

# agenda

## Ordinary Meeting of Council

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

**ON TUESDAY, 14 DECEMBER 2010**

**COMMENCING AT 7.00pm**

**GARRY HUNT**  
Chief Executive Officer  
**10 December 2010**

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

#### **PUBLIC QUESTION TIME**

Members of the public are  
requested to lodge questions in  
writing by 9.00am on  
13 December 2010

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

#### **QUESTIONS TO**

[council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

PO Box 21 Joondalup WA 6919

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

## PROCEDURES FOR PUBLIC QUESTION TIME

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

### Questions asked verbally

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

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

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

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

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

#### **DISCLAIMER**

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

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

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

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

## CODE OF CONDUCT

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

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

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

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

*\* Any queries on the agenda, please contact 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 141210.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, 14 December 2010** commencing at **7.00pm**.

GARRY HUNT  
Chief Executive Officer  
10 December 2010

Joondalup  
Western Australia

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## VISION

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

## MISSION

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

## VALUES AND PRINCIPLES

### Customer Focus

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

### Purpose, Direction and Planning

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

### Sustainability

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

### Data, Measurement and Understanding

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

### Honesty and Integrity

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

# AGENDA

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

## 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

## 2 PUBLIC QUESTION TIME

The following questions were taken on notice at the Council meeting held on 16 November 2010:

**Ms M Macdonald, Mullaloo**

*Re: Turfmaster Pty Ltd*

In answer to my questions relating to the Turfmaster issue requesting information on how the City stated any income and expenditure in the accounts resulting from the spraying of Hexazinone the City stated:

*“A1-5 All costs arising from the actions of Turfmaster Pty Ltd are included in the line items “Employee Costs” and “Materials and Contracts” in the Income Statement by Nature/Type forming part of the Annual Financial Report for each of the respective years in question. They have also been reported in the monthly Financial Activity Statement to Council.”*

*Q1 Given the above answer please state where I would find any income resulting from this event or can the City state that there has been none or that there will be none?*

*A1 Income received by the City is classified by nature and reported to Council in the monthly Financial Activity Statement and in the Annual Financial Report. No separate disclosure related to any particular event is required.*

In answer to my questions relating to the Turfmaster issue requesting information on how the City stated any income and expenditure in the accounts resulting from the spraying of Hexazinone the City stated:

*“The primary standard that governs the reporting of financial information is AASB 101.*

*Separate disclosure of individual items is required only where the omission of such separate disclosure would have a material impact on the presentation of the financial statements and AASB 101 expressly disallows the presentation of any items in the financial statements as extraordinary items.”*

*Q2 Given the above answer, why was expenditure not shown as an abnormal item given that it was not and could not have been an anticipated event?*

*A2 Accounting Standard AASB 101 does not allow items of income or expense to be presented as “abnormal” or extraordinary items.*

- Q3 *How does the City measure materiality in its accounts given that an event which increases the rates possibly by 3% would be extremely material to ratepayers?*
- A3 An item is considered Material if its omission or misstatement could influence the economic decisions made on the basis of the financial statements. There was no omission or misstatement in the City's Financial Reports.
- Q4 *Does the City believe that no explanation is due to ratepayers by way of a note in the Annual Accounts of the City relating to all income and expenditure resulting from the spraying of hexazinone in the sumps of the City?*
- A4 The City's Annual Accounts are prepared in accordance with the Australian Accounting Standards and in compliance with the applicable statutory provisions.

**Mr C Nally, Heathridge:**

Re: *CJ202-11/10 – Craigie Bushland Native Wildlife Sanctuary Feasibility Study and Management Plan*

- Q1 *Many families are feeling financial stress at present. Should the Council not consult the ratepayers prior to burdening them with additional rates to fund a project which seems to be a suburban experiment that was not community driven and has had no community involvement?*
- A1 The City is not planning an additional levy or rate to fund the development or management of the sanctuary. There has been and will be in the future community involvement in the Craigie site in terms of flora and fauna conservation.

**Mrs M Nally, Heathridge:**

Re: *CJ202-11/10 – Craigie Bushland Native Wildlife Sanctuary*

- Q1 *Dr Orsini's report describes the opportunity to have a native animal sanctuary at Craigie Bushland as regionally significant and unique in Australia since it would be the first sanctuary to be within 25 kilometres of a major CBD. How can this be the case when his own report describes the woodland reserve at Whiteman Park as being approximately 18 kilometres from the CBD of Perth?*
- A1 Mayor Pickard advised that Whiteman Park is not a sanctuary, but a reserve and there is a distinct technical difference between the two.

Dr Orsini, in the Feasibility Study and Management Plan, described the sanctuary as follows:

*"The creation of a 43.5 ha native wildlife sanctuary at Craigie Bushland containing an array of the Australian native mammal fauna that used to occur on Perth's Swan Coastal Plain has great significance. Although other sanctuaries in natural bushland settings exist further afield in the Perth Metropolitan Area (e.g. Whiteman Park's Woodland Reserve) and east of Perth (e.g. Australian Wildlife Conservancy's Karakamia Sanctuary), Craigie Bushland Native Wildlife Sanctuary would be the first area of native urban bushland to be set aside specifically as a wildlife sanctuary that is directly and easily accessible by public transport or car from Perth CBD and Joondalup City Centre."*

The City report refers to the sanctuary as being unique in Australia and this is due to the specific nature of the sanctuary in terms of the urban setting and public access.

**Mr S Magyar, Heathridge:**

*Re: CJ202-11/10 – Craigie Bushland Native Wildlife Sanctuary*

*Q1 Can the City give any indication when the community consultation plan would be drawn up and when community involvement was likely to occur?*

*A1 The project timetable adopted by Council includes a requirement for a Community Engagement Plan to be adopted in June 2011.*

**The following questions were submitted in writing prior to the Council meeting:**

**Ms Teresa Ritchie, Woodvale**

*Re: Buy Local Initiative*

*Q1 How much does the City spend with local businesses?*

*A1 Last financial year the City spent approximately \$13m with businesses and local operators within the City of Joondalup.*

*Q2 What resources does the City allocate for businesses?*

*A2 The City plays a key role in establishing and maintaining an environment that is advantageous for investment and facilitating local business and support small business development in the following ways:*

- Funding support for the Small Business Centre North West Metro (SBCNWM).*
- The development and distribution of Joondalup Business Online Newsletters each quarter.*
- Conducting regular Business Forums.*
- The provision of key statistical Information for businesses- community and economic data available free online.*
- The City's web site includes Business Web Page with information for businesses including, forums, business resources, approvals and regulations and statistics.*

*Q3 What funding/training/education/support is provided for businesses and business owners?*

*A3 The City of Joondalup provides annual financial support to the Small Business Centre North West Metro to deliver services and advice to small business owners. Over the last three years the City has provided \$169,752 in funding to the Small Business Centre North West Metro. A request for funding of \$59,800 (excluding GST) for 2010/11 has been received and a report regarding this request will go to Council for consideration at its meeting to be held on 14 December 2010.*

The core services of the SBCNWM focus on supporting and facilitating small business development on a free-of-charge basis and this is achieved through assisting new and existing small businesses with practical assistance on range of business related issues.

*Q4 How come many tenders are awarded to businesses outside of Joondalup? If your intention is the push and promote 'buy local' then surely this would need to remain in the COJ "to stimulate small business development" as you refer in your email?*

A4 Local businesses receive a 5% weighting in their favour during the evaluation of any tender, which should help them to win the contract, providing their tender submissions are equally competitive to others.

*Q5 Exciting initiative? How? What will it really do for local businesses, particularly small businesses?*

A5 The Buy Local initiative seeks to enhance processes to provide local businesses with opportunities to bid for goods and services and may also incorporate up-skilling, support and training for interested local business through the Small Business Centre (SBC), the Joondalup Business Centre and the Business Growth Centre at West Coast Institute of Training.

### 3 PUBLIC STATEMENT TIME

### 4 APOLOGIES AND LEAVE OF ABSENCE

#### LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr Philippa Taylor 9 December to 18 December 2010 inclusive

#### **REQUEST FOR LEAVE OF ABSENCE – CR LIAM GOBBERT [78624]**

Cr Liam Gobbert has requested Leave of Absence from Council duties covering the period 3 to 23 January 2011 inclusive.

#### **RECOMMENDATION**

**That Council APPROVES the Request for Leave of Absence for Cr Liam Gobbert from Council duties covering the period 3 to 23 January 2011 inclusive.**

### 5 CONFIRMATION OF MINUTES

#### MINUTES OF COUNCIL MEETING, 16 NOVEMBER 2010

#### **RECOMMENDATION**

**That the Minutes of the Council Meeting held on 16 November 2010 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>Mayor Troy Pickard</b>
<b>Item No/Subject</b>	CJ222-12/10 – Local Action for Biodiversity International Workshop 2011
<b>Nature of interest</b>	Financial Interest
<b>Extent of Interest</b>	Mayor Pickard is participating in Conference travel

<b>Name/Position</b>	<b>Mr Garry Hunt – Chief Executive Officer</b>
<b>Item No/Subject</b>	CJ222-12/10 – Local Action for Biodiversity International Workshop 2011
<b>Nature of interest</b>	Financial Interest
<b>Extent of Interest</b>	Mr Hunt is participating in Conference travel

**Disclosure of interest affecting impartiality**

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

<b>Name/Position</b>	<b>Cr Tom McLean</b>
<b>Item No/Subject</b>	CJ207-12/10 – Proposed Alterations and Extensions to the Joondalup Resort at Lot 535 (45) Country Club Boulevard, Connolly
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr McLean lives on the border of the Country Club

<b>Name/Position</b>	<b>Cr Trona Young</b>
<b>Item No/Subject</b>	CJ212-12/10 – Proposed Skate Park – Mirror Park, Ocean Reef
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Young is housed within the one kilometre radius of the consultation area



<b>Name/Position</b>	<b>Cr Tom McLean</b>
<b>Item No/Subject</b>	CJ214-12/10 – Proposed Currambine Community Centre
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr McLean has purchased a property nearby

<b>Name/Position</b>	<b>Cr Geoff Amphlett</b>
<b>Item No/Subject</b>	CJ218-12/10 – Small Business Centre North West Metro - Request for Funding 2010/11
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Amphlett is the Chair of the Joondalup Business Centre

<b>Name/Position</b>	<b>Cr Tom McLean</b>
<b>Item No/Subject</b>	CJ218-12/10 – Small Business Centre North West Metro - Request for Funding 2010/11
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr McLean is a board member of the Small Business Centre

<b>Name/Position</b>	<b>Mr Garry Hunt</b>
<b>Item No/Subject</b>	CJ219-12/10 – West Perth Football Club Inc. Sponsorship Proposal
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	A relative of Mr Hunt is a West Perth Football Player.

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

**9 PETITIONS**

**10 REPORTS**

## **CJ205-12/10      MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT DEVELOPMENT, CODE VARIATIONS AND SUBDIVISION APPLICATIONS - OCTOBER 2010**

**WARD:** All

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

**FILE NUMBER:** 07032

**ALT FILE NUMBER:** 05961

**ATTACHMENTS:** Attachment 1    October 2010 Decisions Planning Applications  
Attachment 2    October 2010 Decisions Building Applications  
Attachment 3    October 2010 Subdivision Applications Processed

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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, allow Council to delegate all or some of its development control powers to a committee or an employee of the City.

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

This report identifies:

- 1    planning applications (development applications and Residential Design Codes variations);
- 2    building applications (Residential Design Codes variations);
- 3    subdivision applications;

determined by those staff members with Delegated Authority powers during October 2010 (as detailed in Attachments 1, 2 and 3 respectively).

### **BACKGROUND**

The District Planning Scheme No 2 requires that delegation be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 20 July 2010, Council considered and adopted the most recent Town Planning Delegation.

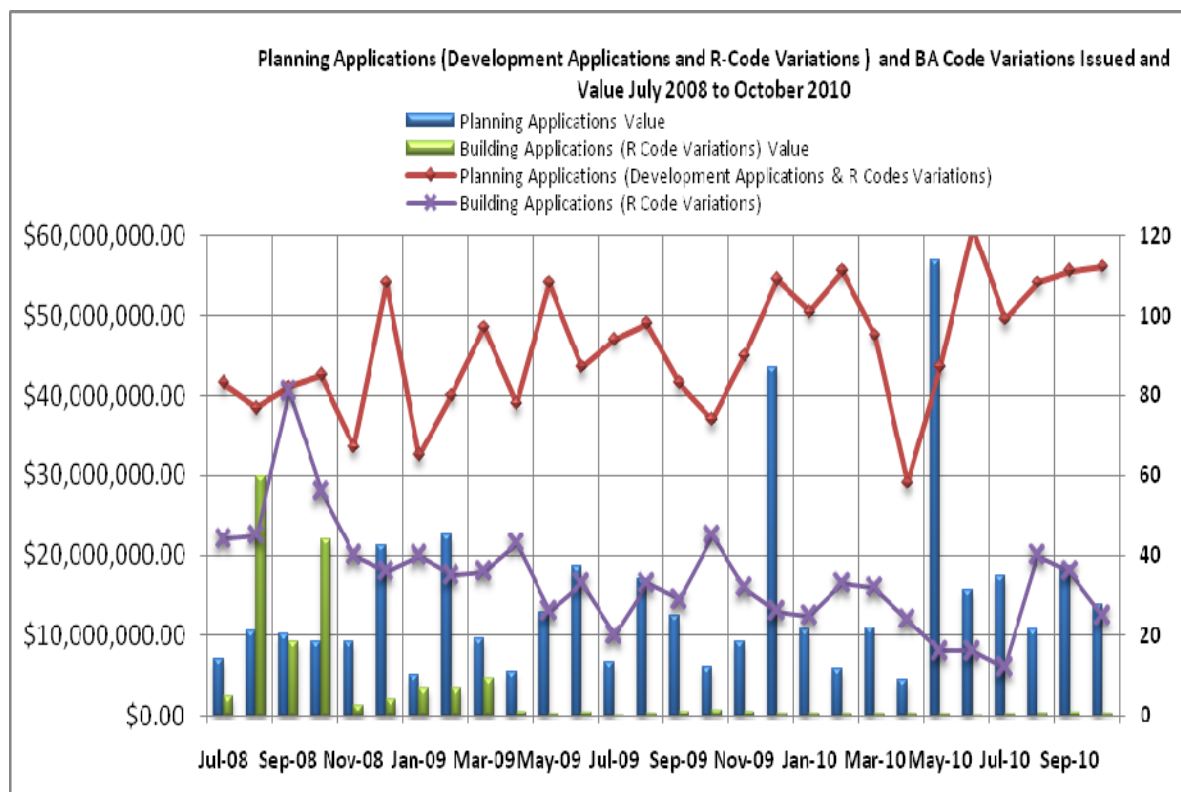
## DETAILS

The number of applications determined under delegated authority for the period of October 2010, is shown below:

Approvals determined under delegated authority – October 2010		
Type of Approval	Number	Value (\$)
Planning applications (development applications and R-Codes variations)	112	\$13,767,642
Building applications (R-Codes variations)	25	\$ 282,175
<b>TOTAL</b>	<b>137</b>	<b>\$14,049,817</b>

The number of development applications received during the period for October was 122. (This figure does not include any applications that may become the subject of an R-Code variation as part of the building licence approval process).

The number of development applications current at the end of October was 167. Of these, 28 were pending additional information from applicants and 63 were being advertised for public comment.



<b>Subdivision approvals processed under delegated authority</b> <b>From 1 October to 30 October 2010</b>		
<b>Type of approval</b>	<b>Number</b>	<b>Potential additional new lots</b>
Subdivision applications	3	46
Strata subdivision applications	1	2

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

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

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

### **Strategic Plan**

**Key Focus Area:**        The Built Environment

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

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

**Policy**                              As above.

### **Risk Management considerations:**

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

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

A total of 137 applications were determined for the month of October with a total amount of \$49,662 received as application fees.

All figures quoted in this report are exclusive of GST.

### **Regional Significance:**

Not Applicable.

### **Sustainability Implications:**

Not Applicable.

**Consultation:**

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

Of the 112 development applications determined during October 2010, consultation was undertaken for 47 of those applications. Applications for Residential Design Codes variations as part of building applications are required to include comments from adjoining landowners. Where these comments are not provided, the application will become the subject of a planning application (R-Codes variation). The four subdivision applications processed during October 2010 were not advertised for public comment, as the proposals complied with the relevant requirements.

**COMMENT**

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

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

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

- 1 Development applications and R-Codes variations forming Attachments 1 and 2 to Report CJ205-12/10 during October 2010;**
- 2 Subdivision applications forming Attachment 3 to Report CJ205-12/10 during October 2010.**

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf071210.pdf](#)*

**CJ206-12/10      LOCAL STRUCTURE PLAN – LOT 500 AND 501  
ARAWA PLACE, CRAIGIE (FORMERLY CRAIGIE  
HIGH SCHOOL)****WARD:** Central**RESPONSIBLE:** Ms Dale Page, Director, Planning and Development**FILE NUMBER:** 100894**ATTACHMENTS:**  
Attachment 1    Location plan  
Attachment 2    Draft Craigie High School Structure Plan – Part 1  
Attachment 3    Community consultation plan  
Attachment 4    Proposed changes to residential density  
Attachment 5    Structure Plan process flow chart

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**PURPOSE**

The purpose of this report is for Council to consider a draft Local Structure Plan over the former Craigie High School site, for the purposes of public advertising.

**EXECUTIVE SUMMARY**

Lot 500 and Lot 501 Arawa Place, Craigie are the lots upon which the former Craigie High School was located. The subject site was zoned to 'Urban Development' to allow for future residential development. A structure plan has been prepared by the applicant to guide the future subdivision and development of the subject site and is submitted to Council for consideration and consent to advertise.

The draft structure plan proposes the development of approximately 175 residential lots ranging in density from R20 to R40, two areas of public open space and the associated road network and drainage system.

It is recommended that the structure plan be adopted for the purpose of public advertising for a period of 28 days, subject to modifications relating to residential density, open space provisions, stormwater drainage and works external to the structure plan area.

Should Council resolve to advertise the structure plan, and subject to any modifications requested by Council being completed by the applicant, public consultation will commence early in February 2011.

## BACKGROUND

<b>Suburb/Location:</b>	<b>Lot 500 (1) Arawa Place, Craigie</b> Lot 501 (7) Arawa Place, Craigie
<b>Applicant:</b>	Taylor Burrell Barnett
<b>Owner:</b>	Department of Education Lot 501
<b>Zoning:</b>	<b>DPS:</b> Urban Development <b>MRS:</b> Urban Lot 500
<b>Zoning:</b>	<b>DPS:</b> Urban Development <b>MRS:</b> Urban
<b>Site Area:</b>	Lot 501 – 9.9 ha Lot 500 – 0.238 ha
<b>Structure Plan:</b>	Subject of this report

The subject sites comprise the former Craigie High School site located on Camberwarra Drive and Arawa Place, Craigie (refer Attachment 1). The subject site abuts Cawarra Park to the north and Otago Park to the south east. Whitford Catholic Primary School is located across Camberwarra Drive to the west of the site. The remainder of the subject site is surrounded by residential development.

In 2002, the Craigie High School was considered surplus to the requirements of the then Department of Education and Training, and ceased operating in 2003. In 2004, all buildings on the site were demolished. In June 2008, a Metropolitan Region Scheme (MRS) amendment was finalised whereby the reservation for 'Public Purposes – High School' was removed and the subject land was zoned 'Urban'.

At its meeting of 17 February 2009, Council resolved to adopt Amendment No. 40 to DPS2 to rezone Lot 501 and 500 Arawa Place, Craigie to 'Urban Development' and 'Civic and Cultural' respectively. The Minister for Planning granted final approved to the scheme amendment on 21 May 2009.

Lot 500 Arawa Place was excised for the purpose of a community facility that was to be managed by the Department of Child Protection. However, the Department of Child Protection decided not to proceed with the community facility and therefore another scheme amendment was undertaken to rezone the site to 'Urban Development' (which is consistent with the adjoining Lot 501).

At its meeting of 20 July 2010, Council resolved to adopt Amendment No 49 to DPS2 to rezone Lot 500 Arawa Place from 'Civic and Cultural' to 'Urban Development'. The Minister for Planning granted final approved to the scheme amendment on 28 October 2010.

## DETAILS

A draft structure plan has been prepared by the applicant to guide the future subdivision and development of the subject site.

The proposed structure plan consists of two parts, Part 1 and Part 2. Due to the size of the document, including accompanying technical reports, only Part 1 of the structure plan document has been attached to this Council report (refer Attachment 2). Full copies of the structure plan document, including all accompanying technical reports, have been made available in the Councillor's reading room.

Part 1 of the structure plan is the statutory planning section setting out the objectives and development provisions that determine the intended overall form of development on the subject land, particularly where these provisions differ from those required under the Residential Design Codes (R-Codes).

Part 1 of the proposed structure plan proposes to divide the site into the following zones/reserves:

- Residential R20 zone.
- Residential R25 zone.
- Residential R30 zone.
- Residential R40 zone.
- Parks and Recreation Reserve.
- Public Purpose Drainage Reserve.

The proposed structure plan is based on the future development of the following:

- Approximately 175 residential lots ranging in density from R20 to R40.
- Two areas of public open space – a central linear open space spine and an area in the north west of the site dedicated to retaining part of the existing dunal system and remnant vegetation.
- An internal road network based on the *Liveable Neighbourhoods* standards with a 6m wide pavement.
- Two external vehicular access points, the main entrance is onto a proposed roundabout on Camberwarra Drive and a secondary entrance onto Arawa Place.
- Drainage either contained on site or development of a shared drainage swale with the City in Otago Park.
- Retention of selected vegetation within public open space and along Camberwarra Drive, where possible.

Part 2 of the structure plan document is the explanatory report, which provides the background, description of the site, context, opportunities and constraints, design philosophies and principles. It also includes background information such as traffic, vegetation, infrastructure and geotechnical reports.

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

The issues associated with the proposed structure plan include:

- Suitability of the draft structure plan provisions to create an appropriate built form that integrates with the surrounding area.

The options available to Council in considering the draft structure plan are:

- support the draft structure plan for the purposes of public advertising;
- determine that the structure plan should not be advertised until specified matters have been included or have been addressed; or
- not support the initiation of the structure plan for advertising purposes for stated reasons.



## Legislation/Strategic Plan/Policy Implications

### Legislation

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

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

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

Should Council determine that the structure plan is satisfactory, the proposal is to be advertised for public comment in accordance with clause 9.5 and 6.7 of DPS2 for a minimum period of 21 days. Upon completion of the public advertising, Council is required to review all submissions within 60 days and proceed to refuse or adopt the structure plan, with or without further modifications (refer Attachment 3).

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

### Strategic Plan

**Key Focus Area:** The built environment

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

### Policy

During the subdivision of the site, the following two policies will apply. However, consideration should be given to how the proposed structure plan addresses these policies.

- Council Policy Uniform Fencing – Subdivision states that the City will request the WAPC impose a condition of subdivision that the applicant provides uniform fencing along public open space and major roads.
- Council Policy Subdivision and Development Adjoining area of Public Space states that subdivisions should be designed so that areas of public space are fronted along all boundaries by public roads.

### Risk Management considerations:

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

**Financial/Budget Implications:**

The applicant has paid fees of \$9,749.57 (including GST) to cover all costs associated with assessing the structure plan and public consultation. Advertising costs are estimated to be \$2,340.

**Regional Significance:**

Directions 2031 and draft Outer Metropolitan Perth and Peel Sub-Regional Strategy provide aspirations for the better utilisation of urban land through the establishment of dwelling targets for both greenfield and infill development sites. The proposed redevelopment of the former Craigie High School site, through the adoption and implementation of this structure plan, will provide approximately 175 additional dwellings. These additional dwellings will assist in delivering the aspirations of Directions 2031 and draft Outer Metropolitan Perth and Peel Sub-Regional Strategy for the City of Joondalup.

**Sustainability implications:**Environmental

The proposed structure plan supports the protection of selected vegetation within the public open space and along Camberwarra Drive where possible.

The structure plan includes some specific built form requirements such as north facing lots are permitted to have their outdoor living area within the front setback and eaves must be provided to all habitable rooms with the exception of south facing walls, which will contribute to the development of more energy efficient dwellings.

Additional residents provided by the future subdivision will support the use of existing infrastructure such as bus and rail systems.

Social

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

The structure plan proposes a multi-activity trail adjacent to the dunes and a central public open space area which will encourage residents to walk and socialise within their community.

Economic

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

**Consultation:**

Clause 9.5 of DPS2 requires structure plan proposals to be advertised in accordance with the provisions of Clause 6.7 prior to further consideration by Council. Clause 6.7 of DPS2 requires a minimum advertising period of 21 days, however, advertising for a period of 28 days is recommended in this instance.

Advertising will consist of:

- Written notification to all landowners within a 300 metre radius of the site (470 households). The same catchment was used to notify landowners of Scheme Amendment No.40 which zoned Lot 501 to 'Urban Development'. The notification will include a draft structure plan map, FAQ, and details on where additional information can be obtained.
- Documents being available at the City's Administration Building, and the Whitfords Customer Service Centre.
- Two signs being erected in prominent locations on the site.
- A notice being placed in the Joondalup Community newspaper.
- A notice and documents on the City's website.

In accordance with Council Policy - Community Consultation and Engagement, public consultation is not to be conducted during the summer. Should Council resolve to advertise the structure plan, and subject to any modifications requested by Council being completed by the applicant, public consultation will commence in early in February 2011.

## COMMENT

### Consultation Plan

The applicant has provided a community involvement and consultation plan (Attachment 3) which details public consultation which has occurred in preparation of the structure plan. Consultation undertaken to date includes:

- Public information session.
- Website information and project updates; and
- Media statements.

The applicant will not be conducting any information sessions during the City's consultation period.

### Density

There is currently no density code applicable to the subject site. The structure plan proposes a variety of density codes across the site, ranging from R20 to R40. The surrounding area currently has a density code of R20, however the draft Local Housing Strategy proposes a dual density code of R20/R30 for the surrounding area.

Recommendation 7 of the draft Local Housing Strategy recommends that a policy be adopted to set a minimum density for large opportunity sites. This policy has not yet been drafted, therefore, the structure plan cannot be assessed against it. However, it is considered likely that the policy would propose a density which is higher than the existing predominant density coding of R20 within the City of Joondalup.

The R20 coded land is proposed to be primarily located on the periphery of the site adjacent to the existing residential development. The structure plan states that the proposed R20 will provide a transition to the existing surrounding residential areas. However, *Liveable Neighbourhoods* recommends that density/zoning change along rear boundaries. Therefore it is not considered necessary to maintain R20 coded land adjacent to existing dwellings in some of parts of the structure plan.

*Directions 2031* sets a target of 47% of the required new dwellings in the Perth area to be provided as infill development. However, it does not set a dwelling yield for infill development sites, and only sets a dwelling yield for greenfields development of 15 dwellings per gross urban zoned hectare. The draft structure plan proposes 175 dwellings which equates to a dwelling yield of 17 dwellings per hectare. This is only marginally higher than that recommended for greenfields development in *Directions 2031*. As the site is an infill site, it should have a dwelling yield higher than that proposed for greenfields development and an increase in density is supported.

Therefore, it is recommended that the R20 coded land behind the existing dwellings on Arawa Place be increased to R30 (refer Attachment 4). This is consistent with the proposed density for the surrounding area and will assist to increase dwelling yield over the site. The other R20 coded areas are considered acceptable due to the topography (slope) of the site and the increased development difficulties this may create if smaller lots were proposed in this location.

#### Built form requirements (development provisions)

The draft structure plan proposes a number of variations to the 'acceptable development' requirements of the R-Codes. Structure plans operate such that, where a development provision is included in the structure plan, the corresponding provision in the R-Codes no longer applies.

Some of the variations to the development provisions of the R-Codes are considered acceptable, whilst some could potentially lead to an undesirable built form outcome; these will be discussed in more detail below.

#### *Open Space*

The structure plan proposes to vary the open space requirements of the R-codes as outlined in the following table:

<b>Density Code</b>	<b>R-Codes open space (% of site area)</b>	<b>Draft Structure Plan open space (% of site area)</b>
R20	50%	40%
R25	50%	35%
R30	45%	35%
R40	45%	35%

In addition to the variation in open space provision, the structure plan also proposes to allow an unenclosed balcony with an area of 10m<sup>2</sup> or greater to be included in the open space calculation. This allows a dwelling to cover more of the lot and could result in a situation where a dwelling could cover almost an entire lot if the balcony was large enough. It is recommended that this variation be removed from the structure plan.

The open space variations proposed under the structure plan for R20 and R25 coded lots are not considered acceptable as they could, as a right, result in large houses on small blocks with very little open space provided. No justification has been provided for this proposed variation, and it is not considered an ideal built form outcome.

Rather the existing open space provisions of the R-Codes are considered adequate. Applications for variations are allowed under the performance criteria of the R-Codes and it is considered preferable to assess variations on a case by case basis rather than allowing blanket variations over the entire structure plan area. It is recommended that the structure plan be modified to reflect this.

The structure plan proposes to vary the outdoor living area requirements of the R-codes as outlined in the following table:

<b>Density Code</b>	<b>R-Codes (min. outdoor living area)</b>	<b>Draft Structure Plan (min. outdoor living area)</b>
R20	30 m <sup>2</sup>	24 m <sup>2</sup>
R25	30 m <sup>2</sup>	24 m <sup>2</sup>
R30	24 m <sup>2</sup>	24 m <sup>2</sup>
R40	20 m <sup>2</sup>	20 m <sup>2</sup>

Outdoor living areas of 24 m<sup>2</sup> for R20 and R25 coded properties are not considered adequate. It is recommended that the structure plan be modified to remove these variations and the outdoor living area requirements of the R-Codes be utilised. Under the R-Codes, variations can be assessed on an individual basis rather than allowing blanket variations.

It is considered that the combined open space and outdoor living area variations proposed under the structure plan for R20 and R25 lots will result in a less than desirable built form outcome with dwellings occupying the majority of the lot and minimal open space and outdoor living areas provided for residents. As such, it is recommended that the open space variations proposed be removed from the structure plan, and variations be assessed in accordance with the R-Codes.

#### *Building Height*

The draft structure plan states that the provisions of the City of Joondalup '*Height and Scale of Buildings within Residential Areas*' policy does not apply. For the purpose of single and grouped dwelling development, the structure plan proposes a maximum building height limit of 9.5 metres. The same building height requirement applies to the Burns Beach Structure Plan and is considered appropriate for accommodating two storey developments.

The draft structure plan proposes a maximum height of 13 metres for the development of multiple dwellings in areas coded R30 and R40. This could accommodate three storey development. Whilst a building height of 13 metres is greater than the prevailing residential area, it should be noted that the development of multiple dwellings within the 'Residential' zone is a 'D' discretionary use. As such, it is considered that there is sufficient ability to consider the appropriateness of multiple dwellings within the structure plan area in relation to the building height and the impacts, if any, on adjoining properties.

It is considered that the building height provisions proposed in the structure plan are appropriate.

#### *Sustainability*

The draft structure plan incorporates some sustainable design features within the built form requirements. Provisions include:

- Eaves for major openings (with the exception of south facing walls) to provide protection from direct summer sun,
- Locating boundary walls on the southern or western boundary to maximise opportunities for northern light and/or provide protection from afternoon summer sun,
- The retention and protection of trees.

Part two of the draft structure plan details the vision for sustainable development in a wider context with respect to social, environmental and economic sustainability.

The draft structure plan assists in delivering sustainable outcomes for the built form. It is important to note that the draft structure plan is one of a number of avenues available or used for addressing sustainability, some of which may be outside the remit of the statutory planning approval process. The City has encouraged the applicant to investigate opportunities for further employing sustainability measures, including addressing the elements that are identified in the City's draft Dual Density Design Code Policy.

The applicant has advised that it has incorporated measures that it feels appropriate within the draft structure plan, noting that further initiatives are being investigated and may be employed by the developer such as incentive programs for residents, conditions on contracts of sale or developer covenants.

### Public Open Space

Approximately 1.8ha of Public Open Space (POS) has been provided within the structure plan, which equates to 17% of the site area. *Liveable Neighbourhoods* requires that a minimum of 10% of the subdivisible area must be provided as POS at subdivision stage.

There are two areas of POS proposed in the draft structure plan:

- a central linear open space spine that links the dunal system with Otago Park, and
- a passive area of open space in the north west that which will retain part of the existing dunal system.

The open space spine is proposed to be a central focus of the development and incorporates existing terracing. It is primarily intended for passive recreation pursuits with active recreation to occur in the adjoining Otago Park.

The proposed areas of POS are in accordance with *Liveable Neighbourhoods* with respect to size and location in that they are a minimum of 3000m<sup>2</sup> each in area and are located within a 400 metre walk of most dwellings. The proposed POS also provides for conservation and passive recreational uses and the site is adjacent to an active recreational park (Otago Park) which is also in accordance with *Liveable Neighbourhoods*.

*Liveable Neighbourhoods* recommends that perimeter streets be provided around POS, however, where a street is not provided, it must be demonstrated that there are other means of ensuring surveillance of the POS. Both of the proposed POS areas contain sections where lots back directly onto the POS. The built form requirements in Part 1 of the structure plan contain development provisions to ensure overlooking of the POS area, such as providing outdoor living areas adjacent to the POS, and orientating buildings towards the POS. In addition, Council's policy '*Subdivision and Development Adjoining area of Public Space*' requires that fencing along boundaries of lots overlooking public open space must be visually permeable with a maximum solid portion of 750mm in height.

However, the policy also states that subdivision designs which propose lots backing onto areas of public space will generally not be supported. Notwithstanding, in this instance, it is considered that the built form requirements and the visually permeable fencing will provide adequate visual surveillance of the POS.

### Drainage

*Liveable Neighbourhoods* encourages parkland to be provided in conjunction with the drainage system. Portions of POS can be utilised for drainage purpose and still be considered acceptable for this purpose, depending on the extent of any swales and inundation that are likely to occur and provided that the POS remains functional. 'Credits' towards the 10% public open space required for the subject site are allowable in these circumstances

The structure plan proposes two options for the disposal of stormwater:

- Retained on-site and infiltrated through soakwells in the road reserve and infiltrated through drainage basins within the central and south eastern POS areas; or
- Integrated into the public open space in accordance with *Liveable Neighbourhoods* and City requirements.

It is normal practice to assess the details of the drainage design at the subdivision stage, however fundamental drainage issues are best resolved at the structure plan stage. The City does not support soakwells within the road reserve and is not in favour of formal fenced sumps and discourages their provision within new subdivisions. Furthermore, Council, at its meeting held on 18 August 2009, resolved that best practice stormwater management and water sensitive urban design should be incorporated into in any future developments within the City of Joondalup.

The City's preference for stormwater management is to utilise the two nearby drainage sumps located adjacent to Albion Park to the west and Otago Park to the south/east. Further investigation may be required in this regard.

The applicant has advised that if the proposed drainage reserve is not required for onsite stormwater management, the proposed drainage reserve would be used for public open space, rather than additional residential development. In this regard, appropriately landscape public open space would provide a better outcome than a fenced sump.

It is recommended that a preferred drainage strategy be negotiated prior to Council's final consideration of the structure plan. This is necessary as the structure plan may need to be modified to reflect any agreement reached. In addition, as soakwells within the road reserve are not supported by the City, it is recommended that the structure plan be amended to remove reference to this prior to advertising.

### Road Network

The street types have been designed in accordance with *Liveable Neighbourhoods*. The streets are all classified as 'Access Streets' due to the nature of the proposed residential area and the proposed traffic volumes. Road reserve widths vary according to specific parking, path, services and landscaping requirements, but appear to be adequate for the intended use.

### Traffic and Access

Post development traffic modelling indicates that the proposed development will require the widening of the westbound carriageway on Albion Street to cater for an increase in vehicle queuing on Albion Street.

A roundabout is proposed on Camberwarra Drive at the intersection of the entry to the site and the Catholic Church car park. An additional external vehicular access to the site is proposed on Arawa Place west of the existing residential properties on this street.

The proposed modifications to the external road network are supported by the City. However, it will be the developers' responsibility to undertake the works.

### Conclusion

The draft structure plan, together with the provisions of the R-Codes, DPS2 and relevant Council policies will create the planning framework to guide the development of the site. The draft structure plan has been assessed and is considered to be satisfactory for the purposes of public advertising, subject to the modifications previously discussed.

Should Council resolve to initiate the draft structure plan for public advertising, consultation required under DPS2 is undertaken by the City and the outcomes reported to the Council upon closure of the advertising period.

