

## Agenda **Briefing Session**

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

ON **TUESDAY, 9 JUNE 2009**

COMMENCING AT **6.30 pm**

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### **PUBLIC QUESTION TIME**

Members of the public are requested to lodge questions in writing by close of business on **Monday 8 June 2009**.

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

### **QUESTIONS TO**

[council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)  
PO Box 21 Joondalup WA 6919

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## **BRIEFING SESSIONS**

The following procedures for the conduct of Briefing Sessions were adopted at the Council meeting held on 18 December 2007:

### **INTRODUCTION**

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

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

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

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

### **PURPOSE OF BRIEFING SESSIONS**

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

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

### **PROCEDURES FOR BRIEFING SESSIONS**

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

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

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

## PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time were adopted at the Council meeting held on 17 March 2007:

### Questions asked verbally

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

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

### **Questions in Writing**

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

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

#### **DISCLAIMER**

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

## PROCEDURES FOR PUBLIC STATEMENT TIME

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

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

## DEPUTATION SESSIONS

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

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

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

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**LATE ITEMS / ADDITIONAL INFORMATION**

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

[Additional Information 090609.pdf](#)

## CITY OF JOONDALUP – BRIEFING SESSION

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 9 JUNE 2009** commencing at **6.30 pm**

### ORDER OF BUSINESS

#### **1 OPEN AND WELCOME**

#### **2 DEPUTATIONS**

#### **3 PUBLIC QUESTION TIME**

**The following questions were submitted to the Briefing Session held on 12 May 2009:**

**Mr Steve Magyar, Heathridge:**

*Q1 Re Item 22 – Report on Code of Conduct Complaint.*

*Does the Council have the power to do anything more than note the report, or can these minor breaches be referred to any other authority?*

*A1 Response by Mayor Pickard: The provisions of the Code of Conduct do not stipulate that Council has a role to accept or reject the recommendation of the CEO. The process is outlined in the Code of Conduct. The CEO investigates any complaints and makes a determination which is required to be referred to Council. There are other areas of control that sit outside of the Code of Conduct and it is for individuals to determine if they wish to determine another course of action.*

*Q2 Re Notice of Motion Cr Macdonald – Request for additional information to be released during the public consultation period for the Ocean Reef Marina Development:*

*When does the administration hope to commence the first 60 day period of public consultation?*

*A2 Response by Mayor Pickard: 20 May 2009.*

#### **4 PUBLIC STATEMENT TIME**

**The following statement was submitted to the Briefing Session held on 12 May 2009:**

**Mr Steve Magyar, Heathridge:**

Mr Magyar spoke in relation to Item 22 – Report on Code of Conduct Complaint.

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

### **Leave of Absence previously approved**

|                   |   |
|-------------------|---|
| Cr Michael Norman | 9 – 24 June 2009 and<br>25 June 2009 – 12 July 2009 inclusive |
|-------------------|---|

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

## **7 REPORTS**

**ITEM 1                      EXECUTION OF DOCUMENTS – [15876]****WARD:** All**RESPONSIBLE  
DIRECTOR:** Mr Garry Hunt  
Office of CEO**PURPOSE**

For Council to note the documents executed by means of affixing the Common Seal for the period 5 May 2009 to 22 May 2009.

**EXECUTIVE SUMMARY**

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

**BACKGROUND**

Not Applicable.

**DETAILS**

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

|                       |   |
|-----------------------|---|
| <b>Document:</b>      | Amendment No 41 to District Planning Scheme No 2  |
| <b>Parties:</b>       | City of Joondalup and Minister for Planning   |
| <b>Description:</b>   | Amendment No 41 to District Planning Scheme No 2 – Reserve 29740 being Lots 3759 and 8931 ( No 108) High Street, Sorrento |
| <b>Date:</b>          | 05.05.09  |
| <b>Signed/Sealed:</b> | Sealed  |

|                       |   |
|-----------------------|---|
| <b>Document:</b>      | Section 70A Notification  |
| <b>Parties:</b>       | City of Joondalup and Anuwat Boonnark and Rose Winterburn   |
| <b>Description:</b>   | To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land – 37 (Lot 30) Lakevalley Drive, Edgewater. |
| <b>Date:</b>          | 12.05.09  |
| <b>Signed/Sealed:</b> | Sealed  |

|                       |  |
|-----------------------|--|
| <b>Document:</b>      | Debenture  |
| <b>Parties:</b>       | City of Joondalup and WA Treasury Corporation  |
| <b>Description:</b>   | Loan to fund two parking projects : <ul style="list-style-type: none"> <li>• Paid Parking (\$834K);</li> <li>• Shenton Avenue Car Park (\$700K)</li> </ul> Being total amount of \$1534K, as per resolution of Council of 22 July 2008 (Annual Budget Item JSC3-07/08) |
| <b>Date:</b>          | 12.05.09   |
| <b>Signed/Sealed:</b> | Sealed   |

|                       |  |
|-----------------------|--|
| <b>Document:</b>      | Section 70A Notification   |
| <b>Parties:</b>       | City of Joondalup and Franjo and Tatjana Dragojevic  |
| <b>Description:</b>   | To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land – Lot 686 (15) Whitewater Lookout, Iluka. |
| <b>Date:</b>          | 22.05.09   |
| <b>Signed/Sealed:</b> | Sealed   |

**Issues and options considered:**

Not Applicable.

**Link to Strategic Plan:**

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

**Legislation – Statutory Provisions:**

Sub-sections (2) and (3) of section 2.5 of the Local Government Act 1995 states:

- (2) The local government is a body corporate with perpetual succession and a common seal.
- (3) The local government has the legal capacity of a natural person.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

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

**Policy implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

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

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council NOTES the schedule of documents covering the period 5 May 2009 to 22 May 2009 executed by means of affixing the Common Seal.**

## ITEM 2 RECOMMENCING LOCAL LAW AMENDMENT PROCESS - ALFRESCO DINING SMOKING BAN – [23122] [04028]

**WARD:** North

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

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### PURPOSE/EXECUTIVE SUMMARY

To present Council with a copy of the *City of Joondalup Trading in Public Places Amendment Local Law 2009* and seek Council approval for the Amendment's release for a public comment period of 44 days (in line with the minimum requirements under the *Local Government Act 1995*).

### BACKGROUND

At the Meeting of 21 April 2009, Council resolved the following (*CJ097-04/09* refers):

*“APPROVES the submission of a written undertaking to the Joint Standing Committee on Delegated Legislation, committing the City to:*

- recommence the process for amending a local law;*
- repeal the current Trading in Public Places Amendment Local Law 2008; and*
- cease enforcing the provisions within the Trading in Public Places Amendment Local Law 2008 that will be subject to change.”*

A written undertaking has since been drafted and submitted to the Joint Standing Committee on Delegated Legislation (JSCDL) in line with the communication agreed to by Council above.

### DETAILS

As part of the City's commitments to the JSCDL, a local law amendment process must be initiated to ensure the following changes are made to the City's current *Trading in Public Places Amendment Local Law 2008* (Attachment 1):

- That references to “an employee” in clause 14(4)(ii) are removed; and
- That clause 14(4)(iii) is removed: (this clause makes the proprietor of a premises liable for the failure of employees and licensees to inform patrons who are smoking to cease and relocate to an area outside of the alfresco dining area).

The City has drafted a new *Trading in Public Places Amendment Local Law 2009* (Attachment 2) to account for these changes. Within this Amendment, a provision to repeal the current *Trading in Public Places Amendment Local Law 2008* has also been included to satisfy the City's second commitment to the JSCDL.

Direction has also been provided to the City's Environmental Health Officers not to enforce provisions within the current law that relate to proprietors and employees (these are the provisions that will be subject to change in the new Amendment Local Law). Provisions that are still being enforced by the City include the ability to fine patrons for smoking within a prohibited alfresco dining area and ensuring that business owners erect *no smoking signage* in affected areas.

**Issues and options considered:**

Not applicable.

**Link to Strategic Plan:**

Not applicable.

**Legislation – Statutory Provisions:**

This report recommends amending the City's *Trading in Public Places Local Law 1999* in line with the requirements prescribed in section 3.12 of the *Local Government Act 1995*.

**Risk Management considerations:**

In accordance with the JSCDL's *Report 23: "Issues of Concern Raised by the Committee Between 1 May 2006 and 30 April 2007 with Respect to Local Laws"*, should the City fail to complete its stated commitments to the JCS DL within a 2 year period, the Committee will move to disallow the City's Amendment.

This will be avoided if the City completes the process for amending a local law and repealing the previous Amendment Local Law within 2 years. It is also important that the City does not issue infringements for provisions within the current Amendment that will be subject to change. Direction provided to Environmental Health Officers will ensure that these provisions are not enforced in the interim.

**Financial/Budget Implications:**

It is anticipated that the cost of recommencing the process for amending a local law will be minimal given that the City will be pursuing the minimum consultation requirements prescribed under the *Local Government Act 1995*; namely, statewide notice in The West Australian on one occasion.

**Policy implications:**

Not applicable.

**Regional Significance:**

Not applicable.

**Sustainability implications:**

Not applicable.

**Consultation:**

The consultation requirements are outlined in Financial/Budget section of the report.

**COMMENT**

Not applicable.

## ATTACHMENTS

Attachment 1: Trading in Public Places Amendment Local Law 2008  
Attachment 2: Trading in Public Places Amendment Local Law 2009

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

That Council, in accordance with section 3.12 of the Local Government Act 1995, **APPROVES** the content of the Trading in Public Places Amendment Local Law 2009 provided at Attachment 2 and **AGREES** for its release for a public consultation period of 44 days, with the following purpose and effect:

*“The purpose of this Amendment Local Law is to prohibit the act of smoking in outdoor dining areas that are situated on public property within the City of Joondalup.”*

*“The effect of this Amendment Local Law is that a system for prohibiting smoking in alfresco dining areas within the City of Joondalup will be operational.”*

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf090609.pdf](#)

## **ITEM 3                      CLIMATE CHANGE RISK ASSESSMENT – [78616]**

**WARD:** All

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

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### **PURPOSE**

To provide Council with a report on the merits of undertaking a full climate change risk assessment particularly in relation to sea levels.

### **EXECUTIVE SUMMARY**

At its meeting held on 17 February 2009 Council requested a report from the Chief Executive Officer advising Council:

*“whether, or not, a full climate change/risk assessment, with particular attention being given to sea level rises and its effects, should be done, giving the pros and cons, with a recommendation to Council, and, if the recommendation is yes, the urgency that the assessment should be given.” (C07-02/09 refers)*

Council also requested that the report include an assessment of any available literature on climate change and the impact on sea levels.

### **BACKGROUND**

Extensive literature exists on climate change and rising sea levels and much of the information is presented in highly technical terms. Climate change is a complex issue and the literature available represents a range of diverse and conflicting opinions.

Numerous studies have been undertaken in relation to the issue, and some of the sources for the literature reviewed are detailed in the Details section of this report.

### **DETAILS**

In order to provide objective information in relation to climate change the World Meteorological Organization (WMO) and the United Nations Environment Programme (UNEP) established the Intergovernmental Panel on Climate Change (IPCC).

The IPCC was specifically established to provide the decision-makers and others interested in climate change with an objective source of information about climate change.

The role of the IPCC is:

- ↳ *To comprehensively and objectively assess latest scientific, technical and socio-economic literature produced worldwide relevant to the understanding of the risk of human-induced climate change, its observed and projected impacts and options for adaptation and mitigation.*

- ↳ *IPCC reports should be neutral with respect to policy, although they need to deal objectively with policy relevant scientific, technical and socio economic factors. They should be of high scientific and technical standards, and aim to reflect a range of views, expertise and wide geographical coverage.*

The IPCC website includes all previous reports prepared by the Panel and that website can be accessed at <http://www.ipcc.ch/index.htm>.

The CSIRO website also contains information on rising sea levels and is written in a relatively 'non-scientific' form. The website can be found at <http://www.cmar.csiro.au/sealevel/index.html>

It is understood that other local governments have examined the impact of climate change on their coastal areas.

The City of Cottesloe engaged a Consultant in August 2007 to prepare a report on Foreshore Vulnerability to Climate Change Impact. The project was funded by Emergency Management Australia. The report was considered by the Council in June 2008.

The main aim of the *Cottesloe Climate Change Vulnerability Assessment Project* was to establish potential risk to existing key coastal infrastructure under a range of future climate scenarios.

The objectives of the research were:

- ↳ Analysis of contemporary coastal conditions (environmental conditions and resultant coastal change)
- ↳ Determination of scenarios for future climate change
- ↳ Prediction of impacts on the physical coastal environment
- ↳ Implications of physical change for existing infrastructure

The report included an extensive operational risk treatment plan which included, amongst other things:

- Establishing a Coastal Monitoring Program.
- Specialist engineering and geotechnical assessments.
- Establishing emergency management plans in relation to major storm erosion.
- Incorporating the effects of climate change in all natural area management plans.
- Development of a policy to provide for the management and protection of Council's infrastructure assets.
- Modifying the development approval processes to incorporate a requirement for geotechnical investigations for developments close to the foreshore.

The full report is available on the Town of Cottesloe's website at [www.cottesloe.wa.gov.au/](http://www.cottesloe.wa.gov.au/)

The City of Mandurah has also appointed Consultants to identify and assess potential climate change risks for Mandurah's coastal zone and waterways by August 2009. The total cost of the project has been estimated at \$100,000 and will be funded through the Federal Government's Local Adaptation Planning Program (\$50,000) and the City will also provide \$50,000 for the project.

