

# agenda

## Briefing Session

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

**ON** TUESDAY, 12 OCTOBER 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 11 October 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 five 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 Information121010.pdf](#)

## CITY OF JOONDALUP – BRIEFING SESSION

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 12 OCTOBER 2010** commencing at **6.30 pm**

### ORDER OF BUSINESS

- 1 OPEN AND WELCOME**
- 2 DEPUTATIONS**
- 3 PUBLIC QUESTION TIME**

The following questions were submitted to the Briefing Session held on **14 September 2010**.

**Ms G Monroe, Greenwood:**

*Re: Item 13 – Draft Beach Management Plan - Dog beach.*

*Q1 Can we be assured there will be no further delays and changes to the dog beach will be implemented prior to summer 2010?*

*A1 It is proposed that any amendment to animal exercise areas would be operational this summer. Changes can still be implemented parallel with any requirement for local laws to be changed.*

**Mr M Caiacob, Mullaloo:**

*Re: Item 13 – Draft Beach Management Plan - Kitesurfing*

*Q1 Does the City have a citizens' safety framework for risk management?*

*A1 The City has adopted a Risk Management Framework which is integrated into business planning processes to identify, evaluate and mitigate risk.*

*Q2 In relation to the draft Beach Management Plan, in particular kitesurfing, is it a local or regional issue?*

*A2 The City's decision-making is to consider what is in the best interests of the City of Joondalup and its ratepayers.*

**Mr A Bertram, North Perth:**

*Re: Item 13 – Draft Beach Management Plan - Kitesurfing*

*Q1 There were three incidents relating to kitesurfing, is the Council aware of incidents relating to other surf craft?*

A1 The City does not have details. Some incidents have been reported but the City does not have legislation to take action.

*Q2 What communication has taken place, given it is a different to exclusion zone?*

A2 Consultation is today and next week at Council. It is Council's role and right to explore all possibilities and Elected Members saw the results of the consultation for the first time five weeks ago. Clearly there were divergent opinions and other potential options. The City will have further meetings with stakeholders.

**Mr D Arkless, Currambine:**

*Re: Item 13 – Draft Beach Management Plan - Kitesurfing*

*Q1 Where does the Council propose kitesurfers relocate if there is a ban on Mullaloo Beach?*

A1 It is up to the users, the kitesurfers, to determine their own space. Marmion or Sorrento could be alternative locations. The best people to answer this question are the users.

*Q2 Will the Council take on board the document sent to Councillors today that the only stretches of beach suitable are at Mullaloo and Pinnaroo?*

A2 Elected Members do not take their decision making lightly. They listen to all views by all stakeholders and will make a decision relating to the issues raised.

**Mr Jonathan Kearney, Duncraig:**

*Re: Item 7 - Duncraig Tennis Courts*

*Q1 When will Council make a decision on decommissioning Duncraig Tennis Courts?*

A1 Tuesday, 21 September 2010.

*Q2 Would Council consider delaying on the basis that public consultation to date is inadequate?*

A2 This is a matter for the Council to decide.

**Mr Phil Morrow, Coogee:**

*Re: Item 13 – Draft Beach Management Plan - Kitesurfing*

Q1 *Is the Council aware that in the face of bans up to 17 kilometres, two of the most densely populated areas, Manly and Bondi beaches, are utilised by both users?*

A1 That is a rhetorical question.

Q2 *Given the usage of those beaches, there has not been one incident in 12 years of usage.*

A2 The City cannot answer that question.

## **4 PUBLIC STATEMENT TIME**

**The following statements were submitted to the Briefing Session held on 14 September 2010**

**Mr Harry Jackson, Craigie:**

*Re: Item 13 – Draft Beach Management Plan – Dog Beach Extension*

Mr Jackson spoke in favour of the Dog Beach Extension.

**Mr Michael Caiacob, Mullaloo:**

*Re: Item 13 – Beach Management Plan – Kite surfing*

Mr Caiacob spoke against the use of Mullaloo beach by kitesurfers.

**Master Zac Brouker, Connolly:**

*Re: Item 13 – Beach Management Plan – Kite surfing*

Master Brouker spoke on behalf of kitesurfing for 12 to 16 year olds.

**Mr Dave Arkless, Currambine:**

*Re: Item 13 – Beach Management Plan – Kitesurfing*

Mr Arkless spoke on behalf of kitesurfers at Mullaloo.

**Mr Ray Qualis, Padbury:**

*Re: Item 13 – Beach Management Plan – Kite surfing*

Mr Qualis spoke on behalf of kitesurfers at Mullaloo.

**Mr Narciso Astoni, Mullaloo:**

*Re: Item 13 – Beach Management Plan – Kite surfing*

Mr Nastoni spoke on behalf of surf lifesaving at Mullaloo.

**Mr Darren Marshall, Carine:**

*Re: Item 13 – Beach Management Plan – Kitesurfing*

Mr Marshall spoke on behalf of kitesurfers at Mullaloo.

**Mr John Fairchild, Sorrento:**

*Re: Item 7 – Duncraig Tennis Courts*

Mr Fairchild spoke on behalf of the Duncraig Tennis Club.

**Mr Justin O’Malley, West Perth:**

*Re: Item 13 – Beach Management Plan – KiteSurfing*

Mr O’Malley spoke in favour of Kitesurfing on Mullaloo Beach.

## **5 APOLOGIES AND LEAVE OF ABSENCE**

Apology - Cr Hollywood, Deputy Mayor

### **Leave of Absence Previously Approved**

Cr Brian Corr      20 October – 29 October 2010 inclusive

## **6 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY**

## **7 REPORTS**

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

<b>WARD:</b>	All
<b>RESPONSIBLE:</b>	Ms Dale Page, Director Planning and Development
<b>FILE NUMBER:</b>	07032, 05961
<b>ATTACHMENTS:</b>	Attachment 1     August 2010 Decisions planning applications Attachment 2     August 2010 Decisions building applications Attachment 3     August 2010 Subdivision applications processed

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

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

The purpose of delegation of certain powers by Council, in addition to other town planning matters, is to facilitate timely processing of development applications, R-codes variations and subdivision applications. The framework for the delegation of those powers is set out in resolutions adopted by Council and is reviewed on a 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:

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

determined by those staff members with Delegated Authority powers during August 2010 (as detailed in Attachments 1, 2 and 3 respectively).

### **BACKGROUND**

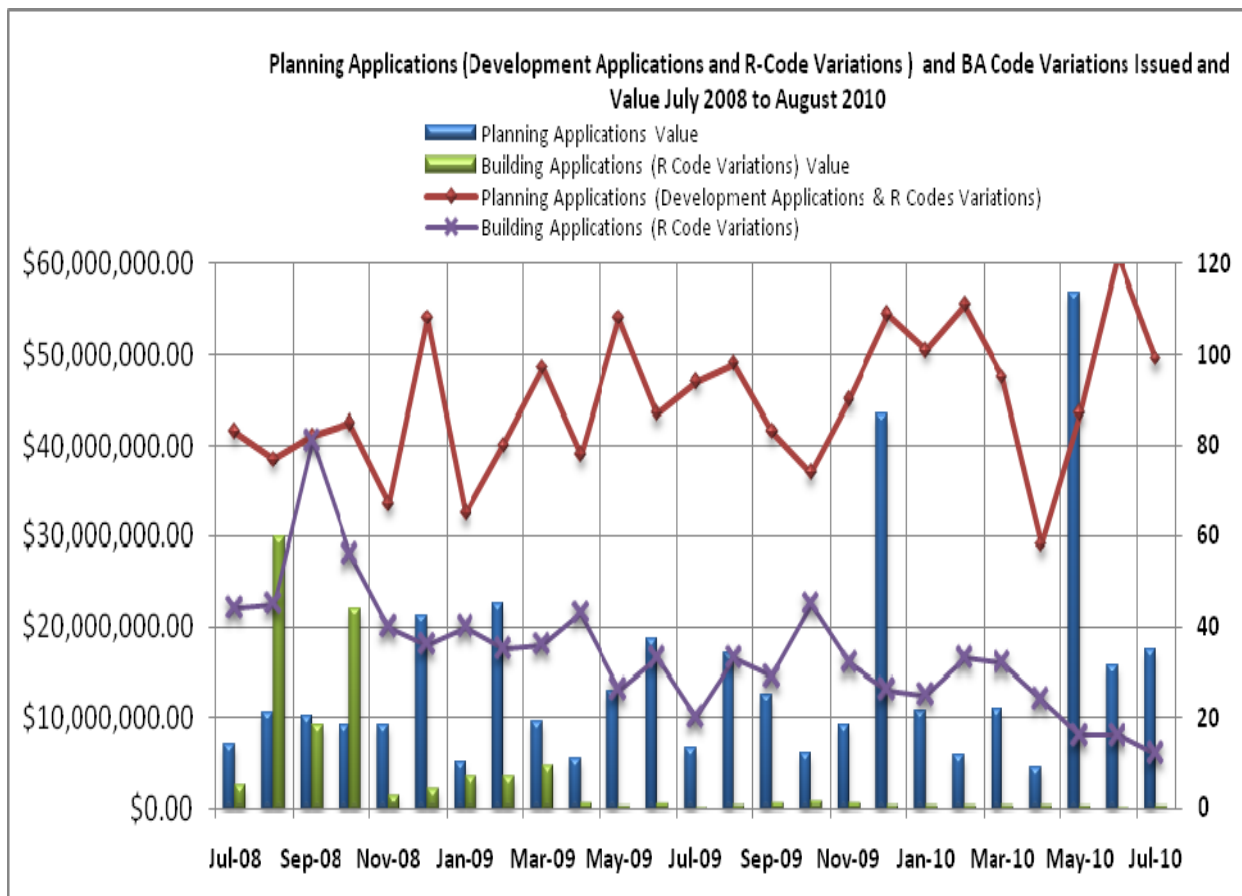
The District Planning Scheme No 2 requires that delegation be reviewed two yearly, unless a greater or lesser period is specified by Council. Council, at its meeting held on 20 July 2010 considered and adopted the most recent Town Planning Delegation.

**DETAILS**

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

<b>Approvals determined under delegated authority – August 2010</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Value (\$)</b>
Planning applications (development applications & R-Codes variations)	108	\$ 10,343,388
Building applications (R-Codes variations)	40	\$ 385,975
<b>TOTAL</b>	<b>148</b>	<b>\$ 10,729,363</b>

The number of development applications received during the period for August was 141. (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 From 1 August to 31 August 2010</b>		
<b>Type of approval</b>	<b>Number</b>	<b>Potential additional new lots</b>
Subdivision applications	6	547
Strata subdivision applications	4	8

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

The above subdivision applications include a 545 lot proposal within the Burns Beach development. This is, however, a renewal application as the existing approval is due to expire.

### **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 148 applications were determined for the month of August with a total amount of \$45,669 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 108 development applications determined during August 2010, consultation was undertaken for 28 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 10 subdivision applications processed during August 2010 were not advertised for public comment, as the proposals complied with the relevant requirements.

**COMMENT**

Large local governments utilise levels of delegated authority as a basic business requirement in relation to Town Planning functions. The process allows for timeliness and consistency in decision-making for rudimentary development control matters. The process also allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

All proposals determined under delegated authority are assessed, checked, reported 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 August 2010;**
- 2 Subdivision applications described in Attachment 3 to this Report during August 2010.**

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf121010.pdf](#)*

## **ITEM 2                    PROPOSED WEEKLY FARMERS MARKET AT SPRINGFIELD                    PRIMARY                    SCHOOL, 31 BRIDGEWATER DRIVE, KALLAROO**

<b>WARD:</b>	Central
<b>RESPONSIBLE:</b>	Ms Dale Page, Director Planning and Development
<b>FILE NUMBER:</b>	08077
<b>ATTACHMENTS:</b>	Attachment 1      Location plan Attachment 2      Development plan Attachment 3      Advertising plan

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### **PURPOSE**

To request Council's determination of an application for a weekly Farmers Market at Springfield Primary School, located at 31 Bridgewater Drive, Kallaroo.

### **EXECUTIVE SUMMARY**

The applicant is seeking to renew an approval for a Farmers Market at Springfield Primary School. The current approval allows for the Farmers Market to operate not more than once per fortnight, over a period of twelve months. That approval will lapse in December 2010. This current proposal also seeks approval to increase the frequency of the market from fortnightly to weekly. No other aspects of the proposal have been altered from the original approval.

The Farmers Market has been operating on the second and fourth Saturdays of the month since March 2010, following Council's approval being granted at its meeting held on 15 December 2009. No complaints have been received by the City regarding the impact of the market during this time.

The proposal was advertised for public comment for a period of 14 days. No submissions were received in response to this consultation.

The proposed development is supported as the market is considered consistent with the DPS2 reservation, and will not impact on the amenity of local residents.

It is recommended that Council approves the application subject to conditions.

### **BACKGROUND**

<b>Suburb/Location:</b>	Reserve 32680 (31) Bridgewater Drive, Kallaroo
<b>Applicant:</b>	Tracey Forder (Market Coordinator)
<b>Owner:</b>	Department of Education and Training
<b>Zoning:</b>	<b>DPS:</b> Local Reserve (Public Purposes – Primary School)
	<b>MRS:</b> Urban
<b>Site Area:</b>	34 hectare
<b>Structure Plan:</b>	Not Applicable

The subject site is bounded by Bridgewater Drive to the south, and Koombana Way to the north. The western and eastern boundaries are bound by existing residential development along Barque Place, and Batavia Place.

The subject site is located in a Residential R20 area, consisting primarily of single detached houses. It is zoned Urban under the Metropolitan Region Scheme (MRS) and is reserved under the City's District Planning Scheme No.2 (DPS2) for Public Purposes (Primary School).

The primary school is a State Government school, operated by the Department of Education and Training. The farmers market is an initiative of the Springfield Primary School Parents and Community Association (P&C).

At its meeting held on 15 December 2009, Council approved an application for fortnightly Farmers Market at Springfield Primary School (CJ263 – 12/09 refers). This approval is valid until December 2010 and entailed:

- The sale, by local producers, of primary farm produce and value added consumable products, as well as a small selection of homemade crafts.
- Up to 21 stalls (maximum stall size of 8m<sup>2</sup>) with a total market gross floor area (GLA) of 455m<sup>2</sup> inside the existing covered assembly area, on the adjacent grassed area, and a coffee van using two car bays in the existing staff car park.
- Stallholders unloading produce in the staff car park (eastern car park), and parking in the western car park, and on the basketball court.
- Operating hours for the market of 9.30am and 12.30pm, with stallholders commencing set up from 8.30am.
- Parking for customers being provided in the 30 remaining bays in the staff car park (eastern car park).
- Vehicular access being from Bridgewater Drive.

The market has been operating since March 2010 without complaint.

In June 2010 the State Administrative Tribunal (SAT) determined an application for review of Council's decision to refuse an application for a fortnightly Farmers Market at Poynter Primary School. The SAT's consideration of a number of aspects of the operation of a Farmers Market is also relevant to this proposal and will be discussed in more detail in the comments section of this report.

## **DETAILS**

The applicant is seeking a renewal of the above-mentioned approval, with a proposed increase in the frequency of the market from fortnightly to weekly. No other detail of the operation is proposed to be altered.

In support of the request for the frequency of the market to be increased to weekly, the applicant has submitted the following justifications:

- *A weekly market will allow our current customers the opportunity to shop for fresh produce on a regular, weekly basis. We are encouraging people to buy fresh and local but not currently able to give them a regular opportunity to do so;*
- *A weekly market will allow our vendors the opportunity to build relationships with their customers – we are encouraging people to buy direct from the growers and producers but they are not being given the opportunity to forge any kind of bond;*
- *We are finding that we are losing current and potential vendors as there is no opportunity for them or us to grow with a fortnightly market;*

- *A weekly market will allow us, the P&C as operators, the opportunity to gather some momentum with this endeavour. We find that the fortnightly nature of the market is very 'stop-start' and that our patrons are constantly confused as to when we are running; and*
- *We are the only fresh produce market in the Perth area that does not operate weekly and this is hampering our efforts to remain competitive and appealing to both visitors and vendors.*

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

Council has the discretion to:

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

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

**Legislation**                      City of Joondalup District Planning Scheme No. 2

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

#### **2.3.2 USE OF LOCAL RESERVES**

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

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

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

#### **2.3.3 DEVELOPMENT OF LOCAL RESERVES**

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

- demolish or damage any building or works;*
- remove or damage any tree;*
- excavate spoil or waste the land so as to destroy affect or impair its usefulness for the purpose for which it is reserved;*
- construct, extend, or alter any building or structure other than a boundary fence;*

- (e) *carry out or commence to carry out any other development on any Local Reserve.*

#### 2.3.4 APPLICATION FOR PLANNING APPROVAL ON LOCAL RESERVES

- 2.3.4.1 *The Council may consider applications for Planning Approval for land within a Local Reserve but shall have due regard to the ultimate purpose intended for the Local Reserve and the matters set out in Clause 6.8 (“Matters to be Considered by Council”).*
- 2.3.4.2 *Provisions in the Scheme relating to applications for Planning Approval and the exercise of any discretion thereon shall, insofar as they are not inconsistent with this clause, apply to Local Reserves.*
- 2.3.4.3 *To the extent that it is reasonable to do so, the Council shall apply or impose development standards and requirements which would be imposed for development of the kind in question on zoned land, and the Council shall for that purpose stipulate the zone most relevant for comparison.*
- 2.3.4.4 *Where any land is partly zoned under the Scheme and partly included in a Local Reserve, then the general provisions of the Scheme shall apply to the part which is zoned, and where the circumstances permit, the Council may give one decision in respect of the part of the land which is zoned and a different decision in respect of the part of the land included in the Local Reserve.*
- 2.3.4.5 *The Council shall, in the case of land reserved for the purposes of a public authority, consult with that authority before giving its approval.*

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

#### 6.8 MATTERS TO BE CONSIDERED BY COUNCIL

- 6.8.1 *The Council when considering an application for Planning Approval shall have due regard to the following:*
- (a) *interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
  - (b) *any relevant submissions by the applicant;*
  - (c) *any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
  - (d) *any planning policy of the Council adopted under the provisions of clause 8.11;*
  - (e) *any other matter which under the provisions of the Scheme the Council is required to have due regard;*
  - (f) *any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
  - (g) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
  - (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*

- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

## **Strategic Plan**

**Key Focus Area:** Community Wellbeing

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

**Policy** No policies are applicable in this instance.

## **Risk Management considerations:**

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

## **Financial/Budget Implications:**

The applicant has paid fees of \$135 (including GST) to cover the cost with assessing the proposal.

## **Regional Significance:**

Not Applicable.

## **Sustainability implications:**

Not Applicable.

## **Consultation:**

The previous application which was determined by Council in December 2009, was advertised to adjoining and nearby landowners twice via letters. This occurred once when the application was first received, and once when amended plans were submitted.

The City advertised this current application by way of letter to those same residents. The letter that was sent to these landowners provided an explanation of the approval issued in 2009, and advised that the current proposal seeks to increase the frequency of the market from fortnightly to weekly. A period of 14 days was provided for comments to be submitted to the City, this ended on 6 September 2010.

No submissions were received as a result of this advertising.

A petition, containing 193 signatures in support of the increased frequency of the Market was lodged by the applicant with the planning application, along with a further three letters of support. The petition was received by Council at its meeting of 21<sup>st</sup> September 2010.

Three letters of support were also sent directly to the City prior to public consultation being undertaken.

## COMMENT

### Frequency and Land Use

Council is required to consider the appropriateness of the proposed land use in relation to the reservation of the land. In doing so, considerations must include, but are not limited to:

- the amenity of surrounding landowners and the locality;
- the individual site context;
- the location of the markets or development within the site;
- the ability to provide adequate parking for all users; and
- community sentiment surrounding the proposal.

The combination of these factors, and all other considerations set out in Clause 6.8.1 of DPS2 will enable Council to make an informed decision on any given proposal on its individual merits.

In considering the proposed use and the reservation of the land the City previously sought legal advice, which identified:

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

The SAT's decision in relation to the proposed Farmers Market at Poynter Primary School also explores the question of consistency with the Reservation. In setting out the reasons for their decision, the SAT stated:

*"The Tribunal considers that the proposed development of a farmers' market for three hours duration on each alternative Saturday is acceptable having due regard to the ultimate purpose intended for the Local Reserve. The P&C's sole purpose in undertaking the proposed development is to raise funds which will contribute to the educational resources and learning programs for the students of Poynter Primary School. As noted earlier, under s143(3) of the SE Act, the P&C may not expend its funds that are in excess of administrative costs, otherwise than for the benefit of students at the school. The fact that the farmers market would operate on a regular fortnightly basis and that the stallholders themselves are commercial operators seeking to make a profit and having no other relationship with the school does not alter the fundamental purpose of carrying out the development, namely for the benefit of the education and learning of the students at Poynter Primary School by the collection of licence fees from stallholders"*

The SAT also make reference to the scale and location of the market as being determining factors, but do not provide the same consideration to frequency.



