

# agenda

## Ordinary Meeting of Council

NOTICE IS HEREBY GIVEN THAT THE NEXT  
ORDINARY MEETING OF THE COUNCIL  
OF THE CITY OF JOONDALUP WILL BE HELD IN  
THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP

**ON TUESDAY, 17 MAY 2011**

**COMMENCING AT 7.00 pm**

**GARRY HUNT**  
Chief Executive Officer  
13 May 2011

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

#### **PUBLIC QUESTION TIME**

Members of the public are  
requested to lodge questions in  
writing by 9.00am on  
Monday, 16 May 2011

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

#### **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)

## 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 Council Meetings.
- 2 Questions asked at an ordinary Council meeting can relate to matters that affect the operations of the City of Joondalup. Questions asked at a Special Meeting of the Council must relate to the purpose for which the meeting has been called.
- 3 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.
- 4 Public question time will be limited to two minutes per member of the public, with a limit of two questions per member of the public.
- 5 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 6 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.
- 7 Public question time will be limited to the legislative minimum of fifteen minutes and may be extended in intervals of up to ten minutes by resolution of the Council, but the total time allocated for public questions to be asked and responses to be given is not to exceed thirty five (35) minutes in total. Public question time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further questions.
- 8 Questions are to be directed to the Presiding Member and should be asked 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. 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 Council meeting.
- 9 Where an elected member is of the opinion that a member of the public is:
  - asking a question at a Council meeting, that is not relevant to the operations of the City of Joondalup;
  - making a statement during public question time;they may bring it to the attention of the meeting.

- 10 Questions and any response will be summarised and included in the minutes of the Council meeting.
- 11 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 submitted to an ordinary Council meeting can relate to matters that affect the operations of the City of Joondalup. Questions submitted to a Special Meeting of the Council must relate to the purpose for which the meeting has been called.
- 3 The City will accept a maximum of 5 written questions per City of Joondalup resident/ratepayer. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by 9.00 am on the day immediately prior to the scheduled Council meeting will be responded to, where possible, at the Council meeting. 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 Mayor 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 Council meeting 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 Council meeting.
- 8 A person who submits written questions may also ask questions at a Council meeting and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the minutes of the Council meeting.

- 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, either verbally or in writing, at Council meetings.
- 2 Statements made at an ordinary Council meeting must relate to matters that affect the operations of the City of Joondalup. Statements made at a Special Meeting of the Council must relate to the purpose for which the meeting has been called.
- 3 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.
- 4 Public statement time will be limited to two minutes per member of the public.
- 5 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.
- 6 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 than such time where there are no further statements.
- 7 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.
- 8 Where an Elected Member is of the opinion that a member of the public is making a statement at a Council meeting, that is not relevant to the operations of the City of Joondalup, they may bring it to the attention of the Presiding Member who will make a ruling.
- 9 A member of the public attending a Council meeting may present a written statement rather than making the Statement verbally if he or she so wishes.
- 10 Statements will be summarised and included in the minutes of the Council meeting.

## CODE OF CONDUCT

The Code recognises these ethical values and professional behaviours that support the principles of:

Respect for persons - this principle requires that we treat other people as individuals with rights that should be honoured and defended, and should empower them to claim their rights if they are unable to do so for themselves. It is our respect for the rights of others that qualifies us as members of a community, not simply as individuals with rights, but also with duties and responsibilities to other persons.

Justice - this principle requires that we treat people fairly, without discrimination, and with rules that apply equally to all. Justice ensures that opportunities and social benefits are shared equally among individuals, and with equitable outcomes for disadvantaged groups.

Beneficence - this principle requires that we should do good, and not harm, to others. It also requires that the strong have a duty of care to the weak, dependent and vulnerable. Beneficence expresses the requirement that we should do for others what we would like to do for ourselves.

*\* Any queries on the agenda, please contact Governance Support on 9400 4369.*

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

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

[Additional Information170511.pdf](#)

# CITY OF JOONDALUP

Notice is hereby given that a Meeting of the Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday, 17 May 2011** commencing at **7.00 pm**.

GARRY HUNT  
Chief Executive Officer  
13 May 2011

Joondalup  
Western Australia

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## VISION

"A sustainable City that is committed to service delivery excellence and operates under the principles of good governance."

## MISSION

"To undertake all our activities with the endeavour of meeting community expectations and achieving sustainable lifestyles."

## VALUES AND PRINCIPLES

### Customer Focus

- We will work to understand and respond to the needs of all our customers both now and into the future.
- We will provide opportunities for community engagement.
- We will focus our improvement efforts on better services for our customers.

### Purpose, Direction and Planning

- We will be plan driven, we will set priorities and we will ensure the effective allocation of resources to achieve our plans.

### Sustainability

- We will minimise any adverse impact from our activities on the external environment and the resources available for future generations.
- We will provide value for money to all of our stakeholders.
- We will always act to ensure our activities serve the long-term interests of Joondalup.

### Data, Measurement and Understanding

- We will make decisions based on information and understanding.
- We will measure and report progress against our goals.
- We will use measurement to drive continuous improvement.

### Honesty and Integrity

- We will be fair, open and transparent in our activities.

# AGENDA

Note: Members of the public are advised that prior to the opening of the Council meeting, Mayor Pickard will say a Prayer.

## 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

## 2 PUBLIC QUESTION TIME

The following questions were taken on notice at the Council meeting held on 19 April 2011:

**Mr R Repke, Kallaroo:**

*Re: Planning Applications*

**Q1** *Could you please let me know where the restriction [on applications being argued on planning merits only] finds its definition in the legal framework?*

**A1** The ability to make a decision and the extent to which the decision can be made is wholly a function of the power that is conferred under the relevant planning legislation, in this instance the Planning and Development Act 2005, and the City's District Planning Scheme.

Clause 6.8 of the City's Planning Scheme sets out the matters that must be considered by Council when making a planning decision. The first of these being 'orderly and proper planning'.

This clause must be read in conjunction with other parts of the Scheme, including, but not limited to:

- Clause 6.6 which sets out the manner in which "P", "D", "A" and "X" uses shall be dealt with.
- Clause 6.7 which sets out the instances in which the City must, or may seek public comment on an application.
- Clause 6.9 which sets out the power to determine applications for planning approval.

Whilst all matters set out under Clause 6.8 must be considered in determining an application for Development Approval, a decision on an application of this nature must be based on its planning merits, in order to ensure that the decision is consistent with orderly and proper planning for the locality.

**Mrs M Macdonald, Mullaloo:**

*Re: Stating full name and address at Public Question Time.*

*Q1 Given that the City requires that we write our full name and address on the register before we ask questions, why am I being asked to state my full address given this information is being recorded and sent out over the internet at this current time, and that the City does not print the full information in its minutes?*

*A1 In accordance with Regulation 7(1)(a) of the Local Government (Administration) Regulations 1996, procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in Regulation 6(1) are to be determined by the person presiding at the meeting. Therefore, in accordance with Regulation 7(1)(a), the Mayor, being the presiding member, is responsible for establishing the procedure for Public Question Time. The procedure established by the Mayor is that each member of the public state their full name and address for the public record.*

*Re: CJ054-04/11 - Proposed Alfresco Activities Extension at Lot 100 (10) Oceanside Promenade, Mullaloo*

*Q2 Regarding the item on the Alfresco seating at the Mullaloo Tavern, can the City state how many crashes have occurred in front of the Tavern in the last five years?*

*A2 An analysis of the Main Roads WA crash data for the five year period ending December 2010 revealed that there were 19 reported crashes between Mullaloo Drive and Marjorie Street. Of these crashes, there were six reported crashes within the vicinity of the Mullaloo Tavern.*

Of the six reported crashes within the vicinity of the Mullaloo Tavern:

- Three crashes were rear end crashes, two crashes were right angle crashes and one crash was off-carriageway hit object crash;
- Three crashes occurred at night;
- The majority of crashes occurred in dry conditions;
- All six crashes resulted in vehicle damage and did not result in any significant injuries.

**Mr M Sideris, Mullaloo:**

*Re: CJ054-04/11 – Proposed Alfresco Activities Extension at Lot 100 Oceanside Promenade*

*Q1 Advise if the SAT approves the application to amend the alfresco activity at Lot 100, will the City of Joondalup, as the local government authority, have any legal liability obligations in the event that an accident or injury occurs where cause is a direct result of the proposed alfresco activity?*

*A1 Council at its meeting of 19 April 2011 resolved to approve the abovementioned application, subject to a number of conditions. As such, the applicant will seek leave from the Tribunal to withdraw the Application for Review, and the Tribunal will not be required to make a determination.*

Conditions of approval require that adequate public liability insurance be taken out, and that the alfresco area does not impede vehicle sightlines or pedestrian movements at any time.

*Q2 Regarding my questions submitted prior to Council, the response to question four which has been referred to the answer to question three. Having read the answer to question three, the answer to question four is incorrect. Will the Council reconsider that answer and respond accordingly?*

*A2 As indicated in the response to this question at the April 2011 Council meeting, the development application approved in May 2010 was for four tables and 16 seats only.*

The maximum number of patrons to be accommodated was not permitted to be increased as a result of that approval. Only the location/configuration of tables changed. As such, the City was not required to exercise discretion to approve the application, and it was not required to be determined by Council.

**The following question was submitted prior to the Council meeting on 17 May 2011:**

**Mr D McAllester, Sorrento:**

*Re: Decommissioning of Tennis Courts and Netball Courts*

*Q1 Could you tell me what is proposed for these areas?*

*A1 It was agreed by the Council at its meeting held on 21 September 2010 (Item CJ151-09/10 refers) to decommission the tennis and netball/basketball courts located in the north-west corner of Percy Doyle Reserve.*

A report has been submitted to the ordinary meeting of Council to be held 17 May 2011 (CJ083-05/11 refers) which provides some options for consideration. The entire Percy Doyle Reserve is currently undergoing a Master Planning process which will examine various options to better configure the community facilities on the site. The Master Planning process is a long term project and is currently in its early stages. The land currently occupied by tennis and basketball courts will be open space.

**3 PUBLIC STATEMENT TIME****4 APOLOGIES AND LEAVE OF ABSENCE****REQUEST FOR LEAVE OF ABSENCE – CR JOHN CHESTER**

Cr John Chester has requested Leave of Absence from Council duties covering the period 21 to 30 July 2011 inclusive.

**RECOMMENDATION**

**That Council APPROVES the Request for Leave of Absence for Cr John Chester from Council duties covering the period 21 to 30 July 2011 inclusive.**

**5 CONFIRMATION OF MINUTES****MINUTES OF COUNCIL MEETING, 19 APRIL 2011****RECOMMENDATION**

**That the Minutes of the Council Meeting held on 19 April 2011 be confirmed as a true and correct record.**

**6 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION****7 DECLARATIONS OF INTEREST****Disclosure of Financial Interests**

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision making process if they have disclosed their interest.

**Disclosure of interest affecting impartiality**

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

<b>Name/Position</b>	<b>Cr Liam Gobbert</b>
<b>Item No/Subject</b>	CJ077-05/11 - Proposed Tattoo Studio - Addition to Existing Beauty Parlour at Whitford City Shopping Centre, 470 Whitfords Avenue, Hillarys
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Gobbert is an employee at a shop located at Whitfords Shopping Centre

<b>Name/Position</b>	<b>Cr Liam Gobbert</b>
<b>Item No/Subject</b>	CJ080-05/11 - Draft Whitford Activity Centre Structure Plan and Proposed Scheme Amendment No.58
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Gobbert is an employee of a shop located at Whitfords Shopping Centre

<b>Name/Position</b>	<b>Cr Philippa Taylor</b>
<b>Item No/Subject</b>	CJ092-05/11- Tom Simpson Park and Oceanside Promenade Redevelopment Public Consultation Results
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Taylor is a member of the Mullaloo Surf Life Saving Club

<b>Name/Position</b>	<b>Mayor Troy Pickard</b>
<b>Item No/Subject</b>	CJ092-05/11 - Tom Simpson Park and Oceanside Promenade Redevelopment Public Consultation Results
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Mayor Pickard is a patron and member of the Mullaloo Surf Life Saving Club

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

## 9 PETITIONS

## 10 REPORTS

## **CJ073-05/11      MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT DEVELOPMENT, CODE VARIATIONS AND SUBDIVISION APPLICATIONS - MARCH 2011**

**WARD:** All

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

**FILE NUMBER:** 07032, 05961

**ATTACHMENTS:** Attachment 1 Monthly Development Applications Determined - March 2011  
Attachment 2 Monthly Building Application Code Variations Decision - March 2011  
Attachment 3 Monthly Subdivision Applications Processed - March 2011

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

The provisions of clause 8.6 of the text to the District Planning Scheme No 2 DPS2, allows Council to delegate all or some of its development control powers to a Committee or an employee of the City.

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

This report identifies the following applications determined by the administration with Delegated Authority powers during March 2011 (Attachments 1, 2 and 3 refer).

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

### **BACKGROUND**

The DPS 2 requires that delegation be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 20 July 2010, Council considered and adopted the most recent Town Planning Delegation.

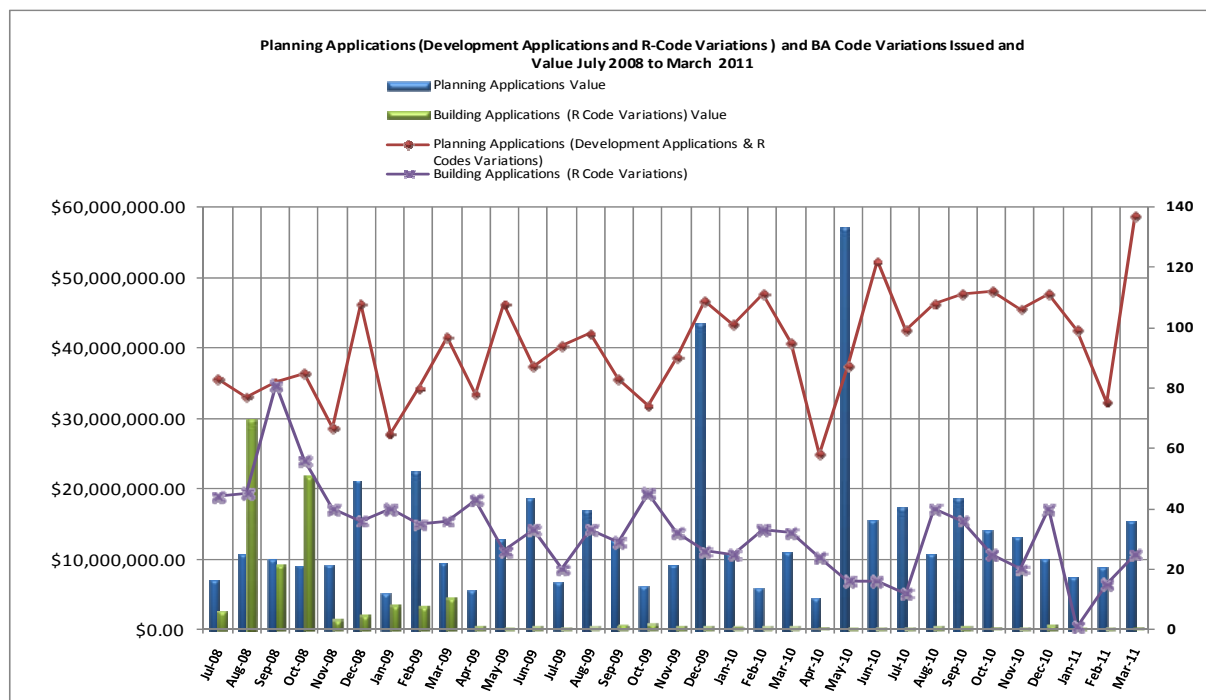
## DETAILS

The number of applications determined under delegated authority during March 2011, is shown below:

Approvals determined under delegated authority – March 2011		
Type of Approval	Number	Value (\$)
Planning applications (development applications & R-Codes variations)	137	\$ 15,357,027
Building applications (R-Codes variations)	25	\$ 283,310
<b>TOTAL</b>	162	\$ 15,640,337

The number of development applications received during the period for March 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).

The number of development applications current at the end of March was 178. Of these, 43 were pending additional information from applicants, and 43 were being advertised for public comment.



<b>Subdivision approvals processed under delegated authority From 1 March to 31 March 2011</b>		
<b>Type of approval</b>	<b>Number</b>	<b>Potential additional new lots</b>
Subdivision applications	2	1
Strata subdivision applications	0	0

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

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

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

### **Strategic Plan**

**Key Focus Area:**      The Built Environment

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

The use of a delegation notice allows staff to efficiently deal with many simple applications that have been received and allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

### **Policy:**

As above.

### **Risk Management considerations:**

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

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

A total of 162 applications were determined for the month of March with a total amount of \$58,753 received as application fees.

All figures quoted in this report are exclusive of GST.

### **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 DPS2.

Of the 137 development applications determined during March 2011, consultation was undertaken for 51 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 two subdivision applications processed during March 2011 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 Report CJ073-05/11 during March 2011;**
- 2 Subdivision applications described in Attachment 3 to CJ073-05/11 Report during March 2011.**

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf100511.pdf](#)*

**CJ074-05/11      PROPOSED AMENDMENT NO 61 TO DISTRICT  
PLANNING SCHEME NO 2 TO RECODE LOT 23 (77)  
GIBSON AVENUE, PADBURY**

**WARD:** South-West

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

**FILE NUMBER:** 101669, 101515, 53562

**ATTACHMENTS:** Attachment 1      Location Plan  
Attachment 2      Scheme Amendment Process Flowchart  
Attachment 3      Advertising Plan

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**PURPOSE**

The purpose of this report is for Council to consider initiating proposed Amendment No 61 to the District Planning Scheme No 2 (DPS2), to recode Lot 23 (77) Gibson Avenue, Padbury from R20 to R40 and restrict the use to aged persons dwellings, for the purpose of public advertising.

**EXECUTIVE SUMMARY**

Lot 23 (77) Gibson Avenue, Padbury, is a City owned freehold lot zoned 'Residential' under DPS2 that has not been developed. The site has been identified as having the potential to be used for aged persons dwellings at a density of R40.

The Strategic Financial Management Committee (SFMC) recommended to Council, at its meeting held on 15 March 2011, that an amendment to DPS2 be initiated to recode the lot and restrict the use to aged persons dwellings.

The proposed amendment is considered to have merit, as this will present the opportunity for the site to be developed for a different type of housing stock within an established area, to meet the needs of the community.

It is recommended that Council initiates the proposed scheme amendment for the purpose of public advertising.

**BACKGROUND**

**Suburb/Location:** Lot 23 (77) Gibson Avenue, Padbury  
**Applicant:** City of Joondalup  
**Owner:** City of Joondalup  
**Zoning:**      **DPS:** Residential  
                     **MRS:** Urban  
**Site Area:** 5159m<sup>2</sup>  
**Structure Plan:** Not Applicable.

Lot 23 (77) Gibson Avenue, Padbury is currently vacant and has not previously been developed. The site abuts single dwellings to the north east and east and a drainage sump and Leichhardt Park to the north and north west. The lots immediately adjacent to Lot 23 on the southern boundary are zoned 'Mixed Use' and consist of veterinary and medical consulting rooms (Attachment 1 refers).

The subject site is not identified as being within a Housing Opportunity Area under the City's draft Local Housing Strategy and as such, there are no existing proposals to change the zoning or coding of the site.

#### Council decision

At its meeting held on 15 March 2011 (CJ051-03/11 refers), Council resolved in part, to endorse the recommendation of the SFMC as follows:

*"3.4 INITIATES an amendment to District Planning Scheme No 2 to rezone and change the density code of Lot 23 (77) Gibson Avenue, Padbury from Residential/R20 to Residential/R40 (Restricted Use – Aged Persons Housing);"*

#### **DETAILS**

At its meeting held on 15 March 2011 (CJ051-03/11 refers), Council resolved to endorse the recommendation of the SFMC to initiate an amendment to DPS2 as detailed above.

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

The issues associated with the proposed amendment include:

- The suitability of the proposed increase in residential density.

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

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

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

##### **Legislation**

##### Residential Design Codes (R-codes)

The R-codes stipulate development standards for residential development which includes aged or dependent persons' dwellings.

The R-codes define 'aged person' as: 'a person who is aged 55 years or over' and a 'dependent person' as a 'person with a recognised form of disability requiring special accommodation for independent living or special care.'

### Planning and Development Act 2005

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

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

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

### **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:**

There is a chance that the community may respond negatively to the use of the site for residential development as there could be the perception that the site is part of Leichhardt Park and should be maintained for community use.

**Financial/Budget Implications:**

The City, as the applicant, will be required to cover the costs associated with the scheme amendment process. The costs incurred are for the advertising of the amendment which include placing a notice in the relevant newspapers and erecting a sign on the subject site. It is estimated that the cost of advertising will be \$1,970.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The proposed amendment would enable further residential development on the site, which will contribute to the environmental, economic and social sustainability by providing dwellings near existing infrastructure within established suburbs.

The City's draft Local Housing Strategy identifies a sharp increase in the number of residents aged over 65. The provisions of aged persons' dwellings in Padbury will provide the opportunity for people to downsize their dwelling but remain in the area.

**Consultation:**

Should Council initiate the proposed amendment, it is required to be advertised for public comment for a period of 42 days. Adjoining landowners will be notified in writing (Attachment 3 refers). A notice will be placed in the Joondalup Community newspaper and West Australian newspaper and a sign will be placed on site. Consultation will also comprise of a notice on the City's website.

**COMMENT**

The proposed increase in the density of the site from R20 to R40 would allow an increase in dwelling potential from 11 to 23 dwellings. The development of aged persons' dwellings increases the potential dwelling yield for the site to 35 dwellings, due to the provision of the Residential Design Codes which allows a reduction in the site area per dwelling.

The size and location of the site provides a unique opportunity to provide aged persons' accommodation in the area. While the density is higher than the adjoining single residential properties in the area, the proximity to the Padbury Shopping Centre and the Padbury Centre, which includes medical rooms, and the availability of public transport is considered to make the use of the site for aged persons' dwellings ideal. Additionally, there is an existing aged persons' development located to the south of the subject site, on the corner of Gibson Avenue and Warburton Avenue which is developed at a density of R30.

The amendment is also considered appropriate in light of the planning frameworks such as the Western Australian Planning Commission's *Directions 2031 and beyond* and the City's strategies such as the Local Planning Strategy and draft Local Housing Strategy which promote and aim to achieve housing diversity, affordability and choice.

The development and subdivision of the site would need to be in accordance with the City's DPS2, the Residential Design Codes and the City's policy – Height and Scale of Buildings within Residential Areas.

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

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 Pursuant to Part 5 of the Planning and Development Act 2005, CONSENTS to initiate Amendment No 61 to the City of Joondalup District Planning Scheme No 2 to:**

**1.1 Recode Lot 23 (77) Gibson Avenue Padbury from R20 to R40;**

**1.2 Include Lot 23 (77) Gibson Avenue Padbury in Schedule 2 – Section 2 – Restricted Uses – Aged Persons’ Dwelling as follows:**

<b>NO</b>	<b>STREET/LOCALITY</b>	<b>PARTICULARS OF LAND</b>	<b>RESTRICTED USE</b>
<b>2-5</b>	<b>77 Gibson Avenue, Padbury</b>	<b>Lot 23</b>	<b>Aged Persons’ Dwelling</b>

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

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf100511.pdf](#)*

**CJ075-05/11      RESPONSE      TO      PETITION      REGARDING  
COMMERCIAL VEHICLE PARKING AT LOT 805 (7)  
GRANTALA CLOSE, OCEAN REEF**

**WARD:** North-Central

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

**FILE NUMBER:** 88358, 101515

**ATTACHMENTS:** Attachment 1      Location Plan

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**PURPOSE**

To advise Council of the outcome of a development application for retrospective approval for parking of a commercial vehicle at the subject property. This application was the subject of a petition received by Council in February 2011.

**EXECUTIVE SUMMARY**

In December 2010, the City received an application for retrospective approval to park a commercial vehicle in front of the dwelling at 7 Grantala Close, Ocean Reef.

The proposal was advertised to six surrounding landowners for a period of 14 days in January 2011, and a total of five objections were received. A petition containing 15 signatures, requesting the application be refused was also received during this consultation period.

The applicant has subsequently agreed to demolish the existing garage, which will enable the commercial vehicle to be parked behind the dwelling line in accordance with the requirements of the City's District Planning Scheme No 2 (DPS2). As such, the application for retrospective approval to park the vehicle in front of the dwelling was refused under Delegated Authority. Submitters, including the lead petitioner have been advised of this decision.

*It is recommended that Council NOTES that the:*

- 1      application for retrospective planning approval for commercial vehicle parking at Lot 805 (7) Grantala Close, Ocean Reef was refused under Delegated Authority on 7 April 2011;*
- 2      lead petitioner and all other submitters have been advised of this decision.*

## BACKGROUND AND DETAILS

**Suburb/Location:** Lot 805 (7) Grantala Close, Ocean Reef.  
**Applicant:** M.R. Predeth and G. C. Ousby  
**Owner:** M.R. Predeth and G. C. Ousby  
**Zoning:** **DPS:** Residential  
**MRS:** Urban  
**Site Area:** 723.8m<sup>2</sup>  
**Structure Plan:** Not Applicable

In December 2010, the City received a complaint regarding the unauthorised parking of a commercial vehicle at the subject property. The landowners subsequently lodged an application for retrospective approval pursuant to the provisions of DPS2.

The proposal was advertised to six surrounding landowners, with a total of five objections to the proposal being received.

A petition containing 15 signatures was also submitted during this consultation period, and this was received by Council at its February 2011 meeting. This petition, which requests that Council refuse the application for retrospective planning approval, is the subject of this report.

The applicant initially sought approval to park one commercial vehicle in front of the existing dwelling due to site constraints. All other requirements of DPS2 were satisfied by the proposal.

The proposal was assessed against the requirements and objectives of DPS2, and was considered not to be appropriate due to the adverse impact on the streetscape and surrounding landowners.

The applicant has subsequently advised an intention to demolish the existing garage and construct a new garage that will house the commercial vehicle. A demolition licence has been issued for the demolition of the existing garage.

The applicant is required to either relocate the commercial vehicle off-site, or to commence parking it behind the dwelling line on or before 5 May 2011. This will ensure that it is being parked in accordance with the requirements of DPS2. The future construction of a new purpose-built garage will further enhance the amenity of the streetscape.

### Issues and options considered:

Council is not required to determine the development application that is the subject of this petition as the development application for retrospective approval has been determined under Delegated Authority.

