

# agenda

## Briefing Session

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

**ON** **TUESDAY, 12 MARCH 2013**  
**COMMENCING AT** **6.30pm**

**PUBLIC QUESTION TIME**

Members of the public are requested to lodge questions in writing by close of business on **Monday, 11 March 2013**

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

**QUESTIONS TO**

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

PO Box 21 Joondalup WA 6919

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

## **BRIEFING SESSIONS**

The following procedures for the conduct of Briefing Sessions were adopted at the Council meeting held on 17 March 2009:

### **INTRODUCTION**

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

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

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

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

### **PURPOSE OF BRIEFING SESSIONS**

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

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

### **PROCEDURES FOR BRIEFING SESSIONS**

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

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

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

## PROCEDURES FOR PUBLIC QUESTION TIME

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

### Questions asked verbally

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

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

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

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

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

**DISCLAIMER**

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

## PROCEDURES FOR PUBLIC STATEMENT TIME

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

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

## DEPUTATION SESSIONS

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

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

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

## RECORDING OF THE PROCEEDINGS OF THE BRIEFING SESSION

Proceedings of the Briefing Session shall be electronically recorded for administrative purposes only, except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the Local Government Act 1995.



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#### **LATE ITEMS / ADDITIONAL INFORMATION**

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

[Additional Information120313.pdf](#)

## CITY OF JOONDALUP – BRIEFING SESSION

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday, 12 March 2013** commencing at **6.30pm**.

### ORDER OF BUSINESS

- 1 OPEN AND WELCOME**
- 2 DEPUTATIONS**
- 3 PUBLIC QUESTION TIME**
- 4 PUBLIC STATEMENT TIME**
- 5 APOLOGIES AND LEAVE OF ABSENCE**

#### Leave of Absence previously approved

Cr Teresa Ritchie	5 March to 12 March 2013 inclusive.
Cr Geoff Amphlett,JP	16 March to 24 March 2013 inclusive.
Cr Kerry Hollywood	1 May to 26 May 2013 inclusive.

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

#### **Disclosures of Financial Interest**

Nil.

#### **Disclosure of interest affecting impartiality**

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

<b>Name/Position</b>	<b>Mr Mike Tidy, Director Corporate Services</b>
<b>Item No/Subject</b>	Item 10 – Tender 027/12 – Supply and Delivery of Workwear and Personal Protective Equipment
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mr Tidy's sister-in-law is an employee of one of the tenderers, Aurora Corporation Pty Ltd and BF and JR Cross, trading as Pacific Safety Wear.

## 7 REPORTS

### ITEM 1 DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS – JANUARY 2013

<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 – January 2013 Attachment 2 Monthly Subdivision Applications Processed – January 2013
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

#### PURPOSE

For Council to note the number and nature of applications considered under delegated authority.

#### EXECUTIVE SUMMARY

Clause 8.6 of *District Planning Scheme No. 2 (DPS2)* allows Council to delegate all or some of its development control powers to a committee or an employee of the City.

The purpose of delegation of certain powers by Council, in addition to other town planning matters, is to facilitate timely processing of development applications, Residential Design Codes applications 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 January 2013 (Attachments 1 and 2 refer):

- 1 Planning applications (development applications and Residential Design Codes applications).
- 2 Subdivision applications.

**BACKGROUND**

DPS2 requires that delegations be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 15 May 2012 (CJ075-05/12 refers), Council considered and adopted the most recent Town Planning Delegations. These were then incorporated into the Delegated Authority Manual when Council considered the review of this at its meeting of 26 June 2012 (CJ108-06/12 refers).

**DETAILS**

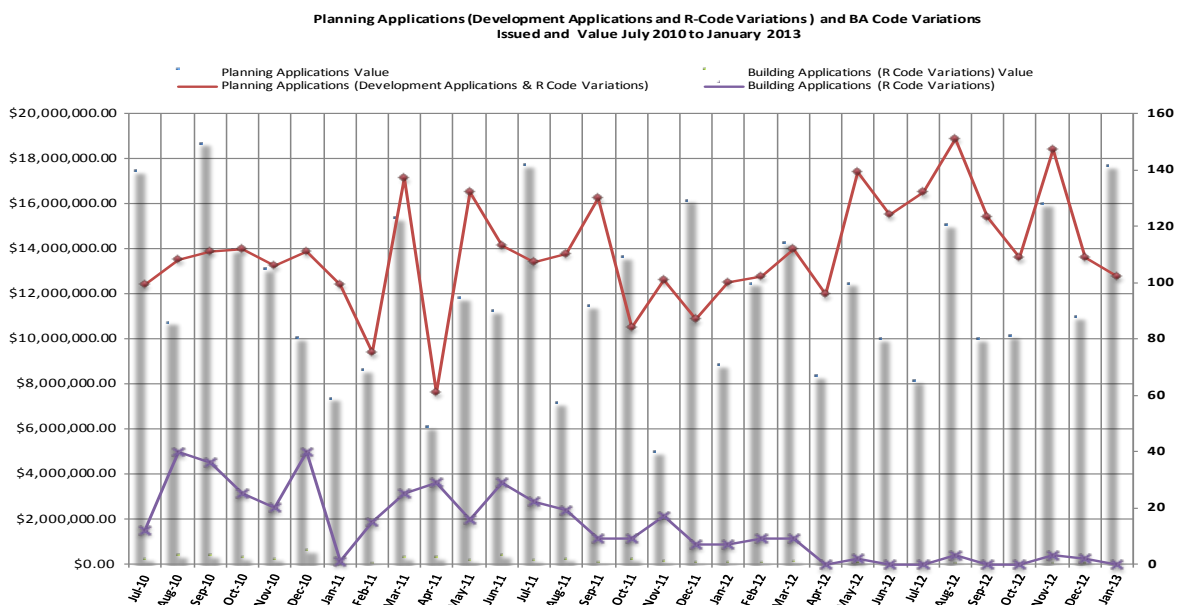
The number of applications determined under delegated authority during January 2013, is shown below:

Approvals determined under delegated authority – January 2013		
Type of Approval	Number	Value (\$)
Planning applications (development applications and R-Codes applications)	102	\$ 17,683,259
Building applications (R – Codes applications)	0	0
<b>TOTAL</b>	<b>102</b>	<b>\$ 17,683,259</b>

The number of development applications received during January was 82. (This figure does not include any applications that may become the subject of an R-Code application as part of the building permit approval process).

The number of development applications current at the end of January was 150. Of these, 46 were pending additional information from applicants, and 24 were being advertised for public comment.

In addition to the above one building application and 325 building permits were issued during the month of January with an estimated construction value of \$45,257,878.



<b>Subdivision approvals processed under delegated authority for January 2013</b>		
<b>Type of approval</b>	<b>Number</b>	<b>Potential additional new lots</b>
Subdivision applications	4	7
Strata subdivision applications	0	0

**Issues and options considered**

Not applicable.

**Legislation / Strategic Community Plan / policy implications**

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

**Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

**Strategic initiative** Buildings and landscaping is suitable for the immediate environment and reflect community values.

**Policy** Not applicable. All decisions made under delegated authority have due regard to any of the City's policies that apply to the particular development.

Clause 8.6 of DPS2 permits development control functions to be delegated to persons or committees. All subdivision applications were assessed in accordance with relevant legislation and policies, and a recommendation made on the applications to the Western Australian Planning Commission.

**Risk management considerations**

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

**Financial/budget implications**

A total of 102 applications were determined for the month of January with a total amount of \$56,667 received as application fees.

All figures quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

## Consultation

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

Of the 102 development applications determined during January 2013 consultation was undertaken for 46 of those applications. Applications for Residential Design Codes as part of building applications are required to include comments from adjoining landowners. Where these comments are not provided, the application will become the subject of a planning application (R Codes application). The four subdivision applications processed during January 2013 were not advertised for public comment.

## COMMENT

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

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

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

**That Council NOTES the determinations made under delegated authority during January 2013 in relation to the:**

- 1 Development applications and R-Codes applications described in Attachment 1 to this Report;**
- 2 Subdivision applications described in Attachment 2 to this Report.**

*Appendix 1 refers*

To access this attachment on electronic document, click here: [Attach1brf120313.pdf](#)

## ITEM 2                      PROPOSED      WHITFORD      ACTIVITY      CENTRE STRUCTURE PLAN

<b>WARD</b>	South-West
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	102910, 101515
<b>ATTACHMENTS</b>	<p>Attachment 1      Location Plan  Attachment 2      Zoning Plan  Attachment 3      Map showing Structure Plan boundary  Attachment 4      Assessment A: Model Centre Framework  Attachment 5      Assessment B: Statutory Provisions  Attachment 6      Indicative Development Plan  Attachment 7      Implementation Table  Attachment 8      Draft Whitford Activity Centre Structure Plan  Attachment 9      Retail Sustainability Assessment  Attachment 10      Structure Plan Transport Report  Attachment 11      Whitford Shopping Centre Urban Water Balance Assessment  Attachment 12      Servicing Report</p> <p><i>(Please Note: Attachments 8–12 are only available electronically and a hard copy is also available in the Councillor's reading room)</i></p>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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### PURPOSE

For Council to consider a draft Activity Centre Structure Plan over the Whitford City Shopping Centre and surrounding sites, for the purposes of public advertising.

### EXECUTIVE SUMMARY

The City has received an application for a draft Activity Centre Structure Plan for the Whitford City Shopping Centre and surrounds.

*State Planning Policy 4.2 - Activity Centres for Perth and Peel (SPP 4.2)* requires that Activity Centre Structure Plans be developed to guide future development of larger shopping/commercial centres before further major retail expansion can be approved, unless exceptional circumstances exist which justify development approval for a major extension in the absence of an approved Activity Centre Structure Plan. For this reason, unless the applicant can demonstrate that exceptional circumstances exist, an Activity Centre Structure Plan is required to be approved for the Whitford City Shopping Centre before further retail expansion can be approved.



The draft Whitford Activity Centre Structure Plan (WACSP) has been assessed by the City and, while the content of the draft WACSP generally adheres to the requirements of SPP 4.2, several issues have been identified, including:

- lack of appropriate justification for the indicative 95,000m<sup>2</sup> retail floor space
- inadequate information and recommendations within the Transport Report to clearly address potential impacts as a result of the development of the Whitford Activity Centre
- public realm improvements that may have budget implications for the City
- implementation strategies and actions that the City and land owners, other than Westfield, may be responsible for undertaking
- initial development staging is focused on significant retail floor space additions only, which results in a decreased land use diversity within the Whitford Activity Centre.

Despite some significant issues being identified with the draft WACSP in its current form, it is considered that there is value in releasing the draft WACSP to the community and seeking feedback at this stage to ascertain the community's views on the future direction of the centre.

This would allow the applicant to address the concerns raised by the City at the same time as considering and addressing any issues raised by the community, before the draft WACSP is put back before the Council for consideration of final adoption.

As such, it is recommended that the Council adopts the draft WACSP for the purposes of public advertising.

## BACKGROUND

<b>Suburb/Location</b>	Lot 501 and Lot 6 Whitford Avenue, Hillarys; Lot 503 and Lot 9089 Banks Avenue, Hillarys; Lot 14284 Endeavour Road, Hillarys; Lot 181 St Mark's Drive, Hillarys; various residential lots in Hillarys.
<b>Applicant</b>	Urbis (planning consultants).
<b>Owner</b>	Westfield Management Ltd; City of Joondalup; Department for Family and Children's Services; The Anglican School Commission Inc; the Crown; various other individual owners.
<b>Zoning</b>	<b>DPS:</b> Commercial; Business; Civic and Cultural; Residential; Private Clubs/Recreation; Local Reserve – Parks and Recreation. <b>MRS:</b> Urban
<b>Site area</b>	Various.
<b>Structure plan</b>	The subject of this report.

### Previous draft Whitford Activity Centre Structure Plan (2011)

On 22 December 2010, a draft Activity Centre Structure Plan for the Whitford shopping centre and surrounds was submitted to the City by a planning consultancy on behalf of Westfield Management Ltd. At its meeting held on 17 May 2011 (CJ080-05/11 refers), Council resolved not to endorse the draft Activity Centre Structure Plan for a number of reasons as detailed in the report.

The applicant subsequently lodged an application for review of Council's decision with the State Administrative Tribunal (SAT) in June 2011. Based on a previous SAT case, the City challenged the applicant's right of review given that, as per the current provisions of clause 9.1.1 of *District Planning Scheme No. 2 (DPS2)*, a landowner cannot lodge a structure plan for approval, without the Council formally requesting or requiring the lodgement of the structure plan. Given the Council had not requested the preparation of the structure plan the City was of the view this nullified the applicant's right of review with the SAT. The applicant subsequently withdrew from the SAT proceedings.

