	Year 1		Year 2		Year 3		Total Estimated Cost
	Mud Rotary Drilling	Cable Tool Drilling	Mud Rotary Drilling	Cable Tool Drilling	Mud Rotary Drilling	Cable Tool Drilling	
Ardmay Pty Ltd T/as RBM Drilling (Conforming)	\$75,530	\$30,335	\$54,576	\$62,793	\$56,486	\$64,991	\$344,711
Ardmay Pty Ltd T/as RBM Drilling (Alternative)	\$76,010	\$30,335	\$54,451	\$62,793	\$56,357	\$64,991	\$344,938
Western Irrigation Pty Ltd	\$96,200	\$44,200	\$65,081	\$91,494	\$67,359	\$94,696	\$459,030
Miltide Pty Ltd T/as Rond Drilling	\$71,864	\$38,755	\$46,093	\$80,223	\$47,706	\$83,031	\$367,671
Diverse Resources Group Pty Ltd	\$135,898	Not submitted	\$122,503	Not submitted	\$126,790	Not submitted	\$385,191*
Monclauz Pty Ltd T/as Water Pump Services & Aqua Attack Drilling	\$76,774	Not submitted	\$84,746	Not submitted	\$87,712	Not submitted	\$249,232*

* Cost for mud rotary drilling method only.

Evaluation Summary

Tenderer	Evaluation Score	Qualitative Rank	Price		
			Mud Rotary Drilling	Cable Tool Drilling	Total
Ardmay Pty Ltd T/as RBM Drilling (Conforming Offer)	82.4%	1	\$186,591	\$158,120	\$344,711
Ardmay Pty Ltd T/as RBM Drilling (Alternative Offer)	82.4%	1	\$188,818	\$158,120	\$344,938
Western Irrigation Pty Ltd	75.9%	2	\$228,639	\$230,390	\$459,030
Miltide Pty Ltd T/as Rond Drilling	73.9%	3	\$165,663	\$202,008	\$367,671
Diverse Resources Group Pty Ltd	71.2%	4	\$385,191	Not submitted	\$385,191
Monclauz Pty Ltd T/as Water Pump Services & Aqua Attack Drilling	62.7%	5	\$249,232	Not submitted	\$249,232

The submissions from Diverse Resources Group Pty Ltd and Monclauz Pty Ltd T/as Water Pump Services & Aqua Attack Drilling achieved scores of 71.2% and 62.7% respectively and did not offer rates for cable tool drilling. The City has a requirement for both methods of drilling.

Miltide Pty Ltd T/as Rond Drilling was ranked third in both the qualitative assessment and price. They demonstrated experience in completing similar works for other local governments, the capacity to meet the City's timeframes and a good understanding of the requirements. The evaluation panel is confident they could undertake the works; however they were \$22,960 (6.6%) more expensive than the recommended Tenderer.

Western Irrigation Pty Ltd was ranked second in the qualitative assessment and fourth in price. They are a highly experienced and well resourced company that demonstrated a good understanding of the requirements, however they were \$114,319 (33.1%) more expensive than the recommended Tenderer.

Ardmay Pty Ltd T/as RBM Drilling submitted a conforming offer and an alternative offer. Both were ranked equal first in qualitative score and second and third respectively in price. The alternative offer comprised of a different breakdown of rates associated with mud rotary drilling. As the alternative offer was ranked second in price to their conforming offer, it was not considered to provide any additional benefit to the City. RBM Drilling demonstrated a thorough understanding of the City's requirements and experience in completing similar work for three other local governments. Their drilling personnel have extensive industry experience and the panel is confident in their ability to complete the works in the required timeframes.

Issues and options considered:

The drilling, development and testing of bores is required for the supply of water to the City's parks and open spaces. The City does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

Legislation/Strategic Plan/Policy Implications

Legislation A state wide public tender was advertised, opened and evaluated in accordance with 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: The natural environment.

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

Policy

Not Applicable.

Risk Management considerations:

Should the contract not proceed, the risk to the City will be high. The City requires bores for the supply of water to its parks and open spaces. In the event of a bore collapse or requirement for a new bore, the City does not have the required specialist equipment or licensed personnel to undertake the work.

It is considered that the Contract will represent a low risk to the City as the recommended Tenderer has personnel with significant industry experience, a good understanding of the requirements and the capacity to provide the services to the City in a timely manner.

Financial/Budget Implications:

Current Year Budget Allocation for this Contract 2009/2010	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
\$130,000*	\$105,865	\$105,865	\$344,711

* \$60,000 from capital projects W1254, W1255 and W1256 and the remaining \$70,000 from the parks maintenance budget.

The projected expenditure on these Services is subject to change and dependent on the quantity and type of requirements throughout the Contract period. Based on historical and known requirements, it is estimated that the expenditure over the Contract period will be in the order of \$345,000.

Regional Significance:

Not Applicable.

