

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, 17 APRIL 2012

COMMENCING AT 7.00 pm

GARRY HUNT
Chief Executive Officer
13 April 2012

www.joondalup.wa.gov.au

PUBLIC QUESTION TIME

Members of the public are
requested to lodge questions in
writing by 9.00am on
Monday, 16 April 2012

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

PO Box 21 Joondalup WA 6919

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 Governance Support on 9400 4369.*

TABLE OF CONTENTS

ITEM NO	TITLE	WARD	PAGE NO
1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS		xi
2	PUBLIC QUESTION TIME		xi
3	PUBLIC STATEMENT TIME		xii
4	APOLOGIES AND LEAVE OF ABSENCE		xii
5	CONFIRMATION OF MINUTES		xii
6	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION		xiii
7	DECLARATIONS OF INTEREST		xiii
8	IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS		xiv
9	PETITIONS		xiv
10	REPORTS		xiv
CJ044-04/12	DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS - FEBRUARY 2012 [07032, 101515]	All	1
CJ045-04/12	PROPOSED MODIFICATIONS TO THE BURNS BEACH STRUTURE PLAN – CONSIDERATION FOLLOWING ADVERTISING – [29557]	North	5
CJ046-04/12	BURNS BEACH MASTER PLAN – PROJECT PHILOSOPHY AND PARAMETERS – [101571]	North	11
CJ047-04/12	BURNS BEACH CARAVAN PARK BOUNDARY REALIGNMENT – [07016]	North	22
CJ048-04/12	REQUEST TO INSTALL FENCING ALONG HAKEA PLACE BOUNDARY OF RESERVE 30149 HAKEA PARK (11) HAKEA PLACE – CONSIDERATION FOLLOWING ADVERTISING – [47827, 04647]	South-West	28

CJ049-04/12	PROPOSED MODIFICATION TO TRADING HOURS OF DRIVE THROUGH FOOD OUTLET AT SHOP 1, DUNCRAIG VILLAGE SHOPPING CENTRE, LOT 526 (8) BURRAGAH WAY, DUNCRAIG – [08321]	South	34
CJ050-04/12	PROPOSED CHILD CARE CENTRE EXTENSION AT LOT 105 (39) CURRAJONG ROAD, DUNCRAIG, AND LOT 501 (107) WARWICK ROAD, DUNCRAIG – [39873]	South	42
CJ051-04/12	DRAFT JOONDALUP CITY CENTRE STRUCTURE PLAN – [34624]	North and North-Central	55
CJ052-04/12	PROPOSED LANDSCAPING AREA RECONFIGURATION AND RETROSPECTIVE ADDITIONS TO LANDSCAPE SUPPLIES PREMISES AT LOT 396 (29) CANHAM WAY, GREENWOOD – [26113]	South-East	68
CJ053-04/12	PETITION REQUESTING PORTION OF TIMBERLANE PARK TO BE EXCISED FOR DEVELOPMENT OF AGED PERSONS' ACCOMMODATION – [07100]	Central	71
CJ054-04/12	JOONDALUP PERFORMING ARTS AND CULTURAL FACILITY – APPOINTMENT OF STEERING COMMITTEE MEMBER – [75577]	All	80
CJ055-04/12	DRAFT CITY WATER PLAN 2012 – 2015	All	84
CJ056-04/12	EXECUTION OF DOCUMENTS – [15876]	All	90
CJ057-04/12	MINUTES OF EXTERNAL COMMITTEES – [00033, 60514]	All	92
CJ058-04/12	LIST OF PAYMENTS MADE DURING THE MONTH OF FEBRUARY 2012 – [09882]	All	98
CJ059-04/12	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 29 FEBRUARY 2012 – [07882]	All	101
CJ060-04/12	PROPOSAL TO CHANGE THE DISTRICT BOUNDARY OF THE CITY OF JOONDALUP – [01081]	All	104
CJ061-04/12	TENDER 006/12 – PROVISION OF CHEMICAL WEED CONTROL IN NATURAL AREAS – [102257]	All	112
CJ062-04/12	PETITION REQUESTING AN UPGRADE OF MOOLANDA PARK, KINGSLEY – [01184]	South-East	119
CJ063-04/12	PETITION REGARDING TRAFFIC CONCERNS ON TUART ROAD, GREENWOOD – [24179]	South-East	124

CJ064-04/12	IMPROVED ACCESS TO PUBLIC TOILET BUILDINGS – [46612]	All	129
CJ065-04/12	DETAILED DESIGN OF TRAFFIC MANAGEMENT ON OCEANSIDE PROMENADE, MULLALOO – [02111]	North-Central	137

11 REPORT OF THE CHIEF EXECUTIVE OFFICER

CJ066-04/12	MINUTES OF THE ART COLLECTION AND ADVISORY COMMITTEE MEETING HELD ON 2 APRIL 2012 – [35613]	All	147
CJ067-04/12	ROLE OF THE ART COLLECTION AND ADVISORY COMMITTEE - [35613]	All	155
CJ068-04/12	2012 INVITATION ART AWARD – [101779]	All	159
CJ069-04/12	REQUEST FOR ANNUAL LEAVE – CHIEF EXECUTIVE OFFICER – [98394, 98394B]	All	165
CJ070-04/12	RESOLUTION OF MISCONDUCT COMPLAINTS – [03011]	All	168
CJ071-04/12	MINDARIE REGIONAL COUNCIL – NEW ESTABLISHMENT AGREEMENT – [03149]	All	177
CJ072-04/12	DRAFT LOCAL COMMERCIAL STRATEGY – [101610]	All	183
CJ073-04/12	CONFIDENTIAL - REPRESENTATION RECEIVED BY THE MINISTER FOR PLANNING UNDER SECTION 76 OF THE TOWN PLANNING AND DEVELOPMENT ACT 2005	All	189

12	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN		190
-----------	--	--	------------

13	ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING		190
-----------	--	--	------------

14	CLOSURE		190
-----------	----------------	--	------------

LATE ITEMS / ADDITIONAL INFORMATION

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

[Additional Information170412.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, 17 April 2012** commencing at **7.00 pm**.

GARRY HUNT
Chief Executive Officer
13 April 2012

Joondalup
Western Australia

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 Ordinary Council meeting held on 20 March 2012:

Mr R Repke, Kallaroo:

Re: CJ040-03/12 - Petition of Electors Requesting the Retention of Lot 971 (52) Creaney Drive, Kingsley for the Purposes of a Sculpture Park

Q1 Approximately two years ago, the administration decided to establish a list of significant trees. Has the administration established that list and are the trees in Kingsley Park part of that list and if not, why not? If the list has not been established yet, what are the reasons?

A1 The development of a Significant Tree Register to protect and preserve environmental assets was endorsed by Council as non-legislative action in the City's Biodiversity Plan (CJ124-07/08 refers).

The City adopted the definition of "significant trees" used by the National Trust (South Australia) 2007 whereby a tree may be defined as "significant" if it has one or more of the following attributes:

- They are remnant vegetation that provides an important habitat, conserves biodiversity or is a seed or food source. Selected trees may be rare, endangered or vulnerable.
- They are historic, perhaps associated with Aboriginal, colonial or post-colonial people, events or communities. Such trees may form part of a private or public garden, or are or have been important in the life of the local community.
- They are aesthetic as a result of unusual size, great age, intrinsic physical features, outstanding appearance or occurring in a unique location or context, and thus provide a special contribution as a landmark or landscape feature.
- They are botanical, having medicinal or genetic value. Selected trees may be isolated specimens, have State or National conservation status, be of original genetic stock, a cultivar resistant to disease or exposure, or propagated from biologically important stock.

The City needs to review the tree stock on public land for inclusion in the Joondalup Significant Tree Register which is a revision of the previous Wanneroo Register of Significant Trees. The intention is that the register will be a public document once the assessment is complete.

There are no trees in Kingsley Park currently listed in the Joondalup Significant Tree Register.

Q2 *How many retirement homes (for independent living) exist in the City of Joondalup and what is the objective criteria (such as ratio between total population and persons over 55 and the change of that ratio over the last ten years and expected ratio for the next ten years)?*

A2 There are 27 known retirement villages, hostel accommodation and nursing homes within the City of Joondalup.

The 2001 census results showed that there were approximately 22,800 people in the City of Joondalup aged 55+ which equated to 15.5%. This can be compared to the Perth Metro Area which had approximately 20.2% of the total population aged 55+.

The 2006 census results showed that there were approximately 30,605 people in the City of Joondalup aged 55+ which equated to 20.5%. This can be compared to the Perth Metro Area which had approximately 22.7% of the total population aged 55+.

Mrs L Bell, Kingsley:

Re: *CJ040-03/12 - Petition of Electors Requesting the Retention of Lot 971 (52) Creaney Drive, Kingsley for the Purposes of a Sculpture Park*

Q1 *I recently met with the City's Project Manager with regards to upgrading seating in the specified area that I met with the Manager about, but to date I have not received any feedback?*

A1 The upgrade of the seating referred to has been listed for consideration in the Five Year Capital Works Program.

3 PUBLIC STATEMENT TIME

4 APOLOGIES AND LEAVE OF ABSENCE

5 CONFIRMATION OF MINUTES

MINUTES OF COUNCIL MEETING, 20 MARCH 2012

RECOMMENDATION

That the Minutes of the Council Meeting held on 20 March 2012 be confirmed as a true and correct record.

6 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**7 DECLARATIONS OF INTEREST****Disclosures of Financial Interest/Proximity Interest**

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

Name/Position	Cr Teresa Ritchie.
Item No/Subject	CJ053-04/12 – Petition Requesting Portion of Timberlane Park be Excised for development of Aged Person Accommodation
Nature of interest	Proximity Interest.
Extent of Interest	Cr Ritchie lives opposite Timberlane Park.

Name/Position	Mr Garry Hunt, Chief Executive Officer
Item No/Subject	CJ069-04/12 – Request for Annual Leave - Chief Executive Officer.
Nature of interest	Financial Interest.
Extent of Interest	Mr Hunt holds the position of Chief Executive Officer.

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.

Name/Position	Cr Kerry Hollywood
Item No/Subject	CJ045-04/12 – Proposed Modifications to the Burns Beach Structure Plan – Consideration following advertising.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Hollywood lives in Burns Beach, but not next to this portion of the development.

Name/Position	Cr Liam Gobbert
Item No/Subject	CJ049-04/12 – Proposed Modifications to Trading Hours of Drive Through Food Outlet at Shop 1, Duncraig Village Shopping Centre, Lot 526 (8) Burragah Way, Duncraig.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Gobbert has an on-going professional relationship with several employees of the applicant.

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

9 PETITIONS

PETITION REQUESTING THE CLOSURE OF THE PEDESTRIAN ACCESSWAY JOINING ROCKET VALE AND BRAZIER RISE, PADBURY - [76001, 56504, 100232, 05386]

A nine signature petition has been received from residents of the City of Joondalup requesting that Council closes the pedestrian accessway joining Rocket Vale and Brazier Rise, Padbury.

The petitioners request the closure of the pedestrian accessway due to loss of privacy, noise issues, vandalism and anti-social behaviour.

RECOMMENDATION

That the following petition be RECEIVED, referred to the Chief Executive Officer and a subsequent report presented to Council for information:

- 1 Petition requesting the closure of the pedestrian accessway joining Rocket Vale and Brazier Rise, Padbury.**

10 REPORTS

**CJ044-04/12 DEVELOPMENT, CODE VARIATION AND
SUBDIVISION APPLICATIONS – FEBRUARY 2012****WARD:** All**RESPONSIBLE
DIRECTOR:** Ms Dale Page
Planning and Development**FILE NUMBER:** 07032, 101515**ATTACHMENTS:** Attachment 1 Monthly Development Applications Determined –
February 2012.
Attachment 2 Monthly Building Application Code Variations
Decision – February 2012.
Attachment 3 Monthly Subdivision Applications Processed –
February 2012.

PURPOSE

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

EXECUTIVE SUMMARY

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

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

This report identifies the following applications determined by the administration with Delegated Authority powers during February 2012 (Attachments 1, 2 and 3 refer):

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

BACKGROUND

The DPS2 requires that delegation be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 28 June 2011, Council considered and adopted the most recent Town Planning Delegation.

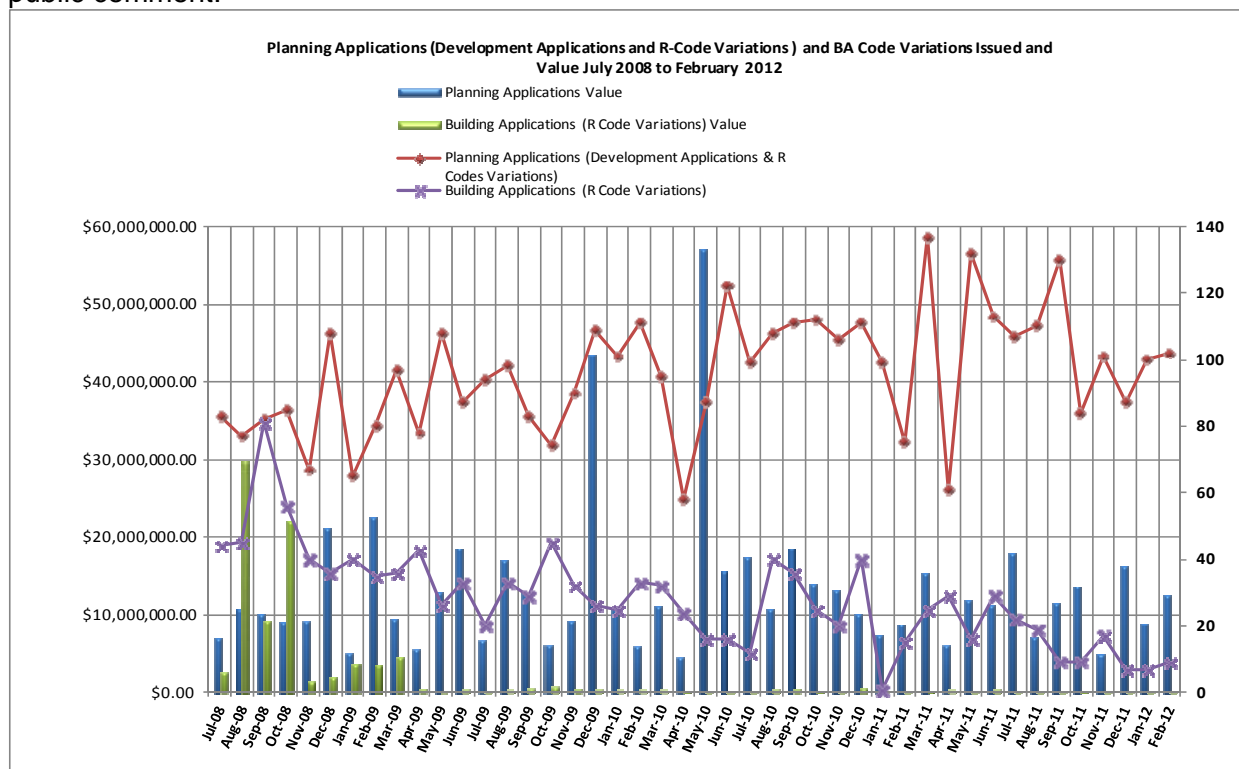
DETAILS

The number of applications determined under delegated authority during February 2012, is shown below:

Approvals determined under delegated authority – February 2012		
Type of Approval	Number	Value (\$)
Planning applications (development applications & R-Codes variations)	102	\$ 12,457,973
Building applications (R-Codes variations)	9	\$ 68,826
TOTAL	111	\$ 12,526,799

The number of development applications received during February was 117. (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 February was 197. Of these, 52 were pending additional information from applicants, and 47 were being advertised for public comment.



In addition to the above, 272 building licences were issued during the month of February with an estimated construction value of \$41,328,932.

Subdivision approvals processed under delegated authority for February 2012		
Type of approval	Number	Potential additional new lots
Subdivision applications	3	3
Strata subdivision applications	5	17

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 111 applications were determined for the month of February with a total amount of \$46,777 received as application fees.

All figures quoted in this report are exclusive of GST.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Consultation may be required by the provisions of the Residential Design Codes, any relevant policy and/or the DPS2.

Of the 102 development applications determined during February 2012 consultation was undertaken for 58 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 eight subdivision applications processed during February 2012 were not advertised for public comment.

COMMENT

Large local governments utilise levels of delegated authority as a basic business requirement in relation to Town Planning functions. The process allows for timeliness and consistency in decision-making for rudimentary development control matters. The process also allows the Elected Members to focus on strategic business direction for the City, 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 described in Attachments 1 and 2 to Report CJ044-04/12 during February 2012;**
- 2 Subdivision applications described in Attachment 3 to Report CJ044-04/12 during February 2012.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf100412.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Cr Kerry Hollywood
Item No/Subject	CJ045-04/12 – Proposed Modifications to the Burns Beach Structure Plan – Consideration following advertising.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Hollywood lives in Burns Beach, but not next to this portion of the development.

CJ045-04/12 PROPOSED MODIFICATIONS TO THE BURNS BEACH STRUCTURE PLAN - CONSIDERATION FOLLOWING ADVERTISING**WARD:** North**RESPONSIBLE DIRECTOR:** Ms Dale Page
Planning and Development**FILE NUMBER:** 29557, 101515**ATTACHMENTS:** Attachment 1 Existing and Proposed Plan 1- Structure Plan
Attachment 2 Schedule of Submissions
Attachment 3 Submission Plan
Attachment 4 Structure Plan Process Flow Chart**PURPOSE**

The purpose of this report is for Council to consider the submissions received during the public advertising of the proposed modifications to the Burns Beach Structure Plan and to decide whether to adopt the modifications as final.

EXECUTIVE SUMMARY

The City has received a request from Development Planning Strategies to modify the existing Burns Beach Structure Plan.

The modifications include:

- Increasing the residential density of undeveloped land currently coded R20 in the Northern Residential Precinct, to R25;
- Increasing the residential density of part of the undeveloped land coded R20 in 'Stage 7', to R40; and
- Text and mapping modifications to reflect the coding changes.

At its meeting held on 22 November 2011 (CJ212-11/11 refers), Council resolved to support the modifications for the purpose of public advertising. The proposed modifications were advertised for 21 days concluding on 23 February 2012.

A total of 10 submissions were received, being eight objections, one letter of no objection and one letter of no objection from a service authority. Following the close of the advertising period, a 72 signature petition was tabled at the Council meeting held on 20 March 2012. The issues raised in the submissions were in regard to property values and exclusivity of the area, impact on visual amenity and increased people and traffic in the area.

Property values and exclusivity of an area are not considered to be valid planning considerations. The proposed modifications are not considered to detrimentally impact on the amenity of the area by way of visual impact or increased traffic.

The proposed amendments to the Structure Plan are considered to represent a modest increase in the residential density of the site that will facilitate additional lots with the Structure Plan area, providing greater choice in lot sizes for purchasers. The proposed increases in density do not materially change the intent of the Structure Plan. It is recommended that the modifications to the Burns Beach Structure Plan be adopted.

BACKGROUND

Suburb/Location: Burns Beach
Applicant: Development Planning Strategies
Owner: Burns Beach Property Trust
Zoning: **DPS:** Urban Development
MRS: Urban
Site Area: 147ha
Structure Plan: Burns Beach.

The Burns Beach Structure Plan covers 147 hectares of land located north of Burns Beach Road and west of Marmion Avenue. The land is zoned 'Urban Development' under District Planning Scheme No 2 (DPS2).

Previous modifications to the Burns Beach Structure Plan were adopted in September 2007. Since this time almost half of the area has been developed for residential purposes and subdivision approval has been granted for the entire area. However, the areas that are the subject of the modification are yet to be subdivided and remain in the ownership of the Burns Beach Property Trust.

At its meeting held on 22 November 2011 (CJ212-11/11 refers), Council resolved to adopt the modifications to the Burns Beach Structure Plan for the purpose of public advertising period of 21 days.

DETAILS

At its meeting held on 22 November 2011, Council resolved as follows:

... pursuant to Clause 9.7 of District Planning Scheme No 2, ADOPTS the following modifications to the Burns Beach Structure Plan for the purpose of public advertising for a period of 21 days:

- 1 Increasing the residential density of undeveloped land currently coded R20 in the Northern Residential Precinct, to R25;*
- 2 Increasing the residential density of part of the undeveloped land coded R20 in 'Stage 7', to R40; and*

- 3 *Text and mapping modifications to reflect the coding change, as shown at Attachment 2 to Report CJ212-11/11."*

Issues and options considered:

The issues to be considered by Council include:

- The suitability of the proposed modifications to the Burns Beach Structure Plan; and
- The public submissions received.

The Options available to Council in considering the proposal are to:

- Adopt the modifications to the Structure Plan;
- Adopt the modifications to the Structure Plan, with alterations; or
- Refuse to adopt the proposed modifications to the Structure Plan.

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

Legislation/Strategic Plan/Policy Implications:

Legislation: Clause 9.7 of District Planning Scheme No 2 (DPS2) enables Council to amend an Agreed Structure Plan subject to the approval of the Western Australian Planning Commission. Should Council determine that the modification to the Structure Plan is satisfactory, advertising of the proposal is required in accordance with Clause 9.5 of DPS2.

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.

Under Clause 9.6, upon the completion of the public advertising period, Council is required to consider all submissions within 60 days and is required to either adopt or refuse to adopt the amended Structure Plan, with or without modifications. Attachment 4 sets out the Structure Plan process.

Should Council determine that the proposed modification is minor such as not to materially alter the intent or purpose of the Agreed Structure Plan or cause any significant detriment to land within or abutting the Structure Plan area, it may waive the public advertising of the proposed modifications in accordance with Clause 9.7 of DPS2.

Strategic Plan

Key Focus Area: The Built Environment.

Objective: 4.1 To ensure high quality urban design within the City.

Policy

Directions 2031 and beyond (WAPC).

Draft Outer Metropolitan Sub-regional Strategy (WAPC).

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 \$5,969 (incl GST) to cover all costs associated with assessing the Structure Plan and public consultation.

Regional Significance:

Directions 2031 and 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 green field and infill development sites. The proposed density increase will provide the opportunity for additional dwellings to be developed in the area. Whilst it is not a significant increase in the number of dwellings to be provided in the Structure Plan area, these additional dwellings will assist in delivering the aspirations of Directions 2031 and Outer Metropolitan Perth and Peel Sub-Regional Strategy for the City of Joondalup.

Sustainability Implications:

The proposed density increase has the potential to provide additional dwellings in the area which will allow more efficient use of the proposed and existing infrastructure.

Consultation:

Clause 9.5 of DPS 2 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 consultation period of a minimum of 21 days.

The advertising period commenced 2 February 2012 and closed 23 February 2012.

Advertising consisted of:

- Written notification to 18 nearby landowners;
- Documents being available at the City's Administration Building;
- A notice being placed in the Joondalup Community newspaper; and
- A notice and documents on the City's website.

A total of 10 submissions were received, being eight objections, one letter of no objection and one letter of no objection from a service authority. Subsequent to the close of the advertising period, a 72 signature petition was tabled at the Council meeting held on 20 March 2012. The schedule of submissions is provided in Attachment 3 and a map of submitters in Attachment 4.

COMMENT

The main issues raised in the submissions were:

- Impact on property values and exclusivity of the area;
- Impact on visual amenity; and
- Increased people and traffic in the area.

Impact on property values and exclusivity of the area.

Given that numerous elements may affect property values and the perceived exclusivity of an area, these issues are unable to be considered from a planning point of view.

Visual Amenity

It is not anticipated that the development of the additional lots will negatively impact on the visual amenity of the area as the development provisions of the Structure Plan are not proposed to change.

The provision of the Structure Plan and where appropriate, the Residential Design Codes, include elements which address building height, setbacks and open space for the individual lots. This will ensure future residential development in the area will be consistent with the existing residential development.

Increased people and traffic in the area

With the natural progression of subdivision and development of the Burns Beach Structure Plan area the number of lots and residents will increase until the area is fully developed. The road networks have been designed in accordance with State Governments policy Liveable Neighbourhoods which, inter alia, guides the design of road networks based on street designation and indicative daily traffic flows.

These road networks are not proposed to change as part of the proposed modifications to the Structure Plan and are expected to be able to accommodate between 1,000 and 3,000 vehicle movements per day which is characteristic of access and higher order access streets.

The amendments will result in the creation of approximately 159 additional lots, with an approximate increase of 1272 - 1590 vehicle trips per day spread over the road network.

The increased number of dwellings and subsequently the number of residents will mean that the infrastructure, including public open space will be utilised efficiently. This is in line with *Directions 2031 and beyond* which promotes better use of urban land for both greenfield and infill development areas to accommodate Perth's growing population. Specifically, *Directions 2031 and beyond* has a target of 15 dwellings per gross hectare (approximately R30) for greenfield development. The proposed amendments to Structure Plan to include areas of R25 and increased areas of R40 are therefore considered appropriate on this basis.

Conclusion

The advertising of the proposed Structure Plan amendments have not raised any issues that would warrant not proceeding with the proposal. It is recommended that the Structure Plan amendments be adopted.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 ADOPTS the modifications to the Burns Beach Structure Plan in accordance with Attachment 1 to Report CJ045-04/12 and submits the plan to the Western Australian Planning Commission for final determination/adoption and certification; and**
- 2 NOTES the submissions received and ADVISES the submitters, and the lead petitioner of the Council's decision.**

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf100412.pdf](#)

CJ046-04/12 BURNS BEACH MASTER PLAN - PROJECT PHILOSOPHY AND PARAMETERS

WARD:	North	
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Development	
FILE NUMBER:	101571, 101515	
ATTACHMENTS:	Attachment 1 Attachment 2	Master Plan Area Intervention Nodes

PURPOSE

For Council to consider the proposed Project Philosophy and Parameters for the Burns Beach Master Plan.

EXECUTIVE SUMMARY

At its meeting held in August 2007 (C54-08/07 refers), Council requested a report on the Master Plan Project for Burns Beach focussing on the future enhancement of the provision of facilities within the foreshore catchment area.

There are several documents which currently relate to and assist in the management of the area. The Master Plan is intended to integrate the core aspects of the existing plans and into a cohesive strategy for the development, provision of facilities and management of the Burns Beach area.

In the first instance and prior to the development of the Master Plan, it is appropriate that Council considers and adopts the philosophy and parameters that will underpin the development of the plan. This includes consideration of governance, land use and built form, fiscal responsibility and commerciality, sustainability and liaison issues.

It is recommended that Council endorses the Burns Beach Master Plan Project Philosophy and Parameters.

BACKGROUND

Burns Beach comprises approximately 290 hectares of land, of which 147.5 hectares is zoned 'Urban' and the remaining 144 hectares is reserved as "Parks and Recreation" under the Metropolitan Region Planning Scheme (MRS). The area reserved for parks and recreation purposes is to be retained for conservation and includes a foreshore area and an area designated Bush Forever (Site 322).

There are a number of documents which relate to and assist in the management of the Burns Beach area:

- The Burns Beach Structure Plan (2004): This Structure Plan articulates the intentions and objectives; and the nature and extent of the urban development for the Burns Beach estate;
- The Burns Beach Foreshore Management Plan (2006) and the Beach Management Plan: The Foreshore Management and the Beach Management documents ensure the appropriate management and preservation of these areas, whilst promoting integrated and sustainable community use with the conservation of the coastline and associated natural features; and
- The Tamala Park Conservation Park Draft Establishment Plan (2011): The proposed Tamala Park Conservation Park Draft Establishment Plan articulates a proposal for integrating sustainable community use with sustainable heritage and environmental conservation.

Each plan deals with a particular aspect of the Burns Beach area but does not deal with the area holistically.

In response to issues raised through stakeholder and community consultation, the Burns Beach Foreshore Management Plan identified the need for various facilities and services to be provided in specific locations. These were to be incorporated into the short, medium and long term staging of the development of the Burns Beach estate by the Burns Beach Management Company.

At its meeting held on 28 August 2007 (C54-08/07 refers), Council requested a report on:

“The Master Plan Project for Burns Beach focussing on the future enhancement of the provision of facilities within the foreshore catchment area including, but not limited to, the establishment of a surf club, redevelopment of Jack Kikeros Hall, provision of a restaurant, cafe facility, parking, groyne refurbishment, enhancement of Burns Beach foreshore park, a safe swimming beach and a snorkelling trail.”

The Burns Beach Master Plan will aim to integrate the core aspects of the existing plans and Council's August 2007 request into a cohesive planning strategy for the development, provision of facilities and management of the Burns Beach area.

DETAILS

The purpose of the project philosophy and parameters is to articulate and agree, for future reference, the intent of Council with respect to the objectives and outcomes of the project.

The area that is recommended to be included in the Burns Beach Master Plan comprises the land bordered on the west by the Indian Ocean, on the east by Marmion Ave, on the south by Burns Beach Road and on the north by the boundary of the City of Joondalup. (Attachment 1 refers).

The area comprises of the following portions of land:

Land	Owner	MRS Zoning	Comment
Lot 3000, Burns Beach	Burns Beach Management Pty Ltd	Parks & Rec	Bush Forever Site 322. To be ceded to the Crown and managed by the WAPC.
Portion of Lot 15447, Burns Beach	Crown Land CoJ Management Order	Waterways	Bush Forever Site 322 Coastal Foreshore Reserve
Lot 9012, Burns Beach	Burns Beach Management Pty Ltd	Urban	Burns Beach Urban Development
Lot 11485, Burns Beach	Crown Land CoJ Management Order	Parks & Rec	Burns Beach Park
Lot 8790 and 11538, Iluka	Crown Land Leased to Newzone Holdings Pty Ltd	Parks & Rec	Burns Beach Caravan Park
Portion of Lot 12803, Iluka	Crown Land CoJ Management Order	Parks & Rec	Bush Forever Site 325 Iluka Foreshore Reserve
Lot 11571, Iluka	Crown Land	Parks & Rec	Pump Station

Philosophy/Project Vision

The Burns Beach Master Plan aims to create a high amenity, coastal destination with sustainably managed community facilities and small scale commercial activities for residents and visitors.

The Master Plan will provide a considered physical planning framework that integrates the conditions/constraints imposed and opportunities provided by the:

- Burns Beach Structure Plan;
- Foreshore and Beach Management Plans;
- Tamala Park Conservation Park Establishment Plan; and
- The August 2007 request from Council for a plan to guide the future development of Burns Beach in an integrated, sustainable and holistic manner.

The Burns Beach Master Plan aims to:

- Identify, investigate and make recommendations for appropriate development interventions in the following activity nodes for the provision of and/or enhancement of facilities and services. The location of the activity nodes is shown in Attachment 2.
 - Northern Node;
 - Central Node;
 - Bramston Park Node;
 - Southern Node; and
 - Existing Burns Beach Precinct, which incorporates the Burns Beach Caravan Park (which is in Iluka).

- Identify, investigate and make recommendations regarding opportunities for the provision and enhancement of infrastructure and facilities in the area under consideration, including but not limited to:
 - Community halls and surf clubs;
 - Toilets, change rooms and showers;
 - Road access and beach car parks;
 - Dual use paths; and
 - Boardwalks, pedestrian and cycle pathways and trails along the beach and through dunes and bush land - that connect and link with adjoining areas, including the Tamala Park Conservation Park to the north.
- Identify, investigate and make recommendations regarding opportunities for the provision and/or enhancement of recreational and leisure facilities and services in the area under consideration, including but not limited to:
 - Lookout towers and boardwalks;
 - Grassed and terraced parkland, picnic areas and BBQ equipment;
 - Playgrounds and equipment;
 - Snorkelling and canoe trail; and
 - Swimming beaches.
- Identify, investigate and make recommendations regarding opportunities for the provision and/or enhancement of commercial and retail facilities and services in the area under consideration, including but not limited to cafés, kiosks and/or restaurants.

Key Parameters

Governance

The process undertaken by the City to develop the Master Plan will be executed to the highest ethical standards, probity, legislative compliance, impartiality and transparency. The development of the Master Plan will also be undertaken in accordance with the City's Master Planning Process and Project Management Framework.

The planning process for any future developments that arise out of the master planning process will also incorporate high ethical standards and probity; legal and legislative compliance and transparency.

To ensure all the above objectives are achieved, the Master Plan will require:

- Implementation of sound probity processes to ensure transparency;
- Internal review and monitoring;
- Risk Management assessment and monitoring; and
- Legal and statutory compliance.

Through the appointment of suitably qualified consultants, the City will strive to ensure that the Master Plan, and any proposed developments resulting from the Master Plan, meet community, legislative, environmental and sustainability expectations.

Land Use and Built Form

The City will be responsible for the development of the Burns Beach Master Plan. All developments or improvements planned and implemented after the adoption of the Plan, for any area covered by the Plan, should adhere to the principles of the Plan.

The City recognises that any development or improvement proposal should optimise land use and built form in order to enhance the amenity available to residents while minimising adverse impacts such as increased traffic, noise and anti-social behaviour.

The Plan will establish guidelines for land use and built form including, location, size, scale, access, development and management options for the area. These guidelines will complement the existing Structure Plan for development in the Burns Beach estate.

The City acknowledges that the Plan should promote the following principles:

- Land use objectives which encourage sustainable conservation and environmental protection while promoting economically viable developments of commercial and recreational nature;
- The use of materials, form and colour which show synergies to, and are sympathetic with, local land forms;
- Development height, size and scale which is consistent with, and appropriate to, the local environment and land forms; and
- The co-location of complementary uses and activities such as the co-location of viable community and commercial services.

Fiscal Responsibility and Commerciality

The City acknowledges its responsibility for the financial cost of preparing the Master Plan. All developments or improvements planned and/or implemented after the adoption of the Plan, including those instigated by the City, require independent financial feasibility studies, cash flow projections and/or the establishment of commercial venture models.

Acknowledging this, the City recognises that the principal business objective is to develop high quality, environmentally friendly facilities that are well patronised by local residents and visitors to the area. This in turn will ensure the commercial viability of the business and a continuation of return on capital or land investment to the City.

Sustainability Considerations

The Master Plan aims to balance the social and economic needs of the community with the need to maintain and preserve the natural environment. The identification of the existing and future needs of residents and visitors to Burns Beach will ensure the planning for this precinct sustains the economic, environmental and social needs of its users.

The Master Plan must be sensitive to, and compatible with the City's policies on Sustainability and Environmentally Sustainable Buildings in the City of Joondalup, integrating sustainable development with conservation and preservation of the natural environment.

Environmental constraints considered part of the Plan are:

- Protection and rehabilitation of native vegetation and Bush Forever sites;
- Protection of the coastal dune system;
- Protection of the marine park; and
- Exposure to coastal processes and potential for coastal degradation.

The Master Plan will establish a design intent to inform future development and/or improvements within the area. These improvements may offer the potential to provide the City with a future revenue stream and offer residents and visitors with social benefits.

The guidelines that will form part of the Master Plan will confirm the City's commitment to the use of environmentally sustainable practices relating to future buildings and developments in accordance with the City's Environmentally Sustainable Buildings Policy.

The principles contained within the Plan provide the opportunity for the City to show leadership in environmental sustainability relating to:

- Energy reduction, sustainability, efficiency and supply;
- Design efficiency to reduce water consumption and utilising alternative sources (for example rainwater);
- Renewable materials and sustainable technologies; and
- Environmental impact.

The Master Plan will consider the level of community use, existing and future needs of beach users and bush land users. It will identify opportunities that enhance and improve the amenity of the area and ultimately support greater opportunities for social and recreational inclusion and interaction.

Liaison Protocol

The City acknowledges that the Master Plan will be developed in consultation with the Department of Planning, the Conservation Commission of WA, the Department of Environment and Conservation, the Burns Beach Management Company and community interest groups.

The successful implementation of the Master Plan is reliant on obtaining stakeholder commitment and cooperation and private sector investment.

The identification of strategic key stakeholder and community groups should be acknowledged by the City as an intrinsic component of the project. A strong understanding of the requirements of the community and stakeholder groups should be recognised as important to the overall success of the Master Plan. Ongoing liaison with the identified stakeholders and community groups throughout the development of the Master Plan is required to ensure their needs are recognised and aligned to the needs of the City.

To facilitate this, a community consultation plan, in accordance with the City's Public Participation Policy and Strategy, should be prepared and implemented together with strategies for key stakeholder consultation.

It is viewed as appropriate and necessary that Council considers and affirms a philosophy for the Burns Beach Master Plan and endorses the key parameters for the Master Plan as outlined above and summarised below:

Project Philosophy and Key Parameters

1. Philosophy/Project Vision

Through the development and implementation of the Burns Beach Master Plan:

- Create a high amenity, coastal destination with sustainably managed community facilities and small scale commercial activities for residents and visitors;
- Guide the future development of Burns Beach in an integrated, sustainable and holistic manner;
- Complement and cooperate with the Burns Beach Foreshore Plan and Beach Management Plan;
- Provide and/or enhance recreational, leisure, service, commercial and retail facilities within identified activity nodes; and
- Promote the community use of natural areas whilst promoting the enhancement, preservation and conservation of valuable natural resources.