#### Scheme Amendment request

On 6 September 2011, a letter was received from the planning consultancy, on behalf of Westfield, requesting that the City initiate a scheme amendment to DPS2 to:

- delete clauses 3.7.2, 3.7.3, 3.11.4 and 3.11.5 from DPS2
- delete Schedule 3 in DPS2
- insert new Detailed Area Plan provisions in DPS2.

The proposed scheme amendment effectively sought to remove the existing maximum retail floor space allocations for the various commercial centres from DPS2, and to also insert provisions regarding Detailed Area Plans.

At that stage, the City was only in the initial stages of preparing its Local Commercial Strategy. The City was concerned that amending DPS2 in the manner proposed, without a Local Commercial Strategy in place to guide decision-making, had the potential to undermine the existing hierarchy of centres in the City as reflected in SPP 4.2.

The City was also concerned that the proposal could allow the ad-hoc development of centres which would have the potential to impact on the economic health and potential of other centres in the City, especially the Joondalup Strategic Metropolitan Centre. At its meeting held on 22 November 2011 (CJ206-11/11 refers), Council resolved not to initiate the proposed scheme amendment.

#### Section 76 Order

On 21 March 2012 the City received correspondence from the Department of Planning, advising that the applicant had submitted a representation, under section 76 of the *Planning and Development Act 2005*, to the Minister for Planning to the effect that the City had failed to take requisite steps to amend its planning scheme where an amendment ought to be made. A formal section 76 Order has the legal result of allowing the Minister to direct a local government, within such time as specified in the order, to prepare and submit for the approval of the Minister a local planning scheme or an amendment to a local planning scheme, or to consent to any modifications or conditions imposed. The City was asked to comment on the proposal before the Minister made his decision on whether or not to issue the section 76 Order.

The City considered a number of options available to it, including:

- not responding to the request for comments
- providing a response that challenged the section 76 representation
- agreeing to amend DPS2 (as per the Westfield request) via the section 76 process
- agreeing to amend DPS2 (as per the Westfield request but including extra provisions to align DPS2 with the Activity Centres Policy) via the section 76 process.

The City considered that amending DPS2 in line with Westfield's request was inevitable. However, as it is important to retain control over development on the Whitford site and in order to protect the primacy of the Joondalup City Centre, it was recommended to the Council to proceed with the option described in the latter dot point. This option requires Westfield to lodge and have approved an Activity Centre Structure Plan for the site before the Development Assessment Panel can consider any development application for a significant expansion of the Whitford shopping centre. This was considered to be the best option to protect the City's interests. Consequently, at its meeting held on 17 April 2012 (CJ073-04/12 refers), Council resolved to advise the Department of Planning that the City was prepared to work with the Department towards initiating an amendment to DPS2 which incorporates the request made by Westfield in September 2011, but also includes provisions to align DPS2 with the Activity Centres Policy.

On 16 July 2012, correspondence was received from the Minister for Planning advising that the Minister had decided to deliver an Order under section 76 to the City to initiate an amendment to DPS2, as per the Westfield proposal, subject to the proposal being further modified to ensure alignment between DPS2 and SPP 4.2. The Minister advised that the modifications would require, inter alia, the inclusion of provisions for the preparation of activity centre structure plans and submission of a retail sustainability assessment as a precursor to development. The Minister also advised that modifications of existing scheme provisions (clause 9.1.1) were also required to allow for a structure plan to be prepared by either the local government or an owner of land.

The Minister advised that the City had until the end of August to comply with the section 76 Order. At its meeting held on 21 August 2012 (CJ173-08/12 refers), Council resolved to advertise proposed Scheme Amendment 66 for a period of 42 days. Following the consultation period, a report was presented to Council at its meeting held on 11 December 2012 (CJ290-12/12 refers) to consider the submissions. At this meeting, the Council adopted the amendment as final. The Western Australian Planning Commission (WAPC) has subsequently approved the amendment, subject to further modifications requested by the Minister.

#### Whitford Activity Centre boundary and Centre zoning

At its meeting held on 16 September 2012 (CJ181-09/12 refers), Council determined the extent of the area to be covered by the WACSP, and requested the preparation and submission of a structure plan. The WACSP boundary is outlined at Attachment 3.

An application was also received by the City requesting the rezoning of the various lots contained within the Whitford Activity Centre from their various zonings and reservations to the 'Centre' zone under DPS2. The 'Centre' zone will replace the 'Commercial', 'Business', 'Civic and Cultural', and 'Residential' zone, and the 'Parks and Recreation' Local Reserve that currently apply to the various properties within the activity centre boundary. The zoning plan is provided in Attachment 2 of this Report.

The proposed zoning of the activity centre to 'Centre' would provide the statutory basis for the implementation of the WACSP. The standards and provisions applicable to development within the 'Centre' zone will be contained within the WACSP. The proposed zoning is consistent with SPP 4.2.

Although not addressed in the applicant's proposal, the existing R20 residential density code over the land within the activity centre was also required to be removed as an approved structure plan will contain the appropriate density and associated provisions.

At its meeting held on 23 October 2012 (CJ199-10/12 refers), Council resolved to initiate the amendment for the purposes of public consultation. However, public consultation on the amendment has been delayed pending the lodgement, assessment and support from Council for the advertising of a draft Activity Centre Structure Plan for Whitford. This was done so that the scheme amendment and the structure plan can be advertised together.

## DETAILS

The City has received a draft Activity Centre Structure Plan for the Whitford City Shopping Centre site and surrounds, extending to the St Mark's School site to the west, residential properties along Banks Avenue and 11 other adjoining residential zoned properties (Attachment 1 refers).

The stated intent of the draft WACSP is to create a vibrant commercial, cultural and residential area in which people can live, work and visit. A main street environment is proposed to be developed along Endeavour Road. To support this vision, improved access to the site is proposed to be delivered through improved public transport and pedestrian and cycle networks. Complementary land uses are proposed to be co-located to encourage efficiencies through trip chaining (that is accessing multiple services in the one trip).

The urban form is proposed to change from 'big box' retail and low density single and two storey residential development to an intense urban environment. Heights of up to 13.5 metres are proposed within the existing residential area along Banks Avenue and up to 27 metres along the proposed main street. The choice of housing stock will increase to include single dwellings, grouped dwellings, apartments and live-work opportunities in mixed use developments.

The draft WACSP addresses elements such as:

- building height
- setbacks
- parking
- vehicle access
- land use
- density
- cycle and shared use path networks.

The area is broken into four character districts (Attachment 3 refers) as follows:

- Retail District.
- Endeavour District.
- Banks District.
- Education and Civic District.

Some of the proposals contained within the draft WACSP include:

- Building heights of :
  - A maximum of 27m (approximately six storeys) in the Endeavour District
  - A maximum of 20m (approximately four to five storeys) in the Retail District
  - A maximum of 13.5m (approximately three storeys) in the Education and Civic District and the Banks District

- Additional footpaths and shared use paths within the structure plan area
- Shared use (traffic, pedestrian, cyclists) zones with pedestrian priority, particularly in the main street on Endeavour Road
- Main street environment on Endeavour Road and Marmion Promenade with a community square on Endeavour Road
- Residential density of R80 or greater
- Indicative retail floor space of 95,000m<sup>2</sup>.

The WACSP has been assessed against the Model Centre Framework outlined in SPP 4.2. The Model Centre Framework provides guidance on the preparation of activity centre structure plans. It requires activity centre structure plans to address elements such as centre context, activity, movement and urban form. The framework is to be considered when preparing and assessing activity centre structure plans.

An assessment summary of the WACSP against the Model Centre Framework and the statutory provisions of the proposed WACSP are contained in Attachments 4 and 5 of this report.

### **Issues and options considered**

The options available to Council in considering the draft WACSP are:

- determine that the draft WACSP is satisfactory to be advertised in accordance with DSP2
- determine that the draft WACSP should not be advertised and defers consideration until specific matters have been included or addressed by the proponent  
or
- determine that the draft WACSP should not be agreed to or progressed for stated reasons.

### **Legislation / Strategic Community Plan / policy implications**

#### **Legislation**

#### District Planning Scheme No. 2

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

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

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

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

## Strategic Community Plan

<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Quality built outcomes.
<b>Strategic initiative</b>	<p>Planning frameworks promote and support adaptive, mixed-use developments with active ground floor uses on appropriately zoned sites.</p> <p>Housing infill and densification is encouraged and enabled through a strategic, planned approach in appropriate locations.</p> <p>The community is able to effectively age-in-place through a diverse mix of facilities and appropriate urban landscapes.</p>
<b>Key theme</b>	Economic Prosperity, Vibrancy and Growth.
<b>Objective</b>	Activity centre development.
<b>Strategic initiative</b>	<p>Understand local commercial needs and opportunities.</p> <p>Support the development of fresh and exciting decentralised areas of activity.</p> <p>Facilitate increased housing density in activity centres.</p>
<b>Key theme</b>	Governance and Leadership.
<b>Objective</b>	Active democracy.
<b>Strategic initiative</b>	Optimise opportunities for the community to access and participate in decision making processes.
<b>Policy</b>	<p><u>State Planning Policy 4.2 - Activity Centres for Perth and Peel (SPP 4.2)</u></p> <p>Under clause 6.4 (1) of SPP 4.2, Activity Centre Structure Plans are to be prepared for strategic metropolitan, secondary, district and specialised centres, but not for neighbourhood or local centres.</p> <p>Under clause 6.3 of SPP 4.2, Activity Centres should be zoned to reflect the activity centre hierarchy. The appropriate zoning classification for a Secondary Centre (such as Whitford) is 'Centre' zone.</p> <p>Under clause 6.4 (2) of SPP 4.2, Activity Centre Structure Plans should be endorsed prior to a major development being approved to ensure a centre's development is integrated, cohesive and accessible. In exceptional circumstances (in the absence of an endorsed Activity Centre Structure Plan), any major development must satisfy relevant requirements of the Model Centre Framework. The Model Centre Framework is outlined in Appendix 2 of SPP 4.2 and addresses elements such as centre context, activity, movement and urban form.</p>

Under clause 6.4 (3) of SPP 4.2, *The Structure Plan Preparation Guidelines* (which outlines the process for the preparation of Activity Centre Structure Plans) should be considered in conjunction with this policy, including the Model Centre Framework and any other applicable regulations.

Under clause 6.4.1 (1) of SPP 4.2, Activity Centre Structure Plans for 'secondary centres' must be endorsed by the Western Australian Planning Commission.

#### Liveable Neighbourhoods

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

#### Draft Local Commercial Strategy

The draft Local Commercial Strategy will apply SPP 4.2 to the City of Joondalup. The strategy will be used as the basis for preparing and amending the local planning scheme, and for preparing and assessing Activity Centre Structure Plans and development applications.

In accordance with the requirements of the SPP 4.2, a Local Commercial Strategy will consider how to:

- optimise housing potential in walkable catchments and meet density targets
- support planning decision making by including an assessment of projected retail needs of communities, taking into account proposals in adjacent local government areas
- apply the Activity Centre hierarchy
- provide sufficient development opportunities to enable a diverse supply of commercial and residential floor space.

The draft Local Commercial Strategy was advertised for public comment, which closed on 23 October 2012. The submissions are currently being reviewed and a report will be presented to Council in 2013 for consideration of the submissions and final adoption of the strategy.

#### Draft Local Housing Strategy

The WAPC requires each local government authority to prepare a Local Housing Strategy (LHS) to identify the main housing related issues for its district and determine an appropriate response to these.

At its meeting held on 15 February 2011 (CJ006-02/11 refers), Council resolved to adopt a draft strategy and forward it to the WAPC for its endorsement. The principal recommendation of the draft strategy is the establishment of Housing Opportunity Areas where increased residential densities will be considered.

The Housing Opportunity Areas are located near train stations, major commercial centres, and transport routes. Increased residential densities in these areas will only be permitted where it is demonstrated that development or subdivision complies with specific design criteria that will be developed in conjunction with the new Local Planning Scheme. This will ensure development will contribute positively to the area, and will include environmentally sensitive design principles.

The residential densities for the majority of the City are recommended to remain the same.

There are a number of additional recommendations in the draft LHS aimed at allowing for a diverse range of housing to be provided over the next 10-15 years.

The draft LHS forms part of the overall District Planning Scheme review project. Any LHS recommendations adopted will be implemented through the new planning scheme.