Sustainability Implications:

Water bores are an integral component in the efficient management of the City's water resources. The City has 192 existing bores throughout its irrigated parks and public open spaces. Bores to be drilled under this contract include replacement of existing bores which are nearing the end of their effective operational life and new bores as approved by the Department of Water and compliant with the City's water licences.

The City's groundwater extraction has now been limited to 7,500kL/hectare/year by the State Government. The City currently services 241 reticulated parks from 192 bores which is an inefficient method of transporting water due to the need for extensive pipe systems between parks. The drilling of new bores will provide the City with a more efficient and effective means of water usage and assist in compliance with water consumption statutory requirements and the City's commitment to the continued enhancement of its open spaces for the community.

Consultation:

Not Applicable.

COMMENT

The evaluation panel carried out the evaluation of the Submissions in accordance with the Qualitative Criteria in a fair and equitable manner and concluded that the Offer representing best value to the City is that as submitted by Ardmay Pty Ltd T/as RBM Drilling (Conforming Offer).

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council ACCEPTS the Tender submitted by Ardmay Pty Ltd T/as RBM Drilling (Conforming Offer) for the Provision of Drilling, Development and Testing of Bores for a three (3) year period in accordance with the statement of requirements as specified in Tender 012/09 at the submitted schedule of rates.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf061009.pdf](#)

ITEM 11 MINUTES OF THE CONSERVATION ADVISORY COMMITTEE MEETING HELD ON 26 AUGUST 2009

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Martyn Glover Infrastructure Services
FILE NUMBER:	12168 05514
ATTACHMENTS:	Attachment 1 Minutes of the Conservation Advisory Committee held on 26 August 2009

PURPOSE

To submit the unconfirmed minutes of the 26 August 2009 Conservation Advisory Committee meeting to Council for noting; and to give consideration to the recommendations contained therein.

EXECUTIVE SUMMARY

A meeting of the Conservation Advisory Committee was held on 26 August 2009.

The following item of business was considered by the Committee:

Item 1 Conservation Advisory Committee Work Plan 2009-2010 Committee Update

It is recommended that Council:

- 1 NOTES the unconfirmed minutes of the Conservation Advisory Committee held on 26 August 2009 forming Attachment 1 of this Report;*
- 2 REQUESTS the Chief Executive Officer to review and update the City's Natural Areas Friends' Group Manual, in consultation with established Friends' Groups within the City, and that the updated version be brought back to the Conservation Advisory Committee for comment prior to its release.*

BACKGROUND

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

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

DETAILS

Issues and options considered:

The Motions carried at the Conservation Advisory Committee meeting held on 26 August 2009 are shown below, together with officer's comments.

Item 1 Conservation Advisory Committee Work Plan 2009-2010 Committee Update.

The following motion was carried at the Committee meeting:

“That the Conservation Advisory Committee NOTES the Report titled Conservation Advisory Committee (CAC) Work Plan 2009-2010 Committee Update.”

Officer’s comment

Motion supported by Officers.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**NOTICE OF MOTION - CR MIKE NORMAN - NATURAL AREAS FRIENDS GROUP MANUAL – [05514]**

The following motion was carried at the Committee meeting:

“That the Conservation Advisory Committee REQUESTS that Council requests the Chief Executive Officer to order a review and update of the City’s Natural Areas Friends’ Group Manual in consultation with established Friends’ Groups within City of Joondalup and that the updated version be brought back to the Conservation Advisory Committee for comment prior to its release.”

Officer’s comment

This motion is supported by Officers. The City’s Natural Areas Friends’ Group Manual was produced in 2005. It is considered to be an appropriate time to review and update the document.

Legislation

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

Strategic Plan

Key Focus Area:

Caring for the Environment

Outcomes

The City is environmentally responsible in its activities

Objective:

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

Strategies

- 2.1.1 Maintain and protect natural assets to retain biodiversity.
- 2.1.2 Further develop environmentally effective and energy-efficient programs.
- 2.1.3 Develop a coordinated environmental framework, including community education.

Policy

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Environmental

Conservation Advisory Committee objective – “To make recommendations to Council for the Conservation of the City’s natural biodiversity”.

Social

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

Economic

Not Applicable.

Consultation:

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

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

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 NOTES the unconfirmed minutes of the Conservation Advisory Committee held on 26 August 2009 forming Attachment 1 of this Report;**
- 2 REQUESTS the Chief Executive Officer to review and update the City's Natural Areas Friends' Group Manual, in consultation with established Friends Groups within the City, and that the updated version be brought back to the Conservation Advisory Committee for comment prior to its release.**

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf061009.pdf](#)

ITEM 12 PARKING PROHIBITION REVIEW - GRIFFELL WAY, DUNCRAIG

WARD: South

RESPONSIBLE DIRECTOR: Mr Martyn Glover
Infrastructure Services

FILE NUMBER: 05640

ATTACHMENTS: Attachment 1 Aerial Photo of site location
Attachment 2 Proposed Parking Restrictions – Griffell Way,
Duncraig

PURPOSE

To amend the City of Joondalup Parking Scheme along Griffell Way, Duncraig.