It is recommended that Council support the advertising of the proposed structure plan for a period of 28 days, subject to any modifications requested by Council being completed by the applicant.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

### **That Council:**

- 1 Pursuant to clause 9.4 of the City of Joondalup District Planning Scheme No. 2 ADOPTS the draft Craigie High School Site Structure Plan (Structure Plan No 13) forming Attachment 2 to Report CJ206-12/10 for the purpose of public advertising and make it available for public comment for 28 days, subject to the following modifications being undertaken prior to the commencement of advertising:**
  - 1.1 Increasing the residential density from R20 to R30 for the proposed lots behind Arawa Place as forming Attachment 4 to Report CJ206-12/10;**
  - 1.2 Deleting clause 8.2.2 (a) to (d), clause 8.3.2 (a) to (e) of the draft Craigie High School Site Structure Plan relating to private open space requirements;**
  - 1.3 Deleting works (pathway links and lookouts) proposed within Otago Park and Cawarra Park as illustrated in figure 20, as this does not form part of the structure plan area;**
  - 1.4 Deleting all reference to soakwell infiltration within road reserves as the City does not support this form of stormwater management;**
- 2 NOTES that the applicant will need to liaise with the City and resolve the following matters prior to Council's final consideration of the Structure Plan:**
  - 2.1 Drainage and stormwater management for the structure plan area. The applicant is advised that the City does not support the use of soak wells within road reserves and fenced drainage sumps. Preference is given to the utilisation of the two nearby drainage sumps located adjacent to Albion Park to the west and Otago Park to the south/east;**



- 2.2 Details for the vehicle turning head design, to determine the impact on tree retention;**
- 2.3 The landscape master plan, particularly the vegetative treatment of road reserves. The applicant is advised of the City's preference for street trees rather than shrubs.**

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf071210.pdf](#)*

<b>Name/Position</b>	<b>Cr Tom McLean</b>
<b>Item No/Subject</b>	CJ207-12/10 – Proposed Alterations and Extensions to the Joondalup Resort at Lot 535 (45) Country Club Boulevard, Connolly
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr McLean lives on the border of the Country Club

## **CJ207-12/10      PROPOSED ALTERATIONS AND EXTENSIONS TO THE JOONDALUP RESORT AT LOT 535 (45) COUNTRY CLUB BOULEVARD, CONNOLLY**

**WARD:** North

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

**FILE NUMBER:** 17076

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

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### **PURPOSE**

To request Council's determination of an application for a proposed function hall at the Joondalup Resort, located at 45 Country Club Boulevard, Connolly.

### **EXECUTIVE SUMMARY**

This application is for a function hall addition to the existing Joondalup Resort. The facility will include two function rooms which can be combined into one room, pre-function areas, function court and courtyard areas and associated kitchen and service areas.

District Planning Scheme No 2 (DPS2) requires 384 bays to be provided on site. There are currently 303 existing car parking bays on site. The application does not propose any additional car parking, resulting in a shortfall of 81 bays (21%).

However an overflow car parking area is also proposed. This area can accommodate a further 151 non-marked bays on an open, grassed area within the south-eastern corner of the site. These bays are not included in the DPS2 calculations as the bays are not marked and sealed. However, inclusion of these bays, in effect, overcomes any potential parking shortfall. In the event that the overflow car park is required to be utilised, it is proposed to be managed by hotel staff through the implementation of a Car Parking and Traffic Management Plan.

The applicant's justification for the proposed shortfall of marked, sealed bays is the underutilisation of the existing 303 car parking bays provided on site. The City previously conducted a survey of the existing car park over a two week time period. The results of that survey indicated the car park is significantly underutilised. The proposed shortfall of marked, sealed car parking bays is therefore considered appropriate in this instance and will not result in any significant adverse effect on adjoining properties, or the surrounding area.

Additionally, the application seeks approval for a side setback variation to the western boundary. The reduced setback is considered to be minor in nature and will not result in any significant adverse effect, as it adjoins the Joondalup Golf Course.

The site is zoned Private Clubs/Recreation under DPS2, with the development falling into the use classes 'Place of Assembly'. This is a discretionary use in this zone. The proposal is considered to meet the objective of the Private Clubs/Recreation zone and is appropriately located as an extension to the existing hotel development. It is recommended that the application be approved with conditions.

## BACKGROUND

**Suburb/Location:** Lot 535 (45) Country Club Boulevard, Connolly  
**Applicant:** James Christou & Partners, Architects  
**Owner:** Joondalup Hotel Investments Pty Ltd  
**Zoning:** **DPS:** Private Clubs/Recreation  
**MRS:** Urban  
**Site Area:** 48,239m<sup>2</sup>  
**Structure Plan:** Not Applicable

The subject site is located at the northern end of Country Club Boulevard, with the Joondalup Resort Hotel site almost entirely surrounded by the Joondalup Resort Golf Course. Adjoining the site to the south-west is the Joondalup Resort Country Club. The closest residential property to the proposed development is located approximately 180 metres to the north (Location Plan – detailed in Attachment 1).

The hotel site is irregular in shape, with the existing hotel located toward the northern part of the site. A staff car parking area is located along the eastern boundary of the site, with a separate visitor car parking area located to the south of the hotel. Tennis courts and an unutilised area of scrub land are located within the south-eastern portion of the site.

The existing hotel infrastructure comprises 70 hotel rooms, an outdoor pool, cafe, restaurant and bar, six function rooms and an outdoor function room. With the exception of the outdoor function room, this development was approved on 9 February 1994, with a requirement to provide 353 car parking bays. City records show a written agreement in April 1994 permitted a reduced provision of 300 car parking bays for the Stage One development, with a requirement that the remaining 53 car parking bays be provided as part of any future development on site *"if it is deemed necessary"*.

The City has since considered five applications for major development approval on the hotel site. The first three have not been implemented and any approvals have since lapsed. These proposals are as follows:

DA4315 - A two storey corporate office block approved September 1994.

DA4656 – Extension of the hotel incorporating an additional 70 hotel rooms, health and child minding facilities, and an underground car park with 70 new car parking bays was submitted in 1995. The City's records show the application was deferred by Council for 30 days to enable the application to be advertised. The application did not proceed.

DA6182 - The addition of 68 serviced apartments, a health club, and basement car park with 132 bays (a shortfall of 76 car parking bays) approved June 1997.

Of note, the City has previously approved a 53 car parking bay shortfall and 76 car parking bay shortfall for the hotel site under applications DA4315 and DA6182, respectively.

At its meeting held on 5 December 2007, Council approved an application for retrospective planning approval of an outdoor function centre. The seating capacity for this addition is 190, requiring an additional 48 bays to be provided. No additional car parking bays were provided as part of this application. The current number of car parking bays provided on the hotel site is therefore 303, in addition to four drop off and pick up bays.

Most recently, Council approved a development application for 50 Hotel Rooms and a function facility on both the subject site and the adjoining site in November 2009. When determining this application, Council determined that the existing 303 car parking bays on site was adequate to service the increased demand, and a 110 parking bay shortfall was approved.

## DETAILS

This application is for a function hall addition to the existing Joondalup Resort. The facility has been located to the north of the existing hotel rooms and marquee on site.

The function hall facility design incorporates the following elements:

- Two function rooms which can be amalgamated into one.
- One pre-function area.
- Kitchen and bar area.
- Covered court areas
- Covered deck area.
- Function courtyard.

The facility is intended to cater for conferences, business training, functions and weddings, and has a capacity for up to 420 persons. It is noted that the pre-function, court, deck and function courtyard areas are all to be used in accordance with the function room(s).

The applicant has advised that *“the development of the function facilities will allow the delivery of a more flexible and expansive integrities of spaces to guests or users to optimise the services and hospitality requirements.”*

The proposed building has a setback of nil in lieu of three metres to the side (western) boundary. All other standards and requirements of the City's District Planning Scheme No 2 (DPS2) are satisfied by this development, with the exception of car parking which is discussed below.

### Car Parking:

#### **Existing Development**

It is appropriate to assess the car parking requirement for the proposed addition as part of the overall requirement for car parking on the resort site, and not as a separate addition to the existing infrastructure.

Car parking requirements for the original resort development (Stage One) were calculated using the then Town Planning Scheme No 1 (TPS 1), which required the provision of 353 bays.

Car parking for the existing development (Stage One) using DPS2 is calculated as follows:

<b>Use</b>	<b>Car parking standard</b>	<b>Total No. of bedrooms/area/seats</b>	<b>Number of bays required</b>
Hotel	One bay per bedroom	70 bedrooms	70
	One bay per 3m <sup>2</sup> of drinking area	259m <sup>2</sup>	86
	One bay per 5m <sup>2</sup> of seating area	283m <sup>2</sup>	56.6
Place of Assembly	One bay per four seats	265 seats	66.3
Place of Assembly (outdoor function room)	One bay per four seats	190 Seats	47.5
<b>Total</b>			<b>326.4 (rounded to 327)</b>

### **Proposed Development**

The proposed function centre requires an additional 105 car parking bays, as follows:

<b>Use</b>	<b>Car parking standard</b>	<b>Total No. of bedrooms/seats</b>	<b>Number of bays required</b>
PLACE OF ASSEMBLY (including breakout spaces)	One bay per four seats	420 seats	105
<b>Total</b>			<b>105</b>

### **Combined Car Parking Requirement**

The combined car parking requirement for both the existing and proposed development on the hotel site under the DPS2 is therefore 432. The site currently provides for 303 car parking bays with an additional 151 unmarked and unsealed overflow car parking bays proposed. The proposed shortage of marked, sealed bays is therefore 129.

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

Council has the discretion to:

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

**Legislation/Strategic Plan/Policy Implications****Legislation** City of Joondalup District Planning Scheme No 2

Clause 4.5 of DPS2 gives Council discretion to consider the variations sought to DPS2 standards.

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

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

'Place of Assembly' is a Discretionary ('D') use within the Private Clubs/Recreation Zone. A 'D' use means:

*"A Use Class that is not permitted, but to which the Council may grant its approval after following the procedures laid down by subclause 6.6.2."*

Clause 6.6.2 requires that *'The Council, in exercising its discretion as to the approval or refusal of an application for Planning Approval, shall have regard to the provisions of clause 6.8'*. The matters listed under Clause 6.8 require consideration when exercising discretion under Clause 4.5:

6.8 *Matters to be considered by Council.*

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

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

**Strategic Plan**

**Key Focus Area:**      **The Built Environment.**

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

**Policy**                      Not Applicable.

**Risk Management considerations:**

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

**Financial/Budget Implications:**

The applicant has paid fees of \$11,301.00 (excluding GST) to cover all costs with assessing the application.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The applicant has provided the following information in regards to the sustainability implications of the development:

*“The extension has been planned around meeting the highest energy efficiency benchmarks. Envelope design will have insulation and glass treatments to exceed the minimum performance requirement of the BCA, whilst the air conditioning units provided for the room will be high efficiency and use environmentally friendly refrigerant which does not harm the ozone layer. Efficiency will also be carried through to water consumption, with low flow tap ware helping to reduce water consumption by up to 20% over standard designs and waste heat from the air conditioning system used to provide domestic hot water.*

*The internal environment will also be a significant improvement over standard design, with low emissions paints and wood products used where possible and the room having access to natural light and ventilation to provide passive cooling. Passive ventilation will be assisted by the mechanical plant, with AC units running on full fresh air when outdoor conditions suit. The air conditioning systems will also be configured to increase fresh air rates when the room has a high population and to reduce them when the air is already of high quality. This will save significant amounts of energy, as well as improving the guest’s amenity.*

*At the same time as providing an excellent internal environment, the site will also be planned to reduce impacts on the surrounding bushland and lake, with lighting design to be focused on reducing light spill. Not only does this reduce the ecological footprint of the site, it also reduces energy consumption and operating costs.*

*Finally, the facility will be planned to minimize waste. Recycling will be a key part of the waste management strategy, with back of house areas planned to have recycling stations as well as streamlining the flow of waste through the area.”*

**Consultation:**

The application was not advertised as the application is sufficiently distanced from surrounding residential properties such that no adverse effect will result. Furthermore, the level of additional traffic generation resulting from the proposed development will not adversely affect users of Country Club Boulevard.

*“The adjoining Joondalup Country Club, Resort Hotel and Golf Course are owned by different companies with the same director.”*



**COMMENT****Car Parking**

A car parking survey conducted in mid-2009, prior to the previous application for this site being considered by Council indicated that the existing car park is significantly underutilised.

**Table 1** Survey of total number of cars parked on site from 08 – 22 July 2009.

<b>Date</b>	<b>Time</b>	<b>Number of cars</b>
Wednesday 08/07	1.30pm	69
Thursday 09/07	9.15am	32
Monday 13/07	3.15pm	27
Thursday 16/07	3.30pm	37
Friday 17/07	4.30pm	22
Sunday 19/07	3.30pm	21
Monday 20/07	2.30pm	18
Tuesday 21/07	3.30pm	31

Council is required to determine whether the 303 bays provided are sufficient to service the development. The options available to Council are:

- 1 Determine that the provision of 303 bays is appropriate; or
- 2 Determine that the provision of 303 bays is not appropriate; or
- 3 Determine that a cash-in-lieu payment of \$3,341,841 is required for the shortfall in parking.

Noting the current utilisation of the car park, the proposed shortfall of 129 parking bays is considered appropriate for a number of reasons, these being:

- In some instances users of the conference facilities will also be staying at the hotel, upon which the car parking demand will be reduced; and
- In the event that the existing car park is fully utilised, the proposed overflow car park is considered to be an appropriate alternative that is easily accessible and able to be controlled by hotel staff.

It is recommended that a condition of development approval will require the applicant to submit a Traffic Management Plan to the City detailing how guests will be directed to the overflow car park and to then park in an orderly fashion. This was a condition of the November 2009 approval, and the plan will be required to be submitted prior to the issue of a Building Licence for the development.

### Noise

As previously mentioned, the hotel site is almost entirely surrounded by the Joondalup Golf Course, with the closest residential property located approximately 180 metres to the north. The applicant has submitted an Acoustic Report to the City demonstrating that the development is able to operate in compliance with relevant noise regulations. Several conditions of approval will ensure that the operation of the function centre will satisfy the noise regulations, and not adversely impact on the amenity of any surrounding landowners.

### Design and Location

The proposed addition is considered to be appropriately located on site and will form an attractive addition to the existing hotel. The applicant has endeavoured to tie the existing and proposed buildings together through the use of similar materials and colour schemes. As indicated on the elevation drawings, the materials that are intended to be used include Donnybrook Stone, glass and Colourbond colour.

The proposed additions have been located with a reduced setback to the side boundary. This nil setback relates only to the stairs leading down to ground level from the decked area. The function room building itself is setback approximately 5.2 metres which satisfies the requirements of DPS2. This nil setback occurs as a result of the angled nature of the property boundary. Additionally, it is noted that the subject boundary is adjoined by the Joondalup Golf Course, which is owned by a different company with the same Directors as the Resort. Practically, there is no physical distinction between the Joondalup Resort Hotel site and surrounding golf course, with the exception of separately marked car parking areas.

### **CONCLUSION**

The proposed development forms a complementary and attractive addition to the existing resort complex. The building has been well designed and relates appropriately to the existing buildings on site. The proposed reduced side building setback is minor in nature and appropriate in this instance.

The proposed car parking bay shortfall is considered to be a technical shortfall only, with the existing car park being adequate to cater for all car parking demand on site. In the event that car parking demand exceeds the existing on-site supply, the proposed overflow car park is considered to be a practical and suitable alternative.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

**That Council:**

- 1 EXERCISES discretion under Clauses 4.5.1 and 4.8.2 of the City of Joondalup District Planning Scheme No 2 and determines that the following are appropriate in this instance:**
  - 1.1 Car parking provision of 303 marked and sealed bays and 151 unmarked and unsealed bays in lieu of 432 marked and sealed bays;**
  - 1.2 Building side setback of nil in lieu of three metres to the western boundary;**

- 2 APPROVES the application for planning approval, dated 5 July 2010, submitted by James Christou & Partners Architects on behalf of the owners, Joondalup Hotel Investments Pty Ltd, for a proposed Place of Assembly (function hall) addition to Joondalup Resort at Lot 535 (45) Country Club Boulevard, Connolly, subject to the following conditions:**
- 2.1 Any roof mounted or freestanding plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from adjoining streets and public space;**
  - 2.2 A Car Parking and Traffic Management Plan being submitted and approved detailing the use and management of the overflow car parking area, to the satisfaction of the City prior to the issue of the relevant Building Licence;**
  - 2.3 The designated 151 grassed overflow car parking area shall be levelled and grassed prior to completion of the development, to the satisfaction of the City, and shall thereafter be maintained and remain available for such use;**
  - 2.4 All storm water shall be collected on-site and disposed of in a manner acceptable to the City;**
  - 2.5 A detailed landscaping and reticulation plan being submitted and approved prior to the issue of the relevant building licence, with the approved landscaping being installed prior to the occupation of the building and thereafter maintained to a high standard;**
  - 2.6 A Construction Management Plan being submitted and approved prior to the issue of the relevant Building Licence. The management plan shall detail how it is proposed to manage:**
    - 2.6.1 the delivery of materials and equipment to the site;**
    - 2.6.2 the storage of materials and equipment on the site;**
    - 2.6.3 the parking arrangements for the contractors and subcontractors;**
    - 2.6.4 other matters likely to impact on the surrounding properties;**
  - 2.7 No function involving amplified music to be allowed within the Lakeside Terrace Marquee and/or Function Courtyard should this coincide with a similar function involving amplified music within the proposed Function Hall;**
  - 2.8 The sound amplification system for musicians and DJs in the proposed Function Hall to be connected through a sound compressor set up to a maximum internal level of 95dB(A) with special attention to overall level of the lower end frequencies;**
  - 2.9 An air lock to be provided to the doors affording access to the deck facing the existing lake.**

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf071210.pdf](#)*

## **CJ208-12/10      PROPOSED AMENDMENT 51 TO DISTRICT PLANNING SCHEME NO 2 TO PERMIT CINEMA COMPLEXES IN THE COMMERCIAL ZONE**

**WARD:** All

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

**FILE NUMBER:** 101037

**ATTACHMENTS:** Nil.

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### **PURPOSE**

The purpose of this report is for Council to consider submissions received during the public advertising of proposed Amendment 51 to District Planning Scheme No 2 (DPS2) and to decide whether to adopt the amendment.

### **EXECUTIVE SUMMARY**

An application has been received to amend Table 1 of DPS2 to allow the land use 'Cinema Complex' to be a discretionary ('D') land use in the 'Commercial' zone. Currently 'Cinema Complex' is not permitted as a land use in the 'Commercial' zone.

At its meeting held on 17 August 2010, Council resolved to initiate advertising of Amendment No 46 for a period of 42 days. No submissions were received.

It is recommended that Council adopts Amendment No 51 to DPS2 as final without modifications, and forwards the proposal to the Western Australian Planning Commission (WAPC) for determination.

### **BACKGROUND**

**Suburb/Location:** Not Applicable.  
**Applicant:** The Planning Group Pty Ltd  
**Zoning:**      **DPS:** Commercial  
                 **MRS:** Urban  
**Site Area:** Not Applicable.  
**Structure Plan:** Not Applicable.

The applicant has submitted the scheme amendment request on behalf of the owners of Grand Cinemas who own the cinema complexes in Currambine, Joondalup, Warwick and Whitfords. These are the only currently existing cinema complexes (being multi-screen cinemas) in the City of Joondalup. It is noted that a seasonal cinema operates at Edith Cowan University, Joondalup, however, this is a single screen cinema, and is therefore not affected by the proposal.

Currambine, Warwick and Whitfords cinema complexes are located on 'Commercial' zoned land. Joondalup cinema complex is located within the Joondalup City Centre which is currently zoned 'Centre'. Development is controlled by the *Joondalup Development Plan and Manual* under which 'Leisure and Entertainment' is a permitted use in the Central Business District (CBD). Under the draft *Joondalup City Centre Structure Plan*, cinema complexes are permitted in the 'Central Core' and 'City Fringe' zones.

All the existing cinema complexes were approved under the previous Town Planning Scheme No 1. It is unclear why DPS2, which came into force in 2000, made 'Cinema Complex' a prohibited use in the 'Commercial' zone. With the exception of the cinema complex in the Joondalup City Centre which is subject to its own structure plan, the other cinema complexes are now 'non conforming uses'. This means that, although lawfully approved under the previous planning scheme and can continue to operate, any extension or alteration to the use or building requires special consideration and approval by Council.

At its meeting held on 17 August 2010, Council resolved to initiate advertising of Amendment 51 for a period of 42 days (Report CJ131-08/10 refers).

## **DETAILS**

A 'Cinema Complex' is currently an 'X' land use in the 'Commercial' zone, which means that it is not permitted. An application has been received to amend the permissibility of the use class 'Cinema Complex' in Table 1 of DPS2 from 'X' to 'D' in the 'Commercial' zone. A 'D' land use is a use class to which Council may grant approval following the exercise of discretion.

The applicant states that while the amendment will apply to all 'Commercial' zoned land within the City, it is specifically aimed at appropriately updating the zoning table under DPS2 in respect to the established cinema complexes in the 'Commercial' zone.

The applicant also states that the cinema complexes are appropriately located in shopping centres that provide a mix of retail and activities that cater for large numbers of visitors and traffic and are consistent with the objectives of the 'Commercial' zone.

## **Issues and options considered:**

The options available to Council in considering the proposal are:

- Adopt the proposed amendment;
- Adopt the proposed amendment , with modifications; or
- Refuse to adopt the proposed amendment.

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

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

### **Legislation**

Part 5 of *Planning and Development Act 2005* enables local government to amend a Local Planning Scheme and sets out the process to be followed. At its meeting held on 17 August 2010, Council supported the initiation of the proposed amendment for the purpose of public advertising. The proposed amendment was then referred to the Environmental Protection Authority (EPA) for its comment. The EPA decided that a formal review of the amendment was not required.

Upon closure of the advertising period, Council is to consider all submissions received during the advertising period and resolve either to adopt the amendment, with or without modifications, or resolve not to adopt the amendment. The decision is then forwarded to the WAPC which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse to grant approval for the amendment.

**Strategic Plan**

**Key Focus Area:** The built environment

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

**Policy** Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The proposed scheme amendment was advertised for public comment for a period of 42 days closing on 10 November 2010. A notice was placed in the Joondalup Community Newspaper and The West Australian. The amendment was also displayed on the City's website.

No submissions were received.

**COMMENT**

Appropriateness of proposed land use in 'Commercial' zone

The proposed scheme amendment will address an anomaly in the Scheme, whereby the existing cinema complexes have appropriate planning approval and are appropriate within the 'Commercial' zone yet are currently non-conforming uses. These existing cinema complexes are consistent with the objectives of the 'Commercial' zone under DPS2 as they provide an entertainment land use which is consistent with the objectives of the 'Commercial' zone.

It is considered that the proposed scheme amendment is consistent with orderly and proper planning as it will allow consideration of the redevelopment or expansion of the existing cinema complexes within the City. The amendment will also allow new cinema complexes to be developed on 'Commercial' zoned land subject to compliance with the provisions of the scheme.

The proposed scheme amendment is considered to be consistent with the objectives of the 'Commercial' zone. No submissions were received during the public advertising period and it is therefore recommended that Council adopts the amendment without modification and the amending documents be endorsed and submitted to the WAPC for the Minister's determination.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 Pursuant to Regulation 17 (2) of the *Town Planning Regulations 1967* ADOPTS Amendment No 51 to the City of Joondalup District Planning Scheme No 2, as follows:**
  - 1.1 Amends the permissibility of the Use Class 'Cinema Complex' in Table 1 (Clause 3.2) – The Zoning Table from 'X' to 'D' in the 'Commercial' zone;**
- 2 AUTHORISES the affixation of the Common Seal and to endorse the signing of the amendment documents;**
- 3 FORWARDS Scheme Amendment No 51 and Council's decision to the Western Australian Planning Commission for determination.**

**CJ209-12/10      PETITION REGARDING DISUSED MATERIALS AT LOT 499 (5) PERIWINKLE ROAD, MULLALOO****WARD:** North-Central**RESPONSIBLE:** Ms Dale Page, Director Planning and Development**FILE NUMBER:** 69346**ATTACHMENTS:** Attachment 1    Location plan  
Attachment 2    Notice endorsed by Council (February 2010)  
Attachment 3    Photographs of site (taken 26 October 2010)

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**PURPOSE**

For Council to consider concerns raised in a petition from residents of Periwinkle Road, Mullaloo, regarding the appearance of the property at 5 Periwinkle Road.

**EXECUTIVE SUMMARY**

At its meeting held on 19 October 2010, Council received a petition raising concerns about the appearance of a property at 5 Periwinkle Road, Mullaloo (the subject property).

Specifically the petition raises concerns about disused materials affecting the amenity of the neighbouring properties.

The concerns raised by the petitioners are acknowledged, and it is understood that the property remains in a state that adversely impacts on the amenity of surrounding landowners. The City has been pursuing numerous complaints regarding the state of this property since 2007, and has taken legal action on several occasions in this regard.

The continuation of complaints appears to stem from various disused CJ20 -12/10s being removed from the front setback, as directed by the City, only to be replaced by other visually unappealing CJ20 -12/10s placed on the front setback and verge.

The City, on all occasions, has taken appropriate action in accordance with its statutory requirements and with consideration of legal advice provided to it.

**BACKGROUND**

**Suburb/Location:** Lot 499 (5) Periwinkle Road, Mullaloo  
**Owner:** Mr Andrew James Hunter  
**Zoning:**        **DPS:** Residential  
                     **MRS:** Urban  
**SiteArea:** 709.48m<sup>2</sup>  
**Structure Plan:** Not Applicable.

The City has received ongoing complaints since January 2007, initially due to a large sea container located on the property, later removed as directed by the City and as a result of legal proceedings initiated by the City.

During another site inspection of the sea container conducted by the City in December 2007, issues emerged regarding the unsightly and unkempt visual appearance of the front setback area of 5 Periwinkle Road, Mullaloo and unauthorised structures on the property. The issues were promptly raised with the property owner.



In June 2008, the City began to receive complaints, initially from one complainant, that these issues were affecting the amenity of the streetscape.

## DETAILS

An on-site meeting with the property owner occurred on 26 June 2008 to discuss the issue of disused items and impact on the amenity of the street. Since this time, the City has conducted a number of site inspections, met and corresponded with the property owner, seeking to address the issue and request removal of the disused items.

After continued and varied attempts to seek remedial action from the property owner with statutory deadlines ignored, the City commenced legal proceedings by way of serving a Notice as per Section 3.25 of the *Local Government Act 1995* to the property owner on 23 November 2009 for the removal of the disused items.

On 18 December 2009, the property owner lodged an objection to the Notice served and requested certain items to remain. The objection was considered by Council at its meeting held on 16 February 2010. At this meeting Council resolved to revoke the initial Notice served and substitute with an amended Notice. Council moved to allow three months for the items to be removed (*CJ008-02/10* refers).

Further inspections by City officers and meetings with the property owner ensued until the Notice was substantially complied with on 31 August 2010. At this time the City noted that additional items had appeared, with a few remaining items from the Notice remaining. The City sent a letter to the property owner advising that the Notice had been substantially complied with and requesting the removal of these items within two weeks of the letter. The items in question still remain.

In addition to issues of amenity, the City is following up matters with regard to verge obstructions, rain water tank on the front setback and unauthorised structures at the subject property.

The City has written to the landowner regarding the following issues:

### Front setback – removal of the following items by no later than 20 December 2010

- unlicensed trailers;
- materials from smallest trailer, including 'flat deck' of a utility vehicle or trailer, a wire/ metal cage and vehicle axle;
- workbench and miscellaneous items stored on work bench in front of carport;
- tiles/ fascia cladding
- marine buoys that are hanging on tree

### Vehicle Repairs

Motor vehicle repairs involving spray painting and/ or panel beating are not permitted and must cease without further notice. More minor repairs and servicing are permitted if they are small in scale and nature and do not adversely affect residential amenity.

### Carport – Unapproved Works

The enclosing of the carport structure and the additional framework to the front workshop do not have approval, and an application for retrospective Development Approval is required to be lodged with the City no later than 20 December 2010.

### Rainwater tank

The rainwater tank located in the front setback does not have approval, and an application for retrospective Development Approval is required to be lodged with the City no later than 20 December 2010, or the tank needs to be removed by this date.

The City will be seeking access to the site to ascertain if the rainwater tank presents a safety concern.

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

- Option 1: Note the petition
- Option 2: Note the petition and the actions taken by the City to date, and that the City will continue to take appropriate action. This Option is recommended.
- Option 3: Note the petition and request no further action be taken in relation to the state of the property. This Option is not recommended.

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

**Legislation** City of Joondalup District Planning Scheme No 2  
Planning and Development Act 2005  
Local Government Act 1995

The City has previously taken action in regard to unauthorised structures, and the appearance of the subject property under the abovementioned legislation. The most appropriate legislation to take action under has varied, depending on the concerns and legal advice has been sought on a several occasions in this regard.

Section 3.25 of the *Local Government Act 1995* enables a local government to issue a notice on an owner to undertake actions to remedy various matters including the unsightly appearance of a property and/ or the removal of disused material.

It is important to note that the owner has a right of review against the notice to the State Administrative Tribunal.

A person who fails to comply with a notice commits an offence. Furthermore under Section 3.26 if the owner fails to comply with the notice, the Act allows a local government to do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given. The local government may also recover costs associated with these actions.

### **Strategic Plan**

**Key Focus Area:** Not Applicable

**Objective:** Not Applicable

**Policy** Not Applicable

**Risk Management considerations:**

Should the petitioners not be satisfied with the actions the City has taken to date, a review of the City's actions may be sought through the Ombudsman. The lead petitioner has been made aware of this right.

The City is satisfied that the actions taken to date would be seen as adequate in the event that such a review was sought.

**Financial/Budget Implications:**

A considerable amount of City resources have been expended to date in endeavouring to resolve this issue, particularly in terms of the officer time inspecting the site, and liaising with the landowner and adjoining residents.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

No consultation was undertaken in regard to the contents of the petition although regular communication with complainants occurs.

As outlined below, the actions taken to date, and the actions that are being taken in relation to the appearance of the subject property are in accordance with the City's statutory obligations and legal advice received.

**COMMENT**

The subject site at 5 Periwinkle Road, Mullaloo is considered to be in an unkempt state resulting from a variety of disused goods stored within the front setback area of the property and, at times, the verge. The City has made considerable effort to address the issues with a number of significant improvements resulting; however, it is important to note that any actions taken by the City must be in accordance with statutory requirements. It is noted that the City has offered to meet with complainants to discuss any concerns they may have.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 **NOTES** the actions being taken by the City in relation to the concerns raised in the petition received by Council at its meeting held on 19 October 2010, as detailed in Report CJ209-12/10;
- 2 **ADVISES** the lead petitioner that the concerns raised in the petition are understood by the City and that the City will continue to take appropriate action in accordance with its statutory requirements with a view to achieving a desirable outcome for all involved parties;
- 3 **NOTES** that the City has advised the owner of No. 5 Periwinkle Road, Mullaloo that it requires the removal of unlicensed trailers and various materials to be removed from the front setback by no later than 20 December 2010.
- 4 **NOTES** that if the above materials are not removed by the above date that the City will issue a notice under Section 3.25 of the *Local Government Act 1995* to address the unsightly appearance of the front setback.
- 5 **NOTES** the Chief Executive Officer will undertake all necessary legal avenues, including if necessary prosecution and remedial action, to remedy the unsightly appearance of the front setback.

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf071210.pdf](#)*

## **CJ210-12/10      CHANGE OF USE FROM SHOWROOM TO RECREATION CENTRE AT LOT 9 (9/15) VANDEN WAY, JOONDALUP**

**WARD:** North

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

**FILE NUMBER:** 67546

**ATTACHMENTS:** Attachment 1 Location plan  
Attachment 2 Development plans

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### **PURPOSE**

The purpose of this report is to seek Council's determination of an application for change of use from a Showroom to a Recreation Centre, and for associated signage.

### **EXECUTIVE SUMMARY**

The applicant is seeking approval for a change of use from a Showroom to a Recreation Centre and for associated signage at Lot 9 (9/15) Vanden Way, Joondalup.

The site is zoned Service Industrial under the City's District Planning Scheme No 2 (DPS2), with a Recreation Centre been a discretionary ("D") use in the zone. Under the draft Joondalup City Centre Structure Plan the site will be located in the Business Support zone, in which Recreation Centre will remain a "D" use.

Council is required to determine this application as the car parking provision for all land uses on site is less than that required under DPS2 by more than 10%.

The application was not advertised as it is considered that the land use and car parking shortfall have no adverse effect on any surrounding properties.

The land use is considered consistent with the objectives of the Service Industrial Zone under DPS2.

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

### **BACKGROUND**

**Suburb/Location:** Lot 9 (9/15) Vanden Way, Joondalup  
**Applicant:** PC Byfield  
**Owner:** Strategy Central Holdings Pty Ltd  
**Zoning:** **DPS:** Service Industrial  
**MRS:** Urban  
**Site Area:** 5,672m<sup>2</sup>  
**Structure Plan:** Draft Joondalup City Centre Structure Plan

The site is located in the Joondalup Business Park, to the west of Joondalup Drive. The subject site consists of ten commercial tenancies, and is adjoined by existing commercial development to the north, south and west.

The units were originally approved as one warehouse and nine showrooms in 1993, with a car parking requirement of 77 bays for the site. Council, in this instance determined that the proposed car parking supply of 72 bays would be adequate. In 1996 the Wacky Warehouse (children's entertainment venue) was approved occupying two of the ten tenancies, with 86 bays required to be provided for the site under the then Town Planning Scheme No 1. Council, in determining that application considered that the existing car parking supply of 72 bays was appropriate in that instance.

In 2004, a change of use application from a showroom to a place of worship was approved under delegated authority for Unit 1, subject to the use operating for a period of 12 months only from the date of the approval. In 2004 the Town Planning Delegations were modified. Due to the car parking considerations involved, the application was required to be determined by Council. In 2006, approval was granted by Council for the change of use from a Showroom to a Place of Worship. This increased the car parking requirement to a total of 101 bays for the site. Council, in determining that application considered that the existing car parking supply of 72 bays for the site was appropriate in that instance also.

The approval included a condition requiring a disabled parking space to be provided. This condition was met by the amalgamation of two car parking spaces into one, resulting in the number of on-site bays being reduced to 71.

## **DETAILS**

The applicant proposes to change the use of the existing Showroom to a Recreation Centre for the purposes of operating Zumba parties; and music, theatre and comedy routine rehearsals. The "Zumba party" is essentially an aerobics or exercise class, based on Latin dance moves and music. The party atmosphere is provided by music, disco lighting and the lack of beat-counting.

Details of the manner in which the Centre is proposed to operate are as follows:

- Hours of operation for Zumba parties are between 5.30pm to 8.30pm, Monday to Friday and between 8.30am to 9.30pm Saturdays and Sundays;
- Hours of operation for rehearsal venue hire are between 8.30am to 4.30pm Monday to Friday and within any other available timeslots on Saturdays and Sundays;
- There will be a maximum of three staff in attendance on a daily basis; and
- There will be a maximum of 35 people on-site at any one time, including staff.

Council is required to determine the application as the car parking provided on site is less than the amount required under DPS2 by more than 10%. For the purpose of strata developments car parking is calculated in relation to the overall site, not just the subject tenancy.

The table below sets out the car parking requirement for the site based on approved uses:

<b>Tenancy</b>	<b>Land Use</b>	<b>Car parking required under DPS2</b>	<b>Number of bays required</b>
Unit 1 (302m <sup>2</sup> )	Place of Worship	One bay per four seats	25
Unit 2 (221m <sup>2</sup> )	Showroom	1/30m <sup>2</sup>	7.36
Unit 3 (221m <sup>2</sup> )	Showroom	1/30m <sup>2</sup>	7.36
Unit 4 (221m <sup>2</sup> )	Showroom	1/30m <sup>2</sup>	7.36
Unit 5 (208m <sup>2</sup> )	Showroom	1/30m <sup>2</sup>	6.93
Unit 6 and 7 (429m <sup>2</sup> )	Children's Entertainment Centre	1 bay per 4 seats	25
Unit 8 (221m <sup>2</sup> )	Warehouse	1/50m <sup>2</sup>	4.42
Unit 9 (221m <sup>2</sup> )	Recreation Centre (subject of this application)	One bay per 2.5 persons	14
Unit 10 (284m <sup>2</sup> )	Showroom	1/30m <sup>2</sup>	9.46
<b>TOTAL bays required for approved uses</b>			106.89 (107)
<b>TOTAL bays currently on-site</b>			71

As shown, there is a car parking shortfall of 36 bays, or 34% of bays for the site for approved uses.

It is noted that the uses of several tenancies within the complex have changed, and are not in accordance with the above approved uses. The table below sets out the car parking requirements for the site based on land uses operating on site.