Following feedback from the Department of Planning, the City has amended the Housing Opportunity Areas. The revised Housing Opportunity Areas were advertised for public comment, which closed on 22 February 2013. It is anticipated the amended document will be presented to Council in April 2013.

### **Risk management considerations**

If the Council decides to refuse to advertise the draft WACSP or refers the draft WACSP back to the applicant, the applicant may seek a review of the Council's decision with the State Administrative Tribunal (SAT) in accordance with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*.

As the matter before the Council is to decide whether or not to advertise the draft WACSP only (not make a final decision on the WACSP), it is likely that such a review would end up in favour of the applicant and would cost the City significant resource (time and money) to defend.

In addition, clause 9.4.2 of DPS2 states that, if within 90 days of receiving a structure plan Council has not made a determination, the applicant can deem that the application has been refused and may appeal on this basis. As of the 26 February 2013, being 90 days from the submission date, the applicant has had the right to lodge an application for review in accordance with the State Administrative Tribunal Act 2004.

There is also the risk that if the centre is expanded to accommodate the proposed retail floor space of 95,000m<sup>2</sup> this may undermine the primacy of the Joondalup City Centre and other secondary and district centres within the City of Joondalup.

### **Financial/budget implications**

The applicant has paid fees of \$26,983.08 (including GST) to cover all costs associated with assessing the structure plan and public consultation. Of the fees paid, it is estimated that the advertising costs for notices in the newspaper and letters to nearby landowners will be at least \$810. The applicant is responsible for any costs associated with preparing and placing advertising signs on site.



## **Regional significance**

Directions 2031 and Beyond and the draft Outer Metropolitan Perth and Peel Sub-Regional Strategy provide aspirations for the better utilisation of urban land through the establishment of dwelling targets and diversity targets for greenfield, infill and activity centre sites. The draft WACSP seeks to achieve a housing target of between 500-800 additional dwellings within the structure plan area. If the structure plan were to be approved, these additional dwellings would assist in delivering aspirations of Directions 2031 and Beyond and the draft Outer Metropolitan Perth and Peel Sub-Regional Strategy for the City of Joondalup.

However the proposed retail floorspace expansion is questionable as it may result in an oversupply of retail floorspace within the catchment area if population growth does not occur in line with the applicant's expectations. The proposed retail expansion could significantly impact on the strategic metropolitan, secondary and district centres within the City.

It is important that the City pursue the best outcome for the Joondalup City Centre, being the only strategic metropolitan centre within the City of Joondalup. The proposed scale of the retail expansion may also affect the ability of the Joondalup City Centre to achieve Primary Centre status.

## **Sustainability implications**

### Environmental

Under clause 5.5 of SPP 4.2, Activity Centre Structure Plans must ensure that planning contributes to the conservation of resources, in particular reduced consumption of energy and water. Building orientation and design should maximise opportunities for passive solar and natural ventilation and the use of renewable sources of energy such as solar panels and wind turbines is encouraged. The Model Centre Framework provides further design guidelines for the application of sustainable development principles such as maximising renewable energy use and water conservation.

### Social

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

The provision of a diverse range of land uses, a new community square and main street and improved accessibility to the various land uses within the centre may contribute to a healthier and more connected community.

### Economic

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

It is also anticipated that more employment opportunities will be made available as a result of the range of businesses and services proposed to be facilitated through the draft structure plan. It is hoped that this will provide people with the opportunity to live and work in the same area rather than having to travel outside of the City of Joondalup for work.

## Consultation

Clause 9.5 of DPS2 requires structure plan proposals to be advertised in accordance with the provisions of clause 6.7 prior to further consideration by Council. Clause 6.7 of DPS2 requires a minimum advertising period of 21 days. However, should Council resolve to advertise the draft WACSP, it is recommended that advertising be for a period of 60 days given the complexity and potential impact of the draft WACSP.

Advertising will consist of the following:

- Written notification to all land owners within the WACSP area.
- Written notification to land owners within 400 metres of the centre boundary.
- A notice placed in the Joondalup Community newspaper.
- A notice place in The West Australian newspaper for Scheme Amendment 68 to be advertised in conjunction with the draft WACSP.
- Signs on the Westfield Shopping Centre site.
- A notice on the City's website.

## COMMENT

### Draft WACSP

SPP 4.2 sets out a Model Centre Framework that Activity Centre Plans are to be guided by. The draft WACSP generally addresses all elements of the Model Centre Framework; however some of the content and proposals within the structure plan may be problematic. These issues are discussed further within the 'Key Elements' section below.

The draft WACSP contains a range of statutory provisions in regard to specific matters such as building height, permitted land uses and setbacks. It is evident that the detail contained within the majority of the statutory provisions is limited, and provides little guidance to appropriately assess if a development application meets the necessary requirements for some Districts. However, it is acknowledged that in some cases the development provisions will be outlined in Local Development Plans should the draft WACSP be supported.

The current draft WACSP differs from the structure plan that was not supported by Council at its meeting held on 17 May 2011 (CJ080-05/11 refers). The key elements and any differences are outlined in the table below:

Element	Previous	Proposed
Structure Plan Area	In addition to the existing commercial and education sites, the draft WACSP included the whole residential area to the south of the shopping centre and St Marks school site down to Cook Avenue.	In addition to the existing commercial and education sites, the area now only includes properties fronting Banks Avenue, and eleven other adjoining properties as depicted in the Structure Plan Map (Attachment 3 refers). Council has already agreed to this boundary.
Building Height	Building heights varied from three to four storeys in the western and southern districts, and up to 15 storeys in the core (being the north eastern portion of the centre).	Building heights approximately three storeys in the western and southern districts, and approximately six storeys in the main street (Endeavour District).

Element	Previous	Proposed
Residential Density	R AC-0 was proposed for the whole of the Structure Plan Area. The R AC-0 code allows development provisions to be set out in a structure plan, in place of those specified in the Residential Design Codes.	R AC-0 proposed for the Endeavour and Retail Districts, and R80 proposed for the Banks District and Education and Civic Districts.
Traffic and movement network	New streets were proposed within the residential area to the south of the shopping centre. Analysis of the traffic impact is similar to the current traffic report.	New street proposed within the shopping centre site, and a link road between the Education and Civic District and Endeavour District. No new roads through existing residential areas.
Parking	No parking standards were included, and a parking strategy would have been required.	For the Retail District a parking cap of 4,200 applies, with a generic car parking standards of 4.5 bays per 100m <sup>2</sup> applying to all land uses.  For the remaining districts, car parking is as per DPS2.
Local Development Plans	Local Development Plans (previously referred to as Detail Site Plans under the structure plan) were required for most types of development, with no detail on who would be responsible for preparing.	Local Development Plans required for most types of development outside the Retail District. The responsibility indicated is Westfield and/or other land owners.
Staging	The information provided on staging was similar to the current draft WACSP, with the exception of more residential development given the structure plan area.	Applicant has indicated that staging will be dependent on market driven demand for services and housing, and as such it is not appropriate to identify definite staging. Indicative staging is provided, as discussed further below.
Retail Sustainability Assessment	The retail analysis appears similar to the Retail Sustainability Assessment under the current draft WACSP. The trade area was slightly smaller. The proposed indicative 95,000m <sup>2</sup> of retail floor space for the centre was not supported by the City.	Independent analysis of the current Retail Sustainability Assessment indicates that the retail floor space of 95,000m <sup>2</sup> is unjustified, and will have a detrimental impact on the centre hierarchy under SPP 4.2.

Target delivery	<p>Delivery targets set by the applicant for diversity, intensity, employment and accessibility all met average targets by 2031.</p> <p>Land use diversity under SPP 4.2 was just meeting the acceptable target of 40%, whilst the retail floor space is only 5,000m<sup>2</sup> short of needing to meet a 50% land use diversity target. Furthermore, land use diversity will be below 40% by 2016.</p>	<p>The applicant has developed targets for the diversity, intensity, employment and accessibility of the centre. .The applicant has indicated the centre will meet the average targets set by 2031</p> <p>There is no improvement or undertaking by the applicant to improve the diversity, intensity, accessibility or employment for the centre to achieve their proposed 'best of type' target (instead of average).</p> <p>Land use diversity under SPP 4.2 will just meet the acceptable target of 40%, whilst the retail floor space is only 5,000m<sup>2</sup> short of needing to meet a 50% land use diversity target. Furthermore, land use diversity will be below 40% by 2016.</p>
Implementation	<p>The City was required to be responsible for the majority of tasks including development of a steering committee, review of stormwater management, review of community facilities, development economic development strategy and preparation of a parking and transport strategy.</p>	<p>The City is still required to be involved in some implementation, however not to the same extent as the previous draft WACSP.</p>

### Key Elements

An assessment of the draft WACSP has identified the following key elements as discussed below:

- Activity centre boundary.
- Building height.
- Residential density.
- Traffic and movement network.
- Parking.
- Local Development Plans.
- Staging.
- Retail Sustainability Assessment.
- Delivery of diversity, intensity, accessibility and employment targets.
- Implementation.

### *Activity centre boundary*

The proposed boundary identified in the draft WACSP aligns with the boundary supported by Council at its meeting held on 16 September 2012 (CJ181-09/12 refers). The boundary is also consistent with Scheme Amendment No. 68 which proposed a 'Centre' zone for the area, which was adopted by Council for the purposes of community consultation on 23 October 2012 (CJ199-10/12 refers).

### *Building height*

The height limit within the core area, being the Endeavour District and Retail District, will result in a different built form than the existing development. However, the areas are generally separated from the existing single residential development by roads, and the Banks District and Education and Civic District. The maximum height of approximately three storeys for the Banks District and Education and Civic District will provide for a transition in building height to the existing residential areas.

These heights will provide the opportunity for the centre to deliver land use and built form that meets the requirements of SPP 4.2. This includes dwelling and land use diversity targets.

### *Residential density*

The proposed density of R AC-0 requires the development provisions for multiple dwellings to be set out in the draft WACSP. These provisions include:

- maximum plot ratio
- minimum open space (% of site);
- street setbacks
- maximum building height.

The draft WACSP provides guidance with regard to building height and in some locations, setbacks and privacy. The draft WACSP does not contain any provisions for elements such as plot ratio, open space, and height of boundary walls. It is noted in most instances that these provisions will be subject to future Local Development Plan(s).

For the R AC-0 density code, the draft WACSP therefore provides inadequate information to identify the possible size, scale and number of dwellings that could be developed on any given lot within the subject site. This said, the Indicative Development Plan within Part 2 of the draft WACSP (Attachment 6 refers) illustrates a proposed spatial framework, with residential development mostly contained within the Endeavour District, yielding 673 dwellings. This Indicative Development Plan also shows redevelopment of land not owned by Westfield, which may not currently be envisaged by those land owners.

The proposed density of R80 for the Banks District and Education and Civic District is above the current density codes, and is consistent with the density proposed under the draft Local Housing Strategy for the Banks District. Under the draft Local Housing Strategy properties zoned Residential to the south of Banks Avenue will have a density code of R20/R60. Therefore, the R80 will provide a transition between the Retail District and residential area.

For the Education and Civic District, residential development on the St Mark's school site will be assessed against the requirements of the Residential Design Codes of Western Australia.

For both the R AC-0 and R80 density codes, development of grouped dwellings and/or single houses would be guided by the provisions of the R60 density code in regard to minimum and average lot sizes.

#### *Traffic and movement network*

A transport report was provided as an appendix to the draft WACSP. The report takes into account a possible staged development scenario. The City's concerns regarding the transport report include:

- lack of traffic counts and assessment for Banks Avenue
- worsening service levels of some intersections, particularly Whitfords Avenue and Marmion Avenue;
- no intersection service level is provided for Endeavour Road and Banks Avenue
- limited detail on recommendations provided to improve traffic service levels (for example how and when carriageway widening would be required)
- data from 2010 has been used as the basis for traffic modelling, without accounting for annual growth
- potential impact on infrastructure within road reserves is not identified
- lack of recommendations for a future Traffic and Parking Strategy.

The draft WACSP document suggests that traffic volumes may increase by up to 95% by 2031. To counteract this increase, improvements to public transport, pedestrian/cycling facilities and increased residential development within the core are proposed with the aim of reducing traffic volume increase from 95% to 50% by 2031.

The traffic modelling outlined in the transport report is based on traffic volumes increasing by only 50%. To ensure that traffic volumes do not exceed this projection, various improvements are proposed including:

- modifications to Endeavour Road to form a shared use area as part of the main street
- increasing or improving existing entrance points to the shopping centre to spread the traffic impact over a number of intersections
- increased public transport patronage.

