

# minutes

MEETING HELD ON **TUESDAY, 26 JUNE 2012**

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## CITY OF JOONDALUP

### MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY, 26 JUNE 2012

#### DECLARATION OF OPENING

The Mayor declared the meeting open at 7.02pm.

#### ANNOUNCEMENT OF VISITORS

##### Mayor:

TROY PICKARD

*Absent from 7.30pm to 7.32pm*

##### Councillors:

CR KERRY HOLLYWOOD	North Ward
CR TOM McLEAN, JP	North Ward
CR PHILIPPA TAYLOR	North-Central Ward
CR SAM THOMAS	North-Central Ward
CR LIAM GOBBERT	Central Ward
CR GEOFF AMPHLETT, JP	Central Ward
CR MIKE NORMAN	South-West Ward
CR JOHN CHESTER	South-East Ward - <i>Deputy Mayor</i>
CR BRIAN CORR	South-East Ward
CR RUSS FISHWICK, JP	South Ward
CR TERESA RITCHIE	South Ward

##### Officers:

MR GARRY HUNT	Chief Executive Officer
MR MIKE TIDY	Director Corporate Services
MR JAMIE PARRY	Director Governance and Strategy
MS DALE PAGE	Director Planning and Community Development
MR CHARLIE REYNOLDS	Acting Director Infrastructure Services
MR JOHN HUMPHREYS	Manager Planning Services
MR BRAD SILLENCÉ	Manager Governance and Marketing
MR JOHN BYRNE	Governance Coordinator
MR MARK McCrORY	Media Advisor
MRS ROSE GARLICK	Governance Officer
MRS DEBORAH GOUGES	Governance Officer

There were 25 members of the public and one member of the press in attendance.

**PUBLIC QUESTION TIME**

The following questions were submitted prior to the Council meeting:

**Mr M Sideris, Mullaloo:**

*Re: With reference to Inside Cover and the recent announcement that the Lord Mayor of the City of Perth was nominated for the Worlds' Greatest Mayor.*

*Q1 Advise if the City of Joondalup supports this nomination?*

*A1 Support for nominations are from individual members of the community, not organisations.*

*Q2 Advise if the Mayor of the City of Joondalup was also submitted for consideration for this same prestigious award?*

*A2 The City of Joondalup did not make a nomination on behalf of the Mayor for this Award. The World Mayor 2012 competition website indicates, however, that the Mayor of the City of Joondalup was nominated.*

*Q3 If the answer to Q2 is yes, did the City support this nomination?*

*A3 Refer to the response for question 2.*

**Mrs M MacDonald, Mullaloo:**

*Re: Tom Simpson Park, Mullaloo.*

*Q1 Did the City mislead Council and ratepayers when it stated in answer to a question regarding the loss of grassed area at Tom Simpson Park, '175m<sup>2</sup> which equates to 1.6% or an average reduction of 1.1 metres from the existing kerb line to the proposed kerb line', given that officers stated that 4.9 metres or 15 foot of grass would be taken away from the edge of the road to provide the new path alongside Oceanside Promenade at a meeting with residents at the park?*

*A1 The information provided about loss of grassed area in the park was in the context and for the purpose of comparing the three roadwork options. Comparison of the proposed kerblines versus the existing kerblines is and was appropriate as a guide to assess the impact of each of the options. While the footpath behind the kerblines will impact on the park, the impact did not change with any of the options that had been considered and endorsed by Council in 17 May 2011.*

*Re: Entrance and exit to Tom Simpson Park, Mullaloo.*

*Q2 Given that the City has stated that 'the section of Oceanside Promenade between Marjorie Street and Mullaloo Drive attracts a large number of pedestrians and vehicular traffic and the most recent Main Roads crash data is for the two years to December 2010. For this period there were eight reported crashes, two of which required hospital attention. There were no reported crashes or accidents involving pedestrians.*

*Why is the City insistent on taking pedestrians and cyclists close to the road and across what will be the only entrance and exit to Tom Simpson Park's northern car park?*

A2 The busy nature of the area is such that pedestrians and cyclists will be using or want to use the western side of Oceanside Promenade. While the concept plan has facilitated new paths to encourage pedestrians and cyclists to travel on the western side of Tom Simpson Park (away from Oceanside Promenade), the fact is that major attractors will draw pedestrian and cycle traffic to Oceanside Promenade at the southern car park. The works proposed are proactive in nature, based on Road Safety Audits, rather than reactive or reacting to traffic crashes. Both proactive and reactive methods are legitimately used in managing the road network and minimising road trauma.

## **PUBLIC STATEMENT TIME**

### **Mr C Muller, Edgewater**

*Re: CJ119-06/12, The Prevalence and Control of Caltrap in the City of Joondalup.*

Spoke in favour of Item CJ119-06/12, The Prevalence and Control of Caltrap in the City of Joondalup.

### **Mr E Samec, Gwelup**

*Re: Notice of Motion 2 – Cr Ritchie – Proposed Child Care Centre Extension at Lot 105 (39) Currajong Road, Duncraig, and Lot 501 (107) Warwick Road, Duncraig.*

Spoke in favour of Item C44-06/12, Notice of Motion 2 – Cr Ritchie – Proposed Child Care Centre Extension at Lot 105 (39) Currajong Road, Duncraig, and Lot 501 (107) Warwick Road, Duncraig.

## **APOLOGIES AND LEAVE OF ABSENCE**

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

Cr Christine Hamilton-Prime	1 June to 30 June 2012 inclusive.
Cr Liam Gobbert	12 July to 29 July 2012 inclusive.
Cr Russ Fishwick, JP	23 July to 28 July 2012 inclusive.
Cr Kerry Hollywood	23 July to 29 July 2012 inclusive.

## **CONFIRMATION OF MINUTES**

### **C40-06/12      MINUTES OF COUNCIL MEETING – 15 MAY 2012**

**MOVED Cr Gobbert, SECONDED Cr McLean that the Minutes of the Council Meeting held on 15 May 2012 be confirmed as a true and correct record.**

**The Motion was Put and**

**CARRIED (12/0)**

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

### **C41-06/12      MINUTES OF SPECIAL COUNCIL MEETING – 13 JUNE 2012**

**MOVED Cr Hollywood, SECONDED Cr Norman that the Minutes of the Special Council Meeting held on 13 June 2012 be confirmed as a true and correct record.**

**The Motion was Put and**

**CARRIED (12/0)**

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



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

### **Former Councillors Recognition Presentation**

Mayor Pickard welcomed special guests who attended the Council meeting being former Joondalup Councillors Trona Young and Fiona Diaz.

Mayor Pickard announced with great pleasure that the City had formally recognised the services of the two former Elected Members who served on Council between October 2007 and October 2011.

Mayor Pickard presented gifts of appreciation to the former councillors and called each of them up one at a time to receive an engraved trophy and gift from the City.

Mayor Pickard placed on public record the City's appreciation to Trona Young and Fiona Diaz for their service to the community and extended the City's best wishes for their future pursuits.

Mayor Pickard informed Elected Members that Trona was a North-Central Ward Councillor between 2007 and 2011 and thanked her for her efforts and dedication during her time as an Elected Member.

Mayor Pickard also advised Elected Members that Fiona was a South Ward Councillor between 2007 and 2011 and on behalf of the City thanked her for the important role she played during her time as an Elected Member.

Mayor Pickard stated that the hard work and dedication of former Joondalup Councillors deserves to be recognised and appreciated as it can be a very difficult, challenging and time consuming role.

### **Warwick Venturer Scouts**

Mayor Pickard officially welcomed the members of the Warwick Venturer Scouts in the public gallery to the Council Chambers for the June Meeting.

Mayor Pickard advised that the scouts are attending the meeting as part of their Citizenship Award requirements and believed it was great to see local youngsters taking an interest in how their Local Government authority functions and works.

Mayor Pickard announced to all the scouts in attendance that he hoped they find the meeting interesting and educational.

### **City Wins Awards**

Mayor Pickard informed Elected Members that the City had won several prestigious awards in June recognising Joondalup's outstanding and proactive approach to managing, protecting and enhancing it's local environment.

Mayor Pickard also announced that at the United Nations Association of Australia World Environment Day Awards in Melbourne, the City won the Local Government Category – Excellence in Overall Environmental Management category.

Mayor Pickard commented that the national awards play an important role in raising awareness about key environmental issues and challenges, and inspiring and motivating individuals, organisations and businesses to take positive steps towards sustainability and environmental excellence in their homes, schools, communities and workplaces.

Mayor Pickard stated that winning this award recognises the City's proactive and coordinated approach to environmental management and the numerous initiatives it undertakes to ensure the sustainable use of natural resources, biodiversity conservation, energy and water efficiency and awareness-raising of environmental issues within the region.

Mayor Pickard believed that as the sphere of government that is closest to the community, the City has a unique opportunity to work directly with the community to raise the awareness of environmental and sustainability matters.

Mayor Pickard advised that the City is committed to conserving and enhancing the City's natural assets to ensure the long-term protection of the environment for future generations.

Mayor Pickard also announced that one of the City's most popular coastal attractions has also won an award in June.

Mayor Pickard informed Elected Members that at the WA Clean Beaches Awards, run by the Keep Australia Beautiful Council and Surf Lifesaving WA, Sorrento Beach won the Friendliest Beach category for its safety and excellent facilities and attractions for visitors.

Mayor Pickard commented that Sorrento Beach is a very popular location with both local residents and tourists, given its extensive facilities and proximity to Hillarys Marina.

Mayor Pickard stated that the stretch of beach is a wonderful coastal attraction that has beautiful grassed areas, shaded picnic tables, barbecues, viewing platforms, easy-to-access paths and refurbished toilets and change room facilities.

On behalf of the City, Mayor Pickard acknowledged the hard work and dedication of the Sorrento Surf Life Saving Club and its many members who play a pivotal role in patrolling and keeping the beach safe for everyone.

Mayor Pickard advised that the City and the Sorrento Surf Life Saving Club work closely together to ensure that Sorrento Beach continues to be one of the most popular locations along Western Australia's coastline.

## 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.

<b>Name/Position</b>	Mayor Troy Pickard
<b>Item No/Subject</b>	CJ103-06/12, Proposed Child Care Centre and Car Park Additions to the Joondalup Health Campus, corner of Lakeside Drive and Upney Mews, Joondalup.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	The applicant attended a fundraising dinner during Mayor Pickard's Mayoral Election Campaign, which has been appropriately recorded in the Election Donation Register.

### Disclosure of interest that may affect impartiality

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

<b>Name/Position</b>	Cr Tom McLean.
<b>Item No/Subject</b>	CJ100-06/12, Proposed Change of use from Showroom to Vehicle Repairs and Facade Modifications at Lot 929 (1244) Marmion Avenue, Currambine.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr McLean lives within 200 metres of the application.

<b>Name/Position</b>	Cr Teresa Ritchie.
<b>Item No/Subject</b>	CJ101-06/12, Proposed additions to St Simon Peter Catholic Primary School and Church at Lot 1006 (18 – 20) Prendville Avenue, Ocean Reef.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Ritchie's son attends St Simon Peter Catholic Primary School.

<b>Name/Position</b>	Cr Kerry Hollywood.
<b>Item No/Subject</b>	CJ101-06/12, Proposed additions to St Simon Peter Catholic Primary School and Church at Lot 1006 (18 – 20) Prendville Avenue, Ocean Reef.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Hollywood's husband is the Chairman of the St Simon Peter Catholic Church Board.

<b>Name/Position</b>	Cr John Chester.
<b>Item No/Subject</b>	CJ103-06/12, Proposed Child Care Centre and Car Park Additions to the Joondalup Health Campus, corner of Lakeside Drive and Upney Mews, Joondalup.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester's daughter works at the Joondalup Health Campus and is likely to use the facility.

<b>Name/Position</b>	Cr Michael Norman.
<b>Item No/Subject</b>	CJ116-06/12, Tender 015/12 Provision of Hand Weeding Services.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Norman is the Chairman of the Joondalup Community Coast Care Forum.

<b>Name/Position</b>	Mayor Troy Pickard.
<b>Item No/Subject</b>	CJ120-06/12, Petition Regarding Parking and Traffic Concerns – St Stephen's Early Learning Centre, Padbury.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mayor Pickard's son attends St Stephen's Early Learning Centre.

<b>Name/Position</b>	Cr Kerry Hollywood.
<b>Item No/Subject</b>	Notice of Motion 2 – Cr Ritchie – Proposed Child Care Centre Extension at Lot 105 (39) Currajong Road, Duncraig, and Lot 501 (107) Warwick Road, Duncraig.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	The applicant/owner is known to Cr Hollywood although she has not spoken to him in years.

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

Nil.

**PETITIONS****C42-06/12      PETITION IN RELATION TO THE LOCATION OF THE REPLACEMENT  
PLAYGROUND EQUIPMENT AT MONTAGUE PARK, KALLAROO**

A 62 signature petition has been received from residents of the City of Joondalup with regard to the location of the replacement playground equipment at Montague Park, Kallaroo.

**MOVED Cr Gobbert, SECONDED Cr Amphlett that the following petition be RECEIVED, referred to the Chief Executive Officer and a subsequent report presented to Council for information:**

- 1      Petition in relation to the location of the replacement playground equipment at Montague Park, Kallaroo.**

**The Motion was Put and**

**CARRIED (12/0)**

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

**REPORTS****CJ099-06/12 DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS – APRIL 2012**

<b>WARD:</b>	All		
<b>RESPONSIBLE DIRECTOR:</b>	Ms Dale Page Planning and Community Development		
<b>FILE NUMBER:</b>	07032, 101515		
<b>ATTACHMENTS:</b>	Attachment 1	Monthly Development Applications Determined - April 2012	-
	Attachment 2	Monthly Subdivision Applications Processed - April 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 April 2012 (Attachments 1 and 2 refers):

- 1 Planning applications (development applications and Residential Design Codes variations); and
- 2 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 15 May 2012 (CJ074-05/12 refers), Council considered and adopted the most recent Town Planning Delegation.

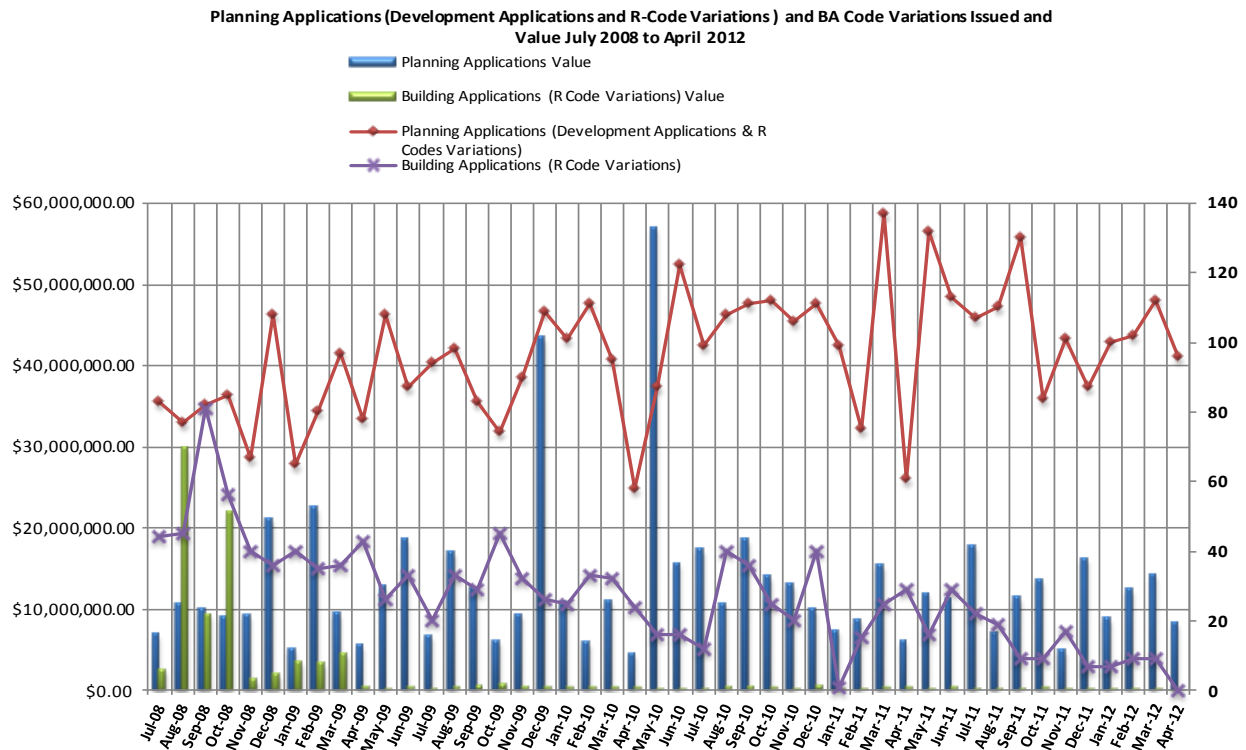
**DETAILS**

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

Approvals determined under delegated authority – April 2012		
Type of Approval	Number	Value (\$)
Planning applications (development applications & R-Codes variations)	96	\$ 8,336,31
Building applications (R-Codes variations)	0	\$
<b>TOTAL</b>	<b>96</b>	<b>\$ 8,336,31</b>

The number of development applications received during April was 128. (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 April was 209. Of these, 55 were pending additional information from applicants, and 58 were being advertised for public comment.



In addition to the above, 71 building licences were issued during the month of April with an estimated construction value of \$7,599,003. The lower volume of Building Permits issued is primarily due to the introduction of the *Building Act 2011*. This is also the reason the number of Building Codes Variations is nil.

<b>Subdivision approvals processed under delegated authority for April 2012</b>		
<b>Type of approval</b>	<b>Number</b>	<b>Potential additional new lots</b>
Subdivision applications	3	2
Strata subdivision applications	5	5

### **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 96 applications were determined for the month of April with a total amount of \$33,408 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 96 development applications determined during April 2012 consultation was undertaken for 38 of those applications. The eight subdivision applications processed during April 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.

**MOVED Cr Chester, SECONDED Cr Amphlett that Council NOTES the determinations made under Delegated Authority in relation to the:**

- 1 Development applications and R-Codes variations described in Attachment 1 to Report CJ099-06/12 during April 2012; and**
- 2 Subdivision applications described in Attachment 2 to Report CJ099-06/12 during April 2012.**

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ120-06/12, Page 149 refers.**

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

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf190612.pdf](#)

**Disclosure of interest that may affect impartiality**

<b>Name/Position</b>	Cr Tom McLean.
<b>Item No/Subject</b>	CJ100-06/12, Proposed Change of use from Showroom to Vehicle Repairs and Facade Modifications at Lot 929 (1244) Marmion Avenue, Currambine.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr McLean lives within 200 metres of the application.

**CJ100-06/12      PROPOSED CHANGE OF USE FROM SHOWROOM  
TO VEHICLE REPAIRS AND FACADE  
MODIFICATIONS AT LOT 929 (1244)  
MARMION AVENUE, CURRAMBINE**

**WARD:** North

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

**FILE NUMBER:** 03494, 101515

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

**PURPOSE**

The purpose of this report is to seek Council's determination of an application for a change of use from Showroom to Vehicle Repairs and facade modifications at Lot 929 (1244) Marmion Avenue, Currambine.

**EXECUTIVE SUMMARY**

An application for planning approval has been received for a proposed change of use within an existing building at the Currambine Central shopping centre site. The application also includes the insertion of glazed retractable doors on the eastern and southern facades of the building, two new driveways and the deletion of five car bays.

The site of the proposed development is zoned 'Urban' under the Metropolitan Region Scheme, and 'Business' under the City's District Planning Scheme No 2 (DPS2). In addition, the site is located within the Currambine District Centre Structure Plan (CDCSP) area. Under DPS2, vehicle repairs is a 'D' or discretionary use in the Business Zone.

Council approved an application for a change of use from Convenience Store to an Unlisted Use (Betting Agency) at its 15 May 2012 meeting (CJ076-05/12 refers). This proposal resulted in a car parking shortfall of 180 car bays across the entire site. The subject application proposes to increase the car parking shortfall by one bay, therefore proposing a 181 car bay shortfall across the site. The car parking shortfall proposed in this application is less than the shortfall of 190 car bays which the Council previously supported in November 2011 (CJ208-11/11 refers).

The proposed Vehicle Repairs use is not considered to meet the Business Zone objectives of DPS2 or the Business Zone objectives of the CDCSP. As such, it is recommended that the application be refused.

## BACKGROUND

**Suburb/Location:** Lot 929 (1244) Marmion Avenue, Currambine  
**Applicant:** TPG Town Planning and Design  
**Owner:** Davidson Pty Ltd  
**Zoning:** **DPS:** Business  
**MRS:** Urban  
**Site Area:** 7.5ha  
**Structure Plan:** Currambine District Centre Structure Plan (CDCSP).

The subject site is located within the CDCSP area. The Currambine District Centre is bounded by Marmion Avenue to the West, Shenton Avenue to the South, and Delamere Avenue to the North and East (Attachment 1 refers).

The Currambine Central shopping centre and cinema complex is located on the southern portion of the subject site, and was approved by Council in two stages in 1995 and 1998. In 2003 a kiosk addition was approved under delegated authority. A total of 562 car bays were considered appropriate to service the shopping centre and cinema complex at that time.

At its meeting held on 10 June 2008, Council refused an application for a Liquor Store on the north portion of the site (CJ106-06/08 refers). That proposal was approved by the State Administrative Tribunal, subject to a number of conditions in December 2008. Additional car parking was proposed as part of the application to service the Liquor Store. This development was completed in 2011.

A number of development applications have subsequently been approved for the site, with the construction of some of these developments now underway. These include a freestanding development comprising two buildings to the north west of the cinema complex approved by Council on 19 October 2010 (CJ168-10/10 refers). The building which is the subject of this application is one of these buildings and was approved as a showroom. It is located directly east of the liquor store. The other building is located to the south east of the Liquor Store and was approved for the use of retail, take away food outlets and convenience store.

Other developments approved for the site include:

- Three retail tenancies and relocation of service dock to Currambine Central, approved by Council on 19 April 2011 (CJ053-04/11 refers);
- Shop and showroom development to the west of the existing shopping centre approved by Council on 11 October 2011 (CJ175-10/11 refers);
- Reconfiguration of the south western car park and additions and modifications to Currambine Central shopping centre approved by Council on 22 November 2011 (CJ208-11/11 and CJ209-11/11 refers);
- Change of use from Office and Take Away Food Outlet to Office and Restaurant approved by Council on 21 February 2012 (CJ004-02/12 refers); and
- Change of use from Shop to Restaurant and change of use from Convenience Store to Unlisted Use (betting agency) approved by Council on 15 May 2012 (CJ078-05/12 and CJ076-05/12 refer).

## DETAILS

The applicant proposes to change the use of an existing building from Showroom to Vehicle Repairs.

The proposed operational details of the business are as follows:

- Monday to Friday from 8am to 5.30pm and Saturday from 8am to 12pm; and
- A maximum of five vehicles are likely to be accommodated within the workshop for repairs or servicing at any one time.

The application incorporates modifications to the building facade which include the insertion of glazed retractable doors to the eastern and southern facades, two new driveways and the deletion of five car bays. No signage is included as part of this application.

The development plans are provided in Attachment 2.

### Car parking

Car parking across the site has been calculated in accordance with Table 2 of DPS2. At its meeting held on 27 February 2007 Council determined that the car parking standard for the use 'Vehicle Repairs' is one bay per 50sqm of Net Lettable Area (NLA) (CJ031 - 02/07 refers). As such, and based on the NLA of 283sqm for the tenancy, six bays are required.

The approved 'Showroom' use requires one car bay per 30sqm of NLA which equates to 10 bays for this tenancy. As such, the proposed use requires four less car bays than currently required. However, the application results in the deletion of five car bays due to the addition of two new vehicle access points. Therefore, the proposal increases the existing on-site car parking shortfall by one further bay, which represents a shortfall of 181 bays across the site.

The table below summarises the car parking required and provided for the site:

	Car parking required	Car parking provided
Total car parking required for the site prior to this application.	966	786
Total car parking required for the site as a result of the change of use.	962	781

There are 181 car bays, or 18.81% less on-site car parking bays than that required under DPS2.

### Issues and options considered:

Council has the discretion to:

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

### Legislation/Strategic Plan/Policy Implications

#### Legislation

City of Joondalup District Planning Scheme No.2 (DPS2).  
In determining whether this 'D' use is appropriate for the locality, Council should consider the objectives of the Business Zone.

### 3.6 *The Business Zone*

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

*The objectives of the Business Zone are:*

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

Clause 4.8 of DPS2 sets out that car parking is to be provided at a particular rate.

### 4.8 *Car Parking Standards*

*4.8.1 The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council; and*

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

In considering the application Council shall also have regard to matters listed in Clause 6.8 of DPS2.

### 6.8 *Matters to be considered by the 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 to which under the provisions of the Scheme the Council is required to have due regard;*

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

6.8.2 *In addition to the matters referred to in the preceding subclause 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 sitting 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.*

**Strategic Plan:**

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

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

The proposed development is not considered to generally satisfy this objective, or the outcome which seeks a 'high standard of quality for future developments within the City'.

**Policy:**

Not Applicable.

**Risk Management Considerations:**

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

**Financial/Budget Implications:**

The applicant has paid fees of \$278 to cover the cost of assessing the application.

This figure excludes GST.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Should Council decide to approve the proposal, an advice note will be included on the decision letters advising the applicant of their obligations to comply with all relevant legislative requirements. These requirements include the *Environmental Protection Act 1986*, *Environmental Protection (Unauthorised Discharges) Regulations 2004* and *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.

**Consultation:**

The proposal has not been advertised for public comment in this instance as the proposed variations to the CDCSP will not have a direct impact on surrounding landowners.

**COMMENT**

The application is for a change of use from Showroom to Vehicle Repairs, associated facade modifications and the deletion of car parking to accommodate two new driveways. The land use, Vehicle Repairs, is a discretionary use under DPS2. As such, Council is required to consider the proposed use having regard to the Business Zone objectives under DPS2 and the CDCSP.

Land use and facade design

The objectives of the Business Zone under DPS2 are:

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

In addition, CDCSP which guides development within this area sets out the following additional objectives for the Business Zone:

- *To create an active focus for the community with a diversity of non-retail main street uses that generate day and evening activity;*
- *To allow appropriate businesses to locate and develop in close proximity to residential areas for the convenience of the community;*

- *Encourage high standards of 'Main Street' built form and an active edge to create an attractive façade to vehicle and pedestrian routes providing visual amenity and interaction;*
- *Provide efficient vehicle access and circulation with pedestrian priority; and*
- *Encourage a high level of passive surveillance of public and private spaces.*

The subject tenancy has its frontage to Chesapeake Way, therefore forming part of the main street under the CDCSP. The intent for this area is to provide for a diversity of appropriate main street land uses. The proposed use is not considered to be in keeping with desired main street uses as it is generally not compatible with other adjoining and nearby developments of offices, restaurants, showrooms, tavern and the like.

It is noted that Table 1 (The Zoning Table) of DPS2 sets out that Vehicle Repairs is a 'P' or permitted use in the Service Industrial Zone and is an 'X' use or not permitted use in all other zones other than the Business Zone which is a 'D' use. The Service Industrial Zone is intended to accommodate uses which are not appropriate for the Commercial or Business Zone.

The CDCSP requires that the proposal should achieve a high standard of main street built form which presents an attractive facade. The application incorporates two new retractable doors to the eastern and southern facades of the building. These doors are glazed, but will generally be open whilst vehicles are being serviced during business hours. Whilst this provides some interaction with the main street, it is considered that the building will not contribute to an attractive facade which is encouraged for the main street due to the style of these doors and that the mechanical workshop including vehicle hoists and the like will be visible from the street.

#### Car parking

Council has previously determined that the car parking standard for vehicle repairs is one bay per 50sqm of NLA. The subject tenancy being a showroom required 10 bays and the subject application requires six bays however five bays will be deleted. As such the car parking shortfall is increased by one car bay to 181 bays across the site. Given that Council has previously supported a car parking shortfall of 190 bays, the car parking shortfall proposed in this application is not considered to be of concern.

Given that the change of use results in the amount of car parking being less than that required under previous development applications it is not considered appropriate to request a cash in lieu payment for the shortfall in car parking. Should Council resolve to approve the application and consider that a cash in lieu payment is necessary it is only considered appropriate to base this on the one bay increase to the approved shortfall. This would result in a figure of \$25,929 being payable. Council should be mindful that any cash in lieu funds received must be used to provide additional parking in the immediate locality.

#### Vehicular access

The applicant proposes to remove three car bays to the east of the building, two car bays to the south of the building and the necessary portions of the footpath to accommodate two new driveways. The driveways will provide access to the proposed glazed retractable doors on each elevation. The applicant had indicated that *"vehicle movements across the footpath are estimated at around 12-15 per day, with frequencies estimated at every 30 to 90 minutes, which is considered reasonable"*.



Efficient vehicle access and circulation with pedestrian priority is an objective of CDCSP. The proposal incorporates two new driveways to the eastern and southern facades which will mean that portions of the existing pedestrian path will be removed and that pedestrian movements will no longer be a priority. It is considered that whilst pedestrians will be able to walk across the driveway, the safety and ease of walkability in the area for pedestrians will be reduced.

### Conclusion

As outlined above, it is considered that the proposed land use is not compatible with surrounding uses and the desired main street uses as described by the CDCSP. In addition, the proposed facade modifications are considered not to contribute to an attractive main street facade. As such, the proposal is considered not to meet the objectives of DPS2 or CDCSP and the application is recommended for refusal.

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr McLean, SECONDED Cr Hollywood that Council REFUSES the application for planning approval dated 11 April 2012 submitted by TPG Town Planning and Urban Design, on behalf of the owner, Davidson Pty Ltd, for a change of use from Showroom to Vehicle Repairs, and facade modifications at Lot 929 (1244) Marmion Avenue, Currambine for the following reason:**

- 1 The proposed land use is not considered to satisfy the objectives of the Business Zone set out in the Currambine District Centre Structure Plan as:
  - 1.1 The proposed land use is not considered compatible with surrounding business, and the nearby residential area;**
  - 1.2 The proposal is not considered to constitute high standards of main street built form and an attractive facade to vehicle and pedestrian routes as a result of the modification of the facades to install glazed tilt doors and the like; and**
  - 1.3 The proposal does not contribute to efficient vehicle access and circulation and detracts from the pedestrian priority in this locality.****

**The Motion was Put and**

**CARRIED (12/0)**

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

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf190612.pdf](#)

**Disclosures of interest that may affect impartiality**

<b>Name/Position</b>	Cr Teresa Ritchie.
<b>Item No/Subject</b>	CJ101-06/12, Proposed additions to St Simon Peter Catholic Primary School and Church at Lot 1006 (18 – 20) Prendiville Avenue, Ocean Reef.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Ritchie's son attends St Simon Peter Catholic Primary School.