The Western Australian Planning Commission (WAPC) is currently undertaking a project which will see Western Australia's shoreline digitally mapped in 3-D at a cost of \$1.6m. The objective of the project is to assess how the State's coast could be affected by climate change. This project will see the WA Coastline mapped from Yanchep to Cape Naturalise through the use of rapid pulses of light to create a 3D map of the land and sea floor. The project will identify vulnerable areas and project future changes. The project is expected to be completed in August and results will be placed on the Landgate SLIP website.

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

#### **Option 1**

Given that the WAPC is currently undertaking a project in relation to sea levels along the Western Australian coastline to assess the impact of climate change and to inform the review of the State Coastal Planning Policy the Council may decide not to undertake a full climate change/risk assessment, with particular attention being given to sea level rises and its effects, and instead wait for the results from the WAPC research.

Option 1 is the recommended option given that the research will provide the Council with up to date scientific information on climate change specifically in relation to the Western Australian coastline, and will map sea levels, identify vulnerable areas, and project future changes.

#### **Option 2**

Council may decide to undertake research into climate change with a full risk assessment.

This option is not recommended given that expertise will be required to undertake the research, and that the research will duplicate the work of the WAPC. If Council were to recommend that a full risk assessment is undertaken for the City of Joondalup, the costs are likely to be considerable.

### **Link to Strategic Plan:**

This item has a general connection to the Strategic Plan particularly in relation to the Key Focus Areas of:

- ↳ The Natural Environment;
- ↳ The Built Environment; and
- ↳ Community Wellbeing.

### **Legislation – Statutory Provisions:**

Not Applicable

### **Risk Management considerations:**

Not Applicable

**Financial/Budget Implications:**

If Council were to request the preparation of a report, experts in climate change would need to be engaged and consultant fees would be incurred. These costs have not been included in the 2009/10 Budget figures, and estimates are difficult given that the project has yet to be scoped.

**Policy implications:**

Not Applicable

**Regional Significance:**

The research being undertaken by the WAPC to map sea levels and project future changes is for the entire Western Australian shoreline from Two Rocks to Cape Naturaliste.

**Sustainability implications:**

Research being undertaken by the WAPC in relation to sea levels along the Western Australian Coast will assist in understanding the issues and risks associated with climate change, and any associated impacts in terms of rising seas and erosion on coastal development. This research will be used to inform the review of the State Coastal Planning Policy.

**Consultation:**

Not applicable

**COMMENT**

Given that the WAPC is currently undertaking a project in relation to sea levels along the Western Australian coastline to assess the impact of climate change and to inform the review of the State Coastal Planning Policy (which is likely to include new estimates on rising sea levels), it is recommended that a full climate change risk assessment not be undertaken, and that the Council receives a further report following the results of the project being undertaken by the WAPC.

**ATTACHMENTS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

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

1. **NOTES** that the Western Australian Planning Commission is undertaking research in relation to sea levels along the Western Australian coastline to assess the impact of climate change and inform the review of the State Coastal Planning Policy;
2. **REQUESTS** a report on the outcomes of the research following release of the findings by the Western Australian Planning Commission.

## **ITEM 4                      YELLAGONA                      INTEGRATED                      CATCHMENT MANAGEMENT PLAN – [72568]**

**WARD:** All

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

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### **PURPOSE**

To seek Council approval to release the Draft Yellagonga Integrated Catchment Management (YICM) Plan for community consultation for a period of six weeks.

### **EXECUTIVE SUMMARY**

The Yellagonga Integrated Catchment Management (YICM) Plan has been developed through a partnership agreement between the Cities of Joondalup and Wanneroo in recognition of the need to have a whole of catchment approach.

The development of the YICM Plan and associated catchment projects has involved considerable input from community groups and key stakeholders. The initial scoping phase involved a community workshop in September 2007 where over 100 participants identified and prioritised the land and water threats facing the park.

The YICM Plan establishes a coordinated approach towards sustainable planning and management of resources within the Yellagonga Catchment. The YICM Plan has a number of priority projects to be implemented by various stakeholders with interests in the Yellagonga Catchment, in order to improve the health of the Yellagonga Wetlands. The City of Joondalup, City of Wanneroo, and the Department of Environment and Conservation have shared responsibilities for the management of the wetlands in Yellagonga Regional Park.

### **BACKGROUND**

The Yellagonga Regional Park Management Plan 2003 – 2013 was developed by the Department of Environment and Conservation and the Cities of Joondalup and Wanneroo to provide broad direction for the protection and enhancement of the conservation, recreation and landscape values of Yellagonga Regional Plan.

One of the high priority strategies proposed in the Management Plan was the preparation of an Integrated Catchment Management Plan which was consistent with the overall direction of the Yellagonga Regional Park Management Plan 2003 – 2013.

The YICM Plan addresses the activities in the catchment that affect the Park and the management of the Park itself is guided by the Yellagonga Regional Park Management Plan 2003 – 2013.

## **DETAILS**

The Department of Environment and Conservation and the Cities of Joondalup and Wanneroo share the management of the Park's wetlands.

The development of the YICM and associated projects has involved considerable input from community groups and key stakeholders. The initial scoping phase involved a community workshop in September 2007 where over 100 participants identified and prioritised the land and water threats facing the park.

Following this workshop, a Community Reference Group (CRG) was formed to assist in the development of the YICM Plan. A Technical Working Group comprising relevant professionals from various stakeholder groups was involved in the YICM Planning Project, including representatives from the City of Joondalup and the City of Wanneroo, Department of Environment and Conservation, Department of Water, Edith Cowan University, West Coast TAFE, and the North-Metro Catchment Group. The TWG provided technical input into the development of the YICM Plan.

Members of the TWG and the CRG participated in a second workshop in July 2008 to develop targeted strategies for inclusion in the YICM Plan which have been translated into the projects included in the Plan.

The YICM Plan is supported by the Yellagonga Regional Park Integrated Catchment Management Plan 2009-2014 Technical Report. This report will be available in the Councillors reading room.

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

The YICM Plan has been developed in consideration of the diverse interests associated with the Yellagonga Catchment and Regional Park including residential landowners, commercial interests, community members who utilise the area for recreation, aesthetic enjoyment, historical and cultural heritage, and those who appreciate the Park for its environmental values.

### **Link to Strategic Plan:**

Key Focus Area – The Natural Environment

Objective 2.1 – To ensure that the City's natural environmental assets are preserved, rehabilitated and maintained.

### **Legislation – Statutory Provisions:**

Not Applicable

### **Risk Management considerations:**

The YICM Plan seeks to address a range of threats to the long term viability of the Yellagonga Regional Park including the impacts from urbanisation and past land use within the Catchment.

**Financial/Budget Implications:**

The YICM Plan includes a number of priority projects. Each project has a project brief that includes estimated project costs. The projects are either joint projects which are to be undertaken by the Cities of Joondalup and Wanneroo, or individual projects to be undertaken separately by each City.

The commencement of each project is dependent on Budget approval in successive financial years.

**Policy implications:**

Not applicable

**Regional Significance:**

Yellagonga Regional Park is one of eight regional parks within the Perth metropolitan region. The Park is of regional importance because of its natural, cultural and recreational resources and provides an important north/south link with Neerabup National Park and Yanchep National Park.

The City of Joondalup and the City of Wanneroo have shared responsibilities for the management of the wetlands in Yellagonga Regional Park along with the Department of Environment and Conservation.

**Sustainability implications:**

Yellagonga Regional Park contains a wide variety of ecosystems with high conservation value within a rapidly expanding urban setting. The wetlands within the Park are some of the last remaining freshwater wetland systems on the Swan Coastal Plain, and are important breeding grounds for local and migratory birds.

**Consultation:**

The development of the YICM Plan involved considerable community input including the formation of a Community Reference Group. This report is seeking Council endorsement to release the YICM Plan for community consultation for a period of thirty days.

**COMMENT**

The development of the YICM Plan was jointly funded by the Cities of Joondalup and Wanneroo, and the Plan represents the input and commitment of a range of community and stakeholder groups dedicated to the long-term management and health of the Yellagonga Regional Park.

## **ATTACHMENTS**

Attachment 1: Yellagonga Integrated Catchment Management Plan

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council AGREES to release the Yellagonga Integrated Catchment Management Plan for community consultation for a period of six weeks.**

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf090609.pdf](#)*

## **ITEM 5                      REVIEW OF DELEGATED AUTHORITY MANUAL – [07032]**

**WARD:** All

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

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### **PURPOSE**

For the Council to review and give consideration to the necessary changes to the Corporate Delegated Authority Manual.

### **EXECUTIVE SUMMARY / BACKGROUND**

The *Local Government Act 1995* (the Act) requires that, at least once each financial year the delegator (either the Local Government or the Chief Executive Officer) reviews its delegations. The Council last reviewed its delegations on 25 September 2007 and met its legislative requirements (Item CJ186-09/07 refers).

This report details the suggested changes to the Delegated Authority Manual, which require consideration by Council.

### **DETAILS**

#### **Delegation of Powers and Duties from the Chief Executive Officer to Employees**

Section 5.44(1) of the Act provides that a Chief Executive Officer may delegate to any employee of the local government the exercise of any of his powers, or discharge any of his duties under the Act. A number of delegations have been identified where the Chief Executive Officer considers it appropriate to amend delegations to particular employees. Changes to delegations are required to reflect a number of new positions and amendments to position titles. Delegations affected include:

- Disposing of Property;
- Town Planning Delegations;
- Determination of Development Applications;
- Incurring of Liability and Making of Payments;
- Health Act 1911;
- Animals Local Law – Issuing of Licences, Approvals and Permits;
- Health Local Law – Issuing of Licences, Approvals and Permits;
- Trading in Public Places Local Law – Issuing of Licences, Approvals and Permits;
- Caravan Parks and Camping Grounds Act 1995;
- Authority for Chief Executive Officer to Finalise Negotiations;
- Authority for Chief Executive Officer to Execute Agreement; and
- Authority for Chief Executive Officer to Appoint Successful Tender Applicant.

The following amendments to the Delegate Authority Manual are proposed:

### **Disposing of Property**

An additional element (4) to the delegation in relation to 'Disposing of Property' has also been included, which covers exempt dispositions. This is in accordance with section 3.58(d) of the Act and Regulation 30 of the *Local Government (Functions and General) Regulations*, which outlines the options for disposing property classified as an exempt disposition.

The delegation recommended to the Chief Executive Officer has been limited to \$500,000, as this amount has been previously determined by the Council in relation to elements (1) – (3).

### **Town Planning Delegations**

In terms of the Town Planning Delegations, it is considered that the addition of a new clause 1(c)(ii) dealing with patios, shade sails and outbuilding additions to existing developments would improve efficiency. Currently, these types of applications are determined by Council. If these minor commercial issues could be dealt with under delegated authority, the City would avoid substantial delay to projects.

The proposed change in clause 2(a)(vi) would allow outbuildings with a standard wall height of 2.7 metres to be determined under Senior Planning Officer / Co-ordinator Planning Approvals' delegation, rather than requiring a report to be prepared for the Manager/Director where an outbuilding exceeds the permitted 2.4m wall height. The current delegation only allows Senior Planning Officers and the Co-ordinator to determine outbuilding heights of up to 2.64 metres. However, as outbuildings generally come in pre-fabricated form with standard wall heights of 2.4 metres, 2.7 metres, and 3.0 metres, it would improve processing time and overall efficiency to determine these at Senior Planning Officer /Co-ordinator level.

The insertion of a new clause 2(a)(vii) is simply to clarify current practice which is in accordance with Policy 3-2 'Height and Scale of Buildings within Residential Areas'. That is, only the Manager/Director should be signing off Building Height Envelope Projections.

The proposed amendments to clause 2(b) are essentially to correct an error. The current wording of clause 2(b) states that variations greater than 10% cannot be determined under Senior Planning Officer / Co-ordinator delegation. However, as variations to these standards that are greater than 10% cannot be done under delegated authority at all, the current wording requires review. The proposed amendments would give effect to the principle that if the variation is less than 10%, then the application would need to be determined by the Manager/Director; if the variation is more than 10%, then the application would be referred to Council.

### **Determination of Development Applications**

The delegation on page 21 of the Manual relating to the development application for the proposed special care facility on 15 Chessell Drive, Duncraig is no longer required as the building is well underway.

## **Authority for Chief Executive Officer to Finalise Negotiations and Appoint Successful Tender Applicant**

The delegations authorising the Chief Executive Officer to finalise negotiations and appoint successful tender applicants in relation to specific contracts are also no longer required as they have been actioned. As the Deed of Agreement between the City and the Western Australian Sports Centre Trust has been executed, the delegation in relation to this matter is now obsolete and should be removed.

## **Delegations relating to Local Laws and State legislation**

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

- In respect of State legislation empowering local governments to appoint authorised officers, it would be more efficient for the City to adopt the ‘acting through’ concept as opposed to a formal delegation. The notion of “acting through” is premised on the Council acting through an officer or agent by authorising that officer or agent to exercise administrative authority. The officer or agent then acts for and on behalf of the Council in exercising the administrative authority. The Council is able to act through the Chief Executive Officer to appoint authorised officers under a range of State legislation;
- In relation to local laws that make provision for authorised persons to carry out certain activities, once a person has been appointed as an authorised person, it is not necessary that there be any further delegation of authority. The appointment of the person as an authorised person is sufficient.

As a result of the review, the five delegations relating to the *Health Act 1911*, *Animals Local Law 1999*, *Health Local Law 1999*, *Trading in Public Places Local Law 1999* and *Caravan Parks and Camping Ground Act 1995* have been removed.

## **Issues and options considered:**

An annual review has been undertaken of the corporate Delegated Authority Manual. An explanation of the proposed changes is provided on Attachment 1.

The Delegated Authority Manual, with the required revisions marked, forms Attachment 2 to this Report.

