

agenda

Briefing Session

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

ON **TUESDAY, 9 FEBRUARY 2010**
COMMENCING AT **6.30 pm**

GARRY HUNT
Chief Executive Officer
5 February 2010

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, 8 February 2010**

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*

TABLE OF CONTENTS

ITEM NO	TITLE	WARD	PAGE NO
1	OPEN AND WELCOME		ix
2	DEPUTATIONS		ix
3	PUBLIC QUESTION TIME		ix
4	PUBLIC STATEMENT TIME		x
5	APOLOGIES AND LEAVE OF ABSENCE		x
6	DECLARATIONS OF FINANCIAL INTEREST /INTEREST THAT MAY AFFECT IMPARTIALITY		X
7	REPORTS		x
ITEM 1	MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT DEVELOPMENT, CODE VARIATIONS AND SUBDIVISION APPLICATIONS FROM 1 NOVEMBER TO 31 DECEMBER 2009	All	1
ITEM 2	SINGLE STOREY SHOWROOM WITH UNDERCROFT CAR PARKING AREA – LOT 13 (57) JOONDALUP DRIVE, EDGEWATER	North	5
ITEM 3	PROPOSED REFURBISHMENT OF EXISTING WINERY BUILDING AND NEW RESTAURANT, KIOSK AND ENVIRONMENT CENTRE AT LOT 801 (10) LAKEWAY DRIVE, KINGSLEY	South-East	13
ITEM 4	PROPOSED AMENDMENT NO 46 TO DISTRICT PLANNING SCHEME NO 2 TO REZONE LOT 9867 (63) MULLIGAN DRIVE, GREENWOOD FROM 'PUBLIC USE' TO 'URBAN DEVELOPMENT'	South-East	44
ITEM 5	DISTRICT PLANNING SCHEME AMENDMENT NO 49 TO REZONE LOT 500 (1) ARAWA PLACE, CRAIGIE FROM 'CIVIC AND CULTURAL' TO 'URBAN DEVELOPMENT'	Central	29
ITEM 6	PROPOSED GROWERS MARKET AT POYNTER PRIMARY SCHOOL – 39 POYNTER DRIVE, DUNCRAIG	South	34
ITEM 7	DISTRICT PLANNING SCHEME REVIEW – LOCAL PLANNING STRATEGY	All	48

ITEM 8	OBJECTION TO SECTION 3.25 – NOTICE REQUIRING REMOVAL OF DISUSED GOODS FROM FRONT SETBACK OF LOT 499 (NO %) PERIWINKLE ROAD, MULLALOO	North-Central	55
ITEM 9	EXECUTION OF DOCUMENTS	All	60
ITEM 10	MINUTES OF EXTERNAL COMMITTEES	All	64
ITEM 11	CONTRIBUTION TO THE 2009 TOODYAY BUSHFIRE APPEAL	All	65
ITEM 12	WHITFORDS VOLUNTEER SEA RESCUE GROUP – REQUEST FOR SPONSORSHIP	All	68
ITEM 13	ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 OCTOBER TO 31 DECEMBER 2009 - [20560]	All	75
ITEM 14	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 NOVEMBER 2009 - [07882]	All	78
ITEM 15	LIST OF PAYMENTS MADE DURING THE MONTH OF NOVEMBER 2009 - [09882]	All	81
ITEM 16	LIST OF PAYMENTS MADE DURING THE MONTH OF DECEMBER 2009 - [09882]	All	84
ITEM 17	PROJECT STATUS – JOINTLY OWNED AND OPERATED PET CREMATORIA AND ANIMAL CARE FACILITY - [12606]	All	87
ITEM 18	PETITION – RUBBISH AND ANTI SOCIAL BEHAVIOUR – CURRAMBINE DELICATESSEN – CNR PETERSBOROUGH DRIVE AND SOMERSBY GARDENS, CURRAMBINE	North-Central	92
ITEM 19	COMMUNITY SAFETY AND CRIME PREVENTION PLAN PUBLIC CONSULTATION	All	96
ITEM 20	TENDER 015/09 – BUILDING MINOR WORKS OF VALUE LESS THAN \$100,000 - [18628]	All	102
ITEM 21	TENDER 029/09 – GROWING, MANAGEMENT, SUPPLY AND DELIVERY OF ICONIC NATIVE PLANTS SPECIES - [100150]	All	107

ITEM 22	TENDER 036/09 – PROVISION OF COMMUNITY PATROL SERVICES - [100404]	All	113
ITEM 23	LOCAL EMERGENCY MANAGEMENT COMMITTEE – REVISED TERMS OF REFERENCE AND MEMBERSHIP	All	119
ITEM 24	PETITION REQUESTING THAT COUNCIL REVOKE ITS DECISION OF 13 OCTOBER 2009 WITH RESPECT TO CONSTRUCTION OF A PATH IN ABERDARE WAY, WARWICK - [74506]	South	124
ITEM 25	CITY OF JOONDALUP ENTRY STATEMENTS	All	130

8 REPORT OF THE CHIEF EXECUTIVE OFFICER

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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 090210.pdf](#)

CITY OF JOONDALUP – BRIEFING SESSION

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 9 FEBRUARY 2010** commencing at **6.30 pm**

ORDER OF BUSINESS

1 OPEN AND WELCOME

2 DEPUTATIONS

3 PUBLIC QUESTION TIME

The following question was submitted to the Briefing Session held on 8 December 2009:

Mrs L Cusworth, Ocean Reef:

Re: Item 8 – Petition requesting provision of skate park facility – Ocean Reef / Mullaloo.

Q1 *What guidelines are used to estimate an acceptable distance from a home to a skatepark?*

A1 The types of factors that would be considered when developing a skate park include:

- Natural surveillance.
- Proximity to houses, commercial site and/or community facility.
- Managed facility versus maintained facility.
- Access via public transport.
- Type of facility (to incorporate new designs/styles in use).
- Multi-use versus Wheeled Sports only.
- Amenities (drinking fountains, rubbish bins, playgrounds).
- Safety issues (graffiti, vandalism, litter control).
- Available lighting.
- Current users.
- Community need and demographics.

There are no guidelines regarding the distance from homes to a proposed skate park. Any decision to build a skate park will take all the above factors into consideration after a consultation process that includes residents and potential users of the proposed facility.

4 PUBLIC STATEMENT TIME

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

Mrs H Chester, Kingsley:

Mrs Chester spoke in relation to Item 4 – Proposed Amendment No 46 to District Planning Scheme No 2 to rezone Lot 9867 (63) Mulligan Drive, Greenwood from public use to urban development.

Mrs L Cusworth, Ocean Reef:

Mrs Cusworth spoke in relation to Item 8 - Petition requesting provision of skate park facility – Ocean Reef / Mullaloo.

5 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved:

Cr Russ Fishwick	21 January 2010 – 12 February 2010 inclusive
Cr Liam Gobbert	22 January 2010 – 14 February 2010 inclusive

6 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

7 REPORTS

ITEM 1 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT DEVELOPMENT, CODE VARIATIONS AND SUBDIVISION APPLICATIONS FROM 1 NOVEMBER TO 31 DECEMBER 2009

WARD: All

RESPONSIBLE DIRECTOR: Mrs Dale Page
Planning and Development

FILE NUMBER: 07032 05961

ATTACHMENTS:

Attachment 1	November and December 2009 – Decisions Planning Applications (Development applications & R-Codes variations)
Attachment 2	November and December 2009 – Decisions Building Applications (R-Codes Variations)
Attachment 3	November and December 2009 - Subdivision Applications Processed

PURPOSE

To report on the number and nature of applications considered under delegated authority.

EXECUTIVE SUMMARY

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

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

This report identifies:

- 1 Planning applications (Development applications and Residential Design Codes variations);
- 2 Building applications (Residential Design Codes variations);
- 3 Subdivision applications

determined by those staff members with delegated authority powers during November and December 2009 (see Attachments 1, 2 and 3 respectively).

BACKGROUND

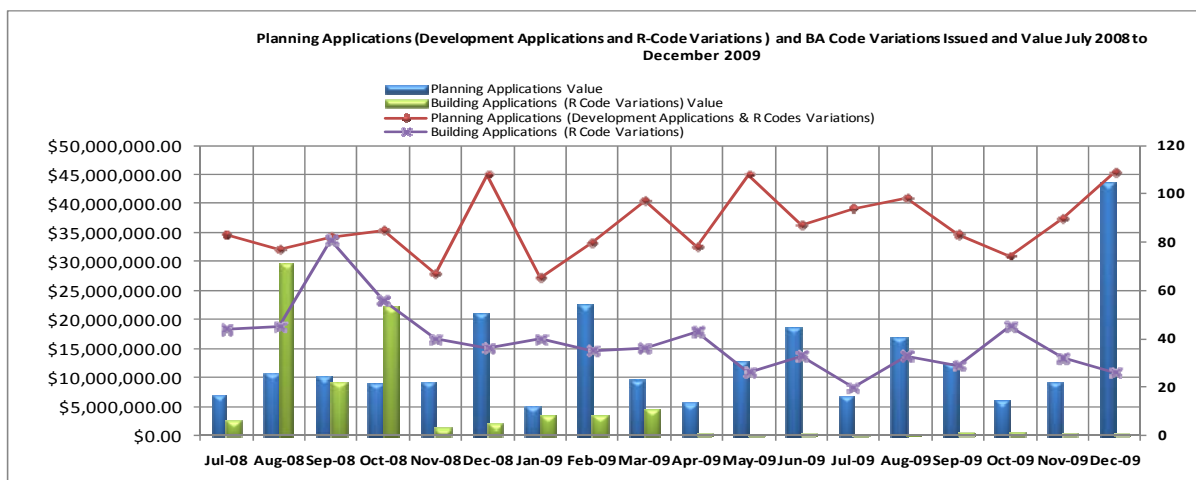
The District Planning Scheme No 2 requires that delegation be reviewed 2 yearly, unless a greater or lesser period is specified by Council. Council, at its meeting held on 13 October 2009 considered and adopted the most recent Town Planning Delegation for the period to 16 June 2011.

DETAILS

The number of applications determined under delegated authority for the period of November and December 2009, is shown below:

Approvals determined under delegated authority From 1 November to 31 December 2009		
Type of Approval	Number	Value (\$)
Planning applications (Development applications & R-Codes variations) (November)	90	\$ 9,255,176
Planning applications (Development applications & R-Codes variations) (December)	109	\$ 43,407,613
TOTAL	199	\$ 52,662,789
Building applications (R-Codes variations) (November)	32	\$ 439,312
Building applications (R-Codes variations) (December)	26	\$ 369,877
TOTAL	58	\$ 809,189

The number of development applications received during the period for November and December 2009 was 256 (This figure does not include any applications that may become the subject of an R-Code variation as part of the building licence approval process).



Subdivision approvals processed under delegated authority From 1 November to 31 December 2009		
Type of Approval	Number	Potential new Lots
Subdivision applications	6	7
Strata subdivision applications	2	27

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

Legislation/Strategic Plan/Policy Implications

Legislation

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

Strategic Plan

Key Focus Area: The Built Environment

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

The 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 199 development applications determined during November and December 2009, consultation was undertaken for 74 of those applications. Applications for Residential Design Code variations 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 8 subdivision applications determined during November/December 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 for timeliness and consistency in decision-making for 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 described in Attachments 1 and 2 to this Report during November and December 2009;**
- 2 Subdivision Applications described in Attachment 3 to this Report during November and December 2009.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf090210.pdf](#)

ITEM 2 SINGLE STOREY SHOWROOM WITH UNDERCROFT CAR PARKING AREA - LOT 13 (57) JOONDALUP DRIVE, EDGEWATER

WARD:	North-Central
RESPONSIBLE DIRECTOR:	Mrs Dale Page Planning and Development
FILE NUMBER:	38480
ATTACHMENTS:	Attachment 1 Location plans Attachment 2 Development plans

PURPOSE

The purpose of this report is to seek Council's approval for an application for a showroom development at Lot 13 (57) Joondalup Drive, Edgewater.

EXECUTIVE SUMMARY

The application proposes development of a showroom with 3384m² Net Lettable Area (NLA), undercroft car parking and storage areas at the southern end of the lot. Additional open-air car parking is also proposed to the immediate west of the showrooms. An almost identical application was approved by Council at its meeting held on 18 December 2007 but this approval has since lapsed.

The site adjoins Joondalup Drive to the East, the Edgewater Train Station car park to the West, a Western Power sub-station to the South, and George Grey Place to the North. The subject lot forms part of a large business zoned area known as 'Joondalup Gate' that extends from the south of Okely Park to Ocean Reef Road.

The proposal includes a minimum street setback variation of nil in lieu of six metres, and a shortfall of 38 car parking bays (an increased overall shortfall for the site of 152 bays). These variations are considered to be appropriate in this instance and without significant adverse effect. For these reasons the proposal was not advertised for public comment.

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

BACKGROUND

Suburb/Location:	Lot 13 (57) Joondalup Drive, Edgewater
Applicant:	John McKenzie & Associates Architects
Owner:	Joondalup Gate Pty Ltd
Zoning:	DPS: Business
	MRS: Urban
Site Area:	15, 231m ²
Structure Plan:	N/A

An almost identical application was approved by Council at its 18 December 2007 meeting. This approval has since lapsed. The differences between the current application and that which has been previously approved are that the NLA for the current application has increased by 160m², and an additional four car parking bays have been provided.

The greater development site comprises various buildings identified as C1 (this proposal), C2, C3, C4, C8, N1, N2 and N3. These buildings vary in size and contain multiple showroom tenancies.

In June 2003 Council approved a reduced car parking requirement for the addition of buildings C3 and C4 of 1 bay per 50m². This equated to a shortfall of 107 spaces for the total development.

In September 2005 Council approved minor extensions to buildings C4 and N1 of 96m², with no further requirement for car parking. This resulted in an increased shortfall of 111 bays for the site.

In October 2008 the City approved a change of use application for the site for a Showroom and Takeaway Food Outlet (change of use from Showroom). This resulted in an approved shortfall of an additional three bays, increasing the overall shortfall for the site to 114 bays.

The current application proposes a further shortfall of 38 bays, increasing the overall shortfall for the site to 152 bays.

DETAILS

Description of the development

The proposed development incorporates the following features:

- A new showroom building (C1) of 3384m² NLA floor area.
- An undercroft car parking area comprising 40 bays and three (3) storage areas totalling 425m².
- A bin store and outdoor car parking area comprising 42 car parking bays.
- Minor reconfiguration of the existing car parking area fronting Joondalup Drive comprising 97 car parking bays (a net loss of 7 bays).

Standard	Required	Provided
Street setback	6m	0m
Side setback	0m (subject to BCA compliance)	0m
Rear setback	0m (subject to BCA compliance)	31m
Building height	No applicable height limit	Roof pitch 13.5m Wall height 8.4
Car parking (this proposal)	113 bays	75 bays
Car parking (site total)	818	666
Landscaping	8% of site and 3m width where abutting a street	Greater than 8%, and 1.5m - 32m in width incorporating an existing Aboriginal Heritage Memorial Area

The most recent parking survey for the site was completed by Uloth & Associates – Traffic Engineering and Transport Planning Consultants – on 10 October 2009. This assessment included a review of a detailed assessment provided to the City in 2006, with a site visit completed during the peak time of 12 noon on a Saturday. The survey identified a total parking demand within the Central (C2, C3, C4, and C8) and North (N1, N2, and N3) precincts of 179 spaces, compared to the 215 vehicles surveyed at a similar time in December 2006, and a total on-site parking supply of 598 spaces for the same area.

The applicant has also provided two aerial photographs of the site taken at approximately 11am on Thursday 08 October 2009. These photographs show a low level of car park occupancy with many vacant parking spaces, particularly at the rear of the northern tenancies.

Issues and options considered:

Council has the discretion to:

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

Legislation/Strategic Plan/Policy Implications

Legislation

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

'Showroom' is a permitted (P) use within the Business Zone. A 'P' use means:

"A Use Class this is permitted but which may be subject to any conditions that the Council may wish to impose in granting its approval."

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

- (a) Interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) Any relevant submissions by the applicant;*
- (c) Any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) Any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) Any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) Any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*

- (g) *Any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *The comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *The comments or wishes of any objectors to or supporters of the application;*
- (j) *Any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *Any other matter which in the opinion of the Council is relevant.*

Clause 4.5 of the DPS2 allows for development standards of the Scheme to be varied:

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

4.5.1 *Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.*

4.5.2 *In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:*

- (a) *Consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1 and*
- (b) *Have regard to any expressed views prior to making its decision to grant the variation.*

4.5.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*

- (a) *Approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
- (b) *The non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

4.8 CAR PARKING STANDARDS

4.8.1 *The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.*

4.8.2 *The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.*

Strategic Plan

Key Focus Area: The Built Environment
Objective: To ensure high quality urban development within the City.

Policy

Not Applicable.

Risk Management considerations:

The proponent has a right of review against Council's decision, or any conditions included therein, in accordance with the State Administrative Tribunal Act 2004 and the Planning and Development Act 2005.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

The applicant has provided the following information in regard to sustainable building design:

'The proposed showroom development will be designed to meet both industry best-practise and BCA energy-efficiency requirements. Consisting of high mass concrete walling and insulated metal-deck roof construction, the energy efficiency performance of the building is expected to meet all required benchmarks.

The concealed roof below the concrete walling will be white in colour to reflect substantial heat load and reduce cooling costs. It is intended that all main entrances to retail areas will be provided with protective awnings and the like to reduce the loss of conditioned air and wide portico's over any significant windows and commercial grade solar glazing to windows without portico protection. West and South facing windows are excluded in the design to help control heat gain and loss.

With the addition of evaporative cooling type air-conditioning the building's energy consumption is expected to be exceptionally low especially when compared to a similar building utilising full conventional refrigerated air-conditioning, whilst not using any environmentally harmful refrigerant gases. Additionally, all external concrete walling will be lined with insulation and plasterboard on the internal face to also improve the building's energy performance. Keeping in line with the current building maintenance program for the Joondalup Gate complex, low emission paints are currently used in all new works.

Lighting to the showroom areas will consist of low energy use/high performance fittings throughout, specifically low wattage 36W fluorescent tubing. Movement sensors will be fitted

to all amenity areas with auto switching ON/OFF to reduce running times. All exit signs and emergency lights are now high performance LED construction fittings used in the centre. Time-switching will also be active to all carpark lighting and also to individual tenant illuminated signage boxes.'

Consultation:

Public comments were not sought as it was considered that the proposal would not result in any significant adverse effect on surrounding landowners. This is primarily on the basis that the nearest residential property is approximately 70 metres away and is separated from the development site by Joondalup Drive.

COMMENT

Reduced Building Front Setback

It is noted that Clause 3.6.2(a) of DPS2 states that a lesser setback to the street boundary may be encouraged where location and design issues would make this appropriate. In this instance, the proposed reduced setback is considered appropriate as it occurs for a small portion of the site's frontage only, and the effect of the reduced setback is mitigated by the adjoining area of vegetation encompassing a landscaped Aboriginal Heritage Area.

Building Design and Height

The proposed building is identical in architectural design to the existing adjacent showroom to the North (C2), and is complementary to all existing showroom buildings on site. The wall height of the proposed showroom is 8.4m, with a roof pitch of 13.4m. It is noted that no height limit applies to the subject site; however, the proposed height is similar in scale to existing buildings on site.

Car Parking

The City has previously approved the supply of 598 car parking bays on site. The application proposes an additional supply of 75 bays, increasing the total supply to 666 bays. Based on the existing uses on site, the development as a whole requires the supply of 818 bays. Therefore, an overall shortfall of 152 bays is proposed. The proposed shortfall will result in an overall parking provision of 1 bay per 36.7m² NLA in lieu of the required supply of 1 bay per 30m² NLA under DPS2.

The applicant's parking analysis suggests a car parking ratio of 1 bay per 50m² is suitable for the entire development. Based on this ratio, a total of only 483 bays would be required for the site.

What is considered fundamental to this application is whether the provision of 666 bays is sufficient to service the development, in lieu of the 818 bays required by DPS2. The options available to Council are:

- 1 Determine that the provision of 666 car parking bays is appropriate; or
- 2 Determine that the provision of 666 car parking bays is not appropriate; or
- 3 Determine that a cash-in-lieu payment is required for the shortfall in car parking.

It is considered that the applicant has adequately demonstrated that the proposed supply of car parking bays is adequate for the site. Furthermore, it is noted that the majority of businesses located on site constitute large showroom developments that provide for the display and storage of large bulky goods. This type and style of business is not considered to result in a high level of traffic generation. In addition, no parking issues have previously been noted for the site.

CONCLUSION

The proposed car parking shortage and building setback variations are considered to be appropriate in this instance and will not have a significant adverse impact on the operations of Joondalup Gate or Joondalup Drive. The proposed development will assist in meeting key objectives of the Strategic Plan and the objectives of the District Planning Scheme No. 2 for development within the Business Zone.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 **EXERCISES** discretion under clauses 4.5 and 4.8 of the City of Joondalup District Planning Scheme No. 2 and determines that the:
 - (a) Car parking provision of 666 bays in lieu of 818 bays;
 - (b) Minimum building street setback of 0m in lieu of 6 metres;are appropriate in this instance;
- 2 **NOTES** that the proposal results in a shortfall of 152 bays for the subject site as a whole, with the showroom development specifically proposed by this application seeking a shortfall of 38 bays only;
- 3 **APPROVES** the application for planning approval dated 18 November 2009 submitted by John McKenzie & Associates Architects, the applicant, on behalf of the owner, Joondalup Gate Pty Ltd, for Showroom Additions at 57 Joondalup Drive, Edgewater, subject to the following conditions:
 - (a) The parking bays, driveways and points of ingress and egress are to be designed in accordance with the Australian Standard for Off-street Car Parking (AS2890.01 2004). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building program;
 - (b) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
 - (c) Any additional signage shall be the subject of a separate Development Application;
 - (d) The car parking area shall be provided with one shade tree for every four bays prior to the development first being occupied. The trees shall be located within tree wells protected from damage by vehicles and maintained to the satisfaction of the City;

- (e) **Boundary walls shall be of a clean finish and made good to the satisfaction of the City;**
- (f) **The lodging of detailed landscaping plans for the development site with the Building Licence Application, to the satisfaction of the City. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges are to be shown on the landscaping plan. All landscaping, reticulation and verge treatments, based on water wise principles, are to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;**
- (g) **Landscaping, reticulation and all verge treatments are to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;**
- (h) **A Construction Management Plan being submitted and approved prior to the issue of the relevant Building Licence. The management plan shall detail how it is proposed to manage:**
- **the delivery of materials and equipment to the site;**
 - **the storage of materials and equipment on the site;**
 - **the parking arrangements for the contractors and subcontractors;**
 - **other matters likely to impact on the surrounding properties.**
- (i) **All ground level facades shall be treated with non-sacrificial anti-graffiti coating;**
- (j) **Any proposed external building plant, including air conditioning units, piping, ducting and water tanks, being located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings, with details of the location of such plant being submitted for approval prior to the issue of the relevant building licence;**
- (k) **A refuse management plan indicating the method of rubbish collection is to be submitted as part of the building licence, and approved by the City, prior to the development first being occupied;**
- (l) **A full schedule of colours and materials for all exterior parts to the building shall be provided as part of the Building Licence Application, to the satisfaction of the City.**

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf090210.pdf](#)

ITEM 3 PROPOSED REFURBISHMENT OF EXISTING WINERY BUILDING AND NEW RESTAURANT, KIOSK AND ENVIRONMENT CENTRE AT LOT 801 (10) LAKEWAY DRIVE, KINGSLEY

WARD:	South-East
RESPONSIBLE DIRECTOR:	Mr Dale Page Planning and Development
FILE NUMBER:	03186
ATTACHMENTS:	Attachment 1 Location plan Attachment 2 Development plans Attachment 3 Consultation plan 2007 Attachment 4 Council's previous letter of support (April 2007)

PURPOSE

The purpose of this report is to request that Council makes a recommendation to the Western Australian Planning Commission (WAPC) regarding proposed additions to the Luisini Winery on Lot 801 Lakeway Drive, Kingsley.

