

# minutes

## Ordinary Meeting of Council

MEETING HELD ON **TUESDAY, 16 MARCH 2010**

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# CITY OF JOONDALUP

## MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY, 16 MARCH 2010

### DECLARATION OF OPENING

The Mayor declared the meeting open at 1900 hrs.

### ANNOUNCEMENT OF VISITORS

Nil.

### Mayor:

TROY PICKARD

### Councillors

Cr KERRY HOLLYWOOD	North Ward – <i>Deputy Mayor</i>	
Cr TOM McLEAN	North Ward	
Cr TRONA YOUNG	North-Central Ward	
Cr LIAM GOBBERT	Central Ward	
Cr GEOFF AMPHLETT	Central Ward	
Cr CHRISTINE HAMILTON-PRIME	South-West Ward	<i>Absent from 1948 hrs to 1950 hrs</i>
Cr MIKE NORMAN	South-West Ward	
Cr JOHN CHESTER	South-East Ward	<i>Absent from 2025 hrs to 2027 hrs</i>
Cr RUSS FISHWICK	South Ward	<i>From 1902 hrs</i>
Cr FIONA DIAZ	South Ward	<i>Absent from 1922 hrs to 1924 hrs.</i>
MR GARRY HUNT	Chief Executive Officer	<i>Absent from 2028 hrs to 2030 hrs</i>
MRS DALE PAGE	Director, Planning and Development	<i>Absent from 2034 hrs to 2037 hrs</i>
MR JAMIE PARRY	Director, Governance and Strategy	
MR MIKE TIDY	Director, Corporate Services	
MR MARTYN GLOVER	Director, Infrastructure Services	
MR ROBERT FARLEY	Manager, Planning Approvals and Environmental Services	
MRS JANET FOSTER	Acting Manager, Governance and Marketing	
MR MARK McCRORY	Media Advisor	
MRS ROSE GARLICK	Administrative Secretary	

There were 58 members of the Public and 1 member of the Press in attendance.

**PUBLIC QUESTION TIME**

The following questions were taken on notice at the Council meeting held on 16 February 2010:

**Dr M Apthorpe, Ocean Reef:**

Q1 *Has the weed Black Flag (Ferraria crispa) been eradicated from Maritana and Lilburne Reserves?*

Q2 *If not, is it being targeted as a high priority?*

A1-2 Black Flag (*Ferraria crispa*) has been eradicated from Lilburne Reserve and the reserve has been free of the weed for a number of years. However, the Black Flag in Maritana Reserve has not been treated as a result of a ban on spraying in the Reserve which was implemented due to local residents' concerns with chemicals being used at this location. The City is currently reviewing the criteria to which it must adhere when residents request no spraying of chemicals in the vicinity of their homes.

Q3 *Has this weed been found in any other City of Joondalup reserves?*

A3 Black Flag was identified as being present in Hepburn Heights in 2009. The area in which the weed was located is relatively small and removal began in Spring 2009. The Black Flag in this location will be treated until it is eradicated.

**Mrs M Macdonald, Mullaloo:**

Q1 *When did the Australian Pesticides and Veterinary Medicines Authority warn the City about the possible hazard to children created by the use of pine poles for fencing as stated in tonight's agenda?*

A1 The Australian Pesticides and Veterinary Medicines Authority (APVMA) did not directly advise the City of the possible hazard that CCA treated pine could have, rather, the Department of Health issued an environmental health guide in 2009 outlining the circumstances in which the use of CCA treated pine should be restricted. This guideline refers to the research undertaken by the APVMA in relation to the safe use of CCA treated wood products. The Department of Health has not placed restrictions on the use of CCA treated wood for fencing.

*Re: Structure Plan for Ocean Reef Marina:*

Q2 *Do the proposed development areas shown in Concept Plan 7 form the basis for the Structure Plan for Ocean Reef Marina?*

A2 Concept Plan 7 is the basis for the works to be undertaken as per the draft Task Workflow Chart (CJ285-12/09 refers).

*Re: Annual General Meeting of Electors - funds allocated to Tom Simpson Park:*

**Q3** *In the answer to a question at the Annual General Meeting of Electors, it was stated that the \$750,000 allocated to Tom Simpson Park in 2010/2011 of the 20 year Financial Plan provided for the refurbishment of all the park furnishing including playgrounds, extension of the nature garden, increased shade trees on the perimeter of the car parks, additional footpaths connecting pedestrian nodes and asphalt resurfacing of the north and south car parks. Are there any plans for these works and why does the northern car park need resurfacings when it was done a few years ago?*

**A3** The advice from the Annual General Meeting of Electors referred to \$750,000 in the 2010/2011 Financial Plan however this was a typographical error. It is in fact within the 2011/2012 year of the Financial Plan and includes resurfacing of the northern carpark. However, this is related to adjusting the parking bays to increase the number of available bays rather than complete resurfacing.

**Mrs M Zakrevsky, Mullaloo:**

*Re: Budget allocation for in house weed control for bushland and coastal reserves:*

**Q1** *What is the budget for in house weed control for all reserves (bushland and coastal) for the current year 2009/2010 and what is the proposed budget for in house weed control for these reserves for the coming year 2010/2011?*

**A1** In the 2009/2010 financial year the City has allocated approximately \$320,000 to controlling weeds in bush and coastal areas, to be undertaken by internal staff. The 2010/2011 budget has not been presented to Elected Members and has not been formally adopted by Council.

*Re: Budget allocation for grass and weed control for Korella Bushland:*

**Q2** *How much is allocated per annum for appropriate herbicide grass and weed control for Korella Bushland to meet biodiversity and fire risk reduction needs?*

**A2** In the 2009/2010 financial year the City has allocated approximately \$1,500 to controlling weeds in bush located at Korella Park, to be undertaken by City staff.

**The following questions were submitted prior to the Council meeting:**

**Mr G Burns, Edgewater:**

**Q1** *Are members of the public allowed to consume alcohol in parks? An example being the Picnic Cove Park in Edgewater?*

**Q2** *If not, are there any exceptions to the rules?*

**A1-2** The consumption of alcohol is regulated under the Liquor Control Act 1988. Drinking in a public place such as on the street, park or beach is an offence in Western Australia for persons of any age. Enforcement of the provisions of the Act is primarily the responsibility of the WA Police. Local Authorities may grant licenses for the consumption of alcohol for specific events.

**Mr B and Mrs C Poole, Kingsley:**

*Re: CJ048-03/10 – Street Lighting – Harley Place, Kingsley*

- Q1 *What cost has already been incurred by the City in the works carried out to date in Harley Place, Kingsley in preparation for the installation of street lighting?*
- A1 The cost to date is \$6,023.
- Q2 *What was the outcome of the postal vote for Option 1 and Option 2 by the residents of Harley Place?*
- A2 Four residents in favour of Option 1.  
Two residents in favour of Option 2.  
One resident in favour of both Options.
- Q3 *On what basis was it that the preliminary work was carried out to install lighting in the locations where such work was carried out on Anzac Day 2009?*
- A3 Western Power is the Project Manager and supplier of the installation. The decision of times and days of works on site was Western Power's alone.
- Q4 *On the assumption that the City has a Duty of Care to its ratepayers and other persons proceeding through such walkways, why has there not always been a light at the end of the walkway in Harley Place?*
- A4 The existing lighting installation was designed and installed by Western Power at the time of subdivisional development in 1979/80 to its lighting standards in place at the time.
- Q5 *Considering that the City has a Duty of Care in relation to Safety and Crime Prevention should there be a light at the Harley Place end of the walkway?*
- A5 Both Options 1 and 2 provide illumination to the entry of the walkway in Harley Place, Kingsley.

**Dr P Bruno, Hillarys, on behalf of The Harbour Rise Residence Association:**

*Re: CJ039-03/10 - Minutes of Policy Committee Meeting held on the 23 February 2010 - Recommended adoption of Council Policy – Specified Area Rates.*

- Q1 *How does this policy deal with the dissatisfaction of how the Special Area Rate is spent?*
- Q2 *How does this policy deal with the results not being achieved?*
- A1-2 The policy contains provisions referring to the working relationship between the City and the property owners group in terms of ongoing operations and application of the specified area rate. The policy also provides that if there is any issue that is not able to be resolved by any other means, Council will at its sole discretion determine the matter.



**Ms C Bolton, Mullaloo:**

*Re: Draft Beach Management Plan*

Q1 *Issue Statement 1. Congestion along the Mullaloo section of the dual-use pathway.*

*How does the Plan affect the Mullaloo pathway?*

A1 The Draft Plan acknowledges the Mullaloo foreshore pathway as an area currently subject to congestion issues.

Issue Statement 1 reiterates the City's current commitment to coastal pathway assessments and enhancements through its Bike Plan 2009. How these current commitments will affect the Mullaloo section of pathway will be determined as part of the development of an Implementation Plan for the Beach Management Plan.

Q2 *Issue Statement 3. Sand Build up on Beach Pathways*

*Does the City have a policy or plan on path clearing and sand movement? How does such dramatic sand movement affect the environmental reports the City has received on natural sand movements on Mullaloo Beach?*

A2 The City currently undertakes scheduled and reactive maintenance programs in response to accumulated sand drift on beach access paths along the coast.

Scheduled beach levelling processes are also undertaken to enable greater access to City beaches.

This is not viewed as having significant environmental implications on natural sand drift movements.

Q3 *Issue Statement 4.*

*How does the Council measure that an access path is under-utilised?*

A3 A process for assessment will be developed as part of the Implementation Plan for the Beach Management Plan.

Q4 *Issue Statement 6.*

*What are the plans for car-parking and road reserves in the Mullaloo Beach area? Investigating the possible use of private land for car-parking – is this referring to Lot 1 (grassland opposite the Tavern)?*

A4 As stated in Issue Statement 6, the City does not view the creation of additional parking in road reserves along Tom Simpson Park in Mullaloo as a carparking solution.

The statement relating to the use of shared arrangements on private land does not refer to specific locations for investigation.

Q5 *Poorly located car parks*

*Which car parks does the City consider underutilised, will ratepayers be consulted about closure and will any that are closed be returned to natural vegetation?*

A5 A process for undertaking coastal carpark assessments will be developed as part of the Implementation Plan for the Beach Management Plan.

**Mrs M Macdonald, Mullaloo:**

*Re: Draft Beach Management Plan*

Q1 *Issue Statement 16.*

*Are there any plans for changing/updating seaward-facing fencing and are there any plans for removing existing fencing and if so where would this occur?*

A1 As stated in Issue Statement 16, the City proposes continued support for the use of seaward-facing fencing.

Any assessments relating to the design, installation or removal of such fencing will be considered as part of the development of an Implementation Plan for the Beach Management Plan.

Q2 *Issue Statement 17.*

*Would you consider anti-vandal/tamper-proof fixings for signage?*

A2 Design features relating to coastal signage will be considered as part of the development of an Implementation Plan for the Beach Management Plan.

Q3 *Issue Statement 20*

*How have you concluded that there was a need for two kite-surfing locations within close proximity given that Mullaloo is promoted as a Safe Community Beach by the City of Joondalup. How can kite-surfing be justified at Mullaloo, it being a "highly conflicting activity, likely to cause risk to others" as quoted in the Draft Plan?*

A3 The City has not drawn any conclusions as to appropriate locations for kitesurfing activities.

The Draft Beach Management Plan proposes two potential locations, which are currently subject to a public comment period. This will provide opportunity for the community to have their say on where kitesurfing activities should be permitted to occur within the City of Joondalup in the future.

Q4 *Issue Statement 20*

*As there are no grassed areas available for rigging at Mullaloo, how can the suggested area meet the requirements of the Department of Transport for a suitable kite surfing area?*

A4 The Department of Transport does not currently impose requirements over the undertaking of kitesurfing activities.

Q5 *Issue Statement 21.*

*How does the Plan make provision for policing jet-skiing activities (another “highly conflicting activity”), i.e. maintaining the 200 metres from low-water mark restriction?*

A5 Enforcement mechanisms will be considered as part of the process for developing an Implementation Plan for the Beach Management Plan.

**Mrs M McCarthy, Padbury:**

*Re: Draft Beach Management Plan*

Q1 *Could Council please advise how they will ensure the health and safety of community members using the Ern Halliday Sport and Recreation Camp if the Dog beach is extended south under Draft Beach Management Plan (options 3 and 4) and if there has been any consultation with Department of Sport and Recreation who manage Ern Halliday as the Department is not listed among the stakeholders on the plan?*

A1 Matters relating to operationalising the Issue Statements within the Draft Plan will be considered as part of the development of an Implementation Plan.

The Department of Sport and Recreation (Ern Halliday Camp Management) were engaged during the development of the Draft Beach Management Plan and the current consultation process.

**Mr G Kalab, Hillarys:**

*Re: Draft Beach Management Plan*

Q1 *How will Council enforce this policy which will discriminate against dog owners using Whitfords Nodes Beach car park, while dog owners walking their dogs along the public footpaths between the same car park and Beach will be able to do so? Has Council sought legal advice in relation to this issue?*

A1 Matters relating to operationalising the Issue Statements within the Draft Plan will be considered as part of the development of an Implementation Plan.

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

**Mr R Plumridge, Hillarys:**

*Re: Draft Beach Management Plan*

Q1 *Given that two of the four options propose that Hillarys Beach would effectively be closed to all those except dogs and their owners, why was there not a fifth and equivalent option which considered the closure of the dog beach especially in light of the fact that the number of registered dogs in the City is declining, where as the number of humans is increasing?*

A1 The Mayor advised that the number of registered dogs in the City is not declining and the population in the City of Joondalup at this time is relatively stable. That element of the Beach Management Plan was triggered by a petition received of 1700 signatures requesting the extension of the dog beach.

*Cr Fishwick entered the Chamber at 1902 hrs.*

**Mr J Storey, Hillarys:**

*Re: Draft Beach Management Plan*

*Q1 Were the options of establishing dog beaches at other locations along the City's 17km coastline considered, such as at Burns Beach? If so, why were they not included as options and who made the decision not to consider or assess alternative locations or to include them as options in the draft Beach Management Plan?*

*A1 The Mayor advised that the trigger in relation to the dog beach extension was a 1700 signature petition received requesting the extension of the existing dog beach. If the petition requested additional dog beaches, that would be the driver for Council to scope other alternatives. As part of the deliberations in the draft Beach Management Plan in the workshop sessions, other locations in the City were considered and it was deemed that the extension of the dog beach in accordance with the request of the petitioners was the most viable option to put to the community to see what their thoughts are.*

**Mrs M Zakrevsky, Mullaloo:**

*Re: Draft Beach Management Plan*

*Q1 Does the City have two plans for Mullaloo, one for the upgrade of Tom Simpson Park for \$750,000 and another for car parking and road treatments costing \$700,000?*

*A1 The Mayor advised that this question will be taken on notice.*

*Q2 Why haven't these plans been put before the people of Mullaloo as these plans will affect their amenity?*

*A2 The Mayor advised that for any changes or master planning of any beach or catchment in the City, Council engages the community. When plans are prepared the community will have an opportunity to express their view. In due course, consultation will be part of any master planning for any beach or park within the City.*

**Mrs M Reid, Edgewater:**

*Re: CJ033-03/10 – Proposed Change of Use from Showroom to Liquor Store: Lot 13 (57) Joondalup Drive Edgewater.*

*Q1 What guarantee can be given, and who can give the guarantee, for the safety of the residents of Edgewater and will it cost ratepayers any money to provide extra security?*

*A1 The Mayor advised that guarantees could not be given. The questions raised need to be directed to the proprietors of that particular location. The City has a City Watch service for all suburbs in the City including Edgewater and the City will continue to deliver that service.*

**Mr G Kalab, Hillarys:**

*Re: Draft Beach Management Plan*

Q1 *Are you legally able to discriminate against people using that car park with dogs as opposed to people walking along the footpath with their dog or is it just an excuse that you can bring the beach down to that particular point and not be concerned about the issue of health and safety?*

A1 The Mayor advised that the City has the right to determine how its car parks are managed and if the City deems it appropriate to facilitate the movement of users of the beach to a particular car park for whatever decision, it has the prerogative and legal responsibility.

Q2 *Is it legal to discriminate in that instance?*

A2 The Mayor advised that this question will be taken on notice.

**Ms M McCarthy, Padbury:**

*Re: Draft Beach Management Plan*

Q1 *How does Council propose to cater for 1700 dog owners and their pets accessing an extended dog beach without using the Whitfords Nodes car park or without using the Whitfords Beach car park?*

A1 The Mayor advised that part of the proposal is to close the horse beach. The closure of the horse beach will create an additional 66 car bays.

Q2 *Is an extra 66 car bays, to cater for 1700 dog owners, the extent of parking facilities and access ways that Council is proposing for the proposed beach extension, and will that be sufficient?*

A2 The Mayor advised that is what is being proposed at this point in time, subject to feedback from the residents. If appropriate infrastructure is needed to support the needs of the community, that will be considered.

**Mr G Wager, Hillarys:**

*Re: Draft Beach Management Plan*

Q1 *Why is there no signage on Hillarys Beach to inform society about the proposal? Wouldn't that distort the survey, by not informing everyone?*

A1 The Mayor advised that the signage is now complete along the entire strip that is affected by the four options. Additional signage has been ordered and will be installed in due course. There is broad awareness in the community that the City is seeking public comment on the draft Beach Management Plan.

**PUBLIC STATEMENT TIME****Mr D Levey, Beldon:**

Mr Levey spoke in relation to CJ035-03/10 – 2009/2010 Sport Development Program Round 2.

**Mr R Repke, Kallaroo:**

Mr Repke spoke in relation to CJ033-03/10 - Proposed Change of Use from Showroom to Liquor Store: Lot 13 (57) Joondalup Drive Edgewater.

**Mr W Dekoning, Hillarys:**

Mr Dekoning spoke in relation to the Beach Management Plan concerning the extension of the dog beach.

**Mr P Heldt, Edgewater:**

Mr Heldt spoke in relation to CJ033-03/10 - Proposed Change of Use from Showroom to Liquor Store: Lot 13 (57) Joondalup Drive Edgewater.

**Mr A Noble, Hillarys:**

Mr Noble spoke in relation to the Beach Management Plan concerning the extension of the dog beach.

**Mr D O'Neill, Edgewater:**

Mr O'Neill spoke in relation to CJ033-03/10 - Proposed Change of Use from Showroom to Liquor Store: Lot 13 (57) Joondalup Drive Edgewater.

*Cr Diaz left the Chamber at 1922 hrs and entered the Chamber at 1924 hrs.*

**Mrs J Smith, Hocking:**

Mrs Smith spoke in relation to the Beach Management Plan concerning the extension of the dog beach.

**Mr R Plumridge, Hillarys:**

Mr Plumridge spoke in relation to the Beach Management Plan concerning the extension of the dog beach.

**Mr M Soltyk, Hillarys:**

Mr Soltyk spoke in relation to the Beach Management Plan concerning the extension of the dog beach.

**Mrs R Lowenhoff, Hillarys:**

Mrs Lowenhoff spoke in relation to the Beach Management Plan concerning the extension of the dog beach.

**Mr A Lamb, Hillarys:**

Mr Lamb spoke in relation to the Beach Management Plan concerning the extension of the dog beach.

**Mr T Fagan, Hillarys:**

Mr Fagan spoke in relation to the Beach Management Plan concerning the extension of the dog beach.

**APOLOGIES AND LEAVE OF ABSENCE****Apologies:**

Cr Brian Corr  
Cr Trona Young

**Leave of Absence previously approved:**

Cr Kerry Hollywood      29 March 2010 to 12 April 2010 inclusive

**CONFIRMATION OF MINUTES****C05-03/10      MINUTES OF COUNCIL MEETING, 16 FEBRUARY 2010**

**MOVED Cr Gobbert, SECONDED Cr Hollywood that the Minutes of the Council Meeting held on 16 February 2010 be confirmed as a true and correct record.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

**ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION****ASTHMA FOUNDATION BIKE HIKE**

Mayor Pickard announced that this Sunday thousands of cycling enthusiasts will arrive in the Joondalup City Centre as part of the HBF Freeway Bike Hike for Asthma.

This event has quickly become one of the biggest fundraisers for the Asthma Foundation of WA and is a wonderful opportunity to promote a healthy lifestyle whilst raising vital funds for a very worthwhile cause.

The City is again a major sponsor of this hugely popular annual event, which is now cycling's answer to the City-to-Surf fun run.

This is a rare opportunity for people of all ages and abilities to enjoy cycling in safety on a closed freeway.

Mayor Pickard encouraged everyone to support this event as community participation, keeping healthy and helping the Asthma Foundation are all very worthwhile causes.

## CITY OF JOONDALUP ANNUAL SPORTS AWARDS

Mayor Pickard announced that on Sunday the City held its annual Sport Awards to recognise and acknowledge local athletes who have been selected to participate in their chosen sport at State or National level.

This presentation is the highlight of the City's Sports Achievement Grant program and all athletes in attendance received a \$100 grant from the City to assist with the costs associated with competing at the highest level.

This event was an opportunity for the City to showcase the wonderful achievements of its local junior sports stars who are involved in a variety of different sports.

The City has supported 145 athletes over the past 12 months, and contributes \$22,000 to this important program every year.

The large program is unique to the City of Joondalup and demonstrates the City's commitment to assisting and developing junior sports stars; and providing quality sport and recreation opportunities for the local community.

The junior sports stars were also presented with a Certificate of Recognition to acknowledge their achievements in sport.

## DECLARATIONS OF INTEREST

### Disclosure of Financial Interests

Nil.

### Disclosure of Interest Affecting Impartiality

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

<b>Name/Position</b>	<b>Mayor Troy Pickard</b>
<b>Item No/Subject</b>	CJ032-03/10 - Draft Local Housing Strategy
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Mayor Pickard owns property in one of the identified housing opportunity areas.

<b>Name/Position</b>	<b>Cr Liam Gobbert</b>
<b>Item No/Subject</b>	CJ032-03/10 - Draft Local Housing Strategy
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Gobbert lives in one of the identified housing opportunity areas and works in another of the identified housing opportunity areas.



<b>Name/Position</b>	<b>Cr John Chester</b>
<b>Item No/Subject</b>	CJ032-03/10 - Draft Local Housing Strategy
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Chester and his children each own property in one of the identified housing opportunity areas.

<b>Name/Position</b>	<b>Cr Christine Hamilton-Prime</b>
<b>Item No/Subject</b>	CJ051-03/10 - Petition requesting removal of roof structures and light poles - Troy Avenue, Marmion and Ross Avenue, Sorrento
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Hamilton-Prime's brother works for the lead petitioner.

<b>Name/Position</b>	<b>Cr Mike Norman</b>
<b>Item No/Subject</b>	CJ051-03/10 - Petition requesting removal of roof structures and light poles - Troy Avenue, Marmion and Ross Avenue, Sorrento
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Norman performs the role of Coordinator of Friends of Sorrento Beach

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

Nil

### C06-03/10                    PETITIONS

1            PETITION - REQUESTING REFUSAL OF THE APPLICATION FOR A LIQUOR STORE: LOT 13 (57) JOONDALUP DRIVE, EDGEWATER - [84608, 05386, 01122]

A 76-signature petition has been received from residents of the City of Joondalup requesting that the application to change the current showroom zoning to allow for a retail liquor store to operate at Joondalup Gate, Joondalup Drive, Edgewater be refused for the following reasons:

- The local population is already well supplied and serviced with retail liquor outlets;
- There is no need for an additional large scale alcohol warehouse in this location;
- The likely adverse impact on amenity, parking and traffic will exacerbate existing traffic congestion problems in this location.

2            PETITION - REQUESTING REFUSAL OF THE APPLICATION FOR A LIQUOR STORE: LOT 13 (57) JOONDALUP DRIVE, EDGEWATER - [84608, 05386, 01122]

A 876-signature petition has been received from residents of the City of Joondalup requesting that the application to change the current showroom zoning to allow for a retail liquor store to operate at Joondalup Gate, Joondalup Drive, Edgewater be refused for the following reasons:

- The local population is already well supplied and serviced with retail liquor outlets;

- There is no need for an additional large scale alcohol warehouse in this location;
- The likely adverse impact on amenity, parking and traffic will exacerbate existing traffic congestion problems in this location.

*Note: These petitions relate to Item CJ033-03/10 on the agenda for the Council meeting of 16 March 2010.*

#### **OFFICER'S RECOMMENDATION**

That the Petition requesting refusal of the application for a liquor store at Lot 13 (57) Joondalup Drive, Edgewater, be RECEIVED and considered in conjunction with Item CJ033-03/10.

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

- 1 76-signature petition requesting refusal of the application for a liquor store at Lot 13 (57) Joondalup Drive, Edgewater;**
- 2 876-signature petition requesting refusal of the application for a liquor store at Lot 13 (57) Joondalup Drive, Edgewater.**

**The Motion was Put and**

**CARRIED (10/1)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean and Norman **Against the Motion:** Cr Taylor.

### **CJ030-03/10 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT DEVELOPMENT, CODE VARIATIONS AND SUBDIVISION APPLICATIONS - JANUARY 2010**

**WARD:** All

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

**FILE NUMBER:** 07032, 05961

**ATTACHMENTS:** Attachment 1 January 2010 Decisions Planning Applications  
Attachment 2 January 2010 Decisions Building Applications  
Attachment 3 January 2010 Subdivision Applications Processed

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#### **PURPOSE**

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

## EXECUTIVE SUMMARY

The provisions of clause 8.6 of the text to the District Planning Scheme No 2, 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); and
- 3 Subdivision applications

determined by those staff members with Delegated Authority powers during January 2010 (see Attachments 1, 2 and 3 respectively).

## BACKGROUND

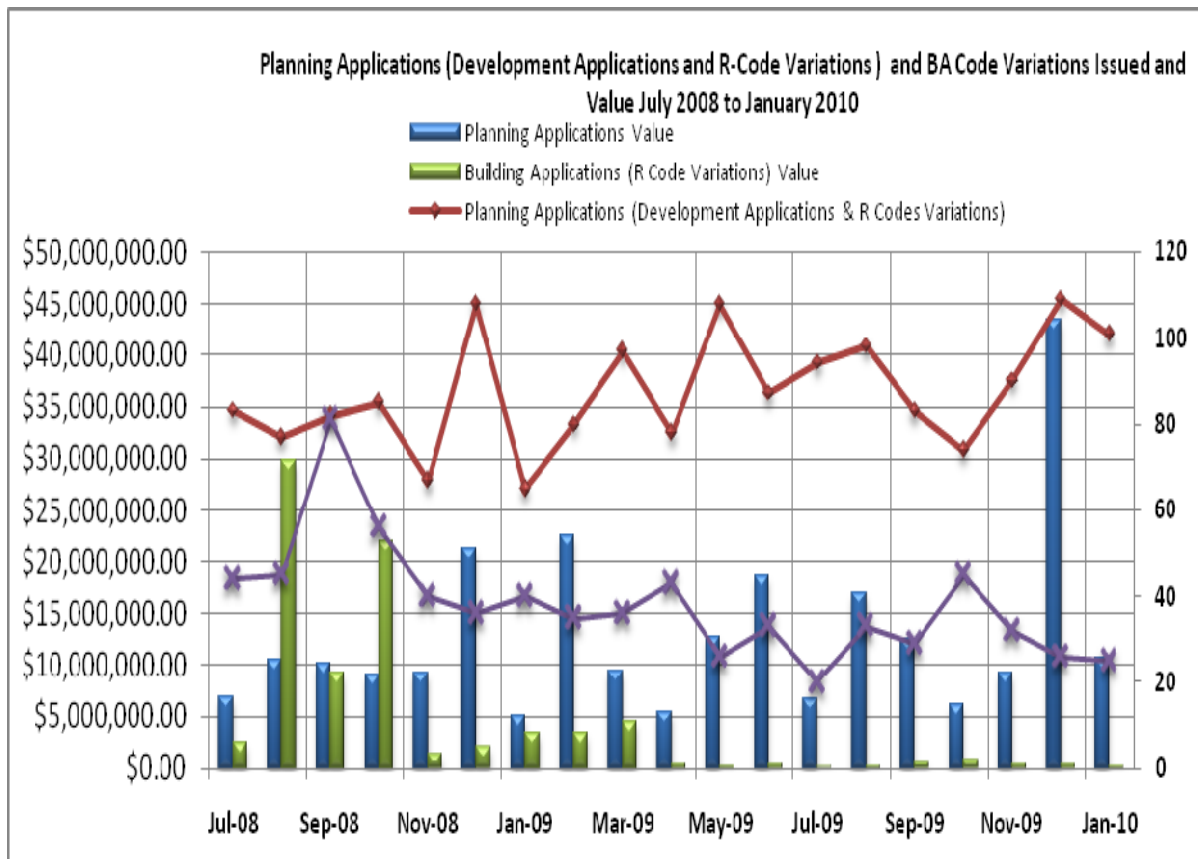
The District Planning Scheme No 2 requires that delegation be reviewed 2 yearly, unless a greater or lesser period is specified by Council. Council, at its meeting held on 13 October 2009 considered and adopted the most recent Town Planning Delegation for the period to 16 June 2011.