2. Key Parameters

Governance

- Incorporation of high ethical standards;
- Probity, legal and legislative compliance;
- Appointment of suitably qualified consultants; and
- Consistency with existing Council strategies and plans.

Land Use and Built Form

- Establish balanced land use objectives which encourage sustainable conservation and environmental protection with economically viable developments of commercial and recreational nature;
- Encourage development strategies which activate community participation and reduce environmental impact; and
- Co-location of complementary uses and activities for example collocation of viable community and commercial services.

Fiscal Responsibility and Commerciality

- Identify opportunities for appropriate community and commercial developments;
- Consideration of economic and social benefits for residents and visitors; and
- Compliance with all City fiscal, financial and procurement policies, procedures and protocols.

Sustainability Considerations

- Balance the social and economic needs of the community with the need to maintain and preserve the natural environment;
- Minimise adverse environmental impacts while effectively delivering services to the community that improve the amenity of the area and generate opportunities for sustainable social and recreational inclusion and interaction; and
- Promote environmentally sensitive design and the use of renewable and sustainable materials, energy and implementation techniques.

Liaison Protocol

- Ongoing liaison with, strategic key stakeholders and community groups; and
- Community consultation in accordance with the City's Public Participation Policy and Strategy.

Issues and options considered:

By endorsing the Project Philosophies and Parameters for the Burns Beach Master Plan, the Council is provided with the opportunity of guiding and directing a strategic development framework for Burns Beach, which integrates community, commercial and conservation interests.

The following Options are available to Council in considering the acceptance of the Project Philosophy and Parameters for the Burns Beach Master Plan:

- Council adopts the Project Philosophy and Parameters as proposed;
- Council adopts the Project Philosophy and Parameters with amendments; or
- Council does not adopt the Project Philosophy and Parameters.

In the event that Council does not adopt Project Philosophy and Parameters, the project would not continue.

Legislation/Strategic Plan/Policy Implications:

Legislation: Not Applicable.

Strategic Plan

Key Focus Area: The Natural Environment.

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

Key Focus Area: The Built Environment.

Objective: 4.1 To ensure high quality urban development within the City.

Policy:

Not Applicable.

Risk Management Considerations:

The risk to the City is that without a holistic approach to the management of the Burns Beach area, future development and management of the area may be ad hoc and inefficient, and resources may be allocated in an unequitable manner.

Financial/Budget Implications:

A Budget allocation of \$50,000 has been made for the preparation of the Master Plan. Any developments or improvements planned or implemented will need to be funded through future budgets once feasibility studies have been completed.

Regional Significance:

The Burns Beach caravan park is one of only two caravan parks within the City of Joondalup, and currently provides an accommodation option for visitors to the City.

Sustainability Implications:

As mentioned above, the Master Plan aims to balance the social and economic needs of the community with the need to maintain and preserve the natural environment. The identification of the existing and future needs of residents and visitors to Burns Beach will ensure the planning for this precinct sustains the economic, environmental and social needs of its users.

Consultation:

As indicated above, initial consultation will be carried out with the Department of Planning, the Conservation Commission of WA, the Department of Environment and Conservation, the Burns Beach Management Company and local community interest groups in developing the draft Master Plan.

A community consultation plan will also be prepared to ensure thorough and effective consultation with the community following the preparation of the draft Master Plan. The draft Master Plan, together with the community consultation plan, will be considered by Council prior to undertaking the community consultation.

COMMENT

In the event that Council adopts the philosophy and parameters for the development of the Burns Beach Master Plan, the next step will be development of a Project Plan, and the appointment of a consultant to undertake the task.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council **ENDORSES** the following Burns Beach Master Plan Project Philosophy and Parameters in order to articulate for the record and for historical purposes the intent and purpose of the City in progressing the project:

1 Philosophy/Project Vision

Through the development and implementation of the Burns Beach Master Plan:

- Create a high amenity, coastal destination with sustainably managed community facilities and small scale commercial activities for residents and visitors;
- Guide the future development of Burns Beach in an integrated, sustainable and holistic manner;
- Complement and cooperate with the Burns Beach Foreshore Plan and Beach Management Plan;
- Provide and/or enhance recreational, leisure, service, commercial and retail facilities within identified activity nodes; and
- Promote the community use of natural areas whilst promoting the enhancement, preservation and conservation of valuable natural resources.

2 Key Parameters

Governance

- Incorporation of high ethical standards;
- Probity, legal and legislative compliance;
- Appointment of suitably qualified consultants; and
- Consistency with existing Council strategies and plans.

Land Use and Built Form

- Establish balanced land use objectives which encourage sustainable conservation and environmental protection with economically viable developments of commercial and recreational nature;
- Encourage development strategies which activate community participation and reduce environmental impact; and
- Co-location of complementary uses and activities e.g. collocation of viable community and commercial services.

Fiscal Responsibility and Commerciality

- Identify opportunities for appropriate community and commercial developments;
- Consideration of economic and social benefits for residents and visitors; and
- Compliance with all City fiscal, financial and procurement policies, procedures and protocols.

Sustainability Considerations

- **Balance the social and economic needs of the community with the need to maintain and preserve the natural environment;**
- **Minimise adverse environmental impacts while effectively delivering services to the community that improve the amenity of the area and generate opportunities for sustainable social and recreational inclusion and interaction; and**
- **Promote environmentally sensitive design and the use of renewable and sustainable materials, energy and implementation techniques.**

Liaison Protocol

- **Ongoing liaison with, strategic key stakeholders and community groups; and**
- **Community consultation in accordance with the City's Public Participation Policy and Strategy.**

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf100412.pdf](#)

CJ047-04/12 BURNS BEACH CARAVAN PARK BOUNDARY REALIGNMENT

WARD:	North
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Development
FILE NUMBER:	07016, 101515
ATTACHMENTS:	Attachment 1 Location Plan Attachment 2 Site Plan Attachment 3 Design Plan Showing Boundary Options Attachment 4 Sewerage Easement

PURPOSE

The purpose of this report is for Council to consider:

- options for the proposed realignment of the boundary between the Burns Beach caravan park and the adjoining reserve to the south to address the current building encroachments over the boundary of the caravan park; and
- possible solutions to address the existing imbalance between the amount of permanent accommodation in the caravan park and short stay accommodation, particularly sites for caravans and camping.

EXECUTIVE SUMMARY

Certain structures in the Burns Beach caravan park have been built over the boundary between the caravan park and the adjoining reserve to the south. The City has received a request from the Department of Regional Development and Lands (State Lands Services) to consider and comment on the excision of a portion of land from Reserve 45122 and the amalgamation of this land with the Burns Beach caravan park land, with a view to legalise existing encroachments.

In considering this request, the City has taken into account an additional issue that exists with respect the caravan park, namely the imbalance between the amount of permanent accommodation in the caravan park and short stay accommodation, particularly sites for caravans and camping.

This report identifies a number of options available to the City, to address these two issues.

The recommended course of action at this stage is for the Council to resolve to give authority to the Mayor and/or the Chief Executive Officer to engage with the Director-General of the Department of Regional Development and Lands or the Minister for Regional Development and Lands with a view to getting support for amendments to the caravan park lease to ensure that, over time and without shifting the boundary of the park, the amount of permanent accommodation in the park is reduced and replaced by short stay and/or caravan and camping sites (Option 5).

BACKGROUND

Suburb/Location: Lot 8790 and Lot 11538 (35) Ocean Parade, Iluka
Applicant: Not Applicable.
Owner: State of Western Australia (Crown Land)
Zoning: **DPS:** Parks and Recreation
MRS: Parks and Recreation
Site Area: 2,919 m².

The Burns Beach caravan park is located on Lots 8790 and 11538 Ocean Parade, Iluka (Attachment 1 refers).

The caravan park site is a reserve, owned by the State of Western Australia. The caravan park owner has a 35 year lease to operate a caravan park on the land. The lease expires in 2031 and does not specify any requirement for a minimum number of short stay or caravan and camping sites.

The City of Joondalup undertakes an annual inspection of the caravan park as per the requirements of the *Caravan Parks and Camping Grounds Act 1995* and issues the owner with a Caravan Park Licence. The City has no ability under the licence to influence a balance between long stay accommodation, short stay accommodation and caravan and camping sites.

The caravan park contains a mix of park homes and caravan and tent sites, as well as an administration office and a small restaurant/cafe. Currently the caravan park has 62 long stay sites, 23 short stay sites, 11 camp sites and two overflow sites.

Structure Plan: Not applicable. Neither the Burns Beach Structure Plan nor the Iluka Structure Plan includes the caravan park site. The site will however be covered by the Burns Beach Master Plan

DETAILS

There are two issues raised in this report regarding the Burns Beach caravan park:

Firstly, park homes and other structures on the southern side of the caravan park have, over the years, been built over the southern boundary of the caravan park site. The owner of the caravan park could be compelled to demolish the structures or the southern boundary of the caravan park could be re-aligned so as to partially or completely accommodate the encroachments within the boundaries of the caravan park.

Secondly, concerns have been raised in the past about the lack of sufficient short stay and caravan/camping sites in the park to cater for tourists.

Although the City is responsible for issuing the Caravan Park Licence, the City cannot influence the number of short stay sites (including caravan and camping sites) versus long stay sites in the caravan park. The City has previously approached the Department of Regional Development and Lands querying whether it will consider an amendment to the lease between the State and the caravan park owner to mandate a certain proportion of short stay accommodation on the site. The Department has confirmed it will not consider an amendment to the lease for this purpose.

In order to address both the above issues, the following options could be considered by the Council:

- 1 The owner of the caravan park could be compelled to demolish all the structures, though this could cause disruption and stress to the permanent residents of the park homes. This option would address the issue of the encroachments over the boundary only but would not necessarily address the imbalance between short stay and permanent accommodation.
- 2 The boundary of the caravan park could be shifted one metre to the south of park homes so no park homes are required to be moved or demolished. This option will necessitate the demolition of a number of other sheds and other structures. This option would result in most of the encroachments over the boundary being resolved but would not necessarily address the imbalance between short stay and permanent accommodation.
- 3 The boundary of the caravan park could be shifted one metre south of all structures to enable the sheds and other structures to be accommodated within the boundary of the caravan park. This option would result in all of the encroachments over the boundary being resolved but would not necessarily address the imbalance between short stay and permanent accommodation.
- 4 The boundary of the caravan park could be shifted so that all existing park homes and associated sheds are one metre or more within the proposed boundary and so that an additional area of approximately 1,345m² is created in the south west corner of the site. The City could support this option, conditional on the additional area being used for the provision of more caravan and camping sites in the caravan park. This option would result in all of the encroachments over the boundary being resolved and could result in the immediate provision of additional short stay and caravan and camping sites in the park.
- 5 The City, via the Mayor and/or the Chief Executive Officer, could engage with the Director-General of the Department of Regional Development and Lands or the Minister for Regional Development and Lands with a view to getting support for amendments to the caravan park lease to ensure that, over time and without shifting the boundary of the park, the amount of permanent accommodation in the park is reduced and replaced by short stay and/or caravan and camping sites.
- 6 The City, via the Mayor and/or the Chief Executive Officer, could engage with the Director-General of the Department of Regional Development and Lands or the Minister for Regional Development and Lands with a view to getting support for amendments to the caravan park lease as a condition of any excision of land from Reserve 45122 and the amalgamation of this land with the Burns Beach caravan park land (whether by options 2, 3 or 4).

Legislation/Strategic Plan/Policy Implications

Legislation *Land Administration Act 1997.*

Strategic Plan

Key Focus Area: Leadership and Governance.

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

Key Focus Area: The Natural Environment.

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

Policy:

Not Applicable.

Risk Management Considerations:

The City does not make the decision regarding the boundary realignment. The City is only able to provide a recommendation or comment to the Department of Regional Development and Lands in this regard. There is a risk that the Department could choose not to take the City's advice or recommendation on board when making its decision.

Financial/Budget Implications:

A surveyor was engaged to survey the boundary at a cost of \$3,700 (excluding GST).

Regional Significance:

If additional area was added to the caravan park as per Option 4, and if the caravan park operator was consequently compelled to use the additional area within the park to be used for short stay accommodation and/or caravan or camping sites, this would increase tourist and visitor accommodation in the region.

Sustainability Implications:

The Western Australian Planning Commission (WAPC) Bush Forever Office has confirmed that the encroachment of the Caravan Park into Reserve 45122 is outside of Bush Forever area 325 and therefore the excision and realignment of the boundary is supported.

Consultation:

Meetings have been held with the proprietor of the caravan park.

Although the City has the discretion to consult with the community on the proposed boundary realignment, no consultation has been conducted as the City is not making a decision on the proposal; only a recommendation to the Department of Regional Development and Lands. Furthermore, the proposal will not directly affect any residents in the area and the area that is the subject of the proposal is not currently widely used by the community.

The City has contacted the Department of Regional Development and Lands to ascertain its position on the different options for the proposed boundary re-alignment (Options 2, 3 and 4).

The Department has advised that it has no objections to or preferences for any of the options. With respect to the different options, the Department has made the following comments:

Option 2

If this option is to be adopted, appropriate fencing is to be re-established and any structure encroaching the Reserve must be dismantled and removed in a safe manner and at the lessee's expense.

Option 3

It appears that this option will require the relocation of fences in the southern corner, and as above, any structures that encroach must be removed.

Option 4

This option better reflects the draft sketch that the Valuer General's Office has based its lease valuation on. It would appear that if this option was adopted, very little or no immediate removal of structures would be required. This option however may be impacted the most by the Water Corporation easement.

The Department has separately commented that the lease itself and lease conditions will not be amended to deal with the boundary realignment. Only the diagram showing the lease area will be amended. As such, no new conditions could be introduced into the lease compelling the lessee to use the additional caravan park area that would result out of Option 4 for the purposes of short stay accommodation and/or caravan and camping sites.

However, the Department has advised, that if the City chooses to proceed with this option, the City could agree to the excision of the land from Reserve 45122 on condition that the additional area being used only for the purposes of short stay accommodation and/or caravan and camping sites.

COMMENT

There is the potential to facilitate the increase in the number of short stay or caravan/camping sites by recommending that the Department of Regional Development and Lands make this a condition of the excision of land from the adjoining reserve as per proposed Option 4, which is currently unused and effectively "dead space" on the south west boundary of the caravan park site (Attachment 3 refers). This would create an extra 1,345m² of additional area in the caravan park that could potentially be used for additional short stay units or caravan/camping sites.

However, the City may be able to achieve the increase in short stay or caravan/camping sites by liaising with the Director-General of the Department Regional Development and Lands and/or the Minister for Regional Development and Lands, with a view to changing the caravan park lease conditions.

It is recommended that this option be pursued in the first instance and ahead of any commitment to a realignment of caravan park boundary.

If such an approach is unsuccessful, Council could reconsider other options to achieving a better balance between the amount of permanent and short stay accommodation in the caravan park.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 SEEKS the intervention of the Director-General of the Department of Regional Development and Lands and the Minister for Regional Development and Lands with a view to attaining support for amendments to the Burns Beach caravan park lease to ensure that, over time and without shifting the boundary of the park, the amount of permanent accommodation in the park is reduced and replaced by short stay and/or caravan and camping sites;**
- 2 NOTES that, should such an approach be unsuccessful, a further report will be presented to Council to allow Council to reconsider other options to achieving a better balance between the amount of permanent and short stay accommodation in the caravan park, including the possible realignment of the southern boundary of the caravan park.**

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf100412.pdf](#)

CJ048-04/12 REQUEST TO INSTALL FENCING ALONG HAKEA PLACE BOUNDARY OF RESERVE 30149 HAKEA PARK (11) HAKEA PLACE – CONSIDERATION FOLLOWING ADVERTISING

WARD:	South-West	
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Development	
FILE NUMBER:	47827, 101515, 04647	
ATTACHMENTS:	Attachment 1	Location Plan
	Attachment 2	Fence Location Plan
	Attachment 3	Schedule of Submissions

PURPOSE

The purpose of this report is to advise Council of the outcome of the public consultation regarding the request to install fencing and a gate along the Hakea Place boundary of Hakea Park.

EXECUTIVE SUMMARY

The City received a request from the Department of Education (DOE), on behalf of Sorrento Primary School, to fence Hakea Park along its boundary adjacent to Hakea Place.

The school sought to erect the fence to improve the safety of the students, who use the play equipment in this area, from stranger danger and from a road safety perspective.

At its meeting held on 13 December 2011 (C67-12/11 refers), Council resolved to consult with owners and occupiers of properties within a radius of 200 metres of Hakea Park to determine the level of support for the installation of a 1.15 metre high fence and gate on the Hakea Place boundary of Hakea Park.

Advertising concluded on 8 March 2012 and three submissions were received being non objections.

It is recommended that the installation of a 1.15 metre high fence and gate on Hakea Park be supported.

BACKGROUND

Suburb/Location: Reserve 30149 (11) Hakea Place, Sorrento.
Applicant: Department of Education.
Owner: Crown Land
Zoning: **DPS:** Reserve: Parks and Recreation.
MRS: Urban
Site Area: 814m
Structure Plan: Not Applicable.

Hakea Park is located on the eastern boundary of Sorrento Primary School (Reserve 31856 (14) Elfreda Avenue, Sorrento) and is accessible from Hakea Place (Attachment 1 refers).

Hakea Park is part of a larger reserve (Reserve 30149) that includes the nearby, but physically separate, Porteous Park. The Hakea Park portion of Reserve 30149 has an area of 813.616m² and is reserved 'Parks and Recreation' under the City's District Planning Scheme No 2.

The City currently has a Management Order for the care and control of Hakea Park but does not have the power to lease any part of the park.

It is noted that the City does not currently undertake any maintenance of Hakea Park.

Initial Request

In December 2010, the City received a request from the DOE, acting on behalf of Sorrento Primary School, to fence off Hakea Park along its eastern edge abutting the cul-de-sac head of Hakea Place.

The correspondence from DOE indicated that the school had been maintaining the park for a number of years as if it was part of the school site and had constructed a play area with a sand pit over the boundary between the school and Hakea Park.

The school sought to erect the fence to improve the safety of the students, who use the play equipment in this area, from stranger danger and from a road safety perspective.

Whilst the City recognises the safety of students at the school is very important, the installation of fencing around a park would be unusual and would potentially restrict public access to the park. The DOE was advised accordingly.

As an alternative to fencing off the park, the DOE then requested that consideration be given to excising this land from Reserve 30149 and amalgamating it with the school site, Reserve 31856. The DOE also indicated a willingness to install a low fence with a gate that still allowed access to the area by the public.

At its meeting held 23 November 2011 (CJ210-11/11 refers), Council considered three Options for progressing the request as follows:

- Maintain management of Reserve 30149 and allow the site to be fenced;
- Prepare a report to Council requesting the initiation of the amalgamation process; or
- Decline the request and take no further action.

Council resolved as follows:

- "1 SUPPORTS the advertising of the proposed installation of a 1.15m high fence and gate on the Hakea Place boundary of Hakea Park to all landowners in Hakea Place for a period of 21 days;*
- 2 AUTHORISES the Director Planning and Development to advise the applicant of the City's approval to erect the fence on the boundary of Hakea Park, in the event that no objections are received during the advertising period;*
- 3 NOTES, that in the event that objections are received from surrounding landowners to the proposed erection of a fence on the boundary of Hakea Park, that a further report will be presented to Council for consideration;*
- 4 NOTES that all costs associated with the installation and maintenance of the fence are to be borne by the Department of Education."*

However, at its following meeting on 13 December 2011 (C67-12/11 refers), Council revoked the above resolution and resolved as follows:

"That Council BY AN ABSOLUTE MAJORITY:

- 1. REVOKES its decision of 23 November (Item CJ210-11/11) as follows:*

"That Council:

- 1 SUPPORTS the advertising of the proposed installation of a 1.15m high fence and gate on the Hakea Place boundary of Hakea Park to all landowners in Hakea Place for a period of 21 days;*
- 2 AUTHORISES the Director Planning and Development to advise the applicant of the City's approval to erect the fence on the boundary of Hakea Park, in the event that no objections are received during the advertising period;*
- 3 NOTES that in the event that objections are received from surrounding landowners to the proposed erection of a fence on the boundary of Hakea Park, that a further report will be presented to Council for consideration;*
- 4 NOTES that all costs associated with the installation and maintenance of the fence are to be borne by the Department of Education."*

- 2. ENDORSES:*

- 2.1 Community consultation being undertaken to owners and occupiers of properties within a radius of 200 metres of Hakea Park to determine the level of support for the installation of a 1.15m high fence and gate on the Hakea Place boundary of Hakea Park;*
- 2.2 A further report being presented to Council on the results of the community consultation in Part 1 above."*

DETAILS

The DOE seeks Council's support to allow the erection of a 1.15 metre high fence and gate on the Hakea Place boundary of Hakea Park.

Issues and options considered:

The issues associated with the proposed request include:

- The suitability of the proposed fencing of Hakea Park.

The Options available to Council in considering the request are:

- Support the fencing of Hakea Park; or
- Not support the fencing of Hakea Park.

Legislation/Strategic Plan/Policy Implications:

Legislation:

Section 20A of the former *Town Planning and Development Act 1928* required certain land to be set aside for the purpose of public recreation and vested in the Crown during the subdivision process. This process is now guided by Section 152 of the *Planning and Development Act 2005*. As part of the subdivision of this part of Sorrento, Reserve 30149 was created and vested in the Crown for the purpose of Public Recreation.

Existing Management Order:

The City currently has a management order for the care and control of Hakea Park. As it is not proposed to excise Hakea Park and amalgamate it with the school site, the management order will remain unchanged.

It is noted that the City does not currently undertake any maintenance of Hakea Park.

Strategic Plan

Key Focus Area: The Natural Environment.

- Objective:**
- 2.1 To ensure that the City's natural environmental assets and preserved, rehabilitated and maintained.
 - 2.2 To engage proactively with the community and relevant organisations in the preservation of the City's natural environmental assets.

Policy:

Not Applicable.

Risk Management Considerations:

There is a chance the public may respond negatively to the site being fenced or the reduction in public open space as there may be the perception that the land should be maintained for community use.

Financial/Budget Implications:

The DOE has paid an administration fee of \$1,185 which covers the costs involved in researching the properties and preparing reports to Council. The cost of erection and maintenance of any fence erected on Hakea Park is to be borne by the DOE.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The proposal was advertised for a period of 35 days with advertising concluding 8 March 2012.

Advertising consisted of written notification to 150 landowners and occupiers within a 200 metres radius of Hakea Park.

A total of three submissions were received being non objections.

COMMENT

The three submissions received during the advertising period were all in support of a fence being installed along the boundary of Hakea Park. The submitters indicated they supported the proposal because the fencing would greatly improve the safety of the students.

The advertising of the proposal has not raised any issues that would warrant not proceeding with the installation of fencing on Hakea Park.

It is recommended that Council support the installation of fencing along the Hakea Place boundary of Hakea Park.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 ADVISES the applicant that it SUPPORTS the installation of a 1.15 metre high fence and gate on the Hakea Place boundary of Hakea Park;
- 2 ADVISES the applicant that the cost of the erection of the fence and gate is to be borne by the applicant, and that the fence and Hakea Park are to be maintained in good condition to the satisfaction of the City;
- 3 ADVISES the applicant that public access to Hakea Park is to be maintained at all times;
- 4 ADVISES the applicant that this approval pertains only to the fence and gate and does not constitute approval for any other development or use of the land; and
- 5 NOTES the submissions received and ADVISES the submitters of Council's decision.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf100412.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Cr Liam Gobbert
Item No/Subject	CJ049-04/12 – Proposed Modifications to Trading Hours of Drive Through Food Outlet at Shop 1, Duncraig Village Shopping Centre, Lot 526 (8) Burrarah Way, Duncraig.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Gobbert has an on-going professional relationship with several employees of the applicant.

CJ049-04/12 PROPOSED MODIFICATION TO TRADING HOURS OF DRIVE THROUGH FOOD OUTLET AT SHOP 1, DUNCRAIG VILLAGE SHOPPING CENTRE, LOT 526 (8) BURRAGAH WAY, DUNCRAIG

WARD: South

RESPONSIBLE DIRECTOR: Ms Dale Page
Planning and Development

FILE NUMBER: 08321, 101515

ATTACHMENTS: Attachment 1 Location Plan
Attachment 2 Development Plans
Attachment 3 Map of Submitters

PURPOSE

To request Council's consideration of an application for proposed modification to the approved trading hours of the McDonald's drive through food outlet at Shop 1, Duncraig Village Shopping Centre, Lot 526 (8) Burrarah Way, Duncraig.

EXECUTIVE SUMMARY

The applicant is proposing to modify the trading hours of the McDonald's drive through facility at the Duncraig Village Shopping Centre.

A condition of approval currently restricts the operating hours of the restaurant and drive through facility. This application seeks approval to operate the drive through facility 24 hours a day, seven days a week. The dining room, or restaurant trading hours will remain unchanged.

The proposal was advertised via letter to 577 landowners and occupiers within a 400 metre radius for a period of 21 days. A total of 87 submissions were received, being 84 objections and three letters of no objection to the proposal. The objections to the proposal relate to the potential for noise, increased traffic, increased litter, antisocial behaviour and odour. Furthermore, approximately 15 complaints have been received by the City from nearby residents over recent years relating to these issues.

Having regard to the submissions received, and the potential for the proposed development to adversely impact on the amenity of surrounding residents and the locality, it is recommended that Council resolve to refuse the application.

BACKGROUND

Suburb/Location: Shop 1, Lot 526 (8) Burrarah Way, Duncraig
Applicant: Urbis Pty Ltd
Owner: McDonalds Properties (Australia) Pty Ltd
Zoning: **DPS:** Commercial
MRS: Urban
Site Area: 6,349m²
Structure Plan: Not Applicable.

The McDonald's restaurant is located in the Commercial Zone of the City of Joondalup District Planning Scheme No 2 (DPS2), at Lot 526 (8) Burrarah Way, Duncraig. This shopping centre is on the southeast corner of the intersection of Marmion Avenue and Burrarah Way (Attachment 1 refers).

The McDonald's restaurant is one of ten commercial tenancies that constitute the Duncraig Village Shopping Centre. The area surrounding the shopping centre is predominantly residential with the adjoining lot to the south being a retirement village.

The original development application for the McDonald's restaurant was approved by the Minister for Planning in 1996 after initially being refused by Council. At its meeting of 24 April 1996, Council resolved to endorse a number of conditions of approval for the development including a restriction on the trading hours (C158-04/96 refers). The current trading hours for the restaurant, inclusive of the drive through are as follows:

- 6.00 am to 11.00 pm Sunday to Thursday;
- 6.00 am Friday to 1.00 am Saturday; and
- 6.00 am Saturday to 1.00 am Sunday

The City has received a number of complaints in relation to the McDonald's restaurant over the years since the operation of the restaurant commenced. Complaints relate to the following:

- Cooking odour and noise emissions from the McDonald's exhaust extraction fans;
- Excessive noise from staff voices and outside bin use, particularly late at night;
- Noise emissions from delivery and refuse disposal vehicles;
- Graffiti attacks in the vicinity of the restaurant;
- Vehicle exhaust and music noise emanating from vehicles utilising the drive through; and
- General anti social behaviour occurring late night in the restaurant car park.

DETAILS

McDonald's is seeking to extend the approved trading hours of the existing drive through facility at the Duncraig restaurant to be a 24-hour operation.

The applicant proposes to retain the abovementioned hours for the restaurant or dining room component of the development and to operate the drive through component 24 hours a day, seven days a week.

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. (DPS2)

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 as follows:

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) 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*
- (j) Any other matter which in the opinion of the Council is relevant.*

Strategic Plan

Key Focus Area: The Built Environment.

Objective: 4.1 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 the fees of \$139.00 to cover all costs associated with assessing the application.

The above figure excludes GST.

Regional Significance:

Not Applicable.

Sustainability Implications:Economic

The City recognises the importance of the creation of employment opportunities in its Strategic Plan 2008-2011. One of the key objectives of this plan is to increase employment opportunities within the City. The following is information supplied by the applicant as part of this application:

"The proposed extended trading hours will have a positive impact on the local employment market, offering opportunities for both young and older people who, due to household or family caring obligations are not able to work during the day."

Social

The applicant suggests that a positive social effect resulting from the approval of this application will be the improved accessibility to convenience foods for shift workers. A negative impact that may result from the approval of such a proposal is for adjoining or nearby residents to suffer reduced amenity or enjoyment of their homes as a result of early morning noise and increased traffic and anti social behaviour.

Consultation:

The proposal was advertised via letter to 577 landowners and occupiers within a 400 metre radius for a period of 21 days.

A total of 87 responses were received, being 84 objections and three letters stating no objections to the proposal.

The advertising area and submitters are shown in Attachment 3.

The relevant objections raised the following concerns:

- Noise;
- Increased traffic;
- Antisocial behaviour;
- Increased litter; and
- Odour.

The results of the public consultation are discussed below in the Comments section.

COMMENT

The applicant is proposing to operate the drive through food outlet 24 hours a day, seven days a week. It is considered that the proposal will have the potential to cause a significant adverse impact on the amenity of the neighbouring and nearby residents surrounding the McDonald's site.

In addition to the objections received during public consultation on this application, it is noted that the City has received approximately 15 general complaints between 2009 and 2011. The complaints relate to the same issues mentioned above and are considered to have potential to be exacerbated if 24 hour trading was to be approved.

The following issues were raised by neighbours during public consultation and the applicants responses are discussed further below:

Noise

Submissions received indicate that noise is a primary concern. It is anticipated by surrounding residents that general operational noise of the restaurant, from vehicular traffic, and from patrons consuming food in the car park adjacent to the restaurant will have a detrimental impact on the enjoyment of their homes. Comments suggest that the noise of cars coming and going from the premises during the early hours of the morning could cause disturbance to sleep and enjoyment of their homes.

In response to these concerns the applicant has provided the following:

"In addition to the existing physical noise attenuation barrier on site, the restaurants management plan contains procedures for noise management, particularly within the service area. Procedures will be reviewed in light of any complaints received.

The outdoor speakers will not be in operation during the proposed modified period, rather a 'face-to-face' ordering system will be used.

Noise resulting from horns/car stereos will be controlled through the implementation of staff management procedures. In the circumstance that staff consider the volume of car stereos to

be intrusive to neighbouring properties, McDonald's staff will advise patrons to modify the volume."

Having regard to submissions received, and the complaints from surrounding neighbours since the operation of the drive through food outlet began, it is considered likely that noise will have the potential to disturb neighbours surrounding the McDonalds site. It is likely that car exhausts, car stereos, voices, and the general operation of the drive through will result in noise that is not consistent with noise levels reasonably expected during the hours between 1.00 am and 6.00 am.

Increased traffic

Submissions received indicate that residents are also concerned about the increase in vehicular traffic. Comments suggest that there are existing issues with traffic entering and leaving the McDonalds site and that hooning is prevalent, particularly late at night, where drivers cause cars to screech tyres, and perform burnouts.

Other concerns raised relate to loud music being emitted from vehicles using the drive through and car park, and loud exhaust noise from vehicles using the drive through and entering and leaving the car park.

Also mentioned was the impact of extra traffic at early hours of the morning on roads which are usually quiet at that time. There is concern that increased traffic on back streets used by people driving to the restaurant will impact on the amenity of the surrounding neighbours.

In response to these concerns the applicant has provided the following:

"Based on the average overnight transaction of vehicles through a drive through at a similar size store at Warwick Shopping Centre, approximately 50 vehicles could be generated by the proposal (less than nine vehicles per hour).

The store currently experiences a small late night peak within 30-45 minutes from closing on the weekend and in the first 30 minutes of opening in the mornings during the week. The proposed extended opening hours will help spread the peak associated with the opening and closing of the store, thereby minimising the existing issue of cars queuing in the drive through area at these times.

It is not anticipated that the extension of trading hours will result in an increase in the existing traffic volumes currently generated by the store during its current operating hours."

It is considered that actual vehicle numbers utilising the drive through between the hours of 1.00 am and 6.00 am could be substantially higher than those figures quoted by the applicant. The Warwick McDonald's example, used above, is located on Dorchester Avenue which is a local distributor road with a substantially lower traffic carrying capacity than Marmion Avenue, which is a primary distributor road. Therefore, it is likely that more people will be passing the Duncraig McDonalds store due to its proximity to Marmion Avenue.

It is considered that any additional traffic in the locality between the hours of 1.00 am and 6.00 am will have the potential to impact on the amenity of the neighbours surrounding the site.

Antisocial behaviour

Submissions received from neighbours indicated concerns over the potential for an increase in anti-social behaviour in the locality. It is suggested that graffiti, vandalism, littering and hooning occur in the area during the current late night trading hours of the McDonald's restaurant. Comments suggest that the problem will be exacerbated as this antisocial behaviour will continue into the early hours of the morning if 24 hour trading was to be approved.

In response to these concerns the applicant has provided the following:

"The likelihood of links from alcohol and antisocial behaviour occurring at the store due to 24 hour operation of the drive through facility is very low due to the restaurant being distant from an entertainment area or cluster of licensed late night venues.

Staff and management are currently trained to deal with issues that may impact on the safety of employees and patrons, including anti-social behaviour. McDonalds will continue to maintain this training, and engage with local police and security agencies to ensure the restaurant is included in any regular patrols of the area.

Litter patrols of the restaurant, car park and surrounding public area are conducted twice a day on the weekends, and at least once a day during the week.

Existing procedures and policy on litter management are considered adequate. Procedures will be modified to ensure litter patrols are undertaken during the extended trading hour period.

The proposal will result in an activated use that will provide passive and active surveillance to the shopping centre and neighbouring properties at all times. This is considered an improvement to community safety and security."

Comments received by the City over the years prior to receiving this application indicate that surrounding residents are concerned that people, particularly youths, converge at the restaurant late at night and are involved in some of the antisocial acts mentioned above. It is considered likely that some of this antisocial behaviour may be exacerbated by the proposed 24 hour trading.

Odour

Odour was raised as a concern by submitters and has been raised in the past by concerned residents in the area. It is suggested that odours from vehicle exhausts and from food preparation will impact on adjoining neighbours particularly if the odours continue into the early hours of the morning.

In response to these concerns the applicant has provided the following:

"Odour management was a condition of planning approval for the original development. McDonalds have maintained odour within limits acceptable to the City's Environmental Health Officer.

Existing procedures are sufficient to manage odour."

It is acknowledged that the current odour management system in place sufficiently addresses the release of odours from the restaurant. However comments received from objectors indicate that vehicle exhaust and cooking smells are prevalent, particularly for dwellings in close proximity to the McDonalds restaurant. It is considered that the commercial levels of cooking odours, in addition to exhaust from vehicles utilising the drive through, will impact on the enjoyment of homes in the vicinity, particularly during the hours between 1am and 6am, when that level of odour would not normally be expected.

Conclusion

It is considered that the proposal will have the potential to cause a significant adverse impact on the amenity of the neighbouring and nearby residents surrounding the McDonald's site.

As demonstrated in the submissions received residents have a general expectation that they will not be subjected to adverse odours and visual, auditory, and social conditions in a residential area, particularly in the early hours of the morning.

Land owners and occupiers reside in the area based on the existing operating hours of the McDonald's restaurant as was a condition of the original approval. It is considered that if this application were to be approved it would result in a potential increase in factors negatively affecting the amenity of the surrounding residents.

Having regard to the above it is recommended that Council resolve to refuse the application.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 REFUSES the application for planning approval, dated 25 November 2011, submitted by Urbis Pty Ltd on behalf of the owners, McDonald's Properties (Australia) Pty Ltd, for proposed modification to trading hours of the drive through food outlet at Shop 1, Lot 526 (8) Burragah Way, Duncraig, for the following reason:**
 - 1.1 The proposed development will adversely impact on the amenity of surrounding residents and the locality due to the potential increase in odour, noise and vehicular traffic utilising the site between 1.00 am and 6.00 am;**
- 2 ADVISES the submitters of Council's decision.**

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf100412.pdf](#)

**CJ050-04/12 PROPOSED CHILD CARE CENTRE EXTENSION AT
LOT 105 (39) CURRAJONG ROAD, DUNCRAIG, AND
LOT 501 (107) WARWICK ROAD, DUNCRAIG****WARD:** South**RESPONSIBLE
DIRECTOR:** Ms Dale Page
Planning and Development**FILE NUMBER:** 39873, 101515**ATTACHMENTS:** Attachment 1 Location Plan
Attachment 2 Development Plans
Attachment 3 Map of Submitters

PURPOSE

To request Council's determination of an application for a proposed extension to an existing Child Care Centre at Lot 105 (39) Currajong Road, Duncraig, and Lot 501 (107) Warwick Road, Duncraig.