EXECUTIVE SUMMARY

Council at its Meeting on 18 August 2009 resolved (C71-08/09 refers):

“That the Petition requesting a change in parking restrictions, Monday to Friday outside homes of No. 2, 4, 6 and 8 Griffell Way, Duncraig be RECEIVED, referred to the Chief Executive Officer and subsequent reports presented to Council for information.”

The City is seeking to amend the current approved parking restriction in Griffell Way, Duncraig, to assist in improving the amenity of the street and reduce the opportunity for illegal parking at this location.

It is recommended that Council APPROVES the installation of ‘NO STOPPING 8am-9am & 2.30pm-4pm CARRIAGEWAY OR VERGE Mon-Fri’ in Griffell Way, Duncraig, as shown in Attachment 2 to this Report.

BACKGROUND

The City received an 18-signature petition requesting that the current parking restriction on the northern side of Griffell Way, Duncraig be amended from a “No Parking” restriction to a “No Stopping” restriction, with a yellow line painted on the road kerbside. The concerns raised by the community were predominantly as a result of parents parking contrary to the current parking restriction during school hours.

Council at its Meeting on 18 August 2009 resolved:

“That the Petition requesting a change in parking restrictions, Monday to Friday outside homes of No. 2, 4, 6 and 8 Griffell Way, Duncraig be RECEIVED, referred to the Chief Executive Officer and subsequent reports presented to Council for information.”

DETAILS

In response to the petition from residents of Griffell Way, Duncraig, a site investigation confirmed that the existing 'No Parking' area was ineffective in deterring illegal parking, and difficult to enforce due to the Road Traffic Code 2000 allowing for temporary parking within this type of restriction.

The site investigation revealed that adequate parking is available adjacent to the school along the non-residential sides of Griffell Way and Lionel Court, Duncraig. These alternative parking options are sufficient to cater for the volume of traffic and are supported by the City as the most appropriate locations for the safe transition of students and parents attending Poynter Primary School.

Issues and options considered:

As part of the overall assessment of the parking provision and traffic concerns, the following options were considered:

- Retain the current parking prohibition;
- Amend the 'no parking' to 'no stopping';
- Same as above and extend 'no stopping' to Lionel Court.

Legislation

The City of Joondalup Parking Local Law 1998 was made in keeping with the requirements of the Local Government Act 1995:

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

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

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

It is important to note the following definitions as outlined in the Road Traffic Code 2000:

No parking signs

A driver shall not stop on a length of carriageway or in an area to which a "No Parking" sign applies, unless the driver is:

- (a) dropping off, or picking up passengers or goods;*
- (b) does not leave the vehicle unattended; and*
- (c) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.*

No stopping signs

A driver shall not stop on a length of carriageway, or in an area, to which a "No Stopping" sign applies.

Strategic Plan

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

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

2.2.4 The City will promote and support sustainable transport opportunities.

Policy

Council adopted a Policy on Urban Parking at its Meeting of 18 August 2009. The proposed Parking Scheme complies with this Policy.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

The cost to erect the necessary signage is approximately \$600. Sufficient funds exist in the maintenance operational budget for this work to occur.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The City has consulted with Poynter Primary School on a number of occasions in recent times to improve the traffic management and school parking situation. The development of the proposed parking scheme is a requirement to further address the traffic and parking issues as raised by the residents of Griffell Way, Duncraig.

In order to determine the views of residents regarding the amendment, and proposed extension of the existing parking prohibition on Griffell Way, Duncraig owners of properties in the area were consulted.

Correspondence and consultation feedback forms were sent to the ten (10) residents affected by the current parking concern.

The City received five (5) responses as a result of the consultation process, which represents a 50% response rate. Of the five (5) responses received, all residents supported the installation of the proposed 'No Stopping' restriction. However, two (2) additional comments were received suggesting that the restriction should apply seven (7) days a week, and that the restriction should be complemented by a yellow 'No stopping' line on the carriageway.

COMMENT

The proposal to amend the parking restrictions along Griffell Way, Duncraig (Attachment 2 refers) will assist in improving the amenity of the street and reduce the opportunity for illegal parking at this location. In addition, the City considers that an extension of the current parking restriction west along Griffell Way to a location adjacent to Lionel Court (Attachment 2 refers) will preserve the residents' amenity and assist in improving pedestrian safety.

Consideration was also given to the additional comments received during the Community Consultation process. The inclusion of a seven (7) day a week restriction would be inappropriate as the parking concerns are associated with parents dropping off and picking up children during school hours. In relation to the suggested yellow 'No Stopping' line on the carriageway to complement the proposed restriction, it should be noted that in accordance with the Road Traffic Code 2000 this type of restriction applies as a permanent restriction and cannot accompany a time restricted area, and is subsequently not supported.

