

agenda

Briefing Session

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

ON **TUESDAY, 21 JUNE 2011**
COMMENCING AT **6.30 pm**

PUBLIC QUESTION TIME

Members of the public are requested to lodge questions in writing by close of business on Monday, 20 June 2011

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

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

BRIEFING SESSIONS

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

INTRODUCTION

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

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

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

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

PURPOSE OF BRIEFING SESSIONS

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

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

PROCEDURES FOR BRIEFING SESSIONS

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

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

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

PROCEDURES FOR PUBLIC QUESTION TIME

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

Questions asked verbally

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

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

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

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

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

DISCLAIMER

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

PROCEDURES FOR PUBLIC STATEMENT TIME

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

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

DEPUTATION SESSIONS

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

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

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

RECORDING OF THE PROCEEDINGS OF THE BRIEFING SESSION

Proceedings of the Briefing Session shall be electronically recorded for administrative purposes only, except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the Local Government Act 1995.

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LATE ITEMS / ADDITIONAL INFORMATION

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

[*Additional Information210611.pdf*](#)

CITY OF JOONDALUP – BRIEFING SESSION

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday, 21 June 2011** commencing at **6.30 pm**

ORDER OF BUSINESS

1 OPEN AND WELCOME

2 DEPUTATIONS

3 PUBLIC QUESTION TIME

The following questions were submitted to the Briefing Session held on 10 May 2011:

Ms J Anthony, Kingsley

Re: Item 22 – Petition Requesting Traffic Management on New Cross Road, Kingsley.

Q1 During the traffic count surveys of October 2001, November 2008 and March 2011, how many days did the traffic count survey cover?

A1 The traffic count surveys are based on a minimum of seven day traffic counts.

Q2 When the traffic count surveys were conducted in October 2001, November 2008 and March 2011, was the tracking equipment placed on the road at the same location points for each survey period?

A2 The positioning of traffic counters is limited to the location of a street light or power pole with which the counters can be attached to and therefore typically positioned at the same location.

The traffic count surveys conducted in 2001 were recorded in three locations on New Cross Road. The locations were east of Creaney Drive, east of Shepherds Bush Drive and west of Barridale Drive. The traffic count surveys conducted in 2008 were located east of Creaney Drive and west of Shepherds Bush Drive. The traffic count surveys conducted in 2011 were located east of Shepherds Bush Drive and west of Barridale Drive.

Q3 Was there any consideration made to the location of the roundabout which was not in existence in October 2001 if the same location points were used in March 2011 and October 2001?

A3 The results of the traffic count surveys conducted in 2001 reflect the road environment at that time, prior to the installation of roundabouts and median treatment on New Cross Road. The traffic count locations for the traffic count surveys conducted in 2001 were in the approximate vicinity of the 2008 and 2011 traffic counts.

- Q4 *Why was the tracking equipment placed so close to each other at the two roundabouts, where it is obvious that vehicles were either accelerating after, or decelerating before, each roundabout?*
- A4 The location of the traffic count surveys conducted in 2011 east of Shepherds Bush Drive and west of Barridale Drive were 70 metres and 80 metres respectively. The separation distances between the roundabouts and the traffic counters are considered sufficient for determining traffic speeds.
- Q5 *How many vehicles were recorded travelling above 55 kph during the traffic count period in March 2011?*
- A5 The traffic count surveys conducted in March 2011 confirmed that approximately 2,440 vehicles per day utilise New Cross Road between Shepherds Bush Drive and Barridale Drive. The 85th percentile traffic speed of 55 km/h indicates that 15% of vehicles were travelling above this speed, that being, 366 vehicles were travelling above the nominated speed of 55 km/h.

4 PUBLIC STATEMENT TIME

The following statement was submitted to the Briefing Session held on 10 May 2011:

Ms J Anthony, Kingsley

Re: Item 22 – Petition Requesting Traffic Management on New Cross Road, Kingsley.

Ms Anthony spoke in relation to traffic management on New Cross Road, Kingsley.

5 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

Cr Hamilton-Prime	11 June – 21 June 2011 inclusive
Cr Liam Gobbert	24 June – 18 July 2011 inclusive
Cr John Chester	21 July – 30 July 2011 inclusive

6 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

7 REPORTS

ITEM 1 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT DEVELOPMENT, CODE VARIATIONS AND SUBDIVISION APPLICATIONS - APRIL 2011

WARD:	All
RESPONSIBLE OFFICER:	Ms Dale Page, Director Planning and Development
FILE NUMBER:	07032, 05961,101515
ATTACHMENTS:	Attachment 1 Monthly Development Applications Determined - April 2011 Attachment 2 Monthly Building Application Code Variations Decision - April 2011

PURPOSE

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

EXECUTIVE SUMMARY

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

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

This report identifies the following applications determined by the administration with Delegated Authority powers during April 2011 (Attachments 1 and 2 refer):

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

No subdivision applications were determined during April 2011.

BACKGROUND

The DPS2 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.

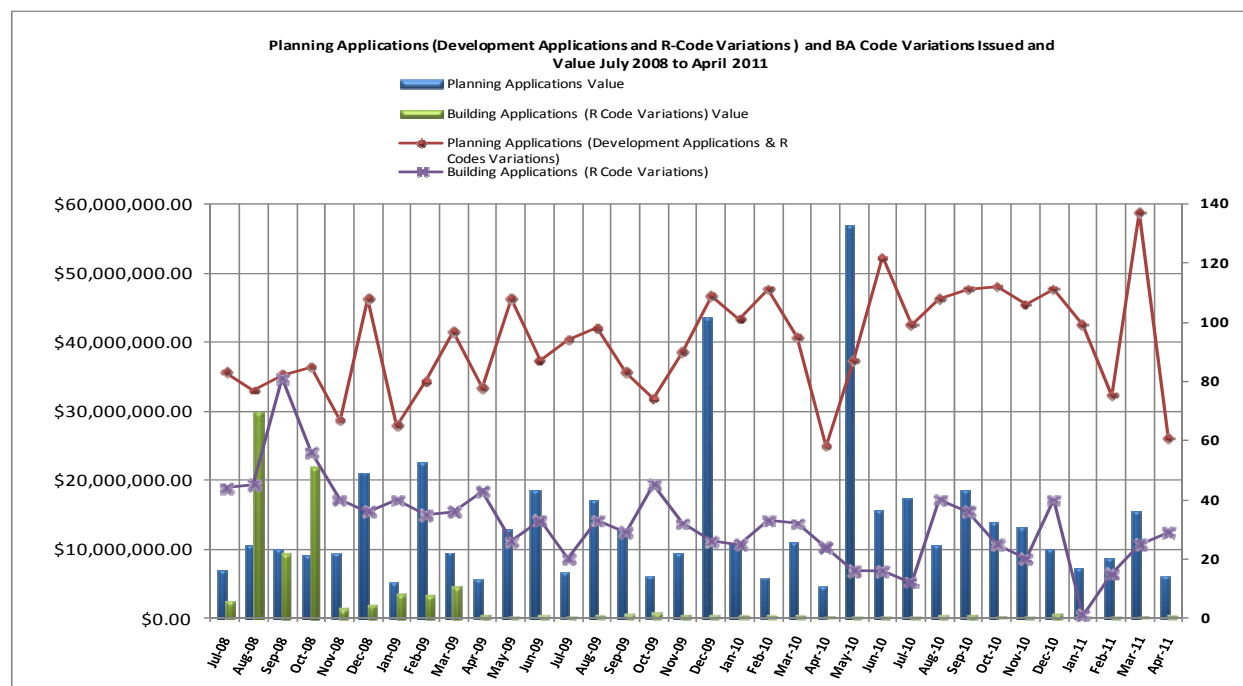
DETAILS

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

Approvals determined under delegated authority – April 2011		
Type of Approval	Number	Value (\$)
Planning applications (development applications and R-Codes variations)	65	\$6, 073,094
Building applications (R-Codes variations)	29	\$ 311,935
TOTAL	94	\$6, 385,029

The number of development applications received during the period for April was 94. (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 April was 211. Of these, 40 were pending additional information from applicants, and 74 were being advertised for public comment.



Subdivision approvals processed under delegated authority		
From 1 April to 30 April 2011		
Type of approval	Number	Potential additional new lots
Subdivision applications	0	0
Strata subdivision applications	0	0

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: 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 94 applications were determined for the month of April with a total amount of \$26,794 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 65 development applications determined during April 2011, consultation was undertaken for 20 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). No subdivision applications were processed during April 2011.

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.

At Council's Briefing Session held on 12 April 2011, the Mayor requested a report on the delegation powers currently afforded to Planning Officers on any matter that relates to streetscape impact and residential amenity.

Data is currently being compiled that will form the basis of this report, however a substantial amount of research is required to collate accurate statistics. These statistics will be based on approximately 600 applications determined in the six month period from November 2010 to May 2011, and relate to the nature of proposals, whether or not the streetscape was impacted, and the extent of delegation exercised.

At this point in time it is estimated that a report, and presentation, will be presented to Elected Members in 2 August 2011. The report is also likely to request some minor adjustments to the Town Planning Delegations.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council NOTES the determinations made under Delegated Authority in relation to the development applications and R-Codes variations described in Attachments 1 and 2 to this Report during April 2011.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf210611.pdf](#)

ITEM 2 PROPOSED FIVE STOREY COMMERCIAL DEVELOPMENT AT LOT 523 (35) DAVIDSON TERRACE, JOONDALUP

WARD: North

RESPONSIBLE OFFICER: Ms Dale Page, Director Planning and Development

FILE NUMBER: 60529, 101515

ATTACHMENTS: Attachment 1 Location plan
Attachment 2 Development plans
Attachment 3 Building perspectives
Attachment 4 Notes of the Joondalup Design Reference Panel

PURPOSE

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

EXECUTIVE SUMMARY

The applicant seeks approval for a five storey commercial development with a total floor area of 3,527m² net lettable area (NLA). The development also includes a total of 29 car bays and six motorcycle bays to be provided on site. The parking will be accommodated in both a basement car park as well as in a parking area directly accessed from the right-of-way (ROW).

At its meeting held on 19 October 2010, Council deferred consideration of a similar proposal for the site for various reasons. Further information was requested and the development was required to be referred to the Joondalup Design Reference Panel (JDRP) (CJ167-10/10 refers). Following feedback from the JDRP an amended proposal was submitted for consideration.

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

The proposal does not meet the requirements of the Joondalup City Centre Development Plan and Manual (JCCDPM) in relation to plot ratio, street setbacks, projection through the 60 degree recession plane, awning clearance height and car parking.

At its meeting held on 25 May 2010, Council adopted the draft Joondalup City Centre Structure Plan (JCCSP), which is currently with the Western Australian Planning Commission (WAPC) to be certified. As the draft JCCSP has been adopted by Council it is considered a "seriously entertained planning proposal" and must be given consideration in the assessment and determination of this application. The proposal does not meet the requirements of the draft JCCSP in regard to the upper floor street setbacks, the floor level not matching with the verge level, awning clearance height and a parking shortfall of four standard car bays.

Notwithstanding the areas of non compliance with the JCCDPM and draft JCCSP, the revised proposal is considered to have addressed previous concerns raised.

The proposal has not been advertised as it is considered there is no adverse impact on surrounding land owners as a result of the development, and the building is of a size and scale encouraged by the draft JCCSP.

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

BACKGROUND

Suburb/Location: Lot 523 (35) Davidson Terrace, Joondalup

Applicant: Raphael Maguire

Owner: Raphael, Elizabeth and Alex Maguire

Zoning: **DPS:** Centre

MRS: Urban

Site Area: 1,334m²

Structure Plan: Joondalup City Centre Development Plan and Manual (JCCDPM), and draft Joondalup City Centre Structure Plan (JCCSP)

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

The property is zoned 'Centre' under the City of Joondalup District Planning Scheme No.2 (DPS2) and is subject to the provisions of the JCCDPM. Under the JCCDPM the site is located within the Central Business District and is designated for General City Uses.

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

At its meeting held on 19 October 2010, Council deferred consideration of a similar proposal for the site due to lack of detail provided by the applicant (CJ167-10/10 refers). Council encouraged improvements to the design of the development to better address the aspirations for the City Centre as set out in the draft JCCSP. Following receipt of the amended plans and additional detail requested by Council, the proposal was then referred to the JDRP.

The notes from the 14 February 2011 meeting of the JDRP in relation to the subject development are provided as Attachment 4. Subsequent to this feedback, an amended proposal has been submitted for consideration. The key changes from the previous proposal presented to Council are as follows:

- The single storey component has been increased to five storeys.
- Changes to the building façade and design to better address the intersection of Reid Promenade and Davidson Terrace.

- Further details on the colours and materials to be used.
- Additional detail on the plant room.
- Review of the sustainability measures incorporated into the proposal.

The feedback provided by the JDRP is discussed further in the Comments section of this report.

DETAILS

The proposed development incorporates the following:

- A five storey development comprised of 13 commercial tenancies with a total floor area of 3,527m² NLA. The building façade is to be finished in a range of materials including concrete panelling, aluminium cladding and metallic awnings.
- A basement car park accessed from the adjoining ROW, with 26 car bays, a service bay and three motor cycle bays.
- Car parking accessed directly from the ROW at the rear of the site, including two tandem car bays, a disabled bay and three motor cycle bays.
- A plant room screened by metallic awnings will be located on the roof towards the south east portion of the development.

The development plans and building perspectives are provided as Attachments 2 and 3 respectively. A large copy of the plans has also been provided in the Councillors' Reading Room.

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

- **JCCDPM**
 - Plot ratio of 2.6 in lieu of 1.5.
 - The fifth floor projecting through the 60 degree recession plane.
 - Varied setbacks from the street alignment on the first to fifth floors.
 - Awnings having a minimum clearance of 2.3 metres in lieu of 2.75 metres above the ground level.
- **Draft JCCSP**
 - Varied setbacks from the street alignment on the first to fifth floors.
 - Ground floor having a maximum height of 1.0 metre above level of the footpath on Reid Promenade rather than being at the footpath level.
 - Pedestrian awnings having a minimum clearance of 2.3 metres in lieu of 3.0 metres.

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

- **Car Parking**

The car parking requirement for the site has been calculated in accordance with the JCCDPM and Council Policy – Joondalup City Centre Car Parking for Commercial Development. Regard is also given to the car parking requirement for the development under the draft JCCSP.

The applicant proposes to provide the following parking on-site:

- Twenty one standard size car bays (including a disabled bay).
- Eight small car bays.
- Six motor cycle bays.

- **Car parking requirement under JCCDPM and Council Policy**

The JCCDPM requires car parking to be provided at a standard of 1:30m² NLA. In accordance with Council Policy – Joondalup City Centre Car Parking for Commercial Development, a 15% reduction in the requirement is applied because the building has five storeys in height. Furthermore, the Policy allows for the total amount of on-site parking being provided consisting of 20% small car bays and 10% motor cycle bays.

It is noted that the eight small car bays and six motor cycle bays exceed the respective amount that can be considered in the calculation of car parking, and therefore some have been excluded as set out below:

Parking standard	Parking required	Car parking provided in accordance with the JCCDPM and Council Policy
1:30m ² NLA. In accordance with Council Policy, 15% reduction for being five storeys	118	31 (incorporating 21 standard size car bays, seven small car bays and three motorcycle bays)

- **Car parking requirement under draft JCCSP**

Car parking under the draft JCCSP is required to be calculated at a standard of one bay per 30m² NLA based on the ground floor commercial component only. The rationale for car parking only being required for the ground floor under the draft JCCSP is to provide opportunity for developments to achieve greater building height and scale within the Central Core Zone without being constrained by providing car parking at a prescribed standard. Rather, the on-site car parking provided is to be determined largely by market demand.

The draft Structure Plan does not take into consideration the Council Policy – Joondalup City Centre Car Parking for Commercial Development, or allow for the consideration of small car bays or motor cycle bays. The car parking requirement in accordance with the draft JCCSP is outlined below:

Parking standard	Parking required	Car parking provided in accordance with draft JCCSP
1:30m ² NLA ground floor only	25	21 (incorporating standard size car bays only)

Issues and options considered:

Council has the discretion to:

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

Legislation/Strategic Plan/Policy Implications

Legislation City of Joondalup District Planning Scheme No.2

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

4.5 Variations to Site and Development Standards and Requirements.

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

In exercising discretion under Clause 4.5, the matters listed under Clause 6.8 of DPS2 require consideration:

6.8 Matters to be considered by Council

- 6.8.1 The Council when considering an application for Planning Approval shall have due regard to the following:*
- (a) Interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*

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

Strategic Plan

Key Focus Area: The Built Environment

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

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

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

Risk Management considerations:

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

Financial/Budget Implications:

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

Regional Significance:

Not applicable.

Sustainability implications:

The sustainability of the development has been revisited by the applicant following the deferral of the previous proposal by Council and feedback provided from the JDRP. The applicant initially sought to consult with a sustainability expert to determine energy usage and solar gain from the building design. However, as the drawings are not at construction stage, there was insufficient detail for this to be undertaken. The applicant has stated that this could be revisited following development approval and the completion of working drawings.

The applicant has also undertaken discussion with glazing manufacturers, and the following information has been provided:

“A deemed to satisfy energy report has been completed for the third floor (the floor in which the glazing volume is greatest). The glazing that we propose to use is SCG Climaplus which is double glazing with enhanced thermally insulating properties (low-emissivity). The extremely low SHGC and U Values has resulted in the building (for the third level) easily passing the report with very low Conductance and Solar heat gain percentages (11 and 66% respectively which are both considerably lower than the maximum of 99% allowed).

The report has not taken into account the proposed fixed shading devices and roof/balcony overhang which would further reduce the Conductance and Solar heat gain percentages. A specification form of the proposed glazing that we propose to use has also been provided for Council as has the Deemed to satisfy energy efficiency report.”

In addition to glazing, the applicant also proposes fixed awning devices to further reduce direct solar heat gain, as well as being an additional element on the building façade. The following information has been provided in respect to this element, with a section drawing demonstrating the effectiveness provided in Attachment 2 (page 13 refers):

“We will be looking at detailing the shading device during the working drawing stage but the section through the North façade, show the concept behind how the awnings will work on this façade. The angle of the awning here will be designed to allow the winter sun to penetrate but not the summer sun (as depicted in Sections drawing). The awnings on the West side will be orientated slightly differently in order to reduce the effect of the evening sun penetrating through. The position and height of the neighbouring buildings will be considered with regards to the design.”

Consultation:

The proposal was not advertised as it is considered that the development will not adversely impact on the amenity of the locality or surrounding residents. Furthermore, the height and scale of the building is generally consistent with the requirements and aspirations of the draft JCCSP.

COMMENT

- **Building Design**

Notwithstanding the non-compliance with the JCCDPM and draft JCCSP, the design of the building is considered appropriate given the following:

- The height and scale of the development is consistent with the draft JCCSP.
- The building has been designed acknowledging the intersection of Davidson Terrace and Reid Promenade as a 'landmark'. This includes the increase in glazing, mix of colours and materials, and the increase in the roof height of the development giving greater scale at the intersection.
- The varied setback from the street boundaries and the use of varying colours and materials provides strong articulation in the façade as viewed from the streets and surrounding properties, providing for an attractive building.
- The raised floor level to one metre is only a small portion of the frontage, and overall the development provides the opportunity for a strong level of street activation through glazing and small tenancy frontages.

In regard to the awnings, the JCCDPM requirement for a minimum clearance of 2.75 metres is consistent with the minimum clearance requirement under the Building Codes of Australia. It is noted that the awnings could be modified without substantially changing the overall appearance of the development, and a condition to this effect has been recommended and could be included in Council's decision.

- **Car Parking**

Car parking for the site has been calculated in accordance with the JCCDPM, Council Policy - Joondalup City Centre Car Parking for Commercial Development, and the draft JCCSP.

Under the JCCDPM and Council Policy a total of 118 bays are required, with 31 provided on-site (incorporating 21 standard bays, seven small bays and three motor cycle bays).

Council is requested to determine whether the 31 bays being provided are sufficient to service the development in lieu of the 118 required by the JCCDPM. The options available to Council are as follows:

- 1 Determine that the provision of 31 bays is appropriate.
- 2 Determine that the provision of 31 bays is not appropriate; or
- 3 Determine that a cash-in-lieu payment of \$2,986,101 (being \$34,323 per bay) is required for the shortfall in parking.

Having regard to the requirements of the draft JCCSP, in which car parking for commercial development is required based on the NLA of ground floor tenancies only, a total of 25 standard car bays would be needed (such as not small car bays or motorcycle bays); 21 standard car bays are provided.

Having regard to the draft JCCSP, the proposed development has four standard car bays less than that required. However, whilst on a technical basis small car bay and motor cycle bays cannot be counted, they still provide additional parking alternatives to service the development. Taking this into account, the 21 standard car parking bays being provided on-site are deemed adequate to meet the intent of the draft JCCSP.

In regard to the location of the development in relation to public transport, it is considered to be highly accessible, being within 100 metres of a CAT bus stop and 800 metres of the Joondalup Train Station. Furthermore, the end of trip facilities which are to be provided including lockers, showers and bike parking facilities encourage the use of alternative modes of transport.

Whilst the on-site parking being provided is not in accordance with the JCCDPM, it is considered that overall, the development does satisfy the aspirations of the draft JCCSP, and therefore the parking being provided is reasonable. It is noted that a development of this scale is unlikely to be feasible should parking be required in accordance with the JCCDPM.

- **Signage and Glazing**

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

A condition of approval is recommended to ensure that no obscure glazing is used on the ground floor tenancies, in accordance with the requirements of the JCCDPM.

- **Joondalup Design Reference Panel**

The JDRP met on 14 February 2011 to discuss the proposal. The minutes of this meeting are provided in Attachment 4. The key points raised by the Panel, as well as additional comment, are provided below:

- 1 Lack of detail on colours and materials

The applicant has provided further detail on the development plans in regard to the colours and materials to be used. The materials include concrete panelling, aluminium cladding and metallic awnings, with a range of colours to be used (Attachment 3 refers).

It is considered that the mix of materials and colours provides for an attractive and varied building façade, being a positive addition to the City Centre.

- 2 Corner element does not reflect the landmark position of the site

Following this feedback, the applicant has redesigned the building to better address the intersection, stating the following:

“There has been a redesign of the third and fourth levels mainly in regards to the façade which addresses the corner of the intersection of Reid Promenade and Davidson Terrace. We recognized the comments that this corner is a landmark and as a result we have tried to address this by designing an element which directly faces this corner and will be viewed as a feature of the façade.”

It is considered that the redesign has adequately addressed this concern.

- 3 Location of solar energy panels and rainwater tanks.
- 4 Extended glazing on the western elevation and the reliance on mechanical air conditioning should no shading be provided.
- 5 Limited detail on awnings and sun shading.

As set out above the applicant has revisited the sustainability of the development, and provided additional detail addressing the above.