It is uncertain whether the projected traffic increase of 50% is a reasonable assumption. It may be necessary for the City to engage consultants to independently review the transport report and provide comment on traffic projections and impacts.

Emphasis in the traffic report on public transport improvement refers to a Bus Rapid Transit hub (BRT), which is mentioned in State Government's *Public Transport for Perth 2031*. The BRT is a public transport link proposed to run from Joondalup to Claremont via Whitford City, Hillarys, Karrinyup, Scarborough and Shenton Park. However, the link would not be operational until after 2031, and it is understood that there is no firm commitment that the link would definitely be developed. Furthermore, if the public transport improvements do not happen, are delayed, or differ from those assumed, any development which occurs in the interim (such as the retail expansion in 2016) may have a critical impact on the surrounding road network.

A new road link into the shopping centre site (identified as Marmion Promenade) is proposed from Marmion Avenue, providing a connection to Banks Avenue. This road would remain in private ownership and will be designed as a shared use area. A new access point would require approval from Main Roads WA as well as from the City. No detail has been provided in the draft WACSP in relation to any agreements with Main Roads WA.

A new link road is also proposed from Whitfords Avenue linking to Endeavour Road, between the Education and Civic District and Endeavour District. This link road is proposed to improve access to the St Mark's school, as well as providing rear access to future buildings in the Endeavour District. The road classification is proposed to be an "Access Street B" as defined by Liveable Neighbourhoods, which caters for two way traffic, pedestrian access and on street parking without the requirement for a central median. As the purpose of this link road is to provide access for students from the Education and Civic District to the remainder of the centre, it is important that pedestrian crossings are not compromised in this road environment and two stage crossings at mid-block locations or at junctions will need to be considered to achieve appropriate access. It is also noted that approval from Main Roads WA would be required for the intersection upgrade (where the link road connects) at the Endeavour Road and Banks Avenue intersection.

The draft WACSP proposes significant improvements to the existing street environment, including upgraded and new shared use paths, cycle lanes, shared zones and landscaping. Whilst in principle such improvements are supported, no detail is provided on how and when such improvements would be implemented. Although Westfield is a major land holder, there still remains fragmented land ownership (particularly on Banks Avenue) and no detail is provided as to how such infrastructure improvements will be coordinated or funded, even in the short term. For example, the major retail expansion proposed by 2016 (increasing the size of the shopping centre from 50,000m<sup>2</sup> to 90,000m<sup>2</sup> retail floor space) is expected to result in an increase in the volume of traffic to the centre with no clear detail on what infrastructure improvement, road and intersection modifications would be required.

### *Parking*

The draft WACSP suggests that reduced parking standards can be supported on the basis of:

- improved public transport (increased public transport use)
- improved cycle routes (increased cycling)
- improved pedestrian amenity (increased walking)
- provision of on-street parking
- trip chaining (such as accessing multiple services in the one trip)
- reciprocal parking benefits
- improved parking management to maximise efficiency.

For the Retail District, a parking cap has been proposed, being 4,200 bays. A generic car parking standard is also proposed to apply to all land uses within this district, being 4.5 bays per 100m<sup>2</sup>. This parking cap equates to 93,333m<sup>2</sup> of floor space. The retail addition proposed in 2016 will bring the total retail floor space to approximately 90,000m<sup>2</sup>, and does not take into consideration the parking for existing and/or proposed non-retail floor space. Whilst the parking cap can be revised, it would indicate that the draft WACSP does not contemplate the full development of the site to 2031. The 4,200 bay parking cap also does not align with the Traffic Report, which indicates a parking cap of 5,300 bays.

The parking requirement for all other districts is as per DPS2. It is noted that the parking standards in DPS2 are generic standards and may be onerous for an Activity Centre. This could indicate that the benefits of an Activity Centre have not necessarily been considered for these districts.

### *Local Development Plans*

Formally referred to as Detailed Area Plans, Local Development Plans (LDPs) can be used to provide specific development requirements which would form the basis for considering applications for planning approval. Generally a LDP is prepared as a condition of subdivision; however through the structure plan there is the ability to require a LDP where the City is of the opinion that greater detail is required in order to achieve a desirable design outcome for a site.

The draft WACSP indicates the LDPs may incorporate provisions to address the following:

- Building envelopes.
- Subdivision of land.
- Private open space.
- Services.
- Advertising signs, lighting and fencing.
- Vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures.
- The location, orientation and design of buildings and the space between buildings.
- Landscaping, finished site levels and drainage.
- Protecting sites of heritage, conservation or environmental significance.
- Special development controls and guidelines.
- Such other information considered relevant by the local government.

The draft WACSP indicates that LDPs are required for various types of development. While it states that Westfield and landowners are responsible for preparing LDPs, given the fragmented land ownership within the structure plan area, it may not be appropriate for one landowner to prepare a LDP for multiple sites. LDPs could also be seen as a disincentive for development, which could then leave the responsibility of the development of LDPs with the City to encourage development. In addition to LDPs, further guidance in regard to specific elements could be sought upfront within the draft WACSP.

### *Staging*

The draft WACSP is intended to guide development of the centre for the next 20 years in alignment with the State Government planning framework Directions 2031 and Beyond.

The draft WACSP indicates that the staging of development for the centre will be dependent on market driven demand for services and housing. As there are many factors which may impact on the timing of each stage, definite staging has not been provided.

Factors which may impact on the staging and timing of the growth of the activity centre include:

- population and employment growth
- existing leasing arrangements
- planning context
- transport context
- local community acceptance
- community and utility infrastructure
- commercial competition
- construction costs and industry conditions
- visitation rates and commercial success.



Based on information in the draft Structure Plan, the possible staging scenario is as follows:

	2012	2021	2031
Retail (m <sup>2</sup> )	49,900	90,000	95,000
Other retail (m <sup>2</sup> )	8,500	11,500	11,500
Office (m <sup>2</sup> )	7,800	7,800	22,800
Residential (dwellings)	30	400	800
Entertainment / Recreation / Culture (m <sup>2</sup> )	9,500	9,500	16,000
Health / Welfare / Community	16,200	16,200	16,200
Other	2,400	2,400	2,500

The staging demonstrates how the Whitford Activity Centre can be developed to achieve the necessary diversity and intensity targets through additional floor space. The achievement of these targets requires commitment from not only the applicant but also adjoining landowners who are yet to be informed about the proposed structure plan. As such there is no certainty as to what may be delivered and when, with the exception of the majority of the retail floorspace expansion which is due to be completed by 2016. This lack of certainty may concern nearby landowners.

#### *Retail Sustainability Assessment*

The City has engaged the services of an independent economic consultant (RPS) to review the Retail Sustainability Assessment (RSA) which was submitted with the proposed WACSP. The review concluded that the applicant's retail assessment does not adequately justify the proposed retail expansion, as the justification is based on the need for greater floor space provision for the North West sub-region, rather than the trade area or beyond-trade expenditure capture. Furthermore, the RSA overemphasises the role of Whitford in the retail hierarchy and therefore overestimates the need for additional retail floorspace in that location.

The independent review of the Retail Sustainability Assessment document raises significant concern regarding the ability for Westfield Whitford to appropriately support the requested retail floorspace.

It appears the retail sustainability report seeks to justify the expansion of the centre, not on the growth of its trade area or increases in its beyond-trade expenditure capture, but on the need for greater floorspace provision in the Joondalup LGA and North West Sub-Region. However, no affirmative evidence is provided as to the appropriate role of Westfield Whitford in contributing to the current and future floorspace shortfall being addressed. The population analysis of the report suggests that Whitfords role may in fact be limited. The established nature of the centre's primary and secondary trade areas and an already high beyond trade expenditure capture mean that Whitfords is not well positioned to assist address this issue to the extent proposed.

Feedback from the independent economic consultant concludes that while an increase in retail floorspace may be justified, it is not in the order contemplated by the structure plan, and is likely to be more in the order of 65,000sqm rather than 95,000sqm.

Given the conclusions by RPS, should the indicative retail floor space of 95,000m<sup>2</sup> be supported, it could significantly impact on the strategic metropolitan, secondary and district centres within the City.

It is important that the City pursue the best outcome for the Joondalup City Centre, being the only strategic metropolitan centre within the City of Joondalup. The proposed scale of the proposed retail expansion may also affect the ability of the Joondalup City Centre to achieve Primary Centre status.

*Delivery of diversity, intensity, accessibility and employment targets*

The draft WACSP demonstrates centre maturity through targets established by Pracsys (economic analysts for the applicant), based on best practice (best of type), average and below average performance for employment, accessibility, diversity and intensity. Based on the staged development scenario discussed previously, the draft WACSP demonstrates how average targets can be achieved by 2031.

Land Use	Pracsys centre maturity scores			ACSP Proposal		
	Best of Type	Average	Below Average	2010	2016	2031
Diversity	7.8 or more	5.2-7.7	5.1 or less	5.25	4.4	4.7
Intensity	3.8 or more	2.2 – 3.7	2.1 or less	1.5	1.7	2.8
Employment (jobs per gross Ha)	6.2 or more	2.9 - 6.1	2.8 or less	1.75	3.5	4.2
Accessibility (% of users not using a private car)	4.2 or more	2.2-4.1	2.2 or less	1.0	1.5	2.8

SPP 4.2 requires a diversity target of 40% for centres with a retail floor space greater than 50,000m<sup>2</sup> but less than 100,000m<sup>2</sup>. The table below sets out the diversity target based on staging scenario provided.

SPP 4.2 Diversity Target				
	Target land use diversity mix	2012	2016	2031
For centres greater than 50,000m <sup>2</sup> but less than 100,000m <sup>2</sup>	40%	47%	34%	42%

The development staging provided in the draft WACSP indicates that:

- The initial diversity of activity will decrease to accommodate the immediate demand for retail (from 50,000m<sup>2</sup> to 90,000m<sup>2</sup>);
- Increased intensity (particularly residential) and diversity performance is reliant on improvements in accessibility; and
- Initially employment will depend on population driven consumer services before significant agglomerations of activity drive the presence of knowledge intensive consumer services and producer services.

This means that in the medium to short term the focus of the centre will remain retail based and in the long term as the centre matures, the performance should achieve average targets.

There is some concern that the draft WACSP will facilitate short term retail expansion plans without any mechanism to require the development of other land uses in the short or medium term to improve the land use mix. It would be more desirable if, as the centre matures, it is required to improve diversity with each stage.

### *Implementation*

The draft WACSP identifies the following stakeholders as being key to the implementation of the plan:

- City of Joondalup.
- Westfield.
- State Government Agencies.
- Landowners in the centre.
- Local community.

A number of actions are identified as possibly being required to implement the draft WACSP (Attachment 11 refers). Commitment by the City may be needed for the following actions:

- Approval of the draft WACSP.
- A community engagement strategy (consultation).
- Modification of the draft Local Commercial Strategy.
- Assessment and approval of Local Development Plans.
- Assessment of Urban Water Management Plans, Environmental Management Plan and Traffic Management Plans.
- Provision of community facilities.
- Assessment of development applications and subdivisions as a result of the new development potential gained under the WACSP.
- Provision of infrastructure.

### Proponent and affected landowners

While it is preferable that all property owners within a structure plan area are in support of the plan, it is possible for a single property owner to undertake the structure planning approvals process without the involvement of all landowners. This is due to the fact that a structure plan does not *require* landowners within it to subdivide or redevelop; rather guides subdivision and development should it occur. A lot affected by structure planning can remain undeveloped for as long as the landowner wishes. However it may impact on how the centre could develop and achieve the desired outcomes of the structure plan.

### Conclusion

The draft WACSP is intended to guide development until 2031. With the exception of the Retail District, the development provisions are limited and do not provide a clear vision of the expected development and commitment by all other stakeholders.

Despite some significant issues being identified with the draft WACSP in its current form, it is considered that there is value in releasing the draft WACSP to the community and seeking feedback at this stage to ascertain the community's views on the future direction of the centre.

This would allow the applicant to address the concerns raised by the City at the same time as considering and addressing any issues raised by the community, before the draft WACSP and the outcomes of the consultation are reported to Council for consideration of final adoption.