## **Link to Strategic Plan:**

4.3.3 Provide fair and transparent decision-making processes.

## **Legislation – Statutory Provisions:**

Section 5.42 of the Local Government Act 1995 provides that:

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

\* absolute majority required.

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

Section 5.43 of the Local Government Act 1995 provides that:

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

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

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

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

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

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

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

Section 5.46(2) of the Local Government Act 1995 provides that:

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

### **Risk Management considerations:**

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

**Financial/Budget Implications:**

Not Applicable.

**Policy implications:**

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

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The *Local Government Act 1995* requires each delegator to review its delegations at least once every financial year. Once the Council has completed its review, the Chief Executive Officer will review his delegations and make the necessary amendments.

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

**ATTACHMENTS**

|              |  |
|--------------|--|
| Attachment 1 | Explanation of proposed changes                |
| Attachment 2 | Required changes to Delegated Authority Manual |

**VOTING REQUIREMENTS**

Absolute Majority.

**RECOMMENDATION**

**That Council, BY AN ABSOLUTE MAJORITY:**

- 1      ENDORSES the review of the delegations in accordance with the Local Government Act 1995;**
- 2      AMENDS the Delegated Authority Manual as outlined in Attachment 2 to this Report.**

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf090609.pdf](#)

**ITEM 6                      STATUS OF PETITIONS TO COUNCIL – [05386]****WARD:** All**RESPONSIBLE  
DIRECTOR:** Mr Jamie Parry  
Governance and Strategy

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**PURPOSE/ EXECUTIVE SUMMARY**

To advise Council of the status of petitions received during the period 27 February 2007 to 19 May 2009.

**BACKGROUND**

A report was presented to Council at its meeting held on 16 December 2008 detailing the status of petitions received during the period from February 2007 to October 2008. Quarterly reports on outstanding petitions are to be presented to Council.

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

Attachment 1 provides a list of all outstanding petitions received during the period 27 February 2007 to 19 May 2009 with a comment on the status of each petition.

**Link to Strategic Plan:**

Objective: 1.2 To engage proactively with the community.

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

**Legislation – Statutory Provisions:**

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

"22. Petitions

- (1) A petition received by a member or the CEO is to be presented to the next ordinary Council meeting.
- (2) Any petition to the Council is:
  - (a) as far as practicable to be prepared in the form prescribed in the Schedule;
  - (b) to be addressed to the Council and forwarded to a member or the CEO; and

- (c) to state the name and address of the person to whom correspondence in respect of the petition may be served.
- (3) Once a petition is presented to the Council, a motion may be moved to receive the petition and refer it to the CEO for action.

**Risk Management considerations:**

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

**Financial/Budget Implications:**

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

**Policy implications:**

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

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

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

**ATTACHMENTS**

Attachment 1      Status of Petitions – 27 February 2007 to 19 May 2009.

**VOTING REQUIREMENTS**

Simple majority

## RECOMMENDATION

That Council:

### 1 NOTES:

- (a) the status of outstanding petitions submitted to Council during the period 27 February 2007 to 19 May 2009, forming Attachment 1 to this Report;
- (b) that the path in Gibson Avenue, Padbury is complete, a consultation process has commenced for a path in Livingstone Way, Padbury and the verge areas have been included in the City's maintenance programs;
- (c) that Sheoak Park has been listed for consideration in the 2009/2010 for minor refurbishment;
- (d) that the construction of the extension of Burns Beach Road linking Burns Beach to Iluka will be completed as part of the subdivision development;
- (e) that the results of the petition requesting the continuation of the proposed footpath in Aberdare Way and Eddington Road have been included in the consultation for the Aberdare Way path project and changes to the path have been made to the design;

- 2 in relation to Points 1(b) to 1(e) inclusive above, ADVISES the petitioners accordingly.

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf090609.pdf](#)

**ITEM 7                      CITY OF JOONDALUP BIKE PLAN 2009 – [56564]****WARD:** All**RESPONSIBLE  
DIRECTOR:** Mr Jamie Parry  
Governance and Strategy

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**PURPOSE**

To seek Council endorsement of the City of Joondalup Bike Plan 2009.

**EXECUTIVE SUMMARY**

The Bike Plan 2009 has been developed to establish the strategic direction for cycling in the City of Joondalup for the next six years. The Plan recognises that a number of strategies for infrastructure, education, encouragement, and enforcement are required to meet the needs of cyclists, and to increase participation in cycling activities in the City.

Locations covered by the Bike Plan include publicly accessible areas within the Joondalup City Centre, commercial precincts, parks, recreation reserves, beaches, leisure centres, Joondalup Health Campus, Edith Cowan University, and Lakeside Shopping Centre.

**BACKGROUND**

The City of Joondalup first developed a Bike Plan in 1998/99 which was subsequently reviewed in 2002/03 and then in 2008/09.

The Bike Plan 2009 is a product of the latest review process and responds to current trends and expectations in relation to bicycle use and cycling participation within the City of Joondalup.

**DETAILS**

The Bike Plan was developed in two stages. Stage one involved community consultation, and the second stage involved the appointment of an engineering consultant to undertake a technical review of the bicycle network and make recommendation for improvements.

The Bike Plan 2009 has been developed in consideration of the following:

- ↳ Urban growth in the City has been extensive in the last five years;
- ↳ There is now an emphasis on the provision of on-road cycle facilities, such as sealed shoulders/bike lanes, and intersection treatments, reflecting the fact that road infrastructure needs to service a range of users;
- ↳ There are major roads being constructed for the City that need to be considered in the Bike Plan. It is necessary to ensure that access to the railway and bus stations within the City are safe and convenient for those who wish to utilise dual-mode (bike/train and bike/bus) for their transport to other destinations, and new roads need to cater for cyclists;

- ↳ It is necessary to have a coordinated approach to upgrading and providing safe cycling facilities for community members who use paths and roads;
- ↳ There have been reported conflicts between motorists, cyclists and pedestrians. It is important that all groups understand appropriate behaviour, so they are able to share facilities safely, with minimum conflict; and
- ↳ Better links with key stakeholders and key trip generators.

**Issues and options considered:**

Council may choose to:

Option 1: Adopt the Bike Plan 2009 shown as Attachment 1 to this report.

Option 2: Request amendments to the Bike Plan 2009.

**Link to Strategic Plan:****Key Focus Area – The Natural Environment.**

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

**Key Focus Areas – Community Wellbeing.**

Objective 5.2.1 – The City provides high quality recreation facilities and programs.

**Legislation – Statutory Provisions:**

Not Applicable

**Risk Management considerations:**

The Bike Plan 2009 has been developed following extensive consultation with the broader community and bicycle users, and changes to the Plan may not reflect the feedback received.

**Financial/Budget Implications:**

The City includes funding for the bicycle network infrastructure in the Capital Works Program. Budgetary decisions associated with the Bike Plan will be subject to the annual budget process.

**Policy implications:**

Not Applicable

**Regional Significance:**

The Bike Plan will improve the bicycle network for commuter and recreational cyclists in the North Metropolitan Region by linking infrastructure with the Cities of Wanneroo and Stirling and providing a continuous bicycle network for the region.

**Sustainability implications:**

The Bike Plan 2009 will have significant impacts on sustainability throughout the City. It is envisaged that the strategies proposed in the Plan will contribute to an increased number of people cycling for transport, recreation, and exercise. The Plan will contribute to reductions in greenhouse gases, and increased community wellbeing through increased physical activity.

**Consultation:**

Community consultation for the Bike Plan was held between 4 and 28 March 2008. Hard copies of the survey were mailed to over 500 randomly selected City of Joondalup residents. Hard copies of the survey were also mailed to cycling retailers to display at shop counters in the City of Joondalup.

An electronic version of the survey was also available on the City of Joondalup website and Department for Planning and Infrastructure website. An email including a link to the survey was sent to cycling clubs in the City of Joondalup, the Department for Planning and Infrastructure's Cycling Unit, Edith Cowan University, Joondalup Health Campus, and West Coast TAFE.

A total of 235 responses were received from community members for the Bike Plan consultation.

**COMMENT**

The Bike Plan 2009 supports the greater Perth Bicycle Network. Significant stakeholder consultation has been conducted to inform the Plan, and the Plan establishes a number of strategies for improvements in cycling infrastructure, and promotion, encouragement, and education to increase cycling among City of Joondalup residents.

The recommendations and schedule of works are priorities which have been based upon extensive review of existing facilities, community consultation, review of crash data, field observations and review of the 2002/2003 Bike Plan.

**ATTACHMENTS**

Attachment 1: City of Joondalup Bike Plan 2009

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council APPROVES the City of Joondalup Bike Plan 2009 shown as Attachment 1 to this Report.**

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf090609.pdf](#)*

**ITEM 8                      MINUTES OF EXTERNAL COMMITTEE - [00033]  
[03149] [60514]****WARD:** All**RESPONSIBLE** Mr Jamie Parry  
**DIRECTOR:** Director Governance and Strategy

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**PURPOSE**

To submit minutes of external committees to Council for information.

**EXECUTIVE SUMMARY**

The following minutes are provided:

- Meeting of the Western Australian Local Government Association North Metropolitan Zone held on 20 May 2009.

**ATTACHMENTS**

Attachment 1              Meeting of the Western Australian Local Government Association North Metropolitan Zone held on 20 May 2009.

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

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council NOTES the minutes of the meeting of the Western Australian Local Government Association North Metropolitan Zone held on 20 May 2009.**

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf090609.pdf](#)*

## ITEM 9                      FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 APRIL 2009 – [07882]

**WARD:** All

**RESPONSIBLE  
DIRECTOR:** Mr Mike Tidy  
Corporate Services

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### PURPOSE

The April 2009 Financial Activity Statement is submitted to Council to be noted.

### EXECUTIVE SUMMARY

Council adopted the Mid Year Budget Review for the 2008/09 Financial Year at its Meeting held on 17th March – CJ055-03/09. The figures in this report are compared to the Revised Budget figures.

The April 2009 year to date report shows an overall increase in surplus from operations and capital of \$7,682K when compared to the 2008-2009 Revised Budget.

This variance can be summarised as follows:

- The **Operating** surplus is \$2,527K above budget made up of higher Revenue of \$450K and lower operating expenditure of \$2,077K.

Revenue was below budget from Grants & Subsidies by \$(144K), Fees & Charges by \$(103K) and was above budget by \$571K from Investment Earnings and \$64K from Rates.

The operating expenditure variance arose principally from underspending on Materials and Contracts of \$2,197K, mainly in Waste Management Services \$559K, Contributions and Donations \$489K and Public Relations, Advertising and Promotions \$254K.

- The **Capital Revenue and Expenditure** deficit is \$5,168K below budget made up of a deficit of Revenue of \$(392K) and under expenditure of \$5,560K.

Capital Expenditure on projects and works was lower than expected in the budget by \$5,583K mainly due to delays in works schedules offset by Vehicle and Plant replacements \$(9K).

Further details of the operating and capital variances are contained in the notes attached to this report.

*It is recommended that Council NOTES the Financial Activity Statement for the period ended 30 April 2009.*

**BACKGROUND**

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

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

The Financial Activity Statement for the period ended 30 April 2009 is appended as Attachment A.

**Link to Strategic Plan:**

Objective 1.3 – To lead and manage the City effectively.

**Legislation – Statutory Provisions:**

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

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

**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:**

Refer attachment A.

**Policy implications:**

All expenditure included in the Financial Activity Statement is drawn from the City's accounting records.

**Regional Significance:**

Not applicable.

**Sustainability implications:**

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

**Consultation:**

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

**COMMENT**

All expenditures included in the Financial Activity Statement are incurred in accordance with the revised 2008-09 Annual Budget or have been authorised in advance by Council where applicable.

**ATTACHMENTS**

Attachment A - Financial Activity Statement for the period ended 30 April 2009.

**VOTING REQUIREMENTS**

Simple majority.

**RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 30 April 2009.**

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf090609.pdf](#)*

## ITEM 10 LIST OF PAYMENTS MADE DURING THE MONTH OF APRIL 2009- [09882]

**WARD:** All

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

### PURPOSE

To present to Council the list of accounts paid under the CEO's delegated authority during the month of April 2009 to note.

### EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of April 2009 totalling \$9,836,595.43

*It is recommended that Council NOTES the CEO's list of accounts for April 2009 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments A, B and C to this Report, totalling \$9,836,595.43*

### BACKGROUND

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

### DETAILS

The table below summarises the payments drawn on the funds during the month of April 2009. Lists detailing the payments made are appended as Attachments A and B. The vouchers for the month are appended as Attachment C.

| FUNDS             | DETAILS   | AMOUNT                |
|-------------------|---|-----------------------|
| Municipal Account | <b>Cheques</b> 83786 - 84049<br>and EF 5658 - 6210<br>Net of cancelled payments | \$6,934,680.26        |
|                   | <b>Vouchers</b> 526A, 528A &<br>530A – 535A                                     | \$2,868,262.73        |
| Trust Account     | <b>Cheques</b> 202694 - 202771<br>Net of cancelled payments                     | \$33,652.44           |
| <b>Total</b>      |   | <b>\$9,836,595.43</b> |

### Issues and Options Considered:

Not Applicable

**Link to Strategic Plan:**

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

**Legislation – Statutory Provisions:**

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

**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 2008/9 Annual Budget as adopted by Council at its meeting of 22 July 2008 or approved in advance by Council.

**Policy Implications:**

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

**Sustainability Implications:**

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

**Consultation:**

Not applicable.

**COMMENT**

All Municipal Fund expenditure included in the list of payments is in accordance with the 2008/9 Annual Budget as adopted by Council at its meeting of 22 July 2008 or has been authorised in advance by Council where applicable.