- 6 Concern regarding no point of arrival at the street level due to use of sliding doors.
- 7 Concerned with the design of the foyer and lift area.

The applicant is satisfied with the current design of both of these aspects of the development. It is noted that as the tenancies have relatively narrow frontages, the provision of colonnades or the like to encompass doors opening outwards could detract from the overall building design.

The design of the foyer and lift area is considered appropriate and functional. The void area ensures that lift maintenance can be undertaken.

- **Approval Period**

The City's DPS2 allows for an approval to be issued for a particular length of time. If a development is not commenced, substantially commenced, or completed (as specified within the approval documents) within the timeframe set out, the approval ceases to be valid. As much of the development has been designed in line with the draft JCCSP which is yet to be endorsed, it is proposed that approval be granted for a period of two years.

To ensure that the subject development is fully constructed as proposed, and is not staged, a condition of approval is proposed that requires the entire development to be completed within four years from the date of approval. Failure to comply with this, or any other condition of approval is an offence under the *Planning and Development Act 2005*, and the City may take action in accordance with the provisions of DPS2.

- **Conclusion**

The proposed development will provide a significant amount of commercial floorspace to meet the future demands of the Joondalup City Centre. As outlined above, the revised proposal has addressed many of the previous concerns raised by Council and the JDRP. Notwithstanding the variations being sought, it is considered that the development is in line with the aspiration of the draft JCCSP, and will positively contribute to the urban fabric of the City.

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

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 **EXERCISES** discretion in relation to Clause 4.5 and 4.8.1 of the City's District Planning Scheme No.2, and determines that the following are appropriate in this instance:
 - 1.1 Plot ratio of 2.6 in lieu of 1.5;
 - 1.2 Varied setbacks from the street alignment on the first to fifth floors in lieu of nil;
 - 1.3 The fifth floor projecting through the 60 degree recession plane;
 - 1.4 Parking provision of 31 bays in lieu of 118 bays;
- 2 **NOTES** that the proposal does not meet the requirements of the City's draft Joondalup City Centre Structure Plan in relation to:
 - 2.1 Varied setbacks from the street alignment on the first to fifth floors in lieu of nil;
 - 2.2 Floor levels on the northern boundary (Reid Promenade) being a maximum of a metre above the verge level rather than being at the footpath level;
 - 2.3 Pedestrian awnings have a minimum clearance of 2.75 metres in lieu of 3.0 metres;
 - 2.4 Parking provision of 21 standard car bays in lieu of 25;
- 3 **APPROVES** the application dated 26 February 2010, submitted by Raphael Maguire, on behalf of the owners, Raphael, Elizabeth & Alex Maguire, for proposed five storey commercial development at Lot 523 (35) Davidson Terrace, subject to the following conditions:
 - 3.1 This decision constitutes planning approval only and is valid for a period of two years from the date of the decision letter. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect;
 - 3.2 The entire development, as shown on the approved plans, shall be completed within four years from the date of approval;
 - 3.3 With the exception of awnings, all construction works shall be contained within the property boundaries;
 - 3.4 Awnings shall have a minimum clearance of 2.75 metres from the verge level;
 - 3.5 The parking bays, driveways and access points to be designed in accordance with the Australian Standard for Off-Street Car Parking (AS/NZS2890.1 2004) and Off-Street Parking for People with Disabilities (AS/NZS2890.6 2009). Such areas are to be constructed, drained and marked prior to the development first being occupied, and thereafter maintained to the satisfaction of the City;

- 3.6 An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of 24 hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and approved by the City prior to the commencement of construction;
- 3.7 A Refuse Management Plan indicating the method of rubbish collection is to be submitted as part of the building licence and approved by the City prior to the development first being occupied;
- 3.8 Any proposed external building plant, including air conditioning units, piping, ducting and water tanks, being located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings, with details of the location of such plant being submitted as part of the Building Licence and approved by the City prior to the commencement of construction;
- 3.9 A full schedule of colours and materials for all exterior parts, including awnings, to the building shall be provided as part of the Building Licence, and approved by the City prior to the issue of a building licence for this development;
- 3.10 A Construction Management Plan being submitted and approved prior to the issue of the relevant Building Licence. The management plan shall detail how it is proposed to manage:
- 3.10.1 all demolition and forward works for the site;
 - 3.10.2 the delivery of materials and equipment to the site;
 - 3.10.3 the storage of materials and equipment on the site;
 - 3.10.4 the parking arrangements for the contractors and subcontractors;
 - 3.10.5 other matters likely to impact on the surrounding properties;
- 3.11 Car bays one and two as shown on the approved plans shall be marked and permanently set aside for staff parking only;
- 3.12 Obscured or reflective glazing shall not be used on the ground floor building façades facing Davidson Terrace and Reid Promenade;
- 3.13 The external entrances to Tenancy one to five shall match existing verge levels;
- 3.14 The brick paved footpaths along Davidson Terrace and Reid Promenade shall be continued to the property boundary in a pattern to match the existing paving, at a grade of 2%, at the applicant's expense and to the satisfaction of the City;
- 3.15 All bicycle parking shall be in accordance with the Australian Standard for Parking Facilities – Bicycle Parking (AS2890.3 – 1993).

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf210611.pdf](#)

ITEM 3 PROPOSED SCULPTURES LOCATED ON OCEAN REEF ROAD AND LOTS 11 AND 13 (21 AND 57) JOONDALUP DRIVE, EDGEWATER

WARD:	North - Central
RESPONSIBLE DIRECTOR:	Ms Dale Page, Director Planning and Development
FILE NUMBER:	00202, 101515
ATTACHMENTS:	Attachment 1 Location Plan Attachment 2 Development Plans

PURPOSE

The purpose of this Report is to seek Council's determination of an application for five sculptures. One of the proposed sculptures is proposed to be located on Crown land (road reserve) on Ocean Reef Road and four within the property boundary along the Joondalup Drive frontage.

EXECUTIVE SUMMARY

The subject site is adjoined by Joondalup Drive to the east, Mitchell Freeway to the west and Ocean Reef Road to the south, and is commonly referred to as Joondalup Gate (Attachment 1 refers).

The application was referred to the Department of Regional Developments and Lands as the consenting authority for the development on Crown land. The Department has signed the application form, enabling the proposal to be considered.

The proposal has not been advertised as it is considered that there is no detrimental impact on the locality as a result of the proposed development.

The sculptures are proposed as entry statement art features to assist in the branding of Joondalup Gate.

Sculpture one is proposed to be located on Crown land (road reserve) and sculptures two to five are proposed to be located within the property boundary. The latter will be located in existing car parking bays and, as such, will result in a further shortfall of two parking bays across the site.

The proposal has been assessed against the objectives of Council Policy - Signs, and is considered to meet the relevant objectives of this policy.

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

BACKGROUND

Suburb/Location: Lot 11 and 13 (No 21 and 57) Joondalup Drive, Edgewater

Applicant: Artform Signs and Displays

Owner: Department of Regional Development and Lands
Joondalup Gate Pty Ltd

Zoning: **DPS:** Business

MRS: Other Regional Roads/Urban

Site Area: 8,379m²

Structure Plan: Not Applicable

The site is located on the western side of Joondalup Drive. The property is zoned Business under the City's District Planning Scheme No.2 (DPS2).

The applicant originally proposed that all the sculptures be located within the road reserve. This option was not considered appropriate and the development was redesigned so that four of the sculptures were relocated within the property boundary, two of which being located within existing car bays. Sculpture one could not feasibly be located within the property boundary due to the location of existing overhead power lines and the topography of the land (Attachment 2 refers).

The most recent application for this site was determined by Council at its meeting held on 22 June 2010 (CJ085-06/10 refers). The application was for a change of use from Showroom to Medical Centre. At that time it was determined that 599 car bays were adequate for the site.

A separate application has been submitted to the City for a number of internal signs which carry through the same theme, colours and branding. The application was determined under Delegated Authority by the Director of Planning and Development.

DETAILS

The proposal includes the following:

- One sculpture (10.763 metres high x 3.175 metres wide) located within the road reserve on the corner of Ocean Reef Road and Joondalup Drive.
- Four sculptures (6.333 metres high, 2.992 metres wide) located within the property boundary along the Joondalup Drive frontage adjoining the entrances to Joondalup Gate.

The sculptures consist of a series of multicoloured poles, anchored together on a concrete base plate. The wording "Joondalup Gate" is proposed to be included on the base plates. Sculptures two to five will be illuminated with lights in the base plate and sculpture one will be illuminated through the poles as shown on Attachment 3.

In support of the development, the applicant has provided the following justification:

“The brief was given to me and 20 other parties as part of a competition to formulate a unification and identity for the kilometre long group of buildings that would be unique, add value to the precinct and work with the contemporary direction Joondalup has fostered in life style, education, architecture and city planning.

The proposal I put forward was to advertise and brand the precinct by introducing artistic visual elements, at key points, and creating a design language that unifies the precinct. Key considerations were scale, the retail environment (such as the visual context of the location), safety, maintenance, budget and engineering.

Our approach to the project is to being creative:

The sculpture designs came first, then the elements derived from the shapes colours and visual dynamics are then integrated into the logo and marketing material for the Joondalup Gateway precinct. This approach is unique and integrated, and is inspired by the question of what makes a place dynamic and interesting, where would you like to spend time and have a better experience?

What the sculptures represent:

The feeling evoked from the long diagonal intersecting lines are dynamic thorough balanced, the energy created sweeps up and radiates out, reaching as a plant or growing entity, the colours represents harmony in diversity, though the colours are individually chromatically vibrant that are arranged carefully via amount of area and relationship to other colours that neighbour them, they complement each other and become one. Parallels can be drawn through community i.e., diversity, optimism, direction, growth.

Day- Night:

There has been consideration given to how the sculptures work through the day and night. The size of the sculptures is critical for the design to work as the scale of the size is so vast so for the sculptures to have the intended energy must have elevation. Another influencing factor here is the volume of the sculptures is low long cylinders so the scale is important to give integrity.

“In terms of night viewing, we propose timed lighting from the base facing up the tips of the taller cylinders translucent and internally lit the height of the structures precludes vandalism”.

Issues and options considered:

Council has discretion to:

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

Legislation/Strategic Plan/Policy Implications

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

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.*

4.8 Car Parking Standards:

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

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

Strategic Plan

Key Focus Area: The Built Environment

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

Policy Council Policy – Signs

This policy provides guidance on the extent and location of various forms of signage that are not exempt from requiring planning approval under DPS2. The proposed sculptures have been assessed against the objectives of this policy.

Risk Management considerations:

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

There is an element of risk associated with one of the sculptures being located on the road reserve. Should Council approve the development, this risk can be minimised through a condition for a legal agreement to be put in place between the City and the owners of Joondalup Gate. This agreement would require the owners of Joondalup Gate to take out adequate public liability insurance. It is also recommended that conditions are included requiring ongoing maintenance of the structure.

Financial/Budget Implications:

The applicant has paid fees of \$294 (excluding GST) to cover all costs associated with assessing the application.

Regional Significance:

Not applicable

Sustainability implications:

The applicant has advised that:

"We are using low power and heat LED lighting technology for a low carbon footprint"

Consultation:

Public comments were not sought as it was considered that the proposal would not result in any adverse effect on the surrounding land owners. The nearest residential property is approximately 70 metres away and separated from the site by Joondalup Drive. It is considered that the neither the proposed land use nor the proposed car parking shortfall will adversely impact on these properties.

COMMENT

- **Sculptures:**

The City does not have any formal planning policies to assess public art work against. Therefore, in this instance, it was considered that the objectives of Council Policy - Signs were the most appropriate criteria to undertake an assessment against.

The objectives of this policy are as follows:

- “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; and
- 5 To complement the provisions for signs as specified in the City of Joondalup’s Signs Local Law (1999).”

It is considered that the proposed sculptures meet the objectives for the following reasons:

- The location of the sculptures is considered to protect the quality of the Joondalup Drive and Ocean Reef Road streetscapes as they do not result in a cluttered appearance when viewed in context.
 - Currently there is limited interaction with the Joondalup Gate development as viewed from the corner of Ocean Reef Road and Joondalup Drive, due to the topography of the site with the road level being higher. The sculptures being located at the street level will assist in provided the interaction for passing pedestrian and vehicles while creating visual interest.
 - The scale of the structures will not result in any significant additional building bulk and complements the existing development by forming an overall uniform branding.
 - The sculptures will not affect the safety of pedestrians and vehicular traffic as the setbacks are sufficient from the street and pedestrian pathways;
- **Car Parking:**

Council is required to determine whether 597 bays across the site are sufficient to service the existing developments. The options available to Council are as follows:

- 1 Determine that the provision of 597 car parking bays provided on-site is appropriate.
- 2 Determine that the provision 597 car parking bays provided on site is not appropriate; or
- 3 Determine that a cash-in-lieu payment is required for the increase in the parking shortfall by two bays.

Parking surveys undertaken in conjunction with previous applications submitted to the City for the site clearly indicated there was an underutilisation of the car parking on site. A further shortfall of two car bays across the site is considered to be minor and should not have any detrimental impacts on any of the existing developments.

- **Conclusion:**

It is considered that the proposed sculptures will enhance vibrancy and diversity in the locality while not having any detrimental impacts on the amenity of the area. The increase in the car parking shortfall is minor and considered to be acceptable.

Taking the above into consideration, the design and location of the structures are deemed to meet the objectives of Council Policy – Signs.

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

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 EXERCISES discretion under Clause 4.5.1 and 4.8.2 of the City of Joondalup District Planning Scheme No.2 and determines that car parking provision of 597 bays in lieu of 714 bays is appropriate in this instance;**
- 2 APPROVES the application for planning approval, dated 5 November 2010, submitted by Artform Signs and Displays on behalf of the owners, Joondalup Gate Pty Ltd, for sculpture additions on the road reserve of Ocean Reef Road and Joondalup Drive, Edgewater and at Lots 11 and 13 (No 21 and 57) Joondalup Drive, Edgewater, subject to the following conditions:**
 - 2.1 The approval constitutes planning approval only and is valid for two years from the date of the decision letter. If the development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect;**
 - 2.2 Low level illumination is to be used at all times;**
 - 2.3 The lights must not flash, pulsate or chase;**
 - 2.4 The sculptures must not include fluorescent, reflective or retro reflective colours;**
 - 2.5 Sculptures two, three, four and five shall be contained within the property boundary;**
 - 2.6 The sculptures are to be established and thereafter maintained to a high standard to the satisfaction of the City at the expense of owner of Lots 11 and 13 (No 21 and 57) Joondalup Drive, Edgewater;**
 - 2.7 The applicant shall enter into an agreement with the City to include the following:**

- 2.7.1 To take out and maintain an insurance policy with an insurance company approved by the City indemnifying the City against any claim for damages which may arise out in, or out of, the applicant's construction, maintenance or use of its structures located in the road reserve;**
- 2.7.2 The insurance policy is to be in the name of the applicant and the City for a minimum amount of \$10,000,000 for any one event;**
- 2.7.3 The insurance policy is to contain clauses which require that:**
 - 2.7.3.1 the policy may not be cancelled without the written consent of the City;**
 - 2.7.3.2 the insurance company and the policy holder must advise the City if the policy lapses, is cancelled or is no longer in operation.**

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf210611.pdf](#)

ITEM 4 PROPOSED SKATE PARK - MIRROR PARK, OCEAN REEF

WARD: North Central

RESPONSIBLE DIRECTOR: Mr Garry Hunt, Chief Executive Officer

FILE NUMBER: 08096, 101515

ATTACHMENTS: Attachment 1 Criteria and Weighting for Skate Parks
Attachment 2 Proposed Design Concept One
Attachment 3 Proposed Design Concept Two
Attachment 4 Site Map Mirror Park
Attachment 5 Examples of other Skate Parks

PURPOSE

To present the findings from the desktop study into alternative locations in Ocean Reef or Mullaloo for a skate park and a proposed design for a skate park at Mirror Park for consideration.

EXECUTIVE SUMMARY

At its meeting held on 14 December 2010, Council resolved that the Chief Executive Officer appoint a working group of 12 young people (at least two of whom were involved in the petition requesting a skate park) to provide input in to a design for a permanent skate park for possible inclusion at Mirror Park, Ocean Reef. Further, that the City completes a desktop study into any other alternative locations in Ocean Reef or Mullaloo to Mirror Park for the proposed skate park facility (CJ212-12/10 refers).

Council also requested that:

- appropriate funds are allocated in the 2011/12 budget;
- funding options from State Government towards the costs of CCTV and skate park construction are investigated; and
- the final design and the proposed location of the skate park within Mirror Park, Ocean Reef be referred to Council for endorsement prior to any construction taking place.

This report presents information on the above points and proposes two possible design concepts for a skate park at Mirror Park, Ocean Reef.

BACKGROUND

2001 Skate Park Committee

A Council-endorsed Skate Park Committee was formed in March 2001. The purpose of the Committee was to investigate, develop and make recommendations for the construction of skate and other wheeled sports facilities in the City of Joondalup.

In 2001, the Skate Park Committee developed criteria and completed assessments on 25 parks across the City. This process led to the construction of the Carine Skate Park in a joint venture with the City of Stirling, and Kinross Skate Park that officially opened in October 2002. Since the construction of Kinross Skate Park, no skate parks have been developed in the City.

While the Committee put on hold further investigation into a skate park at Mirror Park, Ocean Reef as investigations were undertaken into other possible sites, the minutes of the Committee do not indicate that Mirror Park was discounted as an option for the location of a skate park.

Current Facilities within the City

The City has a permanent skate park installed at MacNaughton Park, Kinross and temporary skate ramps behind the Craigie Leisure Centre. Both sites are ten years old and show signs of ageing. The Kinross Skate Park has a high utilisation rate whilst the skate ramps at the Craigie Leisure Centre have intermittent use.

Petitions

An 858 signatory petition requesting consideration of the provision of a skate park facility in the Ocean Reef/Mullaloo area, either at Mirror Park or another suitable location, was received by the City in August 2009 (C71-08/09 refers). It was subsequently presented to Council at its meeting held on 15 December 2009 (CJ270-12/09 refers).

Further, a 328 signatory petition opposing a skate park at Mirror Park, Ocean Reef was received by Council at its meeting held on 21 September 2010 (C48-09/10 refers).

Community Consultation

In considering the petition, Council resolved to undertake community consultation to identify any issues around the inclusion of a skate park in the overall upgrade of Mirror Park, Ocean Reef. The consultation occurred between 23 August and 24 September 2010. The City wrote to all households and landowners within one kilometre of Mirror Park and included two surveys, one for the householder and one for any young people living at the address.

The findings of the community consultation were overall mixed in terms of support and opposition to the proposed skate park at Mirror Park. The advantages and disadvantages identified by residents are in line with what would commonly be expected from a consultation about establishment of a skate park. The advantages included providing a much needed recreation facility for young people, a place for fun and enjoyment and a place for young people to meet friends. The disadvantages included anti-social behaviour, attracting young people from outside the area and that skate parks are unsightly.

The disadvantages identified as part of community consultation arising from the establishment of a skate park at Mirror Park are considered manageable.

At its meeting held on 14 December 2010 (CJ212-12/10 refers), Council requested the administration to design a permanent skate park for inclusion at Mirror Park, Ocean Reef in conjunction with a working group of young people.

A Special Meeting of Electors was held on 11 February 2011 to consider the proposed skate park at Mirror Park, Ocean Reef. Motions from this meeting were considered by Council at its meeting held on 15 March 2011 (CJ038-03/11 refers).

DETAILS

Desktop Study

A desktop study was conducted by the City in early 2011 using the same assessment criteria and weighting that was used in 2001 (Attachment 1 refers). All 22 parks in Ocean Reef and Mullaloo were assessed and scored against the 21 criteria. The criteria were weighted in accordance with their importance to the development of a suitable site. Sites that offered the best combination of good natural surveillance, limited residential housing in close proximity and good landform with limited competing use yielded the highest scores in the assessments.

At its meeting held on 13 February 2001 (CJ061-03/01 refers), a report to the Skate Park Committee assessed 25 locations for potential skate park sites throughout the City. Three of these sites are located in the suburbs of Ocean Reef and Mullaloo, being Mirror Park and Lexcen Park in Ocean Reef and Tom Simpson Park in Mullaloo. These three sites were highlighted as potential locations for a skate park.

These three sites were re-assessed during the 2011 desktop study to take into account any changes in use over the past ten years.

All 22 parks in Ocean Reef and Mullaloo were assessed using the assessment criteria (Attachment 1 refers). The top ranking five parks, out of a possible total score of 2079, are detailed in Table 1 below:

Table 1

Ranking	Park	Score	Comment
1	Mirror Park, Ocean Reef	1872	Potential pedestrian traffic management issues on Ocean Reef Road. Existing dirt BMX track good location. Skate park could be built on track site. Good natural surveillance from east, south and west sides with passing pedestrian and vehicle traffic. Absence of City controlled community facility/clubrooms in close proximity to potential skate park location will provide a challenge for locating 'back end' control and recording equipment for any CCTV system installed. Potential noise issues after 7.00pm.
2	Charonia Park, Mullaloo	1830	Established facilities and user groups at this site. Previous request from local church for a skate park facility. Potential natural surveillance issues from some sides.
3	Ocean Reef Park, Ocean Reef	1802	Some ongoing graffiti issues affecting the public toilet building at this site. Some restricted natural surveillance from roads on the south and south east sides. Absence of City controlled community facility/clubrooms building on this reserve will provide a challenge for locating 'back end' control and recording equipment for any CCTV system installed at a skate park on this reserve. Potential pedestrian traffic management issues would need to be addressed due to presence of dual carriageway.

Ranking	Park	Score	Comment
4	Lexcen Park, Ocean Reef	1791	Existence of high levels of traffic in area due to presence of High School site. Housing in close proximity on east, south and west sides. Skate Park would have to be located in middle of park.
5	Iluka Foreshore Park, Ocean Reef	1754	This reserve has poor natural surveillance from all sides, including from nearby residential properties. Comparatively small park with no clear suitable location for the skate park. Remote from shops and public transport. Absence of City controlled community facility/clubrooms building on this reserve will provide a challenge for locating 'back end' control and recording equipment for any CCTV system installed at a skate park on this reserve.

It is worth noting that Tom Simpson Park in Mullaloo does not feature in the top five parks despite being identified as a suitable location in 2001. The park now has extremely high usage with no clear area where a skate park could be established. Recent anti-social behaviour associated with the licensed premises located directly opposite Tom Simpson Park reflects negatively on the potential suitability for a skate park at the site.

Upon completion of the desktop study, the City's Internal Auditor reviewed the assessment process and results and confirmed that the process, methodology and outcomes were sound.

Whilst there is no one site that clearly meets all 21 criteria, the desktop study confirmed Mirror Park as the best overall site for a skate park in the Ocean Reef and Mullaloo area.