### Legislation/Strategic Plan/Policy Implications

**Legislation** City of Joondalup Standing Orders Local Law 2005  
City of Joondalup District Planning Scheme No 2 (DPS2)

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

*"22 Petitions*

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

A commercial vehicle is defined under DPS2 as:

*"means a vehicle whether licensed or not which is used or designed for use for business, trade or commercial purposes or in conjunction with a business, trade or profession and without limiting the generality of the foregoing includes any utility, van, truck, trailer, tractor and any wheeled attachment to any of the m or any wheeled article designed to be an attachment to any of the m, and any bus or omnibus or any earth moving machine whether self-propelled or not. The term shall not include a vehicle designed for use as a passenger car or any trailer or other thing most commonly used as an attachment to a passenger car, or a van, utility or light truck which is rated by the manufacturer as being suitable to carry loads of not more than 1.5 tonnes. If a truck, prime mover or other vehicle is attached to a trailer, semi-trailer or any other attachment, each trailer, semi-trailer or other attachment is to be regarded as a separate commercial vehicle. A loaded combination, such as a bobcat, forklift or other vehicle or attachment loaded on a truck, trailer or other attachment is to be regarded as one commercial vehicle".*

Clause 4.15 of DPS2 sets out provisions relating to the parking of commercial vehicles

**4.15 COMMERCIAL VEHICLE PARKING**

*Parking of commercial vehicles in the Residential, Mixed Use, Business, Urban Development, Centre, Commercial and Special Residential Zones shall not be permitted except in accordance with the provisions set out in the following paragraphs of this clause;*

- (a) *a person shall not park, or permit to be parked, more than one commercial vehicle on any lot in the zones referred to in this clause;*
- (b) *a person may only park a commercial vehicle on any lot in the zones referred to in this clause if:*
  - (i) *the lot on which the vehicle is parked contains only a single house (including any associated outbuildings) provided that Council may permit the parking of such vehicle on a lot which contains grouped dwellings if it is of the opinion that this will not adversely affect the amenity of the grouped dwelling development or the surrounding area;*

- (ii) *the vehicle is parked entirely on the subject lot and is located on a hard standing area which is located behind the front of the dwelling, or alternatively the vehicle is parked within a garage;*
- (iii) *the vehicle is used as an essential part of the lawful occupation of an occupant of the dwelling. The foregoing requirement of this item shall not be satisfied in any case unless the owner of the vehicle or an occupier of the dwelling within seven days of the Council making a request, supplies to the Council full information as to the name and occupation of the person said to be using the vehicle. The request for that information is made for the purpose of this item by posting the request to the address of the owner of the vehicle shown on the vehicle registration, or by posting the request to or leaving it at the dwelling addressed in general way to the occupier. The parking of the vehicle on the lot does not authorise the conduct on that lot of the occupation of the vehicle user;*
- (iv) *the vehicle does not exceed 3 metres in height (including the load), 2.5 metres in width, or 8 metres in length;*
- (v) *the vehicle is not started or manoeuvred on site between the hours of 10.00pm and 6.00 am the next following day;*
- (vi) *while on the lot, the vehicle's motor is not left running while the vehicle is unattended or in any event for any period in excess of five minutes;*
- (vii) *where a noise complaint is substantiated in accordance with the relevant Regulations made pursuant to the Environmental Protection Act 1986, the hours of operation shall be restricted to 7.00 am – 9.00 pm Monday to Saturday and 9.30 am – 9.00 pm Sundays and Public Holidays. Any restrictions imposed on the hours of operation shall not limit further application of the relevant Regulations made pursuant to the Environmental Protection Act 1986;*
- (viii) *only minor servicing, including minor mechanical repairs and adjustments, and/or cleaning that generates easily contained liquid waste is carried out on the lot. Liquid waste shall be as defined in the Health (Liquid Waste) Regulations 1993 and shall be disposed of in accordance with the same. All cleaning and servicing shall be conducted behind the front of the dwelling;*
- (ix) *storage of liquid fuels on the lot complies with the Explosive and Dangerous Goods Act, 1961;*
- (x) *the vehicle is not used or designed for use for the transportation of livestock or the transportation or disposal of liquid or solid wastes or other use so as to cause nuisance or pollution as defined in the Health Act 1911 and/or the Environmental Protection Act 1986;*
- (xi) *the vehicle is not carrying a refrigeration unit which is operating on a continuous or intermittent basis;*
- (xii) *while on the lot, there is no transfer of goods or passengers from one vehicle to another vehicle, unloading or loading of the vehicle, or storage of goods associated with the use of the vehicle;*

- (xiii) *the vehicle is not used or operated as a tow truck or other emergency vehicle, between the hours of 10.00 p.m. to 6.00 a.m. in a manner that adversely affects the residential amenity of the area;*
- (c) *the Council may in writing approve a variation to any of the requirements of items (ii) and (iv) in paragraph (b) provided the Council is satisfied in the circumstances that the variation will not adversely affect the amenity of the area surrounding the subject land. Surrounding landowners and occupants may be invited to comment on the proposed variation;*
- (d) *an approval of the Council granted under paragraph (c) is personal to the person to whom it is granted, is not capable of being transferred or assigned to any other person, and does not run with the land in respect of which it is granted;*
- (e) *a vehicle shall be considered to be parked on a lot for the purpose of this clause if it remains on that lot for more than one hour in aggregate over any period of 24 hours unless the vehicle is being used bona fide in connection with ongoing construction work legally being carried out on the lot, the burden of proving which shall lie upon the person asserting it.*

### **Strategic Plan**

**Objective:** 1.2 To engage proactively with the community.

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

### **Policy:**

Not Applicable.

### **Risk Management considerations:**

The applicant had a right of review against the refusal decision that was made under Delegated Authority, in accordance with the State Administrative Tribunal Act 2004 and the Planning and Development Act 2005. However, no application for review was submitted within the 28 day timeframe from the date of the City's decision.

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

The applicant paid fees of \$135 (excluding GST) to cover the costs of assessing and reporting on this application.

### **Regional Significance:**

Not Applicable.

### **Sustainability Implications:**

Not Applicable.

**Consultation:**

The planning application was advertised for a period of 14 days to six surrounding landowners. A total of five objections to the proposal were received, as well as the 15 signature petition that is the subject of this report.

**COMMENT**

This report is presented to Council for information on the outcome of the development application for retrospective approval of commercial vehicle parking at the subject property.

The landowners are required to commence parking the commercial vehicle in accordance with the provisions of DPS2 on or before 5 May 2011. Should they pursue the construction of a purpose-built garage to house the commercial vehicle this will further enhance the amenity of the streetscape, although it must be understood that this is not compulsory.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council NOTES that the:**

- 1 Application for retrospective planning approval for commercial vehicle parking at Lot 805 (7) Grantala Close, Ocean Reef was refused under Delegated Authority on 7 April 2011;**
- 2 Lead petitioner and all other submitters have been advised of this decision.**

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf100511.pdf](#)*

**CJ076-05/11      PROPOSED DISPLAY HOME AT LOT 1613 (23)  
ROMANO CRESCENT ILUKA**

**WARD:** North

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

**FILE NUMBER:** 101249, 101515

**ATTACHMENTS:** Attachment 1      Location Plan  
Attachment 2      Display Village Plan

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**PURPOSE**

To request Council's determination of an application for a proposed display home on Lot 1613 (23) Romano Crescent, Iluka.

**EXECUTIVE SUMMARY**

A proposal has been received for a display home on a residential lot adjacent to an existing display village on Romano Crescent, Iluka.

The City's District Planning Scheme No 2 (DPS2) requires that five on-site car parking bays are provided per display home and/or land sales office. It is considered that this parking requirement would be difficult to achieve on a residential lot and does not create a desirable streetscape. Furthermore there is car parking available in the display car park.

The proposal satisfies all other requirements of the DPS2 and the Residential Design Codes of Western Australia (R-Codes). It is recommended for approval subject to conditions, until April 2012.

**BACKGROUND**

**Suburb/Location:** Lot 1613 (23) Romano Crescent, Iluka  
**Applicant:** J-Corp Pty Ltd  
**Owner:** J-Corp Pty Ltd  
**Zoning:** **DPS:** Urban Development  
**MRS:** Urban  
**Site Area:** 665m<sup>2</sup>  
**Structure Plan:** Iluka Structure Plan (Structure Plan 26)

The subject site is located within the Beaumaris Beach Estate, Iluka. The lot is situated immediately to the south of the existing display village on Romano Crescent (adjoining the southernmost lot of the village). The subject site is adjoined by a pedestrian access way to the south and a residential property to the east (Attachment 1 refers).

In April 2010, the City approved an application for a temporary car park on Lots 1600-1603 O'Mara Boulevard, Iluka. This car park contains 83 car parking bays, including two bays for persons with disabilities, and services a 13 dwelling display village and a land sales office (Attachment 2 refers).

Council, at its meeting held on 20 July 2010 (CJ114-07/10 refers) granted Delegated Authority to the Director of Planning and Development to determine applications on Lots 1614-1621, 1812, 1838, 1839, 1850 and 1851 Romano Crescent, Iluka, where no car parking is provided. This was on the basis that a temporary car park is approved in the locality until April 2012. This lot was not included in that report as it did not form part of the display village.

## DETAILS

The proposed display home is a two storey house. The proposal meets all of the acceptable development criteria of the R- Codes, the requirements of City Policy – ‘Pedestrian Accessways’, and the relevant requirements of the DPS2, with the exception of car parking.

Seventy of the bays in the abovementioned temporary car park are required for the 13 display home lots and the land sales office; as such there is currently a surplus of 13 car bays in the car park.

### Issues and options considered:

Council has the discretion to:

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

### Legislation/Strategic Plan/Policy Implications

**Legislation** City of Joondalup District Planning Scheme No 2 (DPS2)

Clause 4.8 of DPS2 sets out the Scheme’s requirements in relation to car parking:

#### 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 a minimum 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.*

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

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

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

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

**Policy:** City Policy – 'Pedestrian Accessways'

The Policy has the following objectives:

- 1 To ensure that a safe, convenient and legible pedestrian movement network is provided and maintained.
- 2 To minimise the impact of anti-social behaviour that may be associated with pedestrian accessways.

## 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 \$1,147.61 (excluding GST) to cover all costs with assessing the application.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The proposed display home will be required to comply with the Building Codes of Australia, including energy efficiency requirements.

**Consultation:**

No public consultation has been undertaken in relation to this application. The proposed dwelling meets the acceptable development criteria of the R- Codes and therefore it is considered that there will be no adverse impact on adjoining neighbours as a result of this proposal.

**COMMENT**

It is considered that the subject site is ideally located for use as a display home site. The proposed site is adjacent an existing display village and is well situated to utilise the existing display village car park and sales office. The subject site is within walking distance (170 metres) of the existing temporary display village car park and there are sufficient car bays within this car park to service the additional display home. Any approvals issued will be for a period of time that is consistent with the approval period of the temporary car park only (until 1 April 2012).

It is considered that the approval of this display home will not have a detrimental impact on surrounding residential area. The proposed display home complies with the requirements of the Iluka Structure Plan and meets the acceptable development criteria of the R- Codes.

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

**VOTING REQUIREMENTS**

Simple Majority

## RECOMMENDATION

### That Council:

- 1 DETERMINES that the provision of no on-site car parking bays in lieu of 5 bays is appropriate;
- 2 APPROVES the application for planning approval, dated 16 February 2011, submitted by J-Corp Pty Ltd, the owners and applicant, for a Display Home at Lot 1613 (23) Romano Crescent, Iluka, subject to the following conditions:
  - 2.1 This approval is valid until 1 April 2012;
  - 2.2 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City. Details of all proposed stormwater disposal systems shall be shown on the Building Licence Application;
  - 2.3 The boundary screen wall proposed along the southern boundary shall be visually permeable from 750mm above the existing limestone retaining wall, and comply with the definition of visually permeable under the Residential Design Codes of Western Australia;
  - 2.4 This approval relates only to the proposed Display Home as indicated on the approved plans. It does not relate to any other development on this lot.

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf100511.pdf](#)*

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Liam Gobbert</b>
<b>Item No/Subject</b>	CJ077-05/11 - Proposed Tattoo Studio - Addition to Existing Beauty Parlour at Whitford City Shopping Centre, 470 Whitfords Avenue, Hillarys
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Gobbert is an employee at a shop located at Whitfords Shopping Centre

## **CJ077-05/11      PROPOSED TATTOO STUDIO - ADDITION TO EXISTING BEAUTY PARLOUR AT WHITFORD CITY SHOPPING CENTRE, 470 WHITFORDS AVENUE, HILLARYS**

**WARD:** South-West

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

**FILE NUMBER:** 22554, 101515

**ATTACHMENTS:** Attachment 1      Location Plan  
Attachment 2      Development Plan  
Attachment 3      Properties to be notified under City Policy - Notification of Approved Commercial Development

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### **PURPOSE**

To request Council's determination of an application for a tattoo studio within an existing beauty parlour at Whitford City Shopping Centre.

### **EXECUTIVE SUMMARY**

The applicant is seeking approval to utilise a room within an existing beauty parlour on the northern side of the Whitford City Shopping Centre, for the purposes of a tattoo studio.

A tattoo studio does not reasonably fall within any of the land uses listed under Table 1 of the City's District Planning Scheme No 2 (DPS2), and is therefore required to be considered as an unlisted use. As an unlisted use, Council must consider the appropriateness of the land use having regard to the objectives of the Commercial Zone. The proposed development does not affect the car parking requirement for the centre.

It is considered that the land use contributes to the diversity of uses at Whitford City Shopping Centre, and is consistent with the objectives of the Commercial Zone. As such, it is recommended that a tattoo studio be considered a permitted land use within the zone, and the application be approved.

## BACKGROUND

<b>Suburb/Location:</b>	Lot 501 (470) Whitfords Avenue, Hillarys (Shop 65)
<b>Applicant:</b>	J.R Hirt
<b>Owner:</b>	Westfield Holdings Ltd
<b>Zoning:</b>	<b>DPS:</b> Commercial
	<b>MRS:</b> Urban
<b>Site Area:</b>	19.78ha
<b>Structure Plan:</b>	Not Applicable (the Draft Whitford Activity Centre Structure Plan is yet to be determined, however, there will be no impact on this proposal).

Whitford City Shopping Centre is located on the western side of Marmion Avenue, bound by Whitfords Avenue to the north, Banks Road to the south, and Endeavour Road to the west. The subject tenancy is accessed from outside the centre near the northern entrance (Attachment 1 refers).

The tenancy is currently approved for use as a beauty parlour.

## DETAILS

The applicant seeks approval to utilise a room within an existing beauty parlour as a tattoo studio.

The tattoo studio will operate during the current operating hours of the beauty parlour, being 8.30 am to 7.00 pm on Monday, Tuesday, Wednesday and Friday, 8.30 am to 9.00 pm on Thursday and 8.00 am to 5.00 pm on Saturday. There will only be one tattoo artist at the tenancy at any given time.

### Issues and options considered:

Council is required to determine whether the proposed land use is consistent with an existing use class under Table 1 of District Planning Scheme No 2, or whether it should be considered an unlisted land use.

- Option 1: If Council determines it to be a listed use class, the application must be determined in accordance with the permissibility of that use in the Commercial Zone under DPS2.
- Option 2: If it is considered that the proposed use is an Unlisted Use class in DPS2, Council then needs to determine whether the proposal meets the objectives and purpose of the Commercial Zone and therefore, if the proposed use can be permitted.

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

## Legislation/Strategic Plan/Policy Implications

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

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

Clause 3.2 indicates the manner in which Table 1, the Zoning Table sets out the permissibility of uses within zones. However, due to the nature of the proposed development a tattoo studio does not fall within any of the definitions under Schedule 1 of DPS2. Therefore the Council is required to make a determination under Clause 3.3 of DPS2.

#### 3.3 Unlisted Use

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

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

#### 3.7 The Commercial Zone

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

*The objectives of the Commercial Zone are to:*

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

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

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

- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) any relevant submissions by the applicant;*

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

### **Strategic Plan**

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

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

**Policy:** City Policy – Notification of Approved Commercial Development.

In accordance with this policy, the City is required to advise residential properties directly abutting, or within 30 metres of approved development for applications where consultation has not otherwise been undertaken.

As no consultation has been undertaken, the City will advise properties on Banks Avenue (who are within 30 metres of the shopping centre site), should the application be supported. The residents required to be advised are indicated in Attachment 3. It is noted that the residential properties backing onto Marmion Avenue and Whitfords Avenue are more than 30 metres from the subject site.

### **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 \$270 to cover all costs associated with assessing the application.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The proposal has not been advertised as it is considered that the land use is consistent with the objectives of the Commercial Zone under DPS2.

As outlined above, in accordance with City Policy – Notification of Approved Commercial Development, residential properties within 30 metres of the shopping centre will be advised of the development, if the proposal is supported.

**COMMENT**

The application is for approval for use of a room within an existing beauty parlour as a tattoo studio. It is considered that a tattoo studio is a use not listed in Table 1 – the Zoning Table of DPS2; this position has been verified by legal advice from the City's solicitors. Therefore, it is appropriate that Council determines the use as an Unlisted Use and considers whether the application meets the objectives of the Commercial Zone.

The objectives of the Commercial Zone are:

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

It is considered that the tattoo studio will contribute to the wide range of land uses currently located at Whitford City Shopping Centre, therefore, meeting the objective of the zone. Furthermore, as the use will be within an existing beauty parlour and operate within existing trading hours, there is considered to be no conflict with existing land uses.

Given the above, it is recommended that the land use be considered a permitted land use within the zone.

**Car parking**

Whilst DPS2 does not prescribe a car parking standard specific to the land use, it is considered to be a retail land use under the *shop retail planning land use* category classification set out by the Western Australia Planning Commission. As such, the use contributes to the retail NLA for the shopping centre, and a car parking standard of 1950 bays for the first 30,000m<sup>2</sup> NLA and 5.25m<sup>2</sup> per 100m<sup>2</sup> NLA thereafter shall apply.

The land use is occupying an existing retail tenancy, and as such there is no change to the retail NLA (remaining at 49,924m<sup>2</sup>) and car parking requirement for the site. There remains a surplus of 50 car bays across the site.

### Conclusion

The proposed tattoo studio is considered to meet the objectives of the Commercial Zone, and therefore, should be considered to be a permitted use within the zone. As the land use is a retail land use, the shopping centre car parking standard has been applied, and therefore there are no changes to the car parking requirements for the site.

Given the above, the application is recommended for approval.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

### **That Council:**

- 1 DETERMINES that under clause 3.3(a) of the City of Joondalup District Planning Scheme No 2 that:**
  - 1.1 The land use 'tattoo studio' is an unlisted use;**
  - 1.2 The proposed use meets the objectives of the Commercial Zone and is therefore a permitted land use;**
- 2 APPROVES the application for planning approval dated 21 February 2011, submitted by J.R Hirt, the applicant, on behalf of the owners, Westfield Holding Ltd, for an additional use of tattoo studio to an existing beauty parlour;**
- 3 NOTES that in accordance with City Policy – Notification of Approved Commercial Development, the land owners indicated in Attachment 3 to this Report will be notified of Councils' decision.**

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf100511.pdf](#)*

**CJ078-05/11      PROPOSED ADDITIONS TO EXISTING MEDICAL CENTRE AT LOT 245 (29) GREEN ROAD, HILLARYS**

**WARD:** South-West

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

**FILE NUMBER:** 25576, 101515

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

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**PURPOSE**

To request Council's approval of an application for proposed additions to an existing medical centre located at 29 Green Road, Hillarys.

**EXECUTIVE SUMMARY**

An application for planning approval has been received for additions to an existing Medical Centre at 29 Green Road, Hillarys. The additions include minor extensions to an existing staff room at the side of the centre, and a feature wall at the front of the centre.

The staff room addition is located on the northern side of the existing building and complies with the requirements of the City of Joondalup District Planning Scheme No 2 (DPS2), with the exception of the setback to the northern boundary.

The feature wall addition complies with the requirements of DPS2, with the exception of the setback to the front (eastern) boundary.

The proposal was advertised to the adjoining landowner to the north, due to the staff room setback variation. Comments stating no objections to the proposal were received from this landowner.

The proposed development will not affect any surrounding residential properties or the Green Road streetscape.

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

**BACKGROUND**

**Suburb/Location:** Lot 245 (29) Green Road, Hillarys

**Applicant:** Christopher Senior & Associates

**Owner:** Doctor Phone Advice Pty Ltd, Mr Gary Thomas William Claydon, Mr Nigel Robert Carmichael Domer and Siobhan Margot Domer

**Zoning:** **DPS:** Residential (with additional use – Medical Centre)  
**MRS:** Urban

**Site Area:** 967.84m<sup>2</sup>

**Structure Plan:** Not Applicable.

The subject site is located on the western side of Green Road, Hillarys, approximately 75 metres to the south of the Whitfords City Shopping Centre site (Attachment 1 refers).

The site is located opposite James Cook Park, and is in the vicinity of residential properties. An existing medical centre adjoins the subject site's northern boundary. The site is zoned Residential under DPS2, with an additional use of Medical Centre permitted pursuant to Clause 3.15 of DPS2.

Approval was initially granted in 1972 for a Medical Centre, with the condition that the approval was for two practitioners only. A Council resolution from 23 September 1987 limits the practice to a maximum of five medical practitioners.

Although the car park for the building is accessed from Hicks Way, the front of the building is considered to be Green Road (eastern side of the building).

## DETAILS

This application is for the extension of an existing staff room and for a feature wall addition to the front of the existing building. It will not result in any additional medical practitioners operating from the premises, and does not result in any changes to the use of the property.

The building addition has a proposed setback of 2.2 metres in lieu of 3.0 metres from the side (northern) boundary and the feature wall addition a proposed setback of 6.0 metres in lieu of 9.0 metres from the front (eastern) boundary. All other standards and requirements of the City's District Planning Scheme No 2 (DPS2), where applicable, are satisfied by this development.

The applicant has provided the following justification for the feature wall additions:

*"The feature wall has been included in the design to compliment the form of the existing building. In the past this building has tended to be too 'residential' in nature and as such was not noticed as a medical centre. The feature wall and finish of the façade will rectify this without compromising the original form of the building, or for that matter, its amenity."*

## 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 gives council discretion to consider the variations sought to DPS2 standards.

#### 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;
  - (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.

#### 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 – Signs

No signage is proposed as part of this application. However, the applicant has indicated that there will be signage included on the feature wall in the future. Any proposed signage to the feature wall will be subject to Council Policy – Signs. The objectives of the policy are:

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

### **Risk Management considerations:**

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

**Financial/Budget Implications:**

The applicant has paid fees of \$310 (excluding GST) to cover all costs with assessing the application.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The proposed additions are generally minor in nature, and include the construction of an extension to an existing staff room and construction of a feature wall to the front of the medical centre. This building will need to comply with the requirements of the Building Code of Australia in order to obtain a building licence.

**Consultation:**

The proposed additions were advertised by way of letter to the affected owners at 31 Green Road. This consultation took place for a period of 14 days, ending on the 15 March 2011.

A submission of no objection was received from these landowners.

**COMMENT**Staff room extension:

Under DPS2, the required side setback for non-residential buildings is three metres. The applicant is proposing a side setback of 2.2 metres to the northern boundary. The additions will be adjacent to existing offices and a laboratory of the adjoining medical centre.

The proposed addition is 4.9 metres in length, and will be 2.2 metres in height, matching the existing medical centre building. This is considered to be relatively minor in nature and unlikely to impact on the adjoining property by way of building bulk, or through restricting access to light and ventilation. As the additions are towards the northern boundary of the subject site, there will not be any significant overshadowing of the adjoining property.

The adjoining property is approximately 900 millimetres higher than the floor level of the subject building, which will also assist in minimising the impact of the additions on that property.

No openings are proposed to the addition, removing any potential privacy concerns.

Feature wall setback variation:

The development also includes the addition of a 4.7 metre high feature wall at the front of the building. The feature wall will ultimately be used for the purpose of displaying signage, although the signage does not form part of this application. The applicant is proposing a front setback of 6.0 metres in lieu of 9.0 metres to the eastern boundary for this wall.

The proposed feature wall will be the same height as the high point of the existing building's roofline, and has been designed to integrate with the building. It will be attached to the building and is set back behind the front façade. As such, it will not dominate or pose excessive bulk on the streetscape.

Conclusion:

In light of the above, it is recommended that the application be approved, subject to the conditions set out below.

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 EXERCISES discretion under clause 4.5.1 of the City of Joondalup District Planning Scheme No 2 and determines that a building setback of 2.2 metres in lieu of 3.0 metres to the northern (side) boundary, is appropriate in this instance;**
- 2 EXERCISES discretion under clause 4.5.1 of the City of Joondalup District Planning Scheme No 2 and determines that a building setback of 6.0 metres in lieu of 9.0 metres to the eastern (front) boundary, is appropriate in this instance;**
- 3 APPROVES the application for planning approval, dated 17 February 2011 submitted by Christopher Senior & Associates on behalf of the owners, Doctor Phone Advice Pty Ltd, Mr Gary Thomas William Claydon, Mr Nigel Robert Carmichael Domer and Siobhan Margot Domer, for MEDICAL CENTRE (additions) at Lot 245 (29) Green Road, Hillarys, subject to the following conditions:**
  - 3.1 All stormwater shall be collected on site and disposed of in a manner acceptable to the City;**
  - 3.2 The colours and materials of the proposed additions shall match the existing building where practicable, to the satisfaction of the City;**
  - 3.3 This approval relates only to the proposed additions as indicated on the approved plans. It does not relate to any other development on this lot. The proposed signage addition is subject to a separate planning/building application submitted to the City.**

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf100511.pdf](#)*

**CJ079-05/11      CHANGE OF LAND USE FROM OFFICE AND WORKSHOP TO LANDSCAPE SUPPLIES (RETROSPECTIVE) AT LOT 396 (29) CANHAM WAY, GREENWOOD**

**WARD:** South East

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

**FILE NUMBER:** 26113, 101015

**ATTACHMENTS:** Attachment 1 Location Plan  
Attachment 2 Aerial Site Photo  
Attachment 3 Site Plan (existing and proposed)  
Attachment 4 Existing Development Photos

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**PURPOSE**

To request Council's determination of a retrospective development application for a change of land use from Office and Workshop to Landscape Supplies.

**EXECUTIVE SUMMARY**

A retrospective application for planning approval has been received for a change of use from Office and Workshop to Landscape Supplies. The determination of this application by Council is necessary because a carparking requirement is not specified within the District Planning Scheme No 2 (DPS2) for the land use 'Landscape Supplies'. The DPS2 requires that Council determine a car parking standard for a use where there is not one specified.

The site is currently being used to display and sell stone paving and associated products. The development is considered to be consistent with the objectives and purposes of the Service Industrial zone, and meets all requirements of DPS2 with the exception of carparking.

It is recommended that the application be approved, subject to the acceptance of a car parking standard for "Landscape Supplies" of one bay per 500m<sup>2</sup> display area, and one bay per staff member.

**BACKGROUND**

**Suburb/Location:** Lot 396 (29) Canham Way Greenwood  
**Applicant:** Zealous Resources Pty Ltd t/as Fremantle Stone  
**Owner:** Tait Nominees Pty Ltd, Winme Pty Ltd, Bernard Marie Clement Nageon De Lestang & Helen Roberta Nageon De Lestang  
**Zoning:** **DPS:** Service Industrial  
**MRS:** Urban  
**Site Area:** 5116.07m<sup>2</sup>  
**Structure Plan:** Not Applicable.

The subject site is located in the north-eastern part of Canham Way in Greenwood. The site backs onto Hepburn Avenue and Wanneroo Road (Attachment 1 refers).

Council at its meeting of March 2007 approved a change of use to Landscape Supplies for the subject site and adjoining site at Lot 395 (31) Canham Way. No development commenced within the subsequent two years. The site remained vacant until the current occupants leased the site and began the current operations in July 2009.

## **DETAILS**

The site is used as a display centre, showroom and stock storage yard for the purpose of storage and distribution of paving stone products and other related building products. The site has been refurbished extensively by Fremantle Stone, including renovation of an existing site office/ showroom, improvements to the driveway and traffic surfaces, and improvements to the site drainage.

The new development on site consists of:

- A stock storage area;
- Three garden sheds used for storage of maintenance equipment ;
- A sand storage 'bin' constructed of reconstituted limestone blocks;
- A drive way and car parking area with car parking for 14 vehicles (including four staff bays, one disabled bay, and nine customer bays;
- A large display area including three shade sail structures, three grass hut structures, and various stone features;
- A weather proof pavilion structure; and
- Signage on the pre-existing office/ showroom, and adjacent to the front boundary on Canham Way.

Day to day trading on the site involves customers visiting the site to select, purchase and collect paving, stone products, and related supplies. The site generally operates with two to four staff.

The site contains a 10m<sup>2</sup> sand bin used for containing clean yellow paving sand. The bin has a sprinkler and a cover to eliminate the spread of dust. The site is monitored 24 hours a day by an intruder and smoke alarm system, including seven remote monitored cameras.

The site is mostly developed, but the applicant has lodged a site plan of proposed works which includes modification to the existing landscaping and car parking arrangements to bring the site into compliance with the requirements of DPS2. The existing signage complies with Council Policy – 'Signs'.

## **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 DPS2.

Landscape Supplies 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 by subclause 6.6.2;"*

Clause 6.7.2 allows Council to seek public comment prior to considering an application for Planning Approval should this be considered appropriate or necessary.

### 6.7 PUBLIC NOTICE

#### 6.7.2 Notification of "D" Uses

*Before considering an application for planning approval involving a "D" use, the Council may give notice in accordance with subclause 6.7.1.*

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 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) *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*
- (j) *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 subclause 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 Council;*
- (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.*

#### 4.12 LANDSCAPING REQUIREMENTS FOR NON RESIDENTIAL BUILDINGS

4.12.1 *A minimum of 8% of the area of a development site shall be designed, developed and maintained as landscaping to a standard satisfactory to the Council. In addition the road verge adjacent to the lot shall be landscaped and maintained in a clean and tidy condition to the satisfaction of the Council.*

*4.12.2 When a proposed development includes a car parking area abutting a street, an area no less than 3 metres wide within the lot along all street boundaries shall be designed, developed and maintained as landscaping to a standard satisfactory to the Council. This landscaped area shall be included in the minimum 8 % of the area of the total development site referred to in the previous subclause.*

*4.12.3 Landscaping shall be carried out on all those areas of a development site which are not approved for buildings, accessways, storage purposes or car parking with the exception that shade trees shall be planted and maintained by the owners in car parking areas at the rate of one tree for every four (4) car parking bays, to the Council's satisfaction.*

## **Strategic Plan**

**Key Focus Area:** The Built Environment

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

**Policy:** Council Policy – 'Signs'

The objectives of the policy are:

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

It is considered that the existing signs meet the objectives of Council Policy – 'Signs'.