<b>Name/Position</b>	Cr Kerry Hollywood.
<b>Item No/Subject</b>	CJ101-06/12, Proposed additions to St Simon Peter Catholic Primary School and Church at Lot 1006 (18 – 20) Prendiville Avenue, Ocean Reef.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Hollywood's husband is the Chairman of the St Simon Peter Catholic Church Board.

## **CJ101-06/12 PROPOSED ADDITIONS TO ST SIMON PETER CATHOLIC PRIMARY SCHOOL AND CHURCH AT LOT 1006 (18 – 20) PRENDIVILLE AVENUE, OCEAN REEF**

<b>WARD:</b>	North-Central
<b>RESPONSIBLE DIRECTOR:</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER:</b>	05715, 101515
<b>ATTACHMENTS:</b>	Attachment 1      Location plan Attachment 2      Development plans

**PURPOSE**

To request Council's approval of an application for proposed additions to an existing educational establishment located at Lot 1006 (18-20) Prendiville Avenue, Ocean Reef.

**EXECUTIVE SUMMARY**

An application for planning approval has been received for additions at Lot 1006 (18-20) Prendiville Avenue, Ocean Reef. The applicant's proposal includes small scale internal modifications to the Father Simon Carson Hall and the Music Room and Library. The applicant also proposes to increase formal parking arrangements on the site, with a nil setback of a parking area to the street boundary proposed in lieu of the required 3 metre wide landscaping strip. The setback average for landscaping along the front street boundary is 4.16 metres, which effectively offsets any negative impact incurred by the additional parking.

Additionally, a new administration building is proposed for the school with a minimum street setback of 5.5 metres in lieu of the nine metres required by the City's District Planning Scheme No 2 (DPS2). The amount of building bulk set back at the reduced distance is limited to one point along Prendiville Avenue, and does not prejudicially affect the surrounding residential area.

The proposed additions are in keeping with the existing buildings on this site and will not adversely impact on the amenity of the locality. Furthermore, these additions are generally of a minor nature and result in only small variations to the requirements of DPS2. This application is recommended for approval subject to conditions.

## BACKGROUND

**Suburb/Location:** Lot 1006, (18-20) Prendiville Avenue, Ocean Reef  
**Applicant:** Santelli Architects  
**Owner:** Roman Catholic Archbishop of Perth  
**Zoning:** **DPS:** Private Clubs / Recreation  
**MRS:** Urban  
**Site Area:** 4 ha  
**Structure Plan:** Not Applicable.

St Simon Peter Catholic Primary School is located approximately 180 metres west of Marmion Avenue and 400 metres north of Hodges Drive on Prendiville Avenue, Ocean Reef. The area surrounding the development site is mostly zoned residential and coded R20, with a secondary school, medical centre and service station in the near vicinity (Attachment 1 refers).

The primary school was established in 1988, and since this time the City has dealt with a number of different building and planning applications for a range of extensions and additions, all of a complementary nature to the existing development.

## DETAILS

The current proposal includes:

- Modifications to the Father Simon Carson Hall, with the installation of a partition wall;
- Removal of a wall separating the Music room and the Library;
- Remodelling and extension of the existing administration building; and
- Creation of extra formal parking spaces on site.

The development plans are provided at 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.

When determining this application Clauses 4.5, 4.7, 4.12 and 6.8 apply.

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

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

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

### 4.7 Building setbacks for non residential buildings:

4.7.1 *Unless otherwise provided for on part three of the Scheme, buildings shall be set back from property boundaries as follows:*

*Setback from street boundary 9.0 metres  
Setback from side boundary 3.0 metres  
Setback from rear boundary 6.0 metres*

### 4.12 Landscaping requirements for non residential buildings:

4.12.2 *When a proposed development includes a car parking area abutting a street, an area less than three metres wide within the lot along all street boundaries shall be designed, developed and maintained as landscaping to a standard satisfactory to the Council. This landscaping area shall be included in the minimum 8% of the area of the development site referred to in the previous subclause.*

6.8 *Matters to be considered by Council:*

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

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

**Strategic Plan**

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

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

**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 the *Planning and Development Act 2005*.

**Financial/Budget Implications:**

The applicant has paid the fees of \$2,675 (excluding GST) to cover all costs with assessing the application.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The proposed additions are generally minor in nature, consisting of the extension of the existing administrative building, and minor internal modifications to the existing Father Simon Carson Hall and the Library and Music rooms. The proposed works will be required to comply with the environmentally sensitive design requirements of the Building Code of Australia in order to obtain a Building Permit.

**Consultation:**

The application was not advertised as the proposed development is located a sufficient distance from the surrounding residential properties such that no adverse effect will result.

**COMMENT**

This application for additions at St Simon Peter Catholic Primary School has been assessed against Part 4 of DPS2. During this assessment it has been identified that discretion is required to be exercised in regard to clause 4.7 – Building Setbacks for Non Residential Buildings and clause 4.12 Landscaping Requirements for Non Residential Buildings.

The applicant's proposal indicates extensions to the administration section of the school, which will be set back from the street boundary 5.5 metres in lieu of the required nine metres. The location of the administration building is considered appropriate in this instance as the minimum setback is limited to a small portion of the street frontage, with the majority of building works set back in compliance with the requirements of the scheme. In addition to this the minimum set back indicated is graduated back from the street boundary with no large, blank facades imposing on the streetscape.

DPS2 requires that a landscaping area no less than three metres deep be provided where a car park abuts a street. Although the applicant's proposal indicates additional car parking with nil setback to Prendiville Avenue at one point along the street frontage, landscaping of three metres in depth is generally provided. It is noted that overall the average landscaping setback for car parking is in excess of the scheme requirements with an average of 4.16 metres.

The third aspect of this proposal is internal modifications to existing buildings on site. It is proposed that an operable partition wall be constructed internally to the Father Simon Carson Hall, this addition will have no impact on the external appearance of the building and does not require planning discretion to be exercised. The other internal modification proposed is for demolition of an internal wall dividing the Music Room and Library. All internal modifications proposed will be subject to the Building Code of Australia and the issuing of a Building Permit.

In conclusion the works proposed are generally of a minor nature and do not present any detrimental impact on the surrounding area. In light of this, the proposed development is recommended for approval subject to conditions.

## VOTING REQUIREMENTS

Simple Majority.

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

- 1 **EXERCISES** discretion under clause 4.5.1, 4.7.1 and 4.12.2 of the City of Joondalup District Planning Scheme No 2 and determines that:
  - 1.1 **Building setback from the street boundary 5.5 metres in lieu of 9.0 metres;**
  - 1.2 **Minimum landscaping depth of nil between the street boundary and the carpark in lieu of three metres,**are appropriate in this instance;
- 2 **APPROVES** the application for planning approval, dated 19 April 2012 submitted by Santelli Architects on behalf of the owner, Roman Catholic Archbishop of Perth, for additions at Lot 1006 (18-20) Prendiville Avenue, Ocean Reef, subject to the following conditions:
  - 2.1 **An onsite stormwater drainage system, with the capacity to contain a 1:100 year storm of 24-hour duration, is to be provided prior to the development first being occupied, and thereafter maintained to the satisfaction of the City. Plans showing the proposed stormwater drainage system are to be submitted to the City for approval, prior to the commencement of construction;**
  - 2.2 **The colours and materials of the proposed additions shall match the existing building where practicable, to the satisfaction of the City; and**
  - 2.3 **This approval relates only to the proposed additions as indicated on the approved plans. It does not relate to any other development on this lot. The proposed signage addition is subject to a separate development application being submitted to the City.**

**The Motion was Put and**

**CARRIED (12/0)**

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

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf190612.pdf](#)

## **CJ102-06/12      OBJECTION      OF      NOTICE      ISSUED      TO REMOVE      DISUSED      MATERIALS      –      LOT      95 (8) NETHERBY ROAD, DUNCRAIG**

<b>WARD:</b>	South
<b>RESPONSIBLE DIRECTOR:</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER:</b>	73090, 101515
<b>ATTACHMENTS:</b>	Attachment 1      Location plan Attachment 2      Site photographs Attachment 3      Notice

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### **PURPOSE**

For Council to consider an objection lodged by the land owner of Lot 95 (8) Netherby Road, Duncraig, in respect of a notice issued by the City to remove disused materials.

### **EXECUTIVE SUMMARY**

Over the past 18 months officers have attempted to have the land owner remove a large quantity of materials that have accumulated within the boundary of Lot 95 (8) Netherby Road, Duncraig. These disused materials, including wooden tables and chairs, bureaus, dressing tables, cupboards, book cases, tallboys, rugs, metal poles, bed mattresses and a variety of other materials have an adverse impact on the amenity of the surrounding residents and the locality. As such, in February 2012, the City issued a notice under Section 3.25 of the *Local Government Act 1995* (the notice), requiring the removal of all materials.

The landowner has subsequently lodged an objection to this notice. As such, Council must determine, under Section 9.6 of the *Local Government Act 1995*, whether to uphold the notice and require the removal of the disused materials, or uphold the objection and allow the landowner to retain the disused materials.

### **BACKGROUND**

The City received an initial complaint in July 2006, regarding the unsightly and unkempt visual appearance of the property at 8 Netherby Road Duncraig. In the early part of 2010 further concerns were expressed to the City, including the storage of material being a fire hazard and harbouring rats.

Since October 2010, the City has communicated with the landowner requesting that all disused goods be removed. The landowner has not complied with these requests, and has subsequently accumulated additional materials within the property.

In order to resolve the matter and improve the amenity of surrounding landowners and the locality, the City issued a notice to the landowner in February 2012, under Section 3.25 of the *Local Government Act 1995*. This notice required the removal of all disused materials within 28 days of receipt of the notice (Attachment 3 refers).



## DETAILS

In March 2012, the landowner lodged an objection with the City in relation to the notice. The objection states:

*“My hobby is collecting and restoring furniture dating from the early 1800’s to 1960. The items are being restored to full functional use. The items are clean. Nothing poses a threat to health or hygiene. Nothing is seen from the street. There is no noise.”*

### Issues and options considered:

When considering the objection to the notice, the Council has the option to:

- Dismiss the objection;
- Vary the decision objected to;
- Revoke the decision objected to, with or without:
  - substituting it with another decision, or
  - referring the matter, with or without directions, for another decision by a person whose function it is to make such a decision.

### Legislation/Strategic Plan/Policy Implications

#### Legislation

*Local Government Act 1995.*

*Schedule 3.1 Division 1 5A (1)*

*(1) Ensure that overgrown vegetation, rubbish, or disused material, as specified, is removed from land that the Local Government considers to be untidy.*

*Section 3.25:*

*(1) The Local Government may give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of the land a notice in writing relating to the land requiring the person to do anything specified in the notice that:*

*(a) is prescribed in Schedule 3.1, Division 1; or*

*(b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.2, Division 2.*

*Section 3.25(5) and Part 9 Division 1 of the Local Government Act 1995 states that a person who is issued a notice pursuant to Section 3.25 may either:*

*(a) Object to the notice by lodging an objection form with the City of Joondalup within 28 days of receiving the notice; or*

*(b) Apply to the State Administrative Tribunal for a review of the decision to give the notice within 42 days of receiving the notice.*

**Section 9.6:**

- (1) *The objection is to be dealt with by the Council of the Local Government or by a committee authorised by the Council to deal with it.*
- (2) *The Committee cannot deal with an objection against a decision that it made or a decision that the Council made.*
- (3) *The person who made the objection is to be given a reasonable opportunity to make submissions on how to dispose of the objection.*
- (4) *The objection may be disposed of by:*
  - (a) *dismissing the objection;*
  - (b) *varying the decision objected to; or*
  - (c) *revoking the decision objected to, with or without:*
    - (i) *substituting it for another decision; or*
    - (ii) *referring the matter, with or without directions, for another decision by a committee or person whose function it is to make a decision.*
- (5) *The Local Government is to ensure that the person who made the objection is given notice in writing of how it has been decided to dispose of the objection and the reason for disposing of it in that way.*

**Strategic Plan**

Not Applicable.

**Policy**

Not Applicable.

**Risk Management Considerations:**

If Council dismisses the objection, the landowner has the right to seek a review of Council's decision by the State Administrative Tribunal (SAT).

**Financial/Budget Implications:**

Should Council dismiss the objection, and the landowner is subsequently convicted of failure to comply with the notice, any fines and costs handed down by the Court would be payable by the applicant to the City. If the landowner was to be successful in defending the matter before the Court, then the City's legal costs would not be recouped.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The subject site, at Lot 95 (8) Netherby Road, Duncraig is in an unkempt state resulting from a large amount of disused goods stored within the property. The City was first made aware of these concerns in 2006 and has since made ongoing efforts to have the appearance of the site improved.

In the early part of 2010 further concerns were expressed to the City, including the storage of material being a fire hazard and harbouring rats. The City Environmental Health officers have visited the site in relation to the complaint of rats and this is being dealt with separately to this report.

On 16 March 2012 the landowner requested that the City allow time to relocate the materials to a storage unit in Osborne Park. The landowner stated that the bulk of the materials would be relocated within two weeks. Following further inspections, it is considered that very little of the disused materials has been removed. As such, it is recommended that Council resolve to uphold the current notice.

**VOTING REQUIREMENTS**

Simply Majority.

**MOVED Cr Chester, SECONDED Cr Amphlett that Council pursuant to Section 9.6 (4) (c) (i) of the *Local Government Act 1995*, DISMISSES the objection by the owner of Lot 95 (8) Netherby Road, Duncraig, to the notice for the removal of disused materials, issued on 20 February 2012, forming Attachment 3 to Report CJ102-06/12.**

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ120-06/12, Page 149 refers.**

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

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf190612.pdf](#)*

**Disclosures of Financial Interest/Proximity Interest**

<b>Name/Position</b>	Mayor Troy Pickard
<b>Item No/Subject</b>	CJ103-06/12, Proposed Child Care Centre and Car Park Additions to the Joondalup Health Campus, corner of Lakeside Drive and Upney Mews, Joondalup.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	The applicant attended a fundraising dinner during Mayor Pickard's Mayoral Election Campaign, which has been appropriately recorded in the Election Donation Register.

**Disclosure of interest that may affect impartiality**

<b>Name/Position</b>	Cr John Chester.
<b>Item No/Subject</b>	CJ103-06/12, Proposed Child Care Centre and Car Park Additions to the Joondalup Health Campus, corner of Lakeside Drive and Upney Mews, Joondalup.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester's daughter works at the Joondalup Health Campus and is likely to use the facility.

*Mayor Pickard left the Chamber, the time being 7.30pm. Cr Chester assumed the chair.*

## **CJ103-06/12 PROPOSED CHILD CARE CENTRE AND CAR PARK ADDITIONS TO THE JOONDALUP HEALTH CAMPUS, CORNER OF LAKESIDE DRIVE AND UPNEY MEWS, JOONDALUP**

**WARD:** North

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

**FILE NUMBER:** 00109, 101515

**ATTACHMENTS:**

Attachment 1	Location plan
Attachment 2	Development plans
Attachment 3	Landscaping plans
Attachment 4	Environmentally sustainable design checklist
Attachment 5	Map of submitters
Attachment 6	Notes from the Joondalup Design Reference Panel Meeting

**PURPOSE**

To request Council's determination of an application for planning approval for a proposed child care centre and car park additions to the Joondalup Health Campus (JHC).

**EXECUTIVE SUMMARY**

The applicant proposes a child care centre and car park additions to the JHC.

The development proposal includes:

- Construction of a single storey building and associated ‘drop off and pick up’ car bays on the north-eastern corner of the JHC site;
- The building being used for the purposes of child day care for up to 72 children, and vacation care for up to 72 children; and
- Construction of a single level, 105 bay car park over the existing sump on the northern portion of the site.

The child care and vacation care centre is intended for use by employees of the JHC only.

The subject site is zoned Centre under the City’s District Planning Scheme No 2 (DPS2), and development is assessed against the Joondalup City Centre Development Plan and Manual (JCCDPM). Under the JCCDPM, the site is subject to the provisions of the ‘City North’ precinct.

In addition to the requirements of the JCCDPM, regard is also required to be given to the draft JCCSP as a ‘seriously entertained planning proposal’. Under the draft JCCSP the site is subject to the provisions of the City Fringe district. Furthermore, the proposal is also required to be considered against Council Policy – Child Care Centres.

The proposed development is generally consistent with the requirements of the JCCDPM, draft JCCSP and Council Policy – Child Care Centres. The main exceptions to this are variations relating to the interaction of the building with the streetscape, such as a reduced building height, and reduced glazing and articulation. However, it is considered that the building has been appropriately designed for the proposed land use and as such generally satisfies the intent of these documents.

The proposal was advertised for public comment for a period of 21 days, between 12 April 2012 and 3 May 2012 with a total of three responses being received. These responses consisted of two submissions stating no objections, and one objection to the proposal. The objection raised concerns regarding increased traffic in the locality as a result of the child care centre and also concerns regarding the appearance of the proposed car park to be built over the existing sump area.

The proposal was also reviewed by the Joondalup Design Reference Panel (JDRP) during this period, and the applicant has generally endeavoured to address the concerns raised by the panel.

Having due regard to the applicant’s submission, submissions received from adjoining landowners, and the feedback from the JDRP, it is recommended that the application be approved subject to conditions.

## BACKGROUND

<b>Suburb/Location:</b>	Lot 500 (60) Shenton Avenue, Joondalup
<b>Applicant:</b>	Project Directors Australia Pty Ltd
<b>Owner:</b>	Minister for Health
<b>Zoning:</b>	<b>DPS:</b> Centre
	<b>MRS:</b> Central City Area
<b>Site Area:</b>	13.33ha
<b>Structure Plan:</b>	Joondalup City Centre Development Plan and Manual (JCCDPM); and Draft Joondalup City Centre Structure Plan (JCCSP)

The proposed development that is the subject of this application is to be located in the north-eastern corner of the JHC site. This position on the corner of Upney Mews and Lakeside Drive has previously been set aside through JHC's master planning process for the purposes of a Child Care Centre. The portion of the site set aside for the centre is currently being used as a temporary construction car park and as such has been completely cleared. The location of the proposed car park is already used for the purpose of a drainage sump.

To the west of the existing sump site is an Intermediate Health Care facility currently under construction by a separate developer. To the north of the subject site, on the opposite side of Upney Mews are existing residential dwellings, and to the east of the subject site is Yellagonga Regional Park (Attachment 1 refers).

At its meeting in February 2008, Council conditionally approved an application for alterations and additions to the JHC which included various new buildings and parking areas (CJ027-02/08 refers). An application for review of several conditions of approval was subsequently lodged with the State Administrative Tribunal. Following mediation, Council conditionally approved a revised proposal in September 2008 (CJ216-09/08 refers). The revised proposal included additional car parking to meet the requirements of DPS2.

Following the approval granted in 2008, an amended plan was submitted for an additional storey to the public hospital, being three storeys in total. It was considered that further development approval was not necessary given that this did not substantially alter the development approval already granted and discretion exercised by Council. Given that the amendment was for the shell only, with no change to bed, patient or staff numbers, there was no greater demand for car parking.

The ambulance station was approved in June 2009, and is located on the north east of portion of the JHC site, immediately to the south of the proposed child care centre development (CJ140-06/09 refers). Additional car parking was provided as part of the development without any impact on the car parking provided for the remainder of the JHC.

Council then approved an application for modifications to the approval for the site granted in 2008 at its meeting of 15 March 2011 (CJ035-03/11 refers). These modifications included changes to the layout, design, and capacity of the private hospital, medical centre and clinical school building.

A further application was then approved under Delegated Authority in early 2012 for the 'fitting out' of an approved undercroft area. This did not result in the requirement for any extra car parking bays, however detailed design work undertaken for the private hospital indicated that 29 bays less than previously approved was able to be provided. As such, the previously approved surplus of 5 bays, became a 24 car parking bay shortfall (approximately 1% of the on-site requirement) at this time.

## **DETAILS**

The applicant proposes to construct a single storey child care and vacation care building on the north-east corner of the subject site, with 17 associated drop-off car parking bays. The centre is proposed to cater for up to 72 children in the child care centre, and up to a further 72 children in the vacation care centre. A single level, 105 bay car park is also proposed to be constructed above the sump adjacent to this area. The functionality of the existing sump will not be impacted by this proposal.

The development and landscaping plans are provided as Attachments 2 and 3 to this report.

The table below sets out the areas of non-compliance with the relevant standards of the JCCDPM, draft JCCSP and Council Policy – Child Care Centres, with the exception of car parking which is set out in a separate table.

<b>Planning Document</b>	<b>Requirement</b>	<b>Proposed</b>
JCCDPM	Where pitched, roof pitches should be greater than 25 degrees, except for verandah roofs. Provide parapets to the perimeter of flat roofs.	10 degree roof pitch, broken up with gable elements  No parapets proposed
JCCDPM	Front fences and walls shall be solid to a maximum height of 750mm and above that shall be a minimum of 50% visually permeable to a maximum height of 1.8 metres.	Fencing and retaining greater than 750mm in height (solid component)
JCCDPM	The building should have a northerly aspect. The largest windows should be on the northern side of the building incorporating shade protection against summer sun.	Lesser windows to the northern facade to minimise impact of noise from the centre. No shading of windows or doors indicated on development plans.
JCCDPM  Draft JCCSP	Ground floor facade: <ul style="list-style-type: none"> <li>- 50% of the area to be glazed windows or doors;</li> <li>- 75% of the width to be glazed windows or doors;</li> <li>- Window sill heights to be at or close to ground level.</li> </ul> <ul style="list-style-type: none"> <li>- As above regarding area and width.</li> <li>- Window sills not to be more than 500mm above floor level.</li> </ul>	<ul style="list-style-type: none"> <li>- Less than 50% of the area of the street facades are glazed;</li> <li>- Less than 75% of the width of the street facades are glazed;</li> <li>- Some well above ground level;</li> </ul> <ul style="list-style-type: none"> <li>- Some windows with sill heights greater than 500mm.</li> </ul>
JCCDPM  Draft JCCSP	Entrances to buildings should have a clear identity and be accessible directly from a street or public access way. A minimum of one entrance to a building to be clearly visible and directly accessible from a street or pedestrian mall.	Access from foyer facing internal access road and drop off car park.
Draft JCCSP	Building height to be between two and 16 storeys.	Single storey.

<b>Planning Document</b>	<b>Requirement</b>	<b>Proposed</b>
Draft JCCSP	Windows facing north, east and west to be protected from direct summer sun.	No shading of windows or doors indicated on development plans.
Draft JCCSP	Car parking at ground level to be provided with one shade tree per four car bays.	No shade trees proposed –not possible to provide in the proposed location.
Draft JCCSP	Maximum setback of three metres to the street.	Setback to Lakeside Drive between 4.33 metres and 6.55 metres.
DPS2	Landscaping – one shade tree per four car parking bays.	No shade trees proposed –not possible to provide in the proposed location.
Council Policy – Child Care Centres	Child Care Centre accesses should be located on Local Distributor Roads, and not on District Distributor Roads.	The (existing) access to the site is located on a District Distributor 'B' road.

#### Car parking:

As set out in the table below, 29 bays that were previously proposed to be constructed adjacent to the private hospital building were lost during the detailed design of this building, reducing the approved surplus of five bays to a shortfall of 24 car parking bays for the site. This shortfall, of approximately 1% of the on-site parking requirement, was approved under Delegated Authority in early 2012.

122 new car parking bays are proposed as part of this development, being 105 to be constructed above the existing sump and 17 bays to be constructed at the front of the child care centre building. However, a further 13 bays are being lost in the main public car park as explained in the applicant's information below. As such, there will be a net gain of 109 bays across this site as a result of this development, and an overall surplus of 35 bays will exist for the site.

<b>Land use</b>	<b>Parking Standard</b>	<b>Total bays required for the JHC as a result of the private hospital development</b>	<b>Total bays required as a result of this application (child care centre and car park)</b>
Hospital (including public mental health facility)	One per three patients accommodated plus one space for each staff member on duty.	1523 (1314 staff and 627 patients)	1523 (1314 staff and 627 patients)
Medical Centre	Five per practitioner	235 (47 practitioners)	235 (47 practitioners)
Clinical School	One per three students accommodated.	33.33 (maximum capacity 100 students)	33.33 (maximum capacity 100 students)



Land use	Parking Standard	Total bays required for the JHC as a result of the private hospital development	Total bays required as a result of this application (child care centre and car park)
Ambulance Station	One bay per student plus one bay per staff member on duty.	61	61
Child Care Centre	65 – 72 children = nine bays plus one per staff member (23).	N/A	32
Vacation Care Centre	65 – 72 children = nine bays plus one per staff member (nine).	N/A	18
<b>TOTAL BAYS REQUIRED</b>		1853 (1852.33)	(1902.33) 1903
<b>TOTAL BAYS PROVIDED</b>		1858	1938 bays

The applicant has provided the following detail in relation to the development:

- *“The number of car bays in the main public car park has reduced slightly as a result of necessary changes to parking management systems which are to be installed. These have been adopted following requests from the public for an exit and payment system.*
- *The child care and vacation care centre building is located within the hospital site, and are not located adjacent to any other buildings. The design and location of building has been undertaken with input from an acoustic engineer so that environmental noise to residents on Upney Mews is minimised.*
- *The Joondalup Health Campus has successfully run a Vacation Care Centre for a number of years. Each year there is a waiting list for children to access this service. The development will provide an additional 32 places for Vacation Care for the children of the staff of the hospital.”*

#### Issues and options considered:

Council has discretion to:

- Approve the application without conditions;
- Approval the application with conditions; and
- Refuse the application.

#### Legislation/Strategic Plan/Policy Implications

**Legislation** City of Joondalup District Planning Scheme No. 2 (DPS2)

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

4.5 *“Variations to Site and Development Standards and Requirements:*

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

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

6.8 *Matters to be considered by Council*

- 6.8.1 *The Council when considering an application for Planning Approval shall have due regard to the following:*
- (a) Interest of proper and orderly planning and the preservation of the amenity of the relevant locality;*
  - (b) Any relevant submissions by the applicant;*
  - (c) Any agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
  - (d) Any planning policy of the Council adopted under the provisions of clause 8.11;*
  - (e) Any other matter which under the provisions of the Scheme the Council is required to have due regard;*
  - (f) Any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*

- (g) *Any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *The comments and wishes of any 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.*

**Strategic Plan**

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

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

**Policy** Council Policy – Child Care Centres.

This policy sets out development standards and requirements specifically for child care centres. The proposal has been assessed against these requirements, and advertised for public comment in accordance with the requirements of this policy.

It is noted that the proposal complies with the requirements of this policy, with the exception of the location of the centre on a District Distributor 'B' road.

Several of the requirements of this policy are reinforced through the recommended conditions of approval, including those relating to operating hours, and the screening of plant and equipment.

**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 \$14,227, excluding GST, to cover all costs associated with assessing the application.

This amount does not cover the cost of the advertisements in the local newspaper which will be invoiced separately.

**Regional Significance:**

The JHC provides health and education facilities for northern suburbs residents within and beyond the City's boundaries. The addition of extra car parking, and child care facilities for children of hospital staff will assist in facilitating this.

**Sustainability Implications:**

The applicant has completed the City's Environmentally Sustainable Design Checklist. This is provided as Attachment 4 to this report. The applicant has stated that:

*"We have aimed to incorporate as many ESD principles as possible, but as the building is a child care centre the location of play areas away from northern residences for acoustic reasons was the deciding factor in focussing the building's main glazed and interactive facades in a southern direction."*

**Consultation:**

The proposal was advertised for public comment for a period of 21 days in accordance with Council Policy - Child Care Centres. This consultation took place between 12 April 2012 and 3 May 2012 and included:

- Letters to adjoining and opposite landowners;
- A sign on site facing towards Lakeside Drive in the approximate location of the development;
- A notice on the City's website including copies of the development plans; and
- Notices in the local newspaper on three separate occasions.

A total of three submissions were received, being two letters stating no objections to the proposal and one objection. A map of submitters is provided as Attachment 5 to this report.

One of the letters stating no objection requests that the vehicle entrance from Lakeside Drive be well signposted to ensure cars enter the site correctly and do not continue to Upney Mews causing traffic congestion.

The objection raises concerns regarding:

- The increase in local traffic in surrounding streets – particularly Upney Mews and St Paul's Crescent;
- The original intent for the 'sump' area was for it to be used as a park, and it is now an eyesore;
- Natural bush should not be destroyed, leaving no separation between commercial and residential properties; and
- No consideration has been given in the proposed development to the streetscape between Upney Mews and any development on the JHC site.

These issues are discussed further in the comments section of this report.

## COMMENT

### Land Use

The hospital land use is in accordance with the 'Medical' land use allocation applied to the site under the JCCDPM. The Child Care Centre is considered ancillary to this land use, providing benefit to the JHC staff, and is therefore supported.

Under the draft JCCSP, the land uses Hospital, Child Care Centre, and Car Park are all permitted ('P') land uses.

### Building Design

Notwithstanding the areas of non compliance with the JCCDPM and draft JCCSP, the building design is generally considered appropriate. The height of the development, whilst it does not satisfy the requirements of the draft JCCSP is appropriate for the land use and to transition between the remainder of the hospital buildings and the residential properties opposite the site on Upney Mews.

Given the use, location and orientation of the development it is not considered practical for the development to have extensively glazed facades, and minimal setbacks to Upney Mews and Lakeside Drive as required by the draft JCCSP. It is acknowledged that the design not only has to satisfy the requirements of the City's Planning Instruments where possible, but also needs to meet the requirements of the *Environmental Health (Noise) Regulations 1997*, particularly with regard to limiting the noise impact on residents on the opposite side of Upney Mews. It is understood that the design is also constrained by legislation relating to the operation of child care centres.

It is noted that the proposed 2.4 metre high 'acoustic wall' will be required to be raised in height to 3.5 metres in order to satisfy the *Environmental Health (Noise) Regulations 1997*.

The proposed car park to be constructed over the sump will generally be screened from view by the existing fence, and as such is considered appropriate.

### Crime Prevention through Environmental Design (CPTED)

The applicant has provided the following response in relation to the principles of CPTED.

*"The applied concepts to ensure the appropriate level of security and controls are maintained at Joondalup Health Campus are based on the principle of Crime Prevention through Environmental Design. The applied concepts will provide the necessary 'tools' to assist in maintaining the required level of security and controls to be applied to counter realistic threats and manage incidents."*

### Car Parking and Access

The proposed amount of car parking to be provided for the site due to this proposal will result in a surplus of 35 parking bays for the site. The configuration of the car parking, particularly the drop off bays at the front of the centre, are in accordance with Council Policy – Child Care Centres, and is generally considered adequate to service the needs of the development.

The proposed car parking area to be constructed over the existing sump will assist the JHC in providing the necessary volume of car parking to cater for staff, patients and visitors to the hospital. Due to its location above the existing sump, and the need to maintain this sump for drainage purposes, it is not possible to provide shade trees throughout this car park as required. The applicant will ensure that appropriate landscaping treatments are undertaken along the Upney Mews boundary to minimise the impact of this proposed variation. It should be understood that the applicant will need to go through a detailed engineering design process in relation to the design of this car parking area and that, as with any other development approval, approval of this development would not constitute Council's endorsement of the structural design of the development.