## DETAILS

The number of applications determined under delegated authority for the period of January 2010, is shown below:

<b>Approvals determined under delegated authority – January 2010</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Value (\$)</b>
Planning applications (development applications & R-Codes variations)	101	\$ 10,736,563
Building applications (R-Codes variations)	25	\$ 294,219
<b>TOTAL</b>	126	\$ 11,030,782

The number of development applications received during the period for January was 86 (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 January to 31 January 2010		
Type of approval	Number	Potential new lots
Subdivision applications	1	0
Strata subdivision applications	3	6

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 101 development applications determined during January 2010, consultation was undertaken for 30 of those applications. Applications for Residential Design Codes 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 4 subdivision applications determined during January 2010, 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

**MOVED Cr Hollywood, SECONDED Cr Gobbert that Council NOTES the determination made under Delegation Authority in relation to the:**

- 1 development applications and R-Codes variations described in Attachments 1 and 2 to Report CJ030-03/10 during January 2010;**
- 2 subdivision applications described in Attachment 3 to Report CJ030-03/10 during January 2010.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution after consideration of Item CJ051-03/10, Page 131 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf090310.pdf](#)*

## **CJ031-03/10 PROPOSED CHANGE OF USE FROM SHOWROOM AND SHOP TO RESTAURANT, OFFICE AND SHOP: LOT 5004 (4) HOBSONS GATE, CURRAMBINE**

**WARD:** North

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

**FILE NUMBER:** 56612

**ATTACHMENTS:** Attachment 1 Site Plan  
Attachment 2 Proposed Plans  
Attachment 3 Car Park Utilisation Chart

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### **PURPOSE**

The purpose of this report is to seek Council's determination of an application for a change of use from a Showroom and Shop to a Restaurant, Office and Shop.

### **EXECUTIVE SUMMARY**

This application proposes to change the use of an approved Shop to a Restaurant and an approved Showroom to a Shop and Office at 4 Hobsons Gate, Currambine.

The subject site is zoned 'Urban' under the Metropolitan Region Scheme, and 'Business' under the District Planning Scheme No.2 (DPS2). The site is also located within the Currambine District Centre Structure Plan (CDCSP) area.

Council approved an application for a Showroom and Shop complex on the subject site at its meeting held on 16 December 2008. The buildings are currently under construction and nearing completion. The application proposes to change the approved use of three tenancies to suit potential tenants. The change of use application will result in an onsite car parking provision that is less than the amount required by DPS2 by more than 10%.

The application was not advertised as the proposed land uses are permitted uses within the Business Zone, and will not adversely impact on surrounding landowners.

The car parking provision is considered adequate to cater for the proposed and approved land uses as the peak car parking demand for the Restaurant and Shop fall outside of the normal business hours of other tenancies. As such, it is recommended that Council approves the application.

## BACKGROUND

**Suburb/Location:** Lot 5004 (4) Hobsons Gate, Currambine  
**Applicant:** Eames Architects and Mohammad Waheed Butt  
**Owner:** Nodebits Pty Ltd  
**Zoning:** **DPS:** Business  
**MRS:** Urban  
**Site Area:** 8,166m<sup>2</sup>  
**Structure Plan:** Currambine District Centre Structure Plan (CDCSP)

The subject site is located within the CDCSP area. The Currambine District Centre is bounded by Marmion Avenue to the west, Shenton Avenue to the south, and Delamere Avenue to the north and east. The subject site is located adjacent to Marmion Avenue immediately to the south of Hobsons Gate and to the west of Chesapeake Way (Attachment 1 refers).

The CDCSP guides development within this area. The CDCSP follows main street principles with the aim of creating an integrated retail centre that can serve the local community with its required retail needs as well as form a liveable town centre.

The surrounding land is vacant, however there are several applications that have been submitted to the City and are at various stages of determination. Of relevance to this proposal is the development of:

- Lot 5003 (14) Hobsons Gate (located to the east of the subject site). An application for a tavern and shop was approved 21 April 2009;
- Lot 1032 (1) Hobsons Gate (located to the north of the subject site). An application for showrooms and offices is currently being assessed by the City;
- Lot 929 (1244) Marmion Avenue (located to the south of the subject site). The State Administrative Tribunal approved an application for a liquor store. The application was originally refused by Council; and
- Lot 5005 (11) Chesapeake Way (located to the north-east of the subject site). An application for a mixed commercial development and grouped dwellings was approved 18 August 2009.

Council previously approved a Showroom and Shop complex on the subject site at its meeting of 16 December 2008. The complex is currently under construction and is nearing completion.

The City has approved a number of change of use applications on the site under delegated authority. The relevant applications are summarised below:

<b>Development Application Number</b>	<b>Description</b>
DA09/0519	Change of Use from Showroom to Recreation Centre (Jetts Fitness)
DA09/0781	Change of Use from Showroom to Office (Ray White Real Estate)
DA09/1030	Change of Use from Showroom to Veterinary Hospital (Vet West)
DA09/1338	Change of Use from Recreation Centre to Medical Centre

## DETAILS

The application proposes to change the use of three tenancies:

- one tenancy from Shop to Restaurant (Glasgow Curry House);
- one tenancy from Showroom to Shop (Video Ezy); and
- one tenancy from Showroom to Office (Video Ezy) for general administration and training of staff.

The development plans are provided in Attachment 2.

The car parking requirements for the development are set out in the table below:

<b>Proposed Use</b>	<b>Required by DPS2</b>
Showroom (1/30m <sup>2</sup> NLA)	Unit 1 (579.1m <sup>2</sup> ) = 19.3 bays Unit 5 (1074m <sup>2</sup> ) = 35.8 bays Unit 6 (126.8m <sup>2</sup> ) = 4.22 bays
Medical Centre (5 per practitioner)	Unit 2 (4 practitioners) = 20 bays
Recreation Centre (1/2.5 persons accommodated)	Unit 3 (28 persons) = 11 bays
Restaurant (greater of 1 per 5m <sup>2</sup> of dining room or 1 per 4 guests)	Unit 4 (94 guests) = 23.5 bays
Veterinary Hospital (5 bays per practitioner)	Unit 7 (2 practitioners) = 10 bays
Office (1/30m <sup>2</sup> NLA)	Unit 8 (123.435m <sup>2</sup> ) = 4.11 bays Unit 9 (104.8m <sup>2</sup> ) = 3.49 bays
Shop (7/100m <sup>2</sup> NLA)	Unit 10 (200m <sup>2</sup> ) = 14 bays
<b>Total Required</b>	<b>145.42 (146)</b>
<b>Provided</b>	<b>124</b>

There are 22 car parking bays or 17.7% less on-site car parking bays than required under DPS2.



The applicant has provided the following justification as part of the application:

- *The mix of tenancy types ensures that there is passive surveillance of the complex over a greater length of hours to provide a safer area for customers and discourage anti-social behaviour;*
- *The proposed restaurant is the only tenancy within the complex which will be operating at late night hours; and*
- *Due to the variety of businesses and the mix of peak trading hours the demands on parking should be rationalised in a manner consistent with the normal occupancy loads described by the tenant's experiences.*

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

Clause 4.5 of DPS2 allows for the 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:*

#### **4.5.3**

- (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.*

The matters listed under Clause 6.8 require consideration:

#### 6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

#### **Strategic Plan**

**Key Focus Area:** The Built Environment

**Objective:** To encourage 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:**

Not Applicable.

**Consultation:**

The application was not advertised for public comment as the proposed uses are permitted within the Business zone, and the reduced car parking supply is not considered to have a detrimental impact on any adjoining or nearby properties.

**COMMENT**

Proposed Use and Location

The site is located within the Business Zone of the Currambine District Centre. The CDCSP guides development within this area and sets out objectives whereby the Currambine District Centre is to be developed to the diversity and robustness of a small town centre.

The objectives of the CDCSP for development within the Business Zone are to:

- Encourage high standards of 'Main Street' built form and an active edge to create an attractive façade to vehicle and pedestrian routes providing visual amenity and interaction; and
- Allow appropriate businesses to locate and develop in close proximity to residential areas for the convenience of the community.

It is considered that the proposed tenancies being developed as a restaurant (Glasgow Curry House) and a shop (Video Ezy) will contribute to the desired land use diversity of the Currambine District Centre. The office is consistent with the day-time uses approved within the complex and the vision for Currambine as a town centre. The proposed restaurant will particularly contribute to the vibrancy of Chesapeake Way by activating the frontage by including a point of entrance to the take away portion of the restaurant, and providing activity adjacent to the pedestrian pathway at night. The evening/night trading periods of the proposed land uses will also provide passive surveillance opportunities for users of the complex outside of normal trading hours.

### Signage

As set out above, one of the objectives of the CDCSP is to facilitate interaction between the street and the buildings fronting it. As such a condition of approval is recommended to prevent any obscure glazing beyond what is proposed. An advice note will also be included on the decision letter if the application is approved, advising that any signage is to be the subject of a separate application for planning approval.

### Car Parking

DPS 2 allows Council to determine whether the existing 124 bays across the site are sufficient to service the existing development, and the proposed Restaurant, Showroom and Shop. The options available to Council are:

1. Determine that the provision of 124 car parking bays is appropriate; or
2. Determine that the provision of 124 car parking bays is not appropriate; or
3. Determine that a cash-in-lieu payment is required for the shortfall in car parking.

In support of the application, the applicant has provided the following trading data for existing approved tenants:

<b>Tenant</b>	<b>Peak Trading Period</b>
City Farmers	Weekends
Vetwest	Mon - Fri Morning 9am to 10.30am. Mon - Fri Afternoon 3pm to 6pm
Ray White	Mon – Fri 9am to 5pm
Medical Centre	Mon – Fri 8am to 6pm
Jetts Fitness	Mon – Fri 5 am to 7am and 5pm to 7pm

The applicant has provided the following trading data for the proposed tenancies subject of this application:

<b>Tenant</b>	<b>Peak Trading Period</b>
Restaurant (Glasgow Curry House)	Thursday, Friday and Saturday Nights
Shop (Video Ezy)	6.30pm – 8.30pm
Office (Video Ezy)	Mon to Fri between 9am to 5 pm

Given the reciprocal nature of peak trading periods and trading hours, analysis of the car parking demand indicates that the peak demand of the car park at any time will be 104 bays between 4 pm and 5 pm Monday to Friday, and 103 bays between 4pm and 5pm on weekends. A chart summarising this information is provided in Attachment 3.

Given that there are 124 bays on site, and that the peak trading periods of the restaurant (Glasgow Curry House) and shop (Video Ezy) fall outside of the proposed peak trading periods of the existing tenancies, it is considered there is sufficient car parking capacity for the proposed restaurant, office and shop to be approved without the need for cash-in-lieu of car parking payment.

### Conclusion

The proposed land uses of a restaurant, office and shop are considered to contribute to the desired land use diversity of the Currambine District Centre, and will contribute to an active streetscape (particularly the proposed Restaurant located on Chesapeake Way). The evening/night trading periods of the restaurant and shop will also provide passive surveillance for users of the complex outside of normal trading hours.

The proposed car parking of 124 bays is considered appropriate as the peak trading periods of existing land uses on site are of a reciprocal nature, and the provided car parking bays on site will not be fully utilised at any one time.

The proposed change of use application for a Restaurant (Glasgow Curry House), Office (Video Ezy) and Shop (Video Ezy) is recommended for approval.

### **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Hollywood, SECONDED Cr Gobbert that Council:**

- 1 EXERCISES discretion under clauses 4.5 and 4.8.2 of the City of Joondalup District Planning Scheme No.2 and determines that a car parking provision of 124 bays in lieu of 146 bays on site is appropriate in this instance;**
- 2 APPROVES the application for Planning Approval dated 4 November 2009 and the amended plans received 9 February 2010 submitted by Eames Architects and Mohammad Waheed Butt, the applicant on behalf of the owner, Nodebits Pty Ltd for Restaurant, Office and Shop (change of use from Shop and Showroom) on Lot 5004 (4) Hobsons Gate, Currambine, subject to the following conditions:**
  - (a) A maximum of 94 guests are permitted for dining at the Restaurant at any given time;**
  - (b) Additional obscure glazing is not permitted without further development approval being granted by the City.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution after consideration of Item CJ051-03/10, Page 131 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf090310.pdf](#)*

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Mayor Troy Pickard</b>
<b>Item No/Subject</b>	CJ032-03/10 - Draft Local Housing Strategy
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Mayor Pickard owns property in one of the identified housing opportunity areas.

<b>Name/Position</b>	<b>Cr Liam Gobbert</b>
<b>Item No/Subject</b>	CJ032-03/10 - Draft Local Housing Strategy
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Gobbert lives in one of the identified housing opportunity areas and works in another of the identified housing opportunity areas.

<b>Name/Position</b>	<b>Cr John Chester</b>
<b>Item No/Subject</b>	CJ032-03/10 - Draft Local Housing Strategy
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Chester and his children each own property in one of the identified housing opportunity areas.

**CJ032-03/10 DRAFT LOCAL HOUSING STRATEGY****WARD:** All**RESPONSIBLE DIRECTOR:** Mrs Dale Page  
Planning and Development**FILE NUMBER:** 30622

**ATTACHMENTS:** Attachment 1 Draft Local Housing Strategy – *((Please Note: This attachment is only available to members of the public electronically. Hard copy available on request))*

Attachment 2 Draft Dual Density Code Policy

Attachment 3 Communication and Consultation Plan

**PURPOSE**

This report has been prepared for Council to consider advertising the draft Local Housing Strategy for public comment.

**EXECUTIVE SUMMARY**

The Western Australian Planning Commission (WAPC) requires each local government authority to prepare a Local Housing Strategy to identify the main housing related issues for its district and determine an appropriate response. The City of Joondalup does not have a Local Housing Strategy. Therefore, there is currently no plan on how to cater for the housing needs of existing and future residents of the City of Joondalup, acknowledging that the City's demographics are changing, particularly in terms of an ageing population and smaller household sizes.

The draft Local Housing Strategy is needed to provide a firm rationale for the provision of a range of housing types which will provide choice for City of Joondalup residents.

The principal recommendation of the draft strategy is the establishment of Housing Opportunity Areas where increased residential densities should be considered. The Housing Opportunity Areas are located near train stations, major commercial centres, and transport routes.

Increased residential densities in these areas would only be permitted where it is demonstrated that development or subdivision complies with specific criteria that would ensure development would contribute positively to the area. The residential densities for the majority of the City are recommended to remain the same.

There are a number of additional recommendations aimed at allowing for a diverse range of housing to be provided over the next 10-15 years.

The draft Local Housing Strategy forms part of the overall District Planning Scheme review project. Any Local Housing Strategy recommendations adopted will be implemented through the new planning scheme.

It is recommended that Council advertises the draft Local Housing Strategy for a period of 60 days in order to obtain community feedback on the proposal.

## **BACKGROUND**

### Local Planning Strategy

At its meeting held on 16 February 2010 Council adopted a draft Local Planning Strategy for the City. Although final approval is needed from the WAPC for that document, one of the key recommendations of the Local Planning Strategy is the preparation of a Local Housing Strategy.

### Purpose of a Local Housing Strategy

The draft Local Housing Strategy has been prepared to provide the City with a firm rationale for determining the future housing needs of its community.

While the draft Local Housing Strategy is not a statutory plan, it will be used as a framework for informing the review of the District Planning Scheme, and for the consideration of future amendments to the District Planning Scheme.

The preparation of the draft Local Housing Strategy has been based on:

- the Department of Planning “Guidelines for the preparation, form and content of Local Housing Strategies”;
- State and Regional policies e.g. draft Directions 2031 (Directions 2031 is a high level strategic plan that establishes a vision for future growth of the Perth and Peel region, and provides a framework to guide the detailed planning and delivery of housing, infrastructure and services necessary to accommodate that growth);
- City of Joondalup draft Local Planning Strategy;

- Council's Strategic Position Statement on Residential Density - July 2008;
- the outcomes of the Housing Intentions community survey – April/May 2009;
- Elected Member involvement and feedback over a number of Strategy Sessions in 2008 and 2009.

## DETAILS

The draft Local Housing Strategy consists of:

Part 1 – this section provides the background and context on existing population and housing within the City, as well as analysis of recent trends. This part also includes the outcomes of the Housing Intentions community survey.

Part 2 – based on the outcomes of Part 1, this section outlines the recommendations of the draft Local Housing Strategy, which are:

### Draft Recommendation 1

*Accept the Housing Opportunity Areas shown on the Local Housing Strategy Plan Map in Section 10.4 as areas suitable for higher residential density codings in the new District Planning Scheme.*

### Draft Recommendation 2

*Use the proposed new residential densities and zonings in each of the Housing Opportunity Areas described in Section 10.5 as the basis for new density codings and rezonings in the new District Planning Scheme. The rest of the City is unchanged.*

### Draft Recommendation 3

*As part of the District Planning Scheme review process, adopt a new planning policy - "Dual Coding Policy – Subdivision and Development Requirements" - to guide development in the Housing Opportunity Areas.*

The above recommendations propose a targeted approach to residential density increases in certain areas. These areas are proposed to be known as Housing Opportunity Areas. The Housing Opportunity Areas have been developed utilising the following broad selection criteria:

- 800m catchment around Currambine, Joondalup, Edgewater, Whitfords, Greenwood and Warwick railway stations;
- 800m catchment around the Joondalup City Centre and the regional centres of Westfield Whitfords and Centro Warwick;
- 400m catchment around the district centres of Woodvale, Greenwood and Currambine;
- 400m catchment around neighbourhood centres close to high frequency public transport services;
- 400m catchment around high frequency bus routes;
- suburbs which would benefit from revitalisation;
- land abutting Right of Ways (laneways).



The draft Local Housing Strategy recommends that the Housing Opportunity Areas have a dual residential R-Code, whereby the higher R-Code only applies (to both subdivision and development) when the provisions of the Dual Density Code Policy are met.

The 'draft Dual Density Code Policy' aims to ensure that development within the proposed Housing Opportunity Areas contribute positively to the existing look and feel of an area by using principles of good design in addition to providing benefits of energy efficient design.

#### Draft Recommendation 4

*As part of the District Planning Scheme review process, adopt a new planning policy – “Additional Density Bonus for Aged Persons’ Housing” - to encourage amalgamation and development of between 2 and 4 residential lots for aged persons’ housing in appropriate locations. It will apply across the whole City with the exception of the City Centre.*

Currently, a density bonus is available under the provisions of the Residential Design Codes where 5 or more aged person’s dwellings are developed in one group. The take up of this bonus has been low. This recommendation proposes the development of a policy to allow an additional density bonus as an incentive to provide aged persons housing.

#### Draft Recommendation 5

*In the new District Planning Scheme, replace the residential coding of R20 which currently applies to all commercial and mixed use zoned land outside the City Centre with R80. It will apply to lots over 1,000 m<sup>2</sup>.*

This recommendation aligns with Council's comments on draft Directions 2031 and the draft Activity Centres Policy (Report CJ171-08/09 refers), whereby appropriate residential densities for Activity Centres was supported.

#### Draft Recommendation 6

*As part of the District Planning Scheme review process, amend Policy 3-2 – “Height and Scale of Buildings Within Residential Areas (outside the City Centre)” to allow the height of i) large-scale aged persons’ accommodation and ii) residential development in areas coded R60 and above, to be increased to 3 or 4 storeys instead of being limited to 2 storeys. It will apply across the whole City with the exception of the City Centre.*

This recommendation seeks the consideration of a policy to remove impediments to larger scale development, which by their nature, will be higher than 2 storeys.

#### Draft Recommendation 7

*As part of the District Planning Scheme process, adopt a new planning policy - “Minimum Density for Large Opportunity Sites” which will be in line with government policy and set a ‘target’ density for such sites. It will apply across the whole City with the exception of the City Centre.*

This draft recommendation seeks the consideration of a policy that would ensure that large residential infill sites that become available are developed to their best advantage within the context of the surrounding area.

### Implementation

The adoption of a Local Housing Strategy will in itself not change residential densities or zonings. Any recommendations of the Local Housing Strategy adopted will be implemented through the new District Planning Scheme, which will also be subject to a consultation process.

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

Council has the option to:

- advertise the draft Local Housing Strategy and draft Dual Density Code Policy;
- advertise the draft Local Housing Strategy and draft Dual Density Code Policy subject to modifications;
- not advertise the draft Local Housing Strategy and draft Dual Density Code Policy.

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

#### **Strategic Plan**

**Key Focus Area:** The built environment.

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

#### **Policy**

The draft Local Housing Strategy recommendations include the development of a draft Dual Density Code Policy to ensure high standard development occurs in the Housing Opportunity Areas.

### **Risk Management considerations:**

There is a risk that the local community may be concerned in regard to the way any potential changes to residential densities may impact on the appearance or traffic generation in their area.

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

The City is currently organising quotes for the printing of brochures, letters and postage to all residents and ratepayers, and information sessions. It is noted that the consultation on the concept plan for Ocean Reef Marina cost \$52,000. It is anticipated that the consultation on the draft Local Housing Strategy will be this amount or more.

The project budget for the DPS 2 will not be able to fully cover these costs. However, it is noted that the project budgets for the Joondalup City Centre Structure Plan and the Midge Strategy (which does not require spraying this season) will have savings that will ensure that the above costs can be met within budget.

**Regional Significance:**

The draft Local Housing Strategy does not have any direct impact on adjoining Local Authorities. It is noted that the Cities of Stirling and Wanneroo have both developed Local Housing Strategies. The City of Joondalup draft Local Housing Strategy is cognisant of these strategies, particularly on the boundary with the City of Stirling where a residential density of R80 is proposed along Beach Road in both the local authorities.

**Sustainability Implications:**

The rationale for the identification of Housing Opportunity Areas is based on principles of economic, social and environmental sustainability. The identification of Housing Opportunity Areas within a walkable catchment of public transport nodes and commercial centres will assist in reducing dependency on the private vehicle and encourage alternative modes of transport such as walking and cycling. This has potential health (social) and energy consumption (environmental) benefits.

The draft Local Housing Strategy recommends a range of residential densities which will provide opportunity for future infill development. This will better utilise land within built up areas where infrastructure is already available. The provision of a wider range of residential densities within the City of Joondalup will provide a greater choice of house and land sizes which can cater for a greater range of household types from single person to large families. This provision of varied lot and dwelling sizes can also offer an increase in affordable housing choices. This will also improve social sustainability as it can assist residents to stay in their community, while changing housing choice to meet their needs throughout their lifecycle.

The draft Local Housing Strategy recommends the development of a variety of policies which provide incentives for the development of aged person's dwellings in order to sustain the City's aged housing needs. Further to this the development of the new '*Dual Coding Policy – Subdivision and Development Requirements*' will require all future dual density coded properties to incorporate sustainable design features, including water sensitive and passive solar design techniques.

**Consultation:****Housing Intentions – Community Survey**

During April and May 2009, a Housing Intentions Survey was undertaken to identify what housing options Joondalup residents are likely to require over the next 5-10 years. The consultation commenced on 28 April 2009 with 2,200 surveys being mailed to randomly selected residents across all six wards of the City. An online version of the survey and a downloadable version of the survey were also made available on the City's website.

The survey was designed in-house with a view to informing the preparation of the City's draft Local Housing Strategy based on the needs and requirements of local residents. The intent was to take respondents through consideration of their present housing circumstances and how well their current needs are being met, to thinking about what housing options they might consider, given some change in circumstance, in 5 and then 10 years.

From the results, it was concluded that there was not enough community demand to justify widespread density increases based solely on the survey results. Other key issues which were identified in this strategy must also be taken into consideration when determining the need and opportunities to increase housing diversity within the City.

### Communication and Consultation Plan

The aim of the public consultation process is to determine levels of community support for and areas of community concern relating to the draft Local Housing Strategy and draft Dual Density Code Policy. Consultation will include direct contact with all landowners and residents, both within the Housing Opportunity Areas and those outside the areas.

There is no statutory length of time that a draft Local Housing Strategy must be advertised for. It is considered that a two month advertising period is appropriate to ensure that the community has sufficient time to comment.

The proposed communication and consultation methods are outlined in Attachment 3.

### **COMMENT**

The draft Local Housing Strategy represents an important step for the City in responding to changing demographics and community needs. The draft Directions 2031 (WAPC, 2009) document also identifies that additional housing within the existing urban area will be required to cater for a growing Perth population.

The draft Local Housing Strategy proposes a way to increase the housing choice in appropriate areas within the City. Principally, this will be achieved by allowing the majority of properties within the Housing Opportunity Areas the potential to be subdivided, subject to complying with specific criteria.

It will be the case that some residents and owners will not wish to see any change in their suburbs. This is acknowledged in that for the vast majority of the City, no change in residential densities is proposed. In addition, the implementation of the 'dual density policy' is aimed at ensuring that development at the higher code is not an automatic right and can only occur when specific criteria is met which aims to ensure development will contribute positively to the area. It is important to note that there is no obligation on a landowner to subdivide their land.

It will also be the case that some residents and owners not included in the Housing Opportunity Areas will wish to be included. These requests will need to be considered by Council following the consultation period.

The draft Local Housing Strategy is a set of recommendations, and will not in itself change residential densities or zonings. Only amendments to the District Planning Scheme can do that. Other recommendations of the draft strategy would be implemented by the development of appropriate policies. In both cases, further community consultation is required to be undertaken.

It is recommended that the draft Local Housing Strategy and draft Dual Density Code Policy be advertised for public comment for a period of 60 days, in accordance with the communication and consultation plan.

### **VOTING REQUIREMENTS**

Simple Majority

*Cr Hamilton-Prime left the Chamber at 1948 hrs.*

**MOVED Cr Gobbert, SECONDED Cr Chester that Council AGREES to advertise the following documents for a period of 60 days in accordance with the communication and consultation plan forming Attachment 3 to Report CJ032-03/10:**

- **Draft Local Housing Strategy forming Attachment 1 to Report CJ032-03/10;**
- **Draft Dual Density Code Policy forming Attachment 2 to Report CJ032-03/10.**

**The Motion was Put and**

**CARRIED (10/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hollywood, McLean, Norman and Taylor

*Cr Hamilton-Prime entered the Chamber at 1950 hrs.*

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3a9n160310.pdf](#)*

## **CJ033-03/10 PROPOSED CHANGE OF USE FROM SHOWROOM TO LIQUOR STORE: LOT 13 (57) JOONDALUP DRIVE, EDGEWATER**

**WARD:** North Central

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

**FILE NUMBER:** 84608

**ATTACHMENTS:** Attachment 1 Location Plan  
Attachment 2 Development Plans

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### **PURPOSE**

The purpose of this report is to seek Council's determination of an application for a change of use from Showroom to a Liquor Store at Lot 13 (57) Joondalup Drive, Edgewater.