## **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 the fees of \$270.00 (excluding GST) to cover all costs associated with assessing the application.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Clause 6.7.2 of DPS2 enables public consultation to be undertaken prior to the consideration of an application for planning approval where this is considered necessary and/or appropriate. In this instance, it is considered that the proposal is consistent with the objectives of the Service Industrial zone, and in keeping with surrounding land uses. As such, public comment has not been sought.

**COMMENT**Land Use

The proposed change of use to 'Landscape Supplies' is considered to be consistent with the objectives of the Service Industrial Zone as set out in DPS2. The proposal is also considered to be consistent with surrounding land uses and will not have an adverse impact on the amenity of adjoining owners or the locality.

The proposed change of use to 'Landscape Supplies' is considered appropriate and is supported.

Car Parking

Council previously supported a parking standard of one bay per 500m<sup>2</sup> display area plus one bay per employee on the basis that this is the car parking standard for garden centres in DPS2, and that other local authorities use a standard of one bay per staff member for landscape supplies. It is considered the proposed parking standard will provide adequate parking for staff and visitors to the premises.

Conclusion

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

**VOTING REQUIREMENTS**

Simple Majority

## RECOMMENDATION

### That Council:

- 1 Having regard to Clause 4.8.2 of the City of Joondalup District Planning Scheme No 2, DETERMINES that a parking standard for "Landscape Supplies" of "one bay per 500m<sup>2</sup> display area plus one bay per employee" is appropriate in this instance;
- 2 APPROVES the application for planning approval, dated 7 July 2010 submitted by Zealous Resources Pty Ltd t/as Fremantle Stone on behalf of the owners, Tait Nominees Pty Ltd, Winme Pty Ltd, Bernard Marie Clement Nageon De Lestang & Helen Roberta Nageon De Lestang, for retrospective change of use from Office and Workshop to Landscape Supplies at Lot 396 (29) Canham Way, Greenwood, subject to the following conditions:
  - 2.1 An onsite stormwater drainage system, with the capacity to contain a 1:100 year storm of 24-hour duration, is to be provided 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;
  - 2.2 The lodging of detailed landscape plans, to the satisfaction of the City, for the site and adjoining road verge(s) for approval with the Building Licence submission. These plans are to depict the use of mature vegetation along the Hepburn Avenue boundary so as to screen the stock storage area from view from the street;
  - 2.3 This approval relates only to the existing development, and proposed landscaping, as indicated on the approved plans. It does not relate to any other development on this lot;
  - 2.4 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 within 60 days from the date of this approval, and thereafter maintained, to the satisfaction of the City;
  - 2.5 The vehicle movement system shown on the approved plans shall be clearly marked on the pavements and driveways within 60 days from the date of this approval, and thereafter maintained, to the satisfaction of the City;
  - 2.6 The staff bays and disabled bay are to be clearly marked within 60 days from the date of this approval and there after set aside for these purposes, to the satisfaction of the City.

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf100511.pdf](#)*

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Liam Gobbert</b>
<b>Item No/Subject</b>	CJ080-05/11 - Draft Whitford Activity Centre Structure Plan and Proposed Scheme Amendment No.58
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Gobbert is an employee of a shop located at Whitfords Shopping Centre

## **CJ080-05/11      DRAFT WHITFORD ACTIVITY CENTRE STRUCTURE PLAN AND PROPOSED SCHEME AMENDMENT NO 58**

**WARD:** South-West

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

**FILE NUMBER:** 00081, 101515, 101481

**ATTACHMENTS:**

Attachment 1	Location Plan
Attachment 2	Zoning Plan
Attachment 3	Character Precincts Plan
Attachment 4	Assessment Part A: Model Centre Framework
Attachment 5	Assessment Part B: Statutory Provisions
Attachment 6	Structure Plan Process Flowchart
Attachment 7	Building Height Plan
Attachment 8	Spatial Framework Plan
Attachment 9	Pedestrian and Cycle Path Plan
Attachment 10	Proposed Parking Plan
Attachment 11	Implementation Actions Table
Attachment 12	Draft Whitford City Activity Centre Structure Plan (available electronically and a hard copy is also available in the Councillor's Reading Room)

**PURPOSE**

The purpose of this report is for Council to consider a draft Activity Centre Structure Plan and proposed Scheme Amendment No 58 for Whitford City Shopping Centre and surrounds, for the purposes of public advertising.

**EXECUTIVE SUMMARY**

The City has received an application for a draft Activity Centre Structure Plan and associated scheme amendment for Whitford City Shopping Centre and surrounds.

The City has received an application for a draft Activity Centre Structure Plan and associated scheme amendment for Whitford City Shopping Centre and surrounds.

The State Government's recent adoption of *State Planning Policy 4.2 Activity Centres for Perth and Peel* (SPP4.2) has resulted in a need for structure plans to be developed to guide future development of Strategic Metropolitan Centres, Secondary Centres (i.e. Whitford) and District Centres. For this reason, a structure plan is required for Whitford if further retail expansion is to be considered.

If the draft Activity Centre Structure Plan were to be progressed, a Scheme Amendment would be required in order to insert the 'Regional Centre' zone in DPS2 and apply this to the subject site in accordance with SPP4.2. The 'Regional Centre' zone indicates that the site is classified as a Secondary Centre with development to be guided by a structure plan. In addition the scheme amendment proposes a residential density code of RAC-0 - the activity centre density code under the Residential Design Codes, which states that development requirements are not set out under the Codes for multiple dwellings but are set out by structure plans or detailed area plans.

While the content of the draft Activity Centre Structure Plan and associated Scheme Amendment submitted by the applicant generally adheres to the requirements of the *State Planning Policy 4.2 Activity Centres for Perth and Peel*, significant issues have been identified that will result in various local impacts, these include:

- The identification of new road connections through existing residential properties;
- New development of up to 15 storeys;
- Poor service levels for traffic in and around the centre as the result of proposed development scenarios;
- Inadequate information and recommendations within the Transport Report;
- Public realm improvements that may have budget implications for the City;
- Implementation strategies and actions that the City may be responsible for undertaking;
- Initial development staging is focused on significant retail floorspace additions which results in a decrease in centre diversity; and
- Inadequate or understated implications for the Joondalup City Centre.

On this basis it is recommended that draft Activity Centre Structure Plan and Scheme Amendment not be supported.

## BACKGROUND

**Suburb/Location:** Hillarys/Various properties (Attachment 1 refers)  
**Applicant:** Westfield Management Limited  
**Owner:** Various  
**Zoning:** **DPS:** Various (Attachment 2 refers)  
**MRS:** Urban  
**Site Area:** Approx 75.59ha  
**Structure Plan:** The subject of this report.

### State Planning Policy 4.2 Activity Centres for Perth and Peel.

The State Government's planning framework, *Directions 2031 and beyond* establishes a vision for the future growth of the metropolitan Perth and Peel region. The document sets out housing and job targets, looks at managing growth and the development of activity centres.

In response to the framework set out in *Directions 2031 and beyond* the State Government adopted *State Planning Policy 4.2 Activity Centres for Perth and Peel* (SPP4.2) in August 2010.

The main purpose of SPP4.2 is to specify broad planning requirements for the planning and development of new activity centres and the redevelopment and renewal of existing centres in Perth and Peel. The Policy is mainly concerned with the distribution, function, broad land use and urban design criteria of activity centres, and with coordinating their land use and infrastructure planning.

An Activity Centre Structure Plan is required to be prepared for 'strategic metropolitan', 'secondary', 'specialised' and 'district' centres. SPP4.2 identifies Whitford City Shopping Centre as being a 'secondary centre'.

SPP4.2 also includes the *Model Centre Framework* which provides guidance on the preparation of activity centre structure plans. It addresses elements such as centre context, activity, movement and urban form. The framework is to be considered when preparing and assessing activity centre structure plans.

Other purposes of SPP4.2 include the integration of activity centres with public transport; ensuring they contain a range of activities to promote community benefits through infrastructure efficiency and economic benefits of business clusters; and lower transport energy use and associated carbon emissions.

SPP4.2 states that Activity Centre Structure Plans are required to be endorsed prior to a major development being approved to ensure the centre's development is integrated, cohesive and accessible.

SPP4.2 defines 'Major development' as:

*Major development*

*Development of any building or extension/ s to an existin g building where the building or extensions are used or proposed to be used for shop-retail purposes and where the shop - retail nla of the:*

- *proposed building is more than 10,000m<sup>2</sup>; or*
- *extension/s is more than 5000m<sup>2</sup>*

In this instance, Westfield's desire to develop a department store and associated substantial increase to the retail NLA (net lettable area), triggers the need for a Structure Plan.

## **DETAILS**

The City has received a draft scheme amendment and structure plan for the Whitford City Shopping Centre site and the surrounding land bounded by Marmion Avenue, Whitfords Avenue and Cook Avenue (Attachment 1 refers).

The stated intent of the draft Whitford Activity Centre Structure Plan is to create a vibrant commercial, cultural and residential area in which people can live, work, and visit. A main street environment is proposed to be developed along Endeavour Road and Banks Avenue. To support this vision improved access to the site is to be delivered through improved public transport, road, and pedestrian and cycle networks. Complementary land uses are to be colocated to encourage efficiencies by allowing for multipurpose trips.

The urban form is proposed to change from single and two storey residential development to heights of up to four storeys within existing residential area and up to 15 storeys along the proposed main street. The choice of housing stock will increase to include single dwellings, grouped dwellings, apartments and live-work opportunities in mixed use developments.

The scheme amendment requests the 'Regional Centre' zone and RAC-0 coding (i.e. activity centre density code) be applied to the subject land in accordance with SPP4.2. The 'Regional Centre' zone indicates that the site is classified as a Secondary Centre with development to be guided by an adopted Structure Plan. The RAC- 0 coding provides flexibility for a structure plan to guide development standards such as open space and setbacks.

The draft structure plan addresses elements such as:

- Building height
- Setbacks
- Parking
- Land use
- Density
- Road and footpath networks.

The area is broken into four character precincts (Attachment 3 refers) as follows:

- Core
- Retail/mixed use frame
- Education/health/community mixed use frame
- Residential frame

Some of the proposals contained within the draft Activity Centre Structure Plan include:

- Building heights of :
  - 12 to 15 storeys in the Core.
  - 2 to 5 storeys in the Retail/ mixed use frame
  - 3 to 4 storeys in the Education/health/ community mixed use frame and the Residential frame.
- Additional footpaths and dual use paths
- New roads
- Shared use (traffic, pedestrian, cyclists) zones with pedestrian priority.
- Main street environment on Endeavour Road with new town square
- Residential density of R60 or greater

The draft Activity Centre Structure Plan has been assessed against the *Model Centre Framework* outlined in SPP4.2. The *Model Centre Framework* provides guidance on the preparation of activity centre structure plans. It addresses elements such as centre context, activity, movement and urban form. The framework is to be considered when preparing and assessing activity centre structure plans.

An assessment summary of the proposed structure plan forms Attachment 4 and 5 of this report.

**Issues and options considered:**

The options to be considered by Council are:

- Determine that the draft Activity Centre Structure Plan and proposed Scheme Amendment is satisfactory to proceed to advertising for public comment in accordance with DSP2; or
- Determine that the draft Activity Centre Structure Plan and proposed Scheme Amendment should not be advertised until specific matters have been included or addressed by the proponent; or
- Determine that the draft Activity Centre Structure Plan and proposed Scheme Amendment should not be agreed to or progressed for stated reasons.

**Legislation/Strategic Plan/Policy Implications****Legislation**State Planning Policy 4.2 Activity Centres for Perth and Peel (SPP4.2)

Under clause 6.4 (1) of SPP4.2, Activity Centre Structure Plans are to be prepared for strategic metropolitan, secondary, district and specialised centres, but not for neighbourhood or local centres.

Under clause 6.3 of SPP4.2, Activity Centres should be zoned to reflect the activity centre hierarchy set out in Table 2 of SPP4.2. The appropriate zoning classification for a Secondary Centre, for example, Whitford City, is 'Regional Centre' zone.

Under clause 6.4 (2) of SPP4.2, Activity Centre Structure Plans should be endorsed prior to a major development being approved to ensure a centre's development is integrated, cohesive and accessible. In exceptional circumstances and in the absence of an endorsed Activity Centre Structure Plan, any major development must satisfy relevant requirements of the Model Centre Framework. The Model Centre Framework is outlined in Appendix 2 of SPP4.2 and addresses elements such as centre context, activity, movement and urban form.

Under clause 6.4 (3) of SPP4.2, *The Structure Plan Preparation Guidelines* (which outlines the process for the preparation of Activity Centre Structure Plans) should be considered in conjunction with this policy, including the *Model Centre Framework* and any other applicable regulations. The Structure Plan Preparation Guidelines outline the process for the preparation of Activity Centre Structure Plans.

Under clause 6.4.1 (1) of SPP4.2, Activity Centre Structure Plans for 'secondary centres' must be endorsed by the Western Australian Planning Commission.

Liveable Neighbourhoods

*Liveable Neighbourhoods* is an operational policy of the Western Australian Planning Commission and is used for the design and assessment of structure plans and subdivision on both greenfield and large urban infill sites. It provides guidance on urban structure elements such as road layout and widths, lot layout and provision of public open space.

### District Planning Scheme No.2

Under clause 9.4.1 (a) of DPS2, Council may determine that the structure plan is satisfactory, send a copy to the Western Australian Planning Commission, and advertise it under the provisions of clause 9.5 and 6.7 of DPS2.

Under clause 9.4.1 (b), Council may determine that the structure plan should not be advertised until specified matters have been included in it or have otherwise been attended to by the proponent.

Under clause 9.4.1 (c), Council may determine that the structure plan should not be agreed to for stated reasons.

Should Council determine that the structure plan is satisfactory, the proposal is to be advertised for public comment in accordance with clause 9.5 and 6.7 of DPS2 for a minimum period of 21 days. Upon completion of the public advertising, Council is required to review all submissions within sixty days and proceed to refuse or adopt the structure plan, with or without further modifications (Attachment 6 refers).

### **Strategic Plan**

**Key Focus Area:** Economic prosperity and growth

**Objective:** 3.2 To increase employment opportunities within the City.

**Key Focus Area:** The built environment

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

### Local Centres Strategy

The City's existing Centres Strategy was developed in response to the State Government's previous Metropolitan Centres Policy. The Metropolitan Centres Policy, which has now been replaced by SPP4.2, outlined the hierarchy of commercial centres in Perth. The City's Centres Strategy promotes incremental expansions of retail centres by outlining the amount of retail floorspace to be accommodated in various centre types. The City is currently preparing a Local Commercial Strategy to replace the existing Centres Strategy.

### Local Commercial Strategy

The future Local Commercial Strategy will apply the State Government's SPP4.2 Activity Centres Policy to the City of Joondalup. The future Local Commercial Strategy will be used as the basis for preparing and amending the local planning scheme, and for preparing and assessing activity centre structure plans and development applications.

In accordance with the requirements of the State Government's Activity Centres Policy, the Local Commercial Strategy will be required to consider how to:

- Optimise housing potential in walkable catchments and meet density targets;
- Support planning decision making by including an assessment of projected retail needs of communities, taking into account proposals in adjacent local government areas;
- Apply the Activity Centre hierarchy; and
- Provide sufficient development opportunities to enable a diverse supply of commercial and residential floor space.

The City has appointed specialist consultants who are currently preparing the City's draft Local Commercial Strategy.

#### Draft Local Housing Strategy

The WAPC requires each local government authority to prepare a Local Housing Strategy to identify the main housing related issues for its district and determine an appropriate response to these

Council, at its meeting on 15 February 2011, resolved to adopt a draft Local Housing Strategy and forward it to the Western Australian Planning Commission for its endorsement. The principal recommendation of the draft Local Housing Strategy is the establishment of Housing Opportunity Areas where increased residential densities will be considered.

The Housing Opportunity Areas are located near train stations, major commercial centres, and transport routes. Increased residential densities in these areas will only be permitted where it is demonstrated that development or subdivision complies with specific criteria contained in the proposed Dual Density Code policy. This will ensure development will contribute positively to the area, will maintain residential amenity and will include environmentally sensitive design principles.

The residential densities for the majority of the City are recommended to remain the same.

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

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

#### **Policy:**

No local planning policy is applicable.

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

The proponent has the right of review against Council's decision in accordance with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*.

In addition, clause 9.4.2 of DPS2 states that, if within 90 days of receiving a structure plan Council has not made a determination, the applicant can deem that the application has been refused and may appeal on this basis. As of the 22 March 2010, being 90 days from the submission date, the applicant has had the right to lodge an appeal in accordance with the State Administrative Tribunal Act 2004.

To date, the applicant has chosen not to exercise the right to appeal on the basis of a deemed refusal, pending the outcome of Council's consideration of the proposed Activity Centre Structure Plan and Scheme Amendment.

There is a risk that the community may respond negatively to the proposal due to the uncertainty about urban form, new road connections and traffic, and increased intensity of development within the area.

**Financial/Budget Implications:**

Given the significance and extent of the proposed Activity Centre Structure Plan and Scheme Amendment, the City is currently obtaining legal advice in relation to the fee schedule. As such the applicant is yet to be invoiced.

Should the applicant seek a review of Council's decision by the State Administrative Tribunal, the City may incur significant costs in excess of \$50,000.

**Regional Significance:**

*Directions 2031* and draft *Outer Metropolitan Perth and Peel Sub-Regional Strategy* provide aspirations for the better utilisation of urban land through the establishment of dwelling targets and diversity targets for greenfield, infill and activity centres sites. The draft Whitford City Activity Centre Structure Plan seeks to achieve a housing target of between 1,200 to 1,680 additional dwellings. If the structure plan were to be approved, these additional dwellings would assist in delivering the aspirations of *Directions 2031* and draft *Outer Metropolitan Perth and Peel Sub-Regional Strategy* for the City of Joondalup.

However, the proposed retail floor space expansion is questionable as it may result in the oversupply of retail floor space within the catchment area if population growth does not occur in line with the applicant's expectations. As such, the proposed retail expansion could significantly impact on the strategic metropolitan, secondary and district centres within the City.

It is important that the City pursue the best outcome for the Joondalup City Centre, being the only Strategic Metropolitan Centre within the City of Joondalup. The proposed scale of the proposed retail expansion may also affect the ability of the Joondalup City Centre to achieve Primary Centre status.

**Sustainability Implications:**Environmental

Under clause 5.5 of SPP4.2, Activity Centre Structure Plans must ensure that planning contributes to the conservation of resources, in particular reduced consumption of energy and water. The policy requires that building orientation and design should maximise opportunities for passive solar and natural ventilation and the use of renewable sources of energy such as solar panels and wind turbines. The Model Centre Framework provides further design guidelines for the application of sustainable development principles such as maximising renewable energy use and water conservation.

At this stage it is unclear whether these environmental objectives will be achieved.

Social

If approved, the proposed structure plan would facilitate the development of a variety of housing products on lots of variable sizes, ranging from low to medium density, thereby providing living choices to meet the differing needs within the community.

Providing a diverse range of land uses and improved accessibility to these various land uses within the Centre could contribute to a healthier and more connected community.

However, the impacts that delivery of the proposed Activity Centre Structure Plan could have on the existing community in the area could be negative. It is unclear how the plan would affect the operation of St Mark's school and it considered that the additional traffic, parking, noise and bulk and scale impacts that would result from implementation of the plan would likely significantly affect the existing residential amenity in the area.

### Economic

If approved, the proposed structure plan would enable the City to consider future subdivision and development on the site that would provide additional residents to the area who would contribute to supporting the local economy.

It is also anticipated that more employment opportunities would be made available as a result of the range of businesses and services proposed to be facilitated through the draft Activity Centre Structure Plan. This could provide people with the opportunity to live and work in the same area rather than having to travel outside of the City of Joondalup for work.

However, the proposed retail floor space expansion may result in the oversupply of retail floor space within the catchment area if population growth does not occur in line with the applicant's expectations. As such, the proposed retail expansion could significantly impact on other centres within the City, including the Joondalup City Centre. The proposed scale of the proposed retail expansion may affect the ability of the Joondalup City Centre to achieve Primary Centre status.

### **Consultation:**

Clause 9.5 of DPS2 requires structure plan proposals to be advertised in accordance with the provisions of clause 6.7 prior to further consideration by Council. Clause 6.7 of DPS2 requires a minimum advertising period of 21 days, however, if the Council chose to advertise a structure plan of this magnitude, an advertising period of no less than 60 days would be recommended.

Furthermore, in the event that a draft structure plan of this magnitude and potential local impact was released for public advertising, a consultation plan would need to be developed for this purpose.

### **COMMENT**

#### Proponent and affected landowners

While it is preferable that all property owners within a structure plan area are in support of the plan, it is possible for a single property owner to undertake the structure planning approvals process without the involvement of all landowners. This is due to the fact that a structure plan does not *require* landowners within it to subdivide or redevelop; rather guides subdivision and development should it occur. A lot affected by structure planning can remain undeveloped for as long as the landowner wishes.

#### Scheme Amendment No 58

SPP4.2 requires activity centres to be zoned to reflect the Activity Centre hierarchy in table 2 of SPP4.2. As such, land within the proposed Whitford Activity Centre boundary, as defined by the draft Activity Centre Structure Plan, is proposed to be zoned 'Regional Centre' zone. As this zone does not currently exist within DPS2, scheme amendment No 58 is proposed by the applicant to insert this zone into the scheme and apply it to the subject site. In future, this zoning would also need to be considered for Warwick Grove Shopping Centre which is also classified as a Secondary Centre.

The scheme amendment proposes objectives for the 'Regional Centre' zone, namely that is intended to accommodate Secondary Centres as identified within SPP 4.2 and provide for development that is consistent with SPP 4.2.

The scheme amendment proposes a clause that would prevent development or subdivision occurring within the zone until an agreed structure plan is prepared and adopted. This is similar to that which applies to the existing 'Urban Development' zone and 'Centre' zone under DPS2. If the scheme amendment were to be adopted prior to any structure plan for the site, it would prevent landowners within the Activity Centre Structure Plan area from obtaining any development approval, be it a garage, patio or retaining wall, until a structure plan is gazetted. If and when any structure plan for this site is adopted by Council, the WAPC can be advised that the scheme amendment should be finalised in conjunction with the Whitford Activity Centre Structure Plan.

The Scheme Amendment also proposes a residential density code of RAC-0. This coding dictates that development provisions (for example plot ratio, open space and setbacks) are to be set out within adopted structure plans or Detailed Area (or site) Plans (DSP). However, the draft Activity Centre Structure Plan does not provide built form requirements. Therefore, if the structure plan were to be approved, detailed site plans may be necessary to guide residential development. If DSPs are desired, DPS2 will need to be amended to include provisions for the preparation and adoption of DSPs. The role and issues relating to DSPs are discussed further within the 'Key Issues' section of this report.

#### Draft Structure Plan

SSP4.2 sets out a Model Centre Framework that Activity Centre Plans are to be guided by. The draft Whitford Activity Centre structure plan generally addresses all required elements of the Model Centre Framework, however some of the content and proposals within the structure plan may be problematic. These issues are discussed further within the 'Key Issues' below.

The draft Whitford Activity Centre Structure Plan contains a range of statutory provisions in regard to specific matters such as building height, permitted land uses and setbacks. The detail contained within the majority of the statutory provisions is limited, and provides little guidance to appropriately assess whether or not an application meets the necessary requirements.

#### Key Issues

An assessment of the draft Whitford Activity Centre Structure Plan and associated scheme amendment has identified the following key issues as set out below:

- Activity centre boundary
- Building height
- Residential density
- Traffic and movement network
- Parking
- Detail Site Plans
- Staging
- Retail Sustainability Assessment
- Delivery of diversity, intensity, accessibility and employment targets
- Implementation

### *Activity Centre Boundary*

The Whitford Activity Centre boundary is determined by the draft Whitford Activity Centre Structure Plan (Attachments 1 and 12 refer). Under SPP4.2, the centre boundary is required to match the intended role and function, accommodate sufficient growth and deliver appropriate land use diversity. The draft Whitford Activity Centre Structure Plan states the proposed boundaries have accounted for:

- Existing zonings
- Topographical features
- Major infrastructure elements
- Walkable catchment from public transport
- Use of rear boundaries as transition of land use change

The proposed boundaries include the residential area south of Banks Avenue. This area is identified within the City's draft Local Housing Strategy which recommends a residential density code of R20/30. This will facilitate further residential infill development, without the need for it to be included within the draft Whitford Activity Centre Structure Plan. The proposed plan may concern and confuse affected residents as they have only recently been consulted with in regard to the Local Housing Strategy (LHS) proposals, and the draft Whitford Activity Centre Structure Plan may introduce more doubt over future development in the area. It is considered that, if any structure plan was released for the purposes of consultation with the community, it may be appropriate for this area to be excluded, and catered for through the provisions of the LHS and future planning scheme.

It is noted that St Mark's Anglican Community School has been included within the proposed Whitford Activity Centre boundary. The school has limited interface with the shopping centre site however it is located within a 5 minute walking distance of the proposed bus interchange. Whilst the school site contributes to the diversity of the centre and may have traffic and movement implications for the immediate area, it may not be essential that it be included within the draft Whitford Activity Centre Structure Plan.

Whilst the inclusion of the school site and existing residential area can demonstrate good land use diversity within the centre boundary, it may be more appropriate to reduce the boundaries of the activity centre and increase the range of land uses within the 'core' of the activity centre.

### *Building height*

The draft structure plan proposes building heights of (Attachment 7 refers):

- 12 to 15 storeys in the Core.
- 2 to 5 storeys in the retail/ mixed use frame
- 3 to 4 storeys in the education/health/ community mixed use frame and the residential frame.

The heights proposed are a considerable and dramatic change from existing urban form. It is noted that the proposed location for development up to 15 storeys is generally separated from single residential development by roads, parks, community and commercial sites. However there may be some direct impact on residential properties backing onto Banks Avenue.

The potential for 15 storey development within the Whitford Activity Centre is significantly higher than any development currently planned for the Joondalup City Centre. However, the proposed building heights may be what is required in order for the applicant to achieve the 'Intensity' and 'Diversity' targets set out in the Activity Centre Policy.

### *Residential Density*

The proposed scheme amendment applies a residential density code of RAC-0 (activity centre density code). In effect, this density is greater than that proposed for the area in the draft Local Housing Strategy that has been adopted by Council which proposes a dual density of R20/30 for the residential area to the south of Banks Avenue.

The RAC-0 coding provides the ability for Activity Centre Structure Plans to define development requirements for multiple dwellings, such as:

- Maximum plot ratio
- Minimum open space (% of site)
- Street setbacks; and
- Maximum building height

Development of grouped dwellings and single houses would be guided by the provisions of the R60 density code.

The draft Whitford Activity Centre Structure Plan provides guidance with regard to building height and in some locations, street setbacks. The draft Whitford Activity Centre Structure Plan does not contain any provisions for the following:

- Maximum plot ratio
- Minimum open space
- Private open space (eg. balcony) and
- Maximum height of boundary walls

The draft Whitford Activity Centre Structure Plan therefore provides inadequate information to identify the possible size, scale and number of dwellings that could be developed on any given lot within the subject site. This said, figures within the draft Whitford Activity Centre Structure Plan document (Attachment 8 refers) illustrate a proposed spatial framework with large building footprints over existing single residential lots. This may result in uncertainty and confusion relating to density, setbacks and other built form requirements which may result in substantial community concern. Residents may also be concerned that the structure plan shows redevelopment of their privately owned land in a manner not currently envisaged by them.

The draft structure plan notes that certain development provisions may be guided by either, a future 'Detailed Site Plan' (DSP) or Council discretion. A DSP (also known as detailed area plans) can set specific design requirements such as building envelopes, minimum open space and garage location. As an alternative to DSPs, further guidance could be sought upfront within the draft structure plan. The role and value of DSPs are considered further in this report.

### *Traffic and movement network*

The draft structure plan document suggests that traffic volumes may increase by up to 85% by 2031. To counteract this increase, improvements to public transport, pedestrian/cycling facilities and increased residential development within the core are proposed by the structure plan with the aim of reducing traffic volume from 85% to 40-50% by 2031.

