

# AGENDA

## Council Meeting City of Joondalup

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

MEETING DATE



on  
**TUESDAY, 15 APRIL 2008**  
commencing at 7.00 pm

PUBLIC QUESTION TIME



### Public Question Time

Members of the public are requested to lodge questions in writing by 9.00 am on Monday, 14 April 2008. Answers to those questions received within that timeframe will, where practicable, be provided in hard copy form at the Council meeting.



**GARRY HUNT**  
Chief Executive Officer  
11 April 2008



City of  
Joondalup

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

## PROCEDURES FOR PUBLIC QUESTION TIME

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

### Questions asked verbally

- 1 Members of the public are invited to ask questions at Council Meetings.
- 2 Questions asked at an ordinary Council meeting can relate to matters that affect the operations of the City of Joondalup. Questions asked at a Special Meeting of the Council must relate to the purpose for which the meeting has been called.
- 3 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 4 Public question time will be limited to two minutes per member of the public, with a limit of two questions per member of the public.
- 5 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 6 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 7 Public question time will be limited to the legislative minimum of fifteen minutes and may be extended in intervals of up to ten minutes by resolution of the Council, but the total time allocated for public questions to be asked and responses to be given is not to exceed thirty five (35) minutes in total. Public question time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further questions.
- 8 Questions are to be directed to the Presiding Member and should be asked politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:
  - Accept or reject any question and his/her decision is final;
  - Nominate a member of the Council and/or City employee to respond to the question;
  - Take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next Council meeting.
- 9 Where an elected member is of the opinion that a member of the public is:
  - asking a question at a Council meeting, that is not relevant to the operations of the City of Joondalup;
  - making a statement during public question time;they may bring it to the attention of the meeting.

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

### **Questions in Writing**

- 1 Members of the public may submit questions to the City in writing.
- 2 Questions submitted to an ordinary Council meeting can relate to matters that affect the operations of the City of Joondalup. Questions submitted to a Special Meeting of the Council must relate to the purpose for which the meeting has been called.
- 3 The City will accept a maximum of 5 written questions per member of the public. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by 9.00 am on the day immediately prior to the scheduled Council meeting will be responded to, where possible, at the Council meeting. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and his/her decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Mayor will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at the Council meeting will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Council meeting.
- 8 A person who submits written questions may also ask questions at a Council meeting and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the minutes of the Council meeting.

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

#### **DISCLAIMER**

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

### **PROCEDURES FOR PUBLIC STATEMENT TIME**

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

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

## **CODE OF CONDUCT**

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

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

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

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

*\* Any queries on the agenda, please contact 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 Council meeting, the following hyperlink will become active:

[Additional Information 150408.pdf](#)



# CITY OF JOONDALUP

Notice is hereby given that a Meeting of the Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 15 APRIL 2008** commencing at **7.00 pm**.

GARRY HUNT  
Chief Executive Officer  
11 April 2008

Joondalup  
Western Australia

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## VISION

A sustainable City and Community that are recognised as innovative, unique and diverse.

## MISSION

Plan, develop and enhance a range of community lifestyles to meet community expectations.

## VALUES

### Vibrancy

- We will work with stakeholders to create a vibrant City Centre and community.
- We will be dynamic and flexible.

### Innovation

- We will provide innovative programs and services.
- We will have a strong team spirit to generate positive ideas.
- We will develop a culture of innovation and excellence.

### Responsiveness.

- We will respond to changing community needs.
- We will promote a sense of community spirit and ownership.

### Respect

- We will acknowledge community and individual opinions.
- We will respect community and individual contributions.

### Trust

- We will have an environment of openness and transparency.
- We will make information accessible.

### Safety

- We will work towards the development of a safe and secure environment.
- We will develop partnerships.

# AGENDA

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

## 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

## 2 PUBLIC QUESTION TIME

The following questions were taken on notice at the Council meeting held on 18 March 2008:

**Mr M Caiacob, Mullaloo:**

Q1 *Ref SU1237-05 – 18 Millimumul Way Mullaloo - Following the City's non support for the 283sqm subdivision of the above property, who was responsible for the approval of an R20 lot in an existing R20 code residential area and on what date?*

A1 The Western Australian Planning Commission (WAPC) is the determining authority for all land subdivision applications throughout Western Australia. The WAPC approved the survey strata subdivision of 18 Millimumul Way, Mullaloo on 28/10/2007.

The following questions were submitted prior to the Council meeting:

**Mr R Van der Voorden, Joondanah**

Q1 *Does the CEO regard Code of Conduct complaints relating to the actions of the Mayor as a serious matter?*

A1 All Code complaints are reviewed and determined in the same manner, regardless of the individual the subject of the complaint.

Q2 *Does the CEO consider the Code of Conduct an important document where breaches of its provisions by the Mayor need to be investigated both thoroughly and within a reasonable timeframe?*

A2 The Code is an important document and allegations of breaches are assessed.

**Mr K Robinson, Como:**

- Q1 *Does the CEO consider it acceptable not to respond or acknowledge requests from members of the public for an update on complaints lodged in accordance with the Code of Conduct?*
- Q2 *Does the CEO consider it acceptable not to answer requests from members of the public seeking the opportunity to discuss their code of conduct complaint with the investigating officer?*
- A1-2 Mr Robinson has received communication from the City indicating the City's approach to Mr Robinson's ongoing submissions on various matters with the City.
- Q3 *Given the availability of officers that have previously dealt with FOI requests from Mr Robinson, why has Mr Hunt determined my recent applications, your reference 51610 - 55610?*
- A3 In accordance with the relevant legislation, the City determines who will respond in each case.
- Q4 *Given Mr Hunt's previous declaration of his interest affecting impartiality in dealing with matters concerning myself, how can I be assured of having my application dealt with in an unbiased manner?*
- A4 Mr Robinson has been advised to take concerns to external oversight bodies.
- Q5 *Does Mr Hunt lack confidence in the City's employees that have to date dealt with FOI applications from myself in a satisfactory manner?*
- A5 No.

**Mr M Woodhouse, North Perth:**

- Q1 *Does the Code of Conduct only require Code of Conduct complaints relating to the conduct of an employee to be conducted in a professional and transparent manner and permit Code of Conduct complaints relating to the Mayor's conduct to be conducted without the same level of rigor and professionalism?*
- A1 No.
- Q2 *Has the CEO conducted all investigations following Code of Conduct complaints in relation to conduct by the Mayor in a professional and rigorous manner at a level comparable to that employed by the City's external consultant investigating a Code of Conduct complaint relating to the conduct of an officer?*
- A2 Each Code of Conduct complaint is assessed in the most appropriate way following initial consideration.
- Q3 *Is it appropriate for a person conducting a code of conduct investigation to obtain information by lying?*
- A3 No.

Q4 *What action would the City take if it was determined that a person undertaking an investigation on behalf of the City had engaged in unethical conduct?*

A4 The Code of Conduct relates to Council employees. A complaint of unethical conduct by a Council employee will be investigated.

Q5 *If it was determined that the person undertaking the code of conduct investigation had themselves engaged in unethical conduct what credibility can be given to any report they may have produced?*

A5 This question is hypothetical.

**Mr J Jones, Lintonmarc Drive, Redcliffe:**

Q1 *Does the CEO respond to e-mails seeking the opportunity to discuss with him Code of Conduct complaints relating to actions of the Mayor?*

Q2 *If not, why not?*

A1-2 The CEO determines how to respond to requests for contact.

Q3 *Does the CEO consider it appropriate that Code of Conduct complaints relating to the Mayor's conduct are investigated by an unbiased person?*

A3 This is considered desirable.

Q4 *If not, why not?*

A4 Not applicable.

Q5 *Does the CEO consider it appropriate that he investigate a Code of Conduct complaint in relation to the conduct of the Mayor Where he has previously declared an interest affecting his impartiality in relation to matters the complainant has had before the Council?*

A5 Mr Robinson has made complaints about the two other senior staff members who could conduct the investigation.

**Mr J Spack, Mary Street, Como:**

Q1 *Has the CEO refused to investigate Code of Conduct complaints relating to conduct by the Mayor without considering the merits of the complaint?*

A1 No.

Q2 *If yes on what basis did the CEO refuse to investigate Code of Conduct complaints relating to the Mayor's conduct?*

A2 Not applicable.

Q3 *Does the CEO when investigating complaints conduct his investigation in accordance with the three ethical standards of respect for persons, justice and beneficence?*

A3 Yes.

Q4 Does the CEO attempt to ascertain from the complainant further particulars of the nature of the Mayor's conduct that breaches the provisions of the Code?

Q5 If not, why not?

A4-5 Yes, where this action is considered appropriate.

### 3 PUBLIC STATEMENT TIME

### 4 APOLOGIES AND LEAVE OF ABSENCE

#### Leave of Absence previously approved

Cr Sue Hart	25 March – 25 April 2008 inclusive
Cr Geoff Amphlett	13 June – 22 June 2008 inclusive

#### REQUESTS FOR LEAVE OF ABSENCE – CRS R FISHWICK, M NORMAN AND T McLEAN [65597]

Requests for Leave of Absence from Council duties have been received covering the following dates:

Cr R Fishwick	26 - 30 April 2008 inclusive 2 - 7 May 2008 inclusive 24 May 2008 - 1 June 2008 inclusive 1 September 2008 – 19 October 2008
Cr M Norman	25 April 2008 – 18 May 2008 inclusive
Cr T McLean	10 May 2008 – 12 June 2008 inclusive

#### **RECOMMENDATION**

**That Council APPROVES the Requests for Leave of Absence from Council duties covering the following dates:**

<b>Cr R Fishwick</b>	<b>26 - 30 April 2008 inclusive 2 - 7 May 2008 inclusive 24 May 2008 - 1 June 2008 inclusive 1 September 2008 – 19 October 2008</b>
<b>Cr M Norman</b>	<b>25 April 2008 – 18 May 2008 inclusive</b>
<b>Cr T McLean</b>	<b>10 May 2008 – 12 June 2008 inclusive</b>

**5 CONFIRMATION OF MINUTES**

MINUTES OF COUNCIL MEETING, 18 MARCH 2008

**RECOMMENDATION**

**That the Minutes of the Council Meeting held on 18 March 2008 be confirmed as a true and correct record.**

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

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

<b>Name/Position</b>	<b>Cr K Hollywood</b>
<b>Item No/Subject</b>	Item CJ061-04/08 - Monthly Town Planning Delegated Authority Report, Development and Subdivision Applications - February 2008
<b>Nature of interest</b>	Financial
<b>Extent of Interest</b>	Husband is an applicant for development approval

**Disclosure of interest affecting impartiality**

Elected members and staff are required under the Code of Conduct, in addition to declaring any financial interest, to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected member/employee is also encouraged to disclose the nature of the interest.

<b>Name/Position</b>	<b>Mr M Tidy, Director Corporate Services</b>
<b>Item No/Subject</b>	Item CJ055-04/08 - List of Payments made during the month of February 2008
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Payment Number 15358 – Mr Tidy's children are members of Wheelchair Sports WA Association

<b>Name/Position</b>	<b>Cr M Macdonald</b>
<b>Item No/Subject</b>	Item CJ066-04/08 – Proposed Short Stay Accommodation Policy and Amendment No 36 to District Planning Scheme No 2
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Macdonald lodged a submission on short stay amendment

**8 IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS****9 PETITIONS****1 UPGRADE OF LANEWAY BETWEEN CLONTARF STREET AND ROBIN AVENUE, SORRENTO AT THE REAR OF 41-47 CLONTARF STREET - [01091]**

An 8-signature petition has been received from Sorrento residents requesting the City to undertake an upgrade of the bitumen in the laneway to the eastern boundary of 47 Clontarf Street, Sorrento.

**2 PETITION IN RELATION TO INSTALLATION OF A TRAFFIC ISLAND AT THE JUNCTION OF MARBELLA DRIVE AND AMALFI DRIVE, HILLARYS - [44225 40224 12840]**

A 20-signature petition has been received from Hillarys residents requesting the installation of a traffic island at the junction of Marbella Drive and Amalfi Drive, Hillarys.

**RECOMMENDATION**

**That the following Petitions be RECEIVED, referred to the CEO and a subsequent report presented to Council for information:**

**Petition requesting the City of Joondalup to:**

- 1 undertake an upgrade of the bitumen in the laneway to the eastern boundary of 47 Clontarf Street, Sorrento;**
- 2 install a traffic island at the junction of Marbella Drive and Amalfi Drive, Hillarys.**

**10 REPORTS**

**CJ049-04/08 EXECUTION OF DOCUMENTS - [15876]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Garry Hunt  
Office of CEO

**PURPOSE**

To provide a listing of those documents recently executed by means of affixing the Common Seal for noting by the Council for the period 4 March 2008 to 11 March 2008.

**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>	Withdrawal of Caveat
<b>Parties:</b>	City of Joondalup/Davidson Pty Ltd and Roman Catholic Archbishop of Perth
<b>Description:</b>	Withdrawal of Caveat (Permanent) to enable settlement (assignment of lease) of property – No 1244 (Lot 929) Marmion Avenue, Currambine. The caveat is no longer required as the obligations required under the original Deed have been satisfied – ie owner required to transfer to the City a 2 hectare parcel of land for community purposes. The transfer was completed in September 2004
<b>Date:</b>	04.03.08
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Section 70A Notification
<b>Parties:</b>	City of Joondalup and Alison Clare Fergie
<b>Description:</b>	To restrict occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land at Lot 287 (37) Adenandra Way, Greenwood
<b>Date:</b>	04.03.08
<b>Signed/Sealed:</b>	Sealed



<b>Document:</b>	Modification to Marmion Structure Plan No 9
<b>Parties:</b>	City of Joondalup and WA Planning Commission
<b>Description:</b>	Modification to Marmion Structure Plan by adding part (v) to Clause 8.2 – Lot 8000 (12) Ozone Road, Marmion, formerly part of Lot 61 Leach Street, Marmion
<b>Date:</b>	04.03.08
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Section 70A Notification
<b>Parties:</b>	City of Joondalup and Toni Fidler
<b>Description:</b>	To restrict occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land at Lot 180 (31) Mullaloo Drive, Mullaloo
<b>Date:</b>	11.03.08
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Amendment to District Planning Scheme No 2
<b>Parties:</b>	City of Joondalup and Minister for Planning and Infrastructure
<b>Description:</b>	Amendment No 39 to District Planning Scheme No 2 to zone a portion of Reserve 38223 (76) Treetop Avenue, Edgewater to Residential R20
<b>Date:</b>	11.03.08
<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 4 March 2008 to 11 March 2008 executed by means of affixing the common seal.**

**CJ050-04/08 MINUTES OF EXTERNAL COMMITTEE - [02153]  
[41196]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Ian Cowie  
Governance and Strategy

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**PURPOSE**

To submit minutes of an external committee to Council for information.

**EXECUTIVE SUMMARY**

The following minutes are provided:

- Special Meeting of Tamala Park Regional Council held 13 March 2008

**ATTACHMENTS**

Attachment 1 Minutes of Special Meeting of Tamala Park Regional Council held 13 March 2008

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

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council NOTES the minutes of the Special Meeting of Tamala Park Regional Council held 13 March 2008 forming Attachment 1 to Report CJ050-04/08.**

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf080408.pdf](#)*

## **CJ051-04/08 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE HELD ON 21 FEBRUARY 2008 - [00906]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Ian Cowie  
Governance and Strategy

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### **PURPOSE**

To submit the unconfirmed minutes of the Sustainability Advisory Committee to Council for noting and endorsement of the recommendations contained therein.

### **EXECUTIVE SUMMARY**

A meeting of the Sustainability Advisory Committee was held on 21 February 2008.

The items of business that were considered by the Committee were:

- Sustainability Advisory Committee - Proposed 2008 Meeting Dates
- Brisbane City Council's Climate Change Report
- South Australian Strategic Action Planning Guide for Sustainable Public Lighting
- Resignation from the Sustainability Advisory Committee

*It is recommended that Council:*

- 1 *NOTES the unconfirmed minutes of the Sustainability Advisory Committee held on 21 February 2008 forming Attachment 1 to Report CJ051-04/08;*
- 2 *NOTES that the Sustainability Advisory Committee has set the following 2008 meeting dates to be held at 6pm in the Joondalup Civic Centre, Boas Avenue, Joondalup:*
  - 17 April 2008
  - 19 June 2008
  - 21 August 2008
  - 23 October 2008;
- 3 *SUPPORTS the preparation of a report on the opportunity for incentives for fuel efficient vehicles to be considered in relation to the CBD parking policy;*
- 4 *CONSIDERS incentives for developers to build higher density and higher green star rating buildings when considering the City Centre Structure Plan and the District Planning Scheme;*
- 5 *MONITORS developments on high powered LED lighting and defers making a decision on such lighting until those developments occur;*
- 6 *INVESTIGATES and reports on the feasibility of replacing mercury vapour lamps with appropriate energy efficient lamps in the maintenance cycle taking into account the colour rendition;*

- 7 *TAKES a leading role in encouraging the Western Australian Local Government Association to renegotiate better quality street lighting and improve safety and energy efficiency;*
- 8 *NOTES the resignation of Mr Glen Tatam and BY AN ABSOLUTE MAJORITY APPOINTS the following people to the Sustainability Advisory Committee subject to their acceptance:*
- *Ms Janina Pezzarini*
  - *Mr Peter Jacoby*
  - *Ms Ute Goeft*

## **BACKGROUND**

The objectives of the Sustainability Advisory Committee are:-

- 1 To recommend to the City of Joondalup Council on policy, advice and appropriate courses of action which promote sustainability, which is:
  - (a) environmentally responsible,
  - (b) socially sound, and
  - (c) economically viable
- 2 To provide advice to Council on items referred to the Committee from the City of Joondalup Administration.

The Committee membership comprises of Four (4) Elected Members and Eight (8) Community Representatives.

## **DETAILS**

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

The Motions carried at the Sustainability Advisory Committee meeting held on 21 February 2008 are shown below, together with officer's comments.

#### **1 Sustainability Advisory Committee - Proposed 2008 Meeting Dates**

The following Motion was carried at the meeting on 21 February 2008:

"That the Sustainability Advisory Committee SETS the following 2008 meeting dates to be held at 6pm in the Joondalup Civic Centre, Boas Avenue, Joondalup:

- 17 April 2008
- 19 June 2008
- 21 August 2008
- 23 October 2008

#### Officer's Comment

These dates are supported. Meeting dates for the Sustainability Advisory Committee meetings will be set as above.

## **2 Brisbane City Council's Climate Change Report**

The following Motions were carried at the meeting on 21 February 2008:

“That the Sustainability Advisory Committee:

- 1 REQUESTS the City to prepare a long term visioning process, with a minimum 20 year vision for the City of Joondalup;
- 2 RECOMMENDS that the City explores the opportunity of incentives for fuel efficient vehicles to be included in the CBD parking policy currently being developed.
- 3 RECOMMENDS to Council that it considers incentives for developers to build higher density and higher green star rating buildings when considering the City Centre Structure Plan and the District Planning Scheme.

### Officer's Comment

Item 1 is similar to the current work being undertaken to develop a 2020 visionary document for the City. It is not considered appropriate to develop two visionary documents, one for 2020 and one for 2028 because of the duplication involved and the significant potential for confusion between the two documents.

In regards to Item 2, a report outlining potential incentives for fuel efficient vehicles can be provided at the next Sustainability Advisory Committee meeting. The outcomes of this report will determine what is included in the CBD parking policy. Item 3 will be considered as part of the review of the City Centre Structure Plan and District Planning Scheme.

## **3 South Australian Strategic Action Planning Guide for Sustainable Public Lighting**

The following Motions were carried at the meeting on 21 February 2008:

“That the Sustainability Advisory Committee:

- 1 REQUESTS the City to monitor developments on high powered LED lighting and defers making a decision on such lighting until those developments occur.
- 2 REQUESTS the City to investigate and report on the feasibility of replacing mercury vapour lamps with appropriate energy efficient lamps in the maintenance cycle taking into account the colour rendition.
- 3 ENCOURAGES the City of Joondalup to take a leading role in encouraging the Western Australian Local Government Association to renegotiate better quality street lighting and improve safety and energy efficiency.

### Officer's Comment

These actions are supported. Progress on high powered LED lighting will be monitored and will be reported to the Sustainability Advisory Committee as developments occur. A report on the feasibility of replacing mercury vapour lamps with appropriate energy efficient lamps as part of the maintenance cycle can be provided at the next Sustainability Advisory Committee Meeting. The City has submitted a report to the Western Australian Local Government Association (WALGA) North Zone Committee encouraging WALGA to take a lead role in negotiating better quality street lighting to improve safety and energy efficiency.