### **EXECUTIVE SUMMARY**

The application proposes to utilise a vacant tenancy, currently approved as a Showroom, for a Liquor Store.

The subject site adjoins Joondalup Drive to the east and Mitchell Freeway to the west, and is commonly referred to as Joondalup Gate.

The site is zoned 'Business' under District Planning Scheme No.2 (DPS2). A Liquor Store is a Discretionary (D) use in this zone.

Council at its meeting held on 16 February 2010 considered an application for Showrooms and additional car parking at this site. It was determined at that time that 666 car bays were adequate for the site. As the development approved in February 2010 has not been constructed, Council must determine this application based on the current car parking supply, therefore whether the 599 on site bays are adequate to service the existing and proposed land uses.

The proposal was not advertised as the land use and car parking shortfall are considered to have no adverse effect on any surrounding properties.

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

## BACKGROUND

**Suburb/Location:** Lot 13 (57) Joondalup Drive, Edgewater  
**Applicant:** John McKenzie and Associates  
**Owner:** Joondalup Gate Pty Ltd  
**Zoning:** **DPS:** Business  
**MRS:** Urban  
**Site Area:** 46,609m<sup>2</sup>  
**Structure Plan:** N/A

The site adjoins Joondalup Drive to the east, Mitchell Freeway to the west, the Edgewater Train Station car park to the south, and Okely Park 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. (Attachment 1 refers).

The entire site (Lot 13) comprises various buildings identified as C1 (yet to be constructed), C2, C3, C4, C8, N1, N2 (proposed location of Liquor Store) and N3 (Attachment 1 refers). These buildings vary in size and contain multiple showroom tenancies.

In June 2003 the City approved a reduced car parking requirement for the addition of buildings C3 and C4 of 1 bay per 50m<sup>2</sup> NLA. 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 96m<sup>2</sup>, 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.

In February 2010 Council approved a single storey showroom development, which included an additional 3,384m<sup>2</sup> net lettable area (NLA) and 75 bays. Notwithstanding the additional car parking provided, this development resulted in an overall shortfall for the site of 152 bays. Council in determining that application was satisfied that the provision of 666 bays was adequate for the site.

The development approved by Council in February 2010 (building C1) is yet to be constructed. The current development on site consists of 20,911m<sup>2</sup> NLA and 599 bays.

## DETAILS

The application proposes to utilise an existing tenancy currently approved as a Showroom for a Liquor Store. The development plans are provided in Attachment 2. The application does not propose any additional car parking

Council is required to determine the application as the car parking provided on site is less than the amount required by DPS2 by more than 10%. The table below sets out the parking requirements for the site based on:

- the development currently on site, plus the additional bays required by this application;
- the approved development at the southern end of the site that is yet to be constructed (building C1); and
- the total car parking requirements should this change of use be approved, and building C1 be constructed.

	<b>Building Number</b>	<b>Land Use</b>	<b>Car Bays Required by DPS2</b>
Currently On-Site	C2 (3436m <sup>2</sup> )	Showroom (1:30m <sup>2</sup> NLA)	114.53
	C3 (1750m <sup>2</sup> )	Showroom (1:30m <sup>2</sup> NLA)	58.33
	C4 (1552m <sup>2</sup> )	Showroom (1:30m <sup>2</sup> NLA)	49.02
		Take Away Food Outlet (1 bay per four guests in seating area and 7:100m <sup>2</sup> of serving area)	5.5
	C8 (5537m <sup>2</sup> )	Showroom (1:30m <sup>2</sup> NLA)	184.57
	N1 (2857m <sup>2</sup> )	Showroom (1:30m <sup>2</sup> NLA)	63.82 (remainder of N2 to become Liquor store as set out below)
	N2 (3249m <sup>2</sup> )	Showroom (1:30m <sup>2</sup> NLA)	
	N3 (2530m <sup>2</sup> )	Showroom (1:30m <sup>2</sup> NLA)	108.3
Liquor Store		Liquor Store (7:100m <sup>2</sup> NLA)	84.33
<b>Sub total</b>			<b>761.8 (762)</b>
To be constructed	C1 (3384m <sup>2</sup> )	Showroom (1:30m <sup>2</sup> NLA)	112.8
<b>TOTAL</b>			<b>874.6 (875)</b>
<b>Bays currently provided on-site</b>			<b>599</b>
<b>Total number of bays to be provided on-site (including development of C1)</b>			<b>674</b>

Following on-site investigation, it is noted that there are currently 599 bays on-site. This change of use will result in an increase in the current car parking shortfall by 49 bays, being a total shortfall of 163 bays across the site as currently developed. Should the development of C1 proceed as approved, the shortfall for the site will increase to 201 bays.

The most recent parking survey for the site was completed by Uloth & Associates – Traffic Engineering and Transport Planning Consultants (on behalf of the landowner) – 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 599 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

'Liquor Store' is a discretionary (D) use within the Business Zone. A 'D' use means:

*"A Use Class that is not permitted, but to which the Council may grant its approval after following the procedures laid down by subclause 6.6.2."*

Clause 6.6.2 requires that Council in exercising discretion to approve or refuse an application shall have regard to the provisions of clause 6.8.

#### **6.8 Matters to be considered by Council**

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

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



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

As the proposed use is a 'D' use, the additional matters identified in Clause 6.8.2 also require Council consideration in relation to this application for planning approval.

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

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

#### 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**

It is considered that the proposal does not have any Strategic Plan implications given that it is an existing development.

**Policy**

Not Applicable.

**Risk Management considerations:**

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

**Financial/Budget Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

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 site by Joondalup Drive. It is considered that neither the proposed land use nor the proposed car parking shortfall will adversely impact on these properties.

**COMMENT****Proposed Land Use**

The proposed land use, 'Liquor Store' is a Discretionary 'D' land use within the Business Zone under DPS2. Therefore, Council can exercise its discretion and grant approval to the proposed land use where it is considered appropriate.

One of the objectives of the Business Zone is to provide for retail and commercial businesses that require large areas such as bulky goods or category/theme based retail outlets. The development of a liquor store on this site is considered to be consistent with the objectives of the Business Zone as it is a large scale category based retail outlet.

The land use is considered appropriate in this location.

### Car Parking

Council has previously determined that the supply of 666 car parking bays is adequate for the existing development on site and for the proposed showrooms (building C1) approved in February 2010. As the land owners are under no obligation to construct the development approved in February 2010, this application is required to be determined on the site as presently constructed. The proposed Liquor Store will increase the present shortfall across the site by 49 bays, resulting in a requirement, according to the standards set out in DPS2, for a total of 762 bays across the site.

Should the land owners proceed with the development of C1 approved in February 2010, there will be a requirement for a total of 875 bays across the site. With the additional bays provided as part of the development of C1, the shortfall will be 201 bays.

DPS2 allows Council to determine whether the existing 599 bays across the site are sufficient to service the existing development, and the proposed Liquor Store. The options available to Council are:

1. Determine that the provision of 599 car parking bays currently provided on-site is appropriate; or
2. Determine that the provision of 599 car parking bays currently provided on-site is not appropriate; or
3. Determine that a cash-in-lieu payment is required for the shortfall in car parking.

In support of this application, the applicant has provided trading data from a similar Liquor Store. This data indicates that the peak trading hours for the Liquor Store are between 2pm and 6pm Monday to Friday, 3pm to 6pm Saturday and 1pm to 5pm Sunday. By comparison, the applicant has suggested that the peak periods for the existing Showroom development are generally between 5:30pm to 9pm Thursday and 9am to 12pm Saturdays.

The parking survey provided by the applicant indicates an underutilisation of the car parking on the site. This survey indicated that during 12pm Saturday 10 October 2009 a total of 179 vehicles were on the site. Furthermore, an inspection by City Officers on 12pm Tuesday 23 February 2010, identified 218 vehicles were on the site. The parking areas identified as the most heavily utilised were those adjacent buildings C3, C4 and C8. The utilisation of car parking in the vicinity of buildings N1, N2 (proposed location of Liquor Store) and N3 was approximately 19%.

It is considered that the applicant has adequately demonstrated that the supply of car parking for the site is sufficient, with the peak trading hours between the proposed and existing uses not conflicting.

### Signage

No signage has been proposed as part of this application. An advice note will be included on the decision letter if the application is approved, advising that any signage is to be the subject of a separate application for planning approval.

### Conclusion

The proposed land use and car parking shortfall are considered appropriate in this instance and will not have an adverse impact on the operations of Joondalup Gate or Joondalup Drive.

A petition containing 76-signatures has been received by the City. The petition raises several concerns regarding the proposal. In particular, the objections are on the basis that:

- the local population is already well supplied and serviced with retail liquor outlets;
- there is no need for an additional large scale alcohol warehouse in this location; and
- the likely adverse impact on amenity as parking and traffic will exacerbate existing traffic congestion problems in this location.

In response to the concerns raised in this petition, it should be noted that:

- Commercial competition, or the economic viability of a proposed business are not material planning considerations;
- Council is being asked to determine whether the existing on-site parking provision is adequate to cater for the proposed land use.

## VOTING REQUIREMENTS

Simple Majority

## OFFICER'S RECOMMENDATION

That Council:

- 1 EXERCISES discretion under clause 4.5.1 & 4.8 of the City of Joondalup District Planning Scheme No. 2 and determines that:
  - (a) Car parking provision of 599 bays in lieu of 762 bays;is appropriate in this instance;
- 2 NOTES that the proposed Liquor Store contributes to the car parking shortfall for the site by 49 bays;
- 3 NOTES that the abovementioned car parking figure does not include car parking required by, or proposed, as part of the Showroom development approved by Council on 16 February 2010;
- 4 APPROVES the application for planning approval dated 20 August 2009 submitted by John McKenzie and Associates Architects, the applicant, on behalf of the owner, Joondalup Gate Pty Ltd, for Liquor Store (change of use from Showroom) at Lot 13 (57) Joondalup Drive, Edgewater.

**MOVED Cr Taylor SECONDED Cr Hollywood** that Council REFUSES the application for planning approval dated 20 August 2009 submitted by John McKenzie and Associates Architects, the applicant, on behalf of the owner, Joondalup Gate Pty Ltd, for Liquor Store (change of use from Showroom) at Lot 13 (57) Joondalup Drive, Edgewater for the following reasons:

- 1 The proposed development is contrary to the orderly and proper planning of the area, by way of an under provision of car parking for the proposed land use;

- 2 The existing car parking supply of 599 car parking bays across the site is insufficient to support the intensity of the proposed land use;
- 3 The proposal has the potential to adversely impact the amenity of the locality by the generation of noise, external and internal traffic impacts, littering and anti-social behaviour, particularly in light of the site's proximity to the Edgewater Railway Station.

**The Motion was Put and**

**LOST (2/9)**

**In favour of the Motion:** Crs Hollywood and Taylor **Against the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, McLean and Norman

**MOVED Cr Amphlett SECONDED Cr McLean that Council:**

- 1 **EXERCISES discretion under clause 4.5.1 & 4.8 of the City of Joondalup District Planning Scheme No. 2 and determines that:**
  - (a) **Car parking provision of 599 bays in lieu of 762 bays;**  
**is appropriate in this instance;**
- 2 **NOTES that the proposed Liquor Store contributes to the car parking shortfall for the site by 49 bays;**
- 3 **NOTES that the abovementioned car parking figure does not include car parking required by, or proposed, as part of the Showroom development approved by Council on 16 February 2010;**
- 4 **APPROVES the application for planning approval dated 20 August 2009 submitted by John McKenzie and Associates Architects, the applicant, on behalf of the owner, Joondalup Gate Pty Ltd, for Liquor Store (change of use from Showroom) at Lot 13 (57) Joondalup Drive, Edgewater.**

**The Motion was Put and**

**CARRIED (10/1)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean and Norman **Against the Motion:** Cr Taylor

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf090310.pdf](#)*

## **CJ034-03/10      PROPOSED SWAP MEET MARKET AT JOONDALUP LIBRARY AND CIVIC CENTRE – LOT 497 (102) BOAS AVENUE, JOONDALUP**

<b>WARD:</b>	North
<b>RESPONSIBLE DIRECTOR:</b>	Mrs Dale Page Planning and Development
<b>FILE NUMBER:</b>	05180
<b>ATTACHMENTS:</b>	Attachment 1      Site plan Attachment 2      Development plans

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### **PURPOSE**

The purpose of this report is to seek Council's determination of an application for a swap meet market in the undercroft car park of the Joondalup Library and Civic Centre.

### **EXECUTIVE SUMMARY**

This application proposes an additional activity to the existing Joondalup Library and Civic Centre, for a weekly swap meet market at 102 Boas Avenue, Joondalup.

The subject site is zoned 'Central City Area' under the Metropolitan Region Scheme, and 'Centre' under the District Planning Scheme No.2 (DPS2). The Joondalup City Centre Development Plan and Manual (JCCDPM) identifies the subject site within the Central Business District.

The proposed market will be operated by the Rotary Club of Joondalup and the Rotary Club of Hillarys. The City has been working closely with both Rotary Clubs to negotiate the terms of allowing the Clubs to use the City's facilities. The City has agreed to allow the use of the undercroft for a period of 12 months at no cost, with funds raised from the swap meet market returned to the community and charities.

The application proposes to provide customer parking in the City of Joondalup Administration Building car park located adjacent to the subject site at Lot 505 (90) Boas Avenue, Joondalup. This also impacts on the reception centre during the operation of the market. As the required car parking for the market is being provided on a separate property there is technically a car parking provision of nil in lieu of the 182 bays required. Council is therefore required to determine the application.

The application was not advertised for public comments as it is considered that the nature of the proposed land use is consistent with the zoning of the site and that the operation of the markets will not have a detrimental impact on the surrounding landowners.

Although the car parking for the proposed markets is provided on an adjacent property, it is considered that the car parking arrangements are adequate to cater for the proposed markets. As such, it is recommended that Council approve the application.

## BACKGROUND

<b>Suburb/Location:</b>	Lot 497 (102) Boas Avenue, Joondalup
<b>Applicant:</b>	Rotary Club of Joondalup Rotary Club of Hillarys City of Joondalup
<b>Owner:</b>	City of Joondalup
<b>Zoning:</b>	<b>DPS:</b> Centre <b>MRS:</b> Central City Area
<b>Site Area:</b>	1.3ha
<b>Structure Plan:</b>	Joondalup City Centre Development Plan and Manual

The subject site is located within the JCCDPM area. The Joondalup City Centre (Central Business District) is bounded by Shenton Avenue to the north, Lakeside Drive to the east, Central Park and Joondalup Drive to the south, and the Perth to Clarkson train line to the west.

The JCCDPM guides development within this area. The vision for the Central Business District is that development epitomise the urbanity of a bustling city centre. The subject lot contains the Joondalup Library, Civic Centre and Reception Centre.

The subject site is surrounded by a number of developments. Of relevance to this proposal are:

- Lot 507 (90) Boas Avenue, Joondalup (located to the west of the subject site) contains the City of Joondalup Administration Building;
- Lot 500 (110) Lakeside Drive, Joondalup (located to the east of the subject site) contains 65 multiple dwellings and a commercial unit;
- Lot 14 (189) Boas Avenue, Joondalup (located to the north of the subject site) contains a Recreation Centre; and
- Lot 538 (85) Boas Avenue, Joondalup (located to the north of the subject site) contains a Place of Worship.

## DETAILS

The application proposes a weekly Sunday swap meet market as an additional activity to an existing library, civic centre and reception centre. The proposed market consists of up to 62 stalls occupying up to 2,128.6m<sup>2</sup> of gross leaseable area (GLA).

If this application is approved by Council the applicant is required to seek approval for a street market under the City's Trading in Public Places Local Laws. It is a requirement of this approval that the applicant has adequate public liability insurance. Copies of the insurance certificates will need to be provided as part of the street market application.

The development plans are provided in Attachment 2.

Council has previously determined that a car parking standard of 1 bay per stallholder and 1 bay per 20m<sup>2</sup> GLA, is appropriate for the land use 'Market'.

The proposed market requires 169 car parking bays to be provided on site. This is broken down as follows:

Component	Car Parking Required
Stallholders (up to 62 stallholders proposed)	62 bays
Market area (2,128.6m <sup>2</sup> GLA proposed)	106.43 bays
<b>Total</b>	<b>169 bays</b>

The applicant's traffic management plan requires the temporary closure of a number of vehicle access routes as indicated on the development plans in Attachment Two. As a result car parking bays on the subject site will not be available for customer or stallholder parking (with the exception of stallholders who choose to sell from their vehicle) during operating hours of the market.

As such, all car parking associated with the market will be provided within the City of Joondalup Administration Building car park, which is located on the adjacent lot. As both lots are under the same ownership (the City) it is considered that no formal agreement to facilitate the sharing of car parking over the two properties is required.

However, the proposal has a technical car parking provision of nil in lieu of 169 bays, as no car parking bays will be provided on site.

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

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

#### **4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS**

*4.5.4 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.*



4.5.5 *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.*

The matters listed under Clause 6.8 require consideration:

#### 6.8 MATTERS TO BE CONSIDERED BY COUNCIL

- i 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.*

**Key Focus Area:** Economic Prosperity and Growth

**Objective:** To encourage the development of the Joondalup CBD.

**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:**

The City will not be receiving any payment from the Rotary Clubs for the use of the Joondalup Library undercroft, or the Administration Building car park.

There will be some financial and resourcing implications for the City as a result of the operations of the markets. These include, but are not limited to:

- Staff being required to relocate City vehicles in and out of the undercroft before and after the markets;
- Staff being required to open the Joondalup Library to enable use of the toilet facilities; and
- Staff assistance with the ongoing operation of the markets.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The planning application was not advertised for public comments as it is considered that the nature of the proposed land use is consistent with the zoning of the site and that the operation of the markets will not have a detrimental impact on the surrounding landowners.

The City, as a landowner through assisting the Rotary Clubs to prepare this submission, has consulted with all relevant stakeholders. These include the Joondalup Reception Centre, Joondalup Library, and all relevant persons within the City's Administration.

**COMMENT**Proposed Use and Location

The proposed swap meet market gives the public an opportunity to sell and purchase second hand goods. Similar swap meet markets currently operate from the car park of Karrinyup Shopping Centre and have previously operated from the car park of Whitford City Shopping Centre.

The markets are proposed to be located within the undercroft car park of the Joondalup Library and Civic Centre. Customer parking will be provided within the City of Joondalup Administration Building car park. The market will operate weekly on a Sunday between 7.30am and 11.00am. It is understood that the undercroft is the preferred location for markets by the applicant due to its large size, large amount of car parking nearby, and its ability to be used all year round.

The subject site is located within the Central Business District of the Joondalup City Centre. The objective of JCCDPM for the Central Business District is:

*There will be an intensely developed mix of city centre activities within a "pedestrianised" environment where street level retail and entertainment facilities predominate. There will be emphasis on specialty shops, cinemas, personal service establishment, restaurants, alfresco dining, offices and residential accommodation. The combination will contribute to a 24-hour character with nightlife focused upon entertainment, leisure, arts and cultural activities.*

The Sunday morning market will generate activity and attract people in to the City Centre at a time where retail and office uses are generally closed. The undercroft area of the Joondalup Library is designed to focus noise away from residential uses and therefore it is considered that the markets will not have a detrimental impact on the amenity of adjoining or nearby properties. It is considered that the proposed use and location of the markets is appropriate.

Proposed Operation

Although the City of Joondalup is the owner of the subject site, the week to week operation of the market will be managed by the Rotary Club of Joondalup, and the Rotary Club of Hillarys. The City, as landowner, has granted the Rotary Clubs access to the undercroft area of Joondalup Library for 12 months subject to appropriate conditions.

The Rotary Clubs propose to commence setting up from 6.00am with buyer entry from 7.30am. The market will close at 11.00am allowing an hour for stallholders to pack up and for the operators to clear the market area prior to the opening of the Joondalup Library. The applicant will raise funds by selling market space for \$8.00 and a \$2.00 entry fee for customers. All funds raised will be returned to the local community and charities through the activities of the Rotary Clubs.

The City has allowed the applicant access to the toilet facilities located within the Joondalup Library building. The toilets will be staffed by a volunteer from the Rotary Club to ensure that the Library building remains secure, and that the toilets are left clean. The toilets are required by the Building Code of Australia for stallholders only, and will not usually be available for use by customers unless by special request. Stallholders are required to remove their own rubbish and the operators will conduct cleaning of the undercroft area after the markets to ensure all rubbish is removed.

The City of Joondalup will be responsible for ensuring that the undercroft is clear of City vehicles and property. This will be dealt with on a week by week basis.

### Traffic Management

In order to maintain safe vehicle and pedestrian movement around the subject site and the City of Joondalup Administration Building car park, it will be necessary for the operators to temporarily close a number of vehicle routes. Road blocks will be staffed by Rotary volunteers and will utilise traffic cones. Attachment 2 indicates the proposed traffic management closures.

### Car Parking

The proposed markets require the provision of 169 car parking bays for customers and stallholders. As the markets and the customer car parking are located on separate properties there is a technical shortfall of car parking. The 169 car bays consist of 62 stallholder bays and 106 customer bays.

As both lots are under the same ownership (the City) it is considered that no formal agreement to facilitate the sharing of car parking over the two properties is required.

The applicant has provided the following details of the car park usage on a Sunday morning:

- The Joondalup Library does not open until 1pm and therefore the car park will not be required by the Library whilst the markets are operating;
- The Joondalup Administration Building is closed; and
- The Joondalup Reception Centre is utilised regularly by a small group (up to 50 people) requiring the use of 13 car parking bays between the hours of 9am and 12pm.

The Joondalup Administration Building car park contains 174 car parking bays. The car parking requirements and provision are summarised below:

<b>Use</b>	<b>Required</b>
Reception Centre – 50 persons (1 per 4 persons accommodated)	13 bays
Swap Meet Customers	107 bays
Swap Meet Stallholders – up to 62	62 bays
<b>Total Bays Required</b>	<b>182 bays</b>
Total Bays Provided on subject site	Nil
Total Bays Provided within City of Joondalup Administration Building Car Park	174

DPS2 allows Council to determine whether the on-site car parking provisions being nil is appropriate or not, in light of the circumstances that surround this land use. It is considered that Council should determine that this is appropriate given the following:

- 174 car parking bays are provided within the City of Joondalup Administration Building car park;
- The applicant estimates that approximately 10% of stallholders will choose to sell from their vehicle. This is based on experience from other swap meet events;
- The Joondalup Library will not be open during hours the market will be operating;
- The Reception Centre holds a small group booking for 50 persons at the same time the markets are operating; and
- There is on-street parking and additional public parking located west of the subject site.

### Conclusion

It is considered that the proposed market is consistent with the desired activity expected within the Joondalup City Centre, and will activate the area which is otherwise relatively quiet at times when the market will be operating.

The proposed car parking of nil bays in lieu of 182 bays is considered appropriate as the applicant can provide 174 car parking bays on the adjoining site within the City of Joondalup Administration Building Car Park.

The proposed change of use application for a swap meet market is recommended for approval.

### **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Hollywood, SECONDED Cr Gobbert that Council:**

- 1 EXERCISES discretion under clauses 4.5 and 4.8.2 of the City of Joondalup District Planning Scheme No.2 and determines that a car parking provision of 0 bays in lieu of 182 bays on site is appropriate in this instance;**
- 2 APPROVES the application dated 18 November 2009, submitted by Rotary Club of Joondalup, Rotary Club of Hillarys and the City of Joondalup (the owner) for Markets at Joondalup Library and Civic Centre Lot 497 (102) Boas Avenue, Joondalup subject to the following conditions:**
  - (a) The operating times for the markets shall be Sunday mornings between 7.30am and 11.00am only. Stall holders shall not commence setting up before 6.00am;**
  - (b) A maximum of 62 stalls are permitted within the area marked in red on the approved plans;**
  - (c) No amplified sound shall be permitted without the prior written approval of the City;**
  - (d) Customer parking shall be provided in the City of Joondalup Administration Building car park, as marked in red on the approved plans, at all times the market is operating;**
  - (e) All stallholder parking shall be provided in the City of Joondalup Administration Building car park as marked in red on the approved plans. All stallholder vehicles shall be parked in this location by no later than 7.15am at which time access to the undercroft is to be closed to prevent customer access. Vehicle access to this parking area shall be prevented at all times during the operating hours of the markets;**
  - (f) Traffic management shall be undertaken in accordance with the submitted traffic management plan and amended details received 22 February 2010. Directional signage and Traffic Wardens shall be provided by the Rotary Club of Joondalup and/or the Rotary Club of Hillarys for the duration of the operation of the markets to indicate the location of parking areas;**
  - (g) Generators are not permitted to be used on site;**
  - (h) The area containing the market and the Joondalup Library toilets are to be kept in a clean and tidy condition at all times during and following the operation of the market;**
  - (i) All temporary structures associated with the market shall be removed at the completion of the market;**
  - (j) The markets shall operate in accordance with all documentation submitted to the City as part of the application.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution after consideration of Item CJ051-03/10, Page 131 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf090310.pdf](#)

## **CJ035-03/10      2009/2010    SPORT    DEVELOPMENT    PROGRAM    - ROUND 2**

**WARD:** All

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

**FILE NUMBER:** 58536

**ATTACHMENTS:** Attachment 1      Stirling      Basketball      Association      Application  
Assessment

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### **PURPOSE**

To provide a recommendation for funding as part of the City's 2009/2010 Sports Development Program – Round 2.

### **EXECUTIVE SUMMARY**

The Sports Development Program aims to assist local not for profit, district level sporting clubs with programs, projects and events that facilitate the development of sport and enhance its delivery to City of Joondalup residents.

A panel consisting of City Officers formally assessed one (1) application in Round 2 of the 2009/2010 Sports Development Program.

The application was received from the Stirling Basketball Association and has been presented to Council for approval.

*It is recommended that Council APPROVES a \$20,000 grant to the Stirling Basketball Association for a basketball development program, subject to the club entering into a formal funding agreement with the City of Joondalup.*

### **BACKGROUND**

In June 2002, Council resolved to establish a sporting club support scheme whereby assistance can, upon application, be made available to district level clubs in lieu of individual sponsorship support (Item CJ136-06/02 refers). In September 2002, Council endorsed the City of Joondalup's Sports Development Program providing an annual budget of \$60,000. In May 2008, Council endorsed the program be administered quarterly (Item CJ089-05/08 refers).

The Sports Development Program aims to assist local not for profit, district level sporting clubs that play at, or are aspiring towards the highest level of competition in their chosen sport. Eligible clubs must be located within the City of Joondalup and be represented at both junior and senior levels. Clubs can apply for support every second year following a successful application.

The Sports Development Program offers support to sporting clubs to enable them to establish sporting and club development initiatives. This funding program is a supplement to important sponsorship funds, which are hard to source for clubs at this level. The program aims to ensure that the City, like any corporate sponsor, receives appropriate recognition for its support.

Round 2 of the 2009/2010 Sports Development Program was promoted directly to all eligible Clubs in October 2009. The clubs that were sent information include:

- Arena Swim Club
- Breakers Swim Club
- ECU Joondalup Soccer Club
- Greenwood Tennis Club
- Joondalup & Districts Rugby League Club
- Joondalup Brothers Rugby Union Club
- Joondalup Lakers Hockey Club
- Kingsley Tennis Club
- North Coast Triathlon Club
- Ocean Ridge Tennis Club
- Perth Outlaws Softball Club
- Sorrento Tennis Club
- Stirling Basketball Association
- Wanneroo Basketball Association
- Wanneroo Lacrosse Club
- Westside Steelers Gridiron Club
- Whitford Hockey Club

The four (4) clubs, Joondalup Districts Cricket Club and Sorrento Football Club (2008/2009 funding), and Joondalup Netball Association and the Ocean Reef Sea Sports Club (2009/2010 Round 1) were not eligible to apply as they had recently received grants.

