

# agenda

## Briefing Session

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

**ON** **TUESDAY, 14 SEPTEMBER 2010**  
**COMMENCING AT** **6.30 pm**

**PUBLIC QUESTION TIME**

Members of the public are requested to lodge questions in writing by close of business on **13 September 2010**

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

**QUESTIONS TO**

[council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

PO Box 21 Joondalup WA 6919

[www.joondalup.wa.gov.au](http://www.joondalup.wa.gov.au)

## **BRIEFING SESSIONS**

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

### **INTRODUCTION**

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

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

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

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

### **PURPOSE OF BRIEFING SESSIONS**

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

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

### **PROCEDURES FOR BRIEFING SESSIONS**

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

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

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

## PROCEDURES FOR PUBLIC QUESTION TIME

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

### Questions asked verbally

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

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

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

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

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

#### **DISCLAIMER**

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

## PROCEDURES FOR PUBLIC STATEMENT TIME

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

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

## DEPUTATION SESSIONS

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

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

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

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### **LATE ITEMS / ADDITIONAL INFORMATION**

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

[Additional Information 14.09.10.pdf](#)

## **CITY OF JOONDALUP – BRIEFING SESSION**

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 14 SEPTEMBER 2010** commencing at **6.30 pm**

### **ORDER OF BUSINESS**

- 1 OPEN AND WELCOME**
- 2 DEPUTATIONS**
- 3 PUBLIC QUESTION TIME**
- 4 PUBLIC STATEMENT TIME**
- 5 APOLOGIES AND LEAVE OF ABSENCE**
- 6 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY**
- 7 REPORTS**

## **ITEM 1                    MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT DEVELOPMENT, CODE VARIATIONS AND SUBDIVISION APPLICATIONS - JULY 2010**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Ms Dale Page Planning and Development
<b>FILE NUMBER:</b>	07032, 05961
<b>ATTACHMENTS:</b>	Attachment 1     July 2010 Decisions - Planning Applications Attachment 2     July 2010 Decisions - Building Applications Attachment 3     July 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 (DPS2), 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 two 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 the following which have been determined by those staff members with Delegated Authority powers during July 2010 (see Attachments 1, 2 and 3 respectively):

- 1     Planning applications (development applications and Residential Design Codes variations).
- 2     Building applications (Residential Design Codes variations).
- 3     Subdivision applications.

### **BACKGROUND**

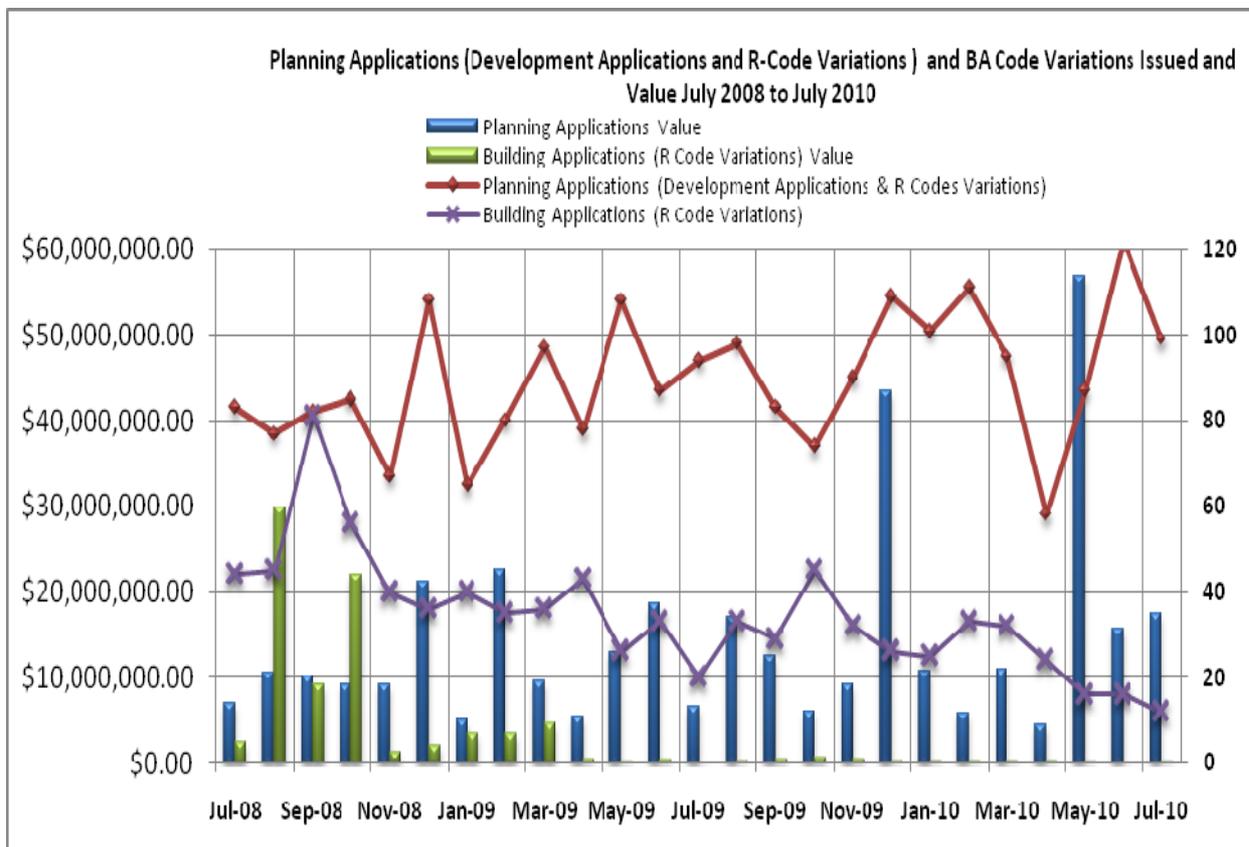
The DPS2 requires that delegation be reviewed two yearly, unless a greater or lesser period is specified by Council. At its meeting held on 20 July 2010, Council considered and adopted the most recent Town Planning Delegation.

**DETAILS**

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

Approvals determined under delegated authority – July 2010		
Type of Approval	Number	Value (\$)
Planning applications (development applications and R-Codes variations)	99	\$17, 439,316
Building applications (R-Codes variations)	12	\$ 220,209
<b>TOTAL</b>	<b>112</b>	<b>\$17,659, 525</b>

The number of development applications received during the period for July was 107. (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).



<b>Subdivision approvals processed under delegated authority</b>		
<b>From 1 June to 30 July 2010</b>		
<b>Type of approval</b>	<b>Number</b>	<b>Potential additional new lots</b>
Subdivision applications	0	0
Strata subdivision applications	1	1

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:**

A total of 111 applications were determined for the month of July with a total amount of \$60,301 received for application fees.

#### **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 99 development applications determined during July 2010, consultation was undertaken for 43 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). The subdivision application processed during July 2010 was not advertised for public comment, as the proposal 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 on and cross checked in accordance with relevant standards and codes.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

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

- 1 Development applications and R-Codes variations described in Attachments 1 and 2 to this Report during July 2010;**
- 2 Subdivision applications described in Attachment 3 to this Report during July 2010.**

*Appendix 1 refers*

To access this attachment on electronic document, click here: [Attach1brf140910.pdf](#)

## **ITEM 2                    PREVENTION OF LARGE SCALE BREEDING OF ANIMALS IN RESIDENTIAL AREAS FOR COMMERCIAL SALE AND/OR CONSUMPTION**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Ms Dale Page Planning and Development
<b>FILE NUMBER:</b>	09011
<b>ATTACHMENTS:</b>	Nil.

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### **PURPOSE**

The purpose of this report is advise Council of the options available for preventing the large scale breeding of animals in residential areas for commercial sale and/or consumption.

### **EXECUTIVE SUMMARY**

In early 2010, the City was informed by an owner of a property in Ocean Reef of their intent to breed and slaughter rats and mice within their residence, for the purpose of commercial sale. This was to be conducted as a 'Home Business - Category 1' under District Planning Scheme No 2 (DPS2).

At its meeting held on 25 May 2010, Council resolved to request a report on possible changes to the City of Joondalup's relevant planning instruments and/or local laws to prevent large scale breeding of animals in residential areas for commercial sale and/or consumption.

Four options for preventing the large scale breeding of animals in residential areas are presented in this report. These options include amending the City of Joondalup Health Local Law 1999, amending the City of Joondalup Animals Local Law 1999, amending DPS2, or retain DPS2 and Local Laws in current form.

### **BACKGROUND**

In early 2010, the City was informed by an owner of a property in Ocean Reef of their intent to breed and slaughter rats and mice on their premises, for the purpose of commercial sale (food for reptiles).

The City received 62 objections from residents from the Ocean Reef area expressing their concern about the potential home business. The objections generally related to a perceived reduction in the amenity of the area due to the proposed land use.

At the time the Ocean Reef land owner proposed to operate the business under the Home Business - Category 1 Use Class. This use class is permitted within the residential zone and does not require planning permission.

In addition, the proposed land use, if managed appropriately, would have been considered to meet the requirements of all relevant Environmental Health legislation, including the City of Joondalup Health Local Law 1999, Animals Local Law 1999, Health Act 1991 and the Environmental Protection (Noise) Regulations 1997.

Therefore, to prevent future proposals for such a land use within the residential areas of the City, Council, at its meeting held on 25 May 2010 resolved the following:

*“Council REQUESTS a report on possible changes to the City of Joondalup’s relevant planning instruments and/or local laws to prevent large scale breeding of animals in residential areas for commercial sale and/or consumption”.*

## **DETAILS**

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

The evaluation of the options available for preventing the large scale breeding of animals in residential areas for commercial sale and/or consumption should consider the following issues:

- Consistency with the intent of the subject legislation.
- The ease of administering the proposed development control mechanism.
- The ability to enforce the proposed development control mechanism.

The options available for Council to consider in this matter are:

- Amending the City of Joondalup Health Local Law 1999;
- Amending the City of Joondalup Animals Local Law 1999;
- Amending DPS2 through the addition of a new land use classification and prohibiting that classification in the Residential zone and as a Home Business; or
- Retain DPS2 and Local Laws in current form.

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

#### **City of Joondalup Health Local Law 1999**

- The purpose of the City of Joondalup Health Local Law 1999 is to provide for the regulation, control and management of the day to day environmental health matters within the district. The intent of the Local Law is to establish various health standards and requirements which people living and working within the district must observe.
- The Health Local Law includes various controls relating to rodents, however, these provisions are intended to address the environmental health issues associated with rodent infestations within residential and working environments. The Health Local Law specifically excludes laboratory bred rats and mice from being covered by this local law.
- The Health Local Law does not require the City’s approval for the development or operation of any land use and therefore the undertaking of the proposed land use of breeding and slaughtering rats and mice would not require approval under the Health Local Law.

#### **City of Joondalup Animals Local Law 1999**

- The purpose of the City of Joondalup Animals Local Law 1999 is to provide for the regulation, control and management of the keeping of animals within the City of Joondalup.

- The Animals Local Law sets out controls relating to the keeping of various animals; including dogs, cats, livestock, pigeons, bees, and poultry. The Local Law sets the maximum permitted number of various animals to be kept on residential, special rural and rural areas and requires licences for certain animals. The Local Law does not refer to the keeping of rats or mice.
- A person who contravenes a provision of the Animals Local Law commits an offence for the purposes of the *Local Government Act 1995*. The penalties for various offences under the law are considered an adequate deterrent to the undertaking of a land use in contravention to the Law.

## District Planning Scheme No. 2

### Home Business

- Under DPS2, 'Home Business - Category 1' means an occupation carried on within a dwelling by a resident of the dwelling which:
  - (a) does not entail the retail sale, display or hire of goods of any nature;
  - (b) does not prejudicially affect the amenity of the neighbourhood;
  - (c) does not entail any substantial and/or inappropriate modification of the dwelling;
  - (d) does not entail the employment of any other person;
  - (e) does not occupy an area greater than 20m<sup>2</sup> or where more than one resident is involved and not cause the area used for home business within the dwelling to occupy an area greater than 30m<sup>2</sup>;
  - (f) does not display any advertising signage;
  - (g) does not attract customers or regular and frequent deliveries of goods or equipment to the site;
  - (h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling and will not result in any increase in the amount of vehicular traffic in the vicinity;
  - (i) does not entail the presence, parking and garaging of a vehicle of more than 1.5 tonnes tare weight;
  - (j) does not involve the servicing or repair for gain of motor vehicle;
  - (k) notwithstanding factors (a)-(j); a Home Business Category 1 may entail the operation of a Family Day Care Centre as defined by Clause 1.9 of this Scheme.
- The Ocean Reef resident proposed to undertake the land use within the parameters of 'Home Business - Category 1', and therefore would not have required planning approval.
- DPS2 does not have a land use category which defines the large scale breeding and/or slaughter of animals.

### Amenity

Clause 8.2.1 of DPS2 requires that all land and buildings shall be used and maintained as to preserve the local amenity. Amenity is defined by DPS2 and the Model Scheme Text as "all those factors which combine to form the character of the area to residents and passers by and shall include the present and likely future amenity".

This definition does not clearly establish what factors could determine the character of the area, and the preservation of local amenity may or may not be interpreted as excluding land uses which are perceived as 'offensive' to residents of the neighbourhood, as is the case with the proposed land use.

### **Strategic Plan**

**Key Focus Area:** Leadership and governance

Objective 1.3: To lead and manage the City effectively.

### **Policy**

Not Applicable.

### **Risk Management considerations:**

Not Applicable.

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

There are no financial implications with the report

### **Regional Significance:**

Not Applicable.

### **Sustainability Implications:**

Not Applicable.

### **Consultation:**

Should Council initiate an amendment to DPS2 or a local law, it is required to be advertised for public comment. The community would be notified of the public comment period via notices placed in the Joondalup Community Newspaper and The West Australian newspaper. The proposed amendment would also be displayed on the information screen at the City's administration building and on the City's website.

### **COMMENT**

The options available for prohibiting the large scale breeding of animals in residential areas for commercial sale and/or consumption are considered below.

In considering these options it has been appropriate to understand issues surrounding the intent of the legal frameworks. Also, to ensure that sufficient flexibility is incorporated into any amendments so that it can appropriately respond to unexpected eventualities.

### **Option 1: Amending the City of Joondalup Health Local Law 1999**

The breeding of laboratory rats and mice, or similar type animals or insects for that matter, subject to adequate infrastructure and management, is not considered to represent an environmental health issue. Therefore, amending the Health Local Law to prevent the large scale breeding, and possibly slaughter of animals, within residential areas is not considered consistent with the intent of the Local Law.

It is therefore not considered appropriate to amend this Local Law.

## **Option 2: Amending the City of Joondalup Animals Local Law 1999**

The City of Joondalup Animals Local Law 1999 could potentially be amended to prohibit the large scale, or breeding and/or slaughtering of animals such as laboratory rats and mice.

There is a concern that this local law is intended to control through management, and where necessary prohibition, nuisance caused by noise, dust and odours. This is represented by the fact that the law focuses on dogs, livestock, pigeons, bees, pigs, large animals, cats and poultry.

Extending the local law to include laboratory rats and mice and the like may not be straight forward as the issue moves from one of nuisance to one of community sentiment (moral repugnance).

The issue of how to incorporate flexibility to any amendment is unclear. The framework of the local law is to identify appropriate standards and requirements for each animal. While it would be possible to incorporate additional uses of laboratory rats and mice breeding, there is a concern whether incorporating a more flexible or performance based set of standards is possible or appropriate given the nature of the local law.

In addition the process for amending Local Laws is complex, and includes consideration by the State Government Joint Standing Committee on Delegated Legislation. The likelihood of approval of the amendments outlined above is not known.

## **Option 3: Amending DPS2 through the addition of a new land use classification and prohibiting that classification in the Residential zone and as a Home Business.**

DPS2 does not contain a land use classification within which the large scale breeding, or breeding and slaughtering of animals could comfortably rest.

The State Government's Model Scheme Text (MST), to which all new local planning schemes must adhere to, has been investigated. While possible land use classifications and associated definitions have been identified, none are considered to fully meet the needs identified in Council's resolution. It is also noted that while the City could seek to amend these standard MST definitions, previous experience with the State has identified a reluctance to modify MST definitions.

In light of the above, if Council were mindful of amending the DPS2, then it would be considered appropriate to introduce a new land use category and definition that specifically met the needs of Council's request.

The following is suggested:

*“Animal breeding” means the breeding, or breeding and slaughter of animals (including insects) on a large scale for commercial sale and/or consumption.*

The exact nature of 'large scale' will be determined on a case by case basis. This is appropriate as the number of animals being kept which is determined to constitute large scale would be dependent on the species. In addition, specifying a maximum number of animals to be kept creates an issue when enforcing the land use control. The number of animals kept may fluctuate and determining the maximum number of animals kept on a site at any one time could be difficult.

This suggested land use definition would enable small-scale hobby activities involving the breeding of animals to occur, while providing Council with sufficient flexibility and scope to control large scale breeding and manage unexpected eventualities.

Although not specifically mentioned in Council's resolution, this option would also allow for control of the land use within other zones. It would be proposed that the 'Animal Breeding' land use would have the following permissibility under the Zoning Table.

<b>Zone</b>	<b>Permissibility</b>
Residential	X
Mixed Use	X
Business	X
Commercial	X
Civic and Cultural	X
Private Clubs/Recreation	X
Service Industrial	D
Special Residential	X
Rural	D

In the event that the land use of 'Animal Breeding' is considered appropriate to include in DPS2, a car parking standard would also need to be included in the scheme amendment. A car parking provision of one per 50m<sup>2</sup> NLA is considered appropriate to accommodate the onsite car parking requirements for the land use.

In addition to the new land use classification, the DPS2 definitions of 'Home Business' (1, 2, and 3) could be amended through the introduction of an additional criteria which prohibits the new land use of 'Animal Breeding' from being considered a home business.

This option would offer a mechanism for the City to make a determination on proposals, which is lacking under the current DPS2 provisions.

An amendment to the DPS2 would take approximately 12 months to finalise.

#### **Option 4: Retain DPS2 and Local Laws in current form**

Amending DPS2 or Local Laws to prohibit the large scale breeding of animals in residential areas for commercial sale and/or consumption may be seen as an ad hoc approach to land use and development control to a 'one off' issue. The City has not received an application to undertake the land use and no precedent for deeming that such a land use would negatively affect the amenity of an area.