#### **4 Resignation from the Sustainability Advisory Committee**

The following Motion was carried at the meeting on 21 February 2008:

“That the Sustainability Advisory Committee:

- 1 NOTES the resignation of Mr Glen Tatam;
- 2 REQUESTS that Council appoints the following people to the Sustainability Advisory Committee subject to their acceptance:
  - Ms Janina Pezzarini
  - Mr Peter Jacoby
  - Ms Ute Goeft

#### Officer's Comment

These actions are supported.

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

Key Focus Area: Organisation Development

Objective 4.3 To ensure the City responds to and communicates with the community

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

The Committee is established in accordance with the Local Government Act 1995.

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

Not Applicable.

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

Not Applicable.

#### **Policy Implications:**

Not Applicable.

#### **Regional Significance:**

The Sustainability Advisory Committee provides an opportunity for consideration of regional matters that may impact on local sustainability.

#### **Sustainability Implications:**

The Sustainability Advisory Committee provides a forum for consideration of a range of sustainability issues by elected members and community representatives with local knowledge and expertise.

**Consultation:**

Not Applicable.

**COMMENT**

Not Applicable

**ATTACHMENTS**

Attachment 1        Minutes of the Sustainability Advisory Committee meeting held on 21 February 2008

**VOTING REQUIREMENTS**

Absolute Majority

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

- 1        NOTES the unconfirmed minutes of the Sustainability Advisory Committee held on 21 February 2008 forming Attachment 1 to Report CJ051-04/08;**
- 2        NOTES that the Sustainability Advisory Committee has set the following 2008 meeting dates to be held at 6pm in the Joondalup Civic Centre, Boas Avenue, Joondalup:**
  - 17 April 2008**
  - 19 June 2008**
  - 21 August 2008**
  - 23 October 2008;**
- 3        SUPPORTS the preparation of a report on the opportunity for incentives for fuel efficient vehicles to be considered in relation to the\_CBD parking policy;**
- 4        CONSIDERS incentives for developers to build higher density and higher green star rating buildings when considering the City Centre Structure Plan and the District Planning Scheme;**
- 5        MONITORS developments on high powered LED lighting and defers making a decision on such lighting until those developments occur;**
- 6        INVESTIGATES and reports on the feasibility of replacing mercury vapour lamps with appropriate energy efficient lamps in the maintenance cycle taking into account the colour rendition;**
- 7        TAKES a leading role in encouraging the Western Australian Local Government Association to renegotiate better quality street lighting and improve safety and energy efficiency;**



**8 NOTES the resignation of Mr Glen Tatam and BY AN ABSOLUTE MAJORITY APPOINTS the following people to the Sustainability Advisory Committee subject to their acceptance:**

- **Ms Janina Pezzarini**
- **Mr Peter Jacoby**
- **Ms Ute Goeft**

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf080408.pdf](#)*

**CJ052-04/08 MINUTES OF POLICY COMMITTEE MEETING HELD ON 25 MARCH 2008 – [18058]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Ian Cowie  
Governance and Strategy

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**PURPOSE**

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

**EXECUTIVE SUMMARY**

A meeting of the Policy Committee was held on 25 March 2008.

*It is recommended that Council:*

- 1 *NOTES the unconfirmed minutes of the Policy Committee Meeting dated 25 March 2008 forming Attachment 1 to Report CJ052-04/08;*
- 2 *ADOPTS the following policies:*
  - (a) *City Policy – Statement on Circuses forming Attachment 2 to Report CJ052-04/08;*
  - (b) *Policy 8-2 - Elected Members Allowances as detailed in Attachment 4 to Report CJ052-04/08;*
  - (c) *Policy 8-3 - Elected Members – General as detailed in Attachment 5 to Report CJ052-04/08;*
  - (d) *Light Vehicle Replacement Policy to Council forming Attachment 6 to Report CJ052-04/08;*
  - (e) *Council Policy 5-1 – Access and Equity forming Attachment 9 to Report CJ052-04/08;*
- 3 *DELETES its existing Policy 4-1 – Code of Conduct and ADOPTS the revised Policy 4-1 - Code of Conduct forming Attachment 3 to Report CJ052-04/08;*
- 4 *REVOKES the current Policy 8-9 - Investment and ADOPTS the revised Policy 8-9 – Investment forming Attachment 10 to Report CJ052-04/08;*
- 5 *in accordance with Clause 8.11 of the City of Joondalup’s District Planning Scheme No 2, ADOPTS Policy 7- 5 Alfresco Activities, forming Attachment 7 to Report CJ052-04/08;*

- 6 *in accordance with Clause 8.11 of the City of Joondalup's District Planning Scheme No 2, ADVERTISES the draft amended Council Policy 3-1 - Child Care Centres, forming Attachment 8 to Report CJ052-04/08, for public comment for a period of thirty five (35) days;*
- 7 *ADOPTS the revised Policy 5-3 – The City's Art and Memorabilia Collection as detailed in Attachment 11 to Report CJ052-04/08;*
- 8 *BY AN ABSOLUTE MAJORITY:*
- (a) *ESTABLISHES an Art Collection and Advisory Committee with the following Terms of Reference:*
- *approve art acquisitions within the available adopted budget funds;*
  - *develop and maintain a visual art collection of significance and repute that reflects the cultural aspirations of the City of Joondalup and its expressed goals and policies;*
  - *build an art collection of appreciating financial value, which constitutes a sound investment for the City;*
  - *collect works of visual art of demonstrable excellence by artists of significance, consistent with the perceived developments in West Australian contemporary art;*
  - *collect and commission selectively works of art which enhance the existing Collection and which foster an understanding, enjoyment and appreciation of the visual arts among the broader community and members of the general public;*
  - *review the criteria established to determine the award winners;*
- (b) *APPOINTS the following representatives to the Art Collection and Advisory Committee:*
- Five (5) Elected Members  
Chief Executive Officer*
- (c) *DELEGATES the authority to the Art Collection and Advisory Committee to approve acquisitions for artworks within the available adopted budget funds;*
- (d) *DELEGATES authority to the Chief Executive Officer to approve acquisitions for artworks up to \$7,500 within the available adopted budget funds;*
- 9 *for the AVOIDANCE of any debt, all the policies adopted above are to be effective immediately.*

## BACKGROUND

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

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

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

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

## DETAILS

### Issues and options considered:

The Motions carried at the Policy Committee meeting held on 25 March 2008 are shown below, together with officer's comments:

#### Item 1 Policy for the Operation of Circuses in the City of Joondalup

The following motion was carried:

*That the Policy Committee RECOMMENDS that Council ADOPTS the draft City Policy – Statement on Circuses forming Attachment 2 to this Report, subject to deleting the words “wild by nature” and inserting “not domesticated” in their place.*

#### Officer's comment

There was a minor change to the proposed recommendation to the Committee, the change is supported.

#### Item 2 Revised Code of Conduct - City of Joondalup

The following motion was carried:

*That the Policy Committee RECOMMENDS that Council DELETES its existing Policy 4-1 – Code of Conduct and ADOPTS the revised Policy 4-1 - Code of Conduct forming Attachment 1 to this Report, subject to amending Clause 3.4(k) to read:*

- (k) *be a member of at least one Council committee consisting of Council members only and prepare for, attend and actively participate in its meetings.*

Officer's comment

The revised Code of Conduct was resubmitted to the Policy Committee. The Committee has recommended some minor changes, which are supported.

Item 3 Review of Policies 8-2 and 8-3 – Elected Members

The following motion was carried:

*That the Policy Committee RECOMMENDS that Council ADOPTS:*

- 1 *Policy 8-2 - Elected Members Allowances as detailed in Attachment 1 to this Report, subject to the following amendments:*
  - (a) *Within Clause 2.2 - Equipment:*
    - *4-pin power board to be deleted;*
    - *Clause to be amended to reflect that computer and printer is to be new;*
  - (b) *Within Clause 2.4 - Other items:*
    - *Computer desk to be deleted;*
    - *Filing cabinet to be deleted;*
    - *Paper shredder to be deleted;*
  - (c) *Inclusion of the following words as part of Clause 2.4:*

*“Each elected member is entitled to be reimbursed to a maximum amount of \$1,000 following every ordinary election, or where an elected member is elected as a result of an extraordinary election, for the purchase of relevant office furniture/equipment to assist them to perform their role as an elected member and to be used for Council related purposes.*

*The amount allocated for reimbursement will be inflated annually as from 1 July 2008 based on the CPI rate of Australia, and rounded to the nearest \$100.”*
  - (d) *Within Clause 4.9 - Guidelines for Conference and Training Attendance, typographical error to be amended to read “commence”;*
- 2 *Policy 8-3 - Elected Members - General, subject to the following amendments:*
  - (a) *Elected Member Dinners:*

*First paragraph to be deleted and replaced with:*

*“To provide an avenue to facilitate networking possibilities and for Elected Members to undertake discussions with various representatives of the community, the Council has agreed to host Elected Member dinners.”*

(b) *Elected Member Dinners:*

*Third paragraph, second sentence be deleted and replaced with:*

*“Where a Ward member confirms he/she is unable or unwilling to host part of all of his/her allocated dinners, the fellow Ward member, in the first instance, or the Mayor or another Elected Member may host these unused dinners, however, total number of dinners must not exceed the annual allocation of twelve (12).”*

Officer’s comment

The Committee has recommended some alterations to ensure clarity in interpreting the Policy. A further recommendation is to be submitted to determine that the change to the policy of office furniture be effective immediately. Given the rate at which CPI moves, it may take some years to round to the nearest \$100, it is therefore suggested that the \$100 be amended to \$10. There are a number of other sections of the policy where dollar amounts are referred to, it is suggested that these be amended to reflect adjustments in accordance with CPI movements. It is also recommended that the National Congress of the Local Government Managers Australia (LGMA) be included in Clause 4.3(2).

Item 4 Fleet Replacement Policy

The following motion was carried:

*“That the Policy Committee RECOMMENDS the attached Light Vehicle Replacement Policy to Council forming Attachment 1 to this Report.”*

Officer’s comment

No comment.

Item 5 Close of Advertising of proposed amendments to Policy 7-5 – Alfresco Dining – Joondalup City Centre

The following motion was carried:

*“That the Policy Committee RECOMMENDS that Council, in accordance with Clause 8.11 of the City of Joondalup’s District Planning Scheme No 2, ADOPTS Policy 7- 5 Alfresco Activities, forming Attachment 1 to this Report.”*

Officer’s comment

No comment.

Item 6 Draft Amended Policy 3-1 – Child Care Centres

The following motion was carried:

*“That the Policy Committee RECOMMENDS that Council, in accordance with Clause 8.11 of the City of Joondalup’s District Planning Scheme No 2, ADVERTISES the draft amended Council Policy 3-1 - Child Care Centres, forming Attachment 1 to this Report, for public comment for a period of thirty five (35) days.”*

Officer's comment

No comment.

Item 7 Draft Amended Policy 5-1 - Access and Equity

The following motion was carried:

*"That the Policy Committee RECOMMENDS that Council ADOPTS the draft Council Policy 5-1 – Access and Equity forming Attachment 1 to this Report."*

Officer's comment

No comment.

Item 8 Review of Investments – Policy 8-9

The following motion was carried:

*That the Policy Committee RECOMMENDS to Council that it:*

- 1 *REVOKES the current Policy 8-9 - Investment forming Attachment 1 to this Report;*
- 2 *ADOPTS a new Policy 8-9 - Investment forming Attachment 3 to this Report, subject to the following changes:*
  - (a) *Clause 5: the words "Commercial paper" to be deleted;*
  - (b) *Clause 7(b): Last sentence, the words "approved by Council" to be deleted;*
  - (c) *Clause 7(c): Last line of the table to be deleted;*

Officer's comment

The Policy Committee has requested some minor corrections to the policy. These are supported.

Item 9 Policy 5-3 – The City's Art and Memorabilia Collections Policy Review

The following motion was carried:

*That the Policy Committee:*

- 1 *SUPPORTS the amendments suggested in Attachment 7 - Proposed Policy 5-3 - The City's Art and Memorabilia Collections and RECOMMENDS the new policy to Council, subject to the following amendments:*
  - (a) *the Art Collection and Advisory Committee to comprise five (5) Elected Members and the CEO;*
  - (b) *Acquisitions up to \$7,500 may be approved by the CEO or the Art Collection and Advisory Committee;*

- (c) *the Community Art Exhibition to include a special category for local content and context;*
- (d) *the City of Joondalup to have first right to purchase artworks entered in the Community Art Exhibition;*
- (e) *the Community Art Exhibition winning artwork may be considered for purchase by the Art Collection and Advisory Committee. The purchase price to be in addition to the prize given;*
- (f) *the Terms of Reference for the Art Collection and Advisory Committee to include “to review the criteria established to determine the award winners;”*

2 *RECOMMENDS that Council REQUESTS the CEO to display the City’s memorabilia collection in the civic centre and City libraries on a rotational basis.*

Officer’s comment

The Policy Committee has recommended some changes, including the establishment of a committee with delegated authority to determine Art acquisitions.

**Link to Strategic Plan**

This item has a general connection to the Strategic Plan.

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

The necessary reports will be prepared to review and/or draft the proposed policies.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.



**Consultation:**

Not Applicable.

**COMMENT**

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

**ATTACHMENTS**

Attachment 1	Unconfirmed minutes of the Policy Committee meeting of 25 March 2008
Attachment 2	Revised Draft Circus Policy
Attachment 3	Revised Code of Conduct
Attachment 4	Policy 8-2 – with revisions highlighted
Attachment 5	Policy 8-3 - with revisions highlighted
Attachment 6	Draft Policy - Light Vehicle Replacement
Attachment 7	Alfresco Activities
Attachment 8	Draft Amended Policy 3-1 - Child Care Centres
Attachment 9	Draft Amended Policy 5-1 - Access and Equity
Attachment 10	Proposed New Policy 8-9 - Investment
Attachment 11	Proposed New Policy 5-3 - The City's Art and Memorabilia Collections
Attachment 12	Terms of Reference – Art Collection and Advisory Committee

**VOTING REQUIREMENTS**

Absolute Majority

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

- 1 NOTES the unconfirmed minutes of the Policy Committee Meeting dated 25 March 2008 forming Attachment 1 to Report CJ052-04/08;**
- 2 ADOPTS the following policies:**
  - (a) City Policy – Statement on Circuses forming Attachment 2 to Report CJ052-04/08;**
  - (b) Policy 8-2 - Elected Members Allowances as detailed in Attachment 4 to Report CJ052-04/08;**
  - (c) Policy 8-3 - Elected Members – General as detailed in Attachment 5 to Report CJ052-04/08;**
  - (d) Light Vehicle Replacement Policy to Council forming Attachment 6 to Report CJ052-0408;**
  - (e) Council Policy 5-1 – Access and Equity forming Attachment 9 to Report CJ052-04/08;**

- 3 **DELETES** its existing Policy 4-1 – Code of Conduct and **ADOPTS** the revised Policy 4-1 - Code of Conduct forming Attachment 3 to Report CJ052-04/08;
- 4 **REVOKES** the current Policy 8-9 - Investment and **ADOPTS** the revised Policy 8-9 – Investment forming Attachment 10 to Report CJ052-04/08;
- 5 in accordance with Clause 8.11 of the City of Joondalup’s District Planning Scheme No 2, **ADOPTS** Policy 7- 5 Alfresco Activities, forming Attachment 7 to Report CJ052-04/08;
- 6 in accordance with Clause 8.11 of the City of Joondalup’s District Planning Scheme No 2, **ADVERTISES** the draft amended Council Policy 3-1 - Child Care Centres, forming Attachment 8 to Report CJ052-04/08, for public comment for a period of thirty five (35) days;
- 7 **ADOPTS** the revised Policy 5-3 – The City’s Art and Memorabilia Collection as detailed in Attachment 11 to Report CJ052-04/08;
- 8 **BY AN ABSOLUTE MAJORITY:**
  - (a) **ESTABLISHES** an Art Collection and Advisory Committee with the following Terms of Reference:
    - *approve art acquisitions within the available adopted budget funds;*
    - *develop and maintain a visual art collection of significance and repute that reflects the cultural aspirations of the City of Joondalup and its expressed goals and policies;*
    - *build an art collection of appreciating financial value, which constitutes a sound investment for the City;*
    - *collect works of visual art of demonstrable excellence by artists of significance, consistent with the perceived developments in West Australian contemporary art;*
    - *collect and commission selectively works of art which enhance the existing Collection and which foster an understanding, enjoyment and appreciation of the visual arts among the broader community and members of the general public;*
    - *review the criteria established to determine the award winners;*
  - (b) **APPOINTS** the following representatives to the Art Collection and Advisory Committee:

**Five (5) Elected Members**  
**Chief Executive Officer**
  - (c) **DELEGATES** the authority to the Art Collection and Advisory Committee to approve acquisitions for artworks within the available adopted budget funds;

- (d) **DELEGATES authority to the Chief Executive Officer to approve acquisitions for artworks up to \$7,500 within the available adopted budget funds;**
- 9 for the AVOIDANCE of any doubt, all the policies adopted above are to be effective immediately.**

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3agn150408.pdf](#)*

## **CJ053-04/08      PROPOSED SMOKING BAN IN ALFRESCO AREAS - [10047]**

**WARD:** All

**RESPONSIBLE  
DIRECTOR:** Mr Ian Cowie  
Governance and Strategy

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### **PURPOSE/EXECUTIVE SUMMARY**

To provide Council with options to consider in relation to a proposed smoking ban within alfresco areas in the City of Joondalup.

It is recommended that Council pursues the introduction of the ban.

### **BACKGROUND**

In January 2008, the City's "smoke-free beaches" initiative came into effect following the advertisement of the *Local Government and Public Property Amendment Local Law (No. 2) 2007* in the *Government Gazette*. The City has since received significant comment and support from the community as efforts are made to promptly operationalise the ban.

Given the significant community interest in this initiative, the City has considered it appropriate to continue the debate on outdoor smoking prohibitions by exploring the possible expansion of current prohibited areas. This is to be considered with the view of further enhancing public health and local amenity.

Following general consideration of smoking issues at the March Strategy Session, this report has been prepared which addresses the issue of smoking prohibitions within alfresco areas and provides options for Council to consider in the possible introduction of such a ban.

### **DETAILS**

#### ***Case Study – The City of Fremantle***

The City of Fremantle recently introduced an amendment local law to prohibit the act of smoking within alfresco areas across its entire local government district.

Like the City of Joondalup, the smoking ban proposed by the City of Fremantle was met with considerable media attention. This was mainly due to the fact that popular outdoor dining areas within the City are located adjacent to the entrances of popular bars and nightclubs (most notably, the Fremantle "café strip" along South Terrace). The Australian Hotels Association was concerned that a smoking ban within popular alfresco areas would be detrimental for business, as bar and nightclub patrons who smoke would not only be prohibited from smoking indoors (due to new State legislation) but also outside entrances because of their close proximity to diners. (It is unlikely that the City of Joondalup would be subject to similar dissent as alfresco areas are not typically located alongside popular nightspots within the City).

Despite the considerable dissent portrayed in the media, the Australian Hotels Association did not submit a formal comment to the City of Fremantle on the matter and many other organisations and public figures openly supported the proposed smoking ban including the Premier, Alan Carpenter, the WA branch of the Australian Medical Association and the

Cancer Council. The City of Joondalup also received support from similar advocates during its “smoke-free beaches campaign”.

### ***The City of Fremantle approach***

After Council agreed ‘in principle’ to amend the *Local Laws Relating to Outdoors Eating Areas*, the City of Fremantle sought legal advice regarding possible drafting approaches to the amendment.

This legal advice lead to the establishment of a phase-in period which limits the application of the ban to only half of the total alfresco area (lasting six months). In addition to this, the amendment also captures not only patrons of restaurants and cafes, but the proprietors of the establishments as well (using the words “the proprietor of an eating house...shall ensure...”). This will ensure that the ban is more self-regulated as proprietors will be liable for penalties should they fail to forewarn customers that alfresco areas are smoke-free. Also, from an operational perspective, during this period the City of Fremantle has indicated that it is looking to create awareness rather than implement punitive measures. This means that fines will only be issued as a last resort until the ban takes full effect after the end of this six month period.

The City of Fremantle Local Law Amendment is presented at Attachment 1.

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

Below are options that Council must consider in order for a model to be developed, should Council decide to proceed with the ban’s introduction.