Funding Options

An investigation of possible funding sources has identified two suitable opportunities:

1. Lotterywest has a Community Spaces grant that is available for funding indoor and outdoor facilities. Preliminary discussions with Lotterywest indicate that the City is eligible and skate parks may be fundable facilities under this program. This funding program is ongoing and the City would need to meet with Lotterywest to progress an application if Council decides to proceed with the project.
2. The Department of Sport and Recreation has the Community Sporting and Recreation Facilities Fund (CSRFF). The program aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well designed and well utilised facilities. The maximum standard CSRFF grant approved would be no greater than one-third of the total estimated cost (excluding GST) of the applicant's project. Applications need to be lodged by mid to late September, with successful applicants being notified by February/March each year.

State and Commonwealth Government Departments make grant funding available to be used for the development of CCTV systems with crime deterrent or law enforcement aims. Many of these programs require that awarded grant funding be used to target known crime related problems by location. There are currently no identifiable funding opportunities suitable to the nature or timing of the Mirror Park skate park proposal. Grant funding opportunities relating to the development of CCTV may emerge if the Mirror Park project progresses and site/facility specific issues become evident.

Working Group

Young people who indicated their interest in being a part of the working group during the consultation phase were invited to participate in the working group. Contact was also made with young people living in Ocean Reef and Mullaloo and invited to participate in the working group.

A working group of 12 young people, two of whom were involved in organising the original petition requesting a skate park, was formed and engaged throughout the design process to ensure the needs of user groups were incorporated into the design concepts. The working group of young people have met on three occasions since March 2011.

The City also established an internal reference group in order to allow professional input on how the disadvantages of a skate park identified by residents could be addressed.

Skate Park Design

In accordance with the City's procurement guidelines, Convic Design Pty Ltd was selected to design a skate park for Mirror Park. Based in Victoria, the company is a recognised industry leader and has designed and constructed skate parks nationally and internationally. Convic Design Pty Ltd was highly recommended by other local governments and completed the upgrade works at Kinross Skate Park in 2010. The working group of 12 young people, as detailed above, worked in conjunction with Convic Design Pty Ltd on design concepts.

The first meeting was a chance for the young people to get to know each other and for the City to explain how the process would work.

The working group explored possible issues around a skate park and young people were encouraged to think about the needs of their peers as well the concerns of local residents. Clear parameters in terms of the budget and scope of the project were also provided.

The second session was the commencement of discussions between Convic and the young people.

During this session a designer from Convic Design Pty Ltd facilitated a number of tasks in order to identify features and style of park that would meet the needs of users. The designer also spent time with each young person individually to ensure they had the opportunity to make a full contribution.

After the second meeting it became clear that there were competing interests between skate boarders and BMX riders.

The majority of the working group represented a clear case for an approach to street plaza styled skating often found in suburban spaces, whilst the minority wanted the inclusion of more traditional features such as a bowl, similar to existing parks at Kinross and Carine. As the working group was representing a much larger youth population, the City ensured that this information was passed on to Convic Design Pty Ltd to be taken into account during the design phase.

Convic Design Pty Ltd reported that the provisional budget of \$250,000 (excluding GST) would not be sufficient to construct a high quality skate park facility that fully met the current and future needs of all the potential users.

As a result, Convic Design Pty Ltd developed two designs, one within and one over the provisional budget of \$250,000 (excluding GST). Both designs were presented to young people by Convic Design Pty Ltd in the third meeting of the working group. The group felt strongly that if a park is to be built it must meet the needs of all the different user groups in order to avoid potential conflict. The group and the designer discussed alternatives, in particular focusing on Design Concept Two (Attachment 3 refers) and how this could be altered to fit into the provisional budget, yet still meet the needs of all members of the working group and those they represent.

Design Concept One

Design Concept One (Attachment 2 refers) is within the provisional budget with an estimated cost of \$190,000 (excluding GST) for construction. It is a “street skate” style of park which caters predominantly for skateboarders and features elements often found in suburban spaces. Elements include banked walls, rails and other areas to grind, transfers and stairs all with many straight lines so that skaters can gain speed as they skate.

Inclusion of associated infrastructure such as bins, signage, seating, drinking fountain, CCTV, landscaping and shelter will bring the final cost of Design Concept One to approximately \$332,000.

Although these elements are highly suited to skateboarding, there are limited elements that cater for BMX and scooter users. Design Concept One is a modern design offering a contrast to the stereotypical image of a skate park. Combined with landscaping, it will offer a space not for members of the community to watch and interact.

Design Concept Two

Design Concept Two (Attachment 3 refers) has an estimated construction cost of \$390,000 (excluding GST), which is above the provisional budget allocation. Whilst incorporating the street skate component, Design Concept Two also has features that cater to BMX and scooter users of all experience levels. The inclusion of a bowl enables all users to practice and perform tricks that require momentum and flow. The bowl is also split level which has the dual purpose of catering for both beginners and advanced users, as well as giving varied heights to perform different tricks. By having the bowl open ended, users are able to move easily in and out of the bowl area. The open end in the bowl area also acts as a safety feature allowing access in case of an injury.

Inclusion of associated infrastructure such as bins, seating, lighting, signage, drinking fountain, CCTV, landscaping and shelter will bring the final cost of Design Concept Two to approximately \$627,000.

The previous estimated cost of \$250,000 was based on the older style of skate park at Kinross.

The engagement of young people has facilitated a proposed design for a skate park at Mirror Park more in keeping with contemporary user needs and is reflective of skate park designs now emerging across Australia and internationally.

The addition of the bowl area greatly increases the features of the park without interrupting the ‘flow’ needed to navigate the park successfully.

It includes areas for all users to be able to practice and perform a wide array of tricks with multi-use features giving users the option to grind, transfer or jump over a certain element. Design Concept Two provides a suitable facility for competitions, allowing focus on particular areas of skill.

Design Concept Two will offer a much improved facility with more challenging features for those who currently use the existing dirt BMX track at Mirror Park. The City has 10 other BMX dirt tracks that offer alternatives for younger children who may intermittently use the existing dirt BMX track.

Advantages and disadvantages of each design are detailed in Table 2 below:

Table 2

	Advantages	Disadvantages
Design Concept One	<p>Meets provisional budget (excluding associated infrastructure).</p> <p>Modern street style design.</p> <p>Good viewing for spectators.</p> <p>Less maintenance than Design Concept Two.</p>	<p>Does not cater for all potential users.</p> <p>Does not take into consideration growing youth population and future usage demands.</p> <p>Does not offer a suitable alternative to Kinross skate park or the Craigie skate ramps should they be decommissioned in the future.</p>
Design Concept Two	<p>Caters for all potential users.</p> <p>Offers free flowing transition.</p> <p>More sustainable taking into account future youth population growth.</p> <p>More options for skate/BMX/scooter competitions.</p> <p>Compensates for loss of BMX dirt track.</p> <p>Offers a viable alternative to Kinross skate park or the Craigie skate ramps should they be decommissioned in the future.</p>	<p>Higher cost than provisional budget.</p> <p>Longer construction time.</p> <p>May need more lighting than Design Concept One.</p> <p>May need more maintenance than Design Concept One.</p> <p>May meet more opposition from local residents than Design Concept One.</p>

Issues and options considered:

There are a number of options that are available for consideration in relation to the request for a new skate park facility within Ocean Reef/Mullaloo:

- 1 Do not develop any additional skate parks within the City.
- 2 Proceed with Design Concept One for a skate park at Mirror Park, Ocean Reef.
- 3 Proceed with Design Concept Two for a skate park at Mirror Park, Ocean Reef.
- 4 Identify an alternative location for a skate park within Mullaloo/Ocean Reef.
- 5 Identify alternative locations for a skate park elsewhere within the City.
- 6 Undertake a strategic review of the need for a skate park, BMX and scooter facilities within the City and develop facilities in accordance with the review findings.

Legislation/Strategic Plan/Policy Implications

Legislation Application of Australian Standards. There are no specific standards for skate park construction in Western Australia.

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: Provision of a skate park in Mirror Park could be influenced by the following City and Council Policies:

- Asset Management (City)
- Community Facilities Built (City)
- Leisure (Council)
- Management of Community Facilities (City)
- Reserves, Parks and Recreation Grounds (City)

Risk Management considerations:

- **Injury**

As with any recreational facility built by the City there are inherent risks attached to it. A skate park facility, however, potentially poses more associated risks to its users due to the nature of the sports carried out. The differing user groups may also pose a risk to each other through collision. This is a common risk at skate parks and one that is self managed by users. At the Kinross skate park there have been two reported injuries over the past two years and neither resulted in any form of claim against the City.

Risk to the City can be mitigated through clear signage encouraging courteous behaviour, the use of safety equipment as well as providing emergency contact numbers should they be needed. These risk mitigation measures are currently in place at the Kinross Skate Park and as an additional measure, frequent users of the park were provided with senior first aid training.

- **Anti-social Behaviour**

Anti-social behaviour may be of particular concern for some residents who live near the proposed site. It is envisaged that the good natural surveillance at Mirror Park, combined with the use of Crime Prevention through Environmental Design, CCTV, lighting and other associated infrastructure will assist in managing the amount of anti-social behaviour that occurs. Regular visits by City Watch and Youth Services can also help limit incidences of anti-social behaviour. These risk mitigation measures are currently in place at the Kinross Skate Park.

- **Noise**

In April 2011, the City's Environmental Health officers carried out a potential noise impact assessment on the proposed Mirror Park site using Kinross Skate Park as a guide. Initial assessment of potential noise impacts on those residents closest to the proposed site (60 metres) indicated that sound levels may breach allowable levels after 7.00pm. The data indicated that, should a skate park similar to Kinross be built on the suggested Mirror Park site, there would be no problems with noise for the period of 7.00am (9.00am for Sundays and Public Holidays) to 7.00pm.

As a result of sound level readings obtained during the potential noise impact assessment, it is conceivable that if artificial lighting was installed at the proposed skate park, allowing use of the facilities after 7.00pm, this could breach allowable assigned sound levels, especially with use of the proposed rails.

The noise assessment undertaken by the City is a preliminary assessment and arrangements are in place for a further noise assessment on the two design concepts to be undertaken by a professional Acoustic Consultant. The results of the assessment and potential attenuation measures will be considered once the assessment has been completed.

- **CCTV**

A CCTV system tailored to the design of a skate park at Mirror Park could be an effective tool in helping the City to manage the site. Initial investigations have highlighted a number of challenges that will need to be addressed if installation of a CCTV system is to proceed. These challenges include the following:

- a) There is currently no suitable housing for the system's control and image recording equipment. The toilet block on the east side of the park could potentially accommodate this equipment with some construction, re-fit out, security upgrade and air conditioning installation works.
- b) Telecommunications infrastructure at the park will not currently provide for remote image viewing and system control at City Administration Centre. The absence of optic fibre cabling in the area means that recorded images would have to be stored locally at the Park, as is done at Tom Simpson Park, Mullaloo and MacNaughton Park, Kinross.
- c) There is currently no suitable existing infrastructure for mounting CCTV cameras on the south side of the park. Dedicated, centre hinged camera mounting poles could be installed as part of the CCTV system to provide a stable platform with suitable security treatments allowing easy camera maintenance.

The estimated cost of CCTV for surveillance around the proposed skate park site is in the vicinity of \$50,000 (excluding GST).

- **Council does not approve construction**

If Council did not support the construction of a skate park at Mirror Park it would impact on the City's ability to ensure that *"the City's facilities and services are of a high quality and accessible to everyone"* as stipulated in the City's Strategic Plan.

The City's existing skate facilities are ten years old. If a new skate park is not built, the City will have no alternative facility of this nature should these sites be decommissioned in the future.

Financial/Budget Implications:

Provisional funds of \$250,000 (excluding GST) have been listed in the draft 2011/12 Capital Works budget for the construction of a skate park but does not take into account other costs associated with the establishment of a skate park.

There is a range of associated infrastructure that could be provided at skate parks. Decisions on the actual infrastructure to be provided at Mirror Park will be determined if, and as, the project progresses. Indications of estimated costs for associated infrastructure that could be provided are detailed below:

Table 3

Item	Cost (excluding GST)	Comment
CCTV	\$50,000	This cost is an estimate for a blanket system and does not take into account any trenching or construction needed to house recording equipment.
Landscaping	\$30,000	Work to be undertaken by the City.
Lighting x 4	\$40,000 to \$60,000 depending on amount and quality of lighting required (for Design Concept Two)	The provision of lighting would increase the usage of the park after dark as well as ensuring good natural surveillance. The existing skate park at Kinross is lit up after hours (until 10.00pm).
Fencing	\$20,000 to \$40,000 depending on quality of fencing, need for gates and location of fencing to skate park boundary.	Fencing may be required.
Signage x 2	\$7,200	Important risk management strategy.
Bins x 2	\$1,864	Steel galvanised bin and lid. Vandalism and fire proof.
Shelter/shade provision	\$24,000	Important sun protection.
Drinking Fountain	\$4,650	Important risk management strategy.
Seating x 19	\$13,680 (for Design Concept Two)	Adequate of durable seating for users and spectators.
Maintenance	\$5,000	Essential for upkeep of the facility.

Estimated costs are based on currently available industry prices, of which are subject to fluctuation in construction, labour and material costs. Prices submitted at tender may vary according to market demand at the time of tender. Skate park construction is a specialised trade minimising available contractors which could also result in fluctuation costs.

Some infrastructure costs quoted by Convic Design Pty Ltd may be able to be sourced at a lower cost. The estimated cost will vary depending on the associated infrastructure required as the project progresses.

The estimated total project costs are as follows:

	Skate Park Build Costs	Infrastructure Costs	Total Costs
Design Concept One	\$190,000	\$142,000 (excluding lighting/seating)	\$332,000
Design Concept Two	\$390,000	\$237,000 (including lighting)	\$627,000

All figures quoted in this report are exclusive of GST.

Regional Significance:

The intention is that this will be a local-level skate park rather than a regional facility.

Sustainability implications:

It is important that young people feel that they have been heard by the City and that their needs have been taken seriously and addressed. It is also important to acknowledge the concerns raised by residents surrounding Mirror Park and the mitigation measures that have been suggested to address these concerns.

The development of a new, modern skate park has positive sustainability implications for the City. A new park would enhance the amenity of public space and bring young people and the community closer together by showcasing the talents of young people in a positive, healthy and active way. A new skate park development would also have a positive effect on the development of a healthy, equitable, active and involved community, in particular young people.

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. Any new facility will require significant expenditure during construction and will also require designated funds for the ongoing maintenance and upkeep to ensure good asset management practices are implemented.

Consultation:

In considering the 2009 petition, Council resolved to undertake community consultation to identify any issues around the inclusion of a skate park in the overall upgrade of Mirror Park, Ocean Reef. The consultation occurred between 23 August and 24 September 2010. The City wrote to all households and landowners within one kilometre of Mirror Park and included two surveys, one for the householder and one for any young people living at the address.

The Working Group of young people has provided the opportunity for consultation and involvement by potential users of the facility.

COMMENT

It is clear from the original petition and subsequent work with young people that there is a real need for a new skate park within the City of Joondalup. The popularity of sports, such as skateboarding, BMX riding and scooter riding, are increasing and provide a healthy, popular alternative to traditional team sports for many young people.

The demographics of the current youth population, and the ageing of the five to 11 year old cohort in Ocean Reef/Mullaloo, indicates the likelihood of ongoing demands for facilities of this nature for at least the next ten years.

Currently the City has one permanent skate park located at MacNaughton Park in Kinross and semi-permanent ramps behind the Craigie Leisure Centre. Both of these facilities are ten years old and no longer represent modern, well-designed facilities that cater for users and community members alike.

It is apparent from the desk top study of the 22 parks within Ocean Reef and Mullaloo that Mirror Park is the most suitable location for a new skate park facility within these suburbs.

While Design Concept One and the associated infrastructure is marginally above the proposed budget and is a significant improvement on the City's existing skate park facilities, it will not suffice as a stand-alone facility if the City's current facilities require decommissioning in the future. Design Concept One does not adequately cater for the broad range of users such as BMX and scooter riders.

Design Concept Two offers features for skate boarders, BMX riders and scooter riders. It will require a greater investment however offers users, the community and ultimately the City, more options into the future. The design provides a contemporary standard of facility that is being provided by other local governments authorities in Western Australia and interstate (examples of other such skate parks are included as Attachment 5).

While the design of skate parks has developed to move away from the stereotypical grey concrete 'bunker' over the past ten years, the cost of construction has increased. Well designed facilities that incorporate landscaping to minimise the impact on the surrounding environment, as well as associated infrastructure such as lighting, water fountains, bins, CCTV and shelter, will require significant investment by the City. However, it is now widely recognised, that this investment is needed in order to make skate parks successful, safe and to increase the longevity of the skate park and associated infrastructure.

Although project cost estimates have been provided, the actual cost will not be known until the final design is completed and the project put out to tender. There are various options for funding the project including municipal funds or a combination of municipal and external funds.

The two identified funding opportunities outlined in the Details section of this report could offset some of the construction and/or associated infrastructure costs if funding applications were successful. However, in the interim it will be necessary for the City to budget the full estimated cost of construction and associated infrastructure if a Council decision was made to move forward with the project.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 **NOTES** the outcomes of the desktop study into alternative locations in Ocean Reef or Mullaloo, other than Mirror Park, for the proposed skate park facility;
- 2 **ENDORSES** Mirror Park, Ocean Reef as the preferred location for the construction of a new skate park within the City of Joondalup;
- 3 **ENDORSES** Design Concept Two (Attachment 3 refers) as the preferred design for the construction of a skate park at Mirror Park, Ocean Reef with provision of appropriate infrastructure including CCTV, landscaping, lighting, fencing, bins, shelter, drinking fountain, seating and maintenance to be determined as the project progresses at an estimated cost of \$627,000 (excluding GST);
- 4 **REQUESTS** that the Chief Executive Officer finalise the design and cost estimates for a skate park at Mirror Park, Ocean Reef;
- 5 **NOTES** the allocation of \$250,000 in the 2011/12 draft budget for the construction of a skate park at Mirror Park, Ocean Reef;
- 6 **NOTES** that if a tender for the project is progressed, the phasing and quantum of any additional funding required will need to be considered at that time;
- 7 **REQUESTS** that the Chief Executive Officer makes application for funding from external sources to contribute to construction and/or associated infrastructure costs;
- 8 **ADVISES** the lead petitioners of the decisions set out in parts 1 to 7 above.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf210611.pdf](#)

ITEM 5 SMALL BUSINESS CENTRE NORTH WEST METRO ECONOMIC ANALYSIS OF RELOCATION

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Jamie Parry, Director Governance and Strategy
FILE NUMBER:	35563, 101515
ATTACHMENTS:	Attachment 1 Economic Analysis of Relocating to the ECU Business and Innovation Centre and Associated Letter

PURPOSE

To consider a report on the economic analysis of relocating the Small Business Centre (North West Metro) Inc to the ECU Business and Innovation Centre from 1 July 2011.

EXECUTIVE SUMMARY

The City of Joondalup has entered into a three year Agreement to provide funding to the Small Business Centre (North West Metro) Inc (SBCNWM) for the period 2010 to 2013. This Agreement provides \$59,799.94 (excluding GST) for the 2010/11 financial year with agreement in principle to contribute \$60,000 (excluding GST) for the 2011/12 financial year subject to the consideration of the *Economic Analysis of Relocation to the ECU Business and Innovation Centre Report* and a determination of the location of the Small Business Centre (North West Metro) Inc.

At its meeting held on 14 December 2010, Council resolved inter alia to request that the SBCNWM undertake an economic analysis of relocating to the ECU Business and Innovation Centre from 1 July 2011 and a report on this be submitted to Council in April/May 2011 (CJ218-12/10 refers).

In response to the Council resolution, the City received the draft SBCNWM Report, *Economic Analysis of Relocation to the ECU Business and Innovation Centre* on 14 April 2011. The Management Committee of the SBCNWM provided a letter on 16 May 2011 detailing its resolution of the Management Committee Meeting held on 11 May 2011 that the SBCNWM should remain at 4/189 Lakeside Drive, Joondalup and further resolved to review the situation beginning in April 2012 with a view to possible relocation in July 2012.

BACKGROUND

At its meeting held on 14 December 2010 (CJ218-12/10 refers), Council resolved as follows:

- “1. *NOTES the Annual Report submitted by the Small Business Centre (North West Metro) Inc. for 2009/10;*
2. *ENDORSES the 2010/11 Small Business Centre (North West Metro) Inc. Service Delivery Plan;*

3. *AGREES to contribute \$59,799.94 (excluding GST) to the Small Business Centre (North West Metro) Inc. for 2010/11 to support small business growth and development within the City of Joondalup;*
4. *SUPPORTS in principle the relocation of the Small Business Centre (North West Metro) Inc. to the ECU Business and Innovation Centre from 1 July 2011;*
5. *REQUESTS the Small Business Centre (North West Metro) Inc. undertake an economic analysis of relocating to the ECU Business and Innovation Centre from 1 July 2011, and submits a report to the City of Joondalup on its findings by 31 March 2011, incorporating, but not be limited to:*
 - 5.1 *A financial analysis of the options, including an assessment of rental cost and outgoings; projected revenues; human resource requirements, and the like;*
 - 5.2 *A cost effectiveness analysis of the options;*
 - 5.3 *An assessment of risk and sensitivities of the options;*
 - 5.4 *An assessment of the social and environmental impact of the options;*
6. *REQUESTS a report be submitted to Council in April/May 2011 in relation to the economic analysis undertaken in part 5 above;*
7. *AGREES in principle to contribute \$60,000 (excluding GST) to the Small Business Centre (North West Metro) Inc. for 2011/12, subject to:*
 - 7.1 *consideration of the report in part 6 above and a determination of the location of the Small Business Centre (North West Metro) Inc. and any future funding requirements;*
 - 7.2 *a satisfactory review of the 2010/2011 Service Delivery Plan by the Chief Executive Officer;*
 - 7.3 *the provision of a 2011/12 Service Delivery Plan;*
 - 7.4 *the provision of audited financial statements for 2010/2011;*
 - 7.5 *the Small Business Centre (North West Metro) Inc. recognising the sponsorship of the City of Joondalup, City of Wanneroo and Small Business Development Corporation on all of its marketing documentation;*
8. *AGREES in principle to contribute \$60,000 (excluding GST) to the Small Business Centre (North West Metro) Inc. for 2012/13, subject to:*
 - 8.1 *a satisfactory review of the 2011/12 Service Delivery Plan by the Chief Executive Officer;*
 - 8.2 *the provision of a 2012/13 Service Delivery Plan;*
 - 8.3 *the provision of audited financial statements for 2011/12;*
 - 8.4 *the Small Business Centre (North West Metro) Inc. recognising the sponsorship of the City of Joondalup, City of Wanneroo and Small Business Development Corporation on all of its marketing documentation;*
9. *REQUESTS that the Small Business Centre (North West Metro) Inc. commit to ensuring that the presence at its Joondalup Office be maintained, at a minimum to its current level, for the funding period;*
10. *ADVISES the Small Business Development Corporation and City of Wanneroo of the Council's decision in Parts 1 to 9 above."*

The City of Joondalup signed a Letter of Agreement with the SBCNWM in January 2011 outlining the terms and conditions for the provision of a financial grant to be paid in three annual instalments to assist the delivery of small business support services as outlined in the SBCNWM Annual Service Delivery Plans.