As the impact on residential amenity of the subject activity may only be perceived, rather than real, it could be argued that the existing Local Health Law and Local Animal Law, in conjunction with DPS2, provide adequate controls to maintain health standards in residential areas and protect the amenity of residential areas from any real impact of inappropriate land uses.

#### **CONCLUSION**

Based on the options outlined, it is likely that Option 3 would provide the most effective means of achieving the desired outcome of preventing the large scale breeding, or breeding and slaughtering of animals in residential areas for commercial sale and/or consumption.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council RECEIVES the report outlining the options available for preventing the large scale breeding of animals in residential areas for commercial sale and/or consumption.**

### **ITEM 3                    PROPOSED AMENDMENT TO DISTRICT PLANNING SCHEME NO 2 TO RECODE LOT 702 (34) MARRI ROAD, DUNCRAIG FROM R20 TO R60**

**WARD:** South-West

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

**FILE NUMBER:** 101043

**ATTACHMENTS:** Attachment 1    Location Plan

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#### **PURPOSE**

The purpose of the report is for Council to consider a request to initiate an amendment to the District Planning Scheme No 2.

#### **EXECUTIVE SUMMARY**

Lot 702 Marri Road, Duncraig, is currently a vacant 'Commercial' zoned site which was previously used for a service station. The scheme amendment proposes to increase the residential density of the site from R20 to R60.

There is a current development approval on the site for a three storey mixed use building consisting of office and shop uses on the ground and first floors, three residential apartments on the second floor, and underground car parking. Should the scheme amendment to the District Planning Scheme No 2 (DPS2) be supported, the residential element of the development could be increased to provide for eight dwellings, pending a new development application.

It is considered that the proposed scheme amendment has merit as the development would provide additional housing choice in the area, is suitable in terms of its location adjoining the Duncraig Shopping Centre and the additional dwellings would be accommodated within the built form proposed under the current development approval.

It is recommended that the proposed scheme amendment be initiated for the purpose of advertising for public comment for a period of 42 days.

#### **BACKGROUND**

**Suburb/Location:** Lot 702 (34) Marri Road, Duncraig  
**Applicant:** Gerry Kho Architects  
**Owner:** JFH Holdings Pty Ltd  
**Zoning:**        **DPS:** Commercial  
                      **MRS:** Urban  
**Site Area:** 1583m<sup>2</sup>  
**Structure Plan:** Not applicable.

The subject site is located on the south-eastern corner of Marri Road and Cassinia Road, Duncraig, with the southern and eastern boundaries adjoining the existing Duncraig Shopping Centre. The land to the north of Marri Road and to the west of Cassinia Road is zoned Residential with a density coding of R20.

The property previously accommodated a service station. The service station buildings have been demolished and other infrastructure decommissioned or removed from the site and the site is now vacant. Prior to the current landowners purchasing the site in 2002, remediation site works were undertaken.

Council, at its meeting held on 2 September 2008, approved a Child Care Centre on the site however this development was never progressed.

Recently, the City received a development application for a three storey mixed used building consisting of office and shop uses on the ground and first floors, eight residential apartments on the second floor and underground car parking. While the commercial part of the development was considered to be consistent with the requirements of DPS2, only three apartments could be approved under the current Residential density of R20.

Consequently, amended plans were submitted and approved proposing three apartments in compliance with the current density, with the intent of further development pending the outcome of the scheme amendment.

## **DETAILS**

An application has been received to amend the density coding of Lot 702 Marri Road, Duncraig from R20 to R60.

Under the current density three residential dwellings could be developed in accordance with the requirements of the Residential Design Codes (R-codes). The proposed R60 density would allow eight dwellings to be developed which would reflect the original development submitted by the applicant.

The applicant advises that, subject to the approval of the density increase and a new development application, the second floor of the development containing the residential component will be re-subdivided from three units into eight units. It is not proposed to add another level to the building.

In support of the scheme amendment the applicant states that as a result of the density increase the proposed development ... *'will assist in rejuvenating and enhancing the area by improving amenities and quality of life within the City of Joondalup to cater for future generations of residents and businesses.'*

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

The issue associated with the proposed amendment is:

- Suitability/potential impact of the proposed increase in residential density,
- Draft Local Housing Strategy

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

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

## Legislation/Strategic Plan/Policy Implications

### Legislation

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

The objectives of the 'Commercial' zone are provided for in Section 3.7 of DPS2. The relevant clause to be considered in relation to the scheme amendment is:

#### 3.7 THE COMMERCIAL ZONE

3.7.1 *The Commercial Zone is intended to accommodate existing or proposed shopping and business centres where it is impractical to provide an Agreed Structure Plan in accordance with Part 9 of the Scheme.*

*The objectives of the Commercial Zone are to:*

- (a) make provision for existing or proposed retail and commercial areas that are not covered by an Agreed Structure Plan;*
- (b) provide for a wide range of uses within existing commercial areas, including retailing, entertainment, professional offices, business services and residential.*

#### Scheme Amendment

Part 5 of the *Planning and Development Act 2005* enables local government to amend a Local Planning Scheme and sets out the process to be followed.

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

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

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

### Strategic Plan

**Key Focus Area:** The built environment

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

### Policy

Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

The applicant has paid fees of \$5,589.89 (including GST) to cover all costs with assessing the request, public consultation and document production. Advertising costs are estimated to be \$1,970.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

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

The development of medium density housing is considered appropriate given the location of the subject site adjacent to the Duncraig Shopping Centre and bus route on Marri Road. The type of dwellings will also provide alternative housing choice in the area.

**Consultation:**

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

**COMMENT****Suitability of proposed increase in Residential density code**

The proposed scheme amendment seeks to increase the residential density code on the site from 'R20' to 'R60', while retaining the current 'Commercial' zoning of the site. Therefore, the approved commercial uses can be established on the site in accordance with the existing development approval, and this would provide an appropriate mix of commercial and residential uses on the site.

The proposed increase in the Residential density code to R60 is considered to have merit as it:

- provides additional housing stock and a different type of housing;
- provides additional housing close to the shopping centre;
- provides effective use of a vacant 'opportunity' site.

The applicant has advised that the existing approved three storey building design would be modified internally to achieve the additional residential dwellings, with no extra storeys to the building proposed.

A transport statement submitted by the applicant identifies that the traffic impact from the commercial and residential use of the site, will be less than the frequent vehicles movements associated with the former service station. It is considered that the increase in density from three dwellings to eight dwellings will not detrimentally impact on the amenity of the surrounding area.

### **Draft Local Housing Strategy**

One of the recommendations of the City's Draft Local Housing Strategy (LHS) is for the density coding applied to 'Commercial' and "Mixed use' zoned land greater than 1,000m<sup>2</sup> outside the City Centre to be increased from the current coding of R20 to R80. The aim of the recommendation is to allow for varied housing types to be provided within the City to suit the needs of a range of households and optimise the development of such sites. In some cases, the density increase may provide the catalyst for redevelopment of some sites to accommodate the residential and commercial land uses.

The draft proposed amendment, although seeking a lower R60 code, is consistent with the intent of the LHS recommendation, and in this case is likely to achieve a desirable development outcome.

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

### **VOTING REQUIREMENTS**

Simply Majority

### **RECOMMENDATION**

**That Council, pursuant to Part 5 of the Planning and Development Act 2005, CONSENTS to initiate the Amendment to the City of Joondalup District Planning Scheme No 2 to recode Lot 702 (34) Marri Road, Duncraig from R20 to R60, for the purpose of public advertising for a period of 42 days.**

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf140910.pdf](#)

**ITEM 4                    43 MULTIPLE DWELLINGS AT LOT 2260 (17)  
SUNLANDER DRIVE, CURRAMBINE****WARD:** North**RESPONSIBLE  
DIRECTOR:** Ms Dale Page  
Planning and Development**FILE NUMBER:** 63562**ATTACHMENTS:** Attachment 1      Location plans  
Attachment 2      Development plans  
Attachment 3      Submitters map

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**PURPOSE**

To request Council's determination of an application for planning approval for 43 Multiple Dwellings at Lot 2260 (17) Sunlander Drive, Currambine.

**EXECUTIVE SUMMARY**

The applicant proposes a three storey development comprising 43 Multiple Dwellings, including 12 single bedroom dwellings and 31 two bedroom dwellings

Under the City's District Planning Scheme No 2 (DPS 2), the site is zoned Residential with a density coding of R80. Multiple Dwellings is a discretionary ('D') use in the zone.

The proposal requires Council to exercise discretion under the Residential Design Codes of Western Australia (R Codes) and DPS 2. Council is also required to have regard to Council Policy – Height and Scale of Buildings in Residential Areas in relation to the height of the development.

The land use is considered to meet the objectives of the Residential Zone and is therefore appropriate. In regard to aspects of the development which do not meet the acceptable development standards of the R Codes, it is considered that the relevant objective and performance criteria have been met in this instance. The projection through the Building Threshold Envelope (BTE) set out by Council Policy – Height and Scale of Buildings in Residential Areas is considered acceptable in this instance as it is consistent with the height of existing buildings within the surrounding area.

The application was advertised for a period of 21 days via letters to adjoining land owners, a sign on site, advertisements in The Weekender, and a notification on the City's website. A total of four submissions were received, being non objections to the proposed development.

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

## BACKGROUND

<b>Suburb/Location:</b>	Lot 2260 (17) Sunlander Drive, Currambine
<b>Applicant:</b>	McGovern Construction Services
<b>Owner:</b>	LHK Investments Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Residential (R80)
	<b>MRS:</b> Urban
<b>Site Area:</b>	4,905m <sup>2</sup>
<b>Structure Plan:</b>	Not Applicable

The subject site is situated between Sunlander Drive and Currambine Train Station. Sunlander Drive is located to the west of the subject site, Citadel Way to the north and east, and a right of way (ROW) to the south (Attachment 1 refers).

The development site is currently vacant. There are existing three storey multiple dwelling developments to the north and south of the subject site. The site to the west is currently vacant, however, an application has been approved for a Retirement Village at this site (CJ025-02/08 refers).

In August 2007, Council approved a three storey development comprising 42 Multiple Dwellings for the site (11 single bedroom dwellings and 31 two bedroom dwellings). This approval has since lapsed.

## DETAILS

The proposed development includes the following features:

- 43 Multiple Dwellings (including 12 single bedroom dwellings and 31 two bedroom dwellings) ranging in size from 56m<sup>2</sup> to 86.5m<sup>2</sup>.
- A predominately three storey development, with a maximum height of 10.4 metres from natural ground level.
- Each dwelling is provided with a courtyard or balcony.
- The provision of 66 car parking bays on site, including six visitor bays.
- Vehicle access provided from Sunlander Drive and Citadel Way (east).
- Store rooms for each dwelling.
- A communal recreation area incorporating pool, lounge and gymnasium.

The car park for the proposed development is located to the rear of the site, with access from Sunlander Drive and Citadel Way (east). Both vehicular access points to the site are designed to accommodate two-way traffic.

The development plans are provided in Attachment 2. A large copy of the development plans has also been provided in the Councillor's reading room.

Areas where there is not strict conformance with the Acceptable Development Standards of the R Codes and the policy are summarised below:

<b>Criteria</b>	<b>Acceptable Development Standard (ADS)</b>	<b>Proposed</b>
<b>Total Open Space</b>	60%	53%
<b>Communal Open Space</b>	16m <sup>2</sup> per dwelling. 688m <sup>2</sup>	Equivalent of 12.2m <sup>2</sup> per dwelling = 523m <sup>2</sup>
<b>Setbacks</b>		
Citadel Way (east)		
- First Floor	4.2m	3.3m min, 5.5m max
- Second Floor	5.6m	3.3m min, 5.5m max
Sunlander Drive		
- First Floor	4.2m	3.327m min, 8m max
- Second Floor	6.2m	3.327m min, 8m max
<b>Excavation or Fill</b>	Excavation or fill between the street alignment and building not greater than 500mm, except where to provide access for vehicle and pedestrians.	Fill to a maximum of 900mm from natural ground level within the primary street setback area (Citadel Way (north))
<b>Building Height</b>	As per Council Policy – Height and Scale of Building in Residential Areas	Projection through top of Building Threshold Envelope – 2.0 m maximum.  Side projection (Citadel Way east) – 1.2m maximum.  Side projection (Sunlander Drive) – 1.0m maximum

The applicant has requested that Council exercises discretion in relation to open space, communal open space, building setback and retaining and fill, as well as consider the projections through the Building Threshold Envelope (BTE).

The applicant has provided written justification for the development, which is summarised below:

***Projection through the Building Threshold Envelope***

- *The building form generated in the proposed development is consistent and compatible with an R80 density coding.*
- *It would not be possible to achieve the development potential of the site and conform to the BTE.*

- *The height is compatible with surrounding buildings and building bulk.*
- *High density residential development will facilitate better use of existing transport infrastructure.*

### **Open Space and Communal Open Space**

- *Ample open space is provided around the buildings, with a generously landscaped setting for the buildings.*
- *Each apartment is provided with either a ground floor courtyard or large usable balcony which can be used for private recreation purposes.*

### **Retaining Walls**

*A balance of cut a fill has been used to work with the existing cross-falls on the site.*

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

Council has discretion to:

- approve the application without conditions;
- approve the application with conditions; or
- refuse the application.

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

#### **Legislation**

#### **Residential Design Codes of Western Australia**

Clause 2.5 of the R Codes allows for the exercise of discretion in respect to any aspect of a proposed development which departs from the acceptable development standard. In exercising discretion under the R Codes, Council shall have regard to the provisions of Clause 2.5.2, which are as follows:

*“2.5.2 Discretion shall be exercised having regard to the following considerations:*

- (a) the stated purposes and aims of the scheme;*
- (b) the provisions of parts 1-7 of the R Codes, as appropriate;*
- (c) the performance criterion or criteria in the context of the coding for the locality that corresponds to the relevant provisions;*
- (d) the explanatory guidelines of the codes that correspond to the relevant provision;*
- (e) any local planning strategy incorporated into the scheme;*
- (f) the provision of a local planning policy pursuant to this policy and complying with clause 2.5.3; and*
- (g) orderly and proper planning.”*

## City of Joondalup District Planning Scheme No.2

Multiple Dwelling is a “D” use in the Residential Zone. A “D” use means:

*“A use class that is not permitted, but to which the Council may grant its approval after following the procedures laid down by Sub Clause 6.6.2”*

Clause 6.6.2 requires that Council in exercising discretion to approve or refuse the application shall have regard to the provisions of Clause 6.8, which is shown below:

### *“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:

- 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 sub classes 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.*

## **Strategic Plan**

**Key Focus Area:** The Built Environment

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

**Policy** Council Policy – Height and Scale of Buildings in Residential Areas

This Policy sets out the manner in which residential development should occur to minimise impact on surrounding land owners and the streetscape in regard to excessive building bulk and height. The Policy aims to do this through permitting the highest parts of the development at the centre of sites.

## **Risk Management considerations:**

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

## **Financial/Budget Implications:**

The applicant has paid fees of \$12,500 (including GST) to cover all costs with assessing the application. Advertising costs in the local newspaper are estimated to be \$750 (excluding GST). The applicant will be invoiced for this amount.

## **Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The proposed development will provide high density housing adjacent to a major transport node (Currambine Train Station). This will facilitate increased use of this transport system in accordance with sustainable development principles.

The applicant has also provided the following information in relation to the sustainability of the building design:

***Ecologically and Sustainable Development (ESD)***

*ESD principles encompassing the lifespan of the building, from material selection to eventual demolition and recycling has been considered.*

*Extensive shading via roof eaves, balconies and screens is provided and all building fabric will be selected with insulation and energy conservation in mind – not least to satisfy the BCA requirements but to also assist with marketing given increasing public awareness and the desire for 'green' building and ESD principles.*

*A specialist energy assessment will be commissioned to maximise energy efficient design and satisfy the requirements of the Building Codes of Australia (BCA).*

***Orientation, Sun Control and Ventilation***

*Orientation and sun control is a basic design consideration for climate responsive design. Perth sun altitude angles of 82° Summer Solstice, 58° Equinox and 35° Winter Solstice, allow the designer to shade or omit the sun using the building form as appropriate.*

*Whilst it is impractical on this site to orientate all living spaces to suit optimum orientation we have applied basic passive solar principles to good effect. The longest axis of the building is run east to west, providing effective shading and access to prevailing breezes from the south west. Solar ingress in summer and winter is controlled by shading. Low westerly sun can be controlled by louvres (but not proposed at this stage). Complete shading of windows in summer is achieved.*

*The floor plans proposed will be effectively ventilated. Floor to ceiling heights of 2.7m min are proposed. Radiation may be controlled with reflective foil (Air Cell) to block radiant heat and retain warmth in winter both to roof and external walls. Warm sun penetration into building mass in winter is desirable – controlled by shading overhang design.*

***Construction Methodology and Materials***

*We currently anticipate that the building will be cavity brick with in-situ floor plates on permanent shuttering. The latter may be used with further cavity or dry lined insulation, to increase the Energy Star rating. Insulation is also proposed to the roof voids.*

*Windows will be a commercial suite with good thermal performance. A tinted energy efficient single glazed system is proposed. Individual gas instantaneous hot water units or gas boosted solar recirculating hot water systems will be considered.*

**Consultation:**

The application was advertised for a period of 21 days via letters to adjoining land owners, a sign on site, advertisements in The Weekender, and a notification on the City's website between 5 and 26 August 2010.

A total of four submissions, being non objections were received. Attachment 3 indicates the location of the submitters.

**COMMENT**

The applicant seeks approval for 43 Multiple Dwellings on the site, incorporating 12 single bed dwellings, and 31 two bedroom dwellings. Council is required to exercise discretion in relation to the land use, open space, communal open space, building setbacks and retaining and fill at the site. Furthermore, Council must also determine whether the projection through the BTE is appropriate.

**Land Use**

The proposed land use Multiple Dwelling is a discretionary ("D") land use within the Residential Zone.

The development is consistent with existing developments in the immediate locality, and meets the objective of the Residential Zone by providing alternative housing choices to single houses. It is therefore considered that the land use is appropriate.

