

# minutes

MEETING HELD ON **TUESDAY 15 SEPTEMBER 2015**

## TABLE OF CONTENTS

ITEM NO.	TITLE	PAGE NO.
	<b>DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS</b>	1
	<b>DECLARATIONS OF INTEREST</b>	2
	<b>PUBLIC QUESTION TIME</b>	3
	<b>PUBLIC STATEMENT TIME</b>	5
	<b>APOLOGIES AND LEAVE OF ABSENCE</b>	6
	<b>CONFIRMATION OF MINUTES</b>	6
C53-09/15	MINUTES OF COUNCIL MEETING HELD 17 AUGUST 2015	6
	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION</b>	7
	<b>IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC</b>	8
	<b>PETITIONS</b>	8
C54-09/15	PETITION RELATING TO ADDRESSING THE STATE OF DISREPAIR OF THE OCEAN REEF SHOPPING CENTRE – [47518, 05386]	8
C55-09/15	PETITION IN RELATION TO THE PROVISION OF SAFER CROSSING FACILITIES ACROSS MARMION AVENUE – [10172, 05386]	8
C56-09/15	PETITION SEEKING APPROVAL FOR A PLAQUE AT ILUKA BEACH IN MEMORY OF THE LATE DANIEL TADE ODINA – [100385, 05386]	8
	<b>REPORTS</b>	<b>10</b>
CJ151-09/15	DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS - JULY 2015 - [07032]	10
CJ152-09/15	INITIATION OF SCHEME AMENDMENT NO. 84 TO DISTRICT PLANNING SCHEME NO. 2 – [105277]	14
CJ153-09/15	PROPOSED WHITFORD ACTIVITY CENTRE STRUCTURE PLAN – CONSIDERATION FOLLOWING PUBLIC CONSULTATION – [105105]	22
CJ154-09/15	2015 ANNUAL GENERAL MEETING OF ELECTORS – [104811]	38
CJ155-09/15	EXECUTION OF DOCUMENTS – [15876]	42

ITEM NO.	TITLE	PAGE NO.
CJ156-09/15	MINUTES OF EXTERNAL COMMITTEES – [00033]	45
CJ157-09/15	STATUS OF PETITIONS – [05386]	50
CJ158-09/15	LIST OF PAYMENTS MADE DURING THE MONTH OF JULY 2015 – [09882]	53
CJ159-09/15	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JULY 2015 – [07882]	56
CJ160-09/15	TENDER 027/15 - DRILLING, DEVELOPMENT AND TESTING OF BORES – [105180]	59
CJ161-09/15	PETITION IN RELATION TO A FARMERS' MARKET AT CENTRAL WALK, JOONDALUP – [05549]	65
CJ162-09/15	PROPOSED DISPOSAL OF LOT 745 (103) CARIDEAN STREET, HEATHRIDGE – [37562]	71
CJ163-09/15	PROPOSED DISPOSAL OF LOT 23 (77) GIBSON AVENUE, PADBURY – [53562]	75
CJ164-09/15	PETITION OF ELECTORS REQUESTING SHADE SAILS TO BE ERECTED OVER THE PLAY SPACE ON MAWSON PARK, HILLARYS – [06098]	81
<b>C57-09/15</b>	<b>COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION - [02154, 08122]</b>	<b>89</b>
	<b>REPORT OF THE CHIEF EXECUTIVE OFFICER</b>	<b>90</b>
CJ165-09/15	UNITED NATIONS SUMMIT INVITATION – CALL FOR ACTION TO ACHIEVE THE SUSTAINABLE DEVELOPMENT GOALS: ADVANCING INTEGRATED SOLUTIONS TO ACCELERATE CHANGE – [78616]	90
C58-09/15	PROPOSED LOCAL GOVERNMENT AND PUBLIC PROPERTY AMENDMENT LOCAL LAW 2015 – [22513]	95
	<b>URGENT BUSINESS</b>	<b>100</b>
	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	<b>100</b>
C59-09/15	NOTICE OF MOTION – CR GEOFF AMPHLETT, JP – ROAD SAFETY ACTION PLAN 2015-2020 – ZERO DEATHS OR SERIOUS INJURIES OF CHILDREN AROUND ALL CITY OF JOONDALUP SCHOOL PRECINCTS – [56534]	100
	<b>ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING</b>	<b>101</b>
	<b>CLOSURE</b>	<b>101</b>

## CITY OF JOONDALUP

**COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP ON TUESDAY 15 SEPTEMBER 2015.**

### DECLARATION OF OPENING

The Mayor declared the meeting open at 7.00pm.

### ANNOUNCEMENT OF VISITORS

#### Mayor:

TROY PICKARD

*Absent from 8.11pm to 8.18pm*

#### Councillors:

CR KERRY HOLLYWOOD

North Ward

CR TOM McLEAN, JP

North Ward

CR PHILIPPA TAYLOR

North-Central Ward – *Deputy Mayor*

CR SAM THOMAS

North-Central Ward

CR GEOFF AMPHLETT, JP

Central Ward

CR CHRISTINE HAMILTON-PRIME

South-West Ward

CR MIKE NORMAN

South-West Ward

CR JOHN CHESTER

South-East Ward

CR BRIAN CORR

South-East Ward

CR RUSS FISHWICK, JP

South Ward

*Absent from 8.05pm to 8.07pm*

CR TERESA RITCHIE, JP

South Ward

#### Officers:

MR GARRY HUNT

Chief Executive Officer

MR MIKE TIDY

Director Corporate Services

MR JAMIE PARRY

Director Governance and Strategy

MS DALE PAGE

Director Planning and Community Development

MR NICO CLAASSEN

Director Infrastructure Services

MR BRAD SILLENCE

Manager Governance

MR JOHN CORBELLINI

Manager Planning Services

MR DANIEL DAVINI

Media Advisor

MR JOHN BYRNE

Governance Coordinator

MRS LESLEY TAYLOR

Governance Officer

MRS DEBORAH GOUGES

Governance Officer

There were 30 members of the public and one member of the press in attendance.

## DECLARATIONS OF INTEREST

### Disclosure of Financial Interest/Proximity Interest

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

<b>Name/Position</b>	<b>Mayor Troy Pickard.</b>
<b>Item No./Subject</b>	CJ165-09/15 - United Nations Summit Invitation – Call for action to achieve the Sustainable Development Goals: Advancing Integrated Solutions to Accelerate Change.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Mayor Pickard is the recipient of the travel and accommodation.

### Disclosures of interest affecting impartiality

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

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ153-09/15 - Proposed Whitford Activity Centre Structure Plan – Consideration following public consultation.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester's son owns property within the structure plan along Banks Avenue.

<b>Name/Position</b>	<b>Cr Philippa Taylor.</b>
<b>Item No./Subject</b>	CJ153-09/15 - Proposed Whitford Activity Centre Structure Plan – Consideration following public consultation.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	An employee of Urbis Pty Ltd is known to Cr Taylor.

<b>Name/Position</b>	<b>Cr Sam Thomas.</b>
<b>Item No./Subject</b>	CJ153-09/15 - Proposed Whitford Activity Centre Structure Plan – Consideration following public consultation.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Thomas is the Vice-President of the Whitford Senior Citizens Club.

<b>Name/Position</b>	<b>Cr Brian Corr.</b>
<b>Item No./Subject</b>	CJ157-09/15 – Status of Petitions.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Corr's son plays cricket on Penistone Park, Greenwood.

**PUBLIC QUESTION TIME**

The following questions were submitted verbally at the Council meeting:

**Mrs M Zakrevsky, Mullaloo:**

*Re: CJ153-09/15 - Proposed Whitford Activity Centre Structure Plan – Consideration Following Public Consultation.*

*Q1 Does the City of Joondalup have a local law that forces an owner to spend money on public art which includes wall art?*

*Q2 If the City has a policy on wall art, what are the criteria?*

*A1-2 Mayor Pickard advised these questions would be taken on notice.*

**Ms L Jack, Karrinyup:**

*Re: CJ163-09/15 - Proposed Disposal of Lot 23 (77) Gibson Avenue, Padbury.*

*Q1 Is the City aware that heat related deaths in Australia exceed our national road toll and that Councils' around the country are acting to increase their urban canopies to mitigate dangerous urban heat to protect their citizens?*

*A1 Mayor Pickard advised the City has planted 1,500 trees and has formally adopted a tree planting program budgeting \$250,000 a year for the next four years.*

*Q2 Does the City of Joondalup undertake aerial mapping surveys every year to measure its total tree canopy and vegetation loss, as undertaken by the City of Stirling, and report those findings to Councillors and the public?*

*A2 Mayor Pickard advised the question would be taken on notice.*

**Ms M O'Byrne, Kinross:**

*Re: Petition in relation to the provision of safer crossing facilities across Marmion Avenue.*

*Q1 Has the City received the petition for a safe and continuous crossing between Burns Beach and Kinross across Marmion Avenue?*

*A1 Mayor Pickard confirmed the petition has been received.*

*Q2 How many people signed the petition?*

*A2 Mayor Pickard advised 1,820 City of Joondalup residents signed the petition.*

**Mr R Repke, Kallaroo:**

*Re: CJ163-09/15 - Proposed Disposal of Lot 23 (77) Gibson Avenue, Padbury.*

*Q1 Is it possible to make the sale of any of the City's properties conditional upon the retention of trees?*

A1 Mayor Pickard advised the City has the ability to make any sale of land conditional upon certain elements.

**Dr M Apthorpe, Ocean Reef:**

*Re: CJ163-09/15 - Proposed Disposal of Lot 23 (77) Gibson Avenue, Padbury.*

*Q1 What are the professional qualifications of the arborist employed who did not consider that this tree was healthy enough to be placed on the Significant Tree Register?*

A1 Mayor Pickard advised the question would be taken on notice.

*Q2 Has a biodiversity assessment been carried out on the invertebrate and bird fauna supported by this mature tree?*

A2 Mayor Pickard advised that a biodiversity assessment has not been carried out on the tree.

**Mrs M Macdonald, Mullaloo:**

*Re: CJ163-09/15 - Proposed Disposal of Lot 23 (77) Gibson Avenue, Padbury.*

*Q1 Why was the arborist report referred to in CJ163-09/15 - Proposed Disposal of Lot 23 (77) Gibson Avenue, Padbury not attached to the agenda?*

*Re: Proposed Development - Ocean Reef Marina.*

*Q2 With respect to the proposed development at the Ocean Reef Marina, when can the public expect a report on the environmental impacts of the marina on the coast south and north of the site?*

A1-2 Mayor Pickard advised the questions would be taken on notice.

**PUBLIC STATEMENT TIME**

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

**Mr D Tippett, Greenwood:**

*Re: Petition relating to addressing the state of disrepair of the Ocean Reef Shopping Centre.*

Mr Tippett spoke in relation to the petition he submitted to Council regarding the state of disrepair of the Ocean Reef Shopping Centre. Mr Tippett advised there are boarded up tenancies, damaged carpark infrastructure, poorly marked car bays, over-grown garden beds, broken kerbing, graffiti, vandalism and deterioration of the appearance of the building internally and externally.

**Mr R Repke, Kallaroo:**

*Re: CJ163-09/15 - Proposed Disposal of Lot 23 (77) Gibson Avenue, Padbury.*

Mr Repke spoke in relation to the retention of the tuart tree located at 77 Gibson Avenue, Padbury. Mr Repke requested Council to consider placing a restrictive covenant on the land to ensure the purchaser keeps and maintains the tree.

**Mrs M Zakrevsky, Mullaloo:**

*Re: CJ153-09/15 - Proposed Whitford Activity Centre Structure Plan – Consideration Following Public Consultation.*

Mrs Zakrevsky spoke in relation to the use of wall art in public spaces and the current trend to have negative unattractive wall art. Mrs Zakrevsky suggested the City use uplifting, colourful images in its parking lots, laneways and other proposed locations.

**Ms L Jack, Karrinyup:**

*Re: CJ163-09/15 - Proposed Disposal of Lot 23 (77) Gibson Avenue, Padbury.*

Ms Jack spoke in relation to the retention of the land at 77 Gibson Avenue, Padbury stating that in the interests of public health and wellbeing this 'pocket of green' should be kept not only for its cooling benefits, but for the access it provides to the park.

**Dr M Apthorpe, Ocean Reef:**

*Re: CJ163-09/15 - Proposed Disposal of Lot 23 (77) Gibson Avenue, Padbury.*

Dr Apthorpe spoke in relation to the retention of the large tuart tree at 77 Gibson Avenue, Padbury advising that planting small trees does not replace the lost habitat, nesting sites or the lost birds and insects that have been killed when a large tree is felled. Dr Apthorpe urged the City to seek ways to retain and preserve the large tuart tree, as well as other trees for both the shade amenity the trees provide as well as for the building of an environmentally sustainable suburb.

**Ms M O'Byrne, Kinross:**

*Re: Petition in relation to the provision of safer crossing facilities across Marmion Avenue.*

Ms O'Byrne spoke in relation to the petition she submitted to Council regarding the provision of safer crossing facilities between Burns Beach and Kinross over Marmion Avenue. Ms O'Byrne advised that Marmion Avenue is a high speed, high volume traffic area and that it is unsafe for students, pedestrians and cyclists to cross this road. Ms O'Byrne stated that the community needs continuous, uninterrupted crossing facilities across Marmion Avenue.

**APOLOGIES AND LEAVE OF ABSENCE****Leave of Absence previously approved**

Cr Liam Gobbert      15 September 2015.

**CONFIRMATION OF MINUTES****C53-09/15                    MINUTES OF COUNCIL MEETING HELD 17 AUGUST 2015**

**MOVED** Cr Amphlett, **SECONDED** Cr Thomas that the Minutes of the Council Meeting held on 17 August 2015 be **CONFIRMED** as a true and correct record.

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

## **ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

### **Warwick Venturer Scouts**

Mayor Pickard extended a warm welcome to members of the Warwick Venturer Scouts group in attendance this evening as part of their badge work requirements to learn more about the various levels of government.

### **Charity Clothing Day**

Mayor Pickard announced the City would host a Charity Clothing Day this Saturday 19 September 2015, providing local residents and the wider community an opportunity to drop off unwanted clothing in a responsible and effective manner.

Mayor Pickard commented the inaugural event will be held from 9.00am to 2.00pm at the City's Leisure Centre in Craigie and the Administration Building on Boas Avenue, Joondalup, and donors can drop off their clothing to St Vincent de Paul Society or the Salvos Stores, who will be setting up trucks at the two locations.

Mayor Pickard believed the Charity Clothing Day not only provided an opportunity to promote the importance of donating to those in need, it also allowed charities to save significant costs and direct this money towards other important services that they deliver in the community.

Mayor Pickard stated that further information on the Charity Clothing Day can be found at the City's website [joondalup.wa.gov.au](http://joondalup.wa.gov.au).

### **Artist in Residence**

Mayor Pickard advised the City is hosting its inaugural Artist in Residence, New York-based Brandon Ballengée, for a month-long program of workshops and community appearances.

Mayor Pickard commented Brandon is an environmental activist, travelling extensively to work with communities in the US and Europe and using art and science to educate about ecological issues

Mayor Pickard stated Brandon will develop a concept for a commissioned artwork for the City's art collection in response to his stay in Joondalup and his interpretation of our beautiful rich local natural environment.

Mayor Pickard felt 'The Artist in Residence program' aimed to foster appreciation of the arts and culture, especially encouraging collaboration between disciplines.

Mayor Pickard stated for further information and to register for the free program of events, visit the City's website [joondalup.wa.gov.au](http://joondalup.wa.gov.au).

## **Sporting Success**

On behalf of the City, Mayor Pickard congratulated the Joondalup Wolves men's team on winning the 2015 State Basketball League championship after a comprehensive 105-75 win over the South West Slammers in the Grand Final.

Mayor Pickard announced the City is proud to be a major sponsor of the Wolfpack, as well as West Perth Football Club, who are currently in the midst of West Australian Football League finals action and take on East Perth in a huge cut-throat preliminary final at HBF Arena this Sunday.

Mayor Pickard wished the Falcons all the best in their endeavours to win a 20th WAFL premiership and their fifth since relocating to Joondalup in 1994.

Mayor Pickard also offered congratulations to Sorrento Football Club, who took out Football West's Cool Ridge Cup title last weekend, capping off a fantastic 2015 campaign that also saw the Gulls on the national stage in the FFA Cup.

## **IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

Nil.

## **PETITIONS**

### **C54-09/15      PETITION RELATING TO ADDRESSING THE STATE OF DISREPAIR OF THE OCEAN REEF SHOPPING CENTRE – [47518, 05386]**

A 1,058 signature petition has been received from residents of the City of Joondalup requesting that Council engage with, and where appropriate, initiate proceedings against the owners of the Ocean Reef Shopping Centre to address the state of its disrepair.

### **C55-09/15      PETITION IN RELATION TO THE PROVISION OF SAFER CROSSING FACILITIES ACROSS MARMION AVENUE – [10172, 05386]**

A 1,820 signature petition has been received from residents of the City of Joondalup requesting that Council provide safer crossing facilities to and from Kinross and Burns Beach via the installation of underpasses or overpasses across Marmion Avenue.

### **C56-09/15      PETITION SEEKING APPROVAL FOR A PLAQUE AT ILUKA BEACH IN MEMORY OF THE LATE DANIEL TADE ODINA – [100385, 05386]**

Cr Sam Thomas tabled a 947 signature petition on behalf of residents of the City of Joondalup requesting Council give permission for a plaque to be placed in the beach hut on Iluka Beach in memory of the late Daniel Tade Odina.

**MOVED Cr Chester, SECONDED Cr Thomas that the following petitions be RECEIVED, REFERRED to the Chief Executive Officer and a subsequent report presented to Council for consideration:**

- 1           Petition in relation to addressing the state of disrepair of the Ocean Reef Shopping Centre;**
- 2           Petition in relation to the provision of safer crossing facilities to and from Kinross and Burns Beach via the installation of underpasses or overpasses across Marmion Avenue;**
- 3           Petition in relation to seeking approval to place a plaque at Iluka Beach in memory of Daniel Tade Odina.**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

**REPORTS****CJ151-09/15 DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS – JULY 2015**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	07032, 101515
<b>ATTACHMENTS</b>	Attachment 1 Monthly Development Applications Determined – July 2015 Attachment 2 Monthly Subdivision Applications Processed – July 2015 Attachment 3 Monthly Building R-Code Applications Decision – July 2015
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

**PURPOSE**

For Council to note the number and nature of applications considered under delegated authority.

**EXECUTIVE SUMMARY**

Clause 8.6 of *District Planning Scheme No. 2* (DPS2) allows Council to delegate all or some of its development control powers to a committee or an employee of the City.

The purpose of delegation of certain powers by Council, in addition to other town planning matters, is to facilitate timely processing of development applications, *Residential Design Codes* (R-Code) applications 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 July 2015 (Attachments 1, 2 and 3 refer):

- 1 Planning applications (applications for planning approval (development applications) and R-Code applications).
- 2 Subdivision applications.
- 3 Building R-Code applications.