VOTING REQUIREMENTS

Simply Majority

RECOMMENDATION

That Council APPROVES the installation of 'NO STOPPING 8am-9am and 2.30pm-4pm CARRIAGEWAY OR VERGE Mon-Fri' in Griffell Way, Duncraig, as shown in Attachment 2 to this Report.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf061009.pdf](#)

ITEM 13 PARKING PROHIBITION REVIEW - LYMBURNER DRIVE AND OLIVER STREET, HILLARYS

WARD:	South-West
RESPONSIBLE DIRECTOR:	Mr Martyn Glover Infrastructure Services
FILE NUMBER:	16140 19179
ATTACHMENTS:	Attachment 1 Aerial photo of site location Attachment 2 Proposed parking restrictions – Lymburner Drive and Oliver Street, Hillarys.

PURPOSE

To amend the City of Joondalup Parking Scheme along Lymburner Drive and Oliver Street, Hillarys.

EXECUTIVE SUMMARY

The City is seeking to amend the current approved parking restriction on Lymburner Drive and Oliver Street, Hillarys, to assist in improving the amenity of the street and improve pedestrian safety at this location.

It is recommended that Council APPROVES the installation of:

- 1 'NO STOPPING 8am-9am and 2.30pm-4pm CARRIAGEWAY OR VERGE' Mon-Fri on Lymburner Drive and Oliver Street, Hillarys as shown in Attachment 2 to this Report;*
- 2 a yellow 'NO STOPPING' Line marking and signage on the western side of Lymburner Drive, Hillarys, as shown on Attachment 2 to this Report.*

BACKGROUND

The City has received a written request from a resident of Lymburner Drive to consider the inclusion of a 'No Stopping' restriction along the northern verge and carriageway of Lymburner Drive, Hillarys (Attachment 2 refers). The concerns raised relate to parents parking on both sides of the road creating traffic congestion and safety concerns.

DETAILS

Hillarys Primary School is surrounded by Lymburner Drive on three out of four sides of the school. Lymburner Drive is classified as a Local Access Road under the City's Metropolitan Functional Road Hierarchy (as shown on Attachment 1). Public open space is located on the western side of the school. In addition Oliver Street provides traffic access to the school from Waterford Drive, a Local Distributor Road.

In January 2007, a traffic management study was undertaken for Hillarys Primary School on behalf of the Department of Education and Training. The need for the study resulted from concerns raised by the City, school, parents and residents over inadequate parking provisions. The report examined the existing parking provisions and operation, and made recommendations to improve the traffic flow and improve pedestrian safety at this location.

The major traffic issues, which were identified as a result of the study, include:

- (a) *Parking along the northern side of Lymburner Drive (23 cars) is undesirable because:*
 - *Children are required to cross the road to get to parked cars.*
 - *The parked vehicles reduce the width of the road, which affects two-way traffic flow.*
 - *Cars are parked on residential verges which is detrimental to the residents' amenity.*
- (b) *Parking on the western side of Lymburner Drive opposite 90 Lymburner Drive (5 cars) is undesirable because visibility is restricted around the bend.*
- (c) *Parking along the southern side of Oliver Street (nine cars) is undesirable because:*
 - *There is no footpath along the southern side of Oliver Street. This requires children to either cross Oliver Street, where there is a footpath leading to a pedestrian crossing facility on Lymburner Drive, or to walk along the verge and cross Lymburner Drive without the assistance of a pedestrian crossing facility.*
 - *The parked cars reduce the width of the road which affects two-way traffic flow.*
- (d) *Traffic circulation at the school is problematic because the road system only surrounds three of the four sides of the school.*

In the interests of pedestrian safety, and to improve traffic flow around the school, it was proposed that 'No Stopping' prohibitions be imposed along the road and verge during school drop/off and pick/up times on the northern side of Lymburner Drive, and the southern side of Oliver Street. In addition, the inclusion of a permanent 'No Stopping' restriction on the western side of Lymburner Drive, opposite 90 Lymburner Drive, would address the visual obstruction concerns as identified in the study.

However, it should be noted that the inclusion of such restrictions would result in the loss of 37 parking bays. To address the shortfall in parking bays, the Department of Education and Training agreed to modify the existing staff car parks and construct a new car park with 28 angled parking bays, on the southern side of the Primary School. The construction of the additional car parking bays, which were completed in January 2009, has improved the circulation of traffic flow around the school.

Despite the City's best efforts to promote road safety initiatives through school publications, upgrading of the 'Kiss and Drive' facility, inclusion of marked parking embayments and reinstatement of the existing yellow 'No Stopping' line markings on the roadway, persistent parking concerns and traffic flow congestion are still prevalent on Lymburner Drive and Oliver Street, Hillarys.

Issues and options considered:

As part of the overall assessment of the parking provision and traffic concerns the following options were considered:

- Inclusion of the proposed parking prohibitions may result in the displacement of vehicles and may impact on the surrounding road network.
- The City, in conjunction with the School, will need to develop a traffic management and parking strategy.
- The City supports the school in promoting road safety initiatives through school publications and educational programs.
- The School ensures that the 'Kiss and Drive' operates more efficiently through parent education and staff presence.