**Building setbacks**

Council is required to exercise discretion in relation to the setbacks to the secondary street (Citadel Way east and Sunlander Drive). In considering the appropriateness of the proposed setbacks, Council must determine whether the relevant performance criteria and objective of Clause 6.2 and Clause 6.2.1 have been met. The performance criteria and objective requires Council to consider whether the setbacks proposed contribute to the desired streetscape, provide adequate privacy and open space for the dwellings, and ensure that allowance has been made for safety clearances for easements or essential service corridors.

It is considered that the stepping of the development along the boundaries and the inclusion of major openings (such as balconies and windows) reduces the impact of bulk of the development when viewed from the street. The mix of colours and materials proposed will create visual interest and provide for an attractive streetscape. Furthermore, the setbacks proposed allow for communal open space to be provided at the centre of the site. It is therefore considered that the development meets the relevant performance criteria and objective in this regard, and is appropriate.

**Open Space**

Open space is the area of the lot that is not covered by buildings, and differs from communal open space, which is open space set aside for the recreational use of the residents. The applicant has requested that Council exercise discretion in determining that 53% of the development site being set aside for open space is adequate. In exercising this discretion, Council must consider whether the open space provided is sufficient to complement the building, allow for attractive streetscapes, and suit the future needs of residents.

It is considered that the proposed 53% open space meets the relevant performance criteria of the R Codes given that there is ample open space surrounding the buildings to provide a landscaped setting for the development. Furthermore, landscaped courtyards front on to a significant portion of the surrounding streets which will provide attractive streetscapes.

### **Communal Open Space**

As stated above, communal open space refers to open space set aside for the recreational use of residents. The development proposes 523m<sup>2</sup> communal open space, equating to 12.2m<sup>2</sup> per dwelling. It should be noted that this does not take into account the gymnasium or lounge area, which will be used in conjunction with the communal open space provided.

In exercising discretion, Council must consider whether the communal open space provided will meet the needs of future residents, therefore meeting the relevant objective and performance criteria of the R Codes. It is considered that the communal open space meets the objective and performance criteria for the following reasons:

- The ground floor apartments fronting the street boundaries have courtyards well in excess of 10m<sup>2</sup>, and will allow for greater recreational use.
- As 12 of the dwellings are single bedroom dwellings, designed to cater for only one or two residents, the overall demand for communal open space may not be as high as other developments.

### **Retaining and Fill within the street alignment**

Fill is proposed to the northern and western boundaries. The majority of the retaining and fill is less than 500mm above natural ground level, therefore meeting the acceptable development standards of the R Codes. However, the retaining and fill to the north east of the site (corner of Citadel Way and Sunlander Drive) will have a maximum height of 900mm from natural ground level.

In this instance, Council is required to exercise discretion in regard to any fill greater than 500mm. In exercising this discretion, Council must consider whether the fill proposed retains the visual impression of the natural level of the site, with a view to the protection of the streetscape and the amenity of adjoining properties.

The site currently slopes from the north-west corner to the south east. The applicant has utilised a combination of fill and excavation to maintain a sense of this natural topography.

In regard to the protection of the streetscape, it is considered that the visually permeable fencing that is proposed on top of the retaining will reduce the overall impact of building bulk and is considered consistent with the existing streetscape. Furthermore, the retaining at the intersection of Citadel Way and Sunlander Drive will provide protection from headlight glare for the occupiers of the dwellings.

It is therefore considered that the relevant performance criteria and objective of the R Codes have been satisfied in this regard.

### **Projection through the BTE**

The proposed development projects through the BTE as the majority of the development has a three storey built form.

If the development were to be designed to fit within the BTE, this would significantly restrict the development potential for the site, and would not provide a better built form outcome. The height of the proposed development is compatible with the height of surrounding development, with the sites to the north and south of the proposed development both having a three storey appearance. Given that the development will be in keeping with existing development in the locality, the proposal will not have an adverse impact on the amenity of the locality.

It is therefore recommended the proposed projection through the BTE be supported.

## **Conclusion**

The proposed development is considered to meet the requirements of the R Codes. In regard to aspects of the development which do not meet the acceptable development standards, it is considered that the relevant objective and performance criteria have been met. The proposal is considered to be of an appropriate scale and form in close proximity to the existing train station and to other buildings in the locality.

It is recommended that the application be supported subject to conditions. Taking into account the scale of the development, a longer period in which the development should be substantially commenced is considered appropriate. As such it is recommended that development approval be granted for three years, rather than the two years which is generally granted for smaller scale development.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

### **That Council:**

- 1 DETERMINES that the performance criteria of Clauses 6.3.1, 6.4.1, 6.4.4 and 6.6.1 of the Residential Design Codes of Western Australia have been met and that the following are appropriate in this instance:**
  - 1.1 First floor setback of 3.3 metres (minimum) to Citadel Way (eastern boundary);**
  - 1.2 Second floor setback of 3.3 metres (minimum) to Citadel Way (eastern boundary);**
  - 1.3 First floor setback of 3.327 metres (minimum) to Sunlander Drive (western boundary);**
  - 1.4 Second floor setback of 3.327 metres (minimum) to Sunlander Drive (western boundary);**
  - 1.5 Open space provision of 53%;**
  - 1.6 Communal open space provision of 523m<sup>2</sup>;**
  - 1.7 Fill to a maximum height of 900mm with a setback of nil to the street boundary;**

- 2 **DETERMINES** that the land use ‘Multiple Dwelling’ under Clause 6.6.2 of the City of Joondalup District Planning Scheme No.2 is appropriate;
- 3 **NOTES** that ‘Council Policy – Height and Scale of Buildings in Residential Areas’ has been addressed and that the projection through the Building Threshold Envelope is appropriate in this instance;
- 4 **APPROVES** the application for planning approval dated 20 May 2010 submitted by McGovern Construction Services, the applicant, on behalf of the owners, LHK Investments Pty Ltd, for 43 Multiple Dwellings at Lot 2260 (17) Sunlander Drive, Currambine, subject to the following conditions:
  - 4.1 This decision constitutes planning approval only and is valid for a period of three years from the date of the decision letter. If the subject development is not substantially commenced within the three year period, the approval shall lapse and be of no further effect;
  - 4.2 An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of 24 hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and approved by the City prior to the commencement of construction;
  - 4.3 A refuse management plan indicating the method of rubbish collection, number and type of bins shall be submitted as part of the building licence application to the satisfaction of the City of Joondalup;
  - 4.4 A Construction Management Plan being submitted and approved prior to the issue of the relevant Building Licence. The management plan shall detail how it is proposed to manage:
    - 4.4.1 the delivery of materials and equipment to the site;
    - 4.4.2 the storage of materials and equipment on the site;
    - 4.4.3 the parking arrangements for the contractors and subcontractors;
    - 4.4.4 other matters likely to impact on the surrounding properties;
  - 4.5 Any proposed external building plant, including air conditioning units, piping, ducting and water tanks, being located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings, with details of the location of such plant being submitted for approval prior to the issue of the relevant Building Licence;
  - 4.6 A full schedule of colours and materials for all exterior parts to the building shall be provided as part of the Building Licence Application, to the satisfaction of the City;
  - 4.7 Landscaping of the communal open space shall be provided in accordance with the acceptable development standard of Clause 6.4.5 of the Residential Design Codes of Western Australia;

- 4.8 Detailed landscaping plans for the development site, to the satisfaction of the City, shall be lodged with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving, reticulation and treatment of verges are to be shown on the landscaping plan;
- 4.9 Landscaping, reticulation and all verge treatment are to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
- 4.10 Each dwelling shall be provided with an adequate area for clothes drying that is screened from view from the street(s), or alternatively, to be provided with clothes drying facilities within the dwellings;
- 4.11 The roof surface shall be treated to the satisfaction of the City if it is determined by the City that glare from the completed development has a significant adverse effect on the amenity of adjoining or nearby neighbours;
- 4.12 The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Off-street Car Parking (AS2890.01). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building program;
- 4.13 All construction works shall be contained within the property boundaries;
- 4.14 The aluminium infill panels for the fencing along Sunlander Drive and Citadel Way as indicated on the approved plans shall be visually permeable as defined by the Residential Design Codes of Western Australia;
- 4.15 The retaining walls and fencing shall be of clean finish and made good to the satisfaction of the City of Joondalup;
- 4.16 All screening to balconies shall comply with the definition of screening set out in the Residential Design Codes of Western Australia, and shall be installed prior to the occupation of the dwellings;
- 4.17 Visitor parking shall be clearly marked to the satisfaction of the City of Joondalup.

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf140910.pdf](#)

## **ITEM 5 CHANGE OF USE FROM SHOWROOM TO AN UNLISTED USE (BETTING AGENCY): LOT 5004 (4) HOBSONS GATE CURRAMBINE**

<b>WARD:</b>	North
<b>RESPONSIBLE DIRECTOR:</b>	Ms Dale Page Planning and Development
<b>FILE NUMBER:</b>	100940
<b>ATTACHMENTS:</b>	Attachment 1      Locality plans Attachment 2      Proposed 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 a Showroom to an Unlisted Use (Betting Agency) and associated signage.

### **EXECUTIVE SUMMARY**

The applicant is seeking approval for a change of use from a showroom to a betting agency and associated signage at 4 Hobsons Gate, Currambine.

A betting agency does not comfortably fall within the definitions of any of the land uses listed under the City's District Planning Scheme No 2 (DPS2). The use is therefore required to be treated as an Unlisted Use. This requires the Council to determine whether the use is consistent with the objectives of the "Business" Zone in making a decision on the application.

The subject site is zoned 'Urban' under the Metropolitan Region Scheme, and 'Business' under DPS2. The site is also located within the Currambine District Centre Structure Plan (CDCSP) area.

At its meeting held on 16 December 2008, Council approved an application for a Showroom and Shop complex on the subject site. This development has now been fully constructed, and this application relates to tenancy 1A located in the eastern portion of the development.

The proposed betting agency is considered to satisfy the objectives of the "Business" Zone and is in keeping with land use in this complex. It is recommended that the application be approved.

### **BACKGROUND**

<b>Suburb/Location:</b>	Lot 5004 (4) Hobsons Gate, Currambine
<b>Applicant:</b>	Racing and Wagering WA
<b>Owner:</b>	Nodebits Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Business
	<b>MRS:</b> Urban
<b>Site Area:</b>	8,166m <sup>2</sup>
<b>Structure Plan:</b>	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 generally 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. The City is currently assessing an application for the shop portion of this development to be incorporated into the approved tavern;
- Lot 1032 (1) Hobsons Gate (located to the north of the subject site). An application for showrooms and offices was approved 20 April 2010;
- Lot 929 (1244) Marmion Avenue (located to the south of the subject site). The State Administrative Tribunal approved an application for a liquor store in December 2008. 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 and construction has recently been completed. Council also previously approved an application for a change of use from a Shop to Restaurant, and from Showroom to an Office and Shop at its meeting of 16 March 2010, and Showroom to Takeaway Food Outlet on 25 May 2010.

A number of change of use applications have also been determined under delegated authority. The relevant applications are summarised below:

Development Application Number	Description
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 applicant proposes to change the use of one tenancy from Showroom to a Betting Agency and seeks approval for associated signage.

Consideration of the application is pursuant to Clause 3.3 of DPS2 as the land use Betting Agency is an unlisted use.

The operating details of the betting agency are summarised below:

Number of employees/staff per day	Maximum of two staff at any time
Hours of Operation	9.00 am – 9.00 pm – seven days a week

### Issues and options considered:

Council is required to determine whether the proposed land use is consistent with an existing use class under Table 1 of DPS2. If it is determined that it is an unlisted use, the options available to Council under Clause 3.3 as set out in the legislation section of this report.

Secondly, having determined the land use classification, Council is then required to make a determination on the application for a change of use.

### Legislation/Strategic Plan/Policy Implications

**Legislation** District Planning Scheme No.2

When determining this application Clauses 3.2, 3.3 and 4.8 and 6.8 of DPS2 apply.

Clause 3.2 indicates the manner in which Table 1, the Zoning Table is utilised to determine the permissibility of land uses within various zones. However, "Betting Agency" does not comfortably fall within any of the definitions of these land uses under Schedule 1 of DPS2. Therefore, Council is required to make a determination under Clause 3.3 of DPS2.

### 3.3 Unlisted Use

*If the use of the land for a particular purpose is not specifically mentioned in the Zoning Table and cannot be reasonably determined as falling within the interpretation of one of the use categories the Council may:*

- (a) determine that the use is consistent with the objectives and purpose of the particular zone and is therefore permitted; or*
- (b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the procedure set down for an 'A' use in Clause 6.6.3 in considering and application for planning approval; or*
- (c) determine that the proposed use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted.*

### 3.6 The Business Zone

*The Business Zone is intended to accommodate wholesaling, retail, warehouse, showroom and trade professionals and professional services and small scale complementary and incidental retailing uses, as well as providing for retail and commercial businesses which require large areas such as bulky goods and category/theme based retail outlets that provide for the needs of the community but which are generally not appropriate to or cannot be accommodated in the commercial area.*

*The objectives of the Business Zone are to:*

- (a) provide for retail and commercial businesses which require large areas such as bulky goods and category/theme based retail outlets as well as complementary business services;*
- (b) ensure the development within this zone creates an attractive façade to the street for the visual amenity of the surrounding area.*

### **6.8 MATTERS TO BE CONSIDERED BY THE 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 to 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:** Economic Prosperity and Growth

**Objective:** To increase employment opportunities within the City.

**Policy** Council Policy - Signs

- 1 To provide guidance on the design and placement of signs located within the City of Joondalup.
- 2 To protect the quality of the streetscape and the amenity of adjoining and nearby residents by minimising the visual impact of signs.
- 3 To encourage signs that are well designed and positioned, appropriate to their location, which enhance the visual quality, amenity and safety of the City of Joondalup.
- 4 To facilitate a reasonable degree of signage to support business activities within the City of Joondalup.
- 5 To complement the provisions for signs as specified in the City of Joondalup's Signs Local Law (1999).

**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 applicant has paid fees of \$265 (including GST) to cover the cost with assessing the proposal and document production. The cost of advertising the proposal in the newspaper is \$750 (excluding GST), and this will be reimbursed by the applicant.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The application was advertised for 21 days via a newspaper advertisement in the Joondalup Weekender and a notification on the City's website between 29 July and 12 August 2010.

A total of four submissions, being objections, were received. A summary of the objections is as follows:

- *“The proposed TAB will bring a ‘seedy’ element to what is a mainly a family focused development”.*
- *“Concerns over the increase in noise, traffic litter (including broken glass) and anti social behaviour. These are not keeping within a suburb whose focus is a family friendly”.*
- *“Concerns of the possibility of a TAB opening up because with a TAB just down the road in Joondalup it hardly seems necessary and it also detracts from the family lifestyle that so many residents wish for.”*
- *“Concerned with the possibility of a TAB opening up in the small family-oriented commercial area of the Currambine Hobsons Gate. A gambling venture of this kind would be completely out of place in this hub, enticing an unsafe element to this otherwise family focused location”.*

### **Land Use and Permissibility**

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 the development within the “Business” Zone are to:

- Encourage high standard 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 a “Betting Agency” is not a listed land use under Table 1 – the Zoning Table of DPS2. Therefore it is appropriate that Council determines the use as an Unlisted Use and considers whether the application meets the objectives of the “Business” Zone, under DPS2 and the CDCSP.

The specific objectives of the zone identify the anticipated land use of the locality. It is considered that the use is consistent with the objectives and purpose of the “Business” Zone. In addition, it is considered that the use is:

- Capable of being conducted in a manner which will not be obtrusive or detrimental to the locality;
- Compatible with the existing business established in the immediate locality;
- Unlikely to compromise the existing character, amenity or compatibility of land use within the immediate area or give rise to land use conflict due to its location, the type and variety of other existing uses on the site and the nature of business activities.

The above submissions question the appropriateness of the use in this location, and the potential for the business and its patrons to introduce undesirable behaviour. While noting the concerns raised no evidence has been presented to support claims that the use will introduce undesirable behaviour.

It is considered that matters of appropriateness of a use are legitimate to raise, however, the question is where should such uses occur. It is noted that Currambine is identified as a District Centre within the Western Australian Planning Commission Activity Centres for Perth and Peel (State Planning Policy 4.2) document. Permitting a Betting Agency within a District Centre would, from a town planning perspective, appear appropriate and in accordance with orderly and proper planning as it meets the needs of the community in a town centre where a diversity of land uses is likely to be found.

In light of the above it is considered that the proposed “Betting Agency” is compatible with the intent and type of businesses of an activity centre within the Currambine District Centre.

#### Carparking:

As the use “Betting Agency” is considered to be an Unlisted Use, there is no carparking standard for a betting agency within DPS2. Therefore parking standard of one bay per 30m<sup>2</sup> of Net Lettable Area (NLA) is recommended.

The parking standard is considered to be appropriate for the following reasons:

- A betting agency would generate similar patron numbers to a showroom, bank or office development, to which a standard of one bay per 30m<sup>2</sup> of NLA applies.
- The demand for parking created for the use should not conflict with the demand created for parking for other land uses within the lot.

The existing development has been approved with a Showroom parking standard of one bay per 30m<sup>2</sup> of Net Lettable Area. The betting agency does not involve an increase in the floor area.

If Council supports the proposed parking standard, there will be no change to the required car parking provision for the site.

#### Signage:

Council Policy Signs, permits window signs to a maximum area of 25% of glazing per tenancy. The proposed signage incorporates vinyl graphics for majority of the northern and western facades of the tenancy. It is considered that the amount of window signage is excessive and not consistent with the objectives of the policy. A condition of approval will be included to modify the amount of signage to a maximum of 25% of the glazing of the tenancy. Development Plans of the proposed signage are provided in Attachment 2.

#### **CONCLUSION:**

The “Betting Agency” is considered to be consistent with the objectives of the “Business” Zone, and it is recommended that it be determined as a permitted use in this zone. The proposal will not result in an additional carparking shortfall across the site, provided Council accept that a rate of 1/30m<sup>2</sup> NLA is appropriate for the land use.

The proposal is recommended for approval, subject to conditions.