**ATTACHMENTS**

|              |  |
|--------------|--|
| Attachment A | CEO's Delegated Municipal Payment List for the month of April 2009 |
| Attachment B | CEO's Delegated Trust Payment List for the month of April 2009     |
| Attachment C | Municipal and Trust Fund Vouchers for the month of April 2009      |

**VOTING REQUIREMENTS**

Simple majority.

**RECOMMENDATION**

**That Council NOTES the CEO's list of accounts for April 2009 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A, B and C to this Report, totalling \$9,836,595.43.**

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf090609.pdf](#)*

## **ITEM 11                    ESTABLISHMENT        OF        THE        WANNEROO/ JOONDALUP LOCAL EMERGENCY MANAGEMENT COMMITTEE - [48543] [09151] [13019]**

**WARD:** All

**RESPONSIBLE  
DIRECTOR:** Mr Martyn Glover  
Infrastructure Services

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### **PURPOSE/EXECUTIVE SUMMARY**

To provide Council with an overview of the City's statutory obligations for emergency management under the *Emergency Management Act 2005*, in particular, the obligation for local governments to form Local Emergency Management Committees (LEMCs).

This report seeks Council's endorsement for the formal establishment of a joint LEMC between the Cities of Joondalup and Wanneroo.

*It is recommended that Council:*

- 1 *in accordance with Section 34(1) of the Emergency Management Act 2005, SEEKS the approval of the State Emergency Management Committee to unite with the City of Wanneroo for the purposes of emergency management;*
- 2 *subject to (1) above, in accordance with Section 38(1) of the Emergency Management Act 2005, AGREES to establish a joint Local Emergency Management Committee with the City of Wanneroo for the purposes of emergency management for both local government districts;*
- 3 *subject to the approval of the State Emergency Management Committee, REQUESTS a further report on the membership of the joint Local Emergency Management Committee as detailed in (2) above.*

### **BACKGROUND**

#### **Local Emergency Management in Western Australia**

Emergency Management in Western Australia is legislated under the *Emergency Management Act 2005* (the 'Act'). This Act provides for the prompt and coordinated organisation of emergency management in Western Australia. Emergency management is implemented by the Fire and Emergency Services Authority of Western Australia (FESA), which currently falls under the portfolio of the Minister for Police, Emergency Services and Road Safety. Committees referred to within this Act are overseen by the Commissioner of Police in the role of State Emergency Coordinator.

The Act gives authority to the State Emergency Management Committee (SEMC) which acts as the central emergency management body in Western Australia. The Minister appoints representatives to the SEMC from organisations essential to the State's emergency management arrangements, such as FESA, Department of Health and Bureau of Meteorology.

For the purposes of implementing the Act, the State is divided into 15 Districts which each form a District Emergency Management Committee (DEMC). DEMCs are established by reference to Police district boundaries and the boundaries of local government (wherever practicable). The Cities of Joondalup and Wanneroo form the North-West Metropolitan DEMC. Local governments under each DEMC establish one or more Local Emergency Management Committees (LEMCs) to ensure effective emergency management at a local level. LEMCs are overseen by the Officer-in-Charge of the local Police Sub-District in the role of Local Emergency Coordinator.

**Local Emergency Management Committees:**

- Advise and assist the local government in ensuring that local emergency management arrangements are established for its district
- Liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements and ,
- Carry out other emergency management arrangement activities as directed by the State Emergency Management Committee (SEMC) or prescribed by the Regulations.

**Local Emergency Management in the City of Joondalup:**

Prior to the City's split from Wanneroo in 1998, the Joondalup area was managed under the Wanneroo Local Emergency Management Advisory Committee (LEMAC). This was dissolved when the two Cities separated. In January 2000, the WA Police Service adopted an interim joint Wanneroo/Joondalup LEMC Plan. This Plan was used as the official document for the administration of emergencies in the region until new LEMCs could be established. Both Cities were requested to develop their own Emergency Management Arrangements to define emergency planning protocols within their respective organisations.

**Details**

As the Cities of Joondalup and Wanneroo continued to share resources and knowledge, the WA Police Service recommended the Cities participate in a combined LEMC. This suggestion was made official at the North-West Metropolitan DEMC Meeting in May 2002. The DEMC resolved that one single LEMC should exist to cover both local government authorities, subject to the endorsement of the SEMC.

The North-West Metropolitan DEMC has accepted the combined nature of the Wanneroo/Joondalup LEMC since 2000. Its 2001 annual report stated that a joint LEMC had been formed covering both Wanneroo and Joondalup

Although the DEMC accepted the joint LEMC, formal application to amalgamate was not submitted by either local government. This joint LEMC is still operating under the chairmanship of the WA Police.

In 2008 the City of Joondalup and the City of Wanneroo were asked to seek formal approval for the amalgamation of the LEMC and the City of Joondalup has taken the opportunity to review the two options available.

**Issues and options considered:****Option 1 - Joint Committee**

| Pros   | Cons  |
|--|---|
| <ul style="list-style-type: none"> <li>• Maintains Status Quo. Committee has been operating satisfactorily for many years under the chairmanship of the WA Police Service.</li> <li>• Maintains continuity of existing committee.</li> <li>• Resources of both COJ and COW can be pooled in the event of an emergency affecting one or both.</li> <li>• Reflects the wishes of the State Government for Local Governments to share resources.</li> <li>• Exercising: LEMCs are required to exercise their EM arrangements annually. A joint committee would be required to hold one exercise, where two committees would mean two exercises.</li> <li>• Alleviates the need for support agency members attending two separate meetings.</li> </ul> | <ul style="list-style-type: none"> <li>• Membership: There are currently 31 listed members of the existing joint LEMC, Six of these are specific to the COJ and 6 to the COW.</li> <li>• LEMC/DEMC Currently a number of LEMC members are also members of the DEMC and matters pertaining to local and district matters are not always discussed in the correct forum.</li> </ul> |

**Option 2 - Separate Committees**

| Pros  | Cons  |
|---|---|
| <ul style="list-style-type: none"> <li>Ownership: With separate committees each city would have ownership of a committee concerned with local needs and matters pertaining to their respective local government.</li> </ul> | <ul style="list-style-type: none"> <li>The separation of the LEMCs would create another meeting for some members of FESA and other support agencies.</li> <li>Would require the creation of two new committees.</li> <li>Would require two sets of Local Emergency management arrangements that may not be compatible in the event of an emergency.</li> <li>May create issues of authority/management/responsibility in the event of a major emergency.</li> </ul> |

**Approach of other WA Local Governments**

Generally Local Governments in Western Australia each have an LEMC however there are instances of joint committees.

In the Perth metropolitan area, joint LEMCs exist for the City of Belmont and the Town of Victoria Park, the Cities of Canning, South Perth and the West Metropolitan LEMC comprising of the City of Perth and the surrounding local governments of Vincent, Cambridge, Subiaco, Nedlands, Cottesloe, Claremont and Mosman Park. Discussions have taken place between the Cities of Armadale and Gosnells regarding the amalgamation of their LEMCs into one Committee. These discussions are currently stalled.

**Link to Strategic Plan:**

Key focus area 5: Community Well-Being

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

Strategy 5.4.3: The City works in collaboration with other local governments and the State Government to enhance community safety.

**Legislation – Statutory Provisions:**

Section 34 (1) of the Act states “That Two or more Local Governments may, with the approval of the SEMC agree to unite for the purposes of emergency management”.

Section 34 (2) outlines that where local governments unite under subsection (1) the provisions of this part apply as if:

- (a) Reference to a local government was a reference to the combined local government;
- (b) Reference to a local governments district was a reference to the districts of the combined local governments; and
- (c) A reference to the local government offices was a reference to the offices of each local government that is part of the combined local government.

Section 38 requires local governments to establish a Local Emergency Management Committee.

Section 41 of the Act outlines the requirements for “Emergency Management Arrangements in local government district”.

**Risk Management Considerations:**

LEMCs have a risk management responsibility on a primary focus. The establishment of a Wanneroo/Joondalup LEMC would reduce risk to the members of the local community.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Formal recognition of the amalgamation/separation of the Joondalup-Wanneroo LEMC is relevant to both the City of Joondalup and the City of Wanneroo.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The matter was discussed with officers of the City of Wanneroo and their preference was a joint LEMC.

The matter was also discussed with Senior Constable Derrick Briggs in his position as chairman of the joint LEMC and his preference was for a joint LEMC.

## COMMENT

The Wanneroo/Joondalup LEMC has been functioning as an amalgamated Committee since 2000, Senior Constable Briggs has been chairman since 2006. The Committee is by legislation a committee of local government and in some cases an Elected Member chairs the Committee; however an alternative Chairman can be appointed by local government.

The State Emergency Management Committee recommends in order for Emergency Management to be effective at the local level, that in addition to those members specified in the “Act” LEMC membership should include a local government representative; when a local government representative is not elected as Chairman.

## ATTACHMENTS

|              |                                       |
|--------------|---------------------------------------|
| Attachment 1 | State Emergency Management Policy 2.5 |
| Attachment 2 | Emergency Management Procedure ADP-11 |

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

### That Council:

- 1 in accordance with Section 34(1) of the Emergency Management Act 2005, SEEKS the approval of the State Emergency Management Committee to unite with the City of Wanneroo for the purposes of emergency management;
- 2 subject to (1) above, in accordance with Section 38(1) of the Emergency Management Act 2005, AGREES to establish a joint Local Emergency Management Committee with the City of Wanneroo for the purposes of emergency management for both local government districts;
- 3 subject to the approval of the State Emergency Management Committee, REQUESTS a further report on the membership of the joint Local Emergency Management Committee as detailed in (2) above.

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf090609.pdf](#)

## **ITEM 12                      MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT, CODE VARIATIONS AND SUBDIVISION APPLICATIONS – APRIL 2009 - [07032] [05961]**

**WARD:** All

**RESPONSIBLE** Mr Clayton Higham  
**DIRECTOR:** Planning & Community Development

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

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

The purpose of delegation of certain powers by Council, in addition to other Town Planning matters, is to facilitate timely processing of development applications, R-codes variations and subdivision applications. The framework for the delegation of those powers is set out in resolutions adopted by Council and is reviewed generally on a 2 yearly basis, or as required. All decisions made by staff, acting under delegated authority as permitted under the delegation notice, are reported to Council on a monthly basis.

This report identifies:

- 1 Planning Applications (Development Applications and Residential Design Codes Variations);
- 2 Building Applications (Residential Design Codes Variations); and
- 3 Subdivision Applications

determined by those staff members with Delegated Authority powers during April 2009. (see Attachments 1, 2 and 3 respectively).

### **BACKGROUND**

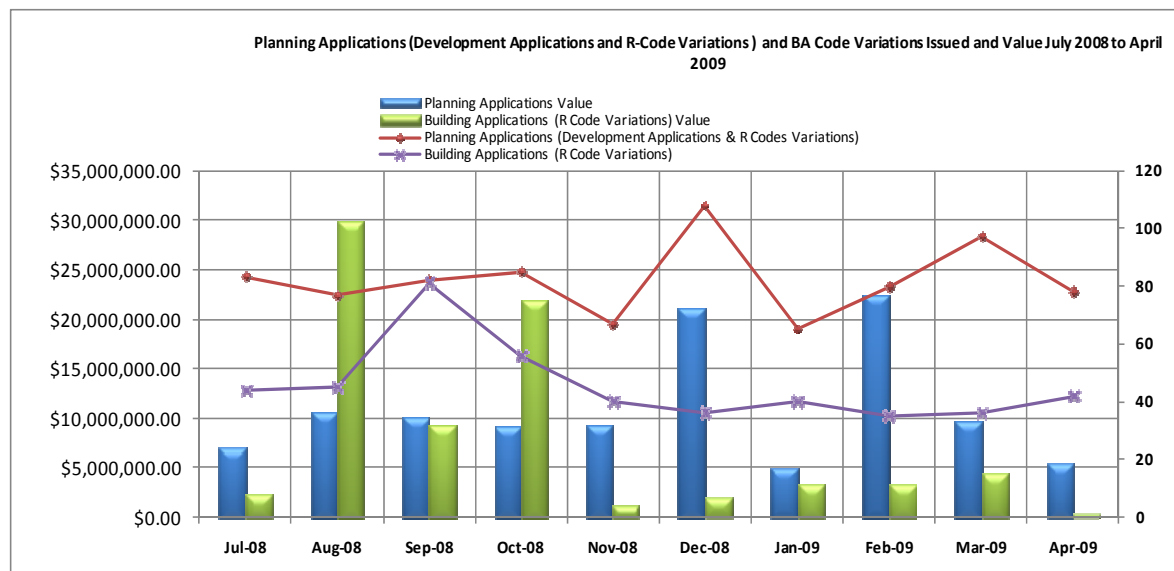
The District Planning Scheme No 2 requires that delegation be reviewed 2 yearly, unless a greater or lesser period is specified by Council. Council, at its meeting of 13 May 2008 considered and adopted the most recent Town Planning Delegation for the period to 17 July 2009.

## DETAILS

The number of applications determined under delegated authority for the period of April 2009 are shown below:

| Approvals Determined Under Delegated Authority – April 2009           |            |                     |
|---|------------|---------------------|
| Type of Approval  | Number     | Value (\$)          |
| Planning Applications (Development Applications & R-Codes Variations) | 78         | \$ 5,417,739        |
| Building Applications (R-Codes Variations)                            | 42         | \$ 403,353          |
| <b>TOTAL</b>  | <b>120</b> | <b>\$ 5,821,092</b> |

The number of development applications received during the period for April 2009 was 84. (This figure does not include any applications that may become the subject of an R-Code Variation as part of the Building Licence process).



| Subdivision Approvals Processed Under Delegated Authority<br>From 1 April to 30 April 2009 |        |                    |
|--|--------|--------------------|
| Type of Approval   | Number | Potential new Lots |
| Subdivision Applications   | 3      | 3                  |
| Strata Subdivision Applications  | 5      | 10                 |

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

**Link to Strategic Plan:****Key Focus Area: The Built Environment****Objective: 4.1.3 Give timely and thorough considerations to applications for statutory approval.**

The strategic plan also includes a strategy to provide quality value-adding services with an outcome to provide efficient and effective service delivery. The use of a delegation notice allows staff to efficiently deal with many simple applications that have been received and allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

**Legislation – Statutory Provisions:**

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

**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:**

Not applicable

**Policy implications:**

Not applicable

**Regional Significance:**

Not applicable

**Sustainability implications:**

Not applicable

**Consultation:**

Consultation may be required by the provisions of the Residential Design Codes, any relevant Policy and/or the District Planning Scheme.