Both the Cities of Joondalup and Wanneroo have agreed to provide \$59,799.94 (excluding GST) for the 2010/11 financial year with agreement in principle to contribute \$60,000 (excluding GST) for the 2011/12 financial year in part subject to consideration of the *Economic Analysis of Relocation to the ECU Business and Innovation Centre Report* and a determination of the location of the SBCNWM and any future funding requirements. Agreement in principle to contribute funding of \$60,000 (excluding GST) for the 2012/13 financial year has also been agreed to by both the Cities of Joondalup and Wanneroo subject to a number of conditions.

The following table summarises the agreed in principle funding for the SBCNWM from the funding agencies for the three years 2010 to 2013, totalling \$750,742.

	2010/2011	2011/2012	2012/2013
Small Business Development Corporation	\$130,381.00	\$130,381	\$130,381
City of Wanneroo	\$ 59,799.94	\$ 60,000	\$ 60,000
City of Joondalup	\$ 59,799.94	\$ 60,000	\$ 60,000
	\$249,980.88	\$250,381	\$250,381

Figures are excluding GST.

The Letter of Agreement between the City of Joondalup and the SBCNWM states that all payments are dependent on the performance of the SBCNWM in line with key outcomes and to the satisfaction of the City's Chief Executive Officer. The key outcomes are as follows:

- Delivery of an Annual Report reviewing the SBCNWM achievements against the Annual Service Delivery Plans. This Report should also include audited whole of organisational financial statements. This Report is to be provided in line with the Small Business Centre Western Australian Contract of Engagement requirements by 31 October each year.
- Provision of Quarterly Activity Reports provided in line with the Small Business Centre Western Australian Contract of Engagement requirements and due in October, January, April and July each year.
- Provision of an Annual Service Delivery Plan for 2011/12 and 2012/13.
- Recognition of the sponsorship of the City of Joondalup, City of Wanneroo and Small Business Development Corporation in all ongoing marketing documentation.
- Commitment to ensuring the presence of the SBCNWM at the Joondalup office is maintained, at a minimum, to its current level for the funding period.
- Grant Funding for 2011/12 and 2012/13 will be subject to Council consideration of the report regarding an assessment of the option of the SBCNWM relocating to the ECU Business and Innovation Centre.

The Service Delivery Plan 2010/11 highlights that services will continue to be provided on an equitable basis between the Cities of Joondalup and Wanneroo and outlines the following expected outcomes for 2010/11:

- 1,966 small businesses will be supported by the Centre (made up of 1,168 new business interviews, and 798 existing businesses).
- 122 new businesses will commence operations following support from the SBCNWM.
- 244 new jobs will be created as a result of support from the SBCNWM.

The SBCNWM services are delivered to the North West Metropolitan region through offices in Enterprise House (Wanneroo) and 4/189 Lakeside Drive, Joondalup. The Joondalup Office is shared with the Joondalup Business Association and *Employfast* (a division of the Chamber of Commerce and Industry) and is leased on a month by month basis.

From 1 July 2011, Edith Cowan University will take over the Joondalup Business Centre located at 15 Barron Parade Joondalup and develop it into the ECU Business and Innovation Centre. The Joondalup Business Centre is currently fully tenanted with a waiting list. Under the management of ECU, the Centre will focus on the commercialisation of ECU's research activities as well as the incubation of small business. It is considered that the future location of the SBCNWM in this facility would create a synergy between small business organisations and allow a consolidation of services and advice to small business in the one location. Discussions have been held with ECU on the option of the Joondalup SBCNWM Office relocating to the ECU Business and Innovation Centre when the Centre is operational from 1 July 2011.

DETAILS

In response to the Council resolution that the SBCNWM undertake an economic analysis of relocating to the ECU Business and Innovation Centre from 1 July 2011, a report titled *Economic Analysis of Relocation to the ECU Business and Innovation Centre* and accompanying letter has been provided from the Management Committee of the SBCNWM to the City of Joondalup and the City of Wanneroo. Such an analysis was considered necessary to ensure that both the Management Committee and funding partners of the SBCNWM could assess the economic advantages of the relocation and be assured that there would be no significant financial disadvantage to the proposal (CJ218-12/10 refers).

The *Economic Analysis of Relocation to the ECU Business and Innovation Centre Report* addressed the following four areas:

- 1 *A financial analysis of the options, including an assessment of rental cost and outgoings; projected revenues; human resource requirements, and the like.*
- 2 *A cost effectiveness analysis of the options.*
- 3 *An assessment of risk and sensitivities of the options.*
- 4 *An assessment of the social and environmental impact of the options.*

The SBCNWM financial analysis of the options of the proposed relocation included costs associated with actual relocation expenses such as removalists, information technology and telephone relocation costs, and marketing in addition to the estimated increased costs for rent of \$1,056 per annum.

The cost effectiveness analysis of the proposed relocation considered ongoing costs and noted that while the pricing and conditions used for cost effectiveness may vary once the Centre is managed by ECU, the new Management may open the door for negotiation on pricing and costs of facilities and ancillary services.

An assessment of the risk and sensitivities of the proposed relocation option was undertaken by the SBCNWM and the risks and impacts categorised as High, Low or Medium. The SBCNWM considered that the location of the SBCNWM offices should be in a prime location to maximise exposure to potential clients and that anticipated increased ongoing costs at the new location without an increase in budget, would mean an increase in budgetary pressures.

The SBCNWM considered that the social and environmental impact of the relocation option was neutral due to the proximity of the sites and similarity of the structures. The ECU Business and Innovation Centre is closer to the Train Station but on a route that has less foot traffic than the current location.

The City received the draft *Economic Analysis of Relocation to the ECU Business and Innovation Centre Report* on 14 April 2011, however, this Report did not contain any recommendations from the SBCNWM. In a letter dated 2 May 2011, the City requested that the endorsed Report be submitted to the City along with a letter containing the endorsed recommendations from the Management Committee of the SBCNWM following its meeting on Wednesday, 11 May 2011.

At its meeting held on 11 May 2011, the Management Committee of the SBCNWM resolved that the SBCNWM should remain at 4/189 Lakeside Drive, Joondalup. The Management Committee of the SBCNWM has agreed to review the situation beginning in April 2012 with a view to possible relocation in July 2012.

The *Economic Analysis of Relocation to the ECU Business and Innovation Centre Report and Letter* is shown as Attachment 1.

Issues and options considered:

The *Economic Analysis of Relocation to the ECU Business and Innovation Centre Report* outlines the estimated relocation expenses and costs associated with moving the SBCNWM from its present location to the *ECU Business and Innovation Centre* from 1 July 2011.

The estimated ongoing rental and operational costs used for the analysis in the Report have been based on the current management structure pricing as ECU has not yet formally taken over management of the *Business and Innovation Centre* and can only indicate “business as usual” after the takeover on 1 July 2011.

Relocation costs have been estimated as \$8,760, with additional estimated operating costs per annum of \$3,806 based on the pricing structure of the existing Joondalup Business Centre. Full details of the costs are provided in the *Economic Analysis of Relocation to the ECU Business and Innovation Centre Report* shown as Attachment 1.

The Report indicates that relocation costs will have an impact on the SBCNWM’s operational capacity to deliver its services and therefore its ability to meet its yearly KPI’s. It identifies the option of the City funding relocation expenses to allow the SBCNWM to perform its mandate unburdened by additional expenses.

- **Option 1**

Accept the resolution of the Management Committee of the SBCNWM for the SBCNWM to remain at 4/189 Lakeside Drive, Joondalup and to review the situation in April 2012 with a view to possible relocation in July 2012.

Advantages

The timing for the review allows for any change of location to be in line with new financial year and budget requirements.

Disadvantages

The time frame for the review will delay any decision regarding relocation.

- **Option 2**

Accept the resolution of the Management Committee of the SBCNWM for the SBCNWM to remain at 4/189 Lakeside Drive, Joondalup and request that the SBCNWM review the situation in December 2011.

Advantages

This time frame for the review will enable the Management Committee of the SBCNWM to make a decision based on the availability of appropriate office space, finalised tenancy terms and agreements, floor space options and costs of the operational *ECU Business and Innovation Centre*.

Disadvantages

The time frame for the review is earlier than the Management Committee of the SBCNWM resolution to review the situation in April 2012.

This is the preferred option.

- **Option 3**

Do not accept the Management Committee of the SBCNWM resolution for the SBCNWM to remain at 4/189 Lakeside Drive, Joondalup and withdraw funding support for 2011/12.

Advantages

The City will be in a position to review funding options to support small business development.

Disadvantages

Services available for small business development in the City will be reduced.

Legislation/Strategic Plan/Policy Implications

Strategic Plan

Key Focus Area: Economic Prosperity and Growth

This item has a connection to objectives in the Strategic Plan related to Economic Prosperity and Growth and in particular that of Objective 3.2, increasing employment opportunities within the City.

Policy: Council Policy - Economic Development

Risk Management considerations:

The City of Joondalup is represented on the Management Committee of the SBCNWM and is able to monitor its operations accordingly. The SBCNWM provides quarterly and annual reports to the City of Joondalup on achievement of Key Performance Indicator targets.

Financial/Budget Implications:

The City contributed \$59,799.94 for the 2010/11 financial year and has agreed in principle to contribute \$60,000 for the 2011/12 and 2012/13 financial years if funding agreement conditions are met.

Regional Significance:

The SBCNWM represents a strategic partnership for the delivery of business support services for the North West Metropolitan region. By partnering with the City of Wanneroo and the State Government, the City has been able to maximise the services available for small business development across the region that will ultimately provide flow on benefits for the whole community.

The Cities of Joondalup and Wanneroo acknowledge the importance of a regional approach to economic development through working together to progress a Regional Governance Framework for the North West Corridor and have agreed to cooperate in the areas of economic development, and tourism related matters from the Council meeting held on 17 August 2010 (CJ136–08/10 refers).

Sustainability implications:

The City of Joondalup places emphasis on economic growth for the benefit of the local community and the region. A strong and diverse small business sector underpins a robust economy, job creation and employment self sufficiency of the region.

Consultation:

The City consulted with ECU, the City of Wanneroo and the SBDC and advised the SBCNWM of the City's intent in November 2010 to consider the option of moving the SBCNWM from its present location to the ECU *Business and Innovation Centre* from July 1 2011.

COMMENT

The *Economic Analysis of Relocation to the ECU Business and Innovation Centre* has been undertaken using cost estimates and room allocations supplied by the current management of the Joondalup Business Centre. This building is currently fully tenanted and has a waiting list as at 9 June 2011 of approximately four months however the Joondalup Business Centre will begin construction of eight new offices in June 2011 with the estimated completion date of December 2011. These offices will consist of three 30m² offices and five 20m² offices. While ECU has provided advice that it will be “business as usual” for its takeover of the Centre from 1 July 2011, there has been no formal release of tenancy terms and agreements and costs from 1 July 2011.

Using the current figures, the SBCNWM conclude that there is no financial advantage to relocating the Small Business Centre North West Metro to the *ECU Business and Innovation Centre* and the costs associated with such a move would impact on the level of service delivery for the Centre.

The Management Committee of the SBCNWM has resolved that SBCNWM should remain at 4/189 Lakeside Drive, Joondalup, however, will review the situation beginning in April 2012 with a view to possible relocation in July 2012.

Investigation undertaken by the City has revealed that vacancies may be available in the *ECU Business and Innovation Centre* within four to six months. However, it is acknowledged that the SBCNWM preferred option of Office 1 may not be available until January 2012 and that the location of other vacancies may not be as desirable.

Acknowledging the uncertainty that currently exists, it would be prudent to wait until the management structure, tenancy terms and agreements, floor space options and operational costs are finalised by the *ECU Business and Innovation Centre* before undertaking a review of relocation options for the SBCNWM.

Based on the fact that the *ECU Business and Innovation Centre* will have eight additional offices completed by January 2012, it is considered appropriate that at this time, the SBCNWM reviews the rates and office space availability and provides a report to the City of Joondalup on its recommendations from the review of relocation options by 31 December 2011.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **NOTES** the *Economic Analysis of Relocation to the ECU Business and Innovation Centre* Report submitted by the Small Business Centre (North West Metro) Inc.;
- 2 **REQUESTS** that the Small Business Centre (North West Metro) Inc. submits a report to the City of Joondalup by 31 December 2011 on its recommendations following a review of relocation options to the *ECU Business and Innovation Centre*.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf210611.PDF](#)

ITEM 6 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION 2011 ANNUAL GENERAL MEETING

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Jamie Parry, Director Governance and Strategy
FILE NUMBER:	00033, 101515
ATTACHMENTS:	Nil

PURPOSE

For Council to give consideration to nominating its voting delegates for the 2011 Annual General Meeting of the Western Australian Local Government Association (WALGA) to be held on Saturday, 6 August 2011.

BACKGROUND

The Annual General Meeting of the WALGA is traditionally held during the WA Local Government Convention. The majority of local governments in the State have representatives attending.

Crs Amphlett and McLean were nominated as the City's voting delegates in 2010, with Cr Fishwick and the Chief Executive Officer as their 'proxy' delegates.

DETAILS

The 2011 WALGA Annual General Meeting will be held on Saturday 6 August 2011.

Voting delegates

In order to participate in the voting on matters received at the Annual General Meeting, each member Council must register its voting delegates by Monday, 11 July 2011. Pursuant to the WALGA Constitution, all member Councils are entitled to be represented by two voting delegates. Voting delegates may be either Elected Members or serving officers. Proxy voting is available where the Council's appointed representatives are unable to attend.

On 7 April 2010, Mayor Troy Pickard was elected as President of WALGA.

At its meeting held on 20 April 2010 (CJ065-04/10 refers), Council appointed Cr Geoff Amphlett as a replacement representative for Mayor Troy Pickard on the WALGA North Metropolitan Zone.

The current City of Joondalup members of the WALGA North Metropolitan Zone are:

Members

Cr Geoff Amphlett
Cr Russ Fishwick
Cr Tom McLean
Cr John Chester

Deputies

Cr Christine Hamilton-Prime
Cr Kerry Hollywood
Cr Mike Norman
Cr Liam Gobbert

Crs Amphlett and Chester are the City's delegate and deputy delegate respectively, to the WALGA State Council.

Issues and options considered:

Not applicable.

Legislation/Strategic Plan/Policy Implications

Legislation Not applicable.

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 City of Joondalup does not submit its voting members, it will not be able to vote on the matters to be debated as part of the Annual General Meeting of the WALGA.

Financial/Budget Implications:

Not applicable.

Regional Significance:

Matters considered at the 2011 WALGA Annual General Meeting relate to local government as an industry.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

The North Metropolitan Zone Committee of the WALGA, consisting of the Cities of Joondalup, Stirling and Wanneroo, is the main link the City has in considering matters relating to WALGA activities.

It is considered prudent to designate two voting delegates for the 2011 Annual General Meeting of the WALGA to ensure the City is represented and is able to vote on matters affecting the City and local government sector.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council GIVES consideration to nominating its:

- 1. two voting delegates for the 2011 Annual General Meeting of the Western Australian Local Government Association to be held on Saturday, 6 August 2011;**
- 2. 'Proxy' voting delegates for the 2011 Annual General Meeting of the Western Australian Local Government Association to be held on Saturday, 6 August 2011 in the event that Council's appointed representatives are unable to attend.**

ITEM 7 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - PROPOSED AMENDMENTS TO CONSTITUTION

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Jamie Parry, Director Governance and Strategy
FILE NUMBER:	00033, 101515
ATTACHMENTS:	Attachment 1 WALGA Constitution with Proposed Amendments

PURPOSE

For the Council to give consideration to proposed amendments to the Western Australian Local Government Association's (WALGA) Constitution, to be considered at the WALGA Annual General Meeting in August 2011.

EXECUTIVE SUMMARY

In accordance with Clause 29 of the WALGA Constitution, formal notice has been provided that at the 6 August 2011 Annual General Meeting (AGM) of the Association, a motion to amend the WALGA Constitution will be put to delegates as an item of business.

The proposed amendments to the Constitution are as a result of outcomes from the WALGA's *Review of the Structure and Effectiveness of State Council and Zones* conducted earlier this year.

Proposed amendments to the WALGA Constitution include the following:

- Amendment to the State Council's meeting schedule commencing in 2012.
- Amendment to resolve a potential ambiguity regarding the election of State Councillors.
- Amendment to establish a different process for the removal of Associate Members from the Association.
- Amendments to remove redundant transitional provisions from the Constitution.

The City of Joondalup will be represented at the WALGA AGM by two appointed voting delegates, and as such, Council's endorsement, or otherwise, of proposed amendments to the WALGA Constitution is required to assist the delegates in representing the Council's position.

It is considered that the proposed amendments to the WALGA Constitution are reasonable and should be supported.

BACKGROUND

In January 2011, the WALGA commenced a review of its structure and governance arrangements, which had not been reviewed since the formation of the single Association in 2001. The WALGA State Council and its Zones explored a number of options for reforming the structure of the Association's governance and representational structures and improving their effectiveness.

The Review was undertaken by a WALGA Working Group, and was intended to consider all aspects of the Association's current representational structure and its effectiveness. The Working Group had the following Terms of Reference:

“To consider the Association's representational structure including the composition and effectiveness of State Council and the structure, effectiveness and purpose of Zones.

In reviewing the Association's representational structure with regard to State Council the Working Group will consider:

- *The current arrangements and structure of State Council including the:*
 - *Number and make-up of the Board;*
 - *Representational arrangements;*
- *The effectiveness of State Council;*
- *Alternative representative and structural models;*

In reviewing the Association's representational structure with regard to the Zones the Working Group will consider:

- *The current arrangements and structure of Zones including the:*
 - *Purpose of Zones;*
 - *Basis for formation of Zones – i.e. currently geographic;*
 - *Number of Zones;*
 - *Whether there is a commonality of interest within Zones;*
- *The effectiveness of Zones;*
- *Alternative models to the current Zone structure.”*

The review was considered by the WALGA State Council at its meeting held on April 2011. The minutes of this meeting were reported to Council at its meeting held on May 2011 (CJ087-05/11 refers).

As a result of the review a number of amendments to the WALGA Constitution are proposed.

DETAILS

In accordance with Clause 29 of the WALGA Constitution, formal notice has been given that at the 6 August 2011 AGM of the Association a motion to amend the WALGA Constitution will be put to delegates as an item of business. A full report will be included in the AGM agenda papers.

The proposed amendments to the Constitution are as a result of outcomes from the WALGA's *Review of the Structure and Effectiveness of State Council and Zones* conducted earlier this year.

One outcome of the review is to amend State Council's meeting schedule beginning in 2012. The proposal to alter the meeting calendar of State Council requires amendment to the Constitution. It is proposed that the next State Council will commence at the first meeting of the next even calendar year (2012) for a two year term ending at the first meeting of the next even calendar year (2014).

Another set of amendments to the Constitution are designed to resolve a potential ambiguity regarding the election of State Councillors. The WALGA advised it was always intended, and is current practice, that the Zones would elect a State Councillor from amongst delegates to the Zone and there are amendments proposed to remove this ambiguity.

Further proposed amendments establish a different process for the removal of Associate Members from the Association. Associate Members were introduced to the Association following amendments to the Constitution passed in 2007. The WALGA consider it sufficient for the membership of Associate Members, which are not Councils and include private businesses, to be cancelled by a resolution of State Council.

It is also proposed to remove redundant transitional provisions from the Constitution.

The WALGA State Council considered the proposed amendments at its 1 June 2011 State Council meeting and unanimously resolved to amend the Constitution. The WALGA State Council's resolution, in part, follows:

2 *That the Constitution be amended as follows:*

a *In clause 9(3):*

DELETE:

“two (2) year terms, commencing from the Ordinary Meeting of State Council in April and concluding at the Ordinary Meeting of State Council in April two (2) years later” and;

INSERT:

“for a term commencing from the first Ordinary Meeting of State Council of an even numbered year and concluding at the first Ordinary Meeting of State Council of the following even numbered year”

b *In clause 17(2):*

DELETE:

“for a two (2) year term by the State Council at the Ordinary Meeting of State Council in April.” and;

INSERT:

“by the State Council at the first Ordinary Meeting of State Council of an even numbered year. The President’s term shall commence from the date of election and shall conclude on the day of the first Ordinary Meeting of State Council of the following even numbered year.”

c *In clause 18(2):*

DELETE:

“for a two (2) year term by the State Council at the Ordinary Meeting of State Council in April.” and;

INSERT:

“by the State Council at the first Ordinary Meeting of State Council of an even numbered year. The Deputy President’s term shall commence from the date of election and shall conclude on the day of the first Ordinary Meeting of State Council of the following even numbered year.”

3 *That the Constitution be amended as follows:*

a *In clause 9(1):*

- i. In paragraph (a) delete “by” and insert “from amongst the delegates to”; and*
- ii. In paragraph (b) delete “by” and insert “from amongst the delegates to”*

b *In clause 9(3) after “constituencies” INSERT “from amongst the delegates to the Zones”; and*

c *In clause 14, after clause 14(4) INSERT the following:*

“(4a) The term of a person who is a delegate of a member of a Zone expires when the person:

- a) dies;*
- b) ceases to be a Councillor of the Ordinary Member who elected or appointed the person as its delegate;*
- c) resigns the position by notice in writing given to the Ordinary Member who elected or appointed the person as its delegate and the resignation is accepted;*
- d) becomes a member of State or Federal Parliament;*
- e) is convicted of an offence under the Local Government Act 1995;*
- f) is permanently incapacitated by mental or physical ill-health; or*
- g) is the subject of a resolution passed by the Ordinary Member who appointed the person as its delegate terminating their appointment as the delegate of that Ordinary Member.”*

d *In clause 14(6)(a) after “deputy representatives” INSERT “from amongst the delegates to that Zone”; and*

e *In clause 20(b) after “Councillor” INSERT “of the Ordinary Member who elected or appointed the person as its delegate”*

4 *That the Constitution be amended as follows:*

a *In clause 6(2) before the first three occurrences of “Member” INSERT “Ordinary”*

b *In clause 30(1) before “Member” INSERT “Ordinary”*

c *In clause 30(2) before “Member” INSERT “Ordinary’, and*

d *INSERT clause 30(3) “An Associate Member may be expelled by resolution of State Council”*

- 5 That the Constitution be amended to DELETE clause 33 (Transition) and all previous references to “Subject to the provisions of clause 33 (Transition)...” in clauses 9(3), 17(2), 18(2) and 19(1);

A marked up version of the amendments proposed to be made to the Constitution is provided as Attachment 1.