Legislation

The City of Joondalup Parking Local Law 1998 was made in keeping with the requirements of the Local Government Act 1995:

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

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

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

Strategic Plan

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

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

2.2.4 The City will promote and support sustainable transport opportunities.

Policy

Council adopted a Policy on Urban Parking at its meeting of 18 August 2009. The proposed Parking Scheme complies with this Policy.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

The cost to erect the necessary signage is approximately \$1500. Sufficient funds exist in the maintenance operational budget for this work to occur.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The City has consulted with the school administration on a number of occasions in recent times to improve the traffic management and school parking situations. The development of the proposed parking scheme is a requirement to further address the traffic and parking issues as raised by the residents of Lymburner Drive.

In order to determine the views of residents regarding the amendment, and proposed extension of the existing parking prohibition on Lymburner Drive and Oliver Street, owners of properties in the area were consulted.

Correspondence and consultation feedback forms were sent to the 19 residents affected by the current parking and traffic concern. The following option for consideration and comment was presented as follows:

- 1 *“Please confirm if you support the inclusion of the proposed Parking Prohibitions; alternatively please provide additional comments in relation to this matter.”*

The City received nine (9) responses as a result of the consultation process, which represents a 47% response rate. Of the nine (9) responses received, nine (9) residents supported the installation of the proposed ‘NO STOPPING’ restrictions. However, two (2) additional comments were received suggesting that the inclusion of a permanent ‘NO STOPPING’ restriction on the western side of Lymburner Drive, opposite 90 Lymburner Drive, is required, and that enough alternative parking is available.

The City also consulted with the school during the overall assessment of the parking and traffic concerns. The school Principal provided no objection and supports the installation of the parking provision as outlined in the report.

COMMENT

The proposal to amend the parking restrictions along Lymburner Drive and Oliver Street (Attachment 2 refers) will preserve the residents’ amenity and assist in improving pedestrian safety. It should be noted that the proposed parking prohibitions may result in the displacement of vehicles, which may impact on the surrounding road network.

A site investigation confirmed that adequate parking is available on the southern side of Lymburner Drive, along the non-residential side, adjacent to the School oval and Hillarys Park. This option would require parents to park and walk their children a short distance to school. However, the City considers these alternative parking options sufficient to cater for the volume of traffic and are supported as the most appropriate locations for the safe transition of students and parents attending Hillarys Primary School.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council APPROVES the installation of:

- 1 'NO STOPPING 8am-9am and 2.30pm-4pm CARRIAGEWAY OR VERGE' Mon-Fri on Lymburner Drive and Oliver Street, Hillarys as shown in Attachment 2 to this Report;
- 2 a yellow 'NO STOPPING' Line marking and signage on the western side of Lymburner Drive, Hillarys, as shown on Attachment 2 to this Report.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf061009.pdf](#)

ITEM 14 MARRI ROAD, DUNCRAIG - TRAFFIC TREATMENTS**WARD:** South**RESPONSIBLE
DIRECTOR:** Mr Martyn Glover
Infrastructure Services**FILE NUMBER:** 07057 37703**ATTACHMENTS:** Attachment 1 Locality plan
Attachment 2 Marri Road proposed traffic treatments

PURPOSE

For the Council to consider traffic treatments on Marri Road, Duncraig, between Marmion Avenue and Lilburne Road.

EXECUTIVE SUMMARY

Duncraig residents have raised concerns regarding excessive traffic speeds and poor driver behaviour on Marri Road, Duncraig. A technical assessment of the road has been undertaken to determine the extent of the traffic issues. The analysis included a review of traffic volumes, traffic speeds, crash history, and road environment.

On the basis of the traffic analysis, the proposed traffic treatments as shown on Attachment 2 to this Report have been developed to control traffic movements, reduce corner cutting and limit traffic speeds.

It is recommended that Council:

- 1 *LISTS the provision of traffic management treatments on Marri Road, Duncraig as shown on Attachment to this Report for consideration in the Draft Five Year Capital Works Program;*
- 2 *REQUESTS Main Roads WA to install 40km/h school speed zone advanced warning pavement markers either side of Duncraig Primary School on Marri Road, Duncraig to reinforce the existing school speed zone.*

BACKGROUND

Infrastructure Services received a number of telephone complaints from a local resident with respect to excessive traffic speeds and poor driver behaviour on Marri Road in recent times.

Marri Road provides direct access to a number of local residential roads, approximately 50 residential properties that front the road, the Duncraig Shopping Centre, the rear of Duncraig Primary School and Marri Reserve. The road is approximately 1000 metres in length, and connects Marmion Avenue to Lilburne Road. There are a number of T junctions along its length. Although splitter islands have been provided at Marmion Avenue and Lilburne Road intersections, the remaining intersections on Marri Road do not have traffic treatments or channelisation in place.

DETAILS

A technical assessment of Marri Road has been undertaken to determine the extent of the traffic issues. The analysis included a review of traffic volumes, traffic speeds, crash history, and road environment. Marri Road is currently classified as a Local Access Road under the Main Roads WA Metropolitan Functional Road Hierarchy.