It is considered that the weekly frequency of the Farmers Market does not prevent this proposal from being viewed as being consistent with the reservation. The funds raised will still be utilised for the benefit of children attending the school, and the use will not detract from the primary use of the site as an Educational Establishment. It is recommended that the increased frequency of the market be supported.

### Car Parking

DPS2 does not provide a car parking standard for market, however Council previously endorsed a standard of one bay per 20m<sup>2</sup> Gross Leasable Area plus one bay per stallholder as being appropriate for the market. All car parking for the market is able to be contained on site and no parking problems have been identified since their commencement in March 2010.

It should be noted that there are also 12 on street parking bays adjacent to this area of the school. Whilst not counted towards the parking provision for the market as part of the previous approval, they can also be utilised by customers of the market.

### Approval Period

A condition of approval limited the initial operating period for the Farmers Market to twelve months, with a requirement for the applicant to reapply should they wish to continue to operate beyond December 2010. That requirement, in conjunction with the request to increase the frequency of the market to weekly is the reason for this application.

This limited approval period was put in place to allow the City to review the operations of the market to ensure that they were not adversely impacting the on the amenity of the area, and to allow the City to re-advertise to surrounding landowners to ascertain if they had any concerns or issues which arose during the initial operating period.

As the applicant is seeking to increase the frequency of the Market it is recommended that a limited approval period of 12 months is again provided. At the end of that twelve month period Council could then consider providing approval for a longer period of time subject to public consultation and analysis of any concerns or complaints received during that time.

### Conclusion

The proposed land use has previously been considered to be consistent with the reservation of the land for the purposes of a Primary School. The current proposal to increase the frequency of the market is considered appropriate as the market:

- Will only operate a maximum of once per week for a short period of time;
- Will directly benefit the school and school community; and
- Has been operating for a period of time now, in accordance with all conditions of approval, and without complaint.

In this instance it is considered that the increased frequency will not result in any adverse impact on surrounding landowners.

It is recommended that Council approves the proposal subject to conditions, noting that the recommended conditions of approval are the same as the December 2009 approval, with the exception of the frequency of the Markets and references to markings in red on the plans.

## **VOTING REQUIREMENTS**

Simple Majority.

## RECOMMENDATION

### That Council:

- 1 APPROVES the application dated 4 August 2010, submitted by Tracey Forder (Market Coordinator Springfield Primary) on behalf of the owner, Department of Education and Training, for a Weekly Farmers Market at Springfield Primary School Reserve 32680 (31) Bridgewater Drive, Kallaroo subject to the following conditions:
  - 1.1 The operating times for the market shall be Saturday mornings between 9.30am and 12.30pm only. Stall holders shall not commence setting up before 8.30am;
  - 1.2 The frequency of the market shall not exceed once per week;
  - 1.3 A maximum of 21 stalls is permitted within the area labelled as market site on the approved plans. The maximum stall size shall be two metres x four metres;
  - 1.4 No amplified sound shall be permitted without the prior written approval of the City;
  - 1.5 Customer parking shall be provided in the eastern staff car park, at all times the market is operating;
  - 1.6 All stallholder parking shall be provided in the western car park and on the existing basketball court. All stallholder vehicles shall be parked in this location by no later than 9.15am at which time the crossover is to be gated off to prevent customer access. Access to this parking area shall be prevented at all times during the operating hours of the market;
  - 1.7 Traffic management shall be undertaken in accordance with the submitted traffic management plan and amended details dated 19 October 2009. Where there is a conflict between these two documents the letter dated 19 October shall prevail. Directional signage and Traffic Wardens shall be provided for the duration of the operation of the market to indicate the location of parking areas and discourage verge parking;
  - 1.8 The pedestrian gate located between Springfield Primary School and Batavia Place shall be kept locked at all times the market is operating;
  - 1.9 Generators are not permitted to be used on site;
  - 1.10 The area containing the market is to be kept in a clean and tidy condition at all times during and following the operation of the market;
  - 1.11 All temporary structures associated with the market shall be removed at the completion of the market;
  - 1.12 The market shall operate in accordance with all documentation submitted to the City as part of application DA09/0517 with the exception of the frequency of the market set out in condition 1.2 above;
  - 1.13 This approval is valid for a period of 12 months from the date of approval;

- 2 NOTES that no complaints have been received about the Springfield Primary School Markets since commencement of the operation and that no submissions were received in response to the new application.**

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf121010.pdf](#)*

### **ITEM 3                    PROPOSED SCHEME AMENDMENT TO DISTRICT BREEDING OF ANIMALS FOR COMMERCIAL SALE AND/OR CONSUMPTION**

**WARD:**                    All

**RESPONSIBLE:**        Ms Dale Page, Director Planning and Development

**FILE NUMBER:**        09011

**ATTACHMENTS:**       Nil

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#### **PURPOSE**

The purpose of the report is for Council to consider a proposal to initiate an amendment to the District Planning Scheme No 2 to control the large scale breeding of animals 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 21 September 2010, Council resolved to request a report to initiate an amendment to DPS2 that would implement Option 3 outlined in that report (CJ146-09/10 refers) with a view to controlling the large scale breeding of animals for commercial sale and/or consumption.

The amendment to DPS2 would include a new land use classification 'Animal Breeding' and would indicate where the land use would be permitted. The amendment would also prevent 'Animal Breeding' from being considered a Home Business.

#### **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”.*

In accordance with the above resolution, a report outlining four options was presented to the Council meeting held on 21 September 2010 (CJ146-09/10 refers). Council resolved the following:

1. *RECEIVES the report outlining the options available for preventing the large scale breeding of animals in residential areas for commercial sale and/or consumption.*
2. *REQUESTS a report be presented to the October Ordinary Council meeting to initiate an amendment to District Planning Scheme No 2, reflecting the approach detailed in Option 3 of the report.*

## **DETAILS**

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

Four options to control the large scale breeding of animals for commercial sale and/or consumption were presented to the Council at its meeting held on 21 September 2010. Council resolved to request a report to initiate a scheme amendment which reflects the approach detailed in Option 3.

To implement Option 3, the following modifications to DPS2 would be required:

- Insert a new definition for ‘Animal Breeding’.
- Insert an ‘Animal Breeding’ use class into the Land Use Table and include a permissibility within each Zone (eg Permitted, Not Permitted, Discretionary).
- Amend the Home Business 1, 2, and 3 definitions in order to prevent ‘Animal Breeding’ occurring as a Home Business.
- Insert ‘Animal Breeding’ into the Car Parking Standards Table and allocate a standard of 1 bay per 50sqm Nett Lettable Area.

The options available to Council in considering the proposed 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**

Part 5 of the *Planning and Development Act 2005* enables a local government to amend their 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.

### **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:**

Advertising costs of the proposed amendment to DPS2 are estimated to be \$1,900.

### **Regional Significance:**

Not Applicable.

### **Sustainability implications:**

Not Applicable.

### **Consultation:**

Should Council initiate the proposed amendment, it is required to be advertised for public comment for a period of 42 days. 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 notice board at the City's administration building and on the City's website.

### **COMMENT**

In accordance with Council's resolution at its meeting held on 21 September 2010, an amendment to the DPS2 to control the large scale breeding of animals for commercial sale and/or consumption is outlined within the Recommendation below.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

That Council, pursuant to Part 5 of the Planning and Development Act 2005, INITIATES an amendment to the City of Joondalup District Planning Scheme No. 2 to:

- 1 Include within Schedule 1 (Clause 1.9) – Interpretations, a definition of ‘Animal Breeding’ to read as follows:

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

- 2 Include the Use Class ‘Animal Breeding’ within Table 1 (Clause 3.2) - The Zoning Table, and include the following permissibilities against the Zones of District Planning Scheme No 2:

Zone	Permissibility
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

- 3 Amend ‘Home Business - Category 1’ definition within Schedule 1 (Clause 1.9) – Interpretations to include:
  - (l) does not entail the operation of a business that falls within the definition ‘Animal Breeding’.
- 4 Amend ‘Home Business - Category 2’ definition within Schedule 1 (Clause 1.9) – Interpretations to include:
  - (j) does not entail the operation of a business that falls within the definition ‘Animal Breeding’.
- 5 Amend ‘Home Business - Category 3’ definition within Schedule 1 (Clause 1.9) – Interpretations to include:
  - (k) does not entail the operation of a business that falls within the definition ‘Animal Breeding’.
- 6 Include the Use Class ‘Animal Breeding’ within Table 2 (Clause 4.8) – Car Parking Standards, and allocate a parking standard of 1 per 50m<sup>2</sup> NLA.

for the purposes of public advertising for a period of 42 days.

## **ITEM 4                    PROPOSED FIVE STOREY COMMERCIAL DEVELOPMENT AT LOT 523 (35) DAVIDSON TERRACE, JOONDALUP**

<b>WARD:</b>	North
<b>RESPONSIBLE:</b>	Ms Dale Page, Director Planning and Development
<b>FILE NUMBER:</b>	60529
<b>ATTACHMENTS:</b>	Attachment 1      Location plan Attachment 2      Development plans

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### **PURPOSE**

To request Council's determination of an application for a five storey commercial development, with basement car parking at Lot 523 (35) Davidson Terrace, Joondalup.

### **EXECUTIVE SUMMARY**

An application for planning approval has been received for a new, five storey commercial development with a total of 2899.4m<sup>2</sup> net lettable area (NLA). The development also includes a total of 35 car bays and six motorcycle bays to be provided on site, including a basement car park and parking directly accessed from the right of way (ROW).

The site is located on the corner of Reid Promenade and Davidson Terrace (refer Attachment 1 refers). A disused garden centre and pedestrian awning are currently located on the site.

The proposal is considered to meet all the requirements of the Joondalup City Centre Development Plan and Manual (JCCDPM) other than a projection through the 60 degree recession plane on the western (Davidson Terrace) elevation, and a parking shortfall of 57 bays.

At its meeting held on 25 May 2010, Council adopted the draft Joondalup City Centre Structure Plan (JCCSP), which is currently with the Western Australian Planning Commission (WAPC) to be certified. As the draft JCCSP has been adopted by Council it is considered a "seriously entertained planning proposal" and must be given consideration in the assessment and determination of this application. The following variations to the draft JCCSP are proposed:

- Storeys four and five being set back a maximum of 2.5 metres instead of a nil setback to the street alignment.
- Floor level of the ground floor not matching with the verge level on the northern (Reid Promenade) boundary.

Having regard to the requirements of both the JCCDPM and draft JCCSP the variations are considered acceptable. On this basis, it is recommended that the application be approved.



## BACKGROUND

<b>Suburb/Location:</b>	Lot 523 (35) Davidson Terrace, Joondalup
<b>Applicant:</b>	Raphael Maguire
<b>Owner:</b>	Raphael, Elizabeth and Alex Maguire
<b>Zoning:</b>	<b>DPS:</b> Centre
	<b>MRS:</b> Urban
<b>Site Area:</b>	1,334m <sup>2</sup>
<b>Structure Plan:</b>	Joondalup City Centre Development Plan and Manual (JCCDPM), and draft Joondalup City Centre Structure Plan (JCCSP)

The site is located on the corner of Reid Promenade and Davidson Terrace. A disused garden centre and pedestrian awning are currently located on the site. There is a single storey commercial development to the south.

The property is zoned 'Centre' under the City of Joondalup District Planning Scheme No.2 (DPS 2) and is subject to the provisions of the JCCDPM. Under the JCCDPM the site is located within the Central Business District and is designated for General City Uses.

At its meeting held on 25 May 2010, Council adopted the draft JCCSP. Under the draft JCCSP the site is located within the 'Central Core' zone. This draft Structure Plan is currently with the Western Australian Planning Commission (WAPC) to be certified.

## DETAILS

The proposed development incorporates the following:

- A five storey development comprising nine commercial tenancies.
- An additional single storey commercial tenancy fronting Reid Promenade.
- A basement car park accessed from the adjoining right of way, with 26 car bays, a service bay, and three motor cycle bays.
- Car parking accessed directly from the ROW at the rear of the site, including eight tandem car bays, a disabled bay and three motor cycle bays.

Areas where the application does not comply with the relevant requirements of the JCCDPM and draft JCCSP are highlighted below:

### JCCDPM

- a portion of the fifth storey of the development projecting through the 60 degree recession plane on Davidson Terrace.
- 41 bays (35 car bays and six motorcycle bays) provided on site in lieu of 97. In accordance with *Council Policy - Joondalup City Centre Car Parking for Commercial Development*, only 5 of the motorcycle bays can be counted toward parking for the site. As such, a total of 40 bays are referred to in the comment and recommendation sections of this report.

## Draft JCCSP

- Fourth and fifth storey setback 1.7 metres to Reid Promenade, and 2.5 metres to Davidson Terrace in lieu of nil setback for the first five storeys.
- Single storey component to Reid Promenade in lieu of minimum height of five storeys.
- No awnings provided to eastern facade elevation.
- Ground floor having a maximum height of 900 millimetres above level of the footpath on Reid Promenade rather than being at the footpath level.

The areas of non-compliance with the JCCDPM and draft JCCSP are discussed further in the comments section of this report.

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

Council has the discretion to:

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

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

**Legislation**                      City of Joondalup District Planning Scheme No 2

The application includes proposed variations to the JCCDPM. Clause 4.5 of DPS2 gives Council discretion to consider these variations.

#### *4.5 Variations to Site and Development Standards and Requirements.*

- 4.5.1      Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.
- 4.5.2      In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:
- (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to Clause 6.7.1; and
  - (b) have regard to any expressed views prior to making its decision to grant the variation.
- 4.5.3      The power conferred by this clause may only be exercised if the Council is satisfied that:
- (a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and

- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

In exercising discretion under Clause 4.5, the matters listed under Clause 6.8 require consideration:

*6.8 Matters to be considered by Council*

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

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

## Strategic Plan

**Key Focus Area:** The built environment

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

**Policy** Council Policy - Joondalup City Centre Car Parking for Commercial Development

The objective of this policy is to provide guidance to the provision of private and public car parking to ensure the Joondalup City Centre attains its position as the second major city in metropolitan Perth, and to achieve an appropriate balance between private and public car parking.

### 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 Planning and Development Act 2005.

### Financial/Budget Implications:

The applicant has paid fees of \$3,180.00 (including GST) to cover all costs with assessing the application.

### Regional Significance:

Not Applicable.

### Sustainability implications:

The proposed commercial development is considered beneficial to the economic development of the Joondalup CBD in the long term, and will provide further opportunities for local employment. The development also provides end of trip facilities (showers/lockers), which is generally in accordance with sustainable development principles.

It is recommended that a condition of approval require that bicycle parking be in the undercroft in place of the motorcycle bay to the east of the service bay. This loss of a motorcycle bay will not alter the car parking provision of 40 bays for the site, as discussed in the comment section of this report.

The applicant has provided the following information in regard to the sustainability of the development:

- *The development has made best use of the northern orientation of daytime working areas with large windows, and as few windows as possible on the east and west. Shading of these windows with awnings has also been provided.*
- *The development will incorporate water efficiency measures such as stormwater management, water reuse, rainwater tanks and water efficient technologies including dual flush toilets, water efficient showerheads.*
- *Energy efficiency measures will incorporate photo-voltaic cells and efficient lighting, heating and cooling etc.*

- *The design will aim at enhancing indoor air quality through reducing volatile organic compounds and other air impurities. Low-VOC products such as paints, adhesives, carpet etc. will also be incorporated.*
- *Consideration will be given to the lifecycle of materials and wherever possible, materials will be sought locally and reused on-site. Furthermore, it is intended that the development will aim to make use of recycled materials and rapidly renewable materials such as bamboo, cork, linoleum, and recyclable materials such as timber and glass.*

### **Consultation:**

The proposal was not advertised as it was considered that it would not adversely impact on the amenity of the locality or surrounding residents.

### **COMMENT**

#### Street Setbacks

The development proposes nil setbacks to the street boundary for the first three storeys. This meets the requirements of the JCCDPM. However, the draft JCCSP requires the first five storeys to have a setback of nil to street boundaries.

Having regard to the objectives of the draft JCCSP, it is considered that the first three storeys having a nil setback still maintains a strong “urban wall” and will enhance the character of the City Centre, especially at the pedestrian level. The development is therefore considered to meet the relevant objectives of the draft JCCSP.

#### Building Height

The fifth storey of the development projects marginally through the 60 degree recession plane set out in the JCCDPM (Attachment 2 refers). The projection through the recession plane will not have an adverse effect on the occupiers of the building adjoining existing developments, or upon the future development of the locality. The development meets the minimum five storey height required under the draft JCCSP, and it is considered to be an appropriate height and size for city centre development.

The single storey tenancy fronting Reid Promenade does not meet the minimum five storey height set out in the draft JCCSP. However, given that the majority of the development is five storeys in height and that the single storey tenancy is consistent with the JCCDPM, it is considered appropriate.

#### Car Parking

Car parking for the site has been calculated in accordance with the JCCDPM and draft JCCSP (1:30m<sup>2</sup> NLA) and *Council Policy - Joondalup City Centre Car Parking for Commercial Development*.

Under the JCCDPM a total of 97 bays is required. However, having regard to the requirements of the draft JCCSP, in which car parking for commercial development is required to be calculated based on the area of ground floor commercial tenancies only, a total of only 22 bays would be needed. The 40 bays proposed are therefore in excess of the requirements of the draft JCCSP.

In accordance with the above Council Policy, 10% of the bays to be constructed on-site may be used for motor cycles, and 20% of the bays may be designed and constructed as “small” vehicle bays. A total of six motor cycle bays and eight “small” vehicle bays have been provided on-site. In accordance with the Policy, only five of the motor cycle bays can be counted towards the parking available on-site.

Council is required to determine whether the 40 bays being provided are sufficient to service the development. The options available to Council are:

- 1 Determine that the provision of 40 bays is appropriate; or
- 2 Determine that the provision of 40 bays is not appropriate; or
- 3 Determine that a cash-in-lieu payment is required for the shortfall in parking.

The intent of car parking only being required for the ground floor for commercial developments under the draft JCCSP is to encourage a balance between providing sufficient car parking to stimulate economic activity while encouraging alternative modes of transport.

In relation to access to public transport services it is noted that there is a bus stop within 100 metres of the site, and the site is within 800 metres of the Joondalup train station.

Having regard to the draft JCCSP and the lesser requirement for car parking to be provided on site, and the proximity to public transport, it is considered that the provision of 40 bays is sufficient for this development. A condition of approval is recommended that requires the proposed tandem bays to be marked for staff use only.

#### Floor Levels

The internal floor levels have been stepped along Davidson Terrace to be consistent with the pavement levels, and therefore are in compliance with both the JCCDPM and draft JCCSP. However, the finished floor level for Tenancy 1 will be up to 900mm above the footpath level on Reid Promenade, being inconsistent with the requirement in the draft JCCSP.

Whilst some level differences between the public and private realm occurs, it is considered that overall the development provides a good level of activation of both street frontages and is appropriate in this instance.

Given that the raised floor level is in compliance with the JCCDPM, is only for a small portion of the frontage, and it being unlikely that there will be a need for access from this frontage in the future, the level is considered appropriate.

#### Signage and Glazing

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

A condition of approval is recommended to ensure that no obscure glazing is used on the ground floor tenancies, in accordance with the requirements of the JCCDPM. This condition will also require that sun protection shall be provided to the east facing windows in order to satisfy the requirements of the JCCSP.

### Approval Period

The City's DPS2 allows for an approval to be issued for a particular length of time. If a development is not commenced, substantially commenced, or completed (as specified within the approval documents) within the timeframe set out, the approval ceases to be valid. To ensure that the subject development is fully constructed as proposed, and is not staged, a condition of approval is proposed that requires the entire development to be completed within four years from the date of approval. Failure to comply with this, or any other condition of approval is an offence under the Planning and Development Act 2005, and the City may take action in accordance with the provisions of DPS 2.

### Conclusion

The proposed development complies with the requirements of DPS2 and the JCCDPM with the exception of building height and car parking. It is considered that these variations should be supported as the proposal is appropriate for the location in regards to land use, building bulk and scale of development. Furthermore, having regard to the draft JCCSP recently adopted by Council, the development is considered to meet all relevant objectives.

The proposed development will be a positive addition to the city centre. It will provide a significant amount of commercial floorspace to meet the future demands of the growing city centre. It is considered that the design of the building will positively contribute to the urban fabric of the Joondalup city centre.