The traffic modelling outlined in the Transport Report is based on traffic volumes increasing by only 40-50%. To ensure that traffic modelling does not exceed this projection, various improvements by the City and others by private landowners are required including:

- Modifications to Endeavour Avenue to form the shared use road
- Increasing or improving existing entrance points to the shopping centre to spread the traffic impact over a number of intersections
- Increased public transport patronage

It is uncertain whether the projected traffic increase of 40-50% is a reasonable assumption. If the structure plan were to progress, it may be necessary for the City to engage consultants to independently review the Transport Report and provide comment on traffic projections and impacts.

The draft structure plan identifies three new road connections (Attachment 9 refers) through existing residential properties (or possibly through the conversion of PAWs to roads). This will directly impact existing houses and will result in more through traffic in this area. The draft structure plan does not expand on how the new road connections would occur. It is likely that land would need to be ceded from affected landowners to create the roads.

The applicant has confirmed that it is intended that during future redevelopment, improved pedestrian and cycle access will be provided via new road connections. The applicant acknowledges these roads are likely to impact on privately owned land, however the exact location of these road connections has not been finalised.

Notwithstanding this, the depiction of new road connections is not considered appropriate, and this issue is likely to result in strong community opposition.

The Transport Report undertaken as part of the draft structure plan takes into account a possible staged development scenario. The City's concerns regarding the transport report include:

- Lack of traffic counts and assessment for Banks Avenue
- Worsening service levels at the intersections of Marmion/Banks, Whitfords/Marmion, Whitfords/Dampier and Whitfords/Endeavour.
- No intersection service level is provided for Endeavour/Banks
- No recommendations as to how traffic service levels can be improved (for example carriageway widening)
- Commitment to upgrade public transport by Public Transport Authority is unknown
- Data from 2010 has been used as the basis for traffic modelling, without accounting for annual growth.
- Potential impact on infrastructure within road reserves is not identified
- Extensive footpath provision may not be necessary and may impact streetscape (ie. both sides of all roads)
- Lack of recommendations for a future Traffic and Parking Strategy

### *Parking*

The draft Whitford Activity Centre Structure Plan suggests that reduced parking standards can be supported on the basis of:

- Improved public transport (increased public transport use)
- Improved cycle routes (increased cycling)
- Improved pedestrian amenity (increased walking)
- Provision of on-street parking
- Multipurpose trips (reduced trip generation)
- Reciprocal parking benefits
- Improved parking management to maximise efficiency

However parking standards are not explicitly set out in the draft Whitford Activity Centre Structure Plan.

The draft Whitford Activity Centre Structure Plan identifies the need for a traffic and parking strategy to be developed to provide specific guidance on parking standards, design and management. The draft Activity Centre Structure Plan suggests that the parking strategy should be guided by the parking standards set out in the Activity Centre Policy.

The draft Activity Centre Structure Plan suggests that the City should be responsible for developing the parking strategy. This may be appropriate for the purpose of coordinating on-street and off-street parking provision, however in doing so it may require specialist knowledge from private consultants. It should be noted that, if the structure plan were approved, preparation of a parking and transport strategy would have budget and staffing implications.

As the draft Whitford Activity Centre Structure Plan does not contain parking standards, it may be reasonable to require the parking strategy to be developed prior to the consideration of any major development, should the structure plan be approved.

The draft Whitford Activity Centre Structure Plan proposes extensive formal on-street parking within the existing residential area south of Banks Avenue (Attachment 10 refers). It is recognised that formal on-street embayments would be appropriate along higher order roads (for example Banks Avenue and Endeavour Road) and in mixed use areas, however formal embayments on local residential streets may not be necessary and may concern residents. It is noted that on-street parking may be addressed through a Traffic and Parking Strategy, however the draft structure plan should only reflect parking provisions that the City supports and/or can deliver.

### *Detailed Site Plans*

Usually referred to as Detailed Area Plans, it is proposed that Detailed Site Plans (DSPs) can be used to provide specific development requirements which will form the basis for considering applications for planning approval. Generally a DSP is prepared as a condition of subdivision however through the structure plan there is the ability to require a DSP where the City is of the opinion that greater detail is required in order to achieve a desirable design outcome for a site.

The draft Whitford Activity Centre Structure Plan indicates the DSP may incorporate provisions to address the following:

- Building envelopes, setbacks
- Design of street frontages
- Vehicular access
- Parking areas
- Signage locations
- Solar orientation

Currently DPS2 does not contain provisions for the preparation and adoption of DSPs. If the structure plan were approved, a DSP may be appropriate for dealing with built form requirements for each character area. If this is desired, the proposed scheme amendment could include provisions for the preparation and adoption of DSPs.

Furthermore, the draft Whitford Activity Centre Structure Plan does not identify who would be responsible for preparing DSPs. Given the fragmented landownership within the structure plan area it may not be appropriate for the applicant (Westfield) to prepare all these DSPs.

### *Staging*

The draft Whitford Activity Centre Structure Plan is intended to guide development of the centre for the next 20 years in alignment with the State Government planning framework Directions 2031 and beyond.

The draft Whitford Activity Centre Structure Plan indicates that the stage of development for the centre will be dependent on market driven demand for services and housing. As there are many factors which may impact on the timing of each stage, definite staging has not been provided.

Factors which may impact on the staging and timing of the growth of the activity centre include:

- Population and employment growth
- Existing ten year leasing arrangements
- Planning context
- Transport context
- Local community acceptance
- Community and utility infrastructure
- Commercial competition
- Construction costs and industry conditions
- Visitation rates and commercial success.

As part of the draft structure plan, Urbis and Pracsys prepared a Whitford Activity Centre Development Report on behalf of the applicant. This report identifies possible development staging scenarios based on plans for retail expansion, existing leasing arrangements and targets set in the Activity Centres Policy as set out below.

	2011	2016	2021	2026	2031
Retail (m <sup>2</sup> )	49,900	90,000	90,000	95,000	95,000
Other retail (m <sup>2</sup> )	8,518	8,518	11,518	11,518	11,518
Office (m <sup>2</sup> )	7,820	9,320	19,320	21,820	22,820
Residential (dwellings)	519	596	870	1,194	1,619
Entertainment / Recreation / Culture (m <sup>2</sup> )	9,492	13,492	13,492	15,992	15,992
Health / Welfare / Community (m <sup>2</sup> )	16,200	16,200	16,200	16,200	16,200

The staging demonstrates how the Whitford Activity Centre can be developed to achieve the necessary diversity and intensity targets through additional floor space. The achievement of these targets requires commitment from not only the applicant but also adjoining landowners who are yet to be informed about the proposed Whitford Activity Centre Structure Plan. As such there is no certainty as to what may be delivered and when. This may concern nearby landowners.

#### *Retail Sustainability Assessment*

The City engaged the services of an independent consultant to review the Retail Sustainability Assessment which was submitted with the proposed structure plan.

The proposed retail floor space expansion is questionable as it may result in the oversupply of retail floor space within the catchment area if population growth does not occur in line with the applicant's expectations. As such, the proposed retail expansion could significantly impact on the strategic metropolitan, secondary and district centres within the City.

Advice provided to the City indicates that retail expansion of Whitfords to 95,000m<sup>2</sup> would give it the largest Shop Retail floorspace of any centre outside of the Perth CBD (including 9 existing Strategic Centres). This is considered to undermine the hierarchy of centres established in SPP 4.2. It is important that the City pursue the best outcome for the Joondalup City Centre, being the only Strategic Metropolitan Centre within the City of Joondalup. The proposed scale of the proposed retail expansion may therefore affect the ability of the Joondalup City Centre to achieve Primary Centre status.

*Delivery of diversity, intensity, accessibility and employment targets*

The report provided by the applicant establishes targets, based on best practice, average and below average performance for employment, accessibility, diversity and intensity. Based on the staged development scenario discussed previously, the draft Whitford Activity Centre Structure Plan demonstrates how average targets can be achieved by 2031.

<b>Best Practice</b>	<b>Land Use</b>	<b>Average</b>	<b>Below Average</b>	<b>2011</b>	<b>2016</b>	<b>2031</b>
65% or more	Diversity	48-64%	37% or less	47%	<b>36%</b>	42%
5.3 or more	Intensity	2.2 – 5.2	2.1 or less	<b>1.0</b>	1.6	2.5
7.5 or more	Employment (jobs per gross Ha)	2.9 -7.4	2.8 or less	<b>1.0</b>	2.8	3.1
4.2 or more	Accessibility (% of users not using a private car)	2.2-4.2	2.2 or less	<b>1.0</b>	1.7	3.7

The development staging provided in the draft Whitford Activity Centre Structure Plan indicates that:

- The initial diversity of activity will decrease to accommodate the immediate dramatic increase in retail (from 50,000 sqm to 90,000 sqm)
- Increased intensity and diversity performance is reliant on improvements in accessibility.
- Initially employment will depend on population driven consumer services before knowledge intensive or producer services.

This means that in the medium to short term the focus of the centre will remain retail based and in the long term as the centre matures, the performance of the centre should achieve average performance targets.

There is some concern that the draft structure plan will facilitate short term retail expansion plans without any mechanism to require the development of other land uses in the short or medium term to improve the land use mix. It would be more desirable if, as the centre matures, it is required to improve diversity with each stage.

*Implementation*

The draft Whitford Activity Centre Structure Plan identifies the following stakeholders as being key to the implementation of the plan:

- City of Joondalup
- Westfield
- State Government Agencies
- Landowners in the Centre
- Local Community

A number of actions are identified as possibly being required to implement the draft structure plan (Attachment 11 refers). Commitment by the City may be needed in the short term for the following actions:

- Communication between stakeholders and government agencies
- Adopt a communication strategy
- Review stormwater management
- Review network capacity for public hard infrastructure and seek funding for upgrades
- Review and confirm housing targets
- Review community needs and facilities

### Conclusion

The intensity of development proposed by the draft Whitford Activity Centre Structure Plan, and the potential impacts of this on the future operations of the City of Joondalup and amenity impacts on the local community, are of significant concern.

It is therefore considered not appropriate to progress the structure plan in its current form.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

### **That Council:**

- 1 NOTES that the proposed boundary of the draft Whitford Activity Centre Structure Plan incorporates a large number of private properties, the owners of which have not been formally consulted or engaged in relation to the formulation of the Activity Centre boundary;**
- 2 DETERMINES that the draft Whitford Activity Centre Structure Plan and Scheme Amendment No 58 be REFUSED, pursuant to clause 9.4 of the City of Joondalup District Planning Scheme No 2 and Regulation 17(2) of the Town Planning Regulations 1967, for the following reasons:**
  - 2.1 The proposal will have an adverse impact on the flow and volume of traffic on Whitfords Avenue, Marmion Avenue and the surrounding local streets;**
  - 2.2 The proposal indicates the creation of new road connections, which are likely to impact on privately owned land;**
  - 2.3 The proposal does not adequately address the provision of on-site parking and the on-street parking proposed in existing residential areas will have an impact on the residential amenity of these existing residential areas;**
  - 2.4 The proposal will adversely affect the amenity of the locality, particularly with respect to the bulk, scale and height of the development within the proposed activity centre;**

- 2.5 The proposed RAC-0 coding for the Residential Frame is inconsistent with the City's adopted draft Local Housing Strategy;
- 2.6 The proposal does not adequately demonstrate confirmation of the commitment to public transport improvements and timing of its delivery by the Public Transport Authority;
- 2.7 The proposal will affect the ability of the Joondalup City Centre to achieve Primary Centre status under the SPP 4.2 Activity Centres For Perth and Peel;
- 2.8 Allowing the Whitford Secondary Activity Centre to develop to 90,000 sqm of shop retail will affect the activity centre hierarchy established by the State Government under State Planning Policy 4.2 Activity Centres For Perth and Peel;
- 2.9 The proposal will have a negative retail impact on the Joondalup City Centre and commercial centres within the City of Joondalup and the Cities of Stirling and Wanneroo.

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8agn170511.pdf](#)*

*Draft Whitfords Activity Centre Structure Plan*

*To access this attachment on electronic document, click here:*

[Whitford Activity Centre Structure Plan.pdf](#)

**CJ081-05/11      2010/11   SPORTS   DEVELOPMENT   PROGRAM   -  
ROUND 2**

**WARD:** All

**RESPONSIBLE:** Mr Garry Hunt, Chief Executive Officer

**FILE NUMBER:** 58536

**ATTACHMENTS:** Attachment 1      Breakers Swim Club Application Assessment

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**PURPOSE**

To provide a recommendation for funding as part of the City's 2010/11 Sports Development Program – Round 2.

**EXECUTIVE SUMMARY**

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

The City reviewed one application in Round 2 of the 2010/11 Sports Development Program.

The application from the Breakers Swim Club is presented to Council for approval.

*It is recommended that Council APPROVES an \$18,160 grant to the Breakers Swim Club for their 'Specialist Support Personnel: Holistic Swimmers Development Program', subject to the club entering into a formal funding agreement with the City of Joondalup.*

**BACKGROUND**

In June 2002, Council resolved to establish a sporting club support scheme whereby assistance can, upon application, be made available to district level clubs in lieu of individual sponsorship support (Item CJ136-06/02 refers).

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

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

Round 2 of the 2010/11 Sports Development Program was promoted directly to all eligible clubs in February 2011. The clubs that were sent information include:

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

Ten clubs were not eligible to apply as they had recently received grants:

- Sorrento Football Club;
- Joondalup Districts Cricket Club (2010/11 Sports Development funding);
- Joondalup Netball Association;
- Ocean Reef Sea Sports Club;
- Stirling Basketball Association and Joondalup Brothers Rugby Union Football Club (2009/2010 Sports Development funding);
- Mullaloo Surf Life Saving, Sorrento Surf Life Saving, Sorrento Tennis Club and West Perth Football Club (sponsorship agreements).

## **DETAILS**

### **Breakers Swim Club**

The Breakers Swim Club is based at Craigie Leisure Centre and has 100 members. The Club has a close relationship with the City, whereby club members participate in the squad coaching programs conducted at Craigie Leisure Centre by the City. Perth metropolitan swimming clubs are graded according to their performance at Interclub meets, Breakers Swim Club is currently in A division which is the highest grade.

The Specialist Support Personnel Project: Holistic Swimmers Development Program will provide the services of a Sports Psychologist, Sports Physiotherapist and Sports Dietician.

The City reviewed the Breakers Swim Club application. The program will target approximately 100 swimmers. It involves the employment of three qualified Sports Specialists, the hire of the Craigie Leisure Centre to conduct the program, catering for participants of the program and the purchase of necessary equipment for the program. The program will be conducted over two years, July 2011 to July 2013.

	<b>Amount Requested from the City</b>	<b>Amount Recommended by the City</b>
The costs of the program are:		
Sports Psychologist	\$ 3,200	\$ 3,200
Sports Physiotherapist	\$10,000	\$10,000
Sports Dietician	\$ 2,400	\$ 2,400
Room Hire	\$ 600	\$ 600
Equipment	\$ 1,960	\$ 1,960
Catering	\$ 1,320	\$ Nil
<b>Total Cost</b>	<b>\$19,480</b>	<b>\$18,160</b>

It is recommended that catering costs be funded by the Club and not the City. Catering is not a necessary component for the program to run successfully.

Full details of the City's assessment of the project are included in Attachment 1.  
The City has not funded the Breakers Swim Club through the Sports Development Fund previously.

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

Not Applicable.

#### **Strategic Plan**

**Key Focus Area:** Community Wellbeing

**Objective:** 5.2 To facilitate healthy lifestyles within the community.

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

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

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

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

Not Applicable.

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

**Account No:** 1.443.A4409.3293.4023  
**Budget Item:** Sponsorships  
**Budget Amount:** \$90,000  
**Amount Spent To Date:** \$35,840  
**Proposed Cost:** \$18,160  
**Balance:** \$36,000

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

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

**Consultation:**

Applicants are encouraged to discuss funding proposals with City Officers prior to submission, to ensure that the application is in line with program objectives, and contains the level of detail required for assessment. All eligible clubs were advised of the program and the closing date for applications.

The Breakers Swim Club communicated with City Officers prior to their final submission.

**COMMENT**

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

The City considered the funding request from the Breakers Swim Club against the program guidelines, identified priorities and the level of sponsorship exposure offered to the City. The total amount of funding recommended to the Breakers Swim Club is \$18,160.

In assessing the Breakers Swim Club application, the benefit to swimmers was evident. Whilst sport specific training is vital, access to Physiotherapists, Psychologists and Dieticians also plays an important role in developing swimmers to the next level. Although the program will benefit only a small proportion of the community, it will provide an avenue to develop swimmers from the area into State and National representatives. This in turn will increase the profile of swimming.

Breakers Swim Club has conducted one off information sessions on these areas previously. The Club has looked to expand its education to swimmers through the development of this program. However, the Club requires financial assistance from the City to conduct the program at this level. A two year cycle will provide the opportunity for the Club to measure the benefit of the program and consider how it will continue to fund the program in the future.

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

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council APPROVES an \$18,160 grant to the Breakers Swim Club for their 'Specialist Support Personnel: Holistic Swimmers Development Program', subject to the club entering into a formal funding agreement with the City of Joondalup.**

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9agn170511.pdf](#)*

**CJ082-05/11      2010 YOUTH FORUM - FOLLOW UP REPORT**

**WARD:** All

**RESPONSIBLE:** Mr Garry Hunt, Chief Executive Officer

**FILE NUMBER:** 38245, 101515

**ATTACHMENTS:** Attachment 1      Audit of Health Services for Young People

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**PURPOSE**

To provide an update on further investigation into the recommendations from the 17 September 2010 Youth Forum report and seek endorsement for additional action on one of the recommendations.

**EXECUTIVE SUMMARY**

On 14 December 2010, a report was presented to Council outlining the recommendations from the Youth Forum held on 17 September 2010 (CJ213-12/10 refers). In that report, Resolution 2 endorsed further investigation into the five recommendations emanating from the Youth Forum. Research has now been conducted and the findings are presented for Council consideration.

The five areas from the 2010 Youth Forum requiring further investigation are:

- Youth-friendly website;
- City Facebook page;
- Marketing campaign promoting City Watch to young people;
- Establishment of a new Youth Services position; and
- Provision of a holistic youth-specific health service.

*It is recommended that Council:*

- 1      *NOTES the results of further investigation into the recommendations from the Youth Forum held in September 2010 as outlined in Table 1 of Report CJ082-05/11;*
- 2      *NOTES that further investigation is being undertaken into the opportunities for a City presence on Facebook as a mechanism for engaging with young people;*
- 3      *REQUESTS that the Chief Executive Officer engages in discussions with the State Government about the future provision of a youth-specific health service in the northern suburbs.*

**BACKGROUND**

On 17 September 2010, 68 young people from eight high schools and one alternative education program in the City of Joondalup were given the chance to 'have their say' at the City's second "Speak Out" Youth Forum held at the Craigie Leisure Centre.

The forum was aimed at gathering the ideas and perspectives of young people within the City in order to strengthen the services being provided and allow for new initiatives for youth in the community to be identified.

Findings were presented to Council at its meeting on 14 December 2010, where it was recommended that further investigation into five areas be conducted (CJ213-12/10 refers). The five areas are:

- Youth-friendly website;
- City Facebook page;
- Marketing campaign promoting City Watch to young people;
- Establishment of a new Youth Services position; and
- Provision of a holistic youth-specific health service.

## DETAILS

Investigations undertaken to date include desk-top research, telephone surveys, meetings with City staff and facilitated discussions with young people. The research into the need for a holistic youth health service included consultation and an audit of 18 existing health service providers to assess common issues and identify unmet demand.

Table 1 below shows the five areas identified for further investigation and a summary of the research conducted.

**Table 1:**

Recommendation	Research Conducted	Outcome
Create in collaboration with young people, an accessible, interactive and informative youth website developed by a specialist website company.	<p>The City has an IT Strategic Plan for 2010 – 2014. A key strategy in the Plan for 2010/11 is to develop a youth-friendly website.</p> <p>The strategy is:</p> <p><i>Key Focus Area 5</i> Customer and Market Focus</p> <p><i>Strategy</i> Develop a Youth-friendly website or web presence separate from the corporate website.</p>	<p>The City has engaged a website developer and work has commenced on the development of a youth-friendly website, utilising resources allocated in the 2010/11 budget for this purpose.</p> <p>Officers have held meetings with young people at local high schools and via the Youth Outreach Program to obtain their input into the website design and content.</p>

Recommendation	Research Conducted	Outcome
<p>Develop, in collaboration with young people, a Facebook page detailing events and programs offered to the City's young people.</p>	<p>Examination of opportunities, risks and issues for the City's use of social media for communicating with different demographics, including young people, is currently being conducted for the purpose of developing a recommended position in relation to social media.</p> <p>Preliminary indications are that a number of risk-mitigation strategies would need to be implemented in order to use sites such as Facebook or other forms of social media.</p>	<p>The City will utilise paid advertising on social media sites such as Facebook to direct youth people to the City's new youth-specific website when it is developed.</p> <p>Use of social media in other ways will be determined as part of the review currently being undertaken by the City into the use of social media, including the City having a presence on Facebook as a mechanism for engaging with young people.</p>
<p>Creation of a marketing campaign to promote the services of City Watch and make them more accessible to young people.</p>	<p>Discussions have been held with City officers about the possibility of creating a City Watch marketing campaign aimed at young people.</p>	<p>City Officers are working on production of appropriate materials for the campaign about City Watch for distribution by City staff to young people in the community. It is expected that materials will be developed by July 2011.</p>
<p>Listing in the 2011/12 budget for consideration the establishment of a new role in the Youth Services team to liaise with young people in schools to raise awareness of the programs and services offered by the City of Joondalup to increase participation by young people.</p>	<p>Research was conducted into the need for this position and other strategies that may be possible for delivering a similar outcome without the need to increase the City's staff establishment.</p>	<p>It is envisaged that some progress towards raising the awareness of programs and services can be achieved using existing resources.</p> <p>There may also be opportunities to collaborate with other groups in the community to raise the awareness of the City's programs and services available for young people.</p> <p>City staff will explore both of these options further over the coming months.</p>

Recommendation	Research Conducted	Outcome
Research the need to offer a holistic health service that promotes the mental, physical and emotional needs of young people aged 12 to 25 years.	Research was originally conducted into the health needs of young people by Maasen Consultancy Services in December 2004.	There continues to be an unmet need for youth-specific health services in the northern suburbs.
	Further research conducted by City staff in December 2010 confirmed that the issues and needs identified in the research conducted in 2004 remain unchanged.	<p>As population health is the responsibility of the State Government, there is a need to discuss the results of the research with the appropriate agency.</p> <p>It is possible for the City to take on an advocacy and facilitation role in the development of health future services for young people.</p>

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

##### Youth-friendly website and City Facebook page

There may be advantages to utilising social networking to communicate with young people. However, interactive websites and social media may expose users and organisations to risks.

Consideration of the opportunities, risks and resource requirements in relation to the City's use of interactive digital media to communicate with stakeholders is currently in progress and is intended to inform the development of the City's position on the use of social media.

It is considered appropriate to await this report prior to making a decision as to whether or not to proceed with a City Facebook page specifically for young people.

In the interim, the development of a youth-friendly website will be pursued, as it is an approved strategy in the City's Information Technology Plan 2010-2014 and resources for this project have been allocated in the 2010/11 budget. It is anticipated that the youth-friendly website will be available for promotion and launch by September 2011.

##### Youth-specific health service

In December 2010, surveys were conducted with 227 young people between the ages of 12 and 25 years, to identify their health issues and needs. Of the respondents, 50.7% were male and 49.4% were female and 70% City of Joondalup residents.

All young people identified multiple health issues with the five most-listed issues being:

Alcohol and drug use	87.2%
Stress due to family issues/conflict	49.3%
Eating disorders/body image issues	47.1%
Relationships, sexual health, STI's, contraception	42.2%
Depression	40.6%

Participants in the survey also listed the three most important components of a potential health service were youth friendliness, low cost and confidentiality. Their top two locations were proximity to either a youth centre or shopping centre and two most preferred days for operation were Saturday and Sunday.

As part of the research conducted in December 2010, 16 health and community support service providers to the northern suburbs were interviewed about the services they provide, the issues that young people are presenting with and the unmet demands and gaps in the service provision. Table 2 below outlines the findings of the interviews.

**Table 2:**

<b>Services Provided</b>	<b>Presenting Issues in Young People</b>	<b>Gaps and Issues For Service Providers</b>
Accommodation Drug and Alcohol Counselling Referrals to Support Services Family Therapy Promoting active lifestyles Community activities Specialist clinicians for mental health disorders Early intervention programs Transportation	Increased mental health issues High percentage of clients with drug and alcohol abuse Depression Unemployment Little or no food supply Lack of pastoral or social work services Family issues Anxiety Aggression Behavioural issues Negative body image Sexual health Absent parents Low self esteem Drug use from peer pressure Teen pregnancy Nowhere to live	Limited resources Low budgets Inappropriate accommodation Lack of services available to teen mums Some services only available to young people of specific suburbs Long waiting lists with appointments and referrals Limited community outreach Limited transportation Services available to age specific groups (i.e.; 18 plus, or 18 and under) Limited time with young people for appointments Not enough emphasis in schools on the effects of alcohol and substance abuse Mental disorder services are limited Services may be specifically related (i.e.; drug and alcohol abuse) to certain issues rather than holistic

A copy of the Audit of Health Services accessible to young people forms Attachment 1 to this report.

Whilst the findings of the 2010 research indicate that the issues in 2004 still apply, there would be significant work to be completed should a youth health service be developed in the northern suburbs.

The service could be offered from a static facility close to public transport, such as Joondalup Lotteries House, or from a mobile facility such as a bus or minivan. The youth-specific health service could be offered from half a day to seven days per week. Although a number of models of operation have been investigated, considerable work is required before decisions can be made.

The provision of health services to the community is the responsibility of the State Government. It is therefore envisaged that the City will facilitate discussions about the provision of a youth-specific health service using a community development model. That way, a service may be offered in the future by a health service provider with State Government funding.

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

**Legislation**                      Not Applicable.

### **Strategic Plan**

**Key Focus Area:**              Community Wellbeing/Engage Proactively with the Community

**Objective:**                      Ensure the City's facilities and services are of a high quality and accessible to everyone. Facilitate healthy lifestyles within the community.

### **Policy:**

Not Applicable.

### **Risk Management considerations:**

In terms of overall risk, failure to address the key issues identified at the 2010 Youth Forum could lead to a reduction in confidence amongst young people of the City's commitment to their wellbeing.

On the basis of individual recommendations, engagement with young people via social media is considered to have the greatest risk and is therefore subject to further investigation prior to any consideration of implementation.

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

#### Youth-friendly website

An amount of \$10,000 has been allocated for Stage One of the development of a youth-specific website in the 2010/11 budget. A further \$10,000 has been listed in the 2011/12 budget for Stage Two of the development of the website.

In order to maintain the integrity of information once the youth-friendly website is developed, it will be important to ensure an allocation of staff hours for monitoring, moderating and updating content.

### City Watch marketing campaign

It is envisaged that the marketing materials produced for the campaign can be covered by existing budget allocations.

### Youth-specific health service

Significant funds would be required to operate a youth-specific health service in the northern suburbs. It is envisaged that a health provider organisation would potentially be offering the service with State Government funding so the cost will not be borne by the City. The initial cost to the City in an advocacy and facilitation role can be absorbed within existing resources.

A service of this significance will not be successful unless a long-term funding commitment is secured.

### **Regional Significance:**

The youth-specific health service has the potential to offer benefits to young people in the Cities of Wanneroo and Stirling if delivered on a regional basis.

### **Sustainability Implications:**

It is important that from a social sustainability perspective young people feel that they have been heard by the City and that the needs that they identified through the Youth Forum are being addressed.

There is a requirement from the City's perspective to ensure that the needs of the young people are being addressed within the economic means of the City, within the role constraints of Local Government, and are aligned with the policy decisions of the City particularly in relation to the use of social media.

### **Consultation:**

#### Youth-friendly website

Input to the development of a youth-specific website has been sought from 40 young people at local high schools.

#### Youth-specific health service

Surveys were conducted with 227 young people in December 2010 in order to assess the health needs of young people. Sixteen service providers were also interviewed to identify issues and service gaps.