As such, it is recommended that the Council adopts the draft WACSP for the purposes of public advertising.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council:**

- 1** pursuant to Clause 9.4 of the *City of Joondalup District Planning Scheme No. 2* **ADVERTISES** the draft Whitford Activity Centre Structure Plan (Structure Plan No 15) forming Attachment 8 to this Report for the purpose of public consultation and make it available for comment for 60 days, by way of:
  - 1.1** written notification to land owners within the Whitford Activity Centre Structure Plan Area;
  - 1.2** written notification to land owners within 400 metres of the Whitford Activity Centre Structure Plan Area;
  - 1.3** notices placed in the Joondalup Community newspaper;
  - 1.4** signs on the Westfield Shopping Centre site;
  - 1.5** a notice on the City's website;
- 2** **NOTES** that in accordance with Council Resolution CJ199-10/12, Scheme Amendment No. 68 will be advertised concurrently with the draft Whitford Activity Centre Structure Plan.

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf120313.pdf](#)

### **ITEM 3                    NOTES OF THE STRATEGIC COMMUNITY REFERENCE GROUP MEETING HELD ON 4 FEBRUARY 2013**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	102605, 101515
<b>ATTACHMENTS</b>	Attachment 1 Notes of the Strategic Community Reference Group meeting held on 4 February 2013
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

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#### **PURPOSE**

For Council to receive the notes of the Strategic Community Reference Group meeting of 4 February 2013, relating to the review of the City's Community Safety and Crime Prevention Plan (Attachment 1 refers).

#### **EXECUTIVE SUMMARY**

At its meeting held on 26 June 2012 (CJ112-06/12 refers), Council adopted a new participation mechanism for the external provision of advice to Council, namely, a City of Joondalup Strategic Community Reference Group (SCRG).

The inaugural meeting of the SCRG was held on 4 February 2013 for the purposes of reviewing the City's current Community Safety and Crime Prevention Plan. The SCRG consisted of appointed community representatives from each Ward, Elected Members and seconded experts in the field of crime prevention.

Main points raised by the SCRG included an increased focus on closed-circuit television (CCTV), enhancement of the City Watch service, greater participation from the community in crime prevention initiatives and future leveraging of social media platforms to enhance communication.

The City will utilise this feedback to assist in the development of a revised Community Safety and Crime Prevention Plan.

*It is recommended that Council NOTES the outcomes of the inaugural Strategic Community Reference Group meeting, held on 4 February 2013, as presented in Attachment 1 of this Report.*

## BACKGROUND

At its meeting held on 26 June 2012 (CJ112-06/12 refers), Council considered options for future engagement with the community in reviewing the existing Working Group and Community Forum formats.

As an alternative option, Council supported the establishment of 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.

The format of the SCRG was to include:

- Council-appointed community representatives from each Ward who were subject to a nomination process addressing their experience in strategic planning and decision-making
- up to three Elected Members, one of whom acts as a Presiding Member
- up to four temporary-appointed professionals to provide expert advice and information on specific matters as required
- resident and/or ratepayer group representatives if matters presented to the Group are relevant to a specific location.

Council also adopted the Terms of Reference and the 2012-13 Work Plan for the Strategic Community Reference Group, which listed the review of the City's current Community Safety and Crime Prevention Plan as the first item for consideration.

At its meeting held on 21 August 2012 (CJ156-08/12 refers), Council appointed all standing members of the Strategic Community Reference Group for a tenure of two years.

## DETAILS

The first meeting of the Strategic Community Reference Group was held on 4 February 2013 to consider the review of the City's current Community Safety and Crime Prevention Plan.

The format of the meeting provided members with the opportunity to consider progress against the current plan, discuss potential areas for focus in the future and determine how alignment with the City's Strategic Community Plan 2012-2022: "Joondalup 2022" would be achieved.

Major points raised by the group related to the following:

- An increased focus on the use of CCTV to act as a deterrent and assist in evidence gathering for prosecutions. Acknowledgement of the costs associated with the maintenance and use of the infrastructure was also discussed, noting that sustainable practices should be considered to ensure its ongoing affordability.
- City Watch was acknowledged as a useful service that could be better leveraged for improved outcomes in the future.
- The issue of achieving enhanced community spirit, participation and activation in the delivery of community safety and crime prevention initiatives was discussed. It was believed that greater resident awareness and systems for volunteering could be pursued in the future.

- Social media was considered a largely untapped communication platform the City could consider leveraging for future community safety and crime prevention initiatives.

The group also discussed the effective alignment of issues raised in the meeting with the City's new strategic direction on community safety and crime prevention within *Joondalup 2022*.

The City will use this information to prepare a revised Community Safety and Crime Prevention Plan over the coming months, which will be presented for consideration by SCRG members and the broader community.

For full details on matters discussed at the meeting, please refer to the meeting notes in Attachment 1 of this Report.

### **Issues and options considered**

Not applicable.

### **Legislation / Strategic Community Plan / policy implications**

#### **Legislation**

Section 1.3 (2) of the *Local Government Act 1995* states:

*This Act is intended to result in –*

- (a) Better decision making by local governments;*
- (b) Greater community participation in the decisions and affairs of local government;*
- (c) Greater accountability of local governments to their communities; and*
- (d) More efficient and effective local government.*

#### **Strategic Community Plan**

##### **Key theme**

Governance and Leadership.

##### **Objective**

Active democracy.

##### **Strategic initiative**

Optimise opportunities for the community to access and participate in decision-making processes.

Adapt to community preferences for engagement formats.

### **Risk management considerations**

Not applicable.

### **Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

The Strategic Community Reference Group contributes to social cohesion by enabling participants to interact and contribute 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.

**Consultation**

This report discusses the outcomes of a new community engagement format, namely, the inaugural meeting of the Strategic Community Reference Group.

**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.

As a result of its first meeting, the City is satisfied that the new format of a Strategic Community Reference Group has provided a unique and relevant platform for effective engagement with the community.

The quality of the matters discussed at the meeting was strategic, well-informed and relevant to the City's needs. It will also effectively inform the development of a revised Community Safety and Crime Prevention Plan that is high-level and consistent with the City's broader strategic objectives.

Further progress in relation to the review of the Community Safety and Crime Prevention Plan will be presented to Council in the coming months.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the outcomes of the inaugural Strategic Community Reference Group meeting, held on 4 February 2013, as outlined in Attachment 1 of this Report.**

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf120313.pdf](#)*



## ITEM 4 EIGHT YEAR REVIEW OF LOCAL LAWS

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	05885, 101515
<b>ATTACHMENTS</b>	Attachment 1 Table of Submissions
<b>AUTHORITY / DISCRETION</b>	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### PURPOSE

For Council to determine whether to retain, repeal or amend the City's local laws that have been reviewed as part of the eight year statutory review.

### EXECUTIVE SUMMARY

Section 3.16 of the *Local Government Act 1995* requires a local government to undertake a review of its local laws within a period of eight years from the day on which the local law commenced, or was last reviewed. The purpose of the review is to determine whether or not the local laws should be repealed, retained or amended.

The City commenced a statutory review of its local laws in late 2012 with statewide and local public notices advertising the review and seeking public comment on the contents and suitability of the local laws. The public submission period closed on 31 December, with only one submission being received.

In addition to the public consultation process, officers have undertaken a preliminary review of the local laws under review and identified a number of changes that will assist in improving the operation and enforcement of the City's local laws.

It is recommended that a number of local laws be repealed and replaced with new local laws and that one local law be repealed.

### BACKGROUND

It is a requirement that local governments undertake a review of their local laws within eight years from when the local law commenced or was last reviewed. The City currently has 11 local laws; however the *Pest Plant Local Law 2012* is new and not considered as part of this review and a review of the *Parking Local Law 1998* and *Standing Orders Local Law 2005* has commenced independent of this current statutory review.

The last statutory review of the City's local laws commenced in 2005 (CJ263-12/05 refers) and completed in April 2006 (CJ043-04/06 refers) where it was resolved to retain the City's local laws as presented at that point in time.

Since the completion of the previous review of the local laws, a number of amendments have been gazetted as indicated in the following table:

<b>Year of amendment</b>	<b>Name of Local Law</b>
2007	<i>Local Government and Public Property Amendment Local Law Local Government and Public Property Amendment Local Law (No. 2)</i>
2008	<i>Animals Amendment Local Law Local Government and Public Property Amendment Local Law Parking Amendment Local Law Trading in Public Places Amendment Local Law</i>
2009	<i>Trading in Public Places Amendment Local Law (No.2 )</i>
2010	<i>Animals Amendment Local Law</i>

## **DETAILS**

The following local laws are the subject of the statutory review process:

- *Animals Local Law 1999*

To provide for the regulation, control and management of the keeping of animals within the City of Joondalup.

- *Bushfire Prevention and Control Local Law 1998*

To provide for the prevention, regulation, control and management of bushfires and the reduction of fire hazards within the City of Joondalup.

- *Extractive Industries Local Law 1998*

- To prohibit the carrying on of an extractive industry unless by authority of a licence issued by the local government
- To regulate the carrying on of the extractive industry in order to minimise damage to the environment, thoroughfares and other persons health and property
- To provide for the restoration and reinstatement of any excavation site.

- *Health Local Law 1999*

To provide for the regulation, control and management of day to day health matters within the district.

- *Local Government and Public Property Local Law 1999*

To provide for the regulation, control and management of activities and facilities on local government and public property within the district.

- *Private Property Local Law 1998*

To provide for the regulation, control and management of street numbering, fencing, tennis court floodlighting and vehicle wrecking on private property within the district.

- *Signs Local Law 1999*

To provide for the regulation, control and management of signs within the district, in support of the town planning scheme provisions.

- *Trading in Public Places Local Law 1999*

To provide for the regulation, control and management of outdoor dining areas, street markets, trading, and street entertainment, in any street or public place within the district.

The City commenced a statutory review of its local laws in late 2012 with statewide and local notices advertising the review and seeking public comment and opinion on the contents and suitability of the local laws.

The public submission period closed on 31 December, with only one submission being received.

An outline of the submission and the City's response is provided in Attachment 1.

In conjunction with the public consultation process, an internal review of the above local laws was also conducted to:

- identify potential inconsistencies between the local laws and State legislation
- assess their operational and enforcement efficiency
- identify changes or amendments in drafting.

A number of amendments have been identified at an operational level for a majority of the local laws under review. In addition, all local laws reviewed, with the exception of the *Health Local Law 1999*, are different from the WALGA Model Local Laws and are not drafted in the contemporary manner.

Furthermore, the City has previously provided undertakings to the Joint Standing Committee on Delegated Legislation to make minor amendments to the *City of Joondalup Local Government and Public Property Local Law 1999* and *City of Joondalup Trading in Public Places Local Law 1999*.

To implement the required amendments and to modernise the drafting of the local laws, it is considered that the majority of local laws ought to be repealed and replaced with new local laws. This will require the local law creation process as detailed in the Act to be repeated for each local law that is affected.

However, it is recommended that the *Extractive Industries Local Law 1998* be repealed and not replaced, as the provisions of *District Planning Scheme No. 2* provide adequate control measures for this land use activity.

### **Issues and options considered**

Council is to determine whether to retain, repeal or amend the City's local laws that have been reviewed as part of the eight year statutory review.

### **Legislation / Strategic Community Plan / policy implications**

#### **Legislation**

Section 3.16 of the *Local Government Act 1995*.

#### **Strategic Community Plan**

#### **Key theme**

Governance and Leadership.

#### **Objective**

Corporate capacity.

#### **Strategic initiative**

Continuously strive to improve performance and service delivery across all corporate functions.

#### **Policy**

Not applicable.

### **Risk management considerations**

The City is required to undertake an eight year review of its local laws to ensure statutory compliance.

### **Financial/budget implications**

All costs associated with the review will be met within existing budget allowances and proposed budgets.

### **Regional significance**

Not applicable.

### **Sustainability implications**

A revised and modern set of local laws will assist in maintaining the lifestyle of the City's residents and the amenity which they enjoy.

### **Consultation**

Public consultation occurred in accordance with section 3.16 of the Act. Where the City wishes to amend, repeal or create a local law, the statutory advertising process as described in the Act must be followed. This includes a six week public consultation period.

## COMMENT

The City's current local laws have served the City and its community well, however a majority of them are nearing 15 years old.

The review of the City's local laws has identified that a majority of the local laws require amendment and it would be preferable to repeal the current local laws and create new local laws that:

- are consistent with contemporary local law drafting standards
- based on the industry accepted WALGA model local laws or best practice examples
- meet the needs of the community in respect of protection and enjoyment of amenity
- reflect the operational and enforcement needs of the City.

It is anticipated that to repeal the existing local laws and create new ones will take in the vicinity of 12 months.

## VOTING REQUIREMENTS

Absolute Majority.