1. Amend  
the City’s  
*Trading in  
Public  
Places Local  
Law?*

2. Create a  
new local  
law?

1 and 2:

- Given that the current local law relates to alfresco areas, it would seem logical that an amendment approach be pursued, rather than creating an entirely new local law that may duplicate elements of the current law.
- A local law amendment is the model that the City of Fremantle pursued, providing a successful precedent for the City of Joondalup to follow.

3. Apply ban  
across entire  
local  
government  
area?

4. Apply the  
ban only to  
specific  
areas?

- 3 and 4:
- The number 3 approach is consistent with the City of Fremantle model.
  - Applying the ban to all cafes and restaurants in the City of Joondalup would seem equitable, as businesses within specific locations are not being unfairly targeted.
  - Patrons will know that the ban applies to any alfresco location within the City of Joondalup. Therefore, they will be unable to choose certain restaurants and cafes within the area over others.
  - Introducing the ban in areas close to local government borders may mean that patrons will choose to frequent businesses over the border where the ban does not apply, rather than choosing businesses in the City of Joondalup that are within close proximity. However currently, alfresco areas only operate in the Joondalup CBD.

5. Apply the ban to proprietors as well?

6. Apply the ban only to patrons?

- 5 and 6:
- Applying the ban to proprietors may allow the offence to be fairly self-regulated.
  - Proprietors may dissent to their inclusion in the ban as they are not engaging in the act of smoking themselves and are therefore being punished for someone else's actions.
  - The City of Fremantle has already set a precedent for a model that includes proprietors in the ban.

7. Include a six-month 'phase-in period'?

8. Apply the ban immediately?

- 7 and 8:
- A phase-in period may encourage greater compliance as people are able to adapt to the ban's introduction.
  - Proprietors may benefit from having the opportunity to educate customers prior to the ban's full introduction, thus reducing their chances of being fined for non-compliance.
  - The City of Fremantle adopted a phase-in approach which was approved by the Joint Standing Committee on Delegated Legislation.
  - Immediately applying the ban may stir considerable dissent within the community as there will be little opportunity for awareness campaigns to be undertaken, however, this may contrast with the firmer approach utilised for "smoke-free beaches" (which is to apply immediately).

Based on the analysis above and the success of the City of Fremantle initiative, it would seem prudent for the City of Joondalup to adopt a model that incorporates options 1, 3, 5 and 8 in its approach, should Council choose to proceed with the introduction of the ban.

**Link to Strategic Plan:**

Objective 1.2: To engage proactively with the community  
Objective 1.3: To lead and manage the City effectively  
Objective: 5.2: To facilitate healthy lifestyles within the community

**Legislation – Statutory Provisions:**

The City of Joondalup *Trading in Public Places Local Law 1999*.

**Risk Management considerations:**

There is a risk that café and restaurant owners may dissent to the introduction of such a ban due to the potential effects it may have on their business. However, in the case of the City of Fremantle, it was found that almost all proprietors were in support of the ban, providing they were engaged throughout the consultation process and able to adapt to the changes through a phase-in approach.

**Financial/Budget Implications:**

The process for amending a local law is in the region of \$2,000. The consultation process will incur additional costs, however, this will depend on the model of consultation the City utilises. It is recommended that direct consultation with café and restaurant owners throughout the City be undertaken (through letters and surveys) and that several advertisements be placed in both statewide and locally distributed papers. Additional website facilities and library notices would also be included in this process. A consultation of this nature will most likely be in the region of 8-10 thousand dollars.

**Policy Implications:**

Should Council opt to pursue a smoking ban within alfresco areas, the City's Alfresco Dining Policy "7-5 – Alfresco Dining – Joondalup City Centre" will need to be reviewed in order to ensure it aligns with the new local law requirements.

**Regional Significance:**

Introducing a ban of this nature may influence other local governments within the region to follow. Or contrarily, it may encourage café and restaurant patrons to frequent other businesses within the region to avoid the ban. It is anticipated that such an occurrence would be minimal in its effect as a majority of the community supports increased prohibited smoking areas.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The City of Joondalup undertook consultation with the City of Fremantle throughout Fremantle's campaign as well as after the ban came into effect.

**COMMENT**

Not Applicable.

**ATTACHMENTS**

Attachment 1      City of Fremantle *Outdoor Eating Areas Local Law Amendment*

**VOTING REQUIREMENTS**

Simple Majority

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

- 1      AGREES in principle to the introduction of a smoking ban within alfresco areas throughout the City of Joondalup;**
- 2      SUPPORTS the drafting of a local law amendment for Council's consideration that involves a ban applying across the entire local government area and includes offences for both proprietors and individuals.**

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf080408.pdf](#)



**CJ054-04/08      HEATHRIDGE      VERGE      ENHANCEMENT  
COMPETITION PROJECT - [87541]**

**WARD:** North-Central

**RESPONSIBLE  
DIRECTOR:** Mr Ian Cowie  
Governance and Strategy

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**PURPOSE/EXECUTIVE SUMMARY**

To provide options for Council to consider in the development of a competition for Verge Enhancement in Heathridge.

**BACKGROUND**

Funding of \$20,000 was set aside for a Verge Enhancement Competition in the 2007/2008 budget to increase the amenity of Heathridge in ways that would encourage community pride in the area. This report contains the views of the Elected Members who responded to the initial paper on this subject.

**DETAILS**

In developing parameters for a verge enhancement competition a number of key considerations have been taken into account with the overall aim of:

*“Attracting broad appeal and support from the residents of Heathridge to engage positively in the verge enhancement competition and recognise the benefits that can be derived for both the amenity and value of their suburb.”*

A major parameter affecting the potential design of the competition is the City’s current “Verge Treatment Guidelines”. This document (provided as Attachment 1) outlines the restrictions that apply to verge enhancement and treatment within the City.

A key element proposed for the competition is the use of the Great Gardens Team to assist with the launch, promotion and provision of education to the local community of Heathridge, as well as being a part of the judging team. It is envisaged that the Great Gardens Team will add a dimension to the competition that will not only assist the residents who participate in the competition, but will reach a broader audience for those interested in creating better gardens within a suburban landscape. The Great Gardens Team has a significant profile in the community and can contribute greatly to the project.

**Issues and options considered:**

There are a number of elements that should be considered in relation to the implementation of the competition, including:

- Competition categories
- Competition prizes
- Promotion of the competition
- Winners and participants recognition event
- Judging criteria and judging panel

Each element is detailed below for Council's consideration.

### **Competition Categories**

Four competition categories are proposed as options:

#### Option One:

Individual households with verges that are exemplary i.e., the verges not only comply with the City's Verge Treatment Guidelines, but have also been developed to be water-wise and environmentally friendly.

#### Option Two:

A number of households (minimum of three) within one street with verges that are exemplary i.e., they comply with the City's Verge Treatment Guidelines, but have also been developed to be water-wise and environmentally friendly.

#### Option Three:

Individual households that have tidied up their verges and comply with the City's Verge Treatment Guidelines.

#### Option Four:

A number of households (minimum of three) within one street that have tidied up their verges and comply with the City's Verge Treatment Guidelines.

It is considered appropriate that each of the category options are used in the competition in order to provide a broader reach and application within the community. The abovementioned categories take into account a minimum standard required, while also recognising effort for those who go beyond a minimum standard and set an exemplary standard for others. The categories being proposed also recognise both individual and group effort within the community. Group categories may help to encourage the "pooling" of neighbourhood resources, encourage greater participation and motivation as well as create a greater sense of community spirit and pride.

The four categories will also enable prizes to be awarded on a more equitable basis. For example if a verge is simply neat and tidy with well cared for grass, it will likely not be able to compete with a verge that has been enhanced with water wise garden techniques, such as low lying native flower beds. The proposed categories allow for this kind of differentiation as well as to foster creativity within the competition.

### **Competition Prizes**

Three options for prizes are suggested as follows:

Prize One: Hardware store vouchers

Prize Two: Gardening supplier vouchers

Prize Three: Local nursery vouchers for the purchase of plants, trees or grass species.

The suggested prizes align to the overall aim of the competition inasmuch as they will provide ongoing support for the maintenance required to sustain verge treatments. It is also suggested that prizes be purchased from businesses within the City. This will ensure a “buy local” approach is utilised with as many businesses as possible used to supply prizes. The City could also approach local suppliers to ascertain if they would be prepared to provide sponsorship to the program by donating additional prizes.

The prize structure could be as follows:

Category	1str Prize	2 <sup>nd</sup> Prize	3rd prize	Total
	Local Hardware Stores Vouchers	Local Gardening Suppliers Vouchers	Local Nursery Vouchers	
Option one - Individual Household – displaying an exemplary standard	\$1250	\$750	\$500	\$2000
Option Two - Group of Households – displaying an exemplary standard	\$1500	\$1000	\$500	\$3000
Option Three - Individual Household – Inline with the City’s standard verge guidelines	\$1250	\$750	\$500	\$2000
Option Four – Group of Households – In line with the city’s standard verge guidelines	\$1500	\$1000	\$500	\$3000

A broad range and spread of prizes is being recommended in order to provide the competition with choice as well as providing an opportunity to engage a number of local suppliers.

### **Promoting the Competition**

There are two options being proposed as follows:

#### Option One

Letters are sent to all Heathridge residents inviting them to participate in the competition and providing them with entry forms and prepaid envelopes.

#### Option Two

To increase the appeal of the Verge Enhancement Competition, it is proposed that the competition be launched with a Great Gardens Workshop within Heathridge, most likely at the Guy Daniels Clubrooms. The Great Gardens Workshop would be customised to meet the aims of the verge competition as well as generate a broad interest in sustainable gardening practices. Invitations to the launch would be sent to all Heathridge residents and would include competition details and prepaid envelopes for entries. The invitation package would also include a general fact sheet to provide information for residents about the types of plants currently available from the City for free.

It is recommended that option two is selected to ensure that all residents have been notified of the opportunity to participate in the competition and that the competition can generate broad appeal and interest.

It should be noted that people who most frequently attend the Great Gardens workshops are aged between 35 – 49. This demographic matches the Heathridge population most likely to participate in the competition. Feedback from the Great Gardens Workshops held in the past is that audiences feel energised and empowered to 'have a go' at adopting waterwise and environmentally friendly gardening practices. By linking the workshop with the opportunity to compete for valuable prizes, interest in participating is likely to be increased.

### **Winners and Participants Recognition Event**

There are two options proposed:

#### Option One

The event could be held at the beginning of a Council Meeting. Prizes could be handed out on this occasion. The winners would also be invited as guests to dinner prior to the Council Meeting.

#### Option Two

An official civic event could be held to celebrate the winning entries and the work undertaken by all participants in the competition. The event could be held in the suburb of Heathridge and attended by the winners, participants, their families, neighbours and friends. It would involve the Mayor and North Central Ward Elected Members who would announce winners and present prizes. By celebrating the event 'on site', more local people would be likely to attend and become aware of the opportunities for the enhancement of their suburb.

It is recommended that option one is selected so that the winners are offered intimate and personal recognition of their efforts as well as provide a community forum, through the Council Meeting, to promote the outcomes of the competition.

### **Judging Criteria and Judging Panel**

#### Judging Criteria

Here two options are proposed.

#### Option 1:

That the judging panel tour all streets in the suburb and award those verges considered to be the best in the various categories.

#### Option 2:

All applicants would be required to submit photographic evidence of their verges and provide a short written submission outlining how their entry meets the requirements of the category applied for. They would also be required to briefly explain why it is important to live in a suburb that looks good. Advice and guidance will be offered by City Officers to applicants throughout the process, particularly with interpretation of the City's Verge Treatment Guidelines. A site visit by the judging panel would then follow.

Option 2 is recommended as it requires people to become actively involved to win a prize.

### Judging Panels

The options for judging the competition are as follows:

#### Option One:

The Mayor and Elected Members from the North Central Ward undertake the judging completely.

#### Option Two:

Verge entries are reviewed by City Officers with knowledge of City Verge Treatment Guidelines. The entries are then assessed against predetermined criteria. The Officer's assessments are forwarded to the Mayor and Elected Members from the North Central Ward for comment.

#### Option Three:

Verge entries are reviewed by City Officers with knowledge of City's Verge Treatment Guidelines and a member from the Great Gardens Team. Entries are then assessed against predetermined criteria. Their assessments are then forwarded to the Mayor and Elected Members from the North Central Ward for comment.

It is recommend that option three is selected as involving a broader judging panel may result in a number of additional and incidental benefits. Such benefits may include:

- An opportunity for North Central Ward Elected Members to become more familiar with verge standards and what is required to maintain them, thereby increasing their capacity to respond to resident inquiries.
- City Officers with expert skills and knowledge in verge treatments and environmentally friendly design will be able to assess the entries from a technical perspective. Furthermore, the City will be able to use the entries to promote the City's direct contribution to increasing community amenity and engagement as well as addressing climate change initiatives.
- By involving the Great Gardens Team in the competition's judging process, entrants will receive practical feedback on the enhancement factors that resulted in their verge entry winning. This information could be used to develop updated verge fact sheets for enhancing verges beyond a minimum standard.
- Finally, by having the Great Gardens Team involved in the judging process, a level of independence and expertise will be incorporated into the judging process.

**Link to Strategic Plan:**

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

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

Potential competitors may be deterred for a number of reasons, namely: disinterest; lack of time and energy for tidying up and maintaining a verge; and concerns with the costs of making improvements.

To a certain extent, these perceptions and beliefs may be countered with the provision of practical information on 'how to' manage a verge through the use of the City's website and the development of FAQ sheets to be included with the mail outs. The FAQ sheets could identify the long term benefits of verge maintenance such as offsetting or reducing carbon emissions and increasing the market value of the suburb overall.

**Financial/Budget Implications:**

Council allocated a budget of \$20,000 in the budget for 2007-08. It is anticipated that the costs of promoting the competition through mail outs alone and including the services of the Great Gardens Team will require approximately \$10,000. The remaining \$10,000 will be used to fund the prize options.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The proposed competition is a new initiative for the City and should be promoted as a pilot project with a view to applying it in other suburbs in the future. It is recommended that Greenwood be the next suburb involved in the competition, pending the success of the pilot project in Heathridge.

Additionally, the competition provides potential for direct support and education on water wise sustainable gardening plus a practical opportunity for the City to promote sustainable community living within the suburbs.

The competition also aligns with proposed principles for the City's Landscape Master Plan, which is currently in development. (Namely, *"the provision of attractive and functional streetscapes, i.e. verges and medians"*).

**Consultation:**

Not Applicable.

**COMMENT**

Not applicable.

**ATTACHMENTS**

Attachment 1 City of Joondalup Verge Treatment Guidelines

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That:**

- 1 Council AGREES to the following model being utilised for the Heathridge Verge Competition Project:**

**Competition Categories:**

**Category One - Individual households with verges that are exemplary i.e., the verges not only comply with the City's Verge Treatment Guidelines, but have also been developed to be water-wise and environmentally friendly.**

**Category Two - A number of households (minimum of three) within one street with verges that are exemplary i.e., they comply with the City's Verge Treatment Guidelines, but have also been developed to be water-wise and environmentally friendly.**

**Category Three - Individual households that have tidied up their verges and comply with the City's Verge Treatment Guidelines.**

**Category Four - A number of households (minimum of three) within one street that have tidied up their verges and comply with the City's Verge Treatment Guidelines.**

**Competition Prizes:**

- 1<sup>st</sup> - Vouchers from local hardware suppliers**
- 2<sup>nd</sup> - Vouchers from local gardening suppliers**
- 3<sup>rd</sup> - Vouchers from local garden nurseries**

**Promoting the Competition:**

**Option 2 – The Competition is launched with a Great Garden Workshop within Heathridge. Invitations to the launch are sent directly to all Heathridge residents.**

**Winners and Participants Recognition Event:**

Option 1 – An event is held at the beginning of a Council Meeting. Prizes are handed out and the winners are invited as guests to dinner prior to the Council Meeting.

**Judging Criteria:**

Option 2 – All applicants would be required to submit photographic evidence of their verges and provide a short written submissions outlining how their entry meets the requirements of the category applied for. They would also be required to briefly explain why it is important to live in a suburb that looks good. Advice and guidance will be offered by City Officers to applicants throughout the process, particularly with interpretation of the City's Verge Treatment Guidelines. A site visit by the judging panel would then follow.

**Judging Panels:**

Option 3 - Verge entries are reviewed by City Officers with knowledge of City's Verge Treatment Guidelines and a member from the Great Gardens Team. Entries are then assessed against predetermined criteria. Their assessments are then forwarded to the Mayor and Elected Members from the North Central Ward for comment;

- 2 Greenwood be the next suburb to be the subject of this program.

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf080408.pdf](#)



<b>Name/Position</b>	<b>Mr M Tidy, Director Corporate Services</b>
<b>Item No/Subject</b>	Item CJ055-04/08 - List of Payments made during the month of February 2008
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Payment Number 15358 – Mr Tidy's children are members of Wheelchair Sports WA Association

## **CJ055-04/08 LIST OF PAYMENTS MADE DURING THE MONTH OF FEBRUARY 2008 - [09882]**

**WARD:** All

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

### **PURPOSE**

To present to Council the list of accounts paid under the CEO's delegated authority during the month of February 2008 to note.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of February 2008 totalling \$7,441,057.11.

*It is recommended that Council NOTES the CEO's list of accounts for February 2008 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments A, B and C to Report CJ055-04/08, totalling \$7,441,057.11.*

### **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 February 2008. Lists detailing the payments made are appended as Attachments A and B. The vouchers for the month are appended as Attachment C.

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Municipal Account	<b>Cheques</b> 80771 - 80961 and EFT 15027 - 15428 Net of cancelled payments	\$4,891,703.64
	<b>Vouchers</b> 368A, 371A -372A & 374A – 376A	\$2,531,683.47
Trust Account	<b>Cheques</b> 201938 - 201976 Net of cancelled payments	\$17,670
	<b>Total</b>	\$7,441,057.11

**Issues and Options Considered:**

Not Applicable.

**Link to Strategic Plan:**

Strategy 4.1.1 – Ensure financial viability and alignment to plan.

**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 2007/8 Annual Budget as adopted by Council at its meeting of 3 July 2007 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:**

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan 2006/07-2009/10 which was available for public comment from 29 April 2006 to 29 June 2006 with an invitation for submissions in relation to the plan.

**COMMENT**

All Municipal Fund expenditure included in the list of payments is in accordance with the 2007/8 Annual Budget as adopted by Council at its meeting of 3 July 2007 or has been authorised in advance by Council where applicable.

**ATTACHMENTS**

Attachment A	CEO's Delegated Municipal Payment List for the month of February 2008
Attachment B	CEO's Delegated Trust Payment List for the month of February 2008
Attachment C	Municipal and Trust Fund Vouchers for the month of February 2008

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council NOTES the CEO's list of accounts for February 2008 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 Report CJ055-04/08, totalling \$7,441,057.11.**

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf080408.pdf](#)*

## **CJ056-04/08 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 29 FEBRUARY 2008 - [07882]**

**WARD:** All

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

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### **PURPOSE**

The February 2008 Financial Activity Statement is submitted to Council to be noted.

### **EXECUTIVE SUMMARY**

The February 2008 year to date report shows an overall increase in budgeted surplus from operations and capital of \$8,995K when compared to the 2007-2008 approved budget (JSC01-07/07 refers).

This variance can be summarised as follows:

- The **Operating** surplus at the end of February 2008 is \$3,376K above budget, comprising lower Revenue of \$(24)K and lower operating expenditure of \$3,401K.

Revenue variances arose from a \$(561)K variance in the budgeted Profit on Disposal mainly as a result of the delayed sale of land at Kinross. There was additional revenue of \$181K for Fees & Charges, \$107K for Rates and \$210K for Contributions, Reimbursements and Donations as detailed in the attached notes.

Expenditure variances arose principally from Materials and Contracts expenditure and Utilities Costs as detailed in the attached notes.

- **Capital Expenditure** is \$5,870K below the year to date budget of \$14,130K. The variance relates mainly to lower than expected expenditure on the Fee Paid Car Parking \$1200k, Joondalup Works Depot project \$924K, Ocean Reef Development delayed expenditure of \$600K, Road Resurfacing Program \$945K, other various Capital Works projects \$810K and delayed vehicle replacement of \$456K.

*It is recommended that Council NOTES the Financial Activity Statement for the period ended 29 February 2008 forming Attachment 1 to Report CJ056-04/08.*

### **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 29 February 2008 is appended as Attachment A.

**Link to Strategic Plan:**

Objective 4.1.1 – Ensure financial viability and alignment to plan.

**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 sources and applications 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 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 adopted 2007/08 Annual Budget or have been authorised in advance by Council where applicable.