The proposed child care centre will utilise an existing access to the JHC site on Lakeside Drive. Council Policy – Child Care Centres sets out that *“as child care centres can be reasonably high traffic generators vehicular access should not be located on district distributor roads the primary function of which is to cater for through-traffic. Only under exceptional circumstances may vehicular access be considered from a District Distributor or Access Road”*.

The current Road Hierarchy set out by Main Roads WA includes two classes of District Distributor Roads, being 'A' and 'B'. Based on the definitions set out in this document it is apparent that the intent of the policy is predominantly to restrict access to high traffic generating developments from District Distributor A roads.

District Distributor 'A' roads are defined as roads which *“Carry traffic between industrial, commercial and residential areas and generally connect to Primary Distributors. These are likely to be truck routes and provide only limited access to adjoining property.”*

It is noted that Lakeside Drive is a District Distributor B road, which is defined as roads which *“perform a similar function to type A District Distributors, but with reduced capacity due to flow restrictions caused by frequent property accesses and roadside parking in many instances. These are often older roads with a traffic demand in excess of that originally intended”*.

The location of the access to the proposed child care centre is considered appropriate in this particular instance for the following reasons:

- The access being utilised is an existing access to the JHC site, and a new crossover point is not being created; and
- The proposed centre is not a commercial child care centre, but a centre designed for use by the staff of the JHC while they are working only. As such, it is considered that the centre will not generate high volumes of additional traffic either along Lakeside Drive, and/or accessing and leaving the site at this point.

#### Response to submissions received

Three submissions were received in response to the public consultation on this proposal. One of the letters stating no objection requested that the vehicle entrance from Lakeside Drive be well signposted to ensure cars enter the site correctly and do not continue to Upney Mews causing traffic congestion there.

In this instance, the centre is to be used by staff of the JHC only, and as such these staff should be aware of the location of the access to the site.

In addition to the above concern, the objection to the proposal raised concerns regarding the increase in local traffic in surrounding streets – particularly Upney Mews and St Paul's Crescent, the original intent for the 'sump' area for it to be used as a park, and the impact on the streetscape between Upney Mews and the proposed development itself.

As outlined above, it is considered that the proposed development is unlikely to create substantial amounts of additional traffic in the surrounding streets as the access to the centre is taken from Lakeside Drive only. Furthermore, the use of the centre being restricted to employees of the JHC should further assist in this situation, as mentioned above.

In relation to the appearance of the centre, and the sump area from Upney Mews, it is noted that the sump area is currently screened by fencing, and this will be maintained. Fencing will also extend along the boundary of the child care centre site, however this will be stepped to create visual interest, and will have a visually permeable component. Changes have also been made to the roofline of the northern elevation of building in order to be more sympathetic to the development on the northern side of Upney Mews.

#### Joondalup Design Reference Panel

The proposal has been reviewed by the Joondalup Design Reference Panel (JDRP), and the feedback provided to the applicant is set out below, along with the response received from the applicant and the City's comments.

- The Panel questioned why the proposed car parking will be fenced when landscaping would be sufficient. Built screening solution is ideal, with an interface with the streetscape and residential areas.
  - Applicant's response – *"the fence was a Development requirement of the City of Joondalup when the sump was approved. The car park proposal is to construct the car park within the fence boundary. If an alternate landscape solution is required this fence would need to be demolished. If this is required landscape plans can be submitted for this boundary for approval by the City."*
  - City's response – *"It is considered appropriate for the sump area to remain screened. The revised fence design adjacent to the Child Care Centre will add visual interest and landscaping to the streetscape. Formal approval of the detailed landscaping plans will be necessary separate to the development approval."*
- The Panel queried whether the City would be responsible for the landscaping maintenance and the screening of the car park.
  - Applicant's response – *"the Joondalup Health Campus will maintain the landscaping and the screening of the car park."*
  - City's response – *"the applicant's response is noted."*
- The panel reiterated their concerns regarding the pitched roof and how it may have a 'warehouse' feel and that it needs some gable type elements or similar added which would break up the look. This would then tie in with the nearby residential area.
  - Applicant's response – *"elements will be added to the roof line to break up the continuous massing."*
  - City's response – *"these amended elevation drawings are considered to address this concern and are provided in Attachment 2 – Development plans."*

- Advised that the landscaping should be of a similar palate along the street and is consistent with Lakeside Drive.
  - Applicant's response – *"landscaping plans have been provided to the City."*
  - City's response – *"Attachment 3 refers. The verge along the Lakeside Drive frontage has already been landscaped in accordance with previously approved landscaping plans."*
- Made comment that the existing trees should be retained in the northeast corner of the site and would possibly hide some of the child care centre building from the streetscape.
  - Applicant's response – *"the trees have been retained."*
  - City's response – *"a mature tree has been retained in the north-eastern corner of the site and is indicated on the plans provided in Attachment 3."*
- The Panel believe that the child care centre could be located elsewhere within the campus, however, noted that the master plan originally advised the location of the child care centre.
  - Applicant's response – *"the site for the child care centre has been previously discussed with the City and identified on master planning documentation provided to the City. Options for the location of the child care centre were carefully considered, taking into account site and planning limitations, before the proposed location was identified."*
  - City's response – *"the location of the child care centre, whilst perhaps not fully satisfying the intent of the draft JCCSP, provides an appropriate transition by way of building bulk and scale between the taller Health Campus buildings and the adjacent residential development."*

The notes from the panel's meeting are provided as Attachment 6 to this report.

### Conclusion

The proposed development is considered to generally be in-keeping with the requirements of the JCCDPM, draft JCCSP and Council Policy – Child Care Centres.

It is noted that there are several standards and requirements, particularly of the draft JCCSP that are not satisfied, however the proposed design is generally considered to be appropriate to the proposed land use, and the application is recommended for approval subject to conditions.

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Hollywood, SECONDED Cr McLean that Council:**

- 1 EXERCISES discretion under clause 4.5.1 of the City of Joondalup District Planning Scheme No.2 and determines that the:**
  - 1.1 roof pitch of 10 degrees in lieu of a minimum of 25 degrees;**
  - 1.2 fencing and retaining with a solid component greater than 0.75m in height;**
  - 1.3 the building not having a strong northerly aspect;**



- 1.4 less than 50% of the street facades, and less than 75% of the width of the street facades being glazed;
  - 1.5 window sills not all being at, or close to ground level;
  - 1.6 the entrance to the building being from an internal road, in lieu of being from a street or public access way; and
  - 1.7 shade trees not being provided within the car parking area,
- are appropriate in this instance;
- 2 **NOTES** that the proposed development does not satisfy the requirements of the draft Joondalup City Centre Structure Plan in relation to:
    - 2.1 building height;
    - 2.2 building setbacks;
    - 2.3 blazing of street facades;
    - 2.4 the location of the building entrance;
    - 2.5 shading of windows facing north, east and west; and
    - 2.6 provision of shade trees in car parking areas;
  - 3 **NOTES** that Council Policy – Child Care Centres has been addressed and the location of the centre on a District Distributor B road is considered to be acceptable in this instance;
  - 4 **APPROVES** the application for planning approval dated 6 March 2012, submitted by Project Directors Australia Pty Ltd, on behalf of the owners, Minister for Health, for a proposed child care centre and car park at Lot 500 (60) Shenton Avenue, Joondalup subject to the following conditions:
    - 4.1 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;
    - 4.2 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;
    - 4.3 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:
      - 4.3.1 Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
      - 4.3.2 Provide all details relating to paving, treatment of verges and tree planting in the car park;
      - 4.3.3 Show spot levels and/or contours of the site;
      - 4.3.4 Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;
      - 4.3.5 Be based on water sensitive urban design principles to the satisfaction of the City;

- 4.3.6 Be based on Designing out Crime principles to the satisfaction of the City; and**
- 4.3.7 Show all irrigation design details;**
- 4.4 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;**
- 4.5 An onsite stormwater drainage system, with the capacity to contain a 1:100 year storm of 24 hour duration, is to be provided prior to the development first being occupied, and thereafter maintained to the satisfaction of the City. Plans showing the proposed stormwater drainage system are to be submitted to the City for approval, prior to the commencement of construction;**
- 4.6 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;**
- 4.7 A maximum of 72 children and 23 staff for the child care centre, and 72 and nine staff for the vacation care centre are permitted on-site at any one time;**
- 4.8 The child care centre and vacation care centre shall, at all times, be used by children of Joondalup Health Campus staff only;**
- 4.9 All construction works shall be contained within the property boundary;**
- 4.10 Retaining walls and fences shall be of a clean finish and made good to the satisfaction of the City;**
- 4.11 The external surface of the new child care centre and vacation care centre building, including roofing, shall be finished in materials and colours that have low reflective characteristics, to the satisfaction of the City;**
- 4.12 The 2.4 metre high acoustic wall indicated on the plans between the Child Care Centre Building and the North-Eastern boundary, shall be raised to a height of 3.5 metres, to the satisfaction of the City, prior to the occupation of the development;**
- 4.13 A suitably screened bin wash area shall be provided prior to the development first being occupied, with minimum dimensions of 1.5 metres x 1.5 metres. Such an area must be constructed with a 100mm thick concrete floor graded to a commercial floor waste connected to sewer and then provided with a hose cock to the satisfaction of the City;**

- 5 ADVISES the applicant that this approval constitutes Development Approval for the purposes of the City of Joondalup District Planning Scheme No 2 only. It is not an endorsement of the structural adequacy of the car park deck, or of compliance with the Building Code of Australia or any other applicable legislation; and**
- 6 ADVISES submitters of the Council's decision.**

**The Motion was Put and**

**CARRIED (11/0)**

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

*Mayor Pickard returned to the Chamber at 7.32 pm and resumed the Chair.*

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf190612.pdf](#)*

**CJ104-06/12 MINUTES OF EXTERNAL COMMITTEES****WARD:** All**RESPONSIBLE DIRECTOR:** Mr Jamie Parry  
Governance and Strategy**FILE NUMBER:** 03149, 101515**ATTACHMENTS:** Attachment 1 Minutes of WALGA State Council held 3 May 2012  
Attachment 2 Minutes of Local Emergency Management Committee held 3 May 2012

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

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**PURPOSE**

To submit minutes of external committees to Council for information.

**EXECUTIVE SUMMARY**

The following minutes are provided:

- WALGA State Council held 3 May 2012; and
- Local Emergency Management Committee held 3 May 2012.

**DETAILS****WALGA STATE COUNCIL - 3 MAY 2012**

A meeting of the WALGA State Council was held on 3 May 2012.

The Council's representatives on the WALGA State Council are Mayor Pickard (President of WALGA) and Cr Amphlett, JP.

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

**ITEM 5.1 Resolution of Misconduct Complaints at the Local Level (05-034-01-0006 JMc)**

It was resolved by the WALGA State Council as follows:

*"That WALGA inform the Minister for Local Government:*

- 1 *that the 'Resolution of Misconduct Complaints at the Local Level' Consultation Paper requires extensive consultation with the Local Government Sector, to minimise the potential for unintended negative consequences and to maximise the potential to benefit the performance of the Local Government Standards Panel;*
- 2 *that a working group between the Department of Local Government and WALGA be established to consider the requirement for a uniform code of conduct and that a draft be presented to WALGA State Council for consideration;*
- 3 *that it does not support Mayors or Presidents being responsible for determining any statutory form of dispute resolution at the local level;*
- 4 *that it supports empowering the Local Government Standards Panel to dismiss allegations made under the Rules of Conduct Regulations that are determined to be vexatious or frivolous;*
- 5 *that it supports the introduction of a Peer Review Panel on the following basis:*
  - a *that it be utilised on an as-needs basis by the Local Government Standards Panel to assist in mediating local level misconduct complaints under the existing Rules of Conduct Regulations;*
  - b *that the cost of activating the Peer Review Panel be the responsibility of the Department of Local Government, in the same manner it funds the operations of the Local Government Standards Panel;*
  - c *that Peer Review Panels be formed on a regional basis and that they conduct in-person mediation at the Local Government where complaints originate; and*
  - d *that the Peer Review Panel be utilised by the Local Government Standards Panel in the manner outlined in the diagram included in the body of this report.*
- 6 *that the above recommendations underpin WALGA's previously expressed recommendations for improvement to the Local Government Standards Panel and it's processes by promoting as the main focus of the Standards Panel Review that the fundamental objective of the Local Government Standards Panel's operation is to provide the most expeditious of resolutions to a breach allegation, achieved through improvements to the Standards Panel's operational processes, by legislative amendment and through the formation of additional and adequately resourced Standards Panels; and*
- 7 *that strong consideration be given to introducing a right to confidentiality for all persons involved in a minor breach allegation under the Rules of Conduct Regulations during the complaints process, by amending Section 5.123 of the Local Government Act 1995 to give this effect."*

It should be noted that the Council, at its meeting held on 17 April 2012 (CJ070-04/12 refers) considered the Consultation Paper on 'Resolution of Misconduct Complaints at the Local Level'.

The Council resolved that it supported the intent of the proposal and endorsed a submission to the Western Australian Local Government Association.

The Western Australian Local Government Association recently advised that the Minister for Local Government had announced that no further action will be taken to amend the current provisions of the *Local Government Act 1995*, which relates to the operation of the Local Government Standards Panel.

**ITEM 5.2 Building Act 2011 (05-015-02-0005 VJ)**

It was resolved by the WALGA State Council as follows:

*“That WALGA writes to the Minister for Commerce:*

- 1 Expressing dissatisfaction with the implementation process of the Building Act 2011, particularly the failure to deliver a clear communication, engagement and training strategy for the transition to the new building approvals system, not only for Local Government but for the building industry and the general public; and*
- 2 Seeking the Minister’s commitment to improving the communication, engagement and training strategies in the immediate future.”*

**ITEM 5.3 Government Sewerage Policy – Consultation Draft (05-026-03-0014 CP)**

It was resolved by the WALGA State Council as follows:

*“That the interim submission on the Government Sewerage Policy – Consultation Draft be endorsed.*

- The Government Sewerage Policy (Consultation draft) was released for public comment until 1 April 2012.*
- An interim submission has been prepared for State Council endorsement.*
- The purpose of the policy is to protect public health and the environment by promoting the provision of reticulated sewerage to all new developments and subdivision in Western Australia.*
- Where reticulated sewerage cannot be provided, the requirements for on-site sewerage disposal within this policy will ensure that developments and subdivisions are managed appropriately, having regard to matters of public health, environment, public and private drinking water supplies, and the efficient use of public funds.*
- The Association is concerned that the DoH led ‘Government Sewerage Policy Review Committee’ seeks the endorsement of the Policy from the Minister for Local Government, yet the Department of Local Government was not part of the Committee, nor has there been any representation to include WALGA (in representing the views of Local Government).”*

**ITEM 5.6 Asbestos Management (05-012-04-0002 JH)**

It was resolved by the WALGA State Council as follows:

- “1 That WALGA requests the State Government to develop and resource a Western Australian Asbestos Management Strategy that includes:*
- a Formalizing an intergovernmental Asbestos Taskforce which includes representation from Local Government;*
  - b Public communication strategy to improve the awareness of the prevalence and risks of asbestos and knowledge of safe disposal practice of asbestos; and*
  - c Significant increase in penalties for illegal dumping and disposal of asbestos.*

- 2 *That WALGA requests the Western Australian Waste Authority to exempt asbestos from the landfill levy as a gesture of support for a whole of government approach to asbestos management. The exemption will exclude commercial contractors, large volumes of asbestos, and all soil contaminated with asbestos.”*

**ITEM 5.8 Closed Circuit Television (05-019-02-0014 RS)**

It was resolved by the WALGA State Council as follows:

*“That WALGA advocate for:*

- 1 *WA Police to establish a Designing Out Crime program which addresses CCTV;*
- 2 *WA Police to establish a CCTV partnership agreement between State and Local Government which facilitates the implementation of the Auditor- General’s Use of CCTV Equipment and Information report, including:*
  - *The development of a Communications Protocol template to address the access and use of CCTV equipment and information, and review of policing outcomes through CCTV; and*
  - *The roles and responsibilities of Police and Local Government in the provision, monitoring and maintenance of CCTV,*
- 3 *The State Government consider the development of a CCTV Strategy for Western Australia which addresses:*
  - *The ongoing implementation of Blue Iris as the central register for CCTV cameras; and*
  - *The standardization across technological platforms to support both CCTV owners, Police and Courts to provide effective footage,*
- 4 *The underlying principal in relation to this item is the voluntary participation of Local Governments.”*

**LOCAL EMERGENCY MANAGEMENT COMMITTEE - 3 MAY 2012**

A meeting of the Local Emergency Management Committee was held on 3 May 2012.

The Council’s representative on the Local Emergency Management Committee is Cr John Chester.

There were no significant issues discussed requiring the Council’s attention.

**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.

**MOVED** Cr Chester, **SECONDED** Cr Gobbert that Council **NOTES** the minutes of the:

- 1** **WALGA State Council held 3 May 2012 forming Attachment 1 to Report CJ104-06/12; and**
- 2** **Local Emergency Management Committee held 3 May 2012 forming Attachment 2 to Report CJ104-06/12.**

**The Motion was Put and**

**CARRIED (12/0)**

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

To access this attachment on electronic document, click here: [Externalminutes190612.pdf](#)



**CJ105-06/12 EXECUTION OF DOCUMENTS**

<b>WARD:</b>	All	
<b>RESPONSIBLE DIRECTOR:</b>	Mr Jamie Parry Governance and Strategy	
<b>FILE NUMBER:</b>	15876, 101515	
<b>ATTACHMENTS:</b>	Attachment 1	Documents executed by affixing the Common Seal for the period 8 May 2012 to 24 May 2012

**PURPOSE**

For Council to note the documents executed by means of affixing the Common Seal for the period 8 May 2012 to 24 May 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.

**BACKGROUND**

During the period 8 May 2012 to 24 May 2012, 10 documents were executed by affixing the Common Seal. A summary is provided below:

**DETAILS**

Type	Number
Section 70A Notification	2
Amendment to District Planning Scheme No 2	1
Licence Deed	1
Shared Use	5
Transfer of Land	1

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.

**MOVED Cr Chester, SECONDED Cr Amphlett that Council NOTES the Schedule of Documents covering the period 8 May 2012 to 24 May 2012, executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ105-06/12.**

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ120-06/12, Page 149 refers.**

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

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6brf190612.pdf](#)

**CJ106-06/12 STATUS OF PETITIONS**

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<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER:</b>	05386, 101515
<b>ATTACHMENTS:</b>	Attachment 1      Status of Petitions – 28 June 2011 to 15 May 2012

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**PURPOSE**

To advise Council of the status of outstanding petitions.

**BACKGROUND**

Quarterly reports on outstanding petitions are to be presented to Council.

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

Attachment 1 provides a list of all outstanding petitions, which were received during the period 28 June 2011 to 15 May 2012, with a comment on the status of each petition.

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

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

**"22. Petitions**

- (1) *A petition received by a member or the Chief Executive Officer is to be presented to the next ordinary Council meeting;*
- (2) *Any petition to the Council is:*
  - (a) *as far as practicable to be prepared in the form prescribed in the Schedule;*
  - (b) *to be addressed to the Council and forwarded to a member or the Chief Executive Officer;*
  - (c) *to state the name and address of the person to whom correspondence in respect of the petition may be served;*
- (3) *Once a petition is presented to the Council, a motion may be moved to receive the petition and refer it to the Chief Executive Officer for action."*

**Strategic Plan**

**Objective:** 1.2 To engage proactively with the community.

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

**Policy Implications:**

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

**Risk Management Considerations:**

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

**Financial/Budget Implications:**

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

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 The status of outstanding petitions submitted to Council during the period 28 June 2011 to 15 May 2012, forming Attachment 1 to Report CJ106-06/12;**
- 2 That a report on the petition requesting that Council considers retaining Lot 971, 52 Creaney Drive, Kingsley, was presented to Council at its meeting held on 20 March 2012 (CJ040-03/12 refers);**

- 3 That reports in relation to the following petitions were presented to Council at its meeting held on 17 April 2012:**
- 3.1 Petition regarding the acquisition of a portion of Timberlane Park, Woodvale, the rezoning of Reserve 40169 to allow for aged care accommodation, and allocation of sale proceeds to enhance facilities at Timberlane Park, Woodvale (CJ053-04/12 refers);**
  - 3.2 Petition requesting that Council upgrade the public park on the corner of Moolanda Boulevard and Harness Street, Kingsley (CJ062-04/12 refers);**
  - 3.3 Petition requesting that Council 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 (CJ063-04/12 refers);**
  - 3.4 Petition disagreeing with the increased Residential Density in Burns Beach (CJ045-04/12 refers) of:**
    - 3.4.1 Undeveloped land currently coded R20 in Northern Residential Precinct to R25;**
    - 3.4.2 Part of the undeveloped land coded R20 in Stage 7 to R40;**
- 4 That reports in relation to the following petitions were presented to Council at its meeting held on 15 May 2012:**
- 4.1 Petition requesting Council to design and install traffic treatment along Cook Avenue between Cumberland Drive and Flinders Avenue, Hillarys in 2012/13 (CJ090-05/12 refers);**
  - 4.2 Petition requesting that the dog restriction at Percy Doyle Reserve, Duncraig be lifted (CJ087-05/12 refers);**
- 5 That reports addressing the following petitions are proposed to be presented to Council at its meeting to be held on 26 June 2012:**
- 5.1 Petition in relation to vehicular movement within Hepburn Heights and the request to prepare a Business case to divest 12 Blackwattle Parade, Padbury to provide funds to address residents' concerns;**
  - 5.2 Petition in relation to vehicular movement within Hepburn Heights and a request for a pedestrian overpass over Hepburn Avenue, requesting preparation of a Business case to divest 12 Blackwattle Parade, Padbury to provide funds to address residents' concerns;**
- 6 That the petition opposing the establishment of a community garden in Regents Park or Charing Cross Park, Joondalup will be considered in a further report about Community Gardens which is proposed to be presented to Council at its meeting to be held on 18 September 2012;**

- 7 That the petition in relation to the Council rejecting PEET Ltd's current proposal for a Dome Cafe at the Foreshore Park, Burns Beach, will be considered in a future report to Council relating to the development proposal;
- 8 That:
- 8.1 The petition regarding the vacant school site on Burns Beach Road, Burns Beach has been referred to PEET and the Department of Education as the City does not have a management order over the land, and responsibility for the issue rests with those organisations;
- 8.2 The lead petitioner will be advised of this referral;
- 9 That a report on the petition relating to amending Section 4.16 of the District Planning Scheme No 2 and relevant City of Joondalup Local Laws to enable caravans to be parked on a verge under prescribed conditions, including demonstrated support from neighbouring properties within the vicinity of the concerned property and the appropriate treatment of the verge area to accommodate a caravan is proposed to be presented to Council at its meeting to be held on 21 August 2012; and
- 10 That a report on the petition requesting that Council closes the pedestrian accessway joining Rocket Vale and Brazier Rise, Padbury is pending an agreement from adjoining landowners to submit the fees for the land application and agreement to purchase the land, followed by a public consultation period.

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ120-06/12, Page 149 refers.**

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

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf190612.pdf](#)*

**CJ107-06/12      CITY WATER PLAN 2012-2015**

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<b>WARD:</b>	All	
<b>RESPONSIBLE DIRECTOR:</b>	Mr Jamie Parry Governance and Strategy	
<b>FILE NUMBER:</b>	78616	
<b>ATTACHMENTS:</b>	Attachment 1	City Water Plan 2012 – 2015
	Attachment 2	Community Consultation Summary

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**PURPOSE**

To seek Council endorsement of the City Water Plan 2012 – 2015.

**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 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 City Water 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.

Council endorsed the release of the Draft City Water Plan for community consultation, for a period of 21 days, at the 17 April 2012 meeting (CJ055-04/12 refers).

It is proposed that the City Water Plan (Attachment 1 refers) be endorsed by Council and implemented as of 1 July 2012.

**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 development of a Landscape Master Plan and Water Summary Plan has also contributed to a reduction in the amount of water that the City uses.

The City Water Plan 2012 – 2015 has been developed to provide a coordinated approach for the City to sustainably manage water resources within City operations and the community into the future. The Plan identifies the main water related issues impacting the City and sets objectives for scheme and groundwater water conservation and water quality improvement.

The implementation of the City Water Plan approach 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.

At the 17 April 2012, Council Meeting, Council resolved to release the Draft City Water Plan for public consultation (CJ055-05/12 refers). The Draft City Water Plan was released for public consultation for a period of 21 days, from Monday, 23 April 2012 to Monday, 14 May 2012.

## **DETAILS**

The City's key stakeholders were notified that the City's Draft Water Plan was open for public consultation through a formal invitation to provide comment. A public notice was published in the Joondalup Weekender on Thursday, 26 April 2012 and a media release was also published on Thursday, 3 May 2012 in the Joondalup Weekender. A Community Consultation page was developed on the City's website that included an online Feedback Form.

Feedback received indicates that the community is supportive of the direction the City is taking in regard to water management. Three submissions were received from community members. The Department of Water also provided detailed comment regarding the Draft City Water Plan.

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

It is proposed that Council endorses the City Water Plan.

### **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 City Water Plan is the inability to meet formal targets and project timeframes. This will be managed through the City's established Project Management Framework and regular monitoring and reporting of projects.



The City will endeavour to meet the Water Management Targets included in the City Water Plan through the timely and effective implementation of projects and programs. External factors, including climate variability, can impact on the City's ability to meet Water Management Targets and will be acknowledged in reporting mechanisms.

**Financial/Budget Implications:**

Implementation of the City Water Plan has financial implications for the City. A number of the projects proposed are existing projects being implemented by the City, or are expansions of processes and programs already in place, and will therefore have limited additional financial implications for the City.

All Projects included in the City Water Plan will collectively lead to long term costs savings and efficiencies, either through direct reductions in scheme water use, through indirect reductions in energy (electricity and gas) savings or through improved internal processes.

Financial implications will be managed through the City's Annual Budget approval process. All projects will be subject to this process and planned for accordingly.

**Regional Significance:**

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

**Sustainability Implications:**

Implementation of the 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 City Water 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 and waterways in the City.

The 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 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.

Community consultation has indicated that there is a high expectation of the City to improve its environmental performance and move towards sustainable development.

**Consultation:**

The Draft City Water Plan was available for public comment from 23 April 2012 to 14 May 2012. A total of four submissions were received; three from community members and one from the Department of Water.

Comments provided from community members suggest that further water conservation initiatives would be strongly supported. The comments were supportive of the proposed water management Projects; however, some respondents also noted that they would like to see further commitment to water conservation. Respondents also commented that they would like to receive more information from the City regarding water management issues in the region.

The Department of Water commentary focussed primarily on incorporating total water cycle information into the Draft City Water Plan and on including further information on water quality and water quantity management. The Department was supportive of the water conservation initiatives proposed.

Some revisions have been made to the Draft City Water Plan following feedback received during the community consultation process. Amendments made following community consultation have been highlighted in yellow in Attachment 1. Deletions have been documented with strikethrough text. The vast majority of the content has remained unchanged.

A Summary of the feedback received as part of this process is provided in Attachment 2.

## **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 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 plan for water management, which 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 City Water Plan is supported by the State's water management agency, the Department of Water, and by the community. The implementation of Projects within the City Water Plan will enable the City to not only meet its statutory obligations but to demonstrate innovation and leadership in water management.

Following Council endorsement, the City Water Plan will be branded before being released to the community.

## **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Chester, SECONDED Cr Amphlett that Council ENDORSES the City Water Plan 2012-2015, included as Attachment 1 to Report CJ107-06/12.**

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ120-06/12, Page 149 refers.**

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

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf190612.pdf](#)*

**CJ108-06/12      REVIEW OF DELEGATED AUTHORITY REGISTER**

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<b>WARD:</b>	All	
<b>RESPONSIBLE DIRECTOR:</b>	Mr Jamie Parry Governance and Strategy	
<b>FILE NUMBER:</b>	07032, 101515	
<b>ATTACHMENTS:</b>	Attachment 1	Summary of recommended amendments
	Attachment 2	Revised Delegated Authority Register

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**PURPOSE**

For Council to undertake a formal review of the City's Delegated Authority Register.

**BACKGROUND**

The *Local Government Act 1995* (the Act) requires that at least once each financial year the delegator (either the Council or the Chief Executive Officer) reviews its delegations. The Council last reviewed its delegations on 28 June 2011 (CJ107-06/11 refers).

Attachment 1 to this report details the amendments to the Delegated Authority Register since its last review.

**DETAILS**

In accordance with the Act an annual review is required of the Delegated Authority Register and an explanation of amendments that has occurred throughout the financial year is provided in Attachment 1.

The Delegated Authority Register, with the amendments marked, forms Attachment 2 to this Report and includes those amendments to the delegations that have occurred since the last review. The majority of the amendments to the register are minor in nature, such as amendments to position titles to reflect changes in the City's organisational structure and updating and improving references (such as position numbers and legislative references). A review and amendment table has also been inserted to track changes to the register that occur throughout the year.

The following delegations contain more significant amendments:

- **Authority to Waive Fees**

The amendment proposed relate to granting delegated authority to the Manager Leisure and Cultural Services to waive fees or grant concessions in relation to any amount of money which is owed to the City other than rates and service charges. This delegation is limited to the request for hire and use of a City facility and to an amount of \$5,000 per instance.

- **Choice of Tender**

It is proposed that the value limit of a tender that can be accepted by the Chief Executive Officer be increased from \$250,000 to \$300,000. The \$250,000 limit has remained at that level since 2005 (Item CJ121-06/05 refers). This minimal increase accounts for cost increases for goods and services that have occurred since 2005. This amendment requires an absolute majority decision of the Council.

- **Disposing of Property**

It is proposed that the value of property that can be disposed of under the authority of the Chief Executive Officer increase from \$500,000 to \$600,000. Property includes items such as capital equipment, furniture and office equipment. The \$500,000 limit has been set since 2005 (Item CJ121-06/05 refers). This amendment requires an absolute majority decision of the Council.

- **Legislation within the new Building Act 2011 concerning delegated authority to issue permit applications or certificates**

The new *Building Act 2011* and associated Regulations replaces the provisions in the *Local Government (Miscellaneous Provisions) Act 1960* which relate to the regulation of building and associated activities. The *Building Act 2011* came into effect on 1 April 2012 and the delegations relating to the *Local Government (Miscellaneous Provisions) Act 1960* cease to have effect.

Council at its meeting held on 20 March 2012 (Item CJ027-03/12 refers) adopted new delegations required as a result of the new enacted legislation. These delegations have been incorporated into the Manual and those relating to the *Local Government (Miscellaneous Provisions) Act 1960* removed.

- **Town Planning Delegations - General**

Council at its meeting held on 15 May 2012 (Item CJ075-05/12 refers) adopted changes to the various delegations made under the District Planning Scheme No 2. These delegations have been incorporated into the manual.