EXECUTIVE SUMMARY

The development sites are Lot 105 (39) Currajong Road, Duncraig, and Lot 501 (107) Warwick Road, Duncraig and are located adjacent to each other on the north-east corner of the intersection between Warwick Road and Currajong Road.

Lot 105 (39) Currajong Road is currently a single dwelling and Lot 501 (107) Warwick Road is currently approved as a Child Care Centre.

The existing single house on Lot 105 (39) Currajong Road is proposed to be demolished and replaced with a Child Care Centre building detached from the existing Child Care Centre building on Lot 501 (107) Warwick Road. The applicant is proposing to amalgamate the two lots should approval be granted for this application and will operate the two buildings as one child care business.

The proposal is to utilise the existing Child Care Centre building at 107 Warwick Road as a centre for toddlers and kindergarten aged children and the new building at 39 Currajong Road for infants only. The proposed centre will service up to 71 children and 11 staff across the two buildings, an increase of 24 children and three staff to the numbers approved for the existing Child Care Centre.

The application was advertised for a period of 21 days in accordance with the advertising requirements of Council Policy - Child Care Centres (the policy). Three responses were received, being three letters of objection. In general the objections relate to the potential for an adverse impact on the amenity of the adjoining residential lots and the potential for increased traffic in the area.

The objections to the proposed development are acknowledged. However, the proposed development is considered to be generally in accordance with the requirements of the policy and the City of Joondalup District Planning Scheme No 2 (DPS2) and is therefore recommended for approval, subject to conditions.

BACKGROUND

Suburb/Location: Lot 105 (39) Currajong Road, Duncraig, and Lot 501 (107) Warwick Road, Duncraig
Applicant: Peter Cottee Building Designs
Owner: Topstar Holdings Pty Ltd
Zoning: **DPS:** Residential
MRS: Urban
Site Area: Lot 105 = 680m²
Lot 501 = 1409m²
Structure Plan: Not Applicable.

The development sites are Lot 105 (39) Currajong Road, Duncraig, and Lot 501 (107) Warwick Road, Duncraig and are located adjacent to each other on the north-east corner of Warwick Road and Currajong Road. Lot 105 (39) Currajong Road is currently a single house located immediately to the north of Lot 501 (107) Warwick Road, which is an existing Child Care Centre.

At its meeting of 30 August 2005 (CJ163-08/05 refers), Council resolved to refuse the application for the Child Care Centre at Lot 501 (107) Warwick Road. The applicant sought a review of the decision by the State Administrative Tribunal (SAT) and the proposal was subsequently approved, subject to conditions, in 2006.

The subject sites abutt, and are opposite existing single houses to the north, east and west. The southern side of Warwick Road is occupied by Galston Park, a Local Reserve.

The existing Child Care Centre currently has approval for a maximum of 47 children and eight staff, and to operate between 7.00 am and 6.00 pm Monday to Friday.

The City's records indicate that no complaints have been made regarding the operation of the current Child Care Centre since its approval in 2006.

DETAILS

The proposed development involves:

- The demolition of the existing single house on Lot 105 (39) Currajong Road and the construction of a new child care building on this site. This building will have a floor level approximately 650mm lower than the existing house on site;
- The new child care building is set back the required distance from all boundaries with the exception of the rear (eastern) boundary, which is proposed to be set back 2.36 metres in lieu of the required six metres from this boundary;
- An increase in the number of children and staff from a maximum of 47 children and eight staff on site at any given time, to a maximum of 71 children and 11 staff on site at any given time;

- The new building to be used for the care of infants up to two years of age only, and the existing centre being used for the care of toddlers and older children;
- The reconfiguration of outdoor play areas for various age groups as a result of the infants moving into the new building;
- The amalgamation of the two sites to allow for development of an access ramp across the boundary which will connect the two buildings;
- The provision of 20 car parking bays across the two sites, as required by the Policy;
- The reconfiguration of the car parking area at the existing centre to provide for a turning bay, increased bay dimensions and the addition of a bin store area; and
- Extensive landscaping of the two sites, being 15% of the total area rather than the minimum 8% required under DPS2.

The applicant has advised that whilst the two sites will be amalgamated into one property in the event that approval is granted for this development, the new building will generally be operated in a self-sufficient manner. The only exception to this is food preparation which will continue to take place in the existing centre where sufficient kitchen facilities are provided for this purpose. No structural changes are proposed to the existing building.

The applicant has provided an acoustic assessment and a traffic impact statement as part of the development application, as per the requirements of the policy. The acoustic assessment and the traffic impact statement are discussed in the comments section of this Report.

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 *District Planning Scheme No 2 (DPS2)*

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; 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.*

A Child Care Centre is a discretionary “D” use in the Residential Zone. A “D” use means:

“A use class that is not permitted, but to which the Council may grant its approval after following procedures laid down by clause 6.6.2.”

6.6.2 *“D” Uses – 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.*

If in any particular case Council considers that it would be appropriate to consult with the public generally or with the owners or occupiers of properties adjoining or in the vicinity of a site the subject of an application for Planning Approval involving a “D” use, the Council may direct that the provisions of clause 6.7 shall apply to that application.

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 as follows:

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 or wishes of any public or municipal authority received as part of the submission process;*
- (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.*

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 subclauses 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;*
- (c) *the nature of the roads giving access to the subject land;*
- (d) *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.*

Strategic Plan

Key Focus Area: The Built Environment.

Objective: 4.1 To ensure high quality urban development within the City

Policy:

Council Policy – Child Care Centres

This policy sets out development standards and requirements specific to Child Care Centres.

The objective of the policy is:

“To provide guidelines for the location, siting and design of Child Care Centres to ensure that such developments are compatible with, and avoid adverse impacts on, the amenity of adjoining and surrounding areas.”

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 \$800.00 to cover costs associated with assessing the application.

The above figure excludes GST.

Regional Significance:

Not Applicable.

Sustainability Implications:

As the development is considered minor, the City's Environmentally Sustainable Design Checklist is not required to be completed by the applicant. The building is to comply with the requirements of the Building Code of Australia including sustainability related requirements, in order to obtain a Building Licence.

Consultation:

The application was advertised for a period of 21 days. Advertising commenced on 15 February 2012 and finished on 8 March 2012. Letters were sent to ten land owners that are adjacent to, or in close proximity to the subject site, a sign was placed at the corner of Currajong Road and Warwick Road and a newspaper advertisement was placed in the 'Joondalup Weekender' for a period of three weeks. Notice of the development was also placed on the City's website. Three responses were received, being three letters of objection.

The objectors raised several concerns which are summarised below:

- Increase in traffic during peak times and the potential for traffic accidents;
- The extension of the Child Care Centre on an existing residential property further erodes the residential nature of Currajong Road;
- Devaluing of residential properties in the area; and
- Noise related issues.

The general concerns of objectors are discussed below. The location of submitters is shown in Attachment 3.

COMMENT

The applicant has proposed to demolish an existing Single House at 39 Currajong Road, and to construct a new Child Care Centre building in its place. The two sites will then be amalgamated. The owner intends to utilise the existing Child Care Centre building at 107 Warwick Road as a centre for toddlers and kindergarten aged children and the new building at 39 Currajong Way for infants only. The proposed centre will service up to 71 children and 11 staff across the two buildings.

Land use

Child Care Centre is a discretionary ('D') land use in the Residential Zone. According to clause 3.4 of DPS2, the Residential Zone is intended primarily for residential development in an environment where high standards of amenity and safety predominate to ensure the health and welfare of the population. It also provides for certain cultural and recreational development to occur where Council considers the same to be appropriate. Based on information supplied by the applicant, it is understood that there is demand for child care placement from within the surrounding suburbs that exceeds places available. The proposed development would provide an important community facility and bring additional employment opportunities to the surrounding area whilst ensuring high standards of amenity and safety predominate in the locality.

The policy states that, where possible it is preferred to locate Child Care Centres adjacent to non-residential uses such as shopping centres, Medical Centres/Consulting Rooms, School sites and Community Purpose Buildings to minimise the impact such Centres will have on the amenity of residential area. The proposed new building is adjacent to an existing Child Care Centre and is therefore considered to be consistent with the objectives of the policy.

Submissions received raised concerns regarding the non-residential appearance of the existing Child Care Centre and the proposed extension onto the adjoining lot. The existing Child Care Centre on Lot 501 (107) Warwick Road has been in operation since 2006 and prior to that, the building was used as consulting rooms. As this proposal extends the Child Care Centre land use 20 metres further north along Currajong Road, it is considered that the addition to the existing Child Care Centre will not create significant additional visual impact on the streetscape or adjoining properties.

Furthermore the site is required to meet the landscaping requirements of DPS2. In accordance with DPS2, 8% of the site area is required to be landscaped. Landscaping is proposed on 15% of the combined site area including a three metre landscaping strip adjacent to all street boundaries which will assist in ameliorating the visual impact of car parking and other non residential development on the site.

Traffic and car parking

A Traffic Impact Statement was submitted by the applicant for the original Child Care Centre application in 2005. In part, the following conclusions were made:

- *Currajong Road has significant spare traffic bearing capacity;*
- *No congestion and excessive queuing is anticipated at the intersection of Warwick Road and Currajong Road;*
- *It is suggested that the site layout be modified so that an appropriate turn around facility is provided at the end of the parking circulation isle; and*
- *Traffic related issues should not form an impediment to the approval of the Child Care Centre.*

The proposed additions and alterations will allow for the centre to cater for an additional 24 children and three staff.

As part of this proposal the applicant has provided a traffic engineer's assessment that is based on this proposal but takes into account the findings of the 2005 Traffic Impact Statement. The new statement concludes in part, the following:

"The increase in children and staff is not expected to result in any measurable impact on the mid block road segments or the adjacent intersections, all of which have an excess in capacity and are capable of accommodating significantly greater increases in traffic."

The City has reviewed the traffic engineer's assessment provided by the applicant and the findings have been accepted.

Given the above, it is considered that there is minimal traffic impact on surrounding properties as result of the development, particularly with Currajong Road remaining well within its carrying capacity.

It is noted that the applicant proposes to set aside all eight new car bays on Lot 105 (39) Currajong Road as staff car parking. The proposed staff car parking is located toward the front of the site therefore limiting the impact of vehicular movements on residents to the rear of the development. Vehicles delivering and collecting children will be restricted to use of the existing car park on Lot 501 (107) Warwick Road. It is considered that this will assist in reducing the impact of vehicle noise on the adjoining residential property to the north. Furthermore the applicant has proposed to add a turning bay in the existing car park at Lot 501 (107) Warwick Road which will assist in the safe access and egress of the car park.

Effect on property values

Concerns were raised in submissions regarding the potential impact on property prices as a result of the proposed extension to the Child Care Centre. There is no known published data that link property values to proximity to Child Care Centres. The potential impact on property prices from development proposals is not a usual planning consideration. It is considered that the design of the proposed Child Care Centre is appropriate to minimise the impact on the amenity of surrounding landowners.

Noise

Additionally, concerns were raised during the public consultation period regarding the potential for increased noise from the development. As outlined above, an acoustic assessment was supplied with the application as per the requirements of the policy. In summary the acoustics assessment identified the following:

- *Noise emissions from the child care centre additions are expected to occur Monday to Friday between 0700 to 1800 hours and Saturday 0830 to 1230 hours, mainly during the hours of outdoor play weather permitting. This means that for evenings, night time, public holidays and Sundays there is expected to be no noise emissions from the child care centre at all.*

- *The noise levels created by small groups of children, in the Babies 0 to two years old and Toddlers two to three year old age groups, is unlikely to cause a problem for any of the surrounding residences due to the:*
 - (a) *Low noise output of this age group; and*
 - (b) *These age groups engage in parallel play, rather than group play, at this stage of their social development which is a low noise activity; and*
 - (c) *Short duration of outdoor play times, typically 30 minutes, especially if the weather is not mild; and*
 - (d) *The location of the play areas being screened by a fence from the abutting residences.*
- *The main potential noise source is the air conditioning units.*
- *Typically music produced within child care centres is for short durations as part of an activity and is played at a low volume as small children will typically not be able to follow instructions in rooms with a high noise background. Basically music levels will need to be kept at about 60 dB(A) or lower within the room which is equivalent to the noise level produced by a conversational adult male voice at 1 metre.*
- *Car park noises typically may comprise adults talking and children's voices, car radios and car doors.*
- *The proposed child care centre additions will comply with the Environmental Protection (Noise) Regulations 1997. During the daytime periods of 0700 - 1900 hours Monday to Saturday, subject to implementation of the recommendations contained in the 'Recommendations' section.*

The acoustic assessment recommends the following:

- *Air conditioning systems: Provide inverter air conditioning condenser units with Sound Power Levels (Lw) not exceeding: $L_w = 76 \text{ dB(A)}$ on either heating or cooling cycle for only one condenser; or $L_w = 73 \text{ dB(A)}$ on either heating or cooling cycle for two condensers. This sound power level is based on the inverter air conditioning units being greater than 6 metres from any residential boundary.*
- *Play areas: Fixed play equipment should be plastic. If metal fixed play equipment is used then hollow metal sections shall be filled with expanding foam or sand. Concrete or brick paved areas, if any, should be minimised and where practicable covered with synthetic grass carpet to minimise noise of play equipment on the hard surfaces.*
- *Music: Keep external windows and doors closed; and do not play music outdoors.*
- *Operational: The Child Care Centre is not to be operational: On Sundays and public holidays: nor prior to 0700 hours or after 1900 hours Monday to Saturday.*
- *Boundary fences to the North and East shall all have a minimum wall height of 1800 mm above finished ground level and be of solid construction; Colour bond/fibre cement /concrete/masonry/brick/brick with timber infill panels between brick piers, all without gaps and flush to the ground.*

The City has reviewed the acoustic assessment provided by the applicant and the findings and recommendations have been accepted as sufficient for meeting the relevant legislation. It is considered that additional measures proposed by the applicant including:

- excavating the site to assist in noise containment;
- designating the proposed car parking on Lot 105 (39) Currajong Road as staff parking only; and
- orientation and siting of the new building and outdoor area on Lot 105 (39) Currajong Road so as to direct noise emissions away from surrounding residential lots, are sufficient in addressing adverse noise emissions and limiting impact on adjoining neighbours.

Reduced setback from rear boundary

The Policy requires Child Care Centre building setbacks to be in accordance with the requirements of DPS2, which requires a rear setback of six metres for a non-residential building. The policy advises that Council may consider the exercise of discretion to vary the setback provisions under DPS2 for Child Care Centres located in the Residential zone, in order to more appropriately reflect the existing building setbacks in the immediate vicinity.

It is considered that the proposed new building has been positioned on the site so as to be commensurate to the setbacks of the surrounding residential buildings whilst having regard to siting requirements to ensure minimal noise emissions. The 2.36 metre rear setback to the eastern boundary is considered to be an appropriate separation distance from the adjoining dwelling as the setback allows space for a retaining wall which supports the excavated site level for the proposed building. It is considered that the proposed retaining wall, which has a maximum height of 1.9 metres below the adjoining neighbour to the rear, in addition to a dividing boundary fence atop the retaining wall, will aid in the amelioration of noise emissions from the proposed building.

The proposed reduced rear setback also allows for siting and orientation of the building to assist in the provision of sufficient car parking and landscaping toward the front of the lot. It is therefore considered that the proposed rear setback of the building is appropriate in this instance.

Conclusion

The City's records indicate that no complaints have been made regarding the operation of the current Child Care Centre since its approval in 2006.

The applicant has provided a noise impact assessment and a traffic impact statement that indicate that the potential noise and traffic conditions from the proposal will not lead to a significant adverse impact on adjoining neighbours.

Overall the proposal is considered to have been designed in such a manner as to cause minimal additional impact on adjoining and surrounding landowners, the road network, and the amenity of the locality, as such this application is recommended for approval subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 EXERCISES discretion under clause 4.5.1 of the City of Joondalup District Planning Scheme No 2 and determines that the building setback of 2.36 metres from the rear (eastern) boundary in lieu of six metres is appropriate in this instance;
- 2 APPROVES the application for planning approval dated 11 January 2012, submitted by Peter Cottee Building Designs, on behalf of the owners, Topstar Holdings Pty Ltd, for proposed child care centre additions at Lot 105 (39) Currajong Road Duncraig, and Lot 501 (107) Warwick Road, Duncraig, subject to the following conditions:
 - 2.1 This decision constitutes planning approval only and is valid for a period of two years from the date of the decision letter. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect;
 - 2.2 Lot 105 (39) Currajong Road Duncraig, and Lot 501 (107) Warwick Road Duncraig shall be amalgamated, prior to the commencement of construction;
 - 2.3 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;
 - 2.4 Detailed landscaping plans shall be submitted to the City for approval prior to the commencement of construction. These landscaping plans are to indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:
 - 2.4.1 Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
 - 2.4.2 Provide all details relating to paving, treatment of verges and tree planting in the car park;
 - 2.4.3 Show spot levels and/or contours of the site;
 - 2.4.4 Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;
 - 2.4.5 Be based on water sensitive urban design principles to the satisfaction of the City;

- 2.4.6 Be based on Designing out Crime principles to the satisfaction of the City; and
- 2.4.7 Show all irrigation design details;
- 2.5 Landscaping and reticulation is to be established in accordance with the approved plans, Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
- 2.6 The proposed crossovers are to be designed and constructed to the specification and satisfaction of the City and thereafter maintained to this standard;
- 2.7 An on-site 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. Plans showing the proposed stormwater drainage system are to be submitted to the City for approval, prior to the commencement of construction;
- 2.8 Any proposed external building plant, including air conditioning units, piping, ducting and water tanks, being located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings, with details of the location of such plant being submitted for approval by the City prior to the commencement of construction;
- 2.9 A maximum of 71 children and 11 staff are permitted on site at any one time;
- 2.10 All construction works shall be contained within the property boundary;
- 2.11 Retaining walls shall be of a clean finish and made good to the satisfaction of the City;
- 2.12 The external surface of the new Child Care Centre building, including roofing, shall be finished in materials and colours that have low reflective characteristics, to the satisfaction of the City;
- 2.13 The operating hours for the Child Care Centre shall be between 7.00 am to 6.00 pm Monday to Friday;
- 2.14 The external windows and doors of the new Child Care Centre building are to be kept closed when music is being played. Playing outdoor music is not permitted;
- 2.15 Air conditioning systems shall be inverter air conditioning condenser units with Sound Power Levels (Lw) not exceeding: Lw = 76 dB(A) on either heating or cooling cycle for only one condenser; or Lw = 73 dB(A) on either heating or cooling cycle for two condensers. This sound power level is based on the inverter air conditioning units being greater than 6 metres from any residential boundary;

- 2.16** Fixed play equipment should be plastic. If metal fixed play equipment is used then hollow metal sections shall be filled with expanding foam or sand. Concrete or brick paved areas, if any, should be minimised and where practicable covered with synthetic grass carpet or similar to minimise noise of play equipment on the hard surfaces to the satisfaction of the City;
- 2.17** Dividing fences on the northern and eastern boundaries of Lot 105 (39) Currajong Road shall all have a minimum wall height of 1.8 metres above finished ground level and be of solid construction; Colour bond/fibre cement/concrete/masonry/brick/brick with timber infill panels between brick piers, all without gaps and flush to the ground, to the satisfaction of the City;
- 3** NOTES the conditions of approval from the State Administrative Tribunal hearing of 2 May 2006 (DR570 2005) still apply; and
- 4** ADVISES the submitters of Council's decision.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf100412.pdf](#)

CJ051-04/12 DRAFT JOONDALUP CITY CENTRE STRUCTURE PLAN

WARD:	North and North Central	
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Development	
FILE NUMBER:	34624, 33624	
ATTACHMENTS:	Attachment 1 Attachment 2	Revised Draft Joondalup City Centre Structure Plan Scheme Amendment zoning

PURPOSE

The purpose of this report is for Council to consider supporting the advertising of the revised draft Joondalup City Centre Structure Plan (JCCSP) and initiating a new amendment to District Planning Scheme No 2 (DPS2) following consideration of the original draft Structure Plan and Scheme Amendment by the Department of Planning.

EXECUTIVE SUMMARY

The draft JCCSP and Scheme Amendment No 42 were adopted by Council on 25 May 2010 and forwarded to the Western Australian Planning Commission (WAPC) for endorsement. In the meantime, the WAPC released State Planning Policy 4.2 – Activity Centres for Perth and Peel (Activity Centres Policy) and the draft Structure Plan Preparation Guidelines.

The Department of Planning subsequently advised that the draft JCCSP does not constitute an Activity Centre Structure Plan for the purposes of the Activity Centres Policy. However, it was suggested that the draft JCCSP could be an 'interim' Structure Plan pending the preparation of the Activity Centre Structure Plan, albeit with revisions to the current draft.

While an Activity Centre Structure Plan is being prepared for the City Centre, the current JCCSP will be progressed as an interim Structure Plan. The JCCSP has been revised following discussions with the Department of Planning, and now includes the land use permissibility and development control provisions within the Structure Plan itself rather than within DPS2. The previous Scheme Amendment (Amendment 42) will therefore not be progressed and a new Scheme Amendment has been prepared to include the Winton Road service industrial area and the Joondalup Gate business area within the 'Centre' zone.

It is recommended that Council consents to initiating the advertising of the revised Structure Plan and the advertising of the new scheme amendment for a period of 42 days.

BACKGROUND

The current Joondalup City Centre Development Plan and Manual (JCCDPM) last had a major revision in 1995. Since then, significant development has occurred within the City Centre. A review of the 1995 JCCDPM was initiated to create a planning framework that reflects the current needs and aspirations for the City Centre regarding land use and built form.

At its meeting held on 17 February 2009 (CJ037-02/09 refers), Council resolved to advertise the draft JCCSP and associated Scheme Amendment for a period of 60 days. Advertising closed on 6 July 2009. A total of 48 responses were received (including late submissions). Submissions indicated general support for the draft Structure Plan and the direction proposed for development of the City Centre.

Following consideration of submissions, at its meeting held on 25 May 2010 (CJ073-05/10 refers), Council resolved to adopt the draft JCCSP and Amendment No 42. The JCCSP and Amendment were submitted to the Department of Planning for consideration and the endorsement of the WAPC.

In August 2010, the WAPC released the Activity Centres Policy, which, amongst other matters, requires that an Activity Centre Structure Plan be prepared for Strategic Metropolitan Centres (for example Joondalup) within three years of the adoption of the policy. In addition, in August 2011, the WAPC released the draft Structure Plan Preparation Guidelines.

Correspondence was received from the Department of Planning in August 2011 indicating the draft JCCSP in its current form does not constitute an Activity Centre Structure Plan, nor does it conform to the draft Structure Plan Preparation Guidelines.

DETAILS

The purpose of the Structure Plan is to provide a guiding framework for the growth and evolution of the Joondalup City Centre in a form that enables it to perform and sustain its role as the strategic metropolitan centre of the northern corridor of the Perth Metropolitan region.

The draft JCCSP has been reformatted to conform to the draft Structure Plan Preparation Guidelines. The draft JCCSP now includes the land use permissibility and development control provisions within the Structure Plan itself rather than within DPS2.

The main changes to the draft JCCSP are:

- removal of the proposed new zones from DPS2 and insertion into the Structure Plan as 'districts';
- inclusion of land use permissibility in the Structure Plan rather than DPS2;
- inclusion of all development requirements in the Structure Plan;
- modification to formatting of the Inner City Residential provisions to provide greater clarity;
- inclusion of provisions for the Southern Business District; and
- reformatting for closer alignment with the WAPC draft Structure Plan Preparation Guidelines.

Due to the changes to the scheme amendment, a new Scheme Amendment is proposed, and Amendment No 42 will not be progressed.

The Scheme Amendment now comprises:

- the inclusion of the Winton Road area (currently zoned 'Service Industrial') and the Joondalup Gate area (currently zoned 'Business') within the 'Centre' zone;
- insertion of text to prevent certain Structure Plan provisions from being varied under clause 4.5.1 of the DPS2; and
- insertion of text into clause 6.1 of DPS2 to exempt a change of use from a 'P' (permitted) use to another 'P' use from requiring planning approval within the JCCSP area.

Options:

The options available to Council in considering the Structure Plan are:

- Support the advertising of the revised draft Structure Plan;
- Support the advertising of the revised draft Structure Plan, with further modifications; or
- Not support the advertising the revised draft Structure Plan.

The options available to Council in considering the new Scheme Amendment are:

- Support the initiation of the new amendment for the purpose of public advertising;
- Support the initiation of the new amendment, with modification, for the purpose of public advertising; or
- Not support the initiation of the new amendment for the purpose of public advertising.

In the event that the Council does not support the advertising of the revised JCCSP and new Scheme Amendment, it is unlikely that the draft JCCSP and Amendment 42 would be approved by the Department of Planning in their current form.

It is also noted that the revised draft Structure Plan and new Scheme Amendment are dependent on each in order for the new JCCSP to be implemented.

Legislation/Strategic Plan/Policy Implications

Legislation

Structure Plan

Clause 9.6.3 of DPS2 states that if the WAPC requires modifications to the draft Structure Plan, they shall be made and resubmitted for consideration under clause 9.4. Should Council determine the revised draft Structure Plan is satisfactory, advertising is required in accordance with clause 9.5 of DPS2.

Upon the completion of public advertising, Council is required to consider all submissions within 60 days and proceed to either adopt or refuse to adopt the Structure Plan, with or without modifications.

Scheme Amendment

Part 5 of the *Planning and Development Act 2005* enables local governments to amend their Local Planning Schemes and sets out the process to be followed.

Should Council support the initiation of the new Scheme Amendment for the purposes of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review is required. Should the EPA decide that an environmental review is not required, upon the City's receipt of written confirmation of this from the EPA, the City advertises the proposed amendment for 42 days.

Upon closure of the advertising period, Council is required to consider all submissions received during the advertising period and to either adopt the amendment, with or without modifications, or refuse 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 the amendment.

Strategic Plan

Key Focus Area: Economic Prosperity and Growth.

Objective: 3.1 To encourage the development of the Joondalup CBD.

Key Focus Area: The Built Environment.

Objective: 4.1 To ensure high quality urban design within the City.

Policy

Not Applicable.

Risk Management Considerations:

If the Minister decides not to adopt the revised draft Structure Plan and new Scheme Amendment, the existing Joondalup City Centre Development Plan and Manual will prevail which does not reflect the City's current aspirations for the City Centre.

Financial/Budget Implications:

The revision of the draft City Centre Structure Plan has been prepared with in-house resources. Public consultation costs are expected to be \$600.

Regional Significance:

The adoption of the JCCSP will assist the desired future economic and social development that will reinforce Joondalup City Centre as the major Strategic Metropolitan Centre of the north-west region.

Sustainability Implications:

The draft JCCSP proposes to encourage the intensification of development in close proximity to the train station by removing plot ratio, introducing minimum building height and reducing parking requirements. These factors will contribute to more environmentally sustainable development by promoting a more efficient use of City Centre land, a reduction in private vehicle usage, encouraging Joondalup as an employment hub to assist in reducing the journey to work, and increasing employment self sufficiency in the North West corridor. In addition, specific development standards within the Structure Plan such as the protection of north, east and west facing windows from direct summer sun will also contribute to the development of more environmentally sustainable buildings.

Consultation:

In the event that Council endorses the advertising of the revised draft Structure Plan and new Scheme Amendment, the documents would be concurrently advertised for a period of 42 days as follows:

- Letters sent to previous submitters and key stakeholders or landowners in the city centre;
- A notice placed in the local newspaper for two consecutive weeks;
- A notice and documents placed at the City's libraries and customer service centres; and
- A notice and documents placed on the City's website.

COMMENT

The release of the Activity Centres Policy requires the preparation of an Activity Centre Structure Plan for the Joondalup City Centre by August 2013. As previously stated, the Department of Planning has advised that the draft JCCSP in its current form does not constitute an Activity Centre Structure Plan. An Activity Centre Structure Plan will require comprehensive additional research to meet the requirements of the Activity Centre Policy and the Model Centre Framework. This will require additional resources that will need to be appropriately budgeted for. While an Activity Centre Structure Plan is being prepared for the City Centre, the current JCCSP will be progressed as an interim Structure Plan. An interim Structure Plan will ensure a revised planning framework is put in place against which to assess development applications, thus allowing new development to meet the desired vision for the City Centre.

The draft JCCSP has been modified to conform to the WAPC's draft Structure Plan Preparation Guidelines. In addition, the draft JCCSP has been reformatted as the Department of Planning did not support the creation of new zones within DPS2 and advised that the planning intent, permissible land uses and development control provisions should be implemented through the JCCSP rather than through DPS2.

Although modifications have been undertaken to the draft JCCSP, those modifications do not substantially alter the existing provisions, development standards, land use districts or land use permissibility within those districts.

The exception is the area known as the Southern Business District (the land bounded by Joondalup Drive, Eddystone Ave, Mitchell Freeway and Hodges Drive) where the current draft JCCSP provision states:

“No subdivision or development shall be commenced or carried out until Development Guidelines have been prepared and adopted as a Local Planning Policy under the provisions of Clause 8.11 of District Planning Scheme No 2.”

As Development Guidelines are no longer to be prepared for this area, new development provisions are proposed. The provisions are as per the Business Support development standards with the addition of specific requirements to address side and rear setbacks, glazing, and screen landscaping at the rear of the properties abutting the Mitchell Freeway.

Due to the changes to the JCCSP, Scheme Amendment No 42 will no longer be progressed. However, a new Scheme Amendment has been prepared to include the Winton Road service industrial area and the Joondalup Gate business area within the ‘Centre’ zone. The inclusion within the ‘Centre’ zone, will allow for the coordinated planning and development of these areas together with the existing city centre, through a more detailed planning framework that provides a higher built form outcome and appropriate transition to the adjoining districts.

In addition, the Scheme Amendment also includes the exemption of certain provisions from being able to be varied under clause 4.5.1 of DPS2 and the exemption of a change of use from a permitted use to another permitted use from requiring planning approval in the JCCSP area. These changes were included in the previous scheme amendment and are therefore also included in this scheme amendment as they are a necessary part of the operation of the new Structure Plan.

It is recommended that Council support the advertising of the revised Structure Plan, and the advertising of the new Scheme Amendment for 42 days. It is also recommended that Council request that the WAPC not progress Amendment No 42.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 Pursuant to Clause 9.5 of the City of Joondalup District Planning Scheme No 2, INITIATES public advertising of the revised draft Joondalup City Centre Structure Plan as outlined in Attachment 1 to Report CJ051-04/12 for a period of 42 days;**
- 2 Pursuant to Part 5 of the Planning and Development Act 2005, CONSENTS to initiate Amendment No 64 to the City of Joondalup District Planning Scheme No 2 to:**
 - 2.1 Rezone the land bounded by Mitchell Freeway, Ocean Reef Road, Joondalup Drive and Eddystone Avenue as shown on Attachment 2 to Report CJ051-04/12 to 'Centre';**
 - 2.2 Rezone the land bounded by Mitchell Freeway, Hodges Drive, Joondalup Drive and Shenton Avenue as shown on Attachment 2 to Report CJ051-04/12 to 'Centre';**
 - 2.3 Inserting the following clause immediately after clause 3.11.5:**

“3.11.6 Where specified in the Joondalup City Centre Structure Plan, those provisions are not standards or requirements for the purpose of clause 4.5.1.”
 - 2.4 by adding a new paragraph after paragraph (m) of Clause 6.1.3 as follows:**

“(n) in the case of land within the Joondalup City Centre Structure Plan area, a change of use from a permitted or ‘P’ use to another permitted or ‘P’ use in the district in which the land is situated.”

for the purposes of public advertising for a period of 42 days; and
- 3 REQUESTS that the Western Australian Planning Commission not progress Amendment No 42.**

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf100412.pdf](#)

**CJ052-04/12 PROPOSED LANDSCAPING AREA
RECONFIGURATION AND RETROSPECTIVE
ADDITIONS TO LANDSCAPE SUPPLIES PREMISES
AT LOT 396 (29) CANHAM WAY, GREENWOOD**

WARD: South East

**RESPONSIBLE
DIRECTOR:** Ms Dale Page
Planning and Development

FILE NUMBER: 26113, 101515

ATTACHMENTS: Attachment 1 Location Plan
Attachment 2 Development Plans
Attachment 3 Feature Wall Plan

PURPOSE

To request Council's determination of an application for a proposed landscaping area reconfiguration and retrospective additions to Landscape Supplies premises.

EXECUTIVE SUMMARY

An application for planning approval has been received for a proposed landscaping area reconfiguration and retrospective approval of two existing limestone sand containment bins. The site is currently approved as a landscape supplies premises and is used to display and sell stone paving and associated products.

Retrospective approval is sought for two sand containment bins which have recently been constructed on the site and are currently being used for the storage of paving sand. It is also proposed to expand an existing vehicle access and stock storage area to the north-west corner of the site. This will be screened by a limestone fence being constructed along part of the Hepburn Avenue boundary of the site. In accordance with District Planning Scheme No 2 (DPS2), any area within three metres of a road reserve boundary should only be used for access, landscaping or a trade display in the Service Industrial Zone. Storage of stock in this area therefore does not meet the requirements of DPS2.

Furthermore this area is required to be landscaped as per a condition of a previous approval. The use of this area for vehicle access and stock storage will result in a reduced total landscaped area on the site of 6.5% in lieu of 8% required under DPS2.

The limestone fence that will be constructed along part of the Hepburn Avenue boundary is exempt from the need to obtain development approval under DPS2 as it is a boundary fence. The determination of this application by Council is necessary due to the abovementioned variations to DPS2, and because a condition of approval imposed on a previous development application determined by Council (CJ079-05/11 refers) required landscaping in the area the subject of this proposal. This condition also required the use of mature vegetation on the verge along the street boundary, so as to screen the stock storage area from view from the street.

The development is considered to be consistent with the objectives and purposes of the Service Industrial zone, and meets all requirements of DPS2 with the exception of the abovementioned variations.

It is recommended that the application be approved subject to conditions, including retaining the requirement to provide landscaping along the Hepburn Avenue verge area.

BACKGROUND

Suburb/Location: Lot 396 (29) Canham Way Greenwood.
Applicant: Zealous Resources Pty Ltd t/as Fremantle Stone.
Owner: Tait Nominees Pty Ltd, Winme Pty Ltd, Bernard Marie Clement Nageon De Lestang & Helen Roberta Nageon De Lestang.
Zoning: **DPS:** Service Industrial.
MRS: Urban.
Site Area: 5116.07m².
Structure Plan: Not Applicable.

The subject site is located in the north-eastern part of Canham Way in Greenwood. The site backs onto Hepburn Avenue and Wanneroo Road (Attachment 1 refers).

The site has approval to operate as a "Landscape Supplies" premises, and is utilised as a display centre, showroom and stock storage yard for the purpose of storage and distribution of paving stone products and other related products. The site has been refurbished extensively by Fremantle Stone since commencement of the business in 2009, including renovation of an existing site office and showroom, improvements to the driveway and traffic surfaces, improvements to the site drainage, the addition of various product displays, patios, shade sails, and a gazebo. The site generally operates with two to four staff.

At its meeting held on 17 May 2011 (CJ079-05/11 refers), Council approved a retrospective application for a change of use from Office and Workshop to Landscape Supplies on the site. A condition of that approval required the applicant to lodge a detailed landscaping plan for the site and adjoining road verges. This landscaping plan has not yet been received by the City. The landscaping plan is required to indicate a three metre wide landscaping strip inside the property along all road boundaries and is to depict the use of mature vegetation on the verge along the Hepburn Avenue street boundary so as to screen the existing stock storage area from view from the street.

DETAILS

- The development that is the subject of this application consists of:
- Two limestone sand containment bins (existing); and

Reconfiguration of the previously approved landscaping areas reducing the total percentage of site to 6.5%.

The site currently contains an approved 40 square metre sand bin used for containing clean paving sand. The two sand bins forming part of this application are also used for containing clean sand. The bins are 5.1 metres long and five metres wide, and are constructed of limestone blocks.

The applicant proposes to utilise part of the area adjacent to the Hepburn Avenue boundary for vehicular access to the sand bins and for the storage of stock. This area will be screened from view from the street by a 36 metre long limestone wall (Attachment 3 refers). The wall does not form part of this proposal, as it is exempt from the need to gain planning approval under clause 6.1.3 of DPS2.

The use of this area for these purposes, rather than for landscaping as previously proposed will reduce the percentage of landscaping from 8.6% to 6.5% of the site. DPS2 requires 8% of a site area to be landscaped.

The development plans are provided in Attachment 2.