The outcomes of the Mid Year Budget Review considered by Council at its March 2008 meeting will be reflected in the report on the next period to 31 March 2008.

**ATTACHMENTS**

Attachment A      Financial Activity Statement for the period ended 29 February 2008.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 29 February forming Attachment 1 to Report CJ056-04/08.**

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf080408.pdf](#)*

## **CJ057-04/08 TENDER 001/08 PROVISION OF TEMPORARY PERSONNEL SERVICES - [66609]**

**WARD:** All

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

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### **PURPOSE**

This report is to seek the approval of Council to accept the Offers submitted by Integrated Group Limited, LO-GO Appointments, IPA Personnel and Vedior Asia Pacific Pty Ltd for the provision of Temporary Personnel Services (Tender 001/08).

### **EXECUTIVE SUMMARY**

The City spends approximately \$36 million on staff. The vast majority of these staff members are directly employed. However, to achieve high level and consistent service provision, the City needs access to temporary labour in certain circumstances, and particularly at the leisure centres.

Consequently, tenders were advertised on Saturday 12 January 2008 through state wide public notice for the provision of Temporary Personnel Services for three (3) years. Tenders closed on Wednesday, 30 January 2008. Nine (9) submissions were received from:

- BDS People
- Drake
- Hays
- Integrated Group Limited
- IPA Personnel
- LO-GO Appointments
- Professional Secretarial Solutions
- Red Source Personnel
- Vedior Asia Pacific Pty Ltd

The Offers representing best value to the City are that as submitted by Integrated Group Limited, IPA Personnel, Vedior Asia Pacific Pty Ltd and LO-GO Appointments. The evaluation panel recommends that these Respondents be established as service providers on a Panel Contract to be used for the provision of Temporary Personnel Services on an 'as and when required' basis. The recommended Respondents are well established companies with demonstrated capacity and extensive experience in providing temporary personnel services to commercial organisations and the public sector including WA local governments.

*It is recommended that Council, in relation to Tender Number 001/08 ACCEPTS the Offers submitted by Integrated Group Limited, IPA Personnel, Vedior Asia Pacific Pty Ltd and LO-GO Appointments for the provision of Temporary Personnel Services for a three (3) year period in accordance with the statement of requirements in Tender 001/08 at the submitted Schedule of rates.*

## BACKGROUND

The requirement is for the provision of temporary personnel under various award categories in accordance with the schedule of rates and the terms and conditions of the Contract.

The previous panel Contract 028-03/04 Supply of Temporary Personnel expired on 21 August 2007, however, the previous Contractors have continued to provide the services on a temporary basis until a new Contract is in place.

## DETAILS

Tenders were advertised on Saturday 12 January 2008 through state wide public notice for the provision of Temporary Personnel Services for three (3) years. Tenders closed on Wednesday, 30 January 2008. Nine (9) submissions were received from:

- BDS People
- Drake
- Hays
- Integrated Group Limited
- IPA Personnel
- LO-GO Appointments
- Professional Secretarial Solutions
- Red Source Personnel
- Vedior Asia Pacific Pty Ltd

## Evaluation Criteria

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

Qualitative Criteria		Weighting
1	Capacity	50%
2	Demonstrated experience in completing similar projects	25%
3	Demonstrated understanding of the required tasks	20%
4	Social and economic effects on the local community	5%

## Evaluation Panel

The evaluation panel comprised of five members; one with tender and contract preparation skills and four involved in coordinating and supervising the Contract. The panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner.

## Tender Submissions

A summary of the Tender submissions is provided in Attachment 1.

To provide an estimated expenditure over a twelve (12) month period, historical data has been used for the items with high volume of usage and the following table provides a comparison of estimated expenditure between the Respondents. The award categories most commonly used are the Municipal Employees Award (Schedule 1), Local Government Officers Award (Schedule 2) and Award Free Market (Schedule 6).



### Evaluation Summary

Respondent	Score %	Price Ranking		Price Ranking
		Schedules 1 and 2	Schedule 6	
Integrated Group Limited	73.4%	\$891,739.86	Did not tender	1
IPA Personnel	82.8%	\$993,636.25	\$1,360,504.39	2 & 1
Vedior Asia Pacific Pty Ltd	80.6%	\$1,004,094.68	\$1,867,773.41	3 & 5
*Drake	72.5%	\$1,031,678.61	\$1,645,584.69	4 & 3
LO-GO Appointments	73.2%	\$1,050,094.37	\$1,659,157.73	5 & 4
Red Source Personnel	46.6%	\$1,096,065.54	\$1,555,211.55	6 & 2
*Hays	73%	\$1,181,070.8	Did not tender	7
BDS People	47.9%	\$393,266.92 (Schedule 1) Did not tender for Schedule 2	Did not tender	Not applicable
*Professional Secretarial Solutions	Non compliant - not assessed.			

\*Note: Professional Secretarial Solutions is a sole operator business working from home and currently does not hold any of the three insurances required. It does not have the capacity to provide the range of services required as it is only able to conduct clerical, typing and secretarial works.

Drake and Hays, were not fully compliant as they proposed changes to the general and special conditions of contract including charging placement fees should a temporary person they have supplied be employed by the City. They were included in the assessment while this issue was considered. It was determined that it was not possible to assess what the impact of these fees might be and the price ranking in the table does not include any allowance for these.

### Issues and options considered:

The 2007/08 budget includes a provision of \$35.6m in Employee Costs that covers City employees. The estimated \$2.6m in the first twelve months of this Contract provides additional labour across all business units. However, it primarily covers labour hire at the City's three leisure centres. The projected cost of \$1.9m for temporary labour hire at the City's Leisure Centres will decrease if the current investigation into in-sourcing workers proceeds. All prospective labour hire agencies were advised of this in the tender documentation.

Temporary labour hire is an important element to the effective and efficient running of the City. The City does not have the internal resources required to cover peak work loads across Business Units as needed from time to time. There is an option to utilise the State Government 'CUA' contract for similar services, however, not all categories of personnel required are available under the CUA contract. Therefore, it is necessary to proceed with this Contract.

**Link to Strategic Plan:**

This requirement is linked to the Strategic Plan in accordance with the following items:

4 Organisational Development

Objective 4.2 To provide quality services with the best use of resources.

Strategy 4.2.1 Provide efficient and effective service delivery.

Strategy 4.2.2 Provide quality customer service.

Objective 4.5 To manage our workforce as a strategic business resource.

Strategy 4.5.4 Implement best practice people-management policies and tools that assist in the achievement of the City's workforce objectives.

**Legislation – Statutory Provisions:**

A state wide public tender was advertised, opened and evaluated in accordance with the Local Government (Functions & General) Regulations 1996, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000. The consideration for this contract exceeds the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$250,000.

**Risk Management considerations:**

Should the Contract not proceed, the risk to the City will be high as the provision of the temporary personnel is essential in order to cover vacancies, special projects and peak workload periods.

In addition, temporary personnel provide direct service delivery to City customers at the Craigie Leisure Centre, without which Customer Service will suffer and the effective and efficient running of the Craigie Leisure Centre may not be able to be met.

It is considered that awarding the Contract to the recommended Respondents will represent a low risk to the City on the basis that they are well established companies with demonstrated capacity and extensive experience in providing temporary personnel services to commercial organisations and the public sector including WA local governments.

**Financial/Budget Implications:**

<b>Current Year Budget Allocation for this Contract</b>	<b>Projected Expenditure on these Services to 30 June 2008</b>	<b>Projected Expenditure on these Services in first 12 Months of Contract if Accepted</b>	<b>Projected Expenditure on these Services over the Life of the Contract if Accepted</b>
\$1,932,974 (Craigie Leisure Centre) \$208,000 (Operations Services) \$600,000 (Other Business Units)	\$1,905,230 (current to date) \$708,806 (new Contract)	\$2,614,037	\$10,088,788

Craigie Leisure Centre and Operations Services will be the major user of this Contract. Other business units have their own individual budget allocation to meet their temporary personnel requirements.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The Offers representing best value to the City are that as submitted by Integrated Group Limited, IPA Personnel, Vedior Asia Pacific Pty Ltd and LO-GO Appointments. The evaluation panel recommends that these Respondents be established as service providers on a Panel Contract to be used for the provision of Temporary Personnel Services on an 'as and when required' basis.

Integrated Group Limited, IPA Personnel, Vedior Asia Pacific Pty Ltd and LO-GO Appointments have scored highly from 73% to 83% and were the first, second, third and fifth, lowest priced offers received, respectively. All these recommended Respondents are well established companies with demonstrated capacity and extensive experience in providing temporary personnel services to commercial organisations and public sector including WA local governments.

Although Drake and Hays also scored highly at 73%, their submitted rates were higher than the other offers and they proposed to charge placement fees. Whilst Drake's offer (excluding placement fees) is slightly lower by 1.2% than LO-GO the potential impact of placement fees could not be assessed. On final consideration the panel was of the view that Drake and Hays' Submissions did not warrant further consideration.

Red Source Personnel and BDS People scored below average at 47% and 48%, respectively. The rates submitted from Red Source Personnel are also higher than the other offers, (with the exception of Hays), for Schedules 1 and 2. BDS tendered for only 2 out of the 8 categories of services required. Their tenders were not considered further.

The attached summary of tender submissions includes the location of each of the tenderers.

The protocols that apply to this requirement will be that the City will ensure that the service provider with the lowest rates and availability of qualified and acceptable candidates necessary to meet the timeframe required to complete each project, will be contracted to provide its Services. If that service provider is not able to meet the required service timeframes, the City will seek those required Services from the next appropriate, available and competitively priced service provider.

This protocol will enable the City to obtain flexibility from its approved service providers while obtaining the most competitive price for each project at the time to meet the required outcomes for the City.

## **ATTACHMENTS**

Attachment 1          Summary of Tender Submissions

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council, in relation to Tender Number 001/08 ACCEPTS the Offers submitted by Integrated Group Limited, IPA Personnel, Vedio Asia Pacific Pty Ltd and LO-GO Appointments for the provision of Temporary Personnel Services for a three (3) year period in accordance with the statement of requirements in Tender 001/08 at the submitted Schedule of rates.**

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf080408.pdf](#)*

## **CJ058-04/08 TENDER 006/08 PROVISION OF STORMWATER DRAINAGE IMPROVEMENTS FOR YELLAGONA REGIONAL PARK - [81609]**

**WARD:** All

**RESPONSIBLE A/DIRECTOR:** Mr Mike Archer  
Infrastructure Management Services

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### **PURPOSE**

This report is to seek the approval of Council to accept the Offer submitted by Underground Services Australia Pty Ltd for the provision of Stormwater Drainage Improvements for Yellagonga Regional Park (Tender 006/08).

### **EXECUTIVE SUMMARY**

Tenders were advertised on Saturday, 16 February 2008 through state wide public notice for the provision of Stormwater Drainage Improvements for Yellagonga Regional Park. Tenders closed on Wednesday, 5 March 2008. Three (3) submissions were received from:

- Underground Services Australia Pty Ltd;
- Densford Civil; and
- Cobey Industries.

The Offer representing best value to the City is that as submitted by Underground Services Australia Pty Ltd under Pricing Option B. The recommended Respondent is a well established company that has been in the construction industry for 20 years and has successfully completed an earlier stage of the stormwater drainage improvement works.

*It is recommended, in relation to Tender Number 006/08 that Council ACCEPTS the Offer submitted by Underground Services Australia Pty Ltd for the provision of Stormwater Drainage Improvements for Yellagonga Regional Park under Pricing Option B for works to be completed within three (3) months in accordance with the statement of requirements in Tender 006/08 at the submitted Lump Sum of \$286,054.39 exclusive GST.*

### **BACKGROUND**

Yellagonga Regional Park (YRP) encompasses the wetlands of Lake Joondalup and Lake Goollelal, Beenyup and Walluburnup Swamps and covers an area of approximately 1400 hectares.

Stormwater from surrounding residential development discharges into the YRP at several locations. The quality of the water within the lakes of the park has come under increasing scrutiny and the surrounding residential development is considered a contributing factor in the level of pollutants found within the lake system.

The works specified in this Contract are a continuation of earlier works undertaken that aim to improve the quality of stormwater currently being discharged into the park. There are six specific drainage systems discharging into Lake Goollelal that are the subject of the works in this Contract and they discharge at locations referred to as Outfalls 18, 19, 20, 22, 24 and 25.

The pollutant traps to be installed by the Contractor have been pre-purchased by the City in order to meet the construction timetable.

Due to budgetary constraints the City could not guarantee that the Works for all six (6) outfall areas would proceed. Two pricing options were therefore specified to provide the flexibility to undertake a portion of the works that met available funding. Option A sought a price for all specified works to be undertaken. Option B sought a price for specified works to Outfall Sites 18, 19, 20 plus separate prices to undertake any combination of the remaining Outfall Sites 22, 24 and 25.

## DETAILS

Tenders were advertised on Saturday, 16 February 2008 through state wide public notice for the provision of Stormwater Drainage Improvements for Yellagonga Regional Park. Tenders closed on Wednesday, 5 March 2008. Three (3) submissions were received from:

- Underground Services Australia Pty Ltd;
- Densford Civil; and
- Cobey Industries.

## Evaluation Criteria

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

Qualitative Criteria		Weighting
1	Capacity	35%
2	Demonstrated experience in completing similar projects	30%
3	Demonstrated understanding of the required tasks	30%
4	Social and economic effects on the local community	5%

## Evaluation Panel

The evaluation panel comprised of three members; one with tender and contract preparation skills and one City staff member and one External Consultant involved in administering and supervising the Contract. The panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner.

## Tender Submissions

A summary of the Tender submissions is provided in Attachment 1.

The City has an option to accept either:

- Option A which is for Works to be undertaken for all six (6) Outfall Sites; or
- Option B which is for Works to be undertaken for the combined Outfall Sites 18, 19, 20 with optional Outfall Sites 22, 24 and 25.

## Evaluation Summary

Respondent	Score %	Lump Sum (Exclusive GST)		Price Ranking
		Option A All 6 Outfall Sites	Option B 3+1+1+1 Outfall Sites	
Underground Services Australia Pty Ltd	74%	\$292,116.94	\$286,054.39	1
Densford Civil	64%	\$322,433.93	\$322,433.93	2
Cobey Industries	58%	\$348,529.24	\$336,379.05	3

### Issues and options considered:

The works specified aim to achieve desired improvements in stormwater quality with a combination of suitably designed and located pollutants devices and drainage basins. Improvements to be undertaken have been developed in consultation with the Department for Environment and Conservation.

The City does not have the internal resources necessary to carry out the works and, therefore, it is necessary to proceed with this Contract.

It will be noted that the Option A price for all six (6) Outfall Site works is higher than that of Option B for the same works in the submission from the recommended Respondent, Underground Services Australia. It had been assumed that there would be some economies of scale gained from the Contractor undertaking all of the works. It was found, however, during the Tender evaluation that an arithmetic error had been made by the Respondent in the Option A price schedule that lead to the higher lump sum price. Option B from the recommended Respondent is still the lowest price and the City intends to do all six (6) Outfall Sites.

### Link to Strategic Plan:

This requirement is linked to the Strategic Plan in accordance with the following items:

#### 2. Caring for the Environment.

Objective 2.1 To plan and manage our natural resources to ensure environmental sustainability.

Strategy 2.1.1 Maintain and protect natural assets to retain biodiversity.

#### 3 City Development

Objective 3.1 To develop and maintain the City of Joondalup's assets and built environment.

Strategy 3.1.3 Create and maintain parklands that incorporate nature and cultural activities accessible to residents and visitors.

### Legislation – Statutory Provisions:

A state wide public tender was advertised, opened and evaluated in accordance with the Local Government (Functions & General) Regulations 1996, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000. The consideration for this contract exceeds the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$250,000.

**Risk Management considerations:**

Should the Contract not proceed, the risk to the City will be high as the City would risk delaying the implementation of committed improvements to the drainage system discharging into the park and risk losing funding from Federal Water Grants Programme of \$190,909 by failing to meet deadlines for completion.

It is considered that awarding the Contract to the recommended Respondent will represent a low risk to the City based on it having successfully completed an earlier stage of these stormwater drainage improvement works.

**Financial/Budget Implications:**

<b>Current Year Budget Allocation for this Project</b>	<b>Projected Expenditure on these Services to 30 June 2008</b>
Project 7164 – SWD Stormwater Drainage Outfall Upgrades  \$220,000	Project 7164 – SWD Stormwater Drainage Outfall Upgrades  Supply of Pollutant Traps  \$220,000
Project 7165 – SWD Stormwater Drainage Upgrades  \$33,000	
Project 7166 – SWD Stormwater Drainage Sump Major Renewal  \$74,000	
Federal Water Grant  \$190,909	
	Tender 006/08  Tender Price Option B  \$286,054.39
<b>TOTAL \$517,909</b>	<b>TOTAL \$506,054.39</b>

The City has received funding from the Federal Water Grants Programme of \$190,909 for the upgrade of the six stormwater drainage outfalls within Yellagonga Regional Park.

Tender prices received for the construction of the outfall upgrades were higher than anticipated and there exists a funding shortfall that is proposed to be addressed by the re-scoping of the Stormwater Drainage Capital Works Programme for 2007/08. Additional funds have been sourced from Projects 7165 (\$33,000) and 7166 (\$74,000) within the City's Stormwater Drainage Programme as detailed in the table above.



This project is considered to be high priority and the City is committed to completing all of the works specified in this natural area as soon as possible. Once these six outfalls have been completed there remain no further outfalls within Yellagonga Regional Park that would require upgrading.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Lake Goollelal is part of the Yellagonga Regional Park, an area of significant environmental, cultural and recreational value. Upgrading the stormwater infrastructure will reduce the amount of particulate matter and pollutants entering the lake. This has positive implications for the lake with a reduction of gross pollutants and an increase in water quality which will in turn reduce the likelihood of algal blooms and the presence of significant midge and mosquito populations. This project will ensure that Lake Goollelal continues to remain an important habitat for flora and fauna and retains its value to the local community.

**Consultation:**

Not Applicable.

**COMMENT**

The Offer representing best value to the City is that submitted by Underground Services Australia Pty Ltd at the offered price of \$286,054.39 under Option B for work to be undertaken for all 6 Outfall Sites.

Underground Services Australia Pty Ltd scored the highest at 74% in the qualitative assessment and is also the lowest priced Offer received. It has demonstrated the capacity to provide the services as it is a well established company that has been in the construction industry for 20 years. The company is accredited to ISO9001 and has an Occupational Safety and Health Policy and an Environmental Management Policy in place. Underground Services Australia Pty Ltd successfully completed an earlier stage of these stormwater drainage improvement works for the City.

Densford Civil and Cobey Industries' scores in the qualitative assessment of 64% and 58% respectively, were less than that of Underground Services at 74%. Their tendered prices were also more expensive than that of Underground Services Australia Pty Ltd by 13% and 18% respectively.

The attached summary of tender submissions includes the location of each of the Tenderers.

**ATTACHMENTS**

Attachment 1 – Summary of Tender Submissions

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council, in relation to Tender Number 006/08 ACCEPTS the Offer submitted by Underground Services Australia Pty Ltd for the provision of Stormwater Drainage Improvements for Yellagonga Regional Park under Pricing Option B for works to be completed within three (3) months in accordance with the statement of requirements in Tender 006/08 at the submitted Lump Sum of \$286,054.39 exclusive GST.**

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9agn150408.pdf](#)*

**CJ059-04/08      PETITION REGARDING TRAFFIC CONCERNS ON  
ALCONBURY ROAD, KINGSLEY - [20892]**

**WARD:** South-East

**RESPONSIBLE  
DIRECTOR:** Mr Mike Archer  
Acting Director Infrastructure Services

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**PURPOSE**

To consider a petition regarding traffic concerns along Alconbury Road in Kingsley.

**EXECUTIVE SUMMARY**

The City's most recent traffic surveys for Alconbury Road, Kingsley show that this road carries approximately 1,050 vehicles per day, with 85% of all vehicles travelling at a speed of 60.5km/h or less. While the (85<sup>th</sup> percentile) travel speed of vehicles is slightly higher than desirable, the volume of traffic and percentage of heavy vehicles along this road are within the ranges expected for a local access road. On the basis of the traffic assessment, the construction of traffic management measures for Alconbury Road, Kingsley would not have as high a priority as other roads already listed for treatment as part of the City's Five Year Capital Works Program. There are a number of non-infrastructure measures that can be introduced by the City to assist in reducing the speed of vehicles along this road.