<b>Tenancy</b>	<b>Land Use</b>	<b>Car parking required under DPS2</b>	<b>Number of bays required</b>
Unit 1 (302m <sup>2</sup> )	Place of Worship	1 bay per 4 seats	25
Unit 2 (221m <sup>2</sup> )	Showroom	1/30m <sup>2</sup>	7.36
Unit 3 (221m <sup>2</sup> )	Office	1/30m <sup>2</sup>	7.36
Unit 4 (221m <sup>2</sup> )	Office	1/30m <sup>2</sup>	7.36
Unit 5 (208m <sup>2</sup> )	Showroom	1/30m <sup>2</sup>	6.93
Unit 6 (208m <sup>2</sup> )	Showroom	1/30m <sup>2</sup>	6.93
Unit 7 (221m <sup>2</sup> )	Office	1/30m <sup>2</sup>	7.36
Unit 8 (221m <sup>2</sup> )	Warehouse	1/50m <sup>2</sup>	4.42
Unit 9 (221m <sup>2</sup> )	Recreation Centre (subject of this approval)	One bay per 2.5 persons	14
Unit 10 (284m <sup>2</sup> )	Office	1/30m <sup>2</sup>	9.46
<b>TOTAL bays required for existing uses</b>			96.18 (97)
<b>TOTAL bays currently on-site</b>			71

As shown, there is a car parking shortfall of 26 bays, or 27% of bays for the site for existing uses.

Upon adoption of the draft Joondalup Structure Plan, offices, which are currently an “X” use within the Business Support Zone will become a “D” (Discretionary) use. It is anticipated that retrospective approval will be sought for these uses at that point in time.

### Issues and options considered:

Council has the discretion to:

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

### Legislation/Strategic Plan/Policy Implications

#### Legislation

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

‘Recreation Centre’ is a discretionary (“D”) use within the Service Industrial Zone. A “D” use means:

*“A Use Class that is not permitted, but to which the Council may grant its approval after following the procedures laid down by subclause 6.6.2.”*

Clause 6.6.2 requires that Council in exercising discretion to approve or refuse an application shall have regard to the provisions of clause 6.8.

#### 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.*

As the proposed use is a “D” use, the additional matters identified in Clause 6.8.2 also require Council consideration in relation to this application for planning approval.

6.8.2 *In addition to the matters referred to in the preceding sub clause of this clause, the Council when considering whether or not to approve a “D” or “A” use application shall have due regard to the following (whether or not by implication or otherwise they might have required consideration under the preceding subclasses of this clause):*

- (a) *the nature of the proposed use and its relationship to the use of other land within the locality;*
- (b) *the size, shape and character of the parcel of land to which the application relates and the nature and siting of any proposed building;*
  - *the nature of the roads giving access to the subject land;*
  - *the parking facilities available or proposed and the likely requirements for parking, arising from the proposed development;*
- (e) *any relevant submissions or objections received by the Council; and*
- (f) *such other matters as the Council considers relevant, whether of the same nature as the foregoing or otherwise.*

#### 4.8 CAR PARKING STANDARDS

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

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

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

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

- *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.*

- *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.*

## **Strategic Plan**

**Key Focus Area:** Community Wellbeing

**Objective:** To facilitate healthy lifestyles within the community  
To facilitate culture, the arts and knowledge within the community

**Policy** Council Policy – Signs

The objectives of the policy are:

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

## **Risk Management considerations:**

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

**Financial/Budget Implications:**

The applicant has paid fees of \$270 (excluding GST) to cover all costs associated with assessing the proposal.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

Clause 6.7.2 of DPS2 allows public consultation to be undertaken prior to the consideration of an application for planning approval where this is considered necessary or appropriate. In this instance there is no impact or loss of amenity to the surrounding area as a result of this land use, and the business is consistent with the DPS2 objectives for the Service Industrial zone.

As such, the proposal was not advertised for comment.

**COMMENT**Land Use

Recreation Centre is a discretionary ("D") use in the Service Industrial Zone under DPS2. The land use will remain discretionary when the draft Joondalup City Centre Structure Plan is certified by the Western Australian Planning Commission.

Under Clause 3.10.1 of DPS2 there are a set of objectives which should be taken into account in considering applications in the Service Industrial Zone. These relate to both built form and appropriateness of land uses. As there are no external changes as part of this application, the relevant objective of the Service Industrial Zone states:

*"(to) accommodate a range of light industries, showrooms, entertainment and recreational facilities, and complementary business services which, by way of their nature, would not detrimentally affect the amenity of surrounding areas."*

In this instance it is considered that the operation of the business will occur in a manner which does not detrimentally affect the amenity of the surrounding areas, and is consistent with the objectives of the zone.

Car Parking

In accordance with DPS2, a total of 107 bays are required to service the approved and proposed land uses, including the Recreation Centre, which is the subject of this application. Under the draft Joondalup City Centre Structure Plan, the car parking requirement will not alter.

The intent of the car parking standard for Recreation Centre is to allow for sufficient car parking when tenancies are utilised at their maximum capacity. The car parking requirement is based on the maximum number of people that will be accommodated at any one time in the tenancy. This is considered to satisfy the purpose and intent of the car parking standard, and result in a reliable calculation.

There are presently 71 car bays on-site. DPS2 allows Council to determine whether the existing 71 bays are sufficient to service the existing land uses, including the Recreation Centre. The options available to Council are:

1. Determine that the provision of 71 car parking bays currently provided on-site is appropriate; or
2. Determine that the provision of 71 car parking bays currently provided on-site is not appropriate and refuse the application; or
3. Determine that a cash-in-lieu payment of \$933,444, (being \$25,929 per car bay) is required for the shortfall in car parking.

It is noted that in 2006, Council considered that a car parking supply of 71 bays in lieu of 101 bays required under DPS2 was sufficient for the existing Place of Assembly to operate from Lot (1/15) Vanden Way, Joondalup.

The peak hours of operation of the Recreation Centre will be after business hours Monday to Friday (5.30pm to 8.30pm) and 8.30am to 9.30pm Saturdays and Sundays. By comparison, the peak trading hours of many of the businesses within the complex are within business hours of 9.00am to 5.00pm and are not considered to be affected by the proposed hours of operation of the Recreation Centre. The Place of Assembly which currently operates out of Lot 1 (1/15) Vanden Way does also operate after business hours, with peak numbers reached on a Sunday morning between 9.30am and 10.30am at which time it is anticipated car parking for the complex will be mostly utilised.

A site inspection undertaken by a City officer on a Sunday morning indicated that the car parking supply is sufficient for the land uses to operate concurrently. The peak utilisation of the car parking was less than 20 bays. Furthermore, the City has not received any complaints in relation to car parking at the site.

Given the above, it is considered that the provision of 71 car bays is sufficient for the site.

#### Signage

Council Policy Signs permits wall signs to a maximum of 25% of the facade within the Service Industrial Zone. The proposed wall sign incorporates the name of the business "Studio 9 Entertainment" and is considered to be consistent with the objectives and design requirements of the Policy, contributing to 4.2% of the facade.

#### Conclusion

The land use 'Recreation Centre' is considered to meet the objectives of the Service Industrial Zone and is supported, with the car parking supply on-site considered to be sufficient for the complex.

On this basis, it is recommended that the application be approved subject to conditions.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 EXERCISES discretion under Clauses 4.5.1 and 4.8 of the City of Joondalup District Planning Scheme No 2 and determines that the car parking provision of 71 bays is appropriate in this instance;**
- 2 DETERMINES that the land use 'Recreation Centre' under Clause 6.8.2 of the City of Joondalup District Planning Scheme No 2 is appropriate;**
- 3 APPROVES the application for planning approval dated 29 September 2010 submitted by PC Byfield, the applicant, on behalf of the owner, Strategy Central Holdings Pty Ltd, for Recreation Centre (change of use from showroom) at Lot 9 (9/15) Vanden Way, Joondalup, subject to a maximum of 35 people (including employees) being permitted on the premises at any given time.**

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf071210.pdf](#)*

**CJ211-12/10      PROPOSED HOSPITAL, OFFICES AND SHOP AT  
LOT 1 (113) GRAND BOULEVARD, JOONDALUP****WARD:** North**RESPONSIBLE** Ms Dale Page, Director Planning and Development**FILE NUMBER:** 47996**ATTACHMENTS:**  
Attachment 1    Location plan  
Attachment 2    Development plans  
Attachment 3    Building perspectives  
Attachment 4    Minutes of Joondalup Design Reference Panel

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**PURPOSE**

To request Council's determination of an application for a proposed Hospital, Office and Shop at Lot 1 (113) Grand Boulevard, Joondalup.

**EXECUTIVE SUMMARY**

The applicant proposes to construct a seven storey building. The predominant land use will be a private psychiatric hospital (including consultation suites). This will be accompanied by other commercial land uses including offices and a pharmacy.

The site is located on the eastern side of Grand Boulevard between Reid Promenade and Shenton Avenue, with Central Walk at the rear.

The application is required to be assessed against the Joondalup City Centre Development Plan and Manual (JCCDPM). In accordance with the City of Joondalup District Planning Scheme No.2 (DPS2), regard must also be given to the draft Joondalup City Centre Structure Plan (JCCSP) as a "seriously entertained planning proposal".

The proposal is considered to meet all relevant requirements of the JCCDPM, with the exception of building height, pedestrian shelter to Central Walk, and car parking. In relation to the draft JCCSP, the proposed development does not meet in part, the required setbacks from the street and side boundaries, and the pedestrian shelter to Grand Boulevard exceeds the maximum height of 4.0 metres.

The proposal has not been advertised as it is not considered to result in any adverse effect on the surrounding locality, and the scale of the development is considered appropriate for the City Centre.

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

## BACKGROUND

<b>Suburb/Location:</b>	Lot 1 (113) Grand Boulevard, Joondalup
<b>Applicant:</b>	Meyer Shircore & Associates
<b>Owner:</b>	Sentiens Joondalup Hospital Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Centre
	<b>MRS:</b> Central City Area
<b>Site Area:</b>	2,000m <sup>2</sup>
<b>Structure Plan:</b>	Joondalup City Centre Development Plan and Manual (JCCDPM) and draft Joondalup City Centre Structure Plan (JCCSP)

The site is located on the eastern side of Grand Boulevard, between Reid Promenade and Shenton Avenue. Two storey developments are located on both adjoining sites to the north and south. It is noted that a four storey development was recently approved on the northern adjoining site (CJ269-12/09 refers). The location of the site is indicated in Attachment 1.

On 20 November 2007 Council resolved to recommend to the Department of Regional Development and Lands that it supports the closure of a portion of the 0.1 metre wide pedestrian access way (PAW) adjacent to Lot 1 (113) Grand Boulevard, Joondalup and amalgamation into the adjoining road reserve (CJ253-11/07 refers). That process allows for vehicular access to be provided into the site from Grand Boulevard. As part of this resolution, Council also advised that should the closure be supported, a payment to the City of \$6,500 is required for the loss of one car bay and a street tree.

Whilst a seven storey mixed use development was approved for the site in April 2008 (CJ064-04/08 refers), no development at the site has occurred. As a result, the closure of the PAW was not finalised, despite it being supported by the Department of Regional Development and Lands. It is noted that the proposed location of the crossover for this current development is consistent with the location of the PAW closure, and that the dedication of the PAW into the road reserve will need to be formalised prior to any construction works commencing. As the closure of the PAW relates to a separate resolution of Council, the matter is not subject of this application, but will be included as an advice note to the applicant.

The proposal was referred to the Joondalup Design Reference Panel on 18 November 2010. The minutes of this meeting are provided in Attachment 4, and are discussed further in the comments section of this report.

## DETAILS

The proposed building is comprised of seven storeys, with an undercroft. The following table provides a breakdown of the uses on each level.

Level	Proposed Use
Ground	Car and bicycle parking. Pharmacy (100m <sup>2</sup> NLA). Pathology (57m <sup>2</sup> NLA). Hospital reception.
First	Car parking. Offices (432m <sup>2</sup> NLA).
Second, third and fourth	Each floor contains a consulting suite with 11 rooms, and a hospital ward each with 30 beds.
Fifth	Allied Health Suite with nine rooms. Hospital central facilities – kitchen, dining, therapy and activity rooms.
Sixth	ECT Suite. Hospital general administration. Hospital group therapy rooms.

The ground floor of the development has a nil setback to all boundaries with awnings provided along Grand Boulevard to a depth of 2.5 metres. The first to fourth levels of the development is also proposed to be setback nil to Grand Boulevard, with the exception of the north corner which is setback 4.2 metres for three metres of the frontage. The fifth and sixth levels have been setback six metres from Grand Boulevard as required under the draft JCCSP.

A nil setback is maintained to Central Walk with white aluminium louvers proposed to screen the ground floor car parking, and also to balconies on the upper floors.

Whilst a portion of the development will have a nil setback to the side boundaries, the majority of the development is setback three metres from both side boundaries.

The development plans are provided in Attachment 2. A large copy of the development plans as well as building perspectives have also been provided in the Councillor's reading room.

The areas of non compliance with the JCCDPM are:

- Projection through the 60 degree recession plane;
- Car parking shortfall of 4362 car bays (see below); and
- Awnings not provided to Central Walk.



The areas of non compliance with the draft JCCSP are:

- Northern portion of the first to fourth storeys are set back 4.2 metres for three metres of the street boundary in lieu of the nil setback required;
- Portion of the first three storeys having a maximum setback of 3.0 metres from the side boundaries in lieu of the nil setback required;
- Portion of the pedestrian shelter along Grand Boulevard having a maximum height of 5.1 metres in lieu of 4.0 metres;

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

### Building Design

In support of the application, the applicant has provided a design philosophy which is summarised below:

- The proposed development has been designed in recognition of the dominance it will have on the landscape of Joondalup for probably quite some time. Accordingly context, visibility (all around), quality and architectural language have influenced the design.
- The building is to be constructed with a facade treatment consisting of high quality elements, predominantly Alucobond (black and white) and glass. Where possible external painting is kept to a minimum to reduce maintenance. Prefinished materials proposed are much more robust and long lasting.
- The colours and materials provide a context, as well as some of the design elements, in terms of this building's proximity and architectural association with Shenton House (and Grace House which is to be painted white and has black glass). Shenton House is to be constructed of the same materials and so provides a contextual association.
- The association is further reinforced in the architectural language we have developed for the design. Much of Joondalup gains its cohesive qualities in the architecture, colours and materials and scale. Earthy brick with reds, stone and beige paint make up a significant amount of Joondalup.
- The architectural language which also predominated Joondalup is somewhat classical in nature with string courses, capitals, columns and arches featuring predominantly. More recent architecture breaks away from this and will continue to do so.
- As with Shenton House, the architectural language for 113 Grand Boulevard is modern. Rather than stand out from its immediate (and only) neighbour of substantial size we have "borrowed" aspects of the architectural language and reinterpreted these in the new building. The "Greek cross" form seen in the digiglass panels of Shenton House are found on the north and south facades of this building, forming a large pattern. This pattern is then broken by the imposition of the internal spatial arrangement requiring windows to be positioned to form another layer of pattern which is seemingly random. The pattern itself appears as building blocks and the notion of building blocks is explored further on the western end (and front facade) where they become considerably larger and present a much more formal arrangement. On the front facade the awning is a gentle "sampling" of the Shenton House north facade element and awning further linking the two new buildings.

- The use of same colours and materials and reference of language, together with general scale, will ensure that Shenton House and 113 Grand Boulevard sit together, while each maintains its own essential aesthetic. Such a consideration was identified very early in the process as of prime importance due to the very scale of these buildings in relation to surrounding streetscape.

Further to the above, the applicant has also provided information regarding the proposed development and its interaction with Central Walk:

- Council's aspirations to have developments provide an "active frontage" to Central Walk are recognised, however in the context of this particular proposal such a consideration poses several irreconcilable issues.
- Notwithstanding general project planning issues such as security, servicing access and levels etc. the fundamental challenge facing such a consideration is that of leasing. The context of the proposed development and surrounding properties is a "pattern" of development along Central Walk where "activation" exists on properties where Central Walk crosses a street, along an active street frontage to wrap around along Centre Walk for a certain depth. Between those there is little "activation" and more likely blank facades and car parking areas between streets.
- We have identified an area which could, in the future, be utilised for an "active" use such as a lunch bar, cafe or small restaurant, or even a small medical tenancy (given the proximity to the Health Campus). This would necessitate some future negotiation regarding modifications of levels in the Central Walk reserve between the building and footpath. In the meantime such a "tenancy" would be virtually impossible to lease for the foreseeable future.

### Car Parking

For the purposes of calculating car parking for the hospital component, it is considered reasonable to apply the car parking standard for hospital prescribed in Table 2 of DPS2 (1 per three patients plus one space for each staff member on duty). This is for the following reasons:

- The operation of the hospital is not akin to the operation of a commercial business and therefore it is not considered relevant to apply the commercial standard of one per 30m<sup>2</sup> net lettable area (NLA) set out in the JCCDPM and Council Policy - Joondalup City Centre Car Parking for Commercial Development; and
- The application of the hospital car parking standard prescribed in DPS2 is consistent with the car parking assessment undertaken for the additions approved at the Joondalup Health Campus.

Given that the offices and pharmacy operate independently of the hospital, the commercial standard has been applied to these portions of the development.

The following table summarises the parking requirements for the proposed development.

Land Use Class	Parking Standard	Car bays required
Hospital	one per three patients plus one space for each staff member on duty (as prescribed in DPS2)	50 + 400119
Commercial (pharmacy, pathology and office)	one per 30m <sup>2</sup> NLA (as prescribed in JCCDPM)	17.73
<b>Total bays required</b>		468187
<b>Total bays provided</b>		125

Under the draft JCCSP, car parking for the development is only required for the ground floor. Therefore, based on the net lettable area of the ground floor of the proposed development a total of eight bays would be required.

The rationale for car parking only being required for the ground floor under the draft JCCSP is to provide opportunity for development to achieve greater building height within the Central Core zone without being constrained by providing car parking at a prescribed standard. Rather, the on-site car parking provided is to be determined largely by market demand.

It is noted that the car parking demand for the development would be greater should the whole development be calculated at the commercial standard of one per 30m<sup>2</sup> NLA.

#### Issues and options considered:

Council has the discretion to:

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

#### Legislation/Strategic Plan/Policy Implications

##### Legislation

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

#### 4.5 Variations to Site and Development Standards and Requirements

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

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

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

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

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

In exercising discretion under Clause 4.5, the matters listed under Clause 6.8 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) Interest of proper and orderly 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 and wishes of any objectors to or supporters of the application;*
- (i) The comments and wishes of any objectors to or supporters of the application;*

- (j) *Any previous decision made by Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *Any other matter which in the opinion of the Council is relevant.*

**Strategic Plan**

**Key Focus Area:** The Built Environment

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

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

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

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

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

The overall parking requirement of one bay per 30m<sup>2</sup> NLA set out in this policy has been applied to the office and pharmacy component of the development only, as set out in the details section of this report.

**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 paid \$31,350 to cover all costs associated with assessing the application. Furthermore, a payment of \$6,500 is required prior to the commencement of construction for the loss of a car embayment and street tree to facilitate vehicle access as detailed in the background section of this report.

**Regional Significance:**

The proposal is considered to have a regional impact, as it will provide private mental health services for northern suburbs residents within and beyond the City's boundaries.

**Sustainability implications:**

The applicant advises that the building will achieve a 4.5 star NABERS (National Australian Built Environment Rating System) rating based on design guidelines for public hospitals which are due to be released in early 2011. The applicant has demonstrated that this will be achieved through the following (amongst other measures):

- The building is a purpose built structure with the owner/developer also being the end user. In this respect the building “life-cycle” is considered already allowed for. However, the building could be readily adapted for short-term accommodation or offices or several other uses, should the need arise.
- The building structure is of “post and beam” construction generally with all internal walls (except lifts, fire stair ducts and the like) being constructed in light weight materials. All external materials are prefinished, robust and high quality materials which will endure the lifespan of the building.
- A highly energy efficient variable air volume Mechanical Air Conditioning System and similar design for electrical services will be used, which will be controlled and monitored via a Building Management System. Waste and water management systems will be incorporated to ensure efficiency where possible.
- Most of the rooms will be fitted with movement sensors which can switch off lighting and air-conditioning when rooms are not in use. The hospital will integrate where possible, state of the art, energy saving devices and equipment.

#### End of Trip Facilities

The applicant has indicated bicycle storage within the ground floor, with provision for 14 bicycle parking bays. Whilst the draft JCCSP requires end of trip facilities to be provided, it does not specify a standard which should apply. To provide guidance, reference has been made to the City of Perth’s Bicycle Parking Policy. Under this Policy, they consider that bicycle parking at a rate of one bay per 500m<sup>2</sup> is sufficient to service the development. Based on this standard, the development would require approximately 17 bicycle bays. The City of Perth Policy also requires shower facilities to be provided at a rate of four showers (two male, and two female) for the first ten bicycle bays, and two for every ten bicycle bays thereafter. Using this ratio a total of six showers will be required. The applicant has indicated both male and female end of trip facilities on the ground floor which will incorporate a series of lockers and a shower in each room.

#### Existing Vegetation

It is noted that there is existing native vegetation predominantly to the rear of the site. Should the proposal be approved, it is recommended that the applicant be encouraged to liaise with the City in regard to the potential for relocation of vegetation and/or seed collection prior to clearing the site.

#### **Consultation:**

The proposal has not been advertised as it is not considered to result in any adverse effect on the surrounding locality, and the scale of the development is considered appropriate for the City Centre.

#### **COMMENT**

##### Building Height Projection

The western elevation of the development projects through the 60 degree recession plane set out in the JCCDPM. The projection through the recession plane will not have an adverse effect on adjoining existing developments, or upon the future development of the locality. The height will contribute to the City Centre environment where development is encouraged to be of large scale. Furthermore, the development meets the minimum five storey height requirement prescribed in the draft JCCSP. On this basis, the projection through the recession plane is supported.

### Design

Notwithstanding the setback variations proposed to the draft JCCSP the overall design of the building is generally considered appropriate for the site for a number of reasons:

- The contemporary design of the building, proposed materials, and manner in which the proposed development articulates other aspects of adjoining development (in particular 57 Shenton Avenue) are considered to enhance the overall appearance of the Joondalup City Centre.
- The design of the development still provides a strong interface and interaction with Grand Boulevard, providing a clear entrance into the development, whilst ensuring that vehicle sightlines for both the subject and adjoining site are maintained.
- The amount of clear glazing to the ground floor, and surveillance offered from the upper storeys of the development encourage street activation along Grand Boulevard. Whilst there is limited interaction to the ground floor being provided along Central Walk, an area has been identified for future development on the ground floor which can incorporate tenancies. The applicant has confirmed that alterations of the floor levels in the building to deal with the level difference between the building and Central Walk will still leave an adequate floor to ceiling height for future tenancies.

### Pedestrian Shelter

In accordance with the draft JCCSP, pedestrian shelters are to have a minimum height of 3.0m and maximum height of four metres along street boundaries. The awnings proposed will have a maximum height of 5.1 metres. It is noted that the JCCDPM requires a minimum height clearance of 2.75 metres, with no maximum requirement.

The applicant has justified that the design of the awnings is a gentle “sampling” of the Shenton House north facade (being Shenton Avenue) including both architectural feature and awnings. The design of the awnings as part of this development will therefore assist in creating a consistency of urban form within the locality.

The JCCDPM requires awnings to be provided to Central Walk, but no awnings are proposed as part of this application. At present, the Central Walk path is setback 4.0 metres from the boundary to the development site, with shrubbery between the path and property boundary. The applicant has indicated extending paving from the Central Walk path to the rear doors (fire exits), with the remainder to remain as landscaping.

The intent of awnings is to protect pedestrians using Central Walk. As the paving does not extend to the property boundary it is considered that shelter is not necessary at this time. Rather it is considered appropriate that in the event that the development is retrofitted to provide tenancies fronting Central Walk, it would be appropriate that awnings be incorporated at that stage.

### Car parking

Based on the car parking assessment provided in the details section of the report, there will be a shortfall of 43 62 bays for the site. Whilst it is considered appropriate to apply the hospital car parking standard prescribed in DPS2, it is also recognised that this standard does not take into account other alternative modes of transport and public car parking that are available in the City Centre.

DPS2 allows Council to determine whether the proposed 125 bays to be provided on-site are sufficient to service the development. The options available to Council are:

1. Determine that the provision of 125 car parking bays is appropriate; or
2. Determine that the provision of 125 car parking bays is not appropriate; or
3. Determine that a cash-in-lieu payment of ~~\$1,475,889~~ \$2,128,026 (being \$34,323 per car bay) is required for the shortfall in car parking.

Given the location of the development there is considered to be a high level of accessibility to public transport. This includes a CAT bus stop located within a 100 metres of the front entrance (80 metres from the Central Walk exit), and being approximately 600 metres from the Joondalup Train Station. Furthermore there are numerous areas of public car parking in the immediate vicinity.

Taking the above into account, it is considered that the car parking provision of 125 bays will be adequate to service the development.

#### Joondalup Design Reference Panel

The Joondalup Design Reference Panel met on 18 November 2010 to discuss the proposal. The minutes of this Meeting are provided in Attachment 4. As a result of this meeting, the Panel raised the following matters:

1. The appropriateness of the building, noting that the facade is bland in design, and that the elevations are relying on facade treatment and pattern, rather than articulation.
2. The lack of interaction with Central Walk.
3. How the signage for future tenancies will relate to the front facade and if not sensitively designed, that it may change the front design of the building.
4. Servicing of the building and the potential loss of car bays which could result in the undercroft to allow for large service vehicles turning.
5. The overall energy consumption of the building and its lack of ventilation, and the sustainability measures are marginal.

In response to the feedback provided by the Panel, the applicant has provided the following additional information:

#### Applicant response to Item 1:

*"We have reviewed carefully the design of the building as a whole, rather than just the Grand Boulevard facade and in our opinion the building as a whole is well articulated on every facade."*

*The front portion of the building consists of large "building blocks" of white composite aluminium panels separated by panels of glass and black composite aluminium. These "building blocks" will be further broken down into smaller panels to suit available sheet sizes (maximum sheet is 4 metres x 1.4 metres) during design development. This will add another layer of pattern to the building which will become visible as one approaches the building.*

*Signage will add further "articulation" and softening. It should be pointed out that the design intent is to present a "strong" aesthetic which is rich in pattern rather than a "soft" one."*

#### City response to Item 1:

Refer to comments section of this report.



Applicant response to Item 2:

*“Central Walk path is located centrally to the reserve with landscaping either side. We propose that landscaping be considered for the length of the subject lot boundary with Central Walk. This would be undertaken at the cost of the development to City of Joondalup standards and approval along with paving to exits facing Central Walk.*

*We have indicated an area of the rear of the property, on the Ground Floor level, which may include a tenancy to Central Walk in the future. If and when this eventuates we would suggest this would be an appropriate time to construct an awning with paving as well.”*

City response to Item 2:

It is considered that the “future proofing” of the development such that future tenancies could be provided to Central Walk is appropriate. As suggested above, the provision for awnings is not considered relevant at this stage.

Applicant response to Item 3:

*As requested we have located tentative major signage locations on revised drawings for your consideration. These may require further refinement”*

City response to Item 3:

The signage indicates is considered to be of an appropriate scale and well integrated with the building design. However, as the signage indicated is tentative only, should approval be granted for the development, an advice note will be included advising the applicant that any signage for the development will be subject to future development applications. These future applications will be assessed in accordance with City Policy – Signs.

Applicant response to Item 4:

*“We have amended our drawings to accommodate appropriate servicing as follows:*

- a) Ground to first floor height increased by 800mm. The floor to floor height is now 4400mm and allows for a minimum clearance of 3500mm which will accommodate delivery vehicles, small rubbish trucks (3500mm required) and ambulances.*
- b) In response to advice regarding ambulance bay we have now relocated the ambulance bay on-site.*
- c) We have relocated the bin storage area to the rear of the development in order to incorporate a bin wash-down area as required by the Department of Health.*
- d) Refuse management has been considered. As most of the waste generated will be food waste, bins will be emptied daily and it is anticipated that the following will be required:*
  - i. Clinical waste – 1 x 240L*
  - ii. Kitchen waste – 4 x 240L*
  - iii. Paper – 1 x 240L*
  - iv. General – 1 x 240L*

*In addition to this the lockable “sharps” bin will be provided for separate removal. We have allowed for significantly more space than necessary to accommodate up to 15 x 240L bins. Additional bins will be required by proposed pharmacy, pathology and office. It is also anticipated that additional recycling can be considered. The larger bins compound also allows for future possible development facing Central Walk.*

- e) *Linen service will most likely be carried out between the hours of 6.00am and 7.00am which will allow for kitchen and general deliveries to be made during work hours. All such deliveries will be coordinated so as to minimise disruption to staff, patients and the general public. Please note that we have used AutoTurn 2011 software to generate turning and access paths of appropriate vehicles to ensure that all servicing requirements can be met on-site as discussed above.”*

City response to Item 4:

It is considered that the details in which the applicant has provided is sufficient to demonstrate that servicing of the development is adequate. It is recommended that, should the development be approved, a condition will be imposed requiring a refuse management plan to be submitted to the City for approval prior to the commencement of construction.

Applicant Response to Item 5:

*The development will exceed minimum provisions of the BCA energy efficiency requirements. NABERS is currently developing a hospital rating program for environmental performance for public hospitals. This is due for release in early 2011. When released we will be able to determine whether the hospital can be rated with this tool, however it is our expectation that it will be able to.*

*Notwithstanding this, our services consultants are targeting a 4.5 star rating for the design from the onset. Energy efficient VAV mechanical air conditioning systems and electrical services will be installed and controlled through a BMS (Building Management System).*

*Monitoring and controlling of all areas through movement sensors, time switches and the like will ensure that rooms, which not in use (such as ward, bedrooms during daytimes, offices and training/therapy room after hours), are in ‘sleep’ mode and air conditioning and lighting are switched off”*

City response to Item 5:

It is considered that the information provided by the applicant is sufficient given the stage of the development process.

Approval period

Should the development be supported, a longer period in which the development should be substantially commenced is considered appropriate, rather than the two years which is generally granted for smaller scale development. It is recommended that development approval be granted for four years should the development be approved.

Conclusion

As discussed above, the proposed variations to both the JCCDPM and draft JCCSP are considered appropriate. The car parking for the site is considered sufficient given the availability of public car parking and transport which is available.

The hospital will provide a regional service to northern suburbs residents and reinforces Joondalup as a key regional centre. Notwithstanding the aspects of the building design which do not meet the standards of the JCCDPM or the draft JCCSP, the proposed development is considered to be a positive addition to the City Centre. Whilst the scale of the building will be a lot greater than the surrounding development, it has incorporated aspects of these developments to assist in integrating in with the streetscape.

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

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

### **That Council**

- 1 EXERCISES discretion in relation to Clauses 4.5 and 4.8.1 of the City's District Planning Scheme No 2, and determines that the following are appropriate in this instance:**
  - 1.1 Parking provision of 125 bays in lieu of ~~468~~ 187 bays;**
  - 1.2 The projection through the 60 degree recession plane;**
- 2 NOTES that the proposal does not meet the requirements of the draft Joondalup City Centre Structure Plan in relation to:**
  - 2.1 Awnings (Grand Boulevard) with a maximum height of 5.1 metres in lieu of four metres;**
  - 2.2 Portion of building with a setback of three metres to Grand Boulevard in lieu of nil;**
  - 2.3 Setback of three metres from side boundaries in lieu of nil for the first three storeys;**
  - ~~2.4 Parking provision of 125 bays in lieu of 156 bays~~**
- 3 APPROVES the application for planning approval dated 27 August 2010, submitted by Meyer Shircore and Associates, on behalf of the owners Sentiens Hospital Joondalup Pty Ltd, for proposed hospital, office and shop at Lot 1 (113) Grand Boulevard, Joondalup, subject to the following conditions:**
  - 3.1 This decision constitutes planning approval only and is valid for a period of four years from the date of the decision letter. If the subject development is not substantially commenced within the four year period, the approval shall lapse and be of no further effect;**
  - 3.2 A Traffic Impact Study is required to be submitted to the City prior to the commencement of construction. Any recommendations shall be implemented at the discretion of the City, and at the expense of the applicant prior to the development first being occupied;**

- 3.3 A Construction Management Plan being submitted and approved prior to the commencement of construction. The management plan shall detail how it is proposed to manage:
- 3.3.1 all forward works for the site;
  - 3.3.2 the delivery of materials and equipment to the site;
  - 3.3.3 the storage of materials and equipment on the site;
  - 3.3.4 the parking arrangements for the contractors and subcontractors;
  - 3.3.5 other matters likely to impact on the surrounding properties;
- 3.4 A Refuse Management Plan indicating the method of rubbish collection is to be submitted to and approved by the City, prior to the commencement of construction;
- 3.5 The lodging of detailed landscaping plans, to the satisfaction of the City, for the development site prior to the commencement of the construction work. For the purpose of this condition, a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges are to be shown on the landscaping plan;
- 3.6 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 a high standard to the satisfaction of the City;
- 3.7 Any proposed external building plant, including air conditioning units, piping, ducting and water tanks, being located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings, with details of the location of such plant being submitted for approval by the City prior to the commencement of construction;
- 3.8 An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of 24 hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be provided to the City and approved prior to the commencement of construction;
- 3.9 The ground floor shall be designed and constructed in such a manner that it is capable of being retrofitted for future use along Central Walk as indicated on the plans.
- 3.10 With the exception of awnings, all construction works shall be contained within the property boundaries;
- 3.11 The parking bays, driveways and access points to be designed in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004) and Off-street Parking for People with Disabilities (AS/NZS2890.6 2009). Such areas are to be constructed, drained and marked prior to the development first being occupied, and thereafter maintained, to the satisfaction of the City;
- 3.12 Obscured or reflective glazing shall not be used on the ground floor building facades facing Grand Boulevard;

- 3.13 The brick paved footpaths along Central Walk (where indicated) and Grand Boulevard shall be continued to the property boundary in a pattern to match the existing paving, at a grade of 2%, at the applicant's expense and to the satisfaction of the City;**
- 4 ADVISES the applicant that at its meeting held on 20 November 2007 (CJ253-11/07), Council resolved that a payment of \$6,500 is required for the loss of a car embayment and street tree. This payment is required prior to the commencement of construction;**
- 5 ENCOURAGES the applicant to liaise with the City in regard to the potential for relocation of existing vegetation and seed collection prior to clearing the site.**

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf071210.pdf](#)*

<b>Name/Position</b>	<b>Cr Trona Young</b>
<b>Item No/Subject</b>	CJ212-12/10 – Proposed Skate Park – Mirror Park, Ocean Reef
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Young is housed within the one kilometre radius of the consultation area

## **CJ212-12/10      PROPOSED SKATE PARK - MIRROR PARK, OCEAN REEF**

**WARD:** North Central

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

**FILE NUMBER:** 08096, 51156

**ATTACHMENTS:** Attachment 1 Summary of Consultation Findings  
Attachment 2 Representation of Responses within one kilometre Radius

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### **PURPOSE**

To provide the outcomes from the community consultation undertaken on a proposal to include a skate park in the overall upgrade of Mirror Park, Ocean Reef and to seek approval to commence a design phase in conjunction with a Working Group of young people and City staff.

### **EXECUTIVE SUMMARY**

A petition signed by 858 persons was received requesting consideration of the provision of a skate park facility in the Ocean Reef/Mullaloo area either at Mirror Park, Ocean Reef or another suitable location.

Council resolved to undertake consultation to explore the issues around including a skate park in the overall upgrade of Mirror Park, Ocean Reef.

The outcomes from the community consultation are presented for consideration. Overall the findings of the community consultation were mixed in terms of support and opposition to the skate park proposal. The advantages and disadvantages identified by residents are in line with what would commonly be expected from a consultation about establishment of a skate park.

After considering a range of options, the City's view is that despite the differences of community opinion, negative issues associated with the establishment of a skate park at Mirror Park are manageable and that a design phase should be initiated for a permanent skate park at Mirror Park, in conjunction with a Working Group of young people.