EXECUTIVE SUMMARY

The Luisini Winery redevelopment is proposed on Lot 801 Lakeway Drive, Kingsley. The land forms part of the Yellagonga Regional Reserve and is designated as Bush Forever by the WAPC.

The City is required to make a recommendation on the proposal to the WAPC as the site is located on land reserved for Parks and Recreation under the Metropolitan Region Scheme (MRS).

The WAPC has previously approved the redevelopment of the site in 2005 and 2007; however, the approvals have lapsed whilst the applicant was attempting to satisfy the conditions of development approval. Therefore, a new application has been submitted for determination and the City is required to provide its recommendation on the new application to the WAPC.

The ultimate development of the site proposed by the National Trust includes two main components, being:

- 1 Renovation of the existing winery building, to be used as a museum and wine appreciation area (approved by the WAPC on 27 January 2005).
- 2 Construction of a new building, access road, 87 bay car park and installation of landscaping to the west of the existing building. The new building will accommodate a restaurant, kiosk, outdoor dining areas, toilets and environmental centre (approved by the WAPC on 3 July 2007).

The only change to the proposal since Council last provided a recommendation on the development is an increase in car parking bays from 65 to 87 bays.

It is recommended that Council advises the WAPC that it supports the proposed development subject to the same conditions imposed on the previous development approval.

BACKGROUND

Suburb/Location: Lot 801 Lakeway Drive, Kingsley
Applicant: National Trust of Australia
Owner: National Trust of Australia
Zoning: **DPS:** Parks and Recreation
MRS: Parks and Recreation
Site Area: 67,749m²
Structure Plan: Not Applicable

The subject site is located on the western side of Lakeway Drive, approximately 150m south of the Hocking Road and Lakeway Drive intersection (Location plan at Attachment 1 refers). The development site forms part of the Yellagonga Regional Park and is immediately east of Lake Goollelal. The properties to the east of the site are zoned Special Residential under the District Planning Scheme No 2 (Scheme) with a density coding of R5.

Lot 801 Lakeway Drive has been identified as part of the much larger Bush Forever site – Site 299 - Yellagonga Regional Park, Wanneroo/Woodvale/Kingsley. Bush Forever is a non-statutory WAPC regional policy that identifies 51,200 hectares of regionally significant bushland (and any associated wetlands) in the Perth metropolitan area.

The City has previously considered applications for refurbishment and development of the subject site. In November 2003, the City received an application for the redevelopment of Luisini Winery including conservation works to existing buildings and development of a restaurant, educational centre, museum and kiosk. At its meeting on 12 October 2004, Council resolved to recommend to the WAPC that the application not be supported. The WAPC issued a decision on 27 January 2005 granting approval for the proposed restoration works only.

A subsequent application was received by the City in 2006, for development of the proposed restaurant, kiosk and environment centre, and Council, at its meeting on 27 March 2007, resolved to recommend approval to the WAPC.

The WAPC granted approval for the works in July 2007, subject to conditions which included the amalgamation of Lots 41-45 and 82 Lakeway Drive, Kingsley and the provision of 87 car bays on site.

The approval granted in 2007, has since lapsed, whilst the applicant has been endeavouring to satisfy a number of the conditions of approval, including the amalgamation of the subject sites into Lot 801. Consequently, they have now re-applied for approval to allow the works to commence.

DETAILS

The proposed development consists of:

- Construction of a new building (to the west of the existing building) to accommodate a restaurant with an outdoor dining area, kiosk, toilets and an environment centre;
- Construction of a new access road with car parking for 87 vehicles. Access to the site is proposed via Lakeway Drive, at the intersection with Plover Way; and

- Landscaping works, including new dual use paths and a boardwalk to be done in collaboration with the Department of Environment and Conservation (DEC) alongside Lake Goollelal.

The applicant has provided the following detailed information about certain aspects of the proposal:

Restaurant

- The restaurant will seat 150 persons.
- The opening hours of the restaurant will be flexible, opening for breakfast, lunch and dinner. Appropriate and considerate closing times will be implemented if the restaurant is open for dinner.
- The floor area of the restaurant will remain unchanged from the previous application, measuring 305 square metres.

Kiosk

- The proposed kiosk will be separate to the restaurant.
- It will cater for recreational users around Lake Goollelal.
- The kiosk will be open during daytime hours.

Education/Environment Centre

- A recommendation of the approved Yellagonga Regional Park Management Plan 2003 – 2013, is that an environment centre is provided on the site, though not necessarily as part of the winery redevelopment.
- The centre will focus on education the community on environment issues.

The only difference between this application and the application approved in 2007 is an increase in the number of car parking bays proposed to 87 bays as per a condition of WAPC approval.

The applicant provided a package of information in support of the proposal, including:

- A traffic engineer's report;
- Environmental Management Plan;
- Stage I and Stage II Environmental Site Assessment;
- Acid Sulphate Soil desktop assessment; and
- Written submission outlining the proposed development.

The written submission by the applicant is summarised as follows:

- The aims and objectives of the proposal are:
 - (i) To provide an integrated and multi-faceted cultural, heritage, educational and recreational facility that is environmentally and economically sustainable;
 - (ii) To build on opportunities offered by the place by illustrating the historical and natural significance embodied by the former winery building and the natural wetlands system;
 - (iii) To develop a sustained visitation by offering a range of visitor experiences based on the interpretation and significance of the place and to also provide supporting amenities.

- Important consideration has been given to possible impacts on surrounding residential properties and this is reflected in the architectural and landscape design plans;
- The current entry point, with its close proximity to Hocking Road will encourage patrons to the winery to come along Hocking Road and not along Kingfisher Way prior to turning into Lakeway Drive to the winery;
- The proposal has the support of the Heritage Council of WA and DEC;
- The commercial use is considered essential in order to sustain the viability of the place (Luisini Winery). The current situation encourages vandalism and anti-social behaviour.

Issues and options considered:

Council has the discretion to:

- Make a recommendation to the Western Australian Planning Commission supporting the proposal; or
- Make a recommendation to the Western Australian Planning Commission that the application should be refused.

Legislation/Strategic Plan/Policy Implications**Legislation Statutory Provisions**

The statutory provisions of DPS2 do not apply to land reserved under the Metropolitan Region Scheme (MRS). The WAPC is the decision maker for any development proposals on reserved land. Council is empowered only to make a recommendation on the proposal.

Strategic Plan

Key Focus Area: The Built Environment

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

Policy

Not Applicable.

Risk management considerations:

A decision considered adverse by the applicant will give rise to the potential for an appeal against the WAPC through the State Administrative Tribunal.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Luisini Winery is located within land reserved for Parks and Recreation under the MRS and forms part of the Yellagonga Regional Park. The site has also been identified as Bush Forever by the WAPC.

Sustainability Implications:

The Yellagonga Regional Park Management Plan provides broad directional basis for the conservation, recreation and landscape values of the park, with strategies to conserve the special features of the park.

Consultation:

The WAPC has written to the City in regard to the assessment and determination of the subject application. In this correspondence the WAPC states the following:

“The Western Australian Planning Commission (WAPC) is aware of the circumstances which has arisen requiring the National Trust of Australia (WA) to resubmit a Development Application to the City of Joondalup for its Luisini Winery redevelopment. The WAPC formally exempts the City of Joondalup from the consultative processes and conditions which form part of a normal application for development, and agrees for the re-submitted Development Application from the National Trust of Australia (WA) to be directed to an immediate decision by the Council of the City of Joondalup”.

As such, the City has not undertaken any public consultation for this application. However, it is noted that the proposal has not been modified since it was previously advertised, other than to provide additional on-site parking which was required as a condition of the previous approval.

The 2007 proposal was advertised for public comment via a sign on site, advertisement in the local newspaper and letters to 110 adjoining properties

During the consultation period 48 submissions were received. The submissions comprised of 23 letters of non-objection/support, two comments and 23 objections to the proposal.

Key issues arising from Public Advertising – Previous Application

Comments received in support of the previous application are summarised as follows;

- New residents in the nearby aged care facility will be within walking distance of the proposed development;
- The roundabout and directional signs will control traffic for the benefit of local residents;
- The redevelopment will be appreciated by persons using the surrounds of Lake Goollelal. The area will be enhanced with amenities provided for cyclists and walkers.
- The redevelopment will be an improvement on the eye sore at present. The building is of cultural and historical value to the community and should not be neglected. The redevelopment will preserve the history of the area for future generations.
- The boardwalk will be a great observation area and educational area.
- The establishment of a museum and/or artefact centre is a contemporary recognition of the original landowners.
- If marketed properly the site could become an attractive tourist spot.

Comments received with objections/concerns to the previous application included the following issues:

- The increased traffic in the surrounding streets as a result of patrons visiting the site will have a negative impact on surrounding landowners;
- Proposed access - the impact of the location of ingress and egress points in regard to directing traffic from Hocking Road as opposed to Lakeway Drive;

- The uses proposed are inconsistent with the Parks and Recreation Reservation of the property;
- Appropriateness of commercial activity for this site; whether it is appropriate for commercial development to be located opposite a low density residential area;
- Potential noise and anti social behaviour; should the uses be approved it is believed that the use of the site will result in an increase in noise and antisocial behaviour which will have a detrimental impact on the surrounding residences;
- Impact on views of nearby residents over Lake Goollelal. Residents indicated the development would detrimentally impact on the visual amenity of the area;
- Potential environmental impacts – concern was expressed in regards to the impact the development would have on the wetlands generally and the native flora and fauna;
- Acid sulphate soils – the development may disrupt the acid sulphate soils and significantly impact on the reserve and;
- Insufficient Parking – should insufficient car parking be provided this would result in over flow parking on the Bush Forever land and potentially the adjoining residential streets.

At that time Council was satisfied that the above issues had been, or could be, adequately addressed and consequently recommended to the WAPC that the application be approved and recommended conditions to address the areas of concerns.

Should Council resolve to affirm its support for the application, the same conditions will again be applied to limit patron numbers, require the operations of the facilities to be carried out in accordance with the management plan and for continued consultation with the DEC.

COMMENT

Yellagonga Regional Management Plan

The Yellagonga Regional Management Plan is a strategic document prepared by the City of Joondalup, City of Wanneroo and the Department of Environment and Conservation (formerly Department of Conservation and Land Management (CALM)) to provide broad direction for the management of the Regional Park. Whilst the management plan does not identify specifically what development should occur on the Luisini Winery site, the proposed development is in accordance with the recommendations of the management plan.

Land use

The site is reserved for “Parks and Recreation” under the Metropolitan Region Scheme. The WAPC has previously assessed and determined that all aspects of the proposal are consistent with this reservation and appropriate to the site.

Traffic Impact

The applicant has provided the City with an updated Traffic Impact Statement that was undertaken by Uloth and Associates, the company responsible for all previous traffic assessments for the site.

All studies, including the updated study, have indicated that the existing road systems are capable of accommodating the predicted volumes of traffic with no discernible impact on the operations of the unsignalised junction.

Car parking

A formal car parking area of 65 sealed bays was originally proposed on site in a teardrop formation. An additional informal and unsealed overflow parking area for up to 30 cars had also been proposed on an adjacent reserve that forms part of the Bush Forever site. This reserve has now been amalgamated to form part of the subject site.

In considering the proposal in 2007 the Council did not support parking bays being provided on part of the Bush Forever site, recommending that a minimum of 87 car bays be provided in the proposed tear drop formation. The WAPC required, as a condition of the approval, that 87 car bays be provided on site and the applicant has now provided plans demonstrating compliance with the condition.

The museum was approved by the WAPC in 2004, however this approval related to the refurbishment works, with a further development application required for the balance of works that includes the car park. The car parking requirements for the museum were considered by Council when providing its recommendation to the WAPC in 2007.

As there is no car parking standard for a museum and environmental centre use under DPS2, it was suggested that a calculation of one bay per 30m² NLA would be appropriate. This parking ratio is considered to be reasonable in this case as it is a general standard that has been applied to other commercial use classes under DPS2.

Under the DPS2, the kiosk would be classified as a shop, which would require seven bays per 100m². It is considered that a standard of seven bays per 100m² is too high for the kiosk use in this instance; given its operation will be incidental to other uses on the site.

The relevant carparking requirements of the DPS2 are summarised in the following table:

Use Class	Parking Standard	Required	Proposed
Restaurant (305m ² dining area and alfresco)	Greater of 1 per 5m ² of dining room or 1 per 4 guests	61	87
Environment Centre (223m ² Nett Lettable Area (NLA))	Use not listed, however suggested parking ratio of 1 per 30m ² NLA	8	
Museum (1280m ² NLA)	Use not listed, however suggested parking ratio of 1 per 30m ² NLA	43	
TOTAL		111	87

The traffic impact assessment provided by the applicant advises that car parking for the restaurant use should be calculated at one bay per four guests (i.e. 38 car bays) and the museum, kiosk and environment centre should be calculated at one bay per 30m² of floor area. The proponent calculated that 50 car parking bays would be required for the museum, environment and kiosk use and 38 for the restaurant.

A total of 87 sealed car bays are proposed for the development, as required by Council and the WAPC. Whilst this is a reduction from the 111 bays that could be required, it is considered adequate. This number is based on the following calculation:

- 61 car parking spaces are required for the restaurant use; plus
- 50% of the required 51 bays for the Kiosk and Environment Centre (25.5 bays).

An assumption has been made that up to 50 percent of visitors to the restaurant will also visit the kiosk or environment centre. As such, the parking requirements for these land uses have been reduced.

Environmental Impacts

The applicant commissioned an Environmental Site Assessment and the Department of Environment and Conservation (DEC) has previously been consulted regarding the proposed development. The DEC has raised no objection to the proposal, subject to the following condition:

- “All landscaping, remediation, revegetation and park related infrastructure shall be designed, located and implemented in consultation with the Regional Parks Unit of the DEC.”

The Water and Rivers Commission Position Statement: Wetlands (WRC, 2001) requires a 50 metre buffer distance around a wetland area, with no built structures allowed to encroach. In this instance the proposed boardwalk is setback approximately 4m from the lake with the building being setback a minimum of approximately 60m. The DEC has advised that whilst an adequate buffer is required to protect wetlands from potential deleterious impacts, the National Trust has committed to weed control and rehabilitation works in the fringing wetland vegetation of Lake Goollelal, and the 50m buffer distance is a generic measurement.

The Department of Water has also previously been consulted regarding the proposal and has raised no objection.

The proponent has commissioned a desktop Acid Sulphate Soils (ASS) assessment. The findings of this assessment were that no further testing would be required. Given the close proximity of the site to Lake Goollelal it is considered there may be a high risk of ASS. If the proposed boardwalk on the lake fringes or possibly within the lake is approved, there is likely to be excavation in highly sensitive areas, with a high risk of disturbing ASS soils.

The City requested that further testing be undertaken near the site of the proposed buildings, to which the applicant has agreed. This was imposed as a condition of approval issued by the WAPC.

Heritage Status.

The site is listed on the Heritage Council of Western Australia (HCWA) Register of Heritage Places and therefore is a site of state importance. Further, the Yellagonga Regional Park, in which the development is contained, is cited within the DPS2 Schedule 5 as a place and object having significance for the purpose of protection of the landscape or environment.

Any development on and around this site must be sympathetic to the surrounding environment and comply with the requirements of the Heritage Council. The HCWA has no objection to the proposal.

The National Trust, being the proponent for the development, is committed to ensuring the heritage value of the site is maintained. It is considered that the proposal will upgrade and maintain the heritage value of the subject site and therefore has significant merit.

Noise Impact

Noise emissions from commercial activities are guided by the Environmental Protection (Noise) Regulations 1997 (the Regulations).

Uses such as restaurants have the potential to increase noise levels, with noise from alfresco dining areas and cars arriving and leaving the premises possibly creating a nuisance that may impact on amenity of the surrounding locality. In this case however, the residential properties are located at a sufficient distance of at least 40 metres from the proposed new buildings. It is therefore considered that the amenity of these residents will not be impacted upon in terms of increased nuisance noise.

Management Plan

A condition of the approval granted by the WAPC required a management plan to address the use and opening hours of the restaurant and the Environment Café. The plan has been provided by the applicant as part of the current application, and sets out the information provided in the details section. The National Trust of Australia (WA) has also provided, through this management plan, a written undertaking that the facility will not be utilised for functions. This is an effort to minimise the impact of the development on surrounding residential landowners.

Conclusion

The applicant has demonstrated a willingness to address the issues raised during the assessment of the previous applications. As such, several of the conditions of the previous approval have been met.

It is recommended that Council reaffirms its support for the application, in accordance with the resolution set out in CJ053 - 03/07.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 ADVISES the Western Australian Planning Commission that it reaffirms its support for the proposed Luisini Winery Redevelopment on Lot 801 Lakeway Drive Kingsley, in accordance with the conditions set out in its letter of 2 April 2007;**
- 2 NOTES the advice received from the Western Australian Planning Commission exempting the City from any requirement to undertake public consultation, and directing the matter to an immediate decision of Council;**
- 3 NOTES that the concerns raised during the public consultation previously undertaken in relation to this proposal have been taken into consideration in forming a view on this application.**

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf090210.pdf](#)

**ITEM 4 PROPOSED AMENDMENT NO. 46 TO DISTRICT
PLANNING SCHEME NO 2 TO REZONE LOT 9867
(63) MULLIGAN DRIVE, GREENWOOD FROM
'PUBLIC USE' TO 'URBAN DEVELOPMENT'**

WARD:	South-East
RESPONSIBLE DIRECTOR:	Mrs Dale Page Planning and Development
FILE NUMBER:	100338
ATTACHMENTS:	Attachment 1 Location plan Attachment 2 Scheme amendment process flowchart

PURPOSE

The purpose of this report is for Council to consider initiating proposed Amendment No. 46 to the District Planning Scheme 2 (DPS2) to rezone the East Greenwood Primary School from 'Public Use' to 'Urban Development' for the purpose of public advertising.

EXECUTIVE SUMMARY

Lot 9867 (63) Mulligan Drive, Greenwood is currently designated as a Local Reserve – Public Use 'Primary School' (East Greenwood Primary School) under DPS2 and is currently developed and used as a primary school.

The Department of Education and Training (DET) has advised that the primary school is surplus to its requirements and is scheduled for closure at the end of the 2010 school year. The Department of Housing proposes to acquire the site from the DET and for residential development. In order to facilitate the redevelopment an application has been received to rezone the site to 'Urban Development'.

The proposed amendment to DPS2 is the initial step in allowing the land to be redeveloped for residential purposes. The development of a structure plan will occur in the following months as a separate process. The proposed use of the land for residential development is considered to be compatible with the surrounding residential land uses.

Council deferred consideration of the scheme amendment proposal at its meeting held on 15 December 2009, pending receipt of further information from DET regarding the potential for Greenwood Primary School to accommodate an increase in population in light of the proposed closure of East Greenwood Primary School. Information has been received as outlined in this report.

Should initiation of the proposed scheme amendment be supported, it will be formally advertised for public comment prior to further consideration by Council. It is recommended that Council consents to initiating the advertising of the proposed scheme amendment for 42 days.

BACKGROUND

Suburb/Location:	Lot 9867 (63) Mulligan Drive, Greenwood
Applicant:	Department of Housing
Owner:	Department of Education and Training
Zoning:	DPS: Local Reserve – Public Use (Primary School)
	MRS: Urban
Site Area:	3.86 ha
Structure Plan:	Not Applicable.

Lot 9867 is located in the eastern part of Greenwood between Cockman Road and Wanneroo Road (location plans at Attachment 1 refers). The subject site is currently designated as a Local Reserve – Public Use ‘Primary School’ under DPS2 and was developed as a primary school (East Greenwood Primary School). Cockman Park abuts the southern side of the site. The remaining land surrounding the subject site is zoned Residential R20 and is developed with residential dwellings.

In 2007, the Minister for Education and Training announced that East Greenwood Primary School and Allenswood Primary School would be replaced by one new school on the Allenswood site (to be known as Greenwood Primary School). This would result in the East Greenwood Primary School site being surplus to the DET needs. The East Greenwood Primary school is scheduled to close at the end of the 2010 school year after completion of the construction of Greenwood Primary School in late 2010.

The development of Greenwood Primary School originally included a proposal for the primary school to share the use of the adjoining Penistone Reserve. However, Council at its meeting of 13 January 2009 refused the proposal to share Penistone Oval with the DET (report JSC2-01/09 refers). Amended plans for the school were received in March 2009 which incorporated its own school oval. In April 2009, the City recommended the Western Australian Planning Commission (WAPC) grant development approval.

On 13 May 2009, the WAPC issued development approval for Greenwood Primary School on the previous Allenswood Primary School site, incorporating a school oval.

The current scheme amendment application was considered by Council at its meeting held on 15 December 2009, where Council resolved as follows:

- 1 *DEFERS consideration of the requested Scheme amendment pending receipt of further information in writing from the Department of Education and Training in relation to:*
 - (a) *the justification for the closure of the East Greenwood Primary School facilities with particular reference to the source of the population data used by the Department and the interpretation of that data;*
 - (b) *the potential for expansion of the new school at Allenswood to accommodate any future growth needs demonstrating where that growth can be accommodated on the school site having regard to the future population requirements.*
- 2 *REQUESTS the CEO seek the information from the Department of Education and Training with a view to submitting that information with the report to the February Council meeting.*

The DET provided the following information in response to the City's request:

“The Australian Bureau of Statistics has stated that the total fertility rate has trended upward since about 2002. However, the average household size is projected by the Australian Bureau of Statistics to decline from 2.6 people per household in 2001 to less than 2.3 people per house in 2026.

Based on Australian Bureau of Statistics census data, the number of primary students per house in the locality of Greenwood has declined from 0.22 in 1996, to 0.16 in 2001, and to 0.13 in 2006. If in the future, the 2006 primary students per house ratio in the Greenwood area should increase by 50 per cent, it is anticipated that the new school could require about 5 transportable primary classrooms. There are sufficient spaces on site for more than double this number of transportable classrooms, and the Department of Education and Training considers that a comfortable margin of potential capacity for future enrolment growth exists at the school.”

DETAILS

An application has been received to amend the DPS2 designation of Lot 9867 Mulligan Drive, Greenwood from 'Public Use – Primary School' to 'Urban Development'.

It is proposed that the Department of Housing will acquire the site from DET for residential development in due course.

The applicant has stated that the proposal promotes efficient land use through infill residential development and is in line with draft Directions 2031 (WAPC 2009) which states that 47% of new dwellings should be infill development. The site is proposed to be developed for low to medium density single and group housing residential uses.

It is proposed to rezone the subject site to the Urban Development Zone, which requires the preparation and adoption of a local structure plan over the site by Council, prior to application for subdivision approval.

The applicant has advised that a range of site specific issues will be explored through the development of the local structure plan and will be guided by WAPC Policy 'Liveable Neighbourhoods'. Such issues will include:

- analysis of walkability and spatial connectivity;
- access to commercial and employment centres, schools, and community facilities;
- existing natural features, topography, prevailing weather conditions and other similar opportunities and constraints;
- proposed land uses and block layout including lot orientation, and distribution of lot sizes/densities;
- proposed configuration of movement network including street types, provision for public transport, cycle and pedestrian movement;
- integration with existing parkland and provision of new public open space; and
- proposed urban water management measures.

Issues:

The issues associated with the proposed amendment include:

- The suitability of the proposed 'Urban Development' zoning; and
- The suitability of the future subdivision to integrate with the surrounding residential dwellings.

Options:

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

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

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

Part 5 of the *Planning and Development Act 2005* enables local governments to amend their local planning schemes and sets out the process to be followed (Attachment 2 refers).

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

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

If Council resolves not to initiate the amendment, there is no right of review to the State Administrative Tribunal by the applicant.

It is important to note that the scheme amendment process is a separate process to the structure plan process. If the scheme amendment is ultimately approved by the Minister for Planning following the statutory advertising period, the applicant will be required to submit a structure plan for the site, which would be subject to a further public comment period.

Clause 3.12.2 of DPS2 requires that no subdivision or development can occur in the 'Urban Development' zone until a structure plan has been prepared and adopted in accordance with Part 9 of DPS2.

The proposal presently before Council is to consider the scheme amendment only.

Strategic Plan

Key Focus Area: The built environment.