**Issues and options considered:**

Not Applicable.

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

**Legislation:** Sections 5.16 through to 5.18 of the *Local Government Act 1995*;  
Sections 5.42 through to 5.46 of the *Local Government Act 1995*.

**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.

The relevant sections of the Act are as follows:

#### **5.42 Delegation of some powers and duties to the Chief Executive Officer**

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

*\* absolute majority required.*

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

#### **5.43 Limits on delegations to Chief Executive Officer**

*A local government cannot delegate to a Chief Executive Officer any of the following powers or duties:*

- (a) *any power or duty that requires a decision of an absolute majority or 75% majority of the local government;*
- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) *appointing an auditor;*
- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under Sections 5.98, 5.98A, 5.99, 5.99A and 5.100 of the Act;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in Section 9.5;*
- (h) *any power or duty that requires the approval of the Minister or Governor; or*
- (ha) *the power under Section 9.49A(4) to authorise a person to sign documents on behalf of the local government; and*
- (i) *such other duties or powers that may be prescribed by the Act.*

#### **5.44 Chief Executive Officer may delegate powers and duties to other employees**

- (1) *A Chief Executive Officer may delegate to any employee of the local government the exercise of any of the Chief Executive Officer's powers or the discharge of any of the Chief Executive Officer's duties under this Act other than the power of delegation.*

**5.45 Other matters relevant to delegations under this Division**

- (2) *Nothing in this Division is to be read as preventing –*
- (a) *a local government from performing any of its functions by acting through a person other than the Chief Executive Officer; or*
  - (b) *a Chief Executive Officer from performing any of his or her functions by acting through another person.*

**5.46 Register of, and records relevant to, delegations to Chief Executive Officer and employees**

- (1) *the Chief Executive Officer is to keep a register of the delegations made under this Division to the Chief Executive Officer and to employees.*
- (2) *at least once every financial year, delegations made under this Division are to be reviewed by the delegator.*

**Policy Implications:**

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

**Risk Management considerations:**

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

**Financial/Budget Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

## COMMENT

The Act requires each delegator to review its delegations at least once every financial year. Both the Council and the Chief Executive Officer are to review their respective delegations and make the necessary amendments. Such amendments to the various delegations from the Council to the Chief Executive Officer (or officers), and from the Chief Executive Officer to various officers have occurred throughout the year and in accordance with the legislative provisions. Two new amendments to the delegations from Council to the Chief Executive Officer require an absolute majority decision of the Council.

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

## VOTING REQUIREMENTS

Absolute Majority.

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

- 1 BY AN ABSOLUTE MAJORITY APPROVES the amended Delegated Authority Register as detailed in Attachment 2 to Report CJ108-06/12; and**
- 2 In accordance with section 5.46 of the *Local Government Act 1995* ENDORSES the review of the amended Delegated Authority Register, as detailed in Attachment 2 to this Report CJ108-06/12.**

**The Motion was Put and**

**CARRIED (12/0)**

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

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf190612.pdf](#)*



## **CJ109-06/12      REVISED STRATEGIC POSITION STATEMENTS**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER:</b>	33866, 101515
<b>ATTACHMENTS:</b>	Nil.

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### **PURPOSE**

For Council to consider several revisions to the City's current Strategic Position Statements, as reviewed by Elected Members during a Strategic Weekend held on 17-19 February 2012.

### **EXECUTIVE SUMMARY**

At the Council meeting held on 15 July 2008 (CJ120-07/08 refers), the Council endorsed nine Strategic Position Statements on the following issues:

- Community Facilities;
- Leisure Centre Operations;
- Arena Joondalup;
- Regional Recreation Facilities;
- Debt Strategy;
- Use of funds received from the development of Tamala Park;
- Increases in residential density in some localities;
- Rejuvenation of local centres; and
- Development of high rise commercial office space within the CBD on Council owned land.

In addition to these nine statements, Council endorsed a tenth Strategic Position Statement on the Third Australian Football League Team in Western Australia at its meeting held on 20 April 2010 (C14-04/10 refers). Further revisions and additions were also endorsed at the Council meeting held on 20 July 2010 (CJ121-07/10 refers) to inform the review of the City's *Strategic Plan 2008-2011*, resulting in the following amendments:

- Arena Joondalup – minor amendment;
- Debt Strategy – withdrawn due to the adoption of a new City Borrowing Strategy;
- Tamala Park Income – minor amendment;
- CBD Land – minor amendment;
- New Position Statement – Regional Governance Framework for the North West Corridor; and
- New Position Statement – City of Joondalup Leadership and Representation.

The City is currently in the process of developing its new *Strategic Community Plan 2012-2022*. Through this process, it is acknowledged that almost two years have passed since the last major review of the Strategic Position Statements. As such, it is considered appropriate that the statements be reassessed to ensure they remain current and relevant to Council's new strategic direction.

## BACKGROUND

At the Council meeting held on 15 July 2008 (CJ120-07/08 refers), consideration was given to a number of strategic, priority issues. Position Statements were then developed to provide the Council and City with a basis for lobbying and to effect expedient changes should opportunities from State and Federal Governments or the commercial industry arise.

At its meeting held on 20 April 2010 (C14-04/10 refers), Council considered a notice of motion to introduce a new Strategic Position Statement on establishing a third Australian Football League (AFL) team in Western Australia. The following statement was subsequently endorsed by Council in order to capitalise on opportunities with regard to the future introduction of a new Western Australian AFL Team:

### *“THIRD AUSTRALIAN FOOTBALL LEAGUE TEAM IN WESTERN AUSTRALIA*

*In the event that the Australian Football League (AFL) decides to establish a third AFL football team in Western Australia, the City of Joondalup support the licence being located within the City of Joondalup, with the club base located at Arena Joondalup.”*

On 30 April and 1 May 2010, Elected Members participated in a Strategic Planning Workshop where proposed changes to the current Strategic Position Statements were discussed. A report was subsequently presented to Council at its meeting held on 20 July 2010 where several amendments were made to the following statements:

- Arena Joondalup – minor amendment;
- Debt Strategy – withdrawn due to the adoption of a new City Borrowing Strategy;
- Tamala Park Income – minor amendment;
- CBD Land – minor amendment;
- New Position Statement – Regional Governance Framework for the North West Corridor; and
- New Position Statement – City of Joondalup Leadership and Representation.

## DETAILS

In accordance with discussions held at the Elected Members’ Strategic Weekend held on 17-19 February 2012, the following comments in review of Council’s currently adopted Strategic Position Statements are provided below:

### **1 COMMUNITY FACILITIES**

#### ***Master Planning***

**Each significant facility should be developed in accordance with a Master Plan rather than being the subject of small ad hoc fixes.**

#### ***Usage***

**Facilities should be multi-use and be used at all times where possible. Facilities should include complementary services where possible.**

### Background:

The Council has adopted a Master Planning strategic process (CJ062-04/08 refers) that develops an overall design and layout for an area. The process considers the current and future needs of the community to develop a concept plan that designs facilities, infrastructure and areas to best meet these identified needs. Council has endorsed a set of principles and a process that will be used in the master planning of leisure and recreation facilities.

The Master Planning Principles include:

- Community Participation;
- Sustainability;
- Quality Facility Provision;
- Community Engagement; and
- Multi Purpose and Shared Use.

A seven step Master Planning Process has been designed to be applied to all future community sport, leisure and recreational infrastructure developments and upgrades within the City.

The City is currently undertaking two master planning projects: the Edgewater Quarry Master Plan and the Percy Doyle Reserve Master Plan.

### Comment:

This Strategic Position Statement remains relevant and does not require review.

## **2 LEISURE CENTRE OPERATIONS**

**Leisure and Recreation operations overall should aim to be self sufficient and meet all operating costs.**

### Background:

The City of Joondalup Leisure Centres currently operate on a user pay principle. The fees and charges for the Leisure Centres are reviewed against an annual price review of similar leisure facilities throughout the State. From a market position the City's Leisure Centres operate in line with industry average. To support access to the leisure facilities in price sensitive markets, the City offers one of the highest concession discounts in Western Australia. A 25% discount is offered to seniors and concession card holders who are residents in the City of Joondalup for memberships, casual swim, crèche entry and lifestyle program activities.

Whilst the City's leisure facilities perform well financially against similar facilities in Western Australia, the full cost of operations for the leisure facilities (including operating costs, overhead costs and capital finance costs) requires the City to subsidise the Centres' operations by approximately \$1.5 million — \$1.7 million per annum.

The Leisure Centres' current management model is proving successful in attracting large participation rates from the community across a variety of facilities and programs with competitive fees and charges being applied.

Comment:

This Strategic Position Statement remains relevant and does not require review.

### 3 ARENA JOONDALUP

**In the event that the State Government agrees to the transfer of this large scale leisure and recreation facility to the City, the transfer is supported on the following conditions as a minimum:**

- **Commitment from the Minister for Transport and Perth Transport Authority that the site be designated as a special train station as part of future plans;**
- **Maintenance of existing issues to be addressed before transfer;**
- **A funding stream from the State Government to be provided which reduces into future years;**
- **All caveats on the land which impede alternative land uses to be withdrawn;**
- **The State Government to contribute to the construction of an independent facility within the Structure Plan area for a West Perth Football Club facility; and**
- **Extension of facility to include basketball facilities.**

Background:

The facility, in its current form, was principally developed by LandCorp (Joondalup Development Corporation) as part of the implementation of the Joondalup CBD Master Plan. It is the only facility of its type that is operated by the State Government, under the auspices of Venues West. All other Venues West facilities are predominantly used for elite sports.

Should a situation arise where transferring ownership of the facility to the City is considered, the City supports the protection of its current financial position by requiring minimum conditions in agreeing to any transfer.

Comment:

This Strategic Position Statement remains relevant and does not require review.

### 4 TAMALA PARK

**The City should plan to contribute funds for the development of future regional recreation facilities on the site in the longer term.**

Background:

Over the next decade, the Tamala Park land, which is currently under the management and utilisation of the Mindarie Regional Council, will be released back to the owners. The site, which comprises 151 hectares, will be available as a regional recreation facility.

Council's position was determined in terms of both the strategic implications and financing of such a facility which, while located within the City of Wanneroo, has an interface with the border of the City of Joondalup.

Comment:

Whilst the contribution of City funds to develop a future regional recreation facility at the Tamala Park site is still supported, it is considered appropriate that contributions are also made by other member local governments of the Mindarie Regional Council. As such, it is recommended that the Strategic Position Statement be amended to state: *“The City should plan to contribute funds for the development of future regional recreation facilities on the site in the longer term, subject to appropriate contributions by other member local governments of the Mindarie Regional Council.”*

## 5 TAMALA PARK INCOME

**Funds from Tamala Park should be used for programs aligned to the 20 Year Strategic Financial Plan, but for the following purposes as a minimum:**

**To invest in income producing facilities**

- **To build a Cultural Facility and other significant one-off facilities such as Ocean Reef Marina.**

Background:

The City of Joondalup, along with six other local governments, has a strategic land investment (Tamala Park) which is currently undergoing structure planning for future development into a residential lot subdivision. It is projected that in the financial period for 2025 – 2026 there is potential for the City to receive an income stream of approximately \$57 million.

The Council has adopted the current position as the basis on which it will manage these funds and for the purposes the funds might be allocated.

Comment:

This Strategic Position Statement remains relevant, however, greater flexibility should be provided in determining the projects to which future income should be directed. As such, it is recommended that second bullet point in the current Strategic Position Statement be amended to state the following: *“To build significant one-off community facilities.”*

## 6 RESIDENTIAL DENSITY

**Increased residential densities in designated areas is considered an option particularly where:**

- **The area is close to a train station or other nodes;**
- **It occurs as a planned approach or long term strategy;**
- **The amenity of the suburb (green effect) is maintained;**
- **The community is informed of intentions with no surprises if rezoning occurs; and**
- **There needs to be height restrictions on coastal nodes.**

### Background:

Before the City can prepare a new District Planning Scheme, it needs to have an approved Local Housing Strategy in place as a firm rationale for determining the future housing needs of its community. Following extensive public consultation, the Council adopted the draft Local Housing Strategy at its meeting held on 15 February 2011 (CJ006-02/11 refers).

The preparation of the draft Local Housing Strategy has been based on:

- The Department of Planning Guidelines for the preparation, form and content of Local Housing Strategies;
- State and Regional policies such as draft Directions 2031 and Beyond (a high level strategic plan that establishes a vision for future growth of the Perth and Peel region, and provides a framework to guide the detailed planning and delivery of housing, infrastructure and services necessary to accommodate that growth);
- City of Joondalup draft Local Planning Strategy;
- Council's Strategic Position Statement on Residential Density; and
- The outcomes of the Housing Intentions community survey – April/May 2009.

### Comment:

The intent of this Strategic Position Statement remains relevant, however, direct reference should be made to the obligation the City now has to increase residential densities in line with new State Government policy in the form of *Directions 2031 and Beyond* and the manner in which the City intends to approach this through its Local Housing Strategy. The Strategic Position Statement should therefore be amended to state:

*Increased residential densities should occur under the following conditions:*

- *The objectives of the State Government strategy Directions 2031 and Beyond for the City for infill residential development and increased residential density within the City, should be recognised;*
- *Infill and increased density should not occur on an ad-hoc basis and a strategic approach should be taken through the City's Local Housing Strategy on where and how infill and densification will occur; and*
- *Infill and increased density should not be at the expense of existing residential amenity and should only be permitted where development meets policy requirements for environmentally sensitive design and building quality.*

## **7 LOCAL CENTRES**

**Rejuvenation of local commercial centres is supported under the following conditions:**

- **Need good local access;**
- **Need to rejuvenate beyond local commercial centres; and**
- **Needs adequate planning.**

### Background:

In line with the State Government's recently released strategic documents, being *Directions 2031 and Beyond* and *State Planning Policy 4.2 Activity Centres for Perth and Peel (SPP4.2)*, centres within the City need to become more diverse and include uses other than just retail uses.

SPP 4.2 replaces the State's *Metropolitan Centres* policy and describes a hierarchy of activity centres in the metropolitan area. It also provides guidance for the planning of activity centres and the assessment of development proposals within these centres.

Before the City can prepare its new District Planning Scheme, it needs to prepare a Local Commercial Strategy. This Local Commercial Strategy will replace the City's existing *Centres* policy and will need to align with *Directions 2031 and Beyond* and SPP4.2. The current retail floor space caps will need to be removed from the City's District Planning Scheme to align with the State planning documents.

Activity Centre Plans will also need to be prepared for the Strategic Metropolitan Centre of Joondalup and the Secondary Centres of Whitford and Warwick.

### Comment:

It is considered that the title of the Strategic Position Statement will need to be amended to reflect the proposed shift in the character and nature of local centres from shopping centres to more diverse activity centres. The Strategic Position Statement should also be amended, as follows, to reflect the intent and requirements of *Directions 2031 and Beyond* and SPP4.2:

#### ACTIVITY CENTRES

*The City recognises the aims, objectives and requirements of Directions 2031 and Beyond and State Planning Policy 4.2, as they relate to Activity Centres in the City of Joondalup. The City will apply these directions through the following:*

- *The City's Local Commercial Strategy will facilitate the development of activity centres which are sustainable and provide opportunities for people to live and work within those centres;*
- *The Local Commercial Strategy will provide a framework to guide retail expansion in the appropriate locations without impacting on other centres and will assist in meeting the employment self-sufficiency targets that have been set for the City through Directions 2031 and Beyond; and*
- *Preparation of an Activity Centre Structure Plan for Joondalup will facilitate the growth and development of the City Centre in line with the vision of the City's Strategic Community Plan 2012 – 2022.*

## **8 CBD LAND**

**Development of high rise commercial office space within the City Centre on City owned land is supported under the following conditions:**

- **High quality, environmentally sustainable, landmark development that will strengthen the local economic and employment base for the City;**

- **Enhances the vitality and vibrancy of the Joondalup City Centre increasing the number of people attracted to the City Centre for work, retail and commercial purposes; and**
- **Provides a fast growing location for business, commercial operators and Government agencies surrounded by existing infrastructure with an increasing population base.**

Background:

At its meeting held on 25 May 2010, the Council endorsed the Joondalup City Centre Commercial Office Development – Project Philosophy and Parameters.

The endorsement of the Joondalup City Centre Commercial Office Development – Project Philosophy and Parameters, provided the following vision for the project:

- High quality, environmentally sustainable, landmark development that will strengthen the local economic and employment base for the City;
- Enhances the vitality and vibrancy of the Joondalup City Centre increasing the number of people attracted to the City Centre for work, retail and commercial purposes; and
- Provides a fast growing location for business, commercial operators and Government agencies surrounded by existing infrastructure with an increasing population base.

Comment:

This Strategic Position Statement remains relevant and does not require review.

## **9 THIRD AUSTRALIAN FOOTBALL LEAGUE TEAM IN WESTERN AUSTRALIA**

**In the event that the Australian Football League (AFL) decides to establish a third AFL football team in Western Australia, the City of Joondalup support the licence being located within the City of Joondalup, with the club base located at Arena Joondalup.**

Background:

The Council, at its meeting held on 20 April 2010 (C14-04/10 refers) adopted the above position. It was proposed that the Council adopts the Statement to demonstrate its willingness to fully support any bid for a third licence within WA, and to allow the City to lobby its position where considered appropriate.

Comment:

This Strategic Position Statement remains relevant and does not require review.

## **10 REGIONAL GOVERNANCE FRAMEWORK FOR THE NORTH WEST CORRIDOR**

**The City, in conjunction with the City of Wanneroo, should have a *Regional Governance Framework* for the North West Corridor that provides:**

- **An effective, transparent and co-ordinated implementation mechanism to strategically respond to the needs of the Corridor;**



- **A reporting mechanism to State and Federal Government;**
- **Engagement and commitment from key stakeholders;**
- **A high level of consensus of direction in infrastructure priorities;**
- **Mechanisms and planning strategies to generate timely key employment land supply; and**
- **Integrated infrastructure planning to activate economic development in a timely manner.**

Background:

In 2010, the Councils of the Cities of Wanneroo and Joondalup endorsed a draft *Regional Governance Framework* for the North West Corridor for the purposes of providing:

- An effective, transparent and co-ordinated implementation mechanism to strategically respond to the needs of the Corridor;
- A reporting mechanism to State and Federal Government;
- Engagement and commitment from key stakeholders;
- A high level of consensus of direction in infrastructure priorities;
- Mechanisms and planning strategies to generate timely key employment land supply; and
- Integrated infrastructure planning to activate economic development in a timely manner.

The role of the North West Corridor *Regional Governance Framework* will be to coordinate and manage economic development and infrastructure planning in the North West Corridor and its key outputs will be:

- To develop the North West Corridor Structure Plan;
- To develop a North West Corridor Transport Strategy;
- To develop and implement strategies to deliver employment and skills outcomes;
- To develop and implement investment attraction strategies and action plans;
- To identify and prioritise major projects required for a healthy North West Corridor economy;
- To lobby key stakeholders for commitment to major projects; and
- To ensure that key projects are included in treasury forecasts.

It was considered essential that any regional governance structure have legislative legitimacy which leverages through an appropriate State Government agency in order to avoid replicating the ad hoc approach to strategic planning and development that has occurred in the North West Corridor.

Whilst regional cooperation between the Cities of Joondalup and Wanneroo has occurred in the intervening years, support from the State Government has not been forthcoming until recently, following representation by the City to the Minister for Planning.

The City has had a number of discussions with senior officers from the Department of Planning on a coordinated approach to matters of regional significance related to planning and economic development, and a commitment to look at an appropriate governance model for the region. Any proposed amendment to the framework would need to be considered by the Council.

It is important to note that projects of significance to the region, are being progressed conjointly between the Cities of Joondalup and Wanneroo, the Department of Planning, and other agencies as necessary, including, but are not limited to:

- Mitchell Freeway Extension Community Working Group;
- Economic Development and Employment Strategy for the North West Sub Region;
- City planning projects, including Local Housing Strategy, City Centre Structure Plan, Activity Centre Structure Plan etc; and
- Memorandum of Understanding (MOU) between the City of Joondalup and a number of its key stakeholders to confirm their commitment to a collaborative approach to ensuring the best possible outcome for Joondalup to transition to a second CBD for Perth that will be the major employment centre of the north west sub-region.

Comment:

This Strategic Position Statement remains relevant and does not require review at this time.

## 11 CITY OF JOONDALUP LEADERSHIP AND REPRESENTATION

**The City supports and encourages Elected Members and Senior Officers to actively participate in professional and/or industry disciplines that will further enhance the image of the City of Joondalup.**

Background:

As the second largest local government (by population) in Western Australia and one of the largest local governments in Australia, it is considered that the City has a role to play with regard to representation and leadership within the local government sector, at both an Elected Member and Senior Officer level.

Whilst the City already plays a leadership role as a local government in the sector it is considered that Council support and encouragement should be provided to Elected Members and Senior Officers to actively participate in professional or industry disciplines that will further enhance the image of the City of Joondalup.

The following two examples demonstrate the leadership exhibited by the Mayor and Chief Executive Officer in the local government sector:

- Mayor Troy Pickard is currently President of the WA Local Government Association; Vice President of the Australian Local Government Association; Member of the Australian Council of Local Government Steering Committee; Member of the International Council for Local Environmental Initiatives (ICLEI) Global Executive Committee and Chair of the BiodiverCities Advisory Committee;
- Chief Executive Officer, Garry Hunt, is a former President of the Western Australian Institute of Municipal Management (now LGMA) and has served on the National Board of the Institute of Municipal Management (IMM); and

The Chief Executive Officer has served on numerous State Ministerial Advisory groups within WA, dealing with local government matters including the Structural Reform Advisory Committee and the Local Government Advisory Board. He was the International Vice President (International) of the International City/County Management Association (ICMA) based in Washington DC, from 1997-2000.

Comment:

This Strategic Position Statement remains relevant, however, it is considered that participation in professional and industry disciplines should not only aim to enhance the image of the City, but provide a mechanism for leveraging new opportunities. As such, it is recommended that the current Strategic Position Statement be amended to state: *“The City supports and encourages Elected Members and Senior Officers to actively participate in professional and/or industry associations that will further enhance the image of the City and provide a mechanism for leveraging new opportunities that benefit the City and its community.”*

**Proposed New Strategic Position Statement.**

**12 INTERNATIONAL RECOGNITION AND INNOVATION**

Background:

In 2011, the City was awarded the prestigious honour of the ‘World’s Most Liveable City’ for the population category of 150,001 – 400,000 in the UN-backed annual International Awards for Liveable Communities (LivCom). The LivCom Awards are the world’s only Awards Competition focusing on International Best Practice regarding the management of the local environment with the further objective of improving the quality of life of individual citizens through the creation of ‘liveable communities’.

To win the award, the City was required to meet comprehensive criteria in the areas of environmental best practice, healthy lifestyles, community engagement and arts and cultural heritage.

Comment:

In order to build upon the City’s recent achievements and to ensure that it continues to strive for excellence on an international scale, the following Strategic Position Statement is recommended:

*“The City should build upon its international recognition for liveability by continuing to demonstrate and embrace innovation and best practice in all fields of service, which are comparable on a global scale.”*

**Issues and Options:**

The Council may adopt the Strategic Position Statements as recommended or decline to continue with the statements.

It is considered that the Position Statements demonstrate the Council’s agreed position in relation to strategic matters, and assist the City with regard to any lobbying of positions where considered appropriate. As such, it is recommended that the revised Position Statements be adopted by Council to reiterate its commitment to matters considered significant to the growth and development of the City.

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

### **Legislation**

This item relates to the general function of local government to provide for the good government of persons in its district.

### **Strategic Plan**

The Strategic Position Statements provide context and direction in the development of the *Strategic Community Plan 2012-2022*.

### **Policy**

Not Applicable.

### **Risk Management Considerations:**

Consideration of future strategic issues supports the City's responsibility and accountability for the stewardship of community resources. The Position Statements consider the risks associated with the overall goals and objectives of the City, and set a broad direction for how the City will progress a number of key matters.

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

Not Applicable.

### **Regional Significance:**

A number of the Position Statements relate to regional issues or facilities.

### **Sustainability Implications:**

The item has a general connection to sustainability in that it establishes a set of Position Statements on a number of key issues, and plans for sustainable success.

### **Consultation:**

Not Applicable.

## **COMMENT**

The Position Statements establish a general direction on a number of key strategic issues and provide direction to assist the City to progress a number of key projects.

It is recommended that the twelve Strategic Position Statements detailed in this report and recommendation be adopted.

## **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Chester, SECONDED Cr Amphlett that Council ENDORSES the following Strategic Position Statements:**

**1 COMMUNITY FACILITIES**

*Master Planning*

Each significant facility should be developed in accordance with a Master Plan rather than being the subject of small ad hoc fixes.

*Usage*

Facilities should be multi-use and be used at all times where possible. Facilities should include complementary services where possible;

**2 LEISURE CENTRE OPERATIONS**

Leisure and Recreation operations overall should aim to be self sufficient and meet all operating costs;

**3 ARENA JOONDALUP**

In the event that the State Government agrees to the transfer of this large scale leisure and recreation facility to the City, the transfer is supported on the following conditions as a minimum:

- Commitment from the Minister for Transport and Perth Transport Authority that the site be designated as a special train station as part of future plans;
- Maintenance of existing issues to be addressed before transfer;
- A funding stream from the State Government to be provided which reduces into future years;
- All caveats on the land which impede alternative land uses to be withdrawn;
- The State Government to contribute to the construction of an independent facility within the Structure Plan area for a West Perth Football Club facility;
- Extension of facility to include basketball facilities;

**4 TAMALA PARK**

The City should plan to contribute funds for the development of future regional recreation facilities on the site in the longer term, subject to appropriate contributions by other member local governments of the Mindarie Regional Council;

**5 TAMALA PARK INCOME**

Funds from Tamala Park should be used for programs aligned to the 20 Year Strategic Financial Plan, but for the following purposes as a minimum:

- To invest in income producing facilities;
- To build significant one-off community facilities;

## **6 RESIDENTIAL DENSITY**

**Increased residential densities should occur under the following conditions:**

- **The objectives of the State Government strategy Directions 2031 and Beyond for the City for infill residential development and increased residential density within the City, should be recognised;**
- **Infill and increased density should not occur on an ad-hoc basis and a strategic approach should be taken through the City's Local Housing Strategy on where and how infill and densification will occur;**
- **Infill and increased density should not be at the expense of existing residential amenity and should only be permitted where development meets policy requirements for environmentally sensitive design and building quality;**

## **7 ACTIVITY CENTRES**

**The City recognises the aims, objectives and requirements of Directions 2031 and Beyond and State Planning Policy 4.2, as they relate to Activity Centres in the City of Joondalup. The City will apply these directions through the following:**

- **The City's Local Commercial Strategy will facilitate the development of activity centres which are sustainable and provide opportunities for people to live and work within those centres;**
- **The Local Commercial Strategy will provide a framework to guide retail expansion in the appropriate locations without impacting on other centres and will assist in meeting the employment self-sufficiency targets that have been set for the City through Directions 2031 and Beyond;**
- **Preparation of an Activity Centre Structure Plan for Joondalup will facilitate the growth and development of the City Centre in line with the vision of the City's Strategic Community Plan 2012 – 2022;**

## **8 CBD LAND**

**Development of high rise commercial office space within the City Centre on City owned land is supported under the following conditions:**

- **High quality, environmentally sustainable, landmark development that will strengthen the local economic and employment base for the City;**
- **Enhances the vitality and vibrancy of the Joondalup City Centre increasing the number of people attracted to the City Centre for work, retail and commercial purposes;**
- **Provides a fast growing location for business, commercial operators and Government agencies surrounded by existing infrastructure with an increasing population base;**

## **9 THIRD AUSTRALIAN FOOTBALL LEAGUE TEAM IN WESTERN AUSTRALIA**

**In the event that the Australian Football League (AFL) decides to establish a third AFL football team in Western Australia, the City of Joondalup support the licence being located within the City of Joondalup, with the club base located at Arena Joondalup;**

## **10 REGIONAL GOVERNANCE FRAMEWORK FOR THE NORTH WEST CORRIDOR**

The City, in conjunction with the City of Wanneroo, should have a *Regional Governance Framework* for the North West Corridor that provides:

- An effective, transparent and co-ordinated implementation mechanism to strategically respond to the needs of the Corridor;
- A reporting mechanism to State and Federal Government;
- Engagement and commitment from key stakeholders;
- A high level of consensus of direction in infrastructure priorities;
- Mechanisms and planning strategies to generate timely key employment land supply;
- Integrated infrastructure planning to activate economic development in a timely manner;

## **11 CITY OF JOONDALUP LEADERSHIP AND REPRESENTATION**

The City supports and encourages Elected Members and Senior Officers to actively participate in professional and/or industry associations that will further enhance the image of the City and provide a mechanism for leveraging new opportunities that benefit the City and its community; and

## **12 INTERNATIONAL RECOGNITION AND INNOVATION**

The City should build upon its international recognition for liveability by continuing to demonstrate and embrace innovation and best practice in all fields of service, which are comparable on a global scale.

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ120-06/12, Page 149 refers.**

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

**CJ110-06/12 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION 2012 ANNUAL GENERAL MEETING**

**WARD:** All

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

**FILE NUMBER:** 00033, 101515

**ATTACHMENTS:** Nil.

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**PURPOSE**

For Council to give consideration to nominating its voting delegates for the 2012 Annual General Meeting of the Western Australian Local Government Association (WALGA) to be held on Wednesday, 1 August 2012.

**BACKGROUND**

The Annual General Meeting of the WALGA is traditionally held during the WA Local Government Convention. The majority of local governments in the State have representatives attending.

Mayor Troy Pickard and Cr Amphlett were nominated as the City's voting delegates in 2011, with Crs Chester and Fishwick as their 'proxy' delegates.

**DETAILS**

The 2012 WALGA Annual General Meeting will be held on Wednesday 1 August 2012.

**Voting delegates**

In order to participate in the voting on matters received at the Annual General Meeting, each member Council must register its voting delegates by Monday, 9 July 2012. Pursuant to the WALGA Constitution, all member Councils are entitled to be represented by two voting delegates. Voting delegates may be either Elected Members or serving officers. Proxy voting is available where the Council's appointed representatives are unable to attend.

The current City of Joondalup members of the WALGA North Metropolitan Zone are:

**Members**

Cr Geoff Amphlett  
Cr Russ Fishwick  
Cr Mike Norman  
Cr Christine Hamilton-Prime

**Deputies**

Cr Brian Corr  
Cr John Chester  
Cr Teresa Ritchie  
Cr Liam Gobbert

Crs Amphlett and Fishwick are the City's delegate and deputy delegate respectively, to the WALGA State Council.



Mayor Troy Pickard is the WALGA State President.

**Issues and options considered:**

Not Applicable.

**Legislation/Strategic Plan/Policy Implications**

**Legislation** Not Applicable.

**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**

Not Applicable.