Issues and options considered:

Council has the discretion to:

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

Legislation/Strategic Plan/Policy Implications:

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

3.10 THE SERVICE INDUSTRIAL ZONE

3.10.1 The Service Industrial Zone is intended to provide for a wide range of business, Industrial and recreational developments which the Council may consider would be inappropriate in Commercial and Business Zones and which are capable of being conducted in a manner which will prevent them being obtrusive, or detrimental to the local amenity.

The objectives of the Service Industrial Zone are to:

- (a) Accommodate a range of light industries, showrooms and warehouses, entertainment and recreational activities, and complementary business services which, by their nature, would not detrimentally affect the amenity of surrounding areas;*
- (b) Ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas.*

3.10.2 Development in the Service Industrial Zone shall conform, among other things, with the general provisions set out below.

- (a) Buildings shall be set back a minimum of 6 metres from the street boundary. Setbacks to side and rear boundaries shall comply with the Building Code of Australia.*
- (b) Where a lot has a boundary with more than one street, the Council shall designate one such boundary as the frontage and may approve buildings up to a minimum distance of 3 metres from the other street boundaries.*

- (c) *That portion of a lot within 3 metres of its boundary with a road reserve shall only be used for:*
 - (i) *An approved means of access;*
 - (ii) *Landscaping;*
 - (iii) *An approved Trade Display and that portion of a lot between three metres of its boundary with a road reserve and the building line setback shall only be used for the parking, loading or unloading of vehicles, and for landscaping.*
- (d) *With the exception of lots around which authorised screen walls have been erected, landscaping to the satisfaction of Council shall be planted and maintained by the owners on all portions of the property not covered by approved buildings, storage areas, accessways or parking areas (notwithstanding that shade trees shall be planted and maintained by the owners in car parking areas to the Council's satisfaction). Owners shall plant and maintain landscaping to Council's satisfaction on adjacent street verges.*
- (e) *Screen walls 1.8 metres high to a specification approved by and to the satisfaction of the Council shall be provided to screen the rear areas of all lots where necessary to protect the amenity of any adjoining residential lots.*
- (f) *Provisions relating to Building Construction:*
 - (i) *Every building shall have a façade of brick, plate glass or other approved material to all street frontages;*
 - (ii) *Where under the Building Code of Australia, metal clad walls are permitted, they must have a factory applied painted finish to the satisfaction of the City Building Surveyor.*

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

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:*

Consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1; and

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:*

Approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and

The non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

4.12 LANDSCAPING REQUIREMENTS FOR NON RESIDENTIAL BUILDINGS

- 4.12.1 *A minimum of 8% of the area of a development site shall be designed, developed and maintained as landscaping to a standard satisfactory to the Council. In addition the road verge adjacent to the lot shall be landscaped and maintained in a clean and tidy condition to the satisfaction of the Council.*

The remainder of clause 4.12 is not applicable to this application.

Clause 6.1 indicates development that is exempt from the requirement for planning approval as follows:

6.1 APPLICATION FOR PLANNING APPROVAL

- 6.1.3 *The Council's prior Planning Approval on land zoned by the Scheme is not required if the development consists of:*

- (a) *The erection of a boundary fence.*

The remainder of clause 6.1 is not applicable to this application.

In exercising discretion under Clause 4.5.1, the matters listed under Clause 6.8 require consideration. 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 as follows:

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) *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*
- (j) *Any other matter which in the opinion of the Council is relevant.*

Strategic Plan

Key Focus Area: The Built Environment.

Objective: 4.1 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 the fees of \$417.00 to cover all costs associated with assessing the application.

The above figure excludes GST.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Clause 6.7.2 of DPS2 enables public consultation to be undertaken prior to the consideration of an application for planning approval where this is considered necessary and/or appropriate. In this instance, it is considered that the proposal is consistent with the objectives of the Service Industrial zone, and will not adversely impact on the surrounding streetscapes. As such, public comment has not been sought.

COMMENT

The applicant is seeking approval to reconfigure an approved landscaping area to allow for vehicular access and a stock storage area. The area proposed to be reconfigured is required to be landscaped in accordance with DPS2 and a previous condition of development approval.

Landscaping

Under DPS2, a minimum of 8% of the site area is required to be landscaped. By replacing part of the required three metre wide landscaping strip along Hepburn Avenue with vehicular access and stock storage area, the site will be left with 6.5% of the total area being landscaped.

There is currently an 18 metre wide verge between the westbound lanes of Hepburn Avenue and the property boundary. The verge contains several large mature trees that are considered to mitigate the visual impact of the existing building bulk on the site and provide some screening to the stock storage area within the site. The verge is covered with lawn which is considered to contribute towards a positive landscape aesthetic as viewed from the street. It is considered that it is appropriate to require further landscaping along the verge in front of the boundary fence being constructed by the applicant in order to reduce the visual impact of the fence, and to further assist with screening these areas.

Stock storage area

In accordance with DPS2, the portion of any lot within three metres of a boundary with a road reserve, in this instance, Hepburn Avenue shall only be used for:

- An approved means of access;
- Landscaping; or
- An approved trade display.

The applicant proposes to utilise part of the area adjacent to Hepburn Avenue, as a stock storage area which is not permitted in this area in accordance with DPS2. The stock storage area is utilised to store pallets of pavers, stone products and other paving related stores which could arguably be considered as unsightly. In this instance, the fence to be constructed along this portion of the boundary is considered to be an appropriate method of screening the stock storage area as viewed from Hepburn Avenue. Mature landscaping will also be required along the remainder of the Hepburn Avenue frontage to screen this area from view at the intersection of Wanneroo Road and Hepburn Avenue.

There are existing mature trees on the Hepburn Avenue verge which currently assist towards partial screening the stock yard area. However, this area generally remains visible from Hepburn Avenue. Further vegetative screening on the verge in this area was required as a condition of approval of a previous development application (CJ079-05/11 refers).

As a result of the addition of the limestone boundary fence the stock yard will be partially screened as viewed from a portion of Hepburn Avenue, however the area will remain visible from the eastern portion of Hepburn Avenue and from a greater distance from Wanneroo Road.

There is some concern that the limestone boundary fence will present as a target to graffiti artists. In accordance with the City of Joondalup Private Property Local Law, the fence is required to be treated with non-sacrificial anti-graffiti coating. In addition, a condition of approval is recommended requiring mature landscaping to be provided along the Hepburn Avenue frontage, both in the verge area and within the property which will aid in screening the stock storage area from view. This will also assist in reducing the visibility of the wall and potential for it to become a target for graffiti.

Conclusion

The development is considered to be consistent with the objectives and purposes of the Service Industrial zone, and meets all requirements of DPS2 with the exception of the extent of landscaping area and the use of the land adjacent to Hepburn Avenue for storage purposes. The proposed configuration of landscaping on the site is considered to meet the intent of the requirements of DPS2 as areas visible from the street remain landscaped as required and the portion to be reconfigured and used for other purposes will be screened from view as viewed directly from the street adjacent to the site.

It is recommended that the application be approved subject to conditions, including retaining the requirement to provide landscaping along the Hepburn Avenue verge area.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **EXERCISES** discretion under clauses 4.5.1 of the City of Joondalup District Planning Scheme No 2 and determines that:
 - 1.1 A portion of the lot within three metres of its boundary with Hepburn Avenue, being used for the purposes of vehicular access and stock storage area; and
 - 1.2 Landscaping provision of 6.5% of the site in lieu of 8%,

are appropriate in this instance;
- 2 **APPROVES** the application for planning approval, dated 3 February 2012 submitted by Zealous Resources Pty Ltd trading as Fremantle Stone on behalf of the owners, Tait Nominees Pty Ltd, Winme Pty Ltd, Bernard Marie Clement Nageon De Lestang & Helen Roberta Nageon De Lestang, for proposed landscaping area reconfiguration and retrospective additions to the Landscape Supplies premises at Lot 396 (29) Canham Way, Greenwood, subject to the following conditions:
 - 2.1 The lodging of detailed landscape plans, to the satisfaction of the City, for the site and adjoining road verges for approval by the City within 30 days of the date of development approval. For the purpose of this condition, the landscaping plan(s) shall:
 - 2.1.1 Be drawn to a scale of 1:100;
 - 2.1.2 Provide all details relating to paving, treatment of verges and tree planting in the car park;
 - 2.1.3 Be based on water sensitive urban design principles to the satisfaction of the City;
 - 2.1.4 Be based on Designing out Crime principles to the satisfaction of the City; and
 - 2.1.5 Depict appropriate species for the Hepburn Avenue verge area, and the landscaped area within the property boundary adjacent to Hepburn Avenue, that is of a sufficient height and density to screen the stock storage area, and to minimise the visual impact of the limestone boundary fence as viewed from the surrounding streets;
 - 2.2 Landscaping shall be installed in accordance with the approved landscaping plans prior to the use of the stock storage area adjacent to Hepburn Avenue, and thereafter maintained to the satisfaction of the City;
- 3 **NOTES** that the boundary fence does not constitute part of this approval however in accordance with City of Joondalup Private Property Local Law the Hepburn Avenue (northern) face of the boundary fence shall be treated with non-sacrificial anti-graffiti coating upon construction of the wall to the satisfaction of the City.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf100412.pdf](#)

Disclosure Proximity Interest

Name/Position	Cr Teresa Ritchie.
Item No/Subject	CJ053-04/12 – Petition Requesting Portion of Timberlane Park be Excised for development of Aged Person Accommodation.
Nature of interest	Proximity Interest.
Extent of Interest	Cr Ritchie lives opposite Timberlane Park.

**CJ053-04/12 PETITION REQUESTING PORTION OF
TIMBERLANE PARK TO BE EXCISED AND ZONED
TO ENABLE SALE OF THE LAND AND
DEVELOPMENT OF AGED PERSONS'
ACCOMMODATION**

WARD: Central

**RESPONSIBLE
DIRECTOR:** Ms Dale Page
Planning and Development

FILE NUMBER: 07100, 101515

ATTACHMENTS: Attachment 1 Location Plan

PURPOSE

The purpose of this report is for Council to consider a petition asking Council to note the history of anti-social behaviour and the lack of passive surveillance at Timberlane Park (Reserve 40169) Timberlane Drive, Woodvale and requesting that a portion of the park be excised and 'zoned' to permit the development of aged persons' accommodation so that funds generated from the sale of the land can be used to enhance community facilities in order to reduce anti-social behaviour and graffiti in the park.

EXECUTIVE SUMMARY

A 64 signature petition was received by the Council at its meeting of 24 August 2011, in relation to Timberlane Park, Woodvale.

It is considered that the key objectives of the petition are to increase casual surveillance of the park and to reduce anti-social behaviour in and around the park. The sale of portion of the reserve and the development of aged persons' accommodation is seen as a method to achieving the objective of the petition.

This report therefore addresses:

- Current levels of anti-social behaviour in the park;
- Steps that have already been taken by the City to achieve greater casual surveillance of the park and a reduction of anti-social behaviour and graffiti;
- The development potential of the site, should the Council decide to zone a portion of the park; and
- The process the City would need to follow and the issues the City would need to consider in deciding to excise and zone portion of the park.

Timberlane Park has had recurrent anti social issues over several years and a high profile incident in October 2008 in which a young person was assaulted and later died.

Despite the level of anti-social behaviour experienced following this tragic incident, the City's statistics indicate that reported incidents of anti-social behaviour, crime, suspicious vehicles or individuals loitering in the area have declined in the past two years. Anecdotal evidence from the City's Youth Outreach also suggests that, whilst there are still some incidents of graffiti and drinking within the park, the groups that were previously involved in anti-social behaviour have largely moved on.

In June 2011, the City undertook a 'Designing Out Crime' review of Timberlane Park. The review suggested a number of measures that could be implemented to address the anti-social issues at Timberlane Park, many of which already have or currently are being implemented through works programs.

Timberlane Park is listed in Schedule 5 of the City's District Planning Scheme No 2 (DPS2), which is a schedule of places and objects having significance for the purpose or protection of the landscape or environment. An amendment to DPS2 would be necessary to remove Timberlane Park or part thereof from Schedule 5 of the Scheme and to zone the land to allow the development of aged persons' accommodation.

In light of:

- the listing of the park in Schedule 5 of DPS2;
- the implementation of a number of recommendations from the City's 'Designing Out Crime' review; and
- a reduction in the incidents of anti-social behaviour and graffiti in the park,

it is recommended that the petitioners' request for the zoning and sale of portion of the park for the development of aged persons' housing, not be supported and the lead petitioner advised accordingly.

BACKGROUND

Suburb/Location: Lots 10996, 12264, 12282 Timberlane Park (Reserve 40169)
Timberlane Drive, Woodvale.
Zoning: **DPS:** Local Reserve Parks and Recreation
MRS: Urban
Site Area: 76336 m²

Timberlane Park (Reserve 40169) consists of three lots being as follows:

- Lot 10996 – 72232 m²
- Lot 12264 – 1051 m²
- Lot 12282 – 3053 m²

Adjoining Reserve No 44956 (Lot 12598) has an area of 3509m² and is designated as a drainage reserve. It is not developed as such and forms part of the sports oval.

Timberlane Park is classed as a 'local park' and includes the following assets and amenities:

- Clubrooms building with main hall, kitchen, storage, external toilets and change rooms.
- Bitumen car park with dedicated lighting and lockable gate.
- Children's play equipment on the north and south sides of the reserve.
- Concrete footpaths connecting grassed areas, some surrounding roads and the car park.
- Public rubbish bins, including six adjacent to the Clubrooms building.
- Twelve hard court tennis courts with dedicated lighting and fencing.
- Concrete basketball 'half-courts'.
- Two large, metal flood light poles with 'training' level light fittings to light the oval.
- Wooden and alloy benches.

The park has a large area of remnant native vegetation on its west side which has trails running through it. This area screens the car park and open reserve areas from Timberlane Drive and Althaea Way. A large open grassed oval dominates the east side of the reserve. Vehicles can access main park areas from chain gates on the east and west sides and from the car park.

Timberlane Park has had some recurrent anti social issues over several years linked to consumption of alcohol in the park, graffiti damage and use of motorised scooters on paths through the remnant bush areas. A high profile incident in October 2008 in which a young person was assaulted and later died saw related graffiti and other anti-social activity in areas around the park increase.

In June 2011 the City undertook a 'Designing Out Crime' review of Timberlane Park focusing on:

- (a) Security or crime related vulnerabilities in and around the Timberlane Park Clubrooms building.
- (b) Security or crime related vulnerabilities in and around the Timberlane Park car park.
- (c) General designing out crime overview of other areas of the Park.

The review did not identify any specific or serious deficiencies but did suggest a number of measures that could be undertaken to ameliorate security/suspicious activity risk at Timberlane Park, most of which have already been or are currently being implemented through works programs.

On 24 August 2011 a 64 signature petition was received requesting that Council consider the following:

- "1 Notes the history of antisocial behaviour in Timberlane Park, Woodvale and the lack of adequate passive surveillance;*
- 2 Presents a submission to the State Government to allow the City of Joondalup to acquire a portion of Timberlane Park (Reserve 40169);*
- 3 Rezones a portion of Reserve 40169 to allow for aged accommodation, ensuring the retention of some bushland for residential amenity, and sells the land for such purpose;*
- 4 Allocates the resulting funds from the sale of the land to enhance community facilities at Timberlane Park, thereby reducing antisocial behaviour and graffiti;*
- 5 Advertises for public comment how the portion of Reserve 40169 could be utilised for aged accommodation whilst retaining some Bushland for residential amenity."*

The 64 signature petition represents 48 City of Joondalup electors, with the remaining 16 signatories being from suburbs outside the City of Joondalup. Of the 48 City of Joondalup electors 23 are within the immediate vicinity of Timberlane Park.

DETAILS

Current levels of anti-social behaviour in the park

Some City assets in Timberlane Park have been subject to damage more frequently than assets on some other City controlled reserves and this has been a focus for City Watch and the City's graffiti removal service.

However, the following table indicates that recent City Watch statistics are not as high as they were a couple of years ago though graffiti reports remain relatively high. It is not clear if the level of graffiti reports is on a like for like comparison. There have been significant improvements in reporting and turnaround times for removal of graffiti in the last couple of years and it is possible that prior to that some graffiti went unreported.

It is also important to note that the City Watch statistics provided are only reported incidents involving anti-social behaviour, crime, suspicious vehicles or individuals loitering in the area.

	Graffiti reports			City Watch Reports		
	2009	2010	2011	2009	2010	2011
Timberlane Park, Woodvale	38	45	50	29	5	18

The City receives daily and weekly summary crime statistics from the WA Police North West Metropolitan District Crime Prevention Unit. A review of the summary reports shows no specific or ongoing reported crime issue at Timberlane Park.

The City's Youth Outreach team have contact with young people in various public spaces including Timberlane Park, though the contacts are not necessarily in response to anti-social behaviour. The City does however get the Youth Outreach team to visit particular places when there is information to suggest that it's a "hot spot" for anti-social behaviour by young people. Timberlane Park was such a hot spot a couple of years ago and hence the City increased the presence of the Youth Outreach team in this location.

The Youth Outreach team have indicated that whilst they are still regularly visiting Timberlane Park, there is not as much or as consistent contact with young people as there was six to 12 months ago. The team advise that there are still some incidents of graffiti and drinking within the park but that the groups that previously used to frequent the park have grown older or have largely moved on.

Steps already taken by the City to achieve greater casual surveillance and reduction of anti-social behaviour

Developing a portion or portions of the park for aged persons' accommodation would increase opportunities for passive surveillance if the accommodation was located appropriately in relation to areas not easily visible from surrounding streets and properties. This would require removal of remnant bushland currently considered worthy of protection by its inclusion in Schedule 5 of DPS2. Alternatively, it would require removal of the tennis courts and car parking area. If these were to be relocated somewhere else in the reserve, this would necessitate removal of part of the oval or removal of remnant bushland.

There are alternative ways to increase passive surveillance from surrounding streets and residential properties and the City has already taken steps to reduce anti-social behaviour at the park by implementing some of the recommendations from the 'Designing Out Crime' review the City did of the park in 2011, namely:

- Work has been programmed to render and coat/paint the external walls of the building in April 2012 to simplify the control of graffiti at the site.
- A covert CCTV system has been installed around external areas of the hall and recorded images relating to graffiti and other damage offences have been provided to the WA Police with some of these images supporting successful prosecution actions.
- The 'Peppermint' type trees on the east side of the vehicle entrance to the car park have been trimmed and/or under-pruned to improve lines of sight from Althaea Way to the north side play equipment and the Clubrooms building.
- The lines of sight along crushed limestone paths in the remnant bushland area on the west side of the Park have been improved through the trimming/removal of vegetation as permitted by Schedule 5 in the District Planning Scheme No. 2.
- Removal of all non-significant vegetation along verge areas on the south side of Althaea Way between the car park entrance and Woodvale Drive has been undertaken to improve lines of sight into the park.

Additionally, frequent City of Joondalup activities at the site including City Watch community patrols, street sweeping / litter clean up, building maintenance and repair and CCTV system operational checks provide a visible presence at different times of the day and night to deter suspicious activity and these will continue.

Potential residential development

If the City wished to pursue the excision and zoning of portion of the reserve to permit the development of aged persons' accommodation, as a hypothetical exercise, the excision of say 10,000 m² (1 hectare) from Timberlane Park would seem appropriate.

As mentioned before, the accommodation would need to be located appropriately in relation to problem areas in order to properly achieve passive surveillance of these areas within the park.

This would require the removal of certain current facilities and/or remnant bushland.

In developing the site for aged persons dwellings there are a range of options available, the lower and (reasonable) upper end of which of which are outlined below.

- Assuming a base residential density code of R20 is retained for the site, the potential exists for approximately 30 single storey aged persons dwellings to be developed on the site as per the provisions in the Residential Design Codes for Special Purpose Dwellings. The dwellings would have a maximum plot ratio of 100m².
- If however, the density is increased to R30 and normal multiple dwellings are developed, there is the potential for approximately 73 dwellings to be developed. Multiple dwellings are not ordinarily restricted to aged persons only, however this may be restricted by way of a condition on the sale of the land.

The estimated number of dwellings provided for in these two scenarios does not take into account the design of the development which would need to include elements such as landscaping areas, visitor parking bays, privacy setbacks, etc.

Excision and zoning process and issues to be considered

Reserve 40169 is vested in the Crown for Parks and Recreation under Section 152 of the *Planning and Development Act 2005* with a City of Joondalup Management Order for the care and control of the park.

Both the Department of Regional Development and Lands (DRDL) and Western Australian Planning Commission (WAPC) would need to approve the excision and acquisition of a suitable portion of land from the reserve.

It should be noted that the proposal would require strong justification to convince the DRDL and WAPC that the loss of vested public open space for a private development is warranted and the WAPC would need to consider the loss of public open space ceded by the developer at the time of subdivision.

In the event both DRDL and WAPC agree to the excision and acquisition of a suitable portion of land, the City will be required to purchase the land at a value yet to be determined.

An amendment to DPS2 to transfer portion of Reserve 40169 from the Parks and Recreation Reserve to the Residential zone with appropriate density coding, will then be necessary as will an amendment to remove Timberlane Park or part thereof from Schedule 5 of the Scheme.

Schedule 5 (clause 5.3.1) is a list of places and objects that the City and the Council considers as having significance for the purpose or protection of the landscape or environment. The inclusion of Timberlane Park in Schedule 5 means that Council considers the park to be of high environmental significance and worthy of protection.

The City also has a policy that deals with requests for sales of public open space reserves. This policy states, *inter alia*, that the Council views public open space as a valuable community asset. As such, a clear benefit to the community, outside of any direct financial contribution, is to be established before a proposal seeking the sale of a portion of a public open space reserve is advertised for public comment. If such a proposal does not provide a clear benefit to the community and/or does not promote sustainability objectives, it should not proceed.

Issues and options considered:

Council has the option to:

- Option 1: Determine to initiate the statutory processes for the excision, acquisition and zoning of portion of Reserve 40169 to allow for the development of aged persons' accommodation.
- Option 2: Determine not to initiate the statutory processes for the excision, acquisition and zoning of portion of Reserve 40169 to allow for the development of aged persons' accommodation, given the actions already taken to address the anti-social issues in the park, the reduction in the number of reported incidents in and around the park and the listing of the park in Schedule 5 of DPS2.

Option 2 is recommended.

Legislation/Strategic Plan/Policy Implications:

Legislation: *City of Joondalup District Planning Scheme No 2*
Lands Administration Act 1997

Strategic Plan:

Key Focus Area: The Natural Environment.

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

Policy:

Requests for Sale of Public Open Space Reserves.

The aim of this policy is to preserve land reserved for public recreation, being public open space (POS), where it provides a benefit to the community; and give due consideration to the current and future needs of the community and environmental matters in assessing requests for excision or sale of POS.

Risk Management Considerations:

If the petitioner's request is supported there may be a perception that Council is not following its own policy or the provisions of DPS2 in relation to the preservation of significant parks.

Financial/Budget Implications:

Costs associated with all statutory processes and purchase of land would need to be borne by the City of Joondalup. These costs could be substantial and are unknown at this point.

Rendering and coating the building will cost around \$20,000.

Ongoing maintenance and trimming of vegetation will be absorbed into the City's operational and maintenance costs.

Regional Significance:

DPS2 states that the vegetation complex in Timberlane Park is considered to be significant and worthy of retention as it is under represented both regionally and locally.

Sustainability Implications:Environmental

If the Council determines to proceed with the petitioners' request, this would lead to the removal of remnant bushland on the site, which has been identified by the Council as having high environmental significance and is worthy of protection.

Social

The petitioners may gain increased peace of mind and security if the passive surveillance of the park was increased through the development of aged persons' accommodation. However, the City has already undertaken measures to address the issues at the park and the number of reported incidents at the park has been reduced.

Economic

There is no identifiable economic benefit that would result from the petitioners' proposal.

Consultation:

Community consultation has not been carried out at this stage. However, should Council decide to proceed with Option 1, advertising would be carried out in accordance with standard procedures and statutory requirements.

COMMENT

It is considered that the key objective of the petition is to increase casual surveillance of the park and to enhance community facilities in the park, in a bid to reduce anti-social behaviour in and around the park. The sale of portion of the reserve and the development of aged persons' accommodation is seen as a method to achieving the objective of the petition.

If the Council determines to initiate the statutory processes for the excision, acquisition and zoning of portion of Reserve 40169 to allow for the development of aged persons' accommodation, it should be understood that it will need to amend the DPS2 to remove the site from the City's list of places and objects that the City and the Council considers as having significance for the purpose or protection of the landscape or environment.

This process would require community consultation and it is likely that the community would not support the removal of remnant bushland or useable public open space on this site, when the City has already taken measures to address the issues of anti-social behaviour in this park and given the reduction in the number of reported incidents in the park over the past two years.

It is therefore recommended that Council does not support the petitioners' request for the zoning and sale of portion of the park for the development of aged persons' housing and advises the lead petitioner accordingly.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **DOES NOT** support the request to excise and zone portion of Timberlane Park to permit the development of aged persons' accommodation so that funds generated from the sale of the land can be used to enhance community facilities in order to reduce anti-social behaviour and graffiti in Timberlane Park, for the following reasons:
 - 1.1 The proposal would require the removal of preserved natural bushland which is currently protected due to its listing in Schedule 5 (clause 5.3.1) - Places And Objects Having Significance For The Purpose Or Protection Of The Landscape Or Environment, of City of Joondalup District Planning Scheme No 2 (DPS2);
 - 1.2 The City has already taken steps to improve passive surveillance of Timberlane Park and reduce anti-social behaviour in the park and will continue to do so;
 - 1.3 Both City statistics and anecdotal evidence shows that the level of anti-social behaviour in Timberlane Park has reduced over the past two years; and
- 2 **ADVISES** the lead petitioner of Council's decision.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf100412.pdf](#)

CJ054-04/12 JOONDALUP PERFORMING ARTS AND CULTURAL FACILITY – APPOINTMENT OF STEERING COMMITTEE MEMBER

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Chief Executive Officer

FILE NUMBER: 75577, 101515

ATTACHMENTS: Nil.

PURPOSE

For the Council to endorse the appointment of the representative from Edith Cowan University (ECU) to the Joondalup Performing Arts and Cultural Facility (JPACF) Steering Committee.

EXECUTIVE SUMMARY

The City received advice from ECU that Mr Warren Snell, ECU's representative on the JPACF Steering Committee, retired from the University in December 2011. ECU has nominated Mr Scott Henderson as Mr Snell's replacement on the Steering Committee.

ECU further advised that Mr Brian Yearwood would remain as Deputy Member for ECU.

It is recommended that Council:

- 1 *BY AN ABSOLUTE MAJORITY ENDORSES the appointment to the Joondalup Performing Arts and Cultural Facility Steering Committee of Mr Scott Henderson, Vice-President (Corporate Services) as the representative from Edith Cowan University; and*
- 2 *NOTES that Mr Brian Yearwood, Director Facilities & Services, will remain as deputy member for Edith Cowan University.*

BACKGROUND

At its meeting held 22 June 2010 (CJ103-06/10 refers), Council endorsed the formation of the JPACF Steering Committee.

The primary objective of the Steering Committee is to provide leadership for, and oversight of, the planning and design for the JPACF. At the meeting held 21 September 2010 the Council endorsed the Terms of Reference for the Committee and the appointment of Mr Warren Snell, Vice-President (Corporate Services), as the representative from ECU (CJ150-09/10 refers).

Further, at its meeting held 16 August 2011, Council endorsed the appointment of Deputy Members to the JPACF Steering Committee, in particular Mr Brian Yearwood, Director Facilities & Services, as the deputy representative from ECU.

Following the local government elections held on 15 October 2011, Council inter alia:

“DETERMINED that the number of Elected Members on the Joondalup Performing Arts and Cultural Facility Steering be six (6) and APPOINTS the following members to the Joondalup Performing Arts and Cultural Facility Steering Committee:

Members

<i>Central Ward</i>	<i>- Cr Liam Gobbert</i>
<i>North Ward</i>	<i>- Cr Kerry Hollywood</i>
<i>North Ward</i>	<i>- Cr Tom McLean</i>
<i>North Central Ward</i>	<i>- Cr Philippa Taylor</i>
<i>South-East Ward</i>	<i>- Cr John Chester</i>
<i>South Ward</i>	<i>- Cr John Chester</i>
<i>Chief Executive Officer (or nominee)</i>	

Mr Warren Snell, Vice-President (Resources) and Chief Financial Officer, Edith Cowan University

Mr Russell Coad, General Manager Training and Business Services, West Coast Institute of Training

Superintendent Craig Donaldson, Principal, WA Police Academy

A maximum of two (2) external individuals with specialist expertise:

Mr Alastair Bryant

Vacant

Three (3) representatives of community arts groups located within the City of Joondalup:

Representative, Joondalup Community Arts Association/blend(er) Gallery

Ms Sharon Josef, President, Joondalup Encore Theatre Society

Mr Christine Evans, President, Endeavour Theatre Group

Deputy Members

Edith Cowan University

Mr Brian Yearwood, Director Facilities and Services

Western Australian Police Academy

Mr Nigel D'Cruz, Business and Development Manager

West Coast Institute of Training

Mr Brett Dorney, Executive Director Strategic Planning”

DETAILS

In March 2012 the City received advice from ECU that Mr Warren Snell had retired from the position of Vice-President (Corporate Services) in December 2011. ECU has nominated his replacement, Mr Scott Henderson to replace Mr Snell on the JPACF Steering Committee.

ECU also advised that Mr Brian Yearwood, Director Facilities & Services, would remain as deputy member for ECU and would attend any JPACF Steering Committee meetings in Mr Henderson's absence.

Issues and options considered:

Not Applicable.

Legislation/Strategic Plan/Policy Implications

Legislation: Section 5.10 of the *Local Government Act 1995*.

Strategic Plan

Key Focus Area: The Built Environment.

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

Strategy 4.2.2 Develop a concept for a Cultural Centre at Lot 1001, Kendrew Crescent, Joondalup.

Policy:

The JPACF Steering Committee has been formed in accordance within the City's policies and procedures.

Risk Management Considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

As part of the Joondalup Learning Precinct, it is considered of significant importance that ECU be represented on the JPACF Steering by a person of suitable seniority.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Not Applicable.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION**That Council:**

- 1 BY AN ABSOLUTE MAJORITY ENDORSES the appointment to the Joondalup Performing Arts and Cultural Facility Steering Committee of Mr Scott Henderson, Vice-President (Corporate Services) as the representative from Edith Cowan University; and**
- 2 NOTES that Mr Brian Yearwood, Director Facilities & Services, will remain as deputy member for Edith Cowan University.**

CJ055-04/12 DRAFT CITY WATER PLAN 2012 - 2015**WARD:** All**RESPONSIBLE
DIRECTOR:** Mr Jamie Parry
Governance and Strategy**FILE NUMBER:** 78616**ATTACHMENTS:** Attachment 1 Draft City Water Plan 2012 – 2015
Attachment 2 Community Consultation Plan

PURPOSE

To present Council with the Draft City Water Plan and to seek endorsement to release the Plan for public consultation.

EXECUTIVE SUMMARY

The City of Joondalup recognises the importance of the sustainable use of water within its operations and facilities, and the need to promote water conservation and water efficiency within the community. Sustainable water management is an important issue for the City of Joondalup and the need to balance provision of water services for the community with the protection of water resources is becoming even more vital in a drying climate.

The City of Joondalup has demonstrated its commitment to sustainable water management through the development and implementation of a number of water management initiatives including participation in the ICLEI Water Campaign and the Waterwise Council Program.

The Draft City Water Plan 2012-2015 has been developed to provide strategic direction for the delivery of water conservation and water quality improvement initiatives within the City. The Plan presents key projects to be implemented, in a staged approach, between 2012 and 2015 to achieve the improvements in water conservation and water quality within the City's operations and the community.

The Draft City Water Plan supersedes the ICLEI City Water Summary Plan which was developed to meet the requirements of Milestone Three of the ICLEI Water Campaign and included a summary of existing water actions from other strategic documents.

The Draft City Water Plan includes both new and existing projects that will contribute to sustainable water management over the next three years.

It is proposed that the Draft City Water Plan, included as Attachment 1, be released for public comment, for a period of 21 days, to ensure the community has the opportunity to contribute to the strategic direction of water resource management in the City of Joondalup.

BACKGROUND

The City of Joondalup has been participating in a number of water-related capacity building programs since joining the ICLEI Water Campaign in 2007. The City developed a Water Conservation Plan for groundwater management in 2008-09 and became a Waterwise Council in 2009.

The City has implemented a number of initiatives over recent years that have enhanced the City's capacity to manage water resources in a more effective manner. The development of a Landscape Master Plan and Water Summary Plan has contributed to a reduction in the amount of water that the City uses.

DETAILS

Western Australia's drying climate is placing increasing pressure on water resources within the region. As a water user and community educator, the City has a responsibility to improve its management of water resources and work with the community to encourage the sustainable use of water resources. The City is currently implementing a number of initiatives to reduce water use in its facilities and operations and promote positive behaviour change within the community. The City is also committed to managing and protecting the quality of wetlands and receiving water bodies.

The Draft City Water Plan addresses water management within the following areas:

Corporate:

- Water Conservation - Groundwater and Scheme Water;
- Water Quality - Improving the quality of surface water within the City.

Community:

- Water Conservation - Groundwater and Scheme Water;
- Water Quality - Improving the quality of surface water within the City.

The objectives of the Draft City Water Plan are to:

- Provide mechanisms for the City to meet statutory requirements regarding water licensing;
- Enable the City to meet water reduction targets for scheme and groundwater use;
- Enhance and protect the quality of surface water bodies within the City of Joondalup; and
- Ensure that the City of Joondalup leads by example and demonstrates the value of water conservation to the community.

The Draft City Water Plan utilises a project based implementation framework and includes specific water related projects that will be implemented over the life of the Plan to achieve sustainable water management objectives. The development of a single, over-arching City Water Plan that includes all water-related initiatives and strategies being undertaken by the City will improve the overall implementation; reporting and promotion of water related Projects in the City.

The Draft City Water Plan adopts a multi-pronged approach to holistic water management. This approach ensures that all areas of water management are addressed and that on-ground projects are supported by education and awareness-raising, ensuring continued improvement and positive behavioural changes in water management practices. Projects have been developed that target water management in the following areas:

- Water Monitoring and Reporting;
- Built Environment;
- Management of Natural Areas and Public Open Space;
- Water Sensitive Urban Design;
- Contracts and Purchasing;
- Staff Education and Participation;
- Community Education and Participation; and
- Partnerships and Policy.

As part of achieving Milestone Two of the Water Campaign Council endorsed the following Water Management Targets:

Water Consumption

- **Corporate**

To reduce water consumption by 10% based on 2007/2008 baseline levels by 2015.

- **Community**

To work with the community to try and reduce water consumption by 5% based on 2007/2008 levels by 2020.

Water Quality

- **Corporate**

To implement 55 points worth of actions from the Water Campaign™ action cards by 2015.

- **Community**

To implement 50 points worth of actions from the Water Campaign™ action cards by 2020.

As part of the development of the Draft City Water Plan the current Water Management Targets have been reviewed. The proposed new targets were developed in consideration of the City's achievements since joining the ICLEI Water Campaign in 2007 and to promote continuous improvement in water management.

The review of the Water Management Targets enables the City to set a target year that is consistent for groundwater and scheme water use. Groundwater and scheme water have also been separated into two targets as they are managed separately by the City. Per capita, rather than total, water use reductions have been proposed to account for new facilities and services for a growing population.

The new baseline year, 2010/11, has been selected as it is the most recent water consumption data year. The proposed target year is 2014/15, as this is the final year of project implementation in the City Water Plan.

The proposed Water Management Targets are provided below:

- **Corporate Groundwater**

Reduce corporate groundwater use by 10% per capita below 2010/11 consumption by 2014/15.

- **Corporate Scheme water**

Reduce corporate scheme water use by 5% per capita below 2010/11 consumption by 2014/15.

- **Community Scheme water**

Reduce community scheme water use by 5% per capita below 2010/11 consumption by 2014/15.

- **Corporate Water Quality**

Implement water quality improvement projects through best practice City operations, procedures and policy in at least three Water Management Areas per year by 2014/15.

- **Community Water Quality**

Implement water quality improvement projects that encourage community responsibility and promote partnerships for water quality improvement in at least two Water Management Areas per year by 2014/15.

A total of 35 Projects are proposed in the Draft City Water Plan, including 11 Existing Projects and 24 New Projects that will be implemented in a staged approach over the three years.

The City Water Plan will be continually monitored and reviewed on an annual basis, against a set of indicators for water conservation and water quality improvement. The indicators will assist the City track progress towards the Water Management Targets.

Issues and options considered:

It is proposed that Council approves the release of the Draft City Water Plan for public consultation for a period of 21 days, commencing Monday, 23 April 2012. A Community Consultation Plan is included as Attachment 2.