**BACKGROUND**

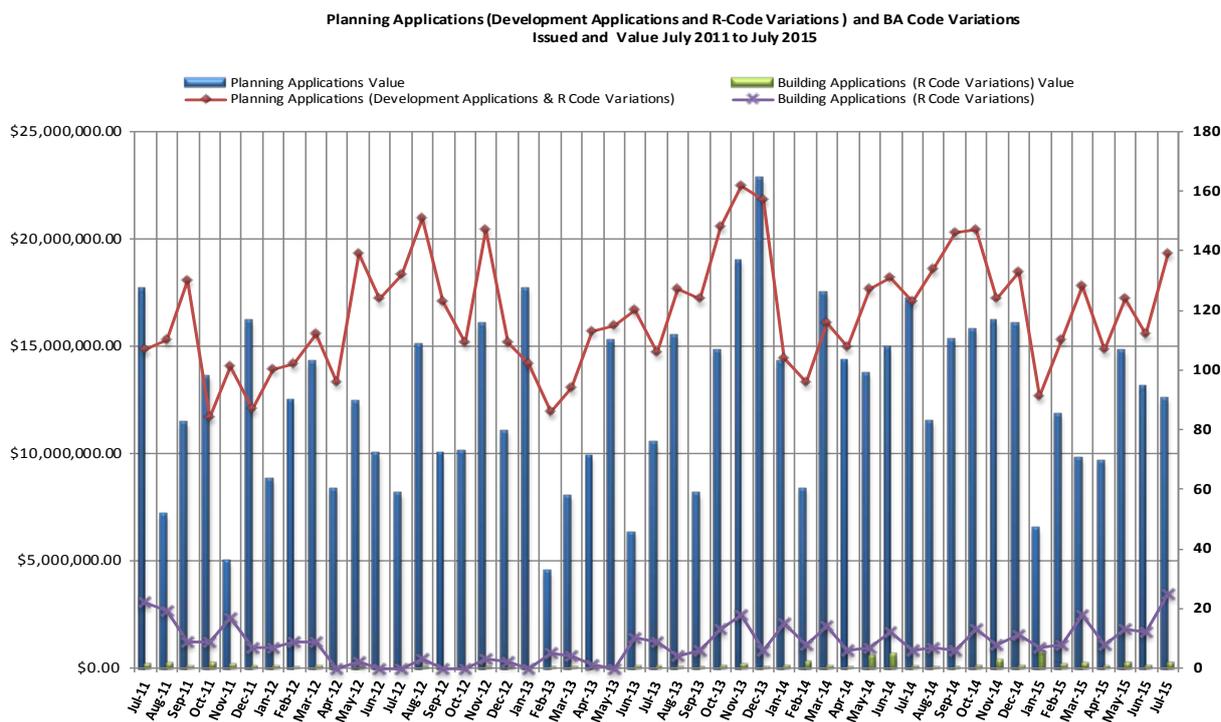
DPS2 requires that delegations be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 21 October 2014 (CJ180-10/14 refers), Council considered and adopted the most recent Town Planning Delegations via its review of the Register of Delegation of Authority.

**DETAILS**

The number of applications determined under delegated authority during July 2015, is shown in the table below:

Applications determined under delegated authority – July 2015		
Type of Application	Number	Value (\$)
Planning applications (development applications and R-Codes applications)	139	\$ 12,538,537
Building applications (R-Codes applications)	25	\$252,687
<b>TOTAL</b>	<b>164</b>	<b>\$ 12,791,224</b>

The total number and value of planning and building R-Code applications determined between July 2011 and July 2015 is illustrated in the graph below:



The number of planning applications received during July was 123. (This figure does not include any applications that may become the subject of an R-Code application as part of the building permit approval process).

The number of planning applications current at the end of July was 249. Of these, 71 were pending additional information from applicants, and 20 were being advertised for public comment.

In addition to the above, 320 building permits were issued during the month of July with an estimated construction value of \$23,301,949.

The number of subdivision and strata subdivision referrals processed under delegated authority during July 2015 is shown in the table below:

<b>Subdivision referrals processed under delegated authority for July 2015</b>		
<b>Type of referral</b>	<b>Number</b>	<b>Potential additional new lots</b>
Subdivision applications	4	4
Strata subdivision applications	4	8

### **Issues and options considered**

Not applicable.

### **Legislation / Strategic Community Plan / policy implications**

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

### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

**Strategic initiative** Buildings and landscaping is suitable for the immediate environment and reflect community values.

**Policy** Not applicable. All decisions made under delegated authority have due regard to any of the City's policies that apply to the particular development.

Clause 8.6 of DPS2 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.

### **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 164 applications were determined for the month of July with a total amount of \$66,656 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 R-Codes, any relevant policy and/or DPS2.

Of the 139 planning applications determined during July 2015 consultation was undertaken for 30 of those applications. R-Codes applications for assessment against the applicable Design Principles, which are made as part of building applications, are required to include comments from adjoining landowners. Where these comments are not provided, the application will remain the subject of an R-Codes application, but be dealt with by Planning Approvals. The eight subdivision applications processed during July 2015 were not advertised for public comment.

## **COMMENT**

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

All proposals determined under delegated authority are assessed, checked, reported on and cross checked in accordance with relevant standards and codes.

## **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Amphlett, SECONDED Cr Ritchie that Council NOTES the determinations and recommendations made under delegated authority in relation to the:**

- 1 applications for planning approval and R-Codes applications described in Attachment 1 to Report CJ151-09/15 during July 2015;**
- 2 subdivision applications described in Attachment 2 to Report CJ151-09/15 during July 2015;**
- 3 Building Residential Design Code applications described in Attachment 3 to Report CJ151-09/15 during July 2015.**

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ164-09/15, page 89 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

*Appendix 1 refers*

To access this attachment on electronic document, click here: [Attach1brf080915.pdf](#)

## **CJ152-09/15      INITIATION OF SCHEME AMENDMENT NO. 84 TO DISTRICT PLANNING SCHEME NO. 2**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	105277, 101515
<b>ATTACHMENT</b>	Attachment 1      Location plan Attachment 2      Scheme amendment map Attachment 3      Scheme amendment process flowchart
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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### **PURPOSE**

For Council to consider initiating an amendment to *District Planning Scheme No. 2 (DPS2)* to include the land use of 'shop' in Schedule 2 – Additional uses for various 'Business' zoned lots in the Currambine District Centre.

### **EXECUTIVE SUMMARY**

An application has been received from Urbis on behalf of ALDI Australia who are a prospective purchaser of Lot 5001 (86) Delamere Avenue, Currambine, to include the additional use 'shop' in Schedule 2 of DPS2 for this site. The subject site is zoned 'Business' and a shop may only be approved in certain circumstances including that it be no larger than 200m<sup>2</sup> in area. The proposed scheme amendment would remove these restrictions.

The subject site is located within the Currambine District Centre where development is subject to the *Currambine District Centre Structure Plan*.

In the context of the Currambine District Centre, it is considered that the development of 'shop' within the 'Business' zone would have no greater impact than the development of a 'showroom' or 'restaurant' which are both permitted land uses within that zone. In addition, the same development standards apply regardless of the land use proposed.

As all lots within the 'Business' zone in the Currambine District Centre are subject to the same objectives and development standards, it is considered appropriate that the scheme amendment include the additional land use 'shop' for other 'Business' zoned lots within the centre, rather than just the one lot to which the application relates. It is recommended that Council initiate the proposed amendment to DPS2 for the purpose of public advertising on this basis.

## BACKGROUND

<b>Suburb/Location</b>	Lot 5001 (86) Delamere Avenue, Currambine.
<b>Applicant</b>	Urbis on behalf of ALDI Australia.
<b>Owner</b>	Currambine District Centre Two Pty Ltd.
<b>Zoning</b>	<b>DPS</b> Business.
	<b>MRS</b> Urban.
<b>Site area</b>	7,659m <sup>2</sup> .
<b>Structure plan</b>	<i>Currambine District Centre Structure Plan.</i>

This site is located within the Currambine District Centre and is currently vacant. The Currambine District Centre is bounded by Shenton Avenue, Marmion Avenue, Hobsons Gate, Chesapeake Way and Delamere Avenue. The centre is comprised of one 'Commercial' zoned lot which is developed with a shopping centre, a number of 'Business' zoned lots, one 'Civic and Cultural' zoned property and a residential area developed with grouped dwellings (Attachment 1 refers).

The *Currambine District Centre Structure Plan* (the structure plan) controls development within the Currambine District Centre. The structure plan states that land use permissibility within the 'Business' zone is in accordance with DPS2.

Under DPS2, a 'shop' is an 'X\*' land use within the 'Business' zone. This means that a shop is not permitted unless it meets the following conditions:

- The shopping floorspace does not exceed 200m<sup>2</sup> Nett Lettable Area (NLA).
- The parcel of land is on a separate green title lot that is a minimum of 1,000m<sup>2</sup>.
- The aggregate shopping NLA on any group of adjoining or adjacent lots in the Business and Mixed use zones must not exceed 1,000m<sup>2</sup>.
- The direct street frontage of any lot containing a shop must be at least 20 metres in width.

### Retail floorspace

The structure plan states that the retail floorspace '*shall be 10,000m<sup>2</sup> NLA which is in accordance with Schedule 3 of DPS2 and the City of Joondalup Policy Centres Strategy*'. However, Schedule 3 of DPS2 which specified the retail floorspace caps was removed by scheme amendment No. 66 and the Centres Strategy has also been revoked. Therefore, no retail floorspace cap applies to the structure plan area. Retail floorspace development is now guided by the City of Joondalup *Local Commercial Strategy* (LCS) which specifies an indicative retail NLA of 15,000m<sup>2</sup> for the Currambine District Centre.

It is noted that, while the structure plan still refers to a 10,000m<sup>2</sup> retail floorspace cap, this is now an outdated reference and will be amended as part of any future review of the structure plan.

Currently there is approximately 11,500m<sup>2</sup> of retail floorspace in the Currambine District Centre.

### Parking

A development approval for the construction of Showrooms, Offices, Restaurants, Take Away Food Outlets, Medical Centre and Shop on Lots 5002 (74) and 5001 (86) Delamere Avenue was issued in 2012. Due to a parking shortfall on Lot 5002, a condition of development approval required 55 car bays to be provided on Lot 5001 for the exclusive use of staff and patrons of Lot 5002. The development on Lot 5002 has been constructed;

however the development on Lot 5001 has not commenced and as a result, the 55 car bays required have not been provided.

A notification was placed on the title of Lot 5001 stating that 55 car parking bays are required to be provided on Lot 5001 under the provisions of the development approval for Lot 5002 (74) Delamere Avenue.

## DETAILS

An application has been received from Urbis on behalf of ALDI Australia who are a prospective purchaser of Lot 5001 (86) Delamere Avenue, Currambine, to include the additional use 'shop' on that site. This would be achieved by amending DPS2 to include the lot in Schedule 2 – Additional Uses.

In support of the application, a summary of the applicant's justification is provided below:

- The proposed scheme amendment is in line with the intentions of *Directions 2031 and Beyond, State Planning Policy 4.2 Activity Centres for Perth and Peel* (SPP 4.2) and the *Draft Perth and Peel at 3.5 million* document.
- The proposed 'shop' additional use will provide retail opportunities within the Currambine District Centre, which will cater for the shopping needs of the local community. The general intent of the Business zone will not be compromised by the proposed scheme amendment for an additional 'shop' land use.
- The proposed additional land use will facilitate retail development, which will create local employment opportunities and contribute to the growth of the local economy.
- The proposed 'shop' land use is considered to be highly compatible to the surrounding commercial land uses and existing built environment.
- The *Currambine District Centre Structure Plan* specifies a 10,000m<sup>2</sup> cap on NLA for retail floor space. However, it is noted that the NLA for retail floorspace has been increased to 15,000m<sup>2</sup> in accordance with the City of Joondalup's *Local Commercial Strategy*. The scheme amendment would facilitate the delivery of additional retail floorspace, which is in line with the *Local Commercial Strategy*.

Should the scheme amendment be successful, the applicant has advised that a development application for a supermarket of approximately 1,500m<sup>2</sup> would be submitted.

## Issues and options considered

### Inclusion of other 'Business' zone lots in the scheme amendment

The scheme amendment application is for one of the 'Business' zoned lots (Lot 5001 Delamere Avenue) within the structure plan area. However, assessment of the proposal has indicated that the land use 'shop' would also be appropriate for other 'Business' zoned lots within the structure plan area.

The increase in retail floorspace potential under the LCS for the Currambine District Centre means that shops should now not necessarily be restricted to the 'Commercial' zone only. It is considered appropriate that shops are able to locate throughout the District Centre without the 200m<sup>2</sup> cap and other restrictions imposed on shops in the 'Business' zone. The Currambine District Centre has a main street and allowing the shop land use will significantly contribute to main street activity.

While it is an option to rezone all 'Business' zoned sites to 'Commercial', which 'shop' includes as a permitted land use, it is considered that further consideration would need to be given to the consequences of this, including changes to land use permissibility which may

cause some existing land uses to become non-conforming uses. For example, the land uses 'vehicle repairs' and 'warehouse' are 'D' uses within the 'Business' zone, but 'X' uses within the 'Commercial' zone. Any change of zoning would need further consideration in the context of a future review of the structure plan.

It is therefore proposed that the scheme amendment include the additional use of 'shop' for all the 'Business' zoned lots within the structure plan area, with the exception of those lots to the north that have been developed with grouped dwellings (Attachment 2 refers).

The scheme amendment is proposed to apply to the following lots:

- Lot 5001 (86) Delamere Avenue Currambine (as per the application submitted).
- Lot 5002 (74) Delamere Avenue Currambine.
- Lot 5000 (94) Delamere Avenue Currambine.
- Portion of Lot 929 (1244) Marmion Avenue Currambine.
- Lot 5004 (4) Hobsons Gate Currambine.
- Lot 5003 (14) Hobsons Gate Currambine.
- Lot 5010 (13) Hobsons Gate Currambine.

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

- proceed with the proposed scheme amendment as submitted by the applicant for the purposes of public advertising
- modify the scheme amendment to include additional lots as proposed above and proceed with the proposed scheme amendment and adopt it for the purposes of public advertising  
or
- not proceed with the proposed scheme amendment.

### **Legislation / Strategic Community Plan / policy implications**

**Legislation** *Planning and Development Act 2005.  
Town Planning Regulations 1967.*

### **Strategic Community Plan**

**Key theme** Economic, Prosperity, Vibrancy and Growth.

**Objective** Activity Centre development.

**Strategic initiative** Understand local commercial needs and opportunities.

**Policy** Not applicable.

### **Planning and Development Act 2005 and Town Planning Regulations 1967**

Part 5 of the *Planning and Development Act 2005* along with the *Town Planning Regulations 1967* enables a local government to amend a local planning scheme and sets out the process to be followed. When the MRS is amended, the local planning scheme must also be amended to ensure it is consistent with the MRS.

Should Council resolve to proceed with the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review is necessary. Should the EPA decide that an environmental review is not required, and notify the City accordingly, then it will be necessary to proceed to advertise the proposed scheme amendment for 42 days.

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

The process flow chart for amendments to DPS2 is included as Attachment 3.

### District Planning Scheme No. 2 (DPS2)

The subject sites are zoned 'Business'. The following clause of DPS2 sets out the intent and objectives of the 'Business' zone:

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

*The objectives of the Business Zone are to:*

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

Additional uses are able to be considered where listed in Schedule 2 – Section 1 of DPS2 as set out under Clause 3.15:

### 3.15 *Additional Uses (Schedule 2 – Section 1)*

*Notwithstanding anything contained in the Zoning Table, the land specified in Section 1 of Schedule 2 may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated subject to the conditions set out in Schedule 2 with respect to that land.*

### Currambine District Centre Structure Plan No. 6

All subdivision and development within the Currambine District Centre is guided by the *Currambine District Centre Structure Plan No. 6*. The objectives of the 'Business' zone, which are in addition to the DPS2 objectives, are listed below:

*The Business zone is intended to accommodate a wider range of uses including entertainment, professional offices, business services and residential. The land uses listed in the Scheme for the Business Zone are the land uses that can be considered in the Business Area.*

### 8.2.1 Objectives

The general objectives of the Business Area are:

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

### Risk management considerations

Not applicable.

### Financial / budget implications

The applicant has paid a fee of \$10,355.40 (including GST) for the assessment of the scheme amendment. This fee does not include the cost of advertising signs, as the applicant is required to cover this cost separately.

### Regional significance

Not applicable.

### Sustainability implications

Not applicable.

### Consultation

Should Council initiate the scheme amendment, it is required to be advertised for public comment for 42 days. It is proposed that advertising will be by way of:

- written notification to the owners of the lots subject to this scheme amendment and the owners of Currambine Market Place
- a sign on the site
- a notice placed in the Joondalup Community newspaper and *The West Australian* newspaper
- a notice placed on the City's website.

### COMMENT

#### Suitability of the proposed land use and retail floorspace

The main issue under consideration is the suitability of the proposed additional land use 'shop' within the 'Business' zone of the Currambine District Centre. The structure plan envisages a main street development, however it has been difficult to achieve an active main street environment without shops being permitted. Although the development of the main street is substantially complete, allowing the potential for retail shops to occur as the land uses in the area evolve could help to activate the street and provide vibrancy to the centre.

DPS2 no longer applies a retail floorspace cap to the 'Commercial' zoned land within the structure plan area. The 'Commercial' zoned land is currently developed with a shopping centre of approximately 10,000m<sup>2</sup> retail NLA. The LCS indicates that the Currambine District Centre could support up to 15,000m<sup>2</sup> retail NLA.

The applicant states that the proposed supermarket would be approximately 1,500m<sup>2</sup> retail NLA, meaning there would be additional retail floorspace for other 'Business' zoned sites to develop shops. However, it is noted that the centre is largely developed and there are no other vacant 'Business' zoned sites within the structure plan area with the exception of a portion of Lot 929. Any change of land use to 'shop' would be assessed against the structure plan and DPS2 requirements including parking standards.

The proposal from the applicant to include the additional use 'shop' in Schedule 2 of DPS2 for Lot 5001 has merit. However, it is also appropriate that the additional use 'shop' be considered for inclusion in Schedule 2 for other 'Business' zoned lots within the centre. In the context of the Currambine District Centre, a 'shop' is considered to have no greater impact than a 'showroom' or a 'restaurant' which are both permitted uses in the 'Business' zone.

#### Development standards and built form outcome

The structure plan provides that the development standards for the 'Commercial' zone also apply to the 'Business' zone, therefore the built form standards are the same regardless of the land use proposed. Additional provisions apply to development within the 'Business' zone fronting Delamere Avenue in order to minimise the impact on adjacent residential dwellings, and these provisions will continue to apply to the development of shops (or any other land use) within this location.

There is not considered to be any additional impact on the surrounding area from the development of a 'shop' in the 'Business' zone as opposed to the development of a 'showroom' or other similar land uses in the same zone.

#### Parking

The applicant has provided a 'Parking Demand Study' as part of their submission which assesses the need and usage of existing and future parking supply based on the range of land uses within and adjacent to Lot 5001. However, the assessment of the existing parking demand in the area is not specifically relevant to this stage of the process, and will be examined at the development application stage.

#### Conclusion

It is considered that the proposal to include the land use shop on Lot 5001 Delamere Avenue, as well as other 'Business' zoned lots within the Currambine District Centre, has merit. It is therefore recommended that Council initiate the proposed amendment to DPS2 for the purpose of public advertising.

### **VOTING REQUIREMENTS**

Simple Majority.

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

- 1 Pursuant to Part 5 of the *Planning and Development Act 2005* and Regulations 13 and 25 of the *Town Planning Regulations 1967*, PROCEEDS with proposed Amendment No. 84 to the *City of Joondalup District Planning Scheme No. 2* for the purpose of public advertising for a period of 42 days, as follows:**

- 1.1 Include in Schedule 2 – Section 1 – Additional Uses as follows:**

NO	STREET/LOCALITY	PARTICULARS OF LAND	ADDITIONAL USE
1-25	86 Delamere Avenue, Currambine 94 Delamere Avenue, Currambine 74 Delamere Avenue, Currambine 1244 Marmion Avenue, Currambine 4 Hobsons Gate, Currambine 14 Hobsons Gate, Currambine 13 Hobsons Gate, Currambine	Lot 5001 Lot 5000 Lot 5002 Portion of Lot 929 Lot 5004 Lot 5003 Lot 5010	Shop

- 1.2 Amend the Scheme Map to depict ‘Additional Use: 1-25’ as shown in Attachment 2 to Report CJ152-09/15.**

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ164-09/15, page 89 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf080915.pdf](#)

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ153-09/15 - Proposed Whitford Activity Centre Structure Plan – Consideration following public consultation.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester's son owns property within the structure plan along Banks Avenue.

<b>Name/Position</b>	<b>Cr Philippa Taylor.</b>
<b>Item No./Subject</b>	CJ153-09/15 - Proposed Whitford Activity Centre Structure Plan – Consideration following public consultation.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	An employee of Urbis Pty Ltd is known to Cr Taylor.

<b>Name/Position</b>	<b>Cr Sam Thomas.</b>
<b>Item No./Subject</b>	CJ153-09/15 - Proposed Whitford Activity Centre Structure Plan – Consideration following public consultation.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Thomas is the Vice-President of the Whitford Senior Citizens Club.

## **CJ153-09/15      PROPOSED      WHITFORD      ACTIVITY      CENTRE STRUCTURE      PLAN      –      CONSIDERATION FOLLOWING PUBLIC CONSULTATION**

<b>WARD</b>	South-West
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	105105, 101515
<b>ATTACHMENT</b>	Attachment 1      Location plan Attachment 2      Structure plan map Attachment 3      Indicative development plan Attachment 4      Structure plan document (available electronically only) Attachment 5      Technical reports (available electronically only) Attachment 6      Model Centre Framework Assessment Attachment 7      Statutory Provisions Assessment Attachment 8      Summary of submissions by theme Attachment 9      Submitter details Attachment 10      Scheme Amendment No. 68 zoning and coding plan
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

## PURPOSE

For Council to consider the draft *Whitford Activity Centre Structure Plan (WACSP)* following public consultation.