Given the above, it is recommended that the application be approved subject to conditions.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

#### **That Council:**

- 1 EXERCISES discretion in relation to Clause 4.5 and 4.8.1 of the City's District Planning Scheme No.2, and determines that the following are appropriate in this instance:**
  - 1.1 Parking provision of 40 bays in lieu of 97 bays;**
  - 1.2 The projection through the 60 degree recession plane;**
- 2 NOTES that the proposal does not meet the requirements of the draft Joondalup City Centre Structure Plan in relation to:**
  - 2.1 Storeys four and five not having a nil setback to the street alignment;**
  - 2.2 Single storey development to Reid Promenade;**
  - 2.3 Floor levels on the northern boundary (Reid Promenade) being a maximum of 900 millimetres above the verge level;**
- 3 APPROVES the application for planning approval, dated 26 February 2010, submitted by Raphael Maguire, on behalf of the owners, Raphael, Elizabeth & Alex Maguire, for proposed five storey commercial development at Lot 523 (35) Davidson Terrace, subject to the following conditions:**

- 3.1 This decision constitutes planning approval only and is valid for a period of two years from the date of the decision letter. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect;
- 3.2 The entire development, as shown on the approved plans shall be completed within four years from the date of approval;
- 3.3 With the exception of awnings, all construction works shall be contained within the property boundaries;
- 3.4 The parking bays, driveways and access points to be designed in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004) and Off-street Parking for People with Disabilities (AS/NZS2890.6 2009). Such areas are to be constructed, drained and marked prior to the development first being occupied and thereafter maintained, to the satisfaction of the City;
- 3.5 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;
- 3.6 A Refuse Management Plan indicating the method of rubbish collection is to be submitted as part of the building licence, and approved by the City, prior to the development first being occupied;
- 3.7 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;
- 3.8 A full schedule of colours and materials for all exterior parts to the building shall be provided as part of the Building Licence Application, and approved by the City, prior to the issue of a building licence for this development;
- 3.9 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:
  - 3.9.1 all demolition and forward works for the site;
  - 3.9.2 the delivery of materials and equipment to the site;
  - 3.9.3 the storage of materials and equipment on the site;
  - 3.9.4 the parking arrangements for the contractors and subcontractors;
  - 3.9.5 other matters likely to impact on the surrounding properties.
- 3.10 Car bays 1, 2 and bays 30 to 35 as shown on the approved plans shall be marked and permanently set aside for staff parking only;



- 3.11 Obscured or reflective glazing shall not be used on the ground floor building facades facing Davidson Terrace and Reid Promenade;**
- 3.12 The windows on the eastern façade are to be protected from direct sun. Plans demonstrating how this requirement will be satisfied are to be provided with the Building Licence Application, to the satisfaction of the City;**
- 3.13 The external entrances to Tenancy 1 to 4 shall match existing verge levels;**
- 3.14 The brick paved footpaths along Davidson Terrace and Reid Promenade shall be continued to the property boundary in a pattern to match the existing paving, at a grade of 2%, at the applicant's expense and to the satisfaction of the City;**
- 3.15 Bicycle parking facilities shall be provided to the east of the service bay in substitution of the motorcycle bay, and thereafter maintained to the satisfaction of the City. The proposed facilities shall be shown on the Building Licence plans, for approval by the City. All bicycle parking shall be in accordance with the Australian Standard for Parking Facilities – Bicycle Parking (AS2890.3 – 1993).**

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf121010.pdf](#)*

## **ITEM 5                    PROPOSED SHOWROOM, OFFICES, TAKE AWAY FOOD OUTLETS AND CONVENIENCE STORE AT LOT 929 (1244) MARMION AVENUE, CURRAMBINE**

<b>WARD:</b>	North
<b>RESPONSIBLE:</b>	Ms Dale Page, Director Planning and Development
<b>FILE NUMBER:</b>	75606
<b>ATTACHMENTS:</b>	Attachment 1      Location plan Attachment 2      Development plans

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### **PURPOSE**

To request Council's determination of an application for a showroom, offices, take away food outlets and a convenience store, together with associated car parking at the Currambine Marketplace Shopping Centre, located at 1244 Marmion Avenue, Currambine.

### **EXECUTIVE SUMMARY**

The applicant is seeking approval to construct two buildings which will contain showroom(s), a convenience store, offices and take away food outlets on the subject site. Car parking for the proposed development is also proposed.

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

The proposal satisfies the requirements of the City's DPS2, and seeks minor variations to the CDCSP.

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

The additional car parking that will be provided is adequate to satisfy the DPS2 requirements for the proposed land uses.

It is recommended that Council approves the application subject to conditions.

### **BACKGROUND**

<b>Suburb/Location:</b>	Lot 929 (1244) Marmion Avenue, Currambine
<b>Applicant:</b>	TPG Town Planning and Urban Design
<b>Owner:</b>	Davidson Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Business
	<b>MRS:</b> Urban
<b>Site Area:</b>	7.5000 ha
<b>Structure Plan:</b>	Currambine District Centre Structure Plan

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 on the eastern side of Marmion Avenue, immediately north of Shenton Avenue (Attachment 1 refers). The proposed development will be located in the north western corner of the subject site on a 1.024 hectare portion of the 7.5 hectare site.

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 north-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 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.
- Lot 5004 (4) Hobsons Gate (located to the immediate north of the subject site). Council approved a showroom and shop complex on the subject site at its meeting of 16 December 2008, and this has been fully constructed. A number of change of use approvals have also been issued for the tenancies within this complex.

The Currambine Shopping Centre and cinema complex is located on the southern portion of the subject site and residential development is located to the west across Marmion Avenue. At its meeting held on 10 June 2008 Council refused an application for a Liquor Store on the portion of the shopping centre site that is the subject of this application (CJ106–06/08 refers). That proposal was approved by the State Administrative Tribunal, subject to a number of conditions, in December 2008.

The City has also subsequently approved an application under Delegated Authority, for the realignment of Ocean Gate Parade, the road leading into the shopping centre from Marmion Avenue. This was a condition of approval for the abovementioned Liquor Store application.

The subject site is zoned Business under the Structure Plan, therefore there is no maximum retail floorspace applicable to this site under DPS2. The maximum retail net lettable area (NLA) only applies to Commercial zoned land.

## **DETAILS**

The proposed development incorporates the following:

- One single storey showroom building and one two storey building incorporating offices, a convenience store and take away food outlets;
- Provision of 54 car parking bays in addition to 172 car parking bays approved for this portion of the shopping centre site;

- A refuse enclosure for the showroom building that will be accessed via the drive through loading dock for the adjoining liquor store;
- Bin storage area accessed through a single door off of Chesapeake Way for the Office, Take Away Food Outlet, and Convenience Store building;
- Vehicle access to the site from Ocean Gate Parade off Marmion Avenue and the future main street (Chesapeake Way).

The development plans are shown in Attachment 2.

The following table summarises the key areas where there is not strict compliance with the requirements of the CDCSP and DPS2.

<b>Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Complies</b>
Side Setback (Ocean Gate Parade)	Nil (Urban Edge)	Max 11.5 metres to street (this is not a property boundary. Exact location of urban edge is not specified)	No
Building facades	Active frontages with 70% glazing.	<u>Building p1-B (Showroom)</u> Eastern façade – 21% Southern façade – 16% Northern façade – nil	No No No
		<u>Building P1-C</u> Northern façade – 52% Southern façade – 47% Western façade – 39% Eastern façade – 36%	No No No No
	Window sills not less than 600mm above ground floor level	Window sills at ground floor level	No
Footpaths	A continuous footpath (three metres minimum) along the building edge	Minimum 1.2 metres (northern side of P1-C)	No

**Car Parking:**

<b>Proposed Use</b>	<b>Required by DPS2</b>
Showroom/Office (1/30m <sup>2</sup> NLA)	595.3m <sup>2</sup> = 20 bays
Convenience Store (recommended 4/100m <sup>2</sup> NLA)	113m <sup>2</sup> = 5 bays
Take Away Food Outlet One per four guests in seated area plus seven per 100m <sup>2</sup> NLA for non-seated areas.	60 seats = 15 bays + 269m <sup>2</sup> (total floor area used as non- serving areas not specified) = 19 bays
Liquor Store (seven per 100m <sup>2</sup> NLA – subject of previous approval)	1,350m <sup>2</sup> – 95 bays
<b>Total Required</b>	<b>154 bays</b>
<b>Provided</b>	<b>216 bays</b>

The proposed development will have a surplus of 62 parking bays, subject to Council approving the use of a car parking standard of four bays per 100m<sup>2</sup> for the Convenience Store.

The applicant has provided written justification for the development stating:

*“The development has been designed to assist the activation of the main street and the car park located to the immediate south of the approved Dan Murphy Liquor Store. It will also act as a visual landmark and gateway to the shopping centre for traffic entering the site from Marmion Avenue.*

*Minor variations can be supported in this instance as the amount of glazing or visually permeable structures still ensures the development addresses and appropriately activates each of its frontages, and because minor variations required in respect of reduced footpaths occur in isolated locations and still facilitate adequate pedestrian activity and circulation”.*

**Issues and options considered:**

Council has the discretion to:

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

**Legislation/Strategic Plan/Policy Implications**

**Legislation** City of Joondalup District Planning Scheme No 2

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

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

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

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

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

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

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

The matters listed under Clause 6.8 require consideration:

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

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

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

**Strategic Plan**

**Key Focus Area:** The Built Environment

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

**Policy** Not Applicable

**Risk Management considerations:**

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

**Financial/Budget Implications:**

The applicant has paid fees of \$5,580 (including GST) to cover the cost of assessing the proposal.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

The applicant has provided the following information regarding the sustainability implications of the development:

*“The structure plan refers directly to the robustness of a building. It encourages buildings that front the public space, maximise interaction and allow adaptation over time. It is emphasized that commercial uses will remain viable as long as cars and people pass them.*

*The proposed buildings have been designed with these principles in mind by maximising the number of active frontages to respond to the different areas of activity that the Centre offers. This means the buildings will remain viable over time as uses change and evolve. Buildings have minimal setbacks to streets and pedestrian networks are provided around buildings and between the different areas of the Centre to encourage movement. Car parking is also provided around each cell of the Centre to ensure vehicles can easily access the various activities offered.”*

**Consultation:**

The application was not advertised for public comment as the proposed uses are permitted within the Business zone, and the minor variations to the requirements of the Structure Plan are not considered to have a detrimental impact on any adjoining or nearby properties.

**COMMENT**Location and Use of the Proposed Development

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 for the Business Zone are:

- To create an active focus for the community with a diversity of non-retail mainstreet uses that generate day and evening activity;
- To allow appropriate businesses to locate and develop in close proximity to residential areas for the convenience of the community;
- Encourage high standards of 'Main Street' built form and an active edge to create an attractive façade to vehicle and pedestrian routes providing visual amenity and interaction;
- Provide efficient vehicle access and circulation with pedestrian priority; and
- Encourage a high level of passive surveillance of public and private spaces;

The proposed development has an active street frontage on Chesapeake Way and also to the car parking area to the west of building P1-C. Access to the site occurs from both Chesapeake Way and Ocean Gate Parade.

The proposed land uses within the development are permitted uses that are considered to be low impact and compatible with one another and the existing and proposed surrounding uses.

The proposed showrooms, offices, take away food outlets and convenience store will contribute to the mixture of day time and night time commercial, retail, and entertainment services that the Currambine District Centre is expected to provide to the surrounding community.

The proposed development satisfies the objectives of the Business Zone of DPS2 and the CDCSP and is compatible with the proposed developments for surrounding and adjacent sites.

#### Design Variations to the CDCSP

The proposed development is subject to the CDCSP. The proposal seeks to vary the following standards of the CDCSP:

- Setback to Urban Edges

The CDCSP seeks to have nil setbacks on 'Urban Edges' and minimise any recesses within these urban edges to dimensions no greater than 1.5 metres deep and 3 metres wide. The proposed development does not achieve this for the short frontage to Ocean Gate Parade (adjacent to the roundabout). This is due to the shape of the 'lot' and the design of the proposed development incorporating a wide footpath and landscaped area adjacent to the roundabout.

It is considered that the proposed development still meets the requirement to provide an attractive and interactive frontage to Chesapeake Way and Ocean Gate Parade without compromising the compatibility of the development with the existing shopping centre and approved Liquor Store development.

- Building frontages with less than 70% glazing:

The proposal includes glazing of building frontages of between nil and 21% for building P1-B (Showroom building adjacent to the approved Liquor Store) and between 36% and 52% for building P1-C.



Whilst these are large reductions to the 70% required by the CDCSP, it is considered that the glazing provided does promote surveillance of the street via large ground floor windows. It is also considered that the development is of the high main street quality that the CDCSP aims to achieve.

In addition, the Structure Plan requires all windows to be a minimum of 600mm above ground floor level, while the proposal incorporates a number of windows to all frontages that begin at ground level. This is consistent with other developments approved in the Currabine District Centre and is considered to be appropriate.

In relation to glazing requirements it is considered that the proposal satisfies one of the objectives for the Business Zone under the Structure Plan, this being to *“encourage high standards of Main Street built form and an active edge to create an attractive facade to vehicle and pedestrian routes providing visual amenity and interaction”*.

- Footpaths

The CDCSP requires all developments to have footpaths with a minimum width of three metres surrounding the proposed building. The footpath adjacent to the northern side of building P1-C is 1.2 metres wide adjacent to new car parking bays. It is considered acceptable given the adequate footpath around the remainder of the development, particularly along the main street, and adjacent to the main car parking area, which provide a safe and efficient route for pedestrian traffic along the main street of the District Centre.

The proposed design variations to the CDCSP are considered minor in nature and the design of the building is consistent with that encouraged by the objectives of the CDCSP. It is recommended that the above variations be supported.

#### Crime Prevention through Environmental Design (CPTED)

The Western Australian Planning Commission and Office of Crime Prevention have developed guidelines for development to reduce the opportunity for crime through simple design solutions. The following designing out crime measures have been satisfied by the proposed development:

- Surveillance

The development is situated such that it has a high degree of visibility from all sides, which will provide surveillance from passing traffic, as well as users of the shopping centre, cinemas and main street. A substantial number of windows on the development also overlook Cheseapeake Way and over the car parking area which will assist in providing passive surveillance of these areas, discouraging criminal behaviour.

The proposed development includes uses which will provide activity on the site during both the day and night time. This will provide natural surveillance during these times and the mixture of uses should be encouraged.

It is recommended that, should the proposed development be approved, a condition of approval be that the windows are required to remain clear glazed and not obscured to maintain adequate surveillance.

- Landscaping

Landscaping is proposed throughout the development and it is recommended that a condition of approval be that a detailed landscaping plan be submitted as part of the building licence application to ensure that landscaping does not obstruct surveillance opportunities.

### Condition of Previous Approval

It is noted that a condition of the previous liquor store approval required areas indicated on those plans as 'future development' to be landscaped within a number of criteria. Those areas are the subject of this application, and as such that condition no longer requires fulfilling, provided that the two developments are constructed simultaneously as is intended.

### Traffic and Parking

The proposed development provides adequate car parking for the proposed uses, in the car park to the west of building P1-C. This car parking area was approved as part of the Liquor store development on the subject site, and through the subsequent approval of a development application for the realignment of Ocean Gate Parade.

A new car parking area is also proposed to the south of Ocean Gate Parade that will accommodate a further 44 car parking bays.

A car parking standard is not provided for Convenience Store under DPS2 and as such, Council must determine an appropriate standard. Council has previously accepted that a standard of four bays per 100m<sup>2</sup> Net Lettable Area (NLA), as provided for the land use Corner Store, is appropriate for a Convenience Store, and have approved several in this locality using this standard.

It is considered appropriate that the Corner Store car parking standard of four bays per 100m<sup>2</sup> should apply to the Convenience Store component of the development as:

- the proposed Convenience Store is similar in size and scale to a Corner Store;
- the proposed Convenience Store will offer similar goods and services to a Corner Store;
- it is considered that the proposed Convenience Store will attract a similar rate of customers as a Corner Store.

### Conclusion

The proposed development complies with the requirements of DPS2 and the CDCSP with the exception of the matters discussed above. The design variations are supported as the proposal is considered to meet the objectives for the Currambine District Centre and the variations requested will not have an adverse impact on the amenity of adjoining or nearby properties.

The subject site is an appropriate and acceptable location for development of showrooms, offices, take away food outlets and a convenience store given its frontage to Chesapeake Way and proximity to the residential area that is currently being developed. The development also provides street activity and frontage to Chesapeake Way.

The proposed showrooms, offices, take away food outlets and convenience store will contribute to the mixture of commercial, retail, and entertainment services that the Currambine District Centre is expected to provide to the surrounding community.

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

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

That Council:

- 1 **EXERCISES** discretion under Clause 4.5 of the City of Joondalup District Planning Scheme No.2 and determines that the following are appropriate in this instance:
  - 1.1 A setback of 11.5 metres in lieu of nil to Ocean Gate Parade;
  - 1.2 Building facades having between 0% and 52% glazing in lieu of 70%, with windows to the ground level in lieu of 600 millimetres above it;
  - 1.3 Internal footpaths of minimum 1.2 metres around the building in lieu of three metres;
- 2 Having regard to Clause 4.8.2 of the City of Joondalup District Planning Scheme No 2, **DETERMINES** that the car parking standard for the use “Convenience Store” shall be four car parking bays per 100m<sup>2</sup> Net Lettable Area;
- 3 **APPROVES** the application for Planning Approval dated 30 April 2010 submitted by TPG Town Planning and Urban Design, the applicant, on behalf of the owner, Davidson Pty Ltd for Showroom, Offices, Convenience Store and Take Away Food Outlets at Lot 929 (1277) Marmion Avenue, Currambine, subject to the following conditions:
  - 3.1 The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for off-street car parking (AS2890.1 2004) with the exception of the following:
    - 3.1.1 parking bays adjacent to landscaping shall be a minimum of 2.8 metres wide;
    - 3.1.2 up to a maximum of 5% of the required bays can be set aside as small car bays;

Such areas are to be constructed, drained, marked and thereafter provided and maintained to the satisfaction of the City of Joondalup prior to the development first being occupied. These works are to be done as part of the building program and access to all shopping centre customers is to be maintained thereafter;
  - 3.2 A detailed landscaping plan for the development site being submitted and approved prior to the issue of the relevant Building Licence. For the purposes of this condition, a detailed landscaping plan shall be drawn to a scale of 1:200. All details relating to paving and treatment of verges are to be shown on the landscaping plan;

- All landscaping, reticulation and verge treatments, based on waterwise principles, are to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City of Joondalup;
- 3.3 Shade trees shall be planted and maintained in the car parking areas at a rate of one tree for every four parking bays, to the satisfaction of the City;
- 3.4 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 be approved by the City prior to the commencement of construction;
- 3.5 All doors for the proposed buildings shall open inwards so as not to restrict pedestrian movement along footpaths;
- 3.6 The parking area shall be artificially illuminated at night. A lighting plan detailing all pole and fixture positions, lux levels and light spillage shall be submitted and approved prior to the issue of the relevant Building Licence;
- 3.7 Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from ground level;
- 3.8 No obscure or reflective glazing is permitted at ground floor level;
- 3.9 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:
- all forward works for the site;
  - the delivery of materials and equipment to the site;
  - the storage of materials and equipment on the site;
  - the parking arrangements for the contractors and subcontractors;
  - other matters likely to impact on the surrounding properties or developments;
- 3.10 A schedule of colours and materials for the proposed buildings shall be submitted and approved prior to the issue of the relevant Building Licence;
- 3.11 This decision constitutes planning approval only and is valid for a period of two years from the date of the decision letter. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf121010.pdf](#)

## **ITEM 6                    CHANGE OF USE FROM RECREATION CENTRE TO VEHICLE PANEL BEATING/SPRAY PAINTING (RETROSPECTIVE) AT LOT 12 (27) WINTON ROAD, JOONDALUP**

<b>WARD:</b>	North
<b>RESPONSIBLE:</b>	Ms Dale Page, Director Planning and Development
<b>FILE NUMBER:</b>	18938
<b>ATTACHMENTS:</b>	Attachment 1      Location plan Attachment 2      Development plan

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### **PURPOSE**

To request Council's determination of a retrospective application for a change of use from Recreation Centre to Vehicle Panel Beating/Spray Painting, at Lot 12 (27) Winton Road, Joondalup.

### **EXECUTIVE SUMMARY**

The applicant is seeking retrospective planning approval for a change of use from a Recreation Centre to Vehicle Panel Beating/Spray Painting at Lot 12 (27) Winton Road, Joondalup.

The subject land is occupied by an existing building consisting of a single tenancy. The site is adjoined by commercial developments to the north and south, and the Mitchell Freeway to the west.

The site is zoned Service Industrial under the City's District Planning Scheme No 2 (DPS 2), with Vehicle Panel Beating/Spray Painting being a discretionary ("D") use in the zone. Under the draft Joondalup City Centre Structure Plan the site will be located in the Business Support zone, in which the land use will be a permitted ("P") use.