Legislation/Strategic Plan/Policy Implications:

Legislation: Not Applicable.

Strategic Plan:

Key Focus Area: The Natural Environment.

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

Policy: The development of a City Water Plan is consistent with the objectives with the City's Sustainability Policy Statement.

Risk Management Considerations:

A potential risk resulting from the endorsement of the Draft Water Plan for public comment is lack of community support for the strategic direction. This is unlikely given the current level of community support for water conservation and water quality projects undertaken in the City.

Financial/Budget Implications:

There are no additional costs associated with the release of the Draft City Water Plan for public consultation.

The implementation of the Draft City Water Plan will have budget implications; however, these will be subject to the City's Annual Budget approval process.

Regional Significance:

Many of the Projects within the Draft City Water Plan relate to existing regional partnerships, including the Yellagonga Community Awareness Project and Midge Steering Committee.

Sustainability Implications:

Implementation of the Draft City Water Plan will ensure that water resources in the City are managed sustainably, with consideration for both water quantity and water quality issues. The Draft Plan includes Projects that reduce water use and increase water efficiency, and also Projects that investigate the use of alternative water sources. Water quality will be improved through the management of stormwater in the City.

The Draft City Water Plan also includes Projects that target community education and awareness to ensure that the City of Joondalup community is well-informed on water issues and is provided the support it needs to change behaviours that impact negatively on water resources. The Projects proposed will enhance the City's built and natural assets while contributing to sustainable, holistic water management.

In addition to creating lasting regional partnerships that could provide economic benefit to the City, the Draft City Water Plan will also improve asset management. Many of the Projects will also reduce ongoing costs associated with the purchase of scheme water and groundwater asset maintenance.

Consultation:

Following Council endorsement, the Draft City Water Plan will be released for public comment for a period of 21 days which is consistent with the City's Community Consultation and Engagement Policy. Targeted consultation with local environmental groups will also be conducted. A final Draft Plan will be presented to Council for endorsement at the June 2012 Council Meeting.

The Department of Water and Water Corporation will also be contacted for targeted consultation to ensure the Draft Water Plan is consistent with State water policy direction and meets the criteria for Local Government Water Conservation Plans.

COMMENT

Sustainable water management is an important issue for the City of Joondalup and the need to balance provision of water services for the community with the protection of water resources is becoming even more vital in a drying climate.

The Draft City Water Plan presents an opportunity for the City to lead by example in the sustainable management of water resources within the community and local government sector. The implementation of the City Water Plan will allow the City to demonstrate leadership in meeting its water conservation and water quality improvement targets and create community awareness regarding the need to manage water resources for the future.

The development of an over-arching Water Plan that addresses scheme and groundwater use, as well as water quality improvement, will enable a strategic approach to be taken in the delivery of water related initiatives within City operations while actively encouraging the community to utilise water resources in a responsible manner.

The Project Based approach that has been adopted in the development of the Draft City Water Plan, coupled with the proposed water indicators, will enable improved monitoring and reporting of the progress of water initiatives within the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ENDORSES the release of the Draft City Water Plan 2012-2015, included as Attachment 1 to Report CJ055-04/12, for community consultation for a period of 21 days commencing Monday, 23 April 2012.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf100412.pdf](#)

CJ056-04/12 EXECUTION OF DOCUMENTS**WARD:** All**RESPONSIBLE
DIRECTOR:** Mr Jamie Parry
Governance and Strategy**FILE NUMBER:** 15876, 101515**ATTACHMENTS:** Attachment 1 Documents executed by affixing Common Seal for the period 13 March 2012 to 26 March 2012**PURPOSE**

For Council to note the documents executed by means of affixing the Common Seal for the period 13 March 2012 to 26 March 2012 (Attachment 1 refers).

EXECUTIVE SUMMARY

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

DETAILS

During the period 13 March 2012 to 26 March 2012, five documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Section 70A Notification	3
Licence Deed	2

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

Issues and options considered:

Not Applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Schedule of Documents covering the period 13 March 2012 to 26 March 2012, executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ056-04/12.

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf100412.pdf](#)

CJ057-04/12 MINUTES OF EXTERNAL COMMITTEES**WARD:** All**RESPONSIBLE
DIRECTOR:** Mr Jamie Parry
Governance and Strategy**FILE NUMBER:** 03149, 101515**ATTACHMENTS:** Attachment 2 Minutes of the WA Local Government Association
State Council meeting held on 7 March 2012.

PURPOSE

To submit minutes of external committees to Council for information.

EXECUTIVE SUMMARY

The following minutes are provided:

- Ordinary Meeting of the WA Local Government Association (WALGA) State Council held on 7 March 2012.

DETAILS

A meeting of the WALGA State Council was held on 7 March 2012.

The Council's representative on the WALGA State Council is Cr Amphlett JP. Mayor Troy Pickard is the President of WALGA and is, therefore, in attendance at the meetings.

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

5.1 Constitutional Recognition

It was resolved by WALGA State Council as follows:

"1 That State Council note:

- (a) The publication of the report on the Expert Panel on the recognition of Local Government in the Australian Constitution;*

- (b) *The Panel's majority conditional support for the specific financial recognition of Local Government in the Australian Constitution; and*
- (c) *That the Commonwealth Government is yet to consider the recommendations of the Expert Panel and the key conditions for supporting Local Government recognition, viz:*
 - Negotiating with the States to achieve their support for the financial recognition option.
 - Adopting steps to achieve informed and positive public engagement.

2 *That ALGA be requested to clarify the likely costs to State Associations and/or local governments of any campaigning for a referendum at the earliest opportunity."*

Council at its meeting held on 11 October 2011 (Item CJ186-10/11 refers) approved the Chief Executive Officer providing a submission to the *Expert Panel on Constitutional Recognition of Local Government* (EPCRLG) in response to its recently released discussion paper.

The Council has on two occasions (CJ115-07/08 and CJ043-03/11 refers), considered reports in relation to establishing a position on the constitutional recognition of local government within the *Australian Constitution*. On each occasion, Council has resolved to support the symbolic and financial recognition of local government within the *Australian Constitution* and requested active lobbying of Federal Parliamentary Members to support the holding of a referendum on the issue by 2013.

5.2 Review of 2011 Local Government Elections – Member Feedback

It was resolved by WALGA State Council as follows:

"That WALGA advocate on behalf of the Sector for Improvements to the Local Government Elections process by:

- 1 *Recommending the Western Australian Electoral Commission (WAEC) continue to improve their Returning Officer training programs to ensure they are robust and that Returning Officers are only released to their duties upon adequate completion of this training;*
- 2 *Proposing the development of Rules of Conduct for Elections, that have capacity to disqualify a candidate where a breach occurs in relation to misleading, false and defamatory statements;*
- 3 *Propose the development of a Candidates' Code of Conduct;*
- 4 *Encouraging the WAEC to develop a reporting mechanism that will assist in the calculation of the cost of running a postal election, where a Local Government seeks compensation for its direct involvement in the postal voting process due to a breakdown in document distribution processes;*

- 5 *Continuing to advocate for an appropriate amendment to the Local Government Act in the conduct of postal elections by enabling a Local Government Authority and the Australian Electoral Commission to also conduct postal elections;*
- 6 *That the design of the ballot papers in Local Government elections be of the same standard as State and Federal elections and that no names be recorded on the reverse of the paper; and*
- 7
 - (a) *Recommending the WAEC review the time of issuing of election packages as required under Regulation 44 of the Local Government (Election) Regulations 1997 to reduce the voting period in a postal election to approximately two weeks; and*
 - (b) *In the absence of the WAEC reviewing the time of issuing of election packages, recommending the Department of Local Government give consideration to amending Regulation 44 of the Local Government (Election) Regulations 1997 to provide that the issuing of election packages is to start not more than the sixteenth day before Election Day."*

5.5 Review of the Heritage of Western Australian Act 1990 – Discussion Paper

It was resolved by WALGA State Council as follows:

- "1 *That State Council endorse the interim submission to the Heritage Council on the Discussion Paper – Review of the Heritage of Western Australian Act 1990;*
- 2 *That further consultation with the Local Government sector be undertaken during the preparation and release of the Green Bill for a new Heritage Act for WA;*
- 3 *State Council advocate for substantial increase in Heritage funding to ensure that Local Governments are not financially burdened in managing their heritage."*

5.6 Draft Structure Plan Preparation Guidelines

It was resolved by WALGA State Council as follows:

- "1 *That the interim submission to the WA Planning Commission on the draft Structure Plan Preparation Guidelines be endorsed;*
- 2 *The State Government be advised that the Local Government sector is disappointed on the lack of progress and consultation on the preparation of the General Provisions for Local Planning Schemes (GPLPS) Regulations, to guide the approval process for structure planning within WA."*

5.9 The National Disability Insurance Scheme and the Every Australian Counts Campaign

It was resolved by WALGA State Council as follows:

"That the National Disability and Carers Alliance Every Australian Counts campaign be endorsed."

5.12 Public Libraries Funding Allocation Model

It was resolved by WALGA State Council as follows:

That WALGA advise the Strategic Library partnership Agreement Steering Committee (SPLASC) and the Library Board of Western Australia of their support for the following amendments to the Public Library Funding Allocation model:

- 1 Australian Bureau of Statistics population estimates for June 2010, escalated for two years to June 2012 using average population growth rates for each Local Government Area (LGA) for the five years to June 2010 be used to provide a resident population estimate for each LGA;*
- 2 For Local Governments with a resident population of less than 10,000 people a minimum grant is provided on the basis of \$12,500 plus \$2.10 per person for the estimated resident population in excess of 1,500 people. Where a Local Government receives additional Remote Population Centre funding (as per recommendation 5 below) the population of the remote centre be subtracted from the resident population of the Local Government when determining the resident population in excess of 1,500 for minimum grant Local Governments or the per capita grant for other Local Governments;*
- 3 The classicisation of Regional Centres be modified to be consistent with the most recent version of Directions 2031 (WA Planning Commission, 2010). Classification of non-metropolitan regional centres be modified to reflect a consideration of population in classifying centres;*
- 4 Additional library materials funding for regional centres be set on the basis of a dollar amount and adjusted in line with total State Government funding allocated between Local Governments for public library services;*
- 5 That the distance criteria for Remote Population Centres be reduced from 50km to 25km and funding provided on the basis of 100% of the base Minimum Grant;*
- 6 Funding for Secondary Libraries be continued and increase from 50% to 70% of the base minimum grant, to approximately maintain the dollar value of this additional resource allocation."*

6 Matters for Noting

6.4 Public Library Exchange System

It was resolved by WALGA State Council as follows:

“That the review of the Exchange System for Public Library materials in Western Australia be noted.”

Legislation/Strategic Plan/Policy Implications:

Legislation:

Not Applicable.

Strategic Plan:

Not Applicable.

Policy:

Not Applicable.

Risk Management Considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Minutes of the WA Local Government Association State Council meeting held on 7 March 2012 forming Attachment 1 to Report CJ057-04/12.

To access this attachment on electronic document, click here: [externalminutes100412.pdf](#)

CJ058-04/12 LIST OF PAYMENTS MADE DURING THE MONTH OF FEBRUARY 2012**WARD:** All**RESPONSIBLE
DIRECTOR:** Mr Mike Tidy
Corporate Services**FILE NUMBER:** 09882**ATTACHMENTS:** Attachment 1 CEO's Delegated Municipal Payment List for the month of February 2012
Attachment 2 CEO's Delegated Trust Payment List for the month of February 2012
Attachment 3 Municipal and Trust Fund Vouchers for the month of February 2012

PURPOSE

To present to Council the list of accounts paid under the CEO's delegated authority during the month of February 2012 for noting.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of February 2012 totalling \$11,019,369.10.

It is recommended that Council NOTES the Chief Executive Officer's list of accounts for February 2012 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments 1, 2 and 3 to Report CJ058-04/12, totalling \$11,019,369.10.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of February 2012. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques 91932 – 92160 & EF022821 – EF023392 Net of cancelled payments	\$7,318,745.06
	Vouchers 942A-943A & 945A-950A	\$3,673,697.84
Trust Account	Trust Cheques 204778 - 204836 Net of cancelled payments	\$26,926.20
Total		\$11,019,369.10

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 Annual Budget as adopted or revised by Council.

Regional Significance:

Not Applicable.

Sustainability Implications:

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

Consultation:

Not Applicable.

COMMENT

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the 2011/12 Annual Budget as adopted and revised by Council at its meeting of 28 June 2011 or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Chief Executive Officer's list of accounts for October 2011 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to Report CJ058-04/12, totalling \$11,019,369.10.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf100412.pdf](#)

CJ059-04/12 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 29 FEBRUARY 2012

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 07882, 101515

ATTACHMENTS: Attachment 1 Financial Activity Statement for the Period Ended 29 February 2012

PURPOSE

The February 2012 Financial Activity Statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

Council adopted the Mid Year Budget Review for the 2011/12 Financial Year at its meeting held on 21 February 2012, (CJ019-02/12 refers). The figures in this report are compared to the Revised Budget figures.

The February 2012 Financial Activity Statement Report shows an overall favourable variance from operations and capital for the period of \$4,056,601 when compared to the 2011/12 Revised Budget.

This variance can be summarised as follows:

The Operating surplus is \$1,883,365 above budget, made up of higher revenue of \$186,422 and lower operating expenditure of \$1,696,943.

Higher Operating revenues have been driven by higher Rates \$132,808, Fees and Charges \$91,417 and Investment Earnings \$41,159, although Grants and Subsidies are \$95,157 below budget. The additional revenue arose from interim Rates issued, Sports and Recreation Fees and Parking Fees.

Operating expenditure is below budget due to Materials and Contracts \$1,044,124 and Employee Costs \$692,650.

The Materials and Contracts favourable variance is predominantly attributable to timing differences and is spread across a number of areas including Accommodation and Property \$186,905, Furniture, Equipment and Artworks (Maintenance and Minor Purchases) \$253,243, Public Relations, Advertising and Promotions \$135,347, Contribution and Donations \$256,960 and Materials \$144,839.

The Capital Revenue and Expenditure deficit is \$2,156,542 below budget and is made up of higher revenue of \$208,310 and under expenditure of \$1,948,233.

Capital Expenditure is below budget on Capital Projects \$233,032, Capital Works \$1,194,383 and Vehicle and Plant replacements \$520,818.

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

It is recommended that Council NOTES the Financial Activity Statement for the period ended 29 February 2012 forming Attachment 1 to Report CJ059-04/12.

BACKGROUND

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

DETAILS

Issues and options considered:

The Financial Activity Statement for the period ended 29 February 2012 is appended as Attachment 1.

Legislation/Strategic Plan/Policy Implications:

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

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

Strategic Plan

Key Focus Area: Leadership and Governance.

Objective: 1.3 To lead and manage the City effectively.

Policy:

Not Applicable.

Risk Management considerations:

In accordance with Section 6.8 of the *Local Government Act 1995*, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority of Council.

Financial/Budget Implications:

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 the 2011/12 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 29 February 2012 forming Attachment 1 to Report CJ059-04/12.

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf100412.pdf](#)

**CJ060-04/12 PROPOSAL TO CHANGE THE DISTRICT
BOUNDARY OF THE CITY OF JOONDALUP****WARD:** All**RESPONSIBLE
DIRECTOR:** Mr Mike Tidy
Corporate Services**FILE NUMBER:** 01081, 101515**ATTACHMENTS:** Attachment 1 Hillarys Boat Harbour Current and Proposed Local
Government Boundaries
Attachment 2 Submission to the Local Government Advisory
Board
Attachment 3 Schedule of Submissions

PURPOSE

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

EXECUTIVE SUMMARY

At its meeting held on 28 June 2011 (COJ109-06/11 refers), Council considered a proposal to change the City of Joondalup's district boundary at Hillarys Boat Harbour to include all, of that portion of the boat harbour currently outside the City's district boundary. Council resolved to approve the proposal in principle and to seek comments by publicly advertising the proposal and with a direct invitation to the Department of Transport.

The Department of Transport was written to and the proposal was advertised in November 2011 with the period for comments closing 2 December 2011. No comments were received by the City by the close of the comment period. In early January 2012 the Department of Transport forwarded a copy of two responses that had been sent to them in December 2011, after the close of the comment period. Subsequently administration met with the Department of Transport in late January 2012. The Department requested further time to the end of February 2012 to provide a response. Their response, which was received in early March, supported an amendment to the current City of Joondalup district boundary only to the extent required to include the jetty and boardwalk extensions constructed in 2009 and not the entire harbour.

It is recommended that Council APPROVES making a submission to the Local Government Advisory Board as shown on Attachment 2 to Report CJ061-04/12 proposing to change the City of Joondalup district boundary at Hillarys Boat Harbour such that the whole of Reserve 39197 (refer solid red line on Attachment 1) with a minor deviation to take in the tip of the southern groyne is within the City of Joondalup.

BACKGROUND

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

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

At its meeting held on 28 June 2011 (COJ109-06/11 refers), Council considered a proposal to change the City of Joondalup's district boundary at Hillarys Boat Harbour to include all, of that portion of the boat harbour currently outside the City's district boundary. There is a statutory process for seeking a district boundary change which requires a submission to the LGAB. To overcome the potential for future changes to the jetties and boardwalks necessitating further boundary changes it was proposed that the boundary should be aligned to the boundary of Reserve 39197 (refer solid red line on Attachment 1) with a minor deviation to take in the tip of the southern groyne which is outside Reserve 39197. It was resolved that Council:

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

DETAILS

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

2.1. State divided into districts

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

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

2 *Making a proposal:*

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

- (a) *the Minister;*
- (b) *an affected local government;*
- (c) *2 or more affected local governments, jointly; or*
- (d) *affected electors who:*
 - (i) *are at least 250 in number; or*
 - (ii) *are at least 10% of the total number of affected electors.*

(2) *A proposal is to:*

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

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

3 *Dealing with proposals:*

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

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

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

** Absolute majority required.*

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

(a) *one of a minor nature; and*

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

** Absolute majority required.*

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

Issues and options considered:

There are three Options for the City to consider.

Option 1

No change to the current district boundary and the status quo be maintained.

Advantages:

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

Disadvantages:

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

This Option is not recommended.

Option 2

Amend the current City of Joondalup district boundary only to the extent required to include the jetty and boardwalk extensions constructed in 2009. This would require a submission to the LGAB for a change to the existing district boundary.

Advantages:

- The proposal can easily be described in technical terms.
- The proposal for a boundary change follows the same principles/logic applied to the current boundary ie includes only land and any buildings over water.
- The LGAB could potentially treat the proposal as a minor one under clause 3 (3) of Schedule 2.1 of the Act.
- The proposal will enable the same legislative provisions to apply to the jetty and boardwalk extensions as apply to the rest of the land and buildings currently within City of Joondalup district boundary.

Disadvantages:

- The proposal would only “regularise” the most recent developments and would necessitate a further proposal if there were future developments outside the (adjusted) boundaries.
- The existing boat pens and other structures currently outside of the district boundary other than the jetty and boardwalk extensions constructed in 2009 would remain outside of the City district boundary.

This Option is not recommended.

Option 3

Amend the City of Joondalup district boundary to encompass the entire Hillarys Boat Harbour aligning it with the boundary of Reserve 39197 (refer solid red line on Attachment 1) with a minor deviation to take in the tip of the southern groyne which is outside Reserve 39197.

Advantages:

- The proposal can easily be described in technical terms.
- Future developments within the harbour will be within the City’s boundaries.
- The LGAB could potentially treat the proposal as a minor one under clause 3 (3) of Schedule 2.1 of the Act.
- The existing boat pens and other structures currently outside of the district boundary would be included within the City district boundary.
- The proposal will enable the same legislative provisions to apply to the jetty and boardwalk extensions constructed in 2009 and any future extensions within the harbour as apply to the rest of the land and buildings currently within City of Joondalup district boundary.

Disadvantages:

- The need for the City to address policy issues in relation to other potential rateable property such as boat pens and seabed leases.
- The possibility of legal and jurisdictional issues with State government agencies on matters on, in or under the waters of the Harbour.

This Option is recommended.

Legislation/Strategic Plan/Policy Implications

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

Strategic Plan

Key Focus Area: Leadership in Governance.

Objective: 1.3 To lead and manage the City effectively.

Policy:

Not Applicable.

Risk Management Considerations:

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

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

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

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

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

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

Financial/Budget Implications:

Financial and budget implications in relation to making a submission for the proposed boundary change are minor. Assistance has been sought from a consultant at a cost of \$4,675 which has been funded from the consultancy budget.

Should the boundary change proposal proceed as recommended there is additional rate revenue that will be derived from the premises located on the boardwalk and jetty extension completed in 2009 and currently not rateable because they are outside the district boundary. Subject to the gross rental valuation this would be in the order of approximately \$100,000.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The proposal to change the City of Joondalup district boundary was advertised for public comment for 21 days and the Department of Transport was invited to be briefed and/or provide comment. The period for comments closed on 2 December 2011. No comments were received by the close of the comment period.

In early January 2012 the Department of Transport forwarded a copy of two responses from Hillarys Yacht Club and from McGees Property that had been sent to them in December 2011 after the close of the comment period. Subsequently the City met with the Department of Transport in late January 2012. They requested further time to the end of February 2012 to provide a response. Their response was received in early March 2012. A schedule summarising the submissions is at Attachment 3.

All three of the submissions oppose a boundary change that would include the whole harbour (Option 3). Two of the submissions are not opposed to extending the boundary to incorporate the jetty and boardwalk extensions constructed in 2009 (Option 2 and shown on Attachment 1 as a yellow line). All three expressed the view that they did not consider the proposed boundary change to be of a minor nature.

The *Local Government Act 1995* sets out in Schedule 2.1 the need for the LGAB to undertake an inquiry in relation to a district boundary proposal unless it determines that the proposal is of a minor nature. If the LGAB determines that the proposal is not of a minor nature it is obliged to conduct its own inquiry even if the local government has already undertaken its own consultation. A formal inquiry would require notice to affected electors, affected local governments and affected electors of other local governments.

COMMENT

The current alignment of City of Joondalup district boundary at Hillarys Boat Harbour has resulted in a situation where the recent extensions to the southern jetty and boardwalk are not in the City of Joondalup (or any other local government) and not subject to the City of Joondalup Planning Scheme, various other legislation including the City's Local Laws and are not able to be rated. It is also most likely that any future extensions would also be in the same situation.

A change to the City of Joondalup district boundary will rectify this situation. To avoid the same issue arising with future developments at Hillarys Boat Harbour it is recommended that the most appropriate approach to a new City of Joondalup district boundary is to encompass the whole harbour within the City of Joondalup with the simplest boundary alignment to follow the boundary of Reserve 39197 (refer solid red line on Attachment 1) with a minor deviation to take in the tip of the southern groyne which is outside Reserve 39197.

An issue identified with the recommended option is that the City does not currently have a position in relation to the rating of boat pens and seabed leases. This requires further investigation and should the recommended boundary change proposal proceed and be approved it is not the current intention of the City to rate these.

A submission to the LGAB has been drafted based on the recommendation (refer Attachment 2).

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council APPROVES making a submission to the Local Government Advisory Board as shown on Attachment 2 to Report CJ060-04/12 proposing to change the City of Joondalup district boundary at Hillarys Boat Harbour such that the whole of Reserve 39197 (refer solid red line on Attachment 1) with a minor deviation to take in the tip of the southern groyne is within the City of Joondalup.

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf100412.pdf](#)

CJ061-04/12 TENDER 006/12 - PROVISION OF CHEMICAL WEED CONTROL IN NATURAL AREAS

WARD:	All	
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services	
FILE NUMBER:	102257, 101515	
ATTACHMENTS:	Attachment 1	Schedule of Items
	Attachment 2	Summary of Tender Submissions

PURPOSE

To seek the approval of Council to accept the Tenders submitted by GHEMS Holdings Pty Ltd t/as GHEMS Revegetation Environmental and Natural Area Holdings Pty Ltd t/as Natural Area Management and Services for the provision of chemical weed control in natural areas.

EXECUTIVE SUMMARY

Tenders were advertised on 4 February 2012 through state wide public notice for the provision of chemical weed control in natural areas for a period of three years. Tenders closed on 21 February 2012. Three submissions were received from:

- Sanpoint Pty Ltd t/as LD Total;
- Natural Area Holdings Pty Ltd t/as Natural Area Management and Services; and
- GHEMS Holdings Pty Ltd t/as GHEMS Revegetation Environmental.

The submissions from GHEMS Holdings Pty Ltd t/as GHEMS Revegetation Environmental and Natural Area Holdings Pty Ltd t/as Natural Area Management and Services represents best value to the City. GHEMS Revegetation Environmental has sufficient resources and appropriate experience to complete the City's requirements. It is the City's current contractor for this service and also provides similar services to the Cities of Gosnells, Swan and Wanneroo. Natural Area Management and Services demonstrated relevant experience that includes providing similar services to the Cities of Stirling and Melville. It will only be able to commit to approximately 48% of the required works. A panel will ensure the availability of Contractors to complete the City's spraying program.

It is recommended that Council ACCEPTS the Tenders submitted by GHEMS Holdings Pty Ltd t/as GHEMS Revegetation Environmental and Natural Area Holdings Pty Ltd t/as Natural Area Management and Services for the provision of chemical weed control in natural areas for a period of three years as specified in Tender 006/12 at the submitted schedules of rates, with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.

BACKGROUND

The City has approximately 500 hectares of natural areas which require pro-active maintenance and careful management.

The Contractor will be required to apply specified chemicals for the control of weeds in nominated areas of natural bushland throughout the City. It is estimated that 400ha of natural areas will be sprayed in the 2012 season.

The City currently has a contract in place for this service that expires on 10 May 2012. A single Contractor is engaged to provide this service and the City has experienced difficulties in expanding its spraying program due to other commitments by the Contractor. The City therefore wishes to consider the introduction of a panel arrangement under the new Contract. This will allow greater coverage and flexibility of the spraying program over the next three years.

DETAILS

Tenders were advertised on 4 February 2012 through state wide public notice for the provision of chemical weed control in natural areas for a period of three years. The Tender period was for two weeks and Tenders closed on 21 February 2012.

Tender Submissions

Three Submissions were received from:

- Sanpoint Pty Ltd t/as LD Total;
- Natural Area Holdings Pty Ltd t/as Natural Area Management and Services; and
- GHEMS Holdings Pty Ltd t/as GHEMS Revegetation Environmental.

The schedule of items as listed in the Request for Tender is provided in Attachment 1.

A summary of the Tender submissions including the location of each Tenderer is provided in Attachment 2.

Evaluation Panel

The Evaluation Panel comprised of three members:

- One with tender and contract preparation skills; and
- Two with the appropriate technical expertise and involvement in supervising the Contract.

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

Compliance Assessment

The Submission from Sanpoint Pty Ltd, trading as LD Total was not fully compliant with the specification as its core business is not in chemical weed spraying of natural areas. Its Submission was included for further assessment on the basis that it demonstrated that it held sufficient licences to fulfil the objectives of the Contract.

Based on the findings above, all Submissions remained for further consideration.

Qualitative Assessment

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

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

Sanpoint Pty Ltd trading as LD Total achieved a score of 45.4% and was ranked third in the qualitative assessment. Although a large landscape management service company, its core business is not in chemical weed control and as such, is not able to sufficiently demonstrate its capacity and experience specific to natural areas.

Natural Area Holdings Pty Ltd, trading as Natural Area Management and Services achieved a score of 72.6% and was ranked second in the qualitative assessment. It is an experienced company that is well-resourced and demonstrated a clear understanding of the requirements. Its submission stated that a large proportion of its capacity is already committed for the 2012 season. Its Offer is limited to completing approximately 48% of the City's requirements.

GHEMS Holdings Pty Ltd, trading as GHEMS Revegetation Environmental achieved a score of 77% was ranked first in the qualitative assessment. It demonstrated extensive experience in providing services of a similar nature in similar environments to other organisations including the Cities of Gosnells, Swan and Wanneroo, as well as being the current contractor for the City. It currently has the capacity to meet the City's schedule of spraying and demonstrated a thorough understanding of the requirements.

Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the submitted rates offered by each tenderer to assess value for money to the City.

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% annual CPI increase was applied to the tendered rates after the first year of the contract.

To provide an estimated expenditure over a 12 month period an estimate of number of hours and quantities of chemicals required to spray 400ha within the first spraying season have been used. The table below provides a comparison of the estimated expenditure based on the tendered rates of each Tenderer. Any future requirements will be based on demand and seasonal impacts and subject to change in accordance with the operational needs of the City.

Tenderer	Estimated Cost			
	Year 1	Year 2	Year 3	Total
GHEMS Holdings Pty Ltd t/as GHEMS Revegetation Environmental	\$229,812	\$236,706	\$243,808	\$710,326
Natural Area Holdings Pty Ltd t/as Natural Area Management and Services	213,560	219,967	\$226,566	\$660,093
Sanpoint Pty Ltd t/as LD Total	\$221,086	\$227,719	\$234,551	\$683,356

Over the past 12 months, the City incurred \$123,127 for the provision of chemical weed control in natural areas and is expected to incur in the order of \$700,000 over the three year Contract period. The increase in cost over the next three years is attributed to an expanded spraying program throughout the City's bushlands.

Evaluation Summary

The following table summarises the result of the qualitative and price evaluation as assessed by the Evaluation Panel.

Tenderer	Estimated Contract Price Year 1	Estimated Total Contract Price	Price Rank	Evaluation Score	Qualitative Rank
GHEMS Holdings Pty Ltd t/as GHEMS Revegetation Environmental	\$229,812	\$710,326	3	77%	1
Natural Area Holdings Pty Ltd t/as Natural Area Management and Services	\$213,560	\$660,093	1	72.6%	2
Sanpoint Pty Ltd t/as LD Total	\$221,086	\$683,356	2	45.4%	3

Based on the evaluation result, the Panel concluded that the Tenders that provide best value to the City are that of GHEMS Holdings Pty Ltd, trading as GHEMS Revegetation Environmental and Natural Area Holdings, trading as Natural Area Management and Services and both Tenderers are therefore recommended.

Issues and options considered:

Weed control in natural areas is required to maintain the biodiversity of native species in the City's natural areas and reduce the risk of bushland wild fires. The City does not have the internal resources to meet all the City's spraying requirements and as such requires an appropriate external service provider.

The establishment of a Panel arrangement for this service ensures the security in availability of contractors to perform the service during the weed spraying season between June and October, where the limited local market for licensed Contractors is in highest demand.

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 & 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: The Natural Environment.

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

Policy:

Not Applicable.

Risk Management Considerations:

Should the contract not proceed, the risk to the City will be high as the natural areas will have an increased risk of bushland wildfires and the biodiversity of native species may be reduced.

It is considered that the Contract will represent a low risk to the City as the recommended Tenderers are well-resourced with significant industry experience and the capacity to meet the City's spraying program. By selecting a panel, the City will ensure greater flexibility of availability between the Panel members in order to complete the spraying program over the next three years.

Financial/Budget Implications:

Account No:	3359 External Contractor
Budget Item:	Various cost codes for natural areas
Budget Amount 2011/12:	\$220,000
Actual Expenditure 1 July 2011 to 15 March 2012 (current contract):	\$ 79,713
Estimated Expenditure 16 March 2012 to 10 May 2012 (current contract):	\$ 36,666
Proposed Contract Cost 11 May 2012 to 30 June 2012:	\$ 28,726
Balance:	\$ 74,895

All figures quoted in this report are exclusive of GST.

The actual expenditure on the current Contract has been significantly less than forecasted, due to impeding weather conditions over the last spraying season that caused less natural area to be sprayed than anticipated.

The projected expenditure on these Services is subject to change and 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 Contract period will be in the order of \$700,000.

Regional Significance:

Not Applicable.

Sustainability Implications:

The provision of chemical weed control in natural areas will support the protection of the City's natural assets and aid in promoting biodiversity. It will also reduce the risk of bushland wildfires occurring in the natural areas.

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 concluded that the Offers representing best value to the City is that as submitted by GHEMS Holdings Pty Ltd t/as GHEMS Revegetation Environmental and Natural Area Holdings t/as Natural Area Management and Services.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the Tenders submitted by GHEMS Holdings Pty Ltd t/as GHEMS Revegetation Environmental and Natural Area Holdings Pty Ltd t/as Natural Area Management and Services for the provision of chemical weed control in natural areas for a period of three years as specified in Tender 006/12 at the submitted schedules of rates, with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf100412.pdf](#)

**CJ062-04/12 PETITION REQUESTING AN UPGRADE OF
MOOLANDA PARK, KINGSLEY**

WARD: South-East

**RESPONSIBLE
A/DIRECTOR:** Mr Charlie Reynolds
Infrastructure Services

FILE NUMBER: 01184, 22574, 101515

ATTACHMENTS: Attachment 1 Locality Plan
Attachment 2 Moolanda Park Playground Equipment

PURPOSE

To consider a petition requesting an upgrade of Moolanda Park, Kingsley including; new play equipment with soft fall, shade, seating, drink fountain, BBQ facilities and safe toilet block.

EXECUTIVE SUMMARY

At the ordinary Meeting of Council held on 20 September 2011 (C43-09/11 refers), a 33 signature petition from residents of the City of Joondalup was tabled requesting the City upgrade the public park on the corner of Moolanda Boulevard and Harness Street, Kingsley (Attachment 1 refers). The wording on the petition was as follows:

"We the undersigned all being electors of the City of Joondalup do respectfully request that the Council upgrade the public park on the cnr of Moolanda Boulevard and Harness Street, Kingsley.

We respectfully request that the upgrading include the following features, updated play equipment with soft fall, appropriate shade, seating, drink fountain with dog drinking area, bbq facilities and a safe toilet block".

Moolanda Park, Kingsley is classified as a Neighbourhood Park in the City's Parks and Public Open Spaces Classification Framework (PPOSCF).

A site inspection confirmed that the existing play equipment meets Australian Standards, although there is some staining from bore water. The play equipment consists of a small combo unit, senior swing, two way rocker and two single rockers and there are two benches located around the play equipment.

It is recommended that Council:

- 1 *NOTES that following presentation of the results of the play equipment audit to Council and prioritisation of the play equipment replacement program the replacement of the play equipment in Moolanda Park will be listed for consideration;*
- 2 *SUPPORTS listing of a drinking fountain in the five year capital works program;*
- 3 *In consideration of the Parks and Public Open Spaces Classification Framework for parks infrastructure DOES NOT SUPPORT the request for installation of a new barbecue at Moolanda Park; and*
- 4 *ADVISES the lead petitioner of Council's decision.*

A condition audit of all playgrounds is currently underway; following completion of the audit the results will be presented to Council for noting with the results used to prioritise the play equipment replacement program in the future.

BACKGROUND

A petition of Electors, including 33 eligible signatures, was received by Council at its meeting on 20 September 2011 (C43-09/11 refers). The petition requested that the City upgrade the park and include the following items:

- Update play equipment with soft fall;
- Appropriate shading and seating;
- Drink fountain with dog drinking area;
- BBQ facilities; and
- A safe toilet block.

A site inspection confirmed that the existing play equipment meets Australian Standards, however the equipment is stained with bore water which gives the appearance of it looking old. The equipment consists of a small combo unit, senior swing, two way rocker and two single rockers. There are two benches around the play equipment.

The play equipment is currently not listed for replacement in the five year capital works program. Football goals and one bench are due for replacement at this park in the 2012/13 financial year.

The toilet block was built in 1982 and is in reasonable condition, apart from general maintenance, no major works are planned for this facility. The toilet block is currently utilised by user groups, football and cricket clubs and locked at all other times. The toilet block is adequately lit and patrolled by City Watch, with less than four incidences of anti-social behaviour reported per year at Moolanda Park. This is considered low in comparison with some other parks in the area.

The PPOSCF determines the eligibility of the particular park for infrastructure when planning and considering requests for replacement of infrastructure. Under this framework, Moolanda Park is classified as a Neighbourhood Park, and therefore, does not meet the criteria for the installation of BBQ facilities. It is considered that the existing trees provide adequate shade to the playground (Attachment 2 refers).

DETAILS

The City Parks Equipment Program (PEP) for the replacement of park equipment is determined based on the condition and safety of the existing play equipment. Play equipment is not usually considered for replacement on the basis that it looks old or is discoloured by bore water staining. A condition audit of all playgrounds is currently underway; following completion of the audit the results will be presented to Council for noting with the results used to prioritise the play equipment replacement program in the future.

The PPOSCF, as adopted by Council at its meeting held on 16 February 2010 (CJ014-02/10 refers) determines the eligibility of the particular park for infrastructure. Moolanda Park is classified as a Neighbourhood Park and is therefore eligible for the following assets:

- Minor sporting infrastructure (for example basketball ring, tennis hit-up wall and BMX track);
- Floodlighting to facilities sports participation;
- Toilet facilities;
- Capacity for 20 cars to park within or around the perimeter of the park grounds;
- Play equipment; and
- Bench seating.