**Risk Management considerations:**

If the City of Joondalup does not submit its voting members, it will not be able to vote on the matters to be debated as part of the Annual General Meeting of the WALGA.

**Financial/Budget Implications:**

Not Applicable.

**Regional Significance:**

Matters considered at the 2012 WALGA Annual General Meeting relate to local government as an industry.

**Sustainability implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The North Metropolitan Zone Committee of the WALGA, consisting of the Cities of Joondalup, Stirling and Wanneroo, is the main link the City has in considering matters relating to WALGA activities.

It is considered prudent to designate two voting delegates for the 2012 Annual General Meeting of the WALGA to ensure the City is represented and is able to vote on matters affecting the City and local government sector.

## VOTING REQUIREMENTS

Simple Majority.

## OFFICER'S RECOMMENDATION

That Council GIVES consideration to nominating its:

- 1 Two voting delegates for the 2012 Annual General Meeting of the Western Australian Local Government Association to be held on Wednesday, 1 August 2012; and
- 2 'Proxy' voting delegates for the 2012 Annual General Meeting of the Western Australian Local Government Association to be held on Wednesday, 1 August 2012 in the event that Council's appointed representatives are unable to attend.

## MOVED Cr Gobbert, SECONDED Cr Hollywood that Council APPOINTS:

- 1 **Cr Geoff Amphlett and Cr Mike Norman as the Council's voting delegates for the 2012 Annual General Meeting of the Western Australian Local Government Association to be held on Wednesday, 1 August 2012; and**
- 2 **Cr John Chester and Cr Sam Thomas as the Council's 'Proxy' voting delegates for the 2012 Annual General Meeting of the Western Australian Local Government Association to be held on Wednesday, 1 August 2012 in the event that Council's appointed representatives are unable to attend.**

**The Motion was Put and**

**CARRIED (12/0)**

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

## **CJ111-06/12      DRAFT      WESTERN      AUSTRALIAN      BICYCLE NETWORK PLAN**

<b>WARD:</b>	All		
<b>RESPONSIBLE DIRECTOR:</b>	Mr Jamie Parry Governance and Strategy		
<b>FILE NUMBER:</b>	56564, 101515		
<b>ATTACHMENTS:</b>	Attachment 1	Draft Western Australian Bicycle Network Plan 2012-2021	
	Attachment 2	City of Joondalup Submission- Draft Western Australian Bicycle Network Plan 2012-2021	

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### **PURPOSE**

To seek Council endorsement of a City of Joondalup submission to the Department of Transport on the *Draft Western Australian Bicycle Network Plan 2012-2021*.

### **EXECUTIVE SUMMARY**

The Department of Transport has reviewed the *Perth Bicycle Network Plan* and released the *Draft Western Australian Bicycle Network Plan* for comment, with submissions closing on 17 June, 2012. The Draft Plan proposes a number of new or expanded programs, initiatives and cycling infrastructure to encourage and facilitate greater cycling within Western Australia.

The City has reviewed the *Draft Western Australian Bicycle Network Plan* and compiled a submission for the Department of Transport's review.

The City is supportive of the majority of the new or modified initiatives outlined within the *Draft Western Australian Bicycle Network Plan* including expanding the Principal Shared Path and enhancing cycling facilities within close proximity of rail and train stations. However the City does have concerns that the Draft Plan's focus area is within a 15 kilometre radius of the Perth Central Business District and that the Plan has overlooked the Northern Corridor as a priority area for enhancing and expanding cycling facilities.

Contributing to the review of the *Draft Western Australian Bicycle Network Plan* provides an opportunity to encourage greater consideration within State planning for increased cycling facilities within the City of Joondalup.

### **BACKGROUND**

The Department of Transport developed the *Perth Bicycle Network Plan* in 1996 to guide the development of cycling infrastructure within Perth. In order to continue to improve and enhance metropolitan and regional cycling facilities within Western Australia, a review of the *Perth Bicycle Network Plan* was undertaken. The outcome of the review is the development of the *Western Australian Bicycle Network Plan*.

The *Western Australian Bicycle Network Plan*, included as Attachment 1, guides the delivery of cycling infrastructure to better meet the growing demand for convenient, safe cycling routes and end-of-trip facilities and aligns with current State government urban planning policies.

The Draft Plan aims to increase cycling trips for ‘transport purposes’ by developing a cycling network and support programs to facilitate this.

The objectives of the *Western Australian Bicycle Network Plan* are to:

- Provide a coordinated approach to implement a high-quality and connected bicycle network;
- Plan for maintaining and safeguarding the existing and future bicycle network;
- Integrate network development in planning strategies with other developments, projects and programs;
- Provide guidance to professionals implementing the Western Australian Bicycle Network;
- Encourage and promote cycling as a legitimate mode of transport; and
- Encourage a whole-of-government approach to planning and promotion of cycling and related infrastructure.

## DETAILS

The Draft *Western Australian Bicycle Network Plan* proposes a number of new or expanded programs, initiatives and cycling infrastructure. Key recommendations within the Plan include the expansion of the Principal Shared Path Network along freeways and railway lines within 15km of the Central Business District, investigating end-of-trip facilities within the Perth Central Business District and the development of programs to encourage and facilitate greater cycling to and from schools and rail and bus stations.

The Draft Plan proposes to double the total amount of funding available through the Perth Bicycle Network Grants and Regional Bicycle Network Grants schemes from \$1 million to \$2 million each per year. Reviewing local bicycle networks and traffic management on local roads is also discussed within the Draft Plan.

The Draft Plan also proposes improvements in the provision of cycling related information and includes the development of an online Journey Planner which will be modelled on the current Transperth Journey Planner system.

The City has reviewed the Draft *Western Australian Bicycle Network Plan* and has compiled a submission. The City’s comments are in regard to the following areas: Focus of the Plan, the Connecting Schools Program, Connecting Rail and Bus Program, Local Government Grants Program, Principal Shared Path Priorities and Funding.

Elected Members were invited to review the Draft Plan and provide feedback to inform the development of the City’s submission. Comments received by Elected Members have been incorporated into The City of Joondalup’s submission to the Draft *Western Australian Bicycle Network Plan* is included as Attachment 2.

**Legislation/Strategic Plan/Policy Implications**

**Legislation:** Not Applicable.

**Strategic Plan**

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

**Objective:** 2.1 To ensure that the City's natural environmental assets are preserved, rehabilitated and maintained.  
4.1 To ensure high quality urban development within the City.

**Policy:**

The Draft *Western Australian Bicycle Network Plan* is consistent with the objectives of the City's Sustainability Policy.

**Risk Management Considerations:**

Preparing a response to the Department of Transport on the Draft *Western Australian Bicycle Network Plan* provides an opportunity to encourage greater consideration within State planning for increased cycling facilities within the City of Joondalup.

**Financial/Budget Implications:**

Not Applicable.

**Regional Significance:**

The Draft *Western Australian Bicycle Network Plan* may lead to enhanced cycling facilities for commuter and recreational cyclists within the North Metropolitan Region by enhancing infrastructure with the Cities of Joondalup, Wanneroo and Stirling and providing a continuous bicycle network for the region.

**Sustainability Implications:**

The aim of the Draft *Western Australian Bicycle Network Plan* is to increase cycling within Western Australia which will lead to a number of social, economic and environmental benefits including reduced health costs, traffic congestion, greenhouse gas emissions and increased safety and awareness of cyclists.

**Consultation:**

Not Applicable.

**COMMENT**

Contributing to the review of the Draft *Western Australian Bicycle Network Plan* provides an opportunity to encourage greater consideration within State planning for the implementation of cycling facilities within the City of Joondalup.

The City is supportive of the majority of the new or modified initiatives outlined within the Draft *Western Australian Bicycle Network Plan* including expanding the Principal Shared Path and enhancing cycling facilities within close proximity of rail and train stations.

The City has concerns with the Draft Plan's strong focus on a 15 kilometre radius of the Perth Central Business District and has provided feedback to the Department of Transport within the City's submission requesting greater consideration of the Northern Corridor within the Plan.

Further details are provided within the City's submission, included as Attachment 2.

It should also be noted that the City's current *Bike Plan 2009 – 2016* may require amendment in order to align the Plan with the key focus areas of the final *Western Australian Bicycle Network Plan* including the inclusion of on-road facilities within roadwork upgrades. Ensuring that the City's *Bike Plan* aligns with related State plans is crucial to the City receiving regular, ongoing funding for the implementation of cycling facilities and infrastructure.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED** Cr Norman, **SECONDED** Cr McLean that Council **NOTES** the City of Joondalup submission provided to the Department of Transport on the Draft *Western Australian Bicycle Network Plan 2012-2021*, as detailed in Attachment 2 to Report CJ111-06/12.

**The Motion was Put and**

**CARRIED (12/0)**

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

*Appendix 10 refers*

To access this attachment on electronic document, click here: [Attach10brf190612.pdf](#)

## **CJ112-06/12      REVIEW OF WORKING GROUPS AND COMMUNITY FORUMS**

<b>WARD:</b>	All	
<b>RESPONSIBLE DIRECTOR:</b>	Mr Jamie Parry Governance and Strategy	
<b>FILE NUMBER:</b>	75521, 101515	
<b>ATTACHMENTS:</b>	Attachment 1	Terms of Reference of the Strategic Community Reference Group.
	Attachment 2	2012/13 Work Plan for the Strategic Community Reference Group.

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### **PURPOSE**

To present Council with a framework for establishment of a City of Joondalup Strategic Community Reference Group following a review of the City's Working Groups and Community Forums.

### **EXECUTIVE SUMMARY**

This report presents options for community engagement following a review of the City's Working Groups and Community Forums. The report discusses the success and challenges associated with Working Groups and Community Forums and the opportunities to optimise both methods in terms of participation and as mechanisms for providing advice to the Council to assist with decision making.

The report proposes that:

- Community Forums should be held as and when required but limited to high level strategic issues; and
- A City of Joondalup Strategic Reference Group be established, the purpose of which is to provide advice to the Council on:
  - Matters of significant community interest; and
  - Strategic initiatives,

as determined by the Council.

### **BACKGROUND**

At the Council Meeting held on 16 March 2010, a report was presented concerning options for future engagement with residents following an examination of Advisory Committees, Working Groups and Community Forums.

As required under the *Local Government Act 1995*, all Committees were dissolved following the Ordinary Election in October 2009 namely:

- Community Safety and Crime Prevention Advisory Committee;
- Conservation Advisory Committee;
- Seniors Interests Advisory Committee;
- Streetscape Advisory Committee; and
- Sustainability Advisory Committee.

At the March 2010 meeting, Council resolved to establish two Working Groups; a Community Safety and Crime Prevention Working Group, and a Streetscape Working Group, and to hold Community Forums on:

- Sustainability;
- Seniors Interests; and
- Conservation.

The establishment of the Community Safety and Crime Prevention Working Group and the Streetscape Working Group was intended to provide a less formal mechanism than Advisory Committees for community engagement on community safety and streetscape amenity. It was anticipated that the Working Groups would be flexible and less restricted in their operations, allow for general discussion and debate, and facilitate greater advisory potential to Council.

The establishment of Community Forums was intended to provide a mechanism for community participation in discussing matters formerly progressed through Advisory Committees. It was anticipated that the Forums would provide greater opportunities for discussing and debating matters of public interest.

A review of the success and challenges related to Working Groups and Community Forums has been undertaken to determine whether these community engagement mechanisms have assisted the Council in its decision making.

## **DETAILS**

### **Working Groups**

#### ***Streetscape Working Group***

The Streetscape Working Group was established with the objective of:

- Providing advice to the Council on local streetscape amenity such as street trees, verges, public access ways and medians; and
- Assisting the Council with the establishment of themed planting on road reserves to bolster the identity of the City's neighbourhoods.

The Streetscape Working Group's Work Plan was completed in accordance with the Working Group's requirements however it was problematic to find agenda items for the final few meetings of the Working Group. The Working Group only attracted seven nominations.

A significant issue with the Streetscape Working Group was that agenda items were 'in the main' operational in nature rather than being strategic or tactical and able to feed into the Council/City decision making processes.



### ***Community Safety and Crime Prevention Working Group***

The Community Safety and Crime Prevention Working Group was established with the objective of:

- Providing advice to the Council on community safety and crime prevention issues; and
- Assisting the Council in developing a strategic approach to ensure the safety and wellbeing of the wider community of the City of Joondalup.

The Community Safety and Crime Prevention Working Group attracted 11 nominations and the Work Plan included a range of ongoing issues relating to restorative justice, youth intervention and support, education and awareness, Neighbourhood Watch, and management of drugs and alcohol.

Following consultation with Elected Members, including the Presiding Members of the Working Groups, three options related to the Working Group mechanism of community engagement are provided below:

#### **Option 1**

Re-establish the formal Advisory Committees of Council with the same terms of reference prior to them being dissolved, namely; Community Safety and Crime Prevention Advisory Committee, Conservation Advisory Committee, Seniors Interest Advisory Committee, Streetscape Advisory Committee, and Sustainability Advisory Committee.

#### **Advantages**

- Previous processes, structures and terms of reference could be utilised; and
- Advisory Committees have some autonomy to request the production of specialist reports or pass Notices of Motion (although their requests are subject to the consideration of Council).

#### **Disadvantages**

- Advisory Committees are formed under section 5.8 of the *Local Government Act 1995* and are therefore restricted in their operations (i.e. The structure of Advisory Committees only allows for members to discuss the specific issues referred to them by Council and not workshop any new issues);
- The strict Committee formal does not provide adequate opportunity for general discussion and debate;
- Membership is generally limited and static (ie. Other community members who may have an interest in certain issues are excluded from being directly engaged); and
- The City's Annual Plan may not include projects that an Advisory Committee considers to be of importance, therefore, it is somewhat stifled in its ability to advise Council on matters related to its Terms of Reference.

#### **Option 2**

Re-establish the Community Safety and Crime Prevention and Streetscape Working Groups.

### **Advantages**

- Previous processes, structures and terms of reference could be utilised;
- Working Groups provide a more flexible format than Advisory Committees. Unlike Advisory Committees they are not formed under section 5.8 of the *Local Government Act 1995* which means they can have a more flexible approach to meetings, allowing group members to propose ideas, ask questions and discuss issues with greater freedom than is possible with Advisory Committees;
- Membership can be more inclusive and of greater diversity than that of Advisory Committees due to Working Groups' limited tenure and flexible nature;
- Working Groups can provide opportunities for networking;
- As Working Groups can be established around specific issues, members with expert knowledge can be recruited to participate; and
- The more flexible format of Working Groups can enable much greater opportunities for general discussion and debate.

### **Disadvantages**

- The Streetscape Working Group experienced problems in generating agenda items of a strategic or tactical nature, and as such experienced issues in achieving a quorum for its meetings.

### **Option 3**

Establish a Strategic Community Reference Group to examine strategic initiatives and/or matters of significant community interest.

### **Advantages**

- Similar processes, structures and Terms of Reference for Working Groups could be utilised;
- A Reference Group can provide a more flexible format than Advisory Committees. Unlike Advisory Committees they are not formed under section 5.8 of the *Local Government Act 1995* which means they can have a more flexible approach to meetings, allowing group members to propose ideas, ask questions and discuss issues with greater freedom than is possible with Advisory Committees;
- Membership can be more inclusive and of greater diversity than that of Advisory Committees due to a Reference Group's limited tenure and flexible nature;
- A Reference Group can provide opportunities for networking;
- A Reference Group can be established around specific issues, members with expert knowledge can be recruited to participate; and
- The more flexible format of a Reference Group can enable much greater opportunities for general discussion and debate.

### **Disadvantages**

- Community members may perceive that due to the variety of strategic matters referred to the Reference Group they do not have the necessary 'expertise' in issues to be discussed; and
- There will be resource implications associated with administering a strategic Reference Group.

Option 3 is the preferred option.

It is considered that the establishment of a broad strategic Reference Group comprising Elected Members, community members and key experts (professionals) will provide the opportunity for community representatives to work together on matters of significant community interest and provide advice to the Council. The combination of professionals and community members is likely to provide both informed advice and community sentiment on a range of strategic issues to assist with Council/City decision making.

A draft Terms of Reference is provided as Attachment 1, and includes:

- Objectives of the Reference Group;
- Membership of the Reference Group and the rationale for its structure;
- Methodology for Reference Group Membership Selection;
- The discussion and decision process;
- How ideas will be recorded (notes); and
- How recommendations arising from Reference Group discussions will be referred to Council for consideration.

The proposed structure for the Reference Group is as follows:

- 1 Membership of the Reference Group is limited to nine individuals, including:
  - Up to three Elected Members, one of whom acts as Presiding Member; and
  - One resident/ratepayer from each of the six wards of the district (six in total).

It is proposed that the Reference Group have the authority to second up to four suitably qualified professionals who can provide expert advice/information as necessary.

It is proposed that the Council have the option of appointing representatives from ratepayer groups in the Ward a specific matter to be discussed is located, for their local knowledge and understanding of community sentiment, if considered appropriate.

- 2 The Reference Group will be supported by City staff.
- 3 The Agenda of the Reference Group will be guided by a Work Plan established by the Council. The Work Plan will be aligned with the City's strategic planning objectives, Annual Plan, or other City Plan or initiative.

It is proposed that the initial Work Plan for 2012/13 comprise the following items:

- Review of the Community Safety and Crime Prevention Plan;
- Review of the Community Development Plan; and
- Review of the Environment Plan.

The Work Plan does not restrict the Council from referring additional matters to it considered to be of significant community interest or of a strategic nature.

- 4 The Reference Group is not a decision-making body and as such there will be no formal voting mechanisms. Rather, discussions will be formally noted and used to assist in the development of the strategic item under consideration. Advice from the Reference Group will be provided to the Council within the report on the matter under consideration.

It is proposed that any one issue to be dealt with by the Reference Group not take more than two meetings to deal with given its consultative and advisory role.

- 5 Selection of residents/ratepayers to serve on the Reference Group would be managed by advertising the six resident/ratepayer places (one for each ward of the district) and requesting that interested persons submit an 'Expression of Interest' in serving on the Reference Group, and writing to ratepayer groups in each ward with information on the Reference Group.

Final selection for serving on the Reference Group would be determined by Council. It is proposed that preference will be given to those that reside, work or own property in the City of Joondalup or have a direct interest in the district.

### **Community Forums**

Whilst formal participant evaluations have shown that the Community Forums were well received, a major difficulty experienced was in attracting participants from the wider community and a broader demographic than people willing to commit to participating in a formal Advisory Committee at scheduled meetings throughout the year.

The costs associated with mails outs to randomly selected community members representative of the whole community were high, and the number of participants recruited via this methodology was minimal.

The failure to attract enough participants for the Sustainability Forum despite the mail-out and extensive advertising was an indication of the limited broad appeal of such Forums.

With a view to learning from the experience of other organisations that had hosted Community Forums, a desktop search identified a number of local governments, regional Councils and State and Federal Government Departments that had published reports on these events.

Most of Community Forums researched focused on a single issue likely to be of interest to specific stakeholders, rather than to the broader community. Stakeholders may have included local residents but this was not a given. 'Community' was frequently used to describe representatives from community based organisations (paid employees or volunteers), Elected Members from local governments or staff from State and Federal Government Departments. In these circumstances, attendance levels were occasionally high (70+ people). It was worth noting that where community members were residents, they were likely to be older people, not necessarily representative of local demographics.

Promotional strategies were very similar to those used by the City and included mail outs to known groups and organisations with a focus on the topic, individuals with a particular interest in developments, advertisements in community newspapers, posters and letter box drops. The commonality amongst participants was explicit knowledge of and experience with the issue.

The review of Community Forums, as a vehicle for community engagement, has shown that whilst single issues can indeed attract participation, participants are more likely to be community members and groups who are affected by issues or who have strong views on a matter and the most confidence and experience in expressing them.

The review of the Community Forums also suggests that community members are seeking direct ways of getting involved in the affairs of the City and decision making in relation to issues in which they have a direct interest.

It is proposed that, given the City's experience of Community Forums, they be conducted as and when required but limited to high level strategic issues.

As such, the City's Community Consultation and Engagement protocol will be amended to provide the following:

- Community Forums be conducted where there is significant community interest in a particular matter, project or issue. The timing and subject of such forums would be dependent on projects or issues that arise during the course of the year; and
- The Council is informed of possible opportunities to utilise Community Forums as a mechanism for community engagement, when it gives consideration to community engagement plans presented to it for matters of significant community interest.

Council could determine as part of the Annual Plan adoption, or reporting process, to request that items of significant community interest or of a strategic nature be the subject of a Community Forum.

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

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

#### **Strategic Plan**

**Key Focus Area:**              Leadership and Governance.

**Objective:**                      To engage proactively with the community.

#### **Policy:**

Community Consultation and Engagement Policy.

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

Community members may be sceptical about the integrity of engagement attempts by local government, and nominations for the Reference Group and attendance at Community Forums may be low.

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

The 2012/13 Budget includes resources to conduct Community Forums and Working Groups. Costs associated with Community Forums include venue hire; catering, mail outs, and costs associated with Working Groups are, in the main, officer time.

The resources required for meetings of the Strategic Community Reference Group include attendance of officers at each meeting, officer time for report preparation, and catering. The cost is estimated at \$1,500–\$2,000 per meeting.

Costs associated with the Community Forums include equipment hire, catering, postage, speakers, printing, and advertising. Costs for these items are in the vicinity of \$5,000–\$6,000 per forum. Officer time is also required to prepare the program, attend the forums, and prepare reports for Council which is estimated at \$2,000 per forum. The total cost, therefore, for conducting each Community Forum would be \$7,000–\$8,000.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Community Forums and Reference Groups contribute to social cohesion as participants interact with one another on matters associated with the common good of the community. They are also a mechanism for involvement by the community on matters of social, economic and environmental matters and for better informing the Council to assist with decision making.

Supporting social connectivity and effective community engagement and other participatory processes can increase social capital within a community.

**Consultation:**

Reference Groups and Community Forums are mechanisms for community consultation.

**COMMENT**

Local Government undertakes a variety of roles within the community all of which have the potential to be enhanced and influenced by community participation and engagement. Increasingly, communities are concerned about their future and in many areas community networks are being driven by active citizens.

Community Forums and Reference Groups can provide a creative and relevant platform to engage community networks and community leaders and the broader community and have the potential to generate a sense of active and shared citizenship in the affairs of, and vision for, the City.

It should be noted that Community Forums and Reference Groups are part of a suite of community engagement processes for the City and other workshops and forums will be conducted to seek City wide feedback on plans and project as required.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 **AGREES to establish a Strategic Community Reference Group with the objective of providing advice to the Council on:**
  - **Matters of significant community interest;**
  - **Strategic initiatives,****as determined by the Council;**
- 2 **ADOPTS the Terms of Reference for the Strategic Community Reference Group shown as Attachment 1 to Report CJ112-06/12;**

- 3 **ADOPTS the 2012/13 Work Plan for the Strategic Community Reference Group shown as Attachment 2 to Report CJ112-06/12;**
- 4 **NOTES that Expressions of Interest for the Strategic Community Reference Group will be undertaken in July 2012; and**
- 5 **AGREES that Community Forums be conducted as and when required but limited to high-level strategic issues.**

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ120-06/12, Page 149 refers.**

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

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf190612.pdf](#)*

## **CJ113-06/12 LIST OF PAYMENTS MADE DURING THE MONTH OF APRIL 2012**

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<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER:</b>	09882
<b>ATTACHMENTS:</b>	Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of April 2012
	Attachment 2 Chief Executive Officer's Delegated Trust Payment List for the month of April 2012
	Attachment 3 Municipal and Trust Fund Vouchers for the month of April 2012

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### **PURPOSE**

To present to Council the list of accounts paid under the Chief Executive Officer's delegated authority during the month of April 2012 for noting.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of April 2012 totalling \$10,004,511.26.

*It is recommended that Council NOTES the Chief Executive Officer's list of accounts for April 2012 paid under Delegated Authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 in Attachments 1, 2 and 3 to this Report, totalling \$10,004,511.26.*

### **BACKGROUND**

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

### **DETAILS**

The table below summarises the payments drawn on the funds during the month of April 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 92441 – 92654 & EF023940 – EF024452 Net of cancelled payments	\$4,657,687.95
	Vouchers 968A – 973A & 976A – 977A & 980A -981A	\$5,331,868.81
Trust Account	Trust Cheques 204901- 204933 Net of cancelled payments	\$14,954.50
<b>Total</b>		<b>\$10,004,511.26</b>

**Issues and options considered:**

Not Applicable.

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

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

**Strategic 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 2011/2012 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.

**MOVED** Cr Chester, **SECONDED** Cr Amphlett that Council **NOTES** the Chief Executive Officer's list of accounts for April 2012 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 CJ113-06/12, totalling \$10,004,511.26.

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ120-06/12, Page 149 refers.**

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

*Appendix 12 refers*

To access this attachment on electronic document, click here: [Attach12brf190612.pdf](#)

## **CJ114-06/12 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 APRIL 2012**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER:</b>	07882, 101515
<b>ATTACHMENTS:</b>	Attachment 1 Financial Activity Statement for the Period Ended 30 April 2012

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### **PURPOSE**

The April 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 April 2012 Financial Activity Statement Report shows an overall favourable variance from operations and capital for the period of \$9,505,749 when compared to the 2011/12 Revised Budget.

This variance can be summarised as follows:

The Operating surplus is \$3,228,552 above budget, made up of higher revenue of \$208,209 and lower operating expenditure of \$3,020,343.

Higher Operating revenues have been driven by higher Rates \$174,667, Fees and Charges \$203,799 and Investment Earnings \$161,423. Revenue is below budget on Grants and Subsidies \$214,469 and Contribution, Reimbursements and Donations \$105,041. The additional revenue arose from interim Rates issued, Sports and Recreation Fees and Development Application Fees.

Operating expenditure is below budget due to Materials and Contracts \$2,047,460, Employee Costs \$920,828 and Utilities \$46,122.

The Materials and Contracts favourable variance is predominantly attributable to timing differences and is spread across a number of areas including Professional Fees \$257,813, Furniture, Equipment and Artworks (Maintenance and Minor Purchases) \$421,032, Public Relations, Advertising and Promotions \$239,759, Contribution and Donations \$359,387 and External Services Expenses \$557,353.

The Capital Revenue and Expenditure deficit is \$6,237,330 below budget and is made up of higher revenue of \$528,547 and under expenditure of \$5,708,783.

Capital Expenditure is below budget on Capital Projects \$931,517, Capital Works \$4,161,679 and Vehicle and Plant replacements \$623,185.

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 30 April 2012 forming Attachment 1 to this Report.*

## **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 30 April 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 Revised Budget or have been authorised in advance by Council where applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED** Cr Chester, **SECONDED** Cr Amphlett that Council **NOTES** the Financial Activity Statement for the period ended 30 April 2012 forming Attachment 1 to CJ114-06/12.

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ120-06/12, Page 149 refers.**

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

*Appendix 13 refers*

To access this attachment on electronic document, click here: [Attach13brf190612.pdf](#)

## **CJ115-06/12 TENDER 011/12 CIVIL WORKS FOR MOORE DRIVE CARRIAGEWAY DUPLICATION**

<b>WARD:</b>	North
<b>RESPONSIBLE DIRECTOR:</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER:</b>	102317, 101515
<b>ATTACHMENTS:</b>	Attachment 1      Summary of Tender Submissions

### **PURPOSE**

To seek the approval of Council to accept the Tender submitted by VDM Construction Pty Ltd (Alternate Offer) for the civil works of Moore Drive carriageway duplication.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 10 March 2012, through state wide public notice for civil works for Moore Drive carriageway duplication. Tenders closed on 2 April 2012 and five submissions were received from:

- Downer EDI Works Pty Ltd;
- Curnow Group Pty Ltd;
- VDM Construction Pty Ltd (Conforming Offer);
- VDM Construction Pty Ltd (Alternate Offer); and
- Scott Construction & Development Pty Ltd.

The submission from VDM Construction Pty Ltd (Alternate Offer) represents best value to the City. The company has sufficient resources and appropriate experience to complete the City's requirements. Its submission demonstrated sound understanding of the project and the ability to complete the works in the specified 18 week timeframe.

The company has previously completed stage 2 extension of Ocean Reef Road for the City of Wanneroo and the duplication of Burns Beach Road for the City.

*It is recommended that Council ACCEPTS the Tender submitted by VDM Construction Pty Ltd (Alternate Offer) for the civil works of Moore Drive carriageway duplication as specified in Tender 011/12 at the fixed lump sum of \$3,468,735 (GST Exclusive) with works to be completed within 18 weeks from possession of the site.*

### **BACKGROUND**

This requirement is to undertake the civil works for the Moore Drive carriageway duplication between Joondalup Drive and Connolly Drive in Joondalup.

## **DETAILS**

Tenders were advertised on 10 March 2012 through state wide public notice for a fixed lump sum contract to undertake the civil works for Moore Drive carriageway duplication, with works to be completed within 18 weeks from possession of the site.

The Tender period was for three weeks and Tenders closed on 2 April 2012.

### **Tender Submissions**

Five Submissions were received from:

- Downer EDI Works Pty Ltd;
- Curnow Group Pty Ltd;
- VDM Construction Pty Ltd (Conforming Offer);
- VDM Construction Pty Ltd (Alternate Offer); and
- Scott Construction & Development Pty Ltd.

A summary of the Tender submissions including the location of each Tenderer is provided in Attachment 1.

### **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 following Offers were assessed as fully compliant:

- Curnow Group Pty Ltd;
- VDM Construction Pty Ltd (Conforming Offer); and
- Scott Construction & Development Pty Ltd.

The following Offers were assessed as partially compliant:

- Downer EDI Works Pty Ltd; and
- VDM Construction Pty Ltd (Alternate Offer).

The submissions of Downer EDI and VDM Construction (Alternate Offer) were subject to the City agreeing to various amendments to the conditions of Contract. These relate to security, indemnity, limit of liability and consequential loss, liquidated damages, delay costs, payment terms and insurance.

Both submissions were included for further assessment on the basis that the potential for such amendments to increase the contractual risk to the City would be assessed prior to final 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 completing similar projects	35%
3	Demonstrated understanding of the required tasks	25%
4	Social and economic effects on the local community	5%

Scott Construction & Development Pty Ltd scored 63.1% and was ranked fourth in the qualitative assessment. The company has experience in completing subdivisional and general civil works for various private organisations, which included some road construction, and has sufficient resources to complete the project in the required timeframe. Its submission included a provisional program and brief methodology demonstrating an adequate understanding of the requirements. The company also completed the widening of Joondalup Drive for the City of Wanneroo.

The Conforming and Alternate Offers from VDM Construction Pty Ltd scored 68.1% and were ranked third in the qualitative assessment. The company has completed similar carriageway duplication projects including Ocean Reef Road stage two for the City of Wanneroo and Burns Beach Road for the City and has the capacity to complete the project in the required timeframe. Its submission included a provisional program and a detailed work methodology demonstrating a sound understanding of the scope of works.