## EXECUTIVE SUMMARY

At its meeting held on 19 May 2015 (CJ066-05/15 refers), Council resolved to initiate the draft WACSP for the purposes of public consultation. The structure plan was advertised for a period of 42 days concluding on 9 July 2015. During the consultation period a total of 51 submissions were received in the form of 30 objections, 14 in support, two comments and five submissions from service authorities or agencies.

The objections were primarily in regard to building height and density, the increase in noise and traffic and the impact on parking and the amenity of the area that would occur as a result of development within the activity centre.

In response to the submissions received the applicant has proposed some amendments to the structure plan document. The proposed modifications include realigning the boundary of the 'Education and Civic' district to encompass the St Mark's school entirely (previously a portion was included in the 'Endeavour' district), additional detail in Section 1.12 to clarify the upgrades required for the road between the 'Education and Civic' district and the 'Endeavour' district and minor text and figure amendments to ensure consistency throughout the document. The modifications are not considered to materially change the intent of the structure plan.

The draft WACSP has been assessed against, and is generally considered to meet, the requirements of the Model Centre Framework set out in *State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP4.2)*.

It is considered that the draft structure plan provides an appropriate framework to guide the future development of the activity centre and it is recommended that Council resolve that the structure plan is satisfactory.

## BACKGROUND

<b>Suburb/Location</b>	Lot 501 and Lot 6 Whitford Avenue, Hillarys; Lot 503 and Lot 9089 Banks Avenue, Hillarys; Lot 14284 Endeavour Road, Hillarys; Lot 181 St Mark's Drive, Hillarys; various residential lots in Hillarys.
<b>Applicant</b>	Urbis Pty Ld (planning consultants) on behalf of Scentre Group.
<b>Owner</b>	RE1 Limited and Scentre Management Limited; City of Joondalup; Department for Family and Children's Services; The Anglican School Commission Inc; the Crown; various other individual owners.
<b>Zoning</b>	<b>DPS:</b> Commercial; Business; Civic and Cultural; Residential; Private Clubs/Recreation; Local Reserve – Parks and Recreation.
	<b>MRS:</b> Urban.
<b>Site area</b>	428,200m <sup>2</sup> .
<b>Structure plan</b>	The subject of this report.

Previous draft Whitford Activity Centre Structure Plan (2012)

In considering a previous draft structure plan for the site, Council, at its meeting held on 19 November 2013 (CJ206-11/13 refers), resolved in part that it:

- 3 Pursuant to Clause 9.4 of the City of Joondalup District Planning Scheme No. 2, REFUSES TO ADOPT the Whitford Activity Centre Structure Plan for the following reasons:
  - 3.1 The Retail Sustainability Assessment does not adequately justify the extent of retail floor space proposed under the Whitford Activity Centre Structure Plan, and:
    - 3.1.1 Allowing the Whitford Secondary Activity Centre to develop to 95,000m<sup>2</sup> of shop-retail will undermine the activity centre hierarchy established by State Planning Policy 4.2 – Activity Centres for Perth and Peel;
    - 3.1.2 The proposal will have a negative retail impact on commercial centres within the City of Joondalup and the Cities of Stirling and Wanneroo;
  - 3.2 The Transport Report does not adequately address the transport issues arising from the scale of development proposed under the Whitford Activity Centre Structure Plan, and as a result:
    - 3.2.1 The proposal will have an adverse impact on the flow and volume of traffic on Whitfords Avenue, Marmion Avenue and the surrounding local streets;
    - 3.2.2 The proposal does not adequately address the provision of on-site parking for the structure plan area based on the capabilities of the surrounding road network;
    - 3.2.3 The proposal does not adequately justify the modal shift from private vehicles to other forms of transport such as walking and public transport, which may impact on the expected traffic volumes and parking. The proposal does not demonstrate confirmation of the commitment to public transport improvements and timing of its delivery by the Public Transport Authority;
  - 3.3 The Whitford Activity Centre Structure Plan does not mandate the requirement for land uses, including commercial office, entertainment, health/community services and residential development to ensure that land use diversity targets for stages of development are met as required under State Planning Policy 4.2 – Activity Centres for Perth and Peel;
  - 3.4 The Whitford Activity Centre Structure Plan does not adequately demonstrate timing and implementation of various developments and improvements to ensure the outcomes of State Planning Policy 4.2 – Activity Centres for Perth and Peel are achieved;
  - 3.5 The development provisions set out in Part One of the Whitford Activity Centre Structure Plan are not adequate to be used in the assessment of development applications and determining the appropriateness of development proposed, as outlined at Attachment 5;

- 3.6 *The Whitford Activity Centre Structure Plan does not detail the requirements, responsibilities and timing for infrastructure upgrades to ensure an appropriate and coordinated approach to the redevelopment within the Whitford Activity Centre.*

The applicant subsequently requested a review of Council's decision through the State Administrative Tribunal (SAT). The SAT considered the matter and commenced a process of mediation involving the City, applicant, Department of Planning and two residents who applied to intervene. Following initial mediation in 2014, the applicant submitted a draft 'Heads of Agreement' document with the City. At its meeting held on 18 November 2014 (CJ222-11/14 refers), Council considered its position in relation to this draft 'Heads of Agreement' document and resolved to advise the applicant of its position in relation to the matter.

Since that time a number of issues have been discussed through mediation and this has resulted in the submission of a new structure plan for consideration by Council.

#### Scheme Amendment No. 68

Scheme Amendment No. 68 proposes to zone the structure plan area 'Centre' and remove the existing 'R20' residential density code that currently applies across the site. This is the appropriate zoning to facilitate the implementation of a structure plan for an activity centre. Given the previous structure plan for the activity centre was refused, at its meeting held on 19 November 2013 (CJ206-11/13 refers), Council resolved that:

- 1 *Pursuant to Regulation 17 (2) of the Town Planning Regulations 1967, DOES NOT WISH TO PROCEED with Amendment No. 68 to City of Joondalup District Planning Scheme No. 2 to zone and rezone the lots within the Whitford Activity Centre Boundary to 'Centre' and remove the 'R20' residential density code from the lots as indicated in Attachment 2 of Report CJ206-11/13.*

This advice was forwarded to the Western Australian Planning Commission (WAPC) and the amendment has been held pending the outcome of the review of the structure plan through the SAT.

#### Current Draft Whitford Activity Centre Structure Plan (WACSP)

At its meeting held on 19 May 2015 (CJ066-05/15 refers) Council considered the draft structure plan and resolved as follows:

- 1 *DETERMINES the draft Whitford Activity Centre Structure Plan forming Attachments 4 and 5 to Report CJ066-05/15 is satisfactory pursuant to clause 9.4 of the City of Joondalup District Planning Scheme No. 2 for the purposes of public advertising;*
- 2 *ADVERTISES the draft Whitford Activity Centre Structure Plan forming Attachments 4 and 5 to Report CJ066-05/15 in accordance with clause 9.5 of the City of Joondalup District Planning Scheme No. 2 for public comment for a period of 28 days.*

## DETAILS

The structure plan boundary remains unchanged from the previous structure plan, encompassing the Whitford City Shopping Centre and surrounds, extending to the St Mark's School site to the west and residential properties along Banks Avenue and 11 other adjoining residential zoned properties (Attachments 1 and 2 refer).

As with the previous iterations, the draft structure plan addresses elements such as:

- building height
- setbacks
- parking
- vehicle access
- land use
- residential density
- cycle and shared use path networks.

The area is broken into four character districts as follows:

- 'Retail' district.
- 'Endeavour' district.
- 'Banks' district.
- 'Education and Civic' district.

Some of the proposals contained within the draft structure plan include the following:

- A total maximum retail floor space for the structure plan area of 77,500m<sup>2</sup> of which a maximum of 75,000m<sup>2</sup> is permitted in the 'Retail' district.
- A requirement for shop retail development to be provided in the 'Endeavour' district when the shop retail floor space in the 'Retail' district exceeds 55,000m<sup>2</sup>, at a rate of 10% of the additional shop retail floor space in the 'Retail' district.
- A requirement for the following upgrades to take place before specified development can commence operating in the respective district:
  - Whitfords Avenue and Marmion Avenue intersection.
  - Marmion Avenue and Banks Avenue intersection.
  - Road works to allow for a consolidated bus stop on the southern side of Whitfords Avenue, just east of the intersection with Dampier Avenue.
  - Redesign and development of Endeavour Road into a main street.
  - Banks Avenue and Endeavour Road intersection.
  - The redesign of the northern side of Banks Avenue.
- Maximum building heights of:
  - 25 metres (approximately seven storeys) in the 'Endeavour' district and the 'Education and Civic' district
  - 20 metres (approximately six to seven storeys) in the 'Retail' district
  - 13.5 metres (approximately three storeys) in the 'Banks' district.
- Residential density of R80 for the 'Education and Civic', 'Banks' and 'Retail' districts.
- A requirement for residential dwellings to be provided in the 'Endeavour' district when the shop retail floor space in the 'Retail' district exceeds 55,000m<sup>2</sup>, at a rate of not less than one dwelling for each 500m<sup>2</sup> of additional shop retail floorspace in the 'Retail' district.
- A main street environment on Endeavour Road and improved vehicle connections through the 'Retail' and 'Endeavour' districts.
- A public plaza on Endeavour Road main street and another medium size public open space, west of Endeavour Road in the 'Endeavour' district.

The indicative development plan contained within the structure plan is provided as Attachment 3. The draft WACSP and associated supporting documents are provided as Attachments 4 and 5.

The structure plan has been assessed against the Model Centre Framework outlined in SPP 4.2. The Model Centre Framework provides guidance on the preparation of activity centre structure plans. It addresses elements such as centre context, activity, movement and urban form. The framework is to be considered when preparing and assessing activity centre structure plans.

An assessment summary of the Model Centre Framework and statutory provisions of the proposed structure plan form Attachments 6 and 7 to Report CJ153-09/15.

### **Issues and options considered**

The options available to Council in considering the proposal are:

- resolve that the draft structure plan is satisfactory with or without modifications and submit the structure plan to the WAPC for adoption and certification  
or
- refuse to adopt the structure plan.

In the event that Council supports the structure plan, it is appropriate that Council supports the progression of Amendment 68 to *District Planning Scheme No. 2 (DPS2)* in order that the Whitford Activity Centre is appropriately zoned to 'Centre'.

### **Legislation / Strategic Community Plan / policy implications**

#### **Legislation**

*District Planning Scheme No. 2.  
Planning and Development Act 2005.  
Town Planning Regulations 1967.*

#### **Strategic Community Plan**

##### **Key theme**

Quality Urban Environment.

##### **Objective**

Quality built outcomes.

##### **Strategic initiative**

- Planning frameworks promote and support adaptive, mixed-use developments with the active ground floor uses on appropriately zoned sites.
- Housing infill and densification is encouraged and enabled through a strategic, planned approach in appropriate locations.
- The community is able to effectively age-in-place through a diverse mix of facilitates and appropriate urban landscapes.

##### **Key theme**

Economic Prosperity, Vibrancy and Growth.

##### **Objective**

Activity Centre development.

<b>Strategic initiative</b>	<ul style="list-style-type: none"> <li>• Understand local commercial needs and opportunities.</li> <li>• Support the development of fresh and exciting decentralised areas of activity.</li> <li>• Facilitate increased housing density in activity centres.</li> </ul>
<b>Key theme</b>	Governance and Leadership.
<b>Objective</b>	Active democracy.
<b>Strategic initiatives</b>	Optimises opportunities for community to access and participate in decision making processes.
<b>Policy</b>	<i>State Planning Policy 4.2- Activity Centres for Perth and Peel (SPP4.2).</i> <i>Liveable Neighbourhoods.</i>

### District Planning Scheme No. 2

Under clause 9.6.1 of DPS2, Council is required to review all submissions within 60 days of the close of advertising and proceed to either refuse to adopt or resolve that the structure plan is satisfactory, with or without further modifications.

Under clause 9.6.2 of DPS2, where Council is unable to make a decision within the 60 day period, with written consent from the proponent, an additional 60 day period may be granted before the structure plan is considered deemed to be refused for the purposes of giving a right of appeal.

Under clause 9.6.3 of DPS2, the WAPC has 60 days to consider refusal or adoption (with or without modifications) of the structure plan. This period may be extended, as reasonably needed, to enable the Commission to perform its function.

### State Planning Policy 4.2 Activity Centres for Perth and Peel (SPP 4.2)

Under clause 6.4 (1) of SPP 4.2, Activity Centre Structure Plans are to be prepared for strategic metropolitan, secondary, district and specialised centres, but not for neighbourhood or local centres.

Under clause 6.3 of SPP 4.2, Activity Centres should be zoned to reflect the activity centre hierarchy. The appropriate zoning classification for a Secondary Centre (such as Whitford) is 'Centre' zone.

Under clause 6.4 (2) of SPP 4.2, Activity Centre Structure Plans should be endorsed prior to a major development being approved to ensure a centre's development is integrated, cohesive and accessible. In exceptional circumstances (in the absence of an endorsed activity centre structure plan), any major development must satisfy relevant requirements of the Model Centre Framework. The Model Centre Framework is outlined in Appendix 2 of SPP 4.2 and addresses elements such as centre context, activity, movement and urban form.

Under clause 6.4 (3) of SPP 4.2, *The Structure Plan Preparation Guidelines* (which outline the process for the preparation of Activity Centre Structure Plans) should be considered in conjunction with this policy, including the Model Centre Framework and any other applicable regulations.

Under clause 6.4.1 (1) of SPP 4.2, Activity Centre Structure Plans for 'secondary centres' must be endorsed by the WAPC.

### Liveable Neighbourhoods

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

### Local Commercial Strategy

The City's *Local Commercial Strategy* is the basis for preparing and amending the local planning scheme, and for preparing and assessing activity centre structure plans and development applications within centres.

The *Local Commercial Strategy* considers how to:

- support planning decision making by including an assessment of projected retail needs of communities, taking into account proposals in adjacent local government areas
- apply the activity centre hierarchy
- provide sufficient development opportunities to enable a diverse supply of commercial and residential floor space
- provide sufficient development opportunities to enable appropriate distribution of bulk goods and commercial floor space.

### **Risk management considerations**

Should Council decide to refuse the draft WACSP or require modification to the draft WACSP, the applicant has the option of seeking a review of Council's decision on this new structure plan through the SAT. Another option for the applicant may be to revert to the previous structure plan currently the subject of a review of Council's previous decision through the SAT and pursue a decision on that proposal.

If Council supports the draft WACSP it is not yet clear how this will impact on the review currently before SAT on Council's determination on the previous structure plan. The review may be withdrawn or remain active until such time the Department of Planning and subsequently the WAPC have determined this structure plan.

### **Financial / budget implications**

To date, the SAT proceedings in relation to the current review of the previous WACSP have cost the City approximately \$176,750 in solicitor and consultant fees; this does not include costs associated with officer time. A full hearing is estimated to cost an additional \$100,000.

For the new draft WACSP currently being considered by Council, the applicant has paid \$14,675.08 to cover all costs associated with processing the assessment of the structure plan.

## **Regional significance**

*Directions 2031 and Beyond*, the draft *Perth and Peel at 3.5 Million* document and the draft *North West Sub-Regional Planning Framework* provide aspirations for the better utilisation of urban land through the establishment of dwelling targets and diversity targets for greenfield, infill and activity centre sites. The draft *Whitford Activity Centre Structure Plan* seeks to achieve a housing target of 739 additional dwellings within the structure plan area. If the structure plan were to be approved, these additional dwellings would assist in delivering aspirations of *Directions 2031 and Beyond* for the City of Joondalup.

The extent of the proposed retail floorspace expansion is important in considering the possible supply of retail floorspace within the catchment area. Oversupply may result in impacts on the strategic metropolitan, secondary and district centres within the City and the sub-region.

## **Sustainability implications**

### Environmental

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

### Social

The proposed structure plan would facilitate the development of a variety of housing products on lots of variable sizes, ranging from low to high density, thereby providing living choices to meet the various needs of the community.

The provision of a diverse range of land uses, a new community square and main street and improved accessibility to the various land uses within the centre may contribute to a healthier and more connected community.

### Economic

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

It is also anticipated that more employment opportunities will be made available as a result of the range of businesses and services proposed to be facilitated through the draft structure plan. It is hoped that this will provide people with the opportunity to live and work in the same area rather than having to travel outside of the City of Joondalup for work.

## Consultation

The draft WACSP was advertised for a period of 28 days, from 11 June 2015 until 9 July 2015. Consultation was undertaken in the following manner:

- Written notification to land owners within the WACSP area.
- Written notification to land owners within 400 metres of the centre boundary (same extent as for the previous version of the structure plan).
- Written notification to service authorities.
- A notice placed in the Joondalup Community newspaper.
- Signs on the Westfield Shopping Centre site.
- A notice on the City's website.

A total of 51 submissions were received during the advertising period in the form of 30 objections, 14 in support and two comments. A summary of these submissions are provided as Attachment 8. In addition, five submissions from service authorities or agencies were also received. One of these submissions received was from the Department of Transport (DoT) which also contained comments from Main Roads WA (MRWA) and the Public Transport Authority (PTA).

The objections were primarily in regard to building height and density, the increase in noise and traffic and the impact on parking and the amenity of the area that would occur as a result of development within the Activity Centre.

The applicant was provided the opportunity to respond to key submissions which related to technical requirements. The responses are included below in the Comment section of this report.

## COMMENT

The key issues identified through the assessment of the draft WACSP and the submissions received during the public consultation period are discussed below.

### Traffic and Pedestrian movement

In some of the submissions received a request was made for a pedestrian overpass to be provided at the eastern end of the Centre to assist with pedestrian movement across Whitfords Avenue to Endeavour Road and the shopping centre.

The applicant has indicated that given the existing signalised intersections along Whitfords Avenue at both Endeavour Road and Dampier Avenue, which include pedestrian crossing phases, as well as the Whitfords Avenue underpass, between Dampier Avenue and Marmion Avenue, an overpass is not considered to be warranted. However, a signalised pedestrian (zebra) crossing on Whitfords Avenue in the long term, between the St Mark's school site and Belrose Park, is possible to ensure there are opportunities for safe and convenient pedestrian crossings without impacting on the pedestrian and vehicular flow in this area. This has not been included in the structure plan, given Main Roads WA and the Department of Planning have not indicated their support for this being provided at this stage.

Comments were also received suggesting shared use paths be provided instead of footpaths; on-road bike lanes be provided in some instances and improved way finding signs be provided within the site.

The applicant has indicated that dual or shared use paths are already proposed on Whitfords and Marmion Avenue and that specific details regarding elements such as cycle crossings, street lighting and landscaping would be addressed at the development application stage.

It is considered that the level of detail currently provided is sufficient for the purpose of a structure plan and that through the development application and subdivision processes, these elements can be addressed appropriately.

### Residential Density

Concerns were raised during the advertising period in regard to the number of dwellings which are proposed within the Activity Centre. The submissions received regarding dwelling yield were mixed, with some indicating the proposed dwelling yield was too high and others suggesting it was too low.

Those that indicated the figures were too high were concerned with the impact of the additional dwellings and residents on the amenity of the area in terms of traffic, noise, anti-social behaviour and the general change to the character of the area. Those commenting that the dwelling yields were too low stated that the density did not align with a secondary centre and that the targets outlined in Table 3 of SPP4.2 would not be achieved.

A residential density of R80 is proposed for all districts in the structure plan, except the 'Endeavour' district, where an R40 coding is proposed for 'grouped dwellings' and a RAC-0 coding is proposed for 'multiple dwellings'. These densities have been proposed, along with the building heights, to allow for a range of dwelling types and to contribute to the dwelling yield expected for a secondary centre, whilst having regard to the existing context of the Activity Centre in a low density suburban area.

It is acknowledged that although the structure plan may not deliver the density targets set out in SPP4.2, it does propose densities that meet the objectives of *Directions 2031*, SPP4.2 and the City's *Local Housing Strategy*. This is based on the fact that the structure plan proposes the redevelopment of an existing centre that currently has a very low residential density and requires the shopping centre developer to deliver some additional residential dwellings early in the centre's redevelopment in the 'Endeavour' district, when any retail expansion occurs over 55,000m<sup>2</sup>.