Moolanda Park does not currently meet the criteria for installation of barbecue facilities. The PPOSCF does not mention which reserves are eligible for drinking fountains and they are usually listed for consideration following residents requests.

The City will list Moolanda Park for replacement of the play equipment following completion of the play equipment condition audit.

Legislation/Strategic Plan/Policy Implications

Legislation The applicable Australian Standards for play equipment are:

- AS 4685-2004;
- AS/NZS 4422-1996;
- AS/NZS 4486.1-1997;
- AS1657-1992; and
- AS/NZS 4360-2004.

The legislation is not retrospective but will apply to new equipment that is supplied and installed.

Strategic Plan

Key Focus Area: Community Wellbeing.

Objective: To facilitate healthy lifestyles within the community.

Policy

Not Applicable.

Risk Management Considerations:

The current playground equipment complies with Australian Standards.

Financial/Budget Implications:

Cost estimate for an upgrade of Moolanda Park as requested by the petition organisers:

Play equipment, including rubber soft fall, seating and limestone retaining wall	\$115,000
Shade structure	\$ 35,000
Drinking fountain	\$ 8,000
BBQ	\$ 12,000
Total	\$158,000

All figures quoted in this report are exclusive of GST.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable

COMMENT

The play equipment is in a safe and good condition although there is some bore water staining on the equipment. The replacement of the play equipment should be scheduled according to the ranking of the condition audit which is currently in progress. The City will adjust the spray of the park's reticulation to minimise bore staining on the playground equipment. The surrounding trees provide adequate natural shade for the playground.

Lighting in the park is considered to be adequate for the toilet block. The toilet is currently locked at all times except for user groups, such as football and cricket clubs, who hold a key. City Watch patrol the area at night and report any antisocial behaviour they observe.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 NOTES that following presentation of the results of the play equipment audit to Council and prioritisation of the play equipment replacement program the replacement of the play equipment in Moolanda Park will be listed for consideration;**
- 2 SUPPORTS listing of a drinking fountain in the five year capital works program;**
- 3 In consideration of the Parks and Public Open Spaces Classification Framework for parks infrastructure DOES NOT SUPPORT the request for installation of a new barbecue at Moolanda Park; and**
- 4 ADVISES the lead petitioner of Council's decision.**

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19brf100412.pdf](#)

**CJ063-04/12 PETITION REGARDING TRAFFIC CONCERNS ON
TUART ROAD, GREENWOOD**

WARD: South-East

**RESPONSIBLE
A/DIRECTOR:** Mr Charlie Reynolds
Infrastructure Services

FILE NUMBER: 24179, 101515

ATTACHMENTS: Attachment 1 Locality Plan
Attachment 2 Concept Plan

PURPOSE

To consider a petition received by Council requesting that the City addresses the issue of traffic speeds, driver behaviour and lack of traffic signage and markings on Tuart Road, Greenwood.

EXECUTIVE SUMMARY

At the ordinary Meeting of Council held on 11 October 2011 (C49-10/11 refers), a 50 signature petition from residents of the City of Joondalup was tabled requesting that the City address traffic speeds, driver behaviour and lack of traffic signage and markings in Tuart Road, Greenwood. The wording of the petition is as follows:

"We, the undersigned, all being electors of the City of Joondalup do respectfully request that Council:

Investigates, with appropriate remedial action, the traffic concerns at, and around, Tuart Road, Greenwood; safety concerns regarding speeding, overtaking, driving on the centre, or wrong side, of the road, hooning, cutting corners into Sheoak and other streets, the lack of signage, and the lack of road markings".

Tuart Road is a single carriageway road that terminates in a cul-de-sac at the western end and connects to Warwick Road in the east (Attachment 1 refers). The traffic assessment of Tuart Road using the City's Traffic Management Investigation and Intervention Guidelines showed that it does not require major works however minor road improvements as shown on Attachment 2 will assist in controlling traffic movements.

It is recommended that Council:

- 1 *LISTS traffic management improvements for Tuart Road, Greenwood as shown on Attachment 2 to Report CJ063-04/12 for funding consideration in the Five Year Capital Works Program;*
- 2 *REQUESTS the WA Police to enforce compliance to the urban speed limit on Tuart Road, Greenwood; and*
- 3 *ADVISES the petition organiser of Council's decision.*

BACKGROUND

At its meeting held on October 2011 (C49-10/11 refers), Council received a 50 signature petition requesting that the City *“investigates, with appropriate remedial action, the traffic safety concerns in and around Tuart Road, Greenwood and safety concerns regarding speeding, overtaking, driving on the centre or wrong side of the road, hooning, cutting corners into Sheoak and other streets, the lack of signage and the lack of road markings”*.

DETAILS

Tuart Road is a single carriageway road 0.80 kilometres in length and provides connection to Warwick Road in the east and the surrounding residential road network to the west (Attachment 1 refers). The road provides direct access to Sheoak Park, Liwara Catholic Primary School and approximately 47 residential properties that front Tuart Road. There are existing traffic treatments in place along the western section of Tuart Road between Illyarrie Street and Protea Street. The existing traffic treatment includes a central painted median treatment with median islands. Intersection splitter islands have also been provided at the intersection of Oronsay Road and Protea Street. A splitter island is also scheduled for construction at the intersection of Illyarrie Street and Tuart Road in the 2011/12 financial year. The aim of the existing traffic treatments is to control traffic speeds and traffic movements.

Under the Main Roads WA Metropolitan Functional Road Hierarchy, Tuart Road is classified as a Local Access Road with the maximum desirable traffic volume being 3,000 vehicles per day (vpd). An analysis of the seven day traffic count survey undertaken for Tuart Road during February 2012 confirmed that traffic volumes west of Oronsay Road are 2,490 vpd and west of Warwick Road are 820 vpd. On the basis of the traffic count survey, the traffic volumes are within acceptable limits for a road of this classification.

The default urban speed limit of 50 kilometres per hour applies to Tuart Road. The results of the February 2012 traffic count survey revealed that the 85th percentile traffic speeds ranged between 52 kilometres per hour west of Warwick Road to 62 kilometres per hour East of Maybole Court. On the basis of the results of the traffic count survey, the traffic speeds on Tuart Road are higher than desirable.

An analysis of Main Roads WAs five year crash data for the period ending December 2010 confirmed a total of three recorded crashes had occurred on Tuart Road in this period. All of the crashes involved property damage only. The crash types included two which were right angle and one which was midblock hit object.

To confirm the extent of the traffic issue, Tuart Road was reviewed utilising the City's Traffic Management Investigation and Intervention Guidelines. The Guidelines were developed to provide a framework for the technical review process in determining the degree of traffic management intervention required for individual roads. The system is based on a number of scoring criteria such as traffic speed, traffic volume, crash history, land use activity generators, road user type and road environment. Road projects can be ranked according to their “Action Priority Score” to determine the level of remedial works required and their priority ranking when compared to other roads within the City's road network.

The review using the Guidelines identified the following:

- Road alignment is straight and the intersection sight lines and drivers' forward visibility were found to be clear and unobstructed.
- The 85th percentile traffic speed recorded for Tuart Road ranged between 52 kilometres per hour and 62 kilometres which is higher than desirable.
- The traffic volumes range from 820 vpd to 2490 vpd and are within acceptable limits for a road of this type.
- An analysis of the five year crash data to December 2010 revealed that all three recorded crashes were non injury related, all crashes occurred in daylight in dry weather conditions.
- Using the above information, an Action Priority Score of 40 was determined.
- In accordance with the Guidelines, an Action Priority Score between 30 and 50 denotes a road with a minor technical problem and requires low-cost non-capital works solutions to be considered where appropriate.

Issues and options considered:

Council has the option to:

Option 1

Provide traffic treatments as shown in Attachment 2 to control traffic movements in response to residents' concerns.

Option 2

Retain the existing road layout. The road layout can be retained in its existing form. The low Action Priority Score of 40 produced using the City's Traffic Management Investigation and Intervention Guidelines' suggests this option is appropriate however minor traffic treatment improvements as shown in Attachment 2 will assist with controlling traffic movements.

Legislation/Strategic Plan/Policy Implications

Legislation *Road Traffic Code 2000.*

Strategic Plan

Key Focus Area: Community wellbeing.

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

Policy

Not Applicable.

Risk Management Considerations:

In accordance with the City's Traffic Management Investigation and Intervention Guidelines, an Action Priority Score of 40 which was determined for Tuart Road denotes a road with a minor technical problem.

Financial/Budget Implications:

It is anticipated that the total cost of installing traffic treatments on Tuart Road as shown on Attachment 2 is approximately \$50,000.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Except for discussions regarding the traffic issues with the petition organiser and a resident located at the eastern end of Tuart Road there has been no further consultation. The City has discussed potential solutions with the petition organiser however the identified solutions recommended in this report have not been disclosed as they are subject to Council approval.

COMMENT

On the basis of the City's Traffic Management Investigation and Intervention Guidelines, the Action Priority score of 40 denotes Tuart Road as having a minor technical problem that requires low-cost non-capital works solutions. Anecdotal evidence, however, provided by the petition organiser revealed that extensive corner cutting occurs at the intersection with Sheoak Street. In addition to the corner cutting, a resident at the eastern end of Tuart Road advised that vehicles regularly cross the road centreline when entering Tuart Road from Warwick Road at speed. In support of the residents' concerns, investigations confirmed that a splitter island on Sheoak Street and an island treatment on the approach to Warwick Road would assist with controlling traffic movements at these locations.

The eastern section of Tuart Road is suitable for a two metre wide red asphalt median treatment. The median treatment would be consistent with the existing median treatment located west of Protea Street and can be provided as part of future road resurfacing works.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 LISTS traffic management improvements for Tuart Road, Greenwood as shown on Attachment 2 to Report CJ063-04/12 for consideration in the Five Year Capital Works Program;**
- 2 REQUESTS the WA Police to enforce compliance to the urban speed limit on Tuart Road, Greenwood; and**
- 3 ADVISES the petition organiser of Council's decision.**

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20brf100412.pdf](#)

CJ064-04/12 IMPROVED ACCESS TO PUBLIC TOILET BUILDINGS

WARD: All

RESPONSIBLE A/DIRECTOR: Mr Charlie Reynolds
Infrastructure Services

FILE NUMBER: 46612, 101515

ATTACHMENTS: Nil.

PURPOSE

To provide information on the recent trial of improved access to selected public toilet buildings.

EXECUTIVE SUMMARY

At the Ordinary Meeting of Council held on 15 March 2011 (CJ048-03/11 refers), a report was presented in which Council resolved that a six month trial of increased access to six City toilet blocks be undertaken.

The trial ran from 13 June 2011 to 16 December 2011. Following the trial a period of public consultation occurred; with 77% of positive responses; 13% neutral and 10% negative received by the City.

It is recommended that Council:

- 1 *NOTES the results of the six month trial to open Windermere Park, Prince Regent Park and Camberwarra Park public toilets from 6.00am to 8.00pm using City Watch and to open Barridale Park, MacDonald Park and Juniper Park public toilets from 6.00am to 8.00pm using automatic time locks;*
- 2 *APPROVES the opening of the City's public toilets from 6.00 am to 8.00 pm, seven days a week on a program to be implemented in 2012/13 with:*
 - 2.1 *the installation of automatic timed door locks to the City's public toilet blocks in 2012/13 at an estimated cost of \$256,000; and*
 - 2.2 *the installation of vandal proofing to public toilets at an estimated cost of \$58,000.*

BACKGROUND

The City has 50 public toilet blocks distributed within its boundaries. The toilet blocks are either stand alone facilities servicing parks or contained within community buildings with separate public entrances.

Twelve toilet blocks are located on the coastal foreshore between Burns Beach in the north and Marmion in the south and are open 24 hours a day to accommodate the large volumes of people enjoying the many attractions of the coast. Three inland toilet facilities at Central and Neil Hawkins Park in Joondalup and Mawson Park in Hillarys also allow 24 hour public access in response to historically high public usage.

The remaining 35 toilets are situated in parks across the City and are kept locked unless opened by the sporting and community groups who utilise the park during specific booked periods.

Since restricted access to the toilets has been in place, members of the public have raised concerns about the lack of accessibility and have requested that toilets be kept open for public convenience.

A report was presented to Council at its meeting held on 15 March 2011 (CJ048-03/11 refers) in which Council approved a trial of increased access to six City toilet blocks.

DETAILS

Of the 50 toilet blocks in the City of Joondalup, six were chosen for the trial, three of which were to be opened by City Watch Officers and three were to have timed locking mechanisms installed, and opened every day from 6.00 am to 8.00 pm. The selected toilet blocks for the trial were:

Ward	Park	Locking Method
South East Ward	Barridale Park, Kingsley	Automatic Locks fitted
Central Ward	Camberwarra Park, Craigie	City Watch Officer operated
South Ward	Juniper Park, Duncraig	Automatic Locks fitted
South West Ward	MacDonald Park, Padbury	Automatic Locks fitted
North Central Ward	Prince Regent Park, Heathridge	City Watch Officer operated
North Ward	Windermere Park, Joondalup	City Watch Officer operated

To prepare the toilet blocks for the trial vandal proofing measures were undertaken. These measures included:

- Installing stainless steel toilet bowls and basins;
- Water pipe protection; and
- Replacement of the hardi-flex ceiling with tin custom orb ceiling.

Issues and options considered:

The following issues were identified during the trial:

- City Watch reported that they were unable to open and close the doors on time on a number of occasions. This inconvenienced park users who also utilised the toilet blocks.
- During the trial period no reports of increased vandalism were received which is largely due to the toilets only being open during daylight hours and the vandal proofing measures taken.
- The trial of improved access to public toilets has shown that preventative measures, such as vandal proofing and only opening the toilets during daylight hours can greatly eliminate or reduce the incidence of vandalism and anti-social behaviour.

Council resolved to implement the trial utilising a combination of manual and automatic opening and closing methods so that the preferred method of opening and closing the toilet blocks could be established. Details of the two options are below:

Option 1 - Manual opening and closing of the toilet blocks:

- The initial capital cost is \$2,000 per toilet block for vandal proofing or a total cost of \$58,000.
- The ongoing cost of a City Watch Officer of approximately \$52,000 per year (at current rates). This is based on a dedicated officer to perform the opening/closing procedures to all toilets which would take an estimated three hours each morning and evening.
- Toilet blocks would be manually opened at some time between 6.00 am to 9.00 am and closed between 5.00 pm to 8.00 pm using City Watch. This could lead to uncertainty amongst park users and may generate a negative public response.

Option 2 - Automatically opening and closing of the toilet blocks using time lock mechanisms:

- All City toilets will be opened and closed at the same time every day for maximum convenience of users.
- The capital cost for the automatic opening and closing of toilet blocks through the use of a time lock mechanism is \$256,000 and although this is considerably higher than the annual cost of a City Watch Officer the cost would be recouped in less than five years.

The fitting of automatic time lock mechanisms is considered the best medium to long term option based on reliability, user convenience and medium to long term benefits.

Option 3 - Continue restricted access

The 35 toilets situated in parks across the City are currently kept locked unless opened by the sporting and community groups who utilise the park during specific booked periods. All of the City toilet blocks previously allowed 24 hour access however vandalism to the blocks and anti-social behaviour, primarily at night, prompted the current restricted access to the toilet blocks.

Since restricted access to the toilets has been in place, members of the public have raised concerns about the lack of accessibility and have requested that toilets be kept open for public convenience.

The trial of improved access to public toilets has shown that preventative measures, such as vandal proofing and only opening the toilets during daylight hours can greatly eliminate or reduce the incidence of vandalism and anti-social behaviour.

Legislation/Strategic Plan/Policy Implications

Legislation Not Applicable.

Strategic Plan

Key Focus Area: Community Wellbeing.

Objective: To ensure the City's facilities are of a high quality and accessible to everyone.

Policy

While there is currently no policy on Public Toilets within the City of Joondalup, the Beach Management Plan adopted by Council on 21 September 2010 states:

"The City supports access to coastal toilet and change room facilities provided between the hours of dawn to dusk to reduce incidences of vandalism and anti-social behaviour.

After-hours access to coastal public toilets facilities, that are located within community buildings, should continue to be provided under the current hire and lease arrangements for the building (this does not extend to general public access)."

Risk Management Considerations:

Where the City provides public toilet facilities there is an obligation to ensure that the public toilet facilities are safe, accessible, clean and environmentally responsible.

Risks previously identified include tampering with the time lock mechanisms to gain undetected access to the toilet facilities for purposes other than ablutions and an increase in anti-social behaviour adversely affecting residents in the vicinity of the toilets. However the trial opening of the facilities have shown that there were no reports of increased vandalism, including of the time lock mechanism, or an increase in anti-social behaviour.

Financial/Budget Implications:

The cost to install timed locks to a standard toilet block along with vandal proofing measures is approximately \$10,000 per two door toilet block (\$8,000 for the timed locking mechanism on doors and \$2,000 for vandal proofing), at a total cost of \$314,000.

The cost to fit automatic timed locks and to vandal proof the remaining toilet blocks is listed for consideration in the 2012/13 Five Year Capital Works Program.

The cost to have a City Watch Officer open and close every City toilet block is currently approximately \$52,000 per annum. This is based on a dedicated officer to perform the opening/closing procedures to all toilets which would take an estimated three hours each morning and evening and may prove problematic due to differential opening times, staff availability etc.

The estimated additional operating cost for keeping a toilet block open 14 hours a day, seven days per week is \$3,000; including \$2,500 for cleaning and \$500 for utilities. The estimated annual operating cost for keeping all the toilet blocks open is \$105,000.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Residents adjacent to the park and within 500 metres of the facility were consulted before and after the trial to gauge their approval of the trial and to receive their feedback following the trial.

Pre trial consultation

A total of 378 consultation forms were sent out with 33 responses received. 24 of the responses received were positive, seven negative and two neutral.

Post trial feedback summary

The feedback received from the public following the trial indicated that it was appreciated by many different sectors of the community. It was particularly appreciated by parents/grandparents with young children and residents walking and exercising dogs. Following the trial, the toilets were again closed except to user groups; however, the toilets were re-opened due to public demand, until a final decision on the access was decided by Council.

Comments received from residents following the trial of increased access to the public toilets included:

"No issues with toilets being open." (Prince Regent Park)

"We can understand the frustration of possible damage occurring (stet) – but it is good for the public to have access to the toilets at all times." (Barridale Park)

"It is a brilliant idea having time clocks on the toilets at Barridale Park, they should be operating year round, even in winter. With all the facilities provided, public toilets are absolutely necessary." (Barridale Park)

"I only used them once in the time but I have noticed there are now some exercise groups (boot camp) mainly mums with young children using the park perhaps because there toilet facilities for all. They are there a few times a week morning and evening so I think very beneficial for them." (Barridale Park)

"Having the public toilets definitely made it easier when we had our young kids down playing in the park." (Camberwarra Park)

"The open hours were helpful and utilised. Very happy to have those hours continued so that the community can make use of these facilities when walking/jogging in/around park etc. Thanks for the opportunity to comment." (MacDonald Park)

"Do not use this park. Would consider these extended hours would only be necessary on weekends." (MacDonald Park)

"Good to have toilets in park. No adverse comments." (Juniper Park)

"It seems to be working well I haven't noticed any anti social behaviour..." (Windermere Park).

Some of the negative comments from residents were concerned with antisocial behaviour and vandalism:

"We do not use the public toilets at Barridale Park as we live opposite the Park. The only concern we would have with the increased opening hours is anti-social behaviour – and that hasn't been a problem during the trial period." (Barridale Park)

"It has been necessary...to contact the City of Joondalup and City Watch to advise of unsocial behaviour and unsavoury characters loitering in the block. Men and Ladies toilet signs have also been ripped of (stet) the doors." (Juniper Park)

A breakdown of the community consultation results following the trial are listed below:

Park Name	Forms Sent Out	Responses Received	% Positive	% Negative	% Neutral	% Respondents
Barridale Park	46	14	78.6	7.1	14.3	30%
Camberwarra Park	68	6	83.3	16.7	0	9%
Juniper Park	43	9	88.9	11.0	0	21%
MacDonald Park	120	6	66.7	0	33.3	5%
Prince Regent Park	44	3	33.3	33.3	33.3	7%
Windermere Park	57	1	100	0	0	2%
TOTAL	378	39	76.9	10.3	12.8	10.3

Consultation was also undertaken with six Local Governments:

City of Wanneroo;
City of Stirling;
City of Swan;
City of Cockburn;
City of Rockingham; and
City of Bayswater.

There was a large variation in public toilet access; with City of Wanneroo having all but one of their public toilets locked all of the time and City of Swan having all of their public toilets open all of the time.

The Cities of Rockingham and Cockburn opened the toilets to the public on a timed schedule and had different opening and closing times for summer and winter to reflect daylight hours.

All of the Local Governments surveyed were aware of their “hot spot” toilet blocks and had implemented services to suit, ie early cleaning, “City Watch” equivalent services and external CCTV cameras.

Local Governments have installed vandal resistant hardware within the toilet blocks to counter the anti-social vandal element. Also, any damage was repaired immediately to convey the message that vandalism would not be tolerated or on display.

All Local Governments consulted noted that toilets were opened dependant on the area, the demand and also, in some instances, to cater to the tourist market.

COMMENT

During the trial of increased access to public toilets there was no record of increased vandalism or anti social behaviour reported by residents, City Watch or cleaners. The overwhelming majority of respondents were in favour of improved access to the City's public toilets.

There was concern that the 8.00 pm closing time may be too late in winter. The City will monitor any increase in vandalism and may reduce the hours of opening during the winter months.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 NOTES the results of the six month trial to open Windermere Park, Prince Regent Park and Camberwarra Park public toilets from 6.00 am to 8.00 pm using City Watch and to open Barridale Park, MacDonald Park and Juniper Park public toilets from 6.00 am to 8.00 pm using automatic time locks;**
- 2 APPROVES the opening of the City's public toilets from 6.00 am to 8.00 pm, seven days a week on a program to be implemented in 2012/13 with:**
 - 2.1 the installation of automatic timed door locks to the City's public toilet blocks in 2012/13 at an estimated cost of \$256,000; and**
 - 2.2 the installation of vandal proofing to public toilets at an estimated cost of \$58,000.**

CJ065-04/12 DETAILED DESIGN OF TRAFFIC MANAGEMENT ON OCEANSIDE PROMENADE, MULLALOO

WARD: North-Central

**RESPONSIBLE
A/DIRECTOR:** Mr Charlie Reynolds
Infrastructure Services

FILE NUMBER: 02111, 101515

ATTACHMENTS:

Attachment 1	Concept Plan (as supported by Council May 2011) of Oceanside Promenade and Tom Simpson Park
Attachment 2	Option A — Oceanside Promenade Proposed Road Works from Mullaloo Drive to Warren Way
Attachment 3	Option B — Oceanside Promenade Proposed Road Works from Marjorie Street to Warren Way
Attachment 4	Option C — Oceanside Promenade Proposed Road Works from Mullaloo Drive to Warren Way

PURPOSE

To seek approval of a revised road design for Oceanside Promenade, Mullaloo between Mullaloo Drive and Warren Way.

EXECUTIVE SUMMARY

The area along Oceanside Promenade between Mullaloo Drive and Warren Way provides access to the Mullaloo Surf Lifesaving Club, the beach, Tom Simpson Park, the beachside car park, the Mullaloo Beach Hotel and three bus stops. As a result of the recommendations of a road safety audit (RSA) conducted in May 2009 and a public information meeting, a draft concept plan for the area was developed in 2009/10, which incorporated improved traffic treatments for Oceanside Promenade and landscape components to further enhance Tom Simpson Park as a family friendly destination.

A detailed design prepared from the concept plan was supported by Council in May 2011 and submitted to Main Roads Western Australia (MRWA). A road safety audit was carried out on the design and some critical issues were identified, including narrow traffic lane widths, difficulty with vehicle passing and the width of the dual-use path. MRWA have advised that they would not approve the proposed plans, primarily because of narrow lane widths (3.2 metres) considered unsuitable for this class of road. Technical review and re-design was then undertaken to establish a design that would meet the minimum MRWA requirements while keeping the intent of the original concept. Three options are presented in this report for a final decision.

Option A (Attachment 2 refers) was submitted to MRWA to ascertain their acceptance. They have given preliminary endorsement to this option, subject to the final submission of design drawings for approval. Option C is yet to be reviewed by MRWA; however, it is anticipated that this option will also receive their approval. Option C is the preferred option for the City, due to the low-impact solution of removal of some of the median strip.

It is recommended that Council:

- 1 *ENDORSES the Oceanside Promenade Road Design Option C as detailed in Attachment 4 to Report CJ065-04/12, Drawing number 1756-7 and 1756-8; and*
- 2 *INFORMS the community, including local residents, businesses and sporting organisations, of its decision.*

BACKGROUND

At its meeting held on 21 November 2006, Council requested a report on the status of traffic and pedestrian safety for Oceanside Promenade between Marjorie Street and Mullaloo Drive, Mullaloo. In December 2006 the City commissioned Traffic and Transport Solutions to undertake a road safety audit (RSA) for the purpose of reviewing road safety on Oceanside Promenade and recommend improvements where necessary.

In response to the RSA findings and recommendations, Council at its meeting on 27 March 2007 endorsed the Traffic Management Scheme for Oceanside Promenade presented by Traffic and Transport Solutions. The infrastructure works associated with the scheme were constructed during the 2007/08 financial year, including the installation of traffic medians at the southern car park and the introduction of speed humps to slow vehicles.

To confirm that improvements had addressed the road safety issues (post-construction), the City commissioned SHAWMAC consulting engineers to undertake a 'post-construction' RSA. The audit was carried out in May 2009 and examined road safety along Oceanside Promenade between Mullaloo Drive and Warren Way, including the access to Tom Simpson Park car park and the intersections with Marjorie Street and Iluka Avenue. The SHAWMAC RSA recommended further traffic treatments.

A concept plan for the area, incorporating both the proposed traffic treatments on Oceanside Promenade to address the RSA and landscape components to further enhance Tom Simpson Park as a family friendly park and destination was developed in 2009/2010.

At the Council meeting of 17 May 2011 (CJ092-05/11 refers) it was resolved that Council:

- "1 SUPPORTS the final Concept Plan for Oceanside Promenade and Tom Simpson Park Redevelopment as detailed in Attachment 2 to Report CJ092-05/11*
- 2 APPROVES the progression of the final Concept Plan in Part 1 above to detailed design documentation*
- 3 REQUESTS that the City submit an application to MRWA for a 40 kilometres per hour speed zone on Oceanside Promenade between Mullaloo Drive and Warren Way*
- 4 REQUESTS that the final Concept Plan be modified to include the provision of mature transplant trees in keeping with the overall theme of the park's vegetation planted to provide shade at both the northern and southern playgrounds and the shade at the northern playground be further augmented by a shade structure following completion of the Shade Structure Guidelines*
- 5 REQUESTS that the City ADVISE the respondents of Council's decision*
- 6 REQUESTS that the City ADVISE the Petition Organiser of Council's decision."*

DETAILS

Oceanside Promenade is classified as a 'district distributor class B' road. It provides for the movement of light to heavy vehicles north-south along the coastline and is an essential link between Hillarys and Ocean Reef. Oceanside Promenade currently carries around 8,300 vehicles per day.

The 0.8 km section of Oceanside Promenade between Mullaloo Drive and Warren Way provides access to popular facilities such as the Mullaloo Surf Lifesaving Club, Mullaloo Beach, Tom Simpson Park, and the Mullaloo Beach Hotel complex including the Dome Cafe. Two off-street car parking facilities provide parking for visitors and the area is serviced by a public bus service. As part of Council's resolution on 17 May 2011, the concept plan's traffic management treatments on Oceanside Promenade were supported. The concept plan (Attachment 1 refers) includes necessary roadworks on Oceanside Promenade between Mullaloo Drive and Warren Way and various improvements to Tom Simpson Park. The City received state Black Spot Program funding to implement the traffic management works in Oceanside Promenade.

Both projects were planned to be completed in the 2011/12 financial year with further funding available for Tom Simpson Park upgrades in the 2012/13 financial year.

The area where the works are to be carried out are characterised by high pedestrian movements, high levels of cycle activity, adjoining land use (including tavern, accommodation and café), plus high levels of recreational activity via the Mullaloo Surf Life Saving Club and Tom Simpson Park.

Issues and Options Considered

Concept

The concept (approved by Council in May 2011 - Attachment 1 refers) is characterised by a central median for safe pedestrian movements, a new roundabout at Iluka Avenue, minimal road realignment and various improvements to the Tom Simpson Park, car park and path network. A proposed wall or fence separates the park from traffic activity on Oceanside Promenade.

A detailed design was developed from the concept, subjected to a further road safety audit and submitted to MRWA in order to test the veracity of the design and the likelihood of its approval by them. In order to minimise encroachment of the road into the park on the western side, the traffic lane widths were minimised to 3.2 metres in the design.

The RSA identified a number of issues with the design and recommended corrective actions, including:

- widening the lane width on Oceanside Promenade beside Tom Simpson Park to allow for sharing by motorists and cyclists;
- reviewing the design of the carriageway and intersections along Oceanside Promenade to provide for the passing of broken down vehicles;
- widening the shared path along Oceanside Promenade beside Tom Simpson Park and delineating the buffer to the kerb and to the limestone wall;
- widening the shared path on the western side of the roundabout and delineating the buffer to the traffic lane; and

- providing bus embayments or widening the carriageway to enable motorists to safely pass buses at timed bus stops on either side of the tavern.

MRWA advised that, on safety grounds, they did not support the design due primarily to the narrow traffic lane widths and the subsequent risk posed for road users, particularly the increased conflict between cycles and other vehicles. Without endorsement from MRWA, this design could not be constructed and, further, grant funding under the state Black Spot Program would be withdrawn. Alternative designs were investigated to explore a satisfactory solution.

Alternative Options Investigated

The most significant design constraint for this project is the RSA recommendation, and the MRWA requirement, for the lanes in Oceanside Promenade to be wider than the design (based on Council's supported concept) provides and the conflict this presents with the City's desire not to encroach into Tom Simpson Park for road widening.

This constraint is most pronounced in the section of Oceanside Promenade starting at the southern car park (in front of the Mullaloo Surf Life Saving Club) and then north to just south of the intersection with Marjorie Street. MRWA require a minimum width of 4.2 metres for each lane to allow for bus movements and to provide sufficient space for on-road cyclists. Physical constraints limit widening on the east side of Oceanside Promenade to a maximum 0.5 metres, which alone is not sufficient to achieve the required lane widths and still have a central median.

A number of options and variations were considered with a view to finding a balanced design that would minimise any impact on the adjoining park yet meet the technical requirements of MRWA and satisfy the corrective action requirements of the RSA. The primary objective remained the provision of a safe road environment suitable for all road users, with minimal impact on the amenity of the adjoining park or adjoining residents and which recognised the concept plan objectives.

Four options have been identified.

Option A: Attachment 2

This design treats the whole section of Oceanside Promenade proposed in the concept, from Mullaloo Drive to Warren Way. It features a near continuous median, minor widening on the east side (0.5 metres), some widening on the west side (1.6—2.6 metres), safe pedestrian crossing points, improved access and traffic flow to and from the northern car park (via a new roundabout at Iluka Avenue) and the addition of a dual-use pathway on the western side of Oceanside Promenade.

This design was submitted to MRWA for their review and has recently received preliminary endorsement subject to submission of final design drawings.

Key outcomes of Option A are:

- The design improves the safety for on-road cyclists and other vehicles. Additional lane space is provided for improved on-road cycle safety (3.2 m traffic plus 1 m cycle for a total lane width of 4.2 metres). While cycle lanes would not be painted on the road, the additional width allows for passing of cycles and reduces the potential for vehicle/cycle conflict.
- The design meets the minimum Austroads standard for this class of road.

- Safer pedestrian crossing is provided via a 1.8 metres central median at locations where pedestrians are likely to cross.
- Additional space is provided for passing of broken-down vehicles.
- Vehicle or wheel tracking is less concentrated (resulting in reduced road wear).
- Sufficient space is provided for bus movements.
- Overall improvement is achieved, with balanced road function and any future need for improving the road alignment avoided.
- The design meets the requirements of MRWA.

The disadvantages of Option A include:

- A reduction in green space is necessary on the western side of Oceanside Promenade of between 1.6 metres to 2.6 metres in width.
- A minor loss of the eastern verge (0.5 metres) and reconstruction of the existing footpath is necessary.
- There are additional costs associated with the eastern kerb and footpath reconstruction (\$38,000).

Option B: Attachment 3

This design for Oceanside Promenade reduces the overall scope of work by only treating that section commencing from just south of Marjorie Street and extending north through to Warren Way. This is the section with the least constraints.

North of Marjorie Street this design features a near continuous median, minor widening on the east side, some widening on the west side (1 metre), safe pedestrian crossing points, improved access and traffic flow to and from the northern car park (via a new roundabout at Iluka Avenue) and an improved pedestrian and cycle pathway on the western side of Oceanside Promenade.

This design has not been submitted to MRWA for their review; however, preliminary discussions are being held to ascertain the potential for approval and to consider the effect that the reduced scope would have on the blackspot funding. Early indications from MRWA are that the revised scope of work does not treat the main pedestrian activity outside the tavern and the southern car park. The revised project would need to be re-audited by MRWA and there is a foreseeable risk that the project may not rank as highly, consequently funding may no longer be available for this option.

Key outcomes of Option B are:

- The changes apply north of Marjorie Street only.
- The design improves the safety for on-road cyclists and other vehicles. Additional lane space is provided for improved on-road cycle safety (3.2 metre traffic plus 1 metre cycle for a total lane width of 4.2 metres). While cycle lanes would not be painted on the road, the additional width allows for passing of cycles and reduced potential for vehicle/cycle conflict.

- The design meets the minimum Austroads standard for this class of road (north of Marjorie Street).
- Safer pedestrian crossing is achieved via a 1.8 metres to 2.1 metres central median north of Marjorie Street.
- Additional space is provided for passing of broken-down vehicles.
- Vehicle or wheel tracking is less concentrated (resulting in reduced road wear).
- Sufficient space is provided for bus movements.
- Overall improvement is achieved, with balanced road function and any future need for improving the road alignment avoided.

The disadvantages of Option B include:

- The road layout of Oceanside Promenade south of Marjorie Street remains essentially unchanged.
- A minor loss of the eastern verge and reconstruction of the existing footpath between Marjorie Street and Warren Way is necessary.
- Additional costs are associated with the eastern kerb and footpath reconstruction (\$20,000).
- Some reduction in green space is necessary of up to 1 metre on the western side.
- The reduced project scope may affect blackspot grant funding with possible loss of all, or part of, the funding.

Option C: Attachment 4

This design for Oceanside Promenade proposes to fully treat the southern and northern sections while carrying out only minimal works in the middle section where the greatest constraints exist (starting at the southern car park in front of the Mullaloo Surf Life Saving Club and then north to just south of the intersection with Iluka Avenue).

Lane widths of 4.2 metres for the full length of Oceanside Promenade between Mullaloo Drive and Warren Way can be achieved essentially by no longer providing a central median in the middle section. The loss of the central median adjacent to Tom Simpson Park, however, removes the benefits of easy pedestrian crossing and vehicle separation. The potential for the relocation of lighting to the central median is also lost and right-turn movements from Marjorie Street cannot be physically prevented without the traffic median.

Some loss of verge (1.2 metres) on the western side of Oceanside Promenade, in the middle section, will still occur because the road alignment in the southern section will change and this will alter the road geometry as it sweeps north into the middle section. The design does, however, ensure that the impact on Tom Simpson Park is minimised.

Option C has not been submitted to MRWA for their review. However, preliminary discussions are being held to ascertain the potential for approval and to consider the effect that the reduced scope would have on the possibility of blackspot funding. Early indications from MRWA are that the revised scope of work does not treat the entire pedestrian activity hot spots. The revised project would need to be re-audited by MRWA. While it is anticipated that the funding will be retained there is a risk that the project may not rank as highly, with the consequence that funding may be reduced or no longer be available for this option.

Key outcomes of Option C are:

- The design's road layout for Oceanside Promenade closely matches the original concept, and minimises the impact on Tom Simpson Park.
- The design improves the safety for on-road cyclists and other vehicles. Additional lane space is provided for improved on-road cycle safety (3.2 metre traffic plus 1 metre cycle for a total lane width of 4.2 metres). While cycle lanes would not be painted on the road, the additional width allows for passing of cycles and reduces the potential for vehicle/cycle conflict.
- The design meets the minimum Austroads standard for this class of road.
- Safer pedestrian crossing is provided via a 1.8 metre to 2.1 metre central median north of Marjorie Street and adjacent to the southern car park.
- Additional space is provided for passing of broken-down vehicles.
- Vehicle or wheel tracking is less concentrated (resulting in reduced road wear).
- There is sufficient space for bus movements.
- Overall improvement is achieved, with balanced road function and any future need for improving the road alignment avoided.