*That Council:*

- 1 *NOTES the summary of the community consultation findings on the inclusion of a skate park in the upgrade of Mirror Park, Ocean Reef as detailed in Attachment 1;*
- 2 *REQUESTS the administration to design a permanent skate park for inclusion at Mirror Park, Ocean Reef;*

- 3 *AUTHORISES the Chief Executive Officer to appoint a Working Group of a maximum of 12 people comprising of young people (at least two of whom were involved in the petition) and City staff to provide input on the design and location of the skate park taking into account the feedback received through the community consultation;*
- 4 *LISTS for consideration in the 2011/12 budget deliberations an appropriate allocation for the construction of a skate park at Mirror Park, Ocean Reef;*
- 5 *REQUESTS that the administration investigate State Government funding options for contributions towards CCTV and construction costs for a skate park at Mirror Park;*
- 6 *REQUESTS that the final design and the proposed location of the skate park within Mirror Park, Ocean Reef be referred to Council for endorsement prior to any construction taking place;*
- 7 *ADVISES the lead petitioner of the proposals outlined in parts 2 to 6 above.*

## **BACKGROUND**

At its meeting on 18 August 2009, Council received a petition signed by 858 persons requesting consideration of the provision of a skate park facility in the Ocean Reef/Mullaloo area either at Mirror Park, Ocean Reef or another suitable location.

At its meeting held on 15 December 2009 (CJ270-12/09 refers), it was resolved in part, as follows:

*“That Council:*

- 1 *AGREES to undertake consultation to explore the issues around including a skate park in the overall upgrade of Mirror Park, Ocean Reef.*
- 2 *REVIEWS the proposal once the community consultation has been undertaken.”*

A consultation process was subsequently initiated to explore the issues around including a skate park at Mirror Park, Ocean Reef.

As skate parks can be a controversial facility to consult on, particularly in relation to local residents, the decision was made to send a Resident Feedback Form and a Youth Feedback Form together with a Frequently Asked Questions document to 2,741 residents, owners and non-resident owners within a one kilometre radius of Mirror Park. The Community Consultation package contained two distinct Feedback Forms for those over 25 years of age and those under 25 years of age to explore the issues from the perspective of different age groups. The package was also made available online.

Given the nature of the facility, the Community Consultation package was reviewed by an independent Market Research organisation to establish the validity of the process. While minor changes were made as a result of the review, the independent organisation was satisfied with the validity of the community consultation process and the questions asked.

The community consultation commenced the week beginning 23 August 2010 and closed on 24 September 2010.

## DETAILS

### Issues and options considered:

In line with Council resolution CJ270-12/09, the community consultation focused on exploring the issues of including a skate park at Mirror Park, Ocean Reef. As such, the consultation was conducted on a qualitative basis rather than a quantitative basis.

The consultation focused on two questions:

- 1 What do you think may be the advantages of building a new skate park at Mirror Park?
- 2 What do you think may be the disadvantages?

The opportunity was also provided for community members (over 25 years of age and under 25 years of age) to express an interest in being involved in a Community Reference Group should the proposal proceed.

An overview of the detail of the responses and the themes from the responses are provided below.

### Response Detail

Residents living within one kilometre of Mirror Park made 382 individual submissions with respect to the advantages and disadvantages of the proposal to develop a skate park in that locality. Of that number, 92 submissions were received from young people and 290 from adults (that is those over 25 years).

A total of 226 people outside the one kilometre area also made individual submissions. Of that number, 175 were from young people and 51 from adults.

In total 608 valid submissions were received. Duplicate submissions from individuals, multiple submissions from individual households and submissions received without full names and addresses were noted for the record and hard copies retained on file however there were not included in the total valid submissions.

### Response Themes

In analysing the data, commonly recurrent themes concerning the advantages and disadvantages of the proposal were identified from submissions. The process of analysis included categorisation of submissions into adult/youth, then sub-categorisation into adults/youth within one kilometre of the site and adults/youth outside one kilometre area.

Using software for qualitative data analysis, key words and phrases indicative of community values, attitudes and beliefs concerning the proposal were coded and reviewed to identify themes. All available information with respect to advantages and disadvantages was then coded and linked.

To present the findings, tables were compiled that identify:

- The theme.
- Explanatory notes.
- Direct quotations from submissions that best illustrate the theme.

It should be noted that themes reported on are those with the most attributable comments.



Recognising that those most directly affected by the proposal reside within one kilometre of Mirror Park, the tables have been presented in the following order.

*Residents within one kilometre of Mirror Park*

- Advantages – Adult Perspective.
- Advantages – Youth Perspective.
- Disadvantages – Adult Perspective.
- Disadvantages – Youth Perspective.

*Residents outside one kilometre of Mirror Park*

- Advantages – Adult Perspective.
- Advantages – Youth Perspective.

As there were only three surveys returned from this group in which disadvantages had been identified, this provided insufficient data for development of themes.

The tables presenting the findings are included as Attachment 1. Included as Attachment 2 is a spatial depiction of where the responses were received from residences within the one kilometre radius of Mirror Park.

Community Reference Group

In response to expressions of interest for participation in a Community Reference Group, 50 people from the 25 years and over age group and 14 from the under 25 years age group expressed an interest in participating should the project proceed.

Petition

A 328 signature petition opposing a skate park at Mirror Park was received by Council at its September 2010 meeting. This was considered outside the scope of the community consultation and has not been included in the findings. The rationale for this approach is that the petition reflected the comments made in individual survey responses about the disadvantages of a skate park in Mirror Park and may give more weight to the opinions expressed than is appropriate. A number of the signatories to the petition also completed individual surveys.

Other precedents where the City has not included petitions into submission results include the Beach Management Plan and the Ocean Reef Marina.

Consultation Findings

In relation to the findings, the major advantages and disadvantages identified were:

*Advantages of a Skate Park at Mirror Park from an Adult Perspective*

- 1 Encourages healthy outdoor activities in local area.
- 2 Somewhere to go, something to do.
- 3 A safe place.
- 4 Meeting a need.

These are the advantages identified by residents both within the one kilometre radius and outside the one kilometre radius.

*Advantages of a Skate Park at Mirror Park from a Youth Perspective*

- 1 Making friends.
- 2 Close to home.
- 3 Fun and enjoyment.
- 4 Meeting a need.

These are the advantages identified by residents both within the one kilometre radius and outside the one kilometre radius.

*Disadvantages of a Skate Park at Mirror Park from an Adult Perspective*

- 1 Skate parks attract anti-social behaviour.
- 2 Skate parks will attract teenagers, undesirable elements, outsiders.
- 3 Skate parks are unsightly places.

*These are the disadvantages identified by residents only within the one kilometre radius.*

*Disadvantages of a Skate Park at Mirror Park from a Youth Perspective*

- 1 Mirror Park with a skate park could be unsafe for younger children.

These are the disadvantages identified by residents only within the one kilometre radius.

It is noted that most youth responding to the survey identified a skate park as a 'safe place' and a solution to anti-social behaviour, rather than as a cause of it. On the other hand, most adults seemed to believe that the introduction of youth – via a skate park - into a 'family' park would inevitably result in antisocial and potentially criminal behaviours. There was considerable emphasis in the 'disadvantages' comments about youth and their propensity for anti-social behaviour.

Given that the findings from the community consultation are mixed in terms of support and opposition to the skate park proposal, the following options have been identified by the City:

- 1 Undertake a Feasibility Study for a skate park at Mirror Park to determine if the site is optimal. Given that it is known that factors such as natural surveillance, distance from local residences (particularly on the north-west side of the site), access to a bus route, access to existing amenities (such as toilets, bins, lighting), proximity to the beach with synergies between surf and skate culture, and the existence of a bmx facility already utilised by young people, mean that Mirror Park already meets a number of the requirements for a well-located skate park facility, a Feasibility Study may be costly and unnecessary, and will delay any final decision on a new facility for a further 3 to 6 months.

- 2 Proceed to designing a permanent skate park at Mirror Park in consultation with a Community Reference Group. Anecdotal feedback is that a permanent, concrete skate park is what young people are seeking. The City has experience in managing a permanent “in-ground” concrete facility and has the knowledge and experience to implement appropriate management practices to address the disadvantages raised in the community consultation. Given the divergence of opinion on the advantages and disadvantages of locating a skate park at Mirror Park, it is unlikely that agreement will be reached within a Community Reference Group that includes both opponents and supporters. This could result in a stalemate and no agreement on an appropriate design for a skate park.

If a Working Group comprising young people and City staff was formed, this would be considered “best practice” in terms of youth engagement and also allow professional input from City staff on how the disadvantages identified by residents can be addressed. This should result in a skate park design that meets the needs of young people and identifies management options for addressing the issues identified by surrounding residents who were opposed to a skate park at Mirror Park.

- 3 Proceed to designing a modular, mobile skate facility for initial location at Mirror Park. Anecdotal feedback from young people indicates this type of facility is unlikely to meet user expectations. It is also likely that this type of facility will result in undue noise (due to the modular structures being made of steel or steel with a concrete layer) and subject to vandalism (due to the potentially moveable nature of the modular structures).

A modular skate park facility that does not meet the needs of young people and is likely to cause unnecessary residential amenity impacts is considered an inappropriate option.

- 4 Determine not to proceed with a skate park at Mirror Park and research alternative sites. Given that Mirror Park meets a number of the favourable factors for a skate park location and that young people have been expressing the need for another skate park in the City for the past nine years, researching alternative sites will delay the development of any new facility and an identified community need will continue to be unmet.

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

Australian Standards will be utilised when planning any wheeled sports facilities within the City as will any requirements from the City’s insurers.

#### **Strategic Plan**

**Key Focus Area:** Engage proactively with the community.

**Objective:** Ensure the City’s facilities and services are of a high quality and accessible to everyone.

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

It should be acknowledged that in pursuing any of the options for establishing a new skate park within the City, there are risks involved in balancing the needs and interests of residents and potential users. Regardless of the option selected, certain groups and individuals are likely to be adversely affected by the decision and there is a responsibility to ensure that any adverse affects are as limited as is feasible.

**Financial/Budget Implications:**

There is \$15,000 in the 2010/11 budget that can be applied to producing a Design Concept. There is currently no provision in the Five Year Capital Works Program for construction of a new skate park. The only source of funding that has been identified to date for a new skate park is Lotterywest and indications are that they are only keen on funding Regional Skate Parks in the metropolitan area (as opposed to local skate parks). It is anticipated that the cost of a skate park (depending on the size and design) will range from \$250,000 to \$400,000.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Community consultation undertaken as per process described in the Background section.

**COMMENT**

Overall the findings of the community consultation were mixed in terms of support and opposition to the skate park proposal. The advantages and disadvantages identified by residents are in line with what would commonly be expected from a consultation about establishment of a skate park.

The need for a skate park facility is one of the issues highlighted by both under and over 25s in the community consultation. To some extent this is to be expected given that over the past nine years the City has received numerous requests for similar facilities to be developed in various suburbs including Ocean Reef and Mullaloo.

The City currently has one “in ground” major skate park facility at MacNaughton Park in Kinross and a small facility with moveable ramps at the Craigie Leisure Centre. Since the upgrade of the Kinross Skate Park there has been increased use of the facility by young people and a reduction in the number of complaints received from surrounding residents. Valuable lessons have been learnt in relation to the upgrade and management of Kinross Skate Park which are transferable to any new skate park that may be developed within the City.

The youth demographics of Ocean Reef and surrounding areas demonstrates the higher percentage of young people in these suburbs and is reflective of the need for a skate facility as expressed in the community consultation.

The following shows the demographics of the existing 12 to 17 year olds and the next generation of potential users in the five to 11 year olds:

<b>Suburb</b>	<b>Total Youth Population (12 to 17 Years)</b>	<b>% Total Youth Population (12 to 17 Years)</b>
Ocean Reef	1,022	12.9%
Mullaloo	595	10.4%
Heathridge	593	9.9%
Beldon	399	8.9%
<b>Whole City</b>	<b>15,543</b>	<b>10.6%</b>

<b>Suburb</b>	<b>Total Youth Population (5 to 11 Years)</b>	<b>% Total Youth Population (5 to 11 Years)</b>
Ocean Reef	842	10.6%
Mullaloo	575	10.0%
Heathridge	670	10.0%
Beldon	362	9.0%
<b>Whole City</b>	<b>14,414</b>	<b>9.8%</b>

Despite the differences of opinion emanating from the community consultation, the City is of the view that negative issues associated with the establishment of a skate park in Mirror Park are manageable and evidence from the Kinross Skate Park proves this is achievable.

Should Council agree to pursue this project, the City will ensure that appropriate management practices are put in place to address the concerns raised by residents in relation to disadvantages such as anti-social behaviour from undesirable elements and skate parks being unsightly places.

Management practices that will be considered include City Watch patrols, urban art murals, graffiti removal, provision of bins, rubbish removal, lockage fencing, CCTV cameras, presence of the City's Youth Services team and reporting mechanisms for anti-social behaviour, graffiti removal and site clean-ups.

Because of the factors highlighted above, it is recommended that the City proceed to designing a skate park facility for location within Mirror Park, Ocean Reef and that a Working Group comprising young people (including at least two would be involved in the petition) and City staff work on the design and location of the facility taking account of the issues identified by residents who opposed the skate park proposal at Mirror Park in the community consultation process.

## **VOTING REQUIREMENTS**

Simple Majority.

## RECOMMENDATION

### That Council:

- 1 **NOTES** the summary of the community consultation findings on the inclusion of a skate park in the upgrade of Mirror Park, Ocean Reef as detailed in Attachment 1 to this Report;
- 2 **REQUESTS** the administration to design a permanent skate park for inclusion at Mirror Park, Ocean Reef;
- 3 **AUTHORISES** the Chief Executive Officer to appoint a Working Group of a maximum of 12 people comprising of young people (at least two of whom were involved in the petition) and City staff to provide input on the design and location of the skate park taking into account the feedback received through the community consultation;
- 4 **LISTS** for consideration in the 2011/12 budget deliberations an appropriate allocation for the construction of a skate park at Mirror Park, Ocean Reef;
- 5 **REQUESTS** that the Chief Executive Officer investigate State Government funding options for contributions towards CCTV and construction costs for a skate park at Mirror Park;
- 6 **REQUESTS** that the final design and the proposed location of the skate park within Mirror Park, Ocean Reef be referred to Council for endorsement prior to any construction taking place;
- 7 **ADVISES** the lead petitioner of the proposals outlined in parts 2 to 6 above.

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf071210.pdf](#)*

**CJ213-12/10      YOUTH FORUM 2010**

**WARD:** All

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

**FILE NUMBER:** 38245

**ATTACHMENTS:** Attachment 1    Final Report “Speak Out” Youth Forum

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**PURPOSE**

To present the Final Report and recommendations from the “Speak Out” Youth Forum held on 17 September 2010 for consideration.

**EXECUTIVE SUMMARY**

The Youth Forum Final Report provides information and analysis from the “Speak Out” Youth Forum held on Friday 17 September 2010. Attending the Youth Forum were 68 young people from nine secondary schools and one alternative education program in the City of Joondalup. The Forum was aimed at gathering the ideas and perspectives of young people within the City in order to strengthen the services being provided and allow for new initiatives for youth in the community to be identified.

Recommendations, strategies, justifications and key performance indicators have been included in the Youth Forum Final Report and have been developed by the City’s Youth Services team based on input from the participants.

While preliminary research has commenced on some of the recommendations contained in the Youth Forum Final Report, it is considered appropriate that further investigation be undertaken into the feasibility of implementing these recommendations and identifying the resources that may be required.

*It is recommended that Council:*

- 1      *NOTES the Youth Forum Report as shown as Attachment 1 to Report CJ213-12/10;*
- 2      *ENDORSES for further investigation the following recommendations from the Youth Forum Report:*
  - 2.1      *Create, in collaboration with young people, an accessible, interactive and informative youth website developed by a specialist website company;*
  - 2.2      *Develop, in collaboration with young people, a Facebook page detailing events and programs offered to the City’s young people;*
  - 2.3      *Creation of marketing campaign to promote the services of City Watch and make them more accessible to young people;*
  - 2.4      *Listing in the 2011/12 budget for consideration, the establishment of a new role in the Youth Services team to liaise with young people in schools to raise awareness of the programs and services offered by the City of Joondalup to increase participation by young people;*

- 2.5 *Research the need to offer a holistic health service that promotes the mental, physical and emotional needs of young people aged 12 to 25 years;*
- 3 *REQUESTS that following investigation on the feasibility of implementing the recommendations from the Youth Forum Report, a further report be submitted for Council consideration;*
- 4 *REQUESTS that the report is sent to all high schools and alternative education programs within the City for information indicating that further investigation of the recommendations will be undertaken and reported back to a future Council meeting prior to implementation.*

## **BACKGROUND**

In 2006 Council resolved to disband the Youth Advisory Committee and identify alternative methods for engaging with young people in the future (CJ 107 – 06/06 refers). The first Youth Forum was held in March 2007. Council received reports in September and December 2007 (CJ 203 – 09/07 and CJ 293 – 12/07 refer).

The recommendations from the 2007 Youth Forum were largely implemented, with the exception of the recommendation relating to the utilisation of youth-friendly technology. While considerable research has been undertaken in relation to the City's potential use of youth-friendly technology including social media, further identification of the risks and risk mitigation strategies for having a City presence on social media sites is required. The level of engagement with residents, including young people, which is possible through social media sites also requires further consideration.

Funds were allocated in the 2009/2010 budget for another Youth Forum to be conducted and on 17 September 2010 a Youth Forum entitled "Speak Out" was held at Craigie Leisure Centre.

The Final Report generated from the Forum is included as Attachment 1. The Final Report is predominantly a record of the proceedings of the Forum and many of the comments are attributable to participants. The recommendations, strategies, justifications and key performance indicators have been developed by the City's Youth Services team based on the participants' input.

## **DETAILS**

The 2010 Forum was held at Craigie Leisure Centre and involved 68 representatives from nine secondary schools and one alternative education program in the City of Joondalup. Participants chose from five breakout sessions and were involved in two of these throughout the day. Staff members from different parts of the City presented information and facilitated discussion with the young people relating to their topic.

The same questions were asked for each breakout session within the Forum to determine issues and gaps in the service provision of the City to young people. The themes, recommendations, strategies and key performance indicators are included in the Final Report. The Final Report includes references to some research into the use of technology conducted by the Youth Services team in September 2010. The research identifies how other local governments in Australia have used social media to engage with young people and defines the successes and challenges.



The information provided by the young people was then collated and analysed by City staff before being compiled into a report with five recommendations. The recommendations were drawn from the most important points made by the greatest numbers of young people at the Forum.

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

The recommendations from the Forum, together with a commentary from City staff, are outlined below:

#### **RECOMMENDATION 1:**

Create, in collaboration with young people, an accessible, interactive and informative youth website developed by a specialist website company.

*Commentary: The City's 5 Year Information Technology Plan provides for some form of youth-friendly interface to be developed in 2010/11. The focus and tools for this interface require further discussion and consideration prior to implementation. It is anticipated that young people will be involved in the development of the interface to ensure that it will meet the needs of this demographic.*

#### **RECOMMENDATION 2:**

Develop, in collaboration with young people, a Facebook page detailing events and programs offered to the City's young people.

*Commentary: As previously mentioned considerable research has been undertaken in relation to the City's potential use of youth-friendly technology including social media sites such as Facebook. Further identification of the risks and risk mitigation strategies for having a City presence on social media sites is required, together with analysis of the level of engagement that is possible with young people through social media. Research with other Local Governments on their use of social media has taken place and requires further analysis to identify the advantages and disadvantages of utilising this media.*

#### **RECOMMENDATION 3:**

Creation of marketing campaign to promote the services of City Watch and make them more accessible to young people.

*Commentary: It is acknowledged that young people identified that City Watch needed to be more accessible, responsive and youth-friendly. The creation of marketing campaign will require further investigation to ensure that what is developed and delivered addresses the concerns raised by young people. While it is anticipated that the marketing campaign may be able to be delivered through existing City resources, additional resources may be required to ensure that the needs of the young people can be adequately accommodated.*

#### **RECOMMENDATION 4:**

List in the 2011/12 budget for consideration, the establishment of a new role in the Youth Services team to liaise with young people in schools to raise awareness of the programs and services offered by the City of Joondalup to increase participation by young people.

*Commentary: The City's current School Liaison Officer predominantly focuses on interaction between the City and primary schools with limited work being undertaken with secondary schools. Having this role within the City has proven effective in ensuring teachers and students are aware of the range of programs and services offered by the City and engaging younger children in these activities.*

*Interaction with young people through the secondary school system (both government and private) is seen as a viable option. A business case to increase the staff establishment to include a new role to liaise with young people in secondary schools to raise awareness of the programs and services offered by the City can be developed as part of the 2011/12 budget process.*

#### **RECOMMENDATION 5:**

Research the need to offer a holistic health service that promotes the mental, physical and emotional need of young people aged 12 to 25 years.

*Commentary: While the City does not deliver primary health services, it does play a role in identifying service gaps and advocating for new services for young people if a need is identified within the community. Undertaking research is the first stage in this process and can be accommodated within the City's existing resources. Once this research is undertaken, a further report can be provided to Council which identifies the role the City may play in advocating for a holistic health service for young people if this need is confirmed.*

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

**Legislation**                      Not Applicable.

#### **Strategic Plan**

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

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

**Policy:**                              Not Applicable.

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

Further investigation is required on the feasibility of implementing the recommendations contained in the Youth Forum Final Report, particularly in relation to the City having a presence on social media sites, whether the recommendations reflect the role of the City in youth services, and the resources that may be required to implement the recommendations.

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

The financial resource implications of the recommendations contained in the Youth Forum Final Report are unknown at this point in time and are potentially significant. It is suggested that as part of the further investigation into the feasibility of implementing the recommendations, the budget implications be considered.

#### **Regional Significance:**

Not Applicable.

#### **Sustainability Implications:**

These will be identified once further investigation on the feasibility of implementing the recommendations has been undertaken.

**Consultation:**

The Youth Forum was a process of consultation with young people from the community.

**COMMENT**

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

One of the key themes of the feedback from young people is their lack of awareness of the varied programs and services currently being provided by the City. The consensus opinion of the participants was that improved engagement with young people can be achieved through the use of youth-friendly technology and direct contact through schools.

While preliminary research has commenced on some of the recommendations contained in the Youth Forum Final Report, it is considered appropriate that further investigation be undertaken into the feasibility of implementing these recommendations and identifying the resources that may be required.

Once these investigations have been undertaken on the five recommendations from the Youth Forum, a further report will be presented to Council prior to implementation.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 NOTES the Youth Forum Report, forming Attachment 1 to Report CJ213-12/10;**
- 2 ENDORSES for further investigation the following recommendations from the Youth Forum Report:**
  - 2.1 Create, in collaboration with young people, an accessible, interactive and informative youth website developed by a specialist website company;**
  - 2.2 Develop, in collaboration with young people, a Facebook page detailing events and programs offered to the City’s young people;**
  - 2.3 Creation of marketing campaign to promote the services of City Watch and make them more accessible to young people;**
  - 2.4 Listing in the 2011/12 budget for consideration, the establishment of a new role in the Youth Services team to liaise with young people in schools to raise awareness of the programs and services offered by the City of Joondalup to increase participation by young people;**
  - 2.5 Research the need to offer a holistic health service that promotes the mental, physical and emotional needs of young people aged 12 to 25 years;**

- 3     **REQUESTS** that following investigation on the feasibility of implementing the recommendations from the Youth Forum Report, a further report be submitted for Council consideration;
- 4     **REQUESTS** that the report is sent to all high schools and alternative education programs within the City for information indicating that further investigation of the recommendations will be undertaken and reported back to a future Council meeting prior to implementation.

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf071210.pdf](#)*

<b>Name/Position</b>	<b>Cr Tom McLean</b>
<b>Item No/Subject</b>	CJ214-12/10 – Proposed Currambine Community Centre
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr McLean has purchased a property nearby

## **CJ214-12/10      PROPOSED CURRAMBINE COMMUNITY CENTRE**

**WARD:** North

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

**FILE NUMBER:** 59011

**ATTACHMENTS:** Attachment 1 Site Map  
Attachment 2 – Preliminary Concept Design – Internal Building Spaces  
Attachment 3 – Preliminary Concept Design – External Surrounds  
Attachment 4 – Preliminary Concept for Integration with Town Square  
Attachment 5 – Previous Concept Design – External Surrounds (without Town Square and showing encroachment of adjoining building)  
Attachment 6 – Community Consultation and Communication Plan

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### **PURPOSE**

Seek approval to proceed to community consultation on the preliminary Concept Design for the internal building spaces as part of the development of a Community Centre on the site known as Lot 1594 (52) Delamere Avenue, Currambine in accordance with the Community Consultation and Communication Plan outlined in Attachment 6.

### **EXECUTIVE SUMMARY**

Plans for the development of a community facility in Currambine have been on the City's records since 1995. The parcel of land on Lot 1594 Delamere Avenue, Currambine that the City owns was set aside for community use and has a WA Planning Commission covenant restricting the use of the site to accommodating community facilities.

A Currambine Community Centre Feasibility Study was completed in October 2009 and further research into the development of such a Community Centre has been ongoing since the report was completed.

Prior to undertaking any further work on the project, Council approval is sought to proceed to community consultation on the preliminary Concept Design for the internal building spaces as part of the development of a Community Centre in Currambine. The community consultation will take place to determine that the proposed internal building spaces will meet community requirements.

A draft Landscaping Master Plan for the remainder of the City's site is expected to be finalised in April 2011 and will similarly be subject to elected member and community input later in 2011.

The proposal to locate the Community Centre facing into a “town square (approximately 800m<sup>2</sup>)” concept has been undertaken to maximise utilisation, maximise integration with the surrounding commercial/ business developments and minimise the impact on residential amenity in Delamere Avenue. Further discussions will be held with surrounding developers to ensure that the proposed Community Centre has appropriate integration once the Development Applications for the surrounding sites have been lodged.

Irrespective of the location of the Community Centre on the site and integration with the adjoining developments, the intent is to move forward with the project by seeking community input on the internal building spaces proposed to be included in the Centre. The project has been on the City’s records for the past 15 years and as the Feasibility Study indicates, there is a strong need and community demand for this type of facility in Currambine.

It is proposed that the community consultation will take place in March 2011 in accordance with the attached Community Consultation and Communication Plan.

It is recommended that Council:

1. *APPROVES proceeding to community consultation on the preliminary Concept Design for the internal building spaces as part of the development of a Community Centre on Lot 1594 Delamere Avenue, Currambine outlined in Attachment 2 of this report.*
2. *UNDERTAKES the community consultation and communication on the preliminary Concept Design for the proposed Currambine Community Centre in accordance with the Community Consultation and Communication Plan outlined in Attachment 6 to this report.*
3. *REQUESTS that the outcomes from the community consultation be reported back to Council at a future meeting prior to the project proceeding.*

## BACKGROUND

<b>Suburb/Location:</b>	Lot 1594 (52) Delamere Avenue, Currambine
<b>Applicant:</b>	N/A
<b>Owner:</b>	City of Joondalup
<b>Zoning:</b>	<b>DPS:</b> Civic and Community Purposes (WAPC Covenant 1989274)
<b>Site Area:</b>	2 hectares
<b>Structure Plan:</b>	Currambine District Centre Structure Plan

Plans for the development of a community facility in Currambine have been on the City’s records since 1995. The parcel of land on Lot 1594 Delamere Avenue, Currambine that the City owns was set aside for community use and has a WA Planning Commission covenant restricting the use of the site to accommodating community facilities.

Needs assessments for a proposed Community Centre were conducted in 2000 and 2005 and architectural concept plans were drawn up in 2002. All these documents were considered out of date and a new Feasibility Study was commissioned. The Feasibility Study was completed in October 2009 and since that time preliminary work on the concept has been undertaken.

## DETAILS

The conclusions from the Feasibility Study for a Community Centre to be developed in Currambine include the following:

### Level of Demand

The outcomes of the Feasibility Study and the “supply demand analysis” confirms that there is a shortage of a range of community centre facilities, services and programs in the study area (such as Joondalup, Kinross, Currambine, Iluka, Burns Beach and Connolly).

Nearly all existing community centre facilities are heavily utilised and while there is some spare capacity, this is in non-peak periods. Existing facilities do not have the capacity to meet future demand that will be generated from further residential development in Burns Beach and Iluka.

The level of demand would justify the construction of a medium size or “district” level Community Centre and also indicates that the likely demand will generate reasonably high usage rates.

### Site Location

The proposed “community purpose” site in Delamere Avenue is considered a favourable location for a Community Centre and is central to the catchment, accessible by public transport and is in a prominent position.

With the adjacent commercial/shopping area, this site also offers the opportunity to create a vibrant “community hub” and civic space by engaging interaction and synergies with the commercial/shopping area, as well as the adjacent medium density housing site.

### Internal Spaces and Facilities

Based on the level and nature of demand the following internal spaces and facilities were suggested for the Community Centre:

- Gym/fitness area.
- Function room/main hall with sprung floor.
- Stage and back stage facilities.
- Large meeting room.
- Small meeting room.
- Multipurpose activity area.
- Café and lounge area.
- Youth space/games room.
- Office space.
- Children’s activity space.
- Kitchen and amenities.
- Foyer and common areas.
- Storage.

The suggested area of internal space is in the vicinity of 1,100 to 1,200m<sup>2</sup>.

### Young People as a Priority

The lack of facilities, activities and programs for young people was a consistent theme to emerge from consultation with community organisations, government agencies, households and young people themselves. Young people make up a significant proportion of the population.

Facilities for young people to utilise are considered an important focus from both an internal space and external space perspective.

### Impacts on Residential Amenity

Some concerns were expressed from surrounding residents about the potential impact a Community Centre could have on their residential amenity. Impacts identified mainly related to noise, traffic and young people. There was a perception that if programs and facilities were provided for young people, this would result in young people gathering at the Centre and also wandering the streets, engaging in vandalism, crime and anti-social behaviour.

While the vast majority of young people do not engage in these activities, any negative impacts that a Community Centre may have on surrounding residents should be monitored and managed effectively to minimise any undesirable impacts.

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

Based on the outcomes of the Feasibility Study, a preliminary Concept Design for a Community Centre on Lot 1594 Delamere Avenue, Currambine has been developed. The Concept Design is based on the internal spaces and facilities identified as being required in the Feasibility Study by community organisations, government agencies, households and young people. The preliminary Concept Design for the internal building spaces is included as Attachment 2. The proposed Centre is 1,540m<sup>2</sup> in size (excluding the courtyard) and preliminary estimates of the building (only) cost is \$3.1 million.

For information purposes, Attachment 3 has been included which shows the preliminary Concept Design for the immediate external surrounds of the Community Centre. The ultimate design for the external surrounds will be influenced by the Landscaping Master Plan and the final development proposals from the adjoining landowners.

A site map showing the proposed location of the Community Centre is included as Attachment 1. Discussions with developers of the surrounding land have been held to ensure that the Community Centre can form part of the “community hub” as identified in the Feasibility Study. These discussions have resulted in a proposed change by the developers to the adjoining site (see Attachments 4 and 5) to remove the encroachment of the adjoining building and include a town square to allow the full frontage of the Community Centre to face into.

Further discussions will be held with surrounding developers to ensure that the proposed Community Centre has appropriate integration once the Development Applications for the surrounding sites have been lodged.

The preliminary Concept Design has been undertaken utilising CPTED (Crime Prevention through Environment Design) principles to minimise the issues raised in relation to residential amenity. The location of the Community Centre facing into the commercial/shopping area also ensures that the development is located as far away from residences as possible and is intended to lessen any impact on the residents in Delamere Avenue.



It is anticipated that based on the current preliminary Concept Design approximately 15% of the site will be utilised for the Community Centre. A Landscaping Master Plan for the remainder of the site is under development and will be available for consideration in April 2011. The draft Landscaping Master Plan will be subject to elected member and community input later in 2011.

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

**Legislation**                      Appropriate development approvals will be sought.

#### **Strategic Plan**

**Key Focus Area:**              Community Wellbeing

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

**Policies:**                        Community Consultation and Engagement Policy – Community Consultation and Communication Plan developed in accordance with this Policy.  
Master Planning Process – Feasibility Study and Project Plan correlate with Stages 1 and 2 being undertaken.

### **Risk Management Considerations:**

Not providing a Community Centre in Currambine could be seen by residents as not meeting an identified need for community facilities in Currambine, Joondalup, Burns Beach, Iluka, Kinross and Connolly.

This risk needs to be balanced in terms of programs operating from the Centre to ensure an appropriate level of usage, together with recognising the creation of a new City asset that will require management and potentially replacement in future.

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

There is \$120,000 allocated in the 2010/11 Consultancy Budget to fund preliminary concept designs, community consultation and architectural drawings.

On 30 April 2008 land in Kinross was sold for \$526,180 and the proceeds were set aside in a reserve for a community facility in Kinross/Currambine. As part of the 2010/11 budget, the existing Community Facilities Reserve and the Kinross/Currambine Community Centre Reserve were merged to create a single reserve for the purpose of funding the development of a Community Centre in the Currambine/Kinross Community area. The balance of this reserve is \$944,793.

An amount of \$4.5m is allocated for consideration as part of the 2011/12 Capital Works Program. It is anticipated that funding will also be sought from external sources such as LotteryWest should the project proceed.

### **Regional Significance:**

It is anticipated that a Community Centre in Currambine will predominantly draw its catchment from Currambine, Joondalup, Burns Beach, Iluka, Kinross and Connolly.

**Sustainability Implications:**

Community Centres provide a focal point for the delivery of programs, activities and services within local communities. The Feasibility Study has identified that in the study area there is a shortage of facilities and programs for young people, a shortage of programs and activities for active seniors and frail older people, a need to offer kitchen facilities and cooking programs that promote healthy eating, and a facility that provides for the delivery of cultural activities such as drama, dance, music performances and art exhibitions. The social benefits from Community Centres include creating a community hub/meeting place; providing opportunities for community socialisation and engagement through the delivery of programs, activities and services; and a facility from which a range of community services can be made available.

The preliminary Concept Design provides for environmentally friendly features such as water tanks, photovoltaic panels, the use of natural lighting and provision of shade. The design will also include end-of-journey facilities such as shower facilities and a bike rack. Natural surveillance and other CPTED principles have also been incorporated into the design.

Should the new Community Centre proceed, it will become a new City asset and as such will require ongoing management in accordance with the City's Asset Management Strategy. While some income will be generated from facility hire, it is unlikely that this will fully cover the cost of the Centre's operation and management and the deficit will require funding through the City's budget.

**Consultation:**

As part of the Feasibility Study, the following consultation was undertaken:

- Discussions with 18 external stakeholders including community service organisations, government agencies, residents and ratepayers associations, and local politicians.
- Discussions with internal stakeholders including elected members and City staff.
- Community survey utilising an invitation to participate sent to a random selection of 900 households in the study area (such as Currambine, Joondalup, Burns Beach, Iluka, Kinross and Connolly) with a response rate of 9%.
- A youth survey conducted by the City's Youth Services staff with input from 44 young people between the ages of 11 and 16 years within the study area.

Given that a preliminary Concept Design based on the Feasibility Study has now been developed, it is recommended that further community consultation take place in accordance with the Community Consultation and Communication Plan (as detailed in Attachment 3).

**COMMENT**

Based on the conclusions from the Currambine Community Centre Feasibility Study, it is recommended that Council give approval to proceed with community consultation on a preliminary Concept Design for the internal building spaces as part of the development of a Community Centre on Lot 1594 Delamere Avenue, Currambine.

The preliminary Concept Design for the internal building spaces has been developed based on the needs identified by the various stakeholders consulted as part of the Feasibility Study and now requires further input from the community in the study area (i.e. Currambine, Joondalup, Burns Beach, Iluka, Kinross and Connolly) prior to the project proceeding.

Irrespective of the location of the Community Centre on the site and integration with the adjoining developments, the intent is to move forward with the project by seeking community input on the internal building spaces proposed to be included in the Centre. The project has been on the City's records for the past 15 years and as the Feasibility Study indicates, there is a strong need and community demand for this type of facility in Currambine.

Following community input on the preliminary Concept Design, it is proposed to provide a further report to Council outlining the feedback, prior to progressing to the next steps that will include the production of architectural drawings and seeking funding from external sources.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

### **That Council:**

- 1. APPROVES proceeding to community consultation on the preliminary Concept Design for the internal building spaces as part of the development of a Community Centre on Lot 1594 Delamere Avenue, Currambine as detailed in Attachment 2 of this Report.**
- 2. UNDERTAKES community consultation and communication on the preliminary Concept Design for the proposed Currambine Community Centre in accordance with the Community Consultation and Communication Plan as detailed in Attachment 6 to this Report.**
- 3. REQUESTS that the outcomes from the community consultation be detailed in a Report to a future meeting of Council prior to the project proceeding.**

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9agn141210.pdf](#)*

**CJ215-12/10      MINUTES OF EXTERNAL COMMITTEES****WARD:** All**RESPONSIBLE:** Mr Jamie Parry, Director Governance and Strategy**FILE NUMBER:** 09151, 48543**ATTACHMENTS:** Attachment 1 Minutes of the Local Emergency Management Committee Meeting held on 4 November 2010

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

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**PURPOSE**

To submit minutes of external committees to Council for information.