A car parking requirement is not specified within DPS 2 for the land use 'Vehicle Panel Beating/Spray Painting'. As such, Council is required to determine an appropriate car parking standard for this land use.

The development is considered to be consistent with the objectives and purpose of the Service Industrial zone. Furthermore, it is considered that there is adequate car parking on site to support the land use.

It is recommended that the application be approved, subject to the acceptance of a car parking standard for 'Vehicle Panel Beating/Spray Painting' of one bay per 50m<sup>2</sup> net lettable area (NLA).

## BACKGROUND

**Suburb/Location:** Lot 12 (27) Winton Road, Joondalup  
**Applicant:** L.W Freese  
**Owner:** L.W Freese  
**Zoning:** **DPS:** Service Industrial  
**MRS:** Urban  
**Site Area:** 2040m<sup>2</sup>  
**Structure Plan:** Draft Joondalup City Centre Structure Plan

The site is located in the Joondalup Business Park, to the west of Joondalup Drive. The site consists of a single unit, and is adjoined by existing commercial development to the north and south, and Mitchell Freeway to the west.

The unit was approved in 1987 as a gymnasium/recreation centre. Additions were approved in 2003 and 2008, however were never constructed. These approvals have since lapsed.

The current land use commenced operating in early 2010.

A total of 24 car bays are provided on site.

## DETAILS

The applicant seeks retrospective approval for a change of use to 'Vehicle Panel Beating/Spray Painting'. At present, there is no spray painting being undertaken on-site, however they are seeking to provide this service in the near future.

Details of the manner in which the Centre operates are as follows:

- The repair of up to 14 vehicles per week with minor to medium damage to vehicle bodies. All vehicle repairs will be undertaken inside the unit;
- The employment of up to eight staff; and
- Hours of operation between 7.00am and 5.00pm Monday to Friday, and 8.00am to 1.00pm Saturdays.

The proposed land use complies with all aspects of DPS 2, subject to Council agreeing to an appropriate car parking standard for the land use.

### Issues and options considered:

Council has discretion to:

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

## Legislation/Strategic Plan/Policy Implications

### Legislation

#### City of Joondalup District Planning Scheme No.2

Vehicle Panel Beating/Spray Painting is a discretionary (“D”) use in the Service Industrial Zone. A “D” use means:

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

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

#### 6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

- (a) interests of proper and orderly planning and the preservation of the amenity of the relevant locality;*
- (b) any relevant submissions by the applicant;*
- (c) any agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) any planning policy of the Council adopted under the provision of clause 8.11;*
- (e) any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia.*
- (g) any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) the comments or wishes of any public or municipal authority received as part of the submissions process;*
- (i) the comments and wishes of any objectors to or supporters of the application;*

- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such a precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

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

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

A car parking standard is not prescribed by Table 2 of DPS 2 for this land use and as such Council's determination is required. Clause 4.8 allows Council to determine an appropriate parking standard as follows:

#### 4.8 CAR PARKING STANDARDS

- 4.8.1 *The design of off-street parking areas including parking for disabled shall be in accordance with AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.*
- 4.8.2 *The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.*



**Strategic Plan**

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

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

**Policy**

Not Applicable.

**Risk Management considerations:**

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

**Financial/Budget Implications:**

The applicant has paid fees of \$265.00 (incl. GST) to cover all costs with assessing the proposal.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

The applicant has provided the following information in regard to the sustainability implications of the business:

Paint Area

A spray painting booth and mixing room will be located at the rear of the unit, with both rooms designed to comply with the relevant Australian Standards. The spray booths are self contained chambers that vent air via filters to capture airborne particles in accordance with relevant Australian Standard. In addition to this, the business will use current best practice principles by way of water based products (for example base coat paint) and specifically designed spray guns to reduce overspray and minimise emissions.

Storage and Waste

The business will produce both liquid and solid waste, with all hazardous waste being stored within the mixing room. The disposal of such wastes will again use best practice standards, solidifying water based waste and reusing solvent where practicable. All hazardous waste will be disposed of monthly by a registered chemical handling company who then recycle the waste.

A wash bay will be provided on-site. This will incorporate a filtration system which will ensure contaminants are removed from waste water.

Non-hazardous waste including paper waste and bumpers will be stored within the unit. Bumpers and other polypropylene panels will be picked up by an external company on a regular basis. All other paper waste will be disposed of appropriately. Dry sanding will be conducted using a vacuum extraction to contain airborne particles.

Should approval be granted an advice note will be included advising the applicant of their obligations to comply with the *Environmental Protection Act 1986*, and relevant Australian Standards.

### **Consultation:**

Clause 6.7.2 of DPS 2 allows public consultation to be undertaken prior to the consideration of an application for Planning Approval where this is considered necessary or appropriate. In this instance there is no impact or loss of amenity to the surrounding area as a result of this land use, and the business is consistent with the objectives of the Service Industrial Zone.

As such, the application has not been advertised.

### **COMMENT**

#### Land use

Vehicle Panel Beating/Spray Painting is a discretionary land use in the Service Industrial Zone. The land use will be a permitted use once the draft Joondalup City Centre Structure Plan is certified by the Western Australian Planning Commission (WAPC).

As explained above, the business is intended to operate in accordance with Australian Standards and best practice principles for the industry. All repairs will be carried out inside the unit, and will be for vehicles with minor to moderate amounts of damage only.

The approved land uses in the immediate locality include vehicle repairs, light industry, recreation centre and warehouses. It is considered that there will be no detrimental impact on these businesses as a result of the land use. Furthermore, the land use potentially becoming a permitted use under the draft Joondalup City Centre Structure Plan further indicates the appropriateness of the land use in the locality.

Given the above, the land use is considered to meet the objectives of the Service Industrial Zone under Clause 3.10.1 of DPS 2, and is therefore appropriate.

#### Car parking

DPS 2 does not prescribe a standard for 'Vehicle Panel Beating/Spray Painting'. It is considered that a car parking standard of one car bay per 50m<sup>2</sup> NLA should apply in this instance, given that.

- Council has previously determined that a car parking standard of one car bay per 50m<sup>2</sup> NLA is appropriate for other Vehicle Repair businesses (CJ031 – 02/07 refers). It is considered that the operation of this land use does not substantially differ from Vehicle Repairs in its operation.
- A site inspection of vehicle repair businesses approved using the car parking standard indicates that the prescribed standard is sufficient for the land use.
- A number of vehicles will be located inside the unit whilst repairs are being undertaken. This further reduces the demand for car parking external to the unit.

With the acceptance of the proposed car parking standard for Vehicle Panel Beating/Spray Painting there will be a requirement for 24 bays on-site. 24 bays are provided, and this is considered adequate.

### Conclusion

The retrospective change of use to 'Vehicle Panel Beating/Spray Painting' is considered appropriate and is supported.

The proposed car parking standard of one car bay per 50m<sup>2</sup> NLA will provide adequate parking for the land use. On this basis, it is recommended that the application be approved subject to conditions.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

#### **That Council:**

- 1 DETERMINES that land use 'Vehicle Panel Beating/Spray Painting' under Clause 6.8.2 of the City of Joondalup District Planning Scheme No.2 is appropriate;**
- 2 Having regard to Clause 4.8.2 of the City of Joondalup District Planning Scheme No.2, DETERMINES that, in this instance, the car parking standard for 'Vehicle Panel Beating/Spray Painting' shall be one car bay per 50m<sup>2</sup> Net Lettable Area;**
- 3 APPROVES the application for planning approval dated 2 August 2010 submitted by LW Freese, the applicant and owner, for Vehicle Panel Beating/Spray Painting (retrospective change of use from Recreation Centre) at Lot 12 (27) Winton Road, Joondalup, subject to the following condition:**
  - 3.1 All vehicle repairs shall be undertaken inside the unit.**

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf121010.pdf](#)

## **ITEM 7                    CHANGE OF USE FROM SHOWROOM TO PLACE OF ASSEMBLY (RETROSPECTIVE) AT LOT 1 (1/20) MERCER LANE, JOONDALUP**

<b>WARD:</b>	North
<b>RESPONSIBLE:</b>	Ms Dale Page, Director Planning and Development
<b>FILE NUMBER:</b>	29856
<b>ATTACHMENTS:</b>	Attachment 1      Location plan Attachment 2      Development plans

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### **PURPOSE**

To request Council's determination on an retrospective application, for a change of use from Showroom to Place of Assembly, at Lot 1 (1/20) Mercer Lane, Joondalup.

### **EXECUTIVE SUMMARY**

The applicant is seeking retrospective planning approval for a change of use from a Showroom to a Place of Assembly (Wellbeing (Social and Recreation) Centre) at Lot 1 (1/20) Mercer Lane, Joondalup.

The site is zoned Service Industrial under the City's District Planning Scheme No 2 (DPS 2), with Place of Assembly being a discretionary ("D") use in the zone. Under the draft Joondalup City Centre Structure Plan the site will be located in the Business Support zone, in which Place of Assembly will remain a "D" use.

Council is required to determine this application as the on-site car parking provision for all land uses on site is less than that required under DPS 2 by more than 10%.

The application was not advertised as it is considered that the land use and car parking shortfall have no adverse effect on any surrounding properties.

The land use is considered consistent with the objectives of the Service Industrial Zone under DPS 2. Furthermore, the car parking provided on-site is considered sufficient to cater for the demand generated by the businesses on the site.

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

## BACKGROUND

**Suburb/Location:** Lot 1 (1/20) Mercer Lane, Joondalup  
**Applicant:** June O'Connor Centre Inc.  
**Owner:** RW & DG Bullock  
**Zoning:** **DPS:** Service Industrial  
**MRS:** Urban  
**Site Area:** 1944m<sup>2</sup>  
**Structure Plan:** Draft Joondalup City Centre Structure Plan

The site is located in the Joondalup Business Park, to the west of Joondalup Drive. The subject site consists of three commercial tenancies, and adjoins existing commercial development to the north, east and west.

The units were approved as Showrooms in 1994 (including Unit 1), and a total of 21 car parking bays were provided.

In 2001, a mezzanine floor addition was approved for Unit 2. This increased the car parking requirement to a total of 26 bays for the site. Council, in determining that application, considered that the existing car parking supply of 21 bays was appropriate in that instance.

The Wellbeing (Social and Recreation) Centre has been operating from the tenancy since early 2007.

## DETAILS

The Wellbeing (Social and Recreation) Centre is part of the June O'Connor not-for-profit organisation which offers support to those with a mental disability. In addition to staff providing support to members, the Centre provides an area for social interaction between members.

Details of the manner in which the Centre operates are as follows:

- Hours of operation are between 8:30am to 3:30pm, Monday to Friday.
- There are a maximum of six staff in attendance on a daily basis.
- There are an average of 25 members in attendance at any one time.

Council is required to determine the application as the car parking provided on site is less than the amount required under DPS 2 by more than 10%. For the purpose of strata developments car parking is calculated in relation to the overall site, not just the subject tenancy.

The table below sets out the car parking requirement for the site:

Tenancy	Land Use	Car parking required under DPS 2	Number of bays required
Unit 1 (241m <sup>2</sup> ) <u>or</u> 31 people	Place of Assembly (subject of this application)	One per four seats (calculated based on the maximum number of people)	8.03
Unit 2 (241m <sup>2</sup> ) + Mezzanine (60m <sup>2</sup> )	Showroom	1½ per 30m <sup>2</sup> NLA	10.03
Unit 3 (241m <sup>2</sup> )	Showroom	1½ per 30m <sup>2</sup> NLA	7.75
<b>TOTAL bays required</b>			25.81 (26)
<b>TOTAL bays currently on-site</b>			21

As shown, there is a car parking shortfall of five bays, or 18.6% of bays for the site.

The applicant has provided the following justification in relation to the car parking shortfall:

- *many members use public transport and do not have car; and*
- *there have not been any car parking problems or complaints.*

**Issues and options considered:**

Council has the discretion to:

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

**Legislation/Strategic Plan/Policy Implications**

**Legislation**

City of Joondalup District Planning Scheme No.2

'Place of Assembly' is a discretionary ("D") use within the Service Industrial Zone. A "D" use means:

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

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

6.8 *Matters to be considered by Council:*

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

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

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

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

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

#### 4.8 CAR PARKING STANDARDS

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

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

#### **Strategic Plan**

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

#### **Policy**

Not Applicable.

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

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

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

The applicant has paid fees of \$265.00 (including GST) to cover all costs associated with assessing the proposal.

#### **Regional Significance:**

Not Applicable.

#### **Sustainability implications:**

Not Applicable.

#### **Consultation:**

Clause 6.7.2 of DPS 2 allows public consultation to be undertaken prior to the consideration of an application for planning approval where this is considered necessary or appropriate. In this instance there is no impact or loss of amenity to the surrounding area as a result of this land use, and the business is consistent with the DPS 2 objectives for the Service Industrial Zone. Furthermore, there have been no complaints or issues in relation to the business since it commenced in early 2007.

As such, the proposal was not advertised for public comment.



## COMMENT

### Land Use

Place of Assembly is a discretionary (“D”) use in the Service Industrial Zone under DPS 2. The land use will remain discretionary when the draft Joondalup City Centre Structure Plan is certified by the Western Australian Planning Commission.

Under Clause 3.10.1 DPS 2 there are a set of objectives which should be taken into account in considering applications in the Service Industrial Zone. These relate to both built form and appropriateness of land uses. As there are no external changes as part of this application, the relevant objective of the Service Industrial Zone states:

*“(to) accommodate a range of light industries, showrooms, entertainment and recreational facilities, and complementary business services which, by way of their nature, would not detrimentally affect the amenity of surrounding areas.”*

In this instance it is considered that the operation of the business occurs in a manner which does not detrimentally affect the amenity of the surrounding areas. Furthermore, there have been no complaints received in relation to the business since it commenced in early 2007.

As the land use is considered to operate without detriment to surrounding land uses, the objectives of the Service Industrial Zone have been met, and the land use is appropriate.

### Car Parking

In accordance with DPS 2, a total of 26 bays are required to service the existing development, including the Place of Assembly, which is the subject of this application. Under the draft Joondalup City Centre Structure Plan, the car parking requirement remains in accordance with DPS 2 in the Business Support Zone.

The intent of the car parking standard for Place of Assembly is to allow for sufficient car parking when tenancies are utilised at their maximum capacity. As this business does not have an auditorium or church style seating, the car parking is based on the number of people that will be accommodated in the use. This is considered to satisfy the purpose and intent of the car parking standard, and result in a more reliable calculation.

There are presently 21 car bays on-site. DPS 2 allows Council to determine whether the existing 21 bays are sufficient to service the existing land uses, including the Place of Assembly. The options available to Council are:

1. Determine that the provision of 21 car parking bays currently provided on-site is appropriate; or
2. Determine that the provision of 21 car parking bays currently provided on-site is not appropriate and refuse the application; or
3. Determine that a cash-in-lieu payment is required for the shortfall in car parking.

It is noted that in 2001, Council considered that a car parking supply of 21 bays in lieu of 26 required under DPS 2 was sufficient for the existing showroom development and the mezzanine floor addition. Although the land use is changed, the car parking requirement under DPS 2 for the site remains unchanged as a result of this application.

The hours of operation of the Centre are between 8:30am and 3:30pm Monday to Friday. By comparison, the usual peak trading hours for showrooms are generally after 5:30pm Thursday, and 9.00am to 12.00pm Saturdays. The impact on consumer behaviour due to the

recently commenced Special Trading Precinct for the city centre, including the Business Park, is yet unknown. However, based on current patterns of behaviour, it is anticipated that the only changes to the current peak trading hours for showrooms will be after 5:30pm weekdays, and Sundays.

The trading hours for the Place of Assembly will remain unchanged. It is therefore considered that the hours of operation of the centre do not conflict with peak trading hours of other land uses on site.

Site inspections undertaken by City officers throughout September indicate that the car parking supply is sufficient for the land uses. The average car parking utilisation was nine bays, with a peak utilisation of 12 bays. Furthermore, the City has not received any complaints in relation to car parking at the site.

Given the above, it is considered that the provision of 21 car bays is sufficient for the site.

### Conclusion

The land use 'Place of Assembly' is considered to meet the objectives of the Service Industrial Zone and is supported, with the car parking supply on-site considered to be sufficient for the three tenancies.

On this basis, it is recommended that the application be approved subject to conditions.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

#### **That Council:**

- 1 EXERCISES discretion under clauses 4.5.1 & 4.8 of the City of Joondalup District Planning Scheme No.2 and determines that the car parking provision of 21 bays is appropriate in this instance;**
- 2 DETERMINES that the land use 'Place of Assembly' under Clause 6.8.2 of the City of Joondalup District Planning Scheme No.2 is appropriate;**
- 3 APPROVES the application for planning approval dated 9 June 2010 submitted by June O'Connor Centre (Inc.), the applicant, on behalf of the owners, RW & DG Bullock, for Place of Assembly (change of use from showroom) at Lot 1 (1/20) Mercer Lane, Joondalup, subject to the following condition:**
  - 3.1 A maximum of 31 people (including employees) shall be permitted on the premises at any given time.**

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6brf121010.pdf](#)

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**ITEM 8                      ANNUAL REPORT 2009/10**

<b>WARD:</b>	All
<b>RESPONSIBLE:</b>	Mr Jamie Parry, Director Governance and Strategy
<b>FILE NUMBER:</b>	100869
<b>ATTACHMENTS:</b>	Attachment 1      2009/10 Annual Report

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**PURPOSE**

For the Council to:

- adopt the Annual Report for the 2009/10 financial year; and
- note that the 2010 Annual General Meeting of Electors is currently being planned for late November or early December and that a date will be confirmed before next week's Council meeting.

**EXECUTIVE SUMMARY**

In accordance with Section 5.53 of the Local Government Act 1995, the 2009/10 Annual Report has been prepared, summarising the year's highlights and achievements, as well as including specific statutory requirements.

The City's auditors have completed the audit of Council's financial statements for the 2009/10 financial year. The abridged Financial Statements will form part of the 2009/10 Annual Report. The Annual Report and the Financial Report will form an integral part of Council's report to the electors at the Annual General Meeting.

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

It is suggested that the most appropriate date for holding the Annual General Meeting of Electors is Tuesday, 23 November 2010.

**BACKGROUND**

The Local Government Act requires that every local government prepares an Annual Report and holds an Annual General Meeting (AGM) of Electors. Both the Annual Report and the Financial Report reflect on the City's achievements during 2009/10 and focus on the many highlights of a busy year.

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

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

## DETAILS

### Issues and options considered:

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

### Legislation/Strategic Plan/Policy Implications

#### Legislation:

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

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

Section 5.53 of the Local Government Act 1995 states:

#### **5.53 Annual Reports**

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

Section 5.54 of the Local Government Act 1995 states:

#### **5.54 Acceptance of Annual Reports**

- (1) *Subject to subsection (2) the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.*

*\* absolute majority required*

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

Section 5.55 of the Local Government Act 1995 states:

### **5.55 Notice of annual reports**

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

Section 5.27 states:

### **5.27 Electors' general meetings**

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

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

- Attendances and Apologies
- Contents of the 2009/10 Annual Report
- General Business

## **Strategic Plan**

**Key Focus Area:** Leadership and Governance

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

### **Policy**

Not Applicable.

### **Risk Management considerations:**

The risk associated with not adopting the 2009/10 Annual Report and failure to set a date for the 2010 Annual General Meeting of Electors will result in non-compliance with the requirements of the Local Government Act 1995.

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

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

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

**COMMENT**

The audited financial statements for 2009/10 were submitted to the Audit Committee at its meeting to be held on Tuesday, 12 October 2010.

In order for the City to meet its legislative requirements, it is recommended that the Council adopts the Annual Report for 2009/10 and convenes the 2010 Annual General Meeting of Electors for Tuesday, 23 November 2010.

**VOTING REQUIREMENTS**

Absolute Majority.

**RECOMMENDATION**

**That Council BY AN ABSOLUTE MAJORITY, ACCEPTS the Annual Report of the City of Joondalup for the financial year 2009/10 forming Attachment 1 to this Report;**

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf121010.pdf](#)

**ITEM 9                    MINUTES OF EXTERNAL COMMITTEES****WARD:**                    All**RESPONSIBLE:**        Mr Jamie Parry, Director Governance and Strategy**FILE NUMBER:**        41196**ATTACHMENTS:**      Attachment 1        Minutes of the Meeting of the Tamala Park Regional Council held on 19 August 2010

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

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**PURPOSE**

To submit minutes of external committees to Council for information.