Issues and options considered:

The Council may support, or otherwise, the proposed amendments to the WALGA Constitution.

The City of Joondalup will be represented at the WALGA AGM by two appointed voting delegates, and as such, Council's endorsement, or otherwise, of proposed amendments to the WALGA Constitution will assist the delegates in representing the Council's position.

It is recommended that the amendments as proposed be supported.

Legislation/Strategic Plan/Policy Implications

Legislation Not applicable.

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:

Not applicable.

Financial/Budget Implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

The City of Joondalup was consulted with and provided comments to the WALGA regarding its *Review of the Structure and Effectiveness of State Council and Zones* conducted earlier this year.

The Council's representatives on the WALGA North Metropolitan Zone and State Council were also consulted in relation to the *Review of the Structure and Effectiveness of State Council and Zones*, and representatives on the WALGA State Council consulted with in relation to the proposed amendments to the Constitution.

COMMENT

The WALGA has undertaken an extensive exercise, in consultation with all member local governments, to review its structure and governance arrangements, which have not been reviewed since the formation of the single Association in 2001. The WALGA State Council and its Zones have explored a number of options for reforming the structure of the Association's governance and representational structures and improving their effectiveness.

As a result, the WALGA have suggested a number of amendments to its Constitution, which are considered to be appropriate to ensure an effective governance structure.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council support the proposed amendments to the Western Australian Local Government Association Constitution, as detailed in Attachment 1 to this Report.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf210611.pdf](#)

ITEM 8 EXECUTION OF DOCUMENTS

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Jamie Parry, Director Governance and Strategy
FILE NUMBER:	15876, 101515
ATTACHMENTS:	Attachment 1 Documents executed by affixing the Common Seal

PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 4 May 2011 to 31 May 2011 (Attachment 1 refers).

EXECUTIVE SUMMARY

The City of Joondalup enters into 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.

DETAILS

During the period 4 May 2011 to 31 May 2011, eight documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Amendment to District Planning Scheme No. 2	2
Grant of Easement	1
Licence Agreement	1
Partial Surrender of Easement	1
Section 70A Notifications	2
Withdrawal of Caveat	1

Details of these documents are provided in Attachment 1 to this report.

Issues and options considered:

Not Applicable.

COMMENT

The documents that have been executed by affixing the Common Seal of the City of Joondalup are submitted to the Council for information (Attachment 1 refers).

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the schedule of documents covering the period 4 May 2011 to 31 May 2011 executed by means of affixing the Common Seal as detailed in Attachment 1 to this Report.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf210611.pdf](#)

ITEM 9 MINUTES OF EXTERNAL COMMITTEES

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry, Director Governance and Strategy

FILE NUMBER: 03149, 09151, 48543

ATTACHMENTS: Attachment 1 Minutes of the Ordinary Meeting of the Mindarie Regional Council held on 28 April 2011.
Attachment 2 Minutes of the Local Emergency Management Committee meeting held on 5 May 2011.

(Please Note: These minutes are only available electronically)

PURPOSE

To submit minutes of external committees to Council for information.

EXECUTIVE SUMMARY

The following minutes are provided:

- Ordinary Meeting of the Mindarie Regional Council held on 28 April 2011.
- Local Emergency Management Committee meeting held on 5 May 2011.

DETAILS

Mindarie Regional Council Ordinary Council Meeting – 28 April 2011

An ordinary meeting of the Mindarie Regional Council (MRC) was held on 28 April 2011.

The Council's representatives on the MRC are Cr Fishwick (Chair) and Cr Hollywood.

For the information of Council, the following matters of interest to the City of Joondalup were resolved at the MRC Ordinary Council meeting:

8.1.4 Resource Recovery Facility Update Report (for the period 10 January 2011 – 31 March 2011)

It was resolved by the MRC as follows:

“(i) note the RRF update report for the period 11 January 2011 to 31 March 2011;

- (ii) *note the following operational aspects associated with the RRF that are currently being dealt with:*
- *composter long-term repairs;*
 - *composter crack insurance claims (MRC and BV);*
 - *SITA ongoing investigation of accepting rear lift vehicles;*
 - *assessment of incoming waste and facility operations in order to finalise the Waste Diversion Target by July 2011;*
 - *SITA problems associated with disposal of ferrous metal;*
 - *RRF Project Insurance renewal process and cost; and*
 - *vehicle wash down facility.*
- (iii) *Requests that the CEO submits a report to the next Ordinary Council Meeting of the Mindarie Regional Council to seek ENDORSEMENT OR APPROVAL of the Council on all aspects relating to any Standstill Agreement or Extension of Contract Proposal relating to the Resource Recovery Facility.”*

8.1.5 Subject: Budget Financial Year 2010/11 – Expenditure Reduction

It was resolved by the MRC as follows:

“(i) *approve the decrease in expenditure of \$319,200 in the following areas:*

- *Employee Costs \$45,300*
- *Consultants & Contract Labour \$13,600*
- *Communications & Public Consultation \$30,500*
- *Landfill Expenses \$159,700*
- *Office Expenses \$3,300*
- *Information Systems Expenses \$49,000*
- *Plant & Vehicle Operating & Hire \$12,800*
- *Elected Members Costs \$5,000*

Total Savings \$319,200

(ii) *note the strategies Administration is adopting to reduce the deficit for this financial year to zero.”*

8.2.1 Subject: Strategic Projects Committee Minutes – 11 March 2011

It was resolved by the MRC as follows:

- “(i) *notes the Minutes of the Strategic Projects Committee meeting held on 11 March 2011.*
- (ii) *notes the following recommendations from the Strategic Projects Committee meeting held on 11 March 2011.*

Recommendation 1

- (a) *note that the agreement drafted as a result of the meeting of member Council representatives on 30 November 2010 be now referred to as the ‘draft MRC Establishment Agreement’;*
- (b) *note that the MRC SPC has requested the CEO MRC to task Mr John Woodhouse, legal advisor, with tasks as follows in relation to this draft MRC Establishment Agreement:*

- *identification of any concerns in relation to the requirements of the Local Government Act 1995;*
 - *explanation of what appears to be proposed by the new provisions and queries whether those matters are as intended by the Participants; and*
 - *identification of any matters of concern from a legal or drafting perspective.*
- (c) *note that SPC has requested CEO MRC to provide the completed report from Mr Woodhouse to its next meeting on 8 April 2011.*

Recommendation 2

That the Strategic Projects Committee request MRC Administration to present the CONFIDENTIAL REPORT on Waste Diversion to the Ordinary Council Meeting in April 2011 with additional information relating to a proposed timetable for consideration of a revised waste diversion target.”

8.4.2 Resource Recovery Facility Agreement Waste Diversion Target

It was resolved by the MRC as follows:

“That Council receive this report providing additional information pertaining to the matter of the Waste Diversion Target and note the following:

- (i) *significant effort is being put in by both parties to resolve this complicated issue;*
- (ii) *there is a substantial difference between the character of Sorel Tracy waste stream and the Perth waste stream;*
- (iii) *SITA has completed 3 of the 4 quarterly waste characterisation studies;*
- (iv) *The final waste characterisation study is due to be completed in April 2011;*
- (v) *a timeline for resolving this issue by the Ordinary Council Meeting on 7 July 2011 has been developed in accordance with contractual requirements;*
- (vi) *the MRC is working closely with BioVision/SITA to develop an acceptable methodology for determining the final WDT once all relevant data has been collected.”*

8.4.3 Use of Consultants

It was resolved by the MRC as follows:

“That Council approve a plan for use of consultants in at least Financial Year 2011/12 with key tasks as follows:

- (i) *to utilise external support for management of the Communications program to a level consistent with the complexity of the approved program;*
- (ii) *to utilise IW Projects for project management tasks, particularly associated with landfill and RRF, in accordance with the approved Budget approach;*

- (iii) *to maintain the current mix of internal versus external providers for the following tasks:*
- *Complex HR tasks;*
 - *Review of Strategic Plan;*
 - *Legal;*
 - *IT Services;*
 - *Specific environmental tasks;*
 - *Building – related tasks.*
- (iv) *to transition all responsibility for MRC’s financial model from the external provider (Deloitte) to MRC staff;*
- (v) *to allocate responsibility for procurement management i.e. tenders, to MRC staff, in accordance with the Council’s guidelines on this matter.”*

Local Emergency Management Committee Meeting - 5 May 2011

A meeting of the Local Emergency Management Committee (LEMC) was held on 5 May 2011.

The Council’s representative on the LEMC is Cr Chester (Chair).

At this meeting the following items were of interest to the City of Joondalup:

- **City of Joondalup Evacuation Procedure**

The City of Joondalup advised the LEMC of three real life incidents of bushfires on the bush land adjacent to the City Administration Building necessitating evacuation of staff from the building. The City has established an internal review of evacuation procedures.

- **Wanneroo/Joondalup Local Emergency Management Committee Business Plan 2011/12**

The LEMC agreed to forward the Wanneroo/Joondalup Local Emergency Management Committee Business Plan 2011/12 to the State Emergency Management Committee.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES:

- 1 the minutes of the Ordinary Meeting of the Mindarie Regional Council held on 28 April 2011 forming Attachment 1 to this Report;**
- 2 the minutes of the Local Emergency Management Committee meeting held on 5 May 2011 forming Attachment 2 to this Report.**

To access this attachment on electronic document, click here: [externalminutes210611.pdf](#)

ITEM 10 STATUS OF PETITIONS

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry, Director Governance and Strategy

FILE NUMBER: 05386, 101515

ATTACHMENTS: Attachment 1 Status of Petitions – 21 September 2010 to 17 May 2011

PURPOSE/EXECUTIVE SUMMARY

To advise Council of the status of outstanding petitions.

BACKGROUND

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

DETAILS

Issues and options considered:

Attachment 1 provides a list of all outstanding petitions, which were received during the period 21 September 2010 to 17 May 2011, with a comment on the status of each petition.

Legislation/Strategic Plan/Policy Implications

Legislation

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

"22. Petitions

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

Strategic Plan

Objective: 1.2 To engage proactively with the community.

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

Policy Implications:

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

Risk Management considerations:

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

Financial/Budget Implications:

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

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council NOTES:**

- 1 the status of outstanding petitions submitted to Council during the period 21 September 2010 to 17 May 2011, forming Attachment 1 to this Report;**
- 2 that in relation to the petition requesting reinstatement of soccer goals at Sorrento Park, Sorrento, one soccer goal has been reinstalled on a trial basis;**

- 3 that the petition requesting revocation of Amendment 36 to District Planning Scheme No 2 relating to short stay accommodation was considered at the Council Meeting held on 19 April 2011 (CJ061-04/11 refers);
- 4 that the petition requesting Council to reject the planning application for retrospective commercial parking at 7 Grantala Close, Ocean Reef was considered at the Council Meeting held on 17 May 2011 (CJ075-05/11 refers);
- 5 that the petition requesting urgent investigation, with appropriate remedial action being undertaken to address traffic safety concerns in New Cross Road, Kingsley was considered at the Council Meeting held on 17 May 2011 (CJ093-05/11 refers);
- 6 that the petition in relation to the draft Concept Plan for the Oceanside Promenade and the redevelopment of Tom Simpson Park was considered at the Council Meeting held on 17 May 2011 (CJ092-05/11 refers);
- 7 that a report in relation to the petition regarding overflow car parking issues at the Warwick Train Station is being presented to the Council meeting to be held on 28 June 2011;
- 8 that in relation to the request to enhance the park and upgrade play equipment at Byrne Park, Padbury:
 - 8.1 that Byrne Park is a dry park and consideration will need to be given to the impact on other dry parks in the City and water restrictions;
 - 8.2 that a report on the enhancement of the park and upgrade of play equipment at Byrne Park, Padbury will be presented to Council at its meeting to be held on 19 July 2011.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf210611.pdf](#)

ITEM 11 COMMUNITY FORUM ON CONSERVATION

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry, Director Governance and Strategy

FILE NUMBER: 75521

ATTACHMENTS: Nil

PURPOSE

To provide Council with:

- Information on the outcomes from the Conservation Community Forum held on 21 March 2011;
- Options for incorporating the feedback from the Conservation Community Forum into future policy and strategic directions, and service delivery.

EXECUTIVE SUMMARY

The Conservation Community Forum was held on 21 March 2011, and included participants from all suburbs of the City with most participants already actively involved in conservation activities.

The Community Forum was attended by 58 participants, and the City received 45 evaluation forms with the following feedback:

- The event overall (91% excellent/good);
- The venue (95% excellent/good);
- The quality of the presenters/presentations (95% excellent/good);
- The technologies used to facilitate community input (54% excellent/good; 36% fair);
- The extent to which participants were enabled to contribute their thinking on the topic (77% excellent/good).

The Conservation Community Forum included a key note speaker who provided information on the City's biodiversity and the threats to the City's natural assets, and three speakers who presented different models for community involvement in conservation activities. Opportunities were then provided for participants to provide feedback on the advantages and disadvantages of each model, and actions the City could take to support the volunteer conservation activities undertaken by Friends Groups.

Some of the issues raised by participants are already being considered or enacted as part of the review of the City's Natural Areas Friends Groups Manual, and as a result of delivering City initiatives such as the Environmental Education Program.

Other issues related to recruitment, retention and succession planning for the next generation of volunteers will be considered in the formulation of the new Strategic Plan and the City's new Environment Plan.

BACKGROUND

At its meeting held on 16 March 2010 (CJ038–03/10 refers), Council resolved to hold Community Forums on:

- Seniors Interests;
- Conservation; and
- Sustainability.

This decision was made on the basis that Community Forums can provide opportunities for large, one-off events that, whilst open and casual in style, would still encourage attendance and participation from people unfamiliar with the formal processes of Council Committees.

At its meeting held on 20 July 2010 (CJ119-07/10 refers), Council resolved to adopt the *Terms of Reference* developed for convening Community Forums.

Inaugural Forum

The inaugural Forum on Seniors Issues: *Baby Boomers Facing the Future* was held on 22 November 2010 and evaluated based on participant feedback indicating high levels of community satisfaction with the following:

- The event overall (96% excellent/good);
- The venue (98% excellent/good);
- The quality of the presenters/presentations (100% excellent/good);
- The technologies used to facilitate community input (91% excellent/good); and
- The extent to which participants were enabled to contribute their thinking on the topic (94% excellent/good).

Council received a report on the Seniors Issues Community Forum on 15 February 2011 (CJ018-02/11 refers). In order to provide opportunities for participants to provide input following the Forum, Council agreed to provide an online facility for future Community Forums for one week following the Forum.

The second Community Forum on Conservation was conducted on 21 March 2011 utilising the same format as that for the Seniors Issues Forum given the high levels of satisfaction with all aspects of the Forum from participants.

DETAILS

Community Forum on Conservation

The stated objectives for the Conservation Forum were:

- To provide information on a range of volunteer conservation activities in both Western Australia and in the City of Joondalup; and
- To identify participant perspectives on factors that would:
 - (a) prevent their participation in local conservation activities;
 - (b) encourage participation.

In order to improve methods for capturing, recording and analysing participant feedback, particularly from a younger target group, use of Audience Response Systems (ARS) to capture qualitative feedback using a texting facility was trialled. It was anticipated that younger participants would find texting an easy option for giving input and sharing the results. Also trialled was an online facility for Forum participants to use for additional feedback during the five days following the event. As for the Seniors Interests Community Forum, handbooks were available as a backup for capturing quantitative and qualitative participant input.

The target audiences for the Forum included:

- Youth in secondary and tertiary institutions;
- People living within 100m of nine selected sites not covered by Friends Groups;
- People with a general interest in conservation;
- Friends Groups members; and
- Former members of the City's Conservation Advisory Committee.

On the grounds that conservation activities need the involvement of a new generation of volunteers, considerable efforts were made to encourage attendance at the Forum by a younger age group. This included following up with high school students from the recent Youth Forum and promotion of the event to tertiary level students at Edith Cowan University and the West Coast Institute of Training.

As it was anticipated that the majority of the audience were likely to have limited knowledge of conservation, the Forum was weighted toward providing background information so as to enable all participants to contribute equally to discussions. Speakers were invited on the basis that they were knowledgeable and engaging speakers likely to encourage greater levels of participation from Forum participants.

Speakers at the Forum were:

- Mr David Pike who spoke on the City's natural assets and the threats to them;
- Ms Karen Clarke who spoke about the work of the Warwick Friends Group and the benefits and frustrations experienced by the volunteers;
- Ms Judith Jacobs described the Adopt a Coastline Project which involves a hands on experience of conservation for local primary school students;
- Mr Tim Kenworthy from Youth Tree (an organisation dedicated to encouraging younger people to take up opportunities to contribute to society) who described some youth led initiatives.

All speakers were rated highly by Forum participants.

In total, 64 people registered for places at the Forum and 58 attended. Forum participants were provided with handsets to collect information on their gender, approximate age and where they lived. They were also asked to identify where they saw themselves along a continuum of involvement with conservation activities from:

- "I never give it much thought"; to
- "I have been involved in conservation for a long time."

The demographics of those attending are shown in the table below, which shows that efforts to engage with a younger demographic met with limited success.

Age Range	Number of Forum Participants
12 - 17	1
18 - 24	2
25 - 34	4
35 - 49	7
50 - 59	16
60 - 69	20
70 - 84	7
85+	1

Forum participants came from most suburbs of the City, with most representatives living in Heathridge, Connolly, Edgewater and Duncraig. The remainder of participants were evenly spread across all City of Joondalup suburbs, with several people living outside the City also attending as a result of connections with a Friends Group based in the City.

The table below shows the number of participants from each suburb In the City:

Suburb	Number of People
Beldon	2
Connolly	7
Duncraig	5
Edgewater	6
Greenwood	2
Heathridge	7
Hillarys	1
Iluka	1
Joondalup	3
Kallaroo	2
Kinross	4
Mullaloo	3
Warwick	3
Woodvale	2
Kingsley	3
Outside of City	7
Total	58

With respect to levels of involvement in conservation, many of those attending were already actively involved. This outcome ran counter to expectations as only 20 registrations had been received from active members of Friends Groups or former Conservation Advisory Committee members. Ten Forum participants did, however, express an interest in becoming involved in conservation in the future.

At the close of the Forum, 45 participants responded to the evaluation questions with the following outcomes:

- The event overall (91% excellent/good);
- The venue (95% excellent/good);
- The quality of the presenters/presentations (95% excellent/good);
- The technologies used to facilitate community input (54% excellent/good; 36% fair);
- The extent to which participants were enabled to contribute their thinking on the topic (77% excellent/good).

Participant Input

The program for the Conservation Community Forum was intended to provide sufficient information for participants to comment on a range of conservation activities with respect to:

- what they found encouraging/attractive about each model;
- what they found discouraging or unattractive about each model; and
- what they thought would increase their interest in each model.

The rationale for this approach was that responses to these questions would be used to inform strategies that would increase levels of community participation in conservation activities into the future.

To encourage comprehensive responses, participants were asked to review the questions, record their own thoughts, and then share what they had written during round table discussion.

Following the table discussions, participants were given the opportunity to modify their original responses if they chose. Forum participants were also invited to use a link to an online facility which was available for five days following the event if they had more they wanted to say. Only three Forum participants utilised this option.

Following the Forum, participant feedback contained in the handbooks was analysed along with commentary provided in emails and via the online facility available to participants after the Forum. The online facility available for participants to comment following the forum was used by only a small number of people.

Recurrent themes were identified with respect to the four models of conservation, namely Friends Groups, Adopt a Coastline and the two youth initiatives described as *Sit down and talk about it*, and *Shut up and do it*. Feedback on each model is summarised and illustrated with quotations from participants in the tables below.

Friends Groups Model

Friends Groups vary from informal groups of people, to more formal incorporated bodies. Friends Group participants want to be involved in activities to conserve and protect a natural area.

Question	Feedback in Summary	Direct Quotations from Forum Participants
<p>What do you find attractive / encouraging?</p> <p>(48 comments)</p>	<ul style="list-style-type: none"> • Spending time in natural areas. • Opportunities to build friendships in local community. • Sharing a common interest. • Commitment/dedication concerning the environment. 	<p>Valuable community project enabling local people to meet and work together to protect and save bushland. Meet like-minded people, learning and increasing knowledge.</p> <p>Hands on. It works - actually helps the environment. It is interesting - there is a lot to observe. It is long-term commitment to conservation.</p>
<p>What do you find discouraging or unattractive about this model?</p> <p>(39 comments)</p>	<ul style="list-style-type: none"> • Difficulties in recruitment of new members prepared to take on work. • Scope of the task – time/effort/commitment required. • Intra-group relations. • Insufficient funding for tasks. • Perceptions that support from landowner insufficient. 	<p>Reliance on a small number of very passionate, involved, unpaid people to get a big job done with often little assistance from anyone.</p> <p>Commitment. Time poor, too afraid to join if I'm not able to meet obligations expectations. Passion can sometimes translate to be intimidating. No one of a similar age.</p> <p>Enormity of the challenge can be off putting.</p> <p>Informal structure can lead to domination by individuals. Conservation snobs!</p> <p>Often lack of support from City/landowner. Often admin left to a dedicated few.</p>
<p>What would increase your interest?</p> <p>(43 comments)</p>	<ul style="list-style-type: none"> • More resources from City – funding/training/information. • Improved liaison with City. • Effective promotion and publicity to increase participation. 	<p>Better relationship with land manager/City. More long term funding. Easier communication with City.</p> <p>Joondalup City website providing Friends Groups to broadcast themselves.</p> <p>Casual participation when available. More online, easy visual, not too much text.</p>

Most participants at the Forum were already involved in Friends Groups activities to a greater or lesser degree. Their commitment and dedication to preserving their local environments was clearly stated in the feedback provided. A recurrent theme was frustration with a lack of resources, both human (members, training, liaison) and financial.

Input from other participants at the Forum, however, suggested that the level of time and effort required of Friends Group members was not something to which they could commit. They were interested in short-term or casual involvement, perhaps on a project by project basis. It was suggested that notification of opportunities to take part on this basis could use social media such as Facebook or Twitter or some other form of instant alert.

Adopt a Coastline Model

The Adopt a Coastline Program gives Primary School students the opportunity to take part in an environmental project involving plant identification, dune rejuvenation and protection of the coastline.