The City and the applicant have worked closely with the Department of Planning to find a balance between the targets set out in SPP4.2 and what can realistically be provided given the context of the site. Given the above, the proposed residential densities are considered to be appropriate.

### Retail floorspace

Comments received during the public advertising period continue to question the need for the amount of shop/retail floorspace proposed for the activity centre, being 77,500m<sup>2</sup> NLA, given the existing retail offering at the shopping centre and the proximity of the site to other activity centres, and therefore other trade areas, within and external to the City of Joondalup.

The proposed maximum of 77,500m<sup>2</sup> retail floor space is significantly lower than the previous proposal of 95,000m<sup>2</sup> and the applicant has undertaken a retail sustainability assessment to justify the proposed shop retail floor space of 77,500m<sup>2</sup> NLA. This assessment has been reviewed by the City's economic consultant. This review indicates that the retail sustainability assessment complies with the requirements of SPP4.2 and that the expansion beyond the 75,000m<sup>2</sup> retail floor space scenario outlined in the City's *Local*

*Commercial Strategy*, to 77,500m<sup>2</sup> being only a marginal increase, is unlikely to have any significant impact on surrounding individual centres.

At the time the *Local Commercial Strategy* and retail sustainability assessment were developed, expansions at the Innaloo and Karrinyup activity centres were not approved. However the applicant has indicated that, given these centres are 10km to 12km away from Whitfords and the Karrinyup catchment is mostly focused around the northern coastal inner to middle distance suburbs, the impact on the main trade areas would be minimal.

The applicant has also indicated that the expansion at Whitfords will largely be supported by the centres main trade catchment with some trade beyond the catchment area, which is typical of all centres. This is due to the dispersed nature of shopping and different channelling trips to a multiple of centres and locations. Additionally, given there are areas within the Whitfords main trade areas that will be undergoing significant regeneration and gentrification in the medium to long term this will improve the spending capacity of the main trade areas residents overall.

Through the current SAT mediation process, the Applicant has worked with both the City of Joondalup and Department of Planning in determining an appropriate amount of retail expansion at Whitford. In determining this quantum, detailed consideration has been given to the requirements of SPP 4.2.

#### Built form and building height

Comments received in relation to the building height primarily relate to the proposed residential dwellings to be located in the 'Endeavour' district and the 'Banks' district. Submitters indicated that 'high rise apartments' were not appropriate or in keeping with the area, were not family friendly, would compromise privacy, solar access and the general amenity of the area.

It is acknowledged that the increase in building height would change the existing character of the area. However, the 7.5 metre rear building setback required for the lots on the southern side of Banks Avenue, along with the district specific provisions will assist to minimise impact on the adjoining sites in regard to building bulk and solar access. In addition, the lots to the rear of the existing residential lots on Banks Avenue are proposed to be recoded to a dual coding of R20/60 and the structure plan requires that development in the Banks District, on the southern side of Banks Avenue, is to be set back 7.5 metres from the rear boundary. This will ensure an appropriate transition from the existing residential areas to the south to the higher residential development proposed on Banks Avenue by the structure plan.

Passive surveillance afforded to areas like the school as a result of allowing increased height in nearby developments, will actually help to minimise opportunities for anti-social behaviour to occur in the area outside of operating hours. The built form will be assessed in detail when development approval is sought with regard given to the type of development proposed as well as potential impacts on nearby properties.

The proposed building heights are considered necessary to facilitate the type and scale of residential and non-residential development expected for an secondary centre in accordance with SPP4.2. The maximum height of 25 metres is to be located within the 'Endeavour' district and the 'Education and Civic' district which will allow for buildings to be developed which can accommodate changing land uses and meet the needs of the occupants, without impacting on existing low density areas.

### Infrastructure upgrades

The service authorities that provided comment during the consultation period didn't raise any concerns that generally could not be addressed through future subdivision or development approvals. Required infrastructure upgrades include, but are not limited to, reticulation water mains, metered water and waste water connections, upgrades to the intersection of Marmion Avenue and Whitfords Avenue, a consolidated bus stop on the southern side of Whitfords Avenue adjoining the shopping centre and public realm improvements such as shared use paths and landscaping.

As the delivery of infrastructure is key to the development of the centre, infrastructure upgrades will be required to be provided by the developer at the applicable stages of development as outlined in clause 1.12 of the structure plan.

As the development occurs over time there is likely to be a need for reviews or studies to be undertaken to determine how the existing infrastructure is functioning and if further improvements are required. The increase in residents and visitors to the area will be a key influence as will the availability of public transport to and from the centre.

The provisions included in clause 1.12 of the structure plan are considered to be appropriate for addressing the infrastructure requirements at this point in time.

### Traffic assessment

Comments provided by Main Roads WA indicate general support for the proposed upgrades to Marmion Avenue with a number of minor comments on the road configuration. In response to these comments the applicant has modified the transport plan and structure plan to show two southbound lanes with no merge. They also note that three south bound lanes are possible within the road reserve if demand requires.

The Department of Transport and Public transport Authority have also indicated general support for the proposal, including the measures outlined to encourage public transport patronage. This incorporates the construction of bus queue-jump lanes on Whitfords Avenue through the intersection of Marmion Avenue and the re-routing of Route 442 into Endeavour Road and the provision of a bus station on the southern side of Whitfords Avenue on the basis of the shopping centre becoming the dominant attractor.

The Department of Transport and Public Transport Authority did comment that information on the proposed length of queuing traffic along Whitfords Avenue was required as it relates to the required length of the bus lane in order to bypass queuing traffic. The agencies also stated that the implementation of the public transport services are dependent on the public transport demand maturing to a point that would warrant removing the service from Cook Avenue. Any rerouting of the service would be subject to a community consultation process.

The applicant has stated the provision of bus lanes on Whitfords Avenue at the intersection of Marmion Avenue and Whitfords Avenue was shown to demonstrate that any future Bus Rapid Transit (BRT) proposals could be realised at this location while the development generated traffic and future background growing traffic could be accommodated with upgrades, but within the existing road reserve. The extent of the bus lanes would be dependent on the BRT proposals which are as yet unavailable from the State Government.

The City understands that improvements are able to be accommodated and consider it appropriate to include these details as provided within the structure plan to ensure that as development occurs there are appropriate mechanisms to require works to be undertaken.

### Parking Assessment

The Department of Transport questioned the suitability of the proposed parking standards in their submission. The draft structure plan sets out the following parking standards:

	<b>Car parking standard</b>
<b>Endeavour District</b>	2.7 bays per 100m <sup>2</sup> of net lettable area (NLA)
<b>Retail District</b>	4.5 bays per 100m <sup>2</sup> of NLA
<b>Banks District</b>	2.7 bays per 100m <sup>2</sup> of NLA
<b>Education and Civic District.</b>	As per DPS2 (For example: <ul style="list-style-type: none"> <li>• Child care centre- not less than 5 bays and 1 bay per staff member and in accordance with the City's Child Care policy</li> <li>• Secondary School – 2 bays per classroom but not less than 10 bays)</li> </ul>

The Department of Transport has indicated a preference for a lower parking standard in the 'Retail' district of between 3.7 bays to 4.3 bays per 100m<sup>2</sup> of NLA, and suggest the 4.5 bays per 100m<sup>2</sup> NLA reflects a 'business as usual' approach rather than taking into consideration anticipated transport mode shifts.

The proposed parking standards for the 'Endeavour', 'Retail' and 'Banks' district are lower than that currently required by DPS2, and are generally consistent with the proposed standards outlined in the City's Scheme Amendment No. 65 which proposes to reduce the existing parking standards for a number of land uses. The parking standards for the structure plan have been proposed based on:

- improved use of public transport resulting from the improved bus facilities
- improved pedestrian and cycle routes resulting from upgrades to Endeavour Road, Banks Avenue, Marmion Avenue and Whitfords Avenue
- increased on street parking along Banks Avenue and Endeavour Road
- provision of different land uses increasing the number of multipurpose trips (accessing multiple services in one trip) and reducing overall parking demand
- road and intersection upgrades that will improve traffic flow around the centre.

As such the parking standards are considered to be appropriate.

It has also been recommended by the Department of Transport that a Parking Management Plan and a Travel Behaviour Change program be required to assist with way finding and changes for long term parking. The applicant has indicated that these requirements can be considered at the development application stage and if necessary be included as a condition of development approval. The structure plan has been modified to include this requirement.

The Department of Transport has also suggested that the structure plan include an estimate of the number of bicycle parking spaces, the target mode share to be achieved and the location of end of trip facilities. The applicant had already included the estimated number of bicycle parking spaces in Table 4.1 of the Transport Report contained in Appendix B of the structure plan, however, the structure plan has been modified to duplicate this information in the structure plan report (Part B). The location of secure long term cycle parking within the structure plan is also included in the structure plan, however, the location of end of trip facilities will need to be considered at the development application stage. This is because the type of development proposed may dictate where the most suitable location will be to provide the facilities.

The applicant has stated that at this point in time it is not possible to include a target mode share to be achieved as it is dependent on commitment from the State Government for public transport and cycle network upgrades outside of the activity centre.

### Staging and implementation

The draft structure plan addresses staging of the development of the centre as well as the infrastructure upgrades required to improve the pedestrian and vehicular access in and around the activity centre.

In response to submissions received, the applicant has included further clarification through proposed modifications to the structure plan text and diagrams particularly in regard to the timing of the road connection between the 'Education and Civic' district and the 'Endeavour' district. This allows the school site to be redeveloped but ensures development does not prejudice the ability for a road to be created in the north eastern corner of the school site providing a connection between the 'Education and Civic' district and the 'Endeavour' district.

The road is intended to alleviate school traffic issues experienced during drop off and pick up times as well as provide connectivity through the activity centre.

The staging, including the proposed modifications, outlined in clauses 1.9 and 1.12 of the structure plan, is considered to provide clarity for the City and developers as to what is expected in terms of development and infrastructure upgrades.

### Modification to structure plan document

Following the public consultation period, in response to submissions received, some modifications are proposed to the structure plan document.

These proposed modifications are to the text and figures to provide clarity in regard to the expectations for development requirements, timing of development and infrastructure upgrades. These updated documents are provided at Attachment 4 and 5.

A key proposed change to the document is the modification of the boundary for the 'Education and Civic' district. Previously a portion of St Mark's was shown on Figure 1- Structure Plan map as being located within the 'Endeavour' district as it was accessible from and fronted Endeavour Road. However, based on the submission received from the planning consultants acting on behalf of St Mark's, the entire school site is now proposed to be contained within the 'Education and Civic' district. There is still the ability for the school to develop with an 'active' frontage to Endeavour Road, however, the land use permissibility will now be the same across the entire site.

### Conclusion

A wide range of community submissions were received in relation to the structure plan, both in support and in objection.

Those in support recognise that the resulting development would add value to the community by way of new businesses, a greater retail offering, connections to the coast and train station and generally refreshing the suburb. Some submissions also indicated the revitalisation of the shopping centre is long overdue and welcomed having shops and services locally so they did not have to travel to Joondalup or Karrinyup.

Those in objection raised concern that the proposals included in the structure plan and resulting development would impact on the amenity of the area by way of noise, pedestrian and vehicular traffic and antisocial behaviour. Although the character of the area will change as a result of the structure plan, it is considered that this will result in positive improvements to the shopping centre, road network and surrounding properties, which will lead to a more vibrant activity centre for the area.

Through the public consultation for the draft structure plan, no issues were raised that would warrant not proceeding with the structure plan. The proposed modifications are considered to adequately respond to the submissions received, where appropriate, and the draft structure plan now provides an appropriate framework to guide the future development of the activity centre. It is recommended that Council resolve that the modified structure plan is satisfactory and forwards it to the WAPC for adoption. It is also recommended that Council request that Amendment 68 to DPS2 proceeds on this basis.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED** Cr Norman, **SECONDED** Cr Hamilton-Prime that Council:

- 1 **pursuant to clause 9.6 of the City of Joondalup District Planning Scheme No. 2, RESOLVES that the Whitfords Activity Centre Structure Plan is satisfactory subject to modifications, as included in Attachments 4 and 5 to Report CJ153-09/15;**
- 2 **SUBMITS the modified structure plan to the Western Australian Planning Commission for adoption and certification;**
- 3 **subject to adoption and certification by the Western Australian Planning Commission, AUTHORISES the affixation of the Common Seal and signing of the structure plan document;**
- 4 **NOTES the submissions received and ADVISES the submitters of Council's decision;**
- 5 **REQUESTS the Western Australian Planning Commission proceed with Amendment No. 68 to City of Joondalup District Planning Scheme No. 2 to zone and rezone the lots within the Whitford Activity Centre Boundary to 'Centre' and remove the 'R20' residential density code from the lots, as indicated in Attachment 10 to Report CJ153-09/15;**
- 6 **NOTES that Council's decision on this application is separate to the decision on the previous Whitfords Activity Centre Structure Plan that is the subject of the current review through the State Administrative Tribunal.**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf080915.pdf](#)

**CJ154-09/15      2015 ANNUAL GENERAL MEETING OF ELECTORS**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	104811, 101515
<b>ATTACHMENT</b>	Nil.
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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**PURPOSE**

For Council to determine the meeting date for the 2015 Annual General Meeting of Electors.

**EXECUTIVE SUMMARY**

Section 5.27 of the *Local Government Act 1995* requires that the Annual General Meeting of Electors be held on a day selected by the local government, but not more than 56 days after the annual report is accepted. It is anticipated that Council will accept the annual report at its meeting to be held on 23 November 2015.

Furthermore, section 5.29 of the *Local Government Act 1995* states that the Chief Executive Officer is to convene an electors meeting by giving at least 14 days public notice.

Should Council adopt the annual report at its meeting to be held on 23 November 2015, the earliest date to issue local public notice is Thursday 26 November 2015, meaning that the earliest date the Annual General Meeting of Electors can be held is Friday 11 December 2015, with the last date being Monday 18 January 2016.

It is considered that the most appropriate date for holding the Annual General Meeting of Electors is Tuesday 15 December 2015, prior to the scheduled Council meeting. Elected Members are more likely to be available at this time due to their attendance at the Council meeting and it also provides opportunity for the public to attend who may also be attending the scheduled Council meeting.

*It is therefore recommended that Council AGREES to convene the 2015 Annual General Meeting of Electors on Tuesday 15 December 2015, commencing at 5.30pm in the Council Chamber.*

## BACKGROUND

At its meeting held on 16 October 2007 (CJ206-10/07 refers), Council resolved to “*AGREE to hold all future Annual General Meeting of Electors as soon as practical following the adoption of the Annual Report, but in a year where an ordinary election is held, not before the first ordinary meeting of the newly elected Council*”.

The Annual General Meeting of Electors is a statutory requirement under the *Local Government Act 1995* and the meeting is to consider, among other things, the annual report for the previous financial year.

## DETAILS

The audited financial statements are anticipated to be finalised by the City's Auditor in early October and will be presented to Council at its meeting to be held on 23 November 2015. The audited financial statements are a key component of the City's annual report, which will be presented to Council in a separate report to the Council meeting scheduled to be held on 23 November 2015. The finalised annual report will include an abridged version of the audited financial statements.

The receipt of the City's annual report by Council and the holding of an AGM of Electors are both statutory requirements of the *Local Government Act 1995*. A decision is required on the date to hold the AGM of Electors, being aware of Council's decision on 16 October 2007, and in view of the limitations to finalise the necessary documentation as well as complying with the required public notice period.

### Issues and options considered

It is a statutory requirement that Council sets a meeting date for the AGM of Electors.

### Legislation / Strategic Community Plan / policy implications

<b>Legislation</b>	<i>Local Government Act 1995.</i> <i>Local Government (Administration) Regulations 1996.</i>
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Governance and Leadership.
<b>Objective</b>	Active democracy.
<b>Strategic initiative</b>	Optimise opportunities for the community to access and participate in decision-making processes.
<b>Policy</b>	Not applicable.

Section 5.27 states the following in regard to the Annual General Meeting of Electors:

**5.27 Electors' general meetings**

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

Section 5.29 states the following in respect to convening electors meetings:

**5.29 Convening electors' meetings**

- (1) *The Chief Executive Officer is to convene an electors' meeting by giving:*
  - (a) *at least 14 days' local public notice; and*
  - (b) *each council member at least 14 days' notice,*

*of the date, time, place and purpose of the meeting.*
- (2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.*

Regulation 15 of the *Local Government (Administration) Regulations 1996* details the matters for discussion at the AGM of Electors. They are the contents of the annual report for the previous financial year and then any other general business. It is suggested therefore, that the agenda format for the Annual Meeting of Electors be:

- Attendances and apologies.
- Contents of the 2014-15 Annual Report.
- General business.

**Risk management considerations**

The risk associated with failing to set a date for the 2015 Annual General Meeting of Electors will result in non-compliance with the requirements of the *Local Government Act 1995*.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

## Consultation

The *Local Government Act 1995* requires an Annual General Meeting of Electors to be held once every year and the annual report to be made publicly available.

At the 2011 Annual General Meeting of Electors, it was resolved that the announcement for the Annual General Meeting of Electors be placed three weeks prior to the event on the City's website and that the announcement has to include the Annual Report and the starting time to be set for 7.00pm. At its meeting held on 21 February 2012 (CJ011-02/12 refers), Council noted the date, time and place of the Annual General Meeting of Electors is set by the Council and publicised in accordance with the provisions of the *Local Government Act 1995*.

While the City advertises the meeting in accordance with the *Local Government Act 1995*, the City will promote the scheduled meeting date as soon as possible and will publicise the annual report through the City's website once it is adopted by Council at its meeting to be held on 23 November 2015.

## COMMENT

The audited financial statements for 2014-15 will be the subject of a separate report to Council. Once these statements are adopted by Council, an abridged version will be inserted into the 2014-15 Annual Report.

In recent years, the Annual General Meeting of Electors has been convened at 5.30pm and was held immediately prior to the scheduled Briefing Session in December 2012 and December 2014, and immediately prior to the Council meeting in December 2013. This format has resulted in an improved elector turnout compared to previous years.

In order for the City to meet its legislative requirements, it is recommended that Council convenes the 2015 Annual General Meeting of Electors on Tuesday 15 December 2015, commencing at 5.30pm, prior to the scheduled Council meeting.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Amphlett, SECONDED Cr Ritchie that Council AGREES to convene the 2015 Annual General Meeting of Electors on Tuesday 15 December 2015, commencing at 5.30pm in the Council Chamber.**

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ164-09/15, page 89 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

## CJ155-09/15 EXECUTION OF DOCUMENTS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	15876, 101515
<b>ATTACHMENT</b>	Attachment 1 Documents executed by affixing the Common Seal for the period 28 July 2015 to 17 August 2015.
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

### PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 28 July 2015 to 17 August 2015 (Attachment 1 refers).

### EXECUTIVE SUMMARY

The City 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 Council for information on a regular basis.

*It is therefore recommended that Council NOTES the Schedule of Documents for the period 28 July 2015 to 17 August 2015 executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ155-09/15.*

### BACKGROUND

During the period 28 July 2015 to 17 August 2015, five documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Section 70A Notification.	1
Lease.	1
Withdrawal of Caveat.	1
Transfer of Land.	1
Application for New Title.	1

**Issues and options considered**

Not applicable.

**Legislation / Strategic Community Plan / policy implications**

**Legislation** *Local Government Act 1995.*

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

**Strategic initiative** Demonstrate accountability through robust reporting that is relevant and easily accessible by the community.

**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**

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

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Amphlett, SECONDED Cr Ritchie that Council NOTES the Schedule of Documents for the period 28 July 2015 to 17 August 2015, executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ155-09/15.**

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ164-09/15, page 89 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf080915.pdf](#)*

**CJ156-09/15 MINUTES OF EXTERNAL COMMITTEES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	00033, 101515
<b>ATTACHMENT</b>	Attachment 1 Minutes of the West Australian Local Government Association Annual General Meeting held on 5 August 2015.  <i>(Please Note: These minutes are only available electronically).</i>
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

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**PURPOSE**

For Council to note the minutes of Western Australian Local Government Association (WALGA) Annual General Meeting held on 5 August 2015 on which the City has current representation.

**EXECUTIVE SUMMARY**

The following minutes are provided:

- West Australian Local Government Association (WALGA) Annual General Meeting held on 5 August 2015.