The 2009/2010 Sport Development Program budget is \$60,000. In the first round of funding, \$10,920 was allocated to two (2) clubs. The total amount recommended in Round 2 is \$20,000. This will result in a total of \$29,080 being available for the final two (2) rounds of the program in 2009/2010. As part of the expressions of interest that have been collected by the City, it is anticipated the Whitford Amateur Football Club and the Joondalup Brothers Rugby Union Club will submit applications for review during the final two (2) funding rounds.

## **DETAILS**

The City received one (1) application in Round 2 of the 2009/2010 Sports Development Program. The application is for a basketball development program providing pathways for players, coaches and officials at the Stirling Basketball Association.



The Stirling Basketball Association is one of two premier basketball associations located within the City, at the Warwick Leisure Centre. The membership consists of players from a range of suburbs including Kingsley, Duncraig, Greenwood and Sorrento.

In July 2009, the Stirling Basketball Association approached the Cities of Joondalup, Wanneroo and Stirling requesting immediate financial assistance of \$5,000 from each Local Government Authority (LGA). The funds would cover the competition fees that the Association were required to pay to Basketball WA.

The City was not in a position to provide immediate financial assistance; however, the City engaged with the Association to investigate alternative solutions. As a result of these discussions the City has received an application for Round 2 of the 2009/2010 Sport Development Program.

The City reviewed the Stirling Basketball Association application. The program will target approximately 400 participants (80 senior and 320 junior) and involves the establishment of the following:

- Coach Development Program – weekly 3-hour workshops for junior and elite level coaches for a period of 30 weeks per year.
- Referee Development Program – eight (8) x 3-hour workshops per year for all level referees, and the provision of mentors for support and feedback.
- Player Development Program – a 20 week program of 1-hour training and skills sessions for all junior domestic players.
- Retention of Elite Women's Coach – an increase in coaching fees for the Association's State Basketball League (SBL) Women's team to retain the elite level coach beyond the 2010 season.

Full details of the project are included in Attachment 1.

The program will be conducted for a 20 month period incorporating two (2) winter basketball seasons from 1 April 2010 – 31 December 2011. The City's grant will be used for venue hire, the production of training resources and coaching fees for the State Basketball League (SBL) women's team. The club has committed to meet administration costs, including photocopying, and all other coaching fees.

The costs for the program are:

Venue hire (Warwick Leisure Centre)	\$14,500
Admin/resources/photocopying	\$ 3,500
Professional coaching fees	\$55,800
<u>Total Cost</u>	<u>\$73,800</u>

The Association has indicated that it will continue the program in future years, illustrating the potential for long term sustainability.

Full details of the assessment panel's evaluation of the project are included in Attachment 1.

**Issues and options considered:**

Not Applicable.

**Legislation/Strategic Plan/Policy Implications**

**Legislation** Not Applicable.

**Strategic Plan**

Key Focus Area: Community Wellbeing

Objective: 5.2 To facilitate healthy lifestyles within the community.

Strategy: 5.2.1 The City provides high quality recreation facilities and programs.

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

**Policy** The Sports Development Program is conducted in line with City Policy 5.2 - Community Funding.

**Risk Management considerations:**

In July 2009, the Stirling Basketball Association approached the Cities of Joondalup, Wanneroo and Stirling requesting immediate financial assistance of \$5,000 from each Local Government Authority (LGA). Following the discussions regarding the request, the City identified the Sport Development Program as a funding source to assist the Association with providing basketball to the community.

The Association has demonstrated the ability to service their expected expenses over the next two (2) year period, through the development of a budget for its operations, including the project.

The Association is required to provide an audited financial statement at the commencement and completion of the project.

**Financial/Budget Implications:**

<b>Account No:</b>	1.443.A4409.3293.4023
<b>Budget Item:</b>	Sponsorships
<b>Budget Amount:</b>	\$60,000
<b>YTD Amount:</b>	\$10,920
<b>Round 2:</b>	\$20,000
<b>Funds Remaining:</b>	\$29,080

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The City has followed a clear and equitable process in the administration of the Sports Development Program. Applicants have been provided the opportunity to meet with City officers to receive feedback on their proposed projects and to help ensure that it meets the program's objectives and priorities.

The Sports Development Program provides for a positive affect on the development of a healthy, equitable, active and involved community. The program also provides the opportunity for a positive affect on community access to sport, leisure and recreational services.

The Stirling Basketball Association will conduct the project over a two (2) year period, incorporating two (2) winter basketball seasons. At the completion of the two (2) year period the Association will continue to conduct the programs for the benefit of their members and the growth of basketball in the region.

### **Consultation:**

Applicants are encouraged to discuss funding proposals with the City's Club Development Officer prior to submission to ensure that the application is in line with program objectives and contains the level of detail required for assessment.

Following the submission of their application, the Stirling Basketball Association was invited to supply additional information so that City Officers could complete the assessment and provide recommendations to Council.

### **COMMENT**

The Sports Development Program offers support to sporting clubs in areas that are operational and often prohibitive to club development under normal circumstances. The program aims to ensure that the City receives appropriate recognition for its support. The maximum grant available to an individual club is \$20,000 in any one year and the level of recognition to the City may vary accordingly.

The City considered the funding request from the Stirling Basketball Association against the program guidelines, identified priorities and the level of sponsorship exposure offered to the City. The total amount of funding recommended to the Stirling Basketball Association is \$20,000.

As part of the condition of funding, the Stirling Basketball Association are required to recognise the City through naming rights of the program and displaying the City's logo on all related promotional material.

In assessing the application, the benefit to the Association was evident through the improvement in basketball program delivery within the region and the expected continued growth of its membership figures. An increase in membership will further enhance the Association's ability to continue the program in the future and operate in a sustainable manner; through an increase of income.

The Chief Executive Officer, under delegated authority, can approve applications for funding up to \$10,000. The funding requested from the Stirling Basketball Association is greater than \$10,000 and therefore requires the approval of Council.

### **VOTING REQUIREMENTS**

Simple Majority

**MOVED** Cr Hollywood, **SECONDED** Cr Gobbert that Council **APPROVES** a \$20,000 grant to the Stirling Basketball Association for a Basketball Development Program, subject to the club entering into a formal funding agreement with the City of Joondalup.

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution after consideration of Item CJ051-03/10, Page 131 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf090310.pdf](#)*

## **CJ036-03/10      STATUS OF PETITIONS TO COUNCIL**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Jamie Parry  
Governance and Strategy

**FILE NUMBER:** 05386

**ATTACHMENTS:** Attachment 1      Status of Petitions – 17 March 2009 to 16 February 2010.

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### **PURPOSE/ EXECUTIVE SUMMARY**

To advise Council of the status of outstanding petitions received during the period 17 March 2009 to 16 February 2010.

### **BACKGROUND**

A report was presented to Council at its meeting held on 16 December 2008 detailing the status of outstanding petitions. Quarterly reports on outstanding petitions are to be presented to Council.

### **DETAILS**

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

Attachment 1 provides a list of all outstanding petitions received during the period 17 March 2009 to 16 February 2010, with a comment on the status of each petition.

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

### **Legislation**

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

"22. Petitions

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

### **Strategic Plan:**

Objective: 1.2 To engage proactively with the community.

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

### **Policy implications:**

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

### **Risk Management considerations:**

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

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

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

### **Regional Significance:**

Not Applicable.

### **Sustainability implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple majority

**MOVED Cr Hollywood, SECONDED Cr Gobbert that Council:**

**1 NOTES:**

- (a) the status of outstanding petitions submitted to Council during the period 17 March 2009 to 16 February 2010, forming Attachment 1 to Report CJ036-03/10;
- (b) that the existing parking restrictions at Halidon Primary School, Kingsley have been enhanced with the inclusion of yellow 'No Stopping' markings within the existing parking restrictions and around the 10 metre prolongation of intersecting roads;
- (c) that the City will continue to work collaboratively with the Halidon Primary School to promote road safety initiatives and programs to provide a balanced approach to road safety around the school;

**2 in relation to Point 1(b) and 1(c) above, ADVISES the petitioners accordingly.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution after consideration of Item CJ051-03/10, Page 131 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf090310.pdf](#)

**CJ037-03/10 MINUTES OF EXTERNAL COMMITTEES****WARD:** All**RESPONSIBLE DIRECTOR:** Mr Jamie Parry  
Governance and Strategy**FILE NUMBER:** 60514, 00033, 41196**ATTACHMENTS:** Attachment 1 Minutes of the Meeting of the Western Australian Local Government Association State Council held on 5 February 2010  
Attachment 2 Minutes of the Meeting of the Tamala Park Regional Council held on 11 February 2010

*(Please Note: These minutes are only available electronically)*

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**PURPOSE**

To submit minutes of external committees to Council for information.

**EXECUTIVE SUMMARY**

The following minutes are provided:

- Meeting of the Western Australian Local Government Association State Council held on 5 February 2010.
- Meeting of the Tamala Park Regional Council held on 11 February 2010.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Hollywood, SECONDED Cr Gobbert that Council NOTES the minutes of the meeting of the:**

- 1 Western Australian Local Government Association State Council held on 5 February 2010 forming Attachment 1 to Report CJ037-03/10;**
- 2 Tamala Park Regional Council held on 11 February 2010 forming Attachment 2 to Report CJ037-03/10.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution after consideration of Item CJ051-03/10, Page 131 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

To access this attachment on electronic document, click here: [externalminutes090310.pdf](#)

## **CJ038-03/10      ADVISORY      COMMITTEES      AND      OTHER ALTERNATIVE      FORMS      OF      COMMUNITY ENGAGEMENT**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER:</b>	75521, 78623, 79623, 00906, 12168, 66581
<b>ATTACHMENTS:</b>	Attachment 1      Terms of Reference for Previous Advisory Committees

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### **PURPOSE/EXECUTIVE SUMMARY**

To present Council with options for future community engagement with residents, in particular, Advisory Committees, Working Groups and Community Forums are examined.

### **BACKGROUND**

A report was requested regarding possible reporting mechanisms for Advisory Committees. It was requested that alternative means of community engagement be investigated, including Working Groups and Community Forums.

Section 5.8 of the *Local Government Act 1995* enables Council to establish committees to assist with its decision-making that are subsequently governed by Part 8 of the City's *Standing Orders Local Law 2005*.

Previously under this framework, Council has, (in addition to specific committees such as the Policy and Audit Committees), established various Committees to act in an advisory role. The purpose of these 'Advisory Committees' was to enable a forum to engage with community representatives on a variety of specific, strategic issues. The Terms of Reference for these Committees states their role to be one of providing advice and making recommendations to Council. (The Terms of Reference for the recently dissolved Advisory Committees are provided at Attachment 1.)

As required under the *Local Government Act 1995*, all Committees are dissolved following an ordinary Election. The most recently dissolved Advisory Committees following the October 2009 election include:

- Community Safety and Crime Prevention Advisory Committee
- Conservation Advisory Committee
- Seniors' Interests Advisory Committee
- Streetscape Advisory Committee
- Sustainability Advisory Committee



Issues have been raised around the current structure of Advisory Committees and the limitations and inflexibility of functioning under the Standing Orders. Indicative trends across local governments shows that more flexible and less formal mechanisms for engaging the community are now being adopted to facilitate greater variety in the way that local governments interact with residents. As such, this report reviews the current Advisory Committee approach and explores new and alternative mechanisms for community engagement.

## DETAILS

The following options are provided for Council's consideration.

### Issues and Options Considered:

**Option 1: *Re-establish the recently dissolved Advisory Committees with the same terms of reference.***

This option entails the re-establishment of the five Advisory Committees in the same format as they have been previously (i.e. no change to current system). These include the Community Safety and Crime Prevention Advisory Committee, Conservation Advisory Committee, Seniors Interests Advisory Committee, Streetscape Advisory Committee, and Sustainability Advisory Committee.

#### *Advantages:*

- The processes and structures for establishing Advisory Committees are already in place.
- Advisory Committees have some autonomy to request the production of specialist reports or pass Notices of Motion (although their requests are subject to the consideration of Council).

#### *Disadvantages:*

- Advisory Committees are formed under section 5.8 of the *Local Government Act 1995* and are therefore restricted in their operations. (i.e. The structure of Advisory Committees only allows for members to discuss the specific issues referred to them by Council and not workshop any new issues.)
- The strict Committee format does not provide adequate opportunity for general discussion and debate.
- Membership is generally limited and static. (i.e. Other community members who may have an interest in certain issues are excluded from being directly engaged.)
- As the membership structure is rigid, experts from outside the City are generally not encouraged to participate in Advisory Committees which limit their advisory potential.
- The City's *Annual Plan* may not include projects that an Advisory Committee considers to be of importance, therefore, it is somewhat stifled in its ability to advise Council on matters related to its Terms of Reference.

**Option 2: Establish 'Working Groups' in place of Advisory Committees.**

Working Groups provide a more flexible format than Advisory Committees in that they can range from a one-off event to discuss and explore a particular issue, a set series of sessions to address a specific project, or regularly scheduled meetings that deal with ongoing themes. Unlike Advisory Committees, Working Groups are not formed under section 5.8 of the *Local Government Act 1995*. This means that they can have a more flexible approach to meetings, allowing group members to propose ideas, ask questions and discuss issues with greater freedom than is possible with Advisory Committees.

Various local governments in the Perth Metropolitan Area, including the Cities of Wanneroo and Stirling, have re-established certain Advisory Committees as Working Groups for the reasons outlined above. Within the City of Joondalup, the Community Safety and Crime Prevention Advisory Committee and the Streetscape Advisory Committee could benefit greatly from being re-established as Working Groups. This is due to their focus being on issues relating to specific City projects and that the Working Group format would enable them to be more flexible and allow greater scope for discussion.

**Advantages:**

- As Working Groups are not formed under section 5.8 of the *Local Government Act 1995*, they are not restricted in their operations.
- Working Groups can be established for a one-off event, a set series of sessions, or as regularly scheduled meetings.
- Membership can be more inclusive and of greater variety than that of Advisory Committees due to Working Groups' limited tenure and flexible nature.
- Working Groups can provide greater opportunities for networking.
- As Working Groups can be established around specific issues, members with expert knowledge can be recruited to participate (particularly for one-off events).
- The more flexible format of Working Groups can enable much greater opportunity for general discussion and debate.
- The nature of a limited tenure for Working Groups can ensure that a strategic advisory focus is maintained.

**Disadvantages:**

- As Working Groups have not previously been established by Council, a policy/procedure will need to be developed to ensure Working Groups satisfy all requirements of accountability, openness and transparency.

**Option 3: Establish 'Community Forums' in place of Advisory Committees.**

Community Forums differ from Advisory Committees and Working Groups in that they are one-off events that target a much larger proportion of the community. Unlike Advisory Committees, Community Forums are not formed under section 5.8 of the *Local Government Act 1995*. This means that Community Forums can present a more relaxed and casual approach to community engagement. Community Forums are also broader in their outlook and aim to canvass wide-ranging community views on an issue.

Various local governments in the Perth Metropolitan Area, including the local governments of Cockburn, South Perth and Cottesloe, have held Community Forums on a variety of different issues. Within the City of Joondalup, a large-scale Community Forum was held in 2007 with the aim of engaging young people. The *Speak Out Youth Forum*, which attracted over 100 young people, was very positively received and a highly successful vehicle for community engagement. It is intended that another youth forum will be conducted in 2010. For the reasons stated above, it is considered that issues surrounding the environment and seniors' interests could greatly benefit from being addressed in a Community Forum format.

*Advantages:*

- As Community Forums are not formed under section 5.8 of the *Local Government Act 1995*, they are not restricted in their operations.
- The processes and structures for establishing Community Forums are already in place.
- Community Forums are flexible enough to be established around specific issues or around broad themes.
- Membership can be more inclusive and of greater variety than Advisory Committees due to Community Forums' size, limited tenure and flexible nature.
- Community Forums can provide greater opportunities for networking.
- As Community Forums are one-off events and can be established around specific issues, members with expert knowledge can be recruited to participate.
- The open and casual format of Community Forums can enable much greater opportunity for general discussion and debate.
- Community Forums provide an appropriate opportunity for Elected Members to interact directly with the community.
- The vast majority of community members who are not familiar with committee processes may feel they are better able to contribute in a more open and casual format.
- It would be possible to conduct some Community Forums online, which would significantly reduce costs and broaden the scope of membership.

*Disadvantages:*

- The broad nature of Community Forums may discourage the discussion of specific issues.

**Legislation:**

*Local Government Act 1995* — outlines the process for establishing Committees

*Standing Orders Local Law 2005* — outlines processes for undertaking meetings (including Order of Business etc.)

<b>Strategic Plan:</b>	<b>Key Focus Area:</b>	Leadership and Governance
	<b>Objective:</b>	1.2 — To engage proactively with the community.
	<b>Key Focus Area:</b>	The Natural Environment
	<b>Objective:</b>	2.2 — To engage proactively with the community and other relevant organisations in the preservation of the City's natural environmental assets.

**Policy** 1-2 — Public Participation

**Financial/Budget Implications:**

There will be financial/budget implications for all of the options presented in this report. Specific figures will be dependent upon the frequency of the event, the number of participants attending, and the staffing requirements. (Facilities and services which may be required include: venue hire, equipment hire, guest speaker(s), refreshments, photographer, stationery etc.)

**COMMENT**

The options presented within the report do not suggest that one option is preferred over another, rather, that a combination of options should be utilised depending on circumstances.

The City acknowledges the important role that Advisory Committees play as a mechanism for engaging the community on specific subject matters; however, with their lack of flexibility, legislative requirements and high degree of formality, a combination of Options 2 and 3 is suggested as an improved alternative for community engagement, rather than utilising Option 1 in isolation (Advisory Committees).

Following this logic, it is suggested that consideration be given to re-establishing the Community Safety and Crime Prevention Advisory Committee and the Streetscape Advisory Committee as Working Groups, enabling the groups to be:

- flexible and less restricted in their operations;
- of limited tenure (if required);
- include a greater variety of members;
- allow for general discussion and debate;
- allow for greater advisory potential to Council.

Further, it is suggested that consideration be given to re-establishing the Conservation Advisory Committee, Sustainability Advisory Committee and Seniors Interests Advisory Committee as Community Forums. This will enable the issues surrounding environmental sustainability and seniors' interests to be addressed through a mechanism that:

- is flexible and less restricted in operation;
- is of limited tenure;
- will enable a greater number and greater variety of members;
- will allow for the recruitment of participants with expert knowledge from outside the City; and
- will allow for general discussion and debate.

These recommendations are summarised in the table below:

<b>Advisory Committee</b>	<b>Recommended Option</b>
Community Safety and Crime Prevention Advisory Committee	2 — Working Group
Streetscape Advisory Committee	2 — Working Group
Conservation Advisory Committee	3 — Community Forum
Sustainability Advisory Committee	3 — Community Forum
Seniors Interests Advisory Committee	3 — Community Forum

The Council should note that if either Options 2 or 3 are supported, a further report will be drafted regarding the potential structure and format of the Working Groups and Community Forums. Consideration will also be given to how the Working Groups and Community Forums will be conducted, how members will be recruited and the frameworks for how decision-making and work planning will be undertaken.

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

**1 AGREES to establish the following working groups:**

**(a) The Community Safety and Crime Prevention Working Group, with the objective of:**

- Providing advice to the Council on community safety and crime prevention issues,
- Assisting the Council in developing a strategic approach to ensure the safety and wellbeing of the wider community of the City of Joondalup;

**(b) The Streetscape Working Group, with the objective of:**

- Providing advice to the Council on local streetscape amenity such as street trees, verges, public accessways and medians;
- Assisting the Council with the establishment of themed planting on road reserves to bolster the identity of the City's neighbourhoods;

**2 AGREES to hold Community Forums on the following matters:**

- Sustainability;
- Seniors interests;
- Conservation;

**3 REQUESTS a further report to be submitted to the May 2010 ordinary meeting of the Council establishing the framework and membership of the Community Forums and Working Groups as detailed in Points 1 and 2 above.**

**AMENDMENT MOVED Cr Chester SECONDED Cr Norman that the Motion be AMENDED by:**

**1 the inclusion of the following points 1(c) and 1(d):**

**"1(c) *The Conservation Working Group with the objective of:***

- *Providing strategic advice to the Council relating to the conservation and management of the City's natural biodiversity.*

- *Assisting the Council in the protection of the City's natural biodiversity as contained within its various natural areas (bushland, wetlands and coastal environment).*

1(d) *The Sustainability Working Group with the objective of:*

- *Providing strategic advice to the Council on sustainability issues within the City of Joondalup.*
- *Assisting the Council in identifying and implementing improved sustainability practices within the City of Joondalup.*
- 

2 amending Point 2 to read:

"2 *AGREES to hold Community Forums as required on the following matters:*

- *Sustainability*
- *Seniors Interests*
- *Conservation"*

**The Amendment was Put and**

**LOST (5/6)**

**In favour of the Amendment:** Crs Chester, Diaz, McLean, Norman and Taylor **Against the Amendment:** Mayor Pickard, Crs Amphlett, Fishwick, Gobbert, Hamilton-Prime and Hollywood

**AMENDMENT MOVED Mayor Pickard SECONDED Cr Amphlett that an additional Point 4 be ADDED to the Motion to read:**

**"4 *THANKS former members of the Advisory Committees for their contribution to the affairs of the City.*"**

**The Amendment was Put and**

**CARRIED (11/0)**

**In favour of the Amendment:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

**The Original Motion, as amended, being:**

**That Council:**

**1 *AGREES to establish the following working groups:***

- (a) *The Community Safety and Crime Prevention Working Group, with the objective of:***
- ***Providing advice to the Council on community safety and crime prevention issues,***
  - ***Assisting the Council in developing a strategic approach to ensure the safety and wellbeing of the wider community of the City of Joondalup;***
- (b) *The Streetscape Working Group, with the objective of:***
- ***Providing advice to the Council on local streetscape amenity such as street trees, verges, public accessways and medians;***
  - ***Assisting the Council with the establishment of themed planting on road reserves to bolster the identity of the City's neighbourhoods;***

**2 AGREES to hold Community Forums on the following matters:**

- Sustainability;
- Seniors interests;
- Conservation;

**3 REQUESTS a further report to be submitted to the May 2010 ordinary meeting of the Council establishing the framework and membership of the Community Forums and Working Groups as detailed in Points 1 and 2 above;****4 THANKS former members of the Advisory Committees for their contribution to the affairs of the City.****Was Put and****CARRIED (9/2)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean and Taylor **Against the Motion:** Crs Chester and Norman

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf090310.pdf](#)

## **CJ039-03/10 MINUTES OF POLICY COMMITTEE MEETING HELD ON 23 FEBRUARY 2010**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Jamie Parry  
Governance and Strategy

**FILE NUMBER:** 26176, 100385

**ATTACHMENTS:**

Attachment 1	Unconfirmed Minutes of Policy Committee meeting held on 23 February 2010
Attachment 2	Council Policy – Specified Area Rates
Attachment 3	Council Policy 1.2 – Public Participation
Attachment 4	Council Policy – Community Consultation and Engagement

**PURPOSE**

To submit the unconfirmed minutes of the Policy Committee to Council for noting and recommend appropriate action in relation to the decisions of the Committee.

**EXECUTIVE SUMMARY**

A meeting of the Policy Committee was held on 23 February 2010 to consider the following matters:

- Item 1 - Policy – Specified Area Rates
- Item 2 - Review of Council Policy 1-2 – Public Participation
- Change to Policy Committee Meeting Dates

## BACKGROUND

Council established a Policy Committee and endorsed a new Policy Framework on 26 April 2005. (*CJ064–04/05 refers*). The framework separated the policies of the Council into two categories:

- 1 Council Policies - Strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic external focus and align with the Mission, Vision and Strategic Directions; and
- 2 City Policies - Policies that are developed for administrative and operational imperatives and have an internal focus.

Council policies are to be developed and reviewed by the Policy Committee and may be subject to community consultation processes in recognition of the community leadership role Council has in guiding the formation and development of the City, and in representing the values and interests of the broader community. Officers may be requested by the Policy Committee to draft specific policies as required for referral to the Policy Committee.

City policies are to be developed and drafted for Policy Committee consideration and recommendation to the Council. The Policy Committee may determine, if appropriate, to request that a City Policy be subject to public comment prior to recommending it for Council adoption.

## DETAILS

### Issues and options considered:

The Motions carried at the Policy Committee meeting held on 23 February 2010 are shown below, together with officer's comments:

### Item 1 - Policy – Specified Area Rates

The following motion was carried:

*“That the Policy Committee RECOMMENDS that Council ADOPTS Council Policy - Specified Area Rates, forming Attachment 1 to this Report.”*

#### Officer's comment

The Policy Committee's recommendation is supported, but it is noted that some references to the term "City" have been amended to refer to "Council". In addition, a new clause 6 has been added to the policy under the heading of Management of the Specified Area Rate in response to Elected Members' comments raised at the Briefing Session held on 9 March 2010. The clause addresses the issues of the ongoing management arrangements and relationship with the property owners group.

### Item 2 – Review of Council Policy 1-2 – Public Participation

The report recommended that:

*“The Policy Committee RECOMMENDS that Council:*

- 1 *DELETES Council Policy 1.2 – Public Participation;*



- 2 *ADOPTS Council Policy - Community Consultation and Engagement forming Attachment 1 to this Report.*

The following motion was carried:

*“That the Policy Committee RECOMMENDS that Council:*

- 1 *DELETES Council Policy 1.2 – Public Participation;*
- 2 *ADOPTS Council Policy - Community Consultation and Engagement forming Attachment 1 to this Report, subject to the inclusion of the following additional statement:*

*“Sustainability*

*This Policy ensures that decisions by the Council are made with full knowledge, which may potentially support sustainable outcomes.*

*The Policy provides a clear statement of the Council’s intention to make itself aware of community opinion in order to inform decision-making. The Policy seeks to ensure that all groups in the community have the opportunity to engage with the Council on matters that affect them, and will contribute to an improved quality of the decisions reached, and greater acceptance of the final Council decisions by members of the community.” “*

#### Officer’s comment

The Policy Committee’s recommendation is supported.

#### **CHANGE TO POLICY COMMITTEE MEETING DATE**

The following motion was carried:

*“That the Policy Committee recommends to the Council that BY AN ABSOLUTE MAJORITY it:*

- 1 *REVOKES the Council resolution of Tuesday 15 December 2009 (part item CJ284-12/09) that reads as follows:*

*“ AGREES to the following dates for meetings of the Policy Committee to be held in 2010:*

*7.00 pm on Tuesday, 25 May 2010;”*

- 2 *APPROVES the proposed May 2010 meeting date being rescheduled to 7.00 pm on Tuesday 27 April 2010.”*

#### Officer’s comment

The Policy Committee’s recommendation is supported.

## REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

### Greening of houses

A report was requested on the current trend of greening of houses, addressing issues such as PV cells, wind turbines and other initiatives, and information on the guidelines for installation on existing and new homes from a development perspective.

#### Officer's comment

At the Council meeting held in February 2009 (CJ037-02/09 refers) the following was resolved:

*“The Council REQUESTS that a green building policy to encourage construction and retro-fitting of green star buildings in the City of Joondalup be prepared for consideration by the Policy Committee.”*

A Background Discussion Paper has been developed as a result of this resolution, examining:

- 1 What is environmentally sustainable design.
- 2 Environmentally sustainable design principles at the City.
- 3 Environmentally sustainable design resources.
- 4 The role of the City in encouraging environmentally sustainable design.

The Discussion Paper is designed to get clear direction from the Policy Committee before developing a Policy in isolation of all the other City and Government initiatives. The report will incorporate matters related to the Committee request, as above.

It is anticipated that a report will be forthcoming at the next Policy Committee, which is proposed to be held on 27 April 2010.