### **COMMENT**

The 2010 "Speak Out" Youth Forum was successful in engaging with youth people and gathering their ideas and perspectives in order to strengthen the services currently provided by the City as well as allowing for new initiatives for youth to be identified.

It is important for young people to see their ideas being taken into consideration in Council's decision-making processes. As such the recommendations in relation to a youth-friendly website and promotion of City Watch to young people can be undertaken by the City within existing resources.

Further review and investigation is required to inform the City's position on the use of social media as a means of engaging with its residents in order to ensure that risks arising from social media are adequately addressed and potential benefits are carefully considered in the context of the allocation of the City's resources. As such, the recommendation on a City Facebook page will be subject to consideration as part of this body of work.

Given that the research conducted in 2004 and 2010 indicates a prevailing need for local health services that respond to the unique requirements of adolescence, the recommendation on pursuing the development of youth-specific health service is submitted for Council consideration. Should this matter be pursued, the City will play an advocacy and facilitation role when working with key stakeholders.

Advice will be provided to each of the schools and educational programs in the City on the further work being undertaken as a result of the recommendations arising from the 2010 Youth Forum following consideration of this report by Council.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

### **That Council:**

- 1 NOTES the results of further investigation into the recommendations from the Youth Forum held in September 2010 as outlined in Table 1 of Report CJ082-05/11;**
- 2 NOTES that further investigation is being undertaken into the opportunities for a City presence on Facebook as a mechanism for engaging with young people;**
- 3 REQUESTS that the Chief Executive Officer engages in discussions with the State Government about the future provision of a youth-specific health service in the northern suburbs.**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf100511.pdf](#)*

**CJ083-05/11      DECOMMISSIONING OF DUNCRAIG TENNIS AND NETBALL/BASKETBALL COURTS**

**WARD:** South

**RESPONSIBLE:** Mr Garry Hunt, Chief Executive Officer

**FILE NUMBER:** 60520

**ATTACHMENTS:** Attachment 1      Distribution of tennis courts in the City

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**PURPOSE**

The purpose of this report is to provide an update on the possible alternative facilities for the recently decommissioned tennis and netball/basketball courts at Percy Doyle Reserve, Duncraig.

**EXECUTIVE SUMMARY**

In September 2010, Council resolved to decommission the Duncraig tennis and netball/basketball courts. In addition to agreeing to decommission the courts, Council also resolved to relocate the lights to Glengarry tennis courts.

Following the decision to decommission, in November 2010 a communication campaign was undertaken to notify user groups and residents of Council's resolution to decommission the courts and the location of nearby tennis facilities.

Possible alternative facilities to replace the tennis and netball/basketball courts have been considered and cost estimates developed. As the court area is part of the overall site for the Percy Doyle Master Planning project, it is recommended that the site be developed with a low impact and cost effective option of grass seed and irrigation.

After review of the existing floodlighting at Glengarry tennis courts, it has been determined that they are in similar condition to those at Duncraig, therefore, would not require the relocation of the lights. After consideration of other tennis facilities within the City that require floodlighting, it is recommended that the Duncraig tennis court floodlighting be relocated to the Kinross College tennis courts as part of the shared use arrangement the City has with the Department of Education for the site.

## BACKGROUND

In September 2010, Council considered options for the future management of the Duncraig tennis and netball/basketball courts (CJ151-09/10 Refers). The following was resolved:

*"That Council:*

- 1 AGREES to decommission the four tennis courts and two basketball/netball courts located on the corner of Marmion Avenue and Warwick Road, Duncraig not before 1 January 2011 to enable the current users sufficient time in which to find an alternative venue;*
- 2 as part of the decommissioning of the tennis courts in part 1 above and subject to suitability, AGREES to relocate the floodlight towers to the tennis courts located at Glengarry Park, Duncraig;*
- 3 REQUESTS a further report detailing the options available for alternative facilities to replace the four tennis courts and two basketball/netball courts following decommissioning."*

Following Council's decision, a communication campaign was undertaken to notify clubs and residents of the agreed decommissioning of the tennis and netball/basketball courts.

The two small tennis clubs and commercial coach that utilised the tennis courts were relocated to alternative nearby facilities. Following their relocation, the City undertook initial decommissioning procedures including the removal of court infrastructure and securing the courts.

## DETAILS

### Issues and options considered:

#### Alternative Facilities Options

Following the decision of Council in September 2010, work commenced on determining the possible alternative facilities to replace the tennis and netball/basketball courts following decommissioning. A number of options for the site were considered and cost estimates developed. These options included:

- 1 Redevelopment of the site, including large grassed sports area for overflow training with small BBQ/picnic area (estimated cost \$393,000);
- 2 Redevelopment of the site, including large passive park area consisting of BBQs, picnic facilities and playground. It also includes a small grassed sports area for overflow training (estimated cost \$610,000);
- 3 Redevelopment of the site, including passive park area consisting of BBQs, picnic facilities, playground and fenced community gardens (estimated cost \$665,000);
- 4 Replacement of court area only with grass (estimated cost \$90,000).

### Floodlighting Options

Three options for the Duncraig tennis court floodlighting have been explored and are detailed below:

#### *Option 1 - Remove existing floodlighting and relocated to an alternative site.*

The Council resolution to relocate the existing Duncraig tennis court floodlighting to Glengarry tennis courts was investigated. It has been determined that the floodlighting at this site is of a similar standard to those at Duncraig so does not require the floodlights to be relocated.

As part of the City's recently adopted Tennis Court Provision and Maintenance Strategy, it was identified that there is a higher provision of City managed tennis court facilities in the southern suburbs than in the northern suburbs (Attachment 1 refers). The strategy also recognised that given the limited City owned tennis court facilities, there are a number of school and private facilities where opportunities to engage facility owners to provide community access could be pursued.

Kinross College tennis courts are an example of a school facility that the City has a shared use arrangement for in place. The City currently has the ability to hire the tennis courts to the community in line with its management of other City owned tennis facilities, however, the lack of lighting has been an issue. Due to the lack of City managed tennis courts in the northern suburbs, it was identified that there would be a need in the future to fund floodlighting for these courts to meet the community need to access tennis facilities.

Advantages	Disadvantages
If floodlighting is relocated to Kinross College then the City can hire the tennis courts to the community as part of the current shared use arrangement with the school	Cost to the City to relocate the floodlighting

#### *Option 2 - Remove and dispose of existing floodlighting.*

If it is determined that it is not beneficial to relocate the floodlighting, then they can be removed and disposed of when the tennis court removal occurs.

Advantages	Disadvantages
No relocation costs to the City	Infrastructure that could be reused is wasted

#### *Option 3 - Remove and store existing floodlighting.*

If an immediate need for the floodlighting is not agreed to, then they can be removed when the tennis court removal occurs and stored for a future decision on usage.

Advantages	Disadvantages
No immediate relocation costs to the City	Possible storage issues – eg costs, management, space, damage etc

**Legislation/Strategic Plan/Policy Implications**

**Legislation** Not Applicable.

**Strategic Plan**

**Key Focus Area:** Community Wellbeing

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

**Policy** Not Applicable.

**Risk Management considerations:**

Construction of any substantial infrastructure at the site before the future of Percy Doyle Reserve is determined by the Master Planning project, may result in the development of facilities that do not fit with the overall vision for the site.

**Financial/Budget Implications:**

The budget funds for this project have been listed for carry forward to the 2011/12 budget to allow for a decision to be made and works to decommission the courts to be completed.

The recommended option to remove the courts, fencing, basketball infrastructure and floodlighting and installation of grass seed and irrigation to the site will use the remainder of the project budget funds.

The removal and relocation of the floodlighting to Kinross College has been estimated by an independent Engineering consultant at \$69,638, which is a saving of \$11,583, compared to the estimated costs to installing new floodlighting at the site.

<b>Account No:</b>	W1096; W1093; W1095
<b>Budget Item:</b>	Tennis Court Resurfacing Program; Tennis Court Fencing
<b>Budget Amount:</b>	\$99,820
<b>Amount Spent To Date:</b>	\$8,488
<b>Proposed Cost:</b>	\$91,332 (not including cost to relocate floodlights)
<b>Balance:</b>	\$0

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

## COMMENT

The tennis and netball/basketball site is part of the Percy Doyle Reserve that is currently being considered through a Master Planning project. The Master Planning process is currently in Stage 2 (Site and Needs Analysis). Due to the current status of the Master Planning project and the estimated costs of Options 1-3, as detailed under the Alternative Facilities Options section within this report, it is proposed to spend minimal City funds on the area until a long term plan for the whole site is developed. Option 4 as detailed under the Alternative Facilities Options section within this report is recommended which includes:

- removal and disposal of cyclone mesh fencing;
- removal and disposal of court surface;
- removal and disposal of basketball rings and backboards;
- removal of floodlighting;
- installation of coarse river sand in the areas where the courts have been removed;
- installation of grass seed and irrigation.

Future development options for the site can be considered as part of the overall Master Plan of the reserve.

After determining that the Glengarry tennis courts do not require the Duncraig tennis court floodlighting, a review of the City's other facilities determined that none required new or additional floodlighting. Therefore, it is recommended that they be relocated to the Kinross College tennis courts as part of the shared use arrangement the City has with the Department of Education for the site. The agreement states that the City is responsible for the management of the school's tennis court bookings outside of school hours. The agreement also details the City's responsibility to fund and maintain floodlights for the courts as they are not required for their daytime use.

If the floodlights from Duncraig Tennis Courts are relocated to Kinross College, this will address the lack of City managed floodlit courts available in the northern suburbs. It also provides the City with a financial saving compared with the cost of installing new floodlighting at the site. This would require a provision of \$69,638 be allocated in a future capital works budget, and it is suggested that this be considered as part of the 2011/12 mid year budget review.

## VOTING REQUIREMENTS

Absolute Majority

### Call for One-Third Support

The Local Government Act 1995, under regulations prescribed to deal with Section 5.25(e), lays down the following procedure for dealing with revoking or changing decisions made at Council or Committee meetings:

*If a decision has been made at a Council meeting, then any motion to revoke or change the decision must be supported by at least one-third of the number of offices (whether vacant or not) of members of the Council.*

*If supported by one-third of the members, then any decision to revoke a resolution of the Council is required to be passed by an Absolute Majority.*

Prior to giving consideration to the following recommendation, Elected Members are required to give the support of one-third of their members, and such support is to be recorded in the Minutes of this meeting.

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

- 1 **AGREES** to the installation of grass seed and irrigation at the decommissioned tennis courts and netball/basketball courts located on the corner of Marmion Avenue and Warwick Road, Duncraig at a cost of \$91,332 (excluding GST);
- 2 **BY AN ABSOLUTE MAJORITY, REVOKES** its decision of 21 September 2010 (CJ151-09/10 refers) as follows:  
  
*“2 as part of the decommissioning of the tennis courts in part 1 above and subject to suitability, AGREES to relocate the floodlight towers to the tennis courts located at Glengarry Park, Duncraig;”*
- 3 **AGREES** to relocate the floodlights from Duncraig tennis courts to the tennis courts located at Kinross College, Kinross at a cost of \$69,638 (excluding GST);
- 4 **NOTES** the expenditure in part 3 above will be listed for consideration as part of the 2012/13 draft budget.

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf100511.pdf](#)*

**CJ084-05/11      WALKABILITY PLAN**

**WARD:** All

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

**FILE NUMBER:** 100508, 101515

**ATTACHMENTS:** Nil.

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**PURPOSE**

To provide Council with information on the development of a Walkability Plan for the City of Joondalup.

**EXECUTIVE SUMMARY**

Council requested the Chief Executive Officer to prepare a report on the development of a City of Joondalup Walk Plan on 16 November 2010.

This report provides a summary of activities taken to date in relation to the development of a Walkability Plan including the submission of an application for grant funding to Lotterywest to support the audit and developmental work required in the advancement of such a Plan.

The report also provides details of the research and benchmarking activities undertaken with other local governments and agencies to support the development of a Walkability Plan for the City of Joondalup, and planned collaborative projects with Edith Cowan University – Centre of Planning, and the Department of Transport.

**BACKGROUND**

On 16 November 2010, the Council requested the Chief Executive Officer to prepare a report for consideration at a future Council meeting on the development of a City of Joondalup Walk Plan.

The Walkability Plan is intended to provide a strategic guide to the management and investment of the walking network and ensure footpath usability, appropriate signage, adequate standard, efficient and effective linkages of footpath and dual use paths, and pedestrian, wheel chair and pram friendly crossing points. The Plan will also identify opportunities for enhanced community education and awareness of walking in the City.

Prior to the request for a report, the City had commenced work on a grant application to the Lotterywest Trails Grant Program 2010 to seek funding for a Walk Plan in order to establish a comprehensive network of walk paths and recreation paths available to all residents and visitors to the area. The Department of Sport and Recreation (DSR) and Lotterywest partner in the Grant Program.

## DETAILS

### Issues and options considered:

#### Walkability Plan Research

The City contacted Dr John Grant, who presented at a recent Healthy Cities Conference, with regard to how town and city centres (and walking routes and trails) can be made more walkable, legible and accessible. Dr Grant also presented at a recent *Mainstreet Conference* on the economic development implications of improved walkability and world-class wayfinding signage. Dr Grant visited the City and provided a presentation to City officers on the benefits of developing Walkability Plans.

The City has also conducted research into other local governments in terms of their approach to Walkability Plans. The following local governments and agencies have been contacted with a review undertaken of their approach to the development of Walkability Plans:

- City of Bendigo;
- City of Parramatta;
- City of Mandurah;
- City of Rockingham;
- Midland Redevelopment Authority.

The presentation by Dr Grant and research with other local governments and agencies have provided information which will assist the City in developing a Walk Plan, and the various methods used including walking maps, on line maps, signage etc will be reviewed and assessed for efficacy.

#### Grant Application

The City has also submitted an application to the Department of Sport and Recreation's Trails Master Plan Grant Program. The Grant Application will:

- assist with a detailed analysis and mapping of existing walk and recreational paths throughout the City including their purpose, surface conditions, level of usage, supporting infrastructure, signage, related promotional material, land tenure and management responsibilities.
- complete a walk and recreational path gap analysis based on existing path provision, population projections, trends in walk trail provision and will include the identification of proposed new walk trail themes and locations (including mapping), and guidance on ways to link the existing and proposed walk and recreational paths.
- Develop individual Action Plans for each walk and recreational path (existing and proposed), inclusive of surface requirements, construction costs, supporting infrastructure costs, signage strategies and implementation schedules.
- Undertake community consultation with walk and recreational trail users, key stakeholders, and community organisations in regards to the Walk Plan.
- Develop a Wayfinding Strategy (interpretive, directional, warning, distance) for the Walkability Plan in accordance with the relevant Australian Standards and existing strategies from key stakeholders.

- Develop a detailed branding, marketing and promotional strategy for the Walkability Plan.
- Identify funding models for the walk paths contained in the Plan.
- Develop a capital and maintenance program to fulfil the outcomes from the audit and gap analysis.

The Department of Sport and Recreation Regional Offices will prioritise applications within each regional area, and the trail grant assessment panel will review these recommendations and make a recommendation to the Lotterywest Board. The City anticipates being informed of the Board's decision in July/August 2011. The Walkability Plan will be completed in 2011/12.

### **Department of Transport Walkability Audit Tool**

City Officers also recently attended a workshop at the Department of Transport to review a Walkability Audit Tool. The Department are developing a tool to audit walkability that can be linked to Structure Plans, District Planning Schemes and other planning documents. The Department of Transport will be piloting the tool and asking for a Working Group (of local government representatives) to nominate a local government to take part in that trial. If the opportunity presents, the City will nominate to trial the audit tool, as it will assist in the work to develop a Walkability Plan.

### **Place Making Clinic**

City Officers representing all relevant disciplines (planning, urban design, economic development, community development) attended a *Place Making Clinic* held on 19 March led by David Engwicht. Place Making is a holistic approach to urban design, traffic, public space, economic development, community development and arts and culture.

### **Collaboration with Edith Cowan University – Centre for Planning**

The City has been working with Edith Cowan University (ECU) to identify a number of collaborative initiatives between the Centre for Planning and the City. The courses run by the Centre for Planning are designed to identify and explore urban design principles, and the Centre undertakes a number of research projects utilising students studying Bachelor of Art Degrees and Masters Degrees. A number of Projects have been agreed between the City and ECU Centre for Planning including a Project related to the Joondalup City Centre titled *Public Space Life*. The project will involve research being conducted in a number of areas including:

- How residents use the City Centre;
- How access ways are used;
- How pedestrians use the City Centre;
- Traffic flow and pedestrian flow impediments.

All of the work undertaken to date described above will assist in the development of a Walkability Plan for the City of Joondalup.

The Walkability plan may identify projects in addition to the current New Footpath Program which is dedicated to the provision of new path links throughout the City. The Program is funded from municipal sources and grants, with the City contributing \$500,000 in the draft 2011/12 Capital Works Program.

The anticipated Program, inclusive of grants for the next five years, is as follows:

2011/12	2012/13	2013/14	2014/15	2015/16
\$622,604	\$527,500	\$646,450	\$340,000	\$418,100

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

**Legislation** Not Applicable.

#### **Strategic Plan**

**Key Focus Area:** Community Wellbeing

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

**Policy** City Policy - Sustainability

### **Risk Management considerations:**

Without a Walkability Plan, the City risks poor connections from train stations and car parks to major attractions; paths that are unusable and/or unsafe for wheelchairs, prams, and older people; roads that are unsafe or time consuming to cross and therefore people by-pass the public realm and local shops; and places that are not welcoming or safe to pedestrian.

All of these issues have risks associated with the City's social wellbeing and economic prosperity.

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

The City has included \$85,000 in the 2011/12 Draft Budget including \$40,000 revenue from the Lotterywest grant. If the grant application is unsuccessful, a bid will be put forward at Budget Review to secure the additional funds required to complete the Project.

### **Regional Significance:**

The City of Joondalup is the major City Centre in the North West Region, and is well serviced by an integrated public transport system and regional roads. The development of a Walkability Plan will strengthen the City's position in the region by providing a comprehensive, coordinated, and improved network of walk and recreational paths for all residents and visitors to the City and the region.

### **Sustainability Implications:**

There are a number of sustainability implications and benefits associated with a Walkability Plan including:

#### **Environmental**

Reduced air pollution – walking reduces short car trips, which are four times more polluting than longer car trips per kilometre.

**Economic**

Attraction of Tourism – walking in both cities and elsewhere is a major element in the tourism sector.

**Social**

Social cohesiveness – pedestrian filled streets encourage social interaction and a sense of community.

**Consultation:**

Consultation will be undertaken with the community and Elected Members during the development of a City of Joondalup Walkability Plan.

**COMMENT**

The City has commenced a number of activities which align with the Council request for the Chief Executive Officer to prepare a report on the development of a City of Joondalup Walkability Plan.

Successful and vibrant city centres are attractive public gathering spaces which are accessible to the community. Accessibility includes a number of factors, but walkability is particularly important including legibility (signage), connectivity between important destinations, good walking rhythm with few interruptions, and few and short waiting times at intersections.

The opportunity to develop a Walkability Plan, in alignment with a number of other City Centre revitalisation initiatives, will ensure that the City is best placed to realise its true potential as the social and economic centre of the North West Region.

The proposed Walkability Plan (incorporating walk and recreational paths) will be used as a basis for prioritising the maintenance and upgrading of existing walk, and recreational paths and the planning and development of new walk and recreational path opportunities within the City of Joondalup.

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 APPROVES the development of a Walkability Plan for the City of Joondalup as detailed in Report CJ084-05/11;**
- 2 NOTES that the sum of \$85,000 has been requested in the 2011/12 Budget toward the cost of a Walkability Plan for the City of Joondalup, inclusive of \$40,000 Grant Funding.**

**CJ085-05/11 CITY OF JOONDALUP SUBMISSION- CARING FOR OUR COUNTRY REVIEW 2011****WARD:** All**RESPONSIBLE:** Mr Jamie Parry, Director Governance and Strategy**FILE NUMBER:** 34958, 101515

**ATTACHMENTS:** Attachment 1 The Review of Caring for our Country: Australia's Natural Resource Management Investment Initiative-Discussion Paper.  
Attachment 2 City of Joondalup Submission- Caring for our Country Review 2011.

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**PURPOSE**

To seek Council endorsement of a City of Joondalup submission on the review of the Federal Government's *Caring for our Country Program*.

**EXECUTIVE SUMMARY**

The Federal Government's *Caring for our Country Program* commenced in 2008 in order to achieve long term improvement of the natural environment. The implementation of the *Program* is guided by the Caring for our Country Outcomes 2008-2013, which outlines the priority areas for investment in regard to natural resource management within Australia.

*The Caring for our Country Program* is currently under review and as part of the review process the Government is seeking comments on the *Program* from stakeholders, including local government. A City of Joondalup submission has been prepared which identifies the key issues associated with the *Program*, from the City's perspective.

Contributing to the review of the *Caring for our Country Program* may lead to greater consideration of local objectives within the establishment of future national environmental outcomes and allocation of funding.

**BACKGROUND**

*Caring for our Country* is the Australian Federal Government's environmental management initiative. The Program commenced in July 2008 and replaced the Australian Government's previous natural resource management initiatives, including the *Natural Heritage Trust Funding*, *National Landcare Program*, *Environmental Stewardship Program* and *Working on Country Program*.

The Australian Government has allocated \$2.25 billion from 2008 to 2013 through *Caring for our Country* to secure improved natural resource management outcomes across six national priority areas:

- The National Reserve System;
- Biodiversity and natural icons;
- Coastal environments and critical aquatic habitats;
- Sustainable farm practices;
- Natural resource management in Northern and remote Australia; and
- Community skills, knowledge and engagement.

*The Caring for our Country Program* is delivered in partnership with regional natural resources management groups, local, state and territory governments, Indigenous groups, industry bodies, land managers, farmers, landcare groups and communities.

Funding is provided to state governments to implement projects relating to the priority areas and is also available to community based groups and local government through the *Caring for our Country Community Grants Program*.

## DETAILS

Australia is one of the 168 Governments that signed the United Nations Convention on Biological Diversity at the 1992 Rio Earth Summit. The Convention on Biological Diversity is dedicated to promoting sustainable development and provides a framework for Australia's integration of natural resources and environmental and biodiversity management policies. Article 6 of the Convention obliges all parties to develop and implement National Biodiversity Strategies and Action Plans (NBSAPs).

In 2010 the Federal Government released the Australian Biodiversity Conservation Strategy (2010 – 2030) to meet the requirement of developing a NBSAP. *Caring for our Country* is a mechanism of implementing the objectives of the Australian Biodiversity Conservation Strategy (2010 – 2030).

The *Caring for our Country Program* is in the final two years of its current funding cycle and the Federal Government is reviewing its efficiency, effectiveness and appropriateness. As part of the review the Government is seeking comments on the *Program* from stakeholders including local government.

To assist in the preparation of comments *The Review of Caring for our Country: Australia's Natural Resource Management Investment Initiative- Discussion Paper* has been released and is included as Attachment 1.

The City has reviewed the *Discussion Paper* and has compiled a submission on the review of the *Caring for our Country Program*. The City's comments are in regard to the following areas: National Priorities, Community Engagement and Working Effectively With State Governments and Engaging With Local Government.

The main issues identified include the need for greater alignment of national and local priorities, increased support projects within for urban environments and greater funding for strategic projects relating to planning for natural resource management.

The City's submission to the review of the *Caring for Country Program* also provides commentary on the opportunity for the Program to provide funding for a network for local governments to progress local action biodiversity strategies and plans which are aligned with the National Biodiversity Strategies and Action Plan objectives.

The City of Joondalup submission to the 2011 Review of Caring for our Country is included as Attachment 2.

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

#### **Legislation**

Not Applicable.

#### **Strategic Plan**

**Key Focus Area:** Natural Environment

**Objective:** To engage proactively with the community and other relevant organisations in the preservation of the City's natural environment.

#### **Policy**

The objectives of the *Caring for our Country Program* are consistent with the City's Sustainability Policy.

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

Not Applicable.

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

Not Applicable.

#### **Regional Significance:**

Not Applicable.

#### **Sustainability Implications:**

The *Caring for our Country Program* aims to provide support for natural resource management projects to enhance and protect the natural environment. Contributing to the review of the Program may contribute to greater consideration of local objectives within national based environmental programs.

#### **Consultation:**

The City of Joondalup comments will also be provided to the Western Australia Local Government Association and will be incorporated into the Association's submission on the review of the *Caring for our Country Program*.

### **COMMENT**

The current structure of the *Caring for our Country Program* does not align with the City's local priorities and objectives. Priority areas within the Program are difficult to localise and this has resulted in a reduction of funding being allocated to the local government sector. There is also a strong focus on regional and rural environments and urban areas have not been considered as highly in terms of funding allocation and support.

The review of the *Caring for our Country Program* is an opportunity for the City of Joondalup to highlight issues regarding the current structure of the *Program*. Contributing to the review of the *Caring for our Country Program* may also lead to greater consideration of local objectives within the establishment of future national environmental outcomes and allocation of funding.

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

### That Council:

- 1 **APPROVES** the City of Joondalup submission on the Review of the Caring for our Country Program, as detailed in Attachment 2 to Report CJ085-05/11;
- 2 **APPROVES** the City's submission on the Review of the Caring for our Country Program, as detailed in Attachment 2 to Report CJ085-05/11 to be forwarded to the Federal Government for consideration.

*Appendix 13 refers*

To access this attachment on electronic document, click here: [Attach13agn170511.pdf](#)

## **CJ086-05/11      ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JANUARY - 31 MARCH 2011**

**WARD:** All

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

**FILE NUMBER:** 20560, 101515

**ATTACHMENTS:** Attachment 1      Annual Plan Quarterly Progress Report for the period  
1 January – 31 March 2011  
Attachment 2      Capital Works Overview Report for the period 1  
January – 31 March 2011

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### **PURPOSE**

To present the Annual Plan Quarterly Progress Report for the period 1 January – 31 March 2011.

### **EXECUTIVE SUMMARY**

The Annual Plan contains the major projects and priorities which the City proposes to deliver in the 2010-11 financial year.

The Annual Plan Quarterly Progress Report provides information on the progress of projects and programs documented in the Annual Plan 2010-11. The Annual Plan Quarterly Progress Report for the period 1 January – 31 March 2011 is shown as *Attachment 1* to this Report.

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

*It is recommended that Council RECEIVES the:*

- 1      Annual Plan Quarterly Progress Report for the period 1 January – 31 March 2011, which is shown as Attachment 1 to Report CJ086-05/11;*
- 2      Capital Works Overview Report for the period 1 January – 31 March 2011, which is shown as Attachment 2 to Report CJ086-05/11.*

### **BACKGROUND**

The City's Corporate Reporting Framework requires the development of an Annual Plan to achieve the objectives of the Strategic Plan 2008-2011, and the provision of reports against the Annual Plan to be presented to Council on a quarterly basis.

## DETAILS

### Issues and options considered:

The Annual Plan contains a brief description of the key projects and programs that the City proposes to deliver in the 2010-11 financial year. Milestones are set for the key projects and programs to be delivered in each quarter.

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

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

### Legislation/Strategic Plan/Policy Implications

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

*This Act is intended to result in:*

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

### Strategic Plan

**Key Focus Area:** Leadership and Governance

**Objective** 1.1 To ensure that the processes of local governance are carried out in a manner that is ethical, transparent and accountable.

### Policy

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

### Risk Management Considerations:

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

### Financial/Budget Implications:

All Projects and Programs in the Annual Plan 2010-11 have been included in the 2010-11 Budget.

**Sustainability Implications:**

All projects and programs in the Annual Plan contribute to one or more of the following:

- Leadership and Governance;
- The Natural Environment;
- Economic Prosperity and Growth;
- The Built Environment; and
- Community Wellbeing.

**Regional Significance:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The Annual Plan 2010-2011 was received by Council at its meeting on 17 August 2010 (CJ138-08/10 refers).

A detailed report on progress of the Capital Works Program has been included with the Annual Plan Quarterly Progress Report for the period 1 January to 31 March 2011. This Report provides an overview of progress against all of the projects and programs in the 2010-11 Capital Works Program.

The Capital Works Overview Report includes a column which prescribes the *Percent completed on Site* and comments regarding the progress of projects.