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

Policy

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

The proposed amendment would enable the City to consider future residential subdivision and development on the site that will provide additional dwellings. Being an infill site, this will contribute to environmental, economic and social sustainability by providing dwellings near existing facilities and infrastructure in an established suburb.

Consultation:

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

COMMENTScheme Amendment

Given that the site will no longer be used for its current reservation of Local Reserve – Public Use 'Primary School', a rezoning of the site is necessary. Rezoning to 'Urban Development' is considered to be preferable to rezoning to 'Residential', as the Urban Development zone requires the preparation and adoption of a structure plan. The Urban Development zone will ensure that future subdivision and redevelopment of the site occurs in a co-ordinated and integrated manner.

Under DPS2, the subject site has a density code of R20. The density coding of land within the Urban Development zone is considered within the structure plan itself. Therefore, the proposed amendment includes the removal of the density code from the subject site.

The applicant has indicated that the site is intended to be developed for residential purposes. Given the surrounding development is residential, development of this surplus school site for this use is considered to be appropriate.

Structure Plan

Future subdivision and development of the site must conform to the requirements of a structure plan.

The redevelopment of a relatively large infill site is an opportunity for good design outcomes to be achieved. The development of the structure plan will enable the City to consider requirements such as solar orientation of lots, minimum lot frontage, maximum front setback paved area and energy efficient building design.

In addition, issues such as the amount of public open space and density will be considered during the development of the structure plan.

Community Consultation

In addition to the consultation required for the Scheme Amendment, community consultation is also required as part of the consideration of a structure plan, which will give the surrounding landowners further opportunity to comment on the proposed development of the site. However, due to the anticipated high level of community interest in the proposal, it is also recommended that the applicant submit a community involvement and consultation plan to supplement the formal consultation process.

Further information from Department of Education and Training

The information provided from the DET indicates they have taken into consideration the potential for an increase in the number of primary school children in the area to be accommodated on the Allenswood school site. It is considered that the information received has not raised any issues that would prevent the consideration of the scheme amendment application as proposed.

It is recommended that Council initiates the proposed amendment to DPS2 for the purposes of public advertising for a period of 42 days.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 Pursuant to Part 5 of the Planning and Development Act 2005, **CONSENTS** to initiate Amendment No 46 to the City of Joondalup District Planning Scheme No. 2 to:
 - (a) Remove the ‘Public Use’ reservation from Lot 9867 (63) Mulligan Drive, Greenwood and zone to ‘Urban Development’;
 - (b) Change the density code for Lot 9867 (63) Mulligan Drive, Greenwood from R20 to uncoded;for the purposes of public advertising for a period of 42 days;
- 2 **NOTES** that, in the event that Amendment No 46 is approved, a Structure Plan is required to be prepared in accordance with Part 9 of the City of Joondalup District Planning Scheme No 2. The Structure Plan application and approvals process will require further extensive community consultation to be undertaken, prior to consideration by Council;
- 3 **ADVISES** the applicant that the City would anticipate a high level of community and other stakeholder interest in the subdivision and development of the site, and therefore requests a community involvement and consultation plan be submitted to the City prior to the preparation of the Structure Plan, undertaken at the applicant’s cost, to supplement the formal consultation process required under District Planning Scheme No 2.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf090210.pdf](#)

ITEM 5 DISTRICT PLANNING SCHEME AMENDMENT NO.49 TO REZONE LOT 500 (1) ARAWA PLACE, CRAIGIE FROM ‘CIVIC AND CULTURAL’ TO ‘URBAN DEVELOPMENT’

WARD:	Central
RESPONSIBLE DIRECTOR:	Mrs Dale Page Planning and Development
FILE NUMBER:	100589
ATTACHMENTS:	Attachment 1 Location and Aerial site plans Attachment 2 Proposed Amendment No 49 plans Attachment 3 Scheme Amendment process flowchart

PURPOSE

The purpose of this report is for Council to consider initiating proposed Amendment No. 49 to the District Planning Scheme 2 (DPS2) to rezone Lot 500 (1) Arawa Place, Craigie from ‘Civic and Cultural Zone’ to ‘Urban Development’ for the purpose of public advertising.

EXECUTIVE SUMMARY

Lot 500 Arawa Place, Craigie was excised from the former Craigie Senior High School site (Lot 501) for the purpose of a community facility which would be managed by the Department of Child Protection (DCP). Accordingly Lot 500 was zoned ‘Civic and Cultural’ to reflect the intentions for the site.

The DCP recently advised that the community facility will not be proceeding and agreed to the land being re-included in the former Craigie Senior High School site.

The proposed amendment will rezone this site to ‘Urban Development’ which is consistent with the zoning of the adjoining Lot 501. A future structure plan will be prepared to coordinate development of both Lots 500 and 501.

It is recommended that Scheme Amendment No. 49 be initiated for the purpose of advertising for public comment (42 days), after which further consideration can be given to the proposal by Council.

BACKGROUND

Suburb/Location:	Lot 500 (1) Arawa Place, Craigie
Applicant:	Taylor Burrell Barnett
Owner:	Minister for Child Protection
Zoning:	DPS: Civic and Cultural
	MRS: Urban
Site Area:	2,381m ²
Structure Plan:	Not applicable

The subject site forms part of the former Craigie Senior High School Site (Location plans at Attachment 1 refers).

In 2002, the Craigie Senior High School was considered surplus to the requirements of the Department of Education and Training (DET), and ceased operating in 2003. In 2004, all buildings on the site were demolished. In June 2008, a Metropolitan Region Scheme (MRS) amendment was finalised whereby the reservation for 'Public Purposes – High School' was removed and the subject land was zoned 'Urban.'

The subject site, Lot 500, was excised from the former Craigie Senior High School site for use by the DCP. The intent was that the site would be used for a community facility which would provide a range of services such as early learning activities, parenting programs and local support groups. Rezoning of Lot 500 to 'Civic and Cultural' was finalised on 5 June 2009 (DPS2 Amendment 40).

The remaining former Craigie Senior High School site was created as Lot 501. Scheme Amendment No. 40 also included the zoning of Lot 500 to 'Urban Development' to facilitate the future redevelopment of the site.

DETAILS

Amendment No. 49 to DPS2 proposes to rezone Lot 500 (1) Arawa Place, Craigie from the 'Civic and Cultural' zone to the 'Urban Development' zone (Amendment No. 49 plans at Attachment 2 refers).

The DET advised the City on 22 December 2009 that the DCP will not be proceeding with the community facility previously planned for Lot 500. As such the existing 'Civic and Cultural' zoning is no longer appropriate.

Issues and options considered:

The issues associated with the proposed amendments include:

- Suitability of the proposed zoning for Lot 500 - Urban Development.

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

- Support the initiation of the proposed amendment for the purpose of public advertising;
- Not support the initiation of the proposed amendment for the purpose of public advertising.

Legislation/Strategic Plan/Policy Implications

Legislation

Part 5 of the *Planning and Development Act 2005* enables local governments to amend their local planning schemes and sets out the process to be followed. A Scheme Amendment process flowchart forms Attachment 3 of this report.

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

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

If Council resolves not to initiate the amendment, there is no right of review to the State Administrative Tribunal by the applicant.

It is important to note that the scheme amendment process is a separate process to the structure plan process. If the scheme amendment is ultimately approved by the Minister for Planning following the statutory advertising period, the applicant will be required to submit a structure plan for the site, which would be subject to a further public comment period.

Clause 3.12.2 of DPS2 requires that no subdivision or development can occur in the 'Urban Development' zone until a structure plan has been prepared and adopted in accordance with Part 9 of DPS2.

The proposal presently before Council is to consider the scheme amendment only.

Strategic Plan

Key Focus Area: The built environment.

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

Policy

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

The proposed amendment would enable the City to consider future residential subdivision and development on the site that will provide additional dwellings. Being an infill site, this will contribute to environmental, economic and social sustainability by providing dwellings near existing facilities and infrastructure in an established suburb.

Consultation:

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

COMMENTScheme Amendment

The existing 'Civic and Cultural' zoning is no longer appropriate to the site given the State Government will not be proceeding with the development of the site for community purposes. The proposed rezoning will align the site with the balance of the former Craigie Senior High School site which is zoned 'Urban Development'.

Structure Plan

DPS2 requires the development of land zoned 'Urban Development' is be coordinated by a Structure Plan. The development of the structure plan will enable the City to consider requirements such as solar orientation of lots, minimum lot frontage, road layout and vehicular access. In addition, issues such as the amount of public open space and density will be considered during the development of the structure plan.

Community Consultation

In addition to the consultation required for the Scheme Amendment, community consultation is also required as part of the consideration of a structure plan, which will give the surrounding landowners further opportunity to comment on the proposed development of the site. The applicant has advised that the structure plan will be prepared in the near future, and will include community consultation in its development. Due to the anticipated high level of community interest in the proposal, it is recommended that the applicant submit a community involvement and consultation plan to supplement the formal consultation process.

Conclusion

The proposed rezoning of Lot 500 to the 'Urban Development' Zone will ensure a Structure Plan is prepared for the site to ensure that development occurs in an orderly manner which can respond to the unique nature of the site in addition to ensuring further community consultation is undertaken.

It is recommended that Council initiates the proposed amendment to DPS2 for the purposes of public advertising for a period of 42 days.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 Pursuant to Part 5 of the Planning and Development Act 2005, **CONSENTS** to initiate Amendment No 49 to the City of Joondalup District Planning Scheme No. 2 to:
 - (a) Rezone Lot 500 (1) Arawa Place, Craigie from 'Civic and Cultural' to 'Urban Development';

for the purposes of public advertising for a period of 42 days;
- 2 **NOTES** that, in the event that Amendment No 49 is approved, a Structure Plan is required to be prepared over Lots 500 and 501, in accordance with Part 9 of the City of Joondalup District Planning Scheme No 2. The Structure Plan application and approvals process will require further extensive community consultation to be undertaken, prior to consideration by Council;
- 3 **ADVISES** the applicant that the City would anticipate a high level of community and other stakeholder interest in the subdivision and development of the site, and therefore requests a community involvement and consultation plan be submitted to the City prior to the preparation of the Structure Plan, undertaken at the applicant's cost, to supplement the formal consultation process required under District Planning Scheme No 2.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf090210.pdf](#)

ITEM 6 PROPOSED GROWERS MARKET AT POYNTER PRIMARY SCHOOL - 39 POYNTER DRIVE, DUNCRAIG

WARD: South

**RESPONSIBLE
DIRECTOR:** Mrs Dale Page
 Planning and Development

FILE NUMBER: 07584

ATTACHMENTS: Attachment 1 Location plan
 Attachment 2 Development plans
 Attachment 3 Submitted supporting documentation
 Attachment 4 Map of submissions received
 Attachment 5 Map of submissions received (Larger area)

PURPOSE

To request Council's reconsideration of an application for a Growers Market at an existing educational establishment (Poynter Primary School), at 39 Poynter Drive, Duncraig. The application has previously been refused by Council and the requested reconsideration is a result of the State Administrative Tribunal (SAT) mediation process.

EXECUTIVE SUMMARY

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

The subject site is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and is Reserved as 'Public Purpose – Primary School' under the City's District Planning Scheme No.2 (DPS2).

Council refused an application for a weekly growers market at this school on 15 September 2009. The applicant applied to SAT for a review of this decision. Through the SAT mediation process the applicant has submitted what is considered to be a substantially modified proposal. The SAT has invited the City to reconsider its decision to refuse the application. As the decision was originally made by Council, Council is required to determine this modified application.

The modified proposal was advertised to nearby residents for a period of 21 days between 11 January and 1 February 2010. A total of 76 adjoining and nearby property owners were advised of the modified proposal in writing. A total of 64 submissions were received during this public consultation process with 46 being objections, 4 being non-objections and 14 being letters of support. The objections received primarily raised concerns regarding traffic, customer parking, noise and a general loss of residential amenity. A 110 signature petition has also been received by Council objecting to any proposal to hold a growers market at the school, irrespective of frequency and duration.

The applicant has made substantial modifications to the proposal, specifically with regards to the location, size, and frequency of the markets and the location of customer vehicle parking. However, vehicle parking and access for stallholders still relies on what is considered to be a minor residential street. Due to the potential impact on neighbourhood amenity via additional noise and general disturbance the proposal is not supported.

BACKGROUND

Suburb/Location: Reserve 34149 (39) Poynter Drive, Duncraig
Applicant: Poynter Primary School P&C Association Inc
Owner: Department of Education and Training
Zoning: **DPS:** Local Reserve
MRS: Urban
Site Area: 42.1ha
Structure Plan: Not Applicable

The subject site is bound by Poynter Drive to the east, Griffell Way to the north, and Lionel Court to the west. The southern boundary of the school is adjacent to existing residential properties (Location plan at Attachment 1 refers).

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

PREVIOUS APPLICATION

Council has previously refused an application for a growers market at this site at its meeting held on 15 September 2009. The reasons for refusal of that proposal were:

- (a) *The proposed markets will have an adverse impact on the amenity of surrounding residents and the locality by way of additional traffic accessing the area and site;*
- (b) *The proposed markets will have an adverse impact on the amenity of surrounding residents and the locality by way of additional noise and general disruption to adjacent residents; and*
- (c) *The frequency, location, size, and operation of the proposed Markets is not consistent with the Reservation of the land for the purposes of a Primary School.*

The applicant then applied to the SAT for a review of Council's decision. The City and the applicant have attended a number of mediation sessions and discussed various aspects of the proposal in detail. The applicant has now presented what is considered to be a substantially modified proposal to the SAT, and the Council has been invited by the SAT to reconsider its decision to refuse the application.

DETAILS

The applicant proposes to establish a fortnightly Saturday market at the school including:

- up to 15 stalls within the existing grass quadrangle between the library, undercover assembly area, and classroom building (within the centre of the School);
 - parking for stallholders on the existing school oval accessed from Griffell Way;
 - parking for customers within the existing staff car park accessed from Poynter Drive;
- and

- proposed operating hours between 9am and 12.00pm with stallholders permitted to commence setting up from 8am.

The modified proposal is substantially different from the proposal previously refused by Council. The table below summarises the main points of difference:

Original Proposal (refused by Council in September 2009)	Modified Proposal (to be determined by Council)
Markets operate every Saturday (weekly).	Markets operate every second Saturday (fortnightly).
Markets are located on the basketball courts (near Griffell Way).	Markets are located within the grass quadrangle between the library, undercover assembly area and classroom buildings (in the centre of the School).
Up to 29 stalls.	Up to 15 stalls.
Operating hours between 8am and 12.30pm.	Operating hours between 9am and 12pm.
Stallholders permitted to set up from 7am.	Stallholders permitted to set up from 8am.
Parking for stallholders on the netball courts (access off Griffell Way).	Parking for stallholders on the school oval (access off Griffell Way).
Parking for customers on the school oval (access off Griffell Way).	Parking for customers within the staff car park at the front of the school and within on-street parking bays on Poynter Drive (access off Poynter Drive).
Vehicle access: entrance for customers via Griffell Way and exit via Lionel Court.	Stallholder parking access from Griffell Way; and Customer parking via Poynter Drive.
Markets to operate for an indefinite period.	Seeking 12 month approval to operate. Operating beyond this would require further approval of the Council.

The development plans and supporting documentation are provided in Attachments 2 and 3.

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

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

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

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

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

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

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

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

and the ethos being to:

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

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

Parking and Traffic Management:

Parking for the customers of the market will be provided within the existing staff car park accessed from Poynter Drive. The car parking area consists of 25 car parking bays. Four voluntary parking attendants will be on site to direct traffic in an orderly manner in to, and out of, the school grounds. Parking for stallholders will be provided via an informal accessway on Griffell Way onto the school oval. Signage will also be used to ensure orderly traffic flow for vehicles entering and exiting the parking areas.

A complete set of the applicant's supporting documentation is provided in the Councillor's Reading Room.

Issues and options considered:

Council has the discretion to:

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

Legislation/Strategic Plan/Policy Implications

Legislation City of Joondalup District Planning Scheme No.2

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

2.3.2 USE OF LOCAL RESERVES

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

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

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

2.3.3 DEVELOPMENT OF LOCAL RESERVES

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

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

2.3.4 APPLICATION FOR PLANNING APPROVAL ON LOCAL RESERVES

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

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

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

the Council shall for that purpose stipulate the zone most relevant for comparison.

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

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

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

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) any relevant submissions by the applicant;*
- (c) any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) the comments or wishes of any objectors to or supporters of the application;*
- (j) any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) any other matter which in the opinion of the Council is relevant.*

Strategic Plan

Key Focus Area: Community Wellbeing

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

Policy: No policies are applicable in this instance.

Risk Management considerations:

The State Administrative Tribunal has the right to affirm, modify or overturn the Council's decision, in accordance with the State Administrative Tribunal Act 2004 and the Planning and Development Act 2005.

Financial/Budget Implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability Implications:

Not Applicable

Consultation:

The modified proposal was advertised for public comment for a period of 21 days. A total of 76 nearby owners were advised in writing. Advertising closed 1 February 2010.

A total of 64 responses were received, being 46 objections, 4 non-objections and 14 letters of support.

A 110 signature petition has also been received by Council at its 15 December 2009 meeting objecting to any proposal to hold a Growers Market at the School, irrespective of frequency and duration.

Key issues arising from Public Consultation

Objections to the proposed development raised the following concerns:

- Regardless of the frequency and duration of the proposed market, the market will have a negative impact on the amenity of the neighbourhood;
- Additional traffic will be introduced on to the streets whilst the market is operating;
- Customers can not be forced to park within the designated site of the staff car park and are likely to park along Griffell Way or on the verges of Poynter Drive;
- The staff car park is not a suitable parking site due to its narrow entrance and inconvenient pedestrian access;
- Stallholders entering the site via Griffell Way at 8am will disturb local residents through noise and extra traffic flow;
- Customer parking will eventuate on the verges of nearby properties which will result in a dangerous situation for vehicles and pedestrians accessing the markets, and also for residents manoeuvring out of driveways along these streets. Traffic wardens will not have the necessary authority or resources to prevent visitors parking on residents' verges;
- The entrance to the stallholder car park is substandard and will result in the sand being disturbed thus creating dust for neighbours opposite;
- Houses in this area were purchased with the full knowledge of disruption from the school during the week, but not on the weekends too;
- There will be excessive noise from the operation of the markets, car doors closing and car engines revving;
- The market will result in a decrease in property values;
- The operation of the markets will damage nearby businesses;

- The development site is designated as a State Government Primary School and is located amongst a residential area. The commercial trading activity is against the zoning of the site;
- The site does not have adequate commercial facilities and infrastructure;
- There may be an increase in food litter and rubbish on the site; and
- The operation of the market will result in a loss of amenity and quality of life for residents.

For comparison purposes, the first round of consultation conducted by the City advertising the original application attracted 33 responses, being 31 objections and 2 letters of support. The applicant later submitted an additional 31 letters of support; however none were from within the initial consultation area.

Attachments 4 and 5 provide plans indicating the distribution of submissions.

COMMENT

Proposed Use and Location

In considering the use of a primary school, and its reservation, for a growers market the City has sought legal advice. This advice has identified:

1. The use or development of the reservation should be consistent, or at least not manifestly inconsistent, with the purpose of the reservation.
2. An acceptable use on a primary school reserve is a matter of fact and degree. Such that operating a fast food restaurant in the school grounds (even if rental proceeds went to the school or P&C) would be inconsistent, whilst an annual or once per term fete (including an ice cream van) would be consistent.
3. Rental funds from the market going to the P & C (for the direct benefit of the school) is a necessary element if the use is to be assessed as possibly consistent with the reservation. Without this benefit the use would have no 'public purpose' element, and could not be considered consistent with the public purpose reserve of the school.

Based on these principles, issues specific to a growers market are:

1. A growers market is not necessarily manifestly inconsistent with the purpose of the reserve, as it is not dissimilar to a fete in the nature of the activity. Although, a fete is viewed to be more aligned to the public purpose of the reserve, whereas a growers market has a significant private element;
2. The 'commercial' or 'private' nature of the use is a relevant factor when considered with the scale and frequency, and this 'degree' may determine whether the use is consistent with the reservation.

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

The market will be operated by the Poynter Primary School P&C committee. The proposed market is viewed as a commercial venture, albeit one operated by the school P&C. The revenue raised through stall rental will be used to improve the school. Given the direct benefit the school will derive, there is considered a relationship between the market and the reservation.

The subject site is reserved under DPS2 for Public Purposes – Primary School. Clause 2.3.2 of DPS2 identifies the planning considerations for Council to take into account when considering the use of a reserve. As identified earlier the appropriateness of the operation of a growers market at a school is a question of degree and the specific circumstances of the proposal. These include the frequency of the market, the relationship between the market and the school and the size of the market.

Council must determine whether the frequency (being fortnightly), and size (15 stalls) of the proposed market is sufficiently consistent with the reservation of the land for primary school purposes to approve the use.

Pertinent to this consideration is Council's decision of 15 September 2009 relating to the previous application for a growers market on this site. In this instance the proposal was for 29 stalls (20m² to 52m² in size), and operating weekly. Council refused the application for three reasons, one of which was that it considered the frequency, location, size and operation of the markets to be inconsistent with the reservation.

Additionally, Council's decision of 16 December 2009 relating to an application for a farmers market at Springfield Primary School is also pertinent. In this instance the proposal was for 21 stalls of 8m² each with a fortnightly frequency. Council approved the application as it was determined the frequency, size and operation were consistent with the reservation of the land for primary school purposes, and the site circumstances were considered appropriate.

It is considered that the greater the frequency and/ or the larger the size of the market the less consistent the proposal will be with the reservation of the land. Also noteworthy to this consideration is the community's expectations of what a school can reasonably be expected to be used for. It is recognised that local residents purchase a home near a school in full knowledge that it is intensely used Monday to Friday. Whether use of a portion of a school site on the weekend on a fortnightly basis is acceptable is open to difference of opinion and again is likely to be based on frequency, size, location and the particular operation.

Weighing up these various factors and Council's previous decisions on this matter, it is considered that a relatively small growers market, held fortnightly, that directly benefits the school can appropriately be viewed in this instance as being consistent with the reservation.

Car Parking

In Council's approval of a farmers market at Springfield Primary School in December 2009, Council determined that a car parking standard of 1 bay per 20m² GLA and 1 bay per stallholder is sufficient in providing car parking for the proposed markets. This would result in the proposal requiring 40 bays as shown below:

	Amount	Parking Requirement	Parking Provided
Stallholder Parking (1 bay per stallholder)	15 stallholders	15 bays	15 bays can be provided on the school oval.
Customer Parking (1 bay per 20m ² GLA)	496m ² GLA	24.8 bays	25 bays are provided in the eastern car park accessed from Poynter Drive.
Total		40 bays	

It should be noted that there are also 13 on street parking bays on Poynter Drive adjacent to this area of the school. Although they could be utilised by customers of the markets, for the purpose of calculating the car parking standard these bays are excluded, as they are outside of the subject site.

The parking area for customers is proposed within the existing 25 bay staff car park located adjacent to Poynter Drive. The car park was originally designed to be one way, however the point of egress was closed to cater for the construction of on-street parking bays on Poynter Drive. This has resulted in a single point of access and egress into the car park which creates a 'blind aisle' situation for users of the car park with limited space for vehicles to conduct a U-turn out of the car park in the situation that there are no vacant car parking spaces available. This is not considered ideal for customer parking purposes. Additionally, the car parking bay markings have worn off and will be required to be remarked if the markets were to be approved.

The parking area for stallholders is accessed from Griffell Way (refer Attachment 1 – Location Plan). Griffell Way could be best described as a minor residential street. The main street servicing the school is Poynter Drive, but due to the lack of parking available at the front of the school the school oval will be needed to cater for stall holder car parking.

It is considered that utilising this minor residential street for stallholder parking is not appropriate, particularly on the weekend, when noise and general disturbance of vehicles using this street would not be expected by residents.

Additionally, the operators of the markets will not be able to prevent customers parking on the verge. Although parking on the verge is not illegal (with the consent of the owner of the land abutting the verge), it is not desirable due for reasons of safety for other vehicles and pedestrians, and also for the amenity for the nearby residential properties. The applicant submits that volunteers will ensure that no traffic will be directed down Griffell Way or Lionel Court, and signage will be used to direct persons to the on-site parking area.