### Legislation/Strategic Plan/Policy Implications

**Legislation** Not Applicable.

#### **Strategic Plan**

Key Focus Area: Leadership and Governance

Objective: To lead and manage the City effectively.

#### **Policy**

As detailed in this Report.

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

Not Applicable.

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

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

Relevant officer's comments have been made regarding the matters considered by the Committee.

**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 the meeting.

**Call for Support of one-third of members of the Council**

The Mayor called for support from one-third of the members of Council. Support for the revocation was given by all Elected Members present.

**OFFICER'S RECOMMENDATION**

That Council:

- 1 NOTES the unconfirmed minutes of the Policy Committee meeting held on 23 February 2010, forming Attachment 1 to Report CJ039-03/10;
- 2 ADOPTS Council Policy - Specified Area Rates, forming Attachment 2 to Report CJ039-03/10;

- 3 (a) DELETES Council Policy 1.2 – Public Participation, forming Attachment 3 to Report CJ039-03/10;
- (b) ADOPTS Council Policy - Community Consultation and Engagement forming Attachment 4 to Report CJ039-03/10;
- 4 (a) BY AN ABSOLUTE MAJORITY, REVOKES the Council resolution of Tuesday 15 December 2009 (part item CJ284-12/09) that reads as follows:
- “AGREES to the following dates for meetings of the Policy Committee to be held in 2010:*
- 7.00 pm on Tuesday, 25 May 2010;”*
- (b) APPROVES the proposed May 2010 meeting date being rescheduled to 7.00 pm on Tuesday 27 April 2010;
- 5 REQUESTS a report be submitted to the Policy Committee on the current trend of greening of houses, addressing issues such as PV cells, wind turbines and other initiatives, and information on the guidelines for installation on existing and new homes from a development perspective.

**MOVED Cr Hollywood, SECONDED Cr Chester that Council:**

- 1 **NOTES the unconfirmed minutes of the Policy Committee meeting held on 23 February 2010, forming Attachment 1 to Report CJ039-03/10;**
- 2 **ADOPTS Council Policy - Specified Area Rates, forming Attachment 2 to Report CJ039-03/10;**
- 3 **REFERS Council Policy 1.2 – Public Participation and proposed Council Policy - Community Consultation and Engagement back to the Administration to enable further engagement with the Elected Members;**
- 4 (a) **REVOKES the Council resolution of Tuesday 15 December 2009 (part item CJ284-12/09) that reads as follows:**
- “AGREES to the following dates for meetings of the Policy Committee to be held in 2010:*
- 7.00 pm on Tuesday, 25 May 2010;”*
- (b) **APPROVES the proposed May 2010 meeting date being rescheduled to 7.00 pm on Tuesday 27 April 2010;**
- 5 **REQUESTS a report be submitted to the Policy Committee on the current trend of greening of houses, addressing issues such as PV cells, wind turbines and other initiatives, and information on the guidelines for installation on existing and new homes from a development perspective.**

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9agn160310.pdf](#)

## **CJ040-03/10 APPOINTMENT OF REPRESENTATIVE TO THE TAMALA PARK REGIONAL COUNCIL**

**WARD:** All

**RESPONSIBLE  
DIRECTOR:** Mr Jamie Parry  
Governance and Strategy

**FILE NUMBER:** 41196

**ATTACHMENTS:** Nil.

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### **PURPOSE/EXECUTIVE SUMMARY**

For Council to note the resignation of Mayor Troy Pickard as representative on the Tamala Park Regional Council and to give consideration to nominating a replacement to this vacant position.

### **BACKGROUND**

The Tamala Park Regional Council was established in accordance with Section 3.61 of the Local Government Act 1995, for the development of approximately 165 hectares of Lot 118 Mindarie.

At its meeting held on 17 November 2009, Council nominated Mayor Troy Pickard and Cr Geoff Amphlett to represent the City on the Tamala Park Regional Council.

### **DETAILS**

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

Mayor Troy Pickard has tendered his resignation as representative on the Tamala Park Regional Council.

Consideration is required to be given to nominating a replacement representative to the Regional Council.

**Legislation/Strategic Plan/Policy Implications**

**Legislation**                      The Tamala Park Regional Council was established under Section 3.61 of the Local Government Act 1995.

Clause 78 of the Standing Orders Local Law 2005 states:

“When the Council is required to appoint or nominate a member/person to a public body, written notice of the vacancy or need for the appointment or nomination is to be given to all members and the Council is by resolution to determine the appointment or nomination.”

Clause 51(2) of the Standing Orders Local Law 2005 states:

“A nomination to any position is not required to be seconded.”

**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**                              Not Applicable.

**Risk Management considerations:**

If the Council does not appoint representation to the Tamala Park Regional Council, this may hinder the overall decision-making process.

**Financial/Budget Implications:**

Not Applicable.

**Regional Significance:**

The Tamala Park Regional Council was established for the development of Lot 118 Mindarie.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

## COMMENT

The following meeting fees apply to representatives on the Tamala Park Regional Council:

- Chairperson \$20,000 pa
- Deputy Chairperson \$ 8,500 pa
- Member \$ 7,000 pa

At its meeting held on 5 April 2005 (CJ050-04/05 refers) Council resolved in part that:

*“in the interests of good governance, AGREES that the City of Joondalup nominated representative on the Tamala Park Regional Council shall not be a member of the Mindarie Regional Council.”*

At the Council meeting held on 20 September 2005, during discussion on Item CJ202-09/05 - Appointment of Representatives to the Tamala Park Regional Council - it was recommended that:

*“when a report is presented to a future incoming Council, consideration be given to the Tamala Park Regional Council and Mindarie Regional Council each being represented by either the Mayor or Deputy Mayor in order that a senior level of representation be maintained.”*

It should be noted that this is a recommendation of the Council, and not a formal resolution.

In the event that there is more than one nomination for the vacancy, a ballot will need to be conducted to determine the representative.

## VOTING REQUIREMENTS

Simple Majority

## OFFICER'S RECOMMENDATION

That Council:

- 1 NOTES the resignation of Mayor Troy Pickard as representative on the Tamala Park Regional Council and thanks him for his contribution to the Regional Council;
- 2 NOMINATES an Elected Member to represent the City of Joondalup on the Tamala Park Regional Council.

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

- 1 NOTES the resignation of Mayor Troy Pickard as representative on the Tamala Park Regional Council and thanks him for his contribution to the Regional Council;**
- 2 NOMINATES Cr Tom McLean to represent the City of Joondalup on the Tamala Park Regional Council.**

**The Motion was Put and****CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

**CJ041-03/10 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 DECEMBER 2009**

**WARD:** All

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

**FILE NUMBER:** 07882

**ATTACHMENTS:** Attachment 1 Financial Activity Statement for the period ended 31 December 2009

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**PURPOSE**

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

**EXECUTIVE SUMMARY**

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

The December 2009 Financial Activity Statement report shows an overall favourable variance from operations and capital of \$5,458K when compared to the 2009-2010 Adopted Budget.

This variance can be summarised as follows:

- The **Operating** surplus is \$101K above budget made up of higher revenue of \$251K and higher operating expenditure of \$(149k).

Operating revenue was above budget for Rates \$377K, Investment Earnings \$765K resulting from a combination of higher market interest rates and level of funds invested. A shortfall in revenue mainly occurred on Grants and Subsidies \$(296k), Contributions Reimbursements and Donations \$(364k), and Fees and Charges \$(205k), which includes \$(487k) for Refuse Charges predominantly due to the post budget reduction of \$10 per service adopted by Council.

The operating expenditure was above budget for Depreciation \$(2,000k), following the revaluation of the City's buildings in 2008/09. Operating expenditure is below budget for Employee Costs \$14K and Materials and Contracts by \$1,445K, mainly timing of Contributions and Donation and Waste Management Services costs. Also Utilities are \$398k below budget and are to be re-aligned in the Mid-Year Budget Review.



- The **Capital Revenue and Expenditure** deficit to the budget is \$3,365K made up of a shortfall of revenue of \$(4,612k) and under expenditure of \$7,978K.

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 \$(229k). The balance includes grant recoups which are subject to progress of works compared to the budget phasing and includes \$(750k) for the Connolly Drive duplication.

Expenditure on Capital Projects was \$(146k) over budget and on Capital Works \$7,417K lower than expected in the budget. The major variances occurred on Major Road Construction \$3,028K, Streetscape Enhancements \$1,775K including Burns Beach Road East \$780K due to the tender for plants, outstanding claims on Connolly Drive - Burns Beach Road to McNaughton Crescent \$1,400K, where work is complete, and planned Traffic Management Projects \$2,091k.

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

*It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 December 2009 forming Attachment 1 to Report CJ041-03/10.*

## **BACKGROUND**

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

## **DETAILS**

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

The Financial Activity Statement for the period ended 31 December 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 December 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

**MOVED Cr Hollywood, SECONDED Cr Gobbert that Council NOTES the Financial Activity Statement for the period ended 31 December 2009 forming Attachment to Report CJ041-03/10.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution after consideration of Item CJ051-03/10, Page 131 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf090310.pdf](#)*

## **CJ042-03/10 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JANUARY 2010**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER:</b>	07882
<b>ATTACHMENTS:</b>	Attachment 1 Financial Activity Statement for the period ended 31 January 2010

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### **PURPOSE**

The January 2010 Financial Activity Statement is submitted to Council to be noted.

### **EXECUTIVE SUMMARY**

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

The January 2010 Financial Activity Statement report shows an overall favourable variance from operations and capital of \$7,389k when compared to the 2009-2010 Adopted Budget.

This variance can be summarised as follows:

- The **Operating** surplus is \$378k above budget made up of higher revenue of \$291k and lower operating expenditure of \$87k.

Operating revenue is above budget for Rates \$412k, Investment Earnings \$892k resulting from a combination of higher market interest rates and level of funds invested. A shortfall in revenue occurred for Grants and Subsidies \$(410k) and Contributions Reimbursements and Donations \$(364k), mainly due to timing differences. Also Fees and Charges \$(223k) are below budget, including \$(459k) for Refuse Charges due to the post budget reduction of \$10 per service adopted by Council.

The operating expenditure was above budget for Depreciation \$(2,340k) based on the revaluation of the City's buildings in 2008/09. Operating expenditure is below budget in Employee Costs \$353k, Materials and Contracts \$1,822k and Utilities \$232k. Employee costs savings reflect the freezing of vacant positions at the start of the year and are net of adjustments for staff entitlements, and includes under expenditure on corporate training and study assistance of \$177k.

- The **Capital Revenue and Expenditure** deficit to the budget is \$4,673k made up of a shortfall of revenue of \$(4,763k) and under expenditure of \$9,436k.

The revenue deficit to budget results from Grant funding for the Seacrest Community Sporting Facility \$(1,305k) received in the previous financial year and Major Road Construction Grants which are subject to progress of works, including the Burns Beach Road Landscaping project \$(1,060k) and \$(750k) for the Connolly Drive duplication. The balance includes grant recoups phased in the budget during the period but for which the work is still in progress, plus \$(229k) for the State Local Roads Grant already received in the previous financial year.

Capital Expenditure is below budget on Capital Projects \$116k, Capital Works \$8,627k and Motor Vehicle Replacements \$708k. The main variances occurred on Major Road Construction \$3,437k. The Connolly Drive project, between Burns Beach Road and McNaughton Crescent, has contractor claims outstanding amounting to \$1,400k. In addition Streetscape Enhancements are \$1,057k below budget and Traffic Management Projects \$2,007k, where work is currently behind schedule.

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

*It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 January 2010 forming Attachment 1 to Report CJ042-03/10.*

## **BACKGROUND**

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

## **DETAILS**

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

The Financial Activity Statement for the period ended 31 January 2010 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 January 2010 appears to be significant, the majority of the surplus is due to capital works and is driven by timing differences, not savings. Similarly employee costs are tightly controlled and the review of the Annual Budget 2009/10 identified that materials and contracts are under pressure, particularly in the area of building maintenance.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED** Cr Hollywood, **SECONDED** Cr Gobbert that Council **NOTES** the Financial Activity Statement for the period ended 31 January 2010 forming Attachment 1 to Report CJ042-03/10.

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution after consideration of Item CJ051-03/10, Page 131 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

*Appendix 11 refers*

To access this attachment on electronic document, click here: [Attach11brf090310.pdf](#)

## **CJ043-03/10 LIST OF PAYMENTS MADE DURING THE MONTH OF JANUARY 2010**

**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 January 2010
Attachment 2	CEO's Delegated Trust Payment List for the month of January 2010
Attachment 3	Municipal and Trust Fund Vouchers for the month of January 2010

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### **PURPOSE**

To present to Council the list of accounts paid under the CEO's delegated authority during the month of January 2010 for noting.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of January 2010 totalling \$11,191,689.41.

*It is recommended that Council NOTES the CEO's list of accounts for January 2010 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments 1, 2 and 3 to Report CJ043-03/10, totalling \$11,191,689.41.*

### **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 January 2010. 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 85974 - 86166 and EF 10039 - 10714 Net of cancelled payments	\$8,167,525.48
	Vouchers 634A – 636A, 638A – 640A & 642A – 644A	\$3,004,615.48
Trust Account	Cheques 203223 – 203267 Net of cancelled payments	\$19,548.45
<b>Total</b>		<b>\$11,191,689.41</b>

**Issues and options considered:**

Not Applicable.

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

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

**Strategic Plan**

## Key Focus Area:

Leadership and Governance

## Objective:

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

**Policy**

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

**Risk Management considerations:**

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

**Financial/Budget Implications:**

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

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

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

**Consultation:**

Not Applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority

**MOVED** Cr Hollywood, **SECONDED** Cr Gobbert that Council **NOTES** the CEO's list of accounts for January 2010 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 Report CJ043-03/10, totalling \$11,191,689.41.

The Motion was Put and **CARRIED (11/0)** by En Bloc Resolution after consideration of Item CJ051-03/10, Page 131 refers.

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

*Appendix 12 refers*

To access this attachment on electronic document, click here: [Attach12brf090310.pdf](#)

**CJ044-03/10      TENDER 008/10 - LAYING OF BRICK PAVERS**

**WARD:** All

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

**FILE NUMBER:** 100394

**ATTACHMENTS:** Attachment 1      Summary of Tender Submissions

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**PURPOSE**

This report is to seek the approval of Council to accept the Tender submitted by Tapps Contracting Pty Ltd for the laying of brick pavers (Tender 008/10).



## EXECUTIVE SUMMARY

Tenders were advertised on 16 January 2010 through state wide public notice for the laying of brick pavers. Tenders closed on 2 February 2010. Three (3) submissions were received from:

- Brakim Corporation trading as Allstyle Brickpaving;
- Mcmixx Pty Ltd trading as Access Brick Co; and
- Tapps Contracting Pty Ltd.

The submission from Tapps Contracting Pty Ltd represents best value to the City and is the lowest priced compliant Tender. It has demonstrated capacity and experience to undertake the works for the City. Tapps Contracting is a well established paving company that has been providing paving services since 1981 and has recently completed similar works for various local governments including the City of Joondalup.

*It is recommended that Council ACCEPTS the Tender submitted by Tapps Contracting Pty Ltd for the laying of brick pavers for a three (3) year period in accordance with the statement of requirements as specified in Tender 008/10 at the submitted schedule of rates.*

## BACKGROUND

The City has a requirement for the laying of brick pavers within the City of Joondalup on an 'as and when' required basis for various capital works projects.

The Contractor shall be responsible for:

- (a) The laying of all pavers to the lines and levels specified by the City;
- (b) Supply of all joint filling sand;
- (c) Supply of bedding sand when requested by the City; and
- (d) Box out where required.

The City had a contract for the laying of brick pavers with Tapps Contracting Pty Ltd which expired on 28 January 2010. For the interim period until a new Contract is in place, the City's paving requirements are being met via the City's quotation process.

## DETAILS

Tenders were advertised on 16 January 2010 through state wide public notice for the laying of brick pavers. Tenders closed on 2 February 2010. Three (3) submissions were received.

### Evaluation Criteria

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

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

## Evaluation Panel

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

## Tender Submissions

Three (3) submissions were received from:

- Tapps Contracting Pty Ltd;
- Brakim Corporation trading as Allstyle Brickpaving; and;
- Mcmixx Pty Ltd trading as Access Brick Co.

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

<b>Tenderer</b>	<b>Rate \$ per Unit (Excl GST) (* Items 1 to 5)</b>	<b>Minor Works 0 – 5 m2 (reinstatement &amp; repairs)</b>
Tapps Contracting Pty Ltd	\$7.00 to \$29.50	\$200.00 each
Brakim Corporation trading as Allstyle Brickpaving	\$8.00 to \$38.00	\$360.00 each
Mcmixx Pty Ltd trading as Access Brick Co	\$17.50 to \$45.00	\$345.00 each

\* Items 1 to 5 include the following:

- Item 1 Prepare site (boxing out/preparation of sub-base), supply bedding sand and prepare bedding sand; and lay brick pavers in accordance with Specification, including supply of joint filling sand.
- Item 2 Supply bedding sand, prepare bedding sand and lay brick pavers in accordance with Specification, including supply of joint filling sand.
- Item 3 Prepare bedding sand and lay brick pavers in accordance with Specification, including supply of joint filling sand.
- Item 4 Remove existing brick paving and stack on pallets (pallets supplied by the City).
- Item 5 Remove existing brick pavers and relay in accordance with Specification (applicable where verge paving to blend with the new level).

## Evaluation Summary

Tenderer	Evaluation Score	Rate \$ per Unit (Excl GST) (* Items 1 to 5)	Minor Works 0 – 5 m2 (Excl GST) Reinstatement & Repairs	Qualitative Rank
Tapps Contracting Pty Ltd	85%	\$7.00 to \$29.50	\$200.00 each	1
Brakim Corporation trading as Allstyle Brickpaving	73%	\$8.00 to \$38.00	\$360.00 each	2
Mcmixx Pty Ltd trading as Access Brick Co	73%	\$17.50 to \$45.00	\$345.00 each	2

Mcmixx Pty Ltd trading as Access Brick Co and Brakim Corporation trading as Allstyle Brickpaving have demonstrated capacity and experience to undertake the works. However, their prices offered were more expensive when compared to Tapps Contracting Pty Ltd.

The submission from Tapps Contracting Pty Ltd is the lowest price offer received and represents best value to the City. The company has extensive experience being in the paving industry since 1981 and is well equipped and resourced to provide the works for the City.

### Issues and options considered:

The City has a requirement for the laying of brick paving for the City's various capital works projects. The City does not have the internal resources to supply the required goods/services and as such requires an appropriate external service provider.

### Legislation/Strategic Plan/Policy Implications

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

### Strategic Plan

**Key Focus Area:** The Built Environment

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

**Policy** Not Applicable.

**Risk Management considerations:**

Should the Contract not proceed, the risk to the City will be high as the City requires a contracted service provider to supply the laying of brick pavers as and when required to complete the City's various capital works projects within the City of Joondalup.

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

**Financial/Budget Implications:**

<b>Current Year Budget Allocation for this Contract</b>	<b>Projected Expenditure on these Services from 1 July 2009 to 30 June 2010</b>	<b>Projected Expenditure on these Services in first 12 Months of Contract if Accepted</b>	<b>Projected Expenditure on these Services over the Life of the Contract if Accepted</b>
\$467,000 (Estimate of paving component of Capital Works Projects)	\$243,692 (Current Contract)  \$240,000 (New Contract)	\$483,699	\$1,502,480

The projected expenditure on these Goods and Services is subject to change and dependent on the quantity and type of requirements throughout the Contract period. Projected expenditure is based on historical expenditure.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The Offer representing best value to the City is that as submitted by Tapps Contracting Pty Ltd which scored the highest at 85% for its qualitative assessment and was the lowest priced offer received.

Tapps Contracting has been in the paving industry since 1981 providing similar works for various local governments as well as major building companies. It is well equipped and resourced with a team of experienced key personnel to provide the paving services for the City.

## VOTING REQUIREMENTS

Simple Majority

**MOVED** Cr Hollywood, **SECONDED** Cr Gobbert that Council **ACCEPTS** the Tender submitted by Tapps Contracting Pty Ltd for the laying of brick pavers for a three (3) year period in accordance with the statement of requirements as specified in Tender 008/10 at the submitted schedule of rates.

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution after consideration of Item CJ051-03/10, Page 131 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf090310.pdf](#)*

## **CJ045-03/10 TENDER 010/10 - SUPPLY AND DELIVERY OF PVC PIPES, FITTINGS AND SPRINKLERS**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER:</b>	100593
<b>ATTACHMENTS:</b>	Attachment 1 Summary of Tender Submissions

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## PURPOSE

This report is to seek the approval of Council to accept the Tender submitted by Procoast Holdings Pty Ltd t/as The Watershed Water Systems for the supply and delivery of PVC pipes, fittings and sprinklers (Tender 010/10).

## EXECUTIVE SUMMARY

Tenders were advertised on 16 January 2010 through state wide public notice for the supply and delivery of PVC pipes, fittings and sprinklers. Tenders closed on 2 February 2010. Five (5) Submissions were received from:

- Procoast Holdings Pty Ltd T/as The Watershed Water Systems;
- Elliotts Irrigation Pty Ltd;
- Total Eden Watering Systems;
- Total Eden Watering Systems (Alternative Offer); and
- Reece Pty Ltd.

The submission from Procoast Holdings Pty Ltd T/as The Watershed Water Systems represents best value to the City and is the lowest priced compliant Tender. They demonstrated the appropriate experience, understanding of the requirements and sufficient resources to supply the goods in the required timeframes.

*It is recommended that Council ACCEPTS the Tender submitted by Procoast Holdings Pty Ltd T/as The Watershed Water Systems for the supply and delivery of PVC pipes, fittings and sprinklers for a three (3) year period in accordance with the statement of requirements as specified in Tender 010/10 at the submitted schedule of rates*

## **BACKGROUND**

This requirement is for the supply and delivery of PVC pipes, fittings and sprinklers to the City's Works Operations Centre in accordance with the specification inclusive of labour, packaging and transport.

The City had a panel Contract with three (3) Contractors for the supply and delivery of PVC pipes, fittings and sprinklers which expired on 28 January 2010. The goods are being currently supplied on an interim basis by Elliotts Irrigation until a new Contract is in place.

## **DETAILS**

Tenders were advertised on 16 January 2010 through state wide public notice for the supply and delivery of PVC pipes, fittings and sprinklers.

## **Evaluation Criteria**

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

<b>Qualitative Criteria</b>		<b>Weighting</b>
1	Capacity	40%
2	Demonstrated experience in completing similar services	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**

Five (5) Submissions were received from:

- Procoast Holdings Pty Ltd T/as The Watershed Water Systems;
- Elliotts Irrigation Pty Ltd;
- Total Eden Watering Systems;
- Total Eden Watering Systems (Alternative Offer); and
- Reece Pty Ltd.

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

To provide a comparison of the rates offered by each Tenderer the fifty-eight (58) most commonly used items and their typical usage based on historical data have been used and the table below provides a comparison of the estimated expenditure. This assessment does not provide an estimate of the total expenditure, due to the unknown quantity that may be required in the future. The City anticipates a total yearly expenditure of \$300,000 for maintenance and \$100,000 for capital projects.

Any future requirements will be based on demand and subject to change in accordance with the operational needs of the City. The Contract assessment price for each Tenderer is as follows:

<b>Contract Assessment Cost</b>	<b>The Watershed Water Systems</b>	<b>Elliotts Irrigation Pty Ltd</b>	<b>Total Eden Watering Systems</b>	<b>Total Eden Watering Systems (Alternative)</b>
Year 1	\$182,418	\$203,876	\$272,766	\$188,945
Year 2	\$186,248	\$208,158	\$278,494	\$192,913
Year 3	\$190,160	\$212,529	\$284,342	\$196,964
<b>Total</b>	<b>\$558,826</b>	<b>\$624,563</b>	<b>\$835,602</b>	<b>\$578,822</b>

During the last financial year 2008/09, the City incurred \$485,845 for the supply and delivery of PVC pipes, fittings and sprinklers inclusive of maintenance and capital projects and is expected to incur in the order of \$1,200,000 over the three (3) year Contract period.

### **Evaluation Summary**

<b>Tenderer</b>	<b>Evaluation Score</b>	<b>Contract Assessment Price</b>	<b>Qualitative Rank</b>
Procoast Holdings Pty Ltd T/as The Watershed Water Systems	79.4%	\$558,826	1
Elliotts Irrigation Pty Ltd	77.7%	\$624,563	2
Total Eden Watering Systems	50.7%	\$835,602	3
Total Eden Watering Systems (Alternative)	50.7%	\$578,822	3
Reece Pty Ltd	Non-compliant		

Reece Pty Ltd submitted an Offer subject to seventeen departures from the conditions of contract. This constitutes an Alternative Offer which was not submitted with a conforming Offer. In accordance with clause 4.8 of the conditions of tendering, the Offer was rejected from further consideration.

The two submissions from Total Eden Watering Systems were lacking in detail and did not provide sufficient information of their capacity. They demonstrated an adequate understanding of the requirements and experience in supplying other local governments' similar goods to the City. The conforming offer was 49.5% more expensive than The Watershed Water Systems offer. The alternative offer from Total Eden Watering Systems was based on a different pricing structure to that requested in the tender.

The tender specified that the rates for materials would be fixed for the first year and then adjusted by CPI increments in subsequent years. Total Eden Watering Systems alternative offer is based on passing on all supplier increases and not CPI. Likely supplier increases are unknown, therefore for the purposes of comparison the same projected CPI figures used for projecting the costs of the other offers have been applied to Total Eden Watering Systems alternative offer. The contract assessment price for the alternative offer is much lower than the conforming offer because the base year one commencement prices in their alternative offer are lower than in their conforming offer. Applying CPI increases to the alternative offer calculates to be 3.6% more expensive than that submitted by Watershed Water Systems. This is dependent on supplier increases being no greater than CPI and the risk of suppliers price increases being greater than CPI is born by the City.

Elliotts Irrigation Pty Ltd demonstrated a good understanding of the requirements, the appropriate capacity and considerable experience in providing similar services to other local governments. Their price was 11.8% more expensive than The Watershed Water Systems.

Procoast Holdings Pty Ltd T/as The Watershed Watering Systems demonstrated a good understanding of the requirements, considerable experience in supplying other local governments' similar requirements and the capacity to meet the City's requirements. They submitted the lowest price and represent the best value to the City.

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

The supply and delivery of PVC pipes, fittings and sprinklers is required in the maintenance of the City's reticulated parks and open spaces. The City does not have the internal resources to supply the required goods/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 (WA)*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000.

#### **Strategic Plan**

**Key Focus Area:** The natural environment

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

**Policy** Not applicable.



**Risk Management considerations:**

Should the contract not proceed, the risk to the City will be high as the City will be unable to maintain the City's reticulated parks and open spaces.

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

**Financial/Budget Implications:**

<b>Current Year Budget Allocation for this Contract 2009/2010</b>	<b>Projected Expenditure on these Services to 30 June 2010</b>	<b>Projected Expenditure on these Services in first 12 Months of Contract if Accepted</b>	<b>Projected Expenditure on these Services over the Life of the Contract if Accepted</b>
\$300,000*	\$249,885 (current Contract to date) \$100,000 (new Contract)	\$400,000	\$1,200,000

\*Maintenance budget only. An estimated \$100,000 would also be used in capital projects.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Efficient reticulation systems are an integral component of the management of the City's water resources. The City has more than 300 parks and public open spaces that require irrigation. Efficient reticulation systems reduce the City's consumption of water and enhance the quality of these areas used 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 Procoast Holdings Pty Ltd T/as The Watershed Water Systems.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED** Cr Hollywood, **SECONDED** Cr Gobbert that Council **ACCEPTS** the Tender submitted by Procoast Holdings Pty Ltd T/as The Watershed Water Systems for the supply and delivery of PVC pipes, fittings and sprinklers for a three (3) year period in accordance with the statement of requirements as specified in Tender 010/10 at the submitted schedule of rates.