**VOTING REQUIREMENTS**

Simple majority

**RECOMMENDATION**

**That Council RECEIVES the:**

- 1 Annual Plan Quarterly Progress Report for the period 1 January – 31 March 2011, which is shown as Attachment 1 to Report CJ086-05/11;**
- 2 Capital Works Overview Report for the period 1 January – 31 March 2011, which is shown as Attachment 2 to Report CJ086-05/11.**

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14brf100511.pdf](#)*

**CJ087-05/11 MINUTES OF EXTERNAL COMMITTEES****WARD:** All**RESPONSIBLE** Mr Jamie Parry, Director Governance and Strategy**FILE NUMBER:** 00033, 101515

**ATTACHMENTS:** Attachment 1 Minutes of the WA Local Government Association State Council held on 6 April 2011.  
Attachment 2 Minutes of the WA Local Government Association (North Metropolitan Zone) meeting held on 31 March 2011.

*(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:

- Minutes of the WA Local Government Association State Council held on 6 April 2011.
- Minutes of the WA Local Government Association (North Zone) meeting held on 31 March 2011.

**DETAILS****WA Local Government Association State Council Meeting - 6 April 2011**

A meeting of the WA Local Government Association (WALGA) State Council was held on 6 April 2011.

The Council's representative on the WALGA State Council is Cr Amphlett. Mayor Troy Pickard is the President of WALGA and is, therefore, in attendance at the meetings. The WALGA North Metropolitan Zone (Council representatives being Crs Amphlett, Fishwick, McLean, and Chester) at its meetings consider the recommendations of WALGA to the State Council and resolve to support or otherwise the recommendations. The recommendations of the WALGA Zones are considered by the State Council in its deliberations.

At this meeting a number of items were of interest to the City of Joondalup as the City had either previously resolved or provided comment to WALGA for its consideration, or items had an impact on the City generally.

For the information of Council, the following matters of interest to the City of Joondalup were agreed to by the WALGA State Council:

### 5.1 Priority Plan for Investment in the Swan Canning Catchment

It was resolved by the WALGA State Council as follows:

- 1 *That State Council endorse the draft Priority Plan for Investment in the Swan Canning Catchment with the following amendments:*
  - (a) *Recommendation 7 be deleted and replaced with:*

*“A compulsory nutrient offset scheme be considered and applied to future urban land development within the Metropolitan Regional Scheme”; and*
  - (b) *Recommendation 10 be deleted and referred back to the WA Local Government Association administration for further consultation with relevant Zones; and*
- 2 *That a further report be presented in respect to the funding of the implementation of the catchment management plans for improved water quality including but not limited to the following catchments:*
  - Peel-Harvey
  - Vasse-Wonnerup
  - Hardy Inlet
  - Leschenault Estuary

The North Metropolitan Zone at its meeting held on 31 March 2011 resolved as follows:

“That the State Council endorse the Draft Priority Plan for Investment in the Swan and Canning Catchment subject to the following amendments:

- 1 *It is ensured the definition of ‘waterways’ in the Plan includes wetland systems.*
- 2 *The State Government fund the additional investment needs from the approx \$550m dividend paid by the Water Corporation to the State Government each year, rather than through the introduction of a new tax; In the event that such funding is not provided, the ‘healthy catchment rate’ model is adapted so that it is only initially charged to all assessable properties (including businesses) within the actual drainage catchment (not the entire PMR).*
- 3 *Once expanded to the entire PMR, the rate should be available for improvements to all receiving bodies in the PMR that require water quality improvement, not only those bodies draining into the Swan and Canning catchments.*

#### 5.4 Number of Elected Members on Councils

It was resolved by the WALGA State Council as follows:

*That WALGA provide the Minister for Local Government with the following proposal for consideration on the number of Elected Members on Councils;*

- 1 *That Local Governments with a population –*
  - *less than 70,000 residents - between 6 and 9 Elected Members*
  - *70,001 to 100,000 residents - 10 Elected Members*
  - *100,001 to 130,000 residents - 11 Elected Members*
  - *130,001 to 160,000 residents - 12 Elected Members*
  - *160,001 to 190,000 residents - 13 Elected Members*
  - *190,001 or greater - 14 Elected Members*
- 2 *That Local Government, regardless of the number of residents, have the ability to seek Ministerial approval in certain circumstances (where a rationale can be provided) for more than nine (9) Elected Members.*

The Council of the City of Joondalup at its meeting held on 18 August 2009 (Item CJ175-08/09 refers) adopted the following position in relation to the proposal to reduce the number of Elected Members as follows:

*That the City of Joondalup resolves to advise the Minister for Local Government that it does not intend to reduce its number of Elected Members from 12 Councillors and a Mayor elected by electors.*

The City adopted the following position in its Reform Submission:

*That:*

- 1 *The Minister for Local Government's recommendation to reduce the number of Councillors to between six and nine for all Local Governments be rejected, and that Local Governments, having a residential population exceeding 100,000, be permitted to have a Council comprising not less than 5 nor more than 14 Councillors if the Mayor is elected by electors, as per the current arrangements permitted under Section 2.17 of the Local Government Act 1995.*
- 2 *The City of Joondalup propose that its number of elected representatives be retained at 12 Councillors and a Mayor elected by electors.*
- 3 *The Minister for Local Government be requested to research the ratios of Elected Members per population in other States both prior to and after Local Government reform, and the effect that this may have had on the community, prior to making any legislative amendments regarding Elected Member representation.*
- 4 *The Minister for Local Government be requested to review the remuneration provided to Elected Members should the number of elected representatives be reduced.*

## 5.5 Local Government Standards Panel Review

It was resolved by the WALGA State Council as follows:

### 1 That WALGA:

- A *Promote as the main focus of the Standards Panel Review that the fundamental objective of the Local Government Standards Panel's operation is to provide the most expeditious of resolutions to a breach allegation, achieved through improvements to the Standards Panel's operational processes, by legislative amendment and through the formation of additional Standards Panels;*
- B *Recommend the Review Committee give consideration to developing operational and/or legislative mechanisms that will allow the Standards Panel to deal more quickly with complaints, by empowering the Standards Panel to make a preliminary ruling on whether a complaint is meritorious of further enquiry; and*
- C *Reiterate the right to confidentiality for all persons involved in a minor breach allegation to the Standards Panel during the complaints process, by amending Section 5.123 of the Local Government Act 1995 to give this effect.*
- D *Notwithstanding the Review, that the Department immediately provide additional resources to ensure a more efficient and responsive consideration of complaints.*

### 2 That WALGA:

- A *Maintain its close working relationship with the Department of Local Government to effect recommendations arising from the Standards Panel Review process; and*
- B *Request the Department of Local Government to consult with the Association in developing any proposed legislative amendments arising from the Review Committee's recommendations.*

## 5.6 Review of Structure and Effectiveness of State Council and Zones

It was resolved by the WALGA State Council as follows:

*That:*

- 1 *The report on the review of the Structure and Effectiveness of State Council and Zones be received;*
- 2 *The current Governance structure be endorsed with the addition of a set of responsibilities established for the Forum of Co-Chairs together with a regular meeting format;*

- 3 *WALGA provide the following additional support to assist in a greater advocacy role for Zones;*
  - (a) *Provide encouragement and suggestions for guest speakers and topics for consideration by Zones.*
  - (b) *Provide a consistent WALGA contact/liaison officer when requested by Zones.*
  - (c) *All Zones be offered a presentation overviewing the Association and its advocacy and service functions following the election of new Zone delegates every two years.*
  - (d) *All new Zone Chairs to receive an Induction on the role of the Zone Chair.*
  - (e) *An item be presented to all relevant Zones seeking endorsement for their Executive Officer to attend the bi-annual WALGA Zone Executive Officer meetings.*
- 4 *A strategy be developed to establish meetings between State Councillors and Members of Parliament. To enable State Councillors to brief MPs on Local Government matters and in turn update State Councillors and WALGA on activities relevant to MPs in their areas;*
- 5 *The calendar of State Council meetings be amended to five meetings per year as proposed in the discussion paper, being March, May, July, September and December;*
- 6 *State Council sitting fees be reviewed during the annual WALGA budget deliberations;*
- 7 *The secretariat provides a separate report to State Council on the constitutional consequences of these proposed changes; and*
- 8 *Given the increasing importance of regional groupings of Councils that as part of the next review WALGA give consideration to recognising the role of such groupings.*

The City provided comment to WALGA on its request for submissions relating to the review of the structure and effectiveness of State Council and Zones.

#### **WA Local Government Association (North Metropolitan Zone) Meeting – 31 March 2011.**

Comments related to the WALGA North Metropolitan Zone meetings are contained within the commentary on the WALGA State Council minutes above.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council NOTES the minutes of the:**

- 1 WA Local Government Association State Council held on 6 April 2011 forming Attachment 1 to Report CJ087-05/11;**
- 2 WA Local Government Association (North Metropolitan Zone) meeting held on 31 March 2011 forming Attachment 2 to Report CJ087-05/11.**

*To access this attachment on electronic document, click here: [externalminutes100511.pdf](#)*

**CJ088-05/11 EXECUTION OF DOCUMENTS****WARD:** All**RESPONSIBLE** Mr Jamie Parry, Director Governance and Strategy**FILE NUMBER:** 15876, 101515**ATTACHMENTS:** Nil.

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**PURPOSE**

For Council to note the documents executed by means of affixing the Common Seal for the period 8 February 2011 to 5 April 2011.

**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>	Section 70A Notification
<b>Parties:</b>	<b>City of Joondalup and N A Paton-Diggins, C I Murrihy and A S Paton-Diggins.</b>
<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 on the land at Lot 99 (9) The Return, Woodvale.
<b>Date:</b>	08.02.11
<b>Signed/Sealed:</b>	Sealed
<b>Legislation:</b>	City of Joondalup District Planning Scheme No. 2 Residential Design Codes of Western Australia
<b>Strategic Plan Key Focus Area:</b>	The Built Environment
<b>Policy:</b>	Not Applicable
<b>Risk Management considerations:</b>	The purpose of the section 70A is to alert future landowners of the restrictions that apply to this dwelling. This reduces the risk that purchasers of the property will not be informed of the applicable restrictions.
<b>Financial/Budget Implications:</b>	The applicant paid fees of \$281.00 (excluding GST) to cover all costs with assessing the application.
<b>Regional Significance:</b>	Not Applicable.
<b>Sustainability Implications:</b>	Ancillary Accommodation assists in providing diversity in housing choice for large or extended families.
<b>Consultation:</b>	This application was not advertised for public consultation.

<b>Document:</b>	Section 70A Notification
<b>Parties:</b>	<b>City of Joondalup and A J and A R Turnbull</b>
<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 on the land at Lot 652 (100) Chichester Drive, Woodvale.
<b>Date:</b>	16.02.11
<b>Signed/Sealed:</b>	Sealed
<b>Legislation:</b>	City of Joondalup District Planning Scheme No. 2 Residential Design Codes of Western Australia
<b>Strategic Plan Key Focus Area:</b>	The Built Environment
<b>Policy:</b>	Not Applicable
<b>Risk Management considerations:</b>	The purpose of the section 70A is to alert future landowners of the restrictions that apply to this dwelling. This reduces the risk that purchasers of the property will not be informed of the applicable restrictions.
<b>Financial/Budget Implications:</b>	The applicant paid fees of \$693.00 (excluding GST) to cover all costs with assessing the application.
<b>Regional Significance:</b>	Not Applicable.
<b>Sustainability Implications:</b>	Ancillary Accommodation assists in providing diversity in housing choice for large or extended families.
<b>Consultation:</b>	This proposal was advertised to two adjoining neighbours for comment during the assessment process.

<b>Document:</b>	Loan Agreement
<b>Parties:</b>	<b>City of Joondalup and WA Treasury Corporation</b>
<b>Description:</b>	Contract for Loan 6 of \$2,924K as approved in the Budget for RLCIP Projects
<b>Date:</b>	22.02.11
<b>Signed/Sealed:</b>	Sealed
<b>Legislation:</b>	Local Government Act 1995 (Financial Management) Section 6.20 (1) "Power to Borrow".
<b>Strategic Plan Key Focus Area:</b>	The Built Environment. Objective: 4.2 To progress a range of innovative and high quality urban development projects within the City.
<b>Policy:</b>	The City's Strategic Position Statement adopted by Council (refer CJ120-07/08) sets out the position in relation to loans.  "The City should have a Debt Strategy. The Strategy should include: <ul style="list-style-type: none"> <li>• Debt is to be used for long term building infrastructure rather than for parks and roads.</li> <li>• Debt to apply to an asset for no more than 50% of the life of the asset".</li> </ul>
<b>Risk Management considerations:</b>	In accordance with Section 6.20 "Power to Borrow", a Local Government is empowered to borrow money to enable it to perform the powers and functions conferred by the Act. The money must be applied for the purpose it is intended at the time of adopting the budget or arranging such financial accommodation.
<b>Financial/Budget Implications:</b>	The loan borrowing is accounted for in the 2010/11 Annual Budget and future repayments are included in forward financial planning estimates.
<b>Regional Significance:</b>	Not Applicable.
<b>Sustainability Implications:</b>	Expenditure has been incurred in accordance with budget parameters, which have been structured on financial viability and sustainability principles.
<b>Consultation:</b>	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.

<b>Document:</b>	Section 70A Notification
<b>Parties:</b>	<b>City of Joondalup and R C and G K Willsher</b>
<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 on the land at Lot 572 (25) Sulina Place, Kallaroo.
<b>Date:</b>	22.02.11
<b>Signed/Sealed:</b>	Sealed
<b>Legislation:</b>	City of Joondalup District Planning Scheme No. 2 Residential Design Codes of Western Australia
<b>Strategic Plan Key Focus Area:</b>	The Built Environment
<b>Policy:</b>	Not Applicable
<b>Risk Management considerations:</b>	The purpose of the section 70A is to alert future landowners of the restrictions that apply to this dwelling. This reduces the risk that purchasers of the property will not be informed of the applicable restrictions.
<b>Financial/Budget Implications:</b>	The applicant paid fees of \$1235.00 (excluding GST) to cover all costs with assessing the application.
<b>Regional Significance:</b>	Not Applicable.
<b>Sustainability Implications:</b>	Ancillary Accommodation assists in providing diversity in housing choice for large or extended families.
<b>Consultation:</b>	This proposal was advertised to one adjoining neighbour for comment during the assessment process.

<b>Document:</b>	Section 70A Notification
<b>Parties:</b>	<b>City of Joondalup and C J and S L Swift</b>
<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 on the land at Lot 777 (104) Lysander Drive, Heathridge.
<b>Date:</b>	22.02.11
<b>Signed/Sealed:</b>	Sealed
<b>Legislation:</b>	City of Joondalup District Planning Scheme No. 2 Residential Design Codes of Western Australia
<b>Strategic Plan Key Focus Area:</b>	The Built Environment
<b>Policy:</b>	Not Applicable.
<b>Risk Management considerations:</b>	The purpose of the section 70A is to alert future landowners of the restrictions that apply to this dwelling. This reduces the risk that purchasers of the property will not be informed of the applicable restrictions.
<b>Financial/Budget Implications:</b>	The applicant paid fees of \$465.00 (excluding GST) to cover all costs with assessing the application.
<b>Regional Significance:</b>	Not Applicable.
<b>Sustainability Implications:</b>	Ancillary Accommodation assists in providing diversity in housing choice for large or extended families.
<b>Consultation:</b>	This application was not advertised for public consultation.

<b>Document:</b>	Grant of Easement
<b>Parties:</b>	<b>City of Joondalup and Waycrest Holdings Pty Ltd</b>
<b>Description:</b>	Easement in Gross – re-subdivision of Strata Plan 7668-132 Coolibah Drive, Greenwood.
<b>Date:</b>	22.02.11
<b>Signed/Sealed:</b>	Sealed
<b>Legislation:</b>	Strata Titles Act 1985
<b>Strategic Plan Key Focus Area:</b>	Not Applicable.
<b>Policy:</b>	Not Applicable.
<b>Risk Management considerations:</b>	The easement ensures that vehicular access to the rear of the shopping centre (Coolibah Plaza) is not restricted until such time as an alternative access has been provided to the satisfaction of the City.
<b>Financial/Budget Implications:</b>	A statutory fee of \$701 was paid for the assessment of the re-subdivision.
<b>Regional Significance:</b>	Not Applicable.
<b>Sustainability Implications:</b>	Not Applicable.
<b>Consultation:</b>	As the application relates to the re subdivision of an existing development, no consultation was undertaken.

<b>Document:</b>	Section 70A Notification
<b>Parties:</b>	<b>City of Joondalup and Lorraine McLean, Ronald J Skender and Clare M Skender</b>
<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 on the land at Lot 269 (8) Jeffers Way, Greenwood.
<b>Date:</b>	15.03.11
<b>Signed/Sealed:</b>	Sealed
<b>Legislation:</b>	City of Joondalup District Planning Scheme No. 2 Residential Design Codes of Western Australia
<b>Strategic Plan Key Focus Area:</b>	The Built Environment
<b>Policy:</b>	Not Applicable.
<b>Risk Management considerations:</b>	The purpose of the section 70A is to alert future landowners of the restrictions that apply to this dwelling. This reduces the risk that purchasers of the property will not be informed of the applicable restrictions.
<b>Financial/Budget Implications:</b>	The applicant paid fees of \$893.00 (excluding GST) to cover all costs with assessing the application.
<b>Regional Significance:</b>	Not Applicable.
<b>Sustainability Implications:</b>	Ancillary Accommodation assists in providing diversity in housing choice for large or extended families.
<b>Consultation:</b>	This proposal was advertised to two adjoining neighbours for comment during the assessment process.

<b>Document:</b>	Amendment to District Planning Scheme No. 2
<b>Parties:</b>	<b>City of Joondalup and WA Planning Commission</b>
<b>Description:</b>	Amendment to remove the public use reservation from Reserve 36690 (34) Currajong Crescent, Craigie; zone the site to Urban Development and change the density code from R20 to uncoded - Council Report CJ005-02/11 adopted 15 February 2011 (Amendment 50)
<b>Date:</b>	15.03.11
<b>Signed/Sealed:</b>	Sealed
<b>Legislation:</b>	<p>Part 5 of the Planning and Development Act 2005 enables local government to amend a Local Planning Scheme and sets out the process to be followed.</p> <p>Clause 3.12.3 of DPS2 requires that no subdivision or development should occur in the 'Urban Development' zone until a Structure Plan has been prepared and adopted in accordance with Part 9 of DPS2.</p>
<b>Strategic Plan Key Focus Area:</b>	<p>The built environment</p> <p>4.1 To ensure high quality urban development within the City.</p>
<b>Policy:</b>	Not Applicable.
<b>Risk Management considerations:</b>	Not Applicable.
<b>Financial/Budget Implications:</b>	Not Applicable.
<b>Regional Significance:</b>	The redevelopment of large opportunity sites such as Reserve 36690 (34) Currajong Crescent, Craigie, will contribute to the achievement of the infill and redevelopment targets set for the City as outlined in the Western Australian Planning Commissions Directions 2031 and beyond.
<b>Sustainability Implications:</b>	The proposed amendment would enable the City to consider future residential subdivision and development on the site that will provide additional dwellings. Being an infill site, this will contribute to environmental, economic and social sustainability by providing dwellings near existing facilities and infrastructure in an established suburb.
<b>Consultation:</b>	The proposed scheme amendment was advertised for public comment for a period of 42 days closing on 10 November 2010. Two signs were placed on site and a notice placed in the Joondalup Community newspaper and in The West Australian. Letters were sent to 92 nearby land owners and six government or service agencies advising of the proposed amendment.

<b>Document:</b>	Deed of Lease
<b>Parties:</b>	<b>City of Joondalup and Hock San Yap, Choo Hiong Tiong, Lin Te-Hesen, and Lin Lee Wen -Yen</b>
<b>Description:</b>	Lease Agreement to renew the held over Lease Agreement for the blend(er) Gallery, managed by the City. The blend(er) Gallery is a joint venture between the City of Joondalup and the Joondalup Community Arts Association.
<b>Date:</b>	22.03.11
<b>Signed/Sealed:</b>	Sealed
<b>Legislation:</b>	Not applicable – the City's support of art and cultural activities is discretionary.
<b>Strategic Plan Key Focus Area:</b>	Community Wellbeing  OUTCOME: To meet the cultural needs and values of the community  1.2.2 Continue to enhance and create new cultural activities and events.  OUTCOME: The City of Joondalup is recognised as a great place to visit. 3.2.1 Create and promote cultural tourist attractions.
<b>Policy:</b>	No policies applicable to this matter.
<b>Risk Management Considerations:</b>	There is minimal financial risk to the City due to the rent and other financial obligations being acknowledged in the details of the lease agreement.
<b>Financial/Budget Implications:</b>	The rent of \$57,414.00 (inc GST) commenced from 1 January 2011 and there is an additional annual fee of \$2,640.00 (inc GST) related to the use of two car bays. The lease is for a three-year term, with two one-year options and the above costs are subject to annual increments of 4% on the anniversary of the commencement date of the lease. Outgoings related to the use of the gallery and maintenance is in addition to these rents.
<b>Regional Significance:</b>	The gallery that will be operated by the Joondalup Community Arts Association fits strategically within the City's cultural services objectives and has become an important complement to the City's own visual arts program.  The ongoing support of an accessible and stable community visual arts organisation is integral to the cultural vibrancy of the City of Joondalup.
<b>Sustainability Implications:</b>	There are socially sustainable benefits to the City's arts and crafts community by the continuing operation of this community visual arts facility.
<b>Consultation:</b>	Consultation on the future of the gallery was undertaken via a working party which included representatives from the City and the Joondalup Community Arts Association

<b>Document:</b>	Withdrawal of Caveat
<b>Parties:</b>	<b>City of Joondalup and Simply Life Chiropractic Pty Ltd, Michael Allan Blair and Warren Gilbert Genders</b>
<b>Description:</b>	Temporary withdrawal of caveat J634880 in relation to lot 7 on Strata Plan 20948-No.265 Eddystone Avenue, Beldon, Belridge Medical Centre, to enable the registration of a new mortgage over the land.
<b>Date:</b>	29.03.11
<b>Signed/Sealed:</b>	Sealed
<b>Legislation:</b>	Transfer of Land Act 1893 (as amended)
<b>Strategic Plan Key Focus Area:</b>	Not Applicable.
<b>Policy:</b>	Not Applicable.
<b>Risk Management considerations:</b>	Not Applicable.
<b>Financial/Budget Implications:</b>	Not Applicable.
<b>Regional Significance:</b>	Not Applicable.
<b>Sustainability Implications:</b>	Not Applicable.
<b>Consultation:</b>	Not Applicable.

<b>Document:</b>	Section 70A Notification
<b>Parties:</b>	<b>City of Joondalup and J P M and P M Richardson</b>
<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 on the land at Lot 17 (22) Poseidon Road, Heathridge.
<b>Date:</b>	05.04.11
<b>Signed/Sealed:</b>	Sealed
<b>Legislation:</b>	City of Joondalup District Planning Scheme No. 2 Residential Design Codes of Western Australia
<b>Strategic Plan Key Focus Area:</b>	The Built Environment
<b>Policy:</b>	Not Applicable.
<b>Risk Management considerations:</b>	The purpose of the section 70A is to alert future landowners of the restrictions that apply to this dwelling. This reduces the risk that purchasers of the property will not be informed of the applicable restrictions.
<b>Financial/Budget Implications:</b>	The applicant paid fees of \$135 (excluding GST) to cover all costs with assessing the development application.
<b>Regional Significance:</b>	Not Applicable.
<b>Sustainability Implications:</b>	Ancillary Accommodation assists in providing diversity in housing choice for large or extended families.
<b>Consultation:</b>	This application was not advertised for public consultation.

**Issues and options considered:**

Not Applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council NOTES the schedule of documents covering the period 8 February 2011 to 5 April 2011 executed by means of affixing the Common Seal.**

## **CJ089-05/11      FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 MARCH 2011**

**WARD:** All

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

**FILE NUMBER:** 07882, 101515

**ATTACHMENTS:** Attachment 1      Financial Activity Statement for the period ended 31 March 2011

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### **PURPOSE**

The March 2011 Financial Activity Statement is submitted to Council to be noted.

### **EXECUTIVE SUMMARY**

Council adopted the Mid Year Budget Review for the 2010/11 Financial Year at its Meeting held on 15th February 2011- CJ030-02/11. The figures in this report are compared to the Revised Budget figures.

The March 2011 Financial Activity Statement report shows an overall favourable variance from operations and capital for the period of \$9,358k when compared to the 2010/11 Revised Budget.

This variance can be summarised as follows:

- The **Operating** surplus is \$5,057k above budget, made up of higher revenue of \$1,292k and lower operating expenditure of \$3,765k.

Operating revenue is above budget mainly in Rates \$176k, Contributions, Reimbursements and Donations \$353k, Fees and Charges \$118k and Investment Earnings \$714k. Grants and Subsidies revenue is \$79k below budget. Additional revenue arose from the sale of recyclable materials, Interim Rates and from investments which exceeded the budget due to higher funds being invested.

The operating expenditure variance includes Employee Costs \$1,628k, Materials and Contracts \$1,997k, Depreciation \$124k and Interest \$62k which is partly offset by and adverse variance in Utilities \$41k.

Lower employment costs are due to a combination of outstanding budgeted salary increases and later than expected recruitment for vacant positions.

The Materials and Contracts favourable variance includes External Contract services \$974k, Furniture and Equipment repairs and maintenance \$221k and Professional Fees \$213k primarily due to timing differences.

- The **Capital Revenue and Expenditure** deficit is \$4,430k below budget and is made up of lower revenue of \$1,304k and under expenditure of \$5,734k.

Capital Expenditure is below budget on Capital Projects \$702k and Capital Works \$5,011k.

In Capital Works, the primary areas of projects being below budget for the period include \$488k Major Road Construction Projects, \$488k Parks Equipment Program, \$765k Traffic Management works, \$497k Paths program, \$376k for Road Preservation / Resurfacing and \$510k for Building Works. It should be noted that at the end of March 2011 there was \$4.9 million of purchase order commitments not included in actual capital works expenditure.

Further details of the material variances are contained in appendix 3 attached to this report.

*It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 March 2011 forming Attachment 1 to Report CJ089-05/11.*

## BACKGROUND

The Local Government (Financial Management) Regulations 1996 requires the production of financial activity statements. Council approved at 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 March 2011 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:** 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 revised budget parameters, which have been structured on financial viability and sustainability principles.

**Consultation:**

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

**COMMENT**

All expenditures included in the Financial Activity Statement are incurred in accordance with the provisions of 2010/11 Revised 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 March 2011 forming Attachment 1 to Report CJ089-05/11.**

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15brf100511.pdf](#)*

**CJ090-05/11 LIST OF PAYMENTS MADE DURING THE MONTH OF MARCH 2011****WARD:** All**RESPONSIBLE** Mr Mike Tidy, Director Corporate Services**FILE NUMBER:** 09882, 101515

**ATTACHMENTS:** Attachment 1 CEO's Delegated Municipal Payment List for the month of March 2011  
Attachment 2 CEO's Delegated Trust Payment List for the month of March 2011  
Attachment 3 Municipal and Trust Fund Vouchers for the month of March 2011

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**PURPOSE**

To present to Council the list of accounts paid under the CEO's delegated authority during the month of March 2011 for noting.

**EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of March 2011 totalling \$14,103,763.92.

*It is recommended that Council NOTES the Chief Executive Officer's list of accounts for March 2011 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments 1, 2 and 3 to Report CJ090-05/11, totalling \$14,103,763.92.*

**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 March 2011. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

FUNDS	DETAILS	AMOUNT
Municipal Account	Cheques 89257 – 89530 and EF016950 – EF017523 Net of cancelled payments	\$10,409,925.99
	Vouchers 807A – 811A & 813A – 815A & 821A	\$3,657,824.18
Trust Account	Cheques 204084 -204162 Net of cancelled payments	\$36,013.75
<b>Total</b>		<b>\$14,103,763.92</b>

**Issues and options considered:**

Not Applicable.

**Legislation/Strategic Plan/Policy Implications**

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

**Strategic Plan**

**Key Focus Area:** Leadership and Governance

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

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

**Risk Management considerations:**

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

**Financial/Budget Implications:**

All expenditure from the Municipal Fund was included in the City's Annual Budget as adopted or revised by Council.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

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

**Consultation:**

Not Applicable.

**COMMENT**

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the Annual Budget as adopted and revised by Council or has been authorised in advance by the Mayor or by resolution of Council as applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the CEO's list of accounts for March 2011 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to Report CJ090-05/11, totalling \$14,103,763.92.**

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16brf100511.pdf](#)*

**CJ091-05/11 MINUTES OF THE STRATEGIC FINANCIAL MANAGEMENT COMMITTEE MEETING HELD ON 20 APRIL 2011**

**WARD:** All

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

**FILE NUMBER:** 51567, 100160, 63627, 52582, 101515

**ATTACHMENTS:** Attachment 1 Minutes of the Strategic Financial Management Committee Meeting held on 20 April 2011

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**PURPOSE**

To submit the minutes of the Strategic Financial Management Committee (SFMC) to Council for noting.