**EXECUTIVE SUMMARY**

The following minutes are provided:

- Meeting of the Local Emergency Management Committee held on 4 November 2010.

It should be noted that in accordance with State Emergency Management Committee Policy Statement 2.5, Cr John Chester has been appointed as the Chairman of this Committee until the next Local Government Elections to be held in October 2011.

As Chairman of the Local Emergency Management Committee (LEMC), Cr Chester also attends the District Emergency Management Committee (DEMC) meetings.

Both the LEMC and DEMC meetings are held quarterly in February, May, August and November of each year.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the minutes of the Local Emergency Management Committee Meeting held on 4 November 2010 forming Attachment 1 to Report CJ215-12/10.**

To access this attachment on electronic document, click here: [externalminutes071210.pdf](#)

**CJ216-12/10      EXECUTION OF DOCUMENTS**

**WARD:** All

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

**FILE NUMBER:** 15876

**ATTACHMENTS:** Nil

**PURPOSE**

For Council to note the documents executed by means of affixing the Common Seal for the period 5 October 2010 to 16 November 2010.

**EXECUTIVE SUMMARY**

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

**BACKGROUND**

Nil.

**DETAILS**

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

<b>Document:</b>	Section 70A Execution
<b>Parties:</b>	City of Joondalup and Paul M and Caroline J Williams
<b>Description:</b>	To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling at Lot 116 (21) Tallow Ramble, Edgewater.
<b>Date:</b>	05.10.10
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Section 70A Execution
<b>Parties:</b>	City of Joondalup and J K Paul and H Kaur
<b>Description:</b>	To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land at Lot 771 (15) Marco Polo News, Currambine.
<b>Date:</b>	19.10.10
<b>Signed/Sealed:</b>	Sealed  <i>Note: This document was required to be resubmitted for signing and sealing as the incorrect landowner details had been listed – See entry for 9 November 2010.</i>

<b>Document:</b>	Section 70A Execution
<b>Parties:</b>	City of Joondalup and M L and M K Waters
<b>Description:</b>	To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land at Lot 426 (11) La Grange Loop Currambine.
<b>Date:</b>	19.10.10
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Section 70A Execution
<b>Parties:</b>	City of Joondalup and A J B Pike and M Pike
<b>Description:</b>	To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupiers of main dwelling at Lot 71 (8) Whiley Road, Marmion.
<b>Date:</b>	02.11.10
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Section 70A Execution
<b>Parties:</b>	City of Joondalup and APG Homes Pty Ltd
<b>Description:</b>	To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupiers of main dwelling on land at Lot 1620 (7) Romano Crescent, Iluka.
<b>Date:</b>	02.11.10
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Section 70A Execution
<b>Parties:</b>	City of Joondalup and K S and S F Gallacher
<b>Description:</b>	To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupiers of main dwelling on land at Lot 78 (138) Moolanda Boulevard, Kingsley.
<b>Date:</b>	02.11.10
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Section 70A Execution
<b>Parties:</b>	City of Joondalup and J K Paul and H Kaur
<b>Description:</b>	To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land at Lot 771 on Plan 19471 (15 Marco Polo Mews, Currambine).
<b>Date:</b>	09.11.10
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Section 70A Execution
<b>Parties:</b>	City of Joondalup and P W and H J Sandell
<b>Description:</b>	To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land at Lot 583 (7) Seabreeze Avenue, Burns Beach
<b>Date:</b>	16.11.10
<b>Signed/Sealed:</b>	Sealed

#### Issues and options considered:

Not Applicable.

**Legislation/Strategic Plan/Policy Implications**

**Legislation** Sub-sections (2) and (3) of Section 2.5 of the Local Government Act 1995 state:

- (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.

**Strategic Plan**

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

**Policy**

Nil.

**Risk Management considerations:**

Nil.

**Financial/Budget Implications:**

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

**Regional Significance:**

Nil.

**Sustainability Implications:**

Nil.

**Consultation:**

Nil.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the schedule of documents covering the period 5 October 2010 to 16 November 2010 executed by means of affixing the Common Seal.**

## **CJ217-12/10      OVERVIEW OF THE OFFICIAL VISIT TO SHANGHAI AND JINAN, CHINA BY THE JOONDALUP DELEGATION IN SEPTEMBER 2010**

**WARD:** All

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

**FILE NUMBER:** 52469

**ATTACHMENTS:** Nil

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### **PURPOSE**

To provide an overview, and highlight the outcomes, of the visit by the City of Joondalup Delegation to the Shanghai Expo, *Better City, Better Life*, and to the City of Jinan, Shandong Province, China in September 2010.

### **EXECUTIVE SUMMARY**

A City of Joondalup Delegation attended the Shanghai Expo, *Better Cities, Better Life*, and the City of Jinan from 23 to 28 September 2010. The Delegation was led by Mayor Troy Pickard and included City of Joondalup representatives and representatives from Edith Cowan University, and West Coast Institute of Technology.

The City issued formal invitations to key stakeholders and individuals previously involved in outbound delegations to Jinan or who have a role to play in the ongoing Sister City Relationship and the key areas of the Relationship Plan namely, social-cultural exchange, environmental exchange, and economic exchange.

The invitation was accepted by Edith Cowan University and West Coast Institute of Training and representatives from both organisations formed part of the official Delegation to Shanghai and Jinan.

### **BACKGROUND**

The City of Joondalup has a Sister City Relationship with the Jinan Municipal People's Government.

The Sister City Relationship began in 2000. The signing of a Memorandum of Understanding, which was endorsed by the Council at its meeting held on 25 July 2000, marked the beginning of the Sister City Relationship.

At its meeting held on August 2006, Council endorsed a long term Relationship Plan to assist in guiding the growth and continuity of the Jinan-Joondalup Sister City Relationship (*CJ224 – 11/05 refers*).

The Plan highlighted four key focus areas for the relationship:

- 1 Relationship Management.
- 2 Social-Cultural Exchange.
- 3 Environmental Exchange.
- 4 Economic Exchange.



The Sister City Relationship has included a number of inbound and outbound Delegations including:

Year	Details
<b>2000</b>	The Jinan Municipal People's Parliament sent four delegates to visit ECU and was also given a formal reception by the City of Joondalup on 29 June. During the visit, the Jinan Delegation, led by Ms Wang Baoling, Vice Chairman of the Standing Committee of the Jinan People's Congress presented the City of Joondalup with a Memorandum of Understanding which Council subsequently approved on 25 July.
<b>2001</b>	A Delegation from Joondalup led by the former Mayor John Bombak attended the Jinan Autumn Trade Fair on 21 to 26 September.
<b>2002</b>	A Delegation led by Mr Sun Changyin, Chairman of the Jinan Municipal People's Consultative Committee led a nine-strong Delegation to Joondalup leading to the signing of a <i>Memorandum of Friendly Talks</i> .
<b>2004</b>	<p>In September the former Chairman of Commissioners, Mr John Paterson led a Delegation of key industry partners from Joondalup to Jinan including representatives from ECU, Joondalup Business Association, Joondalup Health Campus, Joondalup Resort Hotel, Sunset Coast Tourism Association, Western Australian Police Service, West Coast College of TAFE (now West Coast Institute of Training), ING Real Estate, and the International Institute of Business and Technology. The primary purpose of the Delegation was to sign a protocol agreement forming a Sister City Relationship between the two Cities. The Delegation was given the brief of strengthening the ties that were developing between the Cities and to provide further opportunities for the Joondalup region to promote its exportable services.</p> <p>During November a Delegation of the Standing Committee of Jinan's People Congress was received by the City of Joondalup. During this visit the two Cities signed another official protocol agreement formalising the Sister City Relations between the two Cities.</p>
<b>2005</b>	<p>A Delegation from Jinan visited Joondalup in August 2005. The Delegation comprised eight representatives from Government and key industry sectors.</p> <p>The Jinan Municipal Public Security Bureau selected 20 police officers to travel to the WA Police Academy situated in Joondalup to engage in a three month training program on modern police practices</p>

Year	Details
<b>2006</b>	<p>During January, the Jinan Municipal Government sent 18 senior public servants to the City of Joondalup to undertake a six month training program to focus on how Australian Government systems operate.</p> <p>The Woodvale Senior High School entered into a formal Sister City School Relationship with Jinan Number 9 School in January.</p> <p>The City of Joondalup acted in the role of liaison between Jinan officials and the Woodvale SHS and as a result a Sister School Protocol was signed between Woodvale SHS and Jinan Number 9 Middle School to form a Sister School Relationship.</p> <p>The formation of the Sister School Relationship between Woodvale SHS and Jinan Number 9 Middle School provides a strategic link for the Secondary School sector. Woodvale SHS hosts students from Jinan and students from Woodvale have visited Jinan. Woodvale SHS has included Chinese cultural studies into its year eight curriculum.</p> <p>In August, the Council endorsed a long term Relationship Plan to assist in guiding the growth and continuity of the Jinan-Joondalup Sister City Relationship.</p>
<b>2007</b>	<p>During September 2007 a Delegation led by Mayor Pickard travelled to Jinan as a result of an invitation received from the Jinan Foreign Affairs Office to attend the Jinan International Tourism Fair. The Delegates also conducted a series of meetings with relevant officials of the Jinan Government to assist in the stimulation of more economic and cultural exchange programs. The Delegation included representatives from the West Coast Institute of Training, Edith Cowan University, and Joondalup Business Association.</p> <p>A Delegation of senior women officials from Jinan Municipal People's Government visited Joondalup for three days during November. The purpose of the visit was to further identify exchange opportunities between the City of Jinan and the City of Joondalup with respect to the Sister City Relationship.</p>
<b>2009</b>	<p>An Inbound Delegation from Jinan was received in March led by the Deputy Mayor, Gong Xianqun. The Delegation attended the Joondalup Festival to view the Jinan Acrobats and met with the Consultants designing the Sister City Garden, and visited Kings Park to view native plants. A memorandum was signed to acknowledge the importance of the Sister City Relationship and the 5<sup>th</sup> anniversary of the Sister City Relationship between Jinan and Joondalup.</p>
<b>2010</b>	<p>The City received a high level inbound delegation from Jinan on 12 and 13 May led by Mayor Zhang Jianguo, and comprising the Secretary General of Jinan Municipal People's Government, Director of Jinan Foreign Affairs Office, Director of Jinan Finance Bureau, Director of Jinan Commerce Bureau, Director of Jinan Horticulture Bureau, Vice Director of General Office of Jinan Municipal People's Government, Chairman of the Council, University of Jinan, and the President of Qilu Bank Co., Ltd. The Delegation visited ECU, West Coast Institute of Training and Woodvale Senior High School, and the site of the proposed Jinan Garden.</p> <p>The City of Joondalup sent a Delegation comprising the Mayor and Deputy Mayor, Councillors, a representative of the Chief Executive officer, and representatives from Edith Cowan University and West Coast Institute of Training to Jinan from 26 to 28 September.</p>

## **DETAILS**

Since the adoption of the Relationship Plan in 2006 the following Key Achievements across the four focus areas include:

### **Relationship Management**

- Positive feedback from all stakeholders involved on civic events and delegation hosting.
- Mayoral outbound visit in September 2007.
- Extensive promotion of the Sister City Relationship.
- The City has provided sponsorship to Woodvale Senior High School to assist with the Sister School Relationship with Jinan Number 9 Middle School.

### **Socio-Cultural Exchange**

- Development of a Public Service Training Programme in March 2008 (in conjunction with Edith Cowan University and West Coast Institute of Training).
- Publication of the updated Joondalup - Jinan booklet was completed in 2007.
- A Women's Cultural Delegation from Jinan in November 2007 was hosted by the City.
- Jinan Delegation visited Joondalup in 2009 and the itinerary included a visit to Woodvale SHS, West Coast Institute of Training Hospitality and Tourism Centre, and the WA Institute of Sport to watch the Jinan Acrobatic Troupe train with elite gymnasts.
- Jinan Acrobatic Troupe performed at the Joondalup Festival 2009.
- Woodvale SHS attendance at the Jinan Children's Festival in 2009.
- Woodvale SHS hosts a Delegation comprising education officials from Jinan in 2010;
- Woodvale SHS attends Jinan Children's Festival in 2010.

### **Environmental Exchange**

- Discussions between Jinan University and Edith Cowan University to establish courses and research projects.
- Development of Jinan Sister City Garden Project.
- Construction of Joondalup Garden in Jinan in the 7<sup>th</sup> China (Jinan) International Garden and Flower Expo.
- Plans to construct the Jinan Garden within the Performing Arts and Cultural Facility in Joondalup.

### **Economic Exchange**

- Visit by West Coast Institute of Training Delegation to Jinan in March 2008 followed by a Jinan Delegation visit in May 2008.
- The City's representation at the Tourism Fair in Jinan, with the Mayor and Chief Executive Officer involved in the official party for the opening.
- Visit by Joondalup Business Association President to Jinan as part of the Mayoral Delegation in September 2007 initiated the development of a Trade Desk for local businesses. The Trade Desk was launched at the Joondalup Business Centre in August 2008.

- West Coast Institute of Training Hospitality and Tourism Centre attend Jinan regularly to provide training and students from Jinan attend the Centre.
- Jinan Delegation visited West Coast Institute of Training Hospitality and Tourism Centre in 2009 and 2010.
- Joondalup Delegation led by Mayor Troy Pickard in September 2010 included official meetings with the Jinan Commerce Bureau.

The Sister City Relationship has provided significant benefits particularly for West Coast Institute of Training and Edith Cowan University and a number of initiatives have been progressed to develop cooperation in vocational education and training programs of benefit to students in Jinan and Joondalup. West Coast Institute of Training recently signed an Agreement with Jinan Vocational College to deliver WCIT information technology and financial services courses in Jinan. This Agreement builds upon the original Agreement on Co-operative Education signed in 2007 for hospitality and tourism, and Edith Cowan University continues to attract high numbers of overseas students including significant numbers from China.

At its meeting held on 17 August 2010 (*CJ139-08/10 refers*), Council resolved to inter alia:

- “1 *ACCEPT the invitation from the Jinan Municipal People’s Government to send a Delegation to Jinan to further the Sister City Relationship between the City of Joondalup and the Jinan Municipal People’s Government and to view the recently constructed Joondalup Garden;*
2. *APPROVE the attendance of the Delegation at the Better City, Better Life Expo in Shanghai for one full day en route to Jinan;”*

The Delegation’s visit to Shanghai en route to Jinan provided an opportunity for members to visit the major Shanghai Expo, *Better Cities Better Life*. The Expo included pavilions from around the world showcasing better practice in managing the challenges of urbanisation in a sustainable manner. The Expo attracted over 73 million visitors, and members of the Delegation visited pavilions from a number of countries. The Delegation was able to meet with Ms Lyndall Sachs, Commissioner General to Australia, Shanghai World Expo and was provided with a tour of the Australian Pavilion.

The Mayor also met with Mr B J Zhuang, Regional Director of the Western Australian Trade Office in China when the Delegation was in Jinan. The meeting focussed on the business ties between Western Australia and the Shandong Province (Jinan is located in the Shandong Province) and opportunities to use the Sister City Relationship between Joondalup and Jinan to create and build stronger economic ties with Jinan.

The Delegation’s visit to Jinan provided an opportunity for the City of Joondalup to significantly progress the Sister City Relationship with Jinan. The Delegation was accompanied by Mr Gao Bin, Deputy Director of Jinan Foreign Affairs Office, and the Itinerary included:

- Official welcome and banquet by Mayor Zhang Jianguo attended by officials from the Jinan Municipal People’s Government including officials who had previously visited Joondalup.
- Visits to the 7<sup>th</sup> China (Jinan) International Garden and Flower Expo which includes the Joondalup Garden.
- Visit to and meetings with representatives from the Jinan Vocational College.
- Visit to and meetings with representatives from Jinan Number 9 School.

- A meeting between the representative from Edith Cowan University and the Jinan University.
- A tour of the Long'ao Building and the Jinan Olympic Sports Centre which was only in the planning stages during the last delegation to Jinan.
- Formal meetings with the Jinan Commerce Bureau and the Urban Administrative Bureau chaired by the Secretary General, Mr Geng Jianxin to discuss opportunities for strengthening economic development exchanges, and environmental exchanges particularly in the area of waste management.
- A visit to the Public Service Hotline and the opportunity to meet and speak with workers from the Hotline.
- *Visit to the* Baotu Spring and Quancheng Square – places of great importance to the Jinan Municipal People's Government and tourist attractions.
- Farewell luncheon hosted by Mr Xu Huadong, Director of Jinan People's Congress, and attended by Mr Zhu Xinhai, Secretary General, Ms Li Min Director of Jinan Foreign Affairs Office and other high ranking officials.

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

This report includes details of the Joondalup Delegation's visit to the Shanghai Expo and to Jinan in September 2010 and opportunities to progress economic ties between Western Australia and the Shandong Province.

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

**Legislation**                      Not Applicable.

#### **Strategic Plan**

**Key Focus Area:**        This item has a general link to the Strategic Plan across the Key Focus Areas of Economic Prosperity and Growth, the Natural Environment, and Community Wellbeing.

#### **Policy**

Not Applicable.

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

Not Applicable.

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

A budget allocation of \$14,000 was allocated in the 2010/11 Budget for the Sister City Relationship. The costs associated with the Outbound Delegation including airfares, accommodation, gifts, transport, visa applications and the like was \$11,341 (excluding GST).

<b>Account No:</b>	532.A5302.3346.5003
<b>Budget Item:</b>	Jinan Sister City Relationship
<b>Budget Amount:</b>	\$14,000
<b>Amount Spent To Date:</b>	\$11,341
<b>Balance:</b>	\$ 2,659

All figures quoted in this report are exclusive of GST.

**Regional Significance:**

Ongoing discussions on opportunities for strengthening economic relationships may have regional significance.

**Sustainability Implications:**

The Sister City Relationship between the City of Joondalup and the Jinan Municipal People's Government has been developed with the intent of achieving positive social/cultural, economic, and environmental exchange opportunities.

Consultation:

Not Applicable.

**COMMENT**

The Sister City Relationship between the City of Joondalup and the Jinan Municipal People's Government commenced in 2000 with the signing of a Memorandum of Understanding on 25 July 2000. Since this time, the City has led four delegations to Jinan (2001, 2004, 2007, and 2010) to progress the Joondalup-Jinan Relationship Plan 2006 – 2016.

The Sister City Relationship has been highly successful. A number of key achievements have been delivered supporting the Relationship Plan including:

- The delivery of a three month police training program with twenty officers from the Jinan Police Bureau receiving training at the WA Police Academy in Joondalup in criminal investigation, governance and security management.
- The development of a long term Relationship Plan.
- The delivery of a six month public servant training program delivered in Joondalup for eighteen senior officers from Jinan.
- A number of business initiatives including China-Link.
- The formation of a Sister School Relationship between Woodvale Senior High School and Jinan Number 9 School.
- West Coast Institute of Training has a Sino-Australian Agreement of Co-operation with Jinan Vocational College for Hospitality and Tourism courses and has students enrolled in its Diploma of Hospitality and Tourism under an auspicing agreement. A West Coast Institute of Training lecturer visits Jinan Vocational College each year to deliver specific components of the course. Students from Jinan Vocational College attend the West Coast Institute of Training campus to enhance their studies.
- The development of the Sister City Garden Project resulted in the successful construction of the Joondalup Garden in Jinan.
- Plans to construct a Jinan Sister City Garden within the City's Performing Arts and Cultural Facility.
- A number of inbound and outbound Delegations providing opportunities for delegates to further opportunities for cultural/social, economic, and environmental exchanges.
- Preliminary discussions with the Western Australian Trade Office, China on opportunities for growing business ties and economic development, particularly related to trade and investment.

The most recent Delegation to Jinan has resulted in a significant strengthening of ties between the City of Joondalup and the Jinan Municipal People's Government including learning more about Jinan, enhancing friendships, communication, cultural awareness, cooperation, and developing partnership opportunities particularly in the area of economic development.

The most recent Delegation has resulted in a clear recognition from both parties for the need to advance the relationship and build on and enhance economic opportunities particularly related to trade and investment, and agreement for both Cities to exchange information on economic development and waste management approaches.

Discussions have been held with Mr B J Zhuang, Regional Director of the Western Australian Trade Office in China on the possibility of the City of Joondalup working with the Western Australian Government to facilitate a Sister City Relationship between Western Australia and the Shandong Province. The discussions, at this stage, are preliminary and Mr Zhuang has highlighted the importance of the relationship between Jinan and Joondalup in terms of trade and investment and has suggested that discussions are progressed with the Department of State Development's International Trade and Investment section.

Preliminary discussions have also been held on research opportunities in partnership with Edith Cowan University within the next 12 months for local Joondalup businesses to engage with Chinese businesses in the Shandong Province particularly in relation to the export of expertise and consulting in the areas of finance, insurance, education, waste management, environment, and service industries particularly aged care.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

### **That Council:**

- 1       NOTES the report on the City of Joondalup Delegations visit to the Shanghai Expo and Jinan in September 2010;**
- 2       SUPPORTS the ongoing development of the Sister City Relationship with Jinan including ongoing discussions with the Department of State Development encouraging the development of a Sister City Relationship between the State Government and the Shandong Province;**
- 3       AGREES to incorporate the Jinan Garden in the design of the City's Performing Arts and Cultural Facility.**

<b>Name/Position</b>	<b>Cr Geoff Amphlett</b>
<b>Item No/Subject</b>	CJ218-12/10 – Small Business Centre North West Metro - Request for Funding 2010/11
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Amphlett is the Chair of the Joondalup Business Centre

<b>Name/Position</b>	<b>Cr Tom McLean</b>
<b>Item No/Subject</b>	CJ218-12/10 – Small Business Centre North West Metro - Request for Funding 2010/11
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr McLean is a board member of the Small Business Centre

## **CJ218-12/10      SMALL BUSINESS CENTRE NORTH WEST METRO REQUEST FOR FUNDING 2010/11**

**WARD:** All

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

**FILE NUMBER:** 35563, 43458

**ATTACHMENTS:** Attachment 1 Small Business Centre North West Metro Annual Report 2009/10  
Attachment 2 Small Business Centre North West Metro Service Delivery Plan 2010/11

### **PURPOSE**

To consider funding support for the Small Business Centre (North West Metro) Inc for the 2010/11 financial year.

### **EXECUTIVE SUMMARY**

The Small Business Centre (North West Metro) Inc (SBCNWM) had a three year Agreement to 2009/10 with the Cities of Joondalup and Wanneroo and the Small Business Development Corporation (SBDC). The SBDC provided 52% of the funding and the Cities of Joondalup and Wanneroo each contributed 24% of the funding for the SBCNWM. The Agreement expired on 30 June 2010, and the SBCNWM has provided the City with its Annual Report and Audited Accounts for 2009/10, as required by the Agreement of 2007/10.

The Small Business Centre (North West Metro) Inc is also seeking funding support from the City for the current financial year (2010/11). The Centre has provided the City with a Service Delivery Plan for the period 1 July 2010 to 30 June 2011 setting out Key Performance Indicators and monthly and quarterly targets for 2010/11.

A triennial funding agreement between the Small Business Centre (North West Metro) Inc and the Small Business Development Corporation has been agreed to and signed for the period 1 July 2010 to 30 June 2013. Under this agreement the SBCNWM will receive \$130,381 (excluding GST) from the SBDC. The City of Joondalup has received a request for funding for 2010/11 of \$59,799.94 (excluding GST). A request for the same amount has been provided to the City of Wanneroo.



At its meeting held on 15 December 2009 (*Item CJ271 – 12/09 refers*), Council agreed to initiate, in partnership with the City of Wanneroo and the SBDC, a review of funding options for the provision of small business services to the North West Corridor for beyond June 2010. This review has been undertaken and has resulted in discussions on the option of locating the SBCNWM in the ECU Business and Innovation Centre to create a synergy between small business organisations and allow a consolidation of services and advice to small business in the one location.

From 1 July 2011, Edith Cowan University will take over the Joondalup Business Centre located at 15 Barron Parade Joondalup and develop it into the ECU Business and Innovation Centre. The Centre will focus on the commercialisation of ECU's research activities as well as the incubation of small business.

## BACKGROUND

The City of Joondalup first entered into an agreement in 2004 to fund the Small Business Centre (North West Metro) Inc from 2004 to 2007. At its meeting held on 27 February 2007, (*Item CJ005-02/07- Funding Support for the Small Business Centre (North West Metro) Inc refers*), Council resolved as follows:

- “1 *NOTES the Annual Report submitted by the Small Business Centre (North West Metro) Inc. for the financial year July 2006 to June 2007;*
- 2 *ENDORSES the Small Business Centre Business Plan (1 July 2007 – 30 June 2010) submitted by the Small Business Centre (North West Metro) Inc forming Attachment 2 to Report CJ009-02/08;*
- 3 *AGREES to contribute \$55,000 net GST to the Small Business Centre (North West Metro) Inc. for the 2007/08 financial year to support small business development within the City of Joondalup, subject to an annual review in accordance with the approved business plan;*
- 4 *REQUIRES the Small Business Centre (North West Metro) Inc. to submit annual reviews of its achievements against the Business Plan for the 2007/08, 2008/09 and 2009/10 financial years;*
- 5 *AGREES to contribute funding to the Small Business Centre (North West Metro) Inc. for the 2008/09 and 2009/10 financial years SUBJECT to an annual review to the Chief Executive Officer's satisfaction. Assuming satisfaction the funding for 2008/09 will be \$55,000 net GST plus CPI (for 2007/08) and for 2009/10 will be the 2008/09 amount plus CPI (for 2008/09);*
- 6 *REQUIRES the Small Business Centre to recognise the sponsorship of the City of Joondalup, City of Wanneroo and the Small Business Development Centre on all of its marketing documentation.”*

The City of Joondalup signed a Letter of Agreement with the Small Business Centre (North West Metro) Inc on 27 March 2008 outlining the terms and conditions for the provision of a financial grant paid in three annual instalments to assist the delivery of small business support services as outlined in the Small Business Centre (North West Metro) Business Plan 2007 to 2010.

The Agreement expired in 2009/10 and was subject to annual reviews demonstrating the performance of the Centre in accordance with the Centre's Business Plan to the satisfaction of the Chief Executive Officer.

At its meeting held on 15 December 2009, (*Item CJ271-12/09 Funding Support for the Small Business Centre (North West Metro) Inc refers*), Council resolved as follows:

- “1 *NOTES the Annual Report submitted by the Small Business Centre (North West Metro) Inc. for the financial year July 2008 to June 2009 forming Attachment 1 to Report CJ271 - 12/09;*
- 2 *AGREES to contribute \$57,772 to the Small Business Centre (North West Metro) Inc. for the 2009/10 financial year to support small business development within the City of Joondalup;*
- 3 *AGREES that as this is the last year of the three year Agreement with the Small Business Centre the City will initiate in the first quarter of 2010, in partnership with the City of Wanneroo and the Small Business Development Corporation, a review of funding options for the provision of small business services to the North West Corridor for beyond 30 June 2010.”*

The payments made by the City under the three year Agreement, commencing 1 July 2007 through to 30 June 2010, are detailed below.

<b>Financial Year</b>	<b>Conditions of Funding</b>	<b>Amount Paid (excluding GST)</b>
2007/08	Letter of Agreement	\$ 55,000
2008/09	Annual report for 2007/08 to the satisfaction of the Chief Executive Officer	\$ 56,980
2009/10	Annual report for 2008/09 to the satisfaction of the Chief Executive Officer	\$ 57,772
<b>Total</b>		<b>\$169,752</b>

The SBCNWM has historically held three year agreements for funding with the SBDC. The SBDC provided 52% of the funding for the Small Business Centre and the Cities of Joondalup and Wanneroo have each contributed 24% of the funding for the Centre for the period 2007/10.

## DETAILS

The SBCNWM has provided the City, as per the Agreement 2007 - 2010, with its Annual Report and Audited Accounts for 2009/10 along with the request for funding of \$59,799.94 (excluding GST) for 2010/11. A request for the same amount has been provided to the City of Wanneroo. The table below summarises the funding requested by the SBCNWM 2010/11 from the Cities of Joondalup and Wanneroo, and the SBDC.

<b>Organisation</b>	<b>Funding Requested</b>	<b>%</b>
Small Business Development Corporation	\$130,381.00	52%
City of Wanneroo	\$ 59,799.94	24%
City of Joondalup	\$ 59,799.94	24%
<b>Total</b>	<b>\$249,980.88</b>	<b>100%</b>

The SBCNWM has also provided the City with a Service Delivery Plan 2010/11. The same Service Delivery Plan has been formally accepted by the SBDC as part of the contractual requirements for funding. The *Service Delivery Plan 2010 – 2011* is shown as Attachment 2.

The focus for the 2010/11 Service Delivery Plan is to work with existing business and assist them to expand or maintain their market presence. The SBCNWM will work with local stakeholders to promote, encourage and support the economic development of the region by facilitating the establishment of small businesses and supporting their ongoing growth.

The table below summarises the Key Performance Indicators and 2010/11 targets outlined in the Service Delivery Plan 2010/11. These are the same Key Performance Indicators agreed to and included in the contract between the SBCNWM and the SBDC.

Statistic Type	Definition	2010/11 Target	
		Annual	Monthly
New Businesses Assists (>30 mins )	Means an in depth appointment, onsite visit, email exchange or telephone session of not less than 30 minutes duration, involving a comprehensive exchange of information with those clients intending to commence in business or self employment and those clients operating a newly established business (less than six months in business)	381	32
New Businesses Assists (<30 mins )	As above but of a duration less than 30 minutes.	787	66
Existing Business Assists (>30 mins)	Means an in depth appointment, onsite visit, email exchange or telephone session of not less than 30 minutes duration, involving a comprehensive exchange of information with those clients with an existing business seeking assistance to survive, expand, export, diversify or consolidate.	217	18
Existing Business Assists (<30 mins)	As above but of a duration less than 30 minutes.	581	49
New Business Start Ups	Means the number of new businesses that actually commenced following input from the Centre.	122	11
Jobs Created	Means the number of jobs (FTE and PTE) that are created by clients following input from the Centre.	244	21
Workshop/seminar Participants	Means the number of participants who have attended a workshop or seminar conducted or co-hosted by the Centre.	195	17

#### Issues and options considered:

The SBCNWM has provided the City, as per the 2007/10 Agreement, with its Annual Report and Audited Accounts for 2009/10 shown as *Attachment 1*. The financial statements for 2009/10 indicate a retained profit (Total Assets minus Total Liabilities) of \$140,811.82 to 30 June 2010.

The table below summarises the Key Performance Indicators and outcomes achieved by the SBCNWM in 2009/2010. The Small Business Centre has exceeded the contracted targets in workshop participants, jobs created and short duration sessions however new and existing business client sessions and new business start ups have been below the 2009/10 targets established in the 2009/10 Service Delivery Plan.

Type of Statistic	Forecast for 2009/10	Actual 2009/10	% Achieved Against Annual Target
New Business Client Sessions 30 Mins+	370	307	83%
Existing Business Client Sessions 30 Mins+	240	143	60%
Short Duration Sessions <30 Mins	1200	1627	136%
New Business Start-ups	140	130	93%
Jobs Created	360	502	139%
Workshop Participants	210	971	462%

*Source: Annual Report Small Business Centre North West Metro 2009/10.*

The Small Business Centre North West Metro Annual Report 2009/10 and audited financial statements were a requirement of the previous funding Agreement which expired on 30 June 2010.

The SBCNWM has requested further funding for 2010/11, and has provided a Service Delivery Plan outlining core services to be delivered and Key Performance Indicators with targets.

The core services of the SBCNWM, as outlined in the Service Delivery Plan 2010/11 will continue to focus on supporting and facilitating small business development on a free-of-charge basis. As outlined in the Service Delivery Plan, this will be achieved by assisting new and existing small businesses with practical assistance on range of business related issues including:

- Practical business coaching
- Reference to Specialist Advisors;
- Assistance with accessing Government Departments and regulations;
- Marketing;
- Financial management;
- Legal structures,
- Business licences;
- Business planning.

The Service Delivery Plan 2010/11 sets out a number of objectives and activities for the SBCNWM including the following:

- Provision of free or low cost business seminars aimed at clients who want to establish businesses, or newly established businesses.
- Provision of and increased number of low cost training services to assist existing business operators to sustain and grow their business.

- Working closely with the Cities of Joondalup and Wanneroo, Edith Cowan University, West Coast Institute of Training, Government Departments, Industry Associations, Developers, Registered Training Organisations, and High Schools to support the planning and provision of personal and business development opportunities within the Region.
- Continue to work with and liaise with the Economic Development Teams in the City of Joondalup and City of Wanneroo to foster high performing industries targeted in the Cities respective Economic Development Plans.

The Service Delivery Plan outlines the following expected outcomes for 2010/11:

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

It should be noted that at the SBCNWM Board meeting held on 24 November 2010 a presentation was made to members on *“Strategies and Ideas for Generating Extra Income for Your Centre”*. One of the ideas submitted for the Board's consideration related to the introduction of a financial model based on fee-for-service. The Board voted unanimously against the proposal. The adoption of any fee model is at the discretion of the SBCNWM Board, and is likely to be substantiated by a business case aimed at improvements to the Centre's self-sufficiency. It is appropriate at this time to simply note the information, and should the Board give the matter serious consideration in the future, it be taken into account when the City receives its future annual funding request from the SBCNWM.

The Service Delivery Plan 2010/11 highlights that services will continue to be provided on an equitable basis between the Cities of Joondalup and Wanneroo. The SBCNWM services are currently delivered to the North West Metro Region through offices in Enterprise House (Wanneroo) and Lakeside Drive (Joondalup). Funding provided by the City of Joondalup enables Joondalup to have its own dedicated full-time Centre Manager.

The Small Business Centre North West Metro in Joondalup is currently located at 4/189 Lakeside Drive and is shared with Joondalup Business Association and *Employfast* (a division of the Chamber of Commerce and Industry) The lease is on a month by month basis.

At its meeting held on 15 December 2009, Council agreed that the City would initiate, in partnership with the City of Wanneroo and the Small Business Development Corporation, a review of funding options for the provision of small business services to the North West Corridor beyond 30 June 2010. That review has been undertaken and funding support for the SBCNWM is supported for 2010/11 in accordance with the Service Delivery Plan 2010/11 and subject to receipt of quarterly progress reports, and an Annual Report for 2010/11. The review resulted in discussions with ECU on the option of the Joondalup SBCNWM Office relocating to the ECU Business and Innovation Centre when the Centre is operational. The Joondalup Business Centre is currently fully tenanted with a waiting list.

From 1 July 2011, Edith Cowan University will take over the Joondalup Business Centre located at 15 Barron Parade Joondalup and develop it into the ECU Business and Innovation Centre. The Centre will focus on the commercialisation of ECU's research activities as well as the incubation of small business. The future location of the SBCNWM in this facility would create a synergy between small business organisations and allow a consolidation of services and advice to small business in the one location.

The SBCNWM provides practical, free advice and support to new and existing business in the areas of business planning, coaching, workshops, marketing and financial management.

The State Government funded Business Growth Centre initiative has its main office located in Wise Street Joondalup which is within 150 metres from Joondalup Business Centre. The Business Growth Centre also delivers tailored programs for existing small business which are designed to enhance the business skills, profitability and growth. The program delivers one-on-one coaching in the workplace, skills recognition and tailored training events specifically for small business needs. The success and longevity of a new business is closely associated with the ability to access timely advice and support and the location of key small business organisations in close physical proximity will enhance small business growth in the area.

Whilst the initial assessment indicates that there are significant strategic and environmental benefits of relocating to the Joondalup Business Centre, it is considered prudent that the SBCNMW be requested to undertake an economic analysis related to the option of relocating to the Joondalup Business Centre.

Such an analysis is considered necessary to ensure that the SBCNMW Board and funding partners can assess the economic advantages of relocation and be assured there is no significant financial disadvantage to the proposal, in an open and transparent manner.

The economic analysis might comprise, but not be limited to:

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

As the analysis requires discussion and negotiation with ECU the assessment needs to be led by the SBCNMW. The City is advised that whilst ECU does not take over the Joondalup Business Centre until 1 July 2011, it is able to discuss and set plans for the centre but there is unable to be any formal documentation. Ahead of 1 July, ECU will review tenancies and set rates so that lease agreements will be established as at 1 July. ECU tenants cannot move in ahead of 1 July as the ECU Business and Innovation Centre does not exist legally until this time.

It is therefore proposed that the SBCNMW Board be requested to undertake an economic analysis of the option to relocate to the ECU Business and Innovation Centre from 1 July 2011, and submit a report to the City of Joondalup on its findings by 31 March 2011.