**DETAILS**

The following information details those matters that were discussed at the external meeting and may be of interest to the City of Joondalup.

**West Australian Local Government Association Annual General Meeting - 5 August 2015**

The Annual General Meeting of the West Australian Local Government Association was held on 5 August 2015.

Cr Geoff Amphlett and Cr Sam Thomas were the City's voting delegates and Mayor Troy Pickard and Mr Garry Hunt were the City's 'Proxy' voting delegates at the 2015 Annual General Meeting of WALGA.

For the information of Council, the following matters of interest to the City of Joondalup were resolved at the WALGA Annual General Meeting:

4.4 Integrated Response by Local Governments to Hoarding (05-026-03-0016 AH)

That WALGA:

- 1 acknowledge that hoarding is a complex problem for Local Governments to address in Western Australia.
- 2 facilitate the development of an integrated response to the problem of hoarding by using consistent best practice standards which can be applied by all Local Governments in Western Australia.

4.5 Shark Hazard – Local Government Expectations (05-017-02-006 AH)

- 1 That WALGA move to seek that the State Government declare Shark Attack as a 'hazard' within the Emergency Management Regulations (2006) and assign a Hazard Management Agency, for the development and maintenance of Hazard Management Arrangements. This agency would then also be responsible for the provision of community information and advice, to enable the community to make informed decisions with their use of the marine environment.
- 2 That WALGA recommend the adoption of the South West Local Government Response Flowchart and Responsibility Matrix, as the basis for Local Government response to any credible risk from sharks in local waters.
- 3 That WALGA act on behalf of WA Local Governments in the negotiation with the Department of Fisheries, to ensure that Local Government Officers are not expected to make any response decisions, where they do not have the Subject Matter Expertise, nor jurisdiction (i.e. when to open a beach after sighting, or when to close a beach etc.) for those decisions.

4.6 Inland Waterway Shoreline Management (05-064-01-0001 MB)

That WALGA lobby for a single State Government agency to be responsible for inland waterway shoreline management in the same manner as the Department of Transport' current role to administer the State Government's policy directly relating to coastal management.

4.7 Planning for Waste Management Facilities (05-025-03-0003 MB)

That WALGA request the State Government as a matter of urgency:

- Develop a waste management infrastructure plan for Western Australia.
- Progress regulatory reforms to establish a framework for planning and siting of landfills.
- Implement a moratorium on new private landfill approvals until adoption of a durable planning framework.

#### 4.8 Management of Narrow Leafed Cotton Bush (05-046-03-0010 MB)

That WALGA Lobby the Minister for Agriculture and Food seeking support for a multi-tiered approach to the management of Narrow Leafed Cotton Bush including:

- Training Local Government staff who can assist with infringing any land-owners not managing cotton bush and other declared pests.
- Provide funding to regional biosecurity groups of \$100,000 per annum to ensure their survival.
- Make Changes to the Biosecurity and Agriculture Management Act 2007 (BAM) to ensure any pest rate raised stays within the district.
- Request cabinet address the issue of cotton bush and the inaction of state departments in managing their own land.
- That WALGA be requested to conduct a state wide forum on issues around biosecurity, including the management of narrow leafed cotton bush, and its impact on Local Governments across the State with all key stakeholders to be invited.

#### 4.9 Illegal Camping (05-034-01-0007 JMc)

That WALGA is to investigate legislation changes to allow Local Governments to recover fines issued to illegal campers through vehicle hire companies (as a majority of offenders are from overseas using hire vans/vehicles), as an example, to try and assist Local Governments to control this activity and recover costs incurred in policing illegal camping.

#### 4.10 Non-rateable Properties: Charitable Use of Land (05-034-01-0007 JMc)

That WALGA increases its lobbying for an amendment to the Local Government Act 1995 Section 6.26(2)(g) to allow land used for charitable purposes to be rateable if it is used for housing.

#### 4.11 Financial Limits for Tenders (05-034-01-0001 JMc)

That the Local Government (Functions and General) Regulations 1996 (as amended from time to time) be amended so the minimum threshold for the purchase of a good or service, be altered to match the threshold level from time to time gazetted under the State Supply Policies for State Government Departments and instrumentalities.

#### 4.12B Local Government Governance (05-034-01-0015 TB)

That the Western Australian Local Government Association:

- 1 Develops and advocates a suite of reforms to the Local Government Act 1995 and related Regulations to enhance governance, transparency, accountability and consistency in Local Government, particularly in relation to:
  - a) Recording of Council Member contact with Developers;
  - b) Prohibition of donations from developers to Local Government election candidates;

- c) *Reporting and publicising of gifts and hospitality to Council Members and Local Government employees;*
  - d) *Reporting and publicising of council paid travel undertaken by Council Members and Local Government employees;*
  - e) *Appointment and review of performance of the Chief Executive Officer and prescribed contract renewal procedures;*
  - f) *Any other areas which lead to improved governance and transparency.*
- 2 *Develops the suite of reforms referred to in 1 above in consultation with members by no later than 3 months before the March 2017 State Election for consideration by all political parties in Western Australia.*

#### 4.13B Advocacy Funding (05-034-01-001 TB)

- 1 *That the Western Australian Local Government Association (WALGA) establish an Advocacy Fund' to be used for lobbying the State and or Federal Governments to support the needs for Local Governments where the decisions made by the State and or Federal Governments impact on the services provided by Local Governments to their communities.*
- 2. *As a matter of urgency funding be identified within existing resources of the WALGA budget.*

#### 4.14B Rate Capping (05-034-01-000/ TB)

That WALGA:

- 1 *Oppose the introduction of rate-capping for Western Australian Local Governments as reported to be proposed by the current State Government.*
- 2 *Develops a policy which ensures that the sector is prepared to oppose any attempt by the government to introduce rate-capping in the future.*
- 3 *Express its opposition to continued cost shifting by the State Government to Local Government by requiring Local Government to assume responsibility for services previously provided by the State.*

#### **Legislation / Strategic Community Plan / policy implications**

**Legislation** Not applicable.

#### **Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Strong leadership.

**Strategic initiative** Seek out City representation on key external and strategic bodies.

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED** Cr Amphlett, **SECONDED** Cr Ritchie that Council **NOTES** the minutes of the West Australian Local Government Association Annual General Meeting held on 5 August 2015 forming Attachment 1 to Report CJ156-09/15.

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ164-09/15, page 89 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

To access this attachment on electronic document, click here: [EXTERNALMINUTES 080915.pdf](#)

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Brian Corr.</b>
<b>Item No./Subject</b>	CJ157-09/15 – Status of Petitions.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Corr's son plays cricket on Penistone Park, Greenwood.

**CJ157-09/15 STATUS OF PETITIONS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	05386, 101515
<b>ATTACHMENT</b>	Attachment 1      Status of Petitions – 23 June 2015 to 17 August 2015
<b>AUTHORITY / DISCRETION</b>	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

**PURPOSE**

For Council to note the status of outstanding petitions.

**BACKGROUND**

At its meeting held on 16 December 2008 (CJ261-12/08 refers), Council considered a report in relation to petitions.

As part of that report, it was advised that quarterly reports would be presented to Council in the future.

**DETAILS****Issues and options considered**

Attachment 1 provides a list of all outstanding petitions, which were received during the period 23 June 2015 to 17 August 2015, with a comment on the status of each petition.

**Legislation / Strategic Community Plan / policy implications**

**Legislation** *City of Joondalup Meeting Procedures Local Law 2013.*

**Strategic Community Plan**

**Key Themes** Governance and Leadership.  
**Objective** Active democracy.

**Strategic Initiatives**

- Fully integrate community consultation practices into City activities.
- Optimise opportunities for the community to access and participate in decision-making processes.
- Adapt to community preferences for engagement formats.

**Policy Implications**

Each petition may impact on the individual 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 of 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 list of petitions is presented to Council for information, detailing the actions taken to date and the actions proposed to be undertaken for those petitions that remain outstanding.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Amphlett, SECONDED Cr Ritchie that Council NOTES:**

- 1 the status of outstanding petitions submitted to Council during the period 23 June 2015 to 17 August 2015, forming Attachment 1 to Report CJ157-09/15;
- 2 that a report in relation to the petition requesting a farmer's market be held every Saturday on Central Walk, Joondalup to increase more traffic and acknowledgement of the area is proposed to be presented to Council at its meeting to be held on 15 September 2015;
- 3 that a report in relation to the petition requesting that Council improve the facilities at Camberwarra Park, Craigie by the:
  - 3.1 erection of two barbeques;
  - 3.2 erection of two solid covered areas with seating;
  - 3.3 supply of two extra rubbish bins with dog waste disposal bags at the southern and northern ends of the park,is proposed to be presented to Council at its meeting to be held on 23 November 2015;
- 4 that a report in relation to the petition requesting that the two public use tennis courts at Penistone Park, Greenwood be included in the park redevelopment was presented to Council at its meeting held on 17 August 2015 (CJ141-08/15 refers);
- 5 that a petition objecting to the development of multiple dwellings at 11 Royal Scot Loop, Currabine due to the negative impact this will place on the neighbourhood with the high increase in traffic, will be considered as part of the assessment of the development application;
- 6 in relation to the petition opposing the location of a veterinary consulting room between two existing food outlets at the Sorrento Village Shopping Complex in Harman Road, Sorrento:
  - 6.1 the application for a veterinary consulting room has been approved under delegated authority;
  - 6.2 the lead petitioner will be advised of the decision accordingly.

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ164-09/15, page 89 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf080915.pdf](#)

**CJ158-09/15 LIST OF PAYMENTS MADE DURING THE MONTH OF JULY 2015**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	09882
<b>ALT FILE NUMBER</b>	101515
<b>ATTACHMENT</b>	Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of July 2015 Attachment 2 Chief Executive Officer's Delegated Trust Payment List for the month of July 2015 Attachment 3 Municipal and Trust Fund Vouchers for the month of July 2015
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

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**PURPOSE**

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of July 2015.

**EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of July 2015 totalling \$17,888,769.81.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for July 2015 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 Report CJ158-09/15, totalling \$17,888,769.81.*

**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 July 2015. 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	Municipal Cheques & EFT Payments 101686 – 101872 & EF049118 – EF049744. Net of cancelled payments.	\$13,294,711.79
	Vouchers 1474A – 1477A & 1482A – 1487A	\$4,548,906.47
Trust Account	Trust Cheques & EFT Payments 206804 - 206826 & TEF000285 – TEF000328. Net of cancelled payments.	\$45,151.55
<b>Total</b>		<b>\$17,888,769.81</b>

### Issues and options considered

There are two options in relation to the list of payments.

#### Option 1

That Council declines to note the list of payments paid under delegated authority. The list is required to be reported to Council in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, and the payments listed have already been paid under the delegated authority. This option is not recommended.

#### Option 2

That Council notes the list of payments paid under delegated authority. This option is recommended.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

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

#### Strategic Community Plan

##### Key theme

Financial Sustainability.

##### Objective

Effective management.

##### Strategic initiative

Not applicable.

##### Policy

Not applicable.

### **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 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 2015-16 Annual Budget as adopted by Council at its meeting held on 23 June 2015 (CJ085-06/15 refers) and subsequently revised or has been authorised in advance by the Mayor or by resolution of Council as applicable.

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Amphlett, SECONDED Cr Ritchie that Council NOTES the Chief Executive Officer's list of accounts for July 2015 paid under Delegated Authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachments 1, 2 and 3 to Report CJ158-09/15, totalling \$17,888,769.81.**

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ164-09/15, page 89 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6brf080915.pdf](#)

## **CJ159-09/15 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JULY 2015**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	07882, 101515
<b>ATTACHMENT</b>	Attachment 1 Financial Activity Statement for the period ended 31 July 2015
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

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### **PURPOSE**

For Council to note the Financial Activity Statement for the period ended 31 July 2015.

### **EXECUTIVE SUMMARY**

At its meeting held on 23 June 2015 (CJ085-06/15 refers), Council adopted the Annual Budget for the 2015-16 Financial Year. The figures in this report are compared to the Adopted Budget.

The July 2015 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$1,286,069 for the period when compared to the adopted Budget. This variance does not represent the end of year position. It represents the year to date position to 31 July 2015. There are a number of factors influencing the favourable variance but it is predominantly due to the timing of revenue and expenditure compared to the adopted budget estimate. The notes in Appendix 3 to Attachment 1 identify and provide commentary on the individual key material revenue and expenditure variances to date.

The variance can be summarised as follows:

The operating surplus is \$188,923 higher than budget, made up of higher operating revenue \$38,546 and lower operating expenditure of \$150,378.

Operating revenue is higher than budget on Rates \$6,530, Interest Earnings \$83,219, Contributions, Reimbursements and Donations \$21,193 and Other Revenue \$22,842 offset by lower revenue on Grants and Subsidies \$20,575 and Fees and Charges \$74,663.

Operating Expenditure is lower than budget on Materials and Contracts \$704,249, Utilities \$29,332 and Interest expenses \$7,097. These are partly offset by higher than budget expenditure on Depreciation and Amortisation \$248,219, Employee Costs \$310,756 and Insurance \$31,325.

The Capital Deficit is \$978,331 lower than budget primarily owing to lower than budgeted expenditure on Capital Works \$607,019, Capital Projects \$406,698 and Vehicle and Plant Replacements \$9,614. In addition, capital revenue is lower than budget for Capital Grants and Subsidies \$45,000.

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 July 2015 forming Attachment 1 to Report CJ159-09/15.*

## **BACKGROUND**

The *Local Government (Financial Management) Regulations 1996* requires a monthly Financial Activity Statement. At its meeting held on 11 October 2005 (CJ211-10/05 refers), Council approved to accept the monthly Financial Activity Statement according to nature and type classification.

## **DETAILS**

### **Issues and options considered**

The Financial Activity Statement for the period ended 31 July 2015 is appended as Attachment 1.

### **Legislation / Strategic Community 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* 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 Community Plan**

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

#### **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 funds for an additional purpose except where the expenditure is authorised in advance by an absolute majority of Council.

**Financial / budget implications**

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

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

**COMMENT**

All expenditure included in the Financial Activity Statement are incurred in accordance with the provisions of the 2015-16 Adopted Budget or have been authorised in advance by Council where applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED** Cr Amphlett, **SECONDED** Cr Ritchie that Council **NOTES** the Financial Activity Statement for the period ended 31 July 2015 forming Attachment 1 to Report CJ159-09/15.

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ164-09/15, page 89 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf080915.pdf](#)*

## **CJ160-09/15 TENDER 027/15 - DRILLING, DEVELOPMENT AND TESTING OF BORES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	105180, 101515
<b>ATTACHMENT</b>	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

---

### **PURPOSE**

For Council to accept the tender submitted by Ardmay Pty Ltd trading as RBM Drilling for the provision of drilling, development and testing of bores.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 20 June 2015 through statewide public notice for the provision of drilling, development and testing of bores. Tenders closed on 14 July 2015. A submission was received from each of the following:

- Ardmay Pty Ltd trading as RBM Drilling.
- Drill-Mac Pty Ltd trading as J & S Drilling.

The submission from Ardmay Pty Ltd trading as RBM Drilling represents value to the City. The company demonstrated a thorough understanding and appreciation of the City's requirements. It has successfully completed similar projects for various local governments including the Cities of Stirling, Gosnells, Melville and Joondalup. RBM Drilling is well established with significant industry experience and proven capacity to undertake the works for the City.

*It is therefore recommended that Council ACCEPTS the tender submitted by Ardmay Pty Ltd trading as RBM Drilling for the provision of drilling, development and testing of bores as specified in Tender 027/15 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).*

## **BACKGROUND**

The City has a requirement for a contractor to provide drilling, construction, developing and test pumping of new bores at various locations within the City of Joondalup.

The design requirements for each project will be supplied by the Superintendent prior to the commencement of works.

The City currently has a contract with Ardmay Pty Ltd trading as RBM Drilling which expires on 18 October 2015. RBM Drilling has provided a satisfactory level of service throughout the term of its contract.

Tender assessment is based on the best value for money concept. Best value is determined after considering whole of life costs, fitness for purpose, tenderers' experience and performance history, productive use of City resources and other environmental or local economic factors.

## **DETAILS**

The tender for the provision of drilling, development and testing of bores was advertised through statewide public notice on 20 June 2015. The tender period was for three weeks and tenders closed on 14 July 2015.

### **Tender Submissions**

A submission was received from each of the following:

- Ardmay Pty Ltd trading as RBM Drilling.
- Drill-Mac Pty Ltd trading as J & S Drilling.

The schedule of items listed in the tender is provided in Attachment 1.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2.

### **Evaluation Panel**

The evaluation panel was composed of three members being:

- one with tender and contract preparation skills
- two with the appropriate operational expertise and involvement in supervising the contract.

The panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner.

### **Evaluation Method and Weighting**

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. Prior to assessment of individual submissions a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the tenderer to satisfactorily deliver the services. The predetermined minimum acceptable qualitative score was set at 60%.

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

Qualitative Criteria		Weighting
1	Capacity	35%
2	Demonstrated experience in completing similar projects	35%
3	Demonstrated understanding of the required tasks	25%
4	Social and economic effects on the local community	5%

### Compliance Assessment

The submission from Ardmay Pty Ltd trading as RBM Drilling was assessed as compliant.

The submission from Drill-Mac Pty Ltd trading as J & S Drilling was assessed as non-compliant. J & S Drilling did not submit prices for cable tool method (the City requires drilling by mud rotary or cable tool methods, the appropriate method to be determined on a bore by bore basis and at the discretion of the Superintendent). This submission was assessed as non-compliant and was not considered further.

### Qualitative Assessment

RBM Drilling scored 63.4% in the qualitative assessment. The company demonstrated experience in completing similar projects for local governments including the Cities of Stirling, Gosnells and Melville. It is the City's current contractor for drilling, development and testing of bores. It demonstrated a thorough understanding of the required tasks. RBM Drilling is a well established company with proven capacity to undertake the works for the City.

Given the minimum acceptable qualitative score of 60%, RBM Drilling qualified for stage two of the assessment.

### Price Assessment

The panel carried out a comparison of the rates offered by the shortlisted respondent and the City's existing contract rates in order to assess value for money to the City.

To provide an estimated expenditure over a 12 month period (for tender assessment purposes only), the bores listed in the capital works and maintenance programs were identified and used in the calculation.

The rates are fixed for the first year of the contract, but are subject to a price variation in years two and three of the contract to a maximum of the CPI for the preceding year. For estimation purposes, a 3% CPI increase was applied to the rates in years two and three.

The table below provides the estimated expenditure. Any future mix of requirements will be based on demand and subject to change in accordance with operational needs of the City.

Tenderer	Year 1	Year 2	Year 3	Total
RBM Drilling	\$127,494	\$131,319	\$135,258	\$394,071
City's existing contract rates	\$111,327	\$114,667	\$118,107	\$344,101

RBM Drilling represents a 14.5% increase when compared to the existing contract rates (to date there have been no increases to the existing rates since commencement of contract in October 2012).

During 2014-15, the City incurred \$49,060 for drilling, development and testing of bores (two only very shallow bores were completed). The City projects three capital upgrade deeper bores per year for the next three years.

### Evaluation Summary

Tenderer	Estimated Contract Price	Weighted Percentage Score
RBM Drilling	\$394,071	63.4%

Based on the evaluation result the panel concluded that the tender from RBM Drilling provides value to the City and is therefore recommended.

### Issues and options considered

The City has a requirement for drilling, development and testing of bores at various locations within the City. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

A statewide public tender was advertised, opened and evaluated in accordance with clauses 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000.

#### Strategic Community Plan

##### Key theme

The Natural Environment.

##### Objective

Environmental resilience.

##### Strategic initiative

Demonstrate current best practice in environmental management for local water, waste, biodiversity and energy resources.

##### Policy

Not applicable.

### Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City relies on bores for its water supply to parks, open spaces and streetscapes.

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

**Financial / budget implications**

<b>Account no.</b>	Various accounts.
<b>Budget Item</b>	Drilling, development and testing of bores.
<b>Budget amount</b>	\$ 180,000
<b>Amount spent to date</b>	\$ 0
<b>Committed</b>	\$ 80,000 (two bores)
<b>Proposed cost</b>	\$ 84,996 (two bores)
<b>Balance</b>	\$ 15,004

Of the three bores projected for year one of the contract, two are proposed to be undertaken this financial year.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Water bores are an integral component in the efficient management of the City's water resources. The City has 210 existing bores at various locations throughout its irrigated parks and public open spaces. Bores to be drilled under this contract include replacement of existing bores which are nearing the end of their effective operational life and new bores approved by the Department of Water.