Of the 78 development applications determined during April 2009, consultation was undertaken for 18 of those applications. Applications for Residential Design Codes Variations determined as part of Building Applications are required to include comments from adjoining landowners. Where these comments are not provided, the application will become the subject of a planning application (R-Codes Variation). Of the 8 subdivision applications determined during April 2009, no applications were advertised for public comment, as the proposals complied with the relevant requirements

## COMMENT

Large local governments utilise levels of delegated authority as a basic business requirement in relation to Town Planning functions. The process allows determination times to be reasonably well accepted and also facilitates consistent decision-making in 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 and crosschecked in accordance with relevant standards and codes.

## ATTACHMENTS

Attachment 1 April 2009 – Decisions - Planning Applications (Development Applications & R-Codes Variations)

Attachment 2 April 2009 – Decisions – Building Applications (R-Codes Variations)

Attachment 3 April 2009 - Subdivision Applications Processed

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

### That Council NOTES:

- 1 The determinations made under Delegated Authority in relation to the development applications and R-Codes variations described in this report during April 2009;
- 2 The determinations made under Delegated Authority in relation to the subdivision applications described in this report during April 2009.

*Appendix 10 refers*

To access this attachment on electronic document, click here: [Attach10brf090609.pdf](#)

## **ITEM 13                      MINUTES OF THE CONSERVATION ADVISORY COMMITTEE HELD ON 29 APRIL 2009 – [12168]**

**WARD:** All

**RESPONSIBLE  
DIRECTOR:** Mr Martyn Glover  
Infrastructure Services

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### **PURPOSE**

To submit the unconfirmed minutes of the Conservation Advisory Committee to Council for noting.

### **EXECUTIVE SUMMARY**

A meeting of the Conservation Advisory Committee was held on 29 April 2009.

The item of business that was considered by the Committee was:

### **BUSHLAND VOLUNTEERS – [06812]**

*It is recommended that Council:*

- 1 *NOTES the unconfirmed minutes of the Conservation Advisory Committee held on 29 April 2009 forming Attachment 1 to this Report;*
- 2 *REQUESTS the City write to the Department of Education and Training to confirm that students aged fourteen and over participating in the “Give 20” Community Service Program outside school hours have insurance coverage.*

### **BACKGROUND**

The Conservation Advisory Committee (CAC) is a Committee that advises Council on issues relating to biodiversity and the management of natural areas within the City. The Conservation Advisory Committee meets on a bimonthly basis.

Committee membership comprises of four Councillors, a representative from each of the City's Bushland Friends' Groups and community members with specialist knowledge of biodiversity issues.

### **DETAILS**

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

The Motion carried at the Conservation Advisory Committee meeting held on 29 April 2009 is shown below, together with the officer's comments.

## **1 Bushland Volunteers – [06812]**

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

*"That the Conservation Advisory Committee considers the content of Report CJ059-03/09 Bushland Volunteers."*

The following motion was carried at the Committee meeting:

*"That the Conservation Advisory Committee:*

- 1 RECOMMENDS that Council approach the Department of Education and Training to confirm in writing the insurance coverage for students aged 14 years and over participating in the 'Give 20' Community Service Program attending outside of school hours;*
- 2 REQUESTS Council to seek a report on providing insurance for children aged under 16 years when assisting in City authorised activities in the City of Joondalup, arranged and supervised by Friends' Groups as a community Friends Group event;*
- 3 RECOMMENDS that Council requests that the approval by the City be based on a list of activities in a project area specified in the Friends' Group Annual Work Plan."*

### Officer's comment

#### **Motion 1**

The "Give 20 Community Service Program" will give valuable assistance to the City's Friends' Groups. This in turn will benefit the City in its endeavours to conserve and protect the City's valuable bushland. City officers support this motion.

#### **Motion 2**

The matter of insurance cover for young volunteers working in bushland reserves has been discussed at a number of CAC Meetings in recent years. A report titled Bushland Volunteers CJ059-03/09 was tabled at a meeting of Council held on 17 April 2009. The report stated "Children over sixteen are covered by the City's policy, while working in City reserves. The City has commenced discussions with its insurance brokers to consider the extension of this cover to younger children." It is important to point out that this insurance cover applies to a range of activities pertaining to the City (ie Joondalup Festival etc).

Discussions with the City's insurers have commenced. It is advised that until these discussions are completed, information pertaining to insurance cover for young volunteers is not tabled at future CAC Meetings, until an outcome is reached. It is suggested that the CAC's request for a report be declined.

#### **Motion 3**

Motion 3 can be linked to Motion 2. The Friends Groups' insurance cover eligibility to be based on a list of City approved bushland activities. As this Motion would pre-empt the outcomes of ongoing discussions with the City's insurers, it is the Officer's opinion that this Motion be declined by Council.

**Link to Strategic Plan:**

Key Focus Area: The natural environment

**2.1 Objective:**

To ensure that the City's natural environmental assets are preserved, rehabilitated and maintained.

**Strategies:**

2.1.1 The City finalises, implements and if necessary, aligns its Environmental Plan

2.1.7 The City protects local biodiversity through effective planning and natural areas

Outcome: The City's natural environmental assets are preserved for future generations.

**Legislation – Statutory Provisions:**

The Local Government Act 1995 allows a council to establish committees to assist a council to exercise the powers and discharge duties that can be delegated to a committee.

**Risk Management considerations:**

Not Applicable

**Financial/Budget Implications:**

Potential for an increase in insurance premiums, subject to the outcome of the investigation into the insurance of children under the age of sixteen and Councils support of the outcome.

**Policy implications:**

Not Applicable

**Regional Significance:**

Not Applicable

**Sustainability implications:**Environmental

Conservation Advisory Committee objective - "To make recommendations to Council for the Conservation of the City's natural biodiversity".

Social

To promote partnerships between the City and the Community to protect the City's natural biodiversity as contained within its various natural areas (bushland, wetlands and the coastal environment).

**Consultation:**

The Conservation Advisory Committee provides a forum for community consultation and engagement on natural areas.

**COMMENT**

The City has already committed to investigate the insurance of children under the age of sixteen. It is not necessary for further direction from Council in this area.

**ATTACHMENTS**

Attachment 1          Minutes of the Conservation Advisory Committee Meeting held on 29 April 2009

**VOTING REQUIREMENTS**

Simple majority

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

- 1   NOTES the unconfirmed minutes of the Conservation Advisory Committee held on 29 April 2009 forming Attachment 1 to this Report;**
- 2   REQUESTS the City write to the Department of Education and Training to confirm that students aged fourteen and over participating in the “Give 20” Community Service Program outside school hours have insurance coverage;**
- 3   DECLINES the Conservation Advisory Committee’s requests for a report pertaining to insurance cover for young volunteers until an outcome is reached;**
- 4   DECLINES the Conservation Advisory Committee’s request for Friends Groups’ insurance cover eligibility to be based on a list of City approved bushland activities.**

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf090609.pdf](#)*

## **ITEM 14                      HODGE COURT, MARMION – AMENDMENT TO PARKING SCHEME – [39591]**

**WARD:**                      South

**RESPONSIBLE**              Mr Martyn Glover  
**DIRECTOR:**              Infrastructure Services

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### **PURPOSE**

To consider the amendment of the City of Joondalup Parking Scheme in Hodge Court, Marmion.

### **EXECUTIVE SUMMARY**

The City is seeking to amend the current approved parking restriction in Hodge Court, Marmion, to assist in improving the amenity of the street and reduce the opportunity for illegal parking at this location.

*It is recommended that Council APPROVES the installation at Hodge Court, Marmion of 'NO STOPPING 8.15am-9.15am & 2.30pm-4pm CARRIAGEWAY OR VERGE' Mon- Fri' as shown in Attachment 3 to this Report.*

### **BACKGROUND**

The City received a petition from the residents of Hodge Court, Marmion regarding persistent parking problems associated with parents dropping off and picking up children attending Marmion Primary School.

Council at its Meeting on 28 August 2001 resolved:

*“that the petition regarding persistent parking problems in Hodge Court, Marmion, in relation to parents dropping off/picking up children attending Marmion Primary School be received and referred to the appropriate Business Unit for action.”*

### **DETAILS**

In response to the petition from the residents of Hodge Court, the City trialled an alternative solution in the form of an additional yellow “No Stopping” line on the roadway to accompany the existing Council approved “No Parking” area as shown in attachment 2.

As previously outlined in this report, no follow up investigation was carried out to determine the most appropriate parking prohibition solution to address the residents concerns. As a result, the City is faced with the problem of having two separate parking restrictions which contradict each other and are not enforceable under the City’s Parking Local Laws 1998. To resolve this situation, the City consulted the residents of Hodge Court, Marmion, to determine the most appropriate and effective parking restriction at this location

A site inspection confirmed that adequate parking is available adjacent to the school along the non-residential sides of Cliverton Court, Radbourne Street and Telford Street, Marmion. These alternative parking options are sufficient to cater for the volume of traffic and are supported by the City as the most appropriate locations for the safe transition of students and parents attending Marmion Primary School.

During the field investigation, it was noted that the opportunity for illegal parking and parking congestion was more prevalent during the afternoon school pick up times. It is therefore recommended that the afternoon restricted period be extended to include; “NO STOPPING” Carriageway or Verge 8.00am-9.00am 2.30pm – 4.00pm Mon-Fri.

The proposal to extend the restricted times in the afternoon will improve the amenity of the street and reduce the opportunity for illegal parking at this location.

#### **Link to Strategic Plan:**

The consideration of parking prohibition schemes is consistent with the following objectives and strategies from the City of Joondalup’s Strategic Plan 2008-2011:

2.2 OBJECTIVE: To engage proactively with the community and other relevant organisations in the preservation of the City’s natural environmental assets.

2.2.4 The City will promote and support sustainable transport opportunities.

#### **Legislation – Statutory Provisions:**

The City of Joondalup Parking Local Law 1998 was made in keeping with the requirements of the Local Government Act (1995):

*33 The local government may by resolution constitute, determine, vary and indicate by signs:*

- (a) Prohibitions;*
- (b) Regulations; and*
- (c) Restrictions,*

*on the parking and stopping of vehicles of a specified class or classes in all roads, specified roads or specified parts of roads in the parking region at all time or at specified times, but this authority shall not be exercised in a manner inconsistent with the provisions of this local law or any other written law.*

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

Not Applicable

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

The cost to erect the necessary signage is approximately \$1050. Sufficient funds exist in the maintenance operational budget for this work to occur.

#### **Policy implications:**

Not Applicable

**Regional Significance:**

Not Applicable

**Sustainability implications:**

Not Applicable

**Consultation:**

In order to determine the views of residents regarding the suggested amendment to the parking prohibition, owners of properties in the area were consulted. Correspondence and consultation feedback forms were sent to the eleven residents affected by the current parking restriction, including two (2) options for consideration, which are outlined as follows;

- 1 “No Parking” Carriageway or Verge 8.00am - 9.00am 3.00pm - 4.00pm Mon-Fri
- 2 “No Stopping” Carriageway or Verge 8.00am - 9.00am 3.00pm - 4.00pm Mon-Fri

Please note the following definitions as outlined in the Road Traffic Code 2000:

***No parking signs***

A driver shall not stop on a length of carriageway or in an area to which a “no parking” sign applies, unless the driver is:-

- (a) dropping off, or picking up, passengers or goods;
- (b) does not leave the vehicle unattended; and
- (c) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.

***No stopping signs***

A driver shall not stop on a length of carriageway, or in an area, to which a “no stopping” sign applies.

The City received nine responses as a result of the consultation process, which represents an 82% response rate. Of the nine responses received, nine residents supported the installation of a ‘No Stopping’ area. However, two additional comments were received from residents suggesting that the ‘No Stopping’ restriction should restrict parking on the carriageway at all times and another resident suggested that the times of restrictions should be between 8.15am -9.15am, rather than 8am - 9am, as school commences at 8.45am.

**COMMENT**

The proposal to amend the parking restrictions along Hodge Court (as per Attachment 3) will assist in improving the amenity of the street and reduce the opportunity for illegal parking at this location.

**ATTACHMENTS**

- |              |  |
|--------------|--|
| Attachment 1 | Aerial Photo of site location                        |
| Attachment 2 | Existing Parking Restrictions – Hodge Court, Marmion |
| Attachment 3 | Proposed Parking Restrictions – Hodge Court, Marmion |

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council APPROVES the installation at Hodge Court, Marmion of 'NO STOPPING 8.15am-9.15am & 2.30pm-4pm CARRIAGEWAY OR VERGE' Mon- Fri' as shown in Attachment 3 to this Report.**

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf090609.pdf](#)*

## **ITEM 15                      PROPOSED AMENDMENT NO 44 TO DISTRICT PLANNING SCHEME NO. 2 – ARNISDALE ROAD, DUNCRAIG – [14626]**

**WARD:** South

**RESPONSIBLE  
DIRECTOR:** Mr Clayton Higham  
Planning and Community Development

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### **PURPOSE**

The purpose of this report is for Council to consider submissions received during the public advertising of proposed Amendment No 44 to District Planning Scheme No 2 (DPS2), and to decide whether to adopt the amendment as final.