Traffic

The car parking areas are accessed from Poynter Drive and Griffell Way (refer Attachment 1 – Location Plan). Poynter Drive is classed as a Local Distributor by Main Roads WA under its Functional Road Hierarchy. A Local Distributor road has a maximum daily desirable capacity of 6000 vehicles per day. Griffell Way is classed as a Local Access Road and has a maximum daily desirable capacity of 3000 vehicles per day.

A traffic count was conducted on Poynter Drive in February 2008 which indicated an average week day usage of 2771 vehicles per day.

It is considered that Poynter Drive is an appropriate road and is of sufficient design to cater for the amount of customer traffic the markets are anticipated to generate. This should result in minimal impact on the amenity of the surrounding locality in relation to traffic, as the markets will not be accessed via any local residential streets by customers.

It is also anticipated that the 13 on-street car parking bays will adequately cater for those people who do not wish to utilise the off-street car parking.

Noise

There has been concern expressed by surrounding residents regarding noise from vehicles, people and the general operation of the market. The applicant has stated that electrical generators and sound amplification will not be permitted. Electricity can be connected to the main school building via extension leads.

The operation of the markets, like other development, would be required to comply with the Environmental Protection (Noise) Regulations 1997. However, it could be expected that noise from vehicle manoeuvring and numbers of people accessing the markets is likely to create some level of disturbance to nearby residents. For this reason the operator of the market has proposed a starting time of 8.00am for stallholder setup and 9.00am for customer access. This is outside the starting time for construction work or other specified domestic activities of 7am set out by the noise regulations.

It is considered that the location of the proposed market within the quadrangle at the centre of the school would minimise noise disturbance. The movement of traffic is more likely to impact residents.

Potential impact on City resources

If the proposed markets were to be approved and resulted in parking or traffic problems this may impact on City resources. It is considered that the layout and location of the school and the proposed management of the markets together with the availability of on-street bays will minimise this risk.

Conclusion

It is considered that the appropriateness of the market at the primary school is a question of degree. In this instance the proposed land use is considered to be consistent with the reservation of the land and appropriate as:

- The markets are proposed to operate fortnightly.
- The markets will directly benefit the school and school community; and
- The proposed operating hours of the markets are limited.

Significant changes have been made to the proposal in order to address Council's concerns. However in this instance it is considered that there are aspects of the proposal that are likely to result in a detrimental impact on the general amenity of the neighbourhood and nearby properties.

Specifically, the proposed traffic management plan relies on a local residential street to provide access to the oval for stallholder parking. This presents potential safety issues for vehicles and pedestrians, and reduces the amenity of nearby residents by way of vehicle noise, and visual outlook on to parked vehicles.

It is therefore recommended that the application be refused.

Conditions of approval

Council has been invited to reconsider its decision to refuse the application by the SAT. If Council resolves to refuse the application the application will proceed to a final hearing whereby the SAT will make a determination on the application. At the final hearing the SAT has the ability to approve the proposal, with or without conditions or affirm the Council's decision to refuse the application.

As part of the final hearing process the SAT will require the Council to provide a list of conditions to be applied if the SAT were of a mind to approve the development.

It is recommended that Council resolve to provide these draft conditions (as set out in part 3 of the recommendation) to the SAT. This will assist the City in meeting the timeframes and requirements of the SAT.

The recommended draft conditions are similar to those applied by Council to the Springfield Primary School Farmers Market approved at its meeting of 16 December 2009, particularly with regard to operating hours, and operating details. With regard to operating hours, the applicant has proposed stallholder setup at 8am, with opening of the market at 9am. For the purposes of consistency it is recommended that the hours align with those approved for Springfield Primary School, that is an 8.30am stallholder setup and 9.30am market opening.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 REFUSES the application dated 13 July 2009 and amended application dated 3 December 2009, submitted by Poynter Primary School P&C Committee Inc, on behalf of the owner, Department of Education and Training, for a growers market at Reserve 34149 (39) Poynter Drive, Duncraig, for the following reasons:**
 - (a) The proposed markets will have an adverse impact on the amenity of surrounding residents and the locality by way of additional traffic accessing the area and site;**
 - (b) The proposed markets will have an adverse impact on the amenity of surrounding residents and the locality by way of additional noise and general disruption to adjacent residents;**
- 2 ADVISES submitters and the lead petitioner of its decision in Part 1 above;**

- 3 ADVISES the State Administrative Tribunal that if the Tribunal is of a mind to approve of the application, it is requested the following conditions be placed on the approval:**
- (a) This approval is valid for a period of 12 months from the date of approval. If the applicant wishes to continue operation of the growers market after this period, the applicant shall apply to renew the application stating whether any part of the proposal has been altered since its original approval, prior to the expiry of the approval;**
 - (b) The operating times for the markets shall be Saturday mornings between 9.30am and 12.30pm only. Stall holders shall not commence setting up before 8.30am;**
 - (c) The frequency of the markets shall not exceed once every four (4) weeks;**
 - (d) A maximum of 15 stalls are permitted;**
 - (e) No amplified sound shall be permitted without the prior written approval of the City;**
 - (f) Customer parking shall be provided in the eastern staff car park at all times the market is operating;**
 - (g) All stallholder parking shall be provided on the school oval located to the west of the school. All stallholder vehicles shall be parked in this location by no later than 9.15am at which time the crossover is to be gated off to prevent customer access. Access to this parking area shall be prevented at all times during the operating hours of the markets;**
 - (h) Traffic management shall be undertaken in accordance with the submitted traffic management plan and amended details dated 13 July 2009 and 3 December 2009. Where there is a conflict between these two documents the letter dated 3 December 2009 shall prevail. Directional signage and Traffic Wardens shall be provided for the duration of the operation of the markets to indicate the location of parking areas and discourage verge parking;**
 - (i) Generators are not permitted to be used on site;**
 - (j) The area containing the market to be kept in a clean and tidy condition at all times during and following the operation of the market;**
 - (k) All temporary structures associated with the market shall be removed at the completion of the market;**
 - (l) The markets shall operate in accordance with all documentation submitted to the City as part of the application (as amended);**
 - (m) The parking bays, driveways and points of ingress and egress to the eastern staff car park are to be modified and maintained in accordance with the Australian Standard for Off-street Car parking (AS/NZS2890.1-2004). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the markets being first commenced. Please be advised that the car parking bays will be required to be re-marked;**

- 4** **NOTES that the conditions of 3 above are similar to those applied to the Springfield Primary School Farmers Market approval dated 16 December 2009 as per CJ263-12/09.**

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf090210.pdf](#)

ITEM 7 DISTRICT PLANNING SCHEME REVIEW – LOCAL PLANNING STRATEGY

WARD:	All
RESPONSIBLE DIRECTOR:	Mrs Dale Page Planning and Development
FILE NUMBER:	09011
ATTACHMENTS:	Attachment 1 Local Planning Strategy Attachment 2 Schedule of Submissions

PURPOSE

The purpose of this report is for Council to consider submissions received during the public advertising of the draft Local Planning Strategy (LPS) and decide whether to adopt the Strategy.

EXECUTIVE SUMMARY

The LPS is a key component of the review of District Planning Scheme 2 (DPS2). The requirement for preparing a strategy is established under legislation, and monitored by the Western Australian Planning Commission (WAPC) and its advisory department, the Department of Planning.

The LPS is a statement of strategic direction that will provide the rationale for future decision making by Council. It will inform the spatial planning initiatives to be included in a new District Planning Scheme and related strategies.

On 5 August 2008, Council resolved to submit the draft LPS to the WAPC for consent to advertise. Formal consent to advertise was received from the WAPC in August 2009. The draft LPS was advertised for a period of 60 days, closing on 9 November 2009. A total of seven submissions were received, all providing a range of comments on the draft LPS.

As a result of the comments received during the submission period and advice from the WAPC, several changes to the draft LPS are proposed. These changes predominantly relate to background information or provide clarification. In addition, several changes are proposed to improve the wording and clarity of the document, and bring the document up to date with current policy, legislation and planning decisions.

It is recommended that Council adopt the Local Planning Strategy with modification, and forward to the WAPC for endorsement.

BACKGROUND

Local governments are required by the *Planning and Development Act 2005* to review their planning schemes at intervals of not more than five years. The preparation of a LPS is required before the planning scheme is formally reviewed. The LPS is intended to provide the rationale for the decision making considerations that are expressed in the planning scheme text and maps. It also establishes the various planning objectives and considerations that are important to the Council and the community within the short to medium term future.

A draft LPS was prepared and presented to Council at its meeting held on 5 August 2008. At this meeting, Council resolved as follows:

- 1 *SUBMITS the draft Local Planning Strategy to the Western Australian Planning Commission and seeks the Commission's consent to advertise the Strategy for a period of 60 days;*
- 2 *NOTES that a public engagement strategy will be developed to complement the statutory advertising requirement that may be established by the Western Australian Planning Commission.*

The draft LPS was submitted to the Western Australian Planning Commission (WAPC) in August 2008. In April 2009, the WAPC advised that the draft LPS was suitable to advertise subject to a number of modifications and additions. Further work was undertaken on the draft LPS and the requested modifications and additions were incorporated into the document. The requested modifications did not alter the intent of the draft LPS, rather, were to provide additional information and explanation. In August 2009, formal consent to advertise the draft LPS was received from the WAPC.

DETAILS

The draft LPS is attached, and contains details of the proposed themes, strategies and actions regarding planning for the future of Joondalup (refer Attachment 1). Modifications to the draft document have been made, however, these do not alter the intent of the draft strategy. Changes include:

- Updating references to policies and strategies of the Council.
- Updating references to State level policies and strategies that have been released since the initial drafting of the LPS, including the draft Directions 2031 and the Activities Centre Policy documents.
- Accommodating appropriate modifications suggested in the submissions received.
- Generally improving the wording and clarity of the document.

Issues and options considered:

Council has the option to:

- Adopt the proposed Local Planning Strategy and submit to WAPC for consideration of final approval;
- Adopt the proposed Local Planning Strategy, with modifications and submit to WAPC for consideration of final approval, or
- Not adopt the Local Planning Strategy.

Legislation/Strategic Plan/Policy Implications

Legislation

The *Town Planning Regulations 1967* establish the statutory process for review of Planning Schemes, and the need for a Local Planning Strategy. Regulation 12A (3) states:

A Local Planning Strategy shall:

- (a) *set out the long-term planning directions for the local government;*
- (b) *apply state and regional planning policies; and*
- (c) *provide the rationale for the zones and other provisions of the Scheme.*

Upon closure of the advertising period, Council is to review the draft LPS in light of any submissions made and adopt the LPS with such modifications as it thinks fit. Following this, the LPS is submitted to the WAPC for endorsement.

Strategic Plan

Key Focus Area: The built environment.

Objective 4.1: To ensure high quality urban development within the City.
Strategy 4.1.1: Develop and implement a new planning scheme for the City.

Policy

The adoption of the Local Planning Strategy may result in identification of changes and modifications required to existing Council policies. It may also identify the need for new policies. The prepared draft LPS does not conflict with any existing planning policies.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

The draft LPS has been prepared with in-house resources, assisted by one temporary contractor. The 2009/10 budget for the temporary contractor is \$60,250.

Regional Significance:

The LPS will establish broad themes that have regional implications (for example, supporting the development of the Joondalup City Centre as a Primary Centre, the inclusion and coordination of regional transport links, and providing a suitable response to state and regional policies on planning matters).

Sustainability Implications:

The LPS contains strategies and actions relating to sustainability, across a number of the different themes, in recognition of state planning policies and existing City policies and strategies. It establishes sustainability objectives as a major priority to clearly indicate that economic, social and environmental sustainability objectives are included in town planning considerations for the future.

The sustainability objectives will be used to inform the standards and requirements of the new District Planning Scheme and policies.

Consultation:

The Local Planning Strategy was advertised for 60 days closing on 9 November 2009. It was advertised for two consecutive weeks in the local newspaper on 10 and 17 September 2009. The draft LPS document, map and Frequently Asked Questions were available on the City's website for the duration of the advertising period. Letters were also sent to service authorities, government agencies and adjacent local governments.

A total of seven submissions were received comprising one submission from a member of the public, two from service authorities, one from a planning consultant, one from another local government and two from other government agencies. The comments are summarised in Attachment 2. Copies of the submissions have also been placed in the Councillors reading room.

COMMENT

Response to submissions

The issues raised in the submissions are detailed in Attachment 2 along with comments and recommendations where appropriate. All submissions provided comments on the draft LPS, and while there were no objections, several of the submissions identified issues with the draft LPS related to the submitters area of interest.

The main issues identified, and the City's response, are as follows:

- Main Roads WA raised a concern with establishing higher density residential development around train stations which may cause conflict between local and regional traffic, and issues of noise and vibration.

Higher density development around train stations is recommended in WAPC policies such as Network City and (draft) Directions 2031.

- Landcorp provided a detailed submission on the LPS, which mostly related to the Joondalup City Centre Structure Plan (JCCSP).

The JCCSP is subject to a separate review process during which submissions will be considered.

- Water Corporation advised that they have based water and wastewater provision on current density codes and any increase will require a review of their infrastructure planning to ensure adequate provision of services.

Water Corporation will be advised of any proposed changes to density codes through the draft Local Housing Strategy and provided with the opportunity to comment.

- Tourism WA noted that Hillarys Boat Harbour has not been formally identified as a strategic tourism site.

The main changes to the draft LPS as a result of the submissions are:

- Removal of reference to Hillarys Boat Harbour as a strategic tourism site, although it is to be noted that the Plan does note that Hillarys Boat Harbour "is critical to the future growth and community benefit of tourism in the City of Joondalup."
- Clarification of the capacity of the Beenyup Waste Water Treatment Plant in the Public Utilities and Services section.

The submissions did not identify any major issues or fundamental flaws in the draft LPS. The additions to the draft LPS as a result of the submissions do not alter the intent of the LPS, rather, they provide additional information, explanation and clarification.

WAPC Advice

Previous advice from the WAPC required the following changes to be incorporated within the draft LPS prior to public advertising:

- A recommendation on the preparation of a local planning policy on consulting rooms to provide guidance on appropriate locations.
- Inclusion of the draft Activities Centres Policy for Perth and Peel in the State and Regional Planning context.

Document Update

The style of the LPS has significantly changed due to reformatting, renumbering and reordering. While the document looks and feels different, the majority of the content has not changed except where identified below. A copy of the draft LPS as advertised in September/November 2009 is available in the Councillors Reading Room.

The LPS was originally drafted in 2008. Since then, several State Government documents have been released and the LPS has been updated to incorporate these. The most important additional documents are:

- Draft Directions 2031: Draft Spatial Framework for Perth and Peel
- Draft State Planning Policy: Activity Centres for Perth and Peel

The following sections of the Municipal Profile and Key Issues have also been updated to reflect current State and Local Government documents and incorporate reference to new available data. The document has also been reformatted for additional clarity.

Population and Housing

- Figures have been updated with data from the 2006 Census which was not available at the time of original drafting.
- A number of tables have been converted to graphs.

Employment and Economy

- Addition of 'employment by industry type' table based on 2006 Census data.
- The commercial floor space and employment figures have been updated as the Department of Planning has conducted a new Perth Employment Survey in 2008.

Retail and Commerce

- Updated to refer to the *Draft State Planning Policy: Activity Centres for Perth and Peel* rather than the *Metropolitan Centres Policy*.
- Addition of 2008 commercial and retail floorspace figures from the 2008 Perth Employment Survey.

Transport

- The information in this section has been reordered.
- A section on buses has been included within the public transport network section.

Recreation and Public Open Space

- Additional information on the Classification of Parks and Public Open Spaces Framework and Tennis Court review has been included.

Physical Features and the Environment

- Expansion of the description of the City of Joondalup's environment and biodiversity.
- Addition of threatened flora and fauna.
- Expansion of the environmental management section.

Heritage Conservation

- Inclusion of the Scheme's Heritage List. First property listed in 2009.
- Addition of the State Register of Heritage Places.
- Addition of the Register of the National Estate.
- Addition of information on Aboriginal heritage sites.

The wording of the 'Planning Implications' that follow each section has also been reviewed and the wording improved.

Following on from the additional information included in the Municipal Profile and Key Issues section, some of the Strategies and Actions have been modified as a result of these updates, and several new strategies and actions have been added.

Joondalup City Centre

- This theme has been reviewed and condensed to provide more focused visions and strategies for the City Centre.
- New actions to provide public amenities (such as seating, bicycle racks and shelter) and development that is consistent with the Landscape Master Plan have been added.

Housing

- The wording of the strategies and actions has been updated and refined.
- No new strategies or actions have been added.

Commercial Centres

- The wording of the strategies and actions has been updated to reflect current documents.
- No new strategies or actions have been added.

Transport

- The wording of the strategies has been refined.
- New actions have been added to implement the City's Bike Plan and install bicycle parking facilities.

Employment

- The wording of the vision statement has been refined.
- As requested by the WAPC, an action requiring the preparation of a local planning policy to provide guidance on consulting rooms has been added.

Heritage

- The wording of the strategies and actions has been refined.

Public Open Space

- The wording of the strategies has been refined.
- No new strategies or actions have been added.

Environment

- The vision statement has been rewritten to incorporate reference to the built environment as well as the natural environment.
- The strategies and actions have been rewritten to reflect the intent of the vision statement and provide greater focus on environmentally sensitive design and retention of native vegetation where possible.

Conclusion

The outcome of the public consultation was general support for the LPS, with very few submissions received.

The additional information incorporated into the LPS does not alter the intent of the LPS, but predominantly provides additional background information. As a result of this additional background information, some of the strategies and actions have been revised and several new strategies and actions have been added. It is considered that these additions are consistent with the overall intent of the document.

The LPS is a key document in the progression of the scheme review. It provides a positive framework and the strategic direction for the development of the new scheme, as well as other key strategies such as the Local Housing Strategy. The adoption of the LPS will provide the rationale for future decision making by Council.

It is therefore recommended that Council adopts the Local Planning Strategy, with modifications, as final.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 ADOPTS the Local Planning Strategy with modifications as final, as outlined in Attachment 1 to this Report;**
- 2 SUBMITS the Local Planning Strategy to the Western Australian Planning Commission for its endorsement.**

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf090210.pdf](#)

ITEM 8 OBJECTION TO SECTION 3.25 NOTICE REQUIRING REMOVAL OF DISUSED GOODS FROM FRONT SETBACK OF LOT 499 (NO 5) PERIWINKLE ROAD, MULLALOO

WARD:	North-Central	
RESPONSIBLE DIRECTOR:	Mrs Dale Page Planning and Development	
FILE NUMBER:	69346	
ATTACHMENTS:	Attachment 1	Location plan
	Attachment 2	Site photos
	Attachment 3	Notice issued 23 November 2009
	Attachment 4	Proposed Notice

PURPOSE

For Council to consider an objection lodged by the land owner of No 5 Periwinkle Road, Mullaloo, in respect of a notice issued by the City to remove disused materials.

EXECUTIVE SUMMARY

Over the past 18 months a number of materials have accumulated within the front setback area of the abovementioned property. These disused materials, including rusted metal columns, floor tiles, scaffolding and a variety of other materials have an adverse impact on the visual amenity of the surrounding residents and the locality. As such, in November 2009 the City issued a notice under section 3.25 of the *Local Government Act 1995* (the notice), requiring the removal of all materials.

The landowner has subsequently lodged an objection to this notice with the City. As such, Council must determine, under section 9.6 of the *Local Government Act 1995*, whether to uphold the notice and require the removal of the disused materials, or uphold the objection and allow the landowner to retain the disused materials.

BACKGROUND

The City has received ongoing complaints since June 2008, regarding the unsightly and unkempt visual appearance of the front setback area of 5 Periwinkle Road, Mullaloo. The City has communicated with the landowner requesting that the appearance of the front setback area be improved, and all disused goods removed. The landowner has not complied with these requests, and has subsequently accumulated additional materials within this untidy area.

In order to resolve the matter and improve the amenity of surrounding landowners and the locality, the City issued a notice to the landowner in November 2009, under Section 3.25 of the *Local Government Act 1995*. This notice required the removal of all disused materials (Attachment 2 refers).

It should be noted that the City is also dealing with the landowner in relation to an unauthorised outbuilding at the abovementioned property. This outbuilding is not the subject of this report and is being dealt with separately.

DETAILS

The landowner has lodged an objection with the City in relation to the notice.

The objection states "... the rubbish and materials I will not be using have been disposed of. All other "materials" or items listed by you, including general gardening equipment, children's toys and play equipment, potted plants, rubbish bins, ornamental items etc, that are on "my" property and are either used in general day to day living or are placed there in a tidy manner to be used in or around the property in the future".

Although the landowner's objection suggests a compromise, a subsequent inspection found that many of the items listed in the notice, that were to be either removed or stacked neatly, remain in the front setback of the property in an untidy condition. The City may be in a position to allow the play equipment to remain within the front setback area should these other materials be removed.

Issues and options considered:

When considering the objection to the Notice, the Council has the option to:

- Dismiss the objection and therefore require the removal of the disused materials;
- Revoke the requirement to remove the disused materials; or
- Substitute the previous notice with a new notice requiring the removal of only some of the disused materials.

Legislation/Strategic Plan/Policy Implications

Legislation Local Government Act 1995

Schedule 3.1, Division 1 5A (1)

- (1) Ensure that overgrown vegetation, rubbish, or disused material, as specified, is removed from land that the Local Government considers to be untidy.

Section 3.25

- (1) The Local Government may give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of the land a notice in writing relating to the land requiring the person to do anything specified in the notice that:

- (a) is prescribed in Schedule 3.1, Division 1; or
- (b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.2, Division 2.

Section 3.25(5) and Part 9 Division 1 of the *Local Government Act 1995* states that a person who is issued a notice pursuant to Section 3.25 may either:

- (a) Object to the notice by lodging an objection form with the City of Joondalup within 28 days of receiving the notice; or
- (b) Apply to the State Administrative Tribunal for a review of the decision to give the notice within 42 days of receiving the notice.

Section 9.6

- (1) The objection is to be dealt with by the Council of the Local Government or by a committee authorised by the Council to deal with it.
- (2) The Committee cannot deal with an objection against a decision that it made or a decision that the Council made.
- (3) The person who made the objection is to be given a reasonable opportunity to make submissions on how to dispose of the objection.
- (4) The objection may be disposed of by:
 - (a) dismissing the objection;
 - (b) varying the decision objected to; or
 - (c) revoking the decision objected to, with or without –
 - (i) substituting it for another decision; or
 - (ii) referring the matter, with or without directions, for another decision by a committee or person whose function it is to make a decision.
- (5) The Local Government is to ensure that the person who made the objection is given notice in writing of how it has been decided to dispose of the objection and the reason for disposing of it in that way.

Strategic Plan

Not Applicable.

Policy

Not Applicable.

Risk Management considerations:

If Council upholds the notice and requires the removal of the materials and these materials are not removed, the City may commence prosecution for failure to comply with the notice. At that time the applicant would have the right to defend the matter in Court. The City is likely to be successful in such prosecution action.

If Council upholds the objection and dismisses the notice then the applicant will have the right to store the disused materials in the front setback area, as illustrated in the attached photographs. This does not prevent the City from issuing a further notice in the future should it again come to the City's attention that the materials are having an adverse impact on the amenity of the locality.

Financial/Budget Implications:

Should Council dismiss the objection, and the landowner is subsequently convicted of failure to comply with the notice, any fines and costs handed down by the Court would be payable by the applicant to the City. If the landowner was to be successful in defending the matter before the Court, then the City's legal costs would not be recouped.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The subject site, at 5 Periwinkle Road, Mullaloo is in an unkempt state resulting from a large amount of disused goods stored within the front setback area of the property. The City was first made aware of these concerns in June 2008 and has since made ongoing efforts to have the appearance of the site improved.

The landowner has requested that the children's play equipment and gardening equipment that was listed on the notice issued by the City, is able to be retained. Following further inspections, it is considered that if all other disused materials were to be removed, the play equipment could be retained without adverse impact on the amenity of the locality. These goods were previously listed on the Notice, as the cumulative effect of disused materials caused the property to appear unsightly, adversely impacting on the amenity of the neighbouring properties and the locality. However, it is considered that it is not appropriate to store the gardening equipment within the front setback area.