*A report on the analysis would be reported to the Council in April/May 2011.*

It is considered that such an analysis may highlight economic issues that require further assessment by the SBCNWM's funding partners, and any requirement to negotiate future ongoing financial commitments.

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

### **Strategic Plan**

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

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

**Policy:**

**Economic Development** - To support local and regional economic development.

**Risk Management considerations:**

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

**Financial/Budget Implications:**

<b>Account No:</b>	532 A5302 3291 0000
<b>Budget Item:</b>	Request for funding Small Business Centre North West Metro
<b>Budget Amount:</b>	\$60,000.00
<b>Amount Spent To Date:</b>	\$ 0
<b>Proposed Cost:</b>	\$59,799.94
<b>Balance:</b>	\$ 200.06

All figures quoted in this report are exclusive of GST.

**Regional Significance:**

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

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

**Sustainability implications:**

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

**Consultation:**

The City has consulted with ECU, the City of Wanneroo and the SBDC and advised the SBCNWM of the City's intent.

**COMMENT**

The performance of the Small Business Centre North West Metro to date has generally been in line with agreed targets. There has, however been a high turnover of staff and the Centre Manager has resigned. The SBCNWM Centre has employed five Centre Managers since the 2007 Agreement commenced and recruitment has just been completed to fill this position for the sixth time since 2007. The New Centre Manager commenced work on 27 October 2010.

Despite the high turnover of Centre Managers, the performance of the Small Business Centre is meeting most agreed outcomes. The net results show that in the financial year to June 2010 502 jobs were created in the region, and the Small Business Centre has exceeded the contracted targets in workshop participants, jobs created and short duration sessions. The Centre did not achieve the target of existing business client sessions (60%) due to the disruptions in staffing levels.

The Annual Report for 2009/10 demonstrates the value of the SBCNWM to the North West region through:

- 2,077 business supported by the Centre (made up of 307 new business interviews, 143 existing business interviews, 1,627 short sessions);
- 130 new Business start-ups following input from the Small Business Centre;
- 502 jobs created in the region;
- 971 workshop participants.

A summary of the contributions of the SBCNWM to new business start up and job creation for the northwest corridor demonstrates that since 2006/07, over 500 small businesses have started up leading to the creation of 1,249 jobs.

<b>Year</b>	<b>New Business Start Ups</b>	<b>New Jobs Created</b>
2006/07	190	273
2007/08	75	119
2008/09	137	355
2009/10	130	502
<b>Total</b>	<b>532</b>	<b>1249</b>

The financial statements indicate cash assets of \$135,990.82 as at 30 June 2010, however the SBCNWM notes that it is necessary to hold a reserve fund to cover costs whilst waiting for funding from the Small Business Development Corporation (usually received in September, three months into the financial year), and funding from the Cities of Wanneroo and Joondalup which is usually received in January. The SBCNWM received funding from SBDC for the 2010/11 financial year in November 2010..

The connections the SBCNWM has with the small business community provides the City with an opportunity to support local businesses through the funding provided and to realise some of the objectives of the City's Economic Development Plan 2007/11 in terms of supporting the establishment of new small businesses, the growth of existing small businesses, and the growth of local employment opportunities.

A strong and diverse small business sector underpins the economic sustainability, job creation and employment self sufficiency of the region. The City of Joondalup has 13,401 registered businesses of which 97% or 13,083 are defined as small business employing less than 20 people. The support of the SBCNMW provides an avenue through which the small business sector has access to services and assistance to encourage its growth and strength.



## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

That Council:

- 1 **NOTES** the Annual Report submitted by the Small Business Centre (North West Metro) Inc. for 2009/10;
- 2 **ENDORSES** the 2010/11 Small Business Centre (North West Metro) Inc. Service Delivery Plan;
- 3 **AGREES** to contribute \$59,799.94 (excluding GST) to the Small Business Centre (North West Metro) Inc. for 2010/11 to support small business growth and development within the City of Joondalup;
- 4 **SUPPORTS** in principle the relocation of the Small Business Centre (North West Metro) Inc. to the ECU Business and Innovation Centre from 1 July 2011;
- 5 **REQUESTS** the Small Business Centre (North West Metro) Inc. undertake an economic analysis of relocating to the ECU Business and Innovation Centre from 1 July 2011, and submits a report to the City of Joondalup on its findings by 31 March 2011, incorporating, but not be limited to:
  - 5.1 A financial analysis of the options, including an assessment of rental costs and outgoings; projected revenues; human resource requirements, and the like;
  - 5.2 A cost-effectiveness analysis of the options;
  - 5.3 An assessment of risk and sensitivities of the options;
  - 5.4 An assessment of the social and environmental impact of the options;
- 6 **REQUESTS** a report be submitted to Council in April/May 2011 in relation to the economic analysis undertaken in part 5 above;
- 7 **AGREES** in principle to contribute \$60,000 (excluding GST) to the Small Business Centre (North West Metro) Inc. for 2011/12, subject to:
  - 7.1 consideration of the report in part 6 above and a determination of the location of the Small Business Centre (North West Metro) Inc. and any future funding requirements;
  - 7.2 a satisfactory review of the 2010/11 Service Delivery Plan by the Chief Executive Officer;
  - 7.3 the provision of a 2011/12 Service Delivery Plan;
  - 7.4 the provision of audited financial statements for 2010/11;

- 7.5 the Small Business Centre (North West Metro) Inc. recognising the sponsorship of the City of Joondalup, City of Wanneroo and Small Business Development Corporation on all of its marketing documentation;
- 8 AGREES in principle to contribute \$60,000 (excluding GST) to the Small Business Centre (North West Metro) Inc. for 2012/13, subject to:
- 8.1 a satisfactory review of the 2011/12 Service Delivery Plan by the Chief Executive Officer;
- 8.2 the provision of a 2012/13 Service Delivery Plan;
- 8.3 the provision of audited financial statements for 2011/12;
- 8.4 the Small Business Centre (North West Metro) Inc. recognising the sponsorship of the City of Joondalup, City of Wanneroo and Small Business Development Corporation on all of its marketing documentation;
- 9 REQUESTS that the Small Business Centre (North West Metro) Inc. commit to ensuring that the presence at its Joondalup Office be maintained, at a minimum to its current level, for the funding period;
- 10 ADVISES the Small Business Development Corporation and City of Wanneroo of the Council's decision in Parts 1 to 9 above.

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf071210.pdf](#)*

<b>Name/Position</b>	<b>Mr Garry Hunt</b>
<b>Item No/Subject</b>	CJ219-12/10 – West Perth Football Club Inc., Sponsorship Proposal
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	A relative of Mr Hunt is a West Perth Football Player.

## **CJ219-12/10      WEST      PERTH      FOOTBALL      CLUB      INC. SPONSORSHIP PROPOSAL**

**WARD:** All

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

**FILE NUMBER:** 05005

**ATTACHMENTS:** Attachment 1 West Perth Sponsorship Proposal and Benefits  
Attachment 2 Logo on Team apparel  
Attachment 3 Signage locations at Arena Joondalup

### **PURPOSE**

To consider a request by the West Perth Football Club Inc. (the Club) for the City to continue its sponsorship of the Club and to increase the funding from \$20,000 (excluding GST) to \$25,000 (excluding GST) per annum for the next five years (2011-15).

### **EXECUTIVE SUMMARY**

For the past five years (2006/10), the City has sponsored the West Perth Football Club Inc. \$20,000 (excluding GST) per annum to support the Club's regional development of Australian Rules football within the City. As part of the sponsorship agreement, the City also received a number of marketing and promotional benefits as one of the Club's major sponsors.

The City's sponsorship over the past five years has been crucial to the operational viability of the Club.

In its August 2010 sponsorship application, West Perth Football Club Inc. asked for a new sponsorship agreement with a "modest increase" in funding over the next five years as a result of the Club's increased contribution to the community through junior football development programs.

The Club does run a significant number of community-based junior football development programs for local football clubs and primary and secondary schools in the region, which is detailed in the attached West Perth Football Club Inc. sponsorship proposal.

The West Perth District Zone in the northern suburbs encompasses much of the two local government areas of Joondalup and Wanneroo and the Club is heavily involved with the development of the Joondalup/Kinross, Edgewater/Woodvale, Ocean Ridge and Whitfords Junior Football Clubs and others from the Wanneroo locality.

One ongoing issue during the previous sponsorship agreement (2006/10) was the reluctance of the Club to change its name to the Joondalup Falcons.

As part of the sponsorship agreement, the Club agreed to consider a name change to better reflect the Club's "home base" but this issue was frequently met with significant opposition from individual members of the Club's board and its supporters.

West Perth Football Club Inc. has publicly stated that it requires a formal proposal or business case that provides a significant financial incentive for the Club to seriously consider a name change.

With the 2010 football season now complete and given the promotional and marketing benefits available to the City coupled with the number of junior football programs the Club runs in the community, it is recommended that the City considers sponsorship support for West Perth Football Club Inc. for the 2011/13 seasons, inclusive.

Three years is more in keeping with the City's current sponsorship agreements with other organisations. West Perth Football Club Inc. is a high-profile sporting organisation and can provide excellent marketing opportunities to promote the City and its services and programs.

*It is recommended that Council:*

- 1 *AGREES to the West Perth Football Club Inc. sponsorship proposal as detailed in Attachment 1 to Report CJ219-12/10 for a three year period commencing in 2011 to 2013 at a cost of \$25,000 (excluding GST) per annum subject to:*
  - 1.1 *annual reviews being undertaken by the City to ensure enhanced community development opportunities and promotional benefits are being maximised;*
  - 1.2 *West Perth Football Club Inc. remaining within the City of Joondalup;*
- 2 *NOTES the expenditure as detailed in Part 1 above being sourced from the City's Sponsorship Budget.*

## **BACKGROUND**

West Perth Football Club Inc., established in 1885, relocated from its home at Leederville Oval to Arena Joondalup in 1994. Its tenure at the Arena, which is owned by the State Government and managed by VenuesWest, is a different situation compared with the other eight West Australian Football League (WAFL) clubs. All other clubs in the WAFL have exclusive-use arrangements (mostly facility leases) with their Local Government authorities.

Since October 2001, the City has been involved in ongoing negotiations between West Perth Football Club Inc. and VenuesWest, the owner of Arena Joondalup, regarding tenure arrangements and opportunities for the City to provide assistance to the Club.

Since 2001, the City has provided ongoing support to the Club, initially through the community sports development funding program between 2001 and 2005.

The 2006/10 sponsorship agreement was designed to provide West Perth Football Club Inc. with longevity in the Joondalup region and financial assistance to ensure the Club strengthened its community and business partnerships.

Over the past five years of the previous sponsorship agreement, the City and West Perth Football Club Inc. have enjoyed a good working relationship.

The Club has also supported the City's Rates Prize Draw during that time, contributing free Platinum Memberships as part of prize packs.

Other local district sporting clubs such as the Joondalup Districts Cricket Club, Sorrento Soccer Club, Joondalup Brothers Rugby Union Club and Joondalup District Rugby League Club all use City owned facilities and parks and reserves, which are subsidised and maintained by the City.

As the West Perth Football Club Inc.'s home ground is based at Arena Joondalup, which is not owned by the City, it does not receive the same benefits.

Since 2006, the Club has not been eligible for any of the City's funding programs as a result of its sponsorship agreement with the City.

## **DETAILS**

The new sponsorship proposal submitted by the West Perth Football Club Inc. offers similar benefits to the City as the 2006/10 agreement but with more opportunities for the City to promote its services through the Club's many community programs and events.

West Perth Football Club Inc. has the potential to offer more to a prospective sponsor than all other sporting clubs in the Joondalup region through its ability to provide television, radio and print media exposure. The Club also regularly attracts more than 2,000 spectators to its home games at Arena Joondalup.

A copy of the sponsorship application is attached as is a list of benefits the City would receive if it continued to be a major sponsor of West Perth Football Club Inc. (as detailed in Attachment 1).

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

The following options are available to the City in assessing the new sponsorship application from West Perth Football Club Inc.:

- Option 1 To sponsor West Perth Football Club Inc. for a three year period at \$25,000 (excluding GST), per annum with regular reviews of the partnership agreement during every season to optimise promotional and marketing benefits.

This is the preferred option as three year periods are the preferred length of time for City sponsorship agreements and the West Perth Football Club Inc. proposal does provide many promotional and marketing benefits to the City as detailed in Attachment 1.

- Option 2 Support the sponsorship proposal from West Perth Football Club Inc. as presented for \$25,000 (excluding GST), for a five year period, with regular reviews of the partnership agreement during every season to optimise promotional and marketing benefits.

A five year agreement locks the City into a long term sponsorship arrangement, which is not ideal as it restricts the City's options if circumstances change for either party.

- Option 3 Look at other funding alternatives to provide financial assistance to West Perth Football Club Inc. to ensure the Club's long-term future in the City of Joondalup.

The Club could apply for funding under the City's Sports Development Program, which is designed to assist district level sporting clubs with programs, projects and events. This funding is only available to clubs every two years and will not meet the needs of West Perth Football Club Inc., which is seeking an annual financial contribution from the City.

Option 4 To reject the sponsorship proposal from the West Perth Football Club Inc. or propose a sponsorship amount less than that requested.

Not a preferred option as the Club is a significant and important organisation within the structure of sport and recreation in the City. West Perth Football Club Inc. runs a significant number of community based junior football development programs for local football clubs and primary and secondary schools.

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

**Legislation**

Not Applicable.

**Strategic Plan**

**Key Focus Area:** Community Wellbeing

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

**Strategies:** The City provides high-quality recreation facilities and programs

**Policy:**

The City's approach to sponsorship is to ensure a coordinated approach towards the development of agreements that aim to maximise benefits and create effective partnerships.

Sponsorship is a mutually beneficial commercial partnership involving financial or in-kind investments made in return for marketing and promotional benefits. The proposal from West Perth Football Club Inc. meets these requirements as the City will receive a range of benefits in return for its financial contribution to the Club.

**Risk Management considerations:**

There are a number of potential risks that need to be considered with regards this sponsorship application.

The City has a range of district level clubs that play a management role in the development of sport within the region and continuing a sponsorship agreement with West Perth Football Club Inc. could result in an increased number of sponsorship proposals from sporting clubs in the City.

However, as noted previously in this report, a majority of these district level sporting clubs currently receive a significant level of support from City through annual ground maintenance and the subsidised use of parks and community facilities.

West Perth Football Club Inc. is an important organisation within the structure of sport and recreation in the City and if the Club made a decision to relocate to a facility outside of Joondalup this would likely result in negative publicity for the City and would also impact negatively on the development of Australian Rules Football in the region.

**Financial/Budget Implications:**

<b>Account No:</b>	1.524.A5204.3293.0000
<b>Budget Item:</b>	Sponsorship
<b>Budget Amount:</b>	\$150,000
<b>Amount Spent To Date:</b>	\$116,500
<b>Proposed Cost:</b>	\$ 25,000
<b>Balance:</b>	\$ 8,500

**Regional Significance:**

West Perth Football Club Inc. is one of the highest profile community sporting organisations based within the City of Joondalup.

West Perth Football Club Inc. undertakes many junior programs that have considerable regional significance and the Club have been vested with the responsibility of developing Australian Rules Football within the area.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

West Perth Football Club Inc. has a strong membership base in the northern corridor of Perth and advanced junior development programs in the northern suburbs.

The sponsorship proposal submitted is an opportunity for the City to provide financial support to the Club, in return for a range of marketing and promotional benefits.

As part of the new sponsorship agreement, West Perth Football Club Inc. will provide the City with a range of benefits and new opportunities like using the Club's junior development and promotional days as vehicles to advertise the City's many community programs, services and events.

Any sponsorship agreement would provide the Club with a degree of financial stability and assist its role as the organisation responsible for the regional development of football in the City of Joondalup.

If the sponsorship proposal was endorsed, the City would receive a range of benefits that enhanced the development of the sport within the region, provide a positive image of the City and its ability to provide assistance to regionally significant sporting organisations and help to promote Joondalup as an attractive destination.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 AGREES to the West Perth Football Club Inc. sponsorship proposal forming Attachment 1 to Report CJ219-12/10 for a three year period commencing in 2011 to 2013 at a cost of \$25,000 (excluding GST) per annum subject to:**
  - 1.1 annual reviews being undertaken by the City to ensure enhanced community development opportunities and promotional benefits are being maximised;**
  - 1.2 West Perth Football Club Inc. remaining within the City of Joondalup;**
- 2 NOTES the expenditure as detailed in part 1 above being sourced from the City's Sponsorship Budget.**

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf071210.pdf](#)*



**CJ220-12/10      MINUTES OF POLICY COMMITTEE MEETING HELD  
ON 23 NOVEMBER 2010**

<b>WARD:</b>	All
<b>RESPONSIBLE</b>	Mr Jamie Parry, Director Governance and Strategy
<b>FILE NUMBER:</b>	26176, 06009, 18058, 49523, 29136
<b>ATTACHMENTS:</b>	Attachment 1    Minutes of Policy Committee Meeting held on 23 November 2010 Attachment 2    Amended Draft Streetlight Shading Policy Attachment 3    Amended Draft Dedicated Car Parking for Parents with Prams Policy

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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 23 November 2010 to consider the following matters:

- Item 1    Setting of Meeting Dates – 2011.
- Item 2    Draft Streetlight Shade Policy.
- Item 3    Draft Dedicated Car Parking for Parents with Prams Policy.

**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 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 23 November 2010 are shown below, together with officer's comments:

#### **Item 1      Setting of Meeting Dates – 2011**

The following motion was carried:

*“That the Policy Committee APPROVES the following meeting dates for 2011:*

*6.00pm on Monday, 7 February 2011;  
6.00pm on Monday, 9 May 2011;  
6.00pm on Monday, 8 August 2011;  
6.00pm on Monday, 14 November 2011.”*

#### Officer's Comment

No further comment required.

#### **Item 2      Draft Streetlight Shade Policy**

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

*“That the Policy Committee RECOMMENDS that Council ADOPTS the Draft Streetlight Shading Policy as detailed in Attachment 1 to this Report.”*

The following motion was carried:

*“That the Policy Committee RECOMMENDS that Council ADOPTS the amended Draft Streetlight Shading Policy as detailed in Attachment 1 to this Report.”*

#### Officer's Comment

The change to the draft policy reflects the reduced cost of installation and the preference that applicants contribute and is support by the Officers.

#### **Item 3      Draft Dedicated Car Parking for Parents with Prams Policy**

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

*“That the Policy Committee RECOMMENDS that Council ADOPTS the Draft Dedicated Car Parking For Parents With Prams Policy as detailed in Attachment 1 to this Report.”*

The following motion was carried:

*“That the Policy Committee RECOMMENDS that Council ADOPTS the amended Draft Dedicated Car Parking for Parents with Prams Policy as detailed in Attachment 1 to this Report.”*

Officer's Comment

The changes to the draft policy reflect a preference that dedicated car parking be provided for seniors as well as parents with prams and that this parking be provided at selected City community facilities but not at City car parks. The changes are supported.

**REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION**

Nil.

**Legislation/Strategic Plan/Policy Implications**

**Legislation** Not Applicable.

**Strategic Plan**

**Key Focus Area:** Leadership and Governance

**Objective:** To lead and manage the City effectively.

**Policy**

As detailed in this Report.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**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.

**VOTING REQUIREMENTS**

Simple Majority

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

- 1**      **NOTES** the unconfirmed minutes of the Policy Committee meeting held on 23 November 2010, forming Attachment 1 to Report CJ220-12/10;
- 2**      **ADOPTS** the:
  - 2.1**      **Amended Draft Streetlight Shading Policy** forming Attachment 2 to Report CJ220-12/10;
  - 2.2**      **Amended Draft Dedicated Car Parking for Parents with Prams Policy** forming Attachment 3 to Report CJ220-12/10.

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf071210.pdf](#)*

**CJ221-12/10      STATUS OF PETITIONS****WARD:** All**RESPONSIBLE:** Mr Jamie Parry, Director Governance and Strategy**FILE NUMBER:** 05386**ATTACHMENTS:** Attachment 1    Status of Petitions    -    20    April    2010    to  
16 November 2010

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**PURPOSE/EXECUTIVE SUMMARY**

To advise Council of the status of outstanding petitions received during the period 20 April 2010 to 16 November 2010.

**BACKGROUND**

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

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

Attachment 1 provides a list of all outstanding petitions received during the period 20 April 2010 to 16 November 2010, with a comment on the status of each petition.

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

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

**"22. Petitions**

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

**Strategic Plan:**

Objective: 1.2 To engage proactively with the community.

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

**Policy Implications:**

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

**Risk Management considerations:**

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

**Financial/Budget Implications:**

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

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

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

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

**That Council:**

### **1 NOTES:**

- 1.1 The status of outstanding petitions submitted to Council during the period 20 April 2010 to 16 November 2010, forming Attachment 1 to Report CJ221-12/10;
- 1.2 That the petition in support of extending the dog beach to the south only, utilising the Nodes car park for dog owners and not closing the Whitfords Horse Beach was considered as part of the Draft Beach Management Plan Report presented to the Council Meeting held on 21 September 2010 (CJ158-09/10 refers);
- 1.3 That the petition requesting the closure of the laneway between Barbados Turn and Amalfi Drive, Hillarys to address traffic and pedestrian concerns associated with the laneway was considered at the Council Meeting held on 19 October 2010 (CJ183-10/10 refers);
- 1.4 That the petition requesting that the Springfield Markets in Kallaroo become a weekly market was considered at the Council Meeting held on 19 October 2010 (CJ165-10/10 refers);

### **2 NOTES that reports on the following petitions will be presented to Council at its meeting to be held on 14 December 2010;**

- 2.1 Petition objecting to the construction of a skate park at Mirror Park, Ocean Reef;
- 2.2 Petition in relation to the disused material at the front of a property in Periwinkle Road;
- 2.3 Petition requesting that Council takes immediate action to resolve the longstanding issues regarding overflow of commuter street parking in Willesden Avenue, Kingsley.

*Appendix 13 refers*

To access this attachment on electronic document, click here: [Attach13brf071210.pdf](#)

<b>Name/Position</b>	<b>Mayor Troy Pickard</b>
<b>Item No/Subject</b>	CJ222-12/10 – Local Action for Biodiversity International Workshop 2011
<b>Nature of interest</b>	Financial Interest
<b>Extent of Interest</b>	Mayor Pickard is participating in Conference travel

<b>Name/Position</b>	<b>Mr Garry Hunt – Chief Executive Officer</b>
<b>Item No/Subject</b>	CJ222-12/10 – Local Action for Biodiversity International Workshop 2011
<b>Nature of interest</b>	Financial Interest
<b>Extent of Interest</b>	Mr Hunt is participating in Conference travel

## **CJ222-12/10      LOCAL      ACTION      FOR      BIODIVERSITY INTERNATIONAL WORKSHOP 2011**

**WARD:** All

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

**FILE NUMBER:** 24597

**ATTACHMENTS:** Nil.

### **PURPOSE**

To seek Council's approval for the City to send two representatives to attend the ICLEI International Local Action for Biodiversity (LAB) Workshop to be held in Bergrivier, South Africa from 1 to 4 February 2011.

### **EXECUTIVE SUMMARY**

In order to provide advice and information to Local Governments participating in the ICLEI LAB Program and to facilitate networking between participants, ICLEI is hosting the Local Action for Biodiversity International Workshop. The Workshop is scheduled for 1 to 4 February 2011 in Bergrivier, West Cape, South Africa.

The City has been invited to send up to three delegates to represent the City of Joondalup at the Workshop. ICLEI has advised that representation should include the Mayor and up to two officers.

The Workshop will include discussions with other Local Governments and industry experts where information can be sought to include in the City's *Biodiversity Communication, Education and Public Awareness* and *Biodiversity and Climate Change Reports* which are being developed as part of the City's involvement in the LAB Worknets Program.

Costs associated with sending delegates to the Workshop will be partially covered by ICLEI. This includes a portion of the costs for airfares and accommodation. However the City will be required to fund the remaining costs associated with attending the Workshop.

Participation in the LAB Worknets Program and attendance at the International Workshop enables the City to be recognised as a leader in promoting local action for the protection and conservation of biodiversity.



## BACKGROUND

In October 2006 the City of Joondalup joined the ICLEI Local Action for Biodiversity (LAB) Project as one of twenty one Pioneering Cities. Through participation in this Project the City developed a comprehensive Biodiversity Report and established five “on the ground” biodiversity related projects.

Following the conclusion of ICLEI’s initial LAB Project early in 2009, the City joined the LAB Worknets Program which focuses on assisting Local Governments to deliver on two emerging themes:

1. Biodiversity and Climate Change Adaptation and Mitigation (CCAM).
2. Biodiversity Communication, Education and Public Awareness (CEPA).

The City is currently progressing through the initial stages of the LAB Worknets Program including the development of a *Biodiversity Communication, Education and Public Awareness* and a *Biodiversity and Climate Change Report*.

## DETAILS

In order to provide information to participating Local Governments that will assist in the development of the LAB climate change and biodiversity Projects and to facilitate networking between participants, ICLEI is hosting the Local Action for Biodiversity International Workshop.

The Workshop is scheduled for 1 to 4 February 2011 and will be held in Bergrivier, South Africa. The City may send up to three representatives, preferably one Elected Member namely the Mayor, and officers to participate actively in the workshop by providing technical expertise in the areas of biodiversity, climate change and community education in order to further develop the LAB Projects and to provide progress reports on the City’s activities in relation to the LAB Program.

It is proposed that the following representatives from the City of Joondalup attend the LAB International Workshop:

- The Mayor.
- The Chief Executive Officer.

A representative attending the Workshop will be required to give a ten minute presentation on the City’s progress to date in the LAB Worknets Program including the following:

- Summary of findings on the major climate change impacts affecting the City of Joondalup.
- Summary of the key threats to the City’s biodiversity.
- The current climate change and biodiversity programs and initiatives that the City is undertaking.
- Summary of how climate change will be incorporated into the City’s biodiversity planning.
- Summary of the CEPA programs and initiatives that the City is undertaking.
- Summary of how CEPA will be incorporated into the City’s biodiversity planning.

At the Workshop there will also be time for discussion with other local governments and with industry experts where additional information can be sought to include in the final versions of the *Biodiversity Communication, Education and Public Awareness* and *Biodiversity and Climate Change Reports*.

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

**Legislation:** Not Applicable.

#### **Strategic Plan**

**Key Focus Area:** To ensure that the City's natural environmental assets are preserved, rehabilitated and maintained.

**Objective:** The City protects local biodiversity through effective planning of biodiversity and natural areas.

**Policy:** Participation in the ICLEI LAB Worknets Program is consistent with the objectives within the City's Sustainability Policy.

Elected Members Allowances Policy  
Attendance at overseas conferences- Part 5, Clauses (1), (2) and (3)

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

Attending the LAB International Workshop will enable the City to participate in international networking opportunities and seek relevant information to assist in the planning of biodiversity protection in the context of a changing climate.

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

It is recommended that the City representatives travel from Perth to Cape Town on 28 January to allow for adequate time to prepare for the Workshop. It is also recommended that the representatives travel from Cape Town to Perth on 5 February 2011.

As part of the membership fee that the City of Joondalup pays to ICLEI for participation in the LAB Program, part of the travel costs associated with attending the International Workshop will be covered by ICLEI.

ICLEI will reimburse the City for 50% of the costs for flights to South Africa for two City representatives. Initial quotes for flights from Perth are approximately \$3,000 for economy class flights per person. ICLEI will contribute an amount of \$1,235 per person.

Therefore, the City will be required to contribute \$3,530 towards the cost of economy class flights.

ICLEI will also cover 50% of accommodation costs for a maximum of four night's accommodation at single standard room up to \$75 per person per night. Initial quotes have indicated that hotel costs are approximately \$200 per room per night.

Accommodation costs covered by ICLEI include bed and breakfast costs only for a maximum of four days, extra costs incurred during the stay at the hotel (such as business centre, telephone, mini-bar and the like) and additional days will need to be paid by the City.

Therefore, the City would be required to pay for accommodation costs for 28 to 30 January and 4 February 2011.

The City's approximate costs associated with sending two City delegates to the LAB International Workshop are estimated as follows:

Flights:	\$6,000 (approximately) for economy class (less ICLEI \$2,470)
Accommodation:	\$2,600
Car Hire:	\$ 500
Daily Travel Allowance:	\$3,240

<b>Account No:</b>	532 A5302 3365 5020
<b>Budget Item:</b>	Program Activities
<b>Budget Amount:</b>	\$26,000
<b>Amount Spent To Date:</b>	\$ 0
<b>Proposed Cost:</b>	\$ 9,870
<b>Balance:</b>	\$16,130

All figures quoted in this report are exclusive of GST.

### **Regional Significance:**

Participation in the LAB Worknets Program and attendance at the International Workshop enables the City to be a regional leader in promoting local action for the protection and conservation of biodiversity.

### **Sustainability implications:**

Information gained through the LAB Worknets Program indicates the City's commitment to ensuring environmentally sustainable management of the City's natural areas and biodiversity values.

### **Consultation:**

Not Applicable.

### **COMMENT**

The benefits that are being derived from participation in the LAB Worknets Program and attendance at the International Workshop include the following:

- Demonstrated responsible governance, locally and internationally;
- Demonstrated responsible environmental stewardship.
- Recognition as a global leader in local governance with respect to biodiversity management.
- Recognition as a leading City in biodiversity conservation on a global scale.
- Potential for partnerships with a number of international cities and organisations.
- Public education and awareness opportunities.
- Access to global information and examples of best management practices.
- Global networking of staff with participating cities.

Data, information and examples of best practice taken from the International Workshop regarding biodiversity management will be utilised in the development of the *Biodiversity Communication, Education and Public Awareness* and *Biodiversity and Climate Change Reports*. This information will also inform the development of the City's Climate Change Strategy and new Environment Plan.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 ACCEPTS the invitation from ICLEI Local Action for Biodiversity (LAB) to send up to three representatives to attend the LAB International Workshop in South Africa from 1 to 4 February 2011;**
- 2 APPROVES the Mayor and Chief Executive Officer attending the LAB International Workshop in South Africa from 28 January to 5 February 2011, which includes travel time and attendance at the workshop, at a cost of \$9,870 (excluding GST);**
- 3 NOTES the expenditure detailed in part 2 above being charged to Budget Item 'Local Action for Biodiversity- Program Activities'.**

**CJ223-12/10      REQUEST FOR PARKING RESTRICTIONS -  
WILLESDEN AVENUE, KINGSLEY****WARD:** South-East**RESPONSIBLE:** Mr Said Hafez, Acting Director Corporate Services**FILE NUMBER:** 24185**ATTACHMENTS:**  
Attachment 1    Map of Willesden Avenue and Greenwood Train Station  
Attachment 2    Map of Parking Restrictions in Willesden Avenue.  
Attachment 3    Copy of Report CJ155-09/10

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**PURPOSE**

To consider a request for the introduction of four hour time restricted parking prohibitions on part of Willesden Avenue, Kingsley.

**EXECUTIVE SUMMARY**

Community consultation from residents in part of Willesden Avenue indicated that the majority of respondents either supported, or had no objection to, the proposed four hour time restricted parking prohibitions along a section of Willesden Avenue, Kingsley as shown in Attachment 2.

*It is recommended that Council:*

- 1    *AMENDS the City of Joondalup Parking Scheme in accordance with Clause 33 of the City's Parking Local Law (1998) by the installation of four hour time restricted parking prohibitions to apply between 9.00am and 5.00pm on Monday to Friday, excluding Public Holidays, together with appropriate signage on part of Willesden Avenue, Kingsley as shown on the map in Attachment 2 to Report CJ222-12/10;*
- 2    *ADVISES the lead petitioner and other residents on that part of Willesden Avenue of the Council decision.*

**BACKGROUND**

A petition bearing 27 names from 11 addresses in Willesden Avenue was received by Council at its meeting held on 20 July 2010 requesting that Council takes immediate action to resolve the longstanding issues regarding overflow of commuter street parking in Willesden Avenue, Kingsley. The residents supported the introduction of parking prohibitions to prevent commuters from Greenwood Train Station from parking in part of Willesden Avenue adjacent to Hepburn Avenue.

**DETAILS**

In order to address these issues, at its meeting held on 21 September 2010 (Report No CJ155-09/10), Council requested that the City consults with residents at specific addresses in Willesden Avenue, who will be affected by the proposed restrictions, to determine the level of support for the installation of these parking prohibitions. The addresses specified were within 500 metres of the Greenwood Train Station.

Survey forms were mailed to 20 residents in that section of the street to determine if they were in support of, or objected to, the proposed parking prohibitions.

Only ten responses were received, of which eight expressed support and two objected to the introduction of four hour time restricted parking prohibitions as shown in the table below. Those objecting to the introduction did not offer any comment however a sample of comments taken from responses received in favour of the introduction included “We definitely agree”, “A sensible decision” and “An excellent step forward”.

Feedback	No of Responses	% Mail Out	% Response
Object to any parking prohibitions	2	10	20
Support Parking Prohibitions	8	40	80
No Reply	10	50	N/A
<b>TOTAL</b>	<b>20</b>	<b>100</b>	<b>100</b>

#### Issues and options considered:

At its meeting held on 21 September 2010, Council opted to introduce four hour time restricted parking prohibitions in preference to various other options presented in Report No CJ155-09/10.

#### Legislation/Strategic Plan/Policy Implications

**Legislation** City of Joondalup Parking Local Law 1998

#### Strategic Plan

**Key Focus Area:** To lead and manage the City effectively.

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

#### Policy

The City has a Policy “Parking Schemes for suburban areas outside of the Joondalup City Centre” which establishes guidelines for the management of parking issues in suburban streets.

The Policy states “*Parking schemes will be considered where it can be demonstrated that parking demands are causing a hazard to residents and/or other road users or where the parking is damaging City infrastructure or infrastructure owned by other government agencies.*”

**Risk Management considerations:**

The introduction of four hour time restricted parking prohibitions in Willesden Avenue will affect residents and their visitors who park in this area and remain for longer than the maximum permitted time. However residents would retain the right to park vehicles on the verge adjacent to their property, which would not be affected by these prohibitions.

There is a risk that if no action is taken a larger number of commuters may begin to use the area as parking demand at the Greenwood Train Station increases. A larger number may at some point impact on the local amenity. If this were to eventuate, it would be open to the Council to reconsider the introduction of a resident/visitor parking permit scheme or prohibition throughout the wider area.

**Financial/Budget Implications:**

The cost to erect the necessary signage is approximately \$150 each and sufficient funds exist in the maintenance operational budget for this work to occur. The total cost is estimated at \$1,500.

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

All figures quoted in this report are exclusive of GST.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Residents at the properties that Council determined would be affected by the proposed prohibition were consulted in relation to parking on Willesden Avenue. The result of the consultation is provided above.

**COMMENT**

The proposal to introduce four hour time restricted parking prohibitions on part of Willesden Avenue, Kingsley is supported and is recommended.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 AMENDS the City of Joondalup Parking Scheme in accordance with Clause 33 of the *City's Parking Local Law (1998)* by the installation of four hour time restricted parking prohibitions to apply between 9.00 am and 5.00 pm on Monday to Friday, excluding Public Holidays, together with appropriate signage on part of Willesden Avenue, Kingsley as shown on the map in Attachment 2 to Report CJ223-12/10;**
- 2 ADVISES the lead petitioner and other residents on that part of Willesden Avenue of the Council decision.**

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14brf071210.pdf](#)*



## **CJ224-12/10 LIST OF PAYMENTS MADE DURING THE MONTH OF OCTOBER 2010**

<b>Ward:</b>	All
<b>RESPONSIBLE:</b>	Mr Said Hafez, Acting Director Corporate Services
<b>FILE NUMBER:</b>	09882
<b>ATTACHMENTS:</b>	<p>Attachment 1 CEO's Delegated Municipal Payment List for the month of October 2010</p> <p>Attachment 2 CEO's Delegated Trust Payment List for the month of October 2010</p> <p>Attachment 3 Municipal and Trust Fund Vouchers for the month of October 2010</p>

### **PURPOSE**

To present to Council the list of accounts paid under the CEO's delegated authority during the month of October 2010 for noting.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of October 2010 totalling \$9,319,567.57.

*It is recommended that Council NOTES the CEO's list of accounts for October 2010 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 in Attachments 1, 2 and 3 to Report CJ223-12/10, totalling \$9,319,567.57.*

### **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 October 2010. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Municipal Account	Cheques 87985 - 88194 and EF014575 – EF15048 Net of cancelled payments	\$6,209,791.77
	Vouchers 741A - 744A & 746A - 748A	\$3,076,601.32
Trust Account	Cheques 203729 -203798 - Net of cancelled payments	\$ 33,174.50
<b>Total</b>		<b>\$9,319,567.59</b>

**Issues and options considered:**

Not Applicable.