Curnow Group Pty Ltd scored 69.6% and was ranked second in the qualitative assessment. It demonstrated experience in completing subdivisional and general civil works projects. These works did include some road construction with its local government clients including the City of Wanneroo and the Shires of Carnarvon and Roebourne. It is currently undertaking the landscaping of Burns Beach Road for the City. The company demonstrated a sound understanding of the scope of works through its work methodology and has adequate capacity to complete the project in the required timeframe.

Downer EDI Works Pty Ltd scored 76.1% and was ranked first in the qualitative assessment. It demonstrated extensive experience in completing similar carriageway duplications including the duplication of Wanneroo Road for Main Roads and Hepburn Avenue for the City of Wanneroo. The company has the largest capacity of the tenderers in terms of personnel and equipment and has demonstrated the clearest understanding of the project by its detailed work methodology and provisional program.

### Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the submitted lump sum prices offered by each tenderer to assess conformance to the specification and value for money to the City.



<b>Tenderer</b>	<b>Lump sum Price</b>
VDM Construction Pty Ltd (Alternate Offer)	\$3,468,735
Downer EDI Works Pty Ltd	\$3,578,465
Scott Construction & Development Pty Ltd	\$3,997,964
VDM Construction Pty Ltd (Conforming Offer)	\$4,162,314
Curnow Group Pty Ltd	\$4,844,496

### **Evaluation Summary**

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

<b>Tenderer</b>	<b>Total Contract Price</b>	<b>Price Rank</b>	<b>Evaluation Score</b>	<b>Qualitative Rank</b>
Downer EDI Works Pty Ltd	\$3,578,465	2	76.1%	1
Curnow Group Pty Ltd	\$4,844,496	5	69.6%	2
VDM Construction Pty Ltd (Alternate Offer)	\$3,468,735	1	68.1%	3
VDM Construction Pty Ltd (Conforming Offer)	\$4,162,314	4	68.1%	3
Scott Construction & Development Pty Ltd	\$3,997,964	3	63.1%	4

Based on the evaluation result and assessment of amendments to contractual conditions set out in the Offers from Downer EDI Works Pty Ltd and VDM Construction Pty Ltd (Alternate Offer), the panel concluded that the Tender that provides best value and lowest risk to the City is that of VDM Construction Pty Ltd (Alternate Offer) and is therefore recommended.

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

Civil works are required to complete the duplication of the Moore Drive carriageway. The City does not have the internal resources to undertake the works and as such requires an appropriate external service provider.

### **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 Built Environment.

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

**Policy** Not Applicable.

**Risk Management Considerations:**

The recommended Tenderer's submission was subject to various amendments to the City's conditions of Contract. The following summarises the proposed amendments:

- A limit to liquidated damages of 10% of the contract sum;
- Correction to the wording of the conditions of Contract Annexure part A item 34 for delay or disruption costs to be only those stated in clause 36 (delay or disruption caused by the Principal, latent conditions, a variation or a breach of Contract by the Principal);
- Reinstatement of five days notice for recourse to security;
- Reinstatement of final payment claim to the end of the defects liability period;
- Clarification that only items of a minor nature have not been expressly mentioned in the tender document;
- All other intellectual property rights, except any pre-existing intellectual property rights, in materials of any kind produced, created, designed, devised or made by on behalf of the Contractor solely for the purposes of the Contract will vest in the City;
- Amendment to the wording of conditions of Contract Annexure part B clause 18 for the Contractor's insurance to cover loss or damage for which the Contractor is legally liable rather than 'any cause whatsoever';
- Clarification of the Contractor's insurance being in place with the City able only to receive a copy of the certificates of currency and to receive notification at any time the insurance is updated during the Contract term;
- Deletion of conditions of Contract Annexure part B clause 54(c) as it clashes with clause 12 relating to latent conditions;
- Limiting the liability for uninsured risk to the contract sum of \$3,468,735; and
- The Contractor would not be liable for indirect or consequential loss or damages.

The variations to the conditions of contract proposed by the recommended Tenderer were assessed by the assessment panel and the City's legal advisor and deemed to pose an acceptable level of contractual risk to the City.

The proposed amendments to the conditions of contract were then submitted to Borrell Rafferty Associates Pty Ltd, a quantity surveyor consultancy firm, to obtain an estimation of its financial impact on the contract. The estimation of additional cost to the City was low and within the \$306,724 contingency portion of the project's budget.

Should the contract not proceed, the risk to the City will be high as the City may lose its funding from the Metropolitan Regional Roads Group for the project.

It is considered that the Contract will represent a low risk to the City as the recommended Tenderer is a well-established company with significant industry experience and the capacity to complete the works for the City within the required 18 week timeframe.

**Financial/Budget Implications:**

<b>Account No:</b>	CW000219
<b>Budget Item:</b>	RCD2006 Moore Dr (E) – Connolly Drive to Joondalup Drive
<b>Budget Project Cost 11/12:</b>	\$ 4,120,000
<b>Budget Amount:</b>	\$ 4,120,000
<b>Expenditure:</b>	\$ 58,825
<b>Committed:</b>	\$ 55,716
<b>Proposed Contract Cost:</b>	\$ 3,468,735
<b>Contingency:</b>	\$ 306,724
<b>Associated Works</b>	\$ 230,000
<b>Balance:</b>	\$ 0

All figures quoted in this report are exclusive of GST

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The duplication of Moore Drive will assist in regulating the flow of increased traffic through the Joondalup area.

**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 Offer representing best value to the City is that as submitted by VDM Construction Pty Ltd (Alternate Offer).

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Chester, SECONDED Cr Amphlett that Council ACCEPTS the Tender submitted by VDM Construction Pty Ltd (Alternate Offer) for civil works for Moore Drive carriageway duplication as specified in Tender 011/12 at the fixed lump sum of \$3,468,735 (GST Exclusive) with works to be completed within 18 weeks from possession of the site.**

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ120-06/12, Page 149 refers.**

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

*Appendix 14 refers*

To access this attachment on electronic document, click here: [Attach14brf190612.pdf](#)

**Disclosure of interest that may affect impartiality**

<b>Name/Position</b>	Cr Michael Norman.
<b>Item No/Subject</b>	CJ116-06/12, Tender 015/12 Provision of Hand Weeding Services.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Norman is the Chairman of the Joondalup Community Coast Care Forum.

**CJ116-06/12 TENDER 015/12 PROVISION OF HAND WEEDING SERVICES****WARD:** All**RESPONSIBLE DIRECTOR:** Mr Mike Tidy  
Corporate Services**FILE NUMBER:** 102353, 101515**ATTACHMENTS:** Attachment 1 Schedule of Item  
Attachment 2 Summary of Tender Submissions**PURPOSE**

To seek the approval of Council to accept the Tender submitted by Green Skills Inc trading as Ecojobs Environmental Personnel for the provision of hand weeding services.

**EXECUTIVE SUMMARY**

Tenders were advertised on 21 April 2012 through state wide public notice for the provision of hand weeding services for a period of three years. Tenders closed on 8 May 2012. Two Submissions were received from:

- Green Skills Inc trading as Ecojobs Environmental Personnel; and
- Weeding Women Pty Ltd.

The Submission from Green Skills Inc trading as Ecojobs Environmental Personnel represents best value to the City and is the lowest priced tender received. The company demonstrated a thorough understanding of the City's requirements. It has the appropriate resources and experience to undertake hand weeding services for the City. It is currently providing similar services for the Cities of Canning, Nedlands, Melville and Joondalup. Its current service to the City is of good quality.

*It is recommended that Council ACCEPTS the Tender submitted by Green Skills Inc trading as Ecojobs Environmental Personnel for the provision of hand weeding services as specified in Tender 015/12 for a period of three years at the submitted hourly rate, and with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.*

## **BACKGROUND**

The City has a requirement for a contractor to provide hand weeding services to the City's natural areas. All works shall be undertaken by a contractor whose primary business is bush regeneration having the appropriate resources, specific understanding and a demonstrated minimum of three years experience in natural areas management.

The City currently has a single contract for the provision of hand weeding services with Green Skills Inc trading as Ecojobs Environmental Personnel, which will expire on 19 July 2012.

## **DETAILS**

The tender for the provision of hand weeding services was advertised through state wide public notice on 21 April 2012. The tender remained open for two weeks and closed on 8 May 2012.

### **Tender Submissions**

Two Submissions were received from:

- Green Skills Inc trading as Ecojobs Environmental Personnel; and
- Weeding Women Pty Ltd.

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 to this report.

### **Evaluation Panel**

The evaluation panel comprised of three members:

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

The panel carried out the assessment of submissions in accordance with the City's evaluation process.

### **Compliance Assessment**

The offer from Green Skills Inc trading as Ecojobs Environmental Personnel was assessed as fully compliant.

The offer from Weeding Women Pty Ltd was assessed as partially compliant.

Weeding Women did not indicate its primary business is bush regeneration. However, the Submission was included for further assessment on the basis that clarification can be sought from the company, if shortlisted for 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%

Weeding Women scored 48% and was ranked last in the qualitative assessment. Its response was brief and the information provided did not adequately demonstrate an understanding of the services to be undertaken. The company also did not demonstrate experience in hand weeding in bushland reserves.

Ecojobs Environmental scored 77% and was ranked first in the qualitative assessment. It demonstrated a thorough understanding of the City's requirements. The company has extensive experience in hand weeding in bushland reserves and the appropriate resources to undertake hand weeding services for the City. It is the City's current hand weeding contractor and also has the following other local government clients: Cities of Canning, Nedlands and Melville. Its current service to the City has been of good quality.

### Price Assessment

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

The tendered rate is fixed for the first year of the contract, but is 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.

To provide an estimate of expenditure over the contract period, 4434 hours of work were used in the calculation and a 3% annual CPI increase was applied to the tendered rates after the first year of the contract.

The following table provides comparative estimated expenditure during the term of the contract, based on the tendered rates of each tenderer.

Tenderer	Estimated Cost			
	Year 1	Year 2	Year 3	Total
Ecojobs Environmental	\$157,806	\$162,540	\$167,417	<b>\$487,763</b>
Weeding Women	\$266,040	\$274,021	\$282,242	<b>\$822,303</b>

## Evaluation Summary

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

Tenderer	Estimated Contract Cost Year 1	Estimated Total Contract Cost	Price Rank	Evaluation Score	Qualitative Rank
Ecojobs Environmental	\$157,806	\$487,763	1	77%	1
Weeding Women	\$266,040	\$822,303	2	48%	2

Based on the evaluation result the panel concluded the tender that provides best value to the City is that of Ecojobs Environmental and is therefore recommended.

### Issues and options considered:

The City has a requirement for hand weeding services to natural areas. The City does not have the internal resources to undertake the required services and requires an appropriate Contractor to provide the services.

### 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. The City will not be able to complete its bushland maintenance program to remove flammable weeds in bushland reserves adjacent to urban areas.

With the contract being based on an hourly labour rate there is a risk that productivity under the contract will not be maintained. To address this a management regime ensures that, before commencement of each weeding assignment, there is agreement with the contractor on the area of work to be covered, the target weed type/s, the expected man hours for completion and the requirement to meet a 90% or greater removal rate of target weed species. The City's natural areas team closely monitor and manage the performance of the hand weeding contractor to ensure compliance and that the City receives value for money.



It is considered that a mitigating factor in managing Contract risk to the City is that the recommended tenderer is a well established company with extensive experience in natural areas management and the appropriate resources to provide the services to the City.

**Financial/Budget Implications:**

<b>Account No:</b>	3359 (Natural Account), 6441 (Operation Code)
<b>Budget Item:</b>	Hand Weeding Services
<b>Budget Amount:</b>	\$ 230,920
<b>Estimated Expenditure (to date) (Current Contract):</b>	\$ 264,874 *

\*Additional hand weeding services were required to areas where spraying, usually the method used, was too late to be applied.

All figures quoted in this report are exclusive of GST.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The control of weeds in the natural areas will assist native species in developing as well as maintaining biodiversity.

**Consultation:**

Not Applicable.

**COMMENT**

The evaluation panel carried out the evaluation of the submissions in accordance with the Qualitative Criteria and concluded that the offer representing best value to the City is that as submitted by Green Skills Inc trading as Ecojobs Environmental Personnel.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER'S RECOMMENDATION**

That Council ACCEPTS the Tender submitted by Green Skills Inc trading as Ecojobs Environmental Personnel for the provision of hand weeding services as specified in Tender 015/12 for a period of three years at the submitted hourly rate, and with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.

**MOVED Mayor Pickard, SECONDED Cr Norman that Council:**

- 1 DECLINES all Tenders received for Tender 015/12 Provision of Hand Weeding Services; and**
- 2 REQUESTS the Chief Executive Officer to review the tender specification for the Provision of Hand Weeding Services for productivity measures and performance hurdles.**

**The Motion was Put and**

**CARRIED (11/1)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hollywood, McLean, Norman, Ritchie and Taylor

**Against the Motion:** Cr Thomas

## **REASON**

In accordance with Regulation 11 (da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which was significantly different to what the administration recommended is because Council considers opportunity exists to achieve improved performance and accountability through the introduction of a panel and performance measures not currently stipulated in the tender documents.

*Appendix 15 refers*

To access this attachment on electronic document, click here: [Attach15brf190612.pdf](#)

## **CJ117-06/12 PROPOSED AMENDMENTS TO EXISTING PARKING SCHEME – JOONDALUP CITY CENTRE (NORTH)**

<b>WARD:</b>	North
<b>RESPONSIBLE DIRECTOR:</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER:</b>	07190, 57618
<b>ATTACHMENTS:</b>	Attachment 1 Existing Parking Scheme Joondalup City Centre (North) 14/10/11 Attachment 2 Proposed Amendments to Parking Scheme Joondalup City Centre (North) 11/10/11 Attachment 3 Schedule of Changes from the existing Joondalup City North Parking Scheme to the amended Parking Scheme Attachment 4 Proposed amendment to the laneway adjacent to Aldwych Way Joondalup

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### **PURPOSE**

The purpose of this report is to consider the consultation feedback provided by residents, businesses and the wider community in relation to proposed amendments to the existing Parking Scheme in Joondalup City North.

### **EXECUTIVE SUMMARY**

At its meeting on 13 December 2011 Council, agreed to seek public comment on proposed amendments to the existing parking scheme for Joondalup City North, (CJ244-12/11 refers). This was in response to a 29 signature petition from residents in Aldgate Street and Piccadilly Circle raising concerns about parking, by non-residents in their streets, and requesting the introduction of a two hour parking limit with exemption for residents and a 10 signature petition from residents in Aldgate Street and Piccadilly Circle requesting the introduction of resident/visitor parking permits in that area.

The proposed amendments to the existing parking arrangements are:

- the introduction of resident and visitor parking areas in the residential streets of City North to the north of Aldgate Street and in the section of Piccadilly Circle, north of Aldgate Street to Grand Boulevard, to assist in maintaining the amenity for residents; and
- the introduction of two hour timed parking in the section of Piccadilly Circle, south of Aldgate Street to Grand Boulevard, to assist in providing parking for customers of the nearby businesses.

As an outcome of the public consultation it is also recommended that a portion of the laneway to the east of the Grand View aged care facility be made one way to facilitate traffic movement and make safer the pedestrian activity of the residents of the facility.

*It is recommended that Council:*

- 1 *ADOPTS the proposed amendments to the Parking Scheme – Joondalup City Centre (North) as shown on Attachment 2 to Report CJ117-06/12;*
- 2 *APPROVES the application of Resident/Visitor Parking Permit for the Joondalup City Centre Policy to the Parking Scheme - Joondalup City Centre (North) as in 1 above;*
- 3 *APPROVES the parking of vehicles, associated with Grandview Aged Care facility in Aldwych Street, as authorised by the City, to park in the immediate vicinity of the aged care facility during the times and days when the Resident/Visitor Parking Permit conditions apply; and*
- 4 *Approves the modification of the laneway as shown on Attachment 4 to this report to be one way with vehicles entering from the north and exiting to the east.*

## **BACKGROUND**

There has been a steady increase in on street parking in the area, primarily since the introduction of paid parking in the Joondalup Health Campus (JHC) visitor car parks in 2009. A number of visitors and staff are using the on-street parking in residential areas of Joondalup City North, which surround the JHC, to facilitate their long term parking requirements. This has impacted on the ability of residents and their visitors to access the limited parking facilities in these streets. Council has already considered and approved resident/ visitor permit parking schemes to assist with this issue for residents.

A Joondalup City North Parking Scheme (CJ111–05/ 09 refer) was approved by Council at its meeting of 19 May 2009 covering the area from Shenton Avenue north to Plaistow Street. Since the introduction of this parking scheme many drivers migrated to the residential streets to the north of Plaistow Street to avoid the resident/visitor areas from Plaistow Street south to Shenton Avenue.

A further Joondalup City North Parking Scheme (CJ256–11/09 refer) was approved by Council at its meeting held on 17 November 2009 covering the area north of Upney Mews and Plaistow Street to Aldgate Street. This amendment followed a 21 signature petition from residents in Upney Mews raising concerns about the parking by non residents in their street and requesting resident/visitor parking permits and a 43 signature petition from residents of Nottingham Street, Joondalup requesting a controlled parking zone for local residents only.

It would appear that a further migration of drivers has now have taken place which is affecting parking in the residential streets, to the north of Aldgate Street and Piccadilly Circle.

## DETAILS

### Issues and options considered:

1. No change to existing arrangements and continue to enforce the prohibitions that currently exist. The current prohibitions are very limited. There are some sections of 'No Stopping Road' but generally the on-street parking is available to anyone. These arrangements originated when parking demand for the area was a lot less than it is now. The introduction of paid parking by the City, expansion of the JHC facility including the introduction by the JHC of paid parking in its own car parks and the introduction of resident/visitor parking areas in the surrounding streets means that the current limited parking prohibitions do not adequately provide for the needs of resident and visitor parking requirements. This option is not recommended;
2. Amend the current parking scheme by introducing time prohibitions that prevent all day or long term parking. It is possible to put various time restrictions in place in the affected streets such as two or four hour parking that would have the effect of preventing drivers from parking all day. The down side to parking prohibitions alone is that it does not distinguish between commuters looking to avoid paid parking and residents and their visitors parking outside their residence. It also encourages the shuffling of cars between bays in an attempt to avoid the prohibitions. Parking prohibitions alone may well cause as many problems for residents and visitors as it solves in relation to commuters. This option is not recommended; and
3. Amend the current parking scheme by extending the application of resident/visitor parking permits to the area north of Piccadilly Circle and Aldgate Street. Plans are attached of the proposed Parking Scheme (Attachment 2) showing the proposed parking restrictions and prohibitions in on-street locations. This proposal will:
  - Provide some support for residents and their visitors with the ability to park in reasonable proximity to their homes;
  - Provide for the safety of pedestrian and vehicle movement;
  - Encourage people wanting commuter parking to use the long term parking facilities provided by the City for this purpose; and
  - Achieve best utilisation of all public parking facilities managed by the City.

This is the recommended option.

### Legislation/Strategic Plan/Policy Implications

#### Legislation

The City of Joondalup *Parking Local Law 1998* was made in accordance with the requirements of *Section 3.12* of the *Local Government Act 1995*.

Clause 33 of the Parking Local Law applies:

#### *Establishing and Amending the Parking Scheme*

- 33 *The local government may by resolution constitute, determine, vary and indicate by signs:*
- (a) *prohibitions;*
  - (b) *regulations; and*
  - (c) *restrictions,*

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

### **Strategic Plan**

**Key Focus Area:** 3.1.5 The City implements its CBD Parking Strategy.

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

### **Policy:**

At the Council meeting on 17 February 2009 the Council resolved to adopt the Resident/ Visitor Parking Permit for the Joondalup City Centre Policy. It is proposed that the provisions of that policy will apply to these new proposed resident/visitor parking permit areas.

Those provisions, in outline are:

- Up to five, resident or visitor parking permits free of charge (any combination); and
- Further permits on application at a fee set down in the City's Fees and Charges manual, currently \$30 per annual permit.

The proposed amendments to the existing parking scheme are consistent with the City's Parking Strategy and the Resident/Visitor Parking Permits for Joondalup City Centre Policy.

### **Risk Management Considerations:**

If the proposed amendments to the parking scheme are not introduced, there is a risk that further development potential and community amenity in City North could be harmed.

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

Signage relating to the proposed amendments can be accommodated within the current budget allocations.

<b>Account No:</b>	343-A3403-3283-0000
<b>Budget Item:</b>	Signage/Decals
<b>Budget Amount:</b>	\$ 40,000
<b>Amount Spent To Date:</b>	\$ 30,719
<b>Proposed Cost:</b>	\$ 3,300
<b>Balance:</b>	\$ 5,981

All figures quoted in this report are exclusive of GST.

### **Regional Significance:**

Not Applicable.

### **Sustainability Implications:**

Not Applicable.

### Consultation:

The City invited comment in relation to the proposed amendments by conducting a letter drop to residents and businesses in the affected area, and also to the wider community through general advertising. Feedback was sought by completing a survey form with the option of returning either a hard copy from the letter drop or completing an on-line version of the form on the City's website. A consultation period of 30 days closed on Friday, 18 May 2012.

107 letter drops were made and the City received a total of 46 responses of which 40 identified themselves as residents, one as a business operator and five others who did not provide this information.

Respondents were asked to indicate their support, or otherwise, for the proposed parking restrictions for permit parking for residents in nominated streets as well as being offered the opportunity to make comments. Respondents were not required to respond to every question. One respondent did not complete the overall support for permits question.

A summary of the questions responded to is shown in the table below.

Response	Overall Support for Resident Permit Parking	Support for Parking Restrictions in Specific Streets						
		Aldgate Street	Aldwych Way	Barbican Terrace	Becontree Way	Charing Cross Road	Finchley Terrace	Piccadilly Circle
<b>Supported</b>	39	34	28	29	25	30	29	30
<b>Not Supported</b>	5	4	6	6	8	6	6	4
<b>Neutral</b>	1	3	3	3	4	1	3	4
<b>No Response Provided</b>	1	5	9	8	9	9	8	8
<b>Total</b>	<b>46</b>	<b>46</b>	<b>46</b>	<b>46</b>	<b>46</b>	<b>46</b>	<b>46</b>	<b>46</b>

There was an 86% level of overall support for permit parking for residents and only 11% opposed. The parking restrictions proposed in specific streets were also well supported with the level of neutral responses attributed to respondents not affected by issues in that street.

Of the five respondents who were opposed to restrictions, only two identified themselves as residents. One resident of Aldwych Way opposed the proposed amendments as they believed it would create difficulties for visitors to the nearby aged care facility.

A letter was also received from Belrose Care that operates the 105 bed Grandview Aged Care (GAC) facility, which is located at the northern end of Aldwych Way. The facility has been in operation for over 12 years without impacting on the parking availability for residents in that area. The letter expressed their concern regarding the ability for GAC volunteers, visitors and some staff to continue to park in the immediate vicinity of GAC after the introduction of these proposed parking amendments.

There are 23 on-site parking bays at GAC which with a minor re-orientation could be increased to 24. These are normally fully occupied on weekdays, by their full time employees, which results in approximately 15-20 other vehicles driven by volunteers, visitors and part-time employees being parked for short periods in the area immediately adjacent to GAC.

This practice has been in operation for many years and nearby residents would not be prevented from accessing on-street parking if this was allowed to continue after the introduction of the proposed amendments, as there is sufficient parking in this area to accommodate this requirement. City officers have met on site with GAC staff to discuss the proposed amendments. The amendments include making a portion of the laneway to the west of GAC to be one way only (north to south) and to remove vehicles from the footpath on the west of the laneway by allowing them to park in six marked bays on the carriage way.

The only affected land holders are GAC and the proprietors of the Colosseum Gymnasium which is at the southern end of that portion of the laneway.

The modification to this portion of the laneway will improve accessibility for pedestrians to use the footpath which often has vehicles on it. It will also address the narrow opening to the laneway on the north by only allowing one way traffic. The City's Waste Services team have advised that it will not affect domestic refuse collection operations. A concept drawing is provided as Attachment 4.

The GAC staff were confident that the introduction of the scheme and access to visitor permits would not interfere with normal activities at the centre. If Council were to approve the parking by GAC volunteers, long term visitors and staff in this laneway as shown in Attachment 4, it would allow the normal business of the facility to continue to operate after the City had implemented these proposed parking amendments without affecting any other users of the laneway.

## **COMMENT**

There are provisions in the existing City Policy Resident/Visitor Parking Permit for the Joondalup City Centre to enable the proposed amendments to the existing parking scheme to be implemented in Joondalup City North. On the basis of the responses from the consultation and the support for the proposed changes it is recommended that the proposed amendments to the parking scheme for Joondalup City North be implemented and the modification of the portion of the laneway to one way traffic be approved.

## **VOTING REQUIREMENTS**

Simple Majority.

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

- 1 ADOPTS the proposed amendments to the Parking Scheme – Joondalup City Centre (North) as shown on Attachment 2 to Report CJ117-06/12;**
- 2 APPROVES the application of Resident/Visitor Parking Permit for the Joondalup City Centre Policy to the Parking Scheme - Joondalup City Centre (North) as in 1 above;**



- 3 **APPROVES** the parking of vehicles, associated with Grandview Aged Care facility in Aldwych Street, as authorised by the City, to park in the immediate vicinity of the aged care facility during the times and days when the Resident/Visitor Parking Permit conditions apply;
- 4 **APPROVES** the modification of the laneway as shown on Attachment 4 to this report to be one way with vehicles entering from the north and exiting to the east; and
- 5 **ADVISES** the lead petitioners of both of the Piccadilly Circle and Aldgate Street Petitions of the Council's decision.

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ120-06/12, Page 149 refers.**

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

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16brf190612.pdf](#)*

**CJ118-06/12      SORRENTO DUNCRAIG JUNIOR FOOTBALL CLUB  
– VIEWING PLATFORMS**

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<b>WARD:</b>	South-West
<b>RESPONSIBLE DIRECTOR:</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER:</b>	02146
<b>ATTACHMENTS:</b>	Attachment 1      Details of Structure and Location

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**PURPOSE**

To seek Council's consideration of a request from Sorrento Duncraig Junior Football Club to construct two covered viewing platforms at Seacrest Park, Sorrento.

**EXECUTIVE SUMMARY**

The Sorrento Duncraig Junior Football Club has submitted details of their proposal to construct two covered viewing platforms at Seacrest Park, Sorrento.

The covered viewing platforms, which will be made of limestone and colourbond metal roofing, will be located on the main oval (East) on the north side, providing seating and weather protection for spectators.

The City has consulted with the Seacrest Park Community Sporting Facility Management Committee.

The Sorrento Duncraig Junior Football Club have committed to fully funding the project.

*It is recommended that Council does not support the Sorrento Duncraig Junior Football Club's proposed covered viewing platforms at Seacrest Park due to the potential anti-social behaviour issues and the impact on the general amenity of the Park.*

**BACKGROUND**

To assist local sport and recreation clubs, the City developed a Club Funded Facility Upgrade application pack. The application provides direction for clubs seeking to upgrade or construct facilities that they currently lease or hire from the City at their own expense, and mainstreams the application and approval process for their project.

The Sorrento Duncraig Junior Football Club has approached the City with a proposal to construct two covered viewing platforms at Seacrest Park, Sorrento. The Club has since provided details of the proposed project and are seeking in principle approval from the City to proceed.

## DETAILS

The covered viewing platforms, which will be made of limestone and colourbond metal roofing, will be located on the main oval (East) on the north side (Refer to Attachment 1). The Club has also included a score board as part of this project. The main clubroom facility at Seacrest Park has some covered spectator areas (veranda) on three sides of the building however the Sorrento Duncraig Junior Football Club would like to have additional covered spectator areas alongside the eastern oval to provide shelter during inclement weather.

The issues that arise from such a structure are:

- The covered viewing platforms may impact on the general amenity of the park;
- The covered viewing platforms could become gathering / hang out location for groups which can result in damage, graffiti, general antisocial behaviour and litter; and
- Long, flat edges / surfaces in public space will often attract skateboarders who can cause significant surface and edge damage to this type of asset.

### Issues and options considered:

Options for consideration include:

- 1 Support the City proceeding to community consultation under the Community Consultation and Engagement Protocol; or
- 2 Not support the proposal due to the potential anti-social behaviour issues and the impact on the general amenity of the Park.

### Strategic Plan

**Key Focus Area:** Community Wellbeing.

**Objective:** 5.2 To facilitate healthy lifestyles within the community.

**Strategy:** 5.2.1 The City provides high quality recreation facilities and programs.

**Outcome:** The Joondalup community is provided with opportunities to lead a healthy lifestyle.

### Risk Management Considerations:

During the initial stages of the Seacrest Community Sporting Facility project there was a considerable amount of objections from local residents regarding the site and scale of the development of a clubroom facility at the park. Their concerns were raised in the form of public meetings and petitions. As a result of these concerns, the initial proposed facility design was significantly modified and the operation of the facility has certain restrictions placed on it that are different to other City managed facilities.

Given the previous objections raised by the local community on the clubroom development, there may be further concerns raised on this proposal.

**Financial/Budget Implications:**

The cost of this project has not yet been confirmed but the Sorrento Duncraig Junior Football Club have committed to fully funding it.

When a club completes a club funded upgrade, any additional infrastructure becomes an asset of the City, and typically the City is responsible for the ongoing maintenance and potential replacement of the asset.

No funds have been allocated in the 2012/2013 operating budget or future capital works programs for ongoing maintenance and replacement of the proposed covered viewing platforms.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

If Council supports the covered viewing platforms, it is recommended that community consultation be conducted.

For a project of this nature, the City's Community Consultation and Engagement Protocol provides a the following guideline for community consultation.

A catchment of the whole suburb (depending on the location of the park within the suburb) ensuring that a radius of 500m to 1km is covered from the perimeter of the park through random selection (letters), signage and/or local signage.

Initial feedback from community representatives that serve on the Seacrest Park Community Sporting Facility Management Committee was not to support the construction of the platforms. Representatives of the sporting clubs on the Seacrest Park Community Sporting Facility Management Committee only commented on the positioning of the platforms in relation to the playing surface.

**COMMENT**

The decision on whether to support or not support the covered viewing platform proposed could set a precedent for similar structures in the future.

The City has previously supported installation of covered spectator structures at other active parks, but only where the structure is adjoined to the existing facility (i.e. patio structure at Windermere Park). The installation of a 'stand alone' spectator structure at a park is more likely to increase the City's resourcing requirements for that park in areas such as ground maintenance, vandalism and graffiti control, annual building maintenance and asset replacement.