Alconbury Road, Kingsley however is on the City's current resurfacing programme for 2008/2009. Due to this factor, it may be prudent for the City as part of this resurfacing programme, to install a narrow red asphalt median with associated islands which may be supported by the residents as a means of traffic calming of this road. This type of treatment was trialled at Benbullen Boulevard, Kingsley in 2005 and was supported by residents at that time.

*It is recommended that Council:*

- 1      *INTRODUCES a number of community-based road safety programs with the support of the residents of Alconbury Road, Kingsley and the local community, including the Community Manual for Safe Streets, the Bin Sticker program and the Speed Alert Trailer;*
- 2      *REQUESTS the WA Police to carry out enforcement, particularly during periods identified by the traffic classifiers where the volume and percentage of speeding vehicles is highest;*
- 3      *LISTS FOR CONSIDERATION in the 2008/09 Capital Budget the installation of a red asphalt median and associated traffic islands and intersection modifications on Alconbury Road, Kingsley in addition to the planned resurfacing works;*
- 4      *ADVISES the Petition Organiser of Council's decision.*

## BACKGROUND

At the ordinary meeting of Council held on 16 October 2007, a 30-signature petition was received from residents of Kingsley indicating concerns regarding increased traffic flow and speed of traffic along Alconbury Road in Kingsley and requesting the City to examine ways to improve safety of the street as a matter of urgency.

A location plan identifying the subject area is attached – refer to **Attachment 1**.

Alconbury Road, Kingsley is 7.4m wide (centrally located within a 20-metre road reserve), 400 metres long and is classified as a Local Access road under the City's Functional Road Hierarchy. In accordance with the City's Functional Road Hierarchy, a road of this type may reasonably be expected to carry up to 3,000 vehicles per day.

Alconbury Road, Kingsley extends from Moolanda Boulevard to Goollelal Drive, provides frontage to approximately 30 residential properties and vehicular access to residential properties in Talbot Drive, Kylie Way, Calbourne Way and a number of other local access roads. Alconbury Road is governed by the default urban speed limit of 50km/h, which was introduced by law in Western Australia on 1 December 2001.

A site inspection indicated that the road surface is in fair condition however the road is proposed to be resurfaced in 2008/09 due to cracking. There is a 1.2 metre wide footpath along the southern kerb and the street lighting is primarily located adjacent to the southern kerb.

## DETAILS

### Issues and options considered:

The industry standard for traffic assessments uses the 85<sup>th</sup> percentile travel speed (i.e. the speed at which 85% of vehicles are travelling below) and traffic volumes measured over seven days as the criteria for evaluating traffic, as prescribed in the Australian Standard AS1742.4 1999 (*Manual of Uniform Traffic Control Devices, Part 4: Speed Controls*).

The City's most recent traffic surveys for Alconbury Road were undertaken at a mid-block location (west of Kylie Way) in September 2007. The results of these surveys are summarised as follows:

Average Weekday Traffic	Heavy Vehicles	85 <sup>th</sup> Percentile Speed	Mean Speed	Speed Distribution (km/h)			
				Below 50	50-60	60-70	Above 70
<i>Alconbury Road, west of Kylie Way</i>							
1,050 vpd	2.1%	60.5 km/h	52.3 km/h	365 vpd (34.8%)	510 vpd (48.5%)	150 vpd (14.5%)	25 vpd (2.2%)

The traffic surveys showed that Alconbury Road carries approximately 1,050 vehicles per day, with 85% of all vehicles travelling at a speed of 60.5 km/h or less. A comparison with the traffic flow and 85<sup>th</sup> percentile travel speed of other roads in the vicinity is shown in the attached diagram – refer to **Attachment 2**.

Traffic surveys allow the identification of travel speeds of individual vehicles at each hour of the day. A diagram showing the speed and time of each vehicle travelling along Alconbury Drive on the Wednesday of the survey period (which was shown to be a representative day) is attached – refer to **Attachment 3**.

Crash data provided by Main Roads WA indicates that there have been 3 crashes at the Goollelal Drive intersection (with Alconbury Road) and 1 crash at the Moolanda Boulevard intersection (with Alconbury Road) in the 5-year period ending December 2006. However, there have been no reported mid-block crashes along this road during this period.

The assessment of the traffic data collected for Alconbury Road suggests that although the (85<sup>th</sup> percentile) travel speed of vehicles is slightly higher than desirable, the volume of traffic and percentage of heavy vehicles along this road are within the ranges expected for a local access road.

The City's current focus is to traffic calm the local distributor roads that have higher traffic volumes, vehicle speeds and recorded crash histories. Any traffic management treatment will aim at lowering the 85<sup>th</sup> percentile speed but will most likely have little effect on the antisocial driver behaviour that creates most distress to residents.

Residents have claimed that the traffic flows and travel speeds have recently increased to an unacceptably high level. However, previous surveys undertaken in September 2006 indicated traffic flows and travel speeds almost identical to those measured in September 2007. This suggests that the characteristics of this road are relatively stable and have not been subject to any significant variation over time.

The City has previously received requests from residents to cul-de-sac Alconbury Road at the eastern end (at the Goollelal Drive intersection). This proposal could not be supported, as this would simply divert additional traffic onto Talbot Drive, Gavin Way and possibly Benbullen Boulevard. Also, this treatment would not address the issues associated with excessive vehicle speeds and antisocial driver behaviour.

Alconbury Road, Kingsley however is on the City's current resurfacing programme for 2008/2009. Due to this factor, it may be prudent for the City as part of this resurfacing programme, to install a narrow red asphalt median with associated islands which may be supported by the residents as a means of traffic calming of this road. This type of treatment was trialled at Benbullen Boulevard, Kingsley in 2005 and was supported by residents at that time.

By narrowing the effective lane width, vehicles speeds can be reduced as drivers adapt to a more constrained road environment.

**Link to Strategic Plan:**

The consideration of traffic management measures is consistent with the following objectives and strategies from the City of Joondalup's Strategic Plan 2003-2008:

- 1.4.2 Contribute to the protection of human health
- 3.1 To develop and maintain the City of Joondalup's assets and built environment
- 4.1.3 Develop a risk management strategy
- 4.2 To provide quality services with the best use of resources.
- 4.3.3 Provide fair and transparent decision making processes.

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

The City receives many requests to construct traffic management measures on local roads and therefore follows a system of prioritising these requests based on various factors, including traffic volumes, (85<sup>th</sup> percentile) travel speeds, crash data, road geometry, proximity to major trip generators, percentage of heavy vehicles and percentage of non-local through traffic.

**Financial/Budget Implications:**

The additional works would be subject to detailed design, however would include widening to some intersections and the installation of traffic islands at key locations to complement the red asphalt median.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Community consultation would need to be undertaken should Council approve the installation of a narrow red asphalt median and associated islands on Alconbury Road as part of the 2008/09 Budget deliberations.

**COMMENT**

On the basis of the traffic assessment, the construction of traffic management measures along Alconbury Road would not have as high a priority as other roads already listed for treatment as part of the City's Five Year Capital Works Program. However as this road is proposed to be resurfaced in 2008/09, the introduction of a red asphalt median with associated islands may be supported by the residents of Alconbury Road as an appropriate traffic treatment. As part of the 2008/09 works the City would consult with the residents to determine support.

The local government responsibility for roads is primarily focussed on the care, control and management of the road asset. Alconbury Road is in fair condition and can be driven safely and comfortably at 50km/h. The issue of traffic speeding and inappropriate driver behaviour is by State Government legislation, a policing matter.

In order to address some of the concerns raised in the petition, there are a number of non-infrastructure measures that can be introduced by the City (prior to the construction of any traffic management measures) to assist in reducing the speed of vehicles along this road.

The City has recently developed a manual, known as the Community Manual for Safe Streets, to assist residents to develop a safer road environment in the area they reside. This manual was based on the positive results achieved by residents of the Bridgewater Drive Action Group, which successfully reduced the incidence of speeding and antisocial behaviour along this road within three months. This was accomplished by a sustained community campaign supported by traffic Police.

The manual would be suitable for implementation along Alconbury Road, provided there is a core group of residents that are ready to take ownership of the program. The City can provide all the support and resources, as necessary.

Other measures that could be introduced to improve road safety along this road include:

- Trial the “50 in my street” and “Slow Down Consider Our Kids” bin stickers.
- Utilise the City’s Speed Alert Trailer along Alconbury Road to educate and remind drivers about speeds in the street.
- Request the WA Police to carry out enforcement, particularly during periods identified by the traffic classifiers where the volume and percentage of speeding vehicles is highest.

## ATTACHMENTS

Attachment 1	Location Map of Alconbury Road
Attachment 2	Comparison with Adjacent Roads
Attachment 3	Speed-Traffic Profile of Alconbury Road

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

### That Council:

- 1 INTRODUCES a number of community-based road safety programs with the support of the residents of Alconbury Road, Kingsley and the local community, including the Community Manual for Safe Streets, the Bin Sticker program and the Speed Alert Trailer;**
- 2 REQUESTS the WA Police to carry out enforcement, particularly during periods identified by the traffic classifiers where the volume and percentage of speeding vehicles is highest;**
- 3 LISTS FOR CONSIDERATION in the 2008/09 Capital Budget the installation of a red asphalt median and associated traffic islands and intersection modifications on Alconbury Road, Kingsley in addition to the planned resurfacing works;**
- 4 ADVISES the Petition Organiser of Council’s decision.**

*Appendix 10 refers*

To access this attachment on electronic document, click here: [Attach10brf080408.pdf](#)

## **CJ060-04/08 TENDER 003/08 PROVISION OF ARCHITECTURAL AND CONSULTANCY SERVICES – CRAIGIE LEISURE CENTRE - [74609]**

**WARD:** Central

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

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### **PURPOSE**

This report is to seek the approval of Council to accept the Offer submitted by Donovan Payne Architects Pty Ltd for the Provision of Architectural and Consultancy Services (Tender 003/08) for additional aquatic facilities at the City of Joondalup Leisure Centres, Craigie.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 19 January 2008 through state wide public notice for the Provision of Architectural and Consultancy Services. Tenders closed on 5 February 2008. Five (5) submissions were received from:

- Donovan Payne Architects Pty Ltd;
- Harrison and White Pty Ltd;
- James Christou and Partners Architects;
- Facility Design Group;
- Tompkins ADA Architects.

The offer representing best value to the City is that as submitted by Donovan Payne Architects Pty Ltd and the Panel recommend that this Respondent is established as the service provider for Architectural and Consultancy Services. The recommended Respondent has demonstrated capacity and extensive experience in completing similar projects. They have undertaken and completed previous work for the City in a timely and cost effective manner and have worked with various local governments and private organisations on projects of this nature.

*It is recommended that Council, in relation to Tender Number 00308 ACCEPTS the Tender submitted by Donovan Payne Architects Pty Ltd for the Provision of Architectural and Consultancy Services in accordance with the statement of requirements in Tender 003/08 at the submitted Lump Sum price of \$382,050.*

### **BACKGROUND**

The Scope of Services is for the provision of Architectural and Consultancy Services for the Craigie Leisure Centre project for an outdoor fifty (50) metre pool, outdoor water playground, terraced seating, shade areas and associated facilities.



The Contractor's responsibility shall include but not be limited to:

- Develop and formulate project brief;
- Concept design development including consideration and incorporation of Ecologically Sustainable Design principles and concepts and building aesthetics;
- Site planning and layout;
- Site servicing;
- Building design - internal and external;
- Forward works design and documentation;
- Interior design;
- Graphics design for internal and external signage, statutory and directional signs;
- Co-ordination of all project consultant team services;
- Assistance with construction superintendence of Works Contract(s) as the Superintendent's Representative with respect to technical matters; and
- Presentations and stakeholder consultation

## DETAILS

Tenders were advertised on 19 January 2008 through state wide public notice for the Provision of Architectural and Consultancy Services. Tenders closed on 5 February 2008. Five (5) submissions were received from:

- Donovan Payne Architects Pty Ltd;
- Harrison and White Pty Ltd;
- James Christou and Partners Architects;
- Facility Design Group;
- Tompkins ADA Architects.

## Evaluation Criteria

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

Qualitative Criteria		Weighting
1	Capacity	30%
2	Demonstrated experience in completing similar projects	45%
3	Demonstrated understanding of the required tasks	20%
4	Social and economic effects on the local community	5%

## Evaluation Panel

The evaluation panel comprised of three members; one with tender and contract preparation skills, one with architectural and project management experience and the Officer who will be responsible for coordinating and supervising the Contract. The panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner.

## Tender Submissions

A summary of the tender submissions is provided in Attachment 1

Tenders submissions were based on a Lump Sum basis for the completion of the work under the Contract and are stated in the table below.

Respondent	Price Ranking	Price Offered
Donovan Payne Architects Pty Ltd	1	\$382,050
Harrison and White Pty Ltd	4	\$615,250
James Christou and Partners Architects	5	\$733,390
Facility Design Group	2	\$393,500
Tompkins ADA Architects	3	\$466,500

## Evaluation Summary

As a result of the Qualitative Evaluation the Panel agreed on the following rankings for the compliant Submissions.

Respondent	Price Offered	Qualitative Ranking	Weighted Percentage Score %
Donavon Payne Architects Pty Ltd	\$382,050	1	98
Harrison and White Pty Ltd	\$615,250	5	33
James Christou and Partners Architects	\$733,390	3	72
Facility Design Group	\$393,500	4	66
Tompkins ADA Architects	\$466,500	2	82

## Issues and options considered:

The provision of Architectural and Consultancy services are essential in order to ensure the smooth running and completion of the project on time. The City does not have the internal resources or skills to undertake the requirements of the project and, therefore, it is necessary to proceed with this Contract.

## Link to Strategic Plan:

This requirement is linked to the Strategic Plan in accordance with the following items:

- 1 Community Wellbeing.
- Objective 1.3 To continue to provide services that meet changing needs of a diverse and growing community.

Strategy 1.3.1 provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment.

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

A state wide public tender was advertised, opened and evaluated in accordance with the Local Government (Functions & General) Regulations 1996, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000. The consideration for this contract exceeds the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$250,000.

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

Should the Contract not proceed, the risk to the City will be high as the provision of the services required is essential in order for the City to complete project requirements in the nominated timeframe.

It is considered that awarding the Contract to the recommended Respondent will represent a low risk to the City on the basis that they are a well established company and have, in the past worked with various local governments, including the City of Joondalup.

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

<b>Current Year Budget Allocation for this Contract/Project</b>	<b>Projected Expenditure on these Services to 30 June 2008</b>	<b>Projected Expenditure on these Services in first 12 Months of Contract if Accepted</b>	<b>Projected Expenditure on these Services over the Life of the Contract if Accepted</b>
\$450,000	\$250,000	\$382,050	\$382,050

In October 2007, the City made a submission to the Department of Sport and Recreation Community Facilities Fund for a contribution of One Million and Eight Hundred Thousand Dollars (\$1,800,000) towards the construction of the proposed aquatic facilities.

The City was unsuccessful in its submission with no funding provided towards the project. Feedback from the Department of Sport and Recreation indicated that the submission was unsuccessful as there is already a 50 metre pool within the City's boundary and there were higher regional and metropolitan priorities.

The City has approached the Australian Government Department of Transport and Regional Services – Regional Partnerships funding program. Feedback has indicated that the project is unlikely to receive funding based on the proximity of other public swimming pools, the project is considered a core responsibility of local government and that other funding partners (i.e CSRFF) should be engaged in the project. The City will make an application based on the community need expressed for the outdoor water playground highlighting the social and physical activity benefits of these facilities. Submissions close in August 2008 for this funding program.

#### **Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The Offer representing best value to the City is that as submitted by Donavon Payne Architects Pty Ltd. The evaluation panel recommends that this Respondent be established as a service provider for the provision of Architectural and Consultancy Services.

Donavon Payne Architects Pty Ltd scored very high at 98% and demonstrated capacity and extensive experience in completing similar projects. Donavon Payne Architects Pty Ltd has provided services of a similar nature to various other local governments and private organisations, including the City of Joondalup. Donavon Payne Architects Pty Ltd were also involved in the development of the concept design of the proposed project and therefore are fully aware of the outcomes required of the facilities.

Donavon Payne Architects Pty Ltd was the lowest tendered price and achieved the highest qualitative score and the panel are confident that they will undertake and complete the work under the Contract in a timely and cost effective manner.

The appointment of Donavon Payne Architects Pty Ltd will ensure the project can continue to the stage of detailed design. The final detailed design for the project will consider the outcomes of swimming club consultation and the environmental audit. The detailed design will be presented to Council for endorsement prior to seeking tenders for the construction of facilities.

The outcome of the tender process will provide Council with a recommended builder and total cost required to complete the project.

**ATTACHMENTS**

Attachment 1          Summary of tender submissions.

**VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council, in relation to Tender Number 057/07, ACCEPTS the Tender submitted by Donovan Payne Architects Pty Ltd for the Provision of Architectural and Consultancy Services in accordance with the statement of requirements in Tender 003/08 at the submitted Lump Sum price of \$382,050.**

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf080408.pdf](#)*

<b>Name/Position</b>	<b>Cr K Hollywood</b>
<b>Item No/Subject</b>	Item CJ061-04/08 - Monthly Town Planning Delegated Authority Report, Development and Subdivision Applications - February 2008
<b>Nature of interest</b>	Financial
<b>Extent of Interest</b>	Husband is an applicant for development approval

**CJ061-04/08 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – FEBRUARY 2008 - [07032] [05961]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Clayton Higham  
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 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 two yearly basis, or as required. All decisions made by staff, acting under delegated authority as permitted under the delegation notice, are reported to Council on a monthly basis.

The normal monthly report on Town Planning Delegations identifies:

- 1 Major development applications
- 2 Residential Design Codes
- 3 Subdivision applications

This report provides a list of the development and subdivision applications determined by those staff members with delegated authority powers during the months of November and December 2007 (see Attachments 1, 2 and 3 respectively) for those matters identified in points 1-3 above.

**BACKGROUND**

The number of development and subdivision applications determined for February 2008 under delegated authority and those applications dealt with as “R-code variations for single houses” for the same period are shown below:

<b>Approvals Determined Under Delegated Authority – Month of February 2008</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Value (\$)</b>
Development Applications	91	20,058,087.00
R-Code variations (Single Houses)	79	5,709,038.00
<b>Total</b>	<b>170</b>	<b>25,767,125.00</b>

The number of development applications received in February 2008 was 103. (This figure does not include any applications that may become the subject of the R-Code variation process).

<b>Subdivision Approvals Processed Under Delegated Authority Months of February 2008</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Potential new Lots</b>
Subdivision Applications	6	4
Strata Subdivision Applications	3	4

**Suburb/Location:** All  
**Applicant:** Various – see attachment  
**Owner:** Various – see attachment  
**Zoning:** **DPS:** Various  
**MRS:** Not Applicable

The District Planning Scheme No 2 requires that delegation be reviewed annually, unless a greater or lesser period is specified by Council. The Council, at its meeting of 25 September 2007 considered and adopted the most recent Town Planning Delegation for the period to 17 July 2009.

## **DETAILS**

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

Not Applicable.

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

The strategic plan 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 2002, any relevant Town Planning Scheme Policy and/or the District Planning Scheme.

Of the 91 development applications determined during February 2008, consultation was undertaken for 45 of those applications. Of the 9 subdivision applications determined during February 2008, 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	February 2008 decisions - Development Applications
Attachment 2	February 2008 - Subdivision Applications processed

**VOTING REQUIREMENTS**

Simple Majority



## **RECOMMENDATION**

**That Council NOTES the determinations made under Delegated Authority in relation to the:**

- 1 development applications described in Report CJ061-04/08 for February 2008;**
- 2 subdivision applications described in Report CJ061-04/08 for February 2008.**

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf080408.pdf](#)*

## **CJ062-04/08      MASTER PLANNING PRINCIPLES AND PROCESS - [02056]**

**WARD:** All

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

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### **PURPOSE**

To provide details of the City's proposed Master Planning Principles and Process.

### **EXECUTIVE SUMMARY**

Master planning is a process that develops an overall design and layout for an area. The process considers the current and future needs of the community to develop a concept plan that designs facilities, infrastructure and areas to best meet these identified needs.

The City has a number of public open space areas where the provision of facilities and infrastructure for sport, leisure and recreation has been developed on an ad-hoc basis and as a result, has now either reached capacity or no longer meets the needs of the community. With a number of these facilities now reaching the end of their lifecycle, the need for a sustainable approach for the future provision and development of community sport, leisure and recreational assets has been identified.

This report outlines the key principles and process that will be applied when undertaking master planning at a particular site.