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution after consideration of Item CJ051-03/10, Page 131 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14brf090310.pdf](#)*

## **CJ046-03/10 STATE UNDERGROUND POWER PROGRAM - ROUND 5**

**WARD:** South, South-West and North Central

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

**FILE NUMBER:** 04396

**ATTACHMENTS:**

Attachment 1	Proposed Expression of Interest Project Areas
Attachment 2	Map detailing Over Head Power Areas across the City
Attachment 3	Table showing the number of lots per locality with overhead power and costs of underground power
Attachment 4	Western Power Reliability Index Map

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### **PURPOSE**

This report examines the issues and implications for the City if it submits Expression of Interest projects for underground power and street lighting as part of Round Five of the State Underground Power Program and seeks Council's endorsement of the preferred project areas.

### **EXECUTIVE SUMMARY**

The State Underground Power Program is a State Government initiative introduced in 1996. It is managed by the Office of Energy and implemented by Western Power with the goal of having underground power distribution and connection to half of Perth's residential properties by 2010. The extent of underground power in the City of Joondalup already exceeds the 60% mark.

The State Underground Power Program improves the reliability of power in an area, accelerates the renewal of the power infrastructure, reduces maintenance work and maintenance costs, enhances the visual appearance of a suburb, reduces tree pruning costs, improves illumination and safety and increases property values.

The Office of Energy has announced Round 5 of the State Underground Power Program and has requested Expressions of Interest submissions for Major Residential Project areas by 19 February 2010. The City has submitted an Expression of Interest based on the recommendations within this report. Expression of Interest projects will be evaluated by June 2010, short listed and announced for Detailed Proposal Stage by July 2010 and projects finalised for start of construction in July 2011 – a timeline of 18 months.

State Underground Power Program projects are funded 50% by the State Government and 50% by the Local Government Authority (LGA). The City has previously resolved that its funding will be on a user pays principle and therefore funded by the property owner.

The main criterion for Round 5 Expressions of Interest projects is reliability. As a result the City has sought reliability information from Western Power to ensure that localities with a low level of reliability are nominated in the first instance, rather than those suburbs with a perception of affordability or need. Greenwood has not been included in the submissions as a community survey in 2008 indicated that residents were not prepared to contribute to the cost of the project. The proposed project areas for Round 5 are shown in Attachment 1.

On the basis of the index values supplied by Western Power, the suburbs of Heathridge, Duncraig and Sorrento / Marmion are proposed for nomination as Expression of Interest project suburbs.

*It is recommended that Council ENDORSES the:*

- 1 *submission of an Expression of Interest in Round 5 of the State Underground Power Program;*
- 2 *suburbs of Heathridge, Duncraig, Sorrento and Marmion as project area suburbs for Expression of Interest submissions in Round 5 of the State Underground Power Program as shown on Attachment 1 to Report CJ046-03/10.*

## **BACKGROUND**

The City has approximately 61,000 residential properties in the local government, of which around 19,000 are serviced by overhead power and the remainder by underground power. The street lighting is generally mounted on timber poles for overhead power and steel poles for underground power areas. Except for Iluka, Harbour Rise Estate in Hillarys and Joondalup City Centre, the power and street lighting networks are owned, operated and maintained by Western Power. The majority of the overhead powered lighting is not to current Australian Standard.

The City has made submissions to Office of Energy in Round 2 (2001), Round 3 (2003) and Round 4 (2005) for the provision of underground power in overhead power areas as part of the State Underground Power Program. In 2001, the City submitted the locality of Duncraig (in two project areas) and in 2003 a submission was made for seven project areas - Marmion/Sorrento, Duncraig (two areas), Hillarys (two areas), Kallaroo and Mullaloo. On both occasions the submissions were unsuccessful.

The City was successful in Round 4 of 2005 by getting the western area of Greenwood to a Detailed Proposal Stage however, the project was withdrawn following a Community Survey in September and October 2008 which indicated a very low level of support by property owners to make a contribution to the cost of the project (17%). At that time the indicative budget cost per lot was \$11,700, i.e., a \$5,850 Local Government contribution per residential property.

The City also provided expressions of interest submissions in 2007 for Round 4 Local Enhancement Projects for properties fronting West Coast Drive from Beach Road to The Plaza, Marmion and Sorrento. This was followed up by a Council request for a ratepayer funded project over the same area in 2008. Refer to Report CJ247-11/08.

This report considers the issues involved in Round Five of the State Underground Power Program. (Reports CJ065-03/01, CJ246-07/01, CJ013-02/03, CJ235-11/05, CJ171-08/07 and CJ238-11/08 refer)

## **DETAILS**

### Extent of overhead power area in the City

At the present time there are approx 19,000 properties spread over 12 suburbs with overhead power in the City. The majority of this network was installed from the mid 1960's to the early 1980's and equates to around 31% of the local government. The extent of overhead power is shown at Attachment 2 and the associated costs for undergrounding power and lighting in those suburbs are shown in the table at Attachment 3.

### Types of Projects to be submitted

The State Underground Power Program is comprised of two streams: Major Residential Projects (MRPs) and Localised Enhancement Projects (LEPs). MRPs consist of contiguous areas of about 500-800 lots and focus on relatively high density residential development. They are generally confined to the metropolitan area or major regional centres. LEPs aim to beautify gateways, scenic routes and tourism/heritage areas. They tend to favour submissions based on urban "high street" type areas or rural town main streets and historic precincts. At this time the Round 5 submissions relate only to Major Residential Projects.

### Status of State Underground Power Program

The State Underground Power Program is a State Government initiative introduced in 1996 and run by the Office of Energy and implemented by Western Power with the goal of having underground power distribution to half of Perth's houses by 2010. The extent of underground power in the metropolitan area is 49% and the City of Joondalup already exceeds the 60% mark.

Office of Energy has announced Round 5 of the State Underground Power Program and has requested Expressions of Interest submissions for Major Residential Project areas by 19 February 2010. All submissions will be assessed by the State Underground Power Program steering committee which is comprised of representatives from Office of Energy, Western Power and WALGA. The committee will assess all EOI submissions using technical and non-technical criteria to pre-select about 20 project areas.

Western Power will, using its own resources, undertake a community survey of pre-selected EOI submissions to evaluate the level of community support and willingness to financially contribute to the project. Based on those responses and other criteria, the preselected list is pruned down to short listed projects areas for progression to Detailed Proposal Stage or become a Reserve Project. Those LGAs with short listed projects will be invited to develop detailed proposals including further surveys of residents and funding strategies to cover the design and construction costs. The timeline for the Expression of Interest, Detailed Design, Approval of the Minister and signing of formal agreements could take up to 18 months.

#### Cost and Time for Conversion in the City using the State Underground Power Program

Western Power estimates the cost per residential lot to be in the range of \$10,000 to \$12,000. Therefore, at an average cost of \$11,000 per lot, the total cost of overhead to underground power conversion across the City is around \$213 million as shown at Attachment 3. Round 5 has changed from previous programs with the project area reduced from an average of 1000 lots to between 500-800 lots and multiple projects can be funded per LGA in the round. At a rate of two successful State Underground Power Program project areas of 800 lots every round (2 years), conversion across the local government will take around 24 years. A similar calculation could be applied to every other metropolitan local government area. Therefore it is likely that some areas within the City will never be undergrounded if the current program format and funding principles are maintained. This means that when an area is selected for undergrounding, residents virtually have a one-off chance to be included in the program and to obtain the benefits of enhanced visual appearance of their street, improved power reliability, street lighting and safety and increased property values.

#### User Pays Principle

State Underground Power Program projects are funded 50% by the State Government and 50% by the LGA. In turn the LGA can fund its portion of a project or elect to recover the cost from affected ratepayers/residents using a user pays principle. The principle is based on the fact that when a homebuyer purchases residential land, there is an additional subdivisional development cost to provide underground power and lighting to each lot that is over and above the cost for overhead power. Property owners have already paid once for underground power and should not be expected to pay for underground power again in another area. Therefore existing property owners with underground power do not need to contribute to a State Underground Power Program project. Existing overhead power conversion areas are only funded by ratepayers/residents within the Over Head Power scheme area. The user pays principle is used by most metropolitan local governments since the inception of the State Underground Power Program.

The City adopted the user pays principle at its meeting of 13/3/2001 (Report CJ065-03/01 refers) and re-affirmed the principle at further meetings of 24/7/2001 (Report CJ246-07/01 refers) and 28/08/07 (Report CJ171-08/07 refers).

#### State Underground Power Program Selection Criteria

In Round 5 of the SUPP, the major criterion is Power System Reliability and this is determined by Western Power. This is to maximise the benefits of the program against those areas with the greatest risk of damage or where the overhead power network is performing poorly.

The technical criteria for reliability to assist in the selection of a project area in the SUPP include:

- System Reliability - the number and type of faults experienced in an area – pole top fires, equipment failures, overloads, conductor clashing, storm damage, etc;
- Power quality and Network growth – power quality complaints, tv interference, voltage drops and faulty conductors, etc;
- Network characteristics - proximity to zone substations and coastal areas, age of existing infrastructure, etc;

Non-technical criteria are used to further assess submissions which are competitive in terms of power system reliability criteria. Some of the non-technical criteria used for selection of a project area include:

- Community support to financially contribute to the 50% cost share - a level of support that provides evidence to the steering committee that the residents within a proposed project area are agreeable to financially contributing to the project;
- Contiguity of Project Area and number of lots - the completeness of an area with minimal deviations into other OHP areas and around 500-800 lots per project area for project efficiency;
- Rezoning and Commercial Area Upgrades - provides an opportunity to improve customer service and expand Western Powers business in a project area.

#### Benefits of the State Underground Power Program

There are many benefits to the City of being involved in the State Underground Power Program and these include:

- Better visual and cleaner streetscape with reduced tree pruning costs
- Better street lighting leading to a safer community with less opportunity for crime, vandalism and graffiti;
- Increased street lighting illumination levels and uniformity;
- A healthier community - better night time walking/exercise environment and increased use of public transport because of safer access to public transport facilities;
- Safer roads with less possible collision objects such as power and stay poles close to the road.

#### Costs of the State Underground Power Program

The City will incur costs as a result of a successful submission and these may include:

- Administration costs for Expressions of Interest and detailed submissions;
- External consulting costs for surveys, public relations and technical advice (if required);
- Project management and coordination costs.

Some of these costs can be recouped as part of the scheme if a project is successful.

#### Preferred Suburbs for Expression of Interest Submissions

The main criterion for Round 5 Expression of Interest projects is reliability. As a result the City has sought quantified reliability information from Office of Energy and Western Power to ensure that localities with a high level of unreliability are nominated in the first instance. The map at Attachment 4 indicates the System Average Interruption Duration Index (in minutes) as calculated by Western Power for all suburbs in the City.

The Western Power map (Attachment 4 refers) indicates that the overhead powered suburbs with the highest index values are:

- Heathridge
- Greenwood
- Duncraig
- Sorrento
- Hillarys
- Marmion

West Greenwood was surveyed in detail in 2008 and it was evident from the results that residents were not prepared to contribute to a project on a user pays principle (Report CJ238-11/08 refers). It is considered that the level of support for contributing to an underground power scheme in that area and in Greenwood generally would not have changed in 14 months to a level greater than 50% that would enable it to progress to a Detailed Proposal Stage. As a result Greenwood is not included in the revised listing. In a fully ratepayer funded scheme for the properties fronting West coast Drive, the survey results indicated around 14% support for contribution to a scheme. It is likely this figure would increase for the subsidised project areas for Round 5. Project areas are limited to around a maximum of 800 lots, therefore, there will be multiple projects areas for all remaining suburbs.

The revised priority listing is:

- Heathridge - 2 project areas
- Duncraig - 3 or 4 project areas
- Sorrento - 2 project areas
- Hillarys - 2 project areas
- Marmion - less than 1 project area but combined into one of the areas for Sorrento

As the City could get up to 2 projects areas in a round it is considered that the preferred priority Expression of Interest projects be:

- Heathridge - 2 project areas
- Duncraig - 4 project areas
- Sorrento/Marmion - 2 project areas

Attachment 1 (on 2 pages) details the proposed Expression of Interest project areas. Hillarys was not included as it has a lower score than Sorrento. Marmion is included as it has a small number of lots that can be included into one of the Sorrento areas.

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

**Legislation** The State Underground Power Program is coordinated by a Steering Committee which was established by the Minister for Energy under Section 25 of the Energy Coordination Act 1994 to manage the program and advise the Minister for Energy on issues associated with the program.

The City operates under the Local Government Act 1995 and has the power to raise charges against a property to enable collection of the 50% contribution towards a project once approved.

## Strategic Plan

**Key Focus Area:** 4.0 The Built Environment.

**Objective:** 4.2.4 Support initiatives for the undergrounding of power to improve the amenity of areas.

**Policy** Not Applicable

### Risk Management considerations:

Risk Issues for the City with the State Underground Power Program are mainly financial. This would occur if an EOI project submission were selected for short listing and proceeds beyond the Detailed Proposal Stage to signing a formal agreement. By signing that agreement to proceed with the project, the City is committed to funding at least 50% of the project cost regardless of how it is to be funded. As a result, a detailed community survey will need to be undertaken to ensure ratepayer support for the project and the final costing scheme adopted by the City.

### Financial/Budget Implications:

There are four main issues for the City when considering a Major Residential Project submission:

- the administration costs at all stages of a project from Expression of Interest submission to Detailed Proposal Stage and then construction;
- the detailed costing scheme to be applied to the project areas;
- costs incurred by the City for its own facilities in a project area; and
- any increased energy costs for street lighting to Australian standards.

Additional resources may be required by the City to administer a State Underground Power Program project area scheme. This will include customer service staff to handle ratepayer inquiries, management of the survey process, consultants to manage the detailed technical issues and financial staff to manage the modelling and payments to Western Power's Project Team. It is anticipated that an internal Project Manager will be needed to handle project management and design issues during the start-up and construction phase.

There will be a cost to the City for its contribution to the scheme because of its own facilities in a project area. The energy consumption of buildings on reserves, bores, carpark lighting, etc, is used on a pro-rata basis for working out its proportional cost to underground the overhead network which supplies those facilities. A similar approach is used for businesses and schools.

Office of Energy has advised that it can be assumed that all State Government land owners in a project area support the State Government's underground power policy.

The final issue is the ongoing additional cost for improved street lighting. This will be charged as part of the City's existing street lighting tariff with Western Power. However, this may be offset by more efficient street lighting luminaries and lamps but is difficult to calculate until the detailed scheme design is undertaken.



**Regional Significance:**

The Sorrento/Marmion 1 project area fronts Beach Road which is a boundary road with the City of Stirling. It is unlikely there will be any significant issues with that Expression of Interest submission that would require City of Stirling approval at this stage.

**Sustainability Implications:**Environmental

Environmental benefits may be achievable if the lighting uses the latest technology in illumination and illumination control equipment. Newer type luminaries with lamps such as metal halide and compact fluorescent use less energy for the same amount of light output than the most common used mercury vapour lamps and are less difficult to dispose. However, there will in general be more luminaries required to improve the overall illumination on most roads. Even with new technology, it is possible there will be greater energy consumption, which may be in conflict with the City's Energy Policy, and its commitment to reducing green house gas emissions through Cities for Climate Protection targets. Notwithstanding any increase, it will be less than if conventional lighting technology is used. Further environmental benefits may also be achievable if the lighting uses the latest technology in illumination control equipment such as power reduction and dimming after midnight or 1am.

Social

Social benefits are accrued through improved safety, amenity, health and well being, reduced vandalism, crime and anti-social behaviour and a better urban and local streetscape.

Economic

Economic benefits accrue through initially less tree pruning and pruning maintenance costs to minimise conflict with overhead power lines, more efficient lighting technology to reduce ongoing energy costs and the financial cost of the social benefits including less crime, less vandalism and graffiti and a healthier community.

**Consultation:**

Consultation will be undertaken by Western Power to pre-select Expression of Interest project areas worthy of further evaluation. Western Power will use its own consultant to manage this process with input from the City to ensure its funding conditions are met, i.e. user pays.

Further consultation will be required when and if a project area is selected to progress to a Detailed Proposal Stage. At that time a detailed lot by lot survey will be undertaken with additional information supplied to residents outlining the benefits of the project, costs, and preferred payment options.

## COMMENT

The State Underground Power Program provides an opportunity to upgrade the standard and reliability of power supply and street lighting in existing Over Head Power areas to Australian Standards. As well as those direct benefits, the project has additional benefits such as streetscape and amenity improvements, increased property values and reduced pruning and maintenance costs for the City.

The City has requested reliability figures for all the Over Head Power areas in the local government and Western Power has provided a map, as shown at Attachment 4 which details an average interruption index for those suburbs. As a result of the negative outcome to the previously approved project in West Greenwood, and on the basis of Western Power's reliability index, it is considered that the suburbs most likely to benefit from an underground power scheme are Heathridge, Duncraig and Sorrento/Marmion.

Previous surveys undertaken in Duncraig in 2001 and in West Greenwood in 2008 were used to determine residents' opinion on one main issue - whether they were prepared to financially contribute to the scheme. The West Greenwood survey resulted in only 17% of the residents supported the user pays principle, consequently Council resolved to not proceed with that project. It is considered that insufficient time has passed that would change the outcome of another survey in that area or suburb for underground power and therefore its inclusion in this round of the program is not warranted.

However, eight years have elapsed since the survey of Duncraig which at the time, 27% of residents supported a financial contribution towards an underground project. It is likely that there has been a change in the awareness of the benefits of retrofitted underground power and its inclusion in this round of the program is warranted.

It is recommended that the suburbs of Heathridge, Duncraig and Sorrento/Marmion and the contained project areas as shown at Attachment 1 are submitted as Expression of Interest projects for Round Five of the State Underground Power Program.

## VOTING REQUIREMENTS

Simple Majority

## OFFICER'S RECOMMENDATION

That Council ENDORSES the:

- 1 submission of an Expression of Interest in Round 5 of the State Underground Power Program;
- 2 suburbs of Heathridge, Duncraig, Sorrento and Marmion as project area suburbs for Expression of Interest submissions in Round 5 of the State Underground Power Program as shown on Attachment 1 to Report CJ046-03/10.

*Cr Chester left the Chamber at 2025 hrs.*

**MOVED Cr Fishwick SECONDED Cr Diaz that Council:**

**1 ENDORSES the:**

- (a) submission of an Expression of Interest in Round 5 of the State Underground Power Program;**
- (b) suburbs of Heathridge, Duncraig, Sorrento and Marmion as project area suburbs for Expression of Interest submissions in Round 5 of the State Underground Power Program as shown on Attachment 1 to Report CJ046-03/10;**

**2 CONSIDERS that the replacement of Western Power assets is a State Government responsibility and consequently requests that the State Government fully funds the State Underground Power Program given that it is now charging increased electricity charges to its consumers on a cost recovery basis.**

*Cr Chester entered the Chamber at 2027 hrs.*

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15brf090310.pdf](#)*

## **CJ047-03/10 CHANGES TO COLLECTION DAYS FOR DOMESTIC RUBBISH AND RECYCLING SERVICES**

**WARD:** All

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

**FILE NUMBER:** 39835

**ATTACHMENTS:** Attachment 1 Schedule of proposed run changes  
Attachment 2 Map of proposed run changes

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### **PURPOSE**

To advise Council of changes to collection days for the domestic and recycling services.

## EXECUTIVE SUMMARY

The current collection format has not been changed for over ten years and is based on the original City of Wanneroo Service Agreement split of one third Wanneroo collection and two thirds Joondalup collection. Minor changes have been made to cope with the growth in the Cities over the past five years, however, the City of Wanneroo has now requested a complete overhaul of the collection schedule.

Consequential changes will also occur to the fortnightly recycling collection service as it mirrors the weekly domestic collection service.

Under the Domestic Service Level Agreement, the City of Wanneroo has a right to amend the collection days when it wishes and is obligated to provide 14 days' notice of the changes. Both Cities have been in consultation to develop the best outcome for the residents of the City. The City of Wanneroo will be responsible for the implementation of the changes to the collection schedule.

There will be approximately 46,000 households affected by the proposed changes. A procedure will be implemented to ensure the smoothest transition possible. A communication plan has been developed to inform residents of the changes. The changes are scheduled to be implemented on 3 May 2010 with the full change over to take two weeks plus four weeks familiarisation ending on 14 June 2010.

It is envisaged there will be a significant number of telephone calls from residents during the transition period.

Attachment 1 shows the City of Wanneroo's new collection schedule and Attachment 2 is the associated map showing the changes.

*It is recommended that Council NOTES the changes proposed in the collection schedules as proposed by the City of Wanneroo as set out in Attachment 1 to Report CJ047-03/10.*

## BACKGROUND

In July 1999 the City entered into a Domestic Rubbish Collection Service Level Agreement, with the City of Wanneroo. The Agreement included an extended term which was exercised by the City in December 2004 to extend the Agreement to 30 June 2011.

The Service Level Agreement for the domestic collection service provides for changes to the collection days provided the City of Wanneroo provides the City with a minimum of 14 days notice. They are required to notify residents of the change.

The collection days have not had a major overhaul in the past ten years. The two Cities have recognised that there has been a need for an overhaul for at least five years. The collection days are still based on the original criteria that the City of Wanneroo was one third the size of the City and could be completed on one day.

The City has a contract with Cleanaway to collect recyclables from the yellow top recycle bins. This contract also concludes on 30 June 2011. The recycling contract requires that Cleanaway must change its collection days to reflect any change in the Service Level Agreement. Cleanaway has been consulted on the proposed changes and is in agreement with the changes. Consequential changes will occur to the recycling service.

## DETAILS

The collection schedule has not had a major overhaul for ten years and it has been recognised by all parties that this is causing inefficiencies. To cover the current schedule a large number of trucks are used on Mondays and Wednesdays and there are no scheduled collections on Tuesdays in the City. It has come to the point where suburbs have had to be split to adequately manage the collections. This requires a high level of micro management for both local governments.

The opening of the Resource Recovery Facility has also added pressure onto the system as trucks are required to travel further to Neerabup compared to Tamala Park which is a closer destination.

A detailed analysis has been carried out and the most efficient proposal is a complete overhaul with only three suburbs left unchanged. Attachment 1 shows the City of Wanneroo's proposal and Attachment 2 is the associated map showing the changes.

In terms of the City's current collection service, this imbalance also impacts on the recycling contractor (Cleanaway) who has to provide extra trucks to meet the high demand on certain days which further compounds the inefficient service.

The City of Wanneroo has indicated that it is working towards a May 2010 changeover and this is on the understanding that the following procedure is adopted:

- 1 City residents will be notified via a communication plan;
- 2 No resident will be penalised for missing the new collection day during the transition period;
- 3 The transition period will be no less than six weeks including six domestic and three recycling services and providing adequate time for the residents to adjust to the new arrangement;
- 4 The City of Wanneroo to provide adequate resources during the transition period;
- 5 The City will be provided with a progress report (similar format to the recycling roll out model).

The anticipated number of affected households will be in the range of 46,000. The proposal is scheduled to be implemented on 3 May 2010. Implementation of the full change over will take two weeks plus four weeks adjustment period ending on 14 June 2010.

### Issues and options considered:

Officers from both local governments have discussed less disruptive options. The most viable second option was to change approximately half of the collection days. However, this would see collection day suburbs located further apart and present management issues for example, covering collections quickly where trucks have broken down. The City of Wanneroo has indicated that there could be as many as three extra trucks being used on the busier days if this option were used.

This will have a flow on effect for the recycling service. The recycling contractor supports the changes.

The changes also position the City better for the new contracts in June 2011. That is, a more balanced collection schedule is the most efficient method of collecting waste and consequently the most economic.

**Legislation/Strategic Plan/Policy Implications**

**Legislation** Not Applicable.

**Strategic Plan**

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

The City has a strategy to effectively and efficiently manage its waste. The improved efficiencies resulting from the changes will provide residents with a better collection service for both the domestic and recycling services.

**Policy** No policy implications for the City with the proposed changes

**Risk Management considerations:**

The risk of any changes to the domestic and recycling services can be high if not properly managed. Previous minor changes have shown that the procedure put in place for these changes is a proven procedure which has worked successfully.

**Financial/Budget Implications:**

Implementation of the actual run changes will not affect the budget. There is a provision for an extra casual customer service person in the waste budget if necessary for the transition period to respond to the additional number of queries expected to occur. The costs for implementation of the communication plan will be met by the City of Wanneroo.

**Regional Significance:**

The original service level agreement between the Cities of Joondalup and Wanneroo was based on efficiencies through economies of scale. Since this time the efficiencies have been eroded away due to growth in both the Cities and it is no longer efficient to provide a four day collection regime in the City.

The changes will mean improved efficiencies.

**Sustainability Implications:**Financial

There will not be any direct financial benefit to the City. However, with a more balanced format collections will occur on Tuesdays requiring less trucks being used over the collection week. This will benefit the City in the next round of negotiations for the collection service.

Social

The social aspect of the run changes will mean that there will be a better balanced format on collection days for example residents will not be having their recycling bins collected after 5:30pm.

## Environment

The current collection format means that the recycling service is under pressure to empty the bins over four days. The Contractor has been managing the situation however, it has resulted in greater compaction of the collected recyclables which caused unintended damage, for example glass shards impregnate paper resulting in a lesser sale price.

The improved utilisation of the fleet will mean less fuel and as a result lessen the carbon footprint of the City's waste and recycling services.

### **Consultation:**

The City has been discussing the proposed changes with the City of Wanneroo and the recycling contractor, Cleanaway. A number of meetings have taken place to develop the best option. The community will be advised in line with the Communication plan. The plan includes:

- Flyers to all affected residents via letter box drop;
- Print advertising in Weekender Community newspaper;
- Advice on the City's Website;
- Waste and recycling fridge calendar reissued to coincide with the changes;
- Bin stickers applied to bins placed out on the wrong day during the transition period;
- Advice that there is no cost to the resident for the changes over the transition period.

### **COMMENT**

Both the Cities recognise the need to change the collections days for efficient delivery of the waste and recycling service. The change will result in a short term inconvenience to residents, however a procedure will be put in place so there will be minimal disruption and no resident is penalised during the transition period. Under the Service Level Agreement, the City of Wanneroo is only required to give the City 14 days notice of the changes before implementation.

### **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Hollywood, SECONDED Cr Gobbert that Council NOTES the changes in the collection schedules as proposed by the City of Wanneroo as set out in Attachment 1 to Report CJ047-03/10.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution after consideration of Item CJ051-03/10, Page 131 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16brf090310.pdf](#)*

**CJ048-03/10      STREET LIGHTING - HARLEY PLACE, KINGSLEY****WARD:** South-East**RESPONSIBLE  
DIRECTOR:** Mr Martyn Glover  
Infrastructure Services**FILE NUMBER:** 08286**ATTACHMENTS:** Attachment 1 Existing Street Lighting Layout  
Attachment 2 Option 1 Street Lighting Layout  
Attachment 3 Option 2 Street Lighting Layout

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**PURPOSE**

This report provides background and detail information about the results of a survey of residents in Harley Place, Kingsley for an improved street lighting scheme.

**EXECUTIVE SUMMARY**

In May 2008 the City received a request from a resident of Harley Place, Kingsley for improved street lighting at the head of the cul de sac. Harley Place is 110 metres long with only one light in the street and another light at the junction of Harley Place and Edwin Street. A locality plan of the existing street lighting layout is shown at Attachment 1.

The City sought quotations from, and issued purchase orders, for Western Power to undertake an improved street lighting installation for the street as shown at Attachment 2. Work commenced on site by Western Power contractors in March and April 2009 where orange electrical conduit only was installed and left proud of the verge level indicating the location of the poles. The City did not receive any complaints at that time; however when poles were due to be installed in May 2009, the residents at house numbers 3, 4, 5 and 6 Harley Place complained and requested its removal from the scheme. The City postponed the works and advised the owners it would undertake a survey of all residents in Harley Place on two lighting schemes to improve illumination in the street and report the results of the survey to Council.