### **EXECUTIVE SUMMARY**

A petition from 19 owners/residents of Arnisdale Road was received on 27 October 2008 requesting Council protect the amenity of the remaining residential properties in Arnisdale Road, Duncraig from the intrusion on non residential land uses such as consulting rooms.

Following consideration of the options available, Council on 17 February 2009 resolved to initiate advertising of Amendment No 44. The amendment proposes to insert Lots 256 to 277, 369, 372 and 374 to 376 Arnisdale Road, Lot 255 (1) Grenfell Avenue, Duncraig and Lot 264 (3) Dinroy St into Section 2 of Schedule 2 within the DPS2. This would have the effect of restricting the use of these properties to residential and home business uses only, thereby excluding their use as medical consulting rooms.

The proposed amendment was advertised for a period of 42 days and 12 submissions were received, comprising 7 submissions of support, 1 objection, 1 no objection, 2 no objections from service authorities, and 1 submission with comments of both support and objection.

One submission objects to the inclusion of the submitter's property in the amendment. Noting the location of this particular property and the submitters comments, it is recommended that Council adopts Amendment No 44 to DPS2, however, removes Lot 369 (No. 46) as well as Lot 372 (No. 40) Arnisdale Road, from the amendment.

### **BACKGROUND**

A 19 signature petition from owners/residents of Arnisdale Road was received on 27 October 2008 requesting Council to consider taking action to protect the amenity of the remaining residential properties in Arnisdale Road, Duncraig, from the intrusion of non residential land uses such as consulting rooms. The location of the existing consulting rooms, medical centres, hospital and petitioners are shown in Attachment 1.

A report on the petition was presented to Council on 17 February 2009 (report CJ023-02/09 refers) outlining various options for considering the petitioners' concerns. Council resolved to initiate advertising of Amendment No 44 for a period of 42 days to restrict the further development of consulting rooms in Arnisdale Road.

The subject sites are zoned Residential under DPS2.

## DETAILS

Amendment No 44 (Attachment 2) proposes that the lots shown below would be restricted to the following uses:

- Single House – ‘P’,
  - Grouped Dwelling – ‘D’,
  - Ancillary Accommodation – ‘D’,
  - Aged or Dependent Persons Dwelling – ‘D’,
  - Home Business – Category 1 – ‘P’,
  - Home Business – Category 2 – ‘D’
- (P = Permitted, D= Discretionary)



### Issues and options considered:

The options available to Council in considering the proposal are:

- Adopt the proposed amendment;
- Adopt the proposed amendment, with modification; or
- Not adopt the proposed amendment.

In all the above options, the proposal is forwarded to the Western Australian Planning Commission (WAPC) for the Minister for Planning's determination.

### Link to Strategic Plan:

Not applicable

### Legislation – Statutory Provisions:

Part 5 of the Planning and Development Act 2005 enables local authorities to amend a Town Planning Scheme and sets out the process to be followed. Council supported the initiation of the proposed amendment for the purpose of public advertising at its meeting of 16 December 2008. The proposed amendment was then referred to the Environmental Protection Agency (EPA) for its comment. The EPA decided that a formal review of the amendment was not required.

Upon closure of the advertising period, Council is to consider all submissions received during the advertising period and resolve to either adopt the amendment, with or without modifications, or refuse to adopt the amendment. The decision is then forwarded to the 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 to grant approval for the amendment.

Council's consideration of submissions is required within 42 days of the close of submissions.

**Risk Management considerations:**

Not applicable.

**Financial/Budget Implications:**

Not applicable.

**Policy implications:**

Not applicable.

**Regional Significance:**

Not applicable.

**Sustainability implications:**

Not applicable.

**Consultation:**

The proposed scheme amendment was advertised for public comment for a period of 42 days, closing on 27 May 2009. A notice was placed in the local newspaper, and letters were sent to the affected landowners advising of the proposed amendment. A notice was also placed on the City's website.

A total of 12 submissions were received, comprising 7 submissions of support, 1 objection, 1 no objection, 2 no objections from service authorities, and 1 submission with comments of both support and objection.

Copies of the submissions have been placed in the Councillors reading room. The schedule of submissions is provided in Attachment 3.

**COMMENT**

Submissions

The majority of the submitters were in support of the amendment, with parking and traffic being their main concern. The submissions stated that the parking and traffic situation will worsen if additional consulting rooms are permitted along the street and are therefore in support of the amendment to prevent this from occurring.

Of note, only one response (objection) was received from an owner of a property that is directly affected by the proposed amendment (ie whose property forms part of the amendment). All the remaining responses were either from service authorities or owners of properties in Arnisdale Road and surrounds whose properties are not included in the amendment.

#### No. 46 Arnisdale Road

The letter of objection is from owners who have a property that is already situated between existing consulting rooms. The objectors believe the amendment will reduce the value of their property as they are already impacted by an accumulation of consulting room uses within close proximity, and this would therefore lessen the appeal for a residential buyer. In addition, the amendment would mean that their property could not be used for medical consulting rooms.

Although the property values are not a planning argument, it does appear reasonable to consider removing No. 46 Arnisdale Road from the Scheme Amendment. This is on the basis that consulting rooms are already located on either side of the property, and therefore any use of No 46 for consulting rooms is unlikely to have an amenity impact on the existing consulting rooms. The intent of the proposed amendment is unlikely to be affected by the removal of this property.

#### No. 40 Arnisdale Road

It is also noted that No 40 Arnisdale Road is currently a residential property located between medical consulting rooms. The owners/residents of the property did not sign the original petition, and did not make a submission on the proposed amendment. As with No 46, it is considered appropriate that this property also be excluded from the proposed amendment as there is no benefit gained for the existing residents, and should a medical consulting room be proposed on the site, there is unlikely to be any amenity impacts on the existing consulting rooms.

The owners were contacted by the City, and have confirmed their support for their property to be excluded from the amendment.

In the event that No 40 or No 46 are removed from the amendment, and are proposed to be used as consulting rooms in the future, the issue for parking and traffic generation, as noted by submitters in support of the amendment, would still need to be addressed as part of the proposal. Potential amenity impacts on rear adjoining residential owners would also need to be considered.

#### Glengarry Hospital

A submission on the amendment was received from Glengarry Hospital, supporting some protection of the residential area, but requesting that the 6 lots west of Dinroy Street be excluded from the Scheme Amendment. Given there are 4 existing residential dwellings adjacent to each other, west of Dinroy Street, it is considered appropriate to protect the residential amenity of these properties. However as stated above, it is recommended to remove street numbers 40 and 46 from the Scheme Amendment.

### Conclusion

With the exception of one objection, the advertising of the proposed amendment has not raised any issues that would warrant consideration of not proceeding with the amendment. However, as discussed above, the removal of two properties from the amendment is considered appropriate. As the intent of the amendment is to prevent the further intrusion of non-residential uses into the existing residential areas, the proposed removal of these two properties is unlikely to significantly alter this intent. Therefore, re-advertising of the proposal is not considered to be warranted.

It is recommended that the proposed amendment be adopted with modification, that modification being the deletion of Lot 369 (No 46) and Lot 372 (No 40) Arnisdale Road, Duncraig, from the properties to be included in the amendment.

### **ATTACHMENTS**

Attachment 1 Location Map including location of submitters

Attachment 2 Scheme Amendment Maps (as initiated by Council on 17 February 2009)

Attachment 3 Schedule of Submissions

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

#### **That Council:**

- 1 Pursuant to Town Planning Regulations 17(2) ADOPTS Amendment No 44 to the City of Joondalup's District Planning Scheme No. 2, with modification, being the removal of Lot 369 (No 46) and Lot 372 (No 40) Arnisdale Road, Duncraig, from the Amendment;**
- 2 AUTHORISES the affixation of the Common Seal and to endorse the signing of the amendment documents;**
- 3 NOTES the submissions received and advises the submitters of Council's decision;**
- 4 REFERS the Scheme Amendment No 44 and Council's decision to the Western Australian Planning Commission for determination.**

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf090609.pdf](#)*

## **ITEM 16                      PROPOSED AMBULANCE STATION AT RESERVE 36696 (60) SHENTON AVENUE JOONDALUP – [00109] [89627]**

**WARD:** North

**RESPONSIBLE  
DIRECTOR:** Mr Clayton Higham  
Planning and Community Development

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### **PURPOSE**

To request Council's determination for an application for planning approval for the proposed Ambulance Station at Reserve 36696 (60) Shenton Avenue, Joondalup.

### **EXECUTIVE SUMMARY**

The applicant proposes to construct an Ambulance Station consisting of a single storey, ten bay ambulance garage, and a two storey training building on the subject site which is within the Joondalup City Centre Development Plan and Manual (JCCDPM) area and subject to the provisions of the 'City North' Precinct.

The proposal generally meets the requirements of the City of Joondalup District Planning Scheme No.2 (DPS2) and the JCCDPM with the exception of the amount of ground floor glazing required on the façade addressing the street frontage (Lakeside Drive).

A total of five submissions were received as part of the public consultation process. Four of these were letters stating no objection, and one was an objection to the proposal. The objection raised concerns regarding the retention of the existing vegetation on site.

The proposed development is consistent with the type of development that is desirable in the City North precinct. It is considered the proposed development is appropriate and compatible with nearby existing medical uses and will not have an adverse impact on adjoining and nearby properties.

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

### **BACKGROUND**

|                         |  |
|-------------------------|--|
| <b>Suburb/Location:</b> | 60 (Reserve 36696) Shenton Avenue, Joondalup               |
| <b>Applicant:</b>       | Project Directors Australia Pty Ltd                        |
| <b>Owner</b>            | Minister for Health  |
| <b>Zoning:</b>          | <b>DPS:</b> Centre   |
|                         | <b>MRS:</b> Central City Area                              |
| <b>Site Area:</b>       | 13.93 hectares   |
| <b>Structure Plan:</b>  | Joondalup City Centre Development Plan and Manual (JCCDPM) |

The development site is located at 60 Shenton Avenue, Joondalup and is known as the Joondalup Health Campus (JHC). The lot has an area of 13.93 hectares and is zoned 'Centre' under DPS2. The JHC is located within the "City North Precinct" of the Joondalup City Centre and is designated for "Medical Uses" under the JCCDPM.

The proposed development is to be located in the north east corner of the site. Yellagonga Regional Park is to the east of the subject site, on the opposite side of Lakeside Drive and there is existing residential development along Upney Mews, to the north of the site.

At its February 2008 meeting, Council conditionally approved an application for alterations and additions to the JHC which includes various new buildings and parking areas. In the report to Council in February 2008, the Ambulance Station was noted as being part of the future development of the site along with a child care centre and private mental health facility.

## DETAILS

The proposed development includes the following:

- A two storey building which includes two training rooms, a tea room, office and storage areas on the ground floor and a crew room and rest facilities on the upper floor;
- A ten bay ambulance garage;
- 60 car parking bays (including 2 disabled parking bays); and
- Associated signage.

The building is to be constructed from coloured precast concrete walls, and will have a colourbond roof, glazed aluminium windows and metal shade awnings. The St John's insignia will be affixed to the building and the trademark red will be used as the feature colour of the building to distinguish from the surrounding institutional uses.

The development plans are provided in attachment 2.

## Car parking

As a car parking standard is not prescribed in the JCCDPM for Institutional Uses and DPS2 does not have a use class or a car parking standard for an Ambulance Station it is proposed that a standard of one (1) bay per student and one (1) bay per staff member be applied as set out in the table below.

| Proposed Use   | Required by DPS2                 |
|--|----------------------------------|
| Ambulance Station<br>1 bay per student accommodated plus 1 bay per staff member. | 39 student bays<br>22 staff bays |
| Total required:  | 61 bays                          |
| Total Provided :   | 61 bays                          |

The applicant has indicated a total of sixty one (61) car parking bays have been provided on site, of which twenty (20) of the car parking bays provided are intended for staff and will be located within a secure area located on the southern side of the building. A further two (2) bays will be allocated to training staff and the remaining thirty nine (39) bays, including 2 disabled parking bays have been allocated for visitor use.

The applicant states in their submission that the car parking provided is deemed to be adequate to accommodate the expected number of staff, students or other visitor's onsite without needing to rely on the car parking provided for the other institutional uses on the remainder of the JHC site.

**Issues and options considered:**

Council has the discretion to:

- Approve the application;
- Approve the application with conditions; or
- Refuse the application

**Link to Strategic Plan:**

The proposal is consistent with objective 4.1 of the City of Joondalup Strategic Plan 2008-2011 – to ensure high quality urban development within the City.

**Legislation – Statutory Provisions:**

The proposed development includes variations to the requirements of the Structure Plan. Clause 4.5 of DPS2 allows for these variations to be considered.

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

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

**4.8 CAR PARKING STANDARDS**

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

*irrespective of the development proposed in cases where it considers this to be appropriate.*

The matters listed under Clause 6.8 require consideration:

#### **6.8 MATTERS TO BE CONSIDERED BY COUNCIL**

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

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

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

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

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

Not Applicable.

#### **Policy implications:**

Not Applicable.

#### **Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

The proposal was advertised for public comment from 16 April 2009 to 14 May 2009. Two signs were placed on-site and an advertisement inviting public comment was placed in the local newspaper for three consecutive weeks. Letters advising of the proposal were also sent to properties in the immediate locality.

During this consultation period 5 submissions were received. The submissions were comprised of 4 letters stating no objection to the proposal and one objection to the proposal.

The objection received was in regard to the retention of existing vegetation on site.

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

The site is located within the 'City North' area of the JCCDPM and is identified as being suitable for 'Medical' uses.