*It is recommended that Council:*

- 1      *ENDORSES the City's Master Planning Principles and Process to be applied to all future developments and upgrades of sport, leisure and recreational facilities and infrastructure within the City, as detailed in Attachments 1 and 2 to Report CJ061-04/08;*
- 2      *NOTES that further master planning projects will be listed for consideration in the 2008/2009 budget.*

### **BACKGROUND**

Historically, the supply and provision of facilities and infrastructure for sport, leisure and recreation has been based on specific user group needs rather than the broader community needs and leisure trends. This has resulted in a number of facility and asset management issues such as:

- Poor standard of facility provision;
- Duplication of facilities within the same site;
- Rising costs for maintaining facilities;
- Aging facilities in the City.

One area where the City provides support to its clubs, associations and residents is through the planning and development of community sport, leisure and recreational assets. In order for the City to continue with this role, a sustainable approach is required whereby current asset provision and utilisation is analysed and future developments or improvements are based on the assessment of community needs.

The City has conducted research into the processes undertaken by other local government authorities relating to the successful master planning of public open space areas. This investigation has enabled the City to develop key principles and a staged process that can be applied to any particular site, including clear reporting timelines and opportunities for Council and community participation.

## **DETAILS**

The City's Master Planning Principles and Process can be applied to the redevelopment of all community sport, leisure and recreational assets including:

- Public buildings - leisure centres, libraries, halls, clubrooms, community centres, public toilets;
- Parks and public open space - active sporting parks, passive parks, bushland areas, beaches and foreshores;
- Sporting infrastructure - tennis courts, outdoor sports courts, practice and match wickets, floodlighting.

While a master planning process can have a variety of outcomes, the final result is often impacted by the different principles that are used to guide and inform the process. The following principles have been designed to assess all future community sport, leisure and recreational redevelopments in the City. Attachment 1 gives a visual representation of the principles.

### **Master Planning Principles**

#### **1 Community Engagement (Communication and Ownership)**

Projects are to be based on a documented community need that clearly demonstrates the benefits that it will provide to existing clubs and groups and the wider community. The community and existing clubs and associations will be engaged through extensive consultation to ensure their needs are identified and considered when developing the Master Plan concepts.

#### **2 Multi-purpose & Shared Use**

Projects should incorporate both co-location and shared use. Facilities will be designed to be flexible spaces that are multi-purpose and cost effective to maintain. This may involve clubs sharing facilities, sports grounds, community buildings, car parking and other spaces.

#### **3 Community Access & Participation**

Projects should enhance the community's access to facilities and opportunity for increased participation in health and well-being activities including active sport and passive unstructured leisure and recreation.

#### **4 Sustainability (Environmental, Economic)**

Projects will appropriately address key environmental and sustainability issues through site planning, traffic impacts/transport needs, landscape planning, impacts of noise/light pollution, urban design, energy efficiency and the effective use of resources (ie. water).

#### **5 Quality Facility Provision**

Projects should focus on improving the quality of facilities and infrastructure provided to the community, with priorities placed on their functionality to meet the needs of user groups and the City's ongoing management requirements over the life of the asset.

An eight (8) step Master Planning Process has been designed to be applied to all future community sport, leisure and recreational infrastructure developments and upgrades within the City and is outlined in Attachment 2.

Stages one to five (1-5) of the process undertakes needs analysis, concept design and feasibility analysis of a master planning project. Both Council and the community are engaged extensively through these stages of the process.

Stages six to eight (6-8) of the process undertakes the funding, construction and operations of the master planning project. Council and the community will be kept up to date in the timelines of these developments as the project progresses.

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

Outcome The City of Joondalup provides social opportunities that meet community needs.

Strategy 1.3.1 Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment.

Outcome The City of Joondalup has well-maintained assets and built environment.

Strategy 3.1.1 Plan the timely design, development, upgrade and maintenance of the City's infrastructure.

Strategy 3.1.2 Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.

Strategy 3.1.3 Create and maintain parklands that incorporate nature and cultural activities accessible to residents and visitors.

Outcome The City of Joondalup is an interactive community.

Strategy 4.3.1 Provide effective and clear community consultation.

Strategy 4.3.3 Provide fair and transparent decision-making processes.

#### **Risk Management Considerations:**

##### Political Issues

With any principle that promotes shared use, there is the possibility that there may be a lack of will for clubs or groups to begin sharing facilities. This may translate to Elected Members being approached by clubs or groups to express their concerns at any changes to the status quo.

Following a process that has been designed in line with agreed principles, will ensure that valid and representative data is collected and used in decision making. The City's Master Planning process includes opportunities for both Council and the community to participate, which will also assist to reduce this risk.

### Community Expectation

It will be important to inform the community that the timeframe for completing a master planning process is not brief. A full 24 months is not considered an excessive amount of time to complete Stages one to five, and no construction will take place until stage seven of the process.

In order to manage the community expectations of the masterplanning process, a communication plan will be devised that will enable the City to disseminate information to all the stakeholders in the project. This may include the clubs and groups using the facility, as well as the residents immediately around it and the broader community as a whole.

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

An amount of \$40,000 was listed in the 2007/2008 budget for Master planning of the Edgewater Quarry site. No funds have been expended in 2007/2008 related to this project.

For future projects, the City would appoint a project team to lead all stages of the Master Planning process. It is proposed that a consultant be engaged to undertake the Site and Needs Analysis, Concept Design and Feasibility Analysis. It is estimated that \$60,000 would be required per project.

### **Sustainability Implications:**

Sustainability is one of the City's five key Master Planning principles. All projects that are undertaken will be assessed for their long term financial, environmental and social sustainability.

### **Consultation:**

The Master Planning Process involves consultation with both Council and the community as shown in Attachment 2. Community participation in the planning and decision making process will develop confidence and ownership for the project outcomes.

Stages 1 and 2 provide Elected Members with an opportunity to offer their comments on the expected outcomes of the project and to endorse the project plan.

Stages 3 and 4 involve community consultation to gather information for the needs analysis and comments on the draft concept plan. The community consultation period will be extensive with key stakeholders including sport, recreation and community user groups and adjacent facility representatives (ie. schools, surrounding residents and the general community). The community consultation process could involve information evenings, meetings and surveys to gather information. Once a draft concept plan has been developed, this will be made available for public comment with a variety of survey tools developed to gain feedback.

## COMMENT

The City's Master Planning principles have been designed to ensure that all future redevelopments are;

1. Planned effectively based on the needs of the community;
2. Designed for the efficient use of City's resources; and
3. Sustainable for the long-term benefit of user groups and the wider community.

The Master Planning process provides clear direction for the City to undertake master planning projects including details of when data and information is collected, how the Council and community are engaged and the timelines established for each stage.

The principles and process designed will be applied to all future Master Planning projects. This will ensure that each individual project is managed in a consistent manner with clear reporting outcomes defined.

## ATTACHMENTS

Attachment 1      Master Planning Principles  
Attachment 2      Master Planning Process

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

**That Council;**

- 1      ENDORSES the City's Master Planning Principles and Process to be applied to all future developments and upgrades of sport, leisure and recreational facilities and infrastructure within the City, as detailed in Attachments 1 and 2 to Report CJ062-04/08;**
- 2      NOTES that further master planning projects will be listed for consideration in the 2008/2009 budget.**

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13agn150408.pdf](#)*

**CJ063-04/08 PROPOSED OUTBUILDING AND PATIO ADDITION ON – LOT 565 (5) MANDARA COURT, DUNCRAIG - [78608]**

**WARD:** South

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

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**PURPOSE**

The purpose of this report is to request Council's determination of an application for planning approval for a "use not listed", being a patio and outbuilding located on a vacant residential lot.

**EXECUTIVE SUMMARY**

The applicant proposes to construct a brick patio and outbuilding addition at the rear of a vacant residential lot. The outbuilding is for the storage of general household items and garden equipment and the patio for additional outdoor living area.

The proposed structure is not associated with a dwelling on the same lot and therefore is not classed as a "single house". The adjoining lot is owned by the same owner and the vacant lot is used as additional open space for the dwelling on the adjoining lot. The council is requested to exercise its discretion for a "use not listed" for development on the vacant lot.

The proposed development includes variations to the Residential Design Codes 2002 (the R-Codes) for an over length boundary wall of 14.99m in lieu of 9m and over height boundary wall of 4.3 metres in lieu of 2.7m, as the proposed development is located on top of an existing retaining wall of 1.3m high. The adjoining affected owner has not objected to the proposal.

It is considered that this type of development, which would normally be acceptable within a residential area, is consistent with the objectives of the residential zone and is subsequently recommended for approval.

**BACKGROUND**

**Suburb/Location:** Lot 565 (5) Mandara Court, Duncraig  
**Applicant:** Gregory Pearson  
**Owner:** Gregory Pearson & Maxine Pearson  
**Zoning:** **DPS:** Residential R20  
**MRS:** Urban  
**Site Area:** 779.9m<sup>2</sup>  
**Structure Plan:** Not Applicable

The subject site is located within the established Duncraig residential area (Attachment 1 refers).

## DETAILS

The applicant is proposing to construct a new 4.55m x 14.99m patio and outbuilding (68m<sup>2</sup>) on a vacant residential lot for the purposes of storing household items, and for additional outdoor living area. The applicant owns both Lot 565 (5) Mandara Court, Duncraig and Lot 566 (7) Mandara Court, Duncraig.

The structure is to be built on the rear boundary on top of an existing unauthorised retaining wall which includes variations to the acceptable development standards of the Codes for an over length and over height boundary wall.

### 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:

The proposed development is subject to the provisions of the City's District Planning Scheme No 2 (DPS2). A "use not listed" requires Council to have regard to the provisions of Clauses 3.3 and 6.8, as follows:

#### 3.3 *Unlisted Uses*

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

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

#### 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 appeal against Council's decision, or any conditions included therein, in accordance with the State Administrative Tribunal Act 2004 and the Planning and Development Act 2005.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The proposal was advertised to five adjoining and nearby land owners for a period of 21 days. Advertising closed on 18 January 2008.

A total of three responses were received, being two no objections, and one letter of support.

**COMMENT**

The applicant has advised that the subject site is used as additional open space and outdoor living area for the adjoining dwelling on Lot 566 (7) Mandara Court, Duncraig. The outbuilding is for the purposes of storing household items and garden equipment associated with both lots, and the patio area is for entertaining and additional outdoor living area for the inhabitants of the dwelling on Lot 566.

As the proposed outbuilding and patio is not associated with a dwelling on the same lot, the proposal needs to be assessed as a “use not listed”.

Use not listed.

It is considered that construction of the outbuilding and patio on the vacant lot will not detrimentally affect the residential nature of the area or the amenity of adjoining properties. The outbuilding and patio are considered to be consistent with the objectives of the residential zone and surrounding land uses.

It is recommended that Council support the application.

Boundary wall of length 14.99m in lieu of 9m and height of 4.3m in lieu of 2.7m.

It is considered the proposed boundary wall meets the performance criteria of the Codes as the boundary wall:

- makes effective use of space by allowing the building to be built against the boundary with no setback;
- enhances the privacy and amenity of the adjoining property by eliminating potential overlooking and obstructing noise;
- does not have a significant adverse effect on the amenity of the adjoining property as the boundary wall faces an area of secondary outdoor living area; and
- does not overshadow the adjoining property.

Unauthorised retaining wall of 1.3m high.

The applicant proposes to construct the proposed outbuilding and patio addition on an unauthorised retaining wall. It is recommended that the wall be properly assessed by the City (for structural adequacy) as a pre-condition of any approval.

Council’s approval of the retaining wall is not necessary as it falls within the delegated authority.

**Conclusion**

It is considered that this type of development, which would normally be expected within a residential area, is consistent with the objective of the residential zone and is subsequently recommended for approval.

**ATTACHMENTS**

Attachment 1	Aerial Photo and Site Plan
Attachment 2	Submitted Application
Attachment 3	Site Photos

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 EXERCISES discretion under clause 3.3 and 6.8 of District Planning Scheme No 2 and determines that:**
  - (a) the “use not listed” outbuilding and patio is consistent with the objectives and purposes of the residential zone;**
- 2 APPROVES the application dated 18 December 2007, submitted by Greg Pearson, the owner for a “use not listed” outbuilding and patio at Lot 565 (5) Mandara Court, Duncraig, subject to the following conditions:**
  - (a) All stormwater shall be collected on-site and disposed of in a manner acceptable to the Manager Approvals, Planning & Environmental Services;**
  - (b) The boundary wall be of a clean finish and made good to the satisfaction of the Manager, Approvals Planning and Environmental Services;**
  - (c) The northern face of the boundary wall shall be finished or rendered to match where practicable the colours and materials of the adjoining property to the satisfaction of the Manager, Approvals Planning and Environmental Services;**
  - (d) With regard to condition (c), works on the northern face of the wall shall be done in consultation with the adjoining owner;**
  - (e) The necessary retrospective approvals and acknowledgements being obtained from the City for the unauthorised retaining wall on the northern boundary of Lot 565 (5) Mandara Court, Duncraig prior to the issuing of a building licence for these works.**

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14agn150408.pdf](#)*

**CJ064-04/08 PROPOSED SEVEN STOREY MIXED USE DEVELOPMENT OF 6 MULTIPLE DWELLINGS, RESIDENTIAL BUILDING (SHORT STAY ACCOMMODATION) AND 6 OFFICES: LOT 1 (113) GRAND BOULEVARD, JOONDALUP - [47996]**

**WARD:** North

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

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## **PURPOSE**

The purpose of this report is to request Council's determination of an application for a development consisting of six multiple dwellings, residential building (19 short stay accommodation units) and six offices at Lot 1 (113) Grand Boulevard, Joondalup.

## **EXECUTIVE SUMMARY**

The applicant proposes to construct a seven storey mixed use office and residential development on the eastern side of Grand Boulevard within the Joondalup City Centre. Nineteen short stay accommodation units are proposed as part of this development.

The application includes the following variations to the Joondalup City Centre Development Plan and Manual (Structure Plan):

- Plot ratio;
- Building height projection through the recession plane; and
- A cash-in-lieu payment for a shortfall of eight parking bays.

In terms of residential density, the City of Joondalup District Planning Scheme No 2 (DPS2) states that the R20 density applies unless Council determines that a higher density coding should apply. The proposed density is equivalent to R35, which is appropriate as the development potential of the site has been maximised through the other proposed land uses.

The proposed variations and the provision of a cash-in-lieu payment for 8 car bays are considered to be acceptable and are supported. On this basis, it is recommended that the application be approved.

## **BACKGROUND**

**Suburb/Location:** Lot 1 (113) Grand Boulevard, Joondalup  
**Applicant:** Jim Henneberry  
**Owner:** Peter McBride, Margot McBride, Melanie Bentley and Real Estate Property Operations Network Pty Ltd  
**Zoning:** **DPS:** Centre  
**MRS:** Urban  
**Site Area:** 2000 m<sup>2</sup>  
**Structure Plan:** Joondalup City Centre Development Plan and Manual

The site is located on the eastern side of Grand Boulevard between Reid Promenade and Shenton Avenue, Joondalup. (Attachment 1 refers). The site is vacant. There is a two storey commercial development to the south and a two storey office development to the north of the site. Central Walk is to the rear of the property.

The property is zoned Centre under DPS2 and is subject to the provisions of the Joondalup City Centre Development Plan and Manual (Structure Plan). Under the Structure Plan, the site is located within the Central Business District and is designated for General City uses. General City uses include:

- Office;
- Retail;
- Accommodation; and
- Residential.

On 20 November 2007 Council resolved to recommend to the Department for Planning and Infrastructure that it supports the closure of a portion of the 0.1 metre wide pedestrian accessway (PAW) adjacent to Lot 1 (113) Grand Boulevard, Joondalup. That process allows vehicular access to be provided into the site directly from Grand Boulevard.

Council resolved to adopt the Joondalup City Centre Public Parking Strategy (Parking Strategy) on 12 February 2002 and the Parking Strategy for the Joondalup CBD on 7 August 2007. This Strategy has several underlying principles that are relevant to this application, as summarised below:

- *provide up to fifty percent (50%) of parking in the Joondalup CBD strategy area in the long term as public parking under the control of the City of Joondalup;*
- *ensure that the provision of public parking is efficient and cost effective to the City.*
- *minimise financial risk to the City arising from the provision and management of parking in the Joondalup CBD.*
- *use monies received from cash-in-lieu of providing parking in the CBD only for the purchase of land for or the development of parking facilities for the Joondalup CBD.*

The Parking Strategy also states that:

*Where a developer decides to provide a lesser number of parking bays than is required in a development, the option is available under District Planning Scheme No 2 for a cash payment to be made for each parking bay that is not provided. Any cash-in-lieu payment must be quarantined for parking purposes. This provision should not be relaxed or varied for City Centre development because the funds are essential for the construction of future multi level parking facilities in the CBD.*

Council considered a Short Stay Accommodation Policy and associated Amendment to DPS2 on 18 March 2008 where it was resolved to defer the matter until the 15 April 2008 Council meeting pending clarification of issues raised. The proposed amendment to DPS2 will provide a definition of short stay accommodation and in which zones such accommodation would be permitted. The draft policy aims to provide management parameters for the operation of short stay accommodation. This proposal must therefore be determined under the current DPS2 requirements.

## DETAILS

The proposed development incorporates the following:

- A seven storey building fronting Grand Boulevard;
- A four storey building fronting Central Walk;
- Six multiple dwellings, each with three bedrooms;
- A residential building comprised of 19 short stay accommodation units of which 16 are two bedroom units and 3 are three bedroom units;
- Provision of courtyards or balconies for each residential unit;
- A total commercial floorspace of 1412 m<sup>2</sup> NLA;
- Provision of 64 car parking bays; and
- Store rooms for each residential unit.

The development plans are provided in Attachment 2.

The application's compliance with the relevant requirements of the Structure Plan is summarised below:

Standard	Required	Proposed	Compliance
<u>Setbacks</u>			
Front Setback	Nil	Nil	Yes
Side Setback	Nil	Nil	Yes
Rear Setback	No requirement	2 metres	Yes
Plot Ratio	1.0	2.1	No
Density Code	R20 4 dwellings	R35 Six multiple dwellings	No
<u>Car Parking</u>			
Residential: 1 bay per dwelling	25		
Commercial: 1 per 30 m <sup>2</sup>	<u>47</u>		
Total	72	64	No
Height	Buildings shall not penetrate a 60 degree recession plane 13.5m above NGL	Top 2 floors of the building project through the recession plane	No
<u>Glazing</u>			
Ground floor	Minimum 50%	50.2%	Yes
West façade (except ground floor)	Maximum 50%	44%	Yes
East façade (except ground floor)	Maximum 50%	47.3%	Yes

The Structure Plan states that buildings shall not project through a 60 degree recession plane inclined towards the site from a point 13.5 metres above natural ground level. However, the top two floors of the proposed development project through this recession plane, as illustrated in Attachment 3.

The applicant has submitted the following justification for the projection through the recession plane:

*The need to create employment opportunity within the City became the reason we converted our original six floor development to seven, by adding an additional floor of 40m<sup>2</sup> commercial space. We have created further employment opportunity, which in turn took our building outside the recession plane.*

*However, by redesigning the building, and applying for 'short term accommodation' for our top floor apartments, we feel we are within the council authority limits for approval, whilst creating commercial space for maybe another 20 to 30 new employment positions within the City.*

**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:**

The proposal will contribute to objective 3.3 of the City's Strategic Plan 2003-08: *To continue to meet changing demographic needs.*

**Legislation – Statutory Provisions:**

Development within this area is controlled by the provisions of DPS2 and the Structure Plan.