**Consultation**

Not applicable.

**COMMENT**

The evaluation panel carried out the evaluation of the submission in accordance with the City's evaluation process and concluded that the offer submitted by Ardmay Pty Ltd trading as RBM Drilling represents value to the City.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Amphlett, SECONDED Cr Ritchie that Council ACCEPTS the tender submitted by Ardmay Pty Ltd trading as RBM Drilling for the provision of drilling, development and testing of bores as specified in Tender 027/15 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).**

**The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ164-09/15, page 89 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf080915.pdf](#)*

## **CJ161-09/15      PETITION IN RELATION TO A FARMERS' MARKET AT CENTRAL WALK, JOONDALUP**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	05549, 101515
<b>ATTACHMENT</b>	Attachment 1      Farmers' Markets in and around metropolitan Perth
<b>AUTHORITY / DISCRETION</b>	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to not support a petition requesting the City hold a permanent weekly farmers' market at Central Walk, Joondalup.

### **EXECUTIVE SUMMARY**

The City has received a petition requesting that Council hold a permanent weekly farmers' market at Central Walk, Joondalup.

A permanent farmers' market can be described as a fresh food market operating on a regular basis (weekly or fortnightly), in an established location. The emphasis is placed on farm-direct and artisan-made food sales with craft items typically excluded.

None of the permanent farmers' markets currently operating in and around Perth are managed by local governments. More commonly these markets are operated by companies or community groups. It is not uncommon however for these markets to be underwritten by local governments during their establishment with ongoing in-kind support.

Common to all markets is the employment of a Market Manager to administer and oversee the operations of the markets. Duties of a Market Manager include sourcing growers, processing stallholder applications and advertising markets. The City is not currently resourced to dedicate the time required to manage a permanent farmers' market year-round.

City officers are currently fielding enquiries from three independent market managers to run a farmers' market in the City of Joondalup, one in the South Ward and two in the City Centre.

Due to the practicalities of transporting and displaying fresh produce, farmers' markets have specific requirements in terms of access and space. In addition to environment, the success of farmers' markets can also be attributed to location. Central Walk presents challenges in terms of vehicular access, storage and display space and is considered a low traffic area when compared to other locations within Joondalup.

*It is therefore recommended that Council:*

- 1 *DOES NOT SUPPORT the City organising a weekly farmers' market at Central Walk, Joondalup;*
- 2 *ADVISES the lead petitioner of Council's decision.*

## **BACKGROUND**

On 17 June 2015 (C27-06/15 refers), the City received a petition with 157 signatures of which 120 are residents of the City of Joondalup requesting that Council *"Have a farmer's market/quality goods every Saturday on Central Walk, to increase more traffic and acknowledgement of the area. I feel there is a great demand for this, as my research has confirmed this"*.

The City currently holds a market at Central Walk on five Friday evenings in the lead-up to Christmas each year. This is a general market selling ready-to-eat and packaged gourmet food, fashion, arts and crafts, gift-wares and home-wares. The Friday night markets are also open to fresh produce providers but have not tended to attract this type of stallholder, with market-goers more typically purchasing fresh produce on a Saturday or Sunday morning. The same market is also held each year as part of the Joondalup Festival.

The Central Walk Markets (now known as Joondalup Twilight Markets) were introduced in 1998 as a seven-week trial event, to facilitate a vibrant and economically sustainable City Centre. Between 1998 and 2007 the market season varied in length until 2007-08 when a decline in attendance and average stallholder numbers saw the season reduced to five weeks to maximise patronage leading up to Christmas. In 2012 the markets moved to Boas Avenue (corner McLarty Avenue) and were held on Sunday afternoons from 12.00noon to 4.00pm. The same year a further attempt was made to extend the market season however following poor feedback from stallholders and customers, the scheduled nine week season was again reduced to five weeks.

There is currently one permanent farmers' market operating in the City of Joondalup, the Poynter Farmers' Market at Poynter Primary School in Duncraig. In addition to the Poynter Farmers' Market there are two other permanent farmers' markets currently operating in the region being the Eden Beach Market recently established in Jindalee and the purpose-built Wanneroo markets.

## **DETAILS**

The Australian Farmers' Market Association (AFMA) is the national body whose role it is to guide and support the states, territories and regions in their role of establishing and maintaining authentic best practice farmers' markets across Australia.

AFMA defines farmers' markets as those that are *"Predominantly fresh food markets that operate regularly within a community, at a focal public location, that provide a suitable environment for farmers and food producers to sell farm-origin and associated value-added food and plant products, directly to customers"*.

There are currently 13 permanent farmers' markets operating in and around metropolitan Perth. An outline of these markets is detailed in Attachment 1.

Of the 13 permanent farmers' markets currently operating in around Perth, six are managed by commercial organisations with the remainder operated on a not-for-profit basis by community groups such as Parent and Citizen Associations or Rotary. None of these markets are operated by their respective local government; however the not-for-profit based markets have received assistance from their local governments as cash payments during establishment and ongoing in-kind promotion, hire fees and/or infrastructure.

Whether operated by private enterprise or a not-for-profit community group, it is commonplace for a Market Manager to be employed by a farmers' market to manage day-to-day operations. Market Managers act as the single point of contact for stallholders and consumers alike, responsible for both administering stallholder applications and promoting the market to the public. Market Managers are responsible for maintaining good working relationships with growers, fostering community support for the market, enforcing market rules and maintaining accurate financial records.

It is estimated that a period equivalent to three months full-time would be required to establish a permanent weekly farmers' market. Thereafter, in addition to attending the weekly market to manage logistics, it is anticipated a Market Manager would be required for one additional day a week year-round to successfully coordinate a weekly farmers' market. The City does not have the resources to manage this with an already full summer event program.

A farmers' market requires a site that offers stall sizes of between 20 to 100m<sup>2</sup>. While some small or gourmet producers may be suited to a smaller stall, the display of commercial quantities of fruit and vegetables requires a larger space. Due to the practicalities of transporting and displaying fresh produce, site requirements include vehicular access, storage and sufficient space for displays typically larger than those found at general markets. Those farmers' markets not held in purpose-built venues are generally therefore held in open spaces such as car parks or reserves.

Examples of successful farmers' markets in non purpose-built venues are:

- Subi Farmers' Market, Subiaco Primary School
- Leederville Farmers' Market, Frame Court Car Park adjacent the Oxford Street Reserve
- Poynter Farmers' Market, Poynter Primary School.

Further contributing to the success of these permanent farmers' markets is being located in an already thriving area. These markets are deliberately positioned in an existing busy, popular and ambient location such as the Subiaco shopping precinct and Leederville cafe strip.

Proposals have been received by City officers from two independent market managers to run a farmers' market in the City Centre with an additional enquiry made by a market manager expressing an interest in establishing a farmers' market in the South Ward.

## Legislation / Strategic Community Plan / policy implications

**Legislation** *District Planning Scheme No. 2 (DPS2).*

### Strategic Community Plan

**Key theme** Community Wellbeing.

**Objective** Community spirit.

**Strategic initiative** Deliver a program of community-based events and education that encourage social interaction within local neighbourhoods.

**Policy** Not applicable.

Privately operated markets will be considered as Markets (Retail) under the DPS2. Markets (Retail) is defined under DPS2 as *retail premises at which goods are sold from temporary stalls in individual bays leased to or otherwise occupied by independent stallholders.*

Development approval would be required prior to the operation of the Markets, and they can only be considered within the Business and Commercial zone. City Officers also consider an application on a Local Reserve, having regard to the ultimate purpose intended for the Reserve and general matters the City has regard to when considering a planning application. A similar situation would also apply for land also reserved under the *Metropolitan Region Scheme*. As an example, the markets that operate at Poynter Primary School are on land reserved under the *District Planning Scheme No. 2*.

### Risk management considerations

As permanent farmers' market numbers in and around Perth increase so too does the draw on growers willing to travel to the metropolitan area on a weekly basis.

Given the number and timing of existing permanent farmers' markets in the region it is likely that sourcing and retaining appropriate numbers of high-quality fresh produce stalls would be challenging.

### Financial / budget implications

For the City to operate a permanent weekly farmers' market on a Saturday morning at Central Walk an estimated annual budget of \$165,000 would be necessary. This would cover such costs as:

- staff to manage stallholders and oversee the operations of the market
- infrastructure requirements including marquees, tables and chairs and additional power
- traffic management to implement safe traffic speeds on Boas Avenue and Reid Promenade
- signage
- various advertising on a weekly basis
- weekly entertainment.

The City currently operates the Joondalup Twilight Markets for a five week season at a cost to the City of \$45,000. This does not include City Officer time during the planning and lead-up to the five week market season.

No funds are currently budgeted for a farmers' market in the 2015-16 period.

All amounts quoted in this report are exclusive of GST.

### **Consultation**

City Officers have conducted informal consultation with Market Managers from three existing permanent farmers' markets.

Responses from the three managers revealed the importance of a suitable environment to the success of farmers' markets as well as the benefits delivered where commercial or local government support is provided both at establishment and ongoing.

### **COMMENT**

The City currently supports businesses in the City Centre with the Joondalup Twilight Markets held at Central Walk in the lead-up to Christmas each year. History shows efforts to extend beyond the existing five week market season have been unsuccessful.

While Central Walk lends itself to a general market it does not satisfy the key components that make farmers' markets successful such as sufficient storage and display space. Further, the Joondalup City Centre is a low catchment area in comparison to more heavily residential populated suburbs within the City of Joondalup. Successful farmers' markets are held in high traffic suburban areas and when offered as a sole activity, are unlikely to attract patrons on a year-round basis to an under-utilised area such as Central Walk.

Local governments in and around metropolitan Perth do not operate year-round farmers' markets but rather provide support to community groups to deliver these projects. An opportunity exists to enhance the public perception of the organisation if the City were to partner with another organisation or offer financial or in-kind support.

Given the existing level and regularity of farmers' markets in the region, the unsuitability of Central Walk as a potential site and the resources associated with the project, it is recommended that the City does not establish a permanent farmers' market at Central Walk.

### **VOTING REQUIREMENTS**

Simple Majority.

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

- 1 DOES NOT SUPPORT the City organising a weekly farmers' market at Central Walk, Joondalup;
- 2 ADVISES the lead petitioner of Council's decision.

**The Motion was Put and**

**LOST (0/12)**

**Against the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

**MOVED Mayor Pickard, SECONDED Cr Corr** that Council **REQUESTS** the City to initiate an Expression of Interest for a Farmers Market to be conducted in Central Walk.

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

### **Reason**

In accordance with Regulation 11(da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which was significantly different to what the administration recommended is because a farmers market would add important vibrancy to Central Walk and is worthy of pursuing through a public expression of interest process.

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf080915.pdf](#)

**CJ162-09/15 PROPOSED DISPOSAL OF LOT 745 (103)  
CARIDEAN STREET, HEATHRIDGE**

<b>WARD</b>	North-Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	37562, 101515
<b>ATTACHMENTS</b>	Attachment 1 Location Plan
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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**PURPOSE**

For Council to consider the outcome of the public advertising period on the proposal to dispose of Lot 745 (103) Caridean Street, Heathridge (Attachment 1 refers) by private treaty to Family Holdings Pty Ltd and A J H Projects Pty Ltd trading as Conway Projects.

**EXECUTIVE SUMMARY**

Public advertising of the proposed disposal of Lot 745 (103) Caridean Street, Heathridge (Lot 745) by Conway Projects for the purchase price of \$920,000 inclusive of GST was supported by Council at its meeting held on 28 July 2015 (CJ123 -07/15 refers). A market valuation was undertaken on 13 June 2015 by a licensed valuer who assessed the site's value as being \$900,000 (inclusive of GST).

In accordance with section 1.7 of the *Local Government Act 1995* details of the proposal made by Conway Projects was published for a period of 14 days:

- in the local newspaper from 4 August to 18 August 2015
- on the City's public notice boards from 11 August to 25 August 2015.

Members of the public were invited to make submissions in relation to the proposal. The City received no submissions.

*It is therefore recommended that Council:*

- 1 *NOTES that the proposed disposition has been advertised in accordance with section 3.58(3) of the Local Government Act 1995;*
- 2 *NOTES that no submissions were received during the public advertising period;*

- 3 *AUTHORISES the Chief Executive Officer to execute the contract of sale for the disposition of Lot 745 (103) Caridean Street, Heathridge to Family Holdings Pty Ltd and A J H Projects Pty Ltd trading as Conway Projects for the sum of \$920,000 inclusive of GST.*

## **BACKGROUND**

The consideration of the potential disposal of Lot 745 commenced during 2010, where at its meeting held on 21 September 2010 (CJ163-09/10 refers) Council resolved, in part, to request an amendment to *District Planning Scheme No. 2* to rezone and recode the site subject to a 42-day public advertising period. At its meeting held on 15 February 2011 (CJ003-02/11 refers); Council approved the initiation of an amendment to rezone Lot 745 from 'Civic and Cultural' to 'Residential.' The site was also to be recoded from R20 to R40 and have a restricted use of 'aged persons' dwellings', or over 55s.

Amendment No. 56 was advertised for public comment and the submissions received were considered by Council at its meeting held on 16 August 2011 (CJ138-08/11 refers). Council adopted the amendment and the documents were referred to the West Australian Planning Commission. Amendment No. 56 was gazetted on 18 March 2014.

At its meeting held on 24 June 2014 (CJ102-06/14 refers), Council supported the disposal of the sale of the site by public tender and noted that the income derived from the sale was to be transferred to the Joondalup Performing Arts and Cultural Facility (JPACF) Reserve Fund.

Requests for tenders (Tender 034/14) were advertised for a three week period from 17 September 2014 through statewide public notice and no tenders were received which Council noted at its meeting held on 18 November 2014 (CJ223-11/14 refers).

Conway Projects offered the City a purchase price of \$920,000 inclusive of GST for Lot 745 and based on the merit of this offer, a contract of sale was forwarded. It was returned signed with additional conditions to be considered by the City, one being that Conway Projects would require a period of 15 days for the inspection of the driveway area on Lot 745 to ascertain the location of an inactive sewer pipe and to also conduct survey work. This would be at the developer's cost and in consultation with the City.

Should Council support the disposal of Lot 745 to Conway Projects, both parties would undertake the execution of the contract of sale and Conway Projects would provide the City with a 10% deposit. Settlement would be 60 days from execution of the contract of sale.

A right-of-carriageway agreement over the driveway area of Lot 745 will need to be entered into between the new purchasers of this site and the adjacent shopping centre owners.

Public advertising of the proposed disposal of Lot 745 to Conway Projects was supported by Council at its meeting held on 28 July 2015 (CJ123 -07/15 refers).

## **DETAILS**

Public notice of the proposed disposal by private treaty of Lot 745 to Conway Projects was advertised for a 14 day period with the local newspaper and exhibited on public notice boards, closing on 25 August 2015.

The City received no submission from members of the public.

### Issues and options considered

At its meeting held on 28 July 2015 (CJ123-07/15 refers), Council noted that a further report will be submitted to Council to enable it to consider any submissions received prior to agreeing to dispose of the property.

**Legislation** Section 3.58(3) of the *Local Government Act 1995* allows local governments to dispose of property by private treaty provided that it gives local public notice for a period of not less than two weeks and describes the property and the details of the disposition.

### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Financial diversity.

**Strategic initiative** Identify new income streams that are financially sound and equitable.

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

**Strategic initiative** Buildings and landscaping is suitable for the immediate environment and reflect community values.

**Policy** *Asset Management Policy*.

### Risk management considerations

Should Conway Projects' assessment of the driveway on Lot 745 be unfavourable, it may choose to not proceed with the purchase.

### Financial / budget implications

The proceeds from the proposed disposal of Lot 745 (103) Caridean Street, Heathridge are to be transferred to the JPACF Reserve Fund.

In regard to future years and the *20 Year Strategic Financial Plan* implications, the disposal of this lot has been included in income projections and applied to the funding of the JPACF.

The type of expenditure costs related to the disposal of this property are valuation fees, planning consultants' fees, consulting engineers' fees, advertising costs, legal costs and settlement fees.

### Regional Significance

Not applicable.

### **Sustainability implications**

The disposal of City freehold land that has been set aside for community use should not take place without there being a nominated purpose.

Land developed for 'aged persons' dwellings' will provide for alternative housing choices for the City's ageing population and enable them to remain within their local area.

Council has previously noted that the proceeds from the sale of this site are to be transferred to the Joondalup Performing Arts and Cultural Facility Reserve Fund.

### **Consultation**

Amendment No. 56 was advertised for a period of 42 days with no public submissions received.

### **COMMENT**

It is considered that the purchase price offered by Conway Projects is a good offer as it exceeds the property valuation. Sale of the land allows the City to divest itself of this site and include additional funding to the JPACF Reserve Fund. The further development of housing options for the City's over 55s is also considered a benefit.

It is therefore recommended that the disposition of Lot 745 be progressed through the execution of a contract of sale.

### **VOTING REQUIREMENTS**

Simple Majority.

### **MOVED Cr Taylor, SECONDED Cr Thomas that Council:**

- 1** NOTES that the proposed disposition has been advertised in accordance with section 3.58(3) of the *Local Government Act 1995*;
- 2** NOTES that no submissions were received during the public advertising period;
- 3** AUTHORIZES the Chief Executive Officer to execute the contract of sale for the disposition of Lot 745 (103) Caridean Street, Heathridge to Family Holdings Pty Ltd and A J H Projects Pty Ltd trading as Conway Projects for the sum of \$920,000 inclusive of GST.

**The Motion was Put and**

**CARRIED (11/1)**

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

**Against the Motion:** Cr Corr.

*Appendix 10 refers*

To access this attachment on electronic document, click here: [Attach10brf080915.pdf](#)

## **CJ163-09/15      PROPOSED DISPOSAL OF LOT 23 (77) GIBSON AVENUE, PADBURY**

<b>WARD</b>	South-West
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	53562, 101515
<b>ATTACHMENTS</b>	Attachment 1    Location Plan Attachment 2    Schedule of Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to consider the outcome of the public advertising period on the proposal to dispose of Lot 23 (77) Gibson Avenue, Padbury (Attachment 1 refers) by private treaty to The Stephens Group and progress the sale of Lot 23 (77) Gibson Avenue, Padbury.

### **EXECUTIVE SUMMARY**

Public advertising of the proposed disposal of Lot 23 (77) Gibson Avenue, Padbury (Lot 23) to The Stephens Group for the purchase price of \$2,146,500 inclusive of GST was supported by Council at its meeting held on 28 July 2015 (CJ122-07/15 refers). A market valuation was undertaken on 13 June 2015 by a licensed valuer who assessed the site's value as being \$2,060,000 (inclusive of GST).

In accordance with section 1.7 of the *Local Government Act 1995* details of the proposal made by The Stephens Group was published for a period of 14 days as follows:

- In the local newspaper from 4 August to 18 August 2015.
- On the City's public notice boards from 11 August to 25 August 2015.

Members of the public were invited to make submissions in relation to the proposal. The City received 15 submissions (Attachment 2 refers). Generally the submissions requested that a large Tuart tree located on Lot 23 be protected from future development on the site and that the tree be included in the City's *Significant Tree Register*.

The City engaged the services of a consulting Arborist to provide a report on the condition of the tree and its suitability for inclusion on the City's *Significant Tree Register*. The report in part indicated that the tree's current condition in relation to its degraded form and below average wall thickness of the trunk does not warrant inclusion into the *Significant Tree Register*. The report also stated that due to its current condition removal of the tree would be recommended.

*It is therefore recommended that Council:*

- 1 *NOTES that the proposed disposition has been advertised in accordance with Section 3.58(3) of the Local Government Act 1995;*
- 2 *NOTES the submissions received during the public advertising period;*
- 3 *AUTHORISES the Chief Executive Officer to execute the Option to Purchase for the disposition of Lot 23 (77) Gibson Avenue, Padbury to The Stephens Group Pty Ltd for the sum of \$2,146,500 inclusive of GST.*

## **BACKGROUND**

Council supported the disposal of Lot 23 at its meeting held on 15 March 2011 (CJ051-03/11 refers) noting that the income derived from the proposed sale was to be transferred to the Joondalup Performing Arts and Cultural Facility (JPACF) Reserve Fund. Council also requested the initiation of an amendment to *District Planning Scheme No. 2* to amend the density code from R20 to R40 and restrict the use of the site to 'aged persons' dwellings', or over 55s.