Traffic volumes and speeds

A seven day traffic count survey undertaken at four locations on Marri Road in August 2005 and March 2009 confirmed that traffic volumes range between 2195 vehicles per day (vpd) and 4107vpd. The higher traffic volumes were recorded in the vicinity of the Duncraig Shopping Centre. The results of the survey confirmed that the traffic volumes, although higher than desirable in the vicinity of the shopping centre, are within the acceptable limits for a road of this type.

The results of the traffic count survey revealed that the 85th percentile traffic speeds range between 52km/h and 61km/h on Marri Road. There is a school speed zone in place on Marri Road opposite Duncraig Primary School. The traffic count survey confirmed that the majority of drivers do not comply with the school speed limit. The maximum recorded speed during posted school hours was 87km/h. The survey data also indicated there were isolated incidences of excessive vehicle speeds late at night and early morning. The maximum vehicle speed recorded in March 2009 was 133km/h west of Iolanthe Drive. The default urban speed limit of 50km/h applies.

Crash Analysis

A five year crash analysis for the period of 1 January 2004 to 31 December 2008 confirmed that 23 reported crashes had occurred on Marri Road between Marmion Avenue and Lilburne Road. Of these crashes, 20 were property damage crashes and three were casualty (injury) crashes.

Ten crashes were reported at the Marmion Avenue/Marri Road intersection. One crash has been reported at both Marri Road/Iolanthe Drive and Marri Road/Cassinia Road intersections. Three reported crashes have occurred at the Marri Road/Lilburne Road intersection. There was also eight reported midblock crashes, three of which were driveway related.

Existing Road environment

Marri Road, Duncraig is a single carriageway road 7.4 metres in width and approximately 1000 metres in length. The road alignment is a combination of straights and curves with minor changes in the alignment at Iolanthe Drive and Marri Reserve. There are five intersections between Marmion Avenue and Lilburne Road. A pedestrian refuge island and warden crossing has also been provided in the vicinity of the primary school.

An analysis of the City's Traffic Management Investigation and Intervention Guidelines confirmed an action priority Score of 77 for Marri Road. On the basis of the action priority score, Marri Road is considered to have a "Technical Problem". It is therefore considered appropriate to develop a traffic management solution to the traffic issues identified.

Issues and options considered:

The options to be considered are:

- Provide traffic management treatments to Marri Road as shown on Attachment 2.
- No change to the existing road environment or configuration on Marri Road.

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

Not Applicable.

Strategic Plan

The consideration of traffic management measures is consistent with the following objectives and strategies from the City of Joondalup's Strategic Plan 2008-2011:

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

Policy

Not Applicable.

Risk Management considerations:

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

Financial/Budget Implications:

Funding for Marri Road proposed traffic treatments will require funding consideration as part of the five year Capital Works Program. It is anticipated that the project will cost in the order of \$100,000.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

No community consultation for Marri Road has occurred to date, however Community Consultation will occur as part of the traffic management design project.

COMMENT

On the basis of the results of the traffic analysis and feedback from the community, the proposed traffic treatments, as shown on Attachment 2 to this Report, are recommended. The purpose of the treatments is to control traffic movements, reduce corner cutting and limit traffic speeds.

Road delineation within the school precinct east of the pedestrian refuge island on Marri Road would also be improved by formalising the on-street parking area adjacent to Marri Reserve. Subject to Main Roads approval, school zone 40km/h pavement markers (black on yellow pavement signs) are also proposed to raise awareness of the school zone speed limit.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 LISTS the provision of traffic management treatments on Marri Road, Duncraig as shown on Attachment to this Report for consideration in the Draft Five Year Capital Works Program;**
- 2 REQUESTS Main Roads WA to install 40km/h school speed zone advanced warning pavement markers either side of Duncraig Primary School on Marri Road, Duncraig to reinforce the existing school speed zone.**

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf061009.pdf](#)

The City sought further feedback from the community regarding the project in September 2009 and presented four (4) options to residents to clarify the preferred location of the path. See Attachments 1, 2 and 3 for path location options. Option 4 being the objection to a path.

The City is seeking the provision of a path along Aberdare Way and Eddington Road in line with the majority support from the community and concerns expressed in the petition.

It is recommended that Council:

- 1 *APPROVES the construction of a 1.8m wide concrete path along the eastern side of Aberdare Way, from number 61 to number 41 then continue along the northern side of the verge. The footpath would also extend along the eastern side of Eddington Road, enabling it to link with existing footpaths as shown in Attachment 3 to this Report;*
- 2 *LISTS for consideration in the 2010/2011 Capital Works Budget the replacement of the existing path on the northern side of Eddington Road between Aberdare Way and Erindale Road, Warwick;*
- 3 *ADVISES the signatories to the petition for the provision of a path in Aberdare Way, Warwick of its decision.*

BACKGROUND

Aberdare Way is a local access road approximately 600m in length connecting Eddington Road, near Beach Road, to Eddington Road, near Chelsford Road, in Warwick. Aberdare Way and Eddington Road currently have no footpath in place for pedestrian access.