In November and December 2009 the City undertook a survey of all 12 residents in the street requesting their preference of two lighting scheme options. There was not a clear majority for either option. As the City needs to provide a service that meets the needs of most residents, it is considered that the Option 2 scheme, as shown at Attachment 3, provides sufficient improved illumination in the street compared to the existing layout. Funds are available from the Street Lighting Program to undertake this option.

*That Council APPROVES the installation of Street Lighting Option 2 to Harley Place, Kingsley as shown on Attachment 3 to Report CJ048-03/10.*



## BACKGROUND

In May 2008 the City received a request from a resident of Harley Place, Kingsley for improved street lighting at the head of the cul de sac. The resident advised that anti-social behaviour had occurred on a number of occasions in the street and around a public access way (PAW) that ran off the cul de sac northwards to Glenfield Road. The resident was concerned about the poor illumination in the street and the level of safety and security for visitors and residents.

Harley Place is 110 metres long with only one light in the street approximately 40 metres from the head of the cul de sac and 80 metres from another light at the junction of Harley Place and Edwin Street. The City advised the resident that an investigation would be undertaken of the street lighting.

As a result of that investigation, the City advised the resident on 21 May 2008 that it would seek quotations from Western Power for an improved street lighting scheme for the street. A revised street lighting layout that improved uniformity of illumination in the street was proposed and forwarded to Western Power for a quotation. This layout is Option 1 as shown at Attachment 2.

Community consultation for the revised layout was not undertaken as it was understood that the resident had spoken to other residents in the street and that an improved lighting scheme would be welcomed by residents. In addition, the City had completed many other installations where community consultation had not been necessary because of the residents' general acceptance of pole locations for improved carriageway lighting and the safety and security benefits for pedestrians and cyclists.

The City received an indicative quotation from Western Power for \$10,985 to undertake the design and construction of the project. A purchase order was issued for \$1,098 for design of the scheme in September 2008. Following a revised construction estimate, a purchase order for \$8,925 was issued in December 2008 for installation of the scheme.

Work commenced on site by Western Power contractors in March to April 2009 where conduits only were initially installed because there was an on-going shortage of poles. During the installation of the conduit, the City liaised with the owner of House No 6 to ensure the location of the conduit and pole was slightly adjusted to be clear of a brick paved area used to park a caravan.

At this stage 300 mm of orange electrical conduit was left standing proud of the verge level indicating the location of the poles. It was clear to the owners of house numbers 4 and 6 and 7 and 9 Harley Place that poles would be located where the conduit was exposed. The City did not receive any complaints at that time.

Poles were delivered on site in late May 2009. On 2 June 2009, the residents at house numbers 3, 4, 5 and 6 Harley Place wrote to Council and the City to complain about the location of the pole near their house and requested the removal of the street light. As a result the City advised Western Power to put a hold on the works, relocate the poles off the affected verges and to postpone the works until further notice.

The City advised those owners on 9 June 2009 that the works were to be postponed and it would undertake a survey of all residents in Harley Place on two lighting schemes to improve illumination in the street and report the results of the survey to Council.

## DETAILS

In November 2009 the City wrote to all 12 residents in the street requesting their preference of two options for improved lighting scheme in Harley Place.

Option 1 - This option provides lighting at the head of the cul-de-sac and public access way and improves the uniformity of illumination along the full length of Harley Place. It involved:

- the removal of the existing street light on the north side of Harley Place between house numbers 5 and 7;
- installation of a new light at the end of the public access way between house numbers 7 and 9 and on the west side of the path
- Installation of a new light on the south side of Harley Place between house numbers 4 and 6.

The layout of Option 1 is shown at Attachment 2. These works were in progress before postponement in late May 2009.

Option 2 - This option provides lighting at the head of the cul-de-sac and improves the uniformity of illumination between house numbers 7 to 12 (inclusive). A darker area in front of the boundaries of house numbers 1 & 3 and 2 & 4 is retained. The layout of Option 2 is shown at Attachment 3 and involves:

- the retention of the existing street light between house numbers 5 and 7;
- installation of a new light at the head of the cul-de-sac between house numbers 10 and 12.

Neither option complies with Australian Standards for street lighting AS1158. The above options provide sufficient additional illumination in the street at this time to meet residents' needs and which can be progressed to an Australian Standards compliant installation if required.

There were twelve survey forms sent out, and seven were returned, with the results as follows:

	Option 1	Option 2
Residents in Favour of one Option only	4	2
Residents in Favour of both Options	1	1
Totals	5	3

The voting patterns are shown on Attachments 2 and 3 as a tick on the house number for that option. Note that one resident voted for both options.

There is not a clear majority for either option given that 5 out of 12 property owners did not reply to the survey. As a result, other factors that may influence a decision are:

- 1 How the installation of Option 1, which is opposed by the two residents either side of one of the new street lights, will affect the sense of community and harmony in Harley Place;

- 2 The installation of Option 2, although not as efficient in terms of illumination as Option 1, meets the criteria of illuminating the head of the cul de sac and the public access way and may be a compromise that enables all residents in the street to have some level of support;
- 3 The additional costs to the City if Option 1 is discontinued.

Items 1 and 2 are related and can be a real issue in local streets and communities. The City exists to represent the interests of all residents and to provide equality of services and works. It needs to respect that not all residents agree on improved services and make arrangements to meet most residents' needs.

Item 3 - The additional costs to the City if Option 2 is selected is expected to be in the order of \$5000. The existing installed conduits can be capped off and a single new conduit installed to connect to a new pole located on the verge between house numbers 10 and 12. Before the City requests a revised quotation from Western Power, it formally advises the owners of numbers 10 and 12 Harley Place of the location of the pole and marks the location on site for confirmation and approval of the residents.

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

**Legislation** Not Applicable.

#### **Strategic Plan**

**Key Focus Area:** 4.0 The Built Environment

**Objective:** 4.2.4 Support initiatives for the undergrounding of power to improve the amenity of areas.

**Policy** Not Applicable.

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

The risk for the City is that as improved street lighting is installed in Harley Place, other residents in nearby streets will want the same level of illumination. Even though this area has underground power, there are many similar areas across the City where the existing street lighting is well below Australian Standard. The cost of upgrade is substantial and would be at the City's expense. Western Power owns, operates and maintains the street light system but does not upgrade it unless it is part of an overhead power to underground power conversion or luminaires need to be replaced because original fittings are no longer available.

The provision of lighting improvement schemes fully compliant to AS standards needs to be judged against the cost of the scheme and the precedent it might create in the area. Other factors are the traffic volumes on the road, the extent of pedestrian traffic and local security and safety issues.

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

The cost of Option 1 was \$10,023. It is expected that by not installing the 2 original poles and not removing and disconnecting the existing pole in the scheme, a saving of \$4,000 will be achieved. The cost of work to date is estimated to be \$6,023.

The estimated cost of Option 2 is \$5,000. Therefore the total cost of the project is estimated to be \$11,023. Funds to complete the project are available in the Street Lighting Program - Project W1330 - Environmental Design Lighting - \$27,343.

**Regional Significance:** Not Applicable.

**Sustainability Implications:** Not Applicable.

**Consultation:**

The City did not consult with all the residents before implementing Option 1 in December 2008.

Consultation has since taken place with all the residents of Harley Place when the works were postponed in May 2009.

Additional consultation will be undertaken with two people to ensure the preferred street lighting option is approved by affected residents.

**COMMENT**

The City postponed the works on Option 1 in May 2009 and now needs to progress this project to completion. A survey was undertaken in November/December 2009 which did not provide conclusive results for either option but guidance as to a way forward. It is likely that had consultation been undertaken before the project commenced then the same two residents would have objected to a new street light at that location. The City would have considered other locations and options for improved street lighting in Harley Place.

It is considered that Option 2 provides sufficient improved illumination in the street compared to the existing layout and still meets the needs of resident safety and security at the head of the cul de sac. Although additional funds are required, it can be accommodated within the Street Lighting Program. It is recommended that Council installs Option 2 for the street lighting scheme in Harley Place, Kingsley.

**VOTING REQUIREMENTS**

Simple Majority

*The Chief Executive Officer left the Chamber at 2028 hrs*

**OFFICER'S RECOMMENDATION**

That Council APPROVES the installation of Street Lighting Option 2 to Harley Place, Kingsley as shown on Attachment 3 to Report CJ048-03/10.

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

- 1 **APPROVES** the installation of Street Lighting to Harley Place, Kingsley which includes new street lights at locations adjacent to the boundary between Nos 3 and 5 and the boundary between No 9 and the Public Access Way as well as the removal of the existing street light adjacent to the boundary between Nos 5 and 7;
- 2 **APPROVES** the provision of a rear shade to the new street light between Nos 3 and 5.

*The Chief Executive Officer entered the Chamber at 2030 hrs*

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17brf090310.pdf](#)*

## **CJ049-03/10 LIMESTONE MOUND AT INTERSECTION OF MITCHELL FREEWAY AND SHENTON AVENUE**

**WARD:** All

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

**FILE NUMBER:** 02804, 04013, 05763, 06763, 09131, 37219, 42015, 42421, 43932, 44356, 44431, 59093, 72619, 81001, 85471, 02416

**ATTACHMENTS:** Attachment 1 Photograph of earth mound at Shenton Avenue Interchange

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### **PURPOSE**

To seek Council's direction regarding the removal and revegetation of the limestone mound left behind as part of the Mitchell Freeway extension project at the intersection of Shenton Avenue.

### **EXECUTIVE SUMMARY**

Following the completion of the Mitchell Freeway extension Council considered at its Ordinary meeting of 21 July 2009 a request from Main Roads WA for proclamation of the section of the Freeway and its associated ramps and paths as 'Highways'.

Following this meeting, the City has corresponded and met with Main Roads WA with regard to the removal of the limestone mound. An offer to remove three metres in height from the top of the limestone mound as part of the earthworks of the next section of the freeway has been received from Main Roads WA. It is considered that this offer did not meet the expectations of the City as there is no fixed date for the next stage of the Mitchell Freeway and the bulk of the mound will remain even after the top three metres are removed.

*It is recommended that Council:*

- 1 *DECLINES the offer from Main Roads WA to remove three metres in height from the top of the limestone mound as part of the earthworks for the next section of the of the Freeway;*
- 2 *REQUESTS that Main Roads WA arranges for the removal during the next twelve months of the top of the limestone mound to a height no greater than one metre above the height of the off ramp for the length of the ramp and revegetates the remnant mound during the winter of 2011.*

## **BACKGROUND**

Council at its Ordinary Meeting of 21 July 2009 considered a request for Council's endorsement of proclamation documents for the Mitchell Freeway and resolved:

*"That Council, subject to the removal of the large earth mound of material between the northbound offramp and the Mitchell Freeway at the Shenton Avenue interchange:*

- 1 *AGREES with the proposal submitted by Main Roads WA to proclaim the section of Mitchell Freeway from Hodges Drive to Burns Beach Road as a Highway as detailed on Main Roads Drawing Numbers 0921-378-01, 0921-083-00, 0921-0384-00 and 0921-0385-00;*
- 2 *AUTHORISES the Chief Executive Officer to endorse Main Roads Drawing Numbers 0921-378-01, 0921-083-00, 0921-0384-00 and 0921-0385-00 for this present proclamation and to endorse Drawing Numbers 0921-0379-00, 0921-0380-00, 0921-0381-00 0921-0382-00, 0921-0383-00 and 0921-0386-00 for previous proclamations."*

Following this decision of Council, the City wrote to Main Roads WA on 18 August 2009 but received no response. A follow up letter was sent on 17 November 2009 and the City was subsequently contacted by Main Roads WA and arrangements were made for a site meeting on 22 December 2009.

Main Roads WA considered that the bulk of the earth mound was consolidated limestone rock and it was left because it was a natural formation although the shape had been earthworked to the trapezoidal mound which remains (see attached photograph 1).

However, it was agreed that the mound could be removed subject to the City accepting that the removal would take place as part of the next stage of the Mitchell Freeway. In the meantime Main Roads WA has offered to provide landscaping of the mound to soften the impact.

## DETAILS

### Issues and options considered:

#### 1 Accept offer

The offer is to reduce the mound in height by three metres with the work to take place with the next stage of the Mitchell Freeway. In the meantime Main Roads WA will revegetate the northern and southern faces of the mound during the winter of 2010.

The negatives for this offer are that there is no fixed date for the next stage of the Mitchell Freeway and the bulk of the mound remains even after the top three metres are removed.

#### 2 Not accept offer

The City's preferred position would be that the mound is removed to a level approximately one metre above the level of the off ramps continuously along the off ramps as soon as possible and not linked to the next stage of the Freeway.

The positives for this position are that motorists would not have their view of the approaching City blocked out by the mound and the off ramps become more of a welcoming approach to the City Centre.

It is noted that the Council has conditioned this project on the proclamation of the Freeway consequently the Freeway is yet to be proclaimed. However, Main Roads WA have advised that the proclamation of the Freeway does not require local government approval although the Main Roads Act 1930 requires that local government be consulted and any objections considered. If the local government remains aggrieved then there is the ability to appeal to the Minister.

### Legislation/Strategic Plan/Policy Implications

**Legislation**                      The proclamation of the Highway is in accordance with Section 13 of the Main Roads Act 1930.

#### Strategic Plan

**Key Focus Area:**              Not Applicable.

**Objective:**                      Not Applicable.

**Policy**                              Not Applicable.

### Risk Management considerations:

Not Applicable.

### Financial/Budget Implications:

There are no financial or budget implications for Council as Main Roads Western Australia becomes the sole provider of the road and is therefore responsible for all maintenance, refurbishment and construction works on the Freeway.

**Regional Significance:**

The Mitchell Freeway is the major north-south arterial road to the north of the Perth CBD and the Shenton Avenue intersection is a major access into the Joondalup City Centre.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

Although the offer from Main Roads WA may be considered a reasonable compromise, there is no guarantee that the mound will be removed in the near future. The Shenton Avenue intersection is a major access into the City Centre and Main Roads WA should be encouraged to remove the bulk of the mound at the earliest opportunity. It is therefore recommended that the Main Roads WA offer not be accepted and Main Roads be requested to remove the mound to a height of no greater than one metre above the height of the off ramp for its full length within the next twelve months with revegetation to take place in the winter of 2011.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Hollywood, SECONDED Cr Gobbert that Council:**

- 1**     **DECLINES** the offer from Main Roads WA to remove three metres in height from the top of the limestone mound as part of the earthworks for the next section of the Freeway;
- 2**     **REQUESTS** that Main Roads WA arranges for the removal during the next twelve months of the top of the limestone mound to a height no greater than one metre above the height of the off ramp for the length of the ramp and revegetates the remnant mound during the winter of 2011.

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution after consideration of Item CJ051-03/10, Page 131 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

*Appendix 18 refers*

To access this attachment on electronic document, click here: [Attach18brf090310.pdf](#)



## **CJ050-03/10      PETITION REQUESTING THE CLOSURE OF THE ACCESSWAY BETWEEN DELONIX CIRCLE AND TRAPPERS DRIVE, WOODVALE**

<b>WARD:</b>	Central
<b>RESPONSIBLE DIRECTOR:</b>	Mr Martyn Glover Infrastructure Services
<b>FILE NUMBER:</b>	03065, 09070
<b>ATTACHMENTS:</b>	Attachment 1      Opening between Delonix Circle and Trappers Drive, Woodvale Attachment 2      Alternative pedestrian routes Attachment 3      Respondents option preferences Attachment 4      Photographs of existing retaining wall

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### **PURPOSE**

The purpose of this report is for Council to consider a fifty (50) signature petition to construct a fence along the opening between Trappers Drive and Delonix Circle, Woodvale.

### **EXECUTIVE SUMMARY**

A petition was received by Council on 15 September 2009 requesting the construction of a suitably designed fence along the opening between Trappers Drive and Delonix Circle, Woodvale to restrict the movement of anti-social youths who utilise the opening as a shortcut to access Timberlane Reserve.

*It is recommended that Council:*

- 1      in relation to the petition requesting the closure of the accessway between Delonix Circle and Trappers Drive, Woodvale, ENDORSES the installation of a poolstyle fence with a new opening approximately 40 metres north of the existing access, subject to affected residents in the area supporting the option;*
- 2      ADVISES the lead petitioner of Council's decision.*

### **BACKGROUND**

At the Ordinary Meeting of Council held on 15 September 2009, a fifty (50) signature petition was received from residents of Delonix Circle, Woodvale and other local streets, requesting that the City *“Construct a suitably designed fence along the opening between Trappers Drive and Delonix Circle, Woodvale to restrict the current movement of anti-social youth who utilise the opening as a shortcut to access Timberlane Reserve and in the process cause significant disturbance and damage to the residential properties located on Delonix Circle.”*

The opening is situated along a low level retaining wall between Delonix Circle and Trappers Drive, Woodvale (Attachment 1 refers). The site is located at the southern end of Trappers Drive near the intersection of Whitfords Avenue, Woodvale.

## **DETAILS**

Local residents have requested that the opening and pedestrian accessway be closed between Delonix Circle and Trappers Drive, Woodvale. Residents have experienced anti-social behaviour, vandalism and damage caused to properties on Delonix Circle, Woodvale by youths using the opening on Trappers Drive en route from the bottle shop to Timberlane Reserve.

The length of the opening is 150 metres and the closure would start at 64 Delonix Circle and finish at number 68 Delonix Circle.

In the last six months there have been six reports to Police and City Watch concerning anti-social behaviour in the area. The complaints received by City Watch have included graffiti on property walls, property damage, abusive behaviour, throwing bottles at a resident and allegations of marijuana smoking.

The City conducted a community consultation survey of residents in Delonix Circle and surrounding streets. Residents were given a number of options to close the opening including installation of a fence, installation of a wall structure or do nothing.

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

#### **Wall Structure**

Established trees and shrubs are in place along the length of the opening which would have to be pruned for construction purposes. The trees would need an extreme pruning or removal if a wall were to be constructed mainly due to the deep rooting and alignment required for the wall. If a wall is constructed along the opening there will be no visibility from Delonix Circle to Trappers Drive and although it may provide an enhanced feeling of security it may be intrusive to adjacent residents and lead to a feeling of being enclosed and boxed in.

Installation of a wall can lead to other issues including it becoming the target for graffiti and risk issues in relation to road traffic accidents.

#### **Fence Structure**

A pool style fence would reduce damage to the trees as the area to erect a fence is not as great and the trees could grow back following construction works. The fence would have vertical posts with a maximum space between posts of 100mm and the maximum space below the fence of 100mm. There will be no footholds.

A fence would provide a sense of security whilst restricting access to Delonix Circle from Trappers Drive, it cannot be easily climbed, would be more aesthetically pleasing than a solid wall of bricks and visibility would be unobstructed.

Complete closure of the opening will cause inconvenience to pedestrians residing in streets that adjoin Delonix Circle as access to the shopping centre and bus stop at Trappers Drive would involve taking a longer routes (attachment 2). Gaining access to Trappers Drive would involve walking north through Sapium Way and head West along Timberlane Drive towards Trappers Drive. This route would add 380 metres to the pedestrian journey. Alternatively, pedestrians can proceed south along Ardisia Way and then head west along Woodvale Drive towards the shopping centre. This route would add 210 metres to the pedestrian journey. The extra distance to access the shopping centre and bus stop on Trappers Drive would be an issue for elderly and disabled persons.

**Do Nothing**

Failure to close the opening between Delonix Circle and Trappers Drive would lead to continued issues and complaints concerning anti-social behaviour from persons using the thoroughfare to access Timberlane Reserve.

**Legislation/Strategic Plan/Policy Implications**

**Legislation** Not Applicable.

**Strategic Plan**

**Key Focus Area:** Not Applicable.

**Policy** Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

The length of the opening between Delonix Circle and Trappers Drive, Woodvale is 150 metres. Installation cost of a fence structure (pool type) to close the opening is approximately \$55,000 excluding GST. The fence structure will require tamper proof anti-theft nuts and bolts with shields to protect theft of sections of the fence which results in the high cost of the fence. The fencing can be attached to the existing double brick retaining wall which is along the majority of the opening. A number of post supports with concrete bases will need to be installed where a pedestrian opening is located.

Installation of a brick wall structure, to match the existing walls and pillars in the area, is approximately \$145,000. The wall would have to match the existing wall which consists of concrete pillars at 3 metre intervals within the brick work which have circular pre-cast caps at the top of each pillar. Installation of the pillars will be expensive because of the substantial footings required to install the pillars and wall adjacent to a retaining wall.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The City has conducted a community consultation of all residents in Delonix Circle and adjoining streets to canvass opinion on the closure of the opening. The community consultation was sent to all affected residents in Delonix Circle, Sapium Way, Lathyrus Mews and Ardisia Way.

Residents in the adjoining streets were consulted as they may use the pedestrian access via Delonix Circle to Trappers Drive.

Residents were given the following five (5) options to consider:

- 1 Install a suitably designed fence, which would be attached to the retaining wall, along the length of the opening between Trappers Drive and Delonix Circle.
- 2 Install a suitably designed fence with an opening (approximately 2.0 metres wide) at the existing access point at the southern end.
- 3 Install a wall type structure the full length of the opening.
- 4 Install a wall type structure with an opening (approximately 2.0 metres wide) at the existing pedestrian access point at the southern end.
- 5 No fence or wall installation (leave as it is).

The community consultation forms were sent to all affected residents (105) in the area on 22 January 2010 with replies requested by 29 January 2010. Following the close off date one more response was received and this was included in the analysis.

The City received forty-two (42) responses and twenty-two (22) responses requested the closure of the opening. There were nineteen respondents who requested that an opening be retained and one who made no choice (attachment 3 shows option preferences).

The returned forms showed the following results:

Option 1	Install a suitably designed fence, which would be attached to the retaining wall, along the length of the opening between Trappers Drive and Delonix Circle	8
Option 2	Install a suitably designed fence with an opening (approximately 2.0 metres wide) at the existing access point at the southern end.	4
Option 3	Install a wall type structure the full length of the opening.	14
Option 4	Install a wall type structure with an opening (approximately 2.0 metres wide) at the existing pedestrian access point at the southern end.	7
Option 5	No fence or wall installation (leave as it is).	8
	Reply received but no choice made	1

There were twelve (12) who supported a fence, twenty-one (21) who supported a wall and eight (8) who wished that there be no structure at all (status quo). The survey has provided no real mandate consequently it may be appropriate to consider a hybrid solution.

The existing retaining wall (Attachment 4 refers) is less than one metre in height consequently it does not require a fence according to the building regulations, however it is a busy pedestrian thoroughfare and it does present a risk for passing pedestrians who could fall down the wall especially at night. In terms of the risk, access and providing security a solution may be to install a pool style fence and retain a pedestrian gate away from the existing preferred access point. Currently pedestrians tend to access the southern end adjacent to No. 70 Delonix Circle.

It is important to review the opinions of the properties immediately adjacent to the potential fence / wall.

The houses adjacent to the current access point wish to have a fence or wall and the access closed while two of the of the three houses to the middle of the opening want the space to remain as it is (no fence). This situation also supports the hybrid option with the key being the location of the pedestrian gate.

If a pedestrian gate is located 40 metres to the north of its current location, it will direct pedestrian access along the roadway away from houses. There will also be a need to build a ramp to accommodate universal access.

### **COMMENT**

There is currently no provision in the 2010/2011 draft Capital Works Program for the construction of a wall or fence to close the opening between Delonix Circle and Trappers Drive, Woodvale. The cost of the fence would be in order of \$55,000. Because the recommended response is a hybrid, it is recommended that the petitioners and survey participants be advised of Council's preferred solution and requested to comment. If the residents support this option then provision can be made in future budgets to construct the fence.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That Council:

- 1 in relation to the petition requesting the closure of the accessway between Delonix Circle and Trappers Drive, Woodvale, **ENDORSES** the installation of a poolstyle fence with a new opening approximately 40 metres north of the existing access, subject to affected residents in the area supporting the option;
- 2 **ADVISES** the lead petitioner of Council's decision.

### **MOVED Cr Gobbert SECONDED Cr Amphlett that Council:**

- 1 in relation to the petition requesting the closure of the accessway between Delonix Circle and Trappers Drive, Woodvale, **ENDORSES** the installation of a 1.8 metre high open railing fence, powder coated dark blue to match the existing boundary wall colour scheme;
- 2 **REQUIRES** that there is a pedestrian gate at the most northern location along the proposed fence;
- 3 **AGREES** to plant a screen of native vegetation in winter 2010 in advance of the fence installation;

- 4 **AGREES** that the native vegetation will be planted in such a manner that the fence will be ultimately obscured by the vegetation growth;
- 5 **INCLUDES** the consideration of the fence in the draft 2010/11 budget;
- 6 **ADVISES** the lead petitioner of Council's decision.

The Motion was Put and

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

*Appendix 19 refers*

To access this attachment on electronic document, click here: [Attach19brf090310.pdf](#)

#### Declaration of Interest Affecting Impartiality

<b>Name/Position</b>	<b>Cr Christine Hamilton-Prime</b>
<b>Item No/Subject</b>	CJ051-03/10 - Petition requesting removal of roof structures and light poles - Troy Avenue, Marmion and Ross Avenue, Sorrento
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Hamilton-Prime's brother works for the lead petitioner.

<b>Name/Position</b>	<b>Cr Mike Norman</b>
<b>Item No/Subject</b>	CJ051-03/10 - Petition requesting removal of roof structures and light poles - Troy Avenue, Marmion and Ross Avenue, Sorrento
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Norman performs the role of Coordinator of Friends of Sorrento Beach

### **CJ051-03/10 PETITION REQUESTING REMOVAL OF ROOF STRUCTURES AND LIGHT POLES - TROY AVENUE, MARMION AND ROSS AVENUE, SORRENTO**

**WARD:** South-West and South

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

**FILE NUMBER:** 06527, 08069

**ATTACHMENTS:** Attachment 1 Photographs of shade structures and path lighting  
Attachment 2 Photographs of shade structure and lighting from 28 West Coast Drive

#### **PURPOSE**

To consider a one hundred and forty two (142) signature petition requesting the removal of shade structures and light poles adjacent to Troy Avenue, Marmion, and the removal of the shade structure opposite Ross Avenue, Sorrento.

## EXECUTIVE SUMMARY

The West Coast Drive Dual Use Path runs parallel with the Indian Ocean along West Coast Drive (also known as the Sunset Coast Tourist Drive) for 1.8km. The path is in high demand for public recreation activities such as walking, running and cycling. Upgrading the path as a project was identified as a priority for the 2006/2007 Capital Works Program and funds were allocated to undertake a feasibility study of the proposed project. The design phase for the upgrade was undertaken in 2008/2009 with construction taking place in 2009/2010.

Council at its Ordinary Meeting on 17 November 2009 resolved:

*“That the petition requesting the removal of the recently installed northern and southern shade structures along West Coast Drive and the street lighting pole approximately adjacent to Troy Avenue, Marmion be RECEIVED, referred to the CEO and a subsequent report presented to Council for information.”*

*It is recommended that Council:*

- 1 *Does NOT SUPPORT the request to remove the recently constructed shade structures approximately adjacent to Ross Avenue, Sorrento and Troy Avenue, Marmion;*
- 2 *Does NOT SUPPORT the request to remove the recently constructed pathway lighting approximately adjacent to Troy Avenue, Marmion;*
- 3 *ADVISES the petition organiser for the removal of shade structures and lighting along West Coast Drive, Marmion of its decision.*

## BACKGROUND

The West Coast Drive Dual Use Path runs parallel with the Indian Ocean along West Coast Drive (also known as the Sunset Coast Tourist Drive) for 1.8km. The path is in high demand for public recreation activities such as walking, running and cycling. The upgrade works included the construction of limestone retaining walls, upgrading of the dual use path and pathway lighting, installation of shade structures, balustrades, new beach accesses and street furniture.