## RECOMMENDATION

### That Council:

- 1** NOTES the submission received during the eight year review of its local laws undertaken in accordance with section 3.16 of the *Local Government Act 1995*, as outlined in Attachment 1 to this Report;
- 2** BY AN ABSOLUTE MAJORITY APPROVES the details of the review of the City of Joondalup's local laws as follows:
  - 2.1** Local laws to be repealed:
    - 2.1.1** *City of Joondalup Extractive Industries Local Law 1998*;
  - 2.2** Local laws to be repealed and new local laws created:
    - 2.2.1** *City of Joondalup Animals Local Law 1999*;
    - 2.2.2** *City of Joondalup Bushfire Prevention and Control Local Law 1998*;
    - 2.2.3** *City of Joondalup Health Local Law 1999*;
    - 2.2.4** *City of Joondalup Local Government and Public Property Local Law 1999*;
    - 2.2.5** *City of Joondalup Private Property Local Law 1998*;
    - 2.2.6** *City of Joondalup Signs Local Law 1999*;
    - 2.2.7** *City of Joondalup Trading in Public Places Local Law 1999*;
- 3** NOTES the repeal or creation of the local laws detailed in parts 2.1 and 2.2 above will be subject to further reports to the Council in accordance with section 3.12 of the *Local Government Act 1995*.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf120313.pdf](#)

## ITEM 5 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 – 21 February 2012 to 11 December 2012
<b>AUTHORITY/DISCRETION:</b>	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for ‘noting’).

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### PURPOSE

For Council to note the status of outstanding petitions.

### BACKGROUND

At its meeting held on 16 December 2008 (CJ261-12/08 refers), Council considered a report in relation to petitions received covering the period February 2007 to October 2008, together with commentary in relation to each petition.

As part of that report, it was advised that quarterly reports would be presented to Council in the future.

### DETAILS

#### Issues and options considered

Attachment 1 provides a list of all outstanding petitions, which were received during the period 21 February 2012 to 11 December 2012, with a comment on the status of each petition.

#### Legislation / Strategic Community Plan / policy implications

##### Legislation

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

*“22. Petitions*

- (1) A petition received by a member or the CEO is to be presented to the next ordinary Council meeting;*

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

### **Strategic Community Plan**

**Key Themes** Governance and Leadership.

**Objective** Active democracy.

### **Strategic Initiatives**

- Fully integrate community consultation practices into City activities.
- Optimise opportunities for the community to access and participate in decision-making processes.
- Adapt to community preferences for engagement formats.

### **Policy Implications**

Each petition may impact on the individual policy position of the City.

### **Risk Management Considerations**

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

### **Financial/Budget Implications**

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

### **Regional Significance**

Not applicable.

### **Sustainability Implications**

Not applicable.

### **Consultation**

Not applicable.

## COMMENT

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

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

### That Council NOTES:

- 1 the status of outstanding petitions submitted to Council during the period 21 February 2012 to 11 December 2012, forming Attachment 1 to this Report;
- 2 that a report in relation to the petition requesting Council oppose the establishment of a community garden in Regents Park or Charing Cross Park, Joondalup, will be presented to Council following the development of a proposal by the Community Garden Working Group for the establishment of a community garden within the City;
- 3 that a report in relation to the petition requesting the removal of existing bushland vegetation on the eastern boundary of Bramston Park, Burns Beach was presented to Council at its meeting held on 11 December 2012 (CJ280-12/12 refers);
- 4 that a report in relation to the petition requesting an upgrade of the playground at Glengarry park within the next 12 months (from August 2012), including the installation of exercise equipment and drinking water fountains similar to those in other recreational spaces was presented to Council at its meeting held on 11 December 2012 (CJ282-12/12 refers);
- 5 that a report in relation to the petition requesting Council take prompt action to remedy the traffic issues in Castlegate Way, Woodvale by truncating the street at the northern end adjacent to the medical centre is proposed to be presented to Council at its meeting to be held on 19 March 2013;
- 6 that a report in relation to the petition requesting Council complete the Marri Park playground precinct by the installation of shade sails over the play equipment and BBQs to further enhance the area is proposed to be presented to Council at its meeting to be held on 16 April 2013.

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf120313.pdf](#)



**ITEM 6                      MINUTES OF EXTERNAL COMMITTEES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	48543, 101515
<b>ATTACHMENT</b>	Attachment 1 Minutes of the Local Emergency Management Committee meeting held 7 February 2013  <i>(Please Note: These minutes are only available electronically)</i>
<b>AUTHORITY / DISCRETION</b>	Information - Includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting')

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**PURPOSE**

For Council to note the minutes of various external committees.

**EXECUTIVE SUMMARY**

The following minutes are provided:

- Local Emergency Management Committee meeting held on 7 February 2013.

**DETAILS**

The following information details those matters that would be of interest to the City of Joondalup and discussed at those external meetings.

**Local Emergency Management Committee – 7 February 2013**

A Meeting of the Local Emergency Management Committee was held on 7 February 2013.

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

There were no matters of significant interest to the City of Joondalup resolved at the Local Emergency Management Committee meeting.

**Legislation / Strategic Community Plan / policy implications**

**Legislation**

Not applicable.

**Strategic Community Plan**

Not applicable.

**Key theme**

Not applicable.

**Objective**

Not applicable.

**Strategic initiative**

Not applicable.

**Policy**

Not applicable.

**Risk management considerations**

Not applicable.

**Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council NOTES the minutes of the Local Emergency Management Committee meeting held on 7 February 2013 forming Attachment 1 to this Report.**

*To access this attachment on electronic document, click here: [externalminutes120313.pdf](#)*

## ITEM 7 EXECUTION OF DOCUMENTS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	15876, 101515
<b>ATTACHMENT</b>	Attachment 1 Documents executed by affixing the Common Seal for the period 1 February 2013 to 13 February 2013
<b>AUTHORITY / DISCRETION</b>	Information - Includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting')

### PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 1 February 2013 to 13 February 2013 (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 Council for information on a regular basis.

*It is recommended that Council NOTES the Schedule of Documents covering the period 1 February 2013 to 13 February 2013, executed by means of affixing the Common Seal, as detailed in Attachment 1 to this Report.*

### DETAILS

During the period 1 February 2013 to 13 February 2013, six documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Section 70A Notification	4
Deed	2

**Issues and options considered**

Not applicable.

**Legislation / Strategic Community Plan / policy implications**

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

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

**Strategic initiative** 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.

**COMMENT**

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

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council NOTES the Schedule of Documents covering the period 1 February 2013 to 13 February 2013, executed by means of affixing the Common Seal, as detailed in Attachment 1 to this Report.**

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf120313.pdf](#)*

## **ITEM 8                    FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JANUARY 2013**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	07882, 101515
<b>ATTACHMENT</b>	Attachment 1   Financial Activity Statement for the period ended 31 January 2013
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

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### **PURPOSE**

For Council to note the Financial Activity Statement for the period ended 31 January 2013.

### **EXECUTIVE SUMMARY**

At its Special meeting held on 10 July 2012 (JSC04-07/12 refers), Council adopted the Annual Budget for the 2012-13 Financial Year. The figures in this report are compared to the Adopted Budget figures.

The January 2013 Financial Activity Statement Report shows an overall favourable variance from operations and capital of \$7,660,926 for the period when compared to the 2012-13 Adopted Budget.

The variance can be summarised as follows:

The Operating Surplus is \$1,972,367 above budget, made up of higher operating revenue of \$1,726,421 and lower operating expenditure of \$245,946.

Higher operating revenues are primarily as a result of higher Fees and Charges \$681,291, Interest Earnings \$985,860, Contributions, Reimbursements and Donations \$97,868 and Rates \$98,705. These are offset by revenue below budget on Grants and Subsidies \$114,272 and Other Revenue \$42,043. The additional fees and charges are mainly from Sports and Recreation Fees and Building and Development Fees.

Operating expenditure is below budget on Materials and Contracts \$1,641,181, Employee Costs \$454,238, Insurance \$58,630 and Interest \$1,948. These are offset by higher Depreciation and Utilities expenditure which are \$1,966,467 and \$6,751 above budget respectively.

The favourable variance on Materials and Contracts is spread across a number of areas including External Service Expenses \$643,367, Professional Fees and Charges \$345,214, Contributions and Donations \$288,455, Furniture, Equipment and Artworks \$213,351 and Public Relations and Advertising \$205,593. These are partly offset by an unfavourable variance of \$223,202 on Waste Management Services.

The Capital Deficit is \$3,804,271 below budget as a result of lower expenditure on Capital Projects \$1,441,750, Capital Works \$2,408,253, Motor Vehicle Replacements \$204,045 and Equity Investments \$330, offset by lower capital revenue of \$250,107.

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

*It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 January 2013 forming Attachment 1 to this Report.*

## **BACKGROUND**

The *Local Government (Financial Management) Regulations 1996* requires a monthly Financial Activity Statement. At its meeting held on 11 October 2005 (CJ211-10/05 refers), Council approved to accept the monthly Financial Activity Statement according to nature and type classification.

## **DETAILS**

### **Issues and options considered**

The Financial Activity Statement for the period ended 31 January 2013 is appended as Attachment 1.

### **Legislation / Strategic Community 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 Community Plan**

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**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 2012-13 Adopted Budget or have been authorised in advance by Council where applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 31 January 2013 forming Attachment 1 to this Report.**

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf120313.pdf](#)

## **ITEM 9 LIST OF PAYMENTS MADE DURING THE MONTH OF JANUARY 2013**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	09882, 101515
<b>ATTACHMENTS</b>	Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of January 2013 Attachment 2 Chief Executive Officer's Delegated Trust Payment List for the month of January 2013 Attachment 3 Municipal and Trust Fund Vouchers for the month of January 2013
<b>AUTHORITY / DISCRETION</b>	Information – includes items provided to Council for information purposes only that do not require a decision of Council ) that is for 'noting').

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### **PURPOSE**

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of January 2013.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of January 2013 totalling \$11,456,863.48.

*It is recommended that Council NOTES the Chief Executive Officer's list of accounts for January 2013 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 \$11,456,863.48.*

### **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 January 2013. 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 & EFT Payments 94678 - 94896 & EF029137 – EF029681 Net of cancelled payments	\$7,764,974.33
	Vouchers 1075A – 1083A	\$3,676,865.25
Trust Account	Trust Cheques 205437 - 205474 Net of cancelled payments	\$15,023.90
<b>Total</b>		<b>\$11,456,863.48</b>

### Issues and options considered

The list of payments report has now been amended to include contract numbers where payments were made under approved contracts.

### Legislation / Strategic Community 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 Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic Initiative** Not applicable.

**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**

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 2012–2013 annual Budget as adopted and revised by Council at its meeting of 10 July 2012 or has been authorised in advance by the Mayor or by resolution of Council as applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Chief Executive Officer's list of accounts for January 2013 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 this Report, totalling \$11,456,863.48.**

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf120313.pdf](#)

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Mr Mike Tidy, Director Corporate Services</b>
<b>Item No/Subject</b>	Item 10 – Tender 027/12 – Supply and Delivery of Workwear and Personal Protective Equipment
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mr Tidy's sister-in-law is an employee of one of the tenderers, Aurora Corporation Pty Ltd and BF and JR Cross, trading as Pacific Safety Wear.

## **ITEM 10                    TENDER 027/12 – SUPPLY AND DELIVERY OF WORKWEAR AND PERSONAL PROTECTIVE EQUIPMENT**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	102622, 101515
<b>ATTACHMENTS</b>	Attachment 1    Schedule of Items Attachment 2    Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to accept the tender submitted by Kamsue Pty Ltd ATF Kamsue Family Trust T/as Totally Workwear Joondalup for the supply and delivery of work wear and personal protective equipment.

**EXECUTIVE SUMMARY**

Tenders were advertised on 21 November 2012 through statewide public notice for the supply and delivery of work wear and personal protective equipment for a period of three years. Tenders closed on 6 December 2012. Thirteen submissions were received from:

- Kamsue Pty Ltd ATF Kamsue Family Trust trading as Totally Workwear Joondalup.
- Heatley Sales Pty Ltd trading as Heatley Sales (Conforming Offer).
- Aurora Corporation Pty Ltd & BF & JR Cross trading as Pacific Safety Wear.
- My Prize Investments Pty Ltd trading as Safety World.
- Direct Trades Supply Pty Ltd.
- Workers World Pty Ltd.
- Excalibur Printing Pty Ltd trading as Hip Pocket Workwear & Safety Wangara.