**EXECUTIVE SUMMARY**

At its meeting held on 20 April 2011, the Strategic Financial Management Committee considered the following matters:

- 1 Operational Budget – Operational Efficiency Program;
- 2 Proposed Disposal of City Freehold Properties – Status Report;
- 3 Report on Strategic Financial Management Plan.

**BACKGROUND**

At its meeting held on 2 November 2004 (Item CJ249-11/04 refers), Council established the SFMC with the following terms of reference:

- 1 Promote and advocate sound financial management within the City and provide advice to the Council on strategic financial management issues;

- 2 In particular advise Council on:
  - (a) How funding can be achieved for any major capital works project before the Council makes a commitment to a project;
  - (b) Levels of service delivery – determine:
    - (i) which services to be provided;
    - (ii) Standards of service. Such standard will be determined with reference to:
      - best industry practice standards where applicable;
      - internally agreed standards which will be determined with reference to local community expectations;
  - (c) Preparation of the Plan for the Future with high priority being given to ensure that the Plan is achievable in the long term;
  - (d) Alignment of the Plan for the Future to the Council's Strategic Plan;
  - (e) Consideration of public submissions to the Plan for the Future;
  - (f) Final acceptance of the Plan for the Future;
- 3 Policy development and review of policies with financial implications for the City.

## DETAILS

The Motions carried at the Strategic Financial Management Committee meeting are set out below, together with officer's comments.

### **Strategic Financial Management Committee Meeting held 20 April 2011**

#### **Item 1 – Operational Budget – Operational Efficiency Program**

The following motion was carried:

*“That the Strategic Financial Management Committee RECOMMENDS that Council NOTES the Report relating to operational budget expenditure and the programs in place to improve efficiencies and effectiveness in service delivery.”*

#### **Officer's Comment**

No comment required.

## Item 2 – Proposed Disposal of City Freehold Properties – Status Report

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

*"That it is recommended that the Strategic Financial Management Committee:*

- 1 NOTES the contents of this Report;*
- 2 REQUESTS a further status report on the overall progress of this disposal project to be submitted to the Strategic Financial Management Committee meeting to be held on 10 August 2011 meeting;*
- 3 NOTES that detailed reports on two of the fourteen properties; Lot 971 (52 ) Creaney Drive, Kingsley and Lot 549 (11) Moolanda Boulevard, Kingsley will be submitted to the Strategic Financial Management Committee meeting to be held on 10 August 2011."*

The following motion was carried:

*"That the Strategic Financial Management Committee RECOMMENDS that Council:*

- 1 NOTES the contents of this Report;*
- 2 REQUESTS a further status report on the overall progress of this disposal project to be submitted to the Strategic Financial Management Committee meeting to be held on 10 August 2011;*
- 3 REQUESTS that an additional table be included in the Schedule of Tasks which identifies completed and pending activities for each property;"*

*"That the Strategic Financial Management Committee:*

- 4 SET a meeting of the Strategic Financial Management Committee to be held on Monday, 13 June 2011 commencing at 6.00 pm."*

### Officer's Comment

The Committee's requests are supported and are currently being processed.

## Item 3 – Report on Strategic Financial Management Plan

The following motion was carried:

*"That the Strategic Financial Management Committee NOTES the update on the review of the 20 Year Strategic Financial Plan."*

### Officer's Comment

The 20 Year Strategic Financial Plan review is being progressed.

**REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION**

Nil.

**Legislation/Strategic Plan/Policy Implications**

**In accordance with Section 2.7 of the Local Government Act 1995, Council has the responsibility to oversee the allocation of the local government's finances and resources.**

Section 5.8 of the Local Government Act 1995 provides for a local government to establish a committee to assist the Council.

**Strategic Plan**

**Key Focus Area:** Organisational Development

**Objective:** 4.1 To manage the business in a responsible and accountable manner;

**Strategy:** 4.1.1 Ensure financial viability and alignment to plan.

**Policy** Not Applicable.

**Risk Management considerations:**

The main risk considerations related to the SFMC are of an economic nature and pertain principally to issues of sustainability.

**Financial/Budget Implications:**

The terms of reference of the SFMC include promoting and advocating sound financial advice to the Council on strategic financial management issues.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The terms of reference of the SFMC are consistent with establishing a sustainable financial plan for the future by advising Council on funding for capital works projects, levels of service and preparation of the Strategic Financial Plan.

**Consultation:**

Not Applicable.

**COMMENT**

Relevant officer's comments regarding the matters considered by the Committee are detailed within this Report.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council:**

**1 NOTES:**

- 1.1 The unconfirmed minutes of the Strategic Financial Management Committee meeting held on 20 April 2011, forming Attachment 1 to Report CJ091-05/11;
- 1.2 The Report relating to operational budget expenditure and the programs in place to improve efficiencies and effectiveness in service delivery;
- 1.3 The Report relating to the proposed disposal of City Freehold Properties;

**2 REQUESTS:**

- 2.1 A further status report on the overall progress of the disposal project of City Freehold Properties to be submitted to the Strategic Financial Management Committee meeting to be held on 10 August 2011;
- 2.2 An additional table be included in the Schedule of Tasks which identifies completed and pending activities for each of the City Freehold Properties.

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17brf100511.pdf](#)*

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Philippa Taylor</b>
<b>Item No/Subject</b>	CJ092-05/11 - Tom Simpson Park and Oceanside Promenade Redevelopment Public Consultation Results
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Taylor is a member of the Mullaloo Surf Life Saving Club

<b>Name/Position</b>	<b>Mayor Troy Pickard</b>
<b>Item No/Subject</b>	CJ092-05/11 - Tom Simpson Park and Oceanside Promenade Redevelopment Public Consultation Results
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Mayor Pickard is a patron and member of the Mullaloo Surf Life Saving Club

## CJ092-05/11      TOM      SIMPSON      PARK      AND      OCEANSIDE PROMENADE      REDEVELOPMENT      PUBLIC CONSULTATION RESULTS

**WARD:** North-Central

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

**FILE NUMBER:** 00468, 02111

**ATTACHMENTS:** Attachment 1 Draft Concept Plan for Oceanside Promenade and Tom Simpson Park Redevelopment  
Attachment 2 Final Draft Concept Plan for Oceanside Promenade and Tom Simpson Park Redevelopment

**PURPOSE**

To present Council with the results of the community consultation process for Oceanside Promenade and Tom Simpson Park Redevelopment and to seek endorsement from Council for the final concept plan.

**EXECUTIVE SUMMARY**

The area along Oceanside Promenade between Mullaloo Drive and Warren Way provides access to the Mullaloo Surf Lifesaving Club, the beach, Tom Simpson Park, the beachside car park, the Mullaloo Beach Hotel and two bus stops.

Tom Simpson Park is classified as Regional Open Space and is a very popular park. It is projected that the usage of the park will increase in the future, placing more demand on the parks infrastructure. Following a workshop in November 2008 to discuss safety community issues at Tom Simpson Park, several strategies were identified. Strategy 7 was to review the form and function of the park to ensure it is a safe and secure family environment.

As a result of the recommendations of a Road Safety Audit (RSA) conducted in May 2009 and the workshop, a draft Concept Plan for the area was developed in 2009/10, which incorporated improved traffic treatments for Oceanside Promenade and landscape components to further enhance Tom Simpson Park as a family friendly destination.

At its meeting held on 19 October 2010, Council endorsed the Draft Concept Plan for Oceanside Promenade and Tom Simpson Park Redevelopment (Attachment 1 refers) and agreed to release the Draft Concept Plan for a six week public consultation period which commenced on 23 February 2011 and closed 6 April 2011.

By the closing date of the consultation period, the City had received 344 valid surveys in hard copy form and via the online survey on the City's website. Overall there was an 86.3% rate of respondents who either strongly supported or supported the Draft Concept Plan. After analysing the consultation results, minor changes have been made to the Draft Concept Plan to further enhance and improve the function of Tom Simpson Park and Oceanside Promenade and meet the community's needs (Attachment 2 refers).

This report seeks Council's endorsement of the final concept plan and approval to proceed to detailed design documentation.

*It is recommended that the Council:*

- 1 *SUPPORTS the final concept plan for Oceanside Promenade and Tom Simpson Park Redevelopment as detailed in Attachment 2 to Report CJ092-05/11;*
- 2 *APPROVES the progression of the final concept plan in Part 1 above to detailed design documentation;*
- 3 *REQUESTS that the City submit an application to Main Roads WA for a 40 kilometres per hour speed zone on Oceanside Promenade between Mullaloo Drive and Warr en Way;*
- 4 *REQUESTS that the City ADVISE the respondents of Council's decision;*
- 5 *REQUESTS that the City ADVISE the Petition Organiser of Council's decision.*

## **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. 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.

### **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 carpark is contained within the extension of the Oceanside Promenade road reserve.

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

- Relocation of the central carpark;
- The Mullaloo Beach improvement plan (Plan E, 2002); and
- Other matters raised from the floor.

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

- Stop the relocation of the central carpark;
- Stop construction of any carpark on the grassed area;
- Include the grassed area currently on the unused road reserve into Tom Simpson Park proper;
- Review the property boundaries; and
- 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 draft 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.

## **Draft Concept Plan for Public Consultation**

At its meeting held on 19 October 2010, Council resolved the following:

- 1 *ENDORSES the Concept Plan for Oceanside Promenade and Tom Simpson Park Redevelopment; and*
- 2 *APPROVES the release of the Concept Plan for public consultation in accordance with the detail provided in Report CJ181-10/10, for a six week period, commencing 1 February 2011.*

The consultation period commenced on 23 February 2011 and closed on 6 April 2011. The purpose of the public consultation was to identify the extent of community support for the Draft Concept Plan, and obtain feedback from the community on what new major design features they liked or disliked, if they felt anything was missing from the Concept Plan and overall whether they supported or rejected the draft Concept Plan.

These identified options were ascertained through the distribution of 2,348 surveys to residents within a defined area of the suburbs of Mullaloo and Kallaroo and stakeholders, and an online survey available to the wider City of Joondalup community.

Prior to the distribution of the survey, invitations were sent to the following stakeholders to discuss any issues or concerns they may have with the Draft Concept Plan:

- Mullaloo Surf Club;
- Mullaloo Beach Community Group and local businesses;
- Mullaloo Tavern and Dome.

The City met with the Mullaloo Surf Club and the Mullaloo Beach Community Group in response to the invitation.

During the course of the consultation period, two signs were installed on site and an advertisement was placed in the Joondalup Weekender on three separate occasions. Both the signs and the advertisements contained an image of the draft Concept Plan, advising the community about the proposed project and encouraging the community to 'have their say' and comment on the Draft Concept Plan.

Two information sessions were also held at the Mullaloo Surf Club during the consultation, which provided residents with the opportunity to ask City of Joondalup Officers questions about the draft Concept Plan. Approximately 50 residents attended the information sessions, and the main concerns raised regarding the draft Concept Plan included the provision of more shelters and barbecues within the park, shade over the playground, location of the red bitumen dual use path and close proximity of the path to the playground, relocation of bus stops along Oceanside Promenade and the amount of useable grass area lost to the inclusion of the path network.

The consultation period closed on Wednesday 6 April 2011.

## DETAILS

### Consultation Results

By the closing date of the consultation period, the City had received 344 valid surveys in hard copy form and via the online survey on the City's website.

There were 332 survey forms in hardcopy received from residents of Mullaloo and Kallaroo. There were two responses received via the online survey facility on the City's website. There were 10 surveys received via the online survey from people providing addresses in the suburbs of Beldon, Heathridge, Joondalup, Padbury, Ocean Reef and Woodvale and who were not property owners in the vicinity of Tom Simpson Park.

### Quantitative Data Analysis

#### Demographics of Participants

There was a series of questions relating to the demographics of respondents and these are outlined in the following tables:

**Table 1**

<b>Gender</b>	<b>No. of respondents</b>	<b>Percentage</b>
Male	177	51.5
Female	166	48.3
Not identified	1	0.3
Total	344	100.0

**Table 2**

<b>Address</b>	<b>No. of respondents</b>	<b>Percentage</b>
Mullaloo	242	70.3
Kallaroo	90	26.2
Other CoJ suburbs	10	2.9
Outside CoJ	2	0.6
Total	344	100.0

**Table 3**

<b>Age Range</b>	<b>No. of respondents</b>	<b>Percentage</b>
18 – 24	1	0.3
25 – 34	26	7.6
35 – 49	99	28.8
50 – 59	96	27.9
60 – 69	77	22.4
70 – 84	36	10.5
85+	3	0.8
Not identified	6	1.7
Total	344	100.0

The most significant result of this data was that over 70% of respondents came from Mullaloo.

The main objective of the consultation was to determine the level of community support for the Draft Concept Plan. The results of this question are detailed in Table 4 below:

**Table 4**

<b>Overall</b>	<b>No. of Respondents</b>	<b>% response</b>
Strongly support draft concept plan	147	45.0
Support draft concept plan	135	41.3
Reject draft concept plan	17	5.2
Strongly reject draft concept plan	13	4.0
Undecided	15	4.6
Total	327	100.0

It should be noted that “% response” refers to the percentage of respondents who answered that particular question in the survey and does not refer to the total number of respondents.

Of all respondents who answered this question, there was an 86.3% rate, 232 respondents who either strongly supported or supported the Draft Concept Plan.

Another objective of the consultation was to determine the level of community support for major design features of the Draft Concept Plan. Table 5 shows the number of respondents (highest to lowest) who supported the design features as listed in the survey for the Draft Concept Plan and the corresponding percentage from all responses received.

**Table 5**

<b>Feature proposed for the redevelopment</b>	<b>No. of Respondents</b>	<b>% response</b>
Street lighting improvements Oceanside Promenade	310	95.1
Defined safe road crossing points for pedestrians	309	93.9
New trees for provision of shade	304	94.4
Installation of new benches	303	94.1
Safety barrier between park and road	302	91.5
14 extra car bays to northern car park	300	94.0
Improved entry to southern car park	300	92.3
New path for improved pedestrian activity along Oceanside Prom	299	92.6
Realignment of path and car park in front of Surf Club	299	92.3
Installation of new picnic settings	297	92.8
Installation of new shelters	296	91.4
Improved entry to northern car park	294	90.7
Southern car park modifications	292	92.1
Formalised beach access point	289	90.9
New exit from northern car park	287	88.9
Path connection to existing PAW	282	89.0
Extension of road median treatment	277	85.5

Extension of red bitumen dual use path	276	86.3
Formalised look out point	275	87.3
New nature focussed playground	275	87.3
New roundabout at Iluka Avenue intersection	274	83.8
Formalised park entry points	266	83.4
Universal access park path network	254	80.1
New speed hump	242	75.4

The most favoured design features included the street lighting improvements to Oceanside Promenade, the defined safe road crossing points for pedestrians and the new trees for provision of shade. The design feature least favoured, yet still supported by 242 respondents, was the inclusion of a new speed hump.

### Qualitative Data Analysis

Qualitative methods are ways of collecting data which are concerned with describing meaning, rather than with drawing statistical inferences. There were two questions in the survey seeking a qualitative response: "any other comments on the draft concept plan?" and "do you feel anything is missing?"

The strongest themes analysed from the qualitative responses related to the following issues:

- Provision of shade over playgrounds;
- Provision of more shelters and barbecues;
- Locations and definitions of pedestrian crossing points;
- Realignment of pathways;
- Additional car parking bays, and access and egress to northern car park;
- Path links to playgrounds; and
- Rationalisation of bus stops along Oceanside Promenade between Mullaloo Drive and Warren Way.

These issues were also the subject of discussion at the information sessions and the City provided written responses to all residents who made enquiries on the night.

### Issues and options considered:

The Final Concept Plan (Attachment 2 refers) aims to incorporate the most common occurring issues ascertained from the consultation. The issues and responses are presented below for Council's consideration and approval. The amendments to the final concept plan address the following issues from the consultation:

#### 1 Provision of shade over playgrounds

The most common issue raised was the lack of shade provision over playgrounds, particularly the northern playground due to its exposed location. Respondents requested that shade sails or other ways of shading the playgrounds be incorporated in the design.

*Shade shelters have not been included in the final concept plan for either the northern or southern playgrounds. If shade is required a additional funding would be required at \$30,000 for shade structures or \$15,000 for large specimen trees per playground.*

## **2 Provision of more shelters and barbecues**

The next most common issue raised was the need for more shelters and barbecues to be included due to the high usage of the park. There are currently thirteen existing shelters in Tom Simpson Park and four barbecues.

*All existing barbecues were retained and provision made for only eight shelters in the draft concept plan. This was due to budget limitations. The final concept plan shows provision for fourteen shelters and includes an additional two barbecues.*

*As these additional items were not originally budgeted for, additional funds will be required at \$15,000 per extra shelter and \$10,000 per extra barbecue.*

## **3 Moving the pedestrian crossing south of Marjorie Street**

Concerns were raised with the location of the pedestrian crossing at Marjorie Street on the draft Concept Plan, due to the speed at which cars travel and the obstructed sightlines due to the crest of the hill and bend in the road.

*As shown on the final concept plan the pedestrian crossing has been moved south of Marjorie Street to a straighter stretch of road which provides clear sightlines for pedestrians and vehicles.*

## **4 Defining pedestrian crossings with bollards**

Another common theme was the provision of defined pedestrian crossings along Oceanside Promenade due to the high volume of foot traffic. Comments were made to clearly define pedestrian crossing with visual cues such as zebra crossing or traffic lights. However, both of these suggested methods would stop the flow of traffic along Oceanside Promenade and potentially increase the risk of crashes.

*This issue will be resolved by only installing a bollard either side of the footpath ramp to mark a safe pedestrian crossing point.*

## **5 Provision of an additional pedestrian crossing near Mullaloo Drive**

Many respondents raised the need for an additional pedestrian crossing to be located near the Mullaloo Drive roundabout due to the high volume of foot and bicycle traffic that access the park via this route, and the speed at which vehicles travel and traffic congestion that occurs at the roundabout.

*As shown on the final concept plan a raised median strip will be installed at the entry to Oceanside Promenade and 3m wide haven will be installed with bollards defining the crossing. The wider median will allow cyclists to stop and safely cross Oceanside Promenade.*

## **6 Additional car parking bays, and access and egress to northern car park**

Comments were made about the need to increase the number of car parking bays at Tom Simpson Park and the potential traffic conflicts associated with the entry and exits to the northern car park that will cause problems with traffic flow and safety along Oceanside Promenade.

*The entry and exit to the northern car park has been removed to improve traffic flow along Oceanside Promenade, provide additional car parking bays and provide space for a bus embayment on the western side of Oceanside Promenade. The original draft concept plan provided provision for an additional 6 car bays. The final concept plan provides an overall net gain of 18 car bays.*

## **7 Relocating the internal path system**

Some respondents felt the inclusion of the internal path system reduced the amount of useable grass area within the park.

*In the final concept plan the internal path system has been moved closer to the extremities of the park to increase the useable grass area and provide an alternative route for pedestrians to utilise rather than the red bitumen dual use path. Originally the path system was proposed to be 2.5m wide. The new path system will be 2.1m wide to increase the useable grass area and clearly define it as a pedestrian only path.*

## **8 Relocating the red bitumen dual use path**

Respondents raised concerns about the extension of the red bitumen dual use path dividing the southern parkland and being a potential hazard due to the close location to the southern playground.

*The red bitumen dual use path is realigned in the final concept plan towards the extremities of the parkland to maximise the useable grass area. It is also located away from the southern playground and the path contains more curves to slow down cyclists.*

## **9 Rationalisation of bus stops along Oceanside Promenade between Mullaloo Drive and Warren Way**

There are currently three bus stops located on the western side of Oceanside Promenade and two bus stops located along the eastern side of Oceanside Promenade between Mullaloo Drive and Warren Road.

*The final concept plan rationalises the bus stop locations by providing a bus embayment on the eastern and western side of Oceanside Promenade. The embayments will improve traffic flow along Oceanside Promenade and provide a single safe crossing point for pedestrians to access public transport on the eastern side of Oceanside Promenade.*

Issues may be raised from residents about the inclusion of the bus embayments on the final Concept Plan, as neither bus bay was on the draft Concept Plan, in particular the eastern bus bay as it is located near a residential property. However, the location of the eastern bus embayment is in a wide section of road verge and has minimal impact on existing driveways. Consultation will need to be undertaken with the residents at 18 Oceanside Promenade as the taper of the bus embayment will impact on their driveway.

## **10 Speed limit along Oceanside Promenade between Mullaloo Drive and Warren Way**

To further enhance the safety of pedestrian and vehicular movement within the area, it is strongly suggested that Council support the provision of a 40 kilometre speed zone between Mullaloo Drive and Warren Way.

## 11 Relocating the formalised look out south of the Surf Club

Comments were made about relocating the lookout point further south of the Surf Club as views from this point were obstructed by the building.

*The position of the lookout point south of the Surf Club was reviewed onsite and relocated to south west position to maximize the views to the beach. An additional lookout point has also been provided in the northern area of Tom Simpson Park.*

All the above options, except the provision of shade to the playgrounds, have been included in the final concept plan.

### 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** Council Policy – Community Consultation and Engagement  
Council Policy - Sustainability Statement  
City Policy - Reserves, Parks and Recreation Grounds  
City Policy - Access and Equality

### Risk Management considerations:

Tom Simpson Park is a highly popular destination, particularly during the summer months. It is projected that the redevelopment of Tom Simpson Park will increase the future usage and popularity of the park. Whilst the final Concept Plan allows for additional car parking bays and traffic methods to improve the flow and safety of vehicles and pedestrians along Oceanside Promenade, consideration should be given to developing and increasing public transportation to the site. The City should also encourage the community to use alternative transport methods such as cycling, walking or public transport to access Tom Simpson Park.

The design of the final Concept Plan aims to address and resolve the risks between cyclist/pedestrian conflicts, pedestrian/vehicle conflicts and cyclist/vehicle conflicts, whilst improving the traffic flow along Oceanside Promenade and providing universal access to improved park facilities that will cater for future growth.

**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 Black Spot 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 2010/11 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

**Total project cost:** \$1,130,000

All figures quoted in this report are exclusive of GST.

It is anticipated that the amendments to the Concept Plan will provide a nett increase in the cost of \$111,810, predominantly due to the additional shelters and barbecues. Because the works are not projected to be completed until 2012/13 provision will need to be made in the 2012/13 Capital Works Program for the additional works.

**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 instill a sense of pride for the area within the local community. Over time this will gradually eliminate anti-social behaviour and create a vibrant, active, social hub within the foreshore precinct for City of Joondalup residents to enjoy.

**Consultation:**

Consultation was undertaken as detailed in the Oceanside Promenade and Tom Simpson Park Redevelopment Communication and Consultation plan, and as endorsed by Council. Feedback received from residents who attended the information sessions and via the telephone was mostly positive with respect to both the consultation and format of the information sessions.

During the consultation period the City received a petition with 49 eligible signatures from residents within the City of Joondalup. The petition sought that Council consider the following issues when deliberating on the draft Concept Plan:

- 1 The new paths will make the grassed area unusable for play as much of the grassed area will be lost;
- 2 The upgraded path along Oceanside Promenade would be better placed on the Dome side of the road thus avoiding conflict with car park entrances;
- 3 The huts currently on the park provide better shelter than those proposed;
- 4 A significant loss of the existing huts is unacceptable;
- 5 A significant loss of BBQs and facilities is unacceptable;
- 6 A significant loss of benches and facilities is unacceptable;
- 7 A sand area for children has long been outdated for children because of the dangers they pose;
- 8 There is no helipad area;
- 9 There is no mention of the change to Marjorie St exit.

The majority of the above issues were also raised by the community during the consultation process and have been addressed in the final Concept Plan. These include the relocation of the park paths, increased useable green space, increased shelters, barbecues and park infrastructure, there is no sand in the playgrounds and Marjorie Street "left out only" has been included.

The City does not support the relocation of the Oceanside Promenade path on the western side to the eastern side because this is a major safety feature addressing the issue of pedestrian/vehicle conflict.

Tom Simpson Park has the capacity to land helicopters in accordance with the management order but a dedicated helipad would severely impact the available useable green space; consequently, it is not supported.

It is noted that all landowners and residents within the Mullaloo and Kallaroo area west of Dampier Avenue were provided with the opportunity to provide their input into the draft Concept Plan through the completion of the survey that was provided directly to their letterbox. Furthermore, the survey was also available to anybody through the City's website. The petition is outside of the agreed consultation process, and would lessen the weight of the opinions expressed through the survey responses. Therefore the petition was not included in the results of the survey process. This approach is consistent with the manner in which similar petitions have been reported to Council, including the Local Housing Strategy, the Ocean Reef Marina and the Beach Management Plan consultation exercises.

Subject to the support from Council, the City will post the final concept plan on the City's website and advise all respondents to the survey, attendees at the information sessions and the petitioner organiser of the outcomes of the consultation by mail.

**COMMENT**

The final Concept Plan maintains the integrity of the draft Concept Plan while addressing the main issues and themes that were raised during the consultation period.

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 SUPPORTS the final Concept Plan for Oceanside Promenade and Tom Simpson Park Redevelopment as detailed in Attachment 2 to Report CJ092-05/11;**
- 2 APPROVES the progression of the final Concept Plan in Part 1 above to detailed design documentation;**
- 3 REQUESTS that the City submit an application to Main Roads WA for a 40 kilometres per hour speed zone on Oceanside Promenade between Mullaloo Drive and Warren Way;**
- 4 REQUESTS that the City ADVISE the respondents of Council's decision;**
- 5 REQUESTS that the City ADVISE the Petition Organiser of Council's decision.**

*Appendix 18 refers*

*To access this attachment on electronic document, click here: [Attach18agn170511.pdf](#)*

**CJ093-05/11      PETITION REQUESTING TRAFFIC MANAGEMENT  
ON NEW CROSS ROAD, KINGSLEY**

**WARD:** South-East

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

**FILE NUMBER:** 05820, 101515

**ATTACHMENTS:** Attachment 1      Locality Plan including detail of existing traffic management treatments.

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**PURPOSE**

To consider a petition received by Council requesting that an urgent investigation take place of traffic safety on New Cross Road, Kingsley.

**EXECUTIVE SUMMARY**

In February 2011, Council received a 28 signature petition from residents in Kingsley seeking an investigation of traffic safety along New Cross Road, Kingsley. The petitioners are concerned with the speed at which vehicles travel along New Cross Road.

The City has previously installed traffic management treatments on New Cross Road which included a central median treatment with trees and a roundabout at the intersection with Shepherds Bush Drive. The default urban speed limit of 50 kilometres per hour applies to New Cross Road. The results of the November 2008 and March 2011 traffic count surveys revealed that the 85<sup>th</sup> percentile traffic speeds were 59 kilometres per hour and 55 kilometres per hour on New Cross Road west and east of Shepherds Bush Drive respectively. A comparison with a previous traffic count survey undertaken in October 2001 at the same location indicates that the 85<sup>th</sup> percentile traffic speed has reduced by 10 kilometres per hour during the past decade.

Whilst the current 85<sup>th</sup> percentile speed is slightly higher than the default urban speed limit it is within acceptable limits for a road of this type. Further analysis using the City's Traffic Management Investigation and Intervention Guidelines has confirmed there is no justification for additional traffic management at this location on technical grounds.

*It is recommended that Council:*

- 1      *DOES NOT SUPPORT additional traffic management in New Cross Road, Kingsley at this juncture;*
- 2      *REQUESTS the WA Police to enforce compliance to the urban speed limit on New Cross Road, Kingsley; and*
- 3      *REQUESTS the City to advise the Petition Organiser of Council's decision.*

## BACKGROUND

In response to a 59 signature petition, Council at its Ordinary Meeting of 27 November 2001 approved the inclusion of traffic management on New Cross Road in the Five Year Capital Works Program. The traffic management included the installation of a flush red asphalt central landscaped median on New Cross Road and construction of a roundabout at the intersection of Shepherds Bush Drive and New Cross Road. These works were completed during the 2003/04 and 2004/05 financial years. (Aerial photograph in Attachment 1 refers).