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

### That Council:

- 1 **DETERMINES** that under Clause 3.3(a) and 6.12 of the City of Joondalup District Planning Scheme No 2 that:
  - 1.1 **Betting Agency is deemed to be an Unlisted Use;**
  - 1.2 **The proposed use meets the objectives and purpose of the Business Zone, and therefore is a permitted land use;**
- 2 **Having regard to Clause 4.8.2 of the City of Joondalup District Planning Scheme No 2, DETERMINES** that:
  - 2.1 **In this instance the car parking standard for the use “Betting Agency” shall be one car bay per 30m<sup>2</sup> Net Lettable Area;**
- 3 **Subject to Clause 1 above, APPROVES** the application for Planning Approval dated 8 June, 2010 submitted by Racing and Wagering WA, the applicant on behalf of the owners, Nodebits Pty Ltd for, for a Change of Use from Showroom to a Unlisted Use (Betting Agency) at No 4 Hobsons Gate, Currambine, subject to the following conditions:
  - 3.1 **A low level of signage illumination is to be used and the illumination must not flash, pulsate or chase;**
  - 3.2 **Signage involving florescent, reflective or retro reflective colours is not permitted;**
  - 3.3 **Signage to be kept in a good condition to the satisfaction of the City;**
  - 3.4 **Window signage shall constitute a maximum of 25% of the glazing of the tenancy. Plans shall be provided with the Building Licence application demonstrating compliance with this condition.**

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf140910.pdf](#)

## **ITEM 6**                      **JOONDALUP PERFORMING ARTS AND CULTURAL FACILITY - STEERING COMMITTEE**

<b>WARD:</b>	North
<b>RESPONSIBLE DIRECTOR:</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER:</b>	07019, 75577
<b>ATTACHMENTS:</b>	Attachment 1:    Site Plan – Lot 1001, Kendrew Crescent Joondalup

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### **PURPOSE**

For Council to consider the Terms of Reference for the Joondalup Performing Arts and Cultural Facility Steering Committee and to endorse the appointment of members to this Committee.

### **EXECUTIVE SUMMARY**

Following endorsement of the Project Philosophy and Parameters for the Joondalup Performing Arts and Cultural Facility (JPACF), Council at its meeting held 22 June 2010 endorsed the formation of a Steering Committee and directed the Chief Executive Officer to prepare appropriate Terms of Reference for consideration by Council (CJ103-06/10 refers).

The primary objective of the Steering Committee is to provide leadership for, and oversight of, the planning and design for the JPACF. Clear Terms of Reference are required to ensure the vision of Council for the project is maintained and applied.

The proposed members of the Steering Committee should possess the necessary skills, expertise and experience to ensure Council's vision for the JPACF is protected and applied throughout the planning, design and construction phases of the project. Given the regional significance of the JPACF it is considered appropriate that major stakeholders are also represented on the Committee.

*It is recommended that Council:*

- 1        **ENDORSES** the Terms of Reference for the Joondalup Performing Arts and Cultural Facility Steering Committee as:
  - *To provide advice and make recommendations to Council on:*
    - *The architectural design elements to be incorporated into the Joondalup Performing Arts and Cultural Facility;*
    - *The core components to be included in the Joondalup Performing Arts and Cultural Facility;*
    - *The capacity of the design features to be included in the Joondalup Performing Arts and Cultural Facility; and*
    - *The options for the ongoing management and utilisation of the Joondalup Performing Arts and Cultural Facility.*

- *The authority to form a reference or working group (as deemed appropriate) to assist with the implementation of the required tasks.*
- 2 *ENDORSES the appointment of the following persons to the Joondalup Performing Arts and Cultural Facility Steering Committee:*
- *Up to three Elected Members (to include at least one North Central Ward Councillor);*
  - *Professor Kerry Cox, Vice-Chancellor, Edith Cowan University (or nominee);*
  - *Ms Sue Slavin, Managing Director, West Coast Institute of Training (or nominee);*
  - *Superintendent Craig Donaldson, Principal, WA Police Academy (or nominee);*
  - *Representative of the Director General from the Department of Culture and Arts;*
  - *Chief Executive Officer (or nominee);*
  - *A maximum of two external individual/s with specialist expertise;*
  - *Two representatives of community arts groups located within the City of Joondalup;*
  - *All nominees from Edith Cowan University, West Coast Institute of Training, Department of Culture and Arts and the City of Joondalup to be equivalent to the City of Joondalup Director position.*

## **BACKGROUND**

The need for a performing arts facility for the Joondalup region was defined in the 1992 Joondalup Cultural Plan (Item G91127 refers) which was commissioned by the former City of Wanneroo and LandCorp. The plan indicated that the facilities should be located adjacent to the Administration Centre; with the provision of the Regional Library and the Civic buildings being Stage 1 of the project.

There have been a number of subsequent studies and reports produced identifying the need for a cultural facility in Joondalup; these reports indicated strong support on the part of the community and other stakeholders for the concept of a centrally-located performing arts centre containing a range of venues and facilities.

Throughout the period 1996 – 2004 further significant progress was made on the project including:

- liaising with key government stakeholders;
- a presentation to the public of a feasibility study;
- the formation of a Joondalup Regional Performing Arts Steering Committee;
- the commissioning of consultants to prepare a concept design and other relevant studies with the outcome being the endorsement of a concept design for the facility (Item C56-0403 refers);
- identifying West Coast Institute of Training (formerly TAFE) land adjacent to Central Park and facing Grand Boulevard as the preferred site (Item CJ310-02/12 refers);
- the decision by Council to refer to the proposed facility as a “cultural facility” in lieu of Joondalup Regional Performing Arts Centre (Item CJ174-08/04 refers);
- discussions with the Department of Education and Training and West Coast Institute of Training regarding the acquisition of land.

In August 2004 (Item CJ248-11/04 refers) the Commissioners, acting as the Council of the day, authorised the City to commence negotiations for a contract of sale between the City and the Department of Education and Training for the purchase of a portion of Lot 500 Kendrew Crescent, Joondalup - the cultural facility site (refer Attachment 1). These negotiations were completed in 2006 (Item CJ194-10/06 refers). The settlement price for the land was \$583,999.65 and the contract of sale included special conditions limiting the use of the land to the provision of cultural facilities and associated activities.

The site is 7,999m<sup>2</sup> in area and is now Lot 1001 Kendrew Crescent and has the street address 3 Teakle Court, Joondalup (Attachment 1 refers).

Due to financial considerations, the project was not included in the Strategic Financial Plan 2005/06-2008/09 and was deferred pending further research and investigation as to the requirements of a cultural facility being established in the northern corridor.

The project was recommenced in line with the City's Strategic Plan 2008 – 2011 (Key Focus Area: the Built Environment / 4.2.2 Develop a concept for a Cultural Centre at Lot 1001, Kendrew Crescent, Joondalup) and in 2008 briefings were initiated by the Chief Executive Officer with the following:

- Vice Chancellor, Edith Cowan University;
- Principal, WA Police Academy;
- Managing Director, West Coast Institute of Training.

The purpose of the briefing meetings was to:

- outline the proposal for a cultural facility;
- invite Joondalup Learning Precinct Members to submit options for long term joint facilities to be incorporated in the facility;
- gain a positive response from all parties.

## **DETAILS**

At its meeting held on 22 June 2010, Council endorsed the Project Philosophy and Parameters in order to articulate for the record and for historical purposes the intent and purpose of Council in progressing the project (CJ103-06/10 refers).

At the same meeting Council also agreed to refer to the proposed facility as the Joondalup Performing Arts and Cultural Facility (JPACF) and to the establishment of a JPACF Steering Committee and requested the Chief Executive Officer to prepare appropriate Terms of Reference for consideration by Council (Item CJ103-06/10 refers).

### **JPACF Steering Committee Terms of Reference**

The primary objective of the Steering Committee is to provide leadership for, and oversight of, the planning and design for the JPACF. To achieve this objective the Steering Committee would provide direction on the scope of the potential design for the JPACF and determine the required reports and studies necessary to achieve Council's vision for the facility. It is recommended that the Steering Committee be given authority to form a Community Reference or Working Group as deemed appropriate to assist with the implementation of the required tasks.

Specifically, it is recommended that the Terms of Reference for the JPACF Steering Committee are:

- Provide advice and make recommendations to Council on:
  - the architectural design elements to be incorporated into the Joondalup Performing Arts and Cultural Facility;
  - the core components to be included in the Joondalup Performing Arts and Cultural Facility;
  - the capacity of the design features to be included in the Joondalup Performing Arts and Cultural Facility;
  - the options for the ongoing management and utilisation of the Joondalup Performing Arts and Cultural Facility.
- The authority to form a reference or working group (as deemed appropriate) to assist with the implementation of the required tasks.

### **JPACF Steering Committee Appointments**

Members of the Steering Committee should possess the necessary skills, expertise and experience to ensure Council's vision for the JPACF is protected and applied throughout the planning, design and construction phases of the project. The JPACF site is situated within the educational precinct of the City and the surrounding educational institutions are considered major stakeholders in the proposed development; it is considered appropriate and necessary for these institutions to be represented on the Committee.

It is recommended that the Committee include:

- up to three Elected Members (to include at least one Ward Councillor);
- Professor Kerry Cox (or nominee), Vice-Chancellor, Edith Cowan University;
- Ms Sue Slavin (or nominee), Managing Director, West Coast Institute of Training;
- Superintendent Craig Donaldson (or nominee), Principal, WA Police Academy;
- A representative of the Director General from the Department of Culture and Arts;
- The City of Joondalup Chief Executive Officer (or nominee); and
- A maximum of two external individuals with specialist expertise.
- two representatives of community arts groups located within the City of Joondalup.

Members of the Steering Committee must have a high level of responsibility within their own organisations and it is further recommended that where a nominee is submitted, this nominee is equivalent to the City of Joondalup Director position.

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

The need for a cultural facility in Perth's northern corridor has been recognised by previous studies and stakeholder consultation:

- Joondalup Cultural Plan 1992.
- Hames Sharley – Planning and Architectural Brief 1996.
- Australian Pacific Projects – Feasibility Study for the Establishment of Performing Arts Facilities in the City of Joondalup (Stages 1 – 3) 2000.
- Walne & Alexander – Joondalup Performing Arts Centre: Resourcing Study, 2003).

There is an expectation from the community that this project will come to fruition. Given the size and scope of the project it is appropriate that a Steering Committee be formed to provide expertise, direction and oversight thereby ensuring that Council's vision, community expectations and the identified needs for a cultural facility are met.

As the proposed JPACF will provide a world-class facility to meet the needs of Perth's growing northern corridor is it considered of significant importance that the members of the Steering Committee provide the necessary experience and skills as well as sound representation of all stakeholders – educational, Joondalup residents and ratepayers and the wider community. Failure to adequately address all relevant issues throughout the project could result in either a facility that fails to meet community and industry expectations or failure to complete the project.

The project Philosophy and Parameters seeks to ensure realistic expectations for the development.

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

**Legislation** Not Applicable.

#### **Strategic Plan**

**Key Focus Area:** The Built Environment

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

Strategy 4.2.2 Develop a concept for a Cultural Centre at Lot 1001, Kendrew Crescent, Joondalup.

**Policy:** The JPACF will be developed in accordance within the City's policies and procedures.

### **Risk Management considerations:**

A detailed Risk Management Assessment Report outlining the risks apparent to the project will be prepared and updated as the project progresses.

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

2010/11 – Initial Project Scoping

<b>Account No:</b>	1-210-C1002
<b>Budget Item:</b>	
<b>Budget Amount:</b>	\$150,000
<b>Amount Spent To Date:</b>	\$ 0
<b>Proposed Cost:</b>	\$150,000
<b>Balance:</b>	\$150,000

All figures quoted in this report are exclusive of GST

The budget allocated for 2010/11 is for the engagement of consultants and other costs to assist with site assessment feasibility plans, design concepts and financial modelling.

For actual construction of the Facility, provisionally \$35million has been allocated in Council's 20 year Strategic Financial Plan 2009-29 with \$10million of these funds to be sourced from Government Grants and the balance from reserves. The Strategic Position Statements, endorsed by Council at its meeting held on 20 July 2010, identified that proceeds from land sales of the City's investment in Tamala Park should be assigned in part to this project.

**Regional Significance:**

The construction of the Joondalup Regional Cultural Facility will enhance the City Centre as the major commercial, educational, recreational and arts and culture centre for the northern corridor of the Perth metropolitan area.

**Sustainability Implications:**

It is anticipated that sustainability implications will be considered during the preparation of a concept design for the facility.

The engagement of the general community and bodies representing the arts community in the design and development stage of the project will cultivate a sense of ownership over the facility. This sense of ownership will provide the impetus for the ongoing sustainability of the facility by ensuring maximum use by a wide variety of individuals and groups.

**Consultation:**

All community consultation will be in accordance with the City's Public Participation Policy and Strategy.

**COMMENT**

Not Applicable.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION****That Council:**

- 1 ENDORSES the Terms of Reference for the Joondalup Performing Arts and Cultural Facility Steering Committee as:**
  - To provide advice and make recommendations to Council on:**
    - The architectural design elements to be incorporated into the Joondalup Performing Arts and Cultural Facility;**
    - The core components to be included in the Joondalup Performing Arts and Cultural Facility;**
    - The capacity of the design features to be included in the Joondalup Performing Arts and Cultural Facility;**
    - The options for the ongoing management and utilisation of the Joondalup Performing Arts and Cultural Facility.**
  - The authority to form a reference or working group (as deemed appropriate) to assist with the implementation of the required tasks;**

**2 ENDORSES the appointment of the following persons to the Joondalup Performing Arts and Cultural Facility Steering Committee:**

- Up to three Elected Members (to include at least one North Central Ward Councillor);
- Professor Kerry Cox, Vice-Chancellor, Edith Cowan University (or nominee);
- Ms Sue Slavin, Managing Director, West Coast Institute of Training (or nominee);
- Superintendent Craig Donaldson, Principal, WA Police Academy (or nominee);
- Representative of the Director General from the Department of Culture and Arts;
- The City of Joondalup Chief Executive Officer (or nominee);
- A maximum of two external individual/s with specialist expertise;
- Two representatives of community arts groups located within the City of Joondalup; and
- All nominees from Edith Cowan University, West Coast Institute of Training, Department of Culture and Arts and the City of Joondalup to be equivalent to the City of Joondalup Director position.

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf140910.pdf](#)

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## **ITEM 7                      DUNCRAIG TENNIS COURTS**

**WARD:**                      South

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

**FILE NUMBER:**            101142

**ATTACHMENTS:**        Attachment 1        Aerial Map of Duncraig Tennis Courts  
                                    Attachment 2        Location of Tennis Facilities in Southern Suburbs

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### **PURPOSE**

The purpose of this report is to provide details on the current condition and usage of the Duncraig Tennis Courts and adjacent netball/basketball courts.

### **EXECUTIVE SUMMARY**

The Duncraig Tennis Courts consist of four fenced courts and floodlights that have been determined to be in poor condition. There is currently an existing resurfacing budget of \$30,000 for the project. However, the current condition of the courts indicates that they require a major renewal/upgrade estimated to cost \$136,000.

Currently the courts are utilised for 24.5 hours per week by two small tennis clubs and a commercial coach and approximately 2.5 hours per week by community members. The netball/basketball courts do not currently have any regular bookings or casual usage. Also located at the Percy Doyle Reserve site (130 metres away) are the Sorrento tennis courts which consist of 20 courts with associated floodlights, fencing and clubroom facility leased by the Sorrento Tennis Club.

This report details the condition of the tennis and netball/basketball courts, the required tennis court renewal works, current utilisation information and future management options.

The extent of tennis court works required, location of the Sorrento tennis courts and condition and low utilisation levels of the netball/basketball courts leads to the recommendation of the decommissioning of both the tennis courts and netball/basketball courts.

### **BACKGROUND**

The Duncraig Tennis Courts are located within the Percy Doyle Reserve on the corner of Marmion Avenue and Warwick Road, Duncraig (Attachment 1 refers). They consist of four plexipave courts with eight floodlights and a fenced perimeter. They were built in 1978 with their last resurfacing works undertaken in 1993. Adjacent to the Duncraig Tennis Courts are two plexipave multipurpose netball/basketball courts. These were also built in 1978 with their last resurfacing works undertaken in 1998. Also located at the Percy Doyle Reserve site (130 metres away) are the Sorrento tennis courts (Attachment 2 refers) which consist of 20 courts with associated floodlights, fencing and clubroom facility leased by the Sorrento Tennis Club.

The resurfacing of the Duncraig Tennis Courts was a planned project for 2008/09 with an expected cost of \$30,000 (carried forward to the 2009/10 budget). The two multipurpose netball/basketball courts have been assessed and determined to be in a poor condition. The resurfacing of these courts is estimated at \$30,000. A detailed assessment of the tennis courts was undertaken that determined the condition to be of a poor standard and indicated that the works required were beyond the budgeted resurfacing works. The work required is considered a major renewal/upgrade and includes relaying of the substructure, re-fencing, new retaining wall and kerbing which has been estimated to cost \$136,000. The 2009/10 budget contained an amount of \$69,820 for tennis court resurfacing and fencing. These funds have been carried forward into 2010/11.

## **DETAILS**

Currently the Duncraig Tennis Courts are used by two small tennis clubs (Duncraig Tennis Club and the OFTA) and are available for hire by the community. The tennis clubs are required to book the courts on an annual basis using the City's tennis court booking process. This involves the clubs completing a booking request form in September each year, detailing their requirements for the upcoming year and payment is made upfront or on a quarterly basis. For the 2009/10 year, the Duncraig Tennis Club booked the courts for 20.5 hours per week (6.5 hours of which is junior use and is not charged a fee) at a cost of \$1,380.80 (equates to \$1.90 per hour).

The OFTA booked the courts for three hours per week at a cost of \$296 (equates to \$1.90 per hour). There is also a commercial coach operating at the Duncraig Tennis Courts that hires on average two courts for one hour per week at a cost of \$36 per week that is booked and paid for on a school term basis.

The Duncraig Tennis Courts are currently utilised for an average of 24.5 hours per week by the two clubs and tennis coach which is 23.3% of the time they are available to hire. Of this usage, 83.6% is the Duncraig Tennis Club. There is currently on average 2.5 hours booked by casual community members on the courts per week. The utilisation rate of the Duncraig Tennis Courts is high for a local tennis facility, with most local courts being utilised less than 5% of their available time.