As a result of the previous local community concerns relating to the development at the park and the potential issues such a structure may bring, it is recommended that the proposed viewing platform not be approved.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Chester, SECONDED Cr Amphlett that Council REFUSES the Sorrento Duncraig Junior Football Club's proposed covered viewing platforms at Seacrest Park due to the potential anti-social behaviour issues and the impact on the general amenity of the Park.**

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ120-06/12, Page 149 refers.**

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

*Appendix 17 refers*

To access this attachment on electronic document, click here: [Attach17brf190612.pdf](#)

## **CJ119-06/12 THE PREVALENCE AND CONTROL OF CALTROP IN THE CITY OF JOONDALUP**

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<b>WARD:</b>	All
<b>RESPONSIBLE A/DIRECTOR:</b>	Mr Charlie Reynolds Infrastructure Services
<b>FILE NUMBER:</b>	33409, 101515
<b>ATTACHMENTS:</b>	Nil.

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### **PURPOSE**

To provide a report to Council on the feasibility of the creation of a City of Joondalup Pest Plant Local Law for the purposes of declaring Caltrop (*Tribulus terrestris*) a Pest Plant, and to provide information on activities currently undertaken to manage and control Caltrop.

### **EXECUTIVE SUMMARY**

At the Ordinary Meeting of Council on 11 October 2011 a report was presented outlining a number of options open to the City to seek to control Caltrop on private land. Council resolved, at this meeting, inter alia, *“for the Chief Executive Officer to present a report to Council on the creation of a City of Joondalup Pest Plant Local Law for the purposes of declaring Caltrop a Pest Plant.”*

This report provides information on activities the City has undertaken in relation to the management and control of Caltrop as well as the advantages and disadvantages associated with the creation of a City of Joondalup Pest Plant Local Law for the purposes of declaring Caltrop a Pest Plant.

### **BACKGROUND**

At the Ordinary Meeting of Council on 19 April 2011 Council received a Notice of Motion and resolved that the Chief Executive Officer:

*“Submit a report to Council on the prevalence and control of the thorny weed ‘Caltrop’ (Tribulus terrestris) within the City of Joondalup, including but not limited to, declaring Caltrop a pest plant within the City and how the City could initiate broader control of Caltrop within the Perth metropolitan area through North Zone of WALGA”.*

At the Ordinary Meeting of Council on 11 October 2011 a report was presented outlining a number of options open to the City to seek to control the weed on private land including recording and monitoring reported infestations, seeking cooperation from land owners and raising awareness through the City’s media and communication avenues, or more broadly through WALGA.

At this meeting it was resolved that Council:

- “1 *NOTES that the City currently undertakes the control of known infestations of Caltrop on land managed by the City;*
- 2 *REQUESTS that the City records and monitors reported infestations of Caltrop on private land;*
- 3 *REQUESTS that the City undertakes to raise the awareness of Caltrop through the City’s corporate marketing material and customer service outlets;*
- 4 *REQUESTS that the City seeks to raise broader awareness of Caltrop through WALGA;*
- 5 *REQUESTS that the Chief Executive Officer presents a report to Council on the creation of a City of Joondalup Pest Plant Local Law for the purposes of declaring Caltrop a Pest Plant; and*
- 6 *REQUESTS the City to invite the Cities of Stirling and Wanneroo to address the issue of Caltrop within their boundaries in support of the City of Joondalup's proposed Pest Plant Local Law.”*

## **DETAILS**

### ***Record and monitor reported infestations of Caltrop on City and private land.***

The City has established a Caltrop Register to record and maintain reported incidences of Caltrop on private and public land.

The City has recently undertaken representative sampling field surveys of areas likely to be prone to Caltrop infestations including areas around bike paths, Yellagonga Regional Park, old market garden sites, and vacant private land.

It should be noted that the occurrence of Caltrop at the time of sampling is unusual as the plant is generally a summer growing annual weed however late germination could for example occur in full shade, high soil moisture content or different soil type.

A number of sites in Edgewater, Woodvale, Ocean Reef and Kingsley have been surveyed and details of those sites and the results of the survey for Caltrop are shown below:

<b>Suburb</b>	<b>Site</b>	<b>Survey Results</b>
<b>Edgewater</b>	207 Edgewater Drive (Vacant Block) opposite Yellagonga Regional Park.	Caltrop found in vacant block – register updated. No Caltrop on verge.
	Sump opposite bike bath on Edgewater Drive running parallel to Yellagonga Regional Park.	No Caltrop found.
	Bike path running along Edgewater Drive from Regatta Drive heading north on Yellagonga Regional Park.	Caltrop found. Already on the City's register. Spraying undertaken.
<b>Woodvale</b>	95 Woodvale Drive.	Evidence of Caltrop found on verge of farm. Register updated.
	Bike path running along Woodvale Drive from Woodvale Senior High School to Woodvale Baptist Church on Yellagonga Regional side.	Evidence of Caltrop found and register updated.
	25 Millport Drive	Caltrop found on verge-hand weeded and register updated
<b>Ocean Reef Road</b>	15 Volante Elbow (Vacant block) 18 and 20 Gloriana View (Vacant block).	Caltrop found on verge – already on the City's register. Spraying undertaken.
	23, 27, and 35 Vigilant Terrace (Vacant block).	No Caltrop found.
	Bike path runs from Ocean Reef Road to Shenton Ave no Caltrop found until bike path ends at Volante Elbow Avenue.	No Caltrop found.
<b>Kingsley</b>	55 Lakeway Drive (Vacant block).	No Caltrop found.
	35 Hocking Road (Vacant block).	No Caltrop found.
	51 Goollelal Road (Vacant Block).	No Caltrop found.
	101 Goollelal Drive.	No Caltrop found.
	Talbot Park on park verge.	No Caltrop found.
	Bike path running along Goollelal Road from Hepburn Avenue to Astley Place on Yellagonga Regional Park side.	Caltrop found – already on City's register. Spraying undertaken.
	Robertson Road Cycleway.	No Caltrop found.

The surveys are continuing as a part of normal City operations and where Caltrop is found the City's register will be updated and spraying or hand weeding will be undertaken. Hand weeding will occur where Caltrop has already produced spiny burrs. The City's regular Caltrop surveys are undertaken between November and April given that Caltrop is a summer weed generally prevalent from December to March and chemical control needs to be undertaken prior to the development of spiny burrs (seed maturity).



***Undertake to raise the awareness of Caltrop through the City's corporate marketing material and customer service outlets***

The City has developed a marketing campaign in order to educate the public and encourage the reporting of Caltrop to the City. The campaign will be operationalised through advertisements in the local newspapers and cycling web sites, and signs will be posted at sites encouraging the public to assist the City to identify Caltrop infestations on both City and private land. Information will be posted on the City's website and customer services screens. It is proposed that the marketing materials developed could be co-branded and distributed through the WALGA network. The campaign has been designed to increase the level of knowledge and awareness of Caltrop in the City and will be deployed from November to March as Caltrop is easier to identify during the summer months.

***Invite the Cities of Stirling and Wanneroo to address the issue of Caltrop within their boundaries in support of the City of Joondalup's proposed Pest Plant Local Law***

The City has liaised with the Cities of Stirling and Wanneroo in relation to Caltrop.

**City of Stirling**

- The City of Stirling has undertaken a field survey of the City's road reserve and private vacant properties. 540 infestations were found (this included information from the public in addition to the surveys) – with 517 being on road reserves and 23 within vacant private property (large parcels of undeveloped land);
- The City of Stirling also sought comments from the Bicycle Transport Alliance given the occurrence of tyre punctures due to the presence of Caltrop;
- The City of Stirling sent letters and fact sheets to 2,800 owners of undeveloped and vacant properties within the City of Stirling as well as privately owned golf courses in order to request their cooperation to remove and control Caltrop;
- The City of Stirling has signage at certain locations promoting awareness, education and encouraging the public to report signs of Caltrop to the City;
- The City of Stirling has undertaken trials in order to ascertain the most effective method for eradicating Caltrop including:
  - Mechanical weed and seed removal processes including manual removal and the use of industrial-type vacuum cleaners;
  - Herbicide Control Methods;
  - Landscaping and Planting to compete with Caltrop - Planting perennial ground cover plants to out-compete the Caltrop and discourage future growth of the weed;
  - Removing Caltrop and the bulk of seed-containing soil; and
  - Continuing to research (with University of Western Australia) additional new approaches and techniques including methods to force germinate all dormant seed remaining within infested soil, to allow mass removal.
- The City of Stirling undertakes mapping of the Caltrop infestations and inspects the sites for future outbreaks; and
- The City of Stirling provides has free Caltrop removal kits to members of the public who wish to remove the plants themselves.

The City of Stirling has previously resolved (2008) not to develop a local law for the control of Caltrop on private land but is currently considering the introduction of a local law and recognises that a local law would require significant resources effectively implement and enforce.

### **City of Wanneroo**

- The City of Wanneroo currently aggressively targets Caltrop at the start of the season using a broadleaf selective herbicide as well as manual removal and recognises that Caltrop is becoming an increasing problem in reserves; and
- The City of Wanneroo currently has no plans to introduce a Pest Plant Local Law in relation to Caltrop.

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

The City will continue to undertake regular investigations and field surveys in relation to Caltrop in order to determine its prevalence, and will treat Caltrop with a regular spraying regime.

The City will operationalise the communication and marketing campaign including media releases, information on cycling network websites, and signage at certain locations in order to encourage members of the public to report infestations of Caltrop on private and City land and to educate private property owners about the need to control Caltrop.

In terms of the development of a City of Joondalup Pest Plant Local Law for the purpose of declaring Caltrop a Pest Plant, the following options exist:

#### **Option 1**

Develop a City of Joondalup Pest Plant Local Law under the provisions of the *Local Government Act 1995* and section 110 of the *Agriculture and Related Resources Protection Act 1976*.

#### **Advantages**

A Local Law would provide the City with a mechanism for enforcing owners to destroy or control Caltrop on private land.

#### **Disadvantages**

There are significant administrative resources involved in the preparation and adoption of a local law and significant resources would be required to ensure adequate enforcement measures are in place to enact the local law.

#### **Option 2**

Do not develop a City of Joondalup Pest Plant Local Law at this time.

#### **Advantages**

The City would be able to focus resources on field surveys and the eradication of Caltrop in City owned land and record and act on feedback gathered on Caltrop on private land as a result of the communication and education program; and

The City would continue to liaise in a cooperative manner with private property owners where Caltrop is noted by the City or as a result of the communication and education program and immediately treat the Caltrop with the owner's permission.

### **Disadvantages**

Without an appropriate local law, the City does not have the power to enforce or control Caltrop on private property.

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

#### **Legislation**

Under the provisions of the *Local Government Act 1995* and section 110 of the *Agriculture and Related Resources Protection Act 1976* a local government is able to make a local law on the subject of pest plants for the purpose of 'prescribing as a pest plant any plant that in its opinion is likely to adversely affect the value of property in the district or the health, comfort or convenience of the inhabitants of the district'. The local government may then serve a notice on the owner or occupier of land requiring the destruction, eradication or control of the pest plant.

#### **Strategic Plan**

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

- Objective:**
- 2.2.1 The City works closely with external organisations in establishing environmental management and monitoring processes.
  - 2.2.2 The City conducts campaigns to raise community awareness about environmental protection and preservation.

#### **Policy:**

Not Applicable.

#### **Risk Management Considerations**

The prolific seed release capacity of Caltrop can contaminate soil for a period of up to five years from infestation. It is, therefore, imperative that the weed is treated whilst still green so that the seed stock is unable to germinate. The City's current approach to the control of Caltrop in terms of regular surveys from November to April and on the spot treatment for both City owned and private property (where permission is granted) is an effective method for managing Caltrop infestations.

The deployment of an extensive communication and awareness program will supplement the City's approach by educating the public and encouraging reports of Caltrop infestations to the City.

The continued updating of the City's Caltrop Register will also provide the City with the opportunity to monitor the prevalence of Caltrop and review the approach if required.

### Financial/Budget Implications

The deployment of a campaign to raise the awareness of Caltrop in terms of media releases, advertisements and signage will be undertaken within the operational budget. If a Local Law is required, future budgets will need to consider additional resources to ensure the adequate enforcement of such a local law.

Costs associated with the control of Caltrop, the awareness campaign, introduction of a Local Law and enforcement are listed below:

Current cost of Caltrop control	\$70,000
Cost of awareness campaign	\$ 1,500
Introduction of a Local Law (associated advertising and gazettal costs)	\$ 2,500
Enforcement per year if Local Law established (Officer and Vehicle)	\$85,000

All figures quoted in this report are exclusive of GST.

### Regional Significance

The efforts currently undertaken by the Cities of Stirling, Wanneroo and Joondalup are contributing to minimising the spread of Caltrop between adjoining local governments in the region.

### Sustainability Implications

Weeds such as Caltrop are generally highly adaptable and will establish quickly after a disturbance event such as fire, or through unrestricted access. If weeds are allowed to establish they have the potential to out-compete the City's unique floral biodiversity.

### Consultation

The City of Stirling and Wanneroo have been consulted as to their current and future approach to Caltrop and measures the City's can co-operatively introduce to control the spread of Caltrop.

The City of Cockburn, Town of Kwinana and City of Rockingham have been consulted with to determine the effectiveness of the introduction of pest plant local laws within their boundaries.

### COMMENT

There are three metropolitan local governments that have pest plant local laws with Caltrop listed as a pest plant – City of Cockburn, Town of Kwinana and City of Rockingham. Discussions with environment and compliance sections within the respective City's revealed they had no record of the pest plant local laws being used for enforcement. The Town of Kwinana indicated that the Local Law may have been used as a means to provoke action on Private Property.

The City of Rockingham utilises an awareness and education approach. Caltrop has been found on private property on a few occasions and the City has found that the owners generally cooperate and remove the weed when approached.

The City of Joondalup is undertaking regular field inspections of City owned and tracts of large private vacant land in order to determine the extent of Caltrop infestation. At this time, the level of infestation is considered manageable however the inspections will continue as a component of normal operations and the Caltrop Register will be updated and monitored to ascertain if Caltrop infestations are increasing.

The City will continue to work with the Cities of Stirling and Wanneroo. At this stage neither the City of Stirling nor the City of Wanneroo has a Pest Plant Local Law for Caltrop and the current approach by both Cities is to continue to manage and control Caltrop through various control methods supplemented, in the City of Stirling's case, by community education and awareness programs.

The most effective mechanism for managing Caltrop would be for the WA Department of Agriculture to declare Caltrop a pest weed through State legislation however there are no indications from the Department that such a measure is imminent.

The current approach by the City in terms of controlling Caltrop on City owned land, and working cooperatively with private land owners appears to be working well given that the field surveys have revealed manageable Caltrop infestations.

The City does not currently have enough reliable information on the prevalence of caltrop on private land to justify the implementation of a local law. Should data gathered through City inspections and public feedback indicate an increase in the reported incidences of Caltrop to unacceptable levels the introduction of a Local Law in conjunction with the Cities of Wanneroo and Stirling will be re-considered.

In order to prevent, as far as possible, damage to bicycle tyres, the City will continue to monitor and treat verges along the Perth Bicycle Network and principal shared paths within the City of Joondalup to support the City of Stirling's approach and therefore, prevent the spread between adjoining local governments.

## **VOTING REQUIREMENTS**

Simple Majority.

## **OFFICER'S RECOMMENDATION**

That Council:

- 1 NOTES the City's approach to the control of Caltrop through regular site surveys and on the spot treatment;
- 2 NOTES that a Communication and Awareness Campaign will be deployed in November 2012 to promote community awareness, community education and public reporting of Caltrop infestations; and
- 3 DOES NOT PROCEED with the development of a City of Joondalup Pest Plant Local Law for the purposes of declaring Caltrop a Pest Plant at this stage.

**MOVED Cr Norman, SECONDED Cr Chester that Council:**

- 1 NOTES the City's approach to the control of Caltrop through regular site surveys and on the spot treatment;**
- 2 NOTES that a Communication and Awareness Campaign will be deployed in November 2012 to promote community awareness, community education and public reporting of Caltrop infestations;**
- 3 SUPPORTS the development of a City of Joondalup Pest Plant Local Law for the purposes of declaring Caltrop a Pest Plant; and**
- 4 REQUESTS the Chief Executive Officer prepare a report to the Council on the initiation of a City of Joondalup Pest Plant Local Law.**

**The Motion was Put and**

**CARRIED (11/1)**

**In favour of the Motion:** Mayor Pickard, Crs Chester, Corr, Fishwick, Gobbert, Hollywood, McLean, Norman, Ritchie, Taylor and Thomas

**Against the Motion:** Cr Amphlett

## **REASON**

In accordance with Regulation 11 (da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which was significantly different to what the administration recommended is because Council considers Caltrop as an amenity weed that adversely impacts public and private land and requires the introduction of a local law to manage infestations on private land.

**Disclosure of interest that may affect impartiality**

<b>Name/Position</b>	Mayor Troy Pickard.
<b>Item No/Subject</b>	CJ120-06/12, Petition Regarding Parking and Traffic Concerns – St Stephen's Early Learning Centre, Padbury.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mayor Pickard's son attends St Stephen's Early Learning Centre.

## **CJ120-06/12      PETITION REGARDING PARKING AND TRAFFIC CONCERNS – ST STEPHEN'S EARLY LEARNING CENTRE, PADBURY**

**WARD:** South-West

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

**FILE NUMBER:** 07560, 101515, 56534

**ATTACHMENTS:** Attachment 1      Locality Plan for Hepburn Heights, Padbury  
Attachment 2      St Stephens School Early Learning Centre Site Plan  
Attachment 3      Location of 12 Blackwattle Parade, Padbury

**PURPOSE**

To specifically consider the traffic, parking and pedestrian issues raised in two petitions received by Council in the Padbury area in relation to the opening of the St Stephens School Early Learning Centre in 2011.

**EXECUTIVE SUMMARY**

As a result of the opening of St Stephen's Early Learning Centre (ELC) in 2011, there have been concerns raised by some local residents regarding traffic and parking. St Stephen's ELC has also requested assistance from the City in relation to on-street parking opportunities and pedestrian crossing issues.

At the Ordinary Meeting of Council held on 19 July 2011, a 25 signature petition from residents of the City of Joondalup was tabled requesting the City address parking, traffic and pedestrian issues in the Padbury area in relation to the opening of the St Stephens School Early Learning Centre in 2011. The wording of the petition was as follows:

- "1      *Notes the history of problematic vehicular ingress, egress and internal movement within Hepburn Heights Estate, current parking issues following the recent opening of St Stephen's Early Learning Centre and the desire for the vacant land adjacent to the commercial centre to be developed to further enhance the existing business offerings;*
- 2      *Prepare and implement a range of short term cost effective initiatives to alleviate current parking and vehicular movement issues within Hepburn Heights Estate;*

- 3 *As a long term solution, prepare a submission to the State Government to allow the City of Joondalup to acquire the Crown land located at 12 Blackwattle Parade, Padbury;*
- 4 *Rezoned 12 Blackwattle Parade Padbury to allow for commercial and/or business use and sells the land for such purpose; and*
- 5 *Allocate the resulting funds from the sale of the land to alleviate traffic congestion and to improve community safety, security and amenities in and adjacent to the area known as the Hepburn Heights Estate.”*

At the same meeting, Council received a second petition of 92 signatures from St Stephens School which included identical requests with an additional request:

*“Includes a pedestrian overpass over Hepburn Avenue to incorporate Hepburn Heights into the non-vehicular infrastructure of the northern corridor.”*

This report addresses the Traffic, Parking and Pedestrian issues raised in the petitions and matters relating to the acquisition and sale of vacant land 12 Blackwattle Parade, Padbury will be dealt with separately through the City’s Strategic Financial Management Committee.

*It is recommended that Council:*

- 1 *NOTES that this report specifically addresses the traffic, parking and pedestrian issues raised in the petitions received by Council on the 28 June 2011;*
- 2 *REQUESTS that the Chief Executive Officer prepare a report for the Strategic Financial Management Committee detailing a business case of purchasing vacant land 12 Blackwattle Parade, Padbury;*
- 3 *NOTES the results of the school parking and traffic study of 2011 for St Stephens School-Early Learning Centre, Padbury;*
- 4 *SUPPORTS the further monitoring of school traffic and requests that alternate parking options around the St Stephens School-Early Learning Centre, Padbury are investigated over a twelve month period and that these findings are reported back to Council by July 2013;*
- 5 *REQUESTS that the Chief Executive Officer investigate the installation of traffic signals at the intersection of Hepburn Avenue and Walter Padbury Boulevard, Padbury;*
- 6 *DOES NOT SUPPORT the construction of a pedestrian overpass at Hepburn Avenue between St Stephens School main campus and the early learning centre due to its high construction costs and limited use to the broader community; and*
- 7 *ADVISES the lead petitioners of Council’s decision.*



## **BACKGROUND**

At the Ordinary Council held on 14 December 2004, the site of the St Stephens' ELC was approved for rezoning to construct an educational facility. The land was gifted to St Stephens by the State Government for the purposes of expansion of the existing school and the development of a pre-primary school catering for kindergarten, year one and year two aged between three and seven years. The ELC was completed in early 2011 and is located on the northern side of Hepburn Avenue in Brookmount Ramble, Padbury and is adjacent to the Mitchell Freeway to the east.

As part of the application, St Stephen's School commissioned Cardno BSD Consulting Engineers to complete a Traffic Parking and Pedestrian Impact Study in November 2004. The traffic report suggested that the revised plans for parking would not present any problems. Although access from Hepburn Avenue is restricted to left-in left-out access, it was acknowledged in the Study there may be potential for traffic and parking issues to arise within the adjacent existing residential subdivision. Further to the parking requirements, the 2004 Study also revealed that with regard to the operation of the access points/roads and operation of the intersections there would not be any major negative impacts from the proposal.

In November 2005, Council approved the closure of Brookmount Ramble, 150 metres from the western end due to resident complaints of anti-social behaviour. A lockable boom gate was installed at this location and in support; the Islamic Mosque also installed a lockable boom gate on their property further restricting vehicular access to Brookmount Ramble (CJ255-11/05 refers).

The City has liaised with St Stephen's ELC and the Al-Hidaya Mosque to facilitate the ELC opening and closing the boom gates owned by both parties. This arrangement will allow vehicular access through to Walter Padbury Boulevard from the ELC thereby allowing west bound traffic to overcome the right turn restrictions into Hepburn Avenue and alleviate current vehicular movement within Hepburn Heights Estate.

This report only deals with the traffic, parking and pedestrian concerns and matters relating to land acquisition will be dealt with separately at a subsequent City's Strategic Financial Management Committee.

## **DETAILS**

### **Early Learning Centre Location, Current Parking and Traffic Management**

The ELC is located on Brookmount Ramble which is a local access road of approximately 930 metres in length (Attachments 1 and 2 refer). It was originally built to provide further access to other local organisations such as the Christian City Church and the Australian Anglo-Indian Association. Brookmount Ramble is connected to the eastbound carriageway of Hepburn Avenue via a left-in left-out treatment. Vehicles exiting Brookmount Ramble who wish to travel west on Hepburn Avenue are required to travel east for 625 meters to the dedicated u-turn facility located east of the Mitchell Freeway. Vehicles travelling westbound on Hepburn Avenue wishing to enter Brookmount Ramble are required to travel 350 meters to the west and make a u-turn at the Glengarry roundabout. In 2005, Brookmount Ramble was closed, by the installation of a gate, which prevented access to Walter Padbury Boulevard through the Islamic Mosque's private car park and forcing vehicles to exit via Hepburn Avenue.

The ELC opened in February 2011 and is currently attended by 224 students and 28 staff. The centre runs the full school term for the school year with the kindergarten operating four days a week and pre-primary, year one and year two operating five days a week. The ELC has two car parks with 21 bays provided for kindergarten and pre-primary parking and 30 bays provided for junior school parking and kiss and drive.

### **Traffic, Parking and Pedestrian Study 2004**

From the earlier Cardno BSD Consulting Engineers 2004 Traffic Parking and Pedestrian Impact Study conducted when the ELC was being proposed, it was anticipated that 100% of families with children in the kindergarten and 50% of families in the pre-primary would park their vehicles and accompany their children to class with the other half dropping off/picking up quickly and leaving. For the years one and two school students, the study assumed that 25% of families would park their car and accompany their children to class and the remaining 75% would drop off/pick up and leave.

### **Initial Traffic and Parking Situation**

When the ELC opened there were incidences of non-compliant traffic and parking behaviour while parents familiarised themselves with the new school and traffic arrangements. The ELC provided pedestrian access gates on the southern and northern locations of the school boundary which can be accessed by parking in Fernwood Square. Fernwood Square appears to be a convenient location for parking and allows exiting vehicles to head west on Hepburn Avenue via Walter Padbury Boulevard.

During the first few weeks after opening, the City met with ELC representatives to discuss residents concerns of parking in Fernwood Square. Acknowledging that parking was occurring in Fernwood Square, the City advised the ELC to educate parents to use Fernwood Square in a clockwise direction which would reduce the risk of parking in resident's verges and to be more respectful of resident's properties.

In March 2011, the City, a representative from Main Roads WA (MRWA) and a representative from St Stephens School conducted a site meeting around the school. The purpose of the meeting was to investigate pedestrian crossing concerns raised by St Stephens School at Hepburn Avenue. The consensus of the group was the signal pedestrian phase at the intersection of Hepburn Avenue and the Mitchell Freeway was of an appropriate duration for safe pedestrian crossings.

Concerns from local residents about traffic congestion in the area during school drop off/pick up times were investigated. A seven day traffic count survey was conducted in March 2011. The results of the survey are detailed in the table below and demonstrate the traffic volumes are within acceptable limits for roads of this type.

<b>Road</b>	<b>Traffic Volume – vehicles per day (vpd)</b>	<b>Maximum limit for road (vpd)</b>
Brookmount Ramble north of Hepburn Avenue	560 vpd	3,000 vpd (Local Access)
Fernwood Square east of Blackwattle Parade	367 vpd	3,000 vpd (Local Access)
Fernwood Square north of Chadlington Drive	121 vpd	3,000 vpd (Local Access)
Walter Padbury Boulevard north of Hepburn Ave	3,555 vpd	6,000 vpd (Local Distributor)
Blackwattle Parade east of Walter Padbury Blv	1,236 vpd	3,000 vpd (Local Access)
Chadlington Drive east of Walter Padbury Blv	461 vpd	3,000 vpd (Local Access)

Local residents concerns about congestion and delays at the intersection of Hepburn Avenue and Walter Padbury Boulevard could be alleviated through the installation of traffic signals at this intersection. The City will begin discussions with MRWA over potential blackspot funding for the intersection.

### **Community Meetings 2011**

In May 2011, the City facilitated a meeting with representatives of the Australian Anglo-Indian Association and the ELC to discuss the possibility of the ELC utilising the Association's nearby car park on Fernwood Square for school parking. The ELC was required to further investigate this option as a potential solution.

On 27 June 2011 an informal meeting was held at the ELC with the City, representatives from ELC, the Anglo-Indian Association and eight local residents. The following issues were discussed:

- The ELC advised they were not intending to explore the option of using the Australian Anglo-Indian Association private car park;
- The ELC favoured a pedestrian overpass for Hepburn Avenue to provide access to the main campus of St Stephens School. Attending residents stated that this option would not be beneficial to local residents; and
- The consensus of the residents was that they would like the west of Brookmount Ramble re-opened allowing traffic to access Walter Padbury Boulevard even though this option would require the permission from the Islamic Mosque to access their private land.

### **School Parking and Traffic Studies 2011**

The City has conducted traffic movement observation studies throughout 2011 in Fernwood Square and Brookmount Ramble. In Brookmount Ramble there is a strong on-street demand for parking but there is no evidence of congestion. Site investigations indicate the majority of vehicles depart via Hepburn Avenue however a small number exited through the Christian City Church car park at a location before the locked gates thereby allowing access to Walter Padbury Boulevard. There are two 20 minute daily peak periods in the morning (8.25am to 8.45am) and the afternoon (3.00pm to 3.20pm) coinciding with school activity. The City has received only one formal complaint regarding parking in Fernwood Square on 14 March 2011. The study results revealed that there are no significant issues in Fernwood Square with parking and traffic operating in a safe, legal and orderly manner.

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

##### **Short term options**

##### ***Open boom gates***

Arrange for the ELC to open the boom gates on Brookmount Ramble during peak drop off and pick up periods during school days to assist parents to access Walter Padbury Boulevard. The school traffic and parking will be monitored throughout 2012 to gauge the success of these measures.

### ***Parking options***

Investigate possible parking options in Brookmount Ramble including the installation of a footpath and turning pocket to allow u-turns on the eastern side of Fernwood Park to provide safe school parking and appropriate vehicle circulation to parents parking.

### **Long term options**

#### ***Modifications to Hepburn Avenue/Brookmount Ramble intersection***

- Modify the intersection of Hepburn Avenue and Brookmount Ramble through alterations of the current left-in/left-out design. Currently the left-in/left-out design has few conflict points and is considered to be a safe intersection treatment. The options to alter this intersection could either be through the construction of a dual lane roundabout or signalised intersection. These options may cause significant impact on the operation of Hepburn Avenue given the high traffic volumes at this location and the close proximity to the Mitchell Freeway (170 metres to the east) and the nearby roundabout at the intersection of Glengarry Drive (340 metres to the west) particularly at peak times. Both intersection treatments would be subject to MRWA approval and require detailed traffic analysis to be undertaken to determine the appropriate performance levels and road safety implications.

The cost associated with the construction of a dual lane roundabout at Hepburn Avenue/Brookmount Ramble is subject to detail design. It is anticipated however that a dual lane roundabout would cost approximately \$850,000 to \$1,000,000 based on estimates of similar type treatments.

#### ***Modifications to Hepburn Avenue / Walter Padbury Boulevard intersection***

- Modify the intersection of Hepburn Avenue and Walter Padbury Boulevard through a signalised intersection thereby assisting vehicles leaving Hepburn Heights to travel west along Hepburn Avenue. This traffic signal option would require detailed traffic analysis to be undertaken to confirm intersection performance levels including any negative impact to Hepburn Avenue traffic flows.

The traffic signal option is also subject to detail design and MRWA approval. Based on similar type treatments the cost would be approximately \$350,000.

#### ***Pedestrian Crossing on Hepburn Avenue***

- Construct a pedestrian overpass across Hepburn Avenue to connect the St Stephens main campus with the ELC at a cost of approximately \$4,000,000 to \$5,000,000. The design would have to comply with Australian Standards for access and inclusion gradients whilst spanning a distance of approximately 55 metres across Hepburn Avenue. The cost estimate is based on a similar pedestrian overpass treatment constructed in South Terrace, Willetton.

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

### **Legislation**

#### District Planning Scheme

District Planning Scheme No 2 would need to be amended to change the zoning of the site from 'Civic and Cultural' to 'Commercial' or 'Business'.

#### Planning and Development Act 2005

Part 5 of the *Planning and Development Act 2005* enables Local Government to amend a Local Planning Scheme and sets out the process to be followed.

### **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:**

The results of the traffic survey and onsite inspection by the City in conjunction with MRWA have not identified any areas of high risk.

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

Financial and budget implications will be ascertained once further traffic analysis is undertaken and infrastructure changes are determined. Costs associated with the traffic analysis and traffic count surveys will be funded as part of the City's ongoing Traffic Investigation Program.