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

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

**Strategic Plan****Key Focus Area:**

Leadership and Governance

**Objective:**

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

**Policy**

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

**Risk Management considerations:**

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

**Financial/Budget Implications:**

All expenditure from the Municipal Fund was included in the 2010/2011 Annual Budget as adopted by Council at its meeting of 6 July 2010.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

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

**Consultation:**

Not Applicable.

**COMMENT**

All Municipal Fund expenditure included in the list of payments is in accordance with the 2010/2011 Annual Budget as adopted by Council at its meeting of 6 July 2010 or has been authorised in advance by Council where applicable.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council NOTES the Chief Executive Officer's list of accounts for October 2010 paid under delegated authority in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to Report CJ224-12/10, totalling \$9,319,567.59.**

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15brf071210.pdf](#)*

## **CJ225-12/10      FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 OCTOBER 2010**

<b>WARD:</b>	All
<b>RESPONSIBLE:</b>	Mr Said Hafez, Acting Director Corporate Services
<b>FILE NUMBER:</b>	07882
<b>ATTACHMENTS:</b>	Attachment 1 - Financial Activity Statement for the period ended 31 October 2010

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### **PURPOSE**

The October 2010 Financial Activity Statement is submitted to Council to be noted.

### **EXECUTIVE SUMMARY**

At its meeting held on 6 July 2010, Council adopted the Annual Budget for the 2010/11 Financial Year - JSC06-07/10 refers. The figures in this report are compared to the Adopted Budget figures.

The October 2010 Financial Activity Statement report shows an overall favourable variance from operations and capital for the period of \$13,136 when compared to the 2010/11 Adopted Budget.

This variance can be summarised as follows:

- The **Operating** surplus is \$4,763 above budget made up of higher revenue of \$2,276 and lower operating expenditure of \$2,487.

Operating revenue is above budget mainly for Rates \$536,000, Fees and Charges \$736,000, Contributions, Reimbursements and Donations \$491,000 and Investment Earnings \$478 000. Additional revenue arose from interim rates levied, recoverable legal fees, parking fees and infringements, building development application fees, sports and recreation fees and higher returns on investments due to higher funds invested.

The operating expenditure variance includes Materials and Contracts \$1,570, Employee Costs \$1,083, Utilities \$128,000 and Depreciation (\$283,000).

Lower employment costs occurred as recruitment for vacant positions continues and budgeted salary increases are yet to occur.

Materials and Contracts expenditure is below budget which includes sports clubs contributions caused by project delays, furniture and equipment purchases and external contract services predominantly due to timing differences.

- The **Capital Revenue and Expenditure** deficit is \$8,063 below budget made up of a shortfall of revenue of (\$50,000) and under expenditure of \$8,113.

Capital Expenditure is below budget on Capital Projects \$1,534, Capital Works \$6,450 and Motor Vehicle Replacements \$134,000.

The main Capital Project variance occurred on the Ocean Reef Marina \$1,080 where the feasibility of the proposed plan is still being considered. Works on the Regional Local Community Infrastructure Projects are progressing with timing difference amounting to \$1,912 below budget. Other variance on other Capital Works projects is predominantly due to timing differences to budget phasing.

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

*It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 October 2010 forming Attachment 1 to Report CJ224-12/10.*

## **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 31 October 2010 is appended as Attachment 1.

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

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

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

### **Strategic Plan**

**Key Focus Area:**              Leadership and Governance

**Objective:**                      Objective 1.3 – To lead and manage the City effectively.

### **Risk Management considerations:**

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

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

Not Applicable.

### **Regional Significance:**

Not Applicable.

**Sustainability implications:**

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

**Consultation:**

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

**COMMENT**

All expenditures included in the Financial Activity Statement are incurred in accordance with the provisions of 2010/11 Adopted Budget or have been authorised in advance by Council where applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 31 October 2010, forming Attachment 1 to Report CJ225-12/10.**

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16brf071210.pdf](#)*

**CJ226-12/10      TENDER 030/10 - DOMESTIC RUBBISH AND RECYCLING COLLECTION SERVICES**

**WARD:** All

**RESPONSIBLE:** Mr Said Hafez, Acting Director Corporate Services

**FILE NUMBER:** 101193

**ATTACHMENTS:** Attachment 1   Summary of Tender Submissions

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**PURPOSE**

This report is to seek the approval of Council to accept the Tender submitted by Transpacific Cleanaway Pty Ltd for domestic rubbish and recycling collection services (Tender 030/10).

**EXECUTIVE SUMMARY**

Tenders were advertised on Saturday 23 October 2010 through state wide public notice for the provision of domestic rubbish and recycling collection services. At the close of tenders on Tuesday 16 November 2010 the following six submissions were received:

- Transpacific Cleanaway Pty Ltd.
- Perth Waste Pty Ltd T/as Perth Waste Green Recycling.
- City of Wanneroo (conforming offer).
- City of Wanneroo (alternative offer).
- Stondon Pty Ltd T/as Avon Waste.
- Sita Australia (trading as Sita Environmental Solutions) (non-compliant offer).

Sita Australia Pty Ltd (trading as Sita Environmental Solutions) did not comply with RFT clause 3.2.1 – compliance with the conditions of tendering and contract of the RFT. The company's Offer was subject to fifteen amendments to clauses of the conditions of Contract which was considered unacceptable by the Evaluation Panel. The Offer was deemed to be non-conforming and was not considered for evaluation.

Transpacific Cleanaway Pty Ltd achieved the highest qualitative ranking and is the second lowest priced compliant Tender. It demonstrated the capacity, a comprehensive understanding of all aspects of the requirements and has extensive experience in providing similar services. The company is also the current Contractor for the kerbside collection and transport of recyclable materials and is performing well. The company will deliver to the City's Material Recovery Facility (MRF) and has offered two alternative MRFs should the City's MRF be unavailable. The Evaluation Panel has confidence in the company's ability to meet the City's requirements.

*It is recommended that Council ACCEPTS the Tender submitted by Transpacific Cleanaway Pty Ltd for domestic rubbish and recycling collection services for an initial period of five years with the option to extend for a further period of two years in accordance with the statement of requirements as specified in Tender 030/10 at the submitted schedule of rates.*

## **BACKGROUND**

The City's domestic rubbish collection service is currently provided by the City of Wanneroo (COW) under an agreement established in July 1999 for a six year period. The agreement provided an option to extend the service for a further six years, which was exercised in 2005. The COW agreement will terminate in June 2011.

The City introduced recycling service in 2007, tendered for the collection of recycling bins and the contract was awarded to Transpacific Cleanaway Pty Ltd. The contract began in January 2007 and will also terminate in June 2011.

The City has the option to extend the recycling collection service contract. However, the expiry of the domestic rubbish collection agreement at the same time provides an opportunity to combine the two services under a single contract with potential economic benefit to the City.

## **DETAILS**

A tender for the domestic rubbish and recycling collection services was advertised through state wide public notice on 23 October 2010. The Tender remained open for three weeks and closed on 16 November 2010.

### **Tender Submissions**

The following six submissions were received by the closing date:

- Transpacific Cleanaway Pty Ltd.
- Perth Waste Pty Ltd T/as Perth Waste Green Recycling.
- City of Wanneroo (conforming offer).
- City of Wanneroo (alternative offer).
- Stondon Pty Ltd T/as Avon Waste.
- Sita Australia (trading as Sita Environmental Solutions) (non-compliant offer).

A summary of the Tender submissions and the location of each Tenderer is provided in Attachment 1.

### **Evaluation Panel**

The Evaluation Panel comprised of four members: one with tender and contract preparation skills, a Senior Executive, the Manager and senior staff responsible for the delivery of the services. The Panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner.

### **Compliance Assessment**

The tender received from Sita Australia Pty Ltd (trading as Sita Environmental Solutions) was subject to fifteen (15) amendments to specific clauses of the conditions of contract. This did not comply with RFT clause 3.2.1 – compliance with the conditions of tendering and contract of the RFT and was considered unacceptable by the Evaluation Panel. The Sita tender was therefore deemed to be non-conforming and was not considered for further evaluation.



In addition to its conforming tender, the COW submitted an alternative offer, under which the drive-by fee quoted was divided into two components, a fee for fuel and a fee for other costs. COW requested that future fee adjustment under the alternative tender be based on changes to the fuel component of the Perth CPI (All Groups) Index for the fuel fee and on changes to the CPI (All Groups) Index for other costs. The City's tender documents required future price adjustments to be based solely on changes to the CPI (All Groups) Index. This variation however was not considered by the Panel to be a major departure from the tender conditions and the COW alternative offer progressed for evaluation.

### **EVALUATION CRITERIA Qualitative Evaluation**

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

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

The Evaluation Panel considered each compliant submission on its merits in a fair and equitable manner. Respondents and their submissions were assessed as to how well they satisfy the qualitative criteria and were scored accordingly. The result of the qualitative assessment is provided in the summary table below.

### **Price Assessment of Tender Submissions**

Following the qualitative assessment, the Panel carried out a comparison of the submitted rates offered by each respondent to assess value for money to the City.

The Tendered rates are fixed for the first year of the Contract, but are subject to a price variation on each anniversary date thereafter limited to the percentage change in the Perth CPI (All Groups) Index from the corresponding quarter of the previous year.

For estimation purposes, a 3.5% annual CPI increase was applied to the tendered rates after the first year of the contract.

The following table provides comparative estimated expenditure during the term of the contract, based on the tendered rates of each Tenderer.

Tenderer		Estimated Expenditure					Total
		Year 1	Year 2	Year 3	Year 4	Year 5	
Stondon Pty Ltd T/as Avon Waste	Domestic/ Recycling	\$3,325,750	\$3,442,151	\$3,562,626	\$3,687,318	\$3,816,374	<b>\$18,231,040</b>
	Optional Services	\$74,000	\$76,590	\$79,270	\$82,045	\$84,916	
Transpacific Cleanaway Pty Ltd	Domestic/ Recycling	\$3,728,500	\$3,858,997	\$3,994,062	\$4,133,854	\$4,278,539	<b>\$20,525,011</b>
	Optional Services	\$99,033	\$102,499	\$106,086	\$109,799	\$113,642	
Perth Waste Pty Ltd T/as Perth Waste Green Recycling	Domestic/ Recycling	\$4,996,731	\$5,171,616	\$5,352,623	\$5,539,964	\$5,733,863	<b>\$27,373,942</b>
	Optional Services	\$108,000	\$111,780	\$115,692	\$119,741	\$123,932	
City of Wanneroo Alternative Offer	Domestic/ Recycling	\$5,262,505	\$5,446,692	\$5,637,327	\$5,834,633	\$6,038,845	<b>\$28,627,225</b>
	Optional Services	\$75,940	\$78,597	\$81,348	\$84,196	\$87,142	
City of Wanneroo Conforming Offer	Domestic/ Recycling	\$5,826,287	\$6,030,207	\$6,241,264	\$6,459,708	\$6,685,798	<b>\$31,650,487</b>
	Optional Services	\$75,940	\$78,597	\$81,348	\$84,196	\$87,142	

During the last financial year 2009/10, the City incurred \$4,241,406 combined expenditure consisting of:

Domestic rubbish collection:	\$2,981,513
Recycling collection services	<u>\$1,259,893</u>

**Total expenditure for 2009/10:** **\$4,241,406**

Over the five year Contract period the City is expected to incur in the order of \$20,525,011.

### Summary of Qualitative and Price Evaluation

The following table summarises the result of the qualitative and price evaluation as assessed by the Evaluation Panel.

<b>Tenderer</b>	<b>Price Ranking</b>	<b>Estimated Contract Price Year 1</b>	<b>Qualitative Ranking</b>	<b>Weighted Percentage Score</b>
Transpacific Cleanaway Pty Ltd	2	\$3,827,533	1	95.5%
Perth Waste Pty Ltd T/as Perth Green Waste Recycling	3	\$5,104,731	2	82%
City of Wanneroo (Alternative Offer)	4	\$5,338,445	3	81.5%
City of Wanneroo (Conforming Offer)	5	\$5,902,227	3	81.5%
Stondon Pty Ltd T/as Avon Waste	1	\$3,399,750	4	57%

Stondon Pty Ltd trading as Avon Waste was ranked last in the qualitative assessment and first in price. It is a family owned business located in the regional town of York and provides similar services to a number of regional local governments in Western Australia.

The volume of collection services currently provided by Avon Waste represents approximately one third of the volume required by the City. The company ~~it~~ does not have ~~any~~ existing infrastructure or facilities in the metropolitan area or adequate fleet to service the requirements of the City's Contract. Its submission indicated that it ~~but~~ would establish a depot and customer service centre if successful.

The Evaluation Panel was concerned that the volume of service required by the City would represent an increase of 250% in service provision by the company and that its submission did not adequately demonstrate its capacity to deliver at that level. The Panel considered that its tender did not demonstrate experience in providing services of the magnitude required by the City and unanimously agreed that the risk of irregular delivery or service interruption in this tender is high.

The City of Wanneroo (COW) submitted a conforming and an alternative Offer which were ranked fourth and fifth in price respectively and ranked third in the qualitative assessment. COW is the City's current service provider for the domestic rubbish collection and demonstrated its capacity and experience to provide the required services. The conforming and alternative Offers are in excess of the City's allocated budget, and are 54% and 39% respectively more expensive than the recommended Offer submitted by Cleanaway.

Perth Waste Green Waste Recycling was ranked third in price and second in the qualitative assessment. It demonstrated broad experience and a sound methodology in providing similar services to smaller local governments. It did not adequately demonstrate the capacity or experience in providing similar services to the volume required by the City. The company's Offer is 33% more expensive than the recommended Offer submitted by Cleanaway.

Transpacific Cleanaway Pty Ltd was ranked second in price and first in qualitative assessment. It demonstrated the capacity and experience to meet the requirements of the City. It has long standing contracts for similar requirements with local governments and private industry throughout Australia and New Zealand.

**Issues and options considered:**

The City does not have the necessary internal resources, capacity or infrastructure to provide these services to its residents and requires an external contractor to provide the service.

**Legislation/Strategic Plan/Policy Implications**

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

**Strategic Plan**

Key Focus Area: Natural Environment

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

**Environmental Plan 2007 – 2011****Section 5 Waste Management**

To continue to implement strategies and projects that aim to reduce the creation of waste, sustainably dispose of it and efficiently manage its recovery.

**Risk Management considerations:**

Should the contract not proceed, the risk to the City will be extreme. If domestic waste and recycling collection services are not provided, the community will be exposed to an immediate and unacceptable health risk.

**Financial/Budget Implications:**

Expenditure under this contract will be incurred against the budget expenditure for 2011/12.

Expenditure against the current Contract and budget is provided hereunder for information purposes only.

<b>Account No:</b>	625 A6207 3372	625 A6205 3359	625 A6205 3372
<b>Budget Item:</b>	Domestic Rubbish Collection Services	Recycling Collection Services	Mobile Garbage Bin Repairs and Maintenance
<b>Budget Amount 2010/11:</b>	\$2,915,865	\$1,260,703	\$111,091
<b>Amount Spent To Date:</b>	\$ 667,476	\$ 441,855	\$ 17,588
<b>Committed:</b>	\$ 593,756	\$ 815,337	Nil
<b>Balance:</b>	\$1,654,633	\$ 3,511	\$ 93,503
<b>Proposed Contract Cost 2011/12:</b>	\$2,509,230	\$1,219,270	\$ 99,033

All figures quoted in this report are exclusive of GST.

The projected expenditure on these Services is subject to change dependent on the quantity and type of requirements throughout the Contract period. Based on historical and known requirements, it is estimated that the expenditure over the five year Contract period will be in the order of \$20,525,011.

**Regional Significance:**

Awarding the Contract to Transpacific Cleanaway Pty Ltd may have an adverse impact on the City of Wanneroo, which is currently providing the domestic rubbish collection service to the City. However, the new Contract may create possible employment opportunities for local residents.

**Sustainability implications:**

Domestic rubbish and recycling collection services provide a valuable service to the community by reducing potential health risks, protection of natural assets and biodiversity and reduce the amount of materials sent to landfill. The social benefits may include the employment of City residents, purchase of goods and services from local businesses in connection with the collection services.

**Consultation:**

Not Applicable.

**COMMENT**

The Evaluation Panel carried out the evaluation of the submissions in accordance with the Qualitative Criteria in a fair and equitable manner and unanimously agreed that the Offer representing best value with low risk to the City is that as submitted by Transpacific Cleanaway Pty Ltd.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the Tender submitted by Transpacific Cleanaway Pty Ltd for Domestic Rubbish and Recycling Collection Services for an initial period of five years with the option to extend for a further ~~maximum~~ period of two years in accordance with the statement of requirements as specified in Tender 030/10 at the submitted schedule of rates.**

*Appendix 19 refers*

*To access this attachment on electronic document, click here: [Attach19brf071210.pdf](#)*

**CJ227-12/10 RECLASSIFICATION OF MARMION AVENUE AND OCEAN REEF ROAD**

**WARD:** Central, North Central and North

**RESPONSIBLE:** Mr Martyn Glover, Director Infrastructure Services

**FILE NUMBER:** 00363, 00374

**ATTACHMENTS:**

Attachment 1	Location map
Attachment 2	Metropolitan Region Scheme Map South of Ocean Reef Road
Attachment 3	Metropolitan Region Scheme Map North of Ocean Reef Road

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**PURPOSE**

To consider the reclassification of Marmion Avenue and Ocean Reef Road from Local Government Roads to State Roads.

**EXECUTIVE SUMMARY**

The City of Swan has resolved to request the reclassification of Gnangara Road to a State road and to prepare a submission to Main Roads WA (MRWA) to commence the process. In support of this resolution, the City of Wanneroo resolved that a joint submission to MRWA with the City of Joondalup be undertaken to seek reclassification of Marmion Avenue and Ocean Reef Road/Gnangara Road to State roads.

Ocean Reef Road and Marmion Avenue are dual carriageway roads that are designed in accordance with the Main Roads WA Metropolitan Functional Road Hierarchy and the Metropolitan Regional Scheme. Ocean Reef Road and Marmion Avenue north of Ocean Reef Road as shown on Attachment 1 are classified as Local Government roads and are the responsibility of the City of Wanneroo and the City of Joondalup. Both roads are strategically located and provide access to regional areas and major population and employment centres such as Joondalup and Wangara.

Once a road is classified as a State road, the City will no longer be responsible for maintaining or upgrading the road, nor will it be directly involved with decision making concerning access and development on the road. A joint submission to Main Roads WA for the reclassification of these roads to State roads is proposed.

*It is recommended that Council:*

- 1 *APPROVES the presentation of a joint submission to Main Roads WA with the City of Wanneroo seeking the reclassification of Ocean Reef Road and Marmion Avenue to State Roads; and*
- 2 *ADVISES the City of Wanneroo and the City of Swan of Council's decision.*

## **BACKGROUND**

### **Ocean Reef Road**

The City of Swan at the Council meeting of 30 June 2010, resolved to request the reclassification of Gnangara Road from a Local Government road to a State road and to prepare a submission to Main Roads WA (MRWA) to commence the process. In support of this resolution, the City of Wanneroo at their Council meeting of 24 August 2010 resolved that a joint submission to MRWA with the City be undertaken to seek reclassification of Marmion Avenue and Ocean Reef Road/Gnangara Road to State roads. The road reclassification to include Gnangara Road, Ocean Reef Road to Mitchell Freeway and Ocean Reef Road from Mitchell Freeway to Marmion Avenue.

Under MRWA Metropolitan Functional Road Hierarchy, Ocean Reef Road is currently classified as a “District Distributor A” road. It is also classified as a “Other Regional Road” in the Metropolitan Regional Scheme (MRS), serving as a major east – west link between Marmion Avenue, the Mitchell Freeway, Wanneroo Road, Alexander Drive and through to Great Northern Highway. “Other Regional Roads” as shown in the MRS are highlighted in blue, Attachment 2 and 3 refers.

### **Marmion Avenue**

In addition to Ocean Reef Road, City of Wanneroo is seeking support for a joint submission for the reclassification of Marmion Avenue between Ocean Reef Road and Hester Avenue to a State road.

Marmion Avenue is a major north – south road that links Yanchep Beach Road in the north to Karrinyup Road in the south and provides direct access to major east – west roads including Ocean Reef Road.

Under the Metropolitan Functional Road Hierarchy, Marmion Avenue south of Ocean Reef Road is classified as a “Primary Distributor” road and is also classified as a “Primary Regional Road” in the MRS. Marmion Avenue north of Ocean Reef Road is classified as a “District Distributor A” road under the Metropolitan Functional Road Hierarchy and is classified as an “Other Regional Road” in the MRS.

## **DETAILS**

MRWA has set criteria for evaluating whether a road should be reclassified as a State road. This criteria includes the requirement to connect population or employment centres, the type of road, volume of traffic and road capacity. Both Marmion Avenue and Ocean Reef Road appear to satisfy this criteria.



The MRWA evaluation and scoring criteria for reclassification of urban roads includes the following:

Measurement Criteria for Urban Roads	
Criterion	Data Item
1 Network Role a) Mobility b) Traffic c) Serves significant commercial and industrial centres; transport terminals	Population Centres Average Annual Daily Traffic (AADT) Heavy vehicles/day Metroplan or State Planning Strategy
2. Commercial Heavy Vehicle Routes a) Permit Routes b) Truck Volumes	Designated by Main Roads Number of heavy vehicles per day
3 Route Capacity	Number of Lanes Total Pavement Width Average Speed
4 Bus Routes	Transperth Bus Routes (Country Urban also) (see D08#78351 for Perth Strategic Bus Routes)
5 Property Access	Roadside land use inventory
6 Connectivity a) Hierarchy b) Rural/Urban Class Change	Functional Class Commonwealth Class by Inspection
7 Pedestrians and Cyclists	The Perth Bicycle Network Plan Rural Urban Centres – Bike Plans if available

### Ocean Reef Road

Ocean Reef Road between Wanneroo Road and Marmion Avenue is a four lane dual carriageway road. Traffic volumes on Ocean Reef Road range between 17,500 vehicles per day (vpd) east of Marmion Avenue (December 2008) to 40,100 vpd west of Wanneroo Road (September 2010). There has been a significant increase in traffic volumes on Ocean Reef Road in recent times due to urban development in the east and improvements to the road network from Gnangara Road and the Wangara industrial area.

Once the construction of the remaining section of Ocean Reef Road is completed east of Wanneroo Road to Gnangara Road, Ocean Reef Road/Gnangara Road will become the northern most east - west route linking the major population centres of Joondalup, Wanneroo and Ellenbrook to the employment areas of Joondalup and Wangara. Currently, the northern most east-west State road is Reid Highway.

## **Marmion Avenue**

Marmion Avenue south of Ocean Reef Road is classified as a State road and is under the responsibility of MRWA. From Ocean Reef Road to the northern boundary in Kinross, Marmion Avenue is the responsibility of the City.

Marmion Avenue between Ocean Reef Road and the City's northern boundary is a four lane dual carriageway road. Traffic volumes range between 26,600 vpd north of Ocean Reef Road (December 2008) to 37,600 vpd north of Burns Beach Road (June 2010).

There has been a significant increase in traffic volumes in recent times on Marmion Avenue due to urban development occurring north of Burns Beach Road. It is anticipated that traffic volumes will increase in the short to long term as the development continues.

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

Two options will need to be considered:

- Option 1    Approve a joint submission with City of Wanneroo for the reclassification of Marmion Avenue and Ocean Reef Road. This is the recommended option.

The advantage of this option is that it would reduce the City's maintenance and upgrade costs associated with these roads.

- Option 2    Retain responsibility for both Marmion Avenue and Ocean Reef Road.

The advantage of this option is both roads would remain the responsibility of the City including decision making processes required for maintenance and upgrading of the roads. The disadvantage of this option is that the City continues to incur costs for maintenance and upgrade costs.

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

Not Applicable.

### **Legislation**

Section 13 of the Main Roads Act 1930 specifies the factors that be taken into account when considering if a road should be declared a main road or a highway. The MRWA criteria used in the reclassification process were developed consistent with the intent of the Act.

**Strategic Plan**                      City of Joondalup Strategic Plan 2008 - 2011

**Objective:**                              4.2.6 The City implements, and if necessary, refines its Capital Works Program.

### **Policy**

Not Applicable.

### **Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

On the basis that Marmion Avenue and Ocean Reef Road are reclassified as State roads, the costs associated with road maintenance and road upgrades will be the responsibility of the State Government. However in accordance with current practice for State roads, the City will be responsible for maintenance of the nature strip, part costs of maintenance of the median island landscaping and 50% of the street lighting tariff.

An analysis of the total landscape maintenance costs per year for the section of Marmion Avenue between Beach Road and Ocean Reef Road confirmed that costs are approximately \$3,000 per kilometre of road section. Due to this section of Marmion Avenue being a State road, the MRWA contributes two thirds of the total cost on landscape maintenance. Consequently, if both Marmion Avenue north of Ocean Reef Road and Ocean Reef Road were reclassified to State roads, the savings to the City would be approximately \$15,000 and \$10,000 respectively per year in landscape maintenance costs.

On the basis of a 15 to 20 year life cycle for road resurfacing, if both Marmion Avenue and Ocean Reef Road were reclassified as State roads, the savings to the City in road resurfacing costs would be approximately \$165,000 and \$105,000 respectively per year over the period of the lifecycle.

**Regional Significance:**

Both Ocean Reef Road and Marmion Avenue provide access for regional traffic purposes and are designed to carry high volume traffic in accordance with the Metropolitan Functional Road Hierarchy and the MRS. Should the roads be reclassified, the development of these roads will be the responsibility of the State Government.

**Sustainability implications:**

Currently both Marmion Avenue north of Ocean Reef Road and Ocean Reef Road west of Wanneroo Road are maintained by the City. On the basis that the roads are reclassified to State roads, the majority of the maintenance and total upgrade works will be the responsibility of Main Roads WA.

**Consultation:**

No community consultation has occurred.

**COMMENT**

In accordance with the request from the City of Wanneroo, it is proposed to submit a joint reclassification of Marmion Avenue from Ocean Reef Road to Hester Avenue and for Ocean Reef Road / Gnangara Road from Marmion Avenue to Alexander Drive.

Once a road is classified as a State road, the City will no longer be responsible for maintaining or upgrading the road, nor will it be directly involved with decision making concerning access and development on the road.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 APPROVES the presentation of a joint submission to Main Roads WA with the City of Wanneroo seeking the reclassification of Ocean Reef Road and Marmion Avenue to State Roads;**
- 2 ADVISES the City of Wanneroo and the City of Swan of Council's decision.**

*Appendix 18 refers*

*To access this attachment on electronic document, click here: [Attach18brf071210.pdf](#)*

**CJ228-12/10      ELLERSDALE AND MARRI PARK LANDSCAPE  
MASTER PLANNING UPGRADES 2010/11**

<b>WARD:</b>	South	
<b>RESPONSIBLE:</b>	Mr Martyn Glover, Director Infrastructure Services	
<b>FILE NUMBER:</b>	18014, 30146	
<b>ATTACHMENTS:</b>	Attachment 1	Ellersdale Park Comment Summary
	Attachment 2	Marri Park Comment Summary
	Attachment 3	Ellersdale Park Revised Plan
	Attachment 4	Marri Park Revised Plan
	Attachment 5	Proposed Budget for 2010/2011

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**PURPOSE**

To discuss issues associated with the implementation of Landscape Master Planning works at Ellersdale Park, Warwick and Marri Park, Duncraig; to consider the feedback from the subsequent community consultation and to seek Council approval for the works associated with the revised plans for the parks.

**EXECUTIVE SUMMARY**

The upgrade works at Ellersdale Park and Marri Park are part of the 2010/2011 adopted Five Year Capital Works Program and are largely driven by the City's Landscape Master Plan. A successful trial at Emerald Park in 2009/2010 where water use was reduced by 56% without negatively impacting on amenity or the quality of sports surfaces was the precursor to these projects.

The community was informed of the works in September 2010 and mulch delivery commenced shortly after. The City postponed works on the 12 October following negative feedback from the community, and as a result of that feedback information sessions and a public consultation process were initiated.

The City has developed revised plans based on the feedback received from consultation which respond to the major community issues including the lack of consultation and the use of mulch.

Additional funding of \$121,400 is sought to undertake the works in the revised plans and it is proposed that surplus funds from completed projects in the parks program of the current capital works budget are utilised.

The City has also developed a communication and consultation plan which is proposed to be utilised for all similar Landscape Master Planning projects in the future. It is intended that a consultation plan will be approved by the Council for each Landscape Master Plan project.

*It is recommended that Council:*

- 1 APPROVES the implementation of Landscape Master Plan works proposed for Ellersdale Park as per the plan in Attachment 3;*
- 2 APPROVES the implementation of Landscape Master Plan works proposed for Marri Park as per the plan in Attachment 4;*
- 3 APPROVES the selective use of mulch which meets Australian Standard AS 4454 for park upgrade projects;*
- 4 APPROVES as part of the mid year review the transfer of \$121,400 to complete the projects in Ellersdale Park and Marri Park in accordance with the revised plans; and*
- 5 NOTES that the mulch removal works in Ellersdale Park will commence immediately and then followed by Marri Park.*

## **BACKGROUND**

In July 2007, the State Government requested the development of Water Conservation Plans from all local government agencies in Western Australia. Through this process the City was granted a total annual allocation of 4,117,550 kL over an area of approximately 600 hectares.

In December 2008, Council adopted the Landscape Master Plan 2009 – 2019 (LMP) which addressed the issue of water consumption. One of the key focus areas of the LMP is to provide first-class sporting and recreational open spaces whilst working to improve water use efficiency by optimising irrigation systems for maximum water-use efficiency, hydro-zoning of park turf surfaces and eco-zoning of vegetated areas in parks surrounding turfed surfaces.

In 2008/09 the City's groundwater consumption was 5,199,164 kL which was 26% over allocation. Measures were put in place to minimise the chance of exceeding the allocation into the future including reducing irrigation by 12.5% in active reserves and 33% in passive reserves, and upgrading inefficient irrigation systems. Through these combined measures the City in 2009/2010 managed to reduce the demand on the aquifer by nearly two million kilolitres which was 21% under the groundwater licence allocation.

Emerald Park was the first of the City's reserves to receive upgrades as a project listed in the Capital Works Program in 2009/2010. Prior to the commencement of works community consultation was undertaken by the City to ascertain how the local community and sports clubs used the Park. A design was then developed based on the feedback received and a communication plan was developed and implemented including the distribution of flyers to local residents and installation of signage at the Park.

Following the installation of new irrigation equipment and hydrozoning of the park, water consumption for the Park for the 2009/2010 financial year was approximately 56% of that used in 2008/2009. The works that were undertaken at Emerald Park were very well received by the local community, sports clubs and visitors to the park.

Following on from the success of Emerald Park the City included two LMP park upgrades per year through the five year Capital Works Program. The parks listed for LMP works in 2010/2011 were Ellersdale Park, Warwick and Marri Park, Duncraig.

In early September 2010, signs were installed at the Parks and flyers were distributed to the community within two kilometres of the Parks advising of the works that were to take place.

In mid September mulch delivery commenced and by the end of the month the City received the first expression of concern from the community.

On 12 October 2010 works were stopped at both parks, excluding the completion of the irrigation installation, to allow for a more complete consultation process.

The consultation process included letters to all residents within half a kilometre of the parks and separate information evenings for each park. The residents were then given two weeks to provide submissions to the revised concept plans.

## DETAILS

### Ellersdale Park

The City received 74 written submissions from community members regarding the park upgrade at Ellersdale Park. These included correspondence prior to the information evening on 1 November 2010 (29), completed forms from the evening (37) and correspondence following the evening (8).

The 74 submissions included 131 separate comments on a series of issues related to Ellersdale Park as detailed in the following table:

COMMENTS	NUMBER
<b>MULCH</b> – remove and replace	68
<b>COMMUNITY CONSULTATION</b> – were not consulted	28
<b>PARKING</b> – Eddington Road and more parking	10
<b>PLAYGROUND</b> – softfall and benches	7
<b>ISSUES</b> – Waterwise and footpaths	18
<b>TOTAL</b>	<b>131</b>

Refer to Attachment 1 for a summary list of comments.

### Marri Park

The City received 37 written submissions from community members regarding the park upgrade at Marri Park.

These included correspondence prior to the information evening on 8 November 2010 (12), completed forms from the evening (16) and correspondence following the evening (9).

The 37 submissions included 93 separate comments on a series of issues related to Marri Park as detailed in the following table:

COMMENTS	NUMBER
<b>MULCH AND GRASS</b> – extend grass to the north and south	30
<b>COMMUNITY CONSULTATION</b> – were not consulted	12
<b>PLANTING</b> – more shrubs and trees	4
<b>PATHS AND ACCESS</b> – install paths and steps	19
<b>ISSUES</b> – Waterwise and bins	28
<b>TOTAL</b>	<b>93</b>

Refer to Attachment 2 for a summary list of comments.

Based on the feedback received from the consultation the plans have been revised for works at Ellersdale Park and Marri Park (see Attachment 3 and 4 respectively). The major changes proposed include:

#### Ellersdale Park

- Removal of mulch and reinstatement of turf on the slope between Eddington Avenue, the main oval for spectators to watch sport;
- Removal of mulch and reinstatement of turf between the fence and pathway at the northern end of park for passive recreation;
- Installation of three bench seats at the southern end of the park for elderly visitors to that section of the park; and
- Removal of mulch from the remaining sections of the park and replacement with un-irrigated grass or improved quality mulch.

#### Marri Park

- Removal of mulch and reinstatement of turf on slope between the southern oval and Marri Road for spectators to watch sport;
- Removal of mulch and reinstatement of turf between the sump and the fence at the north end of the park for passive recreation.
- Installation of a pathway connecting Ayton Way and Wanbrow Way PAW; and
- Installation of emergency and maintenance vehicle access from the carpark to south oval.

The cost of these measures for both Parks will be \$178,230 and a detailed budget is included in Attachment 5. There is a current surplus of \$56,830 consequently a further \$121,400 is required. The source of the funding is discussed in the Financial / Budget Implications.

These works will commence immediately starting with the mulch removal in Ellersdale Park.

Additional works including the playgrounds and sumps are listed in the draft budget for 2011/2012. It is intended that these works will take place early in the 2011/2012 construction program.



**Issues and options considered:**Major issues based on community feedback

The major issues that the community members had in relation to the works at Ellersdale and Marri Parks were as follows:

- 1 They were not consulted or informed adequately about the works proposed; and
- 2 The use of mulch and associated issues.

Community Consultation

The following comments have been received regarding the level of consultation:

- Although the City contracted a distribution company (Salmat Mediaforce) to deliver flyers about the proposed works many community members have claimed that they did not receive the flyer. The flyer did not invite comment hence it was only an information medium.
- Local residents indicated that they did not notice the signage because it was too small (680mmx500mm).
- The period of time between signage installation and flyer distribution and the commencement of works was deemed too short to consider public opinion about the works.
- Sporting clubs and community groups should have been consulted with. While the clubs and groups were aware that works had been scheduled, they had not been consulted or informed on the details of the works proposed, as there had been no liaison in the planning stage of the project.
- The preferred method of consultation is by personalised letter.

The issues raised have been addressed with the new approach to the consultation process which complies with the Council's Community Consultation and Engagement Policy.

Mulch

Issue	Response
The amount of dust in the mulch – particularly when it is spread	The spreading of mulch does produce a large amount of dust which can impact properties adjacent to the park. In order to minimise the amount of dust, during and after the spreading of mulch, it will be thoroughly wet down which will assist finer material to settle.
Risk of infection from Legionnaire's Disease from contact with mulch	Legionella is a bacteria that is naturally present in the soil, particularly in moist conditions.
	Incidents of Legionnaire's Disease are very rare in persons under the age of 20 and it does not generally affect healthy people.
	Legionnaire's Disease is generally associated with bags of potting mix which have high moisture levels.

Issue	Response
The mulch that has been used is of poor quality and has a bad odour.	The mulch that the City uses is one hundred percent green waste from the Wangara green waste facility and is made up of material delivered by the City's residents, the City of Wanneroo and the City of Joondalup.
	The size of the mulch is dependent upon whether a tub grinder or shredder has been utilised to chip the mulch. The tub grinder that is in use at the moment can produce smaller chips by changing the size of the screen.
	Due to the variability of age of the mulch and the size of the mulch stored at the Wangara facility, it is of paramount importance that the mulch for the LMP is pre-selected. The mulch used at Ellersdale and Marri Parks was from the older sections of the Wangara site and could have been up to seven years old.
	The mulch that is used is ideal for fulfilling its main purpose to retain soil moisture, suppress weed growth and to return organic material to the soil.
	Discussions with the City of Perth, City of Stirling and EMRC have revealed that the mulches that they use are essentially the same as that used by the City of Joondalup i.e. enviromulch – recycled garden material.
	The mulch can have a bad odour when it is delivered to site and when it is first spread due to the breakdown of the mulch by microbial activity. The odour is generally eliminated within days of the mulch being spread.
	LMP park upgrade projects listed within the five year capital works program will require increased budgets if the City had to use mulch from a commercial supplier.
Mulch was spread into areas that are used for passive recreation and watching sport.	Community members around Ellersdale and Marri Park do not consider mulch is an appropriate treatment for areas that are used for passive recreation and for watching sport. The City has developed revised plans which take this into account and it is proposed that mulch will be removed from these areas, or incorporated in-situ into the soil, turf will be reinstated, or the ground will be seeded.