**EXECUTIVE SUMMARY**

The following minutes are provided:

- Meeting of the Tamala Park Regional Council held on 19 August 2010.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the minutes of the Tamala Park Regional Council meeting held on 19 August 2010 forming Attachment 1 to this Report.**

To access this attachment on electronic document, click here: [externalminutes121010.pdf](#)

## ITEM 10 EXECUTION OF DOCUMENTS

<b>WARD:</b>	All
<b>RESPONSIBLE:</b>	Mr Jamie Parry, Director Governance and Strategy
<b>FILE NUMBER:</b>	15876
<b>ATTACHMENTS:</b>	Nil

### PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 3 August 2010 to 16 September 2010.

### EXECUTIVE SUMMARY

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

### BACKGROUND

Nil.

### DETAILS

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

<b>Document:</b>	Deed of Easement
<b>Parties:</b>	City of Joondalup and Richenda Minerals Pty Ltd/Whitford Church of Christ Inc.
<b>Description:</b>	To allow employees, visitors and invitees of Lot 252 with the free right and liberty to enter upon a portion of Lot 251 for the purpose of vehicles access and the parking of vehicles – Lot 251 Koorana Road and Lot 252 Scaphella Avenue, Mullaloo.
<b>Date:</b>	03.08.10
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Amendment to District Planning Scheme No. 2
<b>Parties:</b>	City of Joondalup and WA Planning Commission
<b>Description:</b>	Amendment No. 46 to District Planning Scheme No. 2 to remove the Public User reservation from Lot 9867 (63) Mulligan Drive, Greenwood, zone the site Urban Development and change the density code from R20 to Uncoded. Refer Council Minutes CJ112-07/10.
<b>Date:</b>	03.08.10
<b>Signed/Sealed:</b>	Sealed



<b>Document:</b>	Amendment to District Planning Scheme No. 2
<b>Parties:</b>	City of Joondalup and WA Planning Commission
<b>Description:</b>	Amendment No. 49 to District Planning Scheme No. 2 to rezone Lot 500 (No. 1) Arawa Place, Craigie, from Civic and Cultural to Urban Development and change the density code from R20 to Uncoded. Refer Council Minutes CJ113-07/10.
<b>Date:</b>	03.08.10
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Section 70A Execution
<b>Parties:</b>	City of Joondalup and P J Shearman
<b>Description:</b>	To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling of the land Lot 4 (25) Opal Drive, Edgewater.
<b>Date:</b>	17.08.10
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Deed of Settlement and Release
<b>Parties:</b>	City of Joondalup and Turfmaster
<b>Description:</b>	Deed of Settlement and Release.
<b>Date:</b>	02.09.10
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Additional Use DPS2
<b>Parties:</b>	City of Joondalup and WA Planning Commission
<b>Description:</b>	Additional Use Lot 535 (No. 20) Burragh Way, Duncraig.
<b>Date:</b>	14.09.10
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Funding Agreement
<b>Parties:</b>	City of Joondalup and Minister for Transport
<b>Description:</b>	Ocean Reef Marina Development Planning, Round 15, 2010.
<b>Date:</b>	16.09.10
<b>Signed/Sealed:</b>	Sealed

#### Issues and options considered:

Not Applicable.

#### Legislation/Strategic Plan/Policy Implications

<b>Legislation</b>	Sub-sections (2) and (3) of Section 2.5 of the Local Government Act 1995 state:
	(2) The local government is a body corporate with perpetual succession and a common seal.
	(3) The local government has the legal capacity of a natural person.

**Strategic Plan**

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

**Policy**

Nil.

**Risk Management considerations:**

Nil.

**Financial/Budget Implications:**

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

**Regional Significance:**

Nil.

**Sustainability implications:**

Nil.

**Consultation:**

Nil.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the schedule of documents covering the period 3 August 2010 to 16 September 2010 executed by means of affixing the Common Seal.**

## **ITEM 11                    MINUTES OF POLICY COMMITTEE MEETING HELD ON 24 AUGUST 2010**

**WARD:** All

**RESPONSIBLE:** Mr Jamie Parry, Director Governance and Strategy

**FILE NUMBER:** 26176

**ATTACHMENTS:** Attachment 1 Minutes of Policy Committee Meeting held on 24 August 2010  
Attachment 2 Elected Members – Allowances (amended Draft Policy)  
Attachment 3 Environmentally Sustainable Design (Green Buildings): Discussion Paper  
Attachment 4 Review of Council Policy – Public Participation

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

A meeting of the Policy Committee was held on 24 August 2010 to consider the following matters:

- Item 1 Reimbursement for Elected Member Travel Expenses by Bicycle (Elected Members – Allowances Policy)
- Item 2 Environmentally Sustainable Design (Green Buildings)
- Item 3 Review of Council Policy – Public Participation

### **BACKGROUND**

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

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

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

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

## DETAILS

### Issues and options considered:

The Motions carried at the Policy Committee meeting held on 24 August 2010 are shown below, together with officer's comments:

#### **Item 1 – Reimbursement for Elected Member Travel Expenses by Bicycle (Elected Members – Allowances Policy)**

The following Officer's recommendation was presented to the Committee:

*“That the Policy Committee RECOMMENDS that Council ADOPTS the amended Elected Members — Allowances policy as outlined in Attachment 1 to this Report.”*

The following motion was carried:

**“That the Policy Committee RECOMMENDS that Council:**

- 1 AMENDS Clause 7.3 of Policy – Elected Members – Allowances to include travel costs related to public transport;**
- 2 ADOPTS the amended Elected Members — Allowances Policy as outlined in Attachment 1 to this Report.”**

#### Officer's Comment

The Policy Committee's recommendation is supported.

#### **Item 2 - Environmentally Sustainable Design (Green Buildings)**

At the meeting the following issues were requested for inclusion in the documentation:

- 1 Policy - Environmentally Sustainable Buildings in the Joondalup City Centre:
  - to extend to commercial buildings beyond the city centre;
  - to specify that priority assessment would be given to applications that include Environmentally Sustainable Design initiatives;
- 2 Environmentally Sustainable Design Checklist:
  - changed to include “tick boxes” for natural/fan forced ventilation and for the use of natural materials (eg. roof gardens and green walls);
  - amended to include question about whether the development had been assessed against a green rating tool. If so, which tool had been used and what rating did the building achieve.

The following Officer's recommendation was presented to the Committee:

*“That the Policy Committee RECOMMENDS that Council ADOPTS the Policy:*

- 1 *Environmentally Sustainable Buildings, provided as Attachment 1 to the Discussion Paper to this Report;*
- 2 *Small Scale Renewable Energy Systems, provided as Attachment 2 to the Discussion Paper to this Report;*
- 3 *Environmentally Sustainable Buildings in the Joondalup City Centre and the checklist Joondalup City Centre — Environmentally Sustainable Design Checklist, provided as Attachments 3 and 4 to the Discussion Paper to this Report.”*

The following motion was carried:

**“That the Policy Committee RECOMMENDS that Council ADOPTS the Policy as amended:**

- 1 **Environmentally Sustainable Buildings, provided as Attachment 1 to the Discussion Paper to this Report;**
- 2 **Small Scale Renewable Energy Systems, provided as Attachment 2 to the Discussion Paper to this Report;**
- 3 **Environmentally Sustainable Buildings in the Joondalup City Centre and the checklist Joondalup City Centre — Environmentally Sustainable Design Checklist, provided as Attachments 3 and 4 to the Discussion Paper to this Report.”**

#### Officer's Comment

It is appropriate that the draft *Small Scale Renewable Energy Systems* and *Environmentally Sustainable Buildings in the Joondalup City Centre* policies be adopted as Local Planning Policies in accordance with the provisions of District Planning Scheme No 2 (DPS2).

Therefore, in accordance with DPS2, these policies are required to be advertised for public comment for a period of 21 days, prior to being considered by Council for final adoption.

As the Policy relating to environmentally sustainable buildings and the associated checklist will apply across the entire City, the titles should be amended to reflect this.

#### **Item 3 - Review of Council Policy – Public Participation**

At the meeting the following issues were raised for inclusion in the Community Consultation and Engagement Protocol.

- Under 'Planning for a Consultation' - Point 6 to read:

*“Determine whether a survey is to be conducted **online** and/or via **hard copy surveys**.”*

- Under ‘Documenting the Process and Obtaining Approvals’ – an additional dot point under ‘Point 11- Undertakes the tasks listed in the Project Schedule’ to read:

“Informs Elected Members, and in particular, Ward Councillors, of consultation programs to be undertaken prior to their commencement.”

- Under ‘Reporting the Results of a Consultation’ additional paragraph in Point 17 to read:

“Should the consultation be one that does not require a report to Council, the results of the consultation are to be made available to Elected Members by placement in the Councillors Reading Room.”

The following motion was carried:

**“That the Policy Committee RECOMMENDS that Council:**

- 1 DELETES Council Policy – Public Participation forming Attachment 1 to this Report;**
- 2 ADOPTS Council Policy - Community Consultation and Engagement forming Attachment 2 to this Report.”**

#### Officer’s Comment

The Policy Committee’s recommendation is supported. In relation to suggested amendments to the Community Consultation and Engagement Protocol these amendments have been incorporated into the Protocol.

#### **REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION**

Cr Young requested a report be submitted to the Policy Committee in 2011 that examines an amendment to Part 4.3 (2) of Policy – Elected Members – Allowances to provide:

- 1 An entitlement for WA Local Government Association:
  - North Metropolitan Zone representatives; or
  - AGM voting delegates (as endorsed by the Council);to attend the Annual WA Local Government Association Conference;
- 2 An entitlement for a Council endorsed Elected Member representative on an external Board or Committee to attend a conference or training associated with the primary function of that Board/Committee.

#### Officer’s Comment

A report can be prepared.

**Legislation/Strategic Plan/Policy Implications**

**Legislation**                      Not Applicable.

**Strategic Plan**

Key Focus Area:              Leadership and Governance

Objective:                      To lead and manage the City effectively.

**Policy**

As detailed in this Report.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority

## RECOMMENDATION

### That Council:

- 1 **NOTES** the unconfirmed minutes of the Policy Committee meeting held on 24 August 2010, forming Attachment 1 to this Report;
- 2 **AMENDS** Clause 7.3 of Policy – Elected Members – Allowances to include travel costs related to public transport as outlined in Attachment 2 to this Report;
- 3 **ADOPTS** the amended Elected Members — Allowances Policy as outlined in Attachment 2 to this Report;
- 4 **ADOPTS** the Policy Environmentally Sustainable Buildings, provided as Attachment 3 – (Discussion Paper – Attachment 1) to this Report;
- 5 In accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No 2, **ADVERTISES** the following draft policies for public comment for a period of twenty-one (21) days:
  - 5.1 **Small Scale Renewable Energy Systems**, provided as Attachment 3 – (Discussion Paper – Attachment 2) to this Report;
  - 5.2 **Environmentally Sustainable Buildings in the City of Joondalup and the checklist City of Joondalup— Environmentally Sustainable Design Checklist**, provided as Attachments 3 – (Discussion Paper - Attachments 3 and 4) to this Report.”
- 6 **DELETES** Council Policy – Public Participation forming Attachment 4 to this Report;
- 7 **ADOPTS** Council Policy - Community Consultation and Engagement forming Attachment 4 to this Report;
- 8 **REQUESTS** a report be submitted to the Policy Committee in 2011 that examines an amendment to Part 4.3 (2) of Policy – Elected Members – Allowances to provide:
  - 8.1 **An entitlement for WA Local Government Association:**
    - North Metropolitan Zone representatives; or
    - AGM voting delegates (as endorsed by the Council);to attend the Annual WA Local Government Association Conference;
  - 8.2 **An entitlement for a Council endorsed Elected Member representative on an external Board or Committee to attend a conference or training associated with the primary function of that Board/Committee.**

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf121010.pdf](#)



## **ITEM 12                    DELEGATIONS OF AUTHORITY - LOCAL LAWS AND AUTHORISED OFFICERS**

<b>WARD:</b>	All
<b>RESPONSIBLE:</b>	Mr Jamie Parry, Director Governance and Strategy
<b>FILE NUMBER:</b>	07032
<b>ATTACHMENTS:</b>	Attachment 1 – Delegation to Administer the City’s Local Laws Attachment 2 – Delegation to Appoint Authorised Officers

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### **PURPOSE**

For Council to consider recommended changes to the Delegated Authority Manual, related to the administration of certain State legislation which may impose obligations on local government and the administration of the City’s local laws enabling the appointment of authorised officers.

### **EXECUTIVE SUMMARY / BACKGROUND**

The *Local Government Act 1995* (the Act) requires that, at least once each financial year the delegator (either the Council or the Chief Executive Officer) reviews its delegations. The Council last reviewed its delegations on 22 June 2010 and met its legislative requirements (Item CJ095-06/10).

This report details two further suggested changes to the Delegated Authority Manual, for consideration by Council, as follows:

- Delegation to provide for the administration of the City’s local laws; and
- Delegation under the *Local Government Act 1995* and related State legislation enabling the performance of specific functions under that legislation and enabling the appointment of authorised officers.

These matters were previously included in the Delegated Authority Manual, however, were incorrectly removed during the review of delegations in June 2009.

### **DETAILS**

During the annual review of the Delegated Authority Manual in June 2009 a misinterpretation of legal advice led to a recommendation to the Council that the five delegations relating to the *Health Act 1911*, *Animals Local Law 1999*, *Health Local Law 1999*, *Trading in Public Places Local Law 1999* and *Caravan Parks and Camping Ground Act 1995* be removed.

The City received legal advice about the mechanisms by which the City can ensure that officers have the authority that is necessary for them to do their jobs. In this regard, the City reviewed five delegations in 2009 that concern the appointment of authorised officers under State legislation and local laws. The outcome of the review was that:

- In respect of State legislation empowering local governments to appoint authorised officers, it was considered that it would be more efficient for the City to adopt the ‘acting through’ concept as opposed to a formal delegation. The notion of ‘acting through’ is premised on the Council acting through an officer or agent by authorising

that officer or agent to exercise administrative authority. The officer or agent then acts for and on behalf of the Council in exercising the administrative authority. The Council is able to act through the Chief Executive Officer to appoint authorised officers under a range of State legislation.

- In relation to local laws that make provision for authorised persons to carry out certain activities, once a person has been appointed as an authorised person, it is not necessary that there be any further delegation of authority. The appointment of the person as an authorised person is sufficient.

What was not taken into account during this review was that in both circumstances a formal delegation from the Council to the CEO is still required to acknowledge that authorised officers are not simply exercising an administrative function but undertaking a decision-making role which involves the exercise of discretion.

The concept of 'acting through' is analogous to the principle of agency in which a person, the agent, who is appointed to act on behalf of another, does so on the basis of instructions from the principal and does not act outside of those instructions. The appointment of a lawyer or real estate agent provide common examples.

The fundamental distinction between the power of delegation and the concept of 'acting through' lies in the nature of the function being performed. Delegation involves the exercise of a significant degree of discretion, whereas 'acting through' is suitable for performing rote administrative functions in which there is no or very limited discretion involved.

Another key difference between a formal delegation and the concept of 'acting through' relates to where responsibility lies. That is, a delegation passes the decision-making responsibility to the delegate while 'acting through' leaves that responsibility with the local government or the CEO as specified in the Act.

It is important to note that when reference is made to 'local government' in legislation under which functions or duties are conferred, it is Council, as the governing body of the local government, which is empowered to perform the function. For obvious reasons of administrative efficiency, it will often be necessary for Council to delegate this authority to the Chief Executive Officer who may delegate the function to other staff of the local government.

Accordingly, it is considered prudent for the Council to adopt the revised delegations for inclusion in the Delegated Authority Manual.

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

Not Applicable.

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

##### **Legislation:**

Section 5.42 of the Act provides that:

- (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in Section 5.43;

\* *absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Section 5.43 of the Act provides that:

A local government cannot delegate to a CEO any of the following powers or duties:

- (a) any power or duty that requires a decision of an absolute majority or 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under Sections 5.98, 5.98A, 5.99, 5.99A and 5.100 of the Act;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in Section 9.5;
- (h) any power or duty that requires the approval of the Minister or Governor; or
- (ha) the power under Section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
  - (i) such other duties or powers that may be prescribed by the Act.

Clause (ha) was added to Section 5.43 in recent amendments to the Act.

Section 5.44(1) of the Act provides that:

“a CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than the power of delegation.”

Section 5.45(2) of the Act provides that:

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

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

Section 5.46(2) of the Act provides that:

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

**Strategic Plan:**

Key Focus Area: Leadership 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 Implications:**

The power to delegate is derived from legislation and also from policies of the Council. For ease of reference, the manual provides details of related policies, where appropriate.

**Risk Management considerations:**

The Council needs to ensure that delegations for undertaking decision-making responsibilities are endorsed to ensure compliance with its statutory responsibilities under the Local Government Act 1995.

**Financial/Budget Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

This Report recommends that Council adopt two further changes to the Delegated Authority Manual, as follows:

- Delegation to provide for the administration of the City's local laws; and
- Delegation under the *Local Government Act* and other related State legislation enabling the performance of specific functions under that legislation and enabling the appointment of authorised officers.

This review will ensure that the Council has a Delegated Authority Manual that reflects the current focus of the Council. This manual will continue to be reviewed, with items submitted to the Council where necessary. An annual review will continue to occur.

## **VOTING REQUIREMENTS**

Absolute Majority.

## **RECOMMENDATION**

**That Council BY AN ABSOLUTE MAJORITY ENDORSES pursuant to Section 5.42 of the Local Government Act 1995, the Chief Executive Officer being granted authority:**

- 1 to administer the City's Local Laws, as detailed in Attachment 1 to this Report;**
- 2 to appoint authorised officers to exercise the powers and duties set out in the legislation, as detailed in Attachment 2 to this Report.**

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16brf121010.pdf](#)*

## **ITEM 13 LIST OF PAYMENTS MADE DURING THE MONTH OF AUGUST 2010**

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

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of August 2010 totalling \$8,239,433.86.

*It is recommended that Council NOTES the Chief Executive Officer's list of accounts for August 2010 paid under delegated authority in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 in Attachments 1, 2 and 3 to this Report, totalling \$8,239,433.86*

### **BACKGROUND**

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

### **DETAILS**

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

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Municipal Account	Cheques 87565 - 87764 and EF 13680 - 14104 Net of cancelled payments	4,997,185.59
	Vouchers 718A 720A - 722A 726A - 728A	\$3,208,155.67
Trust Account	Cheques 203619 – 203676 Net of cancelled payments	\$34,092.60
<b>Total</b>		<b>\$8,239,433.86</b>

**Issues and options considered:**

Not Applicable.

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

The Council has delegated to the Chief Executive Officer 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 Chief Executive Officer 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 2010/2011 Annual Budget as adopted by Council at its meeting held on 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 held on 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 August 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 \$8,239,433.86**

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf121010.pdf](#)*



## ITEM 14 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JULY 2010

**WARD:** All

**RESPONSIBLE:** Mr Mike Tidy, Director Corporate Services

**FILE NUMBER:** 07882

**ATTACHMENTS:** Attachment 1 Financial Activity Statement for the Period Ended 31 July 2010

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### PURPOSE

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

### EXECUTIVE SUMMARY

At its Meeting held on 6 July 2010, Council adopted the Annual Budget for the 2010/11 Financial Year (JSC06-07/10 refers). The figures in this report are compared to the Adopted Budget figures.

The July 2010 Financial Activity Statement report shows an overall favourable variance from operations and capital of \$4,809k when compared to the 2010/11 Adopted Budget.

This variance can be summarised as follows:

- The **Operating** surplus is \$2,073k above budget made up of higher revenue of \$492k and lower operating expenditure of \$1,581k.

Operating revenue is above budget mainly for Rates \$177k, Fees and Charges \$154k, Contributions Reimbursements and Donations \$71k and Investment Earnings \$53k. Additional revenue reflects rates adjustments made since the budget, income from higher funds invested and timing differences.

The operating expenditure variances include Materials and Contracts \$1,291k, Employee Costs \$388k and Depreciation (\$71k). Lower employment costs occurred while recruitment to fill vacant positions commences. Materials and Contracts were below budget mainly for waste management, where first quarter charges for the Materials Recycling Facility are outstanding. In addition, external contract services for irrigation maintenance, drainage and turf renovation, which were budgeted in July, will now be incurred in future months.

- The **Capital Revenue and Expenditure** deficit is \$2,649k below budget made up of a shortfall of revenue of (\$80k) and under expenditure of \$2,729k.

Capital Expenditure is below budget on Capital Projects \$607k, Capital Works \$1,967k and Motor Vehicle Replacements \$155k.

The main Project variances occurred on the Ocean Reef Marina \$414k and the Wanneroo Materials Recycling Facility \$120k. The variance on Capital Works includes Major Road Construction \$559k, State Blackspot Projects \$229k and \$665k on the Regional Local Community Infrastructure Projects.

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

*It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 July 2010 forming Attachment 1 to this Report.*

## **BACKGROUND**

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

## **DETAILS**

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

The Financial Activity Statement for the period ended 31 July 2010 is appended as Attachment 1.