The Duncraig Tennis Club's membership numbers have decreased over the last two years by 23% and currently consist of 36 senior and 20 junior members. Of these 36 senior members, half are between the ages of 40-50 and half are over 60 years of age. Nearly 40% reside in either Duncraig or the suburbs surrounding the courts (Sorrento and Warwick) and 14% reside in suburbs outside of the City of Joondalup (Carine, Marangaroo, North Beach and Trigg).

The OFTA currently have 20 senior members. Of these members, 65% are between the ages of 40-50 and 30% are over 60 years of age. 50% reside in either Duncraig or the suburbs surrounding the courts (Sorrento and Marmion) and 20% reside in suburbs outside of the City of Joondalup (Carine, Hamersley, North Beach and Hocking).

The two multipurpose netball/basketball courts are currently available for hire by groups and community members. Clubs or community members wishing to hire the courts use the City's netball/basketball court casual booking process. This involves calling the Community Booking Office to make a booking and payment for the hire. There are currently no regular bookings for these courts. However, as they are unfenced it was expected that people may utilise them without booking through the City.

To determine the level of casual usage, additional patrols were undertaken by City Watch over ten days in July 2010. The patrols were conducted morning and afternoon and included a week of the school holiday period. As no usage was recorded during this time, it is anticipated that there is minimal community use of the netball/basketball courts.

The Sorrento Tennis Club currently leases the Sorrento tennis courts from the City on a 'peppercorn' basis. The club is responsible for the cleaning and maintenance of the facility and for administering the bookings for these courts. Prior to 2008, the club was fully responsible for any court resurfacing work, however now resurfacing work is considered by the City on an annual basis. Currently the Sorrento Tennis Club has 248 members and charges various membership fees on a per annum basis. The courts are available for community members to hire on a casual basis through the club for an hourly fee of \$10 (day rate) and \$14 (evening rate). This is comparable with the City's tennis court community hire rate is \$11 per hour (day rate) and \$14 per hour (evening rate).

The City is currently developing an approach to the provision and maintenance of tennis courts throughout the City which will provide a number of options. This report will be presented to Council in the later part of 2010.

The Duncraig tennis court issue has been brought to the Council's attention as a decision is required on whether the existing courts are maintained, renewed or decommissioned and alternative facilities provided.

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

There are four options available to the City for the future management of the Duncraig Tennis Courts and adjacent netball/basketball courts. These options and associated advantages and disadvantages are discussed below.

#### **Option 1**

Resurface only. Undertake resurfacing works at the tennis and netball/basketball courts.

Advantages	Disadvantages
No change to service levels of tennis and netball/basketball courts from the community's perspective (such as the same number of courts provided and maintained)	Sorrento Tennis Club continue to be directly impacted by courts located in close proximity to them
Current Duncraig Tennis Court users continue to utilise the courts	Cracks are expected to occur within 12 months and further resurfacing work would be required within two to three years.
	City funds are used to resurface basketball/netball courts that have minimal community usage

**Option 2**

Renewal/upgrade. Undertake identified required major works at the tennis courts and resurfacing works at the netball/basketball courts.

Advantages	Disadvantages
No change to service levels of tennis and netball/basketball courts from the community's perspective (such as the same number of courts provided and maintained)	Sorrento Tennis Club continue to be directly impacted by courts located in close proximity
Current Duncraig Tennis Court user groups continue to utilise the courts	City funds are used to resurface basketball/netball courts that have minimal community usage

**Option 3**

Decommission tennis courts and replace with alternative facilities (netball/ basketball courts to be retained) and resurface netball/basketball courts. The two clubs currently using the tennis courts could be relocated to either Sorrento Tennis Courts or Glengarry Tennis Courts.

Advantages	Disadvantages
The provision of future maintenance and renewal expenditure for the tennis courts would not be required	Service levels of tennis courts from the community's perspective is reduced (such as the number of courts provided and maintained is reduced)
Encourages community participation in tennis clubs (Sorrento Tennis Club)	Current Duncraig Tennis Court user groups would need to be relocated
Community is engaged in decommissioning process – provision of alternative facilities	Cost of decommissioning and provision of alternative facilities
Alternative facilities could potentially alleviate current heavy utilisation rates of sporting ovals located at Percy Doyle Reserve or give the community another type of facility to utilise (for example 'community garden')	City funds are used to resurface basketball/netball courts that have minimal community usage

#### Option 4

Decommission tennis and netball/basketball courts and replace with alternative facilities. The two clubs currently using the tennis courts could be relocated to either Sorrento Tennis Courts or Glengarry Tennis Courts.

Advantages	Disadvantages
The provision of future maintenance and renewal expenditure for the courts would not be required	Service levels of tennis and netball/basketball courts from the community's perspective is reduced (such as the number of courts provided and maintained is reduced)
Encourages community participation in tennis clubs (Sorrento Tennis Club)	Current Duncraig Tennis Court user groups would need to be relocated
Community is engaged in decommissioning process – provision of alternative facilities	Cost of decommissioning and provision of alternative facilities
Alternative facilities could potentially alleviate current heavy utilisation rates of sporting ovals located at Percy Doyle Reserve or give the community another type of facility to utilise (for example 'community garden')	

#### Strategic Plan

**Key Focus Area:** Community Wellbeing

**Objective:** 5.1 To ensure the City's facilities and services are of a high quality and accessible to everyone.

#### Risk Management considerations:

Decommissioning the tennis courts and basketball/netball courts increases the risk of negative community perception regarding provision of court facilities. It would also directly impact the two small tennis clubs utilising the tennis courts. It is proposed that the impact to the groups and the community's access to tennis courts in the area be addressed by undertaking an effective community consultation campaign prior to any decommissioning works. The existing clubs could also be relocated to either the Sorrento Tennis Courts or Glengarry tennis courts.

The risk of resurfacing or renewing the tennis courts would be the continued duplication of facilities within close proximity to the Sorrento Tennis Courts and the Sorrento Tennis Club would continue to be directly impacted by the proximity of these courts.

The risk of resurfacing the netball/basketball courts would be the utilisation of City funds to resurface courts that have minimal community usage.

#### Financial/Budget Implications:

The 2009/10 budget contained \$30,000 for the resurfacing of the Duncraig Tennis Courts. There was also \$69,820 listed in the 2009/10 tennis court resurfacing and fencing budget that has been identified could be used to contribute to this project. This gives a total available budget of \$99,820 for the project. These funds have been carried forward to the 2010/11 year to allow a decision to be made and implemented.

In the 2010/11 budget an allocation of \$174,600 has been made for the resurfacing of the Timberlane Park Courts (two courts), Warwick Open Space Courts (four courts), Harbour View Park Courts (two courts) and Camberwarra Park Courts (two courts).

The estimated costs associated with the four options presented are as follows:

Option	Estimated Cost
1 Resurface tennis and netball/basketball courts	\$ 60,000
2 Renewal/upgrade works of tennis courts and resurface netball/basketball courts	\$166,000
3 Decommission tennis courts and resurface netball/basketball courts	\$34,400 (decommission tennis courts) \$30,000 (resurface netball/basketball courts) TOTAL \$ 64,400
4 Decommission tennis and basketball/netball courts	\$34,400 (decommission tennis courts) \$30,000 (decommission netball/basketball courts) TOTAL \$ 64,400

### Regional Significance:

The Duncraig Tennis Courts are considered a local tennis facility due to their size. The Sorrento tennis courts are considered a regional tennis facility due to the number of courts, associated infrastructure and size of the Sorrento Tennis Club.

### Consultation:

Initial discussions have occurred with the OFTA, Duncraig Tennis Club and Sorrento Tennis Club regarding the potential decommissioning of the tennis courts.

Through those discussions the OFTA indicated that they would be prepared to relocate to the tennis courts located at Glengarry Park, Duncraig.

It was requested by the OFTA, as part of the decommissioning of the tennis courts, could the flood lighting be relocated to Glengarry. Relocation of the floodlighting would be subject to a number of factors before agreeing to the relocation:-

- Safety.
- Compliance to Australian Standards.
- Any required power upgrade to the site.

Subject to the above, the balance of the light towers could be relocated to other facilities within the City.

The Sorrento Tennis Club indicated it was prepared to negotiate with either group to establish a booking arrangement that would cater for the demands of the individual clubs.

The Duncraig Tennis Club advised they would need to examine various options about relocation to other tennis facilities.

### **COMMENT**

The Duncraig Tennis Courts are currently utilised nearly 25% of the time they are available for hire. The proximity of them in relation to the Sorrento Tennis Courts (130 metres away) means that there is a duplication of tennis facilities in the area. As the courts now require major renewal/upgrade works a decision is required on whether the existing courts are maintained, renewed or decommissioned and alternative facilities provided.

The facilities at the Sorrento Tennis Club have the capacity to cater for the current usage of the OFTA and Duncraig Tennis Club. If this option is not feasible, the City will work with the clubs to find other suitable City facilities. This option would not affect the current hire rate paid to the City by the two tennis clubs.

Any casual community members wishing to use the Duncraig tennis courts (currently 2.5 hours per week) could be relocated to use the Sorrento tennis courts with minimal disruption. The casual hire fees that the Sorrento Tennis Club charge are comparable with the City's casual hire fees so community members would not be impacted financially by the relocation.

There are currently no regular bookings for the netball/basketball courts and City Watch patrols conducted recorded no usage over a ten day period. Therefore, it is anticipated that there is minimal community use of the netball/basketball courts.

The extent of tennis court works required, location of the Sorrento tennis courts and condition and low utilisation levels of the netball/basketball courts leads to the recommendation of the decommissioning of both the tennis courts and netball/basketball courts. To determine the replacement for the courts, community consultation would be undertaken. Following this consultation, a further report would be presented to Council outlining the results of the community consultation.

### **VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION****That Council:**

- 1**     **AGREES** to decommission the four tennis courts and two netball/basketball courts located on the corner of Marmion Avenue and Warwick Road, Duncraig;
- 2**     **as part of the decommissioning of the tennis courts in part 1 above subject to suitability AGREES** to relocate the floodlight towers to the tennis courts located at Glengarry Park, Duncraig;
- 3**     **REQUESTS** a further report detailing the options available for alternative facilities to replace the four tennis courts and two basketball/netball courts following decommissioning.

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf140910.pdf](#)*

## **ITEM 8                      REVIEW OF THE CITY OF JOONDALUP GREENHOUSE ACTION PLAN 2007-2010**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER:</b>	59091
<b>ATTACHMENTS:</b>	Attachment 1      Review of Greenhouse Action Plan

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### **PURPOSE**

To provide information regarding the review of the City's Greenhouse Action Plan 2007-10 and the City's greenhouse gas emissions profile.

### **EXECUTIVE SUMMARY**

The City's Greenhouse Action Plan was developed in 2007 to provide guidance to the City in reducing energy use and greenhouse gas emissions, in order to reach Council endorsed reduction targets.

The aim of the Greenhouse Action Plan 2007-11 was to:

- Significantly reduce the City's energy costs;
- Improve air quality at the local level;
- Promote sustainable transport options; and
- Raise the awareness of energy efficiency and renewable energy technologies.

The Greenhouse Action Plan aimed to reduce greenhouse gas emissions within the City through the implementation of thirty six actions across six key sectors, including:

- Buildings;
- Street lighting;
- Water;
- Vehicle Fleet;
- Waste; and
- Residential.

The implementation of actions within the Greenhouse Action Plan has contributed to a decrease in the amount of greenhouse gas emissions being created from City operations. Emissions have reduced by approximately sixteen percent from the level recorded in 2000/01, when the City joined the Cities for Climate Protection Program.

### **BACKGROUND**

The City of Joondalup joined the Cities for Climate Protection (CCP) Program in October 1999 and has progressively achieved each of the five Milestones within the framework. In 2003 the City achieved Milestone Three of the Program by developing and endorsing a Greenhouse Action Plan.

In 2007 the Greenhouse Action Plan 2003 was reviewed and updated to produce the current Greenhouse Action Plan 2007-2010. This Plan contains a number of actions aimed at reducing greenhouse gas emissions with the City's own operations (corporate) and the community sectors.

The Greenhouse Action Plan aimed to reduce greenhouse gas emissions within the City through the implementation of thirty six actions targeting the following areas:

- Buildings;
- Street lighting;
- Water;
- Vehicle Fleet;
- Waste; and
- Residential.

Details of the actions that have been implemented are provided within this report and are also provided in **Attachment 1**.

As part of the CCP Program, the City set targets for reducing greenhouse gas emissions within the corporate and community sectors. In 2002, Council endorsed the following targets:

*To reduce community greenhouse gas emissions by 20% by 2010 based on 1996 levels.*

*To reduce corporate greenhouse gas emissions by 20% by 2010 based on 2000 levels and a stretch target of 35% reduction.*

The progress made in reaching these targets are also detailed within this Report.

## **DETAILS**

### **Actions within the Greenhouse Action Plan 2007**

The Greenhouse Action Plan contained 36 actions to be implemented over a three year period. Business Units were assigned responsibility for implementing actions over the six target areas. Thirty four of the actions have been completed, whilst two actions are still in progress.

Key highlights of the City's Greenhouse Action Plan 2007-2010 have included:

- *Action 1: Undertake energy audits on the top five emitting City buildings and develop a priority schedule for undertaking ongoing audits of all other buildings City buildings.*

Energy audits were carried out during 2007/08 on the Joondalup Administration Building and Civic Centre, Joondalup Library, Woodvale Library, Craigie Leisure Centre and Whitfords Library. The recommendations within the audit reports have been scheduled for implementation through the City's Capital Works Program, including:

- 2011/12: Craigie Leisure Centre - Upgrade lighting control system (estimated cost \$45,000);
- 2011/12: Joondalup Civic Chambers – Upgrade lighting control system (estimated cost \$67,000);
- 2012/13: Joondalup Administration Centre – Upgrade lighting control system (estimated cost \$77,000); and
- 2012/13: Joondalup Library Upgrade lighting control system (estimated cost \$105,000).

- *Action 17: Continue to subscribe annually to the Carbon Neutral Program to offset the total amount of fuel consumed by the City vehicles through carbon sequestration.*

The City has purchased carbon offsets from Carbon Neutral to offset annual fleet emissions. During the period from 2007 to 2010 the City has offset 12,468.17 tonnes of carbon dioxide. This is equivalent to taking 2,900 cars permanently off the road. The City has also planted 12,117 native seedlings within rural Australia, through the Carbon Neutral Program.

- *Action 20: Improve the re-inventory process by investigating the use of different methodologies to determine greenhouse gas emissions to strive for more consistent recording in the future.*

During 2009/10, the City joined the Planet Footprint Program. Through the Program the City receives detailed energy and greenhouse consumption data on a quarterly basis. This information has been utilised for the City's Annual Report 2009/10 and will be utilised to track and report on the City's greenhouse gas emissions on an annual basis.

- *Action 28: Continue to promote cleaner production and energy smart principles in businesses operating in the City.*

In 2006/07 the City commenced the Ecobusiness Program, aimed at raising the awareness of energy efficiency within the Business and Industry sectors. This Program was awarded the Western Australian Environment Award in 2007 and the Eviron Australia Leader in Sustainability Award in 2008.

From 2007 to 2009 225 businesses from across the region participated in the Program resulting in more than 830 MWh pa of electricity or \$145,000 saved and 2,061 tons of CO<sub>2</sub>-e of greenhouse gas emissions abated.

Details of the progress of the implementation of the actions from the Greenhouse Action Plan are included in Attachment 1.

### **City of Joondalup Greenhouse Gas Emissions Profile**

In order to achieve Milestone One of the CCP Program, the City conducted an inventory of greenhouse gas emissions in 2000/01. This inventory demonstrated that the City's corporate greenhouse gas emissions totalled 22,791 tonnes of CO<sub>2</sub> equivalent.

To meet the requirements of Milestone Five a second inventory was conducted in 2005/06 utilising data from 2004/05. This inventory demonstrated that the City's emissions had reduced by approximately 1,725 tonnes, with the total emissions being 21,066 tonnes of CO<sub>2</sub> equivalent.

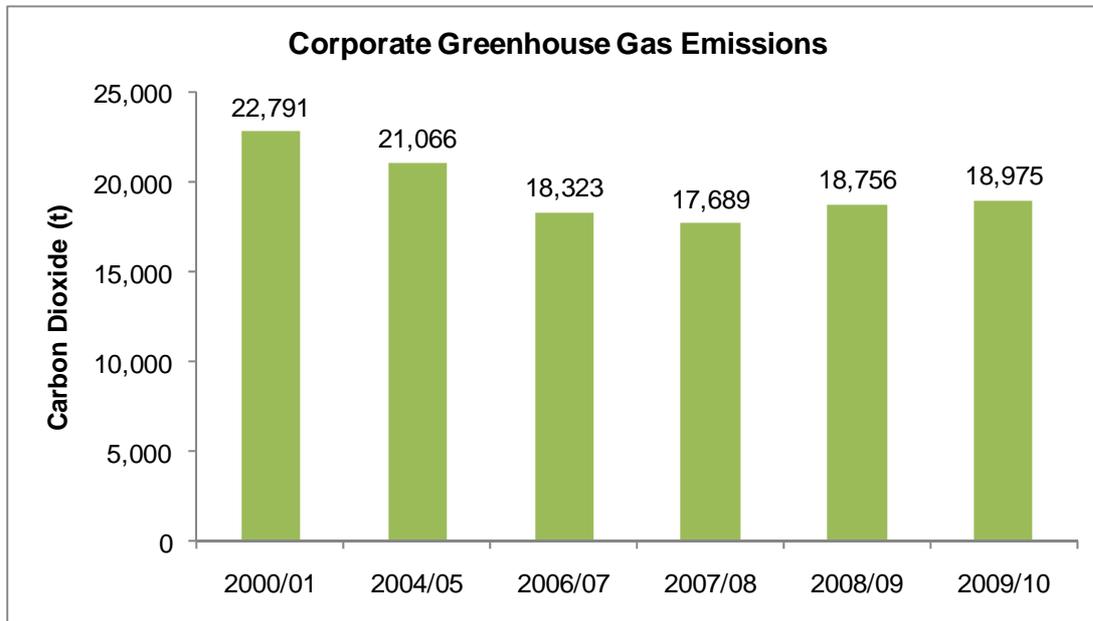
The greatest source of emissions within the corporate sector in 2004/05 was from the area of street lighting with fifty two percent, followed by buildings which totalled thirty eight percent of the total usage.