The disadvantages of Option C include:

- Some reduction of 1.2 metres in green space will occur on the western side of the promenade (although this option provides the least impact directly adjacent to Tom Simpson Park).
- The reduced project scope may affect blackspot grant funding with possible loss of all or part of the funding. This however is a lower risk than with options B and D.
- The opportunity for pedestrians to cross Oceanside Promenade in front of Tom Simpson Park is reduced due to the lack of a central median.
- The opportunity to install street lighting into the central median adjoining Tom Simpson Park is forgone without the presence of a central median.

Option D: Do Nothing

The proposed road improvements have been developed primarily to improve road safety for pedestrians, cyclists and other road users throughout this busy area. It is anticipated that the pressure and warrant for improvements to the road and pedestrian facilities will increase due to the overall and increasing popularity of the venue and associated business and recreational functions.

The concept and current proposals have arisen as a result of trying to address the recommendations of the May 2009 RSA, which was undertaken as a post-construction audit following the construction works undertaken in 2007/08. The recommendations of this RSA that would *not* be addressed by taking the approach of doing nothing are listed below:

- Review the northern approach to Mullaloo Drive roundabout.
- Redefine the Marjorie Street intersection.
- Redesign the northern car park.
- Provide cycle facilities that are safe and to recognised standards.
- Ensure pathways and safe crossings are provided.

Doing nothing would present a significant risk. Having already identified the safety risks through a road safety audit, and having already had funds allocated under the Black Spot Program criteria, the City may come under additional scrutiny for deciding not to carry out road safety improvements should a serious accident occur.

Legislation/Strategic Plan/Policy Implications

Legislation *Local Government Act 1995*
 Main Roads Act 1930

Strategic Plan

Key Focus Area: Community Wellbeing

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

Policy

Council Policy - Community Consultation and Engagement

Risk Management Considerations

Revising the road design of Oceanside Promenade must balance the competing demands of maximising public open space and ensuring the safety requirements of a major road. The options presented attempt to manage these demands by balancing the road safety risks between cyclist/pedestrian conflicts, pedestrian/vehicle conflicts and cyclist/vehicle conflicts whilst improving the traffic flow and amenity for all road users and visitors to the area.

Option D, doing nothing presents the most significant risk given the recommendations of a road safety audit and its approved allocation of blackspot funding.

Financial/Budget Implications

State blackspot funding has been approved for the improvements relating to road safety; and municipal funds have been allocated in the 2011/2012 Capital Works Program for additional works to upgrade Tom Simpson Park.

Account No:	W1341
Budget Item:	Oceanside Promenade — Mullaloo Drive to Warren Way
Budget Amount:	\$380,000 Blackspot Grant Funding (SBS2025) and \$400,000 Municipal Funding (MPP2022)
Amount Spent to Date:	\$3780
Proposed Cost:	\$780,000

All figures quoted in this report are exclusive of GST

Regional Significance

All community members who visit the area will benefit from the installation of appropriate traffic management on Oceanside Promenade.

Sustainability Implications

The installation of traffic management on Oceanside Promenade between Mullaloo Drive and Warren Way will improve safety for all community members who visit the area and use Tom Simpson Park.

Consultation

Completion of the detailed design and submission to MRWA would be required to ensure full compliance with regulatory processes.

Community consultation was undertaken in the establishment of the Concept Design. Further community engagement via notification will be required to communicate the final design once the preferred option has been determined. Notification of the works would include site signage at Tom Simpson Park, letters to residents in the area and notification to local businesses, sporting clubs and groups that regularly use the park.

COMMENT

The original concept plan endorsed by Council on 17 May 2011 is generally appropriate; however, the detailed geometric layout is not supported by MRWA and requires modification to meet their approval.

The detailed design of the road underwent significant review to establish an acceptable layout, while keeping as close as possible to the principles of the concept supported by Council.

The design for Option A (Attachment 2 refers) has preliminary MRWA support and has been strongly considered by the City. However, it is believed that Option C best fits the overall intent and full scope of the project by providing a safe road environment essentially through the removal of Oceanside Promenade's central median adjacent to Tom Simpson Park. This option does not yet have MRWA approval although it is not anticipated that this will be denied. Option C meets blackspot funding requirements while adhering as closely as possible to the original objectives of the project.

The re-design work has resulted in considerable delays to the project timeline, which is now unlikely to be completed prior to the end of the 2011/12 financial year. While the road design and construction is delayed, the works in Tom Simpson Park are now being re-phased to allow for construction of some elements of the park upgrade prior to, or in conjunction with, the proposed road works.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 ENDORSES the Oceanside Promenade Road Design Option C as detailed in Attachment 4 to Report CJ065-04/12, Drawing number 1756-7 and 1756-8; and**
- 2 INFORMS the community, including local residents, businesses and sporting organisations, of Council's decision.**

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21agn170412.pdf](#)

11 REPORT OF THE CHIEF EXECUTIVE OFFICER**CJ066-04/12 MINUTES OF THE ART COLLECTION AND ADVISORY COMMITTEE MEETING HELD ON 2 APRIL 2012****WARD:** All**RESPONSIBLE DIRECTOR:** Mr Jamie Parry
Governance and Strategy**FILE NUMBER:** 35613, 101779, 101780, 14158, 101515**ATTACHMENTS:** Attachment 1 Unconfirmed Minutes of the Art Collection and Advisory Committee Meeting held on 2 April 2012

PURPOSE

To submit the minutes of the Art Collection and Advisory Committee meeting to Council for noting.

EXECUTIVE SUMMARY

A meeting of the Art Collection and Advisory Committee was held on 2 April 2012 to consider the following matters:

- | | |
|--------|---|
| Item 1 | Tour of Various Art Collections |
| Item 2 | Role of Art Collection and Advisory Committee |
| Item 3 | City of Joondalup Invitation Art Award |
| Item 4 | Mural Arts Program Review |
| Item 5 | Commissioning of Artwork 2011/2012 |
| Item 6 | Public Artwork Proposal |

BACKGROUND

The Art Collection and Advisory Committee was established for the purposes of acquiring art works to add to the City's growing art collection.

The Terms of Reference of the Art Collection and Advisory Committee is to:

- Approve art acquisitions within the available adopted budget funds;
- Develop and maintain a visual art collection of significance and repute that reflects the cultural aspirations of the City of Joondalup and its expressed goals and policies;
- Build an art collection of appreciating financial value, which constitutes a sound investment for the City;

- Collect works of visual art of demonstrable excellence by artists of significance, consistent with the perceived developments in West Australian contemporary art;
- Collect and commission selectively works of art which enhance the existing Collection and which foster an understanding, enjoyment and appreciation of the visual arts among the broader community and members of the general public;
- Review the criteria established to determine the award winners.

DETAILS

Issues and options considered:

The Motions moved at the Art Collection and Advisory Committee meeting held on 2 April 2012 are shown below, together with the officer's comment.

Item 1 Tour of Various Art Collections

The following motion was carried:

"That the Art Collection and Advisory Committee recommends that Council NOTES the information relating to the tour by City officers of the following art collections:

- *Wesfarmers;*
- *Murdoch University; and*
- *Kerry Stokes private collection."*

Officer's Comment

No further comment required.

Item 2 Role of Art Collection and Advisory Committee

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

"That the Art Collection and Advisory Committee GIVES consideration to the Terms of Reference and role of the Committee."

The following motion was carried:

"That the Art Collection and Advisory Committee recommends that Council REQUESTS the Chief Executive Officer to present a report for Council's consideration revising the Terms of Reference and role of the Art Collection and Advisory Committee."

Officer's Comment

No further comment required. A report is listed on the agenda for the Council meeting to be held on 17 April 2012 – (CJ067-04/12 refers).

Item 3 City of Joondalup Invitation Art Award

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

"That the Art Collection Advisory Committee NOTES the information relating to the City's Annual Invitation Art Award forming Attachments 1 and 2 to this Report."

The following motion was carried:

"That the Art Collection Advisory Committee recommends that Council:

- 1 REQUESTS a report be directly presented to Council regarding the 2012 Invitation Art Award; and*
- 2 REQUESTS a future report be presented to the Art Collection Advisory Committee on potential options for the Invitation Art Award."*

Officer's Comment

No further comment required. A report is listed on the agenda for the Council meeting to be held on 17 April 2012 – (CJ068-04/12 refers).

Item 4 Mural Arts Program Review

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

"That the Art Collection and Advisory Committee NOTES the information submitted relating to the City's Mural Art Program."

The following motion was carried:

"That the Art Collection and Advisory Committee recommends that Council:

- 1 NOTES the information submitted relating to the City's Mural Art Program and ENDORSES the current Mural Art Program; and*
- 2 REQUESTS an expansion of professional artist driven mural art projects."*

Officer's Comment

No further comment required.

Item 5 Commissioning of Artwork 2011/2012

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

"That the Art Collection and Advisory Committee SELECTS one of the seven artists recommended to complete the artwork commission with a contract value not to exceed \$15,000."

The following motion was carried:

"That the Art Collection and Advisory Committee recommends that Council SELECTS Tony Windberg to complete the artwork commission with a contract value not to exceed \$15,000."

Officer's Comment

Following endorsement by the Council of the recommendation from the ACAC, the preferred artist will be engaged and requested to meet with the ACAC to discuss the proposed commissioning at a future meeting of the ACAC.

Item 6 Public Artwork Proposal

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

"That the Art Collection and Advisory Committee GIVES consideration to a preferred:

1 Location from:

- 1.1 City Centre;*
- 1.2 Community Facility; and*
- 1.3 Coastal Location.*

2 Option relating to the sourcing of public artwork from:

- 2.1 Purchase of existing artwork;*
- 2.2 Commissioning an artist; and*
- 2.3 'Inside-out' Billboard project."*

The following motion was carried:

"That the Art Collection and Advisory Committee recommends that Council:

- 1 NOMINATES the City Centre as the ideal location for the Public Artwork Proposal;*
- 2 ENDORSES Option 2.2 Commissioning of an Artist for the sourcing of public artwork for a piece of art at the central intersection of Central Walk;*
- 3 REQUESTS a further report be SUBMITTED to the Art Collection and Advisory Committee on the opportunities for the Inside-Out Billboard Project for the 2012/13 Financial Year;*
- 4 REQUESTS the Policy Committee to ESTABLISH a Developer Contribution Policy;*

- 5 *REQUESTS a presentation from the Chief Executive Officer regarding the project scope and whether it is achievable in reaching the desirable outcomes; and*
- 6 *INITIATES an Expression of Interest for the Public Art Proposal and the results be SUBMITTED to the Art Collection and Advisory Committee for its consideration."*

Officer's Comment

Following the discussion on this matter by the ACAC, some brief preliminary investigation has been undertaken to ascertain suitability of Central Walk as the preferred site for the installation of a piece of public art. Initial findings indicate potential limitations with the site such as:

- The land is not owned by the City and would require approval from the relevant authorities;
- Significant services may be located within proposed site which may impede installation of the public artwork or be required to be relocated at the cost of the City;
- Installation of public art within Central Walk may greatly impede access to the immediate area for emergency access vehicles, and servicing activities such as market stalls.

If the preferred location for the public artwork is within the City Centre, it is suggested that a further report be presented to the ACAC evaluating the suitability of Central Walk and possible other locations within the City Centre.

Once a suitable site is determined, City officers will undertake a closed Expression of Interest process from suitable artists. After the Expression of Interest process has closed, a report will be presented to the ACAC for consideration of the concepts.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

A detailed presentation will be made at the next meeting of the ACAC on the City's Art Collection.

Legislation/Strategic Plan/Policy Implications

Legislation

No Applicable.

Strategic Plan

Key Focus Area: Community Wellbeing.

Objective 5.3: To facilitate culture, the arts and knowledge within the community.

Policy Implications:

City Policy "*The City's Art and Memorabilia Collections*" determines that the City will support Western Australian art and artists through an art acquisition program. The policy also states that the City will adopt a multi-criteria approach to its art collection, acquisitions and awards. This approach will ensure that the collection, acquisitions and awards include contemporary art and art demonstrating local content and context.

Risk Management Considerations:

Not Applicable.

Financial/Budget Implications:

Nil.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Not Applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **NOTES** the unconfirmed minutes of the Art Collection and Advisory Committee Meeting held on 2 April 2012, forming Attachment 1 to Report CJ066-04/12;
- 2 in relation to the report on the Tour of Various Art Collections **NOTES** the information relating to the tour by City officers of the following art collections:
 - 2.1 **Wesfarmers;**
 - 2.2 **Murdoch University; and**
 - 2.3 **Kerry Stokes private collection;**
- 3 in relation to the report on the Role of the Art Collection and Advisory Committee **REQUESTS** the Chief Executive Officer to present a report for Council's consideration revising the Terms of Reference and role of the Art Collection and Advisory Committee;
- 4 in relation to the report on the City of Joondalup Invitation Art Award:
 - 4.1 **REQUESTS** a report be directly presented to Council regarding the 2012 Invitation Art Award; and
 - 4.2 **REQUESTS** a future report be presented to the Art Collection Advisory Committee on potential options for the Invitation Art Award;
- 5 in relation to the report on the Mural Arts Program Review:
 - 5.1 **NOTES** the information submitted relating to the City's Mural Art Program and **ENDORSES** the current Mural Art Program; and
 - 5.2 **REQUESTS** an expansion of professional artist driven mural art projects;
- 6 in relation to the Commissioning of Artwork 2011/2012 **SELECTS** Tony Windberg to complete the artwork commission with a contract value not to exceed \$15,000; and
- 7 in relation the Public Artwork Proposal:
 - 7.1 **NOMINATES** the City Centre as the ideal location for the Public Artwork Proposal;
 - 7.2 **ENDORSES** Option 2.2 Commissioning of an Artist for the sourcing of public artwork for a piece of art at the central intersection of Central Walk;
 - 7.3 **REQUESTS** a further report be **SUBMITTED** to the Art Collection and Advisory Committee on the opportunities for the Inside-Out Billboard Project for the 2012/13 Financial Year;

- 7.4 REQUESTS the Policy Committee to ESTABLISH a Developer Contribution Policy;**
- 7.5 REQUESTS a presentation from the Chief Executive Officer regarding the project scope and whether it is achievable in reaching the desirable outcomes; and**
- 7.6 INITIATES an Expression of Interest for the Public Art Proposal and the results be SUBMITTED to the Art Collection and Advisory Committee for its consideration.**

Appendix 22 refers

To access this attachment on electronic document, click here: [Attach22agn170412.pdf](#)

CJ067-04/12 ROLE OF THE ART COLLECTION AND ADVISORY COMMITTEE

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Chief Executive Officer

FILE NUMBER: 35613, 101515

ATTACHMENTS: Nil.

PURPOSE

The purpose of this report is to provide the Council with background information relative to the current terms of reference for the Art Collection and Advisory Committee (ACAC).

EXECUTIVE SUMMARY

In 2008, the Council resolved to form an Art Collection and Advisory Committee to assist the City in maintaining its visual arts collection.

The visual arts program has not altered for some years, and the ACAC has played a pivotal role in determining the acquisition of art to add to the City's collection.

At a recent meeting of the ACAC, it was requested that a report be presented to the Council reviewing the terms of reference of the Committee.

BACKGROUND

At the meeting of the ACAC held on 2 April 2012, the following recommendation was made:

"That the Art Collection and Advisory Committee recommends that Council REQUESTS the Chief Executive Officer to present a report for Council's consideration revising the Terms of Reference and role of the Art Collection and Advisory Committee."

This report is presented to the Council as a result of the request from the ACAC.

At its meeting held on 15 April 2008 (CJ052-04/08 refers), Council formed the ACAC with the following objectives:

- to approve art acquisitions within the available adopted budget funds;
- to develop and maintain a visual art collection of significance and repute that reflects the cultural aspirations of the City of Joondalup and its expressed goals and policies;
- to build an art collection of appreciating financial value, which constitutes a sound investment for the City;
- to collect works of visual art of demonstrable excellence by artists of significance, consistent with the perceived developments in West Australian contemporary art;

- to selectively collect and commission works of art that enhance the City's existing art collection and to foster understanding, enjoyment and appreciation of the visual arts among the broader community; and
- to review the criteria established to determine the award winners.

The Committee has been granted delegated authority to approve acquisitions for artworks from available adopted budget funds. The Chief Executive Officer also has delegated authority to approve artworks that do not exceed an amount of \$15,000.

This Committee has been re-established following every ordinary Election since then.

DETAILS

The terms of reference for the ACAC have been established for some time, however some concerns have been raised in recent times regarding the role and function of the ACAC and its level of engagement in relation to the City's visual arts program, in particularly relating to the strategic direction of the Community Art Exhibition and the Invitational Art Award.

Issues and options considered:

The following options exist to the Council:

- 1 Maintain the ACAC in its present format;
- 2 Alter the objectives of the ACAC to reflect the requirements of the elected members; or
- 3 Disband the ACAC

Legislation/Strategic Plan/Policy Implications

Legislation Section 5.8 of the *Local Government Act 1995*, allows a local government to establish Committees of three or more persons to assist the Council with its decision making responsibilities. Committees can be established with no or various delegated authority within the requirements of the *Local Government Act 1995*.

Strategic Plan

Key Focus Area: Community wellbeing

Objective:

Objective 5.3: To facilitate culture, the arts and knowledge within the community.

Strategy 5.3.1: The City continues to host festivals, concerts and events and enhances these in response to community demand.

Outcome: Cultural and artistic opportunities within the City are maintained and enhanced whilst the City's libraries provide quality environments and learning opportunities.

Policy

The City current policy – The Art Collection and Memorabilia Policy provides direction relating to the City's Visual Art programs.

Risk Management Considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The role and Terms of Reference of the ACAC have been clearly established by the Council for the Committee to have a strategic focus on the City's art collection, including the purchase of artworks to add to its collection. Whilst the Chief Executive Officer has delegated authority to an amount of \$15,000 to purchase artworks, that delegation has never been exercised without consultation with members of the ACAC.

To address some of the concerns raised by Elected Members, an additional point could be added to the current role of the ACAC as follows:

- To perform an oversight role in relation to the strategic direction of the City's Community Art Exhibition and Invitational Art Award.

This addition will allow members of the ACAC to be engaged for input prior to changes of impact that are proposed to the format of the City's Community Art Exhibition and Invitation Art Award.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That the Council AGREES to amend the Terms of Reference for the Art Collection and Advisory Committee to include the following objective:

- **To perform an oversight role in relation to the strategic direction of the City's Community Art Exhibition and Invitational Art Award.**

CJ068-04/12 2012 INVITATION ART AWARD

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of the CEO

FILE NUMBER: 101779, 101515

ATTACHMENTS: Nil.

PURPOSE

The purpose of this report is to provide the Council with background information relative to the City's 2012 annual Invitation Art Award (IAA).

EXECUTIVE SUMMARY

As requested at the meeting of the Art Collection and Advisory Committee held on 2 April 2012, this report presents an overview of the current process of delivering the 2012 City's IAA.

The IAA commenced in 1998 and has always been staged within the Lakeside Joondalup Shopping City. Art is exhibited at the event by 'invitation only' whereby a selection panel of three expert artists evaluate the expressions of interests received and invite a short list of artists (generally approximately 40) to exhibit.

The invited artists then submit their work to be part of the IAA. Prior to the official opening of the IAA, a separate independent judging panel of professional artists determines the winners of four award categories. In addition a People's Choice is awarded by popular vote of the public. In total the five award categories are as follows:

- the Acquisitive Award;
- the Award for Excellence;
- the Celebrating Joondalup Award;
- Judges' commendation awards; and
- the People's Choice Award.

Expressions of interest for the 2012 IAA opened on 26 February 2012 and close on 16 April 2012. The IAA is scheduled to open at a civic event on Saturday 27 October 2012.

Prior to the opening the members of the Art Collection and Advisory Committee are briefed by City officers on the works exhibited and are also advised on the recommended pieces of artwork for the City to acquire.

Following feedback from the ACAC members, the CEO makes a determination on which pieces to acquire and exercises his delegation in this respect. Those pieces are then reserved at the time of the opening of the IAA.

To add to the City's art collection, the City currently budgets an amount of \$15,000 for the Acquisition Award, and a further \$15,000 to acquire purpose identified works. A condition of the IAA is that the winning artwork of the Acquisitive Award is acquired by the City for its art collection.

The process of selecting artists to exhibit, along with the selection of prize winners has been in place for some time. The process applies rigour by professionals, offers independency and is regarded as best practice within the arts industry.

The risk of significantly altering either the process of selecting artists to enter the IAA or the independent judging process may result in the IAA losing credibility within the arts industry and high profile artists either choosing not to exhibit or making themselves available to assist with the selection and/or judging process. Having an independent panel of well-respected high-end art practitioners undertake these roles adds to the professionalism of the event.

It is, therefore, recommended that the current processes in place for the 2012 IAA remain.

BACKGROUND

At the meeting of the Art Collection and Advisory Committee held on 2 April, the following recommendation was made:

"That the Art Collection Advisory Committee recommends that Council:

- 1 REQUESTS a report be directly presented to Council regarding the 2012 Invitation Art Award; and*
- 2 REQUESTS a future report be presented to the Art Collection Advisory Committee on potential options for the Invitation Art Award."*

This report is presented to the Council following the decision of the Committee.

The City of Joondalup's IAA is an annual exhibition that brings together a diverse selection of Western Australian leading artists and provides members of the public with access to a high standard of artworks. In 2012 the City's IAA is heading into its 15th year. The event is traditionally held in October of each year within the 'Great Space' of the Lakeside Joondalup Shopping City.

As part of the IAA, a first prize of \$15,000 is awarded to the winner of the Acquisitive Award, with the City automatically acquiring that work. In addition there are four other prize categories. In total the prize categories are as follows:

- the Award for excellence;
- the Celebrating Joondalup Award;
- Judges commendation awards (non cash); and
- the People's Choice Award.

The IAA has a strong history in the City and within the state and national art industry.

The City of Joondalup supports Western Australian art and artists through an art acquisition program. The City adopts a multi-criteria approach to its art collection, acquisitions and awards. This approach ensures that the collection, acquisitions and awards include contemporary art and art that demonstrates local content and context (please refer City Policy – City's Art Collection and Memorabilia).

The term 'contemporary art' is used to reference art produced at this present point in time and produced since World War II. In regards to the City of Joondalup philosophy, contemporary artworks are to be conceptually resolved and reflect current practice.

DETAILS

The process of the 2012 IAA event and the approach taken, from the seeking of expressions of interest to the official opening is described below:

- From the 26 February 2012 to the 16 April 2012 The City seeks initial expressions of interest from practising professional artists which generally attracts approximately 120 entries. The event is open to all age groups and artistic mediums.
- Entries should include an expression of interest, CV or professional biography, and visual documentation of the artist's previous work.
- Following close of entries a selection panel comprising professional artists appointed by the City reviews all entries and invites a select number (generally around 40) to exhibit. This is an exhaustive process that the panel undertakes with guidance from professional City Officers who's role is to assist the panel in relation to the City's requirements.
- Those selected artists are then formally invited to exhibit as part of the IAA.
- The works of the selected artists are displayed within the exhibition space.
- A separate independent judging panel of professional artists appointed by the City critiques each piece and determines the appropriate prize winners prior to the official opening of the IAA.
- The IAA is officially opened by the Mayor at a civic event, on Saturday 27 October 2012 and runs for approximately three weeks.

The IAA is the main exhibit where the City acquires artworks to add to its collection. As a result of the opening for the 2012 event being a Saturday rather than a Wednesday, this will allow for a more detailed briefing of the Art Collection and Advisory Committee on the works displayed within the exhibition, including proposed acquisitions.

Issues and options considered:

The following options are available to the Council:

- 1 Discontinue the 2012 and all future Invitation Art Awards;
- 2 Maintain the 2012 IAA in its current format; or
- 3 Make modifications to the format and process for the 2012 IAA.

Legislation/Strategic Plan/Policy Implications

Legislation Not Applicable.

Strategic Plan

Key Focus Area: Community Wellbeing.

Objective:

Objective 5.3: To facilitate culture, the arts and knowledge within the community.

Strategy 5.3.1: The City continues to host festivals, concerts and events and enhances these in response to community demand.

Strategy 5.3.2: The City provides high quality libraries and learning programs.

Strategy 5.3.3: The City finalises and then implements a Community Education Plan.

Outcome: Cultural and artistic opportunities within the City are maintained and enhanced whilst the City's libraries provide quality environments and learning opportunities.

Policy:

The City's Art and Memorabilia Collection Policy is currently under review. The objective and statement, along with reference to the City's policy position for the IAA are taken from the present version of the policy and are as follows: -

Objective: To direct the City's approach to art and collections for the Joondalup community.

Statement: Council recognises the important role played by its public art, the Art Collection, archives and memorabilia in shaping and developing a sense of community.

IAA: The Invitation Art Award is an acquisitive art award for invited prominent professional artists.

The purpose of this award is to showcase high quality WA contemporary art and to give the Joondalup residents access to high standard art exhibitions.

The Invitation Art Award will include a special category for local content and context.

Risk Management Considerations:

The risk of significantly altering either the process of selecting artists to enter the IAA or the independent judging process may result in the IAA losing credibility within the arts industry and high profile artists may choose not to exhibit. Having an independent panel of well-respected high-end art practitioners undertake these roles adds to the professionalism of the event.

Financial/Budget Implications:

The City allocates an amount of \$15,000 as first prize for the IAA, the main condition being the City acquires the artist's exhibit artwork. In addition the City also allocates an amount of \$15,000 for general acquisitions throughout the year, with a majority being acquired through the IAA.

Regional Significance:

The IAA attracts entries from professional artists from across the state and is therefore considered to be a regional event hosted by the City of Joondalup. The ongoing provision of an accessible and high-calibre art event is integral to the cultural development and vibrancy of the City of Joondalup locality and for the development of visual arts within the industry of local government.

Sustainability Implications:

The IAA has positive social sustainability implications for the City of Joondalup. The event provides enhancement of the locality and acts as a catalyst for public discussion about current social, economic and environmental issues. The IAA physically enhances public places and the public realm by creating points of interest, animating spaces and providing beauty, character and colour to the City of Joondalup. It also enhances the relevance for the local community of the City's cultural position and increases the value of the City's cultural resources.

Consultation:

Not Applicable.

COMMENT

The City of Joondalup's IAA has grown to become a well-known and highly-regarded art award within the arts industry, not only locally but across the state and nationwide.

The IAA now involves an extremely high calibre of artists and of selection and judging panels, with the general consensus among participants and industry representatives that the standard of work is high. It is also acknowledged that the diversity of representation amongst the artworks is a strong feature of the exhibition, presenting a wide cross-section of the Western Australian contemporary art scene.

The official opening of the IAA is conducted by the Mayor and is a Civic event on a Wednesday evening. Due to the limitations and restrictions to bump in and set up the IAA, the 2012 official opening of the IAA will be held on a Saturday evening. The briefing of the ACAC will still occur prior to the official opening.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1** **NOTES** City Policy – Art Collection and Memorabilia Collection which states:

“The Invitation Art Award is an acquisitive art award for invited prominent professional artists.

The purpose of this award is to showcase high quality WA contemporary art and to give the Joondalup residents access to high standard art exhibitions.

The Invitation Art Award will include a special category for local content and context.”;

- 2** **AGREES** to not alter the processes of selecting artists to exhibit and category prize winners for the 2012 City of Joondalup Invitation Art Award; and
- 3** **NOTES** that the Art Collection and Advisory Committee has requested a further report detailing potential options of the format for the 2013 Invitation Art Award.

Name/Position	Mr Garry Hunt, Chief Executive Officer
Item No/Subject	CJ069-04/12 – Request for Annual Leave - Chief Executive Officer.
Nature of interest	Financial Interest.
Extent of Interest	Mr Hunt holds the position of Chief Executive Officer.

CJ069-04/12 REQUEST FOR ANNUAL LEAVE - CHIEF EXECUTIVE OFFICER

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 98394, 98394B, 101515

ATTACHMENTS: Nil.

PURPOSE

To give consideration to the request for annual leave submitted by the Chief Executive Officer.

EXECUTIVE SUMMARY

The Chief Executive Officer has requested leave from duties for two periods to enable annual leave for the period 26 April to 30 April 2012 inclusive and for the period 4 July to 17 July 2012 inclusive, followed by attendance at the Local Government Chief Officers' Group (LGCOG) meeting in Alice Springs from 18 July to 20 July 2012 inclusive.

BACKGROUND

The Chief Executive Officer commenced his employment with the City of Joondalup on 31 January 2005.

DETAILS

The Chief Executive Officer (CEO) has requested leave from duties for the periods 26 April to 30 April 2012 inclusive and 4 July to 17 July 2012 inclusive, for annual leave followed by attendance at the Local Government Chief Officers Group meeting for the period 18 to 20 July 2012 inclusive. The CEO has delegated authority to appoint an Acting CEO for periods where he is absent from work while on leave, where such periods are for less than 35 days.

The LGCOG meets three times a year in different locations. The next meeting of the LGCOG is 18-20 July 2012 in Alice Springs.

The Chief Executive Officer has been a member of the LGCOG since November 2008. Membership is limited to Chief Executives of Australia and New Zealand Councils that have a corporate structure. The Objectives of the group are:

- 1 To act as a forum for the exchange of experience and information between Chief Officers to benefit their Councils in particular and local government in general.
- 2 To utilise the experience and knowledge of Chief Officers at various government and organisational levels.
- 3 To facilitate the professional development and training of Chief Officers.

Issues and options considered:

During the employment of the CEO there will be periods of time where he will be absent from the City of Joondalup on annual leave.

The CEO, in accordance with his employment contract, is entitled to 25 days leave per annum.

Legislation/Strategic Plan/Policy Implications

Legislation Not applicable.

Strategic Plan

Key Focus Area: Implement best practice people-management policies and tools to assist in the achievement of the City's workforce objectives.

Objective: Not Applicable.

Policy

Not Applicable.

Risk Management Considerations:

Not Applicable.

Financial/Budget Implications:

Nil.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The CEO has an entitlement in accordance with his employment contract for periods of annual leave. The dates requested are conducive to the operations of the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council **APPROVES** the request from the Chief Executive Officer for leave from duties for the periods 26 April to 30 April 2012 inclusive and 4 July to 17 July 2012 inclusive, for annual leave and notes the proposed attendance at the Local Government Chief Officers Group meeting for the period 18 to 20 July 2012 inclusive.

CJ070-04/12 RESOLUTION OF MISCONDUCT COMPLAINTS**WARD:** All**RESPONSIBLE
DIRECTOR:** Mr Jamie Parry
Governance and Strategy**FILE NUMBER:** 03011**ATTACHMENTS:** Attachment 1 Consultation Paper 'Resolution of Misconduct
Complaints at the Local Level'
Attachment 2 Draft Submission for the City of Joondalup

PURPOSE

To consider the Consultation Paper '*Resolution of Misconduct Complaints at the Local Level*', released for local government comment by the Minister for Local Government, and endorse a submission from the City of Joondalup in response to the Paper.

EXECUTIVE SUMMARY

The Minister for Local Government has released the '*Resolution of Misconduct Complaints at the Local Level*' Consultation Paper. This Paper outlines proposals for dealing with low-level misconduct at the local level, in support of the existing Local Government (Rules of Conduct) Regulations 2007.

The Minister for Local Government, through the WA Local Government Association (WALGA), has requested a response to the Consultation Paper by 11 May 2012 in order to permit Local Government Act amendments to be introduced and considered by Parliament this calendar year. The WALGA has requested that submissions be forwarded to it by 13 April 2012.

A draft submission on the Consultation Paper has been developed by the City and is provided at Attachment 2 to this report, for Council's consideration and endorsement.

It is recommended that Council:

- 1 *SUPPORTS the intent of the Minister for Local Government's 'Resolution of Misconduct Complaints at the Local Level' Consultation Paper aimed at dealing with low-level misconduct at the local level;*
- 2 *ENDORSES the City of Joondalup submission provided at Attachment 2 to Report CJ070-04/12, in response to the Minister for Local Government's request for WA Local Government Association comment on the 'Resolution of Misconduct Complaints at the Local Level' Consultation Paper;*
- 3 *NOTES that a copy of the City of Joondalup's submission referred to in Part 2 above will be forwarded to the WA Local Government Association.*

BACKGROUND

The Local Government (Official Conduct) Amendment Act 2007 led to changes to Part 5 of the Local Government Act 1995 and introduction of the Local Government (Rules of Conduct) Regulations 2007. The amendments introduced mechanisms for dealing with allegations of serious, recurrent and minor breaches of the Conduct Rules.

The Local Government (Official Conduct) Amendment Act 2007 also allowed for the establishment of a state-wide Standards Panel to deal with complaints of minor breaches in contravention of the then newly introduced Conduct Rules. The Panel was empowered to apply penalties comprising public censure, public apology, or an order to undertake training.

In addition to the establishment of a Standards Panel, the amendments allowed for complaints about serious breaches to be made to the Department of Local Government for possible referral to the State Administrative Tribunal (SAT) for determination.

In addition to the penalties described above, the SAT can apply stronger penalties for a serious or recurrent breach of up to six months suspension or up to five years disqualification from holding office as a member of a Council.

A review of the operation of the Local Government Standards Panel, and its supporting legislation, charged with the task of assessing minor breach allegations under the Rules of Conduct Regulations, commenced in late 2010.

The Minister has considered the Report of the Review Committee and has identified that there is an opportunity to implement a more effective process for resolving complaints against Elected Members involving low-level misconduct. Specifically, data contained in the report highlighted that:

- the number of complaints submitted to the Panel has grown steadily since its commencement and the cost of dealing with those complaints has also grown;
- the total number of complaints made were attributable to approximately one quarter of all local governments;
- over 75 per cent of allegations made to the Panel resulted in findings of no breach in the 2010/11 financial year;
- the period of time in many instances between receiving an allegation and making a determination was unacceptably lengthy; and
- under current legislation, the Standards Panel is required to deal with every allegation made.

Consequently, the Minister has directed the Department to examine the implementation of a locally based solution for dealing with misconduct complaints of a low-level nature. This solution would be designed to complement and streamline the operations of the Standards Panel.

The aim of the proposed model is to put in place processes to allow complaints of low-level misconduct to be dealt with at the local level – in the first instance by the Mayor or President and, if unresolved, by a Peer Review Panel. The Minister suggests that this will empower local governments to deal with issues of low-level misconduct, which he considers are best dealt with locally.

The Minister proposes that changes to the current disciplinary framework are intended to:

- empower local governments to better manage the risk of misconduct;
- establish a more pro-active complaints management culture; and
- streamline and simplify the process of dealing with complaints that allege low-level misconduct or that are trivial or vexatious.

DETAILS

The Minister for Local Government has released the '*Resolution of Misconduct Complaints at the Local Level*' Consultation Paper. This Paper outlines proposals for dealing with low-level misconduct at the local level, in support of the existing Local Government (Rules of Conduct) Regulations 2007.

The aim of the proposed model is to put in place processes to allow complaints of low-level misconduct to be dealt with at the local level – in the first instance by the Mayor or President and, if unresolved, by a Peer Review Panel. The Minister suggests that this will empower local governments to deal with issues of low-level misconduct which are best dealt with locally.

The Minister anticipates that the proposed changes will lead to significant improvements in the timeliness and responsiveness of decision-makers in addressing complaints against Elected Members. In turn, this is expected to lead to wider benefits in the form of improved governance for a strong and sustainable local government sector.

An integral feature of the proposed model is to amend the Local Government Act 1995 to empower the Standards Panel to refer a low-level breach of the Rules of Conduct for assessment by the relevant Mayor or President. The Consultation Paper proposes that this will enable complaints of a low-level nature to be dealt with without being subjected to the more formal processes of assessment undertaken by the Standards Panel. This would then ensure that the Standards Panel can deal with complaints of a minor breach of the Rules of Conduct in a more timely and efficient manner. Where an allegation is against the Mayor or President, the Deputy Mayor or Deputy President will assess the complaint unless they are the complainants. In this instance, the matter will be dealt with by another Elected Member appointed by the Council.

The key components of the proposed model include:

- the development of a uniform Code of Conduct for Elected Members that is applicable to all local governments;
- the introduction of a framework for handling complaints at the local level. Specifically, such complaints would include:
 - complaints relating to breaches of the Uniform Code of Conduct;
 - complaints relating to breaches of the Rules of Conduct which are considered by the Standards Panel to be low-level and better dealt with at the local level; and
 - improved processes for dealing with trivial or vexatious complaints which would allow the Standards Panel to reject such complaints.