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

#### **Legislation**

Section 6.4 of the Local Government Act 1995 requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed.

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 as amended requires the local government to prepare each month a statement of financial activity reporting on the source and application of funds as set out in the annual budget.

#### **Strategic Plan**

**Key Focus Area:** Leadership and Governance

**Objective:** Objective 1.3 – To lead and manage the City effectively.

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

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

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

Not Applicable.

#### **Regional Significance:**

Not Applicable.

#### **Sustainability implications:**

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

**Consultation:**

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

**COMMENT**

All expenditures included in the Financial Activity Statement are incurred in accordance with the provisions of 2010/11 Adopted Budget or have been authorised in advance by Council where applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 31 July 2010 forming Attachment 1 to this Report.**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf121010.pdf](#)*

## ITEM 15 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 AUGUST 2010

**WARD:** All

**RESPONSIBLE:** Mr Mike Tidy, Director Corporate Services

**FILE NUMBER:** 07882

**ATTACHMENTS:** Attachment 1 Financial Activity Statement for the Period Ended 31 August 2010

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### PURPOSE

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

### EXECUTIVE SUMMARY

At its meeting held on 6th July 2010, Council adopted the Annual Budget for the 2010/11 Financial Year (JSC06-07/10 refers). The figures in this report are compared to the Adopted Budget figures.

The August 2010 Financial Activity Statement report shows an overall favourable variance from operations and capital for the period of \$5,281k when compared to the 2010/11 Adopted Budget.

This variance can be summarised as follows:

- The **Operating** surplus is \$1,570k above budget made up of higher revenue of \$93k and lower operating expenditure of \$1,476k.

Operating revenue is above budget mainly for Rates \$178k, Fees and Charges \$268k, Contributions, Reimbursements and Donations \$132k and Investment Earnings \$155k. Additional revenue arose from parking infringements, building development application fees, reimbursements of long service leave from other Councils and recent storm damage. Offsetting this is (\$595k) for the first quarterly General Assistance Grant budgeted in August and now expected to be received in September.

The operating expenditure variance includes Materials and Contracts \$1,092k, Employee Costs \$572k and Depreciation (\$142k). Lower employment costs occurred as recruitment for vacant positions continues and budgeted salary increases are yet to occur. Materials and Contracts were below budget primarily for waste management and external contract services for tree pruning, turf maintenance, street lighting and drainage, predominantly due to timing differences.

- The **Capital Revenue and Expenditure** deficit is \$3,550k below budget made up of a shortfall of revenue of (\$1,289k) and under expenditure of \$4,839k.

The revenue deficit to budget includes Moore Drive East (\$771k) and Road Preservation Resurfacing program (\$418k) principally for the State Local Roads Grant that is expected to be received in September. The grant for the Ocean Reef Marina (\$400k) has not yet been applied for. These are offset by the City receiving \$522k for the RLCIP Seacrest Park, Macdonald Reserve and Forrest Park projects which was budgeted to be received in 2009/10.

Capital Expenditure is below budget on Capital Projects \$1,109k, Capital Works \$3,658k and Motor Vehicle Replacements \$72k.

The main Capital Project variances occurred on the Ocean Reef Marina \$785k currently undergoing a feasibility review of the modified Concept Plan7 and \$1,388k for the Regional Local Community Infrastructure Projects which are behind schedule. Capital Works projects are generally in the tender and planning phase such as the Road Resurfacing program which is behind schedule.

Further details of the material variances are detailed in Appendix 3 of this report.

*It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 August 2010 forming Attachment 1 to this Report.*

## **BACKGROUND**

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

## **DETAILS**

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

The Financial Activity Statement for the period ended 31 August 2010 is appended as Attachment 1.

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

#### **Legislation**

Section 6.4 of the Local Government Act 1995 requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed.

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 as amended requires the local government to prepare each month a statement of financial activity reporting on the source and application of funds as set out in the annual budget.

#### **Strategic Plan**

**Key Focus Area:** Leadership and Governance

**Objective:** Objective 1.3 – To lead and manage the City effectively.

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

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

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

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

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

**Consultation:**

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

**COMMENT**

All expenditures included in the Financial Activity Statement are incurred in accordance with the provisions of 2010/11 Adopted Budget or have been authorised in advance by Council where applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 31 August 2010 forming Attachment to this Report.**

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf121010.pdf](#)*

## **ITEM 16                    PROPOSED CHANGE OF NAME - MITCHELL FREEWAY**

<b>WARD:</b>	All
<b>RESPONSIBLE:</b>	Mr Martyn Glover, Director Infrastructure Services
<b>FILE NUMBER:</b>	41430
<b>ATTACHMENTS:</b>	Attachment 1     Mitchell Freeway Signage

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### **PURPOSE**

To consider the Notice of Motion from Councillor Fishwick at the Ordinary Meeting of Council held on 17 August 2010 regarding changing the name of the Mitchell Freeway to the Joondalup Freeway.

### **EXECUTIVE SUMMARY**

Construction of the original section of the Mitchell Freeway commenced in 1967 and was named after the former State Premier and Governor, Sir James Mitchell. The Freeway is currently 30 kilometres in length and terminates at Burns Beach Road in Currambine. The most recent section of the Freeway, between Hodges Drive and Burns Beach Road, was opened on the 2 November 2008. The proposed final termination point of the Freeway is Yancheep.

Joondalup is now recognised as the City Centre of the northern suburbs and changing the name of the Mitchell Freeway to the Joondalup Freeway would provide further direction to tourists wishing to travel to Joondalup.

The Minister for Land Information is the final authority for nomenclature decisions on the advice of the Geographic Names Committee (GNC). The GNC's guidelines for the naming and renaming of roads include a number of clauses which are required to be met before approval would be achieved. These include the avoidance of name duplication within a local government area, support for the change from Local Governments that the Freeway currently passes through, and Main Roads WA (MRWA).

An application from the City to amend the name of the Mitchell Freeway to the Joondalup Freeway is unlikely to be supported by the GNC due to the duplication of the name and improbable support by affected Local Governments and MRWA.

*It is recommended that Council NOTES:*

- 1    this Report on the proposed renaming of Mitchell Freeway to Joondalup Freeway;*
- 2    the proposal to seek comments from the Minister for Transport on renaming the Mitchell Freeway to Joondalup Freeway and that the outcome will be reported back to Council.*

## BACKGROUND

In consideration of a Notice of Motion from Councillor Fishwick at its Ordinary Meeting held on 17 August 2010, Council resolved:

*“That Council REQUESTS the Chief Executive Officer to submit a report dealing with changing the name of the Mitchell Freeway to the Joondalup Freeway in order to promote the City of Joondalup, an important Regional Centre and a tourist destination”.*

The reasons for the motion were as follows:

*“The southern section of the north-south freeway link is named the Kwinana Freeway after the suburb and the local authority of Kwinana.*

*Other major highways are also named after suburbs and local authorities such as Wanneroo Road and Albany Highway, which direct motorists and tourists to that destination.*

*The City of Joondalup is fast becoming the second major Central Business District in the metropolitan area, and as such, is attracting more tourists and local visitors.*

*The new regulations that define the Joondalup Special Trading Precinct, namely the Retail Trading Hours (Special Trading Precincts and Holiday Resorts) Regulations 2010, were gazetted on Friday, 30 July 2010. The regulations provide for the definition of the area for the Joondalup Special Trading Precinct to become effective from Sunday, 5 September 2010.*

*Taking cognisance of the above, it is considered that the Mitchell Freeway should be renamed to reflect an important geographical location, namely the City of Joondalup.”*

The original section of the Mitchell Freeway was constructed between the Narrows Bridge and Sutherland Street, West Perth between 1967 and 1973. The Freeway was named after the former State Premier and Governor, Sir James Mitchell.

The Freeway is currently 30 kilometres in length and terminates at Burns Beach Road in Currambine. The most recent section between Hodges Drive and Burns Beach Road was opened on 2 November 2008.

It was originally proposed that the Freeway, planned as part of the Metropolitan Regional Scheme in the mid 1950s, be named the Yanchep Highway because this was and still is the proposed final termination of the Freeway.

## DETAILS

### Issues and options considered:

The issues to be considered are:

- appropriateness of the “Joondalup” name;
- likelihood of approval by the Geographic Names Committee; and
- cost of replacing the signage.

The options available to Council are:

- support a submission for the proposed name change; or
- not support a submission for the proposed name change.



### Joondalup Freeway

There are generally two approaches to the naming of controlled highways in Western Australia. They are either named after Western Australian dignitaries, for example Mitchell Freeway, Leach Highway, Stirling Highway; or they are named after their destination, for example Albany Highway, Kwinana Freeway, Great Eastern Highway.

Mitchell Freeway was originally proposed to be named Yanchep Highway and it could be suggested that this is a more appropriate name. However, the Kwinana Freeway which refers to the “Kwinana Industrial Area” now terminates at Ravenswood, which is a significant distance past Kwinana, hence, the eventual termination at Yanchep should not be an impediment to the use of Joondalup Freeway.

Joondalup is now recognised as the City Centre of the northern suburbs and consequently the changing of the Freeway’s name to Joondalup would provide further direction to tourists wishing to travel to Joondalup.

### Geographic Names Committee

The Geographic Names Committee (GNC) provides the Minister for Land Information with:

- advice on geographical nomenclature matters; and
- guidelines to facilitate the approval and processing of nomenclature applications.

It will be the GNC that recommends a change to the name of the Freeway upon receipt of an application from the City.

The guiding principles of nomenclature for the GNC are:

- *New names and changes of names shall have strong local community support;*
- *Names in public use shall have primary consideration;*
- *Name duplication and dual naming should be avoided, especially those in close proximity;*
- *Names of living individuals should be used only in exceptional circumstances;*
- *Names characterised as follows are to be avoided, where possible:- incongruous; given and surname combinations; qualified names; double names; corrupted, unduly cumbersome, obscene, derogatory or discriminating names; and commercialised names.*
- *Preferred sources of names are:- descriptive names appropriate to the features, pioneers, war casualties and historical events connected with the area, and names from Aboriginal languages currently or formerly identified with the general area.*
- *Generic terms must be appropriate to features described;*
- *New names proposed must be accompanied by exact information as to location, feature identification, origin, or if alteration is proposed, by a rationale.*
- *The use of the genitive apostrophe is to be avoided (for example Butcher’s)*
- *Hyphenated words in place names shall only be used where they have been adopted in local usage. (for example City of Kalgoorlie-Boulder).*

With respect to changing the Mitchell Freeway’s name to Joondalup Freeway, the following two guidelines apply:

### **Name Duplication**

*Name duplication within local governments or adjoining local governments shall be avoided. When a duplicated name is proposed elsewhere, it must not be duplicated more than five times in the metropolitan region, must be at least 10 kilometres from the existing duplication and must have a different road type. These exclusions apply to similar sounding or written names, and also apply to those within similar sounding suburbs even if more than 10 kilometres away. In rural areas the distance should be at least 50 kilometres away.*

Joondalup Drive is a significant arterial road within the district, connecting Ocean Reef Road through the City Centre to the City of Wanneroo. This would construe a duplicated name in accordance with the guidelines and GNC have advised that they would not approve the name duplication of two major arterial roads in such close proximity due to potential confusion for emergency services.

### **Renaming Roads**

*The renaming of roads is discouraged unless there are good reasons for a change of name. Typical reasons are redesign of a road, changed traffic flow, mail delivery problems, misspelling of a name and duplication problems. Renaming is particularly necessary when a road is cul-de-saced, resulting in two or more separate sections of road, as this can provide difficulties for emergency services. Renaming may also be helpful in solving house numbering problems.*

*Where a change to the name of a road is proposed the name selected should conform to the Road Naming Guidelines. In addition, for regional roads the change of name should have broad community support, and for local roads, majority support from affected residents. However, the requirements of emergency services for clear unambiguous naming will also be a consideration. Proposals normally require the support of local government, but the Minister for Land Information is the final authority in all such matters. Non essential road name changes incur a service charge.*

The change of name would need support from all of the Local Governments it currently passes through plus those that it is planned to pass through. The vesting of the Freeway is with Main Roads WA (MRWA) and the GNC would apply significant weight to MRWA's opinion in the determination of a potential name change.

Senior management from MRWA have advised that it would be unlikely that they would support a name change.

### **Signage**

There are a significant number of signs related to the Mitchell Freeway which have the name included on them. Examples of these are included in Attachment 1. There are fifteen intersections along the length of the Freeway and the replacement sign faces would individually cost between \$300 and \$3,000 dependant on their size. All of the signage belongs to MRWA, and the cost of the name change would be MRWA's responsibility. It is however likely that MRWA would refuse to pay for sign replacements and the Minister for Land Information could condition any approval on the applicant meeting the cost of the name change and this cost would be substantial.

**Legislation/Strategic Plan/Policy Implications**

**Legislation** Land Administration Act 1997  
Part 2 – General administration, Division 3 – General sections 26 and 26a

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

**Objective:** 3.1 To encourage the development of the Joondalup CBD  
3.2 To increase employment opportunities within the City

**Policy** City Policy – Naming of Public Facilities

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

The cost to replace the signage associated with the name change from Mitchell Freeway to Joondalup Freeway would be substantial.

**Regional Significance:**

The Mitchell Freeway is the major controlled highway to the north of the metropolitan area and consequently is of major regional significance.

**Sustainability implications:**

Not Applicable.

**Consultation:**

The City has spoken to senior management at MRWA seeking their comment.

**COMMENT**

It is recognised that the changing of the name of the Mitchell Freeway to Joondalup Freeway would be a further directive to the Joondalup City Centre. It is also recognised that there are examples of road name duplication throughout the metropolitan area, although most of these would have occurred prior to the development of the GNC guidelines. In consideration that an application from the City to amend the name of the Mitchell Freeway to Joondalup Freeway is unlikely to be supported by the GNC due to the current name being in use for 37 years, the duplication of names and the name change not likely to be supported by the affected Local Governments and MRWA. However, prior to submission of a final report to Council on this issue, it is proposed to seek the view of the Minister for Transport on this issue.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 3 this Report on the proposed renaming of Mitchell Freeway to Joondalup Freeway;**
- 4 the proposal to seek comments from the Minister for Transport on renaming the Mitchell Freeway to Joondalup Freeway and that the outcome will be reported back to Council.**

*Appendix 12 refers*

To access this attachment on electronic document, click here: [Attach12brf121010.pdf](#)



*It is recommended that Council:*

- 1 *ENDORSES the concept plan for Oceanside Promenade and Tom Simpson Park redevelopment;*
- 2 *APPROVES the release of the concept plan for public consultation in accordance with the detail provided in this Report;*

## **BACKGROUND**

### **Oceanside Promenade**

At its meeting held on 21 November 2006, Council requested a report on the status of traffic and pedestrian safety for Oceanside Promenade between Marjorie Street and Mullaloo Drive, Mullaloo. In December 2006, the City commissioned Traffic and Transport Solutions to undertake a Road Safety Audit (RSA) for the purpose of reviewing the road safety situation on Oceanside Promenade and recommend improvements where necessary.

In response to the RSA findings and recommendations, Council at its meeting held on 27 March 2007, endorsed the Traffic Management Scheme for Oceanside Promenade (as detailed in Attachment 1). The infrastructure works associated with the scheme were constructed during the 2007/08 financial year.

To confirm that improvements had addressed the road safety situation since the construction in Oceanside Promenade the City commissioned SHAWMAC consulting engineers to undertake a further RSA. The audit was carried out in May 2009 and examined the road safety situation along Oceanside Promenade between Mullaloo Drive and Warren Way, including the access to Tom Simpson Park Car Park and the intersections with Marjorie Street and Iluka Avenue. The locality plan of Oceanside Promenade and Tom Simpson Park is shown as Attachment 2.

### **Tom Simpson Park**

Tom Simpson Park is classified as Regional Open Space and consists of two land parcels: to the north, Crown Reserve 32074 (Loc 8891, Vol 3046, Fol 981) was vested in the City of Joondalup in March 2000 for the purposes of "Recreation and Parking", and to the south Lot 1 (Vol 1139, Fol 205) held in fee simple by the City of Joondalup. The Central Car Park is contained within the extension of the Oceanside Promenade road reserve (as detailed in Attachment 3).

In March 2002 a Special Electors meeting was convened to discuss the issues related to Tom Simpson Park and specifically:

- the relocation of the Central Car Park;
- the Mullaloo Beach Improvement Plan (Plan E, 2002);
- other matters that may be raised from the floor.

The outcome of the meeting related to Tom Simpson Park were recommendations to:

- stop the relocation of the Central Car Park;
- stop construction of any Car Park on the grassed area;
- include the grassed area currently on the unused road reserve into Tom Simpson Park proper;
- review the property boundaries;
- improve the facilities in the park.

In November 2008, a workshop attended by Elected Members, Police, community representatives and City Officers was conducted at the City's offices to discuss community safety issues at Tom Simpson Park. The workshop identified eight strategies to improve safety over the summer of 2008/09. Strategy 7 was to review the form and function of the park to ensure it is a safe and secure family environment.

In consideration of the outcomes of the workshop and the recommendations of the RSA, a concept plan for the area was developed in 2009/10. In addition to the proposed traffic treatments on Oceanside Promenade the plan incorporates landscape components to further enhance Tom Simpson Park as a family friendly park.

## **DETAILS**

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

#### **Oceanside Promenade**

The area along Oceanside Promenade between Mullaloo Drive and Warren Way provides access to the Mullaloo Surf Life Saving Club, the beach, Tom Simpson Park, the beachside car park, the Mullaloo Beach Hotel plus two bus stops. The concentration of all these activities has resulted in a significant number of vehicular and pedestrian movements occurring. The traffic volume on Oceanside Promenade south of Marjorie Street recorded in March 2009 is approximately 8,300 vehicles per day (vpd) and the urban speed limit of 50 kilometres applies. Although the traffic volumes are within the range expected for a road of this type the potential for pedestrian and vehicle conflicts within the foreshore precinct remains high.

A number of key findings and recommendations were detailed as part of the May 2009 RSA report. These key findings include the following:

- Consider redesign of the Tom Simpson Car Park northern and southern accesses to improve the turn lane facilities and available sight distance.
- Assess the use of the road reserve as an extension of the active park and make provision for the safe separation of park users from vehicular traffic.
- Review the intersection geometry at Iluka Avenue, Oceanside Promenade and Tom Simpson Park.
- Ensure pathways and safe road crossings are provided on foreseeable pedestrian demand routes.
- The street lighting be located to illuminate the road and pathways at luminance levels and uniformity in compliance with relevant standards.
- Redefine Marjorie Street intersection.

In response to the audit findings and recommendations, improvements to the road safety on Oceanside Promenade have been developed as part of an overall concept plan as detailed in Attachment 3. The design elements relating to road safety and traffic management include the following:

- The extension of the existing road median treatment on Oceanside Promenade from the southern end of Tom Simpson Park to Warren Way. The treatment to include a minimum width red median with raised islands to limit widening of grassed verge area of Tom Simpson Park.
- Provision of an aesthetically pleasing, visually permeable pedestrian safety barrier along Oceanside Promenade which clearly defines parkland recreational activities from vehicle movement.
- Provision of dedicated pedestrian crossing points on Oceanside Promenade to provide two stage crossings and limit vehicular/pedestrian conflicts.
- Provision of additional shared paths to improve pedestrian access at crossing points on Oceanside Promenade and improve access to the car parks and foreshore precinct.
- Street lighting improvements to appropriate Australian Standards.
- Modification to the southern and northern road access points to Tom Simpson Park.
- Proposed roundabout to improve access to the intersection of Iluka Avenue, Oceanside Promenade and Tom Simpson Park.
- Modification of intersection of Marjorie Street and Oceanside Promenade.

The proposed fence (as detailed in Attachment 4) to separate the park users from the road has been designed to meet the following requirements:

- Prevent children from rushing onto the road from the park.
- Reduce the risk of large balls entering the road from the park.
- Provide a visually permeable barrier.
- Limit access points across the road.
- Replicate the standard of foreshore fencing currently adopted by the City.

In response to the RSA findings regarding the intersection of Marjorie Street and Oceanside Promenade, three options were presented to the residents of Marjorie Street as part of the community consultation carried out in May 2010. The residents were requested to assist the City in providing feedback to the options presented. As part of the feedback, a fourth option was identified by two residents as an alternative solution. The report associated with the recommended outcome for the intersection is included in this Agenda.

### **Tom Simpson Park**

The redevelopment of Tom Simpson Park will be in consideration of the City of Joondalup Landscape Master Plan. The aim is to provide a high quality and aesthetically pleasing park that provides a range of recreation and social activities which promote active lifestyles, provide contact with the natural environment and cater for the needs and values of the local and wider community.