As the subject site is set aside for medical uses under the JCCDPM, Council is not required to follow the procedures set out in Clause 3.3 of DPS2 and determine whether the proposed use is appropriate in this instance.

There is an existing Ambulance Station on the subject site; however there is a need to relocate the facility to allow for previously approved additions and alterations to the existing JHC. As the surrounding Institutional uses are of a medical nature it is considered appropriate to maintain the Ambulance station in close proximity to these complementary uses.

Vehicle access to the facility is primarily provided from Lakeside Drive however it is indicated the existing access to the Emergency Department is still to be provided from Shenton Avenue.

Design variations to JCCDPM

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

- Glazing of Lakeside Drive Façade

The JCCDPM requires at least 50% of the ground floor of the street facing facade to be glazed, and the horizontal dimension of this glazing to comprise 75% of the width of the building frontage. The eastern façade facing Lakeside Drive consists of a total 3% glazing, with this being approximately 8% of the width of the façade. Whilst this is substantially less than the required 50% total glazing and 75% horizontal glazing dimension, it is considered appropriate, based on the nature of the building and its institutional use as well as the location of the proposed building.

The proposal is consistent with the concepts of 'Crime Prevention Through Environmental Design' (CPTED), as surveillance is provided from both upper and lower windows over the car park and Lakeside Drive frontage.

The JCCDPM also encourages all windows to be close to or at floor level. The sill height of the windows, at approximately 1 metre above the ground level, is considered to be acceptable.

#### Retention of vegetation

During the consultation period, a comment was received relating to retention of the existing vegetation on site. When Council issued its determination in February 2008 for the previous additions and alterations to the JHC a condition was imposed, in addition to the requirement for a landscaping plan, to require existing verge vegetation along Lakeside Drive to be retained and protected during the construction of the development.

As with that approval, it is recommended that a condition of approval for this development be that the existing vegetation along Lakeside Drive to be protected and retained, and for a landscaping plan, including a survey of existing vegetation, to be submitted for approval by the City.

#### Noise

It is considered that relocation of the Ambulance Station will not create a greater impact on the adjoining residential properties by way of noise, than what is currently experienced.

The applicant has indicated that the ambulance sirens are only used on Priority One (life endangered) call outs. Ambulance movements from the garage through the residential streets is undertaken with minimal disruption unless traffic conditions dictate otherwise. It is the general practice for ambulances that sirens are not activated until on a main arterial road.

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

The applicant has indicated that the principles of the State Government's CPTED, or Designing Out Crime Planning Guidelines have been used to ensure the appropriate levels of security and control are maintained at the JHC (including the St John Ambulance Station). It is considered that the ground floor glazing as discussed above will satisfy the requirements for surveillance to the car parking area, particularly when coupled with surveillance from upper floor windows. This will help to discourage antisocial behaviour occurring on the site.

Furthermore, it is recommended that the car park be adequately illuminated at night, and that a lighting plan be submitted to the City for approval that indicates in more detail how this area will be lit to discourage antisocial behaviour.

#### Car Parking

The proposed car parking standard for the development of one (1) bay per student plus one (1) bay per staff member is considered to be appropriate based on the proposed use of the facility.

This standard is proposed as the ambulance station has the capacity to accommodate ten ambulances and it is anticipated there will be two staff members per ambulance. Additionally the applicant indicated thirty nine (39) bays would be sufficient for the number of students expected for training.

It is expected that during normal business hours the facility may be at full capacity for staff and students training and working on site and car parking demand would be at its highest even with the option for the use public transport. Further still there is potential for evening training sessions to be provided when transport alternatives may not be available and as there is already a high demand for car parking for the surrounding institutional uses it is considered appropriate to require one bay per staff member and one bay per student. This would ensure the facility can be used to full potential without impacting on parking for either staff or students and relying on parking provided elsewhere on site.

### Conclusion

The proposed development complies with the requirements of the JCCDPM with the exception of the amount of façade glazing, as discussed above.

The subject site is an appropriate and acceptable location for the development of a new Ambulance Station given the proximity of the facility to the Hospital and considering it is replacing an existing Ambulance Station currently located on Shenton Avenue.

The proposed Ambulance Station will contribute to the existing medical uses on the site and assist in creating an active frontage to Lakeside Drive.

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

### **ATTACHMENTS**

Attachment 1: Location Plan

Attachment 2: Development Plans

Attachment 3: Plan of submitters

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

#### **That Council:**

**1 EXERCISES discretion under Clause 4.5 of the City of Joondalup District Planning Scheme No.2 and determines that:**

- (a) the eastern ground floor facade having an overall area of 3% glazing, in lieu of 50%;**
- (b) the eastern ground floor façade having 8% of its horizontal dimension glazed in lieu of 75%,**

**is appropriate in this instance.**

**2 Having regard to Clause 4.8.2 of the City of Joondalup District Planning Scheme No 2, DETERMINES that:**

- (a) The car parking standard for the use “Ambulance Station” shall be one (1) car parking bay per student plus one (1) bay per staff member on duty.**

- 3 APPROVES the application for planning approval, dated 3 March 2009, submitted by Project Directors Australia Pty Ltd on behalf of the owners, Minister for Health, for an Ambulance Station at Reserve 36696 (60) Shenton Avenue, Joondalup, subject to the following conditions:**
- (a) All existing verge vegetation, particularly vegetation along Lakeside Drive, shall be retained and protected during construction of the development;**
  - (b) The lodging of detailed landscaping plans, to the satisfaction of the Manager Planning, Approvals and Environmental Services, for the development site with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges, to be shown on the landscaping plan;**
  - (c) Landscaping, reticulation and all verge treatment is to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services;**
  - (d) The car parking area shall be provided with one shade tree for every four 4 bays prior to the development first being occupied. The trees shall be located within tree wells protected from damage by vehicles and maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services;**
  - (e) All fencing to be designed and constructed in accordance with Clause C9.1 - City North Guidelines in the Joondalup City Centre Plan and Manual and thereafter be maintained to the satisfaction of the City;**
  - (f) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS/NZS2890.1-2004). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services prior to the development first being occupied. These works are to be done as part of the building programme;**
  - (g) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the Manager Infrastructure Services prior to the commencement of construction;**
  - (h) Staff and visitor car parking bays are to be clearly marked and signposted to the satisfaction of the Manager Planning, Approvals and Environmental Services;**
  - (i) Any roof mounted or freestanding plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site;**

- (j) The parking area shall be artificially illuminated at night. A lighting plan detailing all pole and fixture positions, lux levels and light spillage shall be submitted with the Building Licence Application for approval of the Manager Planning, Approvals and Environmental Services;
- (k) A waste management plan is to be submitted to the City prior to the issue of a building licence to the satisfaction of the Manager Planning, Approvals & Environmental Services;
- (l) The walls are to be coated with non sacrificial anti- graffiti coating to the satisfaction of the Manager Planning, Approvals & Environmental Services;
- (m) The pylon sign does not form part of this approval.

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14brf090609.pdf](#)*

## **ITEM 17                      PROPOSED MEDICAL CENTRE (CHANGE OF USE FROM RECREATION CENTRE) AT LOT 672 (9) PERILYA ROAD, CRAIGIE – [02062]**

**WARD:** Central

**RESPONSIBLE  
DIRECTOR:** Mr Clayton Higham  
Planning and Community Development

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This application has been amended since it was originally lodged and subsequently advertised for public comment. The original proposal included a car parking shortfall of 53%, however, significant modifications to the application have resulted in a surplus of two car parking bays. The proposed change of use is in all respects now compliant with the requirements of the City of Joondalup District Planning Scheme No. 2'.

### **PURPOSE**

To request Council's determination of an application for a proposed medical centre (change of use from recreation centre) at AMF Craigie Bowl located at 9 Perilya Road, Craigie.

### **EXECUTIVE SUMMARY**

The applicant proposes to convert the existing AMF Craigie Bowl into a medical centre, comprising a shared reception and administration area, various treatment/consulting rooms, a chemist, and staff car parking area. Proposed external modifications to the building include the addition of windows and doors, minor repairs, repainting, and rejuvenation of landscaping. The existing car parking layout is also proposed to be modified.

The applicant originally proposed a total of 25 medical practitioners operating from the medical centre, and a 53% shortfall in car parking bays provided on site. A total of 29 submissions were received as part of the consultation process for the original proposal, with 27 being objections and two in support of the proposal. The submissions received primarily raised concerns regarding inadequate supply of car parking, and the future viability of existing health services within the surrounding area.

Following discussions with the applicant, an amended proposal was received that provided additional car parking bays, and reduced the number of medical practitioners (including general practitioners, specialist practitioners, radiologist, physiotherapist, dentist, and any other medical staff generating their own independent patient load i.e. in some cases, nurses) operating from the medical centre at any one time to 17. The amended proposal provides a surplus of two car parking bays and is compliant with all other aspects of the City of Joondalup District Planning Scheme No. 2 (DPS2).

The proposed development is consistent with the objectives of the Business Zone and is appropriate to the site. No significant adverse effect will result from the proposed development on any neighbouring property or the area generally.

It is recommended that the application be approved with conditions.

## BACKGROUND

|                         |                                  |
|-------------------------|----------------------------------|
| <b>Suburb/Location:</b> | 9 Perilya Road, Craigie          |
| <b>Applicant:</b>       | SJB Town Planning & Urban Design |
| <b>Owner:</b>           | Idameneo (No 123) Pty Ltd        |
| <b>Zoning:</b>          | <b>DPS:</b> Business             |
|                         | <b>MRS:</b> Urban                |
| <b>Site Area:</b>       | 6026.7m <sup>2</sup>             |
| <b>Structure Plan:</b>  | Not Applicable                   |

The subject site is located on the northern side of Perilya Road. In the immediate locality, the site is adjoined by Craigie Plaza Shopping Centre to the east, a vacant lot zoned Civic and Cultural and owned by the City to the west, and existing residential dwellings on the southern side of Perilya Road. Further to the east fronting Eddystone Avenue is the Craigie Tavern and an eight unit Grouped Dwelling development.

The surrounding area is predominantly residential, with the exception of a child care centre and dentist surgery located on Eddystone Avenue (refer Location Plan – Attachment 1). It is noted that the closest medical centre to the subject site is the Beldon Medical Centre located approximately 1.6 kilometres away, also on Eddystone Avenue.

The site is accessible via two existing crossovers off Perilya Road at either end of the site. A car parking area located along the southern and western boundaries of the site currently provides for a total of 72 car parking bays, two of which are disabled bays. A portion of the car parking area located toward the north-western corner of the site (affecting 12 bays), encroaches into the adjoining City of Joondalup owned vacant lot (refer Aerial Site Plan – Attachment 1).

## DETAILS

The applicant proposes to convert the existing ten-pin bowling centre to a medical centre which will include facilities for a total of 23 medical practitioners as outlined below. This application seeks to have a maximum of 17 of these practitioners operating at any one time, supported by ancillary nursing and administration staff.

The 23 practitioners are comprised of:

- 17 general practitioners;
- 3 specialists;
- 1 radiologist;
- 1 physiotherapist;
- 1 dentist; and
- 1 pharmacist

The total floor area of the proposed medical centre is 1656m<sup>2</sup>. Of the proposed total floor area, 100m<sup>2</sup> is proposed to be utilised for a chemist. The remaining area comprises 17 consulting rooms for general practitioners, three specialist consulting rooms; a separate ECG and treatment area comprising four beds; a separate physiotherapy area comprising three beds; a radiology area for x-rays, ultrasounds, and CT scanning, as well as a dental clinic comprising three dental surgery rooms. The medical centre also provides for staff toilets, public toilets, a laundry, and staffroom, as well as waste and storage areas.

Hours of operation for the medical centre are proposed to be Monday to Sunday (inclusive) from 7.00am to 10.00pm.

Existing landscaped areas will be retained and rejuvenated, while the exterior of the existing building will be renovated through the addition of windows and doors, as well as re-painting and minor repair work.

Presently, 72 car parking bays are provided on site. However, the existing car parking layout is proposed to be modified to eliminate the aforementioned encroachment of car parking bays into the adjoining City of Joondalup owned land. This will occur by removing the affected 12 perpendicular car parking bays and replacing them with 5 parallel car parking bays.

The applicant has also advised that the current car parking layout is not in accordance with *Australian Standard AS2890.1 - 2004, Parking Facilities, Part 1: Off-street car parking*, and that if the layout were to be modified to meet the requirements of the aforementioned standard, four car parking bays would be lost due to the widening of existing bays, the addition of a third disabled bay, and the requirement for a single bay at the end of the dead end aisle to be utilised for the manoeuvring of vehicles.

Accordingly, the number of car parking bays available on site for the purpose of the following assessment is 61. In addition to this number, the applicant proposes to create an additional 33 bays, 29 of which will be located within the existing building, such that the total number of car parking bays proposed by the applicant is 94.

The following table summarises the assessment of the proposal in accordance with the requirements of DPS2:

| Standard                           | Required   | Proposed                        | Complies |
|------------------------------------|--|---------------------------------|----------|
| Front Setback                      | 6m   | 19.5m                           | Yes      |
| Side Setback<br>(eastern boundary) | Compliance with<br>BCA<br>(Nil setback<br>permitted)   | 4.69m                           | Yes      |
| Side Setback<br>(western boundary) | Compliance with<br>BCA<br>(Nil setback<br>permitted)   | 3.04m                           | Yes      |
| Rear Screen Wall                   | 1.8m high where<br>adjoining residential<br>properties | 1.8m high rear<br>boundary wall | Yes      |
| Landscaping                        | 8%   | 9.7%                            | Yes      |

#### Car Parking:

| Description           | Size                               | Parking Rate                         | Parking Requirement |
|-----------------------|------------------------------------|--------------------------------------|---------------------|
| Medical Practitioners | 17 Practitioners at any given time | 5 car bays per practitioner          | 85                  |
| Chemist               | 100m <sup>2</sup>                  | 7 car bays per 100m <sup>2</sup> NLA | 7 bays              |
| <b>TOTAL REQUIRED</b> |                                    |                                      | <b>92 bays</b>      |
| <b>TOTAL PROVIDED</b> |                                    |                                      | <b>94 bays</b>      |

The proposal provides for a surplus of two car parking bays.