The CCP Program ended on June 30 2009 and as such no further greenhouse gas inventories have been conducted using the CCP Framework. However the City now monitors greenhouse gas emissions through data received through the Planet Footprint Program.

The City joined the Planet Footprint Program in September 2009 and receives data relating to corporate greenhouse gas emissions on a quarterly and annual basis. Planet footprint has also provided figures for greenhouse gas emissions for the 2006/07, 2007/08 and 2008/09 years, which has been sourced through the City's utility providers.

In order to meet the endorsed reduction target of 20% by the target year, the City's corporate greenhouse gas emissions would need to total approximately 18,233 tonnes for 2009/10.

Currently the City's emissions for the corporate sector total 18,975\* tonnes of CO<sub>2</sub> equivalent, which is a reduction of approximately 16%.



**Figure 2: Corporate Greenhouse Gas Emissions 2000/01 to 2009/10**

*\*Note- this figure does not include an amount for corporate waste, as this data is currently unavailable, however in previous greenhouse inventories waste only accounted for 3% of the total corporate emissions.*

The City's greenhouse gas emissions increased from 2007/08 to 2008/09, as demonstrated in Figure 2 above. The increase is due to the City ceasing to purchase Green Power for the five largest consuming sites during this period.

From 1 July 2010, the City will purchase 75% Green Power for the Joondalup Administration Building (including the Joondalup Library) and the Craigie Leisure Centre. This will have a positive effect on the City's greenhouse gas emissions profile.

The City's greenhouse gas emissions marginally increased from 2008/09 to 2009/10. The increase in emissions could be attributed to the City managing more assets and consuming a greater amount of energy.

### **Community Greenhouse Gas Emissions Profile**

Data relating to the community's greenhouse gas emission profile is not available at this time, as the source of this data is the Australian Census. The Census is conducted every five years, with the next Census scheduled to take place on 9 August 2011.

Once community greenhouse data becomes available, a report will be prepared on the progress of greenhouse gas reductions against the City's endorsed community targets.

WALGA and Planet Footprint are investigating mechanisms to collect and analyse community data to enable more frequent reporting of community greenhouse gas emissions.

**Legislation/Strategic Plan/Policy Implications**

Implementation of the Greenhouse Action Plan 2007-2010 has contributed towards the following objectives within the City's Plans:

**Strategic Plan**

Key Focus Area: The Natural Environment:

2.1.5 The City reduces its greenhouse gas emissions and assists the public to reduce community emissions.

**Environment Plan**

Focus Area: Air Quality:

4.1.2 Continue implementation of the City's Greenhouse Action Plan.

**Risk Management considerations:**

The City joined the ICLEI Cities for Climate Protection Program in 2000 and has invested significant funding and resources into the Greenhouse Action Plan and energy related initiatives. The continuation of these initiatives, despite the cessation of the Cities for Climate Protection Program will enable the City to continue its efforts in reducing greenhouse gas emissions through environmental education, energy efficiency upgrades, waste minimisation and sustainable transport initiatives. This work will significantly reduce the risk of a decline in uptake of energy efficiency and greenhouse gas reduction efforts within the City.

**Financial/Budget Implications:**

Funding for energy and greenhouse reduction strategies will need to be considered in future budgets and will be subject to the annual budget process. However as the cost of energy increases payback periods for energy efficiency and renewable energy initiatives will decrease.

Funding for the continuation of awareness raising and educational initiatives are included in Strategic and Organisational Development 2010/11 budget.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

The implementation of the Greenhouse Action Plan has led to a number of benefits for the City, including reduction in energy use and greenhouse gas emissions, a greater awareness of energy efficiency and renewable energy principles. The reduction of energy use also leads to financial benefits through savings in the purchase of energy requirements.

**Consultation:**

Not Applicable.

## COMMENT

Reducing energy use and greenhouse gas emissions is an ongoing challenge for Local Government and is of increasing relevance to organisations given the emphasis on corporate social responsibility and climate change. The initiatives implemented through the Greenhouse Action Plan have contributed to a reduction in greenhouse gas emissions and provides a solid basis for continuation of greenhouse related strategies within the City.

This report provides a final status update on the implementation of the City's Greenhouse Action Plan. As detailed in Attachment 1, the majority of the actions within the Plan have been successfully completed, which has led to the key objectives of the Plan being achieved. It is not intended to develop a new Greenhouse Action Plan for the City. However it is proposed that mechanisms for mitigation of greenhouse gases will be included in the City's new Climate Change Strategy.

At its meeting held on 20 July 2010 ( Item J117-07/10 refers), Council noted the approach that the City is taking in planning for the future climate change impacts through the development of a City of Joondalup Climate Change Strategy.

The greatest source of greenhouse gas emissions within City operations is from street lighting which accounted 54%of the City's total greenhouse gas emissions for the 2009/10 period. This is followed by energy use within buildings and assets, which contributes to around 39% of the City's total emissions.

As the City only manages a small amount of street lighting assets within the City, with the majority of the infrastructure being owned and managed by Western Power, there are limitations to the measures that can be taken to reduce emissions within this area.

WALGA is working with Western Power to investigate opportunities to enable street lighting to become more energy efficient which will lead to cost savings and reduction in greenhouse gas emissions. A number of trials are currently in place to examine the efficiency and safety of street lights when traditional lamps are replaced with energy efficient alternatives. The results of the trials will be used to advocate to Western Power to upgrade street lighting assets with low energy technologies.

In order to reduce energy usage within buildings greater emphasis will need to be placed on energy efficiency and renewable energy use within City buildings into the future.

Awareness raising and implementation of energy efficiency and renewable energy principles will also be continued through the range of environmental projects currently being undertaken by the City, including the following:

- Switch Your Thinking Program.
- Environmental Education Program.
- Planet Footprint.
- ECOSTAR Program.

Opportunities to increase energy efficiency within City operations are included within the Environmentally Sustainable Design Discussion Paper and related Draft Policies. Implementation of these principles will be progressed through the City's Capital Works Program.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council NOTES the progress made in implementing the City's Greenhouse Action Plan 2007-10 forming Attachment 1 to this Report.**

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf140910.pdf](#)*

## **ITEM 9                      STATUS OF PETITIONS**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER:</b>	05386
<b>ATTACHMENTS:</b>	Attachment 1      Status of Petitions – 15 December 2009 to 17 August 2010

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### **PURPOSE/ EXECUTIVE SUMMARY**

To advise Council of the status of outstanding petitions received during the period 15 December 2009 to 17 August 2010.

### **BACKGROUND**

Quarterly reports on outstanding petitions are to be presented to Council.

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

Attachment 1 provides a list of all outstanding petitions received during the period 15 December 2009 to 25 May 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;
  - (c) to state the name and address of the person to whom correspondence in respect of the petition may be served;
- (3) Once a petition is presented to the Council, a motion may be moved to receive the petition and refer it to the CEO for action.

**Strategic Plan:**

Objective: 1.2 To engage proactively with the community.

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

**Policy Implications:**

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

**Risk Management considerations:**

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

**Financial/Budget Implications:**

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

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority

## RECOMMENDATION

That Council:

### 1 NOTES:

- 1.1 the status of outstanding petitions submitted to Council during the period 15 December 2009 to 17 August 2010, forming Attachment 1 to this Report;
- 1.2 that the petition to permanently ban the practice of burning of garden refuse or other waste in residential backyards was presented to the Council at its meeting held on 20 July 2010 (CJ120-07/10);
- 1.3 that the petition requesting the installation of a path through Magpie Reserve was presented to the Council at its meeting held on 20 July 2010 (CJ126-07/10);
- 1.4 that the petition from members of the Perth Disc Golf Club requesting that Council exclude the car parking facilities and the oval from the Proposed Scheme Amendment was presented to the Council at its meeting held on 20 July 2010 (CJ112-07/10);
- 1.5 that the petition received from Sorrento residents supporting a modification to the Draft Local Housing Strategy will be included in a future report to Council detailing all submissions received during the draft Local Housing Strategy consultation;
- 1.6 that the playground at Annato Park, Greenwood is in an acceptable condition and will be included in a review of all playgrounds in 2011/12 and listed for replacement subject to the outcome of the review;
- 1.7 that the playground at Braden Park, Marmion is in an acceptable condition and will be included in a review of all playgrounds in 2011/12 and listed for replacement subject to the outcome of the review;
- 1.8 that:
  - 1.8.1 the playground at Parkinson Park, Hillarys is in an acceptable condition and will be included in a review of all playgrounds in 2011/12 and listed for replacement subject to the outcome of the review;
  - 1.8.2 the existing park benches at Parkinson Park, Hillarys will be upgraded as part of the Parks Equipment Program in 2010/11 and the dead trees will be replaced as part of the winter planting program in 2011;

1 ADVISES the lead petitioner in parts 1.6, 1.7 and 1.8.

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf140910.pdf](#)

## **ITEM 10                    APPOINTMENT OF WORKING GROUP MEMBERS**

**WARD:** All

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

**FILE NUMBER:** 79544, 79623

**ATTACHMENTS:** Attachment 1 Terms of Reference  
Attachment 2 (Confidential) Nominations – Distributed under separate cover

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### **PURPOSE**

For Council to appoint Elected Members and Community Representatives to the:

- Community Safety and Crime Prevention Working Group;
- Streetscape Working Group.

### **EXECUTIVE SUMMARY**

At its meeting held on 20 July 2010, Council adopted the Working Plans and Terms of Reference for the Community Safety and Crime Prevention and Streetscape Working Groups. Council noted that 'Expressions of Interest' would be sought from residents / ratepayers of the City and from suitable qualified professionals.

Letters and information packs containing nomination forms were mailed to former Advisory Committee Members, all Ratepayer Associations in the City and identified professionals inviting nominations for membership of the Working Groups. Advertisements seeking nominations were also placed in the local community paper and on the City's website.

Nominations closed Friday, 3 September 2010 with six nominations received for the Streetscape Working Group and 11 nominations received for the Community Safety and Crime Prevention Working Group.

The Council is requested to give consideration to nominating up to three Elected Members, one of whom acts as Chair to each Working Group and appoint at least one resident / ratepayer from each of the six wards of the City (six in total) and up to four places for suitably qualified professionals.

### **BACKGROUND**

At its meeting held on **16 March 2010**, Council was presented a report (CJ038-03/10 refers) concerning options for future community engagement with residents, in particular, Advisory Committees, Working Groups and Community Forums.

It was resolved at this meeting to establish two Working Groups:

- 1 A Community Safety and Crime Prevention Working Group with the objective of providing advice to the Council on community safety and crime prevention issues and to assist the Council in developing a strategic approach to ensure the safety and wellbeing of the wider community of the City of Joondalup.

- 2 A Streetscape Working Group with the objective of providing advice to the Council on local streetscape amenity such as street trees, verges, public access ways and medians and assisting the Council with the establishment of themed planting on road reserves to bolster the identity of the City's neighbourhoods.

At its meeting held on **20 July 2010** Council resolved to:

- “1 *ADOPT the Terms of Reference for the Community Safety and Crime Prevention Working Group and the Streetscape Working Group shown as Attachment 1 to Report CJ119/07/10;*
- 2 *ADOPT the Terms of Reference for the Community Forums on Sustainability, Conservation, and Seniors Interests shown as Report CJ119/07/10;*
- 3 *ADOPT the 2010/11 Work Plans for the Community Safety and Crime Prevention Working Group and the Streetscape Working Group shown as Attachment 3 to Report CJ119/07/10;*
- 4 *NOTE that Expressions of Interest for the Community Safety and Crime Prevention Working Group and the Streetscape Working Group will be undertaken in August 2010.”*

## **DETAILS**

The proposed structure for Working Groups is as follows:

- Membership of Working Groups is limited to 15 individuals, including:
  - up to three Elected Members, one of whom acts as Chair (to be nominated by Council every two years in line with the local government election cycle);
  - at least one resident / ratepayer from each of the six wards of the district (six in total);
  - up to four places for suitably qualified professionals who can provide expert advice / information as necessary.

The Working Groups will be supported by City staff being one officer to coordinate Working Group Agenda preparation, to record outcomes of discussions / deliberations and to report to Council, and one officer per working group to provide technical advice when required.

Previous Advisory Committee Members and the following associations were sent letters inviting them to submit nominations for the Working Groups:

### **Ratepayers Associations List (for both Working Groups)**

- Burns Beach Ratepayers association.
- Connolly Residents Association.
- Harbour Rise Homeowners Association.
- Hepburn Heights Landowner's Association.
- Iluka Homeowners' Association.
- Kinross Residents Association.
- Marmion Sorrento Duncraig Progress and Ratepayers Association.

- North Shore Country Club and Residents Association.
- Ocean Reef Progress Association.
- Oceanside Gardens Residents Association.
- Whitfords Community, Ratepayers and Recreation Association.
- Woodvale Waters Land Owners Association.
- Kingsley and Greenwood Residents Association.

### **Streetscape Working Group**

- Arbor Centre.
- Kings Park and Botanic Gardens.
- Tree Guild of WA.
- Tree Management Institute.
- Wildflower Society (Northern Suburbs Branch).
- West Coast Institute of Training Joondalup.

### **Community Safety and Crime Prevention Working Group**

Recognised professionals within the area of Community Safety and Crime Prevention, including identified members of the WA Police Service, were sent letters inviting them to submit nominations for the Community Safety and Crime Prevention Working Group.

The Working Groups were promoted on the City's website and advertisements appeared in the Joondalup Times on Tuesday, 17 August 2010 and in the Joondalup Weekender on Thursday 19 and 26 August 2010. The Working Groups and call for nominations was publicised in an article by the Joondalup Times on 24 August 2010.

Nominations closed Friday, 3 September 2010 with six nominations received for the Streetscape Working Group and 11 nominations received for the Community Safety and Crime Prevention Working Group.

These nominations have been forwarded to Elected Members under separate cover.

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

#### **Legislation**

Local Government Act 1995 – Section 1.3 (2) states:

This Act is intended to result in –

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

## Strategic Plan

**Key Focus Area:** Leadership and Governance

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

To engage proactively with the community.

**Policy:** Council Policy - Public Participation

### Risk Management considerations:

Community members may be sceptical about the integrity of engagement attempts by local government, and nominations for both Working Groups and Community Forums may be low.

### Financial/Budget Implications:

The costs would be minimal attracting catering costs and associated administrative resource costs.

### Regional Significance:

Some of the matters discussed at Working Groups may have a regional focus.

### Sustainability Implications:

Working Groups are a mechanism for actual involvement by the community on matters of social, economic and environmental interest to them and, therefore, for better informing the Council on the needs of current and future generations.

### Consultation:

Working Groups are a mechanism for community engagement.

## COMMENT

Part 3.2.1 of the Terms of Reference (Attachment 1), being *Membership - Community Members*, determines that “*at least one community member from each of the six wards of the district*” be included in each Working Group.

Community Member nominations received for the Streetscape Working Group incorporate:

- one from the North Ward;
- two from the Central Ward;
- one from the South East Ward.

This would leave the North Central, South and South West Wards without community representation.

Community Member nominations received for the Community Safety and Crime Prevention Working Group incorporate:

- five from the North Ward;
- one from the North Central Ward;
- two from the Central Ward.

This would leave the South East, South West and South East Wards without community representation.

It is suggested that Council requests the administration to again invite the Ratepayers Groups and Associations from those Wards underrepresented to nominate at least one member for each of the Working Groups. Having an even representation from each Ward would ensure that any advice provided to Council by the Working Group is not Ward biased.

## **VOTING REQUIREMENTS**

Absolute Majority

## **RECOMMENDATION**

### **That Council:**

- 1 BY AN ABSOLUTE MAJORITY, APPOINTS up to 12 community representatives to the:**
  - 1.1 Community Safety and Crime Prevention Working Group;**
  - 1.2 Streetscape Working Group;**
- 2 CALLS for nominations for three Elected Members to represent the City on the:**
  - 2.1 Community Safety and Crime Prevention Working Group;**
  - 2.2 Streetscape Working Group;**
- 3 REQUESTS the administration to again invite the Ratepayers Groups and Associations from those Wards underrepresented to nominate at least one member for each of the Working Groups.**

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf140910.pdf](#)



## BACKGROUND

The residents in Willesden Avenue previously raised their concerns about commuter parking in 2008. On the 5 August 2008 Council considered a petition bearing 26 names in relation to commuter parking in Willesden Avenue associated with Greenwood train station. As a result of research done at the time, it was resolved:

*That Council:*

- 1 *DOES NOT install parking prohibitions on Willesden Avenue, Kingsley at this stage;*
- 2 *REQUESTS the parking situation on Willesden Avenue, Kingsley be monitored on a regular basis;*
- 3 *REASSESES the parking situation on Willesden Avenue, Kingsley in 12 months once parking improvements to Greenwood Train Station are in place;*
- 4 *ADVISES the Petition Organiser of the Council's decision.*

With reference to part 2 and 3 above the improvements to the train station parking referred to were only completed on 1 July 2010 thus delaying an assessment by 12 months.

There are currently no parking restrictions in place on Willesden Avenue. The footpath from Willesden Avenue through the verge bushland provides access to Hepburn Avenue and to the wider local pathway network with an approximate walk of 350 metres from Willesden Avenue to the train station entrance. Attachment 1 identifies the area where parking is taking place and its relationship to the train station.

## DETAILS

Between 1 July 2008 and 1 January 2010, the City responded to six complaints of illegal or dangerous parking in Willesden Avenue. Between 1 January 2010 and 31 August 2010, the City responded to 11 requests from residents about dangerous or illegal parking in the area, one each in February and March, two each in April and June, four in July and one in August. Between 1 January 2010 and 31 August 2010, eight infringements and three cautions were issued, and on three occasions no illegal or hazardous parking was found.