### Options to be considered

#### Ellersdale Park

Approve the implementation of LMP works proposed for Ellersdale Park as per the plan (Attachment 3).

This is the preferred option as it addresses issues raised by the community.

Do not approve the implementation of LMP works proposed for Ellersdale Park as per the attached plan and recommend that changes be made to the plan.

### Marri Park

Approve the implementation of LMP works proposed for Marri Park as per the plan (Attachment 4).

This is the preferred option as it addresses issues raised by the community.

Do not approve the implementation of LMP works proposed for Marri Park as per the attached plan and recommend that changes be made to the plan.

### Type of mulch

Continue to selectively use the mulch from the Wangara Greenwaste Facility for LMP park upgrade projects.

This is the preferred option due to the expense associate with accessing mulch from commercial providers, and the suitability of the mulch currently sourced by the City.

Do not continue to use the mulch from the Wangara Greenwaste Facility and develop tender for commercial supply.

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

**Legislation** Not Applicable.

**Strategic Plan** Landscape Master Plan 2009-2019

**Key Focus Area:** KFA4 - Parks

**Objective:**

- 1 To ensure that City parks are managed to high levels of amenity to encourage increased physical activity in the City.
- 2 To ensure that the City's water consumption complies with regulatory requirements.
- 3 To develop skills among staff in the application of ecozoning and hydrozoning techniques through pilot projects.

### **Risk Management considerations:**

The works proposed in the revised plans for Ellersdale Park and Marri Park are based on community feedback following public consultation. Failure to implement the works as proposed may lead to an adverse reaction from the community toward the City. The risk of the City encountering the type of community reaction will be significantly reduced if the Communication and Consultation Plan for Landscape Master Planning Works in Parks is followed.

There are also risks associated with the use of mulch as follows:

- Dust –can be minimised by wetting mulch down during and after installation.
- Legionnaire's Disease – the risk to the community from this disease is extremely low and can be further reduced by spreading mulch as soon as possible after delivery. Providing the community with the facts about Legionnaire's Disease will further minimise negative feedback through education.

- Odour – the odour associated with the mulch is due to the breakdown of the mulch by microbial activity and is more prevalent in old mulch. The odour is generally eliminated within days of the mulch being spread and the use of fresh mulch as proposed minimises the odour.
- Quality – the size and age of the mulch can be controlled through the City being more selective about the mulch that is taken from the stockpiles at the Green Waste Facility in Wangara. Alternatively commercial mulch can be sourced.

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

	<b>Project 1433</b> <b>Ellersdale Park - Reticulation, Landscaping and Turf</b>	<b>Projects 1434</b> <b>Marri Park - Reticulation, Landscaping and Turf</b>
<b>Budget</b>	<u>\$194,000</u>	<u>\$177,000</u>
<b>Expenditure</b>	\$ 97,652	\$167,823
<b>Commitments</b>	\$ 30,324	\$ 18,371
<b>Proposed</b>	<u>\$ 89,800</u>	<u>\$ 88,430</u>
<b>Total</b>	<u>\$217,775</u>	<u>\$274,625</u>
<b>Deficit</b>	(\$ 23,775)	(\$ 97,625)
<b>Total Deficit</b>	(\$121,400)	

It is proposed to fund the deficit from the budget savings achieved in the Capital Works Program and identified in the mid year review budget.

#### **Regional Significance:**

Not Applicable.

#### **Sustainability implications:**

The City irrigates its reserves with groundwater from the Gnangara Mound which is under increasing pressure from a number of sources across the Perth region. Climate change and reduced water availability may significantly limit irrigation to City parks and reserves into the future. The sociological and environmental principles behind landscape master planning aim to ensure the provision of a range of high quality public open space whilst implementing water efficiency approaches.

#### **Consultation:**

The City has now consulted with the residents surrounding both Ellersdale Park and Marri Park and the Concept Plans have been amended in consideration of the feedback.

In terms of future LMP projects, the City has developed a Communication and Consultation Plan which is the subject of Council approval for future projects.

## COMMENT

The major community issues associated with the works at Ellersdale Park and Marri Park were that the plans were not subjected to adequate community, consultation, and mulch was used in areas used for passive recreation and spectators watching sport.

As soon as the City became aware that there were significant community concerns associated with these projects the works were postponed and the City commenced measures to rectify the situation. These measures included information sessions, gathering feedback and revising plans accordingly.

Works will re-commence in the parks immediately following the Council decision and preliminary work has already commenced on the planning for the next year's proposed projects.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

**That Council:**

- 1 APPROVES the implementation of Landscape Master Plan works proposed for Ellersdale Park as per the plan in Attachment 3;**
- 2 APPROVES the implementation of Landscape Master Plan works proposed for Marri Park as per the plan in Attachment 4;**
- 3 APPROVES the selective use of mulch which meets Australian Standard AS 4454 for park upgrade projects;**
- 4 APPROVES listing for consideration as part of the 2010/11 Mid Year Budget Review the transfer of \$121,400 to complete the projects in Ellersdale Park and Marri Park in accordance with the revised plans; and**
- 5 NOTES that the mulch removal works in Ellersdale Park will commence immediately and then followed by Marri Park.**

*Appendix 21 refers*

*To access this attachment on electronic document, click here: [Attach21agn141210.pdf](#)*

**11 REPORT OF THE CHIEF EXECUTIVE OFFICER****CJ229-12/10 PROPOSED AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1995****WARD:** All**RESPONSIBLE:** Mr Jamie Parry, Director Governance and Strategy**FILE NUMBER:** 03011**ATTACHMENTS:** Attachment 1 Western Australian Local Government Association request for the Council to consider proposed amendments to the Local Government Act 1995

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**PURPOSE**

The Minister for Local Government has requested sector feedback on a number of proposed amendments to the *Local Government Act 1995* (the Act).

The WA Local Government Association (WALGA) has provided 'Explanatory Notes' to inform local governments on the proposals.

This report provides a response to the proposed amendments and requests that Council considers the positions and comments for submission to WALGA.

**EXECUTIVE SUMMARY**

The Minister for Local Government has invited the sector to comment on a number of proposed amendments to the Act, including the following:

1. Reducing Elected Member numbers to between six and nine.
2. Salaries and Allowances Tribunal to set the fees for Elected Members and Chief Executive Officers.
3. A new mechanism for the temporary suspension of a Council.
4. The requirement for Elected Members to resign when they are elected to State or Commonwealth Parliament.
5. Restricting the types of local government investments to low risk products such as those with the WA Treasury Corporation, major banks and government bonds.
6. Aligning criminal conviction criteria for Elected Members with that of WA Members of Parliament.
7. Limiting employee termination payments to one year's salary.

WALGA has provided a copy of its 'Explanatory Notes' and has requested that local governments participate in the consultation process so that a strong response from the sector is received to ensure comments and feedback are representative of the majority of local governments.

This report provides a response to the proposed amendments and WALGA comments.

## BACKGROUND

The City actively responds to invitations from the Minister for Local Government and WALGA to comment on proposals that affect the local government sector.

Some of the matters raised by the Minister in the current range of amendment proposals have previously been considered by the Council. Any relevant positions or policy statements of the City are provided in the commentary related to the specific amendment.

## DETAILS

WALGA has requested that the Council gives formal consideration to the Minister's seven proposals as detailed hereunder and provide comment by way of a Council resolution, and inform WALGA of that resolution by 7 January 2011.

The following section discusses each of the Minister's proposed amendments to the Act.

### **1. Amend section 2.17 of the Act to reduce the number of offices of Member of a Council to between six and nine**

The Council, at its meeting held in August 2009, adopted its local government reform submission (CJ175-08/09 refers), which included adoption of a position in relation to the proposal to reduce the number of Elected Members to between six and nine, as follows:

*"That:*

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

In determining its position the Council considered Australian Bureau of Statistics data, which provided that the estimated resident population of the City of Joondalup at 30 June 2009 was 162,195, making it the second largest local government by population in Western Australia, and one of the largest local governments by population in Australia.

With 12 Councillor positions there is a ratio of 1:13,516 (where one Councillor represents 13,516 residents). If an elector ratio were to be examined, the City, at October 2009, had 105,137 electors, providing for a Councillor/elector ratio of 1:8,761, with Ward Councillor/elector representation.

It should be noted that as required by the Act, the City of Joondalup undertook a comprehensive review of wards and representation in 2005, and at the Council meeting held on 13 December 2005 (C73-12/05 refers) resolved to reduce the number of Elected Members and wards to the current arrangement of 12 Councillors representing six wards plus a Mayor elected at large by the community. This provides a historical reference with regard the Council's previous consideration of this matter.

If the City of Joondalup were to reduce its Councillor representation in accordance with the Minister's current proposal the following ratios would occur:

<b>Number of Councillors*</b>	<b>Councillor/Elector Ratio</b>	<b>Councillor/Resident Ratio</b>
Five Councillors	1:21,027	1:32,439
Eight Councillors	1:13,142	1:20,274

\*not including the 'at large' Mayoral position

The significant change in Councillor/resident and Councillor/elector ratios is considered to be unsustainable given the voluntary nature of the Elected Member role and the significant level of community engagement the City of Joondalup Council has with its constituents.

It is of interest to note that the average MLA at the State Government level is 1:21,350 electors.

During the recent reform process, discussions amongst larger metropolitan local governments have raised concern at the proposal for a reduction in Elected Member representation. The argument against a reduction in Elected Members has been based around the following:

- Councils are not a board of directors but are an elected representative body.
- That it is a fundamental change to the nature of local government to unilaterally change the role of Councillors to remove the focus on community representation.
- There will be significant expense to replace the voluntary community connection role undertaken by Councillors. To give any semblance of connection, Councils may require community officers and citizen committees (which have to be serviced by paid officers).
- Future population growth of some metropolitan local governments needs to be considered.
- The possible effect of potential candidates being dissuaded from standing for election given the commitment required to fulfil Council duties and community expectations.
- The increase in Councillor representation ratios will be significant for those local governments with large populations.
- The level of community engagement a Council has with its constituents has an impact on the ability of elected representatives to sufficiently represent the community.

Arguments for reduced Elected Member representation include the following:

- Better governance provided by a reduced number and a greater focus on strategic direction.
- Fewer Elected Members are more readily identifiable to the community.



- Fewer positions on Council may lead to greater interest in elections with contested elections and those elected obtaining a greater level of support from the community.
- More scope for team spirit and cooperation amongst a smaller number of people.
- A reduction in the number of Elected Members may result in an increased commitment from those elected, reflected in greater interest and participation in Council affairs. It is suggested that should there be a reduced number of elected representatives the remuneration provided to Elected Members should be reviewed to attract quality candidates that are able to commit the time and resources to governing the district.
- Consultation with the community can be achieved through a variety of means in addition to individuals and groups contacting their local Elected Member.

During the reform period in 2009 WALGA requested the Local Government Reform Subcommittee look at this issue to research the ratios of Elected Members per population in other States both prior to and after local government reform, and to identify the impact that this may have had on the community. WALGA has received no commitment from the Minister to undertake such research to substantiate the argument for reform in this area.

It is recommended that in relation to this proposed amendment the Council reiterate its position stated in its 2009 Local Government Reform Submission (detailed above).

**2. (a) Transfer responsibility for setting fees and allowances for Elected Members to the Salaries and Allowances Tribunal with the Tribunal's recommendations subject to approval by the Minister.**

WALGA has advocated on the issue of Elected Member allowances since 2004 and reaffirmed this advocacy when State Council considered this matter in light of the 2006 Local Government Advisory Board (LGAB) Report on Structural Reform, subsequently resolving:

*"That recommendation 1.35 of the Local Government Advisory Board report be supported and that the State Government be requested to amend the Local Government Act 1995 accordingly to achieve the following outcome:*

*That the Western Australian Salaries and Allowances Tribunal be given the responsibility for establishing the range of fees and allowances for elected members, with each Local Government having the ability to set a fee within this range. The Tribunal also be required to update the fees and allowances on an annual basis."*

*(a) That the State Government be requested to amend the Local Government Act accordingly;*

*(b) In the event the Local Government Act 1995 is amended as per the Association's advocacy:*

- i. that the question of the quantum and extent of Councillor Fees and Allowances be sought from other states with a view of presenting this to the Western Australian Salaries and Allowances Tribunal to support any Association submission on this subject; and*
- ii. that targeted research be undertaken on Councillor responsibilities, level of control and work values, so that these can be extrapolated as industry averages and provided to the Tribunal in further support of any Association submission."*

Whilst reiterating WALGA's comments in relation to this proposed amendment not being linked to the proposal to reduce Elected Member numbers it will be of interest as to the proposed range of fees the Minister and Salaries and Allowances Tribunal will consider appropriate, and whether it takes into account added responsibilities that might accrue as a result of proposed reductions in elected representation.

The Minister's proposal is at variance with the 2006 Local Government Advisory Board's report into Structural and Electoral Reform, as well as the 2008 WALGA Sustainability Study, both recommending that the Salaries and Allowances Tribunal be responsible for the setting of Elected Member fees.

Further, the Minister's proposal is for him to take advice from the Salaries and Allowances Tribunal and then make the final decision about whether the fees and allowances are adopted. This is in conflict with the proposal for the Salaries and Allowances Tribunal to make the decision.

It is recommended that in relation to this proposed amendment the Council support the WALGA State Council position with the additional comment that the City supports the Salaries and Allowances Tribunal being responsible for the setting of Elected Member fees.

**2. (b) Require the salaries of Chief Executive Officers to be within the salary bands recommended by the Salaries and Allowances Tribunal with the Minister having the discretion as to whether or not recommendations by the Tribunal are accepted.**

The proposal to amend the legislation so that local governments are required to ensure the salaries of their CEOs are set within the salary bands recommended by the Tribunal is strongly opposed for a number of reasons, including but not limited to the following:

- The proposal directly contravenes the intended general competence powers of Councils to determine the remuneration of its CEO.
- The nature of maximum term contractual employment should allow for negotiation of the parties involved determining an appropriate salary package.
- The proposal fails to consider existing market forces.
- The proposal fails to consider the complexity of individual local governments.
- The proposal fails to acknowledge that salary packages are usually determined after an independent assessment of the position has been undertaken by a private sector company which specialises in such employment matters, such as Mercers.

The Tribunal itself, in correspondence to the City dated 25 June, states that "*local governments have their own characteristics and individual Chief Executive Officers bring their own experience and expertise to their positions. In the light of such factors it is intended that local governments should exercise discretion and flexibility in remunerating Chief Executive Officers while taking into account the Tribunal's recommendations.*"

The Tribunal currently sets eight bands in its Local Government Reward Package. The City of Joondalup is one of ten local governments classified as Band 8, where the total reward package is recommended as being between \$231,464 and \$288,262. There are three local governments classified as Band 9, where the total reward package is recommended as being between \$231,875 and \$314,154. Band 9 local governments include the Cities of Perth, Wanneroo and Stirling.

It is recommended that in relation to this proposed amendment the Council oppose the Minister's proposal.

**3. Inclusion of a new mechanism that allows the Minister to temporarily suspend a Council where the Minister forms the view that an issue exists that may lead to a breakdown in effective decision making processes.**

The Act currently enables the suspension of a Council where the Minister appoints an Inquiry Panel to report on a local government's operation or affairs, or where a Council has not complied with an order made with respect to the recommendations of an Authorised Inquiry. Both circumstances do not provide the ability for an immediate response to issues that are detrimentally affecting the local government.

If the intent of the Minister's proposed amendment is as commented on by WALGA, it is recommended that WALGA's policy position on this issue as determined in 2008 be supported, whereby the Minister develop a mechanism to suspend individual Elected Members rather than an entire Council. The circumstances in which an individual Elected Member may be suspended should be examined by the Minister in consultation with WALGA.

**4. Inclusion of a new provision requiring Elected Members to resign when they are elected to State or Commonwealth Parliament.**

There currently exists no provision in the Act which requires an Elected Member to resign from office if they are elected to State or Commonwealth Parliament.

It is proposed that the Act be amended to require an Elected Member who is elected to the State or Commonwealth Parliaments to immediately resign or for their position on the Council to automatically become vacant at that time.

The proposal aligns with a State Council resolution of August 2007:

*"That the Minister for Local Government be requested to consider amending the Local Government Act 1995 to require Elected Members to resign from Council immediately upon being declared elected to State or Federal Parliament."*

It is recommended that the City support WALGA's policy position on this issue as determined at WALGA State Council in 2007.

**5. Restricting the types of local government investments to low risk products such as those with the WA Treasury Corporation, major banks and government bonds**

The Minister is proposing legislative amendments that would restrict the types of products in which local governments can invest to 'low risk' products such as those with the WA Treasury Corporation, major banks and government bonds.

The proposal is a response to those ten Western Australian local and regional governments incurring substantial losses on Collateralised Debt Obligations with Lehman Brothers during the Global Financial Crisis.

The effect of the Minister proposal as it stands is positive in limiting exposure to investment risks, and negative in limiting possible opportunities to improve investment returns with minimal risk.

WALGA provides that there remains subjectivity in the definition of the term 'low risk' in the context of the Minister's proposal. WALGA's position is that it supports the sector's right to retain the principle of general competency powers as provided under the Act, and that local governments be allowed to continue to decide for themselves how best to deal with investment opportunities.

With regard the City of Joondalup, the Council has established an Investment Policy, which is regularly reviewed to ensure it remains current and meets the objectives of the City with regard what is considered to be prudent and effective management of investments with appropriate levels of governance. This Policy is in alignment with the operational guidelines for investment as provided by the Department of Local Government in December 2007.

The Investment Policy sets out provisions for compliance and governance that are designed to mitigate investment risks. In addition to the Policy there are internal processes and procedures governing investment transactions and these are subject to both internal and external audit.

It should be noted that the City has a relatively conservative investment practice, and as such the negative impact of the Minister's proposal on the City's revenue will be limited.

From a local government sector perspective, it appears commonplace for the Minister and the Department to impose legislative restrictions on all local governments to deal with a minority of circumstances. Such an approach fails to take into account that the majority of local governments are conducting their business competently.

It is suggested that perhaps a more effective approach to regulating local government investments is to strengthen Regulation 19 of the *Local Government (Financial Management) Regulations 1996* to require local governments to develop and adopt an Investments Policy which defines the level of risk a local government is willing to accept in relation to its investments.

An approach such as this would permit those local governments with expertise and knowledge of financial markets to make investment decisions aimed at maximising revenue from those investments. Similarly, it would allow local governments that do not possess similar expertise to adopt a more conservative approach to investments.

It is recommended that the City oppose the Minister's proposed amendment and support WALGA's position that the local government sector retain the principle of general competency powers as provided under the Act, and local governments be allowed to continue to decide for themselves how best to deal with investment opportunities. Further, it be requested that WALGA give consideration to recommending to the Minister that he instead consider amending Regulation 19 of the *Local Government (Financial Management) Regulations 1996* to include a requirement for local governments to adopt an Investments Policy to guide investment decisions by individual local governments.

## **6. Aligning criminal conviction criteria for Elected Members with that of Western Australian Members of Parliament.**

Qualifications for holding office on a local government Council may be found in Division 5 of Part 2 of the Act.

The qualifications and disqualifications for membership of State Parliament are extensive and may be found in the following Western Australian Acts of Parliament:

- *Electoral Act 1907 (E).*
- *Electoral Regulations 1996 (ER).*
- *Constitution Acts Amendment Act 1899 (CAA).*
- *Public Sector Management Act 1994 (PSM).*

It is considered that the community expects elected representatives at all levels of governments to be of a calibre that elicits trust and confidence. It may therefore be argued that the qualifications and disqualifications for elected representation should be similar for those at both the State and local level.

It is recommended that the City support WALGA's proposal that qualification be broadened to *"Align the qualification and disqualification criteria for local government election candidates and Elected Members with that of Western Australian Members of State Parliament"*.

## **7. To limit employee termination payments to one year's salary.**

The Minister advises that recent consideration of the current provisions of the Act indicates that it may be possible for local government employees to receive up to two years salary upon redundancy. In drafting the Act and the Regulations the Minister provides that it was always intended that termination payments to employees upon redundancy would be limited to one year's salary. The Minister's proposal reflects this intention.

WALGA does not yet have an established position in relation to the Minister's proposal.

Whilst the Minister does not articulate to which sections of the Act these provisions supposedly relate (Note: WALGA have requested the Department to clarify this matter) the presumption must be made that he refers to Sections 5.39 and 5.50 of the Act and clauses 18B and 19A of the *Local Government (Administration) Regulations 1996*, and the matter requiring clarification relates to the employment of the CEO and senior officers only.

These provisions relate to matters to be included in contracts for CEO's and senior officers, and severance payments to all employees in addition to a contract or award (refer to Council Policy – Employment).

In principle, the City does not have an issue with redundancy payments being limited to 12 months for CEO's and senior officers by extension, and given the governance issues around these roles a legislative approach is probably an appropriate method to determine a redundancy cap.

Should the Minister, however, be attempting to legislate limiting local government's ability to negotiate redundancy provisions in Workplace Agreements for all employees the Council would be strongly opposed to such provisions on the grounds that the most appropriate method for managing employment conditions is through negotiated Workplace Agreements and/or specific contractual arrangements for individual employees. Severance/redundancy should be tailored for the organisation, and considered as part of a whole of employment conditions.

It is recommended that the City support the Minister's proposal to the extent that it does relate to clarification of Clauses 18B and 19A of the Local Government (Administration) Regulations 1996, relating to employment of CEOs and senior officers only.

**Issues and options considered:**

The Council may support, amend, or decline to support, any of the Minister's proposed amendments.

It is considered prudent that the Council adopt a position on each proposal to assist WALGA in its negotiations with the Minister on behalf of the local government sector.

**Legislation/Strategic Plan/Policy Implications**

**Legislation**                      Local Government Act 1995

**Strategic Plan**

**Key Focus Area:**      Leadership and Governance

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

There are no specific financial implications related to the adoption of positions or provision of comments on the proposed amendments.

Should the Minister amend the Act, information will be provided to Elected Members on any financial or policy implications for the City.

**Regional Significance:**

Structural reform has significant implications for the region.

**Sustainability implications:**

It has been acknowledged through the industry via WALGA's Systemic Sustainability Study that the current structure of local government needs to be reviewed to ensure it is sustainable.

The City has been assessed by the Department of Local Government as a Category One local government meaning that *"evidence indicates that there is existing organisational and financial capacity to meet current and future community needs."*

Should the Minister amend the Act, information will be provided to Elected Members on any sustainability implications for the City.

**Consultation:**

Not Applicable.

**COMMENT**

It is proposed that the Council consider the comments contained within the report on the Minister for Local Government's proposed amendments to the *Local Government Act 1995*, and provide these comments to WALGA.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

That Council ADVISES the Western Australian Local Government Association (WALGA) that, in relation to the Minister for Local Government's proposed amendments to the *Local Government Act 1995*, it provides the comments on the following:-

### 1. Reducing Elected Member numbers to between six and nine:

The Council REITERATES its position adopted at its meeting held on 18 August 2009 (CJ175-08/09 refers), being:

*"That:*

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

### 2. Salaries and Allowances Tribunal to set the fees for Elected Members and Chief Executive Officers:

**Elected Members:**

The Council SUPPORTS the WALGA position and that the Salaries and Allowances Tribunal be responsible for the setting of Elected Member fees;

**Chief Executive Officers:**

The Council DOES NOT SUPPORT the Minister for Local Government's proposal;

**3. New Mechanism for the temporary suspension of a Council:**

The Council SUPPORTS the WALGA policy position of 2008, and that the circumstances in which an individual Elected Member may be suspended be examined by the Minister in consultation with the WALGA;

**4. Require Elected Members to resign when they are elected to State or Commonwealth Parliament:**

The Council SUPPORTS the WALGA policy position of 2007;

**5. Restricting the types of local government investments to low risk products such as those with the WA Treasury Corporation, major banks and government bonds;**

The Council:

**5.1 SUPPORTS** the WALGA position that the local government sector retain the principle of general competency powers as provided under the Act, with regard investments;

**5.2 REQUESTS** the WALGA give consideration to proposing to the Minister that Regulation 19 of the *Local Government (Financial Management) Regulations 1996* be amended to include a requirement for local governments to adopt an Investments Policy to guide investment decisions by individual local governments;

**6. Align criminal conviction criteria for Elected Members with that of WA Members of Parliament:**

The Council SUPPORTS the WALGA position that qualifications be broadened to align the qualification and disqualification criteria for local government election candidates and Elected Members with that of Western Australian Members of State Parliament;

**7. To limit employee termination payments to one year's salary:**

The Council SUPPORTS the Minister for Local Government's proposal to limit redundancy payments to 12 months for Chief Executive Officers and senior officers, to the extent that the proposal does relate to clarification of Clauses 18B and 19A of the *Local Government (Administration) Regulations 1996*, relating to employment of Chief Executive Officers and senior officers only.

*Appendix 22 refers*

To access this attachment on electronic document, click here: [Attach22agn071210.pdf](#)



## **CJ230-12/10 MINUTES OF ANNUAL GENERAL MEETING OF ELECTORS HELD ON TUESDAY 29 NOVEMBER 2010**

**WARD:** All

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

**FILE NUMBER:** 82623, 42503

**ATTACHMENTS:** Attachment 1 Minutes of Annual General Meeting of Electors held on 29 November 2010

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### **PURPOSE**

For the Council to note the Minutes of the Annual General Meeting of Electors held on 29 November 2010 and to give consideration to the motions carried at that meeting.

### **EXECUTIVE SUMMARY**

The Annual General Meeting of Electors of the City of Joondalup was held on 29 November 2010 in accordance with Section 5.27 of the *Local Government Act 1995* (the Act). Section 5.33(1) of the Act requires that all decisions made at an Electors' Meeting if practicable are to be considered at the next Ordinary Meeting of Council.

*It is recommended that Council NOTES the Minutes of the Annual General Meeting of Electors held on 29 November 2010.*

### **BACKGROUND**

The City's Annual General Meeting of Electors was held on 29 November 2010 in accordance with Section 5.27 of the *Local Government Act 1995*. The meeting was attended by 11 members of the public with a total of three motions carried at the meeting. The minutes of that meeting form Attachment 1 to this report.

Decisions made by electors at an Electors' Meeting are the recommendations of those electors present, on the matters discussed and considered at the meeting. As with recommendations made at Council Committee Meetings, they are not binding on the Council, however, the Council are required to consider them.

### **DETAILS**

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

The Motions passed at the Annual General Meeting of Electors, at which 11 electors were present, are set out below:

**MOTION NO 1**

MOVED Ms Marie Macdonald, 5 Mair Place, Mullaloo, SECONDED Dr Marjorie Apthorpe, 69 Bacchante Circle, Ocean Reef that Council makes a statement to ratepayers detailing all costs incurred and any income received from 2006 to 2010 as a result of the spraying of hexazinone in drainage sumps in the City of Joondalup and give the reason why thousands of trees and shrubs died and who was responsible.

**MOTION NO 2**

MOVED Dr Marjorie Apthorpe, 69 Bacchante Circle, Ocean Reef SECONDED Ms Marie McDonald, Mair Place, Mullaloo that the City of Joondalup reduces its herbicide use and the herbicide use by its contractors in public areas, including parks, school ovals, road verges and public footpaths in the interests of public health and safety.

**MOTION NO 3**

MOVED Mr Mitch Sideris, Page Drive, Mullaloo, SECONDED Ms Marie McDonald, Mair Place, Mullaloo that the confidential report submitted to Council at its meeting held on 23 December 2008 and subsequent reports presented to Council in 2010, be made available to the public now that the matter has been finalised and there has been a mediated confidential agreement between the parties.

It is proposed that the three motions passed at the Annual General Meeting of Electors will be submitted to the February 2011 meeting of the Council for consideration.

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

Section 5.33 of the Local Government Act 1995 states:

**Decisions made at Electors' Meetings**

5.33 (1) *All decisions made at an Electors' Meeting are to be considered by the Council at the next ordinary council meeting or, if this is not practicable –*

*(a) at the first ordinary council meeting after that meeting; or*

*(b) at a special meeting called for that purpose,*

*whichever happens first.*

(2) *If at a meeting of the Council a local government makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the minutes of the Council Meeting.*

**Strategic Plan**

**Key Focus Area:** Leadership and Governance

**Objective:** 1.3 Objective: To lead and manage the City effectively

**Policy** Not Applicable.

**Risk Management considerations:**

The failure to consider the decisions made at the Annual General Meeting of Electors will mean that the City has not complied with Section 5.33 of the *Local Government Act 1995*.

**Financial/Budget Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The motions carried at the Annual General Meeting of Electors held on 29 November 2010 are presented to the Council in accordance with the requirements of the legislation.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Minutes of the Annual General Meeting of Electors held on 29 November 2010 forming Attachment 1 to Report CJ230-12/10.**

*Appendix 23 refers*

*To access this attachment on electronic document, click here: [Attach23agn141210.pdf](#)*

## **MINUTES OF THE OCEAN REEF MARINA COMMITTEE**

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A late report is intended to be provided to Elected Members under separate cover relating to the Ocean Reef Marina Committee.

**12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****NOTICE OF MOTION – CR RUSS FISHWICK – ELLERSDALE AND MARRI LANDSCAPE MASTER PLAN UPGRADES 2010/11 - [18014, 30146]**

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Russ Fishwick has given notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 14 December 2010:

***“That Council:***

- 1     *REMOVES the mulch from Ellersdale Reserve prior to 24 December 2010;***
- 2     *GIVES consideration to a report on the waterwise treatment of Ellersdale Reserve based on the results of the community consultation on or prior to the Council meeting to be held on 15 February 2011.”***

**Reason for Motion**

Cr Fishwick submitted the following comments in support of his Notice of Motion:

“Ellersdale Park is used by many residents and small children. In October, the lawn in the passive recreational areas was poisoned and then had tons of mulch dumped on it.

Young children and their parents used to play football and other outdoor activities at the northern end. Now the children have a very small space around the swings to play (see following photo ‘*Pic 1 Swing in mulch*’). The oval is used by football and cricket clubs on weekends for matches and week days for training so is not available for family groups.

The area under the trees has now been spoilt for people who may have wanted to enjoy a picnic. Last year we celebrated the 40th Anniversary of the first subdivision at Warwick with a community picnic on the grass under the trees which was attended by nearly 100 residents. Such an event could not be held there this year due to the mulching (see following photo ‘*Pic 2 – Seat in mulch*’).

The northern area was also used by football teams to warm up whilst a junior game was being played on the oval. This facility is no longer available.

The passive areas look terrible with mulch spread everywhere even where spectators sit under the trees on the eastern side of the main oval to watch cricket in summer and football in winter. This is no longer available (see following photo ‘*Pic 3 – Spectator bank*’).

The passive areas of the Park are well used by many community members each year.

In addition, the City’s community consultation about the treatment of Ellersdale Park was poor. I have spoken to over 20 nearby residents and not one, even those whose fences back onto the Park, heard anything from the Council. Nor I as the Ward Member was advised of the proposed treatment.

Due to the many complaints received, a public meeting was held at the Ellersdale Club Rooms on 1 November 2010. The meeting overwhelmingly supported the removal of the mulch except for an area around the sump.

The Administration therefore agreed to undertake further public consultation of affected residents taking cognisance of the views expressed by the Meeting and present the matter to Council for consideration. The community, however, has requested that the mulch be removed as soon as possible.

I believe in saving water and with this in mind those areas around the oval could be watered at a lesser frequency to maintain the much needed recreational space for the public and therefore the mulch should be removed.

**Officer's Comment**

The Report CJ228-12/10 is on this Agenda and will be considered by Council.

*Appendix 20 refers*

*To access this attachment on electronic document, click here: [Attach20agn141210.pdf](#)*

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

**14 CLOSURE**



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

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

<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



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

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

**STATEMENT**

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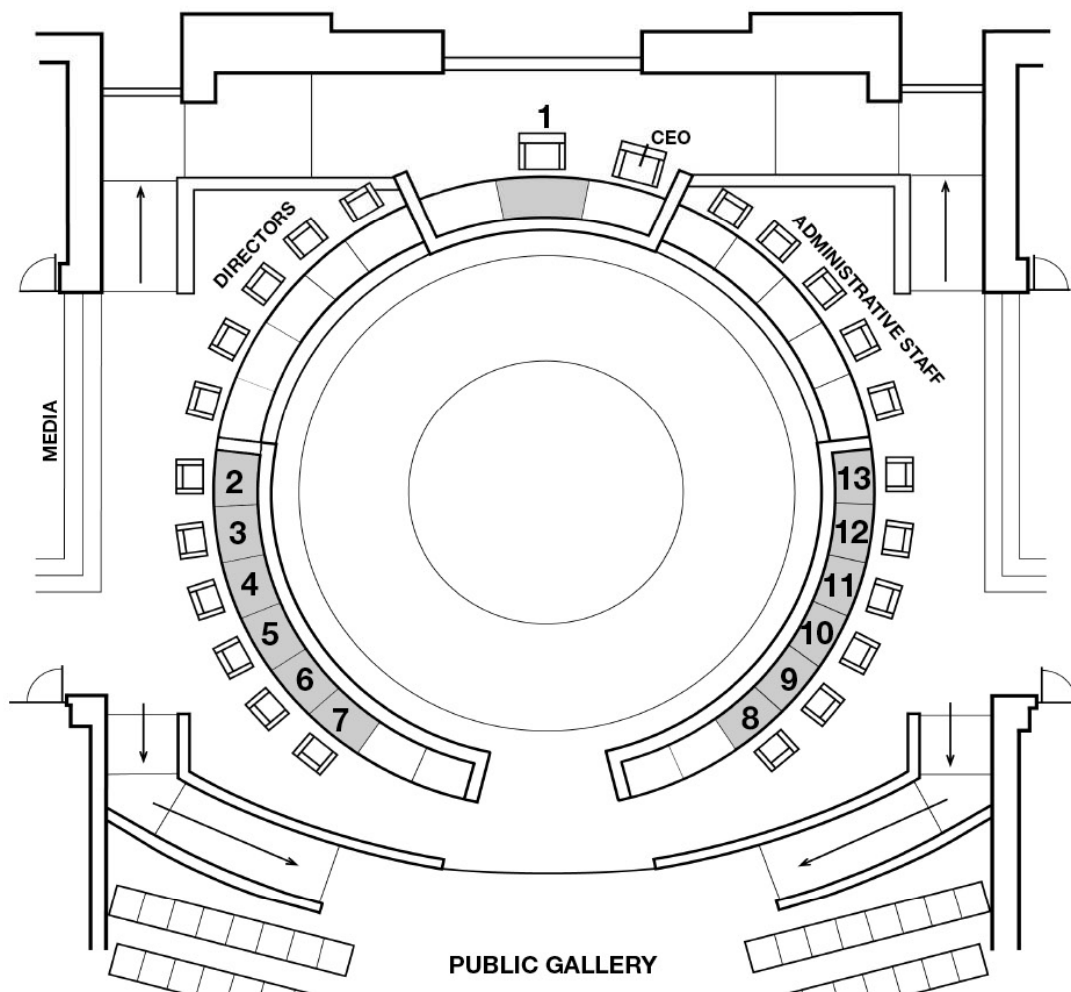
Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
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**Please note that:**

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

## Council Chamber – Seating Diagram



### Mayor

1 His Worship the Mayor, Troy Pickard (Term expires 10/13)

### North Ward

- 2 Cr Kerry Hollywood (Term expires 10/13)
- 3 Cr Tom McLean (Term expires 10/11)

### North-Central Ward

- 4 Cr Philippa Taylor (Term expires 10/13)
- 5 Cr Trona Young (Term expires 10/11)

### Central Ward

- 6 Cr Liam Gobbert (Term expires 10/13)
- 7 Cr Geoff Amphlett (Term expires 10/11)

### South-West Ward

- 8 Cr Christine Hamilton-Prime (Term expires 10/13)
- 9 Cr Mike Norman (Term expires 10/11)

### South-East Ward

- 10 Cr John Chester (Term expires 10/13)
- 11 Cr Brian Corr (Term expires 10/11)

### South Ward

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