The development plans are provided in Attachment 2.

**Issues and options considered:**

Council has the discretion to:

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

**Link to Strategic Plan:**

Not Applicable.

**Legislation – Statutory Provisions:****4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS**

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

The matters listed under Clause 6.8 require consideration:

**6.8 MATTERS TO BE CONSIDERED BY COUNCIL**

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

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

**Risk Management considerations:**

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

**Financial/Budget Implications:**

Not Applicable.

**Policy implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

The original proposal was advertised for public comment for a period of 21 days. A sign was erected on the road verge adjacent to the subject site and advertisements were placed in the Joondalup Weekender on 16, 23, and 30 October 2008. Advertising closed on 6 November 2008.

A total of 29 responses were received, being 27 objections and 2 submissions of support.

Of the submissions in support of the development, one was from a resident expressing general support of new development on the subject site, while the second submission expressed a critical need for a medical centre in Craigie. It is noted that the latter submitter later lodged an objection to the development upon hearing that the proposed medical centre includes a chemist.

Additionally, it is noted that 9 of the submissions of objection received were from business owners within the adjoining Craigie Plaza Shopping Centre, while all of the remaining objections were received from medical practitioners, dentists and chemists, not located within the locality of the subject site.

Objections to the proposed development raised two key concerns as follows:

- The inadequate number of car parking spaces proposed and the impact of resulting traffic and overflow parking demand on the surrounding area.
- The impact that the proposed medical centre will have on the continuing viability of existing dental, physiotherapy, and medical practices within the immediate area and neighbouring suburbs, given that the area is currently well serviced by health practitioners.

Attachment 3 provides a diagram indicating where submissions were received from.

The impact of the proposed car parking shortfall has been addressed through the amended proposal which provides for a surplus of two car parking bays. In response to the second key concern listed above, it is noted that the impact of the proposal on the viability of nearby competing businesses is not a material planning consideration and cannot be considered as part of the assessment for this development.

The proposal was not re-advertised following lodgement of an amended proposal on 25 February 2009 that included a reduced number of practitioners and chemist floor area, as well as the addition of 33 car parking bays. The proposal was also not re-advertised following lodgement of an amended proposal on 7 May 2009 that included the removal of two general practitioner consulting rooms and modification of the existing car parking layout that resulted in the removal of 12 perpendicular bays, and their replacement with 5 parallel bays. Re-advertising was not deemed necessary in either instance as the amendments were not a significant departure from the original application, and a car parking surplus of two bays is now proposed, rather than a shortfall.

## COMMENT

### Land Use

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.*

Medical Centre is a permitted use within the Business Zone and the proposal meets the above objectives. The proposed use is compatible with and complementary to surrounding land uses.

### Parking

As discussed above, the site currently provides 72 car parking bays. With modification of the existing layout to achieve compliance with AS2890.1 – 2004 the existing layout provides 68 car parking bays. With further modification of the existing layout to remove the encroachment of 12 perpendicular car parking bays to the adjoining City of Joondalup owned vacant lot by replacing them with 5 parallel bays, the layout provides for 61 car parking bays.

In addition to the existing car parking supply, the applicant has proposed to modify a large portion of the northern end of the existing building on site to provide an additional 33 car parking bays. Of these bays, 29 will be provided within the existing building, with a further four car parking bays located in the north-eastern corner of the site. In addition to the existing car parking bay supply, these modifications provide a total of 94 car parking bays on site.

The applicant has proposed a maximum of 17 medical practitioners (including general practitioners, specialist practitioners, radiologist, physiotherapist, dentist, and any other medical staff generating their own independent patient load i.e. in some cases, nurses) operating from the site at any one time. As proposed, the application provides for a surplus of 2 car parking bays.

It is appreciated that the medical centre will have the capacity to house a total of 23 medical practitioners. However, the applicant has provided the following justification for the discrepancy between the number of consulting rooms and number of practitioners.

- *‘...the number of practitioners on site at any one time is expected to be lower than the maximum of 23 practitioners that may be accommodated. The occupancy rate for General Practitioners is in the order of 64%, resulting in an expected maximum occupancy of 11 general practice consulting rooms at any time during the day. With regard to the specialist practitioners, it is not anticipated that the three consulting rooms would be accommodated simultaneously. Due to the part-time nature of the specialist practitioners’ attendance at the proposed centre, a maximum of two specialist practitioners could be expected to be in attendance at any one time during the day within these three rooms’.*

As proposed, the simultaneous operation of a maximum of 17 medical practitioners on site allows for the permanent occupancy of the dentist, radiologist, and physiotherapist, with a combination of no more than 14 of the specialist and general practitioners, and any other medical staff generating their own independent patient load i.e. in some cases nurses). It is accepted that the above is a common method for occupancy of medical practitioners from a medical centre. In addition, a condition of approval will also restrict the maximum occupancy of medical practitioners from the site to 17 (incorporating the general practitioners, specialist practitioners, dentist, radiologist, physiotherapist and any other medical staff generating their own independent patient load i.e. in some cases nurses). Operation of the medical centre in this manner would ensure that the car parking requirements under DPS2 are at all times met by the proposal, as per the following calculations:

#### *Car parking calculations*

94 car parking bays proposed – 7 bays for chemist use = 87 bays.

87 bays / 5 (required number of bays per practitioner under DPS2) = 17 practitioners

#### Landscaping

Detailed landscaping plans demonstrating a high quality landscaping treatment for the development will be required to be lodged with the Building Licence submission as per Condition (d) of the recommendation below. All landscaping would be required to be developed in accordance with this approved plan, and maintained to the satisfaction of the City.

#### Conclusion

As proposed, and with the inclusion of a condition of development approval restricting the maximum number of practitioners operating from the site at any one time to 17, the required car parking supply, and all other requirements under DPS2, are met by the proposal.

The proposed medical centre is an appropriate use within the business zone and will not result in any significant adverse effect to any adjoining properties.

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

### **ATTACHMENTS**

Attachment 1: Location Plan

Attachment 2: Development Plans

Attachment 3: Submissions Plan

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

#### **That Council:**

- 1 APPROVES the application dated 25 July 2008 submitted by SJB Town Planning & Urban Design for the change of use of a bowling centre to a medical centre on Lot 672 (9) Perilya Road, Craigie, subject to the following conditions:**

- (a) A maximum of 17 practitioners (incorporating the general practitioners, specialist practitioners, dentist, radiologist, physiotherapist and any other medical staff generating their own independent patient load) are permitted to operate from the medical centre at any one time;
- (b) The parking bays, driveways and points of ingress and egress are to be designed in accordance with the Australian Standard for Off-street Car Parking (AS2890.01 2004). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services prior to the development first being occupied. These works are to be done as part of the building program;
- (c) All stormwater shall be collected on-site and disposed of in a manner acceptable to the Manager Planning, Approvals & Environmental Services;
- (d) Detailed landscaping plans for the development site are to be lodged with the Building Licence Application. For the purpose of this condition, a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges are to be shown on the landscaping plan. All landscaping, reticulation and verge treatments, based on water wise principles, are to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services;
- (e) The car parking area shall be provided with one shade tree for every four 4 bays prior to the development first being occupied. The trees shall be located within tree wells protected from damage by vehicles and maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services;
- (f) All ground level façades shall be treated with non-sacrificial anti-graffiti coating up to a height of 3m;
- (g) A 0.5m wide traffic island shall be located at the junction between the perpendicular parking bays and parallel parking bays. In addition, all five parallel parking bays shall be relocated 0.5m to the north.

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15brf090609.pdf](#)*

## **ITEM 18                      APPOINTMENT OF MEMBERS – DESIGN ADVISORY PANEL - [34172]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Clayton Higham  
Planning and Community Development

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### **PURPOSE**

For Council to appoint external representatives to the Design Advisory Panel.

### **EXECUTIVE SUMMARY**

At its meeting held on 30 September 2008, the Council established the Design Advisory Panel, seeking nominations of members from relevant professional institutions representing:

Architecture  
Urban Design Planning  
Town Planning  
Landscape Architecture

The nominations have now been received.

*It is recommended that Council APPOINTS one (1) member and one (1) deputy member representing the disciplines of architecture, planning and urban design, and landscape architecture to the Design Advisory Panel for a two-year period.*

### **BACKGROUND**

At its meeting held on 30 September 2008, Council resolved to:

1        *AMENDS the Design Advisory Panel Terms of Reference, Point 4.5 to read:*

*4.5        Payment*

*The members of the panel representing the professional institutions will be paid a flat fee for the time spent assessing applications, including discussions with the City's officers and applicants.*

2        *ENDORSES the establishment of an independent Design Advisory Panel in accordance with the amended Terms of Reference at Attachment 5 to Report CJ213-09/08;*

3        *SEEKS nominations of members from relevant professional institutions representing:*

- *Architecture*
- *Urban Design Planning*
- *Town Planning*
- *Landscape Architecture*

*who hold extensive professional expertise in their chosen field;*

- 4 *NOTES that the Chief Executive Officer will be a member of the Panel and will convene and chair the Panel;*
- 5 *REVIEWS the costs and fee structure of the Design Advisory Panel in 12 months time.*

## **DETAILS**

The City wrote to the relevant professional institutions, seeking one (1) member and one (1) deputy member to represent the disciplines of architecture, planning, urban design and landscape architecture.

A number of follow-ups were required with the professional institutions, in order to obtain nominations and this delayed the progress of this item.

The following nominations were received:

### Planning Institute of Australia (WA Division)

2 nominations

### Australian Institute Landscape Architecture

5 nominations

### Australian Institute of Architects

4 nominations

Details on these nominations were provided to Elected Members under separate cover.

Discussions with the Planning Institute of Australia (WA Division) have confirmed that the two nominees from their Institute are able to represent both the planning and urban design professions. This will allow for one to be nominated as the member, and the other as the deputy member for combined professions of planning and urban design if required. Their preference is that the President of the Planning Institute of Australia be nominated as the panel member, and the second nomination be elected as deputy.

Discussions held with the Australian Institute Landscape Architects indicated that they have no order of preference for their nominees and believe that any of the nominees is capable of taking the role of either member or deputy member.

Discussions with the Australian Institute of Architects have confirmed that their nominations are in order of preference as indicated on the profiles provided to Elected Members under separate cover.

## **Link to Strategic Plan:**

4.1 OBJECTIVE: to ensure high quality urban development within the City

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

|                       |  |
|-----------------------|--|
| <b>Account No:</b>    | 1.410.A4101.335<br>9.0000              |
| <b>Budget Item:</b>   |  |
| <b>Budget Amount:</b> | \$3,000 (2008/09)<br>\$5,000 (2009/10) |
| <b>YTD Amount:</b>    | \$0                                    |
| <b>Actual Cost:</b>   | \$5,000                                |

**Policy implications:**

Not Applicable

**Regional Significance:**

Not Applicable

**Sustainability implications:**

Not Applicable

**Consultation:**

Nominations for the Design Advisory Panel were sought from the relevant professional associations and institutes.

**COMMENT**

The nominations from the Planning Institute of Australia (WA Division) are able to represent the professions of planning and urban design. Given that there have only been two (2) nominations received it is recommended that these nominees be the member and deputy member to represent the planning and urban design professions.

As there are multiple nominations from the Australian Institutes for Landscape Architects and Architects this will enable the appointment of one (1) member and one (1) deputy member for each of these professions to the Design Advisory Panel.

**ATTACHMENTS**

NIL

**VOTING REQUIREMENTS**

Absolute Majority

**RECOMMENDATION**

**That Council APPOINTS one (1) member and one (1) deputy member representing the disciplines of architecture, planning and urban design, and landscape architecture to the Design Advisory Panel for a two-year period.**

## **8 REPORT OF THE CHIEF EXECUTIVE OFFICER**

Three late reports will be either circulated to Elected Members prior to the Council meeting of 16 June 2009 or tabled at the meeting. These reports are as follows:

- 1 Tender 002/09 Provision of Graffiti Control Services;
- 2 Confidential Report – Unauthorised spraying of Korella Park;
- 3 Local Government Reform.

## **9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

## **10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS**

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

## **12 CLOSURE**

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

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

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

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

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

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

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

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

|                               |  |
|-------------------------------|--|
| <b>Name/<br/>Position</b>     |  |
| <b>Meeting<br/>Date</b>       |  |
| <b>Item No/<br/>Subject</b>   |  |
| <b>Nature of<br/>Interest</b> | Financial Interest *<br>Interest that may affect impartiality*<br><span style="float: right;">* Delete where<br/>not applicable</span> |
| <b>Extent of<br/>Interest</b> |  |
| <b>Signature</b>              |  |
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## **QUESTION TO BE ASKED AT BRIEFING SESSION/COUNCIL MEETING**

| TITLE<br><small>(Mr/Mrs/Ms/Dr)</small> | FIRST NAME | SURNAME | ADDRESS |
|--|------------|---------|---------|
|  |            |         |         |

### **QUESTIONS**

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Please submit this form at the meeting or:

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

#### **Please note that:**

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

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

| TITLE<br><small>(Mr/Mrs/Ms/Dr)</small> | FIRST NAME | SURNAME | ADDRESS |
|--|------------|---------|---------|
|  |            |         |         |

### **STATEMENT**

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Please submit this form at the meeting or:

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### **Please note that:**

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