Funding for traffic treatments to the school precinct and Hepburn Avenue could be offset against the proceeds of the potential sale of vacant land 12 Blackwattle Parade.

### **Regional Significance:**

Not Applicable.

### **Sustainability Implications:**

Not Applicable.

### **Consultation:**

No community consultation has been undertaken regarding the proposed traffic initiatives although several discussions with the residents association have been held. community consultation with the local residents may be required to be completed prior to any works being undertaken.

## COMMENT

### *Parking*

Following the ELC opening various site investigations at school drop off/pick up times established that Fernwood Square is operating efficiently and parking restrictions are not required. Parents are now circulating in a clockwise direction and parking safely on the verge adjacent to the ELC. In support of these observations only one parking complaint has been received by the City for the period 1 February 2011 to 1 May 2012. Overflow parent parking is a combination of on-street and verge parking that would benefit from formalised embayments and a turnaround facility to assist drivers in turning around to exit Brookmount Ramble.

### *Pedestrian Crossing on Hepburn Avenue*

On 17 March 2011, the City undertook an afternoon site meeting along with representatives from the ELC and Main Roads WA to investigate the extent of pedestrian crossing concerns, in particular at the intersection of Hepburn Avenue and the Mitchell Freeway. At this time, there did not appear to be a strong pedestrian demand and therefore justification to MRWA to further evaluate the pedestrian crossing signal phasing at this location would be difficult to justify however the City acknowledges the demand can vary daily.

The construction of a pedestrian overpass would have to comply to Australian Standards making it expensive to build. Based on the high construction costs of approximately \$4,000,000 to \$5,000,000, current and expected pedestrian usage, the pedestrian overpass would be difficult to justify. Support from local residents for this option has also not been strong at initial community meetings.

### *Brookmount Ramble and Hepburn Avenue intersection*

A condition of planning approval for Brookmount Ramble in July 2000 required that the entry point to Hepburn Avenue be left-in/left-out to control traffic movements and restrict right turn manoeuvres.

To gauge the extent of the traffic concerns on Brookmount Ramble, a seven day traffic count survey was conducted in March 2011. The survey revealed the traffic volumes were within acceptable limits for a road of this type. In addition, a 12 hour traffic video survey was undertaken at the intersection of Hepburn Avenue and Walter Padbury Boulevard. The survey indicated no significant traffic congestion issues occurred at this location during peak periods.

Modifications to the Brookmount Ramble/Hepburn Avenue intersection through either the installation of a roundabout or traffic lights would have a significant negative impact on the traffic flow on Hepburn Avenue during peak times due to the high traffic volumes on Hepburn Avenue, close proximity to the Mitchell Freeway and the nearby roundabout at the intersection of Glengarry Drive. Whilst installing a roundabout at this location is worth considering, there would be potential road safety issues with access and egress to and from Hepburn Avenue and it would not eliminate pedestrian crossing concerns. The installation of traffic signals at this intersection would allow controlled traffic movement from all directions and would incorporate a signalised pedestrian crossing.

MRWA however have formally advised on 1 May 2012 that in relation to Hepburn Avenue and Brookmount Ramble they “*would not consider any additional access or movements on Hepburn Avenue without a reviewed structure plan being submitted for consideration*” and “*function and catchment areas of side streets onto Hepburn Avenue have not altered from the original agreed structure plan it is unlikely that Main Roads would support any changes to or relaxing the access restrictions that are currently in place.*”

As an outcome of this advice, MRWA are not likely to support changes to the existing intersection configuration at Brookmount Ramble and Hepburn Avenue.

### ***Hepburn Avenue and Walter Padbury Boulevard intersection***

A signalised intersection at the junction of Hepburn Avenue and Walter Padbury Boulevard would assist all residents of Hepburn Heights to safely exit and enter Hepburn Avenue. Funding for a signalised traffic treatment at this location would be dependent on MRWA agreement in principle for traffic signals, successful blackspot funding and the sale of vacant land 12 Blackwattle Parade.

### **The purchase of Vacant Land - 12 Blackwattle Parade, Padbury**

The identified land is currently owned by the State Government and is zoned ‘Civic and Cultural’ under the current City’s District Planning Scheme No 2. The benefits for the City in respect of its purchase and possible sale will need to be considered by the Strategic Financial Management Committee, and therefore a business case will need to be prepared and submitted to the Committee for consideration and further recommendation to the Council.

## **VOTING REQUIREMENTS**

Simple Majority.

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

- 1 NOTES that this report specifically addresses the traffic, parking and pedestrian issues raised in the petitions received by Council on the 28 June 2011;**
- 2 REQUESTS that the Chief Executive Officer prepare a report for the Strategic Financial Management Committee detailing a business case of purchasing vacant land 12 Blackwattle Parade, Padbury;**
- 3 NOTES the results of the school parking and traffic study of 2011 for St Stephens School-Early Learning Centre, Padbury;**
- 4 SUPPORTS the further monitoring of school traffic and requests that alternate parking options around the St Stephens School-Early Learning Centre, Padbury are investigated over a 12 month period and that these findings are reported back to Council by July 2013;**
- 5 REQUESTS that the Chief Executive Officer investigate the installation of traffic signals at the intersection of Hepburn Avenue and Walter Padbury Boulevard, Padbury;**

- 6 DOES NOT SUPPORT the construction of a pedestrian overpass at Hepburn Avenue between St Stephens School main campus and the early learning centre due to its high construction costs and limited use to the broader community; and**
- 7 ADVISES the lead petitioners of Council’s decision.**

**The Motion was Put and**

**CARRIED (12/0)**

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

*Appendix 18 refers*

*To access this attachment on electronic document, click here: [Attach18brf190612.pdf](#)*



**C43-06/12            COUNCIL DECISION – EN BLOC RESOLUTION - [02154] [08122]**

**MOVED Cr Chester, SECONDED Cr Amphlett that Council that pursuant to the Standing Orders Local Law 2005 – Clause 48 – Adoption of Recommendations En Bloc, Council adopts the following items CJ099-06/12, CJ102-06/12, CJ105-06/12, CJ106-06/12, CJ107-06/12, CJ109-06/12, CJ112-06/12, CJ113-06/12, CJ114-06/12, CJ115-06/12, CJ117-06/12 and CJ118-06/12.**

**The Motion was Put and**

**CARRIED (12/0)**

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

**REPORT OF THE CHIEF EXECUTIVE OFFICER****CJ121-06/12 MINUTES OF THE CAPITAL WORKS COMMITTEE MEETING HELD ON 12 JUNE 2012**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER:</b>	102496, 101515
<b>ATTACHMENTS:</b>	Attachment 1 Unconfirmed Minutes of the Capital Works Committee Meeting held on 12 June 2012

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**PURPOSE**

To submit the minutes of the Capital Works Committee meeting to Council for noting.

**EXECUTIVE SUMMARY**

A meeting of the Capital Works Committee was held on 12 June 2012 to consider the following matter:

Item 1 Capital Works Committee - Program of Activities.

**BACKGROUND**

The Council's Capital Works Committee was established in May 2012 (CJ094-05/12 refers) to:

- 1 *Oversee the monthly progress of the City's annual Capital Works Program and review of the City's Five Year Capital Works Program;*
- 2 *Oversee the long term planning of major capital works projects not being the role of a Council Committee established for such purposes; and*
- 3 *Consider recommendations to modify the City's Capital Works.*

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

The Motion moved at the Capital Works Committee meeting held on 12 June 2012 is shown below, together with the officer's comment.

**Item 1 Capital Works Committee - Program of Activities**

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

*"That the Capital Works Committee considers:*

- 1 which capital work activities are to be referred to the Committee for consideration; and*
- 2 the Committee's meeting dates for 2012.'*

The following motion was carried:

*"That the Capital Works Committee AGREES that:*

- 1 items for the July meeting of the Capital Works Committee will be updates on capital work activities during the 2011/12 financial year;*
- 2 a report be submitted to the August meeting of the Capital Works Committee to determine which projects in the 2012/13 Capital Works Program require separate reports to be submitted to the Committee in more detail; and*
- 3 the remaining meetings of the Capital Works Committee for 2012 be held at 5.45pm before all scheduled meetings dates of Strategy Sessions."*

**Officer's Comment**

No further comment required.

**REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION**

Nil.

**Legislation/Strategic Plan/Policy Implications**

**Legislation:** Subdivision 2 of Division 2 of Part 5 of the *Local Government Act 1995*.  
*City of Joondalup Standing Orders Local Law 2005.*

A Committee cannot make decisions, on behalf of the Council, that require an absolute majority decision (Section 5.17 of the *Local Government Act 1995*), in which case, and in accordance with Section 6.8 of the *Local Government Act 1995*, includes approving expenditure not included in the City's Annual Budget. The Capital Works Committee could only recommend to the Council to approve or modify capital works projects.

**Strategic Plan**

**Key Focus Area:** Leadership and Governance.

**Objective:** 1.3 To lead and manage the City effectively.

**Policy:** Not Applicable.

**Risk Management Considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

Not Applicable.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 The unconfirmed minutes of the Capital Works Committee Meeting held on 12 June 2012, forming Attachment 1 to Report CJ121-06/12;**
- 2 That items for the July meeting of the Capital Works Committee will be updates on capital work activities during the 2011/12 financial year;**
- 3 That a report be submitted to the August meeting of the Capital Works Committee to determine which projects in the 2012/13 Capital Works Program require separate reports to be submitted to the Committee in more detail; and**
- 4 That the remaining meetings of the Capital Works Committee for 2012 be held at 5.45pm before all scheduled meetings dates of Strategy Sessions.**

**The Motion was Put and**

**CARRIED (12/0)**

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

*Appendix 19 refers*

To access this attachment on electronic document, click here: [Attach19agn190612.pdf](#)

**CJ122-06/12      CONFIDENTIAL - MINUTES OF THE STRATEGIC FINANCIAL MANAGEMENT COMMITTEE MEETING HELD ON 14 MAY 2012**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER:</b>	51567, 101515
<b>ATTACHMENTS:</b>	Attachment 1      Unconfirmed Minutes of the Strategic Financial Management Committee Meeting held on 14 May 2012.  <i>(Please Note:      The Report and Attachment is confidential and will appear in the official Minute Book only)</i>

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This report is confidential in accordance with Section 5.23 (2)(d) of the *Local Government Act 1995*, which also permits the meeting to be closed to the public for business relating to the following:

*Legal advice obtained, or which may be obtained, by a local government and which relates to a matter to be discussed at the meeting.*

**OFFICER'S RECOMMENDATION**

That Council:

- 1      NOTES the unconfirmed minutes of the Strategic Financial Management Committee meeting held on 14 May 2012, forming Attachment 1 to this Report;
- 2      In relation to the Report on Joondalup City Centre Commercial Office Development:
  - 2.1      NOTES the advice provided by Jackson McDonald on the five potential development structuring (delivery) models available to the City for progressing the Joondalup City Centre Commercial Office Development, including the advantages, disadvantages and implications for the City of each option;
  - 2.2      CONFIRMS that the preferred site for the Joondalup City Centre Commercial Office Development is Lot 496 (70) Davidson Terrace, Joondalup;
  - 2.3      REQUESTS that the Chief Executive Officer initiate the preparation of documentation for an Expression of Interest inviting submissions for the development of Lot 496 (70) Davidson Terrace, Joondalup;
- 3      in relation to the Report on the Establishment of Joondalup City Centre Commercial Office Development Committee, BY AN ABSOLUTE MAJORITY:
  - 3.1      ESTABLISHES an Office Development Committee with the following Terms of Reference:

*To provide advice and make recommendations to Council on:*

- *the preferred location for the development of the Joondalup City Centre Commercial Office Development;*
- *the architectural design elements to be incorporated into the Joondalup City Centre Commercial Office Development;*
- *the core components to be included in the Joondalup City Centre Office Development;*
- *the development models and financial structures to progress the Joondalup City Centre Commercial Office Development, including expressions of interest;*
- *the options for the ongoing management and utilisation of the Joondalup City Centre Commercial Office Development;*

*Delegated Authority*

*The Office Development Committee is delegated authority to make appropriate decisions on behalf of Council that are aligned with the Committee's Terms of Reference and in accordance with the constraints of the Local Government Act 1995.; and*

- 3.2 APPOINTS the following representatives to the Office Development Committee:

Members

Mayor Troy Pickard

Three (3) Elected Member representatives

The Chief Executive Officer

One (1) representative designated by the Chief Executive Officer

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

- 1 NOTES the unconfirmed minutes of the Strategic Financial Management Committee meeting held on 14 May 2012, forming Attachment 1 to this Report;**
- 2 In relation to the Report on Joondalup City Centre Commercial Office Development:**
  - 2.1 NOTES the advice provided by Jackson McDonald on the five potential development structuring (delivery) models available to the City for progressing the Joondalup City Centre Commercial Office Development, including the advantages, disadvantages and implications for the City of each option;**
  - 2.2 CONFIRMS that the preferred site for the Joondalup City Centre Commercial Office Development is Lot 496 (70) Davidson Terrace, Joondalup;**
  - 2.3 REQUESTS that the Chief Executive Officer initiate the preparation of documentation for an Expression of Interest inviting submissions for the development of Lot 496 (70) Davidson Terrace, Joondalup;**

**3 in relation to the Report on the Establishment of Joondalup City Centre Commercial Office Development Committee, BY AN ABSOLUTE MAJORITY:**

**3.1 ESTABLISHES an Office Development Committee with the following Terms of Reference:**

*“To provide advice and make recommendations to Council on:*

- *the preferred location for the development of the Joondalup City Centre Commercial Office Development;*
- *the architectural design elements to be incorporated into the Joondalup City Centre Commercial Office Development;*
- *the core components to be included in the Joondalup City Centre Office Development;*
- *the development models and financial structures to progress the Joondalup City Centre Commercial Office Development, including expressions of interest;*
- *the options for the ongoing management and utilisation of the Joondalup City Centre Commercial Office Development;*

***Delegated Authority***

*The Office Development Committee is delegated authority to make appropriate decisions on behalf of Council that are aligned with the Committee’s Terms of Reference and in accordance with the constraints of the Local Government Act 1995.”; and*

**3.2 APPOINTS the following representatives to the Office Development Committee:**

**Members**

**Mayor Troy Pickard  
Cr Tom McLean  
Cr Kerry Hollywood  
Cr Liam Gobbert  
Chief Executive Officer  
Director Planning and Community Development**

**Deputies**

**Cr John Chester  
Cr Mike Norman  
Cr Geoff Amphlett**

**The Motion was Put and**

**CARRIED (9/3)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Gobbert, Hollywood, McLean, Norman, Taylor and Thomas

**Against the Motion:** Crs Corr, Fishwick and Ritchie

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****C44-06/12      NOTICE OF MOTION 1 – MAYOR PICKARD – RESCISSION OF MINDARIE REGIONAL COUNCIL MEETING DECISION OF 3 MAY 2012**

In accordance with Clause 26 of the *Standing Orders Local Law 2005*, Mayor Pickard has given notice of his intention to move the following Motion at the Council meeting to be held on 26 June 2012:

***That Council:***

**1      *REQUESTS the Mindarie Regional Council rescind its decision of 3 May 2012 as follows:***

***“That Mindarie Regional Council:***

- a      supports the management of waste disposal and treatment on a metropolitan wide basis;***
- b      believes that the State Government should take responsibility for waste disposal and management; and***
- c      supports private sector involvement in waste disposal and management”;***

**2      *REQUESTS the Mindarie Regional Council adopt the following position in response to the Metropolitan Local Government Review Draft Findings (April 2012):***

***“That the Mindarie Regional Council:***

- a      acknowledges that waste collection from residential premises is best managed by local government; and***
- b      believes that the State Government should play a more proactive role in policy development, financing and ensuring that legislation addresses the requirements of waste management in the Perth Metropolitan Area with particular focus on the development and operation of Resource Recovery Facilities.”***

**Reason for Motion:**

The original resolution carried by the Mindarie Regional Council could be interpreted that local government members of the Mindarie Regional Council wish to withdraw from its waste management role, particularly in waste collection.

It is the view of this Council that there is a more prominent role to be played by the State Government in recycling and waste minimisation programmes rather than waste collection programmes.

**Officer’s Comment:**

The Joondalup Council may request the Mindarie Regional Council to rescind its previous decision, however any decision to rescind the motion will need to comply with the Mindarie Regional Council’s standing orders and meeting procedures.



**MOVED Mayor Pickard, SECONDED Cr Fishwick that Council:**

- 1 REQUESTS the Mindarie Regional Council rescind its decision of 3 May 2012 as follows:**

*“That Mindarie Regional Council:*

- a supports the management of waste disposal and treatment on a metropolitan wide basis;*
- b believes that the State Government should take responsibility for waste disposal and management; and*
- c supports private sector involvement in waste disposal and management”;*

- 2 REQUESTS the Mindarie Regional Council adopt the following position in response to the Metropolitan Local Government Review Draft Findings (April 2012):**

*“That the Mindarie Regional Council:*

- a acknowledges that waste collection from residential premises is best managed by local government; and*
- b believes that the State Government should play a more proactive role in policy development, financing and ensuring that legislation addresses the requirements of waste management in the Perth Metropolitan Area with particular focus on the development and operation of Resource Recovery Facilities.”*

**AMENDMENT MOVED Cr Fishwick, SECONDED Mayor Pickard:**

**That the words ‘Resource Recovery Facilities’ after the word ‘of’ in Recommendation 2(b) be DELETED and REPLACED with the words ‘alternate waste treatments’.**

**The Amendment was Put and**

**CARRIED (12/0)**

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

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

**That Council:**

- 1 REQUESTS the Mindarie Regional Council rescind its decision of 3 May 2012 as follows:**

*“That Mindarie Regional Council:*

- a supports the management of waste disposal and treatment on a metropolitan wide basis;*

- b believes that the State Government should take responsibility for waste disposal and management; and*
  - c supports private sector involvement in waste disposal and management”;*
- 2 REQUESTS the Mindarie Regional Council adopt the following position in response to the Metropolitan Local Government Review Draft Findings (April 2012):**

*“That the Mindarie Regional Council:*

- a acknowledges that waste collection from residential premises is best managed by local government; and*
- b believes that the State Government should play a more proactive role in policy development, financing and ensuring that legislation addresses the requirements of waste management in the Perth Metropolitan Area with particular focus on the development and operation of alternate waste treatments.”*

**Was Put and**

**CARRIED (12/0)**

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

**Disclosure of interest that may affect impartiality**

<b>Name/Position</b>	Cr Kerry Hollywood.
<b>Item No/Subject</b>	Notice of Motion 2 – Cr Ritchie – Proposed Child Care Centre Extension at Lot 105 (39) Currajong Road, Duncraig, and Lot 501 (107) Warwick Road, Duncraig.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	The applicant/owner is known to Cr Hollywood although she has not spoken to him in years.

**C45-06/12      NOTICE OF MOTION 2 – CR RITCHIE – PROPOSED CHILD CARE CENTRE EXTENSION AT LOT 105 (39) CURRAJONG ROAD, DUNCRAIG, AND LOT 501 (107) WARWICK ROAD, DUNCRAIG**

In accordance with Clause 26 of the *Standing Orders Local Law 2005*, Cr Ritchie has given notice of her intention to move the following Motion at the Council meeting to be held on 26 June 2012:

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

**1      *REVOKES its decision of 17 April 2012 (CJ050-04/12 refers) as follows:***

***“That Council:***

**1      *REFUSES 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, for the following reason:***

**1.1      *The proposed development will adversely impact on the amenity of surrounding residents and the locality due to the increase in traffic and noise from the development”;***

**2      *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 6 metres is appropriate in this instance;***

**3      *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:***

**3.1      *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;***

**3.2      *Lot 105 (39) Currajong Road Duncraig, and Lot 501 (107) Warwick Road Duncraig shall be amalgamated, prior to the commencement of construction;***

- 3.3** *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;*
- 3.4** *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:*
- 3.4.1** *Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;*
- 3.4.2** *Provide all details relating to paving, treatment of verges and tree planting in the car park;*
- 3.4.3** *Show spot levels and/or contours of the site;*
- 3.4.4** *Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;*
- 3.4.5** *Be based on water sensitive urban design principles to the satisfaction of the City;*
- 3.4.6** *Be based on designing out crime principles to the satisfaction of the City;*
- 3.4.7** *Show all irrigation design details;*
- 3.5** *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;*
- 3.6** *The proposed crossovers are to be designed and constructed to the specification and satisfaction of the City and thereafter maintained to this standard;*
- 3.7** *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;*
- 3.8** *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;*

- 3.9 A maximum of 71 children and 11 staff are permitted on site at any one time;**
- 3.10 All construction works shall be contained within the property boundary;**
- 3.11 Retaining walls shall be of a clean finish and made good to the satisfaction of the City;**
- 3.12 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;**
- 3.13 The operating hours for the child care centre shall be between 7.00am to 6.00pm Monday to Friday;**
- 3.14 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;**
- 3.15 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;**
- 3.16 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;**
- 4 NOTES the conditions of approval from the State Administrative Tribunal hearing of 2 May 2006 (DR570 2005) still apply; and**
- 5 ADVISES the submitters of Council's decision."**

**Reason for Motion:**

Council made its original decision on 17 April 2012 which was significantly different the recommendation of the administration because the proposed development, being an expansion of the child minding centre is an incompatible use within the existing predominantly residential area. The intensity and expansion of the land use exceeds what is reasonably expected within such an area by further eroding its residential character and will adversely impact upon the amenity of the adjoining and surrounding residential properties, due to the increase in traffic and noise from the development.

As per Clause 57 (4) of the City's Standing Orders, consideration should be given for the approval of the proposed extension to the existing child care centre and Lot 105 (39) and Lot 501 (107) Warwick Road, Duncraig. This involves the demolition of one an existing single house at 39 Currajong Road, Duncraig to construct a new child care centre building in its place. The application proposed to utilise the existing buildings as a centre for toddlers and kindergarten aged children and the new building for infants only.

The centre will provide a service for up to 71 children and 11 staff across the two buildings, with an additional increase of 24 children and three staff. The application was advertised for 21 days in accordance with the advertising requirements of Council Policy, the Child Care Centre Policy. Three letters of objection were received, relating to the potential impact and adverse effect of the amenity of the adjoining residential lots and increased traffic in the area.

The application accords 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.

The applicant provided additional information in the submission to the Director of Planning and Community Development, informing that there is demand for additional child care placement from within the surrounding suburbs that exceeds current places available. The proposed development would provide an important community facility as well as bring additional employment opportunities to the surrounding area, whilst ensuring high standards of amenity and safety in the locality.

As indicated by the author of the report, the current proposal would not create significant visual impact on the streetscape or adjoining properties. Further consideration is also given to the likelihood of increased traffic in the area, however this is deemed to be minor with very little impact to the surrounding properties in the area.

Concerns were raised regarding the possibility of increased noise to the area from the development, during the public consultation period. The applicant provided an acoustic assessment identifying the following:

Noise is likely to occur during hours of outside play, subject to weather permitting. This would effectively coincide with opening hours only and there would be no noise on public holidays and Sundays:

- The small groups of children – babies zero-two and toddlers two-three is unlikely to cause significant problems for any resident in the surrounding areas;
- Main noise would be from air conditioning, music being played at the centre for short periods as part of activities; and
- Some car park noise during 'drop off' and 'pick up times'.

The above concerns are considered minimal and have limited impact to the surrounding area. This is further supported by comment in the report, which accepts the acoustic assessment from the applicant stating that it has *"been accepted as sufficient for meeting relevant legislation"* (Minutes 17 April 2012 page 61). The report also adds further considerations to aid in noise reduction.

A number of questions were proposed to the Director of Planning and Development regarding the applicant's right of review with the State Administrative Tribunal (SAT). The following comments were received and are cited below for consideration.

#### **Is there the potential for the owner to go to SAT?**

*"The owner is entitled to seek a review of Council's decision with the SAT. It is quite possible the owner will seek a review of Council's decision in this case."*

**If the owner were to go to SAT what would be the likely outcome?**

*“Given the SAT’s previous determination, the limited number of objections received the limited impact the extension is expected to have and given the steps taken by the applicant to minimize any impact on neighbors, it is the City’s opinion that the SAT would uphold any appeal.”*

**Is this merely seeking planning approval as noted in Point 2.2.1 of the report on Page 52?**

*“Yes, this application is for planning approval for the additions to the child care centre.”*

The conclusion of the report 17 April 2012 states that since its original approval in 2006 there have been no recorded complaints against the operations of the child care centre, which further adds to the argument in favour of supporting the original planning application. In addition, noise impact and traffic impact to the area is unlikely to have a significantly adverse effect to the surrounding area or on adjoining neighbours and the proposal is unlikely to affect residents and landowners, the current road network and the amenity of the local area.

**Elected Member Support For Revocation Motion:**

In accordance with Clause 57 of the *City of Joondalup Standing Orders Local Law 2005* (Clause 10 of the *Local Government (Administration) Regulations 1996*) this Notice of Motion is signed by the following five Elected Members (being one third of the number of offices of members of Council):

Mayor Pickard, Cr Corr, Cr Thomas, Cr Taylor and Cr Ritchie.

**Officer’s Comment:**

Any revocation of Council’s previous decision regarding this development application, would result in an approval of the proposal, which would be in line with the officer’s original recommendation as submitted to the Council on 17 April 2012 (item CJ050-04/12 refers).

**MOVED Cr Ritchie, SECONDED Cr Corr that Council:****1 REVOKES its decision of 17 April 2012 (CJ050-04/12 refers) as follows:*****“That Council:***

- 1 *REFUSES 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, for the following reason:***

- 1.1 *The proposed development will adversely impact on the amenity of surrounding residents and the locality due to the increase in traffic and noise from the development”;***

- 2 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 6 metres is appropriate in this instance;**
- 3 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:**
  - 3.1 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;**
  - 3.2 Lot 105 (39) Currajong Road Duncraig, and Lot 501 (107) Warwick Road, Duncraig shall be amalgamated, prior to the commencement of construction;**
  - 3.3 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;**
  - 3.4 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:**
    - 3.4.1 Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;**
    - 3.4.2 Provide all details relating to paving, treatment of verges and tree planting in the car park;**
    - 3.4.3 Show spot levels and/or contours of the site;**
    - 3.4.4 Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;**
    - 3.4.5 Be based on water sensitive urban design principles to the satisfaction of the City;**
    - 3.4.6 Be based on designing out crime principles to the satisfaction of the City;**
    - 3.4.7 Show all irrigation design details;**
  - 3.5 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;**



- 3.6 The proposed crossovers are to be designed and constructed to the specification and satisfaction of the City and thereafter maintained to this standard;
  - 3.7 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;
  - 3.8 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;
  - 3.9 A maximum of 71 children and 11 staff are permitted on site at any one time;
  - 3.10 All construction works shall be contained within the property boundary;
  - 3.11 Retaining walls shall be of a clean finish and made good to the satisfaction of the City;
  - 3.12 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;
  - 3.13 The operating hours for the child care centre shall be between 7.00am to 6.00pm Monday to Friday;
  - 3.14 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;
  - 3.15 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;
  - 3.16 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;
- 4 NOTES the conditions of approval from the State Administrative Tribunal hearing of 2 May 2006 (DR570 2005) still apply; and
  - 5 ADVISES the submitters of Council's decision.

**AMENDMENT MOVED Mayor Pickard, SECONDED Cr Ritchie that Council adds the following new part 3.17:**

***“3.17 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;”***

**The Amendment was Put and**

**CARRIED (12/0)**

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

**AMENDMENT MOVED Cr Fishwick, SECONDED Cr Chester that Council adds the following new parts 3.18 and 6:**

***“3.18 The new (northernmost) building, which is the subject of this application, shall be used for the care of infants up to two years of age only;***

***6 Those land owners in Duncraig that were the subject of the consultation process be provided with a copy of the Council minute item dealing with the Notice of Motion.”***

**The Amendment was Put and**

**CARRIED (12/0)**

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

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

**MOVED Cr Ritchie, SECONDED Cr Corr that Council BY AN ABSOLUTE MAJORITY:**

**1 REVOKES its decision of 17 April 2012 (CJ050-04/12 refers) as follows:**

***“That Council:***

***1 REFUSES 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, for the following reason:***

***1.1 The proposed development will adversely impact on the amenity of surrounding residents and the locality due to the increase in traffic and noise from the development”;***

**2 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;**

- 3 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:**
- 3.1 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;**
  - 3.2 Lot 105 (39) Currajong Road Duncraig, and Lot 501 (107) Warwick Road, Duncraig shall be amalgamated, prior to the commencement of construction;**
  - 3.3 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;**
  - 3.4 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:**
    - 3.4.1 Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;**
    - 3.4.2 Provide all details relating to paving, treatment of verges and tree planting in the car park;**
    - 3.4.3 Show spot levels and/or contours of the site;**
    - 3.4.4 Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;**
    - 3.4.5 Be based on water sensitive urban design principles to the satisfaction of the City;**
    - 3.4.6 Be based on designing out crime principles to the satisfaction of the City;**
    - 3.4.7 Show all irrigation design details;**
  - 3.5 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;**
  - 3.6 The proposed crossovers are to be designed and constructed to the specification and satisfaction of the City and thereafter maintained to this standard;**

- 3.7 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;
- 3.8 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;
- 3.9 A maximum of 71 children and 11 staff are permitted on site at any one time;
- 3.10 All construction works shall be contained within the property boundary;
- 3.11 Retaining walls shall be of a clean finish and made good to the satisfaction of the City;
- 3.12 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;
- 3.13 The operating hours for the child care centre shall be between 7.00am to 6.00pm Monday to Friday;
- 3.14 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;
- 3.15 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;
- 3.16 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;
- 3.17 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;

- 3.18 The new (northernmost) building, which is the subject of this application, shall be used for the care of infants up to two years of age only;**
- 4 NOTES the conditions of approval from the State Administrative Tribunal hearing of 2 May 2006 (DR570 2005) still apply;**
- 5 ADVISES the submitters of Council's decision; and**
- 6 Those land owners in Duncraig that were the subject of the consultation process be provided with a copy of the Council minute item dealing with the Notice of Motion.**

**Was Put and**

**CARRIED (8/4)**

**In favour of the Motion:** Mayor Pickard, Crs Corr, Gobbert, Hollywood, Norman, Ritchie, Taylor and Thomas

**Against the Motion:** Crs Amphlett, Chester, Fishwick and McLean

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

Nil.

## **CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 9.11pm the following Elected Members being present at that time:

MAYOR TROY PICKARD  
CR KERRY HOLLYWOOD  
CR TOM McLEAN, JP  
CR PHILIPPA TAYLOR  
CR SAM THOMAS  
CR LIAM GOBBERT  
CR GEOFF AMPHLETT, JP  
CR MIKE NORMAN  
CR JOHN CHESTER  
CR BRIAN CORR  
CR RUSS FISHWICK, JP  
CR TERESA RITCHIE