In September 2006, Cardno BSD Engineers were commissioned as consultants for the upgrade of the path. The first draft of a Concept Plan was workshopped in November 2006. The Revised Concept Design incorporating additional environmental assessments and mapping by the consultant team was presented to Council on 22 May 2007. The consultant's report was endorsed and Council approved progress with the project to the community consultation stage, which began with an Open Night held at the Sorrento Surf Life Saving Club on 9 August 2007.

At the Ordinary Meeting of 20 November 2007 Council considered the feedback from the community consultation process for this project and resolved to progress to the detailed design stage with a number of key elements to be considered as part of the design. Three of the elements to be considered related to the shade structure opposite Ross Avenue, the proposed shade structure south of the MAAC and the lighting along the sunken section of the path.

*Council resolved in part, that:*

- “2 in keeping with the community consultation feedback, AGREES to progress to detailed final design with the following elements to be included:*

- (f) *Reconfigure the sunken DUP located between Troy Avenue and Bettles Street to include footpath lighting (the option of solar lighting to be considered), widening and retaining the DUP to the east and enhance the lookouts to incorporate appropriate predominately north-south aligned seating;*
- (i) *Relocate the Ross Avenue Lookout site to the north of the existing stairs, construct the viewing platform at grade with the DUP and erect a fixed shade structure (as at Sorrento Beach);*
- (j) *Not relocate the ablution block to the MAAC North site but rather reconfigure the MAAC South site to incorporate an upgraded ablution block under the viewing platform, extend the viewing platform area with predominately north-south aligned seating and erect a fixed shade structure (as at Sorrento Beach);”*

(Note: this is an extract from the Council resolution).

In keeping with the above elements the City progressed to final design stage incorporating lighting in the sunken section of the DUP and the relocation of the Ross Avenue look-out.

The lookout to the south of the MAAC surrounds a sewer pump station, consequently a fixed shade structure was not permitted. To offset this the City provided fixed shade structures to the lookouts along the sunken section of the dual use path.

On 10 June 2008 a presentation was delivered to Council identifying the lookout sites and a Report presented to Council on 15 July 2008.

At the Ordinary Meeting of 15 July 2008 Council was provided with the following design responses relating to the key elements identified as a result of the community consultation:

- (f) *“Reconfigure the sunken DUP located between Troy Avenue and Bettles Street to include footpath lighting (the option of solar lighting to be considered), widening and retaining the DUP to the east and enhance the lookouts to incorporate appropriate predominately north-south aligned seating”*

Response: The final design includes the lighting which is connected to the streetlight network, using low energy lighting of compact fluorescent globes.

- (i) *“Relocate the Ross Avenue Lookout site to the north of the existing stairs, construct the viewing platform at grade with the DUP and erect a fixed shade structure (as at Sorrento Beach)”.*

Response: This is included in the design.

- (j) *“Not relocate the ablution block to the MAAC North site but rather reconfigure the MAAC South site to incorporate an upgraded ablution block under the viewing platform, extend the viewing platform area with predominately north-south aligned seating and erect a fixed shade structure (as at Sorrento Beach)”.*

Response: The ablution block has not been relocated and a universal access has been proposed from the carpark. The north-south treatment between the ablution block and the MAAC will be subject to future design following the connection of the deep sewer.



Council subsequently approved a final design on 16 December 2008 (CJ278-12/08 refers) which addressed these issues (including shade structure details and lighting design) and provides an enhanced environment for all the users of this section of the coastal pathway

Downer Edi Works were awarded the tender for the construction of the dual use path at the Ordinary Meeting of 19 May 2009 and began construction on 6 July 2009.

In July 2009 the City received complaints from residents adjacent to the Ross Avenue lookout. Residents were opposed to the general design and location of the proposed fixed shade structure and requested that it be removed or relocated. The City advised the complainants that the shade structure would remain as approved by Council.

The upgrade works were completed in October 2009 and included the construction of limestone retaining walls, upgrading of the dual use path and pathway lighting, installation of shade structures, balustrades, new beach accesses and street furniture.

A one hundred and forty two (142) signature petition requesting the removal of shade structures and light poles adjacent to Troy Avenue, Marmion, and the removal of the shade structure opposite Ross Avenue, Sorrento was received by Council at its Ordinary Meeting on 17 November 2009.

## **DETAILS**

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

#### Shade Structure

Originally it was proposed that the shade structures be constructed as sails however Council, at its Ordinary Council Meeting of 20 November 2007, prescribed the 'Sorrento style' structure because it was a continuation of the theme and was more resistant to vandalism.

The City has utilised materials in the construction of the shade structures chosen for their 'natural' aesthetic look, high quality, preservation of visual permeability and compatibility with existing improvements to the north of the project area. Materials were also required to have a degree of vandal resistance and the capability to withstand the weather extremes of the coastal environment. The height of the structures is similar to the Sorrento Foreshore structures and is beneficial in discouraging the general public from accessing the roof area.

#### Shade Structure – Location

Shaded lookouts have been constructed at a number of key opportunity sites along the dual use path. They provide all path users with a seated rest area with protection from the sun and panoramic views of the coastline.

All lookout locations along the sunken section of the dual use path are approximately 140 metres apart and were upgrades to existing lookouts. These lookouts are all located beneath the road level. The lookout adjacent to Ross Avenue is located approx 680 metres from the northern most lookout (on the sunken section of path). This lookout has been constructed at grade with the road to allow improved access for less able users. The next shaded area for path users is located approximately 850m away at Sorrento Foreshore.

Before construction commenced there was no lookout adjacent to Ross Avenue, however it was identified as an opportunity site. Subsequently it was recommended that a lookout be constructed to accentuate the visual effect afforded by the natural topography. This was endorsed by Council at its meeting of 15 July 2008.

Refer to Attachment 1 for photographs of shade structures.

A City representative attended a meeting in October 2009 where residents discussed their concerns in relation to the shade structures and path lighting (of which the petition received 17 November 2009 relates to). At this meeting a photograph was taken from the balcony of No. 28 West Coast Drive showing the shade structure and lighting adjacent to the property.

Refer to Attachment 2 for photograph taken from the balcony of No. 28 West Coast Drive.

#### Footpath Lighting

The Summary Report prepared for the City in May 2007 mentions the provision of lighting along the new dual use path (refer to extract below).

#### **4.0 Fencing / Dual Use Path Design**

- *Lighting should be integral to the design and should avoid light pollution blocking views and should promote safety along the dual use path.*

The Summary Report was available to the public at the community meeting held at Sorrento Surf Club on 9 August 2007.

The City has utilised the 60W Cosmopolis multi-vapour lamps in WE-EF PFL240-CDOT luminaires in the Sorrento Foreshore development and it was recommended that the same streetlight be used through the path section below the road. The light fitting is a compact fluorescent which provides a white light which has been designed to comply with Australian Standard AS 1158.3.1 for Category P2 lighting. P2 lighting is recommended for dual use pathways with a high level of pedestrian/cycle activity, medium risk of crime and a high need to enhance prestige.

If the lighting is removed from the dual use path the appropriate P2 Australian Standard will not be met.

#### **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:

Key Focus Area 4:      The built environment.

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

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

Outcome: Projects are completed on time, within budget and reflect the interests of the community.

Key Focus Area 5: Community wellbeing.

Objective 5.2: To facilitate healthy lifestyles within the community.

Strategy: 5.2.1 The City provides high quality recreation facilities and programs.

Outcome: The Joondalup community is provided with opportunities to provide a healthy lifestyle.

### **Policy**

Not Applicable.

### **Risk Management considerations:**

Lighting is recommended for dual use pathways with a high level of pedestrian/cycle activity, and medium risk of crime. The lighting should be installed to Australian Standard AS 1158.3.1 for category P2 to ensure there is sufficient light for the cyclists and pedestrians to identify hazards and each other. The installed lighting meets this standard.

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

If a single shade structure was to be removed and relocated elsewhere along the coast, the cost would be in the order of \$105,000. Note that this cost includes construction of a suitable lookout.

### **Regional Significance:**

The enhancement of this section of West Coast Drive is of significant amenity value to the residents of Joondalup, the community at large and visitors to Perth. This is the most picturesque part of the Sunset Coast Tourist Drive and uniquely one of the only parts of the coast directly accessible from a district distributor road.

### **Sustainability Implications:**

#### Social

Shade structures at regular intervals along the new path provide all path users with an opportunity to stop and enjoy the view whilst getting protection from the sun in the heat of the day.

The lighting to the sunken section of the path provides increased safety for path users between dusk and dawn.

### **Consultation:**

Community consultation relating to this project was carried out in August 2007. Two information sessions were held at the Sorrento Surf Life Saving Club to obtain feedback from the community with respect to the overall design and components of the design including fencing, lighting, look-outs and the use of vertical sculpture markers at 'opportunity sites'.

### Community representation

To ensure that adequate representation of local opinion was achieved, participation targets based on the Public Participation Strategy 2006 were identified as follows:

- 30 Sorrento residents
- 30 Marmion residents

Both suburbs are immediately adjacent to the West Coast Drive Dual Use Path. However, it should be noted that the targets were set only to maximise efforts to encourage local participation and were not intended to exclude participation by others with an interest in the Concept Plan.

The public were made aware of the consultation process via:

- Press release
- Signage at a number of places along the Path
- Advertisements in the Public Notices section of local community newspapers
- Posters at all local libraries and at the Customer Service Centres at Whitford City Shopping Centre and the City Administration Centre, Boas Avenue, Joondalup
- Letters to all residents/ratepayer groups within the City
- Letters to local businesses along the path
- Letters to stakeholders including the Marmion Angling and Aquatic Club, the Sorrento Surf Life Saving Club and the Joondalup Community Coast Care Forum
- Letters to randomly selected local residents living within the vicinity of the path in the suburbs of Marmion and Sorrento.

The public provided their feedback on the design in a number of ways:

- By completing and returning hard copies of the survey
- By completing an online version of the survey at the City's website on [www.joondalup.wa.gov.au](http://www.joondalup.wa.gov.au)

There was considerable interest in the concept plan and several members of the community took responsibility for distributing additional copies of the survey to their friends and neighbours so they had an opportunity to comment.

The shade structures to the south were not addressed in the consultation however the provision of lookouts with improved access was.

### Consultation Outcome

In summary, there was widespread community support for the Concept Plan as it was seen as necessary for improving the coastal 'look and feel' of West Coast Drive and for upgrading a path that was viewed as unsafe in its present form as a result of user-congestion. Feedback from the consultation process was considered by Council at the ordinary meeting of 20 November 2007 (CJ235-11/07 refers) with a number of key elements incorporated into the final design.

The resolutions of Council included the requirement for fixed shade structures (as at Sorrento Beach) at two locations.

The shade structures to the south of the project area were not mentioned as part of the community consultation.

## COMMENT

The enhancement of this section of West Coast Drive is of significant amenity value to the residents of Joondalup, the community at large and visitors to Perth. This is the most picturesque part of the Sunset Coast Tourist Drive and uniquely one of the only parts of the coast directly accessible from a district distributor road.

The final design for West Coast Drive Dual Use Path Upgrade has considered all of the Council resolutions of 20 November 2007 and 15 July 2008 and presents a design which provides an enhanced environment for all the users of this section of the coastal pathway.

It is noted that the shade structure to the south of the project was not referred to in the community consultation however the City does have an obligation to provide the community with access to services and facilities that provide protection from ultraviolet radiation. Due to the shade structures visually permeable design and their location below road level (at the southern end) the impact on the panoramic view of residents adjacent to the shade structures is minimal.

The City has received a number of compliments from path users in relation to the overall design and specific elements of the design including the shade structures and lighting.

It is therefore recommended that Council does not support the request to remove the shade structures and light poles approximately adjacent to Troy Avenue, Marmion, and the removal of the shade structure approximately adjacent to Ross Avenue, Sorrento.

## VOTING REQUIREMENTS

Simple Majority

## OFFICER'S RECOMMENDATION

That Council:

- 1 DOES NOT SUPPORT the request to remove the recently constructed shade structures approximately adjacent to Ross Avenue, Sorrento and Troy Avenue, Marmion;
- 2 DOES NOT SUPPORT the request to remove the recently constructed pathway lighting approximately adjacent to Troy Avenue, Marmion;
- 3 ADVISES the petition organiser for the removal of shade structures and lighting along West Coast Drive, Marmion of its decision.

## MOVED Cr Fishwick, SECONDED Cr Norman that Council:

- 1 **DOES NOT SUPPORT the request to remove the recently constructed shade structures approximately adjacent to Ross Avenue, Sorrento and Troy Avenue, Marmion;**
- 2 **DOES NOT SUPPORT the request to remove the recently constructed pathway lighting approximately adjacent to Troy Avenue, Marmion;**

- 3 **REMOVES** the litter receptacle located on the southern side of the shade structure adjacent to Troy Avenue Marmion;
- 4 **UNDERTAKES** as a priority the revegetation in the western verge of West Coast Drive and around the access paths to the beach and lookout structures in that section between Troy Avenue and Bettles Street to soften the built form and reduce the risk of graffiti vandalism;
- 5 **ADVISES** the petition organiser for the removal of shade structures and lighting along West Coast Drive, Marmion of its decision.

**AMENDMENT MOVED** Cr Fishwick **SECONDED** Cr Norman that Point 4 of the Motion be **AMENDED** to read:

**“4 *UNDERTAKES as a priority the revegetation in the western verge of West Coast Drive and around the access paths to the beach (including the access path adjacent to Troy Avenue) and lookout structures in that section between Troy Avenue and Bettles Street to soften the built form and reduce the risk of graffiti vandalism;*”**

**The Amendment was Put and**

**CARRIED (7/4)**

**In favour of the Amendment:** Crs Chester, Diaz, Fishwick, Gobbert Hamilton-Prime, Norman and Taylor  
**Against the Amendment:** Mayor Pickard, Crs Amphlett, Hollywood and McLean

The Mayor advised that Point 4 will be voted on separately.

**The Original Motion, as amended, being:**

**That Council:**

- 1 **DOES NOT SUPPORT** the request to remove the recently constructed shade structures approximately adjacent to Ross Avenue, Sorrento and Troy Avenue, Marmion;
- 2 **DOES NOT SUPPORT** the request to remove the recently constructed pathway lighting approximately adjacent to Troy Avenue, Marmion;
- 3 **REMOVES** the litter receptacle located on the southern side of the shade structure adjacent to Troy Avenue Marmion;
- 5 **ADVISES** the petition organiser for the removal of shade structures and lighting along West Coast Drive, Marmion of its decision.

**Was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

The Original Motion, as amended, being:

That Council:

- 4 **UNDERTAKES as a priority the revegetation in the western verge of West Coast Drive and around the access paths to the beach (including the access path adjacent to Troy Avenue) and lookout structures in that section between Troy Avenue and Bettles Street to soften the built form and reduce the risk of graffiti vandalism.**

Was Put and

**CARRIED (6/5)**

**In favour of the Motion:** Crs Chester, Diaz, Fishwick, Hamilton-Prime, Norman and Taylor **Against the Motion:** Mayor Pickard, Crs Amphlett, Gobbert, Hollywood and McLean

*Appendix 20 refers*

To access this attachment on electronic document, click here: [Attach20brf090310.pdf](#)

**C07-03/10                    COUNCIL DECISION – EN BLOC RESOLUTION - [02154] [08122]**

**MOVED** Cr Hollywood, **SECONDED** Cr Gobbert that pursuant to the Standing Orders Local Law 2005 – Clause 48 - Adoption of Recommendations En Bloc, Council **ADOPTS** Items CJ030-03/10, CJ031-03/10, CJ034-03/10, CJ035-03/10, CJ036-03/10, CJ037-03/10, CJ041-03/10, CJ042-03/10, CJ043-03/10, CJ044-03/10, CJ045-03/10, CJ047-03/10 and CJ049-03/10.

The Motion was Put and

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

**11        REPORT OF THE CHIEF EXECUTIVE OFFICER**

**CJ052-03/10        REQUEST FOR FUNDING - POLICY 8-7 LEGAL REPRESENTATION - FORMER COMMISSIONER MR PETER CLOUGH**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Garry Hunt  
All

**FILE NUMBER:** 13562 01173

**ATTACHMENTS:** Attachment 1        Policy 8-7 – Legal Representation for Elected Members and Employees

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**PURPOSE**

For the Council to give consideration to the request from Mr Peter Clough, former Commissioner for the City of Joondalup for payment of legal representation.

## EXECUTIVE SUMMARY

The Council has received a claim from Mr Peter Clough for legal representation costs he incurred while giving evidence for an investigation. Mr Clough served the City as a Commissioner from 2004 to 2006 and during his term he was appointed to represent the City on the Tamala Park Regional Council.

Mr Clough was summonsed to give evidence as part of the Crime and Corruption investigation of alleged public sector misconduct at the City of Wanneroo.

Mr Clough sought legal representation as part of his requirement to give evidence and incurred costs to the amount of \$10,000. He has subsequently submitted a claim to the City of Joondalup for funding of those legal costs to the amount of \$6,000 in accordance with Policy 8-7 – Legal Representation for Elected Members and Employees.

The report of the investigation has been handed down and found no adverse findings against Mr Clough.

As the claim complies with the requirements of the policy and it is recommended that the request for funding be approved.

## BACKGROUND

In late 2003, the elected Council of the City of Joondalup was suspended and the Minister of the day appointed five (5) Commissioners to act as the Council. Mr Peter Clough was appointed to the position of Deputy Commissioner on 8 June 2004 following the resignation of Mr Allan Drake-Brockman. As part of the role, Commissioners were required to represent the City on various external bodies including the Tamala Park Regional Council. Mr Clough was the City's nominated representative.

## DETAILS

The City of Joondalup has for some time had a policy that relates to dealing with costs associated with legal representation for Elected Members and Employees. The current policy has the following objective: -

*Under the Local Government Act 1995, the City's 'good government' powers allow it, in appropriate circumstances, to pay for the Legal Representation Costs of an individual Elected Member or Employee.*

*This Policy sets out guidelines to assist the Council in determining when it is appropriate to pay Legal Representation Costs.*

*This Policy does not cover legal representation provided to, or on behalf of, the City.*

While the policy stipulates Elected Members and Employees, during the period the elected Council was suspended, the Commissioners served as the elected Council. The definition of Elected Member or Employee within the Policy means a current or former Commissioner, Elected Member or Employee of the City, therefore the policy would apply to claims made by Commissioners during that period.



Mr Clough has submitted a claim to the City to have costs associated with legal representation for his appearance as a witness in the Western Australian Crime and Corruption Commission (CCC) investigation of alleged public sector misconduct at the City of Wanneroo.

Mr Clough was summonsed to give evidence as part of the investigation as a result of his membership on the Tamala Park Regional Council and his need to vote on a matter that was being investigated by the CCC.

In order to prepare himself to give evidence, Mr Clough sought advice from legal firm DLA Phillips Fox and incurred costs to the amount of \$10,000. The claim submitted is for \$6,000.

The policy has the following payment criteria:

*There are three major criteria for determining whether the City should pay the Legal Representation Costs of an Elected Member or Employee. These are:*

- (a) the Legal Representation Costs must relate to a matter that arises from the performance, by the Elected Member or Employee, of his or her functions;*
- (b) the Legal Representation Costs must be in respect of Legal Proceedings that have been, or may be, commenced;*
- (c) in performing his or her functions, to which the Legal Representation relates, the Elected Member or Employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct.*

In response to the criteria, Mr Clough has advised:

- (a) “The issue at question related to my performance as a representative of the City of Joondalup on the Tamala Park Regional Council;*
- (b) The legal proceedings have not only commenced but completed;*
- (c) The CCC has clearly found that I was acting in their words “in the public interest.”*

If the criteria are satisfied, the City may approve the payment of legal representation costs for involvement in a statutory or other inquiry that requires information to be given, or to which information is given, by an Elected Member or Employee in connection with his or her functions.

In the findings of the CCC – Report on the Investigation of Alleged Public Sector Misconduct at the City of Wanneroo the following comment was made:

*“[525] In the circumstances, the evidence does not support a conclusion that Mr Clough acted for any reason other than what was in the public interest, in supporting Mr Salpietro’s election as Chairman of the TPRC. That being so, there is no reasonable basis upon which it could be concluded that he engaged in misconduct within the meaning of Section 4 of the CCC Act, in that regard.”*

**Issues and options considered:**

The policy states that the Council may:

- (a) Refuse;
- (b) Grant; or
- (c) Grant subject to conditions, including financial limit,

an application for payment of legal representation costs.

**Legislation/Strategic Plan/Policy Implications**

**Legislation** Not Applicable.

**Strategic Plan**

**Key Focus Area:** Not Applicable.

**Objective:** Not Applicable.

**Policy** Policy 8-7 – Legal Representation for Elected Members and Employees

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

The request for funding of legal representation is for \$6,000 and the policy limits the claim to \$6,000. However, the Council may by resolution agree to fund over that limit. There are no funds within the 2009/10 budget to meet such costs.

If the request for funding is approved the expenditure will be charged to account 1.120.A1201.3262.0000 (Councillors – Legal Expenses).

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

## COMMENT

Mr Clough attempted to make a claim for the associated legal costs with the State Government but was recently advised that he was not covered by its policy and to make a claim against the City.

The City has received a claim for legal expenses from former Commissioner Mr Peter Clough for his requirement to give evidence as part of a CCC investigation. The claim complies with the requirements of Policy 8-7 with no adverse findings or misconduct found against Mr Clough. It is therefore recommended that the claim be approved.

## VOTING REQUIREMENTS

Absolute Majority

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

- 1 Council in accordance with Policy 8-7 – Legal Representation for Elected members and Employees APPROVES the request for assistance for legal funding made by Peter Clough (Clough Consulting Pty Ltd) for the Crime and Corruption Commission Investigation of Alleged Public Sector Misconduct at the City of Wanneroo to the amount of \$6,000;**
- 2 Request for funding as detailed in (1) above be charged to Account 1.120.A1201.3262.0000.**

The Motion was Put and

**CARRIED BY AN  
ABSOLUTE MAJORITY (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

*Appendix 21 refers*

*To access this attachment on electronic document, click here: [Attach21agn160310.pdf](#)*

## **CJ053-03/10 2009 COMPLIANCE AUDIT RETURN**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr. Jamie Parry Governance and Strategy
<b>FILE NUMBER:</b>	09492
<b>ALT FILE NUMBER:</b>	50068
<b>ATTACHMENTS:</b>	Attachment 1 2009 Compliance Audit Return Attachment 2 Statutory requirements omitted from the 2009 Return

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## PURPOSE

To present the completed 2009 Compliance Audit Return (“the Return”) to Council for final adoption.

## EXECUTIVE SUMMARY

The Department of Local Government (“the Department”) Compliance Audit Return for the period 1 January 2009 to 31 December 2009 has been completed by the City and is required to be submitted to the Department by 31 March 2010.

## BACKGROUND

The Department issued the 2009 Return for local governments on 6 January 2010 for online completion on its website. The 2009 Return was issued to local governments substantially later than the Returns for 2007 and 2008 which were issued 14 November 2007 and 2 December 2008 respectively.

The structure of the Return is similar to previous years and includes the majority of the statutory requirements to be the subject of a compliance audit as listed in Local Government (Audit) Regulation 13. The Return includes the compliance categories of:

- Caravan Parks and Camping Grounds
- Cemeteries
- Commercial Enterprises
- Delegations of Power / Duty
- Disclosure of Interest
- Disposal of Property
- Elections
- Executive Functions
- Finance
- Local Government Employees
- Local Laws
- Meeting Process
- Miscellaneous Provisions
- Official Conduct
- Swimming Pools
- Tenders for Goods and Services

The 2009 Return incorporates all the statutory requirements listed in Regulation 13 of the Local Government (Audit) Regulations 1996, except those provisions which have been omitted by the Department and are listed under Details in this report.

At its meeting held on 16 March 2010, the Audit Committee gave consideration to the 2009 Compliance Audit Return and:

*“RECOMMENDED that Council:*

- 1 *ADOPTS the completed Local Government Compliance Audit Return for the period 1 January 2009 to 31 December 2009 forming Attachment 1 to this Report, subject to Item 17 on Page 11 of 33, being amended to read ‘Yes’;*
- 2 *in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, SUBMITS the completed Compliance Audit Return to the Department of Local Government. “*

## DETAILS

Certain statutory requirements to be the subject of the compliance audit have been omitted from the 2009 Return by the Department. These requirements have been listed with their responses and included as Attachment 2.

### Link to Strategic Plan:

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

### Legislation – Statutory Provisions:

Regulations 14 and 15 of the Local Government (Audit) Regulations 1996 state as follows:

#### **14 Compliance audit return to be prepared**

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3) A compliance audit return is to be:
  - (a) presented to the council at a meeting of the council;
  - (b) adopted by the council; and
  - (c) recorded in the minutes of the meeting at which it is adopted.

#### **15 Completion of compliance audit**

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with:
  - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
  - (b) any additional information explaining or qualifying the compliance audit;

is to be submitted to the Director General, Department of Local Government, by 31 March 2010.

- (2) In this regulation:  
“certified” in relation to a compliance audit return means signed by;
- (a) The mayor or president; and
  - (b) The CEO.

**Risk Management considerations:**

The risk associated with the Council failing to adopt the Return would result in non-compliance with the legislative requirements of the Local Government Act 1995.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The responses to the questions were provided by the appropriate Directors, Managers and employees of the City and entered on the Return on the Department's website. The 2009 Return reveals an extremely high level of compliance with legislation for the City of Joondalup. Where there were any areas of non-compliance relevant comments have been made on the Return.

**VOTING REQUIREMENTS**

Simple majority

Note: It is a requirement of the Return that the details of voting at the Council meeting be recorded in the Minutes.

**MOVED Cr Mclean SECONDED Mayor Pickard that Council:**

- 1 ADOPTS the completed Local Government Compliance Audit Return for the period 1 January 2009 to 31 December 2009 forming Attachment 1 to Report CJ053-03/10, subject to Item 17 on Page 11 of 33, being amended to read 'Yes';**
- 2 in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, SUBMITS the completed Compliance Audit Return to the Department of Local Government.**

**The Motion was Put and****CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

Appendix 22 refers

To access this attachment on electronic document, click here: [Attach22min160310.pdf](#)

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****C08-03/10 NOTICE OF MOTION – CR GEOFF AMPHLETT – PERMANENT JOONDALUP WEEKEND MARKET – [05180]**

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr Geoff Amphlett has given notice of his intention to move the following motion at the Council Meeting to be held on Tuesday, 16 March 2010:

***“That Council REQUESTS a report on the establishment of a permanent weekend market within the City of Joondalup.”***

**Reason for Motion**

Cr Amphlett submitted the following comments in support of his Notice of Motion:

“The establishment of a permanent weekend market in Joondalup City Centre has the potential to be the catalyst to change people’s habits and attract them into the City Centre.

Public markets can become the heart and soul of a community and connect with other retail outlets. A market has the potential to bring people into the heart of the City leading to a new active social and economic community.”

**Officer’s Comment**

A report can be prepared.

**MOVED Cr Amphlett, SECONDED Cr Gobbert that Council REQUESTS a report on the establishment of a permanent weekend market within the City of Joondalup.**

**The Motion was Put and****CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

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

Nil.

## **CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 2106 hrs; the following Elected Members being present at that time:

MAYOR T PICKARD  
Cr K HOLLYWOOD  
Cr T McLEAN  
Cr P TAYLOR  
Cr L GOBBERT  
Cr G AMPHLETT  
Cr J CHESTER  
Cr C HAMILTON-PRIME  
Cr M NORMAN  
Cr R FISHWICK  
Cr F DIAZ