When determining this application, Clauses 4.2.4 of DPS2 applies:

*4.2.4 Subject to clause 4.2.5, the Residential Design Code density applicable to land within the Scheme Area shall be determined by reference to the legend shown on the Residential Density Codes maps which form part of this Scheme.*

*Unless otherwise specified on the map the R20 density code applies unless the Council determines that a higher code should apply.*

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

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

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

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

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

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

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

Pursuant to Clause 4.11, Council may permit the payment of cash-in-lieu of car parking, as follows:

#### *4.11 Car Parking – Cash-in-lieu or Staging*

- 4.11.1 *The Council may permit car parking to be provided in stages subject to the developer setting aside for future development for parking the total required area of land and entering into an agreement to satisfactorily complete all the remaining stages when requested to do so by the Council.*
- 4.11.2 *Council may accept a cash payment in lieu of the provision of any required land for parking subject to being satisfied that there is adequate provision for car parking or a reasonable expectation in the immediate future that there will be adequate provision for public car parking in the proximity of the proposed development.*
- 4.11.3 *The cash payment shall be calculated having regard to the estimated cost of construction of the parking area or areas suitable for the proposed development and includes the value, as estimated by the Council, of that area of land which would have had to be provided to meet the car parking requirements specified by the Scheme. The cash payment may be discounted and may be payable in such manner as the Council shall from time to time determine.*
- 4.11.4 *Any cash payment received by the Council pursuant to this clause shall be paid into appropriate funds to be used to provide car parks in the locality as deemed appropriate by Council.*

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

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

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

- (a) *interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) *any relevant submissions by the applicant;*
- (c) *any agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) *any planning policy of the Council adopted under the provisions of clause 8.11*
- (e) *any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) *any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*



- (g) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

**Risk Management considerations:**

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

**Financial/Budget Implications:**

The applicant has requested to make a cash payment in lieu of the provision of 8 car parking bays. Based on the applicable rate of \$30 458 per bay, this amounts to a cash-in-lieu requirement of \$243 664 for the 8 car bays.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

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

**COMMENT****Land Use**

The proposed land uses are Multiple Dwelling, Residential Building and Offices, which are within the preferred land uses for this area of the Structure Plan.

The draft short stay policy states that where short stay accommodation is to be located in the same building as permanent dwellings, it is required to be separated from the permanent dwellings. The proposed development is divided into two separate buildings, one fronting Grand Boulevard, the other fronting Central Walk. Where the proposed short stay accommodation units are located within the same building, they are positioned on separate floors to the permanent dwellings. Where the short stay units and permanent dwellings are situated on the same floor of the development, they are located within separate buildings, separated by a 30 metre wide void. This will help to minimise any impact that the use of short stay units may have on the permanent residents.

The draft policy outlines the need for a management plan to be lodged with the City, outlining noise control, complaints management procedure, security, parking and the control of antisocial behaviour. This requirement has been included as a condition of approval.

The development of short stay accommodation within the City Centre is considered to be an appropriate land use for this location. Short stay accommodation is consistent with the uses envisaged for the City Centre where there is a planned mix of activities and land uses.

### **Residential Density**

The Structure Plan does not specify a residential density code for the General City Use area within the Central Business District of the Joondalup City Centre. Clause 4.2.4 of DPS2 states that unless otherwise specified, the R20 density applies unless Council determines that a higher density coding should apply. The development has an equivalent density of R35, as six multiple dwellings are proposed. The short stay accommodation units do not count towards the residential density of the site.

Although the proposed residential density is quite low, the development potential of the lot is being maximised through the provision of three floors of office space and 19 short stay accommodation units. The residential component is only a small part of the proposed development and therefore a residential density of R35 is considered acceptable given that the building is proposed to be seven storeys in height and comprised of several different land uses.

**It is recommended that Council determines that the proposed equivalent density of R35 in lieu of R20 is considered to be appropriate given that the site is located within the City Centre, where higher densities are appropriate and encouraged.**

### **Plot Ratio**

Under the Structure Plan the maximum plot ratio for this site is 1.0. The Structure Plan states that public open space and residential development do not count towards the calculation of plot ratio. The plot ratio is 2.1 based on the area of office floorspace and the short stay accommodation.

The proposed plot ratio does not comply with the normal requirement of the Structure Plan, however, it is considered acceptable as the proposed development is of significant scale and bulk and is the type of development envisaged for the City Centre.

Pursuant to Clause 4.5 of DPS2, Council may approve the plot ratio variation if it is considered that 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.

It is considered that the increased plot ratio will result in a suitable form and scale of development occurring within the Joondalup CBD. In this regard, it is recommended that the plot ratio variation be supported under Clause 4.5 of DPS2.

### **Car Parking**

The Structure Plan specifies that 1 car bay is to be provided per 30m<sup>2</sup> NLA for the commercial development and 1 bay per dwelling for the residential component.

The total NLA for the Offices is 1412m<sup>2</sup> therefore 47 bays are required for the commercial component of the development. Nineteen short stay units and six multiple dwellings are

proposed, therefore 25 car bays are required for the residential component. A total of 72 car bays are required for the proposed development, however, 64 car bays are proposed.

The applicant proposes to provide 64 car parking bays on site and make a cash payment in lieu for the remaining 8 bays.

Clause 4.11 of DPS2 states that Council may accept a cash payment in lieu of the provision of any required land for parking subject to being satisfied:

*"...that there is adequate provision for car parking or a reasonable expectation in the immediate future that there will be adequate provision for public car parking in the proximity of the proposed development."*

This application proposes a cash-in-lieu component of approximately 11% of the parking requirement. This is considered to be acceptable, bearing in mind the land uses proposed and the close proximity of the site to public transport. Additionally, it is considered that although 1 car bay is required for each short stay accommodation unit, the requirement for parking is likely to be less as many people using short stay accommodation are visitors without cars.

The Parking Strategy recognises that up to fifty percent of parking in the Joondalup CBD strategy area should be under the control of the City. This would take the form of on-street parking and large public parking areas, which could become multi-storey. The Strategy also identified that cash payments in lieu of private parking provision, where car parking shortfalls are proposed, would be used to fund City parking.

Therefore, the payment of a cash-in-lieu fee for eight car bays is consistent with the principles of the Parking Strategy. The Schedule of Fees and Charges 2007-08 established the cash-in-lieu of car parking figure for the Joondalup City Centre at \$30 458 per car bay. This money would be held by the City until there is the demand for the construction of car parking facilities in the near vicinity.

It is considered that the proposal complies with Clause 4.11 of DPS2. There is adequate provision of public parking within close proximity of the development site and adequate service by public transport. It is therefore recommended that Council approve the proposed cash-in-lieu payment in lieu of the provision of eight car parking bays.

## **Height**

The top two floors of the proposed development project through the recession plane as required by the Structure Plan and illustrated in Attachment 3.

Clause 4.5 of DPS2 allows Council to consider variations to the Structure Plan where the Residential Design Codes (R-Codes) do not apply. As the top two floors of the building are comprised of three double storey short stay accommodation units, the R-Codes do not apply and therefore the proposed variation can be considered.

The projection through the recession plane will not have an adverse effect on the occupiers of the building, or upon the future development of the locality. The height will contribute to the City Centre environment where development is expected to be of large scale and nature. The proposed building is considered to be an appropriate height and size for a City Centre development and will enhance the character of the City Centre. On this basis, the projection through the recession plane is supported.

## Conclusion

The proposed development complies with the requirements as outlined in DPS2 and the Structure Plan with the exception of residential density, plot ratio and height. It is considered that these variations should be supported as the proposal is appropriate for the location in regards to land use, bulk and scale of development.

The proposed development will be a positive addition to the City Centre. It will provide residential accommodation and a significant amount of office floorspace to meet the future demands of the growing City Centre. It is considered that the design of the building will positively contribute to the urban fabric of the Joondalup City Centre.

Cash-in-lieu arrangements can be implemented where minor shortfalls of parking are proposed within the City Centre. There is considered to be sufficient public parking and public transport within the immediate locality to support a cash-in-lieu payment for the 8 bay shortfall.

The residential density is also considered appropriate for this development. It is therefore recommended that the application be approved, subject to appropriate conditions.

## ATTACHMENTS

Attachment 1	Location Plans
Attachment 2	Development Plans
Attachment 3	Recession Plane

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

### That Council:

- 1 EXERCISES discretion in relation to Clause 4.2.4 and 4.5 of District Planning Scheme No 2 and determines that:**
  - (a) the residential density of R35 in lieu of R20;**
  - (b) the plot ratio of 2.1 in lieu of 1.0; and**
  - (c) the projection through the 60 degree recession plane;****are appropriate in this instance;**
- 2 Having regard to clause 4.11.2 of District Planning Scheme No 2, determines that a cash-in-lieu payment for 8 car parking spaces is appropriate.**
- 3 APPROVES the application for planning consent, dated 9 January 2008, submitted by Jim Henneberry on behalf of the owners, Peter McBride, Margot McBride, Melanie Bentley and Real Estate Property Operations Network Pty Ltd for 6 Multiple Residential Dwellings, Residential Building (19 short stay accommodation units) and 6 Offices at Lot 1 (113) Grand Boulevard, Joondalup subject to the following conditions:**

- (a) A cash-in-lieu payment being made to the City of Joondalup for 8 carparking bays, at the rate of \$30 458 per bay;
- (b) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS2890.01 2004). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services prior to the development first being occupied. These works are to be done as part of the building program;
- (c) The driveway and crossover to be designed and constructed to the satisfaction of the Infrastructure Management Services;
- (d) 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 Management prior to the commencement of construction;
- (e) The lodging of detailed landscaping plans, to the satisfaction of the Manager Approvals, Planning 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;
- (f) Landscaping, reticulation and all verge treatments based on water sensitive urban design 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 Approvals, Planning and Environmental Services;
- (g) The bin storage area shall be provided with a concrete floor graded to a 100mm commercial floor waste connected to sewer and the provision of a hose cock;
- (h) A refuse management plan indicating the method of rubbish collection is to be submitted as part of the building licence and approved by the Manager Approvals, Planning and Environmental Services;
- (i) The brick paved footpath in Grand Boulevard shall be continued to the property boundary in a pattern to match the existing paving, at a grade of 2%, to the satisfaction of the Manager Infrastructure Management Services;
- (j) Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from ground level;

- (k) Each unit shall be provided with an adequate area for clothes drying that is screened from view or alternatively to be provided with clothes drying facilities within the unit;
- (l) Obscured or reflective glazing shall not be used at ground floor level fronting Grand Boulevard;
- (m) All boundary walls and parapet walls being provided with some relief and texture to soften their appearance and shall be made good to the satisfaction of the Manager Approvals, Planning and Environmental Services;
- (n) A statement being included in the strata company by-laws notifying all future residents that this lot is located in the City Centre area which is planned to become a vibrant and bustling city centre comprising a mix of land uses where street level activity may occur of an intensity not normally associated with a traditional suburban residential environment;
- (o) Any advertising signage shall be subject to a separate development application;
- (p) Units 7 to 22 and Penthouses 1 , 2 and 3 are to be designated and used as a Residential Building (short stay accommodation) only, and not for habitation on a permanent basis;
- (q) The maximum length of short term stay shall be three months;
- (r) A management plan is required to be prepared by the applicant, and approved by the Manager Approvals, Planning and Environmental Services. The operation of the short stay accommodation is then required to be in accordance with that approved Management Plan. The management plan should include:
- control of noise;
  - complaints management procedure;
  - the on-going maintenance of all common property areas;
  - control of anti social behaviour and potential conflict between long term and short term guests. A Code of Conduct shall be prepared detailing the expected behaviour of residents in order to minimise any impact on adjoining properties;
  - Parking Management Plan; and
  - compliance with House Rules such as recycling.
- (s) The management plan shall be kept at the premises at all times, and the Code of Conduct shall be displayed in a prominent position within the premises;

- (t) **A register of all persons occupying the accommodation is required to be kept, and the register shall:**
- **show the name and address of every person staying within the units and the unit occupied;**
  - **be signed by the person;**
  - **include the date of arrival and departure;**
  - **be kept on the premises of the short stay accommodation and shall be open to inspection on demand by an authorised City Officer.**

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15brf080408.pdf](#)*

**CJ065-04/08 PROPOSED REMOVAL OF VEHICLE ACCESS RESTRICTION TO REAR OF LOT 510 (10) CLIPPER COURT, EDGEWATER - [46111] [43522]**

**WARD:** North Central

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

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**PURPOSE**

For Council to consider submissions received during the public advertising period for a proposal to remove a vehicle access restriction from Lot 510 Clipper Court, Edgewater, to Osprey Grove/Kestrel Mews.

**EXECUTIVE SUMMARY**

The subject lot has frontage to two streets, with the main existing access point being from Clipper Court. A small part of the lot fronts the corner of Osprey Grove and Kestrel Mews, however an access restriction in the form of a 0.1 metre wide pedestrian accessway (0.1m PAW) prevents vehicular access.

The request to gain vehicular access from the subject lot to Kestrel Mews requires the access restriction to be removed. The intent of removing the access restriction is to facilitate the possible future subdivision of the site, enabling vehicular access from both Clipper Court and Kestrel Mews.

The access restriction was placed on the lot to restrict vehicle access to roads. At its meeting held on 18 December 2007, Council considered the proposed closure and resolved to initiate public advertising of the proposal for a period of 35 days (CJ290-12/07 refers). Advertising of the proposal closed on 6 March 2008 and one submission of objection was received. The concerns outlined in the submission relate to vehicular/pedestrian safety and access. The proposal will not cause a safety (visibility) hazard.

It is recommended that Council support the proposed vehicle access restriction removal.

**BACKGROUND**

**Suburb/Location:** Lot 510, 10 Clipper Court, Edgewater  
**Applicant:** Janna Dorrington  
**Owner:** Janna Dorrington  
**Zoning:** Residential  
**MRS:** Urban  
**Site Area:** 1043m<sup>2</sup>

The subject land is zoned 'Residential R20' under DPS2 and has a land area of 1043m<sup>2</sup>. The subject land therefore has the potential to be further subdivided into two (2) lots. A location plan is shown in Attachment 1.



On 18 December 2007 Council resolved: that it

- 1 *INITIATES public advertising for the closure of a portion of the 0.1 metre wide Public Access Way at the rear of Lot 510 (10) Clipper Court, Edgewater as shown on Attachment 1 to Report CJ290-12/07 for the purpose of public advertising for a period of 35 days;*
- 2 *ADVISES the applicant that Council's consideration of the request for the removal of the access restriction on Lot 510 Clipper Court, Edgewater, does not imply support for any future subdivision or development of the site.*

The lot has a steep downwardly slope from the proposed crossover and is located adjacent to a PAW. The 0.1 metre PAW was created to prevent vehicle access to and from Lot 510 (10) Clipper Court, Edgewater from Osprey Grove/Kestrel Mews (see attachment 1). These type of restrictions were placed on the subdivision when the suburb was initially created and are no longer used as a means to restrict vehicular access. The applicant is applying for the removal of the access restriction to facilitate a future subdivision at the site.

## **DETAILS**

The land owner requests removal of the access restriction to enable vehicular access from Kestrel Mews, and to facilitate a possible two lot subdivision with vehicular entry occurring from separate roads for each lot.

The lot is situated on a steep slope. Although vehicular access could be obtained from Clipper Court to a new lot via a battle axe leg, extensive earthworks and retaining walls would be required and it is therefore not the preferred option.

The applicant has provided a notional driveway crossover plan in order to address any safety issues. The proposed crossover entry is situated near the corner of Kestrel Mews/Osprey Grove due to the location of an adjoining 3 metre wide pedestrian access way (Attachment 2 refers).

The plan provides an option for addressing issues relating to pedestrian safety through the provision of a crossover that is separated from the existing path associated with the PAW and utilises low vegetation between them. The use of permeable (open) fencing along the common boundary between the subject lot and the adjoining PAW is proposed to ensure sufficient vehicular and pedestrian sightlines are maintained to minimise pedestrian/vehicular conflicts.

## **Issues and options considered:**

The options available to Council are:

- Support the proposed closure of a portion of the 0.1 metre wide access restriction.
- Not support the proposed closure of a portion of the 0.1 metre wide PAW.

## **Link to Strategic Plan:**

Strategy 3.1.2 – Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup

**Legislation – Statutory Provisions:**

Council is to consider any submissions received, and, if it resolves to support this proposal, all relevant documentation is forwarded to the DPI with a request to formally close the PAW.

**Risk Management considerations:**

The safety issues are described separately herein.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The proposed closure was advertised for public comment for a period of 35 days, commencing on 31 January 2008 and closing on 6 March 2008.

The proposal was advertised by way of a sign erected on the site, letters to adjoining property owners and notices placed on the City's website, administration building, libraries, and at the Whitfords customer service centre. Notice of the proposal was also placed in the Joondalup Weekender newspaper on 31 January 2008.

Upon closure of the advertising period, one submission was received objecting to the proposal, citing pedestrian and traffic safety concerns.

**COMMENT**Submission

The submission stated access to the existing Osprey Grove cul-de-sac head would result in three vehicle crossovers using the same section of the street causing a safety hazard to the two existing households utilising the cul-de-sac head. The submission also states that a crossover from the subject lot to Osprey Grove would endanger children utilising the adjacent pedestrian accessway.

The applicant has provided a design of the proposed crossover from the subject lot to Kestral Mews which provides safe access for pedestrians by way of permeable (open) fencing and low lying vegetation. The design of the proposed crossover means that its location will not conflict with any existing crossovers, as it will not be located so as to access the Osprey Grove cul-de-sac head. A review of the proposal confirms that it will adequately address visibility and safety issues previously raised by both the City and the submitter during the consultation period.

In addition, the crossover design shown in Attachment 2 seeks to separate the new crossover from the existing path associated with the PAW with the use of low lying vegetation (ground covers). Visibility would also be maintained by requiring permeable (open) front fencing to be provided for any future building along the street setback line adjacent to the PAW. This will be achieved through the imposition of conditions through the future building and/or subdivision process for the subject lot.

The use of these treatments ensures sufficient pedestrian/vehicular visibility is achieved for persons utilising the PAW and for those reversing out of the driveway. This aspect is important as the adjoining PAW is used primarily by children to access nearby Edgewater Primary School.

Allowing access from the subject lot to Kestrel Mews will not affect access to other lots along Osprey Grove or Kestrel Mews. The proposal will not impact upon traffic and pedestrian movement in the area.

## ATTACHMENTS

Attachment 1	Location and Aerial Plan, including subject portion of 0.1m wide PAW
Attachment 2	Proposed crossover design
Attachment 3	Location of Submitter

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

### That Council:

- 1 ADVISES the Department for Planning and Infrastructure that it SUPPORTS the closure of a portion of the 0.1 pedestrian access way restriction and its amalgamation into the adjoining road reserve at the rear of Lot 510 (10) Clipper Court, Edgewater;**
- 2 ADVISES the applicant that support for the removal of the access restriction on Lot 510 Clipper Court, Edgewater does not constitute support for any future subdivision and/or development upon the site;**
- 3 NOTES that the use of low lying vegetation (ground covers) and permeable (open) fencing will be achieved through the imposition of conditions through the future building and/or subdivision process for the subject lot.**

*Appendix 16 refers*

To access this attachment on electronic document, click here: [Attach16agn150408.pdf](#)

<b>Name/Position</b>	<b>Cr M Macdonald</b>
<b>Item No/Subject</b>	Item CJ066-04/08 – Proposed Short Stay Accommodation Policy and Amendment No 36 to District Planning Scheme No 2
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Macdonald lodged a submission on short stay amendment

**CJ066-04/08 PROPOSED SHORT STAY ACCOMMODATION POLICY AND AMENDMENT NO 36 TO DISTRICT PLANNING SCHEME NO 2 - [72584] [81593]**

**WARD:** All

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

At its meeting held on 18 March 2008, Council deferred Item CJ048-03/08 until the next ordinary meeting of Council pending clarification of issues raised.

CJ048-03/08 is now replicated below, followed by the requested information.

## **PURPOSE**

The purpose of this report is for the Council to consider submissions received on the proposed amendments to District Planning Scheme No 2 (DPS2) and a draft local planning policy relating to short stay accommodation.

## **EXECUTIVE SUMMARY**

Currently, there is no specific land use in the City's DPS2, and no local planning policy or guidelines, in relation to short stay accommodation. The Minister for Planning has previously requested that issues related to short stay accommodation be addressed and there is an expectation that Council makes a deliberation on the issue.

The proposed amendment to DPS2 seeks to provide a definition of short stay accommodation and in which zones such accommodation would be permitted. The draft policy aims to provide management parameters for the operation of short stay accommodation. As the policy relies on changes to DPS2, the policy would not be implemented until the scheme amendment is finalised.

Council, at its meeting held on 28 August 2007, resolved to advertise the proposed scheme amendment and draft policy for a period of 42 days. At its December meeting the Council resolved to extend the submission period by four weeks. Thirty submissions were received during the advertising period, being 26 submissions of objection, and 4 neutral submissions. One late submission of objection was also received.

The basis of the submissions of objection is that short stay accommodation should not be permitted in the Residential Zone.

It is recommended that Council adopts as final scheme amendment No 36 and the draft planning policy relating to short stay accommodation.

## **BACKGROUND**

DPS2 currently has no definition for short stay accommodation. Proposals for short stay accommodation have been assessed as a 'Residential Building' or an 'Unlisted Use' for the purposes of DPS2.

Neither the DPS2 nor the Residential Design Codes provide specific development standards and requirements for a Residential Building.