Current intensive use of park infrastructure and projected increased future usage of the park means that the existing infrastructure and layout of Tom Simpson Park is required to be redeveloped to cater for current and future communities. Therefore, the overall design of the park aims to provide a variety of social and recreational opportunities for the public such as barbecue areas, new picnic areas with shelters; new play opportunities for children; defined cycle and walking paths; formalised lookouts and park entry points. Through harmonious and interconnected design the landscape features included on the concept plan, link the southern and northern areas of the park.

The proposed landscape design elements to be undertaken at Tom Simpson Park are detailed in Attachment 3 and as follows:

- Connectivity between the northern and southern components of park is achieved by the installation of similar shelter types, picnic settings and benches and will be further enhanced by defined pathway systems linking the southern and northern park areas.
- Old infrastructure deemed not in good working condition will be removed and replaced. New infrastructure will reflect and enhance the natural surrounding environment and be constructed of robust, 'coast appropriate' materials that will aim to reduce future park maintenance costs. Where possible, existing infrastructure deemed in 'good working condition' will be retained.
- Provision of a path network that provides universal access through the park to a majority of barbecue, picnic and play areas in accordance with Australia Standards for disabled access. By using different path materials, colours and textures cyclist and pedestrian paths will be clearly defined.
- Internal path links at the southern area of Tom Simpson Park will connect to beach access points and residential areas, including the existing dual use path south of Mullaloo Drive.
- Formalised park entry points and lookout points.
- Additional play space provided to the southern end of the park that explores the opportunity of 'nature' play and connects children to the surrounding natural environment.
- Installation of additional trees to increase the provision of shade to the park. To minimise the impact to existing residential and commercial views proposed trees have been located within existing tree groves.
- Rationalising and defining pedestrian, cyclist and vehicular movement in front of the surf club to reduce conflict. The car park has been realigned and reduced by approximately eight bays.
- Realignment of the existing car park to the north of Tom Simpson Park, to increase the number of car bay spaces by 14 bays without encroaching into the parkland.
- The area south of the surf club will have a formalised beach access point and the boundary between the park and sand dune area will be defined to allow for dune rehabilitation works to be undertaken.

There may also be the opportunity in the future to review the boundaries between the road and the park reserves to complement the various components of the area so the grassed areas and central car park are also within the park reserve.

## Legislation/Strategic Plan/Policy Implications

**Legislation** Local Government Act 1995, Disability Services Act 1993, Local Government and Public Property Local Law 1999

### Strategic Plan

**Key Focus Area:** The Built Environment  
Community Wellbeing

**Objective:** 4.2: To progress a range of innovative and high quality urban development projects within the City.  
5.1: To ensure the facilities and services are of a high quality and accessible to everyone.  
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** Public Participation  
Sustainability Statement  
Reserves, Parks and Recreation Grounds  
Access and Equality

### Risk Management considerations:

Due to the restricted project timeline and grant funding requirements for Oceanside Promenade any delays in the project timing may hinder the funding process. The works are to be completed by 30 June 2011. Delays in the project timing will also have a negative impact on the local community as there will be increased potential for the occurrence of vehicular and pedestrian conflicts along the Tom Simpson Park and Oceanside Promenade interface.

Upon completion of public consultation, a risk analysis of all preferred community options and ideas will be undertaken and submitted in a report to Council.

### Financial/Budget Implications:

In recognition of the high cost of the road improvement project, a proposal was submitted for funding as part of the 2010/11 State BlackSpot Program which has subsequently been approved. Thus the estimated project costs of \$380,000 for the works on Oceanside Promenade require one third Municipal Funding with the remaining funded by the State Government.

### Financial Implications 2010/2011 for road works associated with Oceanside Promenade and new car park layout

<b>Account No:</b>	W1341
<b>Budget Item:</b>	Oceanside Promenade – Mullaloo Drive to Warren Way
<b>Budget Amount:</b>	\$ 253,333 BlackSpot Grant Funding
	\$ 126,667 Municipal Funding
<b>Amount Spent to Date:</b>	\$ 0
<b>Proposed Cost:</b>	\$ 380,000

**Financial Implications 2011/12 for construction of landscape elements within Tom Simpson Park**

<b>Budget Amount:</b>	\$ 750,000 Municipal Funding
<b>Amount Spent to Date:</b>	\$ 0
<b>Proposed Cost:</b>	\$ 750,000
<b>Total project cost:</b>	\$1,130,000

All figures quoted in this report are exclusive of GST.

**Regional Significance:**

The improvements to road pedestrian safety and upgrade of park amenities to Tom Simpson Park and Oceanside Promenade will create a visually pleasing, inviting space that will be well used by residents and support the outcome of a family friendly park.

**Sustainability implications:**

The redevelopment of Tom Simpson Park and Oceanside Promenade will benefit the community environmentally, socially and economically. The proposed redevelopment will improve community safety, enhance the public amenity of the area, provide a diverse array of social and recreation activities, improve access to the area for all community members and enhance and protect the natural surrounding environment. The sustainable design of the area and the installation of robust coast appropriate infrastructure will reduce future park maintenance costs.

The redevelopment will be of a high quality, provide infrastructure and amenities to create a 'family friendly' park and instil a sense of pride for the area within the local community. Overtime this will gradually eliminate anti-social behaviour and creating a vibrant, active, social hub within the foreshore precinct for City of Joondalup residents to enjoy.

**Consultation:**

The following 'Community Consultation and Communication Plan' has been developed for Oceanside Promenade and Tom Simpson Park in accordance with the Community Consultation and Engagement Protocol.

The purpose of the community consultation is to determine the level of community support for the current concept plan and obtain feedback from community members on what new major design features they like or dislike, if they feel anything is missing from the concept and overall whether they support or reject the current concept plan.

Randomly selected households and property owners within a radius of 1km of Tom Simpson Park will be sent a brochure about the project. The defined target area as shown on Attachment 6 will cover the suburbs of Mullaloo and Kallaroo, and the North Central and Central Ward. As the project will directly affect residents adjacent to the park a brochure will be sent to every household and property owner along Oceanside Promenade between Mullaloo Drive and Warren Place, all households on Marjorie Street and Mullaloo Surf Club. A total of 41 brochures will be distributed to the above properties. The remaining 959 brochures will be distributed randomly to households within the target area as shown on Attachment 5.

To gauge the level of community support for the project, 1,000 brochures (40 cents per brochure to design and print), will be distributed as stated above within the defined target area. The colour A4 brochure (four pages) will contain information about the current road safety issues and degraded park amenities at Tom Simpson Park, information about what works are proposed to be undertaken and how the new works will improve road safety and park amenities, a concept plan as endorsed by Council for residents to view and a survey form for residents to fill out. The survey will ask residents to respond either 'yes' or 'no' on which major design features they like, if there are any comments they would like to make on the concept plan, if they feel anything is missing from the concept plan and overall if they support the current concept plan, reject the current concept plan or are undecided. The brochure package will include a reply paid envelope for residents to return the survey to the City.

It will be a requirement of the survey, as it will include *identified options*, that the name and address of the respondent is included in order for the survey to be accepted as a valid response. This will be stated on the survey.

The survey response will enable the City to gauge whether the redevelopment meets the community's needs and requirements, if there are any community needs the have been overlooked and not met and overall whether the concept plan is successful and will provide a space that the community will use and enjoy.

Signs will be installed on-site during the consultation period to inform the wider City of Joondalup community about the proposed redevelopment to Oceanside Promenade and Tom Simpson Park. The sign will contain a concept plan as endorsed by Council and a contact number if further information is required.

It is proposed that consultation will be undertaken for a four week period and will not occur over the December Christmas holidays.

Estimated costs to undertake the consultation will be approximately \$5,000. Costs will include development of survey, printing of the brochure, supply of 1,000 reply paid envelopes, mail out costs for postage and distribution, labour costs for processing and analysing survey results, and supply and installation of signs onsite.

Upon completion of the consultation period, if required, amendments will be made and a final concept plan and report on the public consultation results will be submitted to Council for approval. The final approved concept plan and project description will be posted on the City of Joondalup website to inform the wider City of Joondalup community of the works to be undertaken at Tom Simpson Park and Oceanside Promenade.

## **COMMENT**

The proposed road improvements for Oceanside Promenade will incorporate narrow traffic lanes and median treatments to separate opposing traffic flows, provide dedicated two stage crossings for pedestrians and limit traffic speeds. To further reinforce the slow speed environment on Oceanside Promenade, Main Roads WA will be requested to reduce the existing 50 kilometres per hour urban speed limit to a 40 kilometres per hour speed zone for the section covering the new road treatment.

To limit the impact of the proposed road works, the median treatment modifications have been designed to incorporate the existing alignment of Oceanside Promenade. Minor road widening will be required in places along the grassed verge area of Tom Simpson Park to allow for the treatment as shown in the concept plan. Access/egress to Tom Simpson Park Car Park will also be improved as part of the proposal with the provision of a roundabout at the intersection with Iluka Avenue providing direct access to the car parking area from Oceanside Promenade.

It is recommended that Council endorse the concept plan and approve the plan to be released to public consultation. Subject to the outcome of the consultation this will ensure works to Oceanside Promenade are completed on time to meet grant requirements and ensure the landscape works to Tom Simpson Park are installed in 2011/12.

It is recommended that the City progress the adjustment of the reserve boundaries so that they complement the path and road infrastructure.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

**It is recommended that Council:**

- 1 ENDORSES the concept plan for Oceanside Promenade and Tom Simpson Park redevelopment;**
- 2 APPROVES the release of the concept plan for public consultation in accordance with the detail provided in this Report;**

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf121010.pdf](#)*

## **ITEM 18                    ROAD SAFETY IMPROVEMENTS INTERSECTION OF MARJORIE STREET AND OCEANSIDE PROMENADE, MULLALOO**

**WARD:**                    North Central

**RESPONSIBLE:**        Mr Martyn Glover, Director Infrastructure Services

**FILE NUMBER:**        58072

**ATTACHMENTS:**      Attachment 1      Option one  
Attachment 2      Option two  
Attachment 3      Option three  
Attachment 4      Option four  
Attachment 5      Community Consultation Summary  
Attachment 6      Locality plan

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### **PURPOSE**

To report on the proposed road safety improvements for the intersection of Marjorie Street and Oceanside Promenade, Mullaloo.

### **EXECUTIVE SUMMARY**

To determine the road safety situation on Oceanside Promenade, the City commissioned an independent Road Safety Audit (RSA) for the section of road between Mullaloo Drive and Warren Way, Mullaloo. The RSA which was carried out in May 2009 examined the operation of a number of intersections along Oceanside Promenade including the Marjorie Street intersection. The audit findings identified a number of road safety issues within the vicinity of Marjorie Street that required further attention.

In response to the audit findings, options to improve the road safety situation at the intersection have been developed. To gauge the level of support by the community, two options to improve the intersection were presented to the residents and property owners of Marjorie Street in May 2010. A third option, being to retain the existing situation at the intersection was also presented.

A total of 22 residential properties were included as part of the community consultation, 13 feedback forms were received representing 13 properties (59%).

The majority of the residents and property owners who responded support Option One being a road closure of Marjorie Street at the intersection with Oceanside Promenade. The road closure if constructed would improve road safety at this location and resolve vehicle/pedestrian conflicts.

*It is recommended that Council:*

- 1 *NOTES that the majority of residents and property owners of Marjorie Street, Mullaloo who responded to the May 2010 community consultation, support the road closure of Marjorie Street at the intersection with Oceanside Promenade being Option One as shown in Attachment 1 to this Report;*
- 2 *APPROVES the closure of Marjorie Street, Mullaloo at the intersection with Oceanside Promenade in accordance with Section 3.50 of the Local Government Act 1995;*
- 3 *REQUESTS that residents and property owners of Marjorie Street, Mullaloo be advised of Council's decision.*

## **BACKGROUND**

At its meeting held on 21 November 2006, Council requested a report on the status of traffic and pedestrian safety for Oceanside Promenade between Marjorie Street and Mullaloo Drive, Mullaloo. In December 2006, the City commissioned Traffic and Transport Solutions to undertake a Road Safety Audit (RSA) for the purpose of reviewing road safety aspects and recommending improvements where necessary.

In response to the RSA findings and recommendations, Council at the meeting of 27 March 2007 endorsed the Traffic Management Scheme for Oceanside Promenade. The infrastructure works associated with the scheme were carried out during the 2007/08 financial year. The design elements for the works consisted of raised median islands, a pedestrian refuge island, speed humps and red asphalt median treatment to separate traffic lanes on Oceanside Promenade.

To determine the road safety situation since the construction of the Traffic Management Scheme, the City commissioned SHAWMAC consulting engineers to undertake a further review. The RSA carried out in May 2009 examined the operation of a number of intersections along Oceanside Promenade between Mullaloo Drive and Warren Way including the intersection with Marjorie Street. The audit findings identified that there were a number of road safety issues within the vicinity of Marjorie Street and recommended that the City review the intersection and make improvements. The locality plan of Oceanside Promenade and Marjorie Street intersection is detailed in Attachment 6.

## **DETAILS**

The area along Oceanside Promenade between Mullaloo Drive and Warren Avenue provides access to the Mullaloo Surf Life Saving Club, the beach, Tom Simpson Park, the beachside car park, the Mullaloo Beach Hotel and two bus stops. The concentration of all these activities results in a significant number of vehicular and pedestrian movements.

Oceanside Promenade is classified under the Perth Metropolitan Functional Road Hierarchy as a District Distributor Road B. The traffic volume on Oceanside Promenade south of Marjorie Street recorded in March 2009 is approximately 8,300 vehicles per day (vpd) and the urban speed limit of 50 kilometres per hour applies.

Marjorie Street is a local access road that connects Oceanside Promenade to Laurel Street, Mullaloo. The road is approximately 260 metres in length and provides direct access to 19 residential properties. The results of the seven day traffic count survey of April 2009 confirmed that the average weekday traffic is approximately 140 vpd.

The intersection of Oceanside Promenade and Marjorie Street is designed as a T-intersection. The RSA of May 2009 identified a number of issues with the intersection including the curved alignment for south bound traffic on Oceanside Promenade and the lack of visual guides on the eastern side of the road for vehicles travelling through the intersection. The audit also revealed that when vehicles stopped at Marjorie Street that they appear to encroach into the travel path of south bound traffic on Oceanside Promenade.

Other issues identified as part of the RSA findings include substandard street lighting and the lack of dedicated pedestrian crossings on Oceanside Promenade that serve the nearby residential areas in the vicinity of Marjorie Street.

An analysis of the five year Main Roads WA crash data for the period to December 2009 revealed that 18 reported crashes have occurred on Oceanside Promenade between Mullanoo Drive and Warren Way. Of these crashes, seven have occurred in the vicinity of Marjorie Street with the majority of these crashes occurring at night and during weekends. There was one reported head on crash and crash resulting in an injury.

In response to the audit findings, options to improve the road safety situation at the intersection of Oceanside Promenade and Marjorie Street have been developed.

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

To gauge the level of support for improvements to the Marjorie Street intersection, three options were presented to 22 residents and property owners of Marjorie Street in May 2010. The City received 13 feedback forms as part of the community consultation and an alternative Option 4 was requested by two residents.

#### **Option 1 – Road closure**

Marjorie Street to be closed at the intersection with Oceanside Promenade by constructing a Cul-De-Sac (detailed in Attachment 1).

The majority of the residents and property owners who responded support option one being a road closure of Marjorie Street at the intersection with Oceanside Promenade. The road closure if constructed would improve the road safety situation at this location and resolve vehicle/pedestrian conflicts. It is anticipated that traffic volumes on Marjorie Street will increase through the intersection with Laurel Street if the road closure was to occur. However, the increase is not considered significant due to the low traffic volume on Marjorie Street.

A resident on Oceanside Promenade has expressed concerns regarding potential confusion for emergency services if Marjorie Street was closed to Oceanside Promenade. Currently access to the property is via Oceanside Promenade with the vehicle crossover being located at the western end of Marjorie Street. If Option 1 for road closure was adopted as the preferred treatment, emergency vehicles would be required to enter Marjorie Street via Laurel Street. To address the residents' concerns, the City would formally advise the emergency service authorities of changes to the surrounding road network and Marjorie Street road closure if adopted.



Advantages of Option 1 include:

- reduced potential for vehicles and pedestrian conflict at the intersection with Oceanside Promenade;
- opportunities for improved pedestrian access to the foreshore precinct; and
- improved road alignment for north and south bound traffic flows on Oceanside Promenade.

Disadvantages of Option 1 include:

- no direct vehicle access/egress to Oceanside Promenade and the foreshore precinct;
- an increase in traffic volumes at the Marjorie Street access point to Laurel Street; and
- the potential for inappropriate parking within the cul-de-sac.

### **Option 2 – modification to a left in – left out intersection**

Marjorie Street to be modified to left in-left out only at the intersection with Oceanside Promenade (detailed in Attachment 2).

This option, being left in–left out on Marjorie Street, would provide significant road safety benefits as an alternative treatment to a road closure, however only one response supporting this option was received.

Advantages of Option 2 include:

- controlled access/egress to Oceanside Promenade;
- improved pedestrian access to foreshore precinct; and
- improved road alignment for north and south bound traffic flows on Oceanside Promenade.

Disadvantages of Option 2 include:

- potential for vehicle and pedestrian conflict remains; and
- limited vehicle access/egress to Oceanside Promenade.

### **Option 3 – retain existing intersection**

This Option would retain the Marjorie Street and Oceanside Promenade existing intersection configuration (detailed in Attachment 3). Two responses were received in support of this option.

Advantages of Option 3 include:

- full vehicle access/egress to Oceanside Promenade

Disadvantages of Option 3 include:

- vehicle and pedestrian conflict will continue;
- poor pedestrian access to the foreshore precinct; and
- intersection issues for south bound traffic on Oceanside Promenade remain.

#### **Option 4 – alternative option - modification to a left out only intersection**

Marjorie Street would be modified to a left out only intersection with no entry from Oceanside Promenade (detailed in Attachment 4).

This option is preferred by two residents and would include a left out only from Marjorie Street with no entry available from Oceanside Promenade. The residents are concerned that closure of the road could result in inappropriate vehicle parking associated with the Mullaloo Beach Hotel and the potential for anti social behaviour relating to the parked vehicles. Option two being left in – left out was also not supported due to the potential for speeding on Marjorie Street.

Advantages of Option 4 include:

- Limited vehicle access to Oceanside Promenade would be provided.

Disadvantages of Option 4 include:

- vehicle and pedestrian conflict will continue; and
- options to improve pedestrian access on Oceanside Promenade will be limited.

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

##### **Legislation**

Section 3.50 of the Local Government Act 1995

##### **3.50 Closing certain thoroughfares to vehicles**

- (1a) *A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding four weeks.*
- (4) *Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding four weeks or continuing the closure of a thoroughfare, the local government is to -*
- (a) *give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission;*
  - (b) *give written notice to each person who -*
    - (i) *is prescribed for the purposes of this section; or*
    - (ii) *owns land that is prescribed for the purposes of this section;**and*
  - (c) *allow a reasonable time for submissions to be made and consider any submissions made.*

## Road Closure Process

Under the Local Government Act 1995 – Section 3.50, a local government, may close any thoroughfare that it manages to the passage of vehicles for an indefinite period. As part of the process, local public notice of the proposal is required including the location of the thoroughfare, when the closure is to occur and why it will be closed. Opportunity must also be provided for the public to make a submission.

Written notification to property (land) owners impacted by the proposal is also required. The local public notification period is to be for a reasonable time period for submissions to be made and consideration of submissions to occur. The Local Government is also required to formally advise the Commissioner of Main Roads of the proposal and public notice content.

### Strategic Plan Key Focus Area:

Objective: City of Joondalup Strategic Plan 2008/11

4.0 The built environment

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

### Policy

Not Applicable.

### Risk Management considerations:

The Road Safety Audit of May 2009 identified a number of road safety issues that need to be addressed.

### Financial/Budget Implications:

The estimated costs if Options 1, 2 or 4 were adopted as the preferred intersection treatment would be approximately \$25,000.

Blackspot funding has been allocated for Oceanside Promenade in the 2010/11 State Blackspot program. Funding of the proposed road safety improvements for Marjorie Street and Oceanside Promenade intersection will be included as part of the blackspot funding arrangement.

Account No:	W1592
Budget Item:	Oceanside Promenade – Mullaloo Drive to Warren Avenue
Budget Amount:	\$380,000
Amount Spent to Date:	\$ 0
Proposed Cost:	\$ 25,000 (estimate)
Balance:	\$355,000

### Regional Significance:

Not Applicable.

### Sustainability implications:

Not Applicable.

## Consultation:

Three options were presented to the residents of Marjorie Street as part of the community consultation carried out in May 2010. The residents were requested to assist the City by providing feedback on the options presented. As part of the feedback, a fourth option was identified by two residents as an alternative solution.