Following completion of the Greenwood Train Station parking extensions the City commenced an assessment of the parking situation in Willesden Avenue. The City's Rangers undertook 28 patrols between 9 July and 27 August 2010. Those patrols identified four instances of a vehicle parked illegally, all related to vehicles parked facing the wrong way for that side of the carriageway. No instances were found of vehicles causing any other type of hazard or obstruction. On six occasions there were no cars present and the average number of cars recorded during the period was four with a single maximum on the 10 August of nine cars.

Between 1 July 2008 and 1 January 2010, the City responded to six complaints of illegal or dangerous parking in Willesden Avenue. Between 1 January 2010 and 31 August 2010, the City has responded to 11 requests from residents about dangerous or illegal parking in the area and eight infringements and three cautions were issued. On three occasions no illegal or hazardous parking was found.

The City also wrote to 50 residential addresses in Willesden Avenue, Havering Court and Wimbledon Drive Kingsley, in relation to potential commuter parking occurring, and giving advice as to what was and was not illegal parking and advising them to contact the City immediately if any illegal parking was occurring. One complaint had been received as a result of writing to residents at the time the report was prepared at the end of August 2010.

The WA Police were asked to provide statistics of criminal and antisocial behaviour reported from residents in Willesden Avenue between July 2009 and June 2010. They advised no incidents had occurred.

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

There are four options for responding to the petition. The first three deal with various possible parking controls that could be implemented.

#### **Option 1**

The first option is to introduce a resident / visitor permit parking scheme in Willesden Avenue similar to those that apply in the vicinity of the Whitfords and Warwick train stations. If a scheme were introduced it is possible that existing commuter parking would simply move from Willesden Avenue to other surrounding streets. The result may be a progressive rollout of further resident / visitor permit only restrictions as the problem moves. This would not be a desirable situation with continuous change causing confusion and residents feeling that a problem they didn't previously have has been moved to their street. This option is not recommended

#### **Option 2**

The second option is to introduce a resident/visitor permit parking but do it across a wider area up front in an attempt to cut off the potential for the problem to simply move to neighbouring streets. It is suggested that the area the scheme would need to cover would need to include at least Willesden Avenue, Havering Court, Balham Place and part of Wimbledon Drive. The petition was only signed by some residents in Willesden Avenue and it did not specify any particular course of action such as a permit scheme. A survey of all affected residents would therefore need to be undertaken to gauge acceptance before this could be implemented.

At this time, there are no reports of commuter parking causing any issues in any of the streets other than Willesden Avenue. It is considered that consultation may not result in support for a permit scheme particularly in streets other than Willesden Avenue which would result in restrictions on residents and their visitors when there currently isn't a parking problem in these streets. This option is not recommended.

#### **Option 3**

The third option would be to introduce timed parking restrictions similar to those applied in Doveridge Drive in Duncraig. Typically this would be a four hour parking restriction during the day Monday to Friday that would still allow most types of normal visitor situations to occur for residents but would not allow all day parking. To be effective, it would require a Ranger to chalk the tyres of any vehicle found in the morning and then to return in the afternoon and infringe any vehicle that had not moved. Whilst this may deter all day commuters it is very likely to impact legitimate visitors to the area who park on the street for more than four hours. This option is not recommended.

#### Option 4

The fourth option is to take no action at this time. The patrols conducted during the parking assessment process found no evidence of problem parking. The small numbers of vehicles that are parking in Willesden Avenue are doing so legally, do not represent a hazard to residents and/or other road users, are not damaging residents property City infrastructure or infrastructure owned by other government agencies and are not impeding service vehicles.

This option is recommended.

#### Legislation/Strategic Plan/Policy Implications

**Legislation** The City's Parking Local Law 1998 allows for areas to be set aside with parking controls or prohibitions.

#### Strategic Plan

**Key Focus Area:** To lead and manage the City effectively

**Objective:** The City develops and implements comprehensive and clear policies which are reviewed regularly.

**Policy** The City has a Policy "Parking Schemes for suburban areas outside of the Joondalup City Centre" which establishes guidelines for the management of parking issues in suburban streets.

The Policy states "*Parking schemes will be considered where it can be demonstrated that parking demands are causing a hazard to residents and/or other road users or where the parking is damaging City infrastructure or infrastructure owned by other government agencies.*"

#### Risk Management considerations:

There is a risk that if an area wide resident/ visitor parking permit scheme or a timed parking prohibition were to be introduced where there is no clear evidence that such a scheme or prohibition is required that it would create an impost on residents and their visitors which is difficult to justify.

There is also a risk that if no action is taken a larger number of commuters may begin to use the area as parking demand at the Greenwood train station increases. A larger number may at some point impact on local amenity. If this were to eventuate, it would be open to the Council to reconsider a scheme or prohibition.

#### Financial/Budget Implications:

Not applicable as no budget is recommended to be expended.

#### Regional Significance:

Not Applicable.

#### Sustainability Implications:

Not Applicable.

**Consultation:**

50 residents in Willesden Avenue, Haverling Court and Wimbledon Drive Kingsley, were written to on 20 July 2010 in relation to potential train station commuter parking occurring. The residents were given advice as to what was and was not illegal parking and were advised to contact the City immediately if any illegal parking was occurring. No complaints of illegal parking had been received at the time of preparation of this report.

**COMMENT**

Between 1 July 2008 and 1 January 2010, the City responded to six complaints of illegal or dangerous parking in Willesden Avenue and between 1 January 2010 and 31 August 2010, the City has responded to 11 requests from residents about dangerous or illegal parking in the area. Between 1 January 2010 and 31 August 2010, eight infringements and three cautions were issued, and on three occasions no illegal or hazardous parking was found.

The City proactively undertook 28 patrols between the 9 July and 27 August 2010. Those patrols identified four instances of a vehicle parked illegally. The maximum number of cars counted at the location was nine. On six occasions there were no cars present and the average number of cars recorded during the period was four.

There does not appear to be a clear case for introducing either a resident/visitor parking permit scheme or a timed parking prohibition in the area.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION****That Council:**

- 1 DOES NOT APPROVE implementing parking prohibitions on Willesden Avenue Kingsley;**
- 2 NOTES that the City continues to enforce incidents of illegal parking;**
- 3 REASSESES the parking situation in 12 months time;**
- 4 ADVISES the lead petitioner of the Council decision.**

*Appendix 10 refers*

To access this attachment on electronic document, click here: [Attach10brf140910.pdf](#)

## **ITEM 12 LIST OF PAYMENTS MADE DURING THE MONTH OF JULY 2010**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER:</b>	09882
<b>ATTACHMENTS:</b>	Attachment 1 CEO's Delegated Municipal Payment List for the month of July 2010 Attachment 2 CEO's Delegated Trust Payment List for the month of July 2010 Attachment 3 Municipal and Trust Fund Vouchers for the month of July 2010

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### **PURPOSE**

To present to Council the list of accounts paid under the Chief Executive Officer's delegated authority during the month of July 2010 for noting.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of July 2010 totalling \$11,591,896.08

*It is recommended that Council NOTES the CEO's list of accounts for July 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 this Report, totalling \$11,591,896.08*

### **BACKGROUND**

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

### **DETAILS**

The table below summarises the payments drawn on the funds during the month of July 2010. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Municipal Account	Cheques 87333 - 87564 and EF 13138 – 13679 Net of cancelled payments	\$ 8,466,100.18
	Vouchers 710A – 712A, and 714A – 717A	\$ 3,099,483.40
Trust Account	Cheques 203578 – 203618      Net of cancelled payments	\$ 26,312.50
<b>Total</b>		<b>\$11,591,896.08</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 2010/11 Annual Budget as adopted by Council at its meeting of 6 July 2010.

**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 2010/11 Annual Budget as adopted by Council at its meeting of 6 July 2010 or has been authorised in advance by Council where applicable.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council NOTES the Chief Executive Officer's list of accounts for July 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 this Report, totalling \$11,591,896.08**

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf140910.pdf](#)*

## **ITEM 13                    DRAFT    BEACH    MANAGEMENT    PLAN    - CONSULTATION RESULTS**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Garry Hunt and Mr. Jamie Parry  
Chief Executive's Office and Governance and Strategy

**FILE NUMBER:** 100932

**ATTACHMENTS:** Attachment 1      Summary of Consultation Results  
Attachment 2      Draft Beach Management Plan  
Attachment 3      Alternative Kitesurfing and Dog Exercising Options -  
Maps

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### **PURPOSE/EXECUTIVE SUMMARY**

To present Council with the results of the community consultation process for the Draft Beach Management Plan and to obtain endorsement of the following positions:

- 1      The intent of Issue Statements 1-32 as they are currently drafted within the Draft Beach Management Plan, (provided at Attachment 2);
- 2      A preferred option for managing kitesurfing activities along the City's coastline;
- 3      A preferred option for managing dog exercising activities at Hillarys and Whitfords Beaches;
- 4      A preferred option for the implementation of Issue Statement 5, as it relates to the closure of the Hillarys Horse Beach; and
- 5      Note that the presentation of a final version of the Beach Management Plan will be presented back to Council for adoption.

### **BACKGROUND**

The Beach Management Plan was developed in response to the receipt of complaints and community petitions requesting the City to ban kite surfing activities at North Mullaloo Beach and extend the current Hillarys Dog Beach south.

It was the City's view that in order to resolve these and other beach related issues, an holistic review of coastal activities was required to ensure that appropriate responses were employed and that these responses reflected an overall position on the City's approach to managing and developing its coastline in an effective and sustainable manner.

The City therefore proposed development of a Beach Management Plan that would fulfil the following purpose:

*"To provide a management framework for the use, enjoyment, maintenance, protection, preservation and appropriate development of the lands that are covered by the Plan within the available resources.*

*It is acknowledged that there are a wide range of existing regional and Council plans, strategies and policy statements, and the development of this Plan is intended to create an umbrella management framework that will provide the community with certainty about the City's beach lands and enable the Council to manage and develop it effectively."*

A Draft Plan was developed following extensive research and preliminary consultation with key external stakeholders and presented to Council for consideration and approval for its release to the public for comment.

### **Release of Draft Plan for Public Consultation**

At the Meeting of 16 February 2010, Council agreed to release the Draft Beach Management Plan for a six-week public consultation period, commencing on 23 February 2010 and closing on 6 April 2010.

In light of the complexity of the Draft Plan, the decision was made to highlight issues that were likely to be of interest to the public in order to simplify the consideration of the Plan and to encourage greater participation in the consultation process.

As such, a survey was drafted and distributed to a random sample of the community to have their say and opportunities to comment were provided to the following statutory stakeholder and coastal user groups:

- Department of Transport
- Department of Sport and Recreation
- Australian Kiteboarding School
- Kiteboarding Perth
- Mullaloo Users Group for Kitesurfing
- Western Australian Kitesurfing Association
- Wanneroo Trotting Club Inc.
- Wanneroo Horse and Pony Club
- Mullaloo Surf Life Saving Club
- Sorrento Surf Life Saving Club
- Dog Beach and Kitesurfing Petitioners
- Mullaloo Long Boarders Club

Visitors to specific coastal locations and the general public were also encouraged to participate in the consultation process (i.e. signage at affected coastal locations) with hard copies of the survey made available on demand and by downloading a version from the City's website. An online version of the survey was also made available.

This decision had the effect of generating three discrete sources of data (one from the random sample, one from the general public in a hard copy format and one from the general public in an electronic form). These data sources added considerably to the amount of feedback received for processing and to greater levels of complexity in analysing and reporting on the results.

## DETAILS

### ***Summary of Consultation Results***

A detailed outline of the community consultation results is provided at Attachment 1 to this report, however, a summary of the most notable outcomes is stated below:

- By the closing date of the consultation period, the City had received **4,850 submissions** comprising:
  - 4,783 surveys.
  - 67 qualitative responses (letters/emails).
- A representative sample of 386 people was obtained using the random sampling method; achieving a 95% confidence rating (+/- 5%) that those providing responses would effectively represent residents in the same manner if every household within the City were surveyed.
- The general public submitted 4,397 surveys with significant local and regional representation.
- Most respondents took up the opportunity to submit surveys, answering only the questions which related to matters of interest to them. Qualitative information and commentary on the Draft Beach Management Plan in its entirety were provided less frequently.
- The issue of greatest interest to respondents was the extension of the Hillarys Dog Beach, of which 95% of participants in the consultation process provided feedback on.
- Support for most elements of the Draft Plan was obtained from the consultation process, however, the following disparities were noted:
  - The proposal to close under-utilised beach access paths was generally not supported by the community – *contrary to Issue Statement 4*.
  - A majority of the community believe it is important for the City to provide areas for horses to be exercised on the beach – *contrary to Issue Statement 5*.
  - Options for extending or retaining the current Hillarys Dog Beach area displayed inconsistent results across data sources (random sample and general public participants) and received the greatest polarity of views between the various beach users.

### ***Further Key Stakeholder Engagement***

Following the collation and analysis of the community consultation results, further engagement with key stakeholders on the issues of animal exercising and kitesurfing was undertaken to obtain additional qualitative information from the various beach user groups. This information was used to provide context and support to the consultation outcomes.

The following stakeholders were invited to attend an information session on Monday, 30 August 2010:

- Lead petitioner for the southern extension of the Hillarys Dog Beach
- Lead campaigner for Whitfords Beach Users
- Lead petitioner for the retention of the Hillarys Horse Beach
- Lead petitioner for the banning of kitesurfing at Mullaloo Beach
- Manager Ern Halliday Recreation Camp
- President Mullaloo Surf Life Saving Club
- President Mullaloo Community Beach Group Inc.
- President of Western Australian Kitesurfing Association (WAKSA)

Qualitative data on beach use patterns for the various groups was obtained and alternative options for the effective management and restriction of horse exercising, dog exercising and kitesurfing activities were discussed (as listed under the Issues and Options section of this report). These alternative options did not diverge from the intentions that currently underpin Issue Statements 5, 20 and 21 in that they still propose restrictions over highly conflicting recreational activities and the eventual closure of the Hillarys Horse Beach.

Information obtained from the key stakeholder meeting on alternative management options, as well as any qualitative data already garnered from surveys and submissions made during the consultation period, are captured within the pros and cons under each option in the Issues and Options section of this report.

### ***Process for Adopting the Beach Management Plan***

Given that the purpose of this report is to present to Council the outcomes of the community consultation process, it is not recommended that adoption of the Beach Management Plan in its final format be obtained at the September 2010 Council Meeting, as doing so would not enable opportunity for amendments to be made or additional information to be included within the Plan upon request.

Notwithstanding the above, it is still considered necessary that Council provides clear and transparent direction to the community of its intentions regarding its Beach Management Plan. Therefore, if Council considers that:

- (a) The Draft Beach Management Plan was developed on the basis of extensive research, which determined balanced and appropriate resolutions to the management of coastal activities within the City; and
- (b) The community consultation process and key stakeholder meeting did not raise evidence of inconsistencies or better approaches to managing coastal activities than those currently articulated within the Draft Beach Management Plan,

then it is recommended that the intentions of Issue Statements 1 – 32 be immediately endorsed by Council to limit further opportunities for consultation, which may undermine the extensive engagement processes already undertaken to date.

This will enable minor amendments to the Plan to be made prior to its final adoption in the near future, while still ensuring that closure on outstanding controversial issues is achieved and articulated to the community.

## ISSUES AND OPTIONS

As highlighted earlier in this report, the results from the consultation process on the issues of kitesurfing, dog exercising and horse exercising prompted additional engagement with key stakeholders to obtain qualitative data that would support a greater understanding of the nature of these activities.

In undertaking this process, it became apparent that the community expects closure on these issues in time for the 2010-2011 summer period and as such, it is considered necessary that Council immediately adopts a position on how these activities should be managed within the Beach Management Plan to allow sufficient time for the new management approaches to be implemented (as much as they are able) by December 2010.

Options for the implementation of these issues will be discussed and endorsed at the same meeting in which the Beach Management Plan is adopted; however, endorsement of a preferred management approach for each activity is required now in order for implementation options to be developed.

The options for each of these issues are articulated below for Council's consideration.

### ***Kitesurfing***

The management of kitesurfing activities relates to Issue Statements 20 and 21 within the Beach Management Plan (provided at Attachment 2), which seek to restrict kitesurfing on the basis of its highly conflicting nature with other beach users, both on the beach and in the water.

The outcome of the recent community consultation process and discussions with key stakeholders indicate that these Issue Statements appropriately classify kitesurfing as a highly conflicting activity that should be restricted in some manner. As such, the options for how kitesurfing activities could be managed all highlight some form of restriction.

*Option: 1      Status Quo – exclusion zones and designated areas apply in the manner as they are currently stated within the Draft Beach Management Plan.*

Pros	Cons
<p>Acknowledges results of the community consultation process, where a majority of respondents supported the establishment of designated areas for kitesurfing and do not object to this occurring at North Mullaloo Beach.</p> <p><i>Data Source 1 (Random Sample):</i></p> <ul style="list-style-type: none"> <li>• Support designated areas – 88%</li> <li>• Support designated area at Mullaloo – 76%</li> </ul> <p><i>Data Source 2 (General Public):</i></p> <ul style="list-style-type: none"> <li>• Support designated areas – 68%</li> <li>• Support designated area at Mullaloo – 67%</li> </ul>	<p>Qualitative data from the community consultation submissions and further discussions with WAKSA and Mullaloo Beach User Groups indicate that the size of the proposed designated area at Mullaloo Beach is too small to accommodate kitesurfers.</p> <p>Condensing all kitesurfing activities into two small designated areas may create safety concerns for kitesurfers due to the increased congestion.</p>

The option will set a national precedent that uniquely addresses a growing concern from beach users about the unsafe conflicts between kitesurfing and other beach activities.	The continued presence of novice kitesurfers at Mullaloo Beach via the Kitesurfing School poses a risk to other users on the beach and in the water.
Kitesurfing activities are concentrated within the locations of North Mullaloo Beach and Pinnaroo Point by convention, therefore, officially establishing designated areas on these beaches aligns with current kitesurfing practices. Inconvenience to kitesurfers through the relocation of their activities can therefore be avoided.	This option is unlikely to be accepted by the opponents of kitesurfing within the area of Mullaloo.
North Mullaloo Beach and Pinnaroo Point are used by kitesurfers due to the width of the beach and lack of encroaching reef within the water. By designating these areas for use by kitesurfers, other less appropriate beach locations will be avoided by kitesurfers, increasing kiter safety and reducing the risk to other beach users.	
Supporting kitesurfing activities at Mullaloo Beach complements the City's tourism imperatives of providing attractive and interesting activities at strategic points along the City's coastline.	