A 'Residential Building' is a discretionary use within the Residential, Mixed Use, Business, Commercial and Private Clubs and Recreation zones.

Following an inquiry into the Mullaloo tavern development, which did not have any adverse findings against the City, the Minister for Planning and Infrastructure recommended that a policy be put in place to guide the development of short stay accommodation. Specifically, the Minister recommended:

*"The introduction of measures to guide the development of short stay accommodation in those zones where such development is permissible. As a minimum, such measures should address the density of those forms of residential development for which there is currently no explicit density control."*

## **Issues and options considered:**

### Proposed Amendment to DPS2

The proposed amendment to DPS2 seeks to achieve the following:

- Define the meanings of 'temporary' and 'permanent' in the context of what constitutes a dwelling, versus what constitutes short stay accommodation. It is proposed that habitation for a period which exceeds 3 months is permanent occupation, while habitation under 3 months is temporary occupation,
- Provide a definition and use class for 'short stay accommodation',
- Reword the definition of a 'Residential Building' to state that the use relates to permanent accommodation for 7 or more persons.
- Provide a car parking standard for short stay accommodation at the rate of 2 bays for each short stay dwelling.

The above is proposed to be achieved by the following specific proposals:

### Dwelling Definition

The definition of "dwelling" will be amended by inserting the following words (shown in italics):

*"has the same meaning as that set out in the Residential Planning (Design) Codes. For the purpose of the definition of "dwelling" habitation for any period which is not less than a continuous period of 3 months is taken to be habitation on a permanent basis;"*

The definition of 'dwelling' is proposed to be amended to give meaning to the term 'permanent'. This proposed amendment does not affect people who may work away, or take holidays, as the dwelling is still their permanent residence.

Some Council's may use wording such as 'accommodation may only be occupied for a period of 3 months in 12 months'. This terminology is appropriate in those circumstances to ensure that short stay accommodation in tourist areas or zones are not used as permanent residential accommodation.

However, in this case the aim is simply to provide a clear differentiation between types of land use, it does not address the issue of what timeframe is taken to be 'permanent' accommodation.

#### Short Stay Accommodation Definition and Use Class Permissibility

A definition of short stay accommodation is proposed to be included in DPS2 as follows:

"the use of a single house, grouped dwelling or multiple dwelling for the purposes of providing temporary accommodation to any person or persons; for the purpose of the definition of "short stay accommodation", temporary accommodation excludes any period of accommodation which exceeds a continuous period of 3 months;"

It is proposed that Short Stay Accommodation would be a prohibited ('X') use in the Special Residential, Service Industrial, and Rural zones, and a Discretionary ('D') use in the Mixed Use, Business, Commercial, and Private Clubs and Recreation zones, and a discretionary use requiring advertising ('A') use in the Residential zone.

#### Residential Building Definition

The definition of Residential Building is proposed to be amended to read:

"residential building" means a building or portion of a building together with rooms or outbuilding separate from such building incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation permanently by 7 or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school;"

The proposed amendment to DPS2 is Attachment 1.

#### Draft Policy

The draft policy (Attachment 2 refers) proposes guidelines for the locations and operation of short stay accommodation. The policy provides guidance with regard to the management and record keeping processes.

The policy will address:

- The management of the accommodation, including submission of a Management Plan. This includes requiring appropriate documentation to be kept by the proprietor of the accommodation, and the submission of a plan detailing how the accommodation will be managed, operated, and maintained.
- Measures to reduce the potential amenity conflicts between proposed short stay accommodation and grouped or multiple dwellings on the same lot.

- The requirement for the annual renewal of any planning approval issued where short stay accommodation is located in or abutting the Residential Zone, or where short stay accommodation is located on the same site as residential dwellings.
- Consideration the relative merits and compatibility of the proposal with the surrounding areas, in terms of the provision of car parking, traffic generation, and location close to complementary and supporting uses.

The policy is also clear about density, in that the policy applies to the use of buildings that have otherwise been built (or are proposed to be built) in the form of single dwellings, grouped or multiple dwellings, in accordance with the R-Codes.

### Options

In considering the draft scheme amendment and local planning policy, the Council can now:

- Endorse the scheme amendment and policy, and refer the Amendment to the WAPC for the Minister for Planning and Infrastructure's decision;
- Modify the draft scheme amendment and/or policy, and refer the modified Amendment to the WAPC for the Minister for Planning and Infrastructure's decision;
- Not endorse the scheme amendment or draft policy, and refer the Amendment to the WAPC for the Minister for Planning and Infrastructure's decision;

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

Short stay accommodation may be used as tourist accommodation and therefore links with Strategy 3.2 (Lifestyle) of the City's Strategic Plan, which is intended to develop and promote the City of Joondalup as a tourist attraction.

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

#### Scheme Amendment

Upon closure of the advertising period, Council is to consider all submissions received during the advertising period and resolve to either grant final approval to the amendment, with or without modifications, or refuse the amendment. The decision is then forwarded to the WAPC that makes a recommendation to the Minister for Planning and Infrastructure. The Minister can either grant final approval to the amendment, with or without further modifications, or refuse the amendment. Council's consideration of submissions and forwarding of the amendment to the WAPC are required within 42 days.

As the earliest the amendment could be considered by Council is 18 March, this is 13 days beyond the statutory 42 day period. However, the WAPC has been informed of the Council meeting date.

It is also noted that the Policy Committee initially considered the draft policy and scheme amendment. However, given that the scheme amendment is the pre-eminent issue with associated statutory time constraints, the matter has not been referred back to the Policy Committee.

#### Draft Policy

In accordance with Clause 8.11, Council is to review the draft policy in light of any submissions made and then resolve to either finally adopt the draft policy, with or without modifications, or not to proceed with the policy

As the draft policy is reliant on changes to the DPS2 (via the scheme amendment), the policy would not come into effect until the scheme amendment is finalised.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

It is proposed to implement a new policy.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The proposed short stay accommodation policy could (if adopted) support tourism by providing alternative accommodation choices.

**Consultation:**

The proposed scheme amendment and draft policy were advertised concurrently for a period of 42 days, commencing on 14 November 2007. A notice was published in the local newspaper for two consecutive weeks, and a notice was placed on the City's website. Council resolved at its December 2007 meeting to extend the advertising period for a further four weeks, concluding on 23 January 2008.

30 submissions were received, being 26 submissions of objection, and four neutral submissions, and one late submission of objection. A table of submissions is included at Attachment 3. Copies of submissions are included at Attachment 4. Full copies of all submissions have been placed in the Elected Members Reading Room.

**COMMENT**

The main issues raised with the submissions of objection are:

Location within the Residential Zone

The main issue of contention raised within the submissions of objection is the discretionary nature of short stay accommodation within the Residential Zone.

It is noted, however, that the land use currently used to denote short stay accommodation ('Residential Building') is also a discretionary use. From a planning perspective, there is no proposed change in the permissibility of short stay accommodation in the Residential Zone, although the terms are proposed to be amended.

While the concerns are understood, the draft policy is proposed to provide standards for the operation of short stay accommodation, and the submissions have largely ignored the proposed policy as a means of ensuring a high standard of operation of the activity.

Notwithstanding, Council may wish to exclude short stay accommodation within the Residential Zone.



### SAT decision - 17 Foston Drive, Duncraig.

Submissions refer to the above SAT decision as a reason why short stay accommodation should not be considered in the Residential Zone. A copy of the full decision has been placed in the Councillors reading room.

This proposal was to utilise an existing residential dwelling for short stay accommodation. The proposal was refused at Council's meeting of 19 September 2006. Prior to this decision being issued, the applicant had already lodged an appeal to the State Administrative Tribunal, based on the 'deemed refusal' provisions of DPS2. This appeal was dismissed by the SAT in February 2007. Part of the ruling is shown below:

*"As the proposed short stay accommodation use does not involve residential development or any other development contemplated by the objectives and purposes of the Residential zone, it is not consistent with the objectives and purposes and is, therefore, not permitted. The application for review must be dismissed and the decision of the City to refuse development approval affirmed."*

The decision was based on the 'rules' of the time, and on the merits of the particular proposal and its location. This is not to say that Council cannot consider reviewing and amending the planning regulations to facilitate a desired outcome, and this should be considered as normal and appropriate.

As evidenced by the SAT decision, short stay accommodation within the Residential Zone will have a high degree of assessment and scrutiny applied, and this is appropriate. However, it does not necessarily follow that no short stay accommodation activity will ever be appropriate in the residential zone.

### Density

Objections are raised to the definition of Short Stay Accommodation as it does not ensure that density provisions are applied to the development, and that the activity can only occur in dwellings.

However, the proposed definition clearly states that short stay accommodation is to be in the form of single, grouped or multiple dwellings. All R-Code provisions, including density, will therefore apply to this form of development. That is, the density that applies to the site will apply to the development of short stay accommodation.

### Tourism Plan

Submissions state that the Tourism Development Plan does not permit or encourage short stay accommodation in the Residential Zone, and therefore the proposed scheme amendment goes against the Tourism Plan. Limited short stay accommodation should only be considered at Hillarys Boat Harbour.

The Tourism Development Plan uses the broad meaning of short stay accommodation which includes all hotels regardless of size, apartments, and bed and breakfasts. It is therefore of limited value when deliberating over the appropriateness of short stay accommodation as suggested in this proposed amendment and draft policy.

The term Tourism Development Zone is created within the tourism plan as a flexible tool for large and small tourism product development and marketing. The Zones are neither detailed nor prescriptive concerning the appropriateness of commercial tourism activity in a residential environment.

It is also important to note the District Planning Scheme is not subservient to the Tourism Policy, and the Tourism Policy does not necessarily provide guidance on the matter currently being considered.

#### Proposed Change to the definition of Residential Building

The proposed scheme amendment seeks to amend and clarify the various terms used, and define 'short' and 'permanent' accommodation.

A number of submissions imply that the proposed amendment to the definition of Residential Building will remove the ability to allow respite care, offering temporary residence for those in the community who need it.

The definition of Residential Building is proposed to be amended by removing the 'temporary' nature of the use. However, the proposed 'short stay accommodation' definition caters for this 'temporary' use. There would therefore appear no reason why an application for a respite care facility, for example, would not be considered to fall under the definition of Short Stay Accommodation, given that people would stay at the accommodation for a temporary period.

#### Existing Development

In the event that the scheme amendment and policy are given final approval, this does not affect any existing approved short stay or residential building operations. These will continue to operation in accordance with the approvals as issued at that time.

#### Conclusion

Allowing short stay accommodation as a discretionary use within the Residential Zone does not mean that all proposals will be suitable in all cases. It is considered that sufficient 'checks' would be in place, including the proposed planning policy, all applications in the residential Zone requiring public advertising, and any approvals issued being subject to a 12 month renewal. In addition, Council has previously resolved that applications in or abutting the Residential Zone are required to be determined by Council.

### **ATTACHMENTS**

Attachment 1	Draft Scheme Amendment
Attachment 2	Draft Policy – Short Stay Accommodation
Attachment 3	Submission Table
Attachment 4	Submissions

### **VOTING REQUIREMENTS**

Simple Majority.

### **ORIGINAL OFFICER'S RECOMMENDATION**

#### **That Council:**

- 1 Pursuant to regulation 17(2) of the *Town Planning Regulations 1967* ADOPTS as final Amendment No 36 to the City of Joondalup's District Planning Scheme No. 2 without modification;**
- 2 AUTHORISES the affixation of the Common Seal and ENDORSES the signing of the amendment documents;**

- 3 **ADOPTS as final Local Planning Policy – Short Stay Accommodation, as presented in Attachment 2, and DETERMINES that the policy will become operational in the event, and on the date, that Amendment No 36 to District Planning Scheme No 2 is approved by the Minister for Planning and Infrastructure;**
- 4 **NOTES the submissions received and advises the submitters of Council's decision;**
- 5 **NOTES that, pending the successful adoption of the short stay policy and District Planning Scheme No 2 amendment, that the delegation of planning powers notice will be amended to reflect that proposals for short term accommodation in or abutting a residential zone will be referred to the Council for determination.**

#### **OFFICER'S RECOMMENDATION FOLLOWING LEGAL ADVICE**

That Council:

- 1 Pursuant to regulation 17(2) of the *Town Planning Regulations 1967* ADOPTS as final Amendment No 36 to the City of Joondalup's District Planning Scheme No. 2 with modification, as outlined in Attachment 1 forming Appendix 20 hereto;
- 2 AUTHORISES the affixation of the Common Seal and ENDORSES the signing of the amendment documents;
- 3 ADOPTS as final Local Planning Policy – Short Stay Accommodation, as presented in Attachment 2, and DETERMINES that the policy will become operational in the event, and on the date, that Amendment No 36 to District Planning Scheme No 2 is approved by the Minister for Planning and Infrastructure;
- 4 NOTES the submissions received and advises the submitters of Council's decision;
- 5 NOTES that, pending the successful adoption of the short stay policy and District Planning Scheme No 2 amendment, that the delegation of planning powers notice will be amended to reflect that proposals for short term accommodation in or abutting a residential zone will be referred to the Council for determination.

#### **COUNCIL'S MOTION OF 18 MARCH 2008**

MOVED Cr Corr, SECONDED Cr Hart that Council:

- 1 Pursuant to regulation 17(2) of the *Town Planning Regulations 1967* ADOPTS as final Amendment No 36 to the City of Joondalup's District Planning Scheme No. 2 with modification, as outlined in Attachment 1 (forming Appendix 20 hereto) as amended by:
  - Deletion of Point 1 and remaining Points to be renumbered;
  - Deletion of "A" and replacing with an "X" in the renumbered Point 1;
  - The inclusion of the words "in any twelve (12) month period" in Points 4 (a) and (b) after the words "...3 months.....";
- 2 AUTHORISES the affixation of the Common Seal and ENDORSES the signing of the amendment documents;

- 3 ADOPTS as final Local Planning Policy – Short Stay Accommodation, as presented in Attachment 2, and DETERMINES that the policy will become operational in the event, and on the date, that Amendment No 36 to District Planning Scheme No 2 is approved by the Minister for Planning and Infrastructure;
- 4 NOTES the submissions received and advises the submitters of Council's decision;
- 5 NOTES that, pending the successful adoption of the short stay policy and District Planning Scheme No 2 amendment, that the delegation of planning powers notice will be amended to reflect that proposals for short term accommodation abutting a residential zone will be referred to the Council for determination.

### **PROCEDURAL MOTION – THAT THE MOTION BE DEFERRED**

MOVED Cr Fishwick, SECONDED Cr Hart that consideration of proposed Short Stay Accommodation Policy and Amendment No 36 to DPS 2 be DEFERRED until the next ordinary meeting of Council pending clarification of issues raised.

### **ADDITIONAL INFORMATION**

At the Briefing Session held 8 April 2008, the Elected Members were briefed by the City's Legal Advisor and a number of questions were raised.

One of the issues raised related to the applicability of the Scheme Amendment and policy to the City Centre Zone.

Further consideration was given to this matter and while no further change is required to the draft scheme amendment a clarification has been added to the draft policy (refer to Attachment 2 page 2). The clarification makes it clear that there is no restriction on short stay accommodation in the City Centre in terms of it being the predominant use in a mixed use development. This is consistent with the existing Structure Plan and the likely form of the draft Structure Plan.

Two options are provided at Appendix 1 and 2, for the Council to consider. Option 1 being the wording required for the proposed amendment to the District Planning Scheme and the policy for short stay accommodation within the City but excluded from Residential Zone, and Option 2 being the appropriate wording to allow for short stay accommodation within a Residential Zone.

*Appendix 17 refers*

To access this attachment on electronic document, click here: [Attach17agn150408.pdf](#)

**11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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

**13 CLOSURE**



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

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

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

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

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

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



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

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

**QUESTIONS**

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Please submit this form at the meeting or:

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

**Please note that:**

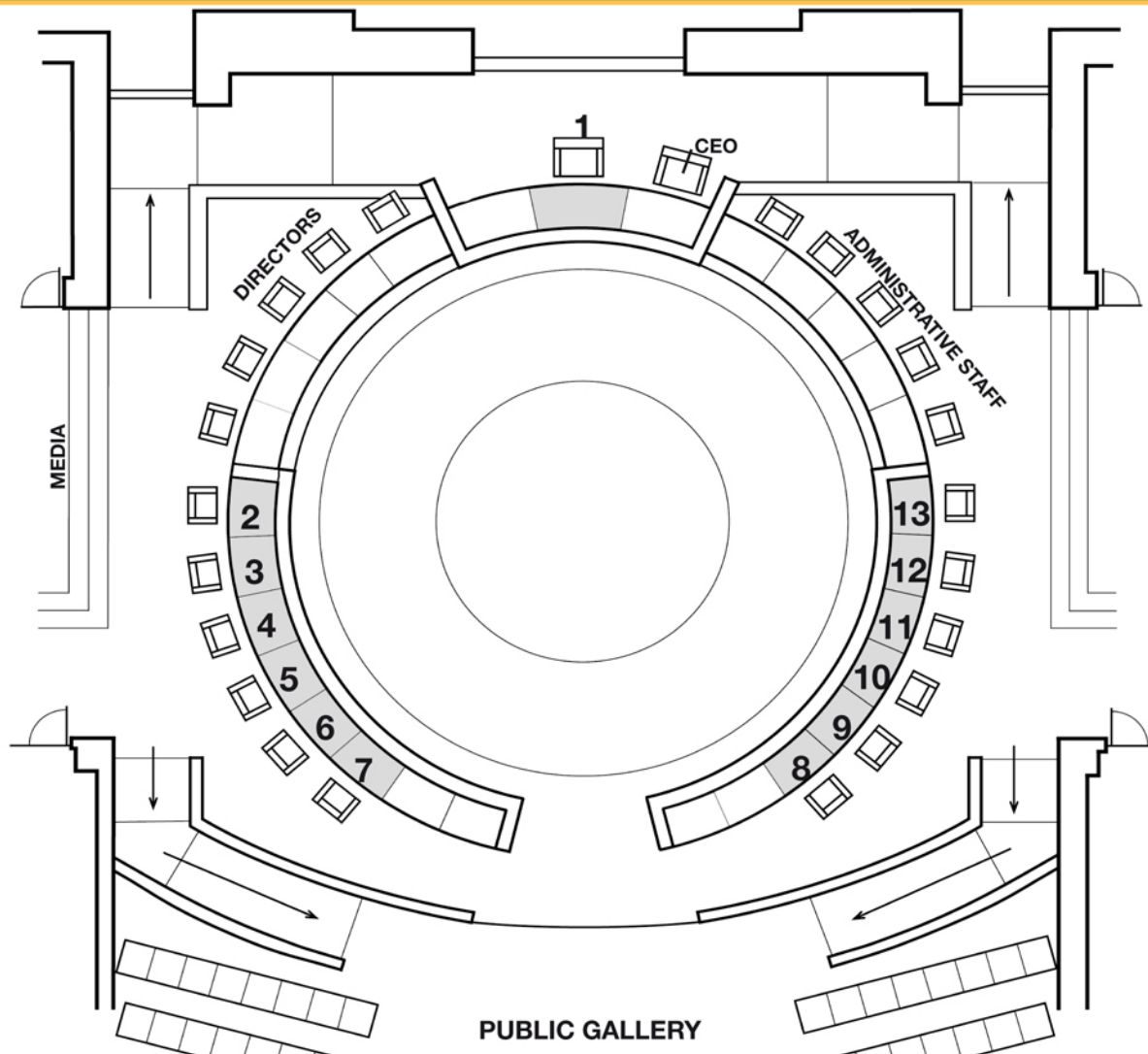
- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose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





# COUNCIL CHAMBER – SEATING DIAGRAM

City of Joondalup



## Mayor

1 His Worship the Mayor, Troy Pickard (Term expires 10/09)

### North Ward

- 2 Cr Kerry Hollywood (Term expires 10/09)
- 3 Cr Tom McLean (Term expires 10/11)

### North-Central Ward

- 4 Cr Albert Jacob (Term expires 10/09)
- 5 Cr Trona Young (Term expires 10/11)

### Central Ward

- 6 Cr Marie Macdonald (Term expires 10/09)
- 7 Cr Geoff Amphlett (Term expires 10/11)

### South-West Ward

- 8 Cr Michele John (Term expires 10/09)
- 9 Cr Mike Norman (Term expires 10/11)

### South-East Ward

- 10 Cr Sue Hart (Term expires 10/09)
- 11 Cr Brian Corr (Term expires 10/11)

### South Ward

- 12 Cr Russ Fishwick (Term expires 10/09)
- 13 Cr Fiona Diaz (Term expires 10/11)



City of  
Joondalup