At its meeting held on 17 May 2011 (CJ074-05/11 refers), Council supported the initiation of Amendment No. 61 subject to a 42-day public advertising period. Council considered the submissions received during this period at its meeting held on 24 July 2012 (CJ124-07/12 refers) and adopted the amendment. The amendment documents were then referred to the West Australian Planning Commission and Amendment No. 61 was gazetted on 21 December 2012.

Council at its meeting held on 24 July 2012 (CJ143-07/12 refers) noted the following:

- 2.2 *NOTES that there are several mature Tuart trees on Lot 23 (77) Gibson Avenue, Padbury and any developer of the site will be strongly encouraged to retain the trees where possible.*

At its meeting held on 24 June 2014 (CJ102-06/14 refers), Council revoked a previous decision to dispose of Lot 23 under section 3.59 of the *Local Government Act 1995* which required the preparation and advertisement of a business plan for a six-week period. An amendment to the *Local Government (Functions and General) Regulations 1996* on 27 September 2011 stated local governments would only be required to prepare and advertise a business plan, if the value of the disposal had a minimum value of \$10 million. At the same meeting, the sale of Lot 23 by public tender was endorsed by Council.

Requests for tenders (Tender 033/14) were advertised for a three week period from 17 September 2014 through a state-wide public notice and two tenders were received which were declined by Council at its meeting held on 18 November 2014 (CJ223-11/14 refers).

An offer was received by the City from The Stephens Group to purchase Lot 23. Negotiations on this offer resulted in a conditionally signed contract with a purchase price of \$2,146,500 inclusive of GST being offered. The Stephens Group requested an Option to Purchase be included as part of the proposal. A condition included in the Option to Purchase was that The Stephens Group be allowed a 150 day time period to undertake detailed site evaluation relating to possible constraints of a Water Corporation easement located on Lot 23, prior to purchase of the site.

Should Council support the disposal of the site to The Stephens Group, the City would allow The Stephens Group the 150 day time period commencing from the date of Council's decision. The City could not consider any further offers on this site during this period. The City could bank a \$5,000 cheque provided to the City as an Option Fee.

Should The Stephens Group choose not to proceed with the purchase of Lot 23 at the end of the 150 day assessment period, the City would retain the \$5,000 Option Fee.

Should The Stephens Group wish to proceed with the purchase on completion of its detailed site evaluation and prior to the expiry of the 150 day period, both parties would undertake the execution of the contract of sale and The Stephens Group would provide the City with a 10% deposit of \$209,650 balance owing. Settlement would be 30 days from execution of the contract of sale.

Public advertising of the proposed disposal of Lot 23 to The Stephens Group was supported by Council at its meeting held on 28 July 2015 (CJ122-07/15 refers).

## **DETAILS**

Public notice of the proposed disposal by private treaty of Lot 23 to The Stephens Group was advertised for a 14 day period within the local newspaper and exhibited on public notice boards, closing on 25 August 2015.

The City received 15 submissions from members of the public. Generally the submissions requested that a large Tuart tree located on Lot 23 be protected from future development on the site and that the tree be included in the City's *Significant Tree Register*. A summary of the submissions received and a response from the City are provided in Attachment 2.

The City engaged an independent registered Arborist to assess the large Tuart tree the subject of the submissions. The Arborist Report included the following comments:

*"It is not believed that this tree would warrant inclusion onto the significant tree register due to its current condition in relation to its degraded form and below average wall thickness of the trunk. The current condition of the tree has lead to a reduction in its useful life expectancy and removal would be recommended."*

The Arborist also conducted a visual review of the other trees located on Lot 23 and determined that they did not merit consideration for a significant tree assessment.

## **Issues and options considered**

Council noted at its meeting held of 28 July 2015 that a further report will be submitted to Council to enable it to consider any submissions received prior to agreeing to dispose of the property.

**Legislation** Section 3.58(3) of the *Local Government Act 1995* allows local governments to dispose of property by private treaty provided that it gives local public notice for a period of not less than two weeks and describes the property and the details of the disposition.

### **Strategic Community Plan**

**Key theme** Financial Sustainability.

**Objective** Financial diversity.

**Strategic initiative** Identify new income streams that are financially sound and equitable.

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

**Strategic initiative** Buildings and landscaping is suitable for the immediate environment and reflect community values.

**Policy** *Asset Management Policy.*

### **Risk management considerations**

Should The Stephens Group assessment of the site be unfavourable, it may choose to not proceed with the purchase.

### **Financial / budget implications**

The proceeds from the proposed disposal of Lot 23 (77) Gibson Avenue, Padbury are to be transferred to the JPACF Reserve fund.

In regard to future years and the *20 Year Strategic Financial Plan* implications, the disposal of this lot has been included in income projections and applied to the funding of the JPACF.

The types of expenditure costs related to the disposal of this property are valuation fees, advertising costs, legal costs and settlement fees.

### **Regional Significance**

Not applicable.

### **Sustainability implications**

The disposal of City freehold land that has been set aside for community use should not take place without there being a nominated purpose.

Land developed for aged persons' dwellings will provide for alternative housing choices for the City's ageing population and enable them to remain within their local area.

Council has previously noted that the proceeds from the sale of this site are to be transferred to the Joondalup Performing Arts and Cultural Facility Reserve Fund.

### **Consultation**

Amendment No. 61 was advertised for a period of 42 days and 15 submissions were received.

### **COMMENT**

The submissions received during the public advertising period predominately request the retention of a particular Tuart tree located on Lot 23 and request the inclusion of that tree in the City's *Significant Tree Register*.

In considering this request the City arranged for an Arborist Report that indicated that the condition of the tree is 'degraded' and recommended removal of the tree. As a safety precaution, it is the usual practice of the City to schedule removal of trees in this condition.

It is considered that the purchase price offered by The Stephens Group is a good offer as it exceeds the property valuation. Sale of the land allows the City to divest itself of this site and include approximately \$2 million to the JPACF Reserve Fund. The further development of housing options for the City's over 55s is also considered a benefit.

It is therefore recommended that the disposition of Lot 23 be progressed through the execution of an Option to Purchase process.

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED** Cr Hamilton-Prime, **SECONDED** Cr Norman that Council:

- 1**     **NOTES** that the proposed disposition has been advertised in accordance with section 3.58(3) of the *Local Government Act 1995*;
- 2**     **NOTES** the submissions received during the public advertising period;
- 3**     **AUTHORISES** the Chief Executive Officer to execute the Option to Purchase for the disposition of Lot 23 (77) Gibson Avenue, Padbury to The Stephens Group Pty Ltd for the sum of \$2,146,500 inclusive of GST.

**AMENDMENT MOVED Cr Norman, SECONDED Cr Chester that additional parts 4 and 5 be added to the motion to read as follows:**

- “4 NOTES that there are several mature Tuart trees on Lot 23 (77) Gibson Avenue, Padbury and the purchaser of the site is strongly encouraged to retain the trees where possible;**
- 5 NOTES that the City obtained a second arborist report which included a Picus sonic tomographic test plus a Tree Stability Test on the large tuart tree located on the eastern property boundary on Gibson Avenue, which provided evidence that the tree is still structurally sound at the test point and in very good condition.”**

**The Amendment was Put and**

**CARRIED (12/0)**

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

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

**That Council:**

- 1 NOTES that the proposed disposition has been advertised in accordance with section 3.58(3) of the *Local Government Act 1995*;**
- 2 NOTES the submissions received during the public advertising period;**
- 3 AUTHORISES the Chief Executive Officer to execute the Option to Purchase for the disposition of Lot 23 (77) Gibson Avenue, Padbury to The Stephens Group Pty Ltd for the sum of \$2,146,500 inclusive of GST;**
- 4 NOTES that there are several mature Tuart trees on Lot 23 (77) Gibson Avenue, Padbury and the purchaser of the site is strongly encouraged to retain the trees where possible;**
- 5 NOTES that the City obtained a second arborist report which included a Picus sonic tomographic test plus a Tree Stability Test on the large tuart tree located on the eastern property boundary on Gibson Avenue, which provided evidence that the tree is still structurally sound at the test point and in very good condition.**

**Was Put and**

**CARRIED (11/1)**

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

**Against the Motion:** Cr Corr.

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf080915.pdf](#)*

## **CJ164-09/15      PETITION OF ELECTORS REQUESTING SHADE SAILS TO BE ERECTED OVER THE PLAY SPACE ON MAWSON PARK, HILLARYS**

<b>WARD</b>	South-West
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	06098, 101515
<b>ATTACHMENT</b>	Attachment 1      Mawson Park aerial map Attachment 2      Option 2 Attachment 3      Option 3 Attachment 4      Option 4
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to consider the petition requesting the installation of shade sails over the original large play space located to the south west of the lake on Mawson Park, Hillarys.

### **EXECUTIVE SUMMARY**

A Petition of Electors was received by Council at its meeting held on 20 May 2014 (C19-05/14 refers). The petition requested that the Council erect shade sails over the larger of the two playground areas at Mawson Park, Hillarys.

The City has maintained a preference for natural shade over built shade structures and implemented the *Playground Tree Planting City Wide* program to provide shade in play spaces in 2010-11. All new and replacement play equipment installations are located under existing shade trees where possible.

The current *Parks and Public Open Spaces Classification Framework* (PPOSCF) makes no mention of artificial shade installation. The revised PPOSCF, adopted as a management guideline to assist in the planning and provision of park and public open space assets, does not support artificial shade installations. It lists them as optional and the circumstances in which artificial shade structures should be considered within parks is to cover large play spaces that cannot be effectively shaded naturally, or are spaces which experience frequent, ongoing use from community groups and organisations.

At its meeting held on 18 November 2014 (CJ221-11/14 refers), Council requested the Policy Committee consider the adoption of a *City Playground Shade Policy*. The lead petitioner was advised that no decision on the provision of shade sails at Mawson Park, Hillarys will be made until a *City Playground Shade Policy* was considered.

The draft *City Playground Shade Policy* was presented to the Policy Committee and at its meeting on 31 March 2015 (CJ052-03/15 refers) Council adopted the *City Playground Shade Policy* for the purposes of public advertising. In addition, Council also approved the introduction of a built shade structure program in the draft *Capital Works Program* to accommodate the short listed shade structure installations commencing in 2020-21.

Community consultation was undertaken for a period of 21 days from 10 June to 1 July 2015. The results of the community consultation were reported to the Policy Committee meeting held on 10 August 2015, with recommendations that Council adopts the *City Playground Shade Policy* and a further report to be presented to Council on the request for shade sails for Mawson Park, Hillarys.

At its meeting held on 17 August 2015 (CJ144-08/15 refers), Council adopted the *City Playground Shade Policy*.

In line with the adopted *City Playground Shade Policy* Mawson Park does not meet all the criteria for selection for the installation of artificial shade. The existing layout of the large play space lends itself to modification by relocating existing play equipment to take advantage of the existing shade trees plus undertake further tree planting in strategic locations within and around the play space. Option 2 (Attachment 2 refers), is considered a viable solution in Mawson Park where there is considerable existing shade and other play options available.

*It is therefore recommended that Council:*

- 1 *DOES NOT SUPPORT the installation of a built shade structure on the large play space in Mawson Park, Hillarys;*
- 2 *SUPPORTS Option 2, the relocation of existing items of play equipment into the existing sand play area under existing shade and undertake tree planting in strategic locations;*
- 3 *APPROVES listing for consideration in the 2016-17 Capital Works Program, the relocation of existing play equipment and associated works estimated at \$40,000;*
- 4 *ADVISES the lead petitioner of Council's decision.*

## **BACKGROUND**

A Petition of Electors, including 192 eligible signatures, was received by Council at its meeting held on 20 May 2014 (C19-05/14 refers). The petition requested that the Council erect shade sails over the larger of the two playground areas at Mawson Park in Hillarys.

In support of the request, the lead petitioner has suggested that Mawson Park regularly hosts community events and the play space is one of the biggest and most popular within the City of Joondalup. The play equipment and rubber soft fall gets too hot for use for the majority of the day during summer months and adequate protection is not provided by the existing mature trees.

Mawson Park, Hillarys is located within the south-west ward with approximately 89,119m<sup>2</sup> (8.9ha) of irrigated parkland. Features within Mawson Park include a natural lake, two separate play grounds, BBQ and picnic facilities, toilet and change rooms, a lighted sporting oval and connecting path network (Attachment 1 refers).

The original play space covers an area of 965m<sup>2</sup> comprising 781m<sup>2</sup> of rubber soft fall. The play equipment installed in 2008 includes:

- agility combination unit
- play station
- action zone
- drums
- micro spida net
- amazon combination unit
- three bay swings
- double rocker
- spring horse.

Additional equipment relocated into Mawson Park during 2015 includes:

- thong-a-phone
- cow bell unit
- steel drums.

In the City's current PPOSCF, Mawson Park is classified as an active reserve / local park and in the revised PPOSCF, adopted as a management guideline to assist in the planning and provision of park and public open space assets, it is classified as a local mixed use park. To maintain the natural amenity of parks and public open spaces the City's preference is to support the use of natural shade over artificial options. Artificial shade installations are not supported but are listed as optional and the circumstances in which artificial shade structures should be considered within parks is to cover large play spaces that cannot be effectively shaded naturally, or are spaces which experience frequent, ongoing use from community groups and organisations.

After the installation of the large play space on Mawson Park in 2008, requests for additional shade over the play space were received by the City and continue to be received on a regular basis.

The *Playground Tree Planting City Wide Program* was included in the *Five Year Capital Works Program* commencing in 2010-11 for the provision of natural shade to play spaces. This program is now amalgamated into the *Tree Planting Program* for provision of shade trees inclusive of residential verges, City open spaces, parks (play spaces), verges and medians.

Mawson Park was the subject of a *Landscape Master Plan* (LMP) upgrade undertaken in two stages during 2012-13 and 2013-14 respectively which included the installation of a new nature play space located under existing trees to the north-east of the lake.

As a result of the petition a report was presented to Council at its meeting held on 18 November 2014 (CJ221-11/14 refers). A number of options were presented and it was resolved that Council:

- 1 *REQUESTS the Policy Committee consider the adoption of a City Playground Shade Policy;*
- 2 *ADVISES the lead petitioner that a decision in relation to the provision of shade sails at Mawson Park, Hillarys will not be made until such time that Council has made a decision based on the Policy Committee's recommendation on part 1 above.*

The draft *City Playground Shade Policy* was presented to Council on 31 March 2015 (CJ052-03/15 refers) and at that meeting it was resolved that Council:

- 1 *ADOPTS the City Playground Shade Policy, as shown in Attachment 1 of Report CJ052-03/15 for the purposes of public advertising;*
- 2 *APPROVES the introduction of a built shade structure program in the draft Capital Works Program to accommodate the short listed shade structure installations commencing in 2020-21.*

Community consultation was undertaken for a period of 21 days from 10 June to 1 July 2015. The results of the community consultation were reported to the Policy Committee meeting held on 10 August 2015, with recommendations that Council:

- 1 *ADOPTS the City Playground Shade Policy, as shown in Attachment 1 of Report CJ144-08/15;*
- 2 *NOTES a further report will be presented to Council on the request for shade sails for Mawson Park, Hillarys.*

At its meeting held on 17 August 2015 (CJ144-08/15 refers), Council adopted the *City Playground Shade Policy*.

## **DETAILS**

The Mawson Park original play space is the largest in the City of Joondalup and located in one of the most popular parks for recreation. There is considerable shade provided by existing mature trees throughout the park but the large expanse of the play space restricts the existing trees from effectively shading the whole area throughout the day.

The original rubber soft fall installation was undertaken with the play equipment in 2008 and major repairs were required on the soft fall in 2012. Most parts of Western Australia, including the Perth metropolitan area have ultraviolet radiation (UV) readings that are extreme during summer presenting not only health risks but also contributes to the untimely deterioration of the rubber soft fall surfaces.

Ongoing bookings for junior football and softball clubs are made for the oval on Mawson Park and various functions such as Music in the Park and school sporting carnivals are regularly booked throughout the year. The LMP upgrades undertaken on Mawson Park during 2012-13 and 2013-14 have increased the parks amenity value and added to the parks popularity.

The large play space on Mawson Park has been the subject of requests for a built shade structure since its installation in 2008 and it has been argued that a built shade structure would benefit the park users and assist in prolonging the life of the play space infrastructure.

Notwithstanding the potential benefits gained from a built shade structure, the existing layout of the large play space lends itself to modification by relocating existing play equipment to take advantage of the existing shade trees plus undertake further tree planting in strategic locations within and around the play space.

### Mawson Park built shade structure

A preliminary site assessment of the original large play space at Mawson Park has been undertaken and due to the height and locations of the play equipment fixed span shades are not recommended and would incur a substantially higher cost. Shade sails are the recommended option for a built shade structure.

Shade sails can be placed at varying heights to suit the equipment below reaching from 4.5metres to 5.5metres in height. Strategic placement of poles is required to ensure soft fall zone distances meet Australian Standards. Indicative costing for shade sails for Mawson Park is between \$100,000 and \$120,000.

### Existing built shade structures

There are currently 19 locations within the City which have built shade structures over play spaces. Four built shade structures are on parks and the remainder are at community facilities such as kindergartens.

The four parks in the City of Joondalup with built shade structures over play spaces are as follows:

- Tom Simpson Park, Mullaloo (northern play space).
- Harbour View Park, Hillarys.
- Blackall Park, Greenwood.
- McIntyre Park, Burns Beach (installed by developer in 2014).

### **Issues and options considered**

#### Issues

Providing natural shade is a high priority for the City. Additional tree planting around play spaces has been in progress since 2010 and play spaces are relocated to existing shady locations where possible. Issues encountered with the provision of shade in general and specifically for Mawson Park are as follows:

- In some cases, for example regional parks with high patronage, a combination of both natural and artificial shade solutions would deliver functional shading of play spaces.
- The capital cost of installing built shade is high. A large play space the size of Mawson Park can be up to \$120,000 while medium size play spaces can be up to \$50,000.
- Data for Perth, provided by the Cancer Council Australia, shows that on an average there is only two months out of the calendar year (June and July) where the UV Index is less than three and sun protection may not be required. Temperature is not an indicator of UV radiation levels.
- Mawson Park was the recipient of a new nature play space completed in 2013 offering an alternative shaded play venue.
- In line with the adopted *City Playground Shade Policy* the large play space on Mawson Park does not meet all the criteria for selection for the installation of artificial shade. Natural shade can be established at this location as there is sufficient space, good soil conditions and it is not an exposed coastal area. Selected items of existing play equipment can be relocated under existing shade.

## Options

Options available in response to the petition request are:

### *Option One*

Do not support the provision of a built shade structure for the large play space on Mawson Park Hillarys.

### *Option Two (Attachment 2 refers)*

Do not support the provision of a built shade structure but relocate existing items of play equipment into the existing sand play area under existing shade and undertake tree planting in strategic locations at an estimated cost of \$40,000.

### *Option Three (Attachment 3 refers)*

Relocate existing items of play equipment into the existing sand play area under existing shade, provide partial built shade and undertake tree planting in strategic locations at an estimated cost of \$100,000.

### *Option Four (Attachment 4 refers)*

Support the provision of a built shade structure for the entire large play space and some tree planting in strategic locations at an estimated cost of \$120,000.

## **Legislation / Strategic Community Plan / policy implications**

### **Legislation**

Not applicable.

### **Strategic Community Plan**

#### **Key theme**

Quality Urban Environment.

#### **Objective**

Quality open spaces.

#### **Strategic initiative**

Employ quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity.

#### **Policy**

Not applicable.

## **Risk management considerations**

The provision of shade will reduce ultraviolet (UV) radiation exposure and the risk of sunburn and skin cancer to patrons using the park.

## **Financial / budget implications**

There is no budget allocation in the current *Five Year Capital Works Program* for the installation of shade sails or other works proposed for Mawson Park, Hillarys.

**Capital cost** Indicative costs for the recommended works on the Mawson Park large play space is \$40,000.

**Annual operating cost** No additional maintenance costs will be incurred on completion of the recommended works.

Current financial year impact

There is no impact in the current 2015-16 financial year.

Future financial year impact

**Annual operating cost** The annual operating cost is covered as part of the *Parks Operational Budget* for the specific park and no additional ongoing costs will be incurred.

**Capital replacement** The relocated play equipment will remain part of the play equipment replacement program with indicative date for replacement in 2027-28.