As such, it is recommended that Council resolve to revoke the current notice, and to substitute a new notice requiring the removal of all goods except the children's play equipment.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council pursuant to:

- 1 Section 9.6 (4)(c)(i) of the *Local Government Act 1995*, REVOKES the notice issued on 23 November 2009 forming Attachment 3 to this Report to Mr Andrew Hunter for the removal of disused materials at Lot 499 (5) Periwinkle Road, Mullaloo;
- 2 Section 9.6 (4)(c)(i) of the *Local Government Act 1995* SUBSTITUTES the previous notice with the notice set out in Attachment 4 to this Report.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf090210.pdf](#)

ITEM 9 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 8 December 2009 to 5 January 2010.

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:	Deed of Renewal and Variation of Lease
Parties:	City of Joondalup and Vodafone Network P/L
Description:	Deed of Renewal and Variation of Lease to cover the third and final option – taking the lease arrangements to 30 December 2014
Date:	08.12.09
Signed/Sealed:	Sealed

Document:	Section 70A Notification
Parties:	City of Joondalup and S A and M O'Connell
Description:	To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling – Lot 274 (6) Firth Court, Duncraig
Date:	08.12.09
Signed/Sealed:	Sealed

Document:	Section 70A Notification
Parties:	City of Joondalup and Ross James Williams
Description:	Section 70A Notification to restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land at Lot 67 (4) Grenville Avenue, Sorrento
Date:	15.12.09
Signed/Sealed:	Sealed

Document:	Section 70A Notification
Parties:	City of Joondalup and David Alan Smith, Dawn Lorraine Smith and Ivan Arthur Self
Description:	Section 70A Notification to restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land at Lot 20 (7) Iluka Avenue, Mullaloo
Date:	15.12.09
Signed/Sealed:	Sealed

Document:	Intellectual Property Licensing Agreement
Parties:	City of Joondalup and South East Regional Energy Group (SEREG)
Description:	Agreement for City of Joondalup to enter into an Intellectual Property Licensing Agreement with the SEREG consisting of the Cities of Armadale, Gosnells and Serpentine-Jarrahdale Shire to participate in the “Switch your Thinking” program to deliver sustainability initiatives to the community under a recognisable and consistent brand in order to encourage residents to reduce energy, greenhouse gases and water use
Date:	17.12.09
Signed/Sealed:	Sealed

Document:	Certification of Modified Agreed Structure Plan
Parties:	WA Planning Commission and City of Joondalup
Description:	Certification that modified agreed Structure Plan 20, Hillarys Structure Plan was adopted by Resolution of the WA Planning Commission and by Resolution of the Council of the City of Joondalup on 27 February 2007 – Finalised Amendment No 5 to the Hillarys Structure Plan
Date:	17.12.09
Signed/Sealed:	Sealed

Document:	Certification of Modified Agreed Structure Plan
Parties:	City of Joondalup and WA Planning Commission
Description:	Certification that modified agreed Structure Plan 26, Iluka Structure Plan was adopted by Resolution of WA Planning Commission and by Resolution of the Council of the City of Joondalup on 27 February 2007 – Finalised Amendment No 3 to the Iluka Structure Plan
Date:	17.12.09
Signed/Sealed:	Sealed

Document:	Certification of Modified Agreed Structure Plan
Parties:	City of Joondalup and WA Planning Commission
Description:	Certification that modified agreed Structure Plan 22, Heathridge Structure Plan was adopted by Resolution of WA Planning Commission and by Resolution of the Council of the "City of Joondalup on 27 February 2007 – Finalised Amendment No 1 to Heathridge Structure Plan
Date:	17.12.09
Signed/Sealed:	Sealed

Document:	Certification of Modified Agreed Structure Plan
Parties:	City of Joondalup and WA Planning Commission
Description:	Certification of modified agreed Structure Plan 2, Kinross Neighbourhood Centre Structure Plan was adopted by Resolution of WA Planning Commission and by Resolution of the Council of the City of Joondalup on 27 February 2007 – Finalised Amendment No 3
Date:	17.12.09
Signed/Sealed:	Sealed

Document:	Certification of Modified Agreed Structure Plan
Parties:	City of Joondalup and WA Planning Commission
Description:	Certification of modified agreed Currambine Structure Plan No 14 was adopted by Resolution of WA Planning Commission and by Resolution of the Council of the City of Joondalup on 27 February 2007 – Finalised Amendment No 4
Date:	17.12.09
Signed/Sealed:	Sealed

Document:	Certification of Modified Agreed Structure Plan
Parties:	City of Joondalup and WA Planning Commission
Description:	Certification of modified agreed Cook Structure Plan No 5, Cook Avenue Structure Plan (C-Air Housing Development) was adopted by Resolution of WA Planning Commission and by Resolution of the Council of the City of Joondalup on 27 February 2007 – Finalised Amendment No 1
Date:	17.12.09
Signed/Sealed:	Sealed

Document:	Application of Modify Restrictive Covenant
Parties:	City of Joondalup, Claymont Westcapital Pty Ltd and Claymont Land Pty Ltd
Description:	Application to modify Restrictive Covenant such that the covenant shall no longer restrict vehicular access to Delamere Avenue in relation to properties at Lots 5002 (No 86) and Lot 5002 (No 74) Delamere Avenue, Currambine and Lot 5005 (No 11) Chesapeake Way, Currambine. The purpose of the modification is to address the inconsistency between the Restrictive Covenant and the Development Approvals
Date:	05.01.2010
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:

Nil.

Sustainability Implications:

Nil.

Consultation:

Nil.

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 8 December 2009 to 5 January 2010 executed by means of affixing the common seal.

ITEM 10 MINUTES OF EXTERNAL COMMITTEES**WARD:** All**RESPONSIBLE
DIRECTOR:** Mr Jamie Parry
Governance and Strategy**FILE NUMBER:** 03149**ATTACHMENTS:** Attachment 1 Minutes of the Meeting of the Mindarie Regional
Council held on 10 December 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 10 December 2009.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the minutes of the meeting of the Mindarie Regional Council held on 10 December 2009 forming Attachment 1 to this Report.

Appendix 22 refers

To access this attachment on electronic document, click here: [Attach22brf090210.pdf](#)

ITEM 11 CONTRIBUTION TO THE 2009 TOODYAY BUSHFIRE APPEAL

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Garry Hunt Office of the CEO
FILE NUMBER:	08032
ATTACHMENTS:	Nil

PURPOSE

To give consideration to donating an amount of \$5,000 to the Lord Mayor's Distress Relief Fund for the 2009 Toodyay Bushfire Appeal.

EXECUTIVE SUMMARY

In late 2009, a number of large bushfires engulfed rural areas to the north east of the Perth metropolitan area which has seen many people lose their property.

The City of Perth has launched the Lord Mayor's Distress Relief Fund to assist individuals and communities affected by the bushfires in and around Toodyay.

BACKGROUND

In late 2009, a number of large bushfires engulfed rural areas to the north east of the Perth metropolitan area which has seen many people lose their property.

The disaster has affected many people. In the past the Council has donated the following to assist with significant natural disasters:

- October 2002
\$5,000 to the Lord Mayor's Distress Relief Fund for the victims and their families of the Bali bombing tragedy;
- January 2005
\$10,000 (\$5,000 to Save the Children Australia and \$5,000 to CARE Australia) as part of the Asian Tsunami Disaster;
- February 2009
\$10,000 to the Victorian Bushfire Appeal (managed by Red Cross Australia).

DETAILS

The Lord Mayor's Distress Relief Fund was established in 1961 to provide relief of personal hardship and distress arising from natural disasters occurring within Western Australia. The perpetual fund is a registered charitable body and has the approval of the Australian Taxation Office for tax deductibility of contributions.

The Lord Mayor's Distress Relief Fund is the long-standing established fund to assist Western Australians in times of disaster. Recent examples where the Fund has been used to directly support Western Australian communities include the:

- 2007 Dwellingup fires;
- 2003 Bridgetown fires; and
- Western Australians affected by the 2002 Bali bombings.

Issues and options considered:

The Council may:

- Agree to donate an amount to the Toodyay Bushfire Appeal (recommended \$5,000).
- Not agree to donate to the Toodyay Bushfire Appeal.
- Agree to seek donations at an upcoming community event (March 2010 Summer Concert).

Legislation/Strategic Plan/Policy Implications

Legislation Not Applicable.

Strategic Plan

Key Focus Area: Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

The 2009/10 budget does not include funds for such a donation, therefore, it will be necessary to approve the expenditure by an Absolute Majority.

Account No:	1.130.A1301.3292.0000
Budget Item:	Governance Costs – Elected Members - Donations
Budget Amount:	\$0
YTD Amount:	\$0
Actual Cost:	\$5,000

Regional Significance:

Not Applicable.

Sustainability Implications:

Donations to the Appeal will greatly assist individuals and communities affected by the devastation caused by the bushfires.

Consultation:

Not Applicable.

COMMENT

The tragic events of the Toodyay bushfires have affected the lives of many people.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION**That Council:**

- 1 BY AN ABSOLUTE MAJORITY, DONATES an amount of \$5,000 from Account No 1.130.A1301.3292.0000 – (Governance Costs – Elected Members – Donations) to the 2009 Toodyay Bushfire Appeal;**
- 2 AGREES that donations collected at the 2010 Summer Concert to be held on 16 March 2010 at Percy Doyle Reserve be contributed to the 2009 Toodyay Bushfire Appeal.**

ITEM 12 WHITFORDS VOLUNTEER SEA RESCUE GROUP – REQUEST FOR SPONSORSHIP

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Governance and Strategy
FILE NUMBER:	10574, 06995
ATTACHMENTS:	Nil

PURPOSE

For **the** Council to give consideration to the sponsorship application from the Whitfords Volunteer Sea Rescue Group Inc.

EXECUTIVE SUMMARY

The Whitfords Volunteer Sea Rescue Group (WVSRG) has been operating within the City of Joondalup for 35 years, providing a sea rescue service to the residents of Western Australia. The WVSRG is part of an Alliance comprising the Fremantle and Cockburn Sea Rescue groups that are contracted by the State Government to be the State's first sea rescue responder from Two Rocks in the north to Kwinana in the south (including rivers). The current funding to provide the service is \$400,000.

The WVSRG has two boats, the 'Stacey Hall' and 'Green 2'. The City in 2006 contributed \$80,000 to the construction of the 'Stacey Hall' in 2007 with 'Green 2' being fully funded by the group and launched in March 2007. The City received a request to assist funding the construction of the 'Green 2' vessel but declined.

The WVSRG has requested an amount of \$50,000 from the City to assist with the construction of an additional sea rescue vessel which will replace the recently constructed 'Green 2' and is anticipated to cost \$400,000, the balance will be funded by the group.

There are no funds allocated in the 2009/10 budget so if the proposal was agreed to, funding would need to be allocated as part of the 2009/10 half yearly budgets review, or listed for consideration as part of the 2010/11 budget.

BACKGROUND

The WVSRG has been operational within the City of Joondalup for some 35 years. It serves the metropolitan boating community through the provision of a 24-hour radio support system and various educational/training programs.

The WVSRG operates from the Ocean Reef Marina and has an operational area from City Beach in the south to the Alkimos Wreck in the north, and 30 nautical miles out to sea. This operational area covers the three busiest boat launch areas in Western Australia, being Hillary's Marina, Mindarie (City of Wanneroo) and Ocean Reef.

The State Government has appointed the Metropolitan Volunteer Sea Rescue Alliance (the Alliance) as the first response for all sea rescue incidents that occur between Alkimos Wreck in the north and Kwinana Grain Terminal in the south. The Alliance comprises of the Fremantle, Cockburn and Whitfords Volunteer Sea Rescue Groups. To assist the Alliance to perform rescues, the State Government provides \$400,000 per annum in funding. This amount has recently increased from \$200,000 per annum.

The following is a summary relating to the development of the WVSRG:

- 1996 The rescue vessel 'Green 1' was purchased.
- 2000 The rescue vessel 'Green 4' was purchased as standby vessel to 'Green 1'.
- 2004 'Green 1' was sold and replaced with a new vessel 'Stacy Hall' at a cost of \$500,000, with \$80,000 from the City of Joondalup, \$29,500 from Lotteries, \$150,000 from FESA and the balance from the WVSRG.
- Early 2007 'Green 2' was purchased, with the WVSRG funding the total cost. The WVSRG did approach the City of Joondalup for funding, however the request was declined as funding the service was considered a regional/State issue (Item CJ253-12/06 refers). The resolution of Council requested that WALGA be approached to consider the issue.

WALGA approached FESA prior to the 2008/09 State budget, seeking additional funding for sea rescue groups. It is understood that at the time no additional funding was provided.

DETAILS

The WVSRG has approached the City of Joondalup for an amount of \$50,000 to assist with the construction of another sea rescue vessel. The proposed vessel will replace 'Green 2', which was launched in early 2007.

A rescue vessel generally has a life of 10-15 years, however the WVSRG has advised that 'Green 2', which was the best vessel it could afford at the time, no longer meets its needs with the growing boating population.

It is estimated that the proposed vessel will cost \$400,000, with the WVSRG contributing \$350,000 (includes the sale of 'Green 2') and the balance being requested from the City of Joondalup.

Issues and options considered:

In considering the request the following options are available:

1. To decline the request for sponsorship;
2. To accept the request for sponsorship with certain conditions, either lump sum or phased approach;
3. To continue to pursue funding for the group on a regional basis.

Support currently provided

The Alliance receives an annual grant of \$400,000 from the State Government to fund the sea rescue operations of the three (3) groups.

The Town of Cambridge contributes \$5,000 per annum to the WVSRG to assist with operational expenses. The WVSRG has recently received a \$50,000 grant from LotteryWest to assist with the fitting of a new navigation system in the proposed vessel.

Cockburn Volunteer Sea Rescue operates two (2) sea rescue vessels and is currently constructing a new vessel to replace its principal rescue vessel.

The City of Cockburn currently provides rental of a property at a peppercorn rent per annum, and \$8,000 per annum towards operating expenses.

At the time of compiling this report, no advice had been received regarding funding assistance by the City of Fremantle to the Fremantle Volunteer Sea Rescue Group.

Boat Owners in the Northern Suburbs

The WVSRG patrols an area that spans the boundaries of four (4) local government authorities: Cambridge, Stirling, Joondalup and Wanneroo. There are no boat launching ramps in Cambridge or Stirling, however, a significant proportion of boat owners residing in these areas utilise the boat ramps located in Joondalup.

In addition, boat owners residing in other metropolitan local government authorities also utilise these launching facilities. Detailed below is a table listing the number of registered boat owners within the region, with a breakdown on each individual each local government authority;

Between 8 July and 10 November 2009, the following rescues per local government have occurred:

Cambridge	22	(1.86%)
Swan	70	(5.95%)
Joondalup	657	(55.78%)
Wanneroo	214	(18.16%)
Stirling	215	(18.25%)
Total	1178	

The following is the predicted number of registered boats as at 2010:

Cambridge	888	(4.90%)
Swan	2449	(13.51%)
Joondalup	6710	(37.01%)
Wanneroo	3627	(20%)
Stirling	4456	(24.58%)
Total	18130	

Legislation/Strategic Plan/Policy Implications:

Legislation: Not applicable.

Strategic Plan: Key Focus Area: Community Wellbeing

Objectives: 5.1 – To ensure the City’s facilities and services are of a high quality and accessible to everyone.

5.2 – To facilitate healthy lifestyles within the community.

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

The City operates a set of guidelines when determining sponsorship applications, which are as follows:

- The City looks for sponsorship partnerships with organisations and activities that reflect the vision and corporate values of the City.
- Potential sponsorships should be consistent with the City’s corporate marketing objectives and audience demographics should match the City’s largest audiences.
- Requests for sponsorship should be for an event or program located within Western Australia, which provides a significant return to the general and/or business community.
- The City has a particular focus on providing benefits to the residents of the City.
- The City will consider sponsorship agreements located outside the City if the sponsorship provides clear benefits to the residents of the City of Joondalup and/or an opportunity to market the City to a relevant target market.
- The City will not consider sponsorships that are controversial or divisive.
- The City requires potential sponsees to successfully complete the City’s sponsorship application cover page and address outlined criteria.
- The City requires applications to be submitted to the City at least three months in advance of the sponsorship event or program to allow for effective processing of the sponsorship application.
- Upon completion of a sponsorship that does not include an option for renewal, the sponsee must reapply to be considered for future sponsorship.

Risk Management

The ongoing service provided by the WVRSG and the need to have the necessary vessels to provide the service and the necessity to fund this will be an ongoing issue for the City.

Financial/Budget Implications

The proposal seeks an amount of \$50,000 from the City in the form of sponsorship. The 2009/10 budget contains amounts relative to various sponsor agreements to which the City is already committed. No specific allocation has been made to sponsor the WVRSG for a new vessel.

Policy Implications

Not Applicable.

Regional Significance

The issue of sea rescue is a regional issue, in fact a state issue as the area covered by the Alliance covers the coastline and river systems of the metropolitan area. This significance was demonstrated following the last decision of the Council relating to this issue.

COMMENT

The service provided by the WVSRG and the Alliance is valuable and necessary to the community not only to residents of the City, but to the general public of Western Australia.

The issue that confronts the Council when determining this request is the equity across the City. The City has supported the group: -

- in 2005 to an amount of \$80,000 for construction of a vessel;
- by providing a facility at a peppercorn rent; and
- by supporting revised facilities within Concept Plan 7 as part of the redevelopment of the Ocean Reef Marina.

The life of sea rescue vessels is 10 - 15 years. With the growing population of Perth and boat owners generally, the resources required by the WVSRG continue to grow and the expectation could be for the City to continue to support the group on an ad hoc basis. The proposed request for funding is to replace a vessel that was only launched in early 2007.

It is agreed the WVSRG provides a service that is required and therefore recommended that the request for sponsorship be approved. However as there are no funds currently within the 2009/10 budget, consideration needs to be given as part of the half yearly budget review.

The sponsorship should be subject to the WVSRG committing to a five (5) year agreement with the following agreed benefits: -

Signage

- Appropriate signage be placed in and around the club facility;
- City's name to be placed on the club's sponsor board;
- City of Joondalup decals ("Proudly supported by the City of Joondalup") to appear on all external doors of the clubhouse;
- City of Joondalup decals on all WVSRG vessels;
- The new rescue vessel to be named "The City of Joondalup";
- City of Joondalup flag to be flown at the clubhouse;
- City of Joondalup banners to be displayed during club events.

Logo

- City logo together with the words “proudly supported by the City of Joondalup” to appear on club apparel;
- City logo to appear on promotional and advertising material produced by the WVSRG, including but not limited to newsletters, media releases, event programs, flyers, mail outs, press advertising, etc;
- City logo and link to appear on the WVSRG website.

Sponsorship acknowledgement

- City to be verbally acknowledged at all major WVSRG events;
- A representative of the City to be invited to attend all sponsor recognition events and annual dinner;
- Where possible the WVSRG is to assist with the promotion of City events through the display of various promotional material;
- Honorary club membership for 4 representatives of the City
- Invitation for 8 representatives of the City to attend all award nights.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 ACKNOWLEDGES the service provided by the Whitfords Volunteer Sea Rescue Group to the residents of the City of Joondalup and other local governments;**
- 2 ENDORSES the request from the Whitfords Volunteer Sea Rescue Group (WVSRG) to sponsor its new sea rescue vessel for the amount of \$50,000 (exclusive of GST) subject to the following conditions and funds being available through the mid year budget review for the 2009/10 budget: -**
 - (a) Signage**
 - **Appropriate signage be placed in and around the club facility;**
 - **City’s name to be placed on the club’s sponsor board;**
 - **City of Joondalup decals (“Proudly supported by the City of Joondalup”) to appear on all external doors of the clubhouse;**
 - **City of Joondalup decals on all WVSRG vessels;**
 - **The new rescue vessel to be named “The City of Joondalup”;**
 - **City of Joondalup flag to be flown at the clubhouse;**
 - **City of Joondalup banners to be displayed during club events.**

(b) Logo

- City logo together with the words “proudly supported by the City of Joondalup” to appear on club apparel;
- City logo to appear on promotional and advertising material produced by the WVSRG, including but not limited to newsletters, media releases, event programs, flyers, mail outs, press advertising, etc;
- City logo and link to appear on the WVSRG website.

(c) Sponsorship acknowledgement

- City to be verbally acknowledged at all major WVSRG events;
- A representative of the City to be invited to attend all sponsor recognition events and annual dinner;
- Where possible the WVSRG is to assist with the promotion of City events through the display of various promotional material;
- Honorary club membership for 4 representatives of the City
- Invitation for 8 representatives of the City to attend all award nights.

3 **LISTS** an amount of \$50,000 (exclusive of GST) for consideration in the half yearly Budget Review.

ITEM 13 ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 OCTOBER TO 31 DECEMBER 2009

WARD:	All	
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Governance and Strategy	
FILE NUMBER:	20560	
ATTACHMENTS:	Attachment 1	Annual Plan Quarterly Progress Report for the period 1 October to 31 December 2009
	Attachment 2	Capital Works Overview Report for the period 1 October to 31 December 2009

PURPOSE

To present the Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2009.

EXECUTIVE SUMMARY

The Annual Plan Quarterly Progress Report provides information on the progress of projects and programs documented in the Annual Plan 2009-2010. The Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2009 is shown as Attachment 1 to this Report.

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

It is recommended that Council RECEIVES the:

1. *Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2009 forming Attachment 1 to this Report;*
2. *Capital Works Overview Report for the period 1 October – 31 December 2009 forming Attachment 2 to this Report.*

BACKGROUND

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

DETAILS

Issues and options considered:

The 2009-2010 Annual Plan contains a brief description of the key projects and programs that the City intends to deliver in the financial year. Milestones are set for the key projects and programs to be delivered in each quarter.

The Quarterly Progress Report provides information on progress against the milestones and a commentary is provided against each milestone to provide further information on progress, or to provide an explanation where the milestone has not been achieved.

The milestones being reported this quarter are the shaded sections of Attachment 1.

Legislation/Strategic Plan/Policy Implications

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

This Act is intended to result in:

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

Strategic Plan

Key Focus Area: Leadership and Governance

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

Policy In accordance with Policy Communications 8-6, the Council recognises and acknowledges the importance of consistent, clear communications and access to information for its stakeholders.

Risk Management considerations:

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

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

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

Consultation:

Not Applicable

COMMENT

The Annual Plan 2009-2010 was received by Council at its meeting on 21 July 2009.

A detailed report on progress of the Capital Works Program has been included with the Annual Plan Quarterly Progress Report. This Report provides an overview of progress against all of the projects and programs.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council RECEIVES the:

- 1 Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2009 forming Attachment 1 to this Report;**
- 2 Capital Works Overview Report for the period 1 October – 31 December 2009 forming Attachment 2 to this Report.**

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf090210.pdf](#)

ITEM 14 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 NOVEMBER 2009

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 07882

ATTACHMENTS: Attachment 1 Financial Activity Statement for the period ended 30 November 2009

PURPOSE

The November 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 17th June - JSC10-06/09. The figures in this report are compared to the Adopted Budget figures.

The November 2009 Financial Activity Statement report shows an overall favourable variance from operations and capital of \$6,898K when compared to the 2009-2010 Adopted Budget.

This variance can be summarised as follows:

- The **Operating** surplus is \$77K above budget made up of higher revenue of \$493K and higher operating expenditure of \$(416K).

Operating revenue was above budget for Rates \$388K, Investment Earnings \$625K resulting from a higher level of funds invested, Contributions Reimbursements and Donations \$109K and Profit on Asset Disposals \$47K. A shortfall in revenue on Fees and Charges \$(384K), includes \$(508K) for Refuse Charges predominantly due to the post budget reduction of \$10 per service adopted by Council. Shortfalls also occurred on Grants and Subsidies \$(286K) and Other Revenue \$(6K).

The operating expenditure was above budget for Depreciation \$(1,664K) and Insurance Expenses \$(80K), mainly following the revaluation of the City's buildings in 2008/09 and Employee Costs \$(75K). Operating expenditure is below budget for Materials and Contracts by \$1,077K and Utilities \$298, reflecting mainly timing differences.