The City allocated funding in the mid-year review 2008/09 for the provision of a path in Aberdare Way and subsequently initiated an investigation into the location of the path and level of support within the community directly affected.

At the time of the community consultation, a petition signed by twenty seven (27) residents, requesting the relocation of the proposed footpath in Aberdare Way, Warwick, was received by Council at its meeting held on 19 May 2009.

Council at its Ordinary Meeting of 19 May 2009 resolved:

“That the petition requesting the continuation of the proposed footpath in Aberdare Way and Eddington Road, Warwick on one side of Eddington Road and Aberdare Way be RECEIVED, referred to the CEO and a subsequent report presented to Council for information.”

Council at its Ordinary Meeting of 16 June 2009 also resolved:

“that the results of the petition requesting the continuation of the proposed footpath in Aberdare Way and Eddington Road have been included in the consultation for the Aberdare Way path project and changes to the path have been made to the design.”

The petition is based on the requirement for the provision of a path on the eastern side (odd numbered) of Aberdare Way, from number 61 to number 41 then continue along the northern side of the verge. The footpath would also extend along the eastern side of Eddington Road, enabling it to link with existing footpaths. The petition also sought the replacement of the existing path on Eddington Road, between Erindale Road and Aberdare Way, on the northern verge.

It is noted that two (2) of the petition signatories agreed with the petition in general but did not support the path location on the eastern side of Eddington Road, between Aberdare Way and Chelsford Road.

The outcome from the community consultation and petition revealed strong support from the community for the provision of a path along Aberdare Way. However, there was no clear preference identified for the location of the proposed path.

The City sought further feedback from the community in September 2009 regarding the project and presented four (4) options to residents to clarify the preferred location of the path. Attachments (1, 2 and 3 refer) for path location options. Option 4 being the objection to a path.

During the higher level of community consultation, a second two (2) signature petition was received. The petition was signed by the residents of number 2 and number 4 Eddington Road who objected to the path being located on the eastern side of Eddington Road due to privacy concerns. Refer to Attachment 4 for photographs of the verge areas adjacent to No 2 and No 4 Eddington Road, Warwick.

DETAILS

Issues and options considered:

The City originally designed the proposed footpath to be constructed under the existing street lighting (Attachment 1 refers). Whilst the community supported the provision of a path along Aberdare Way and Eddington Road there was no clear preference as to the location.

During the City's additional assessment into the possible locations for the proposed footpath there were two determining factors which had to be taken into account. Firstly, to maximise pedestrian safety a footpath should be constructed directly under street lighting. Secondly, there should be a minimal number of road crossings along the route of any proposed path.

Therefore, there were four (4) options which took into account these two factors and the feedback already obtained from the community during the first round of consultation.

A higher level of consultation was undertaken with the following four (4) options being presented to residents directly affected by the proposed path location. For each of the options listed below, the proposed footpath would be a 1.8m wide concrete path constructed directly behind the kerb to minimise disturbance to the verge.

Option 1

Provision of a path on the western side (even numbered) of Aberdare Way, from number 54 to number 32 then change to the northern side of the verge (odd numbered) to enable the footpath to be located under existing street lighting. The footpath would also extend along the eastern side of Eddington Road, enabling it to link with existing footpaths. Refer to Attachment 1.

This option allows the proposed path to be located under existing street lighting for the entire length of the path, which contributes to pedestrian safety at night time.

Option 2

Provision of a path on the eastern side (odd numbered) of Aberdare Way, from number 61 to number 41 then continue along the northern side of the verge. The footpath would also extend along the western side of Eddington Road, enabling it to link with existing footpaths. Refer to Attachment 2.

This option is in line with the path location as proposed by petitioners. It is noted that the path is shown on the western side of Eddington Road (north of Aberdare Way) as two (2) of the signatories directly affected objected to the path being located on the eastern side.

Option 3

Provision of a path on the eastern side (odd numbered) of Aberdare Way, from number 61 to number 41 then continue along the northern side of the verge. The footpath would also extend along the eastern side of Eddington Road, enabling it to link with existing footpaths. (Attachment 3 refers).

This option allows for the minimum number of crossings along the route of the proposed path. The path would still be located under existing street lighting along the majority of the northern verge of Aberdare Way and also Eddington Road.

Option 4

The proposed path along Aberdare Way and Eddington Road is not supported.

Legislation/Strategic Plan/Policy Implications

Legislation

Not Applicable.

Strategic Plan

The recommendation in this report is supported by the following objective and strategy in the City's Strategic Plan 2008 – 2011:

Strategy: 5.4.4 The City develops and implements a comprehensive Road Safety Program.

Outcome: Public perceptions of City safety programs remain high or increase.

Policy

Not Applicable.

Risk Management considerations:

The City has an obligation to maintain a safe pedestrian environment.