A total of 22 residential properties were included as part of the community consultation (Attachment 5 refers), 13 feedback forms were received representing 13 properties (59%). The following is a summary of the feedback:

- Option 1: Eight residents preferred Option 1 “Close Marjorie Street to Oceanside Promenade”
- Option 2: One resident preferred Option 2 “left in – left out”
- Option 3: Two residents preferred Option 3 “retain the existing intersection layout”
- Option 4: Two residents requested an alternative option “left out only” from Marjorie Street

## COMMENT

The closure of Marjorie Street at the intersection with Oceanside Promenade being Option One is the preferred option and would significantly reduce the potential for vehicle and pedestrian conflict at this location. The road closure would also provide an opportunity to improve the pathway network on Oceanside Promenade for pedestrians to access the foreshore precinct.

To address the residents’ concerns regarding inappropriate parking if Option 1 was adopted, it is proposed that extensive parking prohibitions be put in place as part of the road closure at the western end of Marjorie Street.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

### That Council:

- 1 NOTES that the majority of residents and property owners of Marjorie Street, Mullaloo who responded to the May 2010 community consultation, support the road closure of Marjorie Street at the intersection with Oceanside Promenade being Option One as shown in Attachment 1 to this Report;**
- 2 APPROVES the closure of Marjorie Street, Mullaloo at the intersection with Oceanside Promenade in accordance with Section 3.50 of the Local Government Act 1995;**
- 3 REQUESTS that residents and property owners of Marjorie Street, Mullaloo be advised of Council’s decision.**

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf121010.pdf](#)

## **ITEM 19                    PETITION REQUESTING THE CLOSURE OF THE LANEWAY BETWEEN BARBADOS TURN AND AMALFI DRIVE, HILLARYS**

<b>WARD:</b>	South-West
<b>RESPONSIBLE</b>	Mr Martyn Glover, Director Infrastructure Services
<b>FILE NUMBER:</b>	31523
<b>ATTACHMENTS:</b>	Attachment 1      Location map of laneway Attachment 2      Laneway network layout Attachment 3      View of laneway layout

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### **PURPOSE**

To consider a petition requesting the closure of the laneway between Barbados Turn and Amalfi Drive, Hillarys.

### **EXECUTIVE SUMMARY**

At its meeting held on 22 June 2010, Council received an 18 signature petition from residents requesting the closure of the laneway between Barbados Turn and Amalfi Drive, Hillarys to address traffic and pedestrian concerns associated with the laneway.

An onsite investigation and traffic count survey undertaken on four separate occasions confirmed that the laneway is operating in accordance with Western Australian Planning Commission's guidelines. The laneway network was found to operate under low traffic volume conditions with the majority of vehicle movements relating to residential properties within the laneway. The majority of vehicles that utilise the laneway were also found to be travelling at slow speed. No pedestrian/vehicle conflicts were observed as part of the investigations and site observations.

It is acknowledged that vehicles utilise the laneway for through access purposes, however on the basis of the investigations the closure of the laneway at the western end with Barbados Turn cannot be justified is not supported.

*It is recommended that Council:*

- 1        DOES NOT undertake traffic management works to close the laneway between Barbados Turn and Amalfi Drive, Hillarys.*
- 2        ADVISES the Petition Organiser of Council's decision.*

### **BACKGROUND**

At its meeting held on 22 June 2010, Council received an 18 signature petition from residents requesting the closure of the laneway between Barbados Turn and Amalfi Drive, Hillarys to address traffic and pedestrian concerns associated with the laneway. Of the 18 signatories, four signatories did not reside along or abut the laneway and two signatories were from the same address.

The public laneway which is approximately 65m in length and six metres in width is situated within the Harbour Rise precinct and connects Barbados Turn with Amalfi Drive as shown on Attachment 1. The laneway provides direct access to three residential properties and forms part of a wider network of laneways that services 35 residential properties as shown in Attachment 2.

The subdivision lot layout between Barbados Turn and Amalfi Drive has been designed for rear laneway access to residential properties as part of the development. The laneway network also provides access for service vehicles such as utility services and domestic rubbish collection.

In accordance with the Western Australian Planning Commission's (WAPC) Liveable Neighbourhood Guidelines, residential laneways are generally used when smaller lot layouts justify access to garages at the rear, and where alternative vehicle access is needed. Under the guidelines, rear access laneways are designed for a maximum traffic volume of 300 vehicles per day and maximum traffic speed of 15 kilometres per hour.

Previous requests from residents at numbers 7 and 11 Barbados Turn to close the laneway were received in February and March 2007. Given that the laneway forms part of the local road network, a road closure application form and fee were requested at the time to enable this matter to be formally considered. In lieu of the formal application, a request for physical barriers or traffic signs at each end of the laneway was suggested by owner of 11 Barbados Turn. This request was not supported.

## DETAILS

### Petition Detail

Comments provided as part the petition information relating to the residents' concerns and the responses to these concerns are detailed below:

- 1 *"We wish to bring to your attention that the residents in the area adjacent to this junction have for some time now been concerned that this laneway is being used as a shortcut to vehicles often travelling at speed, through what could be described as a chicane. This presents as a hazard for both vehicles and pedestrians in what is otherwise a very quiet location."*
  - A total of four onsite surveys were undertaken of the laneway during morning and afternoon peak periods with each survey lasting 1.5 hours. The results of the survey revealed that the majority of through traffic occurs during morning peak periods. The extent of the through traffic was limited to an average of four vehicles only for the morning peak periods.
  - All vehicles observed utilising the laneway did so at slow speeds.
  - A total of seven pedestrians and three cyclists were observed utilising the laneway during the survey period. No road safety issues were observed.
- 2 *"Canarias Way continues across Barbados Turn (a through road) where it converts into what could be described as a laneway. This laneway links Barbados Turn and a T Junction at Amalfi Drive, regrettable, as the laneway is offset by some four metres to the natural alignment of Canarias Way."*
  - The alignment of the laneway and Canarias Way are offset by eight metres which is not considered desirable and can encourage through traffic movements.

- The laneway junction with Barbados Turn includes a brick paved access crossover plus a flush concrete kerb to delineate between the laneway and Barbados Turn road alignment.
- 3 *“It is clear to the local residents that the laneway is commonly used as a shortcut from residents further afield resulting in what we believe to be an inherently dangerous thoroughfare for both vehicles and pedestrians alike.”*
- The onsite surveys confirmed that some vehicles utilised the laneway as a short cut. However the total number of vehicles observed utilising the laneway during morning and afternoon peak periods ranged between nine and eleven vehicles only. The majority of these vehicles were travelling to or from the rear of properties within the laneway network.
- 4 *“The lane is only four metres wide, making it difficult for vehicles to pass at the best of time and further exacerbating the difficulty when vehicles are legally parked in the lane and making it almost impossible to drive through safely.”*
- Onsite investigations confirmed that the laneway is six metres in width. A six metre wide laneway provides sufficient room for two way flow including commercial vehicle access such as rubbish trucks.
  - Resident’s vehicles and a trailer were observed parked in the laneway on a regular basis throughout the survey period. The parked vehicles did not have a negative impact on the operation of the laneway.
- 5 *“The combination of the offset between Canarias Way and parked vehicles in the laneway creates what only can be described as a dangerous chicane.”*
- Both Barbados Turn and Amalfi Drive are local access roads with low traffic volumes and traffic speeds. Vehicles observed entering or leaving the laneway were observed doing so at slow speed. There were no vehicle or pedestrian conflicts observed at the laneway access points.
  - An analysis of the most recent Main Roads crash data for the five year period ending December 2009 revealed that there were no reported crashes either vehicles or pedestrian related in the vicinity of the laneway access points

### **Site Investigations**

To gauge the extent of the laneway access issue, four separate traffic count surveys were undertaken during the September 2010 period. Of the four surveys, two were carried out during the morning peak period from 7.15am to 8.45am and two surveys were carried out during the afternoon peak period from 4.15pm to 5.45pm on separate days.

The results of the traffic count surveys for the laneway are detailed in the table below:

<b>Day and date</b>	<b>Time of day</b>	<b>Number of vehicles using the laneway to access rear of properties</b>	<b>Number of vehicles using the laneway as through access</b>	<b>Total number of vehicles utilising laneway</b>
Monday 6 September 2010	7.15 – 8.45am Morning peak	7	4	11
Wednesday 8 September 2010	7.15 – 8.45am Morning peak	4	4	8
Tuesday 21 September 2010	4.15 – 5.45pm Afternoon peak	8	2	10
Wednesday 22 September 2010	4.15 – 5.45pm Afternoon peak	8	1	9

### **Laneway Traffic Volumes**

On the basis of the four traffic count surveys undertaken during September 2010, the number of vehicles utilising the laneway during the morning and afternoon peak periods were less than ten vehicles per hour or ranged between eight to eleven vehicles per peak period.

The results of the survey revealed that the total number of vehicles utilising the laneway during morning peak periods ranged between eight and eleven vehicles. The survey also confirmed that the majority of through traffic occurred during the morning peak periods with four vehicles being recorded on both days.

The majority of vehicles utilising the laneway in the afternoon peak period did so to access the rear of properties within the laneway network and not for through access purposes. The through access traffic for afternoon peak periods ranged between one and two vehicles for both days.

On the basis of the traffic count surveys, the total number of vehicles utilising the laneway is considerably less than the recommended maximum of 300 vehicles per day as recommended in WAPC Liveable Neighbourhood Guidelines.

### **Laneway Traffic Speeds**

The onsite investigations confirmed that the majority of traffic that utilised the laneway did so at slow speeds. All vehicles observed during the traffic count surveys were considered to be travelling less than the 15 kilometres per hour, which is the maximum desirable speed recommended in Liveable Neighbourhood Guidelines.



### **Crash Analysis - Intersection Laneway/Barbados Turn/Canarias Way**

An analysis of the most recent Main Roads WA crash data for the period from January 2005 to December 2009 revealed that no reported crashes had occurred at the intersections of the laneway with Barbados Turn and Amalfi Drive.

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

Council has the option to:

- Resolve to retain the laneway in its current form. This is the recommended option.
- Resolve to close the laneway at the western end with Barbados Turn. This option is not recommended on the basis of the results of the traffic investigation. If Council would determine that the laneway to be closed, a formal process would be commenced and that process would include consultation with residents and relevant authorities such as service providers and state land services.

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

If Council resolves to support the closure of the Right of Way the formal closure procedure set out in the Land Administration Act 1997, will be undertaken. This procedure includes consultation with the public as well as the relevant service providers and government authorities. The City's recommendation, should it be supported, is then provided to the Department of Regional Development and Lands for consideration.

#### **Legislation**

Not Applicable.

**Strategic Plan** City of Joondalup Strategic Plan 2008 - 2011

**Key Focus Area:** 5.0 Community wellbeing

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

**Strategy:** 5.4.4 The City develops and implements a comprehensive road safety program

#### **Policy**

Whilst the City's Parking Local Law 1998 Clause 49 provides the ability to enforce compliance to unauthorised parking, it is a requirement for written authority by the land owner before enforcement can take place. The laneway being a dedicated Right of Way is Crown Land.

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

Not Applicable.

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

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

No community consultation has occurred in relation to this petition.

**COMMENT**

The intersection of the laneway and the proximity of Canarias Way as shown on Attachment 2 is not desirable and may encourage through movements to Amalfi Drive along the laneway. The layout of the intersection of the laneway and the proximity of Canarias Way as shown on Attachment 2 may encourage through movements to Amalfi Drive along the laneway. However the number of vehicles observed using the laneway for through access purposes averaged one to four vehicles during the 1.5 hour morning and afternoon peak periods.

The results of the onsite investigations confirmed that the laneway operates under low traffic volumes and that the majority of the vehicles access/egress the rear of properties within the laneway network and not for short cut purposes. The majority of vehicles that utilise the laneway were also found to travelling at slow speeds. No pedestrian/vehicle conflicts were observed as part of the investigations.

It is acknowledged that a minority of vehicles utilise the laneway for through access purposes, however, on the basis of the investigations, the closure of the laneway at the western end with Barbados Turn cannot be justified.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 DOES NOT undertake traffic management works to close the laneway between Barbados Turn and Amalfi Drive, Hillarys;**
- 2 ADVISES the Petition Organiser of Council's decision.**

*Appendix 15 refers*

To access this attachment on electronic document, click here: [Attach15brf121010.pdf](#)

## **ITEM 20                    BUSHLAND FRIENDS' GROUP INSURANCE**

<b>WARD:</b>	All
<b>RESPONSIBLE:</b>	Mr Martyn Glover, Director Infrastructure Services
<b>FILE NUMBER:</b>	06812 12168 44236
<b>ATTACHMENTS:</b>	Nil

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### **PURPOSE**

This report is to inform Council about insurance matters relating to volunteers under the age of 16 working in the City's Bushland Reserves.

### **EXECUTIVE SUMMARY**

Volunteers have assisted the City in ground maintenance activities of the City's bushland reserves for over 20 years. The insurance cover afforded to volunteers by the City has constantly changed during this period in relation to risk factors, new insurance providers and shifts in the insurance market.

The City has 12 active Bushland Friends' Groups who have expressed interest in personal and public liability insurance cover that they and other community members are afforded whilst engaged in volunteer bushland regeneration activities.

Following a directive from Council in June 2009, the City has explored options for improved insurance for young volunteers and can confirm that:

- 1 All participants aged 16 and over are covered by the City's insurance, which consists of Public Liability cover with an upper limit of \$100,000 and Personal Injury cover to an upper limit of \$500,000.
- 2 All participants aged between 12 and 16 participating in the City's sanctioned bushland care activities on land managed and/or owned by the City are now also covered by the City's insurance cover. However, this cover is limited to broken bones only and non-refundable medical expenses.
- 3 Volunteers under the age of 12 are considered the responsibility of their parents/guardians and are not covered by the City's insurance policy.
- 4 School children can assist with bushland rehabilitation projects upon written approval by the school principal. The children are then covered by the Department of Education insurance policy in this circumstance.

### **BACKGROUND**

The City currently has management responsibility for over 500 hectares of natural areas. These natural areas are contained within 108 separate reserves. There are 12 active Bushland Friends' Groups that assist the City with conservation activities within these reserves. Each of the Friends Groups hold a number of planting and weed removal activities per year and the community are often invited to participate in these events.

Bushland Friends' Groups have raised concerns about the insurance cover they and other bushland volunteers are afforded while volunteering on reserves managed by the City. This issue has important ramifications, both for volunteers and for the City. However, an investigation has revealed that there have been no identified insurance claims made by bushland volunteers to date.

The matter of insurance cover for Bushland volunteers was discussed by Council at its Ordinary Meeting held on 16 June 2009. It was resolved that Council:

- “1 NOTES the unconfirmed minutes of the Conservation Advisory Committee at its meeting held on 29 April 2009 as detailed in Attachment 1 to Report CJ135-06/09;*
- 2 REQUESTS the City write to the Department of Education and Training to confirm that students aged fourteen and over participating in Community Service Programs outside school hours have insurance coverage;*
- 3 NOTES the Conservation Advisory Committee’s request for a report pertaining to insurance cover for young volunteers is postponed until the outcome of the City’s discussions with the insurers is known.”*

## **DETAILS**

In reference to Council Resolution 2 (detailed above), the City has received advice from the Department of Education and Training (DET) confirming that students participating in Community Service Programs (sanctioned by the school principal) outside of school hours do have insurance coverage provided by DET. This also includes school excursions during school hours, where children participating in activities at City managed facilities or on City owned land.

In reference to Council Resolution 3 above, the City’s insurers have confirmed that all participants aged 16 and over, are covered by the City’s insurance, which consists of Public Liability cover, with an upper limit of \$100,000 and Personal Injury cover to an upper limit of \$500,000. The City’s insurers have also advised that all participants aged between 12 and 16, participating in the City’s sanctioned bush care activities, on land managed and/or owned by the City, are now also covered by the City’s insurance cover. However, this cover is limited to broken bones only and non-refundable medical expenses. The insurance company will not be charging any additional premium at this stage, however, there is a possibility this may change at a later date.

Insurance coverage for the City’s bushland volunteers will be extended to ages 12 and above under certain conditions. The conditions set down by the City’s insurer require the City to advise its insurer when a bush care event is going to take place. The process for this to happen will simply involve the City notifying its insurer in writing that an event will be taking place (this will be carried out two weeks prior to the date of the bush care event).

The City’s Friends’ Groups will maintain a register of volunteers that participate in their bush care events, detailing name, age, start and finish times and duties of each volunteer, this information will be then be forwarded to the City. This register will provide proof that the volunteers were present, in the event of a claim, accident or liability matter. The City will ensure that such a register is maintained and forwarded to the insurance company in the event of a claim.

Child volunteers under the age of 12 are currently not covered by the City’s insurance policy as the City’s insurers have stated that *“Age limit is 12 years and older”*. Further advice from the City’s insurance brokers confirms that, to provide insurance cover to under 12’s, the City would need to provide the child’s name, age, birth date and details of the volunteer activities the child will be participating in, prior to the event. As children normally accompany parents

and guardians to public bushland volunteering events, organisers (Friends groups) would not be aware of the details, and would be unable to provide them to the insurer. This being the case, insurance could not be provided. This is an important matter for the City, as parents occasionally bring young children to bush care events organised by the City and Bushland Friends' Groups. Young children under the age of 12 are still able to accompany their parents/guardians at bush care events; however, they will do so under the full care and responsibility of their parents/guardians, and will not be covered by the City's insurance policies. In addition, it is recommended that bushland volunteers sign a waiver to this effect which acknowledges this responsibility and thereby mitigates risk to the City in the event of an accident.

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

The two Options considered were around whether children under the age of 12 should be allowed or prohibited from accompanying their parents / guardians on bushland care days. These two options are detailed below:

#### *Option 1*

Prohibit children under the age of 12 to accompany their parents or guardians on bushland care days. This option was considered unsuitable as the City would no longer be able to reap the good work carried out by under 12's on bush care days. In addition, prohibiting children under 12 to accompany parents and guardians may also have a negative impact on the availability of the volunteers themselves. Therefore, this option is not recommended for adoption.

#### *Option 2*

Allow children under 12 to accompany their parents or guardians on bush care days whilst remaining uninsured by the City's insurer. However, the child volunteers would do so under the full care and responsibility of their parents/guardians at bush care events whereby bush care volunteers would be required to sign a waiver which acknowledges this accordingly. This option is recommended for adoption as it allows under 12s to accompany bush care volunteers whilst mitigating risk to the City in the event of an accident.

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

Link to Strategic Plan:

- 1.2 OBJECTIVE: To engage proactively with the Community and other relevant organisations in the preservation of the City's natural environmental assets.
- 5.2 OBJECTIVE: To facilitate healthy lifestyles within the Community.

### **Risk Management considerations:**

Uninsured child volunteers working on land managed by the City exposes the City to risk and the potential for litigation issues in the event of a child being injured. It is therefore incumbent upon the City to implement the necessary arrangements to mitigate this risk and it is proposed this will take the form of bushland volunteers signing a waiver. The signed waiver will provide a record for the City that demonstrates bushland volunteers understand that under 12s are not covered by the City's insurer and that they are willing to accept responsibility and care for under 12s on City sanctioned bush care days.

**Financial/Budget Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

The issue of insurance for volunteers has been the subject of discussion at Conservation Advisory Committee (CAC) Meetings on a number of occasions over the last five years. This matter has also been discussed with the City's insurance company (LGIS) and relevant City Officers from the Infrastructure Management Services, Financial Services Business Units and the City's Principal Legal Compliance Officer.

**COMMENT**

It is the officers' opinion that a balanced view of mitigation of risk and practicality needs to be adopted. Therefore, volunteers under the age of 12 can accompany their parents/guardians at bushland care events. However, under 12s will be considered the responsibility of their parents/guardians and bushland volunteers will be required to sign a waiver to confirm this understanding.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council REQUESTS the CEO to advise the City's Bushland Friends' Groups that:**

- 1 All participants aged 16 and over participating in City sanctioned bushland care activities are covered by the City's insurance with an upper limit of \$100,000 and personal injury cover to an upper limit of \$500,000;**
- 2 Participants aged between 12 and 16 participating in City sanctioned bushland care activities are covered by the City's insurance cover which is limited to broken bones and non-refundable medical expenses;**
- 3 Child volunteers under the age of 12 accompanying their parents / guardians at City sanctioned bushland care activities will not be covered by the City's insurance policy;**
- 4 They have a requirement to sign a waiver that acknowledges child volunteers under the age of 12 participating in City sanctioned bushland care activities will remain under the care and responsibility of Bushland Volunteers;**
- 5 School children can assist with bushland rehabilitation projects upon written approval by the school principal.**

- 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*
- (b) *at the meeting immediately before the matter is discussed.*





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

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

<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>	
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