There are a number of proposals detailed in the Consultation Paper, as follows:

Uniform Code of Conduct for Elected Members

An area of improvement identified in the Review is in the nature of low-level misconduct. It is proposed a Uniform Code of Conduct for Elected Members be introduced and that any allegations of breaches of this Code be dealt with at the local level by the Mayor or President.

WALGA advise that it is anticipated the Uniform Code of Conduct will reflect the existing general principles to guide the behaviour of Elected Members, defined in Regulation 3 (1) of the Rules of Conduct Regulations:

“(1) General principles to guide the behaviour of Council members include that a person in his or her capacity as a council member should:

- (a) act with reasonable care and diligence; and*
- (b) act with honesty and integrity; and*
- (c) act lawfully; and*
- (d) avoid damage to the reputation of the local government; and*
- (e) be open and accountable to the public; and*
- (f) base decisions on relevant and factually correct information; and*
- (g) treat others with respect and fairness; and*
- (h) not be impaired by mind affecting substances.”*

The general principles do not constitute a rule of conduct and therefore are not currently enforceable under the Standard Panel procedure although given their broad range may capture behaviour that is regulated under other legislation. In response to the call for submissions on the Rules of Conduct from the Department at the time of establishing them, local governments suggested that the principles should be reworded to ensure enforceability or that Guidelines be developed to assist local governments.

The Minister proposes that a Uniform Code of Conduct for Elected Members be developed that will encompass the Rules of Conduct.

The Consultation Paper suggests that the introduction of a mandatory Uniform Code of Conduct for Elected Members would support a holistic approach to managing the risk of misconduct in the local government sector.

Whilst the City would generally support a Uniform Code of Conduct for Elected Members it will be necessary for sufficient objective criteria to be developed to assist local governments meet any obligations proposed by the Minister's model. This would not only assist complainants but those required to assess whether a breach has occurred. It is noted that a framework will be introduced to assist in handling complaints, however, it will be necessary to have a comprehensive framework to assist in determining the types of complaints that are to be dealt with by the Mayor or President, the Peer Assessment Panel, and the Standards Panel.

It should be noted that section 5.103 of the Local Government Act 1995 provides that a local government is required to prepare or adopt a Code of Conduct to be observed by Elected Members, Committee Members and employees. It is suggested that the Minister for Local Government commit to ensuring that the local government sector will be adequately

consulted with in the development of a Uniform Code of Conduct for Elected Members and any implications under section 5.103 of the Act.

Referral of Low-Level Complaints to the Mayor or President

The Standards Panel Review Committee recommended the Mayor or President be empowered to assess allegations of a breach of the Uniform Code of Conduct. If the allegation is upheld, the Mayor or President will have access to a range of actions including mediation, training, a ruling the allegation is frivolous or vexatious or referral to a Peer Review Panel. The Mayor or President will not be involved if they are a party to an allegation, and the complaint will then being dealt with by the Deputy Mayor or Deputy President; should they too be a party, another Elected Member will be appointed by the Council to assess the complaint.

Whilst Mayors and Presidents have a significant leadership role in the pursuit and demonstration of good governance, it is considered that the proposal to refer low-level complaints to the Mayor or President not be supported, particularly given that:

- The definition of what might constitute a low-level complaint is not provided, or alluded to, within the Consultation Paper. This is a significant aspect of the proposal, and as such the implications for Mayors and Presidents and local governments in general is unknown. Until the definition of low-level conduct is provided by the Minister, allowing the implications to be further considered, the proposal should not be supported;
- A key high-level objective of the disciplinary framework established by the then Minister for Local Government in 2007 was the establishment of the Standards Panel aimed at providing an independent and informal mechanism to resolve minor misconduct allegations promptly; and provide for sitting members who are knowledgeable in local government matters; and
- The Report by the Standards Panel Review Committee (June 2011) provides that the original disciplinary framework established by the then Minister for Local Government in 2007 anticipated introducing a mediation and/or conciliation function as a preliminary step to attempt to resolve low-level misconduct complaints locally. This has not been implemented in the way that was originally intended (for reasons unknown).

There are a number of issues related to self-regulation, which include, but is not limited to:

- Ensuring the principles of natural justice are adhered to.
- Avoiding human bias and prejudice.
- Avoiding objections the complaints process is not adhered to.
- Ensuring the process results in the encouragement of constructive resolution.

Self-regulation/peer assessment, on the other hand, is also more likely to lead to:

- Better informed and responsive decisions, that is, more timely resolution of complaints/ issues.
- Empathy for the judgements produced and reinforcement of acceptable behaviour.
- Greater acceptance of the outcome if processes are adhered to, that is, the quality and effectiveness of the learning process is improved.

A significant issue is that Mayors and Presidents (and all other Elected Members required to be involved in the process) will have different levels of skills and experience in objective assessment in any self-regulation process. It would be necessary for the Department to commit to ensuring that training programs are in place to ensure Mayors and Presidents (and others required to conduct assessments) are provided with the necessary tools and guidelines to effectively manage complaints, that is, self-regulation should require very careful planning, implementation and monitoring. If not well monitored, the fairness and effectiveness of such assessment may be adversely affected by a wide range of factors, such as personality clashes and prejudice/bias.

Effective support would also need to be provided from the Department if required as it is likely that there will be some Mayors and Presidents that do not wish to be responsible for assessing their colleagues, and particularly those about whom they have strong feelings - positive or negative.

If the Minister is insistent on the proposal being implemented, a requirement of the model should be that no assessment can be undertaken unless the Mayor or President has undertaken the necessary training, and as such, training is to be compulsory. Further, if training has not been undertaken the complaint should be referred to the Peer Review Panel.

Peer Review Panel

The second element of the Consultation Paper is the proposal to form a Peer Review Panel. It is proposed that this Panel be formed on an as-needs basis if the Mayor or President is not satisfied a satisfactory resolution to a complaint can be reached by the parties, or if the complainant/respondent is similarly dissatisfied with the outcome of the process undertaken by the Mayor or President. The Peer Review Panel will be formed from an approved pool of eminent persons with experience in local government. It is proposed the sitting fees for a Peer Review Panel will be met by the local government. It should be noted that sitting fees for the Standards Panel are currently met by the local government.

It is considered that the establishment of a Peer Review Panel can be supported for the reasons detailed by the Minister, however, the Panel also deal with those low-level complaints the Minister proposes be referred to the Mayor or President. Review of low-level complaints by the Peer Review Panel only will avoid Elected Members being required to deal with those significant issues detailed in the previous section. Again, it will be necessary for the Minister to define what constitutes a low-level complaint.

It is also considered that the proposal for meetings of the Peer Review Panels, in most instances, to be undertaken by teleconference, not be supported. It is considered critical to any complaints assessment process that meetings, and any interviews with the complainant and/or respondent be conducted, in the first instance, face-to-face, and if necessary, by teleconference. It is suggested that other meetings of the Panels, such as preliminary discussions, and findings be permitted to be undertaken by teleconference.

It is suggested that the Department give consideration to the establishment of Panels based on geographic areas therefore the requirement for teleconferencing would be reduced.

Handling Vexatious Complaints

The Standards Panel Review also identified that some people make vexatious or frivolous complaints for reasons other than a genuine pursuit of resolution. In some circumstances, individuals have repeatedly lodged complaints which lack substance. The Report by the Standards Panel Review Committee (June 2011) provides that only about 10 percent of complaints are of a vexatious nature.

It is proposed the Standards Panel and the Mayor or President will be empowered to dismiss any complaint deemed to be vexatious or frivolous. It is further proposed that there will be no right of review by the State Administrative Tribunal or the Peer Review Panel of any complaint deemed to be vexatious or frivolous by the Standards Panel or the Mayor or President.

Whilst the City does not support the referral proposal to Mayors and Presidents, if the Minister is insistent on the proposal for handling vexatious or frivolous complaints being implemented, it is suggested that:

- The Minister clearly defines what constitutes a vexatious or frivolous complaint to ensure parties required are able to make decisions as to whether an allegation can be treated as vexatious or frivolous.
- There be a right of review by the Peer Review Panel of any complaint deemed to be vexatious or frivolous by the Mayor or President. This will avoid any perceptions of bias/prejudice.

Other Matters

It is suggested that the Department be requested to give consideration to the following matters in drafting a framework for the resolution of misconduct complaints at the local level:

- Clear definitions of the types of complaints proposed to be assessed.
- Development of a simple complaint handling procedure for assessment of complaints, which might include, but not be limited to:
 - How allegations are received and assessed;
 - How to prepare, plan and undertake any investigation required to clarify allegations;
 - Documentation of allegations and recording of any investigation and findings;
 - Dealing with conflicts of interest.
- Ensuring all persons involved in investigations are aware of the principles of natural justice and are required to adhere to these principles.
- Timeframes for all actions associated with complaints to ensure there is timeliness in assessing and concluding investigations.
- Confidentiality requirements, including the making of public statements that may jeopardise the process or harm the local government.

Issues and options considered:

The City has completed a review of the Consultation Paper and developed a submission in response to its proposals.

Council has the option to either:

1. Endorse the submission, provided at Attachment 2, without amendment.
2. Endorse the submission, provided at Attachment 2, with amendments.
3. Not endorse the submission, provided at Attachment 2.

The City recommends that Council pursues option 1, by endorsing the proposed submission without amendment.

Legislation/Strategic Plan/Policy Implications

Legislation *Local Government Act 1995*
 Local Government (Rules of Conduct) Regulations 2007

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

Code of Conduct

Risk Management Considerations:

There is a risk that if the City does not provide a response on the Consultation Paper, it would have missed an opportunity to comment on proposed legislative amendments that will affect Elected Members.

Financial/Budget Implications:

The '*Resolution of Misconduct Complaints at the Local Level*' Consultation Paper proposes that sitting fees for a Peer Review Panel be met by the local government.

Details related to the level of fees that may be considered appropriate have not been disclosed in the Paper.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

No consultation has been undertaken.

COMMENT

The Minister for Local Government has considered the Report of the Standards Panel Review Committee and identified that there is an opportunity to implement a more effective process for resolving complaints against Elected Members involving low-level misconduct.

The proposed changes to the current disciplinary framework are intended to:

- empower local governments to better manage the risk of misconduct;
- establish a more pro-active complaints management culture; and
- streamline and simplify the process of dealing with complaints that allege low-level misconduct or that are trivial or vexatious.

The City concurs that there is an identified need to develop a more effective process for resolving complaints against Elected Members involving low-level complaints, and supports the intent of the Consultation Paper, with qualifications, as detailed in the report and draft submission to the WALGA.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 SUPPORTS the intent of the Minister for Local Government's '*Resolution of Misconduct Complaints at the Local Level*' Consultation Paper aimed at dealing with low-level misconduct at the local level;**
- 2 ENDORSES the City of Joondalup submission provided at Attachment 2 to Report CJ070-04/12, in response to the Minister for Local Government's request for WA Local Government Association comment on the '*Resolution of Misconduct Complaints at the Local Level*' Consultation Paper;**
- 3 NOTES that a copy of the City of Joondalup's submission referred to in Part 2 above will be forwarded to the WA Local Government Association.**

Appendix 23 refers

To access this attachment on electronic document, click here: [Attach23agn170412.pdf](#)

CJ071-04/12 MINDARIE REGIONAL COUNCIL - NEW ESTABLISHMENT AGREEMENT**WARD:** All**RESPONSIBLE DIRECTOR:** Mr Garry Hunt
Chief Executive Officer**FILE NUMBER:** 03149, 101515**ATTACHMENTS:** Attachment 1 Draft Establishment Agreement

PURPOSE

The purpose of this report is to advise Council of recent developments concerning the proposed withdrawal of the City of Stirling from the Mindarie Regional Council (MRC); and to seek Council's endorsement for a new Establishment Agreement for the remaining members of the MRC.

EXECUTIVE SUMMARY

Two agreements are required to enable the withdrawal of a member local government from the MRC.

- The First Agreement, between the regional council and the withdrawing member, concerns an adjustment of the assets and liabilities between them.
- The Second Agreement, between the remaining members of the MRC, concerns a new constitution (or establishment agreement) to provide for the determination of contributions to be made by each of them to the funds of the regional council; and for either or both, the alteration of the number of councillors –
 - who shall comprise the regional council; or
 - who shall be appointed by the member local governments.

First Agreement

On 28 March 2012 the Council of the MRC resolved not to accept the City of Stirling's offer to withdraw upon payment of \$9.285m; and resolved that Stirling be paid no more than its capital contributions (\$840,000) together with its share of the Members Revenue Equalisation Reserve (\$670,000).

Second Agreement

The MRC Strategic Projects Committee has recently finalised a draft Establishment Agreement and the MRC CEO has requested that it be presented to member Councils for their consideration and endorsement.

A copy of the draft Establishment Agreement is at Attachment 1.

BACKGROUND

First Agreement

Since this matter was considered by Council in December last year, a Working Group consisting of the MRC Chairman and CEO, together with Elected Members and CEO's from each of the six member local governments (excluding the City of Stirling) have been meeting to progress the resolution of Stirling's withdrawal from the MRC.

At its last meeting, the Working Group recommended to the CEO of the MRC the adoption of an alternative approach to valuing the assets and liabilities of the MRC (for the purposes of section 699 of the 1960 Local Government Act).

Under this alternative approach, based notionally on the concept of a co-operative model, the City of Stirling would be offered a settlement constituted by the sum of the initial capital investment plus its proportionate share of the Members Equalisation Account. The dollar figure realised under this model would be smaller than the range of figures outlined by the PricewaterhouseCoopers (PWC) in its valuation report of August 2011.

It was the view of the Working Group that a co-operative model was more in line with the way in which the MRC operates, provides a disincentive for other member local governments to leave and recognises the risks of the remaining members.

In December 2011, the City of Stirling had advised all parties that if agreement was not reached by 31 March 2012, it would return to court. This was the date set by the Minister to enable the parties to reach the agreements required under section 699. As it became obvious that this timeframe would not be realised, the MRC CEO and City of Stirling CEO have agreed to seek an extension of one month from the Minister, which it is anticipated will be granted.

MRC Council met on Wednesday 28 March 2012 and resolved as follows:

- 1 The PricewaterhouseCoopers Stage 2 (Report in relation to the City of Stirling's withdrawal from the MRC) dated 3 August 2011 be received.
- 2 The City of Stirling be advised that with respect to the resolution of its Council of 13 December 2011:
 - (a) the offer to withdraw its requirement that any agreement must be accompanied by the City of Stirling ceasing to be a guarantor under the Deed of Guarantee with BioVision made on 21 November 2007 is acknowledged;
 - (b) the offer to accept a payout based on a discount of 25% on the PWC averaged valuation is not accepted.

- 3 The City of Stirling be advised that the MRC is prepared to negotiate an agreement for its withdrawal pursuant to section 699 of the *Local Government Act 1960* on the basis that the City of Stirling:
- (a) be paid no more than its:
 - (i) paid-in capital contributions (\$840,000); and
 - (ii) share of the Members Revenue Equalisation Reserve for example unders/overs account (\$670,000)from current accumulated Mindarie Regional Council funds;
 - (b) not be released from its liabilities under the Resource Recovery Facility guarantee to BioVision;
 - (c) retain its post closure liabilities for the Tamala Park landfill, including but not limited to remediation and rehabilitation on the landfill site and other lands potentially affected, in proportion to the tonnes tipped to the total of members tonnes over the life of the landfill;
 - (d) retain its ownership share in the land at the Tamala Park landfill site;
 - (e) should the value of the land assets exceed liabilities post the closure of the Tamala Park land-fill site, then the City of Stirling shall receive a portion of that net asset value proportional to their period as members of the MRC;
 - (f) the outcome of the negotiations be the subject of a separate report to Council.

Council's resolution is significantly different from that recommended by officers for the following reasons:

The MRC has not raised its fees to the levels used in the PricewaterhouseCoopers (PWC) computations, so the values assumed in those computations will not be achieved.

The City of Stirling's interest in MRC is an unmarketable minority interest in a regional council that has little or no commercial value insofar as the interest is incapable of being sold or sold for the PWC value to a purchaser.

The City of Stirling's withdrawal will create diseconomies of scale for the remaining members: the fixed costs of the operations, which are a high proportion of the total costs, will be spread across fewer local governments and, consequently, the remaining local governments will pay higher tipping fees.

The City of Stirling's withdrawal will result in the substantial operating costs of the Resource Recovery Facility being spread across fewer councils, which will suffer an increased financial burden for the life of the contract.

The City of Stirling has not offered any compensation to the remaining members for the increased tipping fees and RRF costs.

A proposal that the remaining members of MRC intend to enter into a new Establishment Agreement under which a departing member will be paid only:

- (i) its capital contributions; and
- (ii) its share of the Members Revenue Equalisation Reserve (ie unders/overs account

suggests that it is fair and equitable that City of Stirling should withdraw on a similar basis.

Second Agreement

The development of a new Establishment Agreement to set the guiding parameters of the future membership of the MRC has been led by the MRC Strategic Projects Committee, and the final draft as attached to this report has been settled by Woodhouse Legal for the MRC.

In anticipation of concluding the First Agreement, the CEO of the MRC has requested that the draft Establishment Agreement be presented to member Councils for their consideration and endorsement.

Although a new Establishment Agreement has been under consideration for some time, the proposed withdrawal of the City of Stirling has expedited the process of finalising the text of a new agreement.

Particular consideration has been given by the Committee to those clauses dealing with deficit or surplus, winding up, withdrawal of a member and member obligations to deliver waste – see clauses 9, 11, 12 and 14. For example, clause 9 – dealing with a deficit or surplus is aligned annually to the Audited Financial Reports, with a process for distribution and/or collection of funds. Incidents of membership such as seeking an exemption, seeking to withdraw or seeking the winding up of the MRC are now explicitly dealt with under specific processes based primarily on the business impact of the action on the MRC.

Issues and options considered:

In the event that agreement is reached between the MRC and the City of Stirling with respect to an adjustment of assets and liabilities (the First Agreement), it will be necessary to present the Second Agreement to the Minister concerning a new Establishment Agreement between the remaining members of the MRC.

The MRC CEO has presented a draft of the new Establishment Agreement with an alternative clause 12 - clause 12 concerns the manner in which a remaining member may in the future withdraw from the MRC.

He has done so on the basis that the alternative clause 12 reflects the Town of Cambridge approach to an adjustment of the assets and liabilities for the City of Stirling withdrawal, which approach was subsequently adopted by the MRC Council at its meeting on 28 March 2012.

Although clause 12 in the current draft of the Establishment Agreement was endorsed by the MRC Strategic Projects Committee, consistently with the approach adopted by the MRC Council with respect to the proposed withdrawal of the City of Stirling, it is recommended that Council endorse the draft Establishment Agreement with the inclusion of the alternative clause 12 and the deletion of the clause 12 currently included in the draft Agreement.

Legislation/Strategic Plan/Policy Implications

Legislation: Section 699(3)(b) of the *Local Government Act 1960*.

Strategic Plan

Key Focus Area: Leadership and Governance

Objective: To lead and manage the City effectively.

Strategy: Elected Members and staff represent the community on external bodies and build strategic alliances.

Policy

Not Applicable.

Risk Management Considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

The City is a participating member local government of the Mindarie Regional Council and as such it is important that the constitutional arrangements which govern the MRC's affairs are appropriate, relevant and of the highest standards of governance.

Sustainability Implications:

The maintenance of a properly functioning waste collection and recycling program is a critical ingredient in the City's drive towards sustainability.

Consultation:

Consultation occurs on a regular basis with other member local governments of the MRC.

COMMENT

It is recommended that Council endorses the resolution of the MRC Council of 28 March 2012, and endorse the draft Establishment Agreement with the inclusion of the alternative clause 12 and the deletion of the clause 12 currently included in the draft Agreement.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **NOTES** the resolution made by the Council of the Mindarie Regional Council at its Special Meeting on 28 March 2012 concerning the proposed withdrawal of the City of Stirling from the Mindarie Regional Council;
- 2 **ENDORSES** the draft Establishment Agreement as presented at Attachment 1 to Report CJ071-04/12, with the inclusion of the alternative clause 12 and the deletion of the clause 12 currently included in the draft Agreement;
- 3 **AUTHORISES** the Mayor and the Chief Executive Officer to execute a new Establishment Agreement which is not significantly different from the terms of the draft Agreement as described above, in the event that an Agreement is reached between the MRC and the City of Stirling as to an adjustment of the assets and liabilities as required under section 699 of the *Local Government Act 1960*; and
- 4 **AUTHORISES** the Chief Executive Officer to continue to negotiate with the MRC and its member local governments on an agreement as to the adjustment of the assets and liabilities of the MRC as required under section 699 of the *Local Government Act 1960*, including all necessary action as may be required under that section in the event that an agreement is not concluded by 30 April 2012.

Appendix 24 refers

To access this attachment on electronic document click here: [Attach24agn170412.pdf](#)

CJ072-04/12 DRAFT LOCAL COMMERCIAL STRATEGY**WARD:** All**RESPONSIBLE
DIRECTOR:** Ms Dale Page
Planning and Development**FILE NUMBER:** 101610, 101515**ATTACHMENTS:** Attachment 1 Draft Local Commercial Strategy (Part A)
Attachment 2 Draft Local Commercial Strategy (Part B)

PURPOSE

The purpose of this report is for Council to consider supporting the advertising of the draft Local Commercial Strategy for public comment.

EXECUTIVE SUMMARY

The purpose of a Local Commercial Strategy is to provide a local government a guide for future decision making in regard to commercial centres. The Local Commercial Strategy will form the framework for decision making for commercial centres with respect to future rezoning applications, development applications, centre plans and amendments to existing structure plans.

The City is required to prepare a Local Commercial Strategy as part of the development of a new Local Planning Scheme. Without a Local Commercial Strategy, the Western Australian Planning Commission (WAPC) is unlikely to approve a new Scheme.

The development of a Local Commercial Strategy involves the consideration of population and demographic changes, growth of centres in adjacent local government areas, and employment self sufficiency.

The City appointed consultants Syme Marmion and Co to prepare the Local Commercial Strategy, and the preparation of the strategy in draft form has now been completed.

Extensive analysis conducted by the consultants has confirmed that the hierarchy of the commercial centres within the City is appropriate, and there should be no major change to the role played by each centre in providing for the retail and commercial needs of the community. The exception to this is the recommendation that the Belridge centre in Beldon be elevated in the hierarchy from a Neighbourhood Centre to a District Centre to more appropriately recognise the current role of the centre, and to provide an even distribution of district level centres across the City.

The draft Local Commercial Strategy also emphasises the role of the Joondalup City Centre as the primary activity centre for the northwest corridor.

It is recommended that Council endorses the advertising of the draft Local Commercial Strategy for a period of 60 days in order to obtain community feedback on the draft Strategy.

BACKGROUND

Currently, the City's Centres Policy provides guidance in regard to the development of commercial centres. This is primarily based around retail floorspace limits that provide for a hierarchy of centres based on the WAPC's former 'Metropolitan Centres Policy'.

The City is required to prepare a Local Commercial Strategy as part of the development of a new local planning scheme. Without the Local Commercial Strategy it is unlikely the WAPC would approve any new scheme.

Generally, the purpose of a Local Commercial Strategy is to provide the local government a guide for future decision making in regard to commercial centres and related facilities.

The Local Commercial Strategy requires the consideration of:

- Population and demographic changes (historically and projected);
- Growth of centres in adjacent local government areas;
- Employment self sufficiency (the proportion of jobs located in geographic area relative to the residents in that same area who are employed in the workforce); and
- State government policies, specifically State Planning Policy 4.2 - Activity Centres for Perth and Peel (SPP 4.2)

The development of the Local Commercial Strategy also entails assessment of:

- Retail needs;
- Economic trends;
- Existing activity and commercial areas; and
- The role and function of the Joondalup City Centre.

The outcome of the above will create a framework for decision-making for Activity Centres with respect to:

- Future rezoning applications;
- Future development applications;
- New activity centre Structure Plans; and
- Amendments to existing Structure Plans.

As outlined in SPP 4.2 an activity centre is a community focal point which includes activities such as commercial, retail, higher density housing, entertainment, civic/community, higher education and medical services. Activity Centres vary in size and diversity and are designed to be well service by public transport.

Specialist consultants (Syme Marmion and Co) were appointed in December 2010 to prepare the City's Local Commercial Strategy.

The development of the Local Commercial Strategy was divided into two parts:

- Part A being the background research and retail needs analysis; and
- Part B being the strategies to be implemented.

The recommended strategies and actions of the Local Commercial Strategy will be incorporated in the Local Planning Strategy (endorsed by Council February 2010, CJ007-02/10 refers), which will in turn inform the preparation of the new Local Planning Scheme.

DETAILS

Part A and B of the draft Local Commercial Strategy form Attachments 1 and 2.

As outlined above, Part A includes background research and retail needs analysis. Part B outlines the recommended strategies of the Local Commercial Strategy that would be implemented through the new local planning scheme, policy measures, or other appropriate mechanisms.

Some of the recommended strategies include:

- Encouraging lot amalgamation within centres;
- Encouraging land use intensification within centres;
- Encouraging small format retail and commercial; and
- Encouraging centres to consolidate vacant land and buildings and to increase height where appropriate before extending beyond current boundaries.

Issues and options considered:

Council has the option to:

- Support the advertising of the draft Local Commercial Strategy for public comment;
- Support the advertising of the draft Local Commercial Strategy for public comment; subject to modifications; or
- Not support the advertising of the draft Local Commercial Strategy.

In the event Council does not support advertising, the progression of the draft strategy would not continue.

Legislation/Strategic Plan/Policy Implications

Strategic Plan

Key Focus Area: Economic Prosperity and Growth.

Objective: 3.1 To encourage the development of the Joondalup CBD
3.2 To increase employment opportunities within the City

Key Focus Area: The Built Environment

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

Policy

Centres Strategy.

State Planning Policy 4.2 - Activity Centres for Perth and Peel.

The City's existing Centres Strategy was developed in response to the State Government's previous Metropolitan Centres Policy, which outlined the hierarchy of commercial centres in Perth. That has now been replaced by SPP4.2 Activity Centres for Perth and Peel. The City's Centres Strategy promotes incremental expansions of retail centres by outlining the amount of retail floorspace to be accommodated in various centre types. The draft Local Commercial Strategy once endorsed will replace the existing Centres Strategy.

Risk Management Considerations:

It is necessary for the Local Commercial Strategy to be completed so as to inform the development of Activity Centre Structure Plans for the Strategic Metropolitan, Secondary and District centres within the City. Without a Local Commercial Strategy there is the risk that the WAPC will not support a new Local Planning Scheme. Without a Local Commercial Strategy it is difficult for the City to encourage and guide appropriate development of commercial centres. Any development approved prior to the development and endorsement of a Local Commercial Strategy may result in a disproportionate allocation of floor space, impacting on the sustainability of the commercial centres throughout the City.

Financial/Budget Implications:

The cost to prepare the draft Local Commercial Strategy is \$119,970, excluding GST. Public consultation costs are expected to be \$600.

Regional Significance:

The focus of the Local Commercial Strategy is on the Activity Centres within the City of Joondalup. However, as centres beyond the City's boundaries influence how centres operate, analysis in Part A of the draft Local Commercial Strategy has included centres within the City of Wanneroo and the City of Stirling (northern part).

Sustainability Implications:

The draft Local Commercial Strategy, once finalised and endorsed will be used to assess development within the City's commercial centres so as to develop centres which are sustainable and provide opportunities for people to live and work within those centres.

The strategy will provide a framework to guide retail expansion in the appropriate locations without impacting on other centres. This will assist in meeting the employment self sufficiency targets that have been set for the City through the WAPC's *Directions 2031 and beyond*.

Consultation:

There is no statutory length of time that a draft Local Commercial Strategy must be advertised for to enable public comment. It is considered that a 60 day advertising period is appropriate to ensure that the community has sufficient time to comment.

In the event that Council endorses the advertising of the draft Local Commercial Strategy, the document would be advertised as follows:

- Letters sent to key stakeholders including:
 - adjoining local governments,
 - Chamber of Commerce and Industry, Business Growth Centre, Joondalup Business Association, Property Council of WA, Small Business Centre (NW metro), Business Development Association,
 - shopping centre owners/management, together with an invitation to meet with City officers to discuss the draft strategy;

- Letters sent to owners of properties within 100 metres of the centre boundary;
- A notice placed in the local newspaper for two consecutive weeks;
- A notice and documents placed at the City's libraries and customer service centres; and
- A notice and documents placed on the City's website.

COMMENT

The City of Joondalup has a well established range of commercial (activity) centres. Analysis conducted by the consultants has confirmed that the hierarchy of these centres is appropriate, and there should be no major change to the role played by each centre in providing for the retail and commercial needs of the community.

The exception to the above is the recommendation that the Belridge centre in Beldon be elevated in the hierarchy from a Neighbourhood Centre to a District Centre to more appropriately recognise the current role of the centre, and to provide an even distribution of district level centres across the City.

The draft Local Commercial Strategy places emphasis on the Joondalup City Centre as the primary focus of the region, and outlines that the development of the Activity Centre Plan for the city centre should ensure that employment and residential opportunities are maximised.

Other key recommendations of the draft LCS include:

- Further subdivision and strata titling of activity centres should not be supported and mechanisms to prevent this are to be investigated;
- Expansion of commercial and retail activity, particularly bulky goods, should not further reduce the overall quantity of industrial use floorspace and mechanisms to help retain appropriate industrial uses will be investigated;
- Encourage intensification of uses in the City Centre above the current 1,800m² per hectare level, up to an average intensity above 2,000m² per hectare in the city zones and mechanisms to promote this will be investigated;
- Offices not be permitted on land zoned for industrial purposes except where incidental to or servicing industrial developments (note - draft Joondalup City Centre Structure permits offices in the Winton Road area).
- Maximum retail floorspace allocations for all centres.

With respect to the last dot point, it is important to note that the allocations are not floorspace "caps" but instead provide guidance to the City on what the appropriate amount of retail floorspace should be for each centre without impacting on the economic health of other centres. If a centre wanted to extend its retail floorspace above the allocation in the Local Commercial Strategy it would need to demonstrate, via a Retail Sustainability Assessment, that the additional retail floorspace would not detrimentally impact on the economic health of other centres and would not threaten the hierarchy of centres in both the Strategy and SPP4.2.

Although the draft Local Commercial Strategy currently sets out retail floorspace allocations for each centre, the City has been and is still in the process of undertaking further analysis and testing of the allocations currently proposed for the Strategic Metropolitan Centre of Joondalup and the Secondary Centres of Whitford and Warwick.

This analysis and testing may result in changes to the floorspace allocations in the final draft Local Commercial Strategy.

Any such changes could be considered by the Council following advertising of the document for public comment. Alternatively the Council could determine to delay final consideration of the draft Local Commercial Strategy until the detailed analysis and testing mentioned above has been completed.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 AGREES to advertise for public comment the draft Local Commercial Strategy forming Attachments 1 and 2 to Report cj072-04/12 for a period of 60 days;**
- 2 NOTES that although the draft Local Commercial Strategy currently sets out maximum retail floorspace allocations for each centre, the City has been undertaking further analysis of and is still in the process of testing the allocations currently proposed for the Strategic Metropolitan Centre of Joondalup and the Secondary Centres of Whitford and Warwick and that this analysis and testing may result in changes to the floorspace allocations in the final draft Local Commercial Strategy;**
- 3 NOTES that, following advertising of the document for public comment, the document, including any changes made as a result of public comment received or the further analysis and testing outlined in Recommendation 2, will be brought back to Council for final consideration and endorsement.**

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf100412.pdf](#)

**CJ073-04/12 CONFIDENTIAL - REPRESENTATION RECEIVED BY
THE MINISTER FOR PLANNING UNDER SECTION
76 OF THE TOWN PLANNING AND DEVELOPMENT
ACT 2005**

WARD: All

**RESPONSIBLE
DIRECTOR:** Ms Dale Page
Planning and Development

FILE NUMBER: 101610, 101515

ATTACHMENTS: Attachment 1 Options available to the City (table).
Attachment 2 Legal advice received.

(Please Note: These attachments are confidential and will appear in the official Minute Book only)

This report is confidential in accordance with Section 5.23(2)(d) of the *Local Government Act 1995* as it deals with business relating to the following:

(d) *legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at the meeting.*

A full report is provided to Elected Members under separate cover. This report is not for publication.

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

14 CLOSURE



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

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

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

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

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

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



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

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

QUESTIONS

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919

- **email** to council.questions@joondalup.wa.gov.au

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



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

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

STATEMENT

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

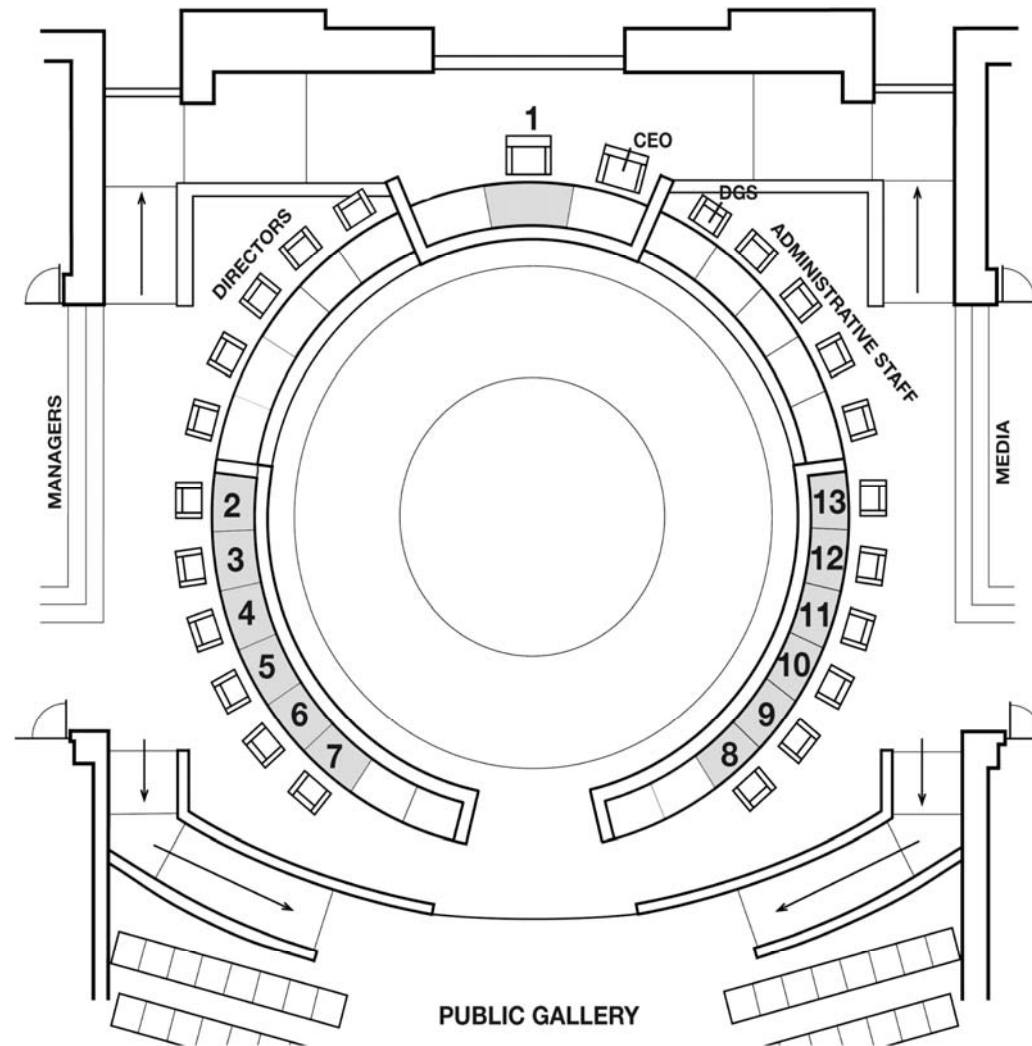
Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919

- **email** to council.questions@joondalup.wa.gov.au

- Please note that:**
- 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 Chambers – 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, JP (Term expires 10/15)

North-Central Ward

4 Cr Philippa Taylor (Term expires 10/13)
5 Cr Sam Thomas (Term expires 10/15)

Central Ward

6 Cr Liam Gobbert (Term expires 10/13)
7 Cr Geoff Amphlett, JP (Term expires 10/15)

South-West Ward

8 Cr Christine Hamilton-Prime (Term expires 10/13)
9 Cr Mike Norman (Term expires 10/15)

South-East Ward

10 Cr John Chester (Term expires 10/13)
11 Cr Brian Corr (Term expires 10/15)

South Ward

12 Cr Russ Fishwick (Term expires 10/13)
13 Cr Teresa Ritchie (Term expires 10/15)