- The **Capital Revenue and Expenditure** deficit is \$5,238K below budget made up of a shortfall of revenue of \$(3,078K) and under expenditure of \$8,316K.

The revenue deficit to budget arose from Grant funding for the Seacrest Community Sporting Facility \$(1,305K) and video surveillance system at Tom Simpson Park \$(100K) having been received in the previous financial year and the rescheduling of the payment for the State Local Roads Grant \$(564K). The balance includes grant recoups which are subject to progress of works compared to the phasing in the budget and includes \$(750K) for the Connolly Drive duplication.

Expenditure on Capital Projects was \$(90K) over budget and on Capital Works \$8,084K lower than expected in the budget. The major variances occurred on Streetscape Enhancements \$1,775K including West Coast Drive \$1,087K due to the tender for plants, outstanding claims on Connolly Drive - Burns Beach Road to McNaughton Crescent \$1,408K, where work is complete, and planned Traffic Management Projects \$1,942k.

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 30 November 2009 forming Attachment 1 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 30 November 2009 is appended as Attachment 1.

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.

Risk Management considerations:

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

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Expenditure has been incurred in accordance with approved 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.

While the surplus to the end of November 2009 appears to be significant this should not be taken as an indicator of the expectations for the full year. By far the majority of the surplus is due to capital works and is driven by timing differences not savings. Indeed the capital works program is under pressure from increased costs and additional unplanned projects. Similarly in operating, employee costs are extremely tight and materials and contracts is under pressure particularly in the area of building maintenance.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 30 November 2009 forming Attachment 1 to this Report.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf090210.pdf](#)

ITEM 15 LIST OF PAYMENTS MADE DURING THE MONTH OF NOVEMBER 2009

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	09882
ATTACHMENTS:	Attachment 1 CEO's Delegated Municipal Payment List for the month of November 2009
	Attachment 2 CEO's Delegated Trust Payment List for the month of November 2009
	Attachment 3 Municipal and Trust Fund Vouchers for the month of November 2009

PURPOSE

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

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of November 2009 totalling \$10,649,285.71

It is recommended that Council NOTES the CEO's list of accounts for November 2009 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments 1, 2 and 3 to this Report, totalling \$10,649,285.71.

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 November 2009. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

FUNDS	DETAILS	AMOUNT
Municipal Account	Cheques 85482 - 85733 and EF 9059 – 9834 Net of cancelled payments	\$7,444,032.11
	Vouchers 600A – 602A ,606A 609A , 611A – 613A, 616A & 622A – 623A	\$3,176,196.10
Trust Account	Cheques 203086– 203144	\$29,057.50
Total		\$10,649,285.71

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 November 2009 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to this Report, totalling \$10,649,285.71.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf090210.pdf](#)

ITEM 16 LIST OF PAYMENTS MADE DURING THE MONTH OF DECEMBER 2009

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 09882

ATTACHMENTS: Attachment 1 CEO's Delegated Municipal Payment List for the month of December 2009
Attachment 2 CEO's Delegated Trust Payment List for the month of December 2009
Attachment 3 Municipal and Trust Fund Vouchers for the month of December 2009

PURPOSE

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

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of December 2009 totalling \$13,229,916.28

It is recommended that Council NOTES the CEO's list of accounts for December 2009 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments 1, 2 and 3 to this Report, totalling \$13,229,916.28

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 December 2009. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

FUNDS	DETAILS	AMOUNT
Municipal Account	Cheques 85734 - 85793 and EF 9835 – 10038 Net of cancelled payments	\$8,576,176.61
	Vouchers 614A-615A, 617A, 620A - 622A, 625A, 627A - 628A & 630A -632A	\$4,584,488.74
Trust Account	Cheques 203145 – 203222 Net of cancelled payments	\$69,250.93
Total		\$13,229,916.28

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 December 2009 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to this Report, totalling \$13,229,916.28.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf090210.pdf](#)

ITEM 17 PROJECT STATUS - JOINTLY OWNED AND OPERATED PET CREMATORIA AND ANIMAL CARE FACILITY

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	12606
ATTACHMENTS:	Nil

PURPOSE

To consider the current status of the proposal for a City of Joondalup and City of Wanneroo jointly owned and operated pet crematoria and animal care facility.

EXECUTIVE SUMMARY

At a Strategy Session on 2 June 2009 Council received a presentation in regards to the feasibility study that had been conducted by the Cities of Joondalup and Wanneroo into a proposal for a jointly owned and operated pet crematoria and animal care facility. The report recommended that the proposal be supported in principle. There were however, a number of issues that would need to be worked through before it could be proceeded with. This report brings Council up to date with the status of the project.

It is recommended that Council:

- 1 *NOTES the report in relation to the Project Status – Jointly Owned and Operated Pet Crematoria and Animal Care Facility;*
- 2 *NOTES the resolution of the City of Wanneroo on 15 December 2009 in relation to the Pet Crematoria and Animal Care Facility;*
- 3 *ACKNOWLEDGES that it is unlikely that the project will commence in 2010/11 as envisaged in the 20 Year Strategic Financial Plan.*

BACKGROUND

The Cities of Joondalup and Wanneroo in early 2008 considered a proposal to develop a jointly owned and operated pet crematoria and animal care facility. Agreement was reached to jointly fund a feasibility study. CRL Highbury Consulting was engaged to undertake the feasibility study which was completed in May 2009. The consultant made a presentation at a Strategy Session in June 2009.

There are a couple of key drivers for the proposal for the City of Joondalup. Firstly the City does not currently have its own animal pound or facilities and has an outsourced contract arrangement with the Royal Society for the Prevention of Cruelty to Animals (RSPCA) for impounding dogs. This facility is located in Malaga. While there are some financial benefits to not owning and operating a pound on the one hand, on the other having to regularly travel to and from Malaga to impound dogs incurs staff time and travel costs and also necessitates residents travelling to Malaga to retrieve their dogs. There is also the uncertainty of the long term continuation of this arrangement.

In addition to this, in 2009 Council had adopted a Cat Local Law which included the possibility that cats would be impounded. Again without its own pound facilities the Council was then exploring options to have cats impounded at the Cat Haven in Shenton Park which would have resulted in issues similar to those associated with the location of the dog pound in Malaga. While the Cat Local Law has been disallowed by the Joint Standing Committee on Delegated Legislation the State Government is pursuing a Cat Act which may have implications for a pound in the future.

Following the Strategy Session the feasibility study was referred to the administration to determine how the proposal could be progressed.

DETAILS

Issues and options considered:

The consultant's recommendation was that the proposal could be agreed in principle, however, there were a couple of primary issues that would need to be resolved before it could be advanced.

First and foremost among these issues was finding a suitable site. Critical to the cost of the proposal is that the site, not involve any capital outlay to acquire and preferably be one that either the Cities of Joondalup or Wanneroo already own or be Crown land which the Cities of Joondalup and Wanneroo could utilise. The report identified nine sites with a suggested first preference being the existing City of Wanneroo depot site at Ashby. The nine possible sites ranked in order are as follows –

- 1 North west corner of existing City of Wanneroo depot site
- 2 Finlay Place road reserve, Wangara
- 3 Elcar Reserve, Joondalup
- 4 City of Wanneroo Recycling Centre (using part of Badgerup Road Reserve)
- 5 Water Corporation land, Beenyup (2 possible sites)
- 6 Buffer zone of Tamala Park
- 7 Other land within City of Wanneroo Recycling Centre
- 8 Other freehold sites in the Wangara industrial area
- 9 Other freehold sites in the Neerabup industrial area

No. 3 Elcar Reserve Joondalup and No. 5 Water Corporation Land, Beenyup next to the City of Joondalup Works Operation Centre are the only two sites identified within the City of Joondalup. The remaining sites are all within the City of Wanneroo.

The City considers that the suggested City of Joondalup based locations are unlikely to be acceptable. Elcar Reserve is a park located in the Winton Road light industrial area. Use of the park for this type of facility is unlikely to be supported both from the point of view of changing the use of a public park as well as the nature of the proposed activity in that area. In relation to the Water Corporation land on which the Works Operation Centre is located there are two possible locations that were identified however, using this land is problematic. The Works Operation Centre already has very stringent constraints on it particularly in relation to noise which would be extremely difficult to control for a pound facility.

The second issue was that the proposal was predicated on both a new pound and a crematoria facility being constructed together. The consultants report concluded that a crematoria facility alone would not be viable if the two Cities were to separately maintain and operate their own pound facilities. From the City of Joondalup's perspective a new pound facility was critical to the project as this creates a benefit in not having to have an outsourced facility a significant distance from the City as the current Malaga facility is.

Since the feasibility study was presented at a Strategy Session in June 2009 (the same feasibility study presentation was made to the City of Wanneroo) officers of the Cities of Joondalup and Wanneroo have met to discuss how the proposal could be progressed while understanding where the proposal sits in terms of priorities for each of the Cities of Joondalup and Wanneroo.

From the City of Joondalup's perspective one of the short term drivers being the need to have a pound facility capable of handling cats is no longer an issue in the medium term for the reasons described above. Nevertheless there are significant medium to long term attractions for the City to have a pound facility close to or in the City of Joondalup. The costs of time and travel associated with utilising the RSPCA's Malaga facility and also that its continued long term use is by no means assured makes the proposal attractive. A pound facility combined with a pet crematoria such that the entire facility became cost neutral or generated a profit, would be particularly attractive. The City of Joondalup in its recently adopted 20 Year Strategic Financial Plan, has identified \$2m for a possible joint animal care facility in the 2010/11 financial year. It is recognised however that this does not represent a firm budget commitment and there are risks associated with the proposition.

For the City of Wanneroo there is perhaps less imperative for the proposal. The Council of the City of Wanneroo considered a report at its meeting on 15 December 2009 and resolved as follows:

“That Council:

- 1 *RESOLVES not to pursue independently, the establishment of a Pet Crematorium and Animal Care Facility;*
- 2 *REQUESTS the Mindarie Regional Council investigate the feasibility of establishing a Pet Crematorium and Animal Care Facility for Member Councils;*
- 3 *REQUESTS Administration to provide a copy of the Feasibility Study undertaken by CRL Consulting to the Mindarie Regional Council.”*

Legislation/Strategic Plan/Policy Implications

Legislation There are no legislative impediments to the type of proposal outlined in the feasibility study for the jointly owned and operated pet crematoria and animal care facility. Part XX of the Local Government (Miscellaneous Provisions) Act 1960 includes numerous provisions relating to the operation of pounds, pound keepers and rangers responsibilities in that regard.

Strategic Plan

Key Focus Area: **Community Wellbeing.**

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

Policy Not Applicable.

Risk Management considerations:

Other than the feasibility study which is now complete there are no ongoing commitments or agreements between the Cities of Joondalup and Wanneroo.

Financial/Budget Implications:

There are no current financial or budget implications associated with the progress to date following the completion of the feasibility study. Provision has been made in the City of Joondalup's 20 Year Strategic Financial Plan in 2010/11 for a capital contribution to a joint pet crematoria and animal care facility however this does not represent a commitment to budget those funds in that financial year's budget.

Regional Significance:

This proposal would need to be considered on a regional basis, with the primary users being the Cities of Joondalup and Wanneroo, for it to be viable.

Sustainability Implications:Environmental

There are some environmental issues associated with operating a pound facility and keeping it clean. These factors will need to be taken into account and will have implications for the potential location of such facilities.

Social

Not Applicable.

Economic

The original concept for a joint pet crematoria and animal care facility was that it would potentially operate at a profit or at the very least operate on a cost neutral basis. This would have direct economic benefits in that it would reduce the current operational costs associated with the Cities of Joondalup and Wanneroo in their respective pound facilities. There is also potential in the concept to include other associated commercial operations such as a veterinary practice that would provide additional economic benefits both to the Cities of Joondalup and Wanneroo as well as the community in the region.

Consultation:

The development of the feasibility study included discussions and consultation with a number of other local governments operating various types of facilities. A presentation was subsequently made at a Strategy Session in June 2009. There have been further subsequent discussions at an officer level between the Cities of Joondalup and Wanneroo.

COMMENT

The progress since the feasibility study was presented at a strategy session has been limited but is continuing. From the City of Joondalup's perspective the proposal has a number of long term benefits however having a jointly operated facility or another party involved is a major aspect of the viability of the proposal. This offers better opportunities for possible locations and a significant factor in terms of spreading the risks of the investment. It is intended to continue to pursue the possible development of the proposal.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 NOTES the report in relation to the Project Status – Jointly Owned and Operated Pet Crematoria and Animal Care Facility;**
- 2 NOTES the resolution of the City of Wanneroo on 15 December 2009 in relation to the Pet Crematoria and Animal Care Facility;**
- 3 ACKNOWLEDGES that it is unlikely that the project will commence in 2010/11 as envisaged in the 20 Year Strategic Financial Plan.**

**ITEM 18 PETITION - RUBBISH AND ANTI SOCIAL
BEHAVIOUR CURRAMBINE DELICATESSEN - CNR
PETERSBOROUGH DRIVE AND SOMERSBY
GARDENS, CURRAMBINE**

WARD: North Central

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

FILE NUMBER: 16970

ATTACHMENTS: Nil

PURPOSE

To respond to a twenty (20) signature petition presented to Council at its meeting on 17 November 2009 in regards to issues of rubbish and anti social behaviour around the Currambine Delicatessen.

EXECUTIVE SUMMARY

A petition was presented to Council at its November meeting (C90-11/09 refers) requesting that the City find a solution to the anti social behaviour occurring in the vicinity of the delicatessen at 2 Somersby Gardens, Currambine. City records indicate that there has in recent months been a high level of anti social behaviour in Petersborough Drive and Somersby Gardens with broken glass, litter and damage to the street bin which was burnt in the middle of the road.

The City has been addressing reported incidents of anti social behaviour as they occur. There have been frequent requests for assistance involving youths gathering around the delicatessen, smashing bottles on the roads, damaging litter bins and intimidating customers and residents. Concerns about the youth activities have been raised with Police and the City. City Watch patrols have been increased in the area and City Watch officers will continue to work with local Police.

It is recommended that Council NOTES the actions taken to increase the presence of Police, City Watch, Rangers and the City's Youth Officers with the view to reducing the level of anti social behaviour occurring in the vicinity of the Currambine Delicatessen.

BACKGROUND

The petition presented to Council at its November 2009 meeting read as follows:

"Rubbish on and around the street and park adjacent to the corner delicatessen at the intersection of Petersborough Drive and Somersby Gardens, Currambine WA 6028.

In the last twelve months there has been a significant increase in the amount of rubbish and vandalism at the above location. The corner has become a hangout for teenagers who enjoy smashing bottles on footpaths and roads and burning rubbish bins in the middle of the street. Driving into this area is like driving into the local rubbish tip. The attraction is the Delicatessen which is licensed to operate through City of Joondalup. We feel the City has an

obligation to find a solution to this problem ASAP. The shire has come in the past and done occasional spot cleanups but this is not sufficient. It is a daily problem especially now the weather is warming up.”

A review of the City’s records indicates that the area has experienced occasional anti social behaviour for several years with reports recorded in 2001, 2003, 2004, 2007 and 2009. There has been a sharp increase in the number of incidents of anti social behaviour in 2009. Much of the anti social behaviour appears to occur in the vicinity of the delicatessen at 2 Somersby Gardens, Currambine. The delicatessen is the only business at this location. It is not unusual for anti social behaviour to occur near shops as they are often used as a gathering place by young people.

While one litter bin is outside the delicatessen, it appears to be rarely used by the youths to dispose of their unwanted refuse. The bin is emptied once each week as part of the City’s contracted service and the cost is met by the delicatessen owners. During a six week period during October 2009 and November 2009, the bin has been replaced on three occasions due to it being burnt or damaged. Inspections by various City officers confirm that large volumes of refuse and litter are often scattered in the vegetation on the northern side of Somersby Gardens opposite the delicatessen.

DETAILS

Issues and options considered:

The petition raises two main concerns: rubbish/litter in the area and incidents of anti social behaviour in the streets in close proximity to the delicatessen.

To address these issues a number of initiatives have been put in place.

Rangers previously only attended this area in response to specific requests. They have now implemented a program of random patrols in the area to discourage littering and anti social behaviour generally

So far this year, there have been seven requests for City Watch to attend for anti social behaviour or disturbances by groups of youths, five requests to clear broken glass and rubbish from the streets and to clear rubbish from the vegetation opposite, one request to repair damage to a parking sign and the City has issued a work order to remove a bait/ice refrigeration unit installed on the verge adjacent to the delicatessen. City Watch has listed this location as a hot spot for regular visits.

The City has responded to a request to provide a presence in the area to engage with the youths and discourage their poor behaviour, and will continue to make visits to the area during the summer.

The Police have raised awareness with their officers of the issues around this location and have undertaken a number of patrols to increase their visibility and to deter further antisocial behaviour.

Legislation/Strategic Plan/Policy Implications

Legislation

Litter Act and Local Government and Public Property Local Law

Strategic Plan

Key Focus Area: Community Wellbeing

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

Policy

Not Applicable.

Risk Management considerations:

Anti social behaviour and litter both pose risks for the wider community from both personal safety and amenity perspectives. The City's determination to address such matters and to avoid any deterioration of the situation is evident in the approach being taken to tackle these issues.

Financial/Budget Implications:

The costs of City Officers to address issues of anti social behaviour are met from several operating budgets.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The nature and extent of anti social behaviour that has been occurring in the vicinity of the delicatessen has been discussed with the WA Police, providers of City services including City Watch, as well as Community Safety and graffiti control, Rangers and Waste Management.

COMMENT

The youths in the area appear to provide an important customer base to the delicatessen, however, while the business may benefit from attracting the young customers there is also adverse aspects with littering, graffiti and anti social behaviour. It is significant that the delicatessen operator, himself, has been the complainant to the City requesting attendance on several occasions when the actions of the youth intimidate and concern other customers or the area needs to be cleaned.

It is expected that the increased presence of Police, Rangers and City Watch will discourage if not prevent all anti social behaviour. The involvement of Youth Officers will assist in the youths concerned gaining some respect for public property and the amenity of local residents.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the actions taken to increase the presence of Police, City Watch, Rangers and the City's Youth Officers with the view to reducing the level of anti social behaviour occurring in the vicinity of the Currambine Delicatessen.

ITEM 19 COMMUNITY SAFETY AND CRIME PREVENTION PLAN PUBLIC CONSULTATION

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	75521
ATTACHMENTS:	Attachment 1 Community Safety & Crime Prevention Plan 2009-2011

PURPOSE

The purpose of this report is to provide information for Council to consider the Community Safety and Crime Prevention Plan (the Plan) public consultation and to adopt the Plan.

EXECUTIVE SUMMARY

At its meeting of 13 October 2009, Council resolved (Report CJ 229-10/09) 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*. The plan was randomly distributed to 2200 addresses across the City, with equal number of surveys being sent to each suburb. 451 (20.5%) surveys were returned.

Almost every program in the plan was strongly supported. Only two programs received less than 60% support. They were the City of Joondalup Safe Speed Promise Program (51%) and the WALGA White Ribbons for Road Safety Program (38.1%).

The Plan has been updated in sections *3.4 Public Submissions* and *4.0 Identified Priorities* to reflect the information provided by respondents as outlined in this report.

It is recommended that Council:

- 1 *ADOPTS the Community Safety and Crime Prevention Plan forming Attachment 1 to this Report;*
- 2 *AUTHORISES the Chief Executive Officer to forward the adopted plan to the Office of Crime Prevention for its endorsement.*

BACKGROUND

The draft Plan was reviewed and recommended to Council for public comment by the Community Safety and Crime Prevention Advisory Committee at its October 2009 meeting. The Committee identified that the 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. Over time, 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. Conducting community consultation was identified as a requirement by the Office of Crime Prevention prior to the final plan being presented to them for approval.

DETAILS

Of 2200 surveys distributed to randomly selected households in the City of Joondalup, 451 were returned by the due date. This provides a response rate of 20.5%. The following tables provide a breakdown of the demographics of respondents by gender, age and suburb.

Demographics

Table 1 Respondents by gender

Gender	No. Respondents	%
Male	207	46.3
Female	240	53.7
Total	447	100

Table 2 Respondents by Age Range

Age Range	No. Respondents	%
18 - 24	2	0.5
25 - 34	22	4.9
35 - 40	77	17.2
41 - 49	52	11.5
50 - 59	131	29
60 - 69	109	24.2
70 - 84	53	11.9
85+	3	0.8
Total	449	100

Table 3 Respondents by Ward

Ward	Suburb	No. Respondents	% by Ward
North	Burns Beach	15	25.2
	Connolly	26	
	Currabine	16	
	Iluka	20	
	Kinross	20	
North Central	Joondalup	17	19.8
	Edgewater	25	
	Heathridge	21	
	Mullaloo	17	
Central	Ocean Reef	26	16.2
	Beldon	22	
	Craigie	18	
	Kallaroo	20	
South West	Woodvale	13	18
	Hillarys	25	
	Padbury	17	
South East	Sorrento	26	8.7
	Greenwood	22	
South	Kingsley	17	15
	Duncraig	25	
	Marmion	25	
	Warwick	18	

The feedback on responses to the range of programs and services has been summarised under the following headings to align with the Office of Crime Prevention Plan structure used in the consultation:

- Supporting families, children and young people
- Empowering communities and regenerating neighbourhoods
- Identifying and tackling priority offences
- Reducing repeat offending
- 'Designing out' crime and using technology

Supporting families, children and young people

The services within this category were all supported or strongly supported and are rated as follows:

Program	Percentage Support
City of Joondalup Youth Outreach Program	86.4%
City of Joondalup Anchors Youth Linx	77.5%
Lakeside Shopping Centre Youth Liaison Program	68.6%
City of Joondalup Youth Mobile	76.3%
City of Joondalup Youth Centre School Holiday Program	88.9%
City of Joondalup Youth Projects	76.3%
WA Police Blue Light Program	90.5%
WA Police Constable Care Child Safety Program	91.3%
Safety House Association Program	90.6%

Empowering communities and regenerating neighbourhoods

The services within this category were supported or strongly supported and were rated as follows:

Program	Percentage Support
WA Police Neighbourhood Watch Program	92.4%
WA Police Home Security Audit Service	72.4%
Western Australian Local Government Association RoadWise Program	79.8%
Western Australian Local Government Association White Ribbons for Road Safety Program	38.1%
City of Joondalup School Road Safety Program	85.3%
City of Joondalup School Road Safety Art Competition	66.6%
Whitfords Volunteer Sear Rescue Service	93.1%
Sorrento and Mullaloo Surf Life Saving Service	96.6%
Worksafe	83.1%
PubWatch	86.2%

The Western Australian Local Government Association's White Ribbons program received a support rating of only 38.1%. The commentary indicates that the public were unconvinced of the program's efficacy in terms of influencing drivers not to speed and, as such, providing value for money.

Identifying and tackling priority offences in Western Australia

The services within this category were all supported or strongly supported and were rated as follows:

Program	Percentage Support
City of Joondalup Graffiti Reporting and Removal Program	93.5%
City of Joondalup Community Speedwatch Program	86.2%
City of Joondalup Community Safe Speed Promise Program	51%
WALGA Road Safety Bin Sticker Program	69.4%
City of Joondalup CityWatch Community Patrol Service	84.7%
City of Joondalup CityWatch Holiday Alert Service	70.7%
City of Joondalup CityWatch Party Alert Service	74.7%

Program	Percentage Support
Office of Crime Prevention Eyes on the Street Program	86.2%
City of Joondalup Ranger Services	90.2%
City of Joondalup Events Management Community Safety Planning	78.8%

Commentary on the City of Joondalup Safe Speed Promise Program which scored a 51% approval rating indicates that the public are unconvinced of the program's efficacy as a way of influencing speeding behaviours.

Reducing repeat offending

The services within this category were all supported or strongly supported and were rated as follows:

Program	Percentage Support
DrugArm WA Street Van Outreach Service	80%
WA Department of Racing Gaming and Liquor – Responsible Serving of Alcohol in Licensed Premises	83.6%
City of Joondalup Local Graffiti Removal Volunteer Program	87.1%
City of Joondalup Mural Art Program	67.3%

The top rating service is the City of Joondalup Local Graffiti Removal Volunteer Program.