Question	Feedback in Summary	Direct Quotations from Forum Participants
<p>What do you find attractive / encouraging?</p> <p>(46 comments)</p>	<ul style="list-style-type: none"> Primary school children gaining an appreciation of the natural environment through hands-on experience. Long-term influence of program on behaviours. 	<p>An action based model. Interactive learning.</p> <p>Fantastic program for children - they are the future. Get them interested, have some fun and develop a passion for the bush. Education at a young age is so important.</p> <p>Make young people aware of coast preservation before they are old enough to drive dune buggies.</p>
<p>What do you find discouraging or unattractive about this model?</p> <p>(40 comments)</p>	<p>Access to the program is limited by current resourcing levels.</p>	<p>Only 4 schools per year is inadequate, limited. Needs to involve more students.</p> <p>Over dependent on public funding therefore scope will always be limited.</p> <p>Not enough resources being spent so more schools able to participate.</p>
<p>What would increase your interest?</p> <p>(34 comments)</p>	<p>Expansion of the program to allow for more students from more schools to participate.</p>	<p>Needs to be opened up to older students too - high school age. Need to know that they can make a difference to what appears to be overwhelming issues.</p> <p>Could be enhanced if children were to return annually. Chance to inspire if done well.</p> <p>No follow up/maintenance of areas worked on - another group could follow up with caring for first groups work.</p>

Feedback from Forum participants indicated strong levels of support for the Program as a way of introducing young children to the natural environment and encouraging a longer term interest in conservation activities. However, there were concerns that despite its evident benefits for schoolchildren, and the potential of its benefits to high school students, access to the Program was limited.

Sit Down and Talk About It

Youth initiative. Each month 100 – 150 people from diverse backgrounds meet to discuss (among other things) environmental problems. The initiative is about building a visible community of people who care about environmental issues.

Question	Feedback in Summary	Direct Quotations from Forum Participants
What do you find attractive / encouraging? (42 comments)	Young people meeting, learning about and discussing the big issues	Breaking stereotype of selfish youth. Get youth thinking about major issues. Young people have the energy and drive. Peer pressure to 'give a damn' is more influential than examples provided by older generation environmental people. This is the age when people may change - they are idealistic. Involving young people in a way that works. Bringing people with different values together - sit down talk.
What do you find discouraging or unattractive about this model? (35 comments)	<ul style="list-style-type: none"> • That talking is not enough. • Lack of clarity on how would the sessions could work (if not outcomes focussed)? 	Talk fest. Difficulty of getting this started. If opposing views exist, it could be hard to reach an agreement.
What would increase your interest? (27 comments)	<ul style="list-style-type: none"> • More information about the operation of the model. • More publicity. • Seeing the outcomes of the discussions 	Need follow through to keep the young people engaged. Issues overwhelming - if just talking - need the practical activities to feel they can do something. Seeing it lead to action and young people being celebrated. An opportunity to see how it works and what solutions are being discussed and evolved through discussions.

Most participant comments indicated strong ‘in principle’ support for young people meeting and discussing matters with their peers as a way of generating new ideas and fresh approaches to long-term problems. Whilst some comments were dismissive of what was perceived to be ‘talk without action,’ most Forum participants were interested in what the young people had done, or would be inspired to do, as a result of discussions of issues in this Model.

Shut Up and Do It

Youth led approach to getting young people to do useful things. A recent initiative involved partnering with a Friends Group to clean up a piece of urban bushland. Over 50 young people spent the day cleaning up tonnes of rubbish from Clontarf Hill.

Question	Feedback in Summary	Direct Quotations from Forum Participants
What do you find attractive/encouraging? (45 comments)	A most effective model for involving young people.	Harnessing the energy and enthusiasm of youth with a strong social component. Uses social norms of young people. Social appeal. Initial low commitment. Will end up with a ‘nucleus’ of interested longer term conservation aware participants.
		Short, sharp, action. In, out, fun, hands on. Encourages further volunteering. Positive outcomes, immediate gratification.
What do you find discouraging or unattractive about this model? (24 comments)	<ul style="list-style-type: none"> Concern that large groups may do more harm than good to the bush. Limited application given skills/knowledge required for conservation activities. 	May damage environment inadvertently due to high level of people/short term time frame.
		Could be one/off activity. Without adequate preparation/education could be disastrous.
What would increase your interest? (27 comments)	Information and publicity about the group’s activities.	More publicity. More good news stories.
		Activities based in the City. Hearing more about this model.

Forum participants were supportive of youth involvement and action, and were keen to see more of it in the future. Some comments, however, indicated that the energetic and enthusiastic “one/off” approach inherent in this model may not be best suited to effective conservation which, it was implied, requires the acquisition and application of skills, knowledge and a long-term commitment.

Issues and Options

The Program for the Forum did fulfil the objectives of providing information on a range of volunteer conservation activities in both WA and in the City of Joondalup; and of identifying participant perspectives on factors that would:

- (a) prevent their participation in local conservation activities; and
- (b) encourage participation.

It was notable that whilst each model presented had strengths in terms of skills, opportunities for hands on involvement, learning and social cohesion, they also involved challenges in terms of long-term sustainability, arising from limited funding, and access to resources or declining membership.

To become sustainable, future volunteer conservation activities should be those which combine the strengths of each model and mitigate the difficulties. Long term City strategies and/or partnerships suggested by Forum feedback have therefore been considered under the headings of community education, one/off activities, and promotion.

Community Education

- Widely publicised community events for youth to learn about conservation from industry experts, with opportunities for socialisation and discussion with their peers;
- Greater collaboration between the City and local environment groups to deliver hands on learning experiences for primary and high school students (for example Green Frog Program, Adopt a Coastline);
- Increased support for training and development opportunities for new conservation volunteers.

One/off Activities

- Opportunities for short-term, one/off involvement;
- Increased City support for one off community events aimed at attracting casual conservation volunteers, similar to the support the City provides for Clean up Australia Day.

Promotion

- Establishment of a Volunteering/Friends Group page on the City of Joondalup website, including profiles, future events and contact details for City of Joondalup Friends Groups;
- The development of a quarterly *Friends Group Newsletter*, including overviews of activities from the past quarter, details of training and funding opportunities and upcoming events.

A number of the above strategies will be enacted as part of the review of the City's Natural Areas Friends Groups Manual, and as a result of delivering City initiatives such as the Environmental Education Program.

Legislation/Strategic Plan/Policy Implications

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

This act is intended to result in –

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

Strategic Plan

Key Focus Area: Leadership and Governance

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

To engage proactively with the community.

Policy Council Policy – Community Consultation and Engagement Policy.

Risk Management considerations:

There is a risk that information captured at a Community Forum may not represent all of the ideas and opinions expressed by participants, leading to dissatisfaction with the outcomes.

Financial/Budget Implications:

Account No:	534 A5304	
Budget Item:	Various including equipment, hire, catering, postage, payment of speakers	
Budget Amount:	Catering	\$1,080
	Equipment Hire	\$1,650
	External Contractor	\$1,250
	Printing	\$ 423
	Advertising	\$ 896
	Total	\$5,299
Amount Spent To Date:		\$4,922
Balance:		\$4,779

All figures quoted in this report are exclusive of GST.

Regional Significance:

Not Applicable.

Sustainability Implications:

The Community Forums provide an opportunity for local residents to exercise active citizenship which in turn contributes to environmental sustainability, social justice and democratic participation within the community.

Consultation:

The Community Forums are a mechanism for involving and consulting community members on issues and decisions that affect them. The Conservation Forum provided an opportunity for residents living adjacent to natural areas, students at local high schools, West Coast Institute of Training and Edith Cowan University, former members of the Conservation Advisory Forum and members of local Friends Groups to consider how to increase community involvement in conservation.

COMMENT

The Forum identified the extent and the biodiversity of the City's natural assets, and threats to natural assets were clearly outlined for Forum participants and included reference to the prevalence of large scale rubbish dumping, garden refuse being thrown over the back fence with the resultant proliferation of non-native species or weeds, fire, water containing pollutants (such as from swimming pools or storm drains), feral animals and the impact of climate change.

Current resources employed by the City to address environmental threats range from policy development, establishment of Natural Areas Management Plans, implementation of City Conservation Maintenance Schedules and the delivery of community education initiatives. The City also supports Friends Groups to undertake activities within local bushland areas.

The feedback received from Forum participants highlighted a number of issues relating to the levels of funding, communication and information available to support volunteer conservation activities within the City.

Whilst the overall satisfaction ratings for the Conservation Community Forum were generally very high, the rating for the extent to which participants were enabled to contribute their thinking on the topic was 77%, which is a reduction from the 94% rating achieved for the Seniors Interests Community Forum.

The CEO also sought feedback from, and engaged with, Elected Members attending the Forum to examine opportunities to improve the Forum format.

To address matters raised as a result of feedback received, the next Community Forum on Sustainability will include increased opportunities for participation by attendees and will be conducted in a less managed environment. Attendees will be given the opportunity to identify major issues and challenges associated with sustainability and to then discuss how the City can address such challenges.

The rating for the trial of the Audience Response System as a text facility did not attract high a high level of satisfaction and this facility will not be used in the next Community Forum.

Future strategies that the City could employ to address the concerns raised at the Conservation Community Forum include enhanced communication, and information sharing between the City and the community, greater promotion of conservation volunteering opportunities in the City, and improved training and development opportunities for new volunteers.

Issues arising during the Forum will be considered for inclusion in the development of the City's new Strategic Plan and new Environment Plan.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 RECEIVES the report on the outcomes of the Community Forum on Conservation and the major issues identified at the Forum;**
- 2 NOTES that the issues identified at the Community Forum on Conservation will be considered for inclusion in the new Strategic Plan and the Environment Plan;**
- 3 ACKNOWLEDGES the contribution of Community Forum on Conservation participants, including members of Friends Groups, former members of the Conservation Advisory Committee and the general public.**

ITEM 12 REVIEW OF DELEGATED AUTHORITY MANUAL

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry, Director Governance and Strategy

FILE NUMBER: 07032, 101515

ATTACHMENTS: Attachment 1 Summary of recommended amendments
Attachment 2 Revised Delegated Authority Manual

PURPOSE

For Council to review, consider recommended amendments to, and adopt the revised Delegated Authority Manual.

BACKGROUND

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

Attachment 1 to this report details proposed amendments to the Delegated Authority Manual, for consideration by Council.

DETAILS

An annual review has been undertaken of the Delegated Authority Manual. An explanation of proposed amendments is provided in Attachment 1.

The Delegated Authority Manual, with the recommended amendments marked, forms Attachment 2 to this Report. A number of administrative amendments to the Manual are proposed, such as amendments to positions to reflect changes in the City's organisational structure and updating and improving references.

The following Delegations contain more significant recommended amendments:

- **Amendments to the Parking Scheme**

It is proposed to delete this delegation and incorporate it into the 'Amendments to the Parking Schemes' delegation for ease of reference, to one delegation only.

- **Amendments to the Parking Schemes for Suburban Areas Outside of the Joondalup City Centre Policy**

The amendments proposed reflect the amalgamation of this delegation with the 'Amendments to the Parking Scheme' delegation, thereby enabling the Authority for the Chief Executive Officer to Approve Amendments to the Parking Scheme delegation to be deleted.

The addition of the word 'conditions' to the 'Function to be performed' is proposed to allow the Chief Executive Officer authority to approve and implement amendments to the Parking Schemes which are not a 'time limit' or 'prohibition'. Any conditions proposed to be exercised will not be inconsistent with the provisions of the City's Parking Local Law or Policy - Parking Schemes for Suburban Areas Outside of the Joondalup City Centre.

- **Art Collection and Advisory Committee**

It is proposed to increase the amount the Chief Executive Officer is authorised under delegated authority to approve acquisitions for artworks from \$7,500 to \$15,000 to reflect the increased budget allocation for acquiring artworks listed for consideration in the draft 2011/12 Budget.

- **Choice of Tender**

It is proposed to add the 'Authority to decline to accept any tender' to the Conditions of this delegation.

The proposed amendment will delegate to the Chief Executive the authority to decline to accept any tender where the City has determined that no tender submission received is appropriate in accordance with the City's evaluation process.

- **Town Planning Delegations - General**

At its meeting held on 15 April 2008, Council approved Amendment No 36 to the City of Joondalup's District Planning Scheme No. 2 subject to approval by the Minister for Planning and Infrastructure. Part 5 of the recommendation is as follows:

"5 NOTES that, pending the successful adoption of the short stay policy and District Planning Scheme No 2 amendment, that the delegation of planning powers notice will be amended to reflect that proposals for short term accommodation abutting a residential zone will be referred to the Council for determination."

Amendment No 36 came into effect on 16 July 2010. Subsequently, a new part (d) is proposed to be inserted into the delegations assigned to the Director Planning and Development and the Manager Planning Services.

(d) the determination of an application for approval for short stay accommodation except where abutting the 'Residential' zone."

Issues and options considered:

Not Applicable.

Legislation/Strategic Plan/Policy Implications:

Legislation: Section 5.42 of the Local Government Act 1995 provides that:

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

* absolute majority required.

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

Section 5.43 of the Local Government Act 1995 provides that:

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

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

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

Section 5.44(1) of the Local Government Act 1995 provides that:

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

Section 5.45(2) of the Local Government Act 1995 provides that:

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

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

Section 5.46(2) of the Act provides that:

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

Strategic Plan:

Key Focus Area: Leadership and Governance

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

Policy Implications:

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

Risk Management considerations:

The failure of the Council to review its delegations within the current financial year would result in non-compliance with its statutory responsibilities under the *Local Government Act 1995*.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The Act requires each delegator to review its delegations at least once every financial year. Once the Council has completed its review, the Chief Executive Officer will review his delegations and make the necessary amendments.

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

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council:

- 1 **ENDORSES** the review of its delegations in accordance with the *Local Government Act 1995*;
- 2 **BY AN ABSOLUTE MAJORITY ADOPTS** the amended Delegated Authority Manual as detailed in Attachment 2 to this Report.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf210611.pdf](#)

ITEM 13 BEACH MANAGEMENT PLAN - REVIEW OF 2010/11 SUMMER IMPLEMENTATION MEASURES FOR KITESURFING AND ANIMAL BEACH EXERCISING

WARD:	All	
RESPONSIBLE DIRECTOR:	Mr Jamie Parry, Director Governance and Strategy	
FILE NUMBER:	100932, 101515	
ATTACHMENTS:	Attachment 1	Kitesurfing restrictions under the current Beach Management Plan
	Attachment 2	Extension area of the Animal Beach under the current Beach Management Plan

PURPOSE

To inform Council of the outcomes of the 2010/2011 summer implementation measures for kitesurfing and animal beach exercising activities under the City's recently endorsed *Beach Management Plan*.

EXECUTIVE SUMMARY

At its meeting held on 21 September 2010 (CJ158-09/10 refers), Council adopted new approaches for managing animal exercising activities and kitesurfing along the City's coastline under the auspices of the *Beach Management Plan*. To meet community expectations that these outstanding issues would be resolved, the City moved to expediently implement measures to give effect to Council's decision and allow the implementation approaches to be monitored and reviewed over the 2010/11 summer period.

Through the analysis of reported incidences, infringement numbers, stakeholder feedback and anecdotal evidence, the successes and shortcomings of the implementation measures for the above activities have been highlighted.

Overall, the analysis has revealed limited issues associated with kitesurfing; in particular, highlighting that conflict between beach users and kitesurfers and reported incidences of non-compliance is very low. Concerns regarding congestion issues within the designated kitesurfing area at North Mullaloo have been highlighted by some stakeholders, with the suggestion that seasonal restrictions should be considered, as well as the possible removal of the northern most exclusion zone.

In relation to animal exercising, increased compliance from dog owners within the designated dog beach exercise area has been observed. Utilisation of the additional carparking facilities within the horse float car park by dog owners has not significantly increased following its realignment, due to perceived safety concerns for break-ins and theft.

In light of the review of trial implementation measures for kitesurfing and animal beach exercising activities over the 2010/11 summer period, it is recommended that Council:

1. *NOTES the report on the outcomes of the implementation measures used to restrict kitesurfing and animal exercising activities over the 2010/11 summer period, in accordance with the City's Beach Management Plan;*
2. *REITERATES its current position with regard to the management of kitesurfing and animal exercising activities under the Beach Management Plan, as resolved by Council at its meeting held on 21 September 2010 (CJ158-09/10 refers).*

BACKGROUND

At its meeting held on 21 September 2010 (CJ158-09/10 refers), Council endorsed the City of Joondalup Beach Management Plan and resolved the following:

- 1 *Council ENDORSES the intent of Issues Statements 1 to 32 contained within the Beach Management Plan, subject to confirmation of approaches to animal exercise areas and kitesurfing activities in Parts 2 to 6 below, and authorises the Chief Executive Officer to approve any minor amendments required to the Beach Management Plan as a result of the Council's approach or additional qualitative comments received during the community consultation;*
- 2 *Council RECOMMENDS an alternative option for the management of kitesurfing activities ("Option 4"), being that:*
 - 2.1 *Mullaloo Beach, (defined as the beach area extending from Whitfords Avenue in Kallaroo, north to Mullaloo Rocks) has the following restrictions over kitesurfing activities established:*
 - 2.1.1 *Exclusion Zone 1, which extends along the beach for 1.5 kilometres in front of the Mullaloo Surf Life Saving Club (611 metres north and 889 metres south of the Surf Club) and 200 metres seawards from the low water mark;*
 - 2.1.2 *Exclusion Zone 2, which extends along the beach for 700 metres on North Mullaloo Beach (300 metres north and 400 metres south of the Key West Mullaloo Car Park beach access path) and 200 metres seawards from the low water mark;*
 - 2.1.3 *Designated Area on the beach for launching and landing, which extends along the beach for 345 metres between Exclusion Zone 1 and Exclusion Zone 2;*
 - 2.2 *All other coastal locations within the District of the City of Joondalup have the following restrictions over kitesurfing activities established:*
 - 2.2.1 *Exclusion Zone 3, which extends for 770 metres in front of the Sorrento Surf Life Saving Club (470 metres north and 300 metres south of the Surf Club);*

- 3 Council AGREES to include this recommendation within Issue Statements 20 and 21 of the Draft Beach Management Plan;
- 4 Council NOTES that the following issues are to be considered prior to the introduction of any implementation measures for managing kitesurfing activities within the City of Joondalup:
 - 4.1 policing of exclusion zones and designated areas, including the application of potential penalties for non-compliance;
 - 4.2 compliance responsibilities, including the consideration of introducing a Beach Inspector Program;
 - 4.3 the assignment of kitesurfing competency requirements for access to permissible kitesurfing locations;
 - 4.4 public liability considerations;
 - 4.5 the potential introduction of an incident reporting procedure
- 5 Council ENDORSES Option 2, (being the application of a phase-out period to the closure of the Horse Beach over a four-year period, allowing access to the beach by horses on Monday-Saturday from daybreak-midday, after which, the area reverts to a Dog Beach), as the preferred implementation approach for Issue Statement 5 within the Draft Beach Management Plan, as it relates to the closure of the Hillarys Horse Beach;
- 6 Council ENDORSES the following as its preferred approach to managing dog exercising activities along the City's coastline: extension of the Dog Beach north by 160 metres and south 100 metres
- 7 Council NOTES that upon adopting the Beach Management Plan, the City will commence developing an Implementation Plan to give effect to the 32 Issue Statements within the Plan;
- 8 In relation to the closure of the horse beach in Part 5 above, the City of Joondalup ENGAGES with the City of Wanneroo to provide ongoing advice with regard any proposal to establish a suitable area along the City of Wanneroo coastline for the provision of a horse exercise area.
- 9 Council REQUESTS a report in the second quarter of 2011 advising of the implementation of Council's agreed Options in relation to animal exercise areas and kitesurfing and a report in September 2012 detailing the status and progress of implementation of Issue Statements 1 to 32 within the Beach Management Plan.

In response to the above resolutions, the City developed a number of actions to ensure that implementation measures were introduced for the 2010/11 summer period to restrict kitesurfing and horse exercising activities and extend the current dog beach in accordance with Council's direction. Advice was also provided to Elected Members with regard to the City's consideration of points raised under part 4 of the above resolution in relation to developing implementation measures for kitesurfing.

The expedient introduction of implementation measures sought to fulfil two purposes:

1. To meet community expectations that issues surrounding kitesurfing and animal exercising activities would be immediately resolved following a decision of Council, due to their postponement during the development of the *Beach Management Plan*; and
2. To provide an opportunity to trial and assess the effectiveness of the implementation measures, prior to their adoption as part the *Implementation Plan* for the *Beach Management Plan*.

This report seeks to fulfil Council's request for "...a report in the second quarter of 2011 advising of the implementation of Council's agreed Options in relation to animal exercise areas and kitesurfing..."

DETAILS

Following Council's decision to endorse the *Beach Management Plan* (CJ158-09/10 refers) and provide direction on alternative and preferred management options for kitesurfing and animal beach exercising activities, the City immediately undertook the following initiatives:

1 Stakeholder Engagement:

- Key stakeholders and coastal user groups were contacted to inform them of Council's final decision with regard to kitesurfing and animal exercising activities along the City's coastline.
- The City of Wanneroo was contacted to confirm Council's decision to phase out access to the Hillarys Horse Beach by horses over a four year period and to offer assistance to the City in determining a suitable area within the district of Wanneroo to establish a new horse beach facility.
- A dedicated page on the City's website was established to transparently communicate information regarding the current and future progress of implementation measures relating to kitesurfing and animal beach exercise areas.
- Discussions were held with the Department of Transport (Marine Safety) to determine the most effective means of installing navigational markers to establish new kitesurfing exclusion zones at Mullaloo and Sorrento Beaches and a new designated launching and landing area at North Mullaloo.
- A Kitesurfing Stakeholder Working Group was established to discuss implementation measures for the new kitesurfing restrictions in accordance with Council's decision, with representatives from:
 - Mullaloo Surf Life Saving Club.
 - Sorrento Surf Life Saving Club.
 - Surf Life Saving WA.
 - Western Australian Kitesurfing Association (WAKSA).
 - Mullaloo Kitesurfing Users Group (MUG).
 - Kiteboarding Perth School Operator.
 - Australian Kitesurfing School Operator.

2 Enforcement Review

- Current enforcement resources and processes were reviewed to determine an appropriate and effective means of delivering more extensive coastal patrol services to enforce and monitor the new beach activity restrictions. (Taking into consideration Council's resolution to consider the "...policing of exclusion zones and designated areas, including the application of potential penalties for non-compliance; compliance responsibilities, including the consideration of introducing a Beach Inspector Program; and the potential introduction of an incident reporting procedure..." (CJ158-09/10 refers).
- The review also included a process to amend the City's *Animals Local Law 1999* to reflect the extension of the dog beach exercise area and new day and time restrictions over the horse beach. Alternative legislative mechanisms were identified to enable the activities to be effectively enforced in the interim through the City's *Local Government and Public Property Local Law 1999*.

3 Infrastructure Review

- Car parking facilities at the Hillarys Horse Beach were reviewed with the purpose of redesigning the existing car park footprint to accommodate a greater number of single car bays for dog owners, whilst retaining provision for horse float bays. (The purpose being to accommodate more dog owners as a result of Council's decision to extend the Dog Beach exercise area).