- Protector Alsafe Pty Ltd (Conforming Offer).
- Protector Alsafe Pty Ltd (Alternative Offer).
- RSEA Pty Ltd.
- Heatley Sales Pty Ltd trading as Heatley Sales (Alternative Offer).
- Aqua Terra Oil and Mineral Service and Supply Company Pty Ltd trading as Atom Supply.
- Pacific Brands Workwear Group Pty Ltd.

The submission from Kamsue Pty Ltd ATF Kamsue Family Trust trading as Totally Workwear Joondalup represents best value to the City. Totally Workwear Joondalup demonstrated a thorough understanding of the requirements. The company is a well established local supplier with significant industry experience and proven capacity to provide the goods to the City. It has successfully provided similar services for the City in the past and is currently supplying work wear and personal protective equipment to various private organisations.

*It is therefore recommended that Council ACCEPTS the tender submitted by Kamsue Pty Ltd ATF Kamsue Family Trust trading as Totally Workwear Joondalup for the supply and delivery of work wear and personal protective equipment as specified in Tender 027/12 for a period of three years at the submitted schedule of rates, with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.*

## **BACKGROUND**

The City has a requirement for the supply and delivery of work wear and personal protective equipment to various locations within the City.

The City currently has a single contract for work wear and personal protective equipment with Pacific Safety & Industrial, which will expire on 31 March 2013.

Pacific Safety & Industrial has met the City's requirement throughout the term of its contract.

## **DETAILS**

The tender for the supply and delivery of work wear and personal protective equipment was advertised through statewide public notice on 21 November 2012. The tender period was for two weeks and tenders closed on 6 December 2012.

### **Tender Submissions**

Thirteen submissions were received from:

- Kamsue Pty Ltd ATF Kamsue Family Trust trading as Totally Workwear Joondalup.
- Heatley Sales Pty Ltd trading as Heatley Sales (Conforming Offer).
- Aurora Corporation Pty Ltd & BF & JR Cross trading as Pacific Safety Wear.
- My Prize Investments Pty Ltd trading as Safety World.
- Direct Trades Supply Pty Ltd.
- Workers World Pty Ltd.
- Excalibur Printing Pty Ltd trading as Hip Pocket Workwear & Safety Wangara.
- Protector Alsafe Pty Ltd (Conforming Offer).
- Protector Alsafe Pty Ltd (Alternative Offer).
- RSEA Pty Ltd.
- Heatley Sales Pty Ltd trading as Heatley Sales (Alternative Offer).

- Aqua Terra Oil and Mineral Service and Supply Company Pty Ltd trading as Atom Supply.
- Pacific Brands Workwear Group Pty Ltd.

The schedule of items listed in the tender is provided in Attachment 1.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2.

### **Evaluation Panel**

The evaluation panel comprised of four members:

- one with tender and contract preparation skills
- one with safety and risk management skills
- 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 in a fair and equitable manner.

### **Compliance Assessment**

The following offers received were assessed as fully compliant:

- Totally Workwear Joondalup.
- Safety World.
- Direct Trades Supply Pty Ltd.

Heatley Sales (Conforming Offer) and Pacific Safety Wear did not submit prices for a number of scheduled items. Their submissions although not fully compliant were included for further assessment as the variations were considered minor and will have little impact on the City's requirements.

Workers World was assessed as partially compliant. The offer was subject to the company reserving the right to re-negotiate prices, if there is a variation in the Australian dollar by more than 15% in addition to not submitting prices for a number of items. The submission was included for further assessment on the basis that clarification could be sought on the pricing, should the offer represent best value to the City.

The following offers were assessed as non compliant:

- Hip Pocket Workwear & Safety Wangara.
- Protector Alsafe Pty Ltd (Alternative Offer).
- Protector Alsafe Pty Ltd (Conforming Offer).
- RSEA Pty Ltd.
- Heatley Sales (Alternative Offer).
- Atom Supply.
- Pacific Brands Workwear Group Pty Ltd.

Hip Pocket Workwear submitted an alternative offer that proposed alternative brands for clothing and footwear items. This was not accompanied by a conforming offer and did not comply with clause 4.8 of the conditions of tendering.

Protector Alsafe submitted alternative and conforming offers subject to nine proposed amendments to the conditions of contract and two to the specification relating to indemnity, insurance, variations to delivery, substitute brands and price variations. The alternative offer also proposed alternative brands for various items.

RSEA Pty Ltd did not submit prices for 33 scheduled items and did not submit any responses to the compliance criteria.

Heatley Sales did not submit prices for 267 scheduled items and submitted substitute brands for many items in its alternative offer.

Atom Supply did not submit prices for 374 scheduled items, submitted substitute brands for items and did not address the majority of the qualitative criteria.

Pacific Brands Workwear proposed alternative products and submitted prices for footwear and clothing items only and the offer was also subject to proposed amendments to the conditions of contract.

These offers did not meet the City's scope of requirements and were not considered further.

### **Qualitative Assessment**

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

<b>Qualitative Criteria</b>		<b>Weighting</b>
1	Capacity	50%
2	Demonstrated experience in providing similar services	30%
3	Demonstrated understanding of the required tasks	15%
4	Social and economic effects on the local community	5%

Workers World scored 51.5% and was ranked sixth in the qualitative assessment. Its submission included examples of similar works undertaken for local governments including the Mackay Regional Council and the City of Wanneroo. Workers World indicated the company has an in-house embroidery capability and can deliver the goods within the specified timeframe. Its response to capacity did not provide information on its key personnel, after hours contact, safety procedures or actual safety record. Fitting arrangements required by the City was also not addressed.

Direct Trades Supply scored 52.5% and was ranked fifth in the qualitative assessment. Its submission included timeframes for delivery of goods. Examples of similar works undertaken for various organisations were supplied but did not include local governments. Direct Trades Supply did not indicate if embroidery services are available in house and also did not address the ability to provide fitting arrangements required by the City.

Safety World scored 55% and was ranked fourth in the qualitative assessment. The company has experience in providing similar services to local governments including the Cities of Wanneroo, Subiaco, Nedlands and Perth. Safety World did not indicate if embroidery services are available in house and did not supply evidence of its safety procedures or safety record. It will supply a range of sizes for fittings at the City's Works Operations Centre to meet operational needs.



Pacific Safety scored 57% and was ranked third in the qualitative assessment. The company has been the City's current contractor for the supply and delivery of work wear and PPE for the past three years and also supplies numerous other large organisations such as Leighton Holdings, Water Corporation, Theiss Contracting and Coates Hire. It demonstrated a sound understanding of the required tasks but did not address fitting requirements. The company did not provide any information on the experience of its key personnel, ability to supply additional resources or personnel, its safety policy, procedures or statistics.

Heatley Sales scored 65.8% and was ranked second in the qualitative assessment. The company has significant experience in providing similar services to various organisations and local governments including Cities of Bunbury, Stirling and Wanneroo. It demonstrated a sound understanding of the requirements and capacity to supply the required goods.

Totally Workwear scored 77% and was ranked first in the qualitative assessment. The company demonstrated a thorough understanding and appreciation of the City requirements. It has significant industry experience and has successfully provided similar services for the City in the past (for nine years). The company is well resourced and proposed the use of its store located in Winton Road for fitting and warehousing. It can also supply a size range on site at the Works Operation Centre if required.

### Price Assessment

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

To provide an estimated expenditure over a 12 month period the 365 most commonly used items and their typical usage based on historical data have been used. The table below provides a comparison of the estimated expenditure based on tendered rate. Any future requirements will be based on demand and subject to change in accordance with the operational needs of the City.

The rates are fixed for the first year of the contract, but are subject to a price variation in years two and three of the contract to a maximum of the percentage change in the Perth CPI (All Groups) Index for the preceding year. For estimation purposes, a 3% CPI increase in years two and three was applied to the tendered rates.

<b>Tenderer</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Total</b>
Heatley Sales (Conforming Offer)	\$129,904	\$133,801	\$137,816	\$401,521
Workers World Pty Ltd	\$135,042	\$139,093	\$143,266	\$417,401
Pacific Safety Wear	\$135,080	\$139,132	\$143,306	\$417,518
Totally Workwear Joondalup	\$138,821	\$142,986	\$147,276	\$429,083
Safety World	\$150,323	\$154,833	\$159,478	\$464,633
Direct Trades Supply Pty Ltd	\$187,870	\$193,506	\$199,311	\$580,688

It is to be noted that Heatley Sales, Pacific Safety Wear and Workers World did not submit prices for a small number of scheduled items. These however were considered immaterial and were not taken into account in the price assessment.

During the last financial year 2011-12, the City incurred \$110,050 for the supply and delivery of work wear and personal protective equipment and is expected to incur in the order of \$429,100 over the three year contract period.

## Evaluation Summary

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

Tenderer	Estimated Year 1 Contract Price	Estimated Total Contract Price	Price Ranking	Weighted Percentage Score	Qualitative Ranking
Totally Workwear Joondalup	\$138,821	\$429,083	4	77%	1
Heatley Sales (Conforming Offer)	\$129,904	\$401,521	1	65.8%	2
Pacific Safety Wear	\$135,080	\$417,518	3	57%	3
Safety World	\$150,323	\$464,633	5	55%	4
Direct Trades Supply Pty Ltd	\$187,870	\$580,688	6	52.5%	5
Workers World Pty Ltd	\$135,042	\$417,401	2	51.5%	6

Based on the evaluation result the panel concluded that the tender from Totally Workwear Joondalup provides best value to the City and is therefore recommended.

While Pacific Safety and Workers World offered lower prices than Totally Workwear Joondalup, neither addressed the fittings arrangements required by the City and did not submit prices for all scheduled items.

Heatley Sales also did not submit prices for all items. It did address fitting requirements, offering a sizing range of clothing to be stored at the Works Operation Centre and could supply staff on site for fittings at agreed scheduled intervals. Heatley Sales is located in Malaga and Canning Vale. Travel by staff to either of its locations for fittings will result in lost productivity time.

It should be noted that the City issues its clothing to employees on a 'fair wear and tear' basis not by seasonal issue. This results in items being ordered on an ad hoc basis in small quantities. On-site fittings by a supplier at scheduled intervals do not address the irregular nature of the City's ordering of clothing and footwear. The City has space to hold a sizing range of the most commonly required sizes of items for operational staff only. It does not have the capacity to hold the full size range of all clothing and footwear items.

Totally Workwear is located in Winton Road in Joondalup. It offers the least amount of lost productivity time when staff require fittings and also will stock a much larger range of clothing and footwear items than the City could hold at the Works Operation Centre.

## Issues and options considered

The City has a requirement for the supply and delivery of work wear and personal protective equipment to various locations within the City. The City does not have the internal resources to supply the required goods and requires an appropriate external contractor for the supplies.

## Legislation / Strategic Community 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 Community Plan

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

**Strategic initiative** Continuously strive to improve performance and service delivery across all corporate functions

**Policy** Not applicable.

### Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City will not be providing the appropriate clothing and safety equipment required for its employees under occupational safety and health guidelines.

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 proven capacity to provide the goods to the City.

### Financial/budget implications

<b>Account no.</b>	Various Account Codes.
<b>Budget Item</b>	Work wear and personal protective equipment.
<b>Estimated budget amount</b>	\$120,000
<b>Amount spent to date</b>	\$57,382
<b>Proposed cost</b>	\$46,274
<b>Balance</b>	\$16,344

All amounts quoted in this report are exclusive of GST.

### Regional significance

Not applicable.

### Sustainability implications

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The evaluation panel carried out the evaluation of the submission in accordance with the City's evaluation process and concluded that the offer submitted by Totally Workwear Joondalup represents best value to the City.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the tender submitted by Kamsue Pty Ltd ATF Kamsue Family Trust trading as Totally Workwear Joondalup for the supply and delivery of work wear and personal protective equipment as specified in Tender 027/12 for a period of three years at the submitted schedule of rates, with annual price variations subject to the percentage change in the Perth CPI (All Groups) Index.**

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf120313.pdf](#)

## **ITEM 11                    PETITION IN RELATION TO TRAFFIC TREATMENTS ON CASTLEGATE WAY, WOODVALE**

<b>WARD:</b>	Central
<b>RESPONSIBLE DIRECTOR:</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER:</b>	48565
<b>ATTACHMENTS:</b>	Attachment 1    Locality Plan Attachment 2    Traffic Treatment Proposal Attachment 3    Traffic Treatment Proposal north of Lyell Grove, Woodvale
<b>AUTHORITY / DISCRETION</b>	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to consider the petition requesting a road closure for Castlegate Way, Woodvale at the northern end adjacent to the medical centre.