Designing out crime and using technology

The services within this category were all supported or strongly supported and were rated as follows:

Program	Percentage Support
City of Joondalup Provision of Traffic Treatments	87.5%
Main Roads WA Anti Hoon Speed Hump Program	74.3%
City of Joondalup Crime Prevention through Environmental Design	72.2%
City of Joondalup Public Areas Video Surveillance Project	88.9%

The top rating service is the City of Joondalup Public Areas Video Surveillance Program.

Issues and options considered:

There are two options in regards to the plan for considering the public consultation.

Option One: - Adopt the plan in its present form as shown in Attachment 1. This option is recommended as the consultation with key partners and the community indicated strong support for the programs detailed in the plan with only two exceptions.

Option Two: - Adopt the Plan with further amendments as a consequence of the community consultation feedback. This option is not recommended as there are only two programs that rated below 60% support in the feedback.

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

Not Applicable.

Strategic Plan

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

Key Focus Area:

5.4.1 The City develops and implements a Community Safety Plan

Objective:

Public perceptions of City safety programs remain high or increase.

Policy

Not Applicable.

Risk Management considerations:

Each program in the Plan is subject to its own controls and procedures. All City operated programs are subject to annual review of any associated risk.

Financial/Budget Implications:

Each City program in the Plan is subject to its own budget preparation process as part of the overall annual development of the City budget. Programs run by other agencies or organisations have their own budget processes.

Regional Significance:

The Cities of Stirling and Wanneroo have adopted Community Safety and Crime Prevention plans. In many cases the programs are similar. Regional cooperation is in place in a number of programs, such as with the Neighbourhood Watch program.

Sustainability Implications:

Community safety is an element of sustainable communities. The Community Safety and Crime Prevention Plan sets out the City's approach to community safety.

Consultation:

This report provides an analysis of the of the community consultation undertaken on the Community Safety and Crime Prevention Plan.

COMMENT

Positive commentary from the “Other Comments” section at the end of the survey indicated that the consultation process has helped raise community awareness about what is being done to increase community safety and security in the City of Joondalup. There were a small number of negative comments received

It is clear from comments in some programs that further work could usefully be done to raise awareness of those programs in the community.

The consultation process identified strong support for the Community Safety and Crime Prevention Plan and highlighted a number of areas that are considered a high priority by many respondents. These areas are described below.

- Support by the City for young people particularly in intervention/ support and youth liaison roles for youth “at risk” and also for the general youth population. It is acknowledged that young offenders should be supported by the state agencies responsible for Custodial, Family or other specialist services.
- Support for primary school programs that develop good relationships with the WA Police and which develop responsible citizenship as children grow into young adults
- Management of drugs and alcohol in society, particularly in terms of responsible consumption management
- Support for CCTV in areas where a demonstrated need has been identified, thus avoiding “big brother” concerns
- Support for the WA Police in a “Law and Order” context for managing all manner of anti social and criminal behaviour
- Support for restorative justice approaches, particularly in terms of graffiti offenders
- Neighbourhood Watch was identified as a program which is well used by those who know it but which could be promoted to a bigger range of potential participants with support from the City

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council

- 1 ADOPTS the Community Safety and Crime Prevention Plan forming Attachment 1 to this Report;**
- 2 AUTHORISES the Chief Executive Officer to forward the adopted plan to the Office of Crime Prevention for its endorsement.**

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf090210.pdf](#)

ITEM 20 TENDER 015/09 - BUILDING MINOR WORKS OF VALUE LESS THAN \$100,000

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	18628
ATTACHMENTS:	Attachment 1 Summary of Tender Submissions

PURPOSE

This report is to seek the approval of Council to accept the Tender submitted by Devco Holdings Pty Ltd for building minor works of value less than \$100,000 (Tender 015/09).

EXECUTIVE SUMMARY

Tenders were advertised on 4 November 2009 through state wide public notice for the building minor works of value less than \$100,000. Tenders closed on 19 November 2009. Ten (10) submissions were received from:

- Devco Holdings Pty Ltd;
- RWE Robinson & Sons Pty Ltd T/as Robinson Buildtech;
- Knebworth Building Co. Pty Ltd;
- Q Contracting;
- KMC Group;
- PRC Building Services Pty Ltd;
- CPD Group Pty Ltd;
- Walcott Industries Pty Ltd;
- Robert Parker Homes; and
- Quality Group Services T/as Arrix Constructions.

The submission from Devco Holdings Pty Ltd represents best value to the City. The evaluation panel has confidence in their ability to complete the works in the required timeframes and is satisfied that they have sufficient resources and the appropriate experience to complete the City's requirements.

It is recommended that Council ACCEPTS the Tender submitted by Devco Holdings Pty Ltd for Building Minor Works of Value Less Than \$100,000 for a two (2) year period in accordance with the statement of requirements as specified in Tender 015/09 at the submitted schedule of rates.

BACKGROUND

The City requires a suitably qualified and experienced service provider to undertake building minor works to the City's existing assets and associated facilities. Each individual project shall have an inclusive total value less than or equal to \$100,000 (Exclusive of GST).

The City had a panel Contract for building and general maintenance services with ten Contractors which expired on 28 January 2010. Due to the large number of refurbishment projects for City facilities with a value less than \$100,000, the building minor works component was separated from the remainder of general maintenance services and advertised as a separate Tender.

DETAILS

Tenders were advertised on 4 November 2009 through state wide public notice for the building minor works of value less than \$100,000.

Evaluation Criteria

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

Qualitative Criteria		Weighting
1	Capacity	40%
2	Demonstrated experience in completing similar projects	30%
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

Ten (10) Submissions were received from:

- Devco Holdings Pty Ltd;
- RWE Robinson & Sons Pty Ltd T/as Robinson Buildtech;
- Knebworth Building Co. Pty Ltd;
- Q Contracting;
- KMC Group;
- PRC Building Services Pty Ltd;
- CPD Group Pty Ltd;
- Walcott Industries Pty Ltd;
- Robert Parker Homes; and
- Quality Group Services T/as Arrix Constructions.

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

The Tender calls for of a schedule of rates for labour and a material mark-up percentage. As the breakdown between labour and material is unknown for the proposed projects, a calculation of the estimated expenditure was not able to be undertaken. The price ranking was determined on normal working hours labour rates which identifies the best value Offer to the City.

Evaluation Summary

Tenderer	Evaluation Score	Price Rank	Qualitative Rank
Devco Holdings Pty Ltd	77.5%	2	1
RWE Robinson & Sons Pty Ltd T/as Robinson Buildtech	72%	3	2
Knebworth Building Co. Pty Ltd	63.8%	6	3
Q Contracting Pty Ltd	58.3%	7	4
KMC Group	57.2%	5	5
PRC Building Services Pty Ltd	56%	4	6
CPD Group Pty Ltd	55.4%	1	7
Walcott Industries Pty Ltd	39%	8	8
Robert Parker Homes	36.5%	9	9
Quality Group Services T/as Arrix Constructions	25.7%	2	10

Quality Group Services T/as Arrix Constructions was ranked last in the qualitative assessment and equal second in price. The submission was lacking in detail and did not adequately demonstrate their capacity, experience or understanding of the City's requirements.

Robert Parker Homes and Walcott Industries Pty Ltd were ranked 9th and 8th respectively in the qualitative and price assessment. Both submissions were lacking in detail and did not adequately address their experience, capacity or understanding of the requirements.

The submission from CPD Group Pty Ltd was ranked 7th in the qualitative assessment and 1st in price. While they demonstrated an adequate understanding of the requirements, their submission was lacking detailed information on the scope of works demonstrating their experience and their capacity.

The submissions from Q Contracting, KMC Group and PRC Building Services Pty Ltd were ranked 4th, 5th and 6th respectively in the qualitative assessment and 7th, 5th and 4th in price. Their submissions adequately demonstrated their understanding of the requirements, their experience and capacity; however each submission was lacking in detailed information in some of the criteria responses and their hourly rates were more expensive than Devco Holdings Pty Ltd.

Knebworth Building Co. Pty Ltd was ranked 2nd in the qualitative assessment and 6th in price. They demonstrated a good understanding of the requirements, sufficient capacity and experience in completing similar projects; however their normal hourly labour rate was 23% more expensive and their material mark-up percentage was also 6% higher than Devco Holdings Pty Ltd.

The submission from RWE Robinson & Sons T/as Robinson Buildtech was ranked 2nd in the qualitative assessment and 3rd in price. They provided thorough responses to capacity and demonstrated experience; however their response to understanding of the requirements was lacking in detailed information of their work methodology. In addition their hourly labour rate was 7.7% more expensive and material mark-up percentage was 3% higher than Devco Holdings Pty Ltd and on this basis are not recommended.

Devco Holdings Pty Ltd was ranked 1st in the qualitative assessment and 2nd in price. They thoroughly demonstrated their capacity and experience in completing similar projects including the refurbishment of the Ellersdale and Timberlane Clubrooms in 2008 for the City. Although brief, their response to their understanding of the requirements addressed their general work methodology and working in occupied community buildings and around areas with children. They offered the equal second lowest hourly labour rates and second lowest material mark-up percentage and represent the lowest risk to the City and are accordingly recommended.

Issues and options considered:

Building minor works are required for the maintenance and refurbishment program of City facilities. 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: Community Wellbeing

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

Policy 7-19 Asset Management
7-3 Community Facilities (Built)

Risk Management considerations:

Should the contract not proceed, the risk to the City will be high as the City will be unable to complete the building maintenance and refurbishment program.

It is considered that the Contract will represent a low risk to the City as the recommended Respondent is a well-established company with significant experience in completing works of a similar nature and the capacity to provide the services to the City.

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 to 30 June 2011 if Accepted
\$1,193,227*	\$457,000 (Current Contract to date) \$736,227* (New Contract)	\$2,242,697*	\$3,358,395†

*Includes additional funds (\$330,000) requested in budget mid-year review.

†Expenditure for 2011/12 is unknown at this stage.

Regional Significance:

Not Applicable.

Sustainability Implications:

The maintenance and refurbishment of City facilities will enhance their visual appeal and improve the quality of the amenities available for use by 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 Devco Holdings Pty Ltd.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council ACCEPTS the Tender submitted by Devco Holdings Pty Ltd for Building Minor Works of Value Less Than \$100,000 for a two (2) year period in accordance with the statement of requirements as specified in Tender 015/09 at the submitted schedule of rates.

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf090210.pdf](#)

ITEM 21 TENDER 029/09 - GROWING, MANAGEMENT, SUPPLY AND DELIVERY OF ICONIC NATIVE PLANT SPECIES

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	100150
ATTACHMENTS:	Attachment 1 Summary of Tender Submissions.

PURPOSE

To consider the tenders received for the Growing, Management, Supply and Delivery of Iconic Native Plant Species (RFT029/09).

EXECUTIVE SUMMARY

Tenders were advertised on Saturday 17 October 2009 through state wide public notice for the Growing, Management, Supply and Delivery of Iconic Native Plant Species. Tenders closed on Tuesday 3 November 2009. Two submissions were received from:

- Quito Pty Ltd trading as Benara Nursery; and
- Forrest Nursery Pty Ltd trading as Boyanup Botanical.

The submission from Boyanup Botanical represents the lowest risk to the City. Boyanup botanical is a well established organisation with demonstrated capacity, skills, experience and a proven track record in growing diverse hard to grow native species from local provenance. The organisation is well structured, has all the necessary specialist equipment and infrastructure in place, and is accredited by the Nursery Industry Accreditation Scheme (NIASA).

It is recommended that Council:

- 1 *ACCEPTS the tender submitted by Forrest Nursery Pty Ltd trading as Boyanup Botanical for the Growing, Management, Supply and Delivery of Iconic Native Plant Species in accordance with the statement of requirements as specified in tender 029/09 at the submitted schedule of rates for the purchase of tube stock and a fixed monthly fee \$2,145.00 (GST exclusive) for the growing and management of mother stock and tube stock*
- 2 *DETERMINES that the Contract is to be for an initial period of three (3) years with an option to extend for a maximum period of two (2) years.*

BACKGROUND

Council endorsed the Adoption of the Aims and Principles of the Landscape Master Plan at its meeting 18 March 2008 (Report CJ034-03/08 refers) to select seven (7) iconic projects being the east – west major road arteries of:

- Burns Beach Road
- Hodges Drive
- Shenton Avenue
- Ocean Reef Road
- Whitfords Avenue
- Hepburn Avenue; and
- Warwick Road.

Part of the plan requires the establishment of a program for growing specific native plant species from local provenance and incorporating the species in the Iconic Arterial Road Projects and other major landscaping programs throughout the City. The City requires the services of a contractor to provide the growing program.

DETAILS

Tenders were advertised on Saturday 17 October 2009 through state wide public notice for the Growing, Management, Supply and Delivery of Iconic Native Plant Species. Tenders closed on Tuesday 3 November 2009. Two (2) submissions were received from:

- Quito Pty Ltd trading as Benara Nursery; and
- Forrest Nursery Pty Ltd trading as Boyanup Botanical.

Evaluation Criteria

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

Qualitative Criteria		Weighting
1	Capacity	40%
2	Demonstrated experience in completing similar projects	30%
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 four (4) members; one with tender and contract preparation skills, two (2) with the appropriate technical expertise and one (1) involved 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

A summary of the Tender submissions is provided in Attachment 1.

This Contract is for a fixed monthly sum for the growing and management of mother stock and tube stock, and the supply and delivery of tube stock at the submitted schedule of rates.

Evaluation Summary

Respondent	Evaluation Score	Price for initial three year Contract period	Qualitative Rank
Boyanup Botanical	85%	(Management Fee \$79,953.00) (\$548,305.00 for tube stock) \$628,258.00	1
Benara Nursery	60%	(Management Fee \$18,637.00) (\$131,957.00 for tube stock) \$150,595.00	2

Note: The price for the initial three (3) year period of the contract submitted by Benara Nursery and Boyanup Botanical is inclusive of the management fee for both mother stock and tube stock and the purchase of an estimated quantity of 101,506 assorted species of tube stock.

Issues and options considered:

Council has the following options:

1. Proceed with the approved Landscape Master Plan concept and award a contract to the recommended Respondent; or
2. Not award a contract and not proceed with the approved Landscape Master Plan Concept.

Council has endorsed the Landscape Master Plan concept. The key to its implementation is the growing program based on local provenance. The City does not have the infrastructure or resources to undertake this itself. Without an outsourced provider the current Landscape Master Plan concept cannot proceed. Option 1 is recommended.

Legislation/Strategic Plan/Policy Implications

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

Strategic Plan

Key Focus Area: The Natural Environment.

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

Risk Management considerations:

Growing the specific local provenance plant species does present significant and difficult challenges, particularly in regard to the initial propagation of plants from collected local provenance material and the establishment of mother stock. Therefore, it is imperative that the initial period of growing mother stock is successful as the whole iconic species program is dependent on this component. If the mother stock is not grown in a manner to achieve a robust quality and maintained accordingly, quality seed stock would be dramatically reduced and robust cuttings would not be available for propagation. If this was the case, the Iconic Native Plant Species program would be severely impacted for many years through low quality or possibly non availability of the appropriate tube stock.

It is considered that awarding the contract to the recommended Respondent will represent a significantly lower risk to the City as the recommended Respondent has demonstrated comprehensive understanding of the requirements, have sufficient skilled resources, demonstrated extensive experience in completing similar projects, and has all the required infrastructure, controls and procedures in place.

Financial/Budget Implications:

Allocation of funds for Iconic Arterial Road Projects for 2009/2010 Financial Year	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
\$910,500**	\$10,725.00	\$135,401.00*	\$628,258.00

* The projected expenditure for the first twelve (12) months includes the management fee of \$25,740 and twenty percent (20%) of the cost of tube stocks.

** Monies for this contract are included in the budgets for the current Iconic Arterial Road Projects as detailed below.

Current Iconic Arterial Road Projects

W1326	Burns Beach Road 09/10	\$400,000
W1155	Hodges Drive 08/09	\$150,000
W1324	Joondalup Drive 08/09	\$360,500

Total: \$910,500

Regional Significance:

Not Applicable.

Sustainability Implications:

Enhancement of urban biodiversity providing on going sustainability for local provenance species of different plant communities within the City of Joondalup.

Consultation:

Not Applicable.

COMMENT

To assist in the evaluation process, both organisations were required to give a presentation on their respective organisations capacity, demonstrated experience in completing similar projects, demonstrated understanding of the required tasks, and social and economic effects on the local community. In addition, a consultant was engaged to undertake independent site visits to both organisations to obtain a non biased view of the operational facilities and capabilities of both organisations. The site visits were also attended by two City technical officers.

The objective of the site visits were to assess:

- Business processes.
- Operations.
- Motherstock areas.
- Growing programs; and
- Facilities.

The consultants report assessed the operational facilities and capabilities of each organisation.

The report from the consultant supported the findings of the evaluation panel.

Benara Nursery is well structured and geared for the production of plant species for retail and speculative sale for landscapers and developers. The production methodology employed and the facilities are technically advanced and incorporate excellent processes in the volume production of plant species and vegetables. Benara Nursery was unable to fully demonstrate the successful completion of projects similar to the requirements of the City to grow a large variety of specialized native plant species from local provenance.

Benara did not provide detailed information or demonstrate an understanding on the specific requirements of the City as stated in the RFT. Information provided was for growing of mother stock in ground beds only and no other option was provided. No information was provided on research, techniques or methods on propagation and growing difficult to grow species.

Boyanup Botanical fully demonstrated experience in growing native plant species from local provenance. Propagation techniques developed from specialized growing programs are being used for WA native species. Boyanup Botanical has adequate capacity to meet the requirements of the City and demonstrated a comprehensive understanding of the requirements to gather seed stock and cuttings from local native plant species and have perfected specialist propagation techniques required for production of hard to grow native species. Seed collection, cutting programs and details and options for growing both mother stock and tube stock were provided to ensure that any risk of failure was minimized. Options to grow mother stock and tube stock development were also provided. They are recognised within the industry as the leader in the specialist field of growing unique native plant species from local provenance material.

The organisation is well structured, has all the necessary specialist equipment, infrastructure, expertise and key personnel in place, and is accredited to the standards as set by the Nursery Industry Accreditation Scheme (NIASA). Boyanup Botanical exceeds these standards by following Forestry Nursery Standards.

The Offer from Boyanup Botanical represents the best opportunity to the City as it achieved the highest score for its qualitative assessment and fully demonstrated extensive experience and a comprehensive understanding in undertaking and completing similar projects.

Whilst there is a significant difference in the tender price between Boyanup Botanical and Benara Nursery, it is imperative that the risk to the City is significantly reduced for this large and complex project. Based on the analysis of the tender submissions, reference checks and independent consultant's report, the evaluation panel unanimously agreed that the offer from Boyanup Botanical represents the lowest risk and best outcome to the City.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 ACCEPTS the tender submitted by Forrest Nursery Pty Ltd trading as Boyanup Botanical for the Growing, Management, Supply and Delivery of Iconic Native Plant Species in accordance with the statement of requirements as specified in tender 029/09 at the submitted schedule of rates for the purchase of tube stock and a fixed monthly fee of \$2,145.00 (GST exclusive) for the growing and management of mother stock and tube stock;**
- 2 DETERMINES that the Contract is to be for an initial period of three (3) years with an option to extend for a maximum period of two (2) years.**

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf090210.pdf](#)

ITEM 22 TENDER 036/09 PROVISION OF COMMUNITY PATROL SERVICES

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	100404
ATTACHMENTS:	Attachment 1 Summary of Tender Submissions

PURPOSE

This report is to seek approval of Council to accept the tender submitted by Wilson Security for the provision of community Patrol Services (RFT029/09).

EXECUTIVE SUMMARY

Tenders were advertised on Wednesday 2 December 2009 through state wide public notice for the provision of Community Patrol Services. Tenders closed on Wednesday 23 December 2009. Seven (7) submissions were received from:

- Wilson Security;
- Charter Security Group Pty Ltd;
- Australian Asset Protection Pty Ltd;
- Newcrest Security and Investigations Pty Ltd;
- Southern Cross protection Pty Ltd;
- MSS Security; and
- PC Security (Offer rejected as non-conforming in accordance with clause 4.3 (b) of the RFT.

The submission from Wilson Security represents the lowest risk and best value outcome to the City. Wilson Security is a well established organisation with demonstrated capacity, skills, experience and a proven track record in providing Community Patrol Services of the nature as required by the City and detailed in the RFT. The organisation is well structured, has all the necessary specialist equipment, infrastructure, resources and key personnel in place and has a safety management plan conforming to AS/ANZ 4360:2004.

It is recommended that Council:

- 1 *ACCEPTS the tender submitted by Wilson Security for the provision of Community Patrol Services in accordance with the statement of requirements as specified in tender 036/09 (Option 2) at the submitted commencement annual fee of \$1, 285,869 (GST exclusive) for the first year of the Contract and subject to annual price adjustments;*
- 2 *DETERMINES that the Contract is to be for an initial period of three (3) years with an option to extend for a further maximum period of two (2) years.*

BACKGROUND

Extensive reviews of Community Patrol Services have been undertaken over the past five (5) years which developed into the current service delivery model. The program has major security and safety benefits to the residents, businesses and general community spirit and well being and is a key element of the City's approach to community safety and crime prevention.

DETAILS

Tenders were advertised on Wednesday 2 December 2009 through state wide public notice for the provision of Community Patrol Services. Tenders closed on Wednesday 23 December 2009. Seven (7) submissions were received from:

- Wilson Security (Submitted two pricing options);
- Charter Security Group Pty Ltd;
- Australian Asset Protection Pty Ltd;
- Newcrest Security and Investigations Pty Ltd;
- Southern Cross protection Pty Ltd;
- MSS Security; and
- PC Security (Offer rejected as non-conforming in accordance with clause 4.3 (b) of the RFT.

Evaluation Criteria

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

Qualitative Criteria		Weighting
1	Capacity	40%
2	Demonstrated experience in completing similar projects	35%
3	Demonstrated understanding of the required tasks	20%
4	Social and economic effects on the local community	5%

Evaluation Panel

The evaluation panel comprised of five (5) members; one with tender and contract preparation skills, two (2) with the appropriate technical expertise, one (1) involved in customer service and one (1) involved with governance and strategy. The panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner

Tender Submissions

A summary of the Tender submissions is provided in Attachment 1.

This Contract is for a fixed annual sum for the provision of Community Patrol Services in the first year followed by annual price adjustments.

Evaluation Summary

Respondent	Evaluation Score	Price for first year of Contract period	Qualitative Rank
Wilson Security	95.65%	\$1,285,869	1
MSS Security	79.1%	\$1,007,009	2
Charter Security Pty Ltd	58.4%	\$1,250,797	3
Southern Cross Protection Pty Ltd	44.15%	\$1,589,516	4
Newcrest Security and Investigations Pty Ltd	43.8%	\$993,447	5
Australian Asset Protection Pty Ltd	42.4%	\$999,278	6

Issues and options considered:

Council have the following options:

- 1 Proceed with the City Watch Community Patrol Services and award a contract to the recommended Respondent; or
- 2 Not award a contract and not proceed with the City Watch Community Patrol Services.

Option 1 is recommended and would continue the provision of a service that is well regarded and supported by the community.

Option 2 is not recommended. The perception of the community may be that the City is not supporting a safe environment for residents, businesses and visitors.

Legislation/Strategic Plan/Policy Implications

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

Strategic Plan

Key Focus Area: Community Wellbeing

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

Strategy 5.4.2: The City maintains an effective visual presence in local residential areas and business districts.

Risk Management considerations:

The Community has high expectations for quality Community Patrol Services to be maintained, and the risk to the City if it does not engage an appropriate organisation to deliver the service is a strong negative response from the community for not delivering the required expectations.

It is considered that awarding the contract to the recommended Respondent will represent a low risk to the City and a seamless transition as the recommended Respondent has demonstrated comprehensive understanding of the requirements, have sufficient skilled resources, extensive demonstrated experience in completing similar projects, and has all the required infrastructure, controls and procedures in place.