4 Communication Planning

- A comprehensive communication plan was developed to ensure that local and broader communities would be effectively informed of the commencement dates of the new beach activity restrictions; the exact locations in which they would apply; the manner in which different user groups may be affected; and the City's expectations with regard to future beach use.
- The communication planning efforts also provided a framework from within which to consult affected stakeholders in the development of tailored publications and signage to inform specific beach users of the new restrictions.

The outcomes of these initial actions resulted in the development and implementation of the following measures:

Action	Approach	Roll Out	Cost
Enforcement	Creation of new “Beach Ranger” positions to provide a dedicated, daily coastal enforcement regime over the summer period	<p>Existing Ranger resources used to patrol coastal areas 1 December 2010 – 27 December 2011</p> <p>New Beach Ranger positions filled and operational from 27 December 2010 – 30 April 2011, extended to 12 June 2011 due to the continued warm weather. These three casual positions will be utilised again from 1 December 2011 to 30 April 2012.</p> <p>Rangers from the current establishment are to be utilised between 1 May and 30 November for beach patrols (three hours per day Monday to Friday and 14 hours per day on weekends and public holidays).</p>	\$64,000
	Identification of targeted areas for increased patrolling services	N/A	
	Commitment to establish renewed and effective relationships between Beach Rangers and coastal stakeholders	N/A	
	Creation of a “Coastal Incident Reporting Hotline”, available 24/7 to request Ranger assistance and/or report incidences onto the City’s database	Incident Reporting Hotline available from 1 December 2010	
	Weekly incident reports circulated to the Kitesurfing Stakeholder Group to adjust implementation measures and address issues and as they became apparent	N/A	

Action	Approach	Roll Out	Cost
Demarcation of kitesurfing zones	New and existing meridian buoys installed or relocated within the water, with assistance from the Department of Transport, to demarcate the 200 metres western boundary of the kitesurfing exclusion zones within Mullaloo and Sorrento	Meridian buoys and compliance signage within Mullaloo installed on 6 December 2010 to give effect to new restrictions	\$18,337
	Compliance signage and navigational markers designed and installed on the beach to inform beach users whether they are entering a designated kitesurfing area or an exclusion zone	Meridian buoys and compliance signage within Sorrento installed on 14 January 2011, (due to a manufacturing delay), to give effect to new restrictions	
	Information signs designed, in consultation with the kitesurfing stakeholder group, and installed at the beginning of all beach access paths within affected locations, displaying diagrammatically, the coastal areas affected by kitesurfing and animal exercising activities	Information Signs installed at all affected beach access path locations on 18 January 2011, (due to a manufacturing delay)	
	Additional signage installed at the beginning of all beach access paths within Mullaloo, clearly articulating the presence of exclusion zones within the area	Additional exclusion zone signage installed within Mullaloo on 6 December 2010	
Demarcation of dog and horse beach boundaries	New compliance signage installed on the beach to give effect to the dog beach extension and horse beach restrictions, including a geographical survey to determine the correct distances.	Compliance signage installed on beach on 6 December 2010	\$3,524
	Additional “no dog access” signage installed at problematic beach access points	Additional signage installed at beach access points 6 December 2010	
Realignment of horse beach carpark	Horse Beach Carpark line markings realigned to accommodate more car bays for dog owners, whilst still providing six horse float bays for horse owners	Line markings completed on 19 November 2010	\$511 (\$30,000 for horse-float car park construction works)
	Scheduled construction works to increase horse float bays from six to ten until 2014, when access to the	Construction works due for completion by 30 June 2011	

Action	Approach	Roll Out	Cost
	horse beach by horses will be closed		
Amendment of <i>Animals Local Law 1999</i>	Local Law amendment process completed, with confirmation from Delegated Legislation Committee on 13 April 2011 that amendments were acceptable and compliant	Amendment process commenced on 16 November 2010 and was completed by 18 February 2011	\$1,522
Delivery of communication plan	Local advertisements in Joondalup Weekender published once a month on three occasions, depicting beach areas subject to new restrictions	Local advertisements published on 2 December 2010, 6 January 2011 and 3 February 2011	\$7,255
	New beach activity restrictions contained within City News	Advertisement in December edition of City News	
	Electronic promotion on display screens at all City administration centres, libraries and leisure centres.	Screen promotions commenced December 2010 – March 2011	
	Dedicated website established with supporting materials and maps to outline new beach activity restrictions	Website live from 1 December 2010	
	Beach activity flyers and posters designed, printed and distributed to all coastal residents, stakeholders and local coastal businesses	Flyers and posters distributed between 11 December 2010 and 19 December 2010	
	Advertisements on beach activities contained within Joondalup Voice on three occasions	Joondalup Voice advertisements advertised on 16 December 2010, 13 January 2011 and 10 February 2011	
	Public notice advertised in the Joondalup Weekender announcing proposed modifications to horse beach car park	Public Notice advertised on 25 November 2010	
TOTAL			\$125,149

Implementation Outcomes

- **Kitesurfing**

The purpose of the new kitesurfing restrictions is to limit potentially dangerous interactions between kitesurfers and beach users in highly populated beach locations. The City's implementation success is based on its ability to achieve this outcome.

Reports of Non-Compliance:

Reported breaches of exclusion zone areas were gathered throughout the trial implementation period through use of the Incident Reporting Hotline and Ranger witnessed occurrences.

A phased-in approach to enforcement was applied, whereby cautions and conversations were utilised to educate kitesurfers on the new restrictions, after which, infringements were issued for blatant acts of non-compliance.

With only eight reports of non-compliance by kitesurfers received by the City from 1 December 2010 to 31 March 2011, overall compliance levels were considered to be high. Of those investigated and witnessed first-hand by Rangers, one resulted in a caution being issued and another resulted in an infringement.

Reports of Incidents:

Only one incident (defined as a "collision" between kitesurfers and/or beach users) was reported throughout the trial implementation period, which involved an entanglement between two kitesurfers within a permitted kitesurfing area in the water. The altercation resulted in a boat being dispatched by the Mullaloo Surf Lifesaving Club to rescue a stranded kitesurfer, who was brought to shore and provide with medical assistance. Reports indicate that a full recovery was made.

Stakeholder Feedback:

Communications with the Kitesurfing Stakeholder Group were regularly conducted throughout the trial implementation period to ensure that any management issues were addressed promptly and the incident reporting system was working effectively.

Following the end of the trial period, a survey was distributed to members of the Group to determine their opinions on whether the trial implementation measures were effective and appropriate, according to their experiences.

The following is a summary of the comments submitted by stakeholders, including Officers comments based on anecdotal experiences and knowledge.

Implementation Measure/Issue	Comments	Officer Comment
Signage	<p>Most stakeholders considered the compliance and warning signage to be clear and appropriate, however, there were concerns for kitesurfers that launch outside of affected areas and land at Mullaloo, who do not have sufficient warning or knowledge of how the local restrictions apply.</p>	<p>A lack of awareness from kitesurfers outside of the local area is acknowledged, however, it is believed that awareness will increase over time as more people are exposed to the restrictions. Information on the restrictions is currently available on the City's and WAKSA's websites for the broader kitesurfing community in addition to distributed beach activity flyers at kitesurfing shops and schools.</p>
	<p>A request was also made for additional buoys to be installed between the beach and western boundary was made, to more clearly define the exclusion zone areas.</p>	<p>The request for additional buoys is acknowledged, however, the City is unable to install meridian buoys that are not situated along the western boundary of the eight knot zone demarcated by the Department of Transport (Marine Safety), as ownership of the infrastructure has now passed to the Department. Also, there is a concern that installing additional infrastructure in-between the beach and western boundary is likely to confuse other beach users following the eight knot zone boundary.</p>
Enforcement	<p>A large majority of stakeholders acknowledged an increase in Ranger presence over the summer period, with all citing positive experiences when interacting with Rangers.</p> <p>Rangers were also considered to have been practical in their application of the new restrictions and integral to educating kitesurfers about the City's expectations with regard to high levels of compliance.</p>	<p>The City acknowledges the positive feedback received by stakeholders with regard to Ranger resources and approaches.</p>
	<p>Some comments suggested that weekday Ranger patrols be increased to reflect the level of service provided on weekends.</p>	<p>The request for additional patrols during weekdays is acknowledged. A review of Ranger services will be provided prior to the 2011/12 summer period, to ensure that adequate service levels are maintained.</p> <p>The draft 2011/12 budget has provision for approximately \$90,000 to provide the current level of coastal enforcement services, which includes additional capital costs for the purchase of a new quad bike.</p>

Implementation Measure/Issue	Comments	Officer Comment
Incident Reporting Hotline	Most stakeholders considered the Incident Reporting Hotline to be an effective means of contacting the City to report acts of non-compliance.	The City acknowledges the general perception by stakeholders that the Incident Reporting Hotline is an effective reporting tool.
	Concerns were raised by the Surf Clubs, around the difficulty of Patrol Captains utilising the service, due to their limited phone access while on duty. Also, the hotline was not considered efficient in dispatching Rangers to a location within the few minutes that an offence was taking place, as most kitesurfing breaches reported were fleeting.	The City agrees that dispatching Rangers outside of scheduled patrol hours to attend minor acts of non-compliance can be impractical in some circumstances. However, the City has encouraged residents and Surf Clubs to utilise the service to ensure that a database of complaints can be established in order to build an understanding of the extent of issues associated with the sport. Also, if Rangers are within the area, the centralised service enables staff to be contacted to attend on site more expediently.

Implementation Measure/Issue	Comments	Officer Comment
Safety	<p>Most agreed that the introduction of exclusion zones provided sufficient safety for other beach users, however, the designated kitesurfing area at North Mullaloo was considered too small to accommodate kitesurfers to safely launch and land during popular periods, due to increased congestion. It has been suggested that some local kitesurfers have chosen to kite in locations outside of the City of Joondalup to avoid the restrictions and congestion issues.</p> <p>There have been several recommendations made by the kitesurfing fraternity to increase kitesurfer safety caused by congestion:</p> <ul style="list-style-type: none"> • Relax the kitesurfing restrictions over winter to open up more beach space for kitesurfers to safely launch and land when high winds are present. • Remove the northern exclusion zone at Mullaloo based on the limited use of this area over the 2010/11 summer period when kitesurfers were present on the beach. • Increase the designated launch and land area at Mullaloo. <p>Comments from one of the Surf Clubs highlight that any increases in the size of the designated kitesurfing area will impede on safe swimming areas.</p>	<p>In light of the ability for kitesurfers to comply with the new restrictions and that the exclusion zones assist in managing risk and enhancing safety for other beach users, it is considered appropriate that the restrictions remain in their current format.</p> <p>The application of seasonal restrictions was considered by Elected Members in the development of the <i>Beach Management Plan</i>. This option was deemed difficult to effectively manage and articulate to beach users. As such, the option was not given further consideration.</p> <p>Further, whilst a reduction in the potential growth of the sport is acknowledged, it is the City's position that risk aversion is the preferred management approach, of which the current exclusion zones provide. Should congestion within the designated launching and landing area at Mullaloo be a concern to kitesurfers, the decision to kitesurf elsewhere to avoid this issue is a matter for kitesurfers to determine based on their own individual perceptions of ability and safety.</p>

Implementation Measure/Issue	Comments	Officer Comment
Conflicts	<p>Most stakeholders agreed that conflicts between kitesurfers and other beach users were rare prior to the introduction of the restrictions and the restrictions did little to reduce an already limited issue.</p> <p>One of the Surf Clubs, however, suggested that user conflicts had reduced as a result of the restrictions, in particular, at North Mullaloo.</p> <p>A request to undertake an external risk assessment was also made to determine the level of risk associated with undertaking kitesurfing activities within the City of Joondalup.</p>	<p>The City acknowledges that reported beach user conflicts during the 2010/11 summer period were negligible. However, given that limited data on user conflicts was available prior to the introduction of the restrictions; it is difficult to determine the cause of any perceived reductions in conflicts.</p> <p>Management of risk, however, is of primary concern to the City and as such, the Council decision of 21 September 2010 acknowledges this responsibility.</p>
Compliance	<p>A majority of stakeholders agreed that high levels of compliance by kitesurfers were experienced throughout the trial implementation period. It was also highlighted that any minor breaches that did take place, occurred due to unintended gear failure (that did not disturb other beach users) or a lack of knowledge from kitesurfers who were not from the local area.</p>	<p>The City agrees that considerable efforts were applied by the kitesurfing fraternity to ensure that high levels of compliance were achieved.</p> <p>It is considered that the approach of combining a scheduled enforcement regime with self-regulation has worked effectively.</p>
Co-location of Kitesurfing Schools	<p>Co-location of the Kitesurfing Schools within popular kitesurfing locations is considered by all stakeholders as an effective means of providing additional support and education to recreational kitesurfers on how to safely participate in the sport.</p>	<p>The City agrees that considerable benefits are provided from co-locating Kitesurfing Schools within popular kitesurfing locations, particularly with regard to educating kitesurfers on appropriate safety methods.</p> <p>Support for the continued operation of Kitesurfing Schools in the locations of Pinnaroo Point and North Mullaloo should be provided by the City.</p>

- **Animal Exercising**

The purpose of the implementation measures for animal beach exercising is to increase the capacity of the dog beach and associated car parks; limit the use of the horse beach by horse owners during popular periods for dog exercising; and increase compliance levels by dog owners. The City's implementation success is based on its ability to achieve these outcomes.

Reports of Non-Compliance:

A zero tolerance approach was applied to all acts of non-compliance for dog owners, as the restrictions were not new approaches to managing the activity, but merely an extension of the area in which the activity was permitted to occur.

Over the 2010/11 summer period, 123 reports of dog owners failing to remain within the permitted dog beach exercise area were received by the City. Out of these reports, a total of 41 infringements were issued when investigated by Rangers. A decreasing trend in infringements issued to dog owners was noted throughout the summer period, as higher levels of compliance were achieved due to increased patrols.

With regard to horse owners, only two cautions were issued throughout the summer implementation period for failing to comply with the new day and time restrictions.

Anecdotal Evidence:

Overall, the majority of dog owners complied with the new restrictions, although, locations within Mullaloo, Ocean Reef and Burns Beach have been identified as new areas where dog owners attend to avoid infringements. Patrols have been reviewed and rescheduled accordingly in response to any new user patterns identified.

Across the entire permitted dog beach exercise area, congestion levels were not perceived by Rangers to have significantly reduced as a result of the extensions; however, it is also acknowledged that high levels of congestion were only really prominent on one or two days over the summer. Most of the time, the beach was relatively open, even during predicted busy weekend periods. Also, greater use of the Horse Beach by dog owners has not been witnessed by Rangers and many of those who did utilise the area, were cautioned for not having their dogs on leads when horses were present.

According to Ranger reports, the additional car parking bays provided for dog owners within the Horse Beach Car Park have not been significantly utilised either, due to a perception that potential break-ins and theft is more likely to occur within this car park than the Dog Beach Car Park, because of its isolation and under-utilisation. The City will review all coastal car parking facilities as part of the *Beach Management Plan – Implementation Plan* in 2011/12 to address this issue.

Issues and options considered:

Based on the implementation outcomes summarised above, the following options with regard to the future implementation of kitesurfing and animal beach exercising activities are identified:

Option 1: Continue implementing the City's current approach to managing kitesurfing and animal beach exercising activities in the manner currently articulated within the *Beach Management Plan*.

This option is recommended based on the implementation outcomes discussed in the details section of the report.

Option 2: Recommend that Council amends the *Beach Management Plan* to apply the current kitesurfing restrictions on a seasonal basis only from 1 December – 30 April and continue the City's current approach to managing animal beach exercising activities in the manner articulated within the *Beach Management Plan*.

With regard to kitesurfing activities, this option is not recommended based on the difficulty of articulating and enforcing seasonal restrictions to beach users. There are concerns that the high levels of compliance currently experienced will dissipate if confusion surrounding the application of the restrictions arises, due to the City's shifting approaches to managing the activity.

Also, additional costs would apply in re-designing, manufacturing and printing current signage and activity publications.

Option 3: Recommend that Council amends the *Beach Management Plan* to provide access to the northern Mullaloo exclusion zone by kitesurfers from 1 May to 30 November and continue the City's current approach to managing animal beach exercising activities in the manner articulated within the *Beach Management Plan*.

Again, concerns surround the potential confusion of beach users as to the appropriate application of the restrictions. In reiteration of Elected Members previous advice on similar matters; simplicity is preferred to complexity when determining appropriate implementation measures.

Legislation/Strategic Plan/Policy Implications

Legislation Animals Local Law 1999
 Public Property Local Law 1999
 Local Government Act 1995

Strategic Plan

Key Focus Area: Leadership and Governance

Objective: 1.2 To engage proactively with the community
 1.3 To lead and manage the City effectively

Policy Not applicable

Risk Management considerations:

It should be acknowledged that in pursuing any measures for implementing kitesurfing and animal exercising restrictions, there are risks involved in balancing the needs and interests of a variety of coastal users. It is the City's responsibility to ensure that any adverse affects are as limited as possible and balanced against all considerations.

Financial/Budget Implications:

The estimated costs of maintaining the current implementation measures for kitesurfing and animal beach exercising activities are limited, given that almost all infrastructure and communication methods are in place.

With regard to enforcement costs, these are not specific to the activities of kitesurfing and animal beach exercising, as the *Beach Management Plan* seeks to address the more holistic issue of raising overall service levels for coastal patrols. As such, the \$90,000 budgeted in the draft 2011/12 Budget for Beach Ranger services will be spread across all coastal-related enforcement initiatives, including the purchase of a new quad bike, at an estimated cost of \$26,000.

The 2010/11 budget breakdown for the implementation of kitesurfing and animal exercising activities is as follows:

Account No:	N/A
Budget Item:	N/A
Budget Amount:	\$125,149
Amount Spent To Date:	\$ 95,149
Proposed Cost:	\$125,149
Balance:	\$ 30,000

All figures quoted in this report are exclusive of GST and do not include the considerable human resource cost allocated to ensuring the effective implementation of the kitesurfing and animal exercise activities over the summer period.

Regional Significance:

Any decisions made in relation to the undertaking of kitesurfing and animal beach exercising activities will impact on regional users of the City's beaches.

Sustainability implications:

The purpose of the *Beach Management Plan* is to provide for the sustainable use and management of the City's coastline. The implementation of management strategies for kitesurfing and animal beach exercising activities are cognisant of this endeavour.

Consultation:

Consultation with the Kitesurfing Stakeholder Group was undertaken throughout the trial summer implementation period, to determine the effectiveness of the City's implementation measures.

COMMENT

Not applicable.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

1. **NOTES** the report on the outcomes of the implementation measures used to restrict kitesurfing and animal exercising activities over the 2010/11 summer period, in accordance with the City's Beach Management Plan;
2. **REITERATES** its current position with regard to the management of kitesurfing and animal exercising activities under the Beach Management Plan, as resolved by Council at its meeting held on 21 September 2010 (CJ158-09/10 refers).

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf210611.PDF](#)

ITEM 14 PROPOSAL TO CHANGE THE DISTRICT BOUNDARY OF THE CITY OF JOONDALUP

WARD:	South-West
RESPONSIBLE DIRECTOR:	Mr Mike Tidy, Director Corporate Services
FILE NUMBER:	01081, 101515
ATTACHMENTS:	Attachment 1 Hillarys Boat Harbour current and proposed Local Government Boundaries

PURPOSE

To consider a proposal to make a submission to the Local Government Advisory Board (LGAB) seeking a change to the City of Joondalup's district boundary at Hillarys Boat Harbour to include all, of that portion of the boat harbour currently outside the City's district boundary.

EXECUTIVE SUMMARY

The current City of Joondalup district boundary at Hillarys Boat Harbour follows the water line around the shore and groynes and the outline of the original jetty construction on the southern side of the harbour (refer dotted pink line on Attachment 1). The internal water body in the harbour including the boat pens and significantly the southern jetty and boardwalk extension completed in 2009 are not within the City of Joondalup or any other local government.

There are a number of implications for the City for that part of the Hillarys Boat Harbour not within the City of Joondalup district boundary. These include the inability to apply the Planning Scheme, Health Act, Building Code of Australia, apply various other legislation including the City's Local Laws and to rate otherwise rateable property.

It is proposed that the City seek a change to its district boundary to address these issues. There is a statutory process for seeking a district boundary change and this will require a submission to the LGAB. To overcome the potential for future changes to the jetties and boardwalks to necessitate further boundary changes it is proposed that the boundary should be aligned to the boundary of Reserve 39197 (refer solid red line on Attachment 1).

It is recommended that Council:

1. *APPROVES in principle the proposal to change the City of Joondalup district boundary at Hillarys Boat Harbour such that the whole of Reserve 39197 is within the City of Joondalup.*
2. *REQUESTS the proposal in 1. be publicly advertised for 21 days and that a direct invitation be issued to the Department of Transport (Marine and Harbours) seeking comments on the proposal.*
3. *REQUESTS a further report on the outcomes of the comment received prior to making a final determination to submit a proposal to change the City of Joondalup district boundary at Hillarys Boat Harbour to the Local Government Advisory Board.*

BACKGROUND

The current City of Joondalup district boundary at Hillarys Boat Harbour follows the water line around the shore and groynes and the outline of the original jetty construction on the southern side of the harbour (refer dotted pink line on Attachment 1) but does not include the internal water body in the harbour, the boat pens and significantly the southern jetty and boardwalk extension completed in 2009.

This means the City has no jurisdiction in relation to:

- applying its Planning Scheme (other than only so far as the Crown as owner of the land is voluntarily willing to “reflect” such);
- applying the Health Act (other than under formalised agency service agreements and then only so far as the Crown as owner of the land is willing to “reflect” such);
- applying the Building Code of Australia (other than under formalised agency service agreements and then only so far as the Crown as owner of the land is willing to “reflect” such);
- applying valuations and rates to land and developments which would otherwise be rateable property. For 2010/11 the rates income forgone for premises on the boardwalk and jetty extension completed in 2009 which were not able to be rated is \$95,936. Depending on the location of the new boundary there is also potential to rate the leased boat pens in the harbour
- the application of various other legislative instruments that it enforces within the rest of the City (City of Joondalup Local Laws, Dog Act, Litter Act and the like).