At its meeting held on 15 February 2011, Council received a 28 signature petition requesting that the City *"urgently investigate, with appropriate remedial action, the traffic safety concerns of residents living along New Cross Road, Kingsley. The safety concerns are mainly about out of control speeding vehicles that are frequently using the street as a race-track."*

## DETAILS

New Cross Road is a single carriageway road approximately 0.65 kilometres in length which connects Creaney Drive in the west to Barridale Drive in the east. It provides direct access to 56 residential properties and access to a Church. The alignment of the road is a combination of straights and curves. Under the Main Roads WA Metropolitan Functional Road Hierarchy, the road is classified as a Local Access Road.

An analysis of a traffic count survey undertaken for New Cross Road during March 2011 confirmed that the traffic volume was 2,440 vehicles per day (vpd) east of Shepherds Bush Drive. The traffic volume is within acceptable limits for a road of this type with the maximum desirable traffic volume being 3,000 vpd.

The default urban speed limit of 50 kilometres per hour applies to New Cross Road. The results of the November 2008 and March 2011 traffic count surveys revealed that the 85<sup>th</sup> percentile traffic speeds were 59 kilometres per hour and 55 kilometres on New Cross Road west and east of Shepherds Bush Drive respectively. A comparison with the traffic count survey undertaken in October 2001 at the same location, where the 85<sup>th</sup> percentile traffic speeds were 65 kilometres, indicates a reduction of 10 kilometres during this ten year period.

An analysis of the most recent Main Roads WA five year crash data for the period ending December 2009 confirmed a total of five recorded crashes had occurred on New Cross Road in this period. Of these crashes, three crashes have occurred at the intersection with Creaney Drive, one crash has occurred at the intersection with Shepherds Bush Drive and one crash has occurred in the vicinity of Barridale Drive.

A central red asphalt median treatment with trees was approved for inclusion in the Capital Works Program in 2001, and was subsequently constructed during the 2003/04 financial year. A roundabout was later installed at the intersection with Shepherds Bush Drive. These treatments have reduced the 85<sup>th</sup> percentile traffic speeds since their installation.

The existing traffic management configuration was reviewed utilising the City's 'Traffic Management Investigation and Intervention Guidelines' for New Cross Road between Creaney Drive and Barridale Drive. The review identified the following:

- Road alignment between Creaney Drive and Barridale Drive is a combination of curves and straights, however, the intersection sight lines and drivers' forward visibility were found to be clear and unobstructed.
- The road carriageway consists of two traffic lanes separated by a red asphalt median treatment, median trees and intersection islands. The aim of the median treatment is to separate traffic flows, limit traffic speeds and control turning movement at intersections.
- Roundabouts have been provided at the intersections of Barridale Drive and Shepherds Bush Drive to control traffic movements and limit the potential for right angle crashes.
- An analysis of the five year crash data to December 2009 revealed that the majority of the five crashes were non-injury related with one reported casualty crash occurring. The majority of crashes also occurred during daylight hours and in dry weather conditions.
- The 85<sup>th</sup> percentile recorded traffic speed, which was 55 kilometres in March 2011, is slightly higher than desirable. The traffic speeds however are considered to be within acceptable limits and are consistent with other roads of this type.
- The traffic volume of 2,440 vpd is within the maximum for a Local Access Road of this type.
- An Action Priority Score of 39 was determined.
- In accordance with the guidelines, an Action Priority Score of less than 50 denotes a road as having a "Minor Technical Problem Site" which does not require traffic management solution to be considered.

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

Council has the option to:

- Retain New Cross Road in its current form.

*This is the recommended option due to the low 85<sup>th</sup> percentile traffic speeds, low number of vehicle crashes and the existing treatment.*

- Install further traffic management treatments.

*This is not the recommended option on the basis of the results of the traffic investigation and the limited options to further improve the road safety situation.*

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

**Legislation**                      Road Traffic Code 2000, Main Roads Act 1930

#### **Strategic Plan**

**Key Focus Area:**      5.0      Community wellbeing

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

**Policy**

Not Applicable.

**Risk Management considerations:**

The risk for road crashes on New Cross Road has been reduced through the previous installation of traffic management treatments.

**Financial/Budget Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Except for the petition organiser, there has been no further consultation.

**COMMENT**

The traffic analysis of New Cross Road confirms that the existing traffic management treatments in place have a positive impact on traffic movements and traffic speeds. The results of the traffic count surveys, however, confirm that a minority of drivers are speeding which is the responsibility of the WA Police to address.

The WA Police is the responsible authority to enforce compliance to the urban speed limit and road rules as defined in the Traffic Code 2000. All drivers have a lawful and moral obligation to drive in accordance with these rules. Drivers who break the law or deliberately take risks to avoid using the roads correctly are putting themselves and other road users at risk, and may be subject to action by the WA Police. It is, therefore, recommended that the WA Police be requested to enforce compliance with the urban speed limit on New Cross Road.

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 DOES NOT SUPPORT additional traffic management in New Cross Road, Kingsley at this juncture;**
- 2 REQUEST the WA Police to enforce compliance to the urban speed limit on New Cross Road, Kingsley;**
- 3 REQUESTS the City to advise the Petition Organiser of Council's decision.**

*Appendix 19 refers*

*To access this attachment on electronic document, click here: [Attach19brf100511.pdf](#)*

**11 REPORT OF THE CHIEF EXECUTIVE OFFICER****CJ094-05/11 PROPOSAL FOR LEVYING DIFFERENTIAL RATES FOR THE 2011/12 FINANCIAL YEAR****WARD:** All**RESPONSIBLE:** Mr Mike Tidy, Director Corporate Services**FILE NUMBER:** 48084, 101515**ATTACHMENTS:** Attachment 1 Objects Of And Reasons for Proposed Differential Rates for the 2011/12 Financial Year

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**PURPOSE**

For Council to consider a proposal for the setting of differential rates for the Draft Budget for the 2011/12 Financial Year.

**EXECUTIVE SUMMARY**

As part of the process for the 2011/12 budget it is proposed to continue with differential rating introduced in 2008/09. In accordance with section 6.36 of the Local Government Act 1995 Council needs to determine the differential rates to be advertised prior to consideration of the budget.

The recommendation is that the proposed differential rates be advertised and public submissions, sought in accordance with section 6.36 of the Local Government Act 1995 (the Act).

**BACKGROUND**

To set the rates for its budget, Council determines the total rate revenue it needs and sets a rate in the dollar that will generate that revenue. The individual property valuations determine what proportion of the total rate requirements are met by each property owner. This proportion will change when a valuation changes.

Differential rates were introduced in 2008/09 to maintain the distribution of the rate burden between the classes of residential, commercial and industrial property.

In addition to a differential between classes of property the City has applied a differential between vacant and improved land within the classes of commercial and industrial property. The City is keen to promote and encourage the development of vacant commercial and industrial land. This can be done through a number of positive initiatives and in this regard the City makes a significant contribution to encourage and promote economic development. It can also be done by actively discouraging the holding of vacant and undeveloped land. In respect of the latter a higher differential rate imposed on vacant land than the rate applicable for improved land acts as an inducement to develop vacant land.

Vacant residential land was rated the same as improved residential land because the valuation system (based on 5% of capital value) already ensured that vacant residential land values were higher than improved residential land values.

## DETAILS

A revaluation will apply for 2011/12. This will be the first revaluation since the introduction of differential rating in 2008/09. Valuation increases for 2011/12 are not consistent between residential, commercial and industrial property. Average increases for improved residential are 25.3%, commercial 8.7% and industrial 25.7%. This will influence consideration of differentials for 2011/12.

A further change impacting on valuations for 2011/12 is a change to the approach to valuing vacant residential land. The Gross Rental Value (GRV) valuation system depends on an active rental market in order to determine a rental based valuation. Generally for vacant land no active rental market exists. To deal with this the Valuation of Land Act 1978 provides that vacant land can be valued on a prescribed percentage of the capital value of the land. The prescribed percentage for all types of vacant GRV land has been 5% since 1979.

Over the years the value of the land component of residential property has risen significantly relative to the house component giving rise to a situation where the value of vacant residential land (based on 5% of capital value) is more than the improved value. It is common in some parts of the City for ratepayers to get a rate reduction once they have built a house on the block they have purchased. This phenomenon relates to vacant residential land and not commercial or industrial land.

To address this, the legislation has been changed to allow different prescribed percentages of capital value to be applied to different classes of land. Effective from 1 July 2011 the prescribed value for vacant residential land will reduce to 3% while the percentage for vacant commercial and industrial land will remain at 5%. This will also influence consideration of differentials for 2011/12.

### Differential Rates

Section 6.33 of the Act makes provision for the City to be able to levy differentials based on a number of criteria.

- “(1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —*
- (a) the purpose for which the land is zoned under a local planning scheme in force under the Planning and Development Act 2005;*
  - (b) the predominant purpose for which the land is held or used as determined by the local government;*
  - (c) whether or not the land is vacant land; or*
  - (d) any other characteristic or combination of characteristics prescribed.”*

The City has applied its differential rates based on (b) the predominant use as well as (c) in relation to vacant land.

Section 6.33 of the Act also permits Council to levy differentials such that the highest is no more than twice the lowest differential. A greater difference in differentials may be used but requires Ministerial approval.

**Issues and options considered:**

There are several broad approaches for how the City might apply a rate increase for the 2011/12 budget.

Rate in the Dollar

There are three options for determining how the rate in the dollar may be set.

Option 1 – Do not Differentially Rate and Revert to a General Rate

The differential rate was introduced in 2008/09 to compensate for the distortions caused by higher residential property valuation increases compared to commercial and industrial property valuations.

A revaluation applies in 2011/12 for the first time since 2008/09 and again there is a difference in the relative valuation increases between the property classes with residential values increasing more than commercial and industrial. Reverting back to a general rate would significantly increase the rate burden falling on residential property owners with a reduction to commercial and industrial property owners.

This option is not recommended.

Option 2 – Apply a Differential Rate but Re-assess What They Should Be

There needs to be a key driver or basis for setting a differential rate. The initial driver was to maintain the proportion of rate revenue derived from residential, commercial and industrial property. Applying a higher differential rate for vacant commercial and industrial property was introduced on the basis of discouraging the holding of property in a vacant or undeveloped state.

There are two new drivers that will impact on differentials for 2011/12. There has been a revaluation which will apply for 2011/12 and the relative movements in valuations will need to be considered. In addition the prescribed percentage for the capital value of vacant residential land has reduced from 5% to 3% an effective reduction in values of 40%.

This option is recommended.

Option 3 – Apply a Differential Rate as a Percentage Based on the Differentials Set in 2009/10

There has been a revaluation that will be effective for 2011/12 and a change to the prescribed percentage of capital value for vacant residential land. As result simply applying a percentage based on the differentials that were set in 2010/11 would have a significant distorting effect on the rate burden borne by each class of property. Increases for residential improved property would be greater than for the other classes.

This option is not recommended.

### Minimum Payments

The Act provides that a local government may set a minimum payment for rates. That is regardless of the result of the rate calculation determined by multiplying the rate in the dollar by the valuation no property should be assessed for rates at an amount below the minimum payment. The rate in the dollar and minimum payment will together determine what the minimum valuation is and all properties with a valuation less than this will be subject to the minimum payment.

The Act does not provide any guidance as to what is an appropriate value for the minimum payment or how it might be determined. In essence it is whatever the local government may determine. The general philosophy is that every ratepayer should make a reasonable contribution to the services and facilities that a local government provides. There is no requirement for the local government to justify or substantiate the minimum payment although there is a statutory limit prohibiting a minimum being set so high that more than 50% of properties would be on the minimum.

A revaluation can have a significant effect on those properties subject to a minimum payment. There will be a trend for properties experiencing significant valuation increases and previously rated as a minimum payment to be no longer rated as minimum payment because that increase has taken the valuation over the minimum valuation threshold.

Generally the minimum valuation threshold will rise following a revaluation because the rate in the dollar normally reduces to partially compensate for the valuation increases. The minimum threshold can be further increased by any increase in the minimum payment.

There are two options.

#### Option 4 – Re-Assess the Setting of Minimum Payments

The minimum payment that the City has been applying each year has not been based on any formula or criteria but simply represents what the City has determined is reasonable as a minimum payment.

By way of comparison in the table below for the current 2010/11 financial year, the City's minimum payment for residential improved of \$659 is middle of the road for the nine largest local governments by population. 21.3% of ratepayers pay the minimum payment.

<b>Local Government</b>	<b>Residential Improved Minimum Payment 2010/11 \$</b>
City of Canning	439
City of Cockburn	575
City of Rockingham	599
City of Melville	600
City of Joondalup	659
City of Swan	675
City of Stirling	675
City of Gosnells	747
*City of Wanneroo	1005

*\*Minimum rate includes rubbish charge*

In the absence of any specific guidelines and given that the City of Joondalup's minimum payment is well within industry norms the option of re-assessing the setting of minimum payments is not recommended.

#### Option 5 – Apply Increases in Line with the Increases in Rates

The effect of the revaluation will mean that different properties will have different rate increases and in some cases even decreases applied because of individual valuation changes. It is considered, however, that applying a percentage increase to the previous years minimum payment that is the same as the overall City rate increase, provides the most consistent and equitable approach.

Under this approach any property that was previously subject to a minimum payment and remains so after the revaluation will receive the same rate increase as that applied to the City overall.

This option is recommended.

#### Draft 2011/12 Budget Rate Revenue Requirement

The Draft 2011/12 Budget is in the final stages of preparation. Several workshops have been held with elected members and a draft overall position considered that reflects a budget with a minor surplus. A summary of the overall position is set out below:

#### **Current Draft 2011/12 Budget Position**

Operating Revenue (excluding Rates)	\$ 42.435m
Plus Capital Revenue	\$ 7.512m
Plus Operating Adjustments for Depreciation	\$ 22.783m
Plus Net Funding and Transfers	<u>\$ 4.551m</u>
	\$ 77.281m
Less Operating Expenditure	(\$121.430m)
Less Capital Expenditure	<u>(\$ 30.726m)</u>
	(\$ 74.875m)
Plus Surplus Brought Forward (estimated)	\$ 1.686m
Less Surplus Carried Forward	<u>(\$ 0.045m)</u>
Rate Setting Statement Deficit to be made up from Rates	(\$ 73.234m)

**This represents a:**

#### **Rate Increase Overall Across the City of**

**5.5% (1% is equal to \$730k)**

It is recommended that the City base its rate in the dollar on option 2 and its minimum payment on option 5 with rates applying to each property category based on the following criteria:

- An overall City rate increase of 5.5%
- That differential rates apply to residential, commercial and industrial property with relativities as close as possible to 2010/11 but taking account of revaluation impacts.
- That a differential rate be applied to vacant residential property to compensate for the change in the prescribed percentage of the capital value of vacant residential land which will reduce from 5% to 3%.
- A rate on vacant commercial and industrial property that is twice the lowest differential rate.
- An increase in the minimum payment for all residential, rural, commercial and industrial property of 5.5% in line with the overall City rate increase.

## Legislation/Strategic Plan/Policy Implications

### Legislation

The Local Government Act 1995 Section 6.33 sets out the provisions in relation to differential rating. The City is able to apply separate rates in the dollar for different categories of properties based on zoning, land use and whether they are improved or unimproved.

Section 6.36 of the Act requires that if the City is going to apply differential rating it must advertise the differentials it intends to apply with local public notice for a minimum 21 days and invite submissions in relation to the proposed differentials. A document is required to be made available for inspection by electors and ratepayers that describes the objects of, and reasons for, each proposed rate and minimum payment (Attachment 1 refers). The City is then required to consider any submissions received and may make a final resolution in relation to the setting of the rates in the dollar and the adoption of the budget.

### Strategic Plan

**Key Focus Area:** Leadership in Governance

#### Objective:

- 1.3 To lead and manage the City effectively.
- 1.3.2 The City maintains a long-term Strategic Financial Plan which is reviewed regularly.
- 1.3.3 The City develops and implements a wide variety of Plans which benefit the community socially, economically and environmentally.

### Strategic Plan

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

#### Objective:

- 3.1 To encourage the development of the Joondalup CBD.
- 3.1.2 The City facilitates opportunities for development in the CBD through promotion, the provision of information, the identification of suitable opportunities for development and the implementation of supportive planning provisions, including the development and implementation of a new Structure Plan for the CBD (see Strategy 5.1.2).
- 3.1.4 The City attracts and grows office-based professional service industries within the CBD.

### Policy

Not applicable.

### Risk Management considerations:

Provided the statutory provisions are complied with there are no risk management issues for applying a differential rate.

**Financial/Budget Implications:**

The application of differential rating is about apportioning the rate revenue that is required between different categories of property. There are no budget implications from just applying differential rating. The City could derive exactly the same total revenue by applying a general rate to all categories of property. The intention with proposing a differential rate however is to maintain the general proportion of rate revenue derived from each property category of residential, commercial and industrial.

The proposed overall rate increase of 5.5% is in line with projections in the current 20 Year Strategic Financial Plan.

**Regional Significance:**

Not applicable.

**Sustainability implications:**

Not applicable.

**Consultation:**

The proposed differential rating has been discussed at a number of budget workshops during March and April 2011 with Elected Members and the Executive Management Team. The recommendations of this report reflect the feedback from those discussions.

As referred to under Statutory Requirements if the recommendation is adopted the proposed differential rates will be advertised and public submissions sought. An advertisement will be placed in the West Australian, local newspapers as well as notice boards and the website for 21 days.

**COMMENT**

The differential rates and minimum payments that have been recommended will deliver an overall rate increase of 5.5% which is in line with feedback from the Budget Workshops held to date and the projections of the 20 Year Strategic Financial Plan.

The relativities between the various differential rates and minimum payments maintains the City's historical approach to apportioning the rate burden between the respective categories of residential, commercial and industrial as well as between vacant and developed commercial and industrial property. A new differential rate is proposed to be applied to vacant residential property to compensate for the change in the prescribed percentage of the capital value of vacant residential land which will reduce from 5% to 3%.

The recommendation relates only to undertaking the prescribed advertising for public submissions for the proposed differential rates and minimum payments. Adopting the recommendation does not commit the Council to the differential rates and minimum payments proposed. Council is required to consider any public submissions received, prior to making its final determination. Adopting the recommendation also does not represent any commitment in relation to the adoption of the 2011/12 Budget.

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 APPLIES differential rates for the Draft Budget for the 2011/12 Financial Year:**
- 2 ADVERTISES in accordance with section 6.36 of the Local Government Act 1995 for public submissions on the proposed differential rates as set out in the table below and makes available to the public Attachment 1 to Report CJ094-05/11 setting out the objects and reasons for the differential rates:**

	Rate in \$	Minimum Payment
<b><u>General Rate - GRV</u></b>		<b>\$</b>
Residential Improved	0.052590	695
Residential Vacant	0.074099	695
Commercial Improved	0.064142	709
Commercial Not Improved	0.105179	709
Industrial Improved	0.058666	709
Industrial Not Improved	0.105179	709
<b><u>General Rate - UV</u></b>		
Residential	0.007917	695
Rural	0.007879	695

- 3 REQUESTS a further report be presented to Council to consider:**
  - 3.1 any public submissions in relation to the proposed differential rates;**
  - 3.2 the adoption of the Budget for the 2011/12 Financial Year after the close of public submissions.**

*Appendix 20 refers*

*To access this attachment on electronic document, click here: [Attach20agn100517.pdf](#)*

**CJ095-05/11      APPOINTMENT OF ALTERNATE MEMBER -  
MINDARIE REGIONAL COUNCIL**

**WARD:** All

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

**FILE NUMBER:** 02153, 101515

**ATTACHMENTS:** Nil

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**PURPOSE**

For Council to appoint an alternate member for the Mindarie Regional Council for any meeting to be held between the dates of 18 May and 7 June 2011 inclusive.

**EXECUTIVE SUMMARY**

Council has appointed two representatives to the Mindarie Regional Council, being Cr Russ Fishwick and Cr Kerry Hollywood. Cr Fishwick is unable to attend the next meetings of the Mindarie Regional Council as he has been granted Leave of Absence from Council duties for the period 11 May to 7 June 2011 inclusive.

At its meeting held on 19 April 2011 (Item CJ072-04/11 refers), Council resolved that Mayor Troy Pickard be nominated to represent the City of Joondalup on the Mindarie Regional Council for all meetings to be held between the dates of 11 May and 7 June 2011 inclusive.

The next meeting of the Mindarie Regional Council will be held 26 May 2011. The Mayor has indicated he is unable to attend this meeting, therefore an alternate member is requested to be appointed. It is considered appropriate to appoint the alternate member for the period Cr Fishwick is absent.

No deputies are appointed to the Mindarie Regional Council. Legal advice has confirmed that the appointment of deputies to serve on a Regional Council can only be made under specific circumstances and not on an ongoing basis.

A special resolution of Council is required to appoint an alternate member for the period 18 May to 7 June 2011 whilst Cr Fishwick is absent from Council duties.

**BACKGROUND**

The Mindarie Regional Council was established in accordance with Section 3.61 of the Local Government Act 1995, to set and achieve the standard for minimising the impact of waste on the environment, for the benefit of the Region's community.

At its meeting held on 17 November 2009 (CJ246-11/09 refers), Council nominated Cr Russ Fishwick and Cr Kerry Hollywood to represent the City on the Mindarie Regional Council.

## DETAILS

Council has appointed two representatives to the Mindarie Regional Council, being Cr Russ Fishwick and Cr Kerry Hollywood. Cr Fishwick is unable to attend the meetings of the Mindarie Council as he has been granted Leave of Absence from Council duties for the period 11 May to 7 June 2011 inclusive.

### Issues and options considered:

No deputies are appointed to the Mindarie Regional Council. Legal advice has confirmed that the appointment of deputies to serve on a Regional Council can only be made under specific circumstances and not on an ongoing basis.

A special resolution of Council is required to appoint an alternate member for the meetings to be held between the dates of 18 May and 7 June 2011 inclusive.

### Legislation/Strategic Plan/Policy Implications

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

Clause 78 of the Standing Orders Local Law states:

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

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

"A nomination to any position is not required to be seconded."

Clauses 52(b) and (c) of the Interpretation Act 1984 states:

52(b) "Where a person so appointed to an office or position is suspended or unable, or expected to become unable, for any other cause to perform the functions of such office or position, to appoint a person to act temporarily in place of the person so appointed during the period of suspension or other inability but a person shall not be appointed to so act temporarily unless he is eligible and qualified to be appointed to the office or position; and

52(c) to specify the period for which any person appointed in exercise of such a power or duty shall hold his appointment."

### Strategic Plan

**Key Focus Area:** Leadership and Governance

**Objective:** 1.1 To ensure that the processes of local governance are carried out in a manner that is ethical, transparent and accountable.

**Policy** Not applicable.

**Risk Management considerations:**

If the Council does not appoint a representative to the meetings of the Mindarie Regional Council, this may hinder the overall decision-making process and operations of the Regional Council and ensure that the Council is adequately represented at the meetings.

**Financial/Budget Implications:**

Not applicable.

**Regional Significance:**

The Mindarie Regional Council was established to set and achieve the standard for minimising the impact of waste on the environment, for the benefit of the 590,000 residents in Perth's northern metropolitan region.

**Sustainability implications:**

Not applicable.

**Consultation:**

Not applicable.

**COMMENT**

The inability to appoint deputies has caused a number of issues relating to the operations of committees and Regional Councils.

Whilst the Local Government Act was amended to allow deputies to be appointed on an ongoing basis to serve on committees when the member was unable to, the amendment did not extend to the appointment of deputies to Regional Councils.

Legal advice has confirmed that the provisions of the Local Government Act only allow a local government to appoint deputies to a Regional Council under specific circumstances and not on an ongoing basis.

**VOTING REQUIREMENTS**

Simple majority

**RECOMMENDATION**

**That Council NOMINATES an Elected Member to represent the City of Joondalup on the Mindarie Regional Council for all meetings to be held between the dates of 18 May and 7 June 2011 inclusive.**

**12      MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**13      ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

**14      CLOSURE**



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

To: CHIEF EXECUTIVE OFFICER  
CITY OF JOONDALUP

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

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

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

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



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

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

**QUESTIONS**

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Please submit this form at the meeting or:

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

**Please note that:**

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



**STATEMENT TO BE MADE AT  
BRIEFING SESSION/COUNCIL MEETING**

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

**STATEMENT**

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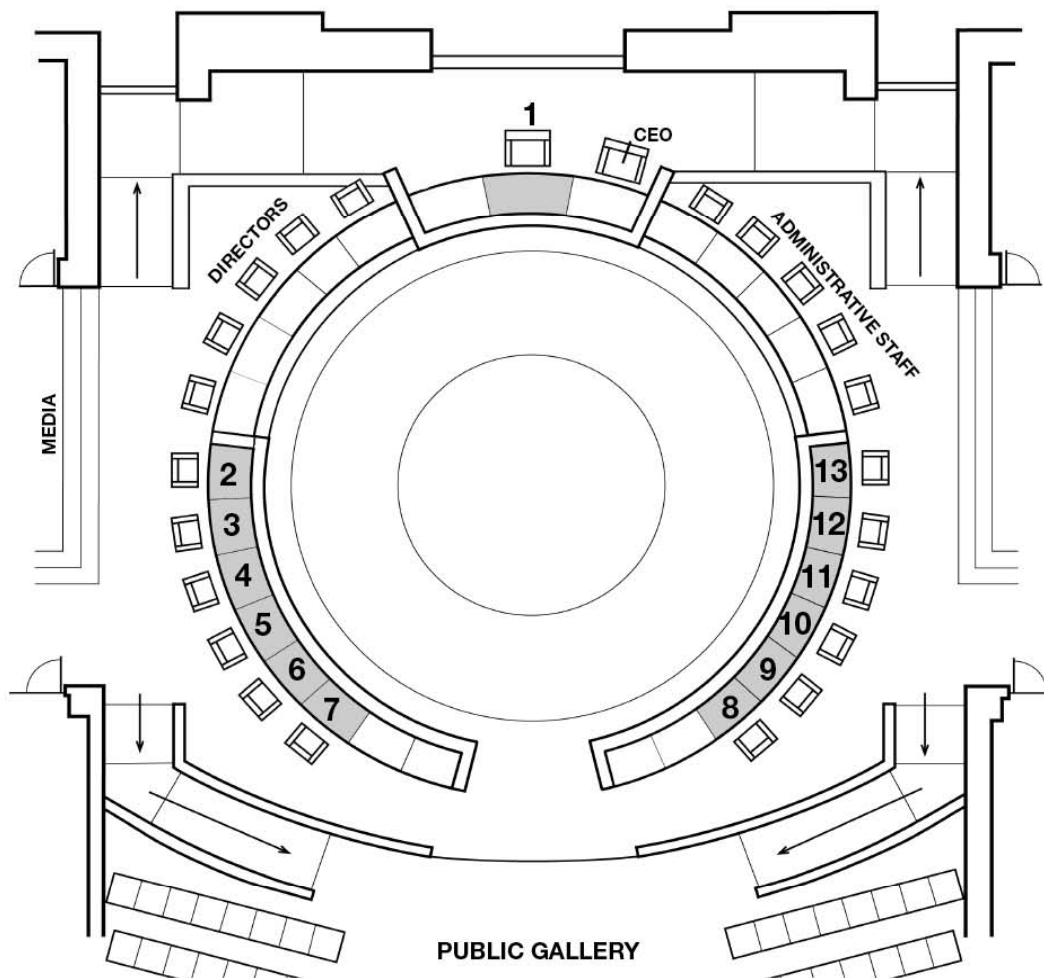
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**Please note that:**

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

## Council Chamber – Seating Diagram



### Mayor

1 His Worship the Mayor, Troy Pickard (Term expires 10/13)

### North Ward

- 2 Cr Kerry Hollywood (Term expires 10/13)
- 3 Cr Tom McLean (Term expires 10/11)

### North-Central Ward

- 4 Cr Philippa Taylor (Term expires 10/13)
- 5 Cr Trona Young (Term expires 10/11)

### Central Ward

- 6 Cr Liam Gobbert (Term expires 10/13)
- 7 Cr Geoff Amphlett JP (Term expires 10/11)

### South-West Ward

- 8 Cr Christine Hamilton-Prime (Term expires 10/13)
- 9 Cr Mike Norman (Term expires 10/11)

### South-East Ward

- 10 Cr John Chester (Term expires 10/13)
- 11 Cr Brian Corr (Term expires 10/11)

### South Ward

- 12 Cr Russ Fishwick (Term expires 10/13)
- 13 Cr Fiona Diaz (Term expires 10/11)