Financial/Budget Implications:

Budget for 2009 / 2010	Funds Expended to 31/12/2009	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
\$1,342,000.00	\$640,184.00	\$640,000.00	\$1,285,869	\$6,865,427

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Consultation took place with various City officers and a Strategy Session presentation was made to Elected Members. Feed back from community surveys was also used in developing the tender specification.

COMMENT

Australian Asset Protection Pty Ltd did not provide details of key personnel, location of control room, emergency requirements, and did not demonstrate experience for community patrol services. Minimal local government experience was demonstrated.

Newcrest Security and Investigation Pty Ltd did not provide details on key personnel and number of FTE's employed. Minimal details were provided on local infrastructure but indicated that personnel were available 24/7. Only details of Managing Director were provided. No experience was demonstrated for local government or community patrol services.

Southern Cross Protection Pty Ltd has four (4) key personnel in the Perth office. New personnel would need to be employed if awarded the City contract. A 24hr national response centre is available but no details provided as to the location of the control room for WA clients. No details of after hour's contacts provided and no experience demonstrated for community patrol services. Some local government experience provided but did not elaborate on type of services.

Charter Security Pty Ltd has an office in Perth with 34 FTE's. Details of company structure and organization profile provided along with key personnel and their experience. Minimal details on local infrastructure provided but indicated that personnel were available 24/7. Details of safety management and relevant risk management policies conform to AS/ANZ 4801. Little experience demonstrated for community patrol services. Some local government experience but minimal details on types of services provided.

The above four (4) Respondents all scored less than 60% in the qualitative assessment.

MSS Security scored 79.1% for its qualitative assessment and has branches and offices throughout Australia and employs 707 FTE's in Perth and 4,500 employees Australia wide. The Perth office is located in Osborne Park.

Key personnel are very skilled and have extensive experience in the security industry. A 24/7 operations centre is locally based and MSS Security have the capacity to provide additional personnel to meet surge requirements. Detailed methodology was provided for service delivery and Safety Management. Large contracts are held with private organizations and State Government. No experience was demonstrated for local government. A very good understanding of the requirements was demonstrated and provided a methodology and detailed transition plan.

Wilson Security scored 95.65% for its qualitative assessment and employs 600 FTE's in Perth and has its main office located in Belmont. Its key personnel are very skilled and have extensive experience in similar requirements. A 24/7 operations centre is located in Belmont with the capacity to provide additional personnel to meet surge requirements. Sound and detailed methodology was provided for service delivery and a comprehensive safety management policy was provided.

Extensive experience was fully demonstrated in undertaking and completing contracts of a similar nature and complexity for both local and state governments, as well as private organisations. Wilson Security is the current service provider for the City and has provided a high standard of service delivery to date. A comprehensive and detailed understanding of the required service level and outcomes for the City and community were demonstrated and a detailed methodology was provided that further demonstrated a complete understanding of local government and COJ requirements.

Wilson Security submission included pricing options 1 and 2 based on two different award rates for security officers. Option 2 was the cheaper of the two options and no different in any other respect to option 1. Option 1 was not considered further.

The option 2 Offer from Wilson Security represents the best opportunity and value to the City as it achieved the highest score for its qualitative assessment and fully demonstrated extensive experience and a comprehensive understanding of the requirements to provide Community Patrol Services to local governments. Wilson Security are providing similar services to the City of Rockingham, City of Belmont, City of Perth, East Perth Redevelopment Authority and the Public Transport Authority.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 ACCEPTS the tender submitted by Wilson Security for the provision of Community Patrol Services in accordance with the statement of requirements as specified in tender 036/09 (Option 2) at the submitted commencement annual fee of \$1, 285,869 (GST exclusive) for the first year of the Contract and subject to annual price adjustments;**
- 2 DETERMINES that the Contract is to be for an initial period of three (3) years with an option to extend for a further maximum period of two (2) years.**

Appendix18 refers

To access this attachment on electronic document, click here: [Attach18brf090210.pdf](#)

ITEM 23 LOCAL EMERGENCY MANAGEMENT COMMITTEE – REVISED TERMS OF REFERENCE AND MEMBERSHIP

WARD	All
RESPONSIBLE DIRECTOR:	Mr Martyn Glover Infrastructure Services
FILE NUMBER:	09151, 48543
ATTACHMENTS:	Attachment 1 Wanneroo/Joondalup Local Emergency Management Committee - Terms of Reference and Membership

PURPOSE/ EXECUTIVE SUMMARY

To seek Council endorsement of the Terms of Reference and Membership of the Wanneroo/Joondalup Local Emergency Management Committee (see attachment 1) and approval for the transfer of the Council elected representative from the District Emergency Management Committee (DEMC) to the Local Emergency Management Committee (LEMC)

BACKGROUND

The City of Joondalup and the City of Wanneroo Local Emergency Management Committees have been operating as a joint committee for several years.

In November 2008 it was determined that this amalgamation had not been formalised with the State Emergency Management Committee (SEMC).

As a result of this determination the City of Joondalup took the opportunity to review the situation and determine whether to continue as an amalgamated committee or separate into two committees.

At its meeting of Tuesday 16 June 2009 Council resolved as follows:

- “1 In accordance with Section 34 (1) of the Emergency Management Act 2005, SEEK the approval of the State Emergency Management to unite with the City of Wanneroo for the purposes of emergency management;*
- 2 Subject to (1) above, in accordance with Section 38 (1) of the Emergency Management Act 2005, AGREED to establish a joint Local Emergency Management Committee with the City of Wanneroo for the purposes of emergency management for both local Government districts;*
- 3 Subject to the approval of the State Emergency Management Committee, REQUESTED a further report on the membership of the joint Local Emergency Management Committee as detailed in (2) above.”*

At its meeting of Tuesday 17 November 2009, Council resolved to:

“8 *NOMINATES the following persons to represent the City of Joondalup on the:*

(b) *District Emergency Management Committee*

*Councillor John Chester
Manager Asset Management
Emergency Management Officer*

(e) *Local Emergency Management Committee*

*Manager Asset Management
Emergency Management Officer
Principal Environmental Health Officer”*

DETAILS

At the SEMC meeting of Tuesday 1 September 2009 the Committee endorsed the amalgamation of the City of Joondalup and the City of Wanneroo into one LEMC under Resolution Number 80/2009.

As the result of this determination, the Manager Asset Management and the Emergency Management Officer City of Joondalup, met with the Manager Regulatory Services and Community Safety and Emergency Management Officer City of Wanneroo and developed the attached Terms of Reference and Membership for the joint LEMC (Attachment 1 refers). This document was endorsed by the LEMC at its meeting on Thursday 5 November 2009.

The membership of the LEMC has evolved over time to include members from agencies as recommended by SEMC Policy Statement 2.5 (Attachment 1, Appendix 2 refers) and members from a number of agencies with interests in local emergency management matters.

The Terms of Reference and Membership seeks to establish two types of membership. These being *Core Membership*, ie those members with voting rights and *Stakeholder Membership*, ie non voting members with an interest in local emergency management matters that may affect their organisation.

The City of Wanneroo has had a Councillor appointed to the LEMC for some time and this report seeks to replicate this situation at the City of Joondalup and have a City of Joondalup Councillor appointed to the LEMC. The main reason is that this committee deals with emergency management matters affecting the local community which the local Councillor would be familiar with.

Historically the City has appointed a Councillor to the DEMC and not the LEMC. Council at its Ordinary Meeting of 17 November 2009 appointed Councillor Chester to the DEMC, however the new framework of Emergency Management in Western Australia provides for local government membership of the DEMC to be appointed by the LEMC.

SEMC Policy Statement 2.4 District Emergency Management Arrangements (Attachment 1, Appendix 1 refers), clause (10.v) states that local government representative(s) may consist of either (a) the chair of each Local Emergency Management Committee within the district or their appointed representative; or (b) the chair of a LEMC who represents some or all local emergency management committees in the district.

It is also noted that SEMC Policy Statement 2.4 is currently under review by the SEMC to determine the structure and membership of DEMCs.

Link to Strategic Plan

KEY FOCUS AREA 5: Community Well-Being

- OBJECTIVE 5.4: To work collaboratively with stakeholders to increase community safety and respond to emergencies effectively.
- STRATEGY 5.4.3: The City works in collaboration with other local governments and the State Government to enhance community safety.

Legislation – Statutory Provisions:

Section 34 (1) of the Emergency Management Act 2005 states “That Two or more Local Governments may, with the approval of the State Emergency Management Committee agree to unite for the purposes of emergency management”

Section 34 (2) outlines that where local governments unite under subsection (1) the provisions of this part apply as if:

- a) Reference to a local government was a reference to the combined local government;
- b) Reference to a local governments district was a reference to the districts of the combined local governments; and
- c) A reference to the local government offices was a reference to the offices of each local government that is part of the combined local government.
- d) State Emergency Management Committee Policy Statement 2.5 Emergency Management in Local Government Districts (15 a) states that a LEMC may consist of “*council members, employees and other persons*” and 16 (c i) “*local government representative when a local government representative is not appointed chairman*”.
- e) State Emergency Management Committee Policy Statement 2.4 District Emergency Management Arrangements (10 v) “*local government representative(s) may consist of either (a) the Chair of each Local Emergency Management Committee (LEMC) within the district or their appointed representative or (b) the Chair of a Local Emergency management Committee who represents some or all .local emergency management committees in the district*”.

Risk Management considerations:

LEMCs have a risk management responsibility and the establishment of a Wanneroo/Joondalup LEMC would reduce the risk to members of the local community.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Formal recognition of the amalgamation of the Wanneroo/Joondalup LEMC is relevant to both the City of Joondalup and the City of Wanneroo.

Sustainability Implications:

Not Applicable.

Consultation:

The matter was discussed with officers of the City of Wanneroo and agreement was reached on the Terms of Reference and Membership of the LEMC.

The matter was also tabled and endorsed at the LEMC meeting of 5 November 2009.

COMMENT

The Terms of Reference and membership of the LEMC are in accordance with The Emergency Management Act 2005 and State Emergency Management Committee Policy Statements 2.4 and 2.5

Acceptance of the terms of Reference and membership of the LEMC will enable the finalisation of the Wanneroo/Joondalup Local Emergency Management Arrangements and the City of Joondalup Local Recovery Plan

VOTING REQUIREMENTS

Absolute Majority

Call for One-Third Support

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

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

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

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

RECOMMENDATION**That Council:**

- 1 SUPPORTS the Terms of Reference and membership of the Wanneroo/Joondalup Local Emergency Management Committee as shown in Attachment 1 to this Report;**
- 2 (a) BY AN ABSOLUTE MAJORITY, REVOKES the Council resolution of Tuesday 17 November 2009 (part item CJ246-11/09) that reads as follows:**
 - “8 NOMINATES the following persons to represent the City of Joondalup on the:**

(b) District Emergency Management Committee

**Cr John Chester
Manager Asset Management
Emergency Management Officer**

(e) Local Emergency Management Committee

**Manager Asset Management
Emergency Management Officer
Principal Environmental Health Officer”**

(b) NOMINATES the following persons to represent the City of Joondalup on the Wanneroo/Joondalup Local Emergency Management Committee:

**Cr John Chester
Manager Asset Management
Emergency Management Officer
Principal Environmental Health Officer**

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19brf090210.pdf](#)

ITEM 24 PETITION REQUESTING THAT COUNCIL REVOKE ITS DECISION OF 13 OCTOBER 2009 WITH RESPECT TO CONSTRUCTION OF A PATH IN ABERDARE WAY, WARWICK.

WARD:	South
RESPONSIBLE DIRECTOR:	Mr Martyn Glover Infrastructure Services
FILE NUMBER:	74506
ATTACHMENTS:	Attachment 1 Path location as adopted by Council

PURPOSE

The purpose of this report is for Council to consider a twenty five (25) signature petition to revoke its decision of 13 October 2009, in relation to the construction of a footpath along Aberdare Way, Warwick.

EXECUTIVE SUMMARY

A petition requesting that Council revokes its decision of 13 October 2009 to construct a 1.8m wide path in Aberdare Way, Warwick (CJ236-10/09 refers) was received by Council on 19 December 2009.

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

The City consulted with residents in April 2009 which resulted in general support for the provision of a path but no clear preference in relation to a proposed location. At the time of the community consultation a petition signed by twenty seven (27) residents was received in support of the footpath but requested an alternative location.

The City consulted with residents a second time in September 2009 where a number of options were presented (CJ236-10/09 refers). Upon receipt of the feedback a report was prepared and submitted to Council at its Ordinary Meeting of 13 October 2009.

Council subsequently approved the construction of a 1.8m wide concrete path along Aberdare Way and through Ellersdale Park to link up with an existing path on Ellersdale Road, as shown in Attachment 1.

Construction of the path began on 24 November 2009 and was completed at the end of January 2010.

It is recommended that the recently constructed path along Aberdare Way remains as it provides a safe walking environment for pedestrians and other vulnerable road users.

It is recommended that Council:

- 1 *REITERATES its decision of 13 October 2009 to build the footpath along Aberdare Way, Warwick;*
- 2 *ADVISES the lead petitioner of Council's decision in Part 1 above.*

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.

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 on 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.”

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 (CJ236-10/09 refers).

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

Following consultation with the residents of Aberdare Way in September 2009 a report was prepared and submitted to Council at its Ordinary Meeting of 13 October 2009. Subsequently Council resolved:

“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 through Ellersdale Park, enabling it to link with existing footpaths as shown in Attachment 5 to Report CJ236-10/09”

Refer to Attachment 1 for approved path location.

A petition was received by Council on 19 December 2009 respectfully requesting that Council:

“Rescinds the following resolution which was passed at the meeting of October 13, 2009:”

“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 through Ellersdale Park, enabling it to link with the pavilion and change rooms on the Park and the existing footpaths as shown in Attachment 5 to Report CJ236-10/09;”

DETAILS

Issues and options considered:

During the community consultation of September 2009 four (4) options were presented to residents along Aberdare Way (CJ236-10/09 refers). The majority of residents who replied to the consultation supported the provision of a path along Aberdare Way, as shown in Attachment 1. This option represented the minimal amount of road crossings along the route of the path and a majority of the proposed path would be constructed under the existing street lighting.

Upon further consultation with residents of Eddington Road the path was extended through Ellersdale Park, enabling it to link with an existing path on Ellersdale Road.

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:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:Environmental

Not Applicable.

Social

The construction of 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 support of the path but requesting an alternative location.

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 represented the minimal amount of road crossings along the route of the path and a majority of the path is constructed under the existing street lighting. Following further consultation with the residents in Eddington Road this option was further modified through Ellersdale Park (Option 5 in Attachment 1).

COMMENT

Construction of the footpath began on 24 November 2009. The concrete works were completed prior to Christmas 2009 and the balance of the works is expected to be completed in late January 2010.

There were 29 signatures to the petition requesting that Council revoke its decision of 13 October 2009, with 25 supporting the petition and 4 not supporting the petition.

Analysis of this petition and the previous petition and community consultation has identified that 19 of the 29 previously supported the footpath and only 2 consistently objected.

It is noted that the City has received a small number of complaints by telephone in relation to the path construction.

It is recommended that the recently constructed path along Aberdare Way, Warwick remains as it provides a safe walking environment for pedestrians and other vulnerable road users.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 REITERATES its decision of 13 October 2009 to build the footpath along Aberdare Way, Warwick;**
- 2 ADVISES the lead petitioner of Council's decision in Part 1 above.**

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20brf090210.pdf](#)

ITEM 25 CITY OF JOONDALUP ENTRY STATEMENTS

WARD: All

RESPONSIBLE DIRECTOR: Mr Martyn Glover
Infrastructure Services

FILE NUMBER: 37196, 44697

ATTACHMENTS: Attachment 1 Map Marmion Avenue (north of Beach Road)
Attachment 2 Map Marmion Avenue (adjacent to northern boundary of Cranston Park)
Attachment 3 Map Primary locations of Entry Statements
Attachment 4 Pictorial view of Entry Statements

PURPOSE

The purpose of this report is to seek Council approval for the construction of two Entry Statements.

EXECUTIVE SUMMARY

Entry Statements have been under consideration by Council for many years. Entry Statement works have not proceeded to date due to negative community feedback.

At its meeting of 17 February 2009, Council resolved to:

- “1 *ENDORSE the concept design for the Entry Statements for the City of Joondalup;*
- 2 *LIST for consideration in the Draft Budget 2009/2010 an amount of \$375,750 for Entry Statements.*

The City appointed Greg Grabasch, Landscape Architect, Urban Design and Landscape Architect (UDLA) to undertake this project. An amount of \$375,750 has been included in the 2009/2010 Capital Works Program for the construction of three Entry Statements. A revised cost estimate has recently been obtained from UDLA due to the previous estimate being over a year old and potentially inaccurate. The consultant (UDLA) estimates each Entry Statement to cost \$137,520 and the Consultant’s fees to cost \$18,854. There is not enough funding in the 2009/2010 Capital Works Budget to fund three Entry Statements as originally proposed. However, there is sufficient funding to construct two Entry Statements. The total cost of constructing two entry statements is therefore estimated to be \$293,894 inclusive of consultancy fees.

The proposed locations for the two entry statements are at either end of Marmion Avenue (one entry statement north of Beach Road and the other entry statement adjacent to the northern boundary of Cranston Park) as detailed in Attachments 1 and 2. It is anticipated the proposed locations for the two Entry Statements will afford maximum exposure based on the number of vehicles per day using Marmion Avenue.

It is recommended that Council APPROVES the construction of two entry statements on Marmion Avenue at the following locations:

- 1 *North of Beach Road;*
- 2 *Adjacent to the northern boundary of Cranston Park.*

BACKGROUND

Entry statements have been considered by Council over a number of years. In 2001/2002 the five year Capital Works Program included \$75,000 for the installation of Entry Statements and Prototypes were designed. The Entry Statements as proposed did not proceed based on negative community feedback.

Elected Members were surveyed between December 2006 and March 2007 on various Entry Statement options. The feedback was reported to Council in September 2007. In terms of future locations of the Entry Statements, the majority of responses from Elected Members supported the provisional locations identified on the map included in Attachment 3.

At Council's Meeting of 25 September 2007, further direction was sought from Council for developing and implementing Entry Statements for the City.

At that meeting Council resolved to:

- 1 *REQUEST the Chief Executive Officer to appoint a suitably qualified designer to assist in designing Entry Statements for the City of Joondalup;*
- 2 *REFER consideration of Entry Statements for the City of Joondalup to the next available Strategy session;*
- 3 *INVITE the appointed designer to attend the Strategy Session that considers the Entry Statements for the City of Joondalup;*
- 4 *REQUEST the Chief Executive Officer to advise the suitably qualified designer of a requirement to make the entry statement design reasonably vandal and graffiti proof.*

The City appointed Greg Grabasch, Landscape Architect, Urban Design and Landscape Architect (UDLA) to undertake this project. In accordance with the resolution of Council, the designer attended a number of Strategy sessions and conducted workshops with Elected Members to assist with the development of the preferred design. Following the final session with Elected Members on 19 August 2008, the consultants prepared a report which provided detailed design drawings and documentation; including estimated costs of the preferred Entry Statement.

At Council's Ordinary Meeting of 17 February 2009, Council resolved to:

- 1 *ENDORSES the concept design for the Entry Statements for the City of Joondalup;*
- 2 *LISTS for consideration in the Draft Budget 2009/2010 an amount of \$375,750 for Entry Statements.*

An amount of \$375,750 was included in the 2009/2010 Capital Works Program. Each Entry Statement was estimated to cost \$125,250 (estimate dated 31 October 2008) by the consultant.

Due to the time delay between the original cost estimate and the construction phase, an additional cost estimate was obtained from the Consultant (UDLA). The revised cost for each Entry Statement is estimated to be \$137,520, resulting in an increase of \$12,270 per installation (estimate dated 21 December 2009). An additional cost of \$18,854 for consultancy fees also needs to be factored into the overall project cost. There is enough budget allocation in the 2009/2010 Capital Works Program to fund two Entry Statements (not three Entry Statements as originally proposed) leaving a surplus of \$81,856.

The proposed locations for the two entry statements are at either end of Marmion Avenue (one entry statement north of Beach Road and the other entry statement adjacent to the northern boundary of Cranston Park) as detailed in Attachments 1 and 2. It is anticipated the proposed locations for the two Entry Statements will afford maximum exposure based on the number of vehicles per day using Marmion Avenue.

DETAILS

The consultant describes the concept for the City's Entry statements as follows:

'A memorable gateway into the City of Joondalup, with visitors and residents "moving through" the design. A clear Joondalup sign informs people of where they are entering while the rest of the design mimics a city skyline and the individual elements are an interpretative reflection of what is the City of Joondalup (past, present and future)'

The concept comprises four elements being the poles, Joondalup sign, trees with lighting and ground treatment. Each of these elements is described below:

Constant Element One – Poles

The staggered line of poles represent a city skyline. Furthermore, each pole reflects a specific concept through its colour (matte) and motif. (The reflective stick on motif on portions of each pole will glow at night from headlights). The number of each colour will vary depending on location.

Constant Element Two – Joondalup Sign

A consistent element at each location, it clearly states where a person is. Constructed from brushed steel with the text made from a reflective material that is brightly lit up at night (5m tall x 0.6m wide). The exit sign is half width at 5m tall x 0.3m wide.

Constant Element Three – Trees

A species suited to each location will be chosen and grouped on the back batter to form a gateway entrance behind the poles. Dim canopy/trunk up lighting will create a night time spectacle.

Constant Element Four – Ground Treatment

A clear ground treatment of gravel will ensure all focus is on the gateway of poles and trees. This clear surveillance will discourage vandals. The lifted ground plane creates a crescendo to the gateway for vehicles to move through.

Attachment 4 provides a pictorial view of the Entry Statement design.

Issues and options considered:

A number of options were considered as follows:

Option 1 – Recommended Option

Construct Entry Statements at either end of Marmion Avenue - one Entry Statement north of Beach Road and the other Entry Statement adjacent to the northern boundary of Cranston Park. This option would create a 'memorable gateway' upon entering the City and afford maximum exposure to the entry statements.

Option 2

Construct Entry Statements in the City Centre vicinity. This option would showcase entry statements in the City Centre vicinity only and offer less exposure.

Option 3

Do not install Entry Statements.

Legislation/Strategic Plan/Policy Implications

Strategic Plan

Key Focus Area: The Built Environment

Objective: 4.2.6 the City implements, and if necessary, refines its Capital Works Program

Risk Management considerations:

The Entry Statements have been designed in accordance with Australian Standards to minimise any risks associated with vehicle and pedestrian movement through the proposed Entry Statement.

Financial/Budget Implications:

There is \$375,750 allocated in the 2009/2010 Capital Works Program for the provision of Entry Statements. The consultant now estimates each Entry Statement to cost \$137,520 plus an additional cost of \$18,854 for consultation fees. The total estimated cost would be \$293,894.

There is currently no provision in the draft 2010/2011 Capital Works Program for the construction of additional entry statements.

Regional Significance:

Not Applicable.

Sustainability Implications:

Economic

It is anticipated that the proposed Entry Statement design will minimise ongoing maintenance due to the clear surveillance on the gateway of poles and trees discouraging vandalism.

Social

The proposed Entry Statement design will have a positive impact on the amenity of public space as a result of creating a 'memorable gateway' upon entering the City.

Consultation:

Elected members have had extensive opportunity to provide input into the design through a number of workshops with the designer.

COMMENT

The concept design is unique, distinctive and reflective of the City. Following Council's decision on the number of Entry Statements to be installed and their locations, the next step would be to go to tender for construction of the Entry Statements.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council APPROVES the construction of two entry statements on Marmion Avenue at the following locations:

- 1 North of Beach Road,**
- 2 Adjacent to the northern boundary of Cranston Park.**

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21brf090210.pdf](#)

- 8 REPORT OF THE CHIEF EXECUTIVE OFFICER**
- 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	
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.*



**QUESTION TO BE ASKED AT
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

QUESTIONS

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to council.questions@joondalup.wa.gov.au

Please note that:

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called



**STATEMENT TO BE MADE AT
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

STATEMENT

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to council.questions@joondalup.wa.gov.au

Please note that:

- Statements made at a **Briefing Session** must relate to matters contained on the draft agenda.
- Statements made at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Statements made at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called