*Option: 2 Only exclusion zones are established which apply over the entire length of Mullaloo and North Mullaloo Beaches and Sorrento Beach from the Marina wall to the Plaza.*

Pros	Cons
<p>Acknowledges results of the community consultation process, where a majority of respondents supported the establishment of exclusion zones for kitesurfing.</p> <p><i>Data Source 1 (Random Sample)</i></p> <ul style="list-style-type: none"> <li>• Support exclusion zones at Mullaloo - 83%</li> <li>• Support exclusion zones at Sorrento - 83%</li> </ul> <p><i>Data Source 2 (General Public):</i></p> <ul style="list-style-type: none"> <li>• Support exclusion zones at Mullaloo - 73%</li> <li>• Support exclusion zones at Sorrento - 73%</li> </ul>	<p>Does not acknowledge results of the community consultation process, where a majority of respondents supported the establishment of designated areas for kitesurfing.</p> <p><i>Data Source 1 (Random Sample):</i></p> <ul style="list-style-type: none"> <li>• Support designated areas – 88%</li> <li>• Support designated area at Mullaloo – 76%</li> </ul> <p><i>Data Source 2 (General Public):</i></p> <ul style="list-style-type: none"> <li>• Support designated areas – 68%</li> <li>• Support designated area at Mullaloo – 67%</li> </ul>

Acknowledges the concerns of Mullaloo residents and beach users who conflict with kitesurfers in this area, in particular, surf life saving activities which are often undertaken simultaneously.	North Mullaloo is used by kitesurfers due to the width of the beach accommodating rigging and launching requirements. If kitesurfers are excluded from using this area, there are limited locations along the City's coastline that could act as suitable alternative kitesurfing areas, due to reef encroachment and narrow sandy beachfronts.
It will remove the risk that novice recreational kitesurfers pose to beach users at one of the City's most popular swimming beaches during rigging, launching and landing processes.	North Mullaloo Beach is a safer kitesurfing location in the event of a malfunction, as kitesurfers drift north-east in the direction of the sea breeze. This is away from where a majority of beach users are swimming further south.
Permits limited kitesurfing activities at Sorrento Beach with the reduction of the exclusion zone.	This option will require people who want to avoid kitesurfing to attend only two locations along the City's entire coastline; Sorrento Beach and Mullaloo Beach.  All other locations will be available for kitesurfing to be undertaken without restriction.
	This option is unlikely to be accepted by kitesurfers who attend Mullaloo Beach, due to the popularity of the area for kitesurfing activities.
	Effectively banning kitesurfing activities along Mullaloo Beach is contrary to the City's tourism imperatives, which seek to provide interesting attractions at strategic coastal nodes.

*Option: 3 Exclusion zones and designated areas are established in the locations as currently stated within the Beach Management Plan, however, the designated area at North Mullaloo is extended south by 255m.*

Pros	Cons
<p>Acknowledges results of the community consultation process where a majority of respondents supported the establishment of designated areas for kitesurfing and do not object to this occurring within Mullaloo Beach.</p> <p><i>Data Source 1 (Random Sample):</i></p> <ul style="list-style-type: none"> <li>• Support designated areas – 88%</li> <li>• Support designated area at Mullaloo – 76%</li> </ul>	<p>This option has not been considered by the kitesurfing fraternity and as such, it is difficult to determine whether it would be accepted as a viable alternative option.</p> <p>That is, it is unknown if the extended area is sufficient for the needs of kitesurfers and is more likely to be endorsed by kitesurfers than option 2.</p>

<p><i>Data Source 2 (General Public):</i></p> <ul style="list-style-type: none"> <li>• Support designated areas – 68%</li> <li>• Support designated area at Mullaloo – 67%</li> </ul>	
<p>Acknowledges the concerns of WAKSA and local kitesurfers that the originally proposed designated area of 345m is too small to accommodate the needs of kitesurfers and may impact on the safety of undertaking this activity.</p>	<p>This option is unlikely to be accepted by the opponents of kitesurfing within the area of Mullaloo.</p>
<p>The option will set a national precedent that uniquely addresses a growing concern from beach users about the unsafe conflicts between kitesurfing and other beach activities.</p>	<p>The continued presence of novice kitesurfers at Mullaloo Beach via the Kitesurfing School poses a risk to other users on the beach and in the water.</p>
<p>Kitesurfing activities are concentrated within the locations of North Mullaloo Beach and Pinnaroo Point by convention, therefore, officially establishing designated areas on these beaches aligns with current kitesurfing practices. Inconvenience to kitesurfers through the relocation of their activities can therefore be avoided.</p>	
<p>North Mullaloo Beach and Pinnaroo Point are used by kitesurfers due to the width of the beach and lack of encroaching reef within the water. By designating these areas for use by kitesurfers, other less appropriate beach locations will be avoided by kitesurfers, increasing kiter safety and reducing the risk to other beach users.</p>	
<p>Supporting kitesurfing activities at Mullaloo Beach complements the City's tourism imperatives of providing attractive and interesting activities at strategic points along the City's coastline.</p>	

**Recommendation:** It is the City's position that Option 2 should be endorsed as the preferred management approach for kitesurfing activities within the Beach Management Plan.

### ***Horse Beach***

All issues surrounding the Horse Beach relate to the implementation of its eventual closure. As such, it is not recommended that Issue Statement 5 within the Beach Management Plan be amended. The options instead provide transparent consideration of how the Council intends to implement the beach's closure.

*Option: 1 Immediately close access to Hillarys Beach by horses and extend the Dog Beach 160m*

Pros	Cons
Less confusion will apply over permitted beach activities at this location given that it will be a dog beach all year round.	Council will likely receive considerable dissent from horse owners in selecting this option.
Congestion issues at the current Hillarys Dog Beach will be alleviated in time for the 2010-2011 summer period, as dog owners will not be deterred from entering the Horse Beach without a leash.	The City of Wanneroo is unlikely to have a horse beach established in the immediate future, leaving Cockburn as the only metropolitan beach to permit horse exercising in the interim.
The horse-float carpark could be immediately reconfigured to accommodate a greater number of dog owners in time for the 2010-2011 summer period.	The community consultation results supported the continued presence of a Horse Beach within the City of Joondalup.

*Option: 2 Apply a phase-out period to the closure of the Horse Beach over a two-year period, allowing access to the beach by horses on Monday-Saturday from daybreak-midday, after which, the area reverts to a Dog Beach.*

Pros	Cons
This option may allow for the establishment of a new horse beach within the City of Wanneroo, prior to the removal of access at Hillarys Beach.	The eventual closure of the Horse Beach is not supported by horse owners and Council is likely to receive considerable dissent from this interest group.
Dog owners will be able to exercise their dogs on this section of the beach without a leash during afternoon and evening periods and all-day on Sundays. This will enable congestion on the Dog Beach to be alleviated on the days and times when it is most utilised.	The community consultation results supported the continued presence of a Horse Beach within the City of Joondalup.
Horse owners have already indicated their support for time restrictions over the Horse Beach.	Recreational horse owners will be restricted to one day a week when they will be able to access the Horse Beach, given that the weekend is the only time they are able to undertake the logistics of transporting agisted horses from the Cities of Wanneroo and Swan to Hillarys.

**Recommendation:** It is the City's position that Option 2 should be the preferred implementation approach for the closure of the Hillarys Horse Beach.

### **Dog Beach**

As a driver of the Beach Management Plan's development and the recipient of the highest number of responses from the consultation results, the issue of the Dog Beach has attracted considerable interest both locally and regionally.

The results of the consultation and discussions held at the key stakeholder meeting highlight the division that exists within the community on the proposal to extend the Dog Beach south. Issue Statement 20 within the Beach Management Plan does not currently support a southern extension, however, to respond to the petition request and determine the level of community support for the proposal, this option was included within the consultation survey.

Following the analysis of the consultation outcomes, it is apparent that support for some form of extension to Dog Beach exists within the community. As such, the options below reflect this sentiment:

*Option: 1      Extend the Dog Beach north only by 160m, as is currently articulated within the Beach Management Plan*

<b>Pros</b>	<b>Cons</b>
<p>A majority of the community believe the current Dog Beach is too congested and requires extension of some form.</p> <ul style="list-style-type: none"> <li>• Data Source 1 (Random Sample) – 46%</li> <li>• Data Source 2 (General Public) – 67%</li> </ul>	<p>The options for extending the Dog Beach received inconsistent results from the consultation process, therefore, it is difficult to conclusively state that community support for this option has been obtained.</p>
<p>Extending the Dog Beach north will enable access to the beach from the Horse Beach carpark. Upon closing the Horse Beach, a reconfiguration of this carpark will enable parking congestion for dog owners to be alleviated.</p>	<p>Extending the Dog Beach north to allow dogs to be exercised off-lead, requires the removal of horses from this section of the beach as off-lead dogs and horses are unable to safely interact.</p>
<p>Extending the Dog Beach north only, limits the environmental impact that dogs can have on adjacent dunal systems.</p>	<p>This option does not reflect the strong sentiment from dog owners that extending the Dog Beach south is the preferred option.</p>
<p>This option ensures that Ern Halliday Recreation Camp activities are not impacted upon by dog exercising on the beachfront in front of the camp underpass.</p>	
<p>Hillarys Beach is identified in past and current coastal analyses as an unstable-eroding portion of beach. Limiting the area along this beach that dogs can be exercised, will assist stabilisation efforts within the dunal system.</p>	

<p>Dogs' accessing the dunal system along Hillarys Beach is the most significant contributing factor to vegetation degradation in the area.</p> <p>The most effective means of deterring dunal access is to fence the foredune, which is of significant cost to the City. Limiting the area which requires fencing and ongoing rehabilitation of the dune, will be of greater benefit to the City and the environment.</p>	
<p>The southern area of Hillarys Beach will be retained for more passive activities, without interference from dog owners accessing the area.</p>	
<p>The Whitfords Node Carpark access path will be retained as a dog-free area, reducing conflict between dogs and people accessing the beach.</p>	

*Option: 2      Extend the Dog Beach north 160m to apply at all times and south 325m to the Whitfords Node Carpark beach access path on Sundays and Public Holidays only.*

<b>Pros</b>	<b>Cons</b>
<p>Dog owners who lobbied for a southern extension will be satisfied that access to this section of beach on the most popular days has been provided.</p>	<p>Sundays and Public Holidays are also the most popular days for attending Hillarys Beach by other users, therefore, conflicts are likely to occur on these days.</p>
<p>A majority of the community believe the current Dog Beach is too congested and requires extension of some form.</p> <ul style="list-style-type: none"> <li>• Data Source 1 (Random Sample) – 46%</li> <li>• Data Source 2 (General Public) – 67%</li> </ul>	<p>Applying day and time restrictions over the southern section of the Dog Beach will be confusing for beach users and therefore unlikely to be complied with.</p> <p>In addition, enforcing compliance will be difficult to achieve, as additional patrols will be required at times when dogs are not permitted in this area.</p> <p>Discussions with other local governments who currently apply day and time restrictions over dog beaches within their District have found compliance numbers to be very low and receive negative publicity every year at the commencement of the summer period when high numbers of fines are issued to dog owners who are unaware of the restrictions.</p>

<p>Extending the Dog Beach north will enable access to the beach from the Horse Beach carpark. Upon closing the Horse Beach, a reconfiguration of this carpark will enable parking congestion for dog owners to be alleviated.</p>	<p>Extending the Dog Beach south will increase maintenance costs required to sweep the beach clean of dog excreta on the days in which the beach reverts back to general use.</p>
	<p>The section of Hillarys Beach south of the Ern Halliday Recreation Camp beach access path is in a state of erosion. Therefore, increasing its utilisation by allowing access to it by dog owners will further destabilise the beach area.</p>
	<p>The southern section of Hillarys Beach is significantly narrower than in other sections, therefore, conflicts between dog owners and other beach users is more difficult to avoid.</p>
	<p>The area along the coastline where the dunal system is most degraded is that directly in front of the current Dog Beach. If extended south, the dunal systems in front of the most eroded portion of beach along the City's coastline will be subject to increased vegetation degradation, which will in turn destabilise the dunal system further and exacerbate erosion in this location.</p>
	<p>The options for extending the Dog Beach received inconsistent results from the consultation process, therefore, it is difficult to conclusively state that community support for this option has been obtained.</p>
	<p>The Whitfords Node Carpark beach access path will be subject to potential conflict between general beach users and dog owners on Sundays and Public Holidays, rendering it as an unsafe option for other users.</p> <p>This path is also the most direct path to the beach from the carpark, therefore, general beach users will have to walk considerably further in order to avoid dogs on these days.</p>

**Recommendation:** It is the City's position that Option 1 should be the preferred approach to the management of dog exercising activities within the Beach Management Plan.

**Legislation** Various State legislation and the City's Local Government and Public Property Local Law 1999, Trading in Public Places Local Law 1999, and Health Local Law 1999.

### **Strategic Plan**

**Key Focus Area:** Key Focus Area 2: The Natural Environment.  
Key Focus Area 4: The Built Environment.  
Key Focus Area 5: Community Wellbeing.

**Objectives:** 2.1: To ensure that the City's natural environmental assets are preserved, rehabilitated and maintained.  
2.2: To engage proactively with the community and other relevant organisations in the preservation of the City's natural environmental assets.  
4.2: To progress a range of innovative and high quality urban development projects within the City.  
5.2: To facilitate healthy lifestyles within the community.  
5.4: To work collaboratively with stakeholders to increase community safety and respond to emergencies effectively.

**Policy:** Policy - Height of Buildings within the Coast Area (Non-Residential Zones).  
Policy - Reserves, Parks and Recreation Grounds.  
Policy - Community Facilities, Built.  
Policy - Management of Community Facilities.  
Policy - Asset Management.

### **Risk Management considerations:**

It should be acknowledged that in pursuing any of the options for adopting the Beach Management Plan, there are risks involved in balancing the needs and interests of a variety of coastal users. Regardless of the option selected, certain groups and individuals will be adversely affected by Council's decision and it is Council's responsibility to ensure that any adverse affects are as limited as possible and balanced against other considerations.

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

Budget implications that arise from the adoption of the Beach Management Plan will be considered as part of the development of an Implementation Plan, given that different implementation approaches will attract significant variations in costs.

A report will presented to Council after the adoption of the Beach Management Plan, outlining the City's proposed implementation approaches for Issue Statements 1 – 32.

### **Regional Significance:**

Based on the City's coastal location, adopting a Beach Management Plan will have impacts on regional visitors to the area and should therefore accommodate and consider both regional and local needs.

### **Sustainability Implications:**

The purpose of the Beach Management Plan is to provide for the sustainable use and management of the City's coastline.

**Consultation:**

As detailed within this report and at Attachment 1 of this report.

**COMMENT**

The policy-making process aims to resolve issues which are the subject of competing community perspectives. In developing policy, it is important to consider all elements of an issue and objectively reach a conclusion that will result in the greatest benefit to local and wider communities and have the least impact on the environment and financial capacity for policy-makers to provide other crucial services.

The development of a Draft Beach Management Plan is a perfect example of policy-making at its most difficult, in that a significantly large number of stakeholders all hold legitimate views on how a vulnerable and much-loved natural asset (the coastline) should be managed to achieve social, economic and environmental benefits to everyone. Determining a logical outcome to these competing interests will pose significant challenges, however, that should not discourage Council from reaching a conclusion that may be contrary to the views of a small majority, while providing greater benefits in other areas such as the environment.

The recommended options in this report are largely driven by the extensive research undertaken in development of the Draft Beach Management Plan and the quantitative and qualitative results of the public consultation. The options presented attempt to balance the needs of all beach users whilst also taking into account any evidence (raised through the consultation) that there may be inconsistencies or better approaches for each of the Issue Statements.

In addition, after reviewing the options outlined within this report it is considered that Council will have effectively fulfilled the petitioners requests for considering the banning of kitesurfing activities at North Mullaloo Beach and extending the Hillarys Dog Beach south by 325m. As such, additional reports to Council on these matters should not be required.

**VOTING REQUIREMENTS**

Simple Majority

## RECOMMENDATION

### That Council:

- 1 **ENDORSES** the intent of Issues Statements 1 to 32 and notes that some of these statements may be subject to minor amendments prior to the Beach Management Plan's final adoption;
- 2 **ENDORSES** Option 2, *(being that only exclusion zones are established which apply over the entire length of Mullaloo and North Mullaloo Beaches and Sorrento Beach from the Marina wall to the Plaza )*, as the preferred approach to managing kitesurfing activities along the City's coastline and **AGREES** to include it within Issue Statements 20 and 21 of the Draft Beach Management Plan;
- 3 **ENDORSES** Option 2, *(being the application of a phase-out period to the closure of the Horse Beach over a two-year period, allowing access to the beach by horses on Monday-Saturday from daybreak-midday, after which, the area reverts to a Dog Beach)*, as the preferred implementation approach for Issue Statement 5 within the Draft Beach Management Plan, as it relates to the closure of the Hillarys Horse Beach;
- 4 **ENDORSES** Option 1, *(being the extension of the Dog Beach north only by 160m, as is currently articulated within the Beach Management Plan)*, as the preferred approach to managing dog exercising activities along the City's coastline;
- 5 **NOTES** that a report will be presented back to Council seeking adoption of a final version of the Beach Management Plan; and
- 6 **NOTES** that upon adopting the Beach Management Plan, the City will commence developing an Implementation Plan to give effect to the 32 Issue Statements within the Plan.

*Appendix 13 refers*

To access this attachment on electronic document, click here: [Attach13brf140910.pdf](#)

- 8 REPORT OF THE CHIEF EXECUTIVE OFFICER**
- 9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS**



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

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

<b>Name/ Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Interest that may affect impartiality* <span style="float: right;"><i>* Delete where not applicable</i></span>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

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

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

(a) *in a written notice given to the CEO before the meeting; or*



*diately before the matter is discussed.*

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

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

<b>Name/ Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Interest that may affect impartiality* <span style="float: right;"><i>* Delete where not applicable</i></span>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

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

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

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



**QUESTION TO BE ASKED AT  
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

**QUESTIONS**

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Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to [council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

**Please note that:**

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called