DETAILS

Section 2.1 of the *Local Government Act 1995* (the Act) sets out the requirements for a change to a local government district boundary as follows:

2.1. *State divided into districts*

- (1) *The Governor, on the recommendation of the Minister, may make an order:*
 - (a) *declaring an area of the State to be a district;*
 - (b) *changing the boundaries of a district;*
 - (c) *abolishing a district; or*
 - (d) *as to a combination of any of those matters.*
- (2) *Schedule 2.1 (which deals with creating, changing the boundaries of, and abolishing districts) has effect;*
- (3) *The Minister can only make a recommendation under subsection (1) if the Advisory Board has recommended under Schedule 2.1 that the order in question should be made.*

Schedule 2.1 of the Act sets out the detailed processes to be followed in relation to proposals for changes to districts and Clause 2 deals making a proposal as follows:

2. *Making a proposal:*

(1) *A proposal may be made to the Advisory Board by:*

- (a) *the Minister;*
- (b) *an affected local government;*
- (c) *2 or more affected local governments, jointly; or*
- (d) *affected electors who:*

- (i) *are at least 250 in number; or*
- (ii) *are at least 10% of the total number of affected electors.*

(2) *A proposal is to:*

- (a) *set out clearly the nature of the proposal, the reasons for making the proposal and the effects of the proposal on local governments;*
- (b) *be accompanied by a plan illustrating any proposed changes to the boundaries of a district; and*
- (c) *comply with any regulations about proposals.*

Clause 3 of Schedule 2.1 sets out how proposals are dealt with. While the LGAB may be required to undertake a formal inquiry into a proposal subclause (3) does provide for proposals that are determined to be of a minor nature and that do not require public submissions to be invited. Clause 3 is as follows:

3. *Dealing with proposals:*

(1) *The Advisory Board is to consider any proposal.*

(2) *The Advisory Board may, in a written report to the Minister, recommend* that the Minister reject a proposal if, in the Board's opinion:*

- (a) *the proposal is substantially similar in effect to a proposal on which the Board has made a recommendation to the Minister within the period of 2 years immediately before the proposal is made:*
 - (aa) *where the proposal was made by affected electors under clause 2(1)(d), that the majority of those electors no longer support the proposal; or*
- (b) *the proposal is frivolous or otherwise not in the interests of good government.*

** Absolute majority required.*

(3) *If, in the Advisory Board's opinion, the proposal is:*

- (a) *one of a minor nature; and*
- (b) *not one about which public submissions need be invited, the Board may, in a written report to the Minister, recommend* that the Minister reject the proposal or that an order be made in accordance with the proposal.*

** Absolute majority required.*

- (4) *Unless it makes a recommendation under subclause (2) or (3), the Advisory Board is to formally inquire into the proposal.*

Issues and options considered:

There are several options for the City to consider.

• **Option 1**

One option is to not seek a district boundary change and maintain the status quo.

Advantages:

- There are no additional obligations on the City that may arise from planning or other legislative requirements.
- No submission is required to the LGAB.

Disadvantages:

- The City continues to forego rate revenue from property that would be rateable if it were within the City of Joondalup district boundary.
- The City continues to be unable to apply, the Planning Scheme and various other legislation including the City's Local Laws.

This option is not recommended.

• **Option 2**

Amend the current City of Joondalup district boundary only to the extent required to include the jetty and boardwalk extensions constructed in 2009. This would require a very minor proposal to the LGAB.

Advantages:

- The proposal can easily be described in technical terms.
- The proposal for a boundary change follows the same principles/logic applied to the current boundary ie includes only land and any buildings over water.
- The proposal would likely be dealt with by the LGAB as a minor one under clause 3 (3) of Schedule 2.1 of the Act, without the need to advertise.
- The proposal will enable the same legislative provisions to apply to the jetty and boardwalk extensions as apply to the rest of the land and buildings currently within City of Joondalup district boundary.

Disadvantages:

- The proposal would only "regularise" the most recent developments and would necessitate a further proposal if there were future developments outside the (adjusted) boundaries.
- The proposal would not address issues such as the boat pens or seabed leases (which are effectively "attached" to the land within the City).
- The need for the City to determine what consultation, if any, it might intend to take with affected owners and lessees.

This option is not recommended.

- **Option 3**

Amend the City of Joondalup district boundary to encompass the entire Hillarys Boat Harbour.

This proposal would involve creating a new boundary extending around the north and south moles of the Hillarys Boat Harbour to include all developments. Such a proposal would include all the water within the Hillarys Boat Harbour including the boat pens and subsea leases.

Advantages:

- The proposal can easily be described in technical terms especially if follows the existing Hillarys Boat Harbour reserve boundary (Reserve 39197).
- The proposal would ensure future developments were automatically within the City's boundaries.
- The proposal could be dealt with by the LGAB as a minor one under clause 3 (3) of Schedule 2.1 of the Act, without the need to advertise.
- The proposal will enable the same legislative provisions to apply to the jetty and boardwalk extensions as apply to the rest of the land and buildings currently within City of Joondalup district boundary.

Disadvantages:

- The need for the City to address policy issues in relation to other potential rateable property such as boat pens and seabed leases.
- The possibility of legal and jurisdictional issues with State government agencies on matters on, in or under the waters of the Harbour.
- The need for the City to determine what consultation, if any, it might intend to take with affected owners and lessees.

This option is recommended.

- **Proposal as a Minor One**

Clause 3 (3) of Schedule 2.1 of the Act allows the LGAB to determine that a proposal is of a minor nature. An approach on this basis would ensure an expeditious assessment of the proposal by the LGAB and assuming it was recommended to the Minister for acceptance, it could be implemented over a modest timeframe. If it was determined that a formal inquiry was required by the LGAB this proposal would require public consultation for a minimum of six weeks.

Legislation/Strategic Plan/Policy Implications

Legislation The Local Government Act 1995 Section 2.1 (2) provides that in relation to creating, changing the boundaries of and abolishing districts Schedule 2.1 has affect.

Strategic Plan

Key Focus Area: Leadership in Governance.

Objective: 1.3 - To lead and manage the City effectively.

Policy

Not applicable.

Risk Management considerations:

Proceeding with a proposal to amend the City of Joondalup's district boundary is relatively low risk.

The Proposal appears consistent with the LGAB Guiding Principles specifically the following points:

- Community of Interest - by ensuring that land and developments which would otherwise be rateable and able to access services if within the City of Joondalup, are rateable and able to access services, especially in relation to other rateable property in the Harbour.
- Economic factors - by ensuring that relevant land and developments are valued and rated, and that services are delivered by the City of Joondalup consistent with other land and developments in local government.
- History of the Area - almost all of the existing Harbour developments are currently within the City boundaries.

The Proposal would also be consistent with other similar or proposed marine developments which are wholly contained within a district boundary:

- Ocean Reef Marina (City of Joondalup).
- Mindarie Quay (City of Wanneroo).
- Barrack Street Jetty precinct (City of Perth - which includes part of the Swan River within its boundaries as well).
- Red Herring restaurant (Town of East Fremantle – which includes part of the Swan River within its boundaries as well).
- Proposed developments on, in and under the waters within the City of Wanneroo and Town of Kwinana.

It is likely that the LGAB would deal with the proposal recommended as a minor one under Schedule 2.1 clause 3 (3) of the Act, without the need to advertise. The only obvious immediate impact following the boundary change would be that the properties on the southern jetty and boardwalk extension that are currently not able to be rated would become rateable.

There will be some requirements of the City in relation to legislative obligations such as Planning Scheme, Health Act and Building Code however the City is already performing some of these as a service at the request of the owner.

Financial/Budget Implications:

Financial and budget implications in relation to making a submission for the proposed boundary change are minor. Assistance has been sought from a consultant in regard to the issues and requirements and the drafting of a submission to the LGAB. The cost of \$4,675 has been funded from the operational consultancy budget.

Should the boundary change proposal proceed as recommended there is additional rate revenue that will be derived from the premises located on the boardwalk and jetty extension completed in 2009 and currently not rateable because they are outside the district. At the current 2010/11 rate this is approximately \$96,000. In the future the leased boat pens could also potentially be rated.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

The *Local Government Act 1995* sets out in Schedule 2.1 the need for the LGAB to undertake an inquiry in relation to a district boundary proposal unless it determines that the proposal is of a minor nature. A formal inquiry would require notice to affected electors, affected local governments and affected electors of other local governments.

There is no stipulation as to the consultation required to be made by a local government prior to it submitting a proposal. It is open to a local government to make its own determination as to whether or not it wishes to do so. If the LGAB determines that the proposal is not of a minor nature it is obliged to conduct its own inquiry even if the local government has already undertaken its own consultation.

Given the recommendation for option 3, and that the proposal does not deal with the common district boundary with any other local government it is not proposed that the City consult other local governments or their electors.

It is felt that the Department of Transport (Marine and Harbours) as the government agency with management responsibility for Hillarys Boat Harbour and as such directly impacted should be afforded the opportunity to comment on the proposal.

Therefore, it is proposed that consultation should comprise public advertising of the proposal for 21 days inviting comment and a direct invitation to the Department of Transport (Marine and Harbours) to provide comment.

COMMENT

The current alignment of City of Joondalup district boundary at Hillarys Boat Harbour has created an anomaly as a result of an extension to the southern jetty and boardwalk. This has meant that the recent extension to the southern jetty and boardwalk is not subject to the City of Joondalup Planning Scheme, various other legislation including the City's Local Laws and are not able to be rated.

A change to the City of Joondalup district boundary is required to correct this anomaly. To avoid this situation arising with future developments at Hillarys Boat Harbour it is recommended that the most appropriate approach to defining a new boundary is to encompass the whole harbour within the City of Joondalup. The simplest boundary alignment would be to follow the boundary of Reserve 39197.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **APPROVES** in principle the proposal to change the City of Joondalup district boundary at Hillarys Boat Harbour such that the whole of Reserve 39197 is within the City of Joondalup.
- 2 **REQUESTS** the proposal in part 1 above be publicly advertised for 21 days and that a direct invitation be issued to the Department of Transport (Marine and Harbours) seeking comments on the proposal.
- 3 **REQUESTS** a further report on the outcomes of the comment received prior to making a final determination to submit a proposal to change the City of Joondalup district boundary at Hillarys Boat Harbour to the Local Government Advisory Board.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf210611.pdf](#)

ITEM 15 LIST OF PAYMENTS MADE DURING THE MONTH OF APRIL 2011

WARD:	All	
RESPONSIBLE DIRECTOR:	Mr Mike Tidy, Director Corporate Services	
FILE NUMBER:	09882, 101515	
ATTACHMENTS:	Attachment 1	CEO's Delegated Municipal Payment List for the month of April 2011.
	Attachment 2	CEO's Delegated Trust Payment List for the Month of April 2011.
	Attachment 3	Municipal and Trust Fund Vouchers for the month of April 2011.

PURPOSE

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

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of April 2011 totalling \$10,444,695.54.

It is recommended that Council NOTES the CEO's list of accounts for April 2011 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 in Attachments 1, 2 and 3 to this Report, totalling \$10,444,695.54.

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 April 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 89531 - 89722 and EF017524 – EF018027 Net of cancelled payments	\$ 7,194,828.91
	Vouchers 817A – 818A and 820A - 824A	\$ 3,222,479.13
Trust Account	Cheques 204163 – 204221	
	Net of cancelled payments	\$ 27,387.50
TOTAL		\$10,444,695.54

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 April 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 this Report, totalling \$10,444,695.54.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf210611.PDF](#)

ITEM 16 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 APRIL 2011

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy, Director Corporate Services

FILE NUMBER: 07882, 101015

ATTACHMENTS: Attachment 1 Financial Activity Statement for the Period Ended 30 April 2011

PURPOSE

The April 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 refers). The figures in this Report are compared to the Revised Budget figures.

The April 2011 Financial Activity Statement Report shows an overall favourable variance from operations and capital for the period of \$13,553k when compared to the 2010/11 Revised Budget.

This variance can be summarised as follows:

- The **Operating** surplus is \$7,286k above budget, made up of higher revenue of \$2,012k and lower operating expenditure of \$5,275k.

Operating revenue is above budget in Rates \$248k, Contributions, Reimbursements and Donations \$566k, Fees and Charges \$249k, Investment Earnings \$888k and Other Revenue \$109k. Grants and Subsidies revenue is \$78k below budget. Additional revenue arose from sale of recyclable materials, Interim Rates and from investments due to higher funds being invested.

The operating expenditure variance includes Employee Costs \$1,758k, Materials and Contracts \$3,421k, Depreciation \$153k and Interest \$66k. This is partly offset by an adverse variance in Utilities \$109k.

Lower employment costs is due to a combination of outstanding budgeted salary increases and vacancies during the period.

The Materials and Contracts favourable variance includes External Contract services \$1,530k, Furniture and Equipment repairs and maintenance \$492k and Professional Fees \$354k primarily due to timing differences.

- The **Capital Revenue and Expenditure** deficit is \$6,452k below budget and is made up of lower revenue of \$538k and under expenditure of \$6,991k.

Capital Expenditure is below budget on Capital Projects \$1,303k, Capital Works \$5,358k and Vehicle and Plant replacements \$307k.

In Capital Works, the primary areas of projects being below budget for the period include \$344k Major Road Construction Projects, \$959k Parks Equipment Program, \$887k Traffic Management works, \$512k Paths program, \$525k for Streetscape Enhancement and \$548k for Building Works. It should be noted that at the end of April 2011 there was \$3.7 million of purchase order commitments not included in actual capital works expenditure.

Further details of the material variances are contained in appendix 3 of Attachment 1 to this Report.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 30 April 2011 forming Attachment 1 to this Report.

BACKGROUND

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

DETAILS

Issues and options considered:

The Financial Activity Statement for the period ended 30 April 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 30 April 2011 forming Attachment 1 to this Report.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf210611.pdf](#)

ITEM 17 PETITION OF ELECTORS SEEKING PARKING RESTRICTIONS AROUND SPRINGVALE PARK, WARWICK

WARD: South

RESPONSIBLE DIRECTOR: Mr Mike Tidy, Director Corporate Services

FILE NUMBER: 24185, 101515, 57618

ATTACHMENTS: Attachment 1 Option 2 - Extend Current Resident Visitor Parking Permit Scheme
Attachment 2 Option 3 - Time Limited Parking Prohibitions

PURPOSE

To consider a response to a petition by local residents highlighting parking problems at Springvale Park in Warwick and which requests that the current Warwick Train Station parking permit scheme be extended to the east side of Parkway Place.

EXECUTIVE SUMMARY

A petition of electors bearing 66 signatures was received by Council at its meeting held on the 21 September 2010, (C48-09/10 refers). The petition is seeking an extension of the existing Resident/Visitor Parking Permit Scheme to cover Springvale Park. There is currently a Resident Visitor/Parking Permit Scheme in place in the vicinity of the Warwick Train Station. Springvale Park is on the eastern side of Springvale Drive and is not currently covered by the permit scheme. Commuters using the train station are parking on the verges of the Park.

While extending the permit scheme to cover the area around Springvale Park would resolve the parking issue for residents it would also preclude any legitimate park users, other than residents who have permits, from parking at the park.

Community consultation to residents at 105 addresses in the immediate vicinity of Springvale Park indicated that the majority of residents did not support the introduction of permit parking. The majority supported a four hour time restricted parking prohibition along the verges adjacent to Springvale Park, as an alternative to extending the resident visitor parking permit area or wanted to allow the commuters to stay. Only 29% of respondents wanted the scheme to be extended.

A four hour timed parking prohibition would prevent all day commuter parking but still allow scope for the general public as legitimate park users to park for a reasonable period and enjoy the amenity.

It is recommended that Council:

- 1 *APPROVES the introduction of four hour timed parking restrictions on the southern end of Willow Road and on Parkway Place and on the southern end of Springvale Drive as shown in Attachment 2 to this Report;*
- 2 *ADVISES the lead petitioner of Council decision.*

BACKGROUND

A petition of electors bearing 66 signatures was received by Council at its meeting held on the 21 September 2010, (C48-09/10 refers). The petition highlighted the damage being done to the verge adjacent to the park and the hazards caused by blocked sight lines around corners on the park due to the parked vehicles of commuters using Warwick Train Station.

The petitioners sought an extension to the existing resident/visitor parking permit scheme to cover the southern end of Springvale Drive, the southern end of Willow Road and the entire length of Parkway Place, in Warwick.

DETAILS

Issues and options considered:

Several options were considered in response to the petition.

Option 1 – No Change

There is visible verge deterioration between the coppa logs and the carriageway caused by a heavy volume of commuter parking. Whilst the road safety issue of blind spots occurring on the corners has already been addressed by the improvement in signage, the deterioration of the verges has not. If the commuters continue to park on these verges in the same numbers, the natural revegetation of the verge is unlikely to occur. This option is not recommended.

Option 2 – Extend Current Resident Visitor Parking Permit Scheme – Attachment 1

The extension of the resident/visitor parking permit scheme as proposed by the petitioners, and its relationship to the existing scheme is shown at Attachment 1. The scale of the proposal is modest as it only identifies the streets or parts of streets immediately adjacent to Springvale Park. There are already “No Parking Road or Verge” prohibitions on the south west corner of Springvale Drive and Willow Road and also on the north west corner of Parkway Place and Willow Road, identified in attachment 2.

While such an extension to the scheme would achieve the objective of removing the commuter parking, it would also have the effect of preventing any legitimate park users who do not have access to a permit from parking at Springvale Park. This option is therefore not recommended.

Option 3 – Time Limited Parking Prohibitions – Attachment 2

Four hour time limited parking prohibitions around Springvale Park would prevent all day commuter parking. In the meantime it would allow legitimate park users who do not have access to a permit to park for a reasonable period to use the Park. These types of arrangements have been successful in addressing similar issues in other locations such as Hawker Park (also in vicinity of the Warwick Train Station). This option is recommended.

Legislation/Strategic Plan/Policy Implications

Legislation City of Joondalup Parking Local Law 1998

Strategic Plan

Key Focus Area: To lead and manage the City effectively

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

Policy:

The City has a Policy titled “Parking Schemes for the Suburban Areas outside the Joondalup City Centre”. The guiding statement in that policy says:

“The City recognises that there are locations, outside of the Joondalup City Centre, where parking demands may cause a hazard to residents and/or other road users or where the parking is damaging City infrastructure or infrastructure owned by other government agencies.

Parking schemes allow parking issues to be managed. When introduced in suburban areas they will utilise restrictions and prohibitions to manage parking while minimising any detrimental impacts on local residents. Parking restrictions or prohibitions will be developed to meet the needs of each scheme area and will consist of options including:

- *Time restricted parking*
- *Limited Parking Prohibitions*
- *Area Wide Prohibitions with Parking Permits*

Adopted schemes may utilise a combination of these options to provide for the best parking management outcome.”

Risk Management considerations:

The introduction of four hour time restricted verge parking prohibitions will not affect residents or their visitors who park in this area unless they park on the verge and remain for longer than the maximum permitted time. In any case residents would retain the right to park vehicles on their own property or on the verge adjacent to their property which would not be affected by these prohibitions.

There is a risk that if no action is taken commuters will continue to degrade the verges of the park and further commuters may be encouraged to park in new areas or side streets in proximity to the Park as parking demand at the Train Station increases.

Financial/Budget Implications:

The cost to erect the necessary signage is approximately \$1,500 and sufficient funds exist in the operation budget for this work to occur.

Account No:	343 A3403 3283
Budget Item:	Signs/Decals
Budget Amount:	\$25,000
Amount Spent To Date:	\$ 473
Proposed Cost:	\$ 1,500
Balance:	\$23,027

All figures quoted in this report are exclusive of GST

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

105 residents at the properties adjacent to or in proximity to Springvale Park, which would be affected by the proposed prohibitions, were consulted in relation to parking on the verges of Springvale Park. The City received 35 responses by the closing date, a 33% response rate. Details are in the table below. 49% of respondents preferred to have a timed restriction and 22% wanted no restriction while 29% of respondents wished to extend the permit parking scheme.

Feedback	No of Responses	% Mail Out	% Response
Preference for four hour parking restrictions	17	16%	49%
Preference for No change	8	8%	22%
Preference for extending the permit scheme	10	10%	29%
No Reply	70	66%	N/A
TOTAL	105	100%	100%

COMMENT

Commuter parking is causing damage to the verges adjacent to Springvale Park. The recently refreshed road line markings and signage installed to reinforce the “No Parking Road and Verge” on the north east and north west corners of the park has already resolved the issue of blocked sight lines for traffic entering or leaving Willow Road.

The proposed four hours parking restrictions will have the effect of removing the commuters from the immediate area while allowing legitimate park users to have access to the park for a reasonable period.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 APPROVES the introduction of four hour timed parking restrictions on the southern end of Willow Road and on Parkway Place and on the southern end of Springvale Drive as shown in Attachment 2 to this Report;**
- 2 ADVISES the lead petitioner of Council decision.**

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf210611.pdf](#)

ITEM 18 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 4 MAY 2011

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy, Director Corporate Services
FILE NUMBER:	50068, 101515
ATTACHMENTS:	Attachment 1 Unconfirmed Minutes of the Audit Committee meeting held on 4 May 2011

PURPOSE

To submit the minutes of the Audit Committee meeting to Council for noting and endorsement of the recommendations contained therein.

EXECUTIVE SUMMARY

A meeting of the Audit Committee was held on 4 May 2011 to consider the following matters:

- Item 1 Internal Audit Activity Report.
- Item 2 CEO Quarterly Credit Card Expenditure for the quarter ended 31 March 2011.

BACKGROUND

The Council's Audit Committee was established in May 2001 to oversee the internal and external Audit, Risk Management and Compliance functions of the City. The City has also employed an internal auditor since May 2002.

DETAILS

Issues and options considered:

The Motions moved at the Audit Committee meeting held on 4 May 2011 are shown below, together with officer's comments.

Item 1 Internal Audit Activity Report

The following motion was carried:

"That the Audit Committee NOTES the Internal Audit Activity to date for 2010/11 forming Attachment 2 to this Report."

Officer's Comment

No further comment required.

Item 2 CEO Quarterly Credit Card Expenditure for the quarter ended 31 March 2011

The following motion was carried:

“That the Audit Committee NOTES the Report on the corporate credit card usage of the Chief Executive Officer for the quarter ended 31 March 2011.”

Officer’s Comment

No further comment required.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Nil.

Legislation/Strategic Plan/Policy Implications

Legislation Section 5.8 of the Local Government Act 1995 provides for a local government to establish a committee to assist Council.

Part 7 of the Act sets out the requirements in relation to Audits. Division 1A of Part 7 deals with the establishment, membership, decision-making and duties that a local government can delegate to an Audit Committee.

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:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Not Applicable.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the unconfirmed minutes of the Audit Committee meeting held on 4 May 2011, forming Attachment 1 to this Report.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf210611.pdf](#)

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



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

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

Name/ Position	
Meeting Date	
Item No/ Subject	
Nature of Interest	Financial Interest * Interest that may affect impartiality* <i>* Delete where not applicable</i>
Extent of Interest	
Signature	
Date	

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

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

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



DECLARATION OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

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

Name/ Position	
Meeting Date	
Item No/ Subject	
Nature of Interest	Financial Interest * Interest that may affect impartiality* <i>* Delete where not applicable</i>
Extent of Interest	
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Date	

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

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

QUESTIONS

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Please submit this form at the meeting or:

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

Please note that:

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



**STATEMENT TO BE MADE AT
BRIEFING SESSION/COUNCIL MEETING**

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

STATEMENT

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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
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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