**20 Year Strategic Financial Plan impact** The capital cost for replacement play equipment is included in the *20 Year Strategic Financial Plan*.

**Impact year** Proposed for 2016-17.

**Regional significance**

Not applicable.

**Sustainability implications**

Environmental

A balance is required between avoiding an increase in the risk of skin cancer by excessive sun exposure and achieving enough sun exposure to maintain adequate vitamin D levels for healthy bone development. Outdoor activity is encouraged and the provision of shaded play spaces combined with other sun protection practices contributes to a healthier environment for children.

Natural shade from a mature tree canopy reduces exposure to ultra-violet rays and provides additional benefits not provided by artificial shade structures such as:

- reduces ambient air temperature via transpiration through leaves
- makes communities more liveable for people and their activities
- contributes to general health and well being
- oxygenate and clean the air
- provide canopy and habitat for wildlife
- helps prevent soil erosion
- reduces evaporation and wind speed.

### Social

The inclusion of a built shade structure or relocation of play equipment under shade in the large play space in Mawson Park Hillarys will enhance the amenity of public open space by increasing accessibility of outdoor play equipment for a longer period during daylight hours.

### Economic

Capital and ongoing maintenance costs for built shade structures are high and have the potential to be a large financial impact to the City. Shade sails need to be replaced every 10 years with a full replacement, including poles, every 20 years.

### **Consultation**

Community consultation was undertaken during the period 10 June 2015 to 1 July 2015 to gain community feedback on the draft *City Playground Shade Policy*. The results of the community consultation are the subject of a separate report to Council (CJ144-08/15 refers).

### **COMMENT**

The recommend changes to the large play space Mawson Park are proposed for the inclusion in the 2016-17 *Capital Works Program*.

### **VOTING REQUIREMENTS**

Simple Majority.

*Cr Fishwick left the Chamber at 8.05pm and returned at 8.07pm.*

### **MOVED Cr Norman, SECONDED Cr Ritchie that Council:**

- 1 DOES NOT SUPPORT the installation of a built shade structure on the large play space in Mawson Park, Hillarys;**
- 2 SUPPORTS Option 2, the relocation of existing items of play equipment, into the existing sand play area under existing shade and undertake tree planting in strategic locations;**
- 3 APPROVES the listing for consideration in the 2016-17 Capital Works Program, the relocation of existing play equipment and associated works estimated at \$40,000;**
- 4 ADVISES the lead petitioner of Council's decision.**

**The Motion was Put and**

**CARRIED (11/1)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Hamilton-Prime, Hollywood, McLean, Ritchie, Taylor and Thomas.

**Against the Motion:** Cr Norman.

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf080915.pdf](#)*

**C57-09/15                    COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION -  
[02154, 08122]**

**MOVED Cr Amphlett, SECONDED Cr Ritchie that pursuant to the *Meeting Procedures Local Law 2013* – Clause 4.8 – Adoption by exception resolution, Council ADOPTS the following items:**

**CJ151-09/15, CJ152-09/15, CJ154-09/15, CJ155-09/15, CJ156-09/15, CJ157-09/15, CJ158-09/15, CJ159-09/15 and CJ160-09/15.**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

## REPORT OF THE CHIEF EXECUTIVE OFFICER

### Disclosure of Financial Interest

<b>Name/Position</b>	<b>Mayor Troy Pickard.</b>
<b>Item No./Subject</b>	CJ165-09/15 - United Nations Summit Invitation – Call for action to achieve the Sustainable Development Goals: Advancing Integrated Solutions to Accelerate Change.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Mayor Pickard is the recipient of the travel and accommodation.

*Mayor Pickard left the Chamber at 8.11pm. Cr Taylor assumed the Chair.*

### **CJ165-09/15 UNITED NATIONS SUMMIT INVITATION – CALL FOR ACTION TO ACHIEVE THE SUSTAINABLE DEVELOPMENT GOALS: ADVANCING INTEGRATED SOLUTIONS TO ACCELERATE CHANGE**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	78616, 101515
<b>ATTACHMENT</b>	Attachment 1 Summit Programme
<b>AUTHORITY / DISCRETION</b>	Advocacy - Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

### **PURPOSE**

For Council to approve the participation of the Mayor at the United Nation's Summit – *A Call for Joint Action to Achieve the Sustainable Development Goals: Advancing Integrated Solutions to Accelerate Change* in New York from Wednesday 23 September to Saturday 26 September 2015.

### **EXECUTIVE SUMMARY**

The Mayor received a formal invitation to participate in a high level event entitled *A Call for Joint Action to Achieve the Sustainable Development Goals: Advancing Integrated Solutions to Accelerate Change*. The event will take place from Wednesday 23 September to Saturday 26 September 2015 at the United Nation's headquarters in New York.

*It is therefore recommended that Council ENDORSES the actions of the Chief Executive Officer to:*

- 1 *APPROVE the attendance of the Mayor at the United Nation's Summit – A Call for Joint Action to Achieve the Sustainable Development Goals: Advancing Integrated Solutions to Accelerate Change in New York from Wednesday 23 September to Saturday 26 September 2015;*
- 2 *APPROVE the travel period from Wednesday 23 September to Saturday 26 September 2015;*
- 3 *APPROVE the associated costs for airfares, accommodation, and incidental expenses for the Mayor estimated at \$14,000 (exclusive of GST).*

## **BACKGROUND**

This high-level event is part of a strategic effort to enhance collaboration among leaders of the environmental sustainability community and to strengthen links with the social, economic and financing communities.

The event has three primary objectives as follows:

- Provide a platform that brings together participants from different fields to showcase integrated, solution-oriented partnerships to accelerate implementation of the Sustainable Development Goals, with a focus on transitions to environmentally-sustainable and climate-resilient development pathways.
- Galvanize international support for expanding the role of partnership approaches for collective impact that are multi-stakeholder, transparent and accountable.
- Launch a 'call to action' to advance priority multi-stakeholder partnerships, building on key international forum to be held in 2016, including the 2<sup>nd</sup> Session of the United Nations Environment Assembly, the International Union for Conservation of Nature World Conservation Congress, the United Nations Conference on Housing and Sustainable Urban Development and the 13<sup>th</sup> Conference of the Parties of the Convention on Biological Diversity.

Three initial clusters for innovative partnership are as follows:

- Cluster 1: A life of dignity for all: building capacities for innovation, for promotion of sustainable consumption and production patterns and for green and inclusive growth.
- Cluster 2: Breaking the silos: building effective, accountable and inclusive institutions and implementation partnerships at national and local levels for sustainable development.
- Cluster 3: Mainstreaming biodiversity: restoring and sustaining healthy ecosystems for people and planet.

The invitation to Mayor Pickard as Mayor of the City of Joondalup is due to his involvement with ICLEI – Local Governments for Sustainability and his role as Chair of the BiodiverCities Program.

This event aligns with the City's strategic vision to be a Global City: Bold, Creative and Prosperous and the strategic position statement *City of Joondalup Leadership and Representation* which supports and encourages Elected Members and Senior Officers to actively participate in professional and/or industry associations that will further enhance the image of the City and provide a mechanism for leveraging new opportunities that benefit the City and its community.

## DETAILS

The United Nation's Summit – *A Call for Joint Action to Achieve the Sustainable Development Goals: Advancing Integrated Solutions* is a Ministerial and Stakeholders Action Platform for ministers, leaders from governments, civil society and business, indigenous peoples, and heads of international organisations.

This event will provide a platform to focus international attention on the role of multi-stakeholder partnerships among governments, businesses, civil society, indigenous peoples and the United Nations that work across regions and at multiple scales to achieve collective impact through agenda-setting, policy change, communications and on-the-ground implementation.

Confirmed speakers include:

- H.E. Oyun Sanjaasuren, President of the United Nations Environment Assembly of UNEP
- H.E. Mr Rafael Pacchiano Alamán, Minister of Environment, Mexico
- H.E. Ms Barbara Hendricks, Federal Minister of Environment, Nature Conservation, Building and Nuclear Safety, Germany
- Mr Achim Steiner, Executive Director of UNEP
- Ms Yolanda Kakabadse, President of WWF International
- Mr Andrew Steer, President of the World Resources Institute.

Mayor Pickard has been invited to speak as part of the session titled *Mainstreaming Biodiversity: restoring and sustaining healthy ecosystems for people and planet*. For further details on the program refer to Attachment 1.

## Issues and options considered

Council has the option to:

- approve the request  
or
- decline the request.

## Legislation / Strategic Community Plan / policy implications

**Legislation** Not applicable.

### Strategic Community Plan

**Key theme** Governance and Leadership.

**Objective** Effective representation.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial / budget implications**

The cost for accommodation and transport for the period Wednesday 23 September to Saturday 26 September 2015 is estimated to be \$14,000 and will be funded within the current budget allocations.

**Regional significance**

Not applicable.

**Sustainability implications**

The United Nation's *Transforming our World: the 2030 Agenda for Sustainable Development* will require a new culture of shared responsibility, which has been described by the United Nations Secretary-General as "*based on agreed universal norms, global commitments, shared rules and evidence, collective action, and benchmarking for progress.*"

This includes new forms of solution-oriented, multi-stakeholder partnerships, which will be a key element of *Agenda 2030* and efforts to implement the Sustainable Development Goals. Many examples of such partnerships already exist, particularly in the social sectors in response to the Millennium Development Goals. However, there is an urgent need to mobilise partnership initiatives to meet the systemic challenge of accelerating the transition to environmentally-sustainable and climate-resilient development pathways to achieving the Sustainable Development Goals. These must be partnerships that are based on long-term commitments, and that mobilise the cross-sector actors needed to advance the kind of integrated, comprehensive and scalable solutions capable of realising system-wide change.

**Consultation**

Not applicable.

**COMMENT**

This invitation is a unique opportunity to showcase the City and its sustainability credentials. Mayor Pickard is one of only two Mayors throughout the world being provided with a seat at the summit.

It is recognition of the leadership shown by Mayor Pickard in his role as a member of ICLEI – Local Governments for Sustainability, involvement in GEXCOM and Chair of the BiodiverCities Program.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER'S RECOMMENDATION**

That Council ENDORSES the actions of the Chief Executive Officer to:

- 1 APPROVE the attendance of the Mayor at the United Nation's Summit – A Call for Joint Action to Achieve the Sustainable Development Goals: Advancing Integrated Solutions to Accelerate Change in New York from Wednesday 23 September to Saturday 26 September 2015;
- 2 APPROVE the travel period from Wednesday 23 September to Saturday 26 September 2015;
- 3 APPROVE the associated costs for airfares, accommodation, and incidental expenses for the Mayor estimated at \$14,000 (exclusive of GST).

**MOVED Cr Hamilton-Prime, SECONDED Cr McLean that Council ENDORSES the actions of the Chief Executive Officer to:**

- 1 **APPROVE the attendance of the Mayor at the United Nation's Summit – A Call for Joint Action to Achieve the Sustainable Development Goals: Advancing Integrated Solutions to Accelerate Change in New York from Wednesday 23 September to Saturday 26 September 2015;**
- 2 **APPROVE the travel period from Wednesday 23 September to Sunday 27 September 2015;**
- 3 **APPROVE the associated costs for airfares, accommodation, and incidental expenses for the Mayor estimated at \$14,000 (exclusive of GST).**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Crs Amphlett, Chester, Corr, Fishwick, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

*Mayor Pickard entered the Chamber at 8.18pm and resumed the Chair.*

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13aqn150915.pdf](#)*

## **C58-09/15                      PROPOSED LOCAL GOVERNMENT AND PUBLIC PROPERTY AMENDMENT LOCAL LAW 2015**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	22513, 101515
<b>ATTACHMENTS</b>	Attachment 1 <i>City of Joondalup Local Government and Public Property Amendment Local Law 2015.</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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### **PURPOSE**

For Council to make the *City of Joondalup Local Government and Public Property Amendment Local Law 2015* for the purpose of public advertising.

### **EXECUTIVE SUMMARY**

At its meeting held on 9 December 2014 (CJ233-12/14 refers), Council adopted the *City of Joondalup Local Government and Public Property Local Law 2014* (the local law) and this has been in operation since 28 January 2015. The local law provides for the regulation, control and management of activities and facilities on local government and public property within the district.

Recently the City has been dealing with the issue of the management of charity clothing collection bins on City of Joondalup and public property. Currently under the local law organisations may apply for a permit to place these bins on City of Joondalup and public property. In response to ongoing issues with these bins related to dumping of rubbish, vandalism and graffiti and other management issues Council resolved at its meeting held on 23 June 2015 (CJ104-06/15 refers) that permits will no longer be issued for charity clothing bins under Part 3 of the local law.

While the resolution sets out the position of Council, it does not prevent an application under the local law for a permit to place a charity clothing collection bin on City or public property.

The proposed *City of Joondalup Local Government and Public Property Amendment Local Law 2015* seeks to ensure the local law reflects the position of Council by not permitting the placement of charity clothing collection bins on City and public property.

*It is therefore recommended that Council MAKES the City of Joondalup Local Government and Public Property Amendment Local Law 2015, as detailed in Attachment 1 to this Report, for the purposes of public advertising.*

## BACKGROUND

At its meeting held on 9 December 2014 (CJ233-12/14 refers), Council adopted the *City of Joondalup Local Government and Public Property Local Law 2014* (the local law) and this has been in operation since 28 January 2015. The local law provides for the regulation, control and management of activities and facilities on local government and public property within the district.

The *City of Joondalup Local Government and Public Property Local Law 2014* was developed as part of the City's requirement to review its local laws within a period of eight years from the day the local law commenced or was last reviewed by Council. The local law it replaced had been in operation since February 2000.

## DETAILS

Recently the City has been dealing with the issue of the management of charity clothing collection bins on City of Joondalup and public property. Currently under the local law organisations may apply for a permit to place these bins on City of Joondalup and public property. In response to ongoing issues with these bins related to dumping of rubbish, vandalism and graffiti and other management issues Council resolved at its meeting held on 23 June 2015 (CJ104-06/15 refers) that permits will no longer be issued for charity clothing bins under Part 3 of the local law.

While the resolution sets out the position of Council it does not prevent an application under the local law for a permit to place a charity clothing collection bin on City or public property.

The City has received a number of new permit applications from Good Samaritan Industries and the Spine and Limb Foundation for approval to place charity clothing collection bins on those sites for which they previously had a permit but which had expired prior to Council's decision of 23 June 2015. These permits will be determined under delegated authority. Should the applications be refused there is an avenue for the applicant to appeal to the State Administrative Tribunal for a review.

The proposed *City of Joondalup Local Government and Public Property Amendment Local Law 2015* seeks to amend the local law to ensure that it reflects the position of Council by not permitting the placement of charity clothing collection bins on City and public property. With this proposed amendment the City would be able to decline to accept permit applications for the placement of charity clothing collection bins on City of Joondalup and public property and there would be no appeal.

### Detail of amendment

Clause 2.8 (1) of the local law sets out the activities that may be determined to be prohibited from being pursued on local government property, through a determination. It is proposed to amend the local law to include in the list of activities that may be prohibited:

(i) *the placing or maintaining of a collection bin.*

*It is further proposed to include in clause 1.6 Definitions a definition for collection bin as follows:*

**'collection bin** means a receptacle for the collection of clothing or goods;

The procedure for making local laws, as detailed in the *Local Government Act 1995* (the Act), is a specific legislative process that must be adhered to in order for the local law to be accepted by the Joint Standing Committee on Delegated Legislation (JSCDL) and by Parliament.

Section 3.12(2) of the Act states that the first action in the process of making a local law is for the Mayor to give notice to the meeting of the purpose and effect of the proposed local law. Regulation 3 of the *Local Government (Functions and General) Regulations 1996* states that this is achieved by ensuring that:

- (a) *the purpose and effect of the proposed local law is included in the agenda for that meeting*
- (b) *the minutes of the meeting of the Council include the purpose and effect of the proposed local law.*

In view of this the purpose of this local law is to amend certain provisions within the *City of Joondalup Local Government and Public Property Local Law 2014*.

The effect of this local law is to enable the local government to make a determination prohibiting the placing of collection bins on local government property throughout the district.

### **Issues and options considered**

Council can either:

- make the *City of Joondalup Local Government and Public Property Amendment Local Law 2015* as presented for the purposes of public advertising (Option 1)
- make the *City of Joondalup Local Government and Public Property Amendment Local Law 2015* as proposed with any necessary amendments (Option 2)
- or
- not recommend the making of the *City of Joondalup Local Government and Public Property Amendment Local Law 2015* and retain the existing local law.

Option 1 is the preferred option so the City can decline to accept permit applications for the placement of charity clothing collection bins on City of Joondalup and public property and there is no appeal.

### **Legislation / Strategic Community Plan / policy implications**

**Legislation** *Local Government Act 1995.*  
*Local Government (Functions and General) Regulations 1996.*  
*Local Government and Public Property Local Law 2014.*

### **Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

Subdivision 2, Division 2 of Part 3 of the Act applies to the creation, amending and repealing of local laws. It is anticipated that the local law making process will take approximately three months.

### **Risk management considerations**

Should the City not follow the local law creation process as detailed in the Act, the local law may be disallowed by the JSCDL.

### **Financial / budget implications**

The cost associated with the local law making process is approximately \$2,500, being public advertising costs and costs to publish the local law in the *Government Gazette*. Funds are available in the 2015-16 Budget for statutory advertising.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

Should Council decide to make the *City of Joondalup Local Government and Public Property Amendment Local Law 2015* for the purposes of public advertising, statutory advertising and consultation with all members of the public will occur, as follows:

- Giving statewide public notice advertising the proposed local law and inviting submissions to be made within no less than six weeks from the date of advertising, including:
  - advertising in a newspaper circulating throughout the state
  - displaying public notices at the City of Joondalup Administration Centre, public libraries and customer service centres
  - advertising on the City's website.
- Providing a copy of the notice and a copy of the proposed local law to the Minister responsible for the Act under which the proposed local law is being made.

### **COMMENT**

The proposed *City of Joondalup Local Government and Public Property Amendment Local Law 2015* will enable the City to decline to accept permit applications for the placement of charity clothing collection bins on City of Joondalup and public property and there would be no appeal.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED** Cr Amphlett, **SECONDED** Cr McLean that Council **MAKES** the *City of Joondalup Local Government and Public Property Amendment Local Law 2015*, as detailed in Attachment 1 to Report C58-09/15, for the purposes of public advertising.

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14min150915.pdf](#)*

**URGENT BUSINESS**

Nil.

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****C59-09/15                    NOTICE OF MOTION – CR GEOFF AMPHLETT, JP – ROAD SAFETY ACTION PLAN 2015-2020 – ZERO DEATHS OR SERIOUS INJURIES OF CHILDREN AROUND ALL CITY OF JOONDALUP SCHOOL PRECINCTS - [56534]**

In accordance with Clause 4.6 of the *Meeting Procedures Local Law 2013*, Cr Geoff Amphlett, JP gave notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 15 September 2015:

***“That Council REQUESTS the Chief Executive Officer to prepare a report on the feasibility of including a specific target of zero deaths and serious injuries within all City of Joondalup school precincts, in the Road Safety Action Plan 2015-2020.”***

**Reason for Motion**

The Road Safety Commission has statewide aspiration of “towards-zero” for deaths and serious injuries on our roads but no specific target date is given. This motion is an attempt to break the aspiration into smaller and local achievable targets, the first being to reduce road trauma around the fifty plus schools in the City of Joondalup.

By focusing the City’s resources on the specific target of zero deaths or serious injuries within school precincts by a set date will give us a measure of our success or otherwise.

**Officer’s Recommendation**

A report can be prepared.

**MOVED Cr Amphlett, SECONDED Cr McLean that Council REQUESTS the Chief Executive Officer to prepare a report on the feasibility of including a specific target of zero deaths and serious injuries within all City of Joondalup school precincts, in the *Road Safety Action Plan 2015-2020*.**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Hamilton-Prime, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas.

## **ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

Nil.

## **CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 8.30pm the following Elected Members being present at that time:

MAYOR TROY PICKARD  
CR KERRY HOLLYWOOD  
CR TOM MCLEAN, JP  
CR PHILIPPA TAYLOR  
CR SAM THOMAS  
CR GEOFF AMPHLETT, JP  
CR CHRISTINE HAMILTON-PRIME  
CR MIKE NORMAN  
CR JOHN CHESTER  
CR BRIAN CORR  
CR RUSS FISHWICK, JP  
CR TERESA RITCHIE, JP