Financial/Budget Implications:

Construction of the path (Attachment 3 refers) is anticipated to cost \$95,000 (including kerb replacement). Sufficient funds in the 2009-2010 Capital Works Budget are available to enable this work to occur.

The cost to replace the existing concrete path along Eddington Road from Aberdare Way to Erindale Road is \$9,000. If supported, provision for this funding could be listed for consideration in the 2010-2011 Capital Works Budget.

Regional Significance:

Not Applicable.

Sustainability Implications:Environmental

Not Applicable.

Social

The proposal to construct a path in Aberdare Way and Eddington Road will improve the safety for pedestrians along this section of road.

Economic

Not Applicable.

Consultation:

During the first round of consultation, which took place in May 2009, the City received feedback from thirty two (32) residences of Aberdare Way. In addition to the consultation, the City received a twenty seven (27) signature petition, in May 2009, requesting the relocation of the proposed footpath.

The results of the first round of community consultation are shown on the table below. It is noted that the totals are not consistent with the number of residents consulted as a number of residents chose to support, or object, to the path proposal and also signed the petition. On a number of occasions more than one signature per residence was obtained in the petition.

	Support	Object	Petition Option	No Reply	TOTAL
Number of respondents	18	16	20	8	62
% of total residents properties consulted (51)	35%	31%	39%	16%	121%

Following further assessment, the City undertook a higher level of consultation with residents in September 2009. The City sought feedback from fifty (50) residents of Aberdare Way and Eddington Road. There were twenty two (22) responses received and twenty eight (28) residents did not reply.

See the table below for information relating to the second round of community consultation.

	Option 1	Option 2	Option 3	Object to path	No Reply	TOTAL
Number of respondents	4	5	11	2	28	50
% of total residents properties consulted (50)	8%	10%	22%	4%	56%	100%
% of feedback received (22)	18%	23%	50%	9%	NA	100%

The table (above) shows strong support for Option 3. This option represents the minimal amount of road crossings along the route of the path and a majority of the proposed path will be constructed under the existing street lighting.

COMMENT

In the first consultation, there was strong support for the provision of a path in Aberdare Way. It was recommended that a higher level of consultation take place to present additional options on path location.

Following the higher level of consultation with residents of Aberdare Way, the majority of responses received back from residents favoured the provision of a path on the eastern and northern side of the road, connecting to Chelsford Road by way of the eastern side of Eddington Road. (Attachment 3 refers).

It is recommended that a path be constructed along the kerb alignment in Aberdare Way and Eddington Road as pedestrian safety would be greatly enhanced. To maximise the benefit of the path, it should be constructed on the eastern side (odd numbered) of Aberdare Way, from number 61 to number 41 then continue along the northern side of the verge. The footpath would also extend along the eastern side of Eddington Road, enabling it to link with existing footpaths. Refer to Attachment 3. This would ensure the minimum number of road crossings and the majority of the path will be constructed under existing street lighting.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 APPROVES the construction of a 1.8m wide concrete path along the eastern side of Aberdare Way, Warwick from No 61 to No 41 then continue along the northern side of the verge. The footpath would also extend along the eastern side of Eddington Road, enabling it to link with existing footpaths. As shown in Attachment 3 to this Report;**
- 2 LISTS for consideration in the 2010/2011 Capital Works Budget the replacement of the existing path on the northern side of Eddington Road between Aberdare Way and Erindale Road, Warwick;**
- 3 ADVISES the signatories to the petition for the provision of a path in Aberdare Way, Warwick of its decision.**

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf061009.pdf](#)

8 REPORT OF THE CHIEF EXECUTIVE OFFICER

LATE REPORT MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 29 SEPTEMBER 2009

WARD: All

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

FILE NUMBER: 26176 03366 01907 10010 75521 29110

At the time of production of the agenda, this report was not available and will be circulated prior to the Briefing Session.

**LATE REPORT MINUTES OF THE STRATEGIC FINANCIAL
MANAGEMENT COMMITTEE MEETINGS HELD ON
11 FEBRUARY 2009, 28 APRIL 2009 AND 29
SEPTEMBER 2009**

WARD: All

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

FILE NUMBER: 51567 01509 00906 66610 19136 52582 06004

At the time of production of the agenda, this report was not available and will be circulated prior to the Briefing Session.

LATE REPORT INTERIM ARRANGEMENTS FOR A CITY WATCH CONTRACT

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 26176 03366 01907 10010 75521 29110

At the time of production of the agenda, this report was not available and will be circulated prior to the Briefing Session.

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS



**DECLARATION OF
FINANCIAL INTEREST/INTEREST THAT MAY AFFECT
IMPARTIALITY**

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

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

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

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

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



**DECLARATION OF
FINANCIAL INTEREST/INTEREST THAT MAY AFFECT
IMPARTIALITY**

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

Name/ Position	
Meeting Date	
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Nature of Interest	Financial Interest * Interest that may affect impartiality* <i>* Delete where not applicable</i>
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