### **EXECUTIVE SUMMARY**

Castlegate Way is located in Woodvale and connects Trappers Drive in the north to Timberlane Drive in the south and provides a direct connection to Lyell Grove as shown on Attachment 1. The carriageway is approximately six metres in width and 800 metres in length.

Traffic treatments on Castlegate Way, Woodvale are scheduled for construction in the 2012-13 financial year (Attachments 2 and 3 refer). Community consultation undertaken with residents in October 2012 to determine the level of support for the treatments revealed that the majority of the residents who responded did not support the proposal.

At its meeting held on 23 October 2012 (C72-10/12 refers), Council received a 111 signature petition from residents of Castlegate Way, Timberlane Drive, Everard Close and Lyell Grove, Woodvale requesting *“that the Council take prompt action to remedy the traffic issues in Castlegate Way, Woodvale by truncating the street at the northern end adjacent to the medical centre.”*

On the basis of the technical assessment for Castlegate Way, Woodvale the request to close the road at the northern end adjacent to the medical centre is not considered an appropriate workable solution to address traffic concerns. A revised traffic treatment scheme for Castlegate Way is the preferred option to limit traffic speeds and modify the road environment.

*It is therefore recommended that Council:*

- 1 *NOTES the traffic technical assessment for Castlegate Way, Woodvale as detailed in this Report;*
- 2 *DOES NOT SUPPORT a road closure at the northern end adjacent the medical centre on Castlegate Way, Woodvale;*
- 3 *REQUESTS WA Police to enforce compliance to the 50km/h speed limit on Castlegate Way, Woodvale;*
- 4 *DEVELOPS a revised traffic management scheme for Castlegate Way, Woodvale and consult with residents and property owners to determine the level of support for the scheme;*
- 5 *NOTES a further report will be presented to Council providing the results of the consultation with residents and property owners of Castlegate Way, Woodvale regarding the revised traffic management scheme;*
- 6 *ADVISES the petition organiser of Council's decision.*

## **BACKGROUND**

In response to a resident's petition in relation to speed concerns on Castlegate Way, Woodvale received on 2 September 2008 (C57-09/08 refers), Council at its meeting held on 18 August 2009 (CJ192-08/09 refers), resolved that it:

*"LISTS \$75,000 for consideration in the draft five year Capital Works Program for provision of traffic management treatments on Castlegate Way, Woodvale as shown on Attachment 3 to Report CJ192-08/09;"*

Further to the 18 August 2009 Council resolution (CJ192-08/09 refers), the traffic treatments recommended for Castlegate Way, Woodvale (Attachment 2 refers) are designed to control traffic movements and limit traffic speeds. The proposed treatments are scheduled for construction in the 2012-13 financial year. Residents of Castlegate Way affected by the treatments north of Lyell Grove were notified in writing in October 2012 and were requested to comment on the traffic median treatment proposal as shown on Attachment 3.

To determine the level of support, 29 residents north of Lyell Grove were requested in writing in October 2012 to provide feedback on the median treatment proposal as shown on Attachment 3. Of the 14 responses received, four responses supported the proposal and 10 responses did not.

In reviewing the feedback, some residents suggested that the proposal did not cover all aspects of the traffic problems that relate to Castlegate Way. Other residents suggested that a road closure would be appropriate to address the traffic issues.

At its meeting held on 23 October 2012 (C72-10/12 refers), Council received a 111 signature petition from 68 residential properties of which 44 properties front Castlegate Way. The petition requested that Council *"take prompt action to remedy the traffic issues in Castlegate Way, Woodvale by truncating the street at the northern end adjacent to the medical centre."*

## DETAILS

### Technical Assessment Castlegate Way

To determine the extent of the traffic issues on Castlegate Way, Woodvale a technical assessment involving a seven day traffic count survey, site investigations and traffic analysis was undertaken in late 2012 and early 2013.

Castlegate Way carriageway is approximately six metres in width and 800 metres in length. The road connects Trappers Drive in the north to Timberlane Drive in the south and provides a direct connection to Lyell Grove as shown on Attachment 1.

Castlegate Way provides access to 47 residential properties that front the road and also provides the only access to the medical centre located adjacent to the intersection with Trappers Drive.

The road alignment is a combination of straights and curves and includes a section that has a relatively steep grade north of Lyell Grove adjacent to Yellagonga Regional Park.

The technical assessment results include the following:

#### Traffic Volumes

The single carriageway road is classified as an “Access Road” under Main Roads WA Metropolitan Functional Road Hierarchy and is designed to carry a maximum desirable traffic volume of 3,000 vehicles per day (vpd).

The results of the seven day traffic count survey undertaken in October 2012 revealed that traffic volumes on Castlegate Way ranged between 668vpd north of Timberlane Drive and 759vpd north of Lyell Grove. The traffic volume between Trappers Drive and the medical centre access crossover approximately 20 metres east was 1,198vpd. The results of the traffic analysis for Castlegate Way confirmed that the traffic volumes are well within acceptable limits for a road of this type.

The results of the October 2012 traffic count survey are consistent with the survey of March 2007, indicating that traffic volumes on Castlegate Way have remained steady within this period.

#### Traffic Speeds

The urban speed limit of 50km/h applies to Castlegate Way. The seven day traffic count survey undertaken in October 2012 at two locations confirmed that the 85<sup>th</sup> percentile traffic speeds are higher than desirable. The traffic speeds ranged between 55km/h north of Timberlane Drive to 67km/h north of Lyell Grove within the steeper grade section of road.

The 85<sup>th</sup> percentile traffic speed is the speed that 85 percent of the vehicles are travelling at or less.

#### Crash Analysis

A review of Main Roads WA most recent five year crash data for Castlegate Way to December 2011 revealed that there were no reported crashes at the intersections with Trappers Drive, Timberlane Drive and Lyell Grove within this period. There has been one reported non-injury crash along the road section within this period (off carriageway hit object crash).

The resident's petition received on 23 October 2012 advised of a pedestrian crash on 22 September 2012 involving a child of one of the residents. As a result of this crash the child required hospital medical treatment. WA Police have confirmed that a pedestrian crash involving a child and a slow moving vehicle occurred on 22 September 2012.

### Traffic Investigation and Intervention Guidelines

An analysis of the City's Traffic Management Investigation and Intervention Guidelines confirmed an Action Priority Score of 62 for Castlegate Way. On the basis of the Action Priority Score being higher than 50, the road is considered to have a "Technical Problem" and therefore a structural traffic management solution needs to be considered.

### Traffic Numberplate Survey

To determine the extent of vehicles utilising Castlegate Way for through movements, a numberplate survey was conducted on Tuesday, 12 February 2013 during morning and afternoon peak periods. The survey periods were selected with the aim of assessing the combination of school and general peak traffic times.

The locations for the survey included the intersections with Timberlane Drive, Lyell Grove, Trappers Drive and just east of the access crossover to the medical centre. Through movements were defined as vehicles that were observed entering Castlegate Way at one end then observed departing at the other within a short period of time.

The survey revealed that for the morning peak period between 7.30am and 9.00am, a total of 112 vehicles were recorded on Castlegate Way east of the crossover to the medical centre of which 85 vehicles were classified as through movements.

For the afternoon peak period at the same location between 3.00pm and 4.30pm a total of 104 vehicles were recorded, of which 62 vehicles were classified as through movements.

It was noted that the majority of morning through movements and to a lesser degree the afternoon peak periods were school related traffic movements with multiple occupancy. It is also noted that the number of vehicles recorded during the peak period on average would be approximately one vehicle per minute based on time and vehicles counted. In reference to the medical centre traffic, it was observed that 95% of traffic arrived and departed via Trappers Drive.

### **Issues and options considered**

Traffic treatment options that need to be considered for Castlegate Way, Woodvale include the following:

- |              |  |
|--------------|--|
| Option One   | No change to Castlegate Way road environment or road infrastructure.   |
| Option Two   | Install a full or partial road closure on Castlegate Way.  |
| Option Three | Install traffic treatments on Castlegate Way as shown on Attachments 2 and 3.  |
| Option Four  | Revise the proposed traffic treatments as shown on Attachment 2 to further control traffic movements and reduce traffic speeds along the length of Castlegate Way. |



### Option One – No change to Castlegate Way road environment or road infrastructure

Advantages of Option one include:

- Police will need to enforce compliance to the speed limit and road rules. No infrastructure changes required.

Disadvantages of Option one include:

- Does not address the speeding issue in the long term with Police enforcement considered a short term solution only.

A long term solution is required to address traffic concerns on Castlegate Way therefore this is not considered the preferred option.

### Option Two – Install partial or full road closure on Castlegate Way in the vicinity of the medical centre

Advantages of Option two include:

- Removes through traffic movements from Trappers Drive and Timberlane Drive.

Disadvantages of option two include:

- A full or partial road closure would not be in accordance with the original structure planning for the area which is designed to disperse traffic movements.
- Restricts access for all residents, commercial vehicles, emergency services vehicles, waste removal vehicles and general public.
- A full road closure would require the installation of a turn around facility in both directions to enable vehicles to circulate appropriately. The minimum radius or area for the facility to cater for commercial vehicles such as waste or furniture removal trucks would require a substantial land uptake beyond the boundaries of the road reserve. The land ownership within the vicinity of the northern end of Castlegate Way consists of freehold land, drainage reserve and Yellagonga Regional Park. On this basis, land acquisition is not considered an appropriate or workable solution.
- In the case of a partial road closure (that is left out only from Castlegate Way onto Trappers Drive), this option would limit access to the medical centre and restrict access to one direction only for residents, commercial vehicles, emergency services, waste removal vehicles. This is not considered a workable solution.

A road closure on Castlegate Way would impact on all road users in the area and restrict access for commercial vehicles such as waste removal and emergency service vehicles. On this basis, Option two is not considered an appropriate solution to address traffic concerns and therefore is not considered the preferred option.

### Option Three – Install traffic treatments on Castlegate Way as shown on Attachments 2 and 3 (current proposal)

Advantages of Option three include:

- The traffic treatment would improve the speed environment along the steep grade section of Castlegate Way north of Lyell Grove without impacting on resident's property access. The proposed intersection islands at Trappers Drive and Timberlane Drive would also control traffic movements and reduce corner cutting.
- The traffic treatments could be installed and monitored for a 12 month period and additional measures be installed at a later date if required.

Disadvantages of Option three include:

- The treatments are localised in nature and may not cover all aspects of the traffic issues raised by residents.

On the basis of the residents' feedback, this is not considered the preferred option.

Option Four – Revise the proposed traffic treatments as shown on Attachment 2 to further address the traffic concerns along the length of Castlegate Way

This option would retain the existing full movements at all intersections with Castlegate Way however would require additional traffic treatments to modify the road environment beyond that shown on Attachment 2.

Advantages of Option four include:

- Full vehicle access/egress to Castlegate Way and Lyell Grove including all residential properties and medical centre.
- Maintains the current equitable situation for all road users.
- Improves road environment and reduces potential for vehicle crashes.
- This option is in accordance with the original structure planning for the area with the aim of dispersing traffic efficiently within the local road network.

Disadvantages of option four include:

- Traffic treatment design options for 6 metre wide roads are limited due to the narrow carriageway configuration. The traffic treatments may require minor road widenings in some instances to retain appropriate lane widths thereby contributing to the project costs.

This is the preferred option to address traffic concerns along Castlegate Way.

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

**Legislation**                      Sect 3.50 (amended) of the *Local Government Act 1995*  
*Road Traffic Code 2000*

#### **Strategic Community Plan**

**Key Theme**                      Quality Urban Environment.

**Objective**                      Integrated spaces.

**Strategic Initiative**              Understand issues arising from the interaction between current transport modes.

**Policy**                              Not applicable.

#### **Risk management considerations:**

The City receives many requests to provide traffic management measures on local roads. The requests are prioritised based on a number of factors including traffic speed, traffic volumes, crash history and road environment.

**Financial/Budget implications:**

The funding requirements if Option two or Option four were adopted would need to be determined as part of design process including community consultation outcomes. Option 3 is already budgeted for at \$85,000. Further community consultation may lead to a delay in completing traffic treatments on Castlegate Way in 2012-13 and it may be necessary to carry forward the funding for this project.

Traffic treatments for Castlegate Way are programmed for 2012-13 financial year in response to the August 2009 Council recommendation (CJ192-08/09 refers), relating to speed concerns.

<b>Account No</b>	CW 000757.
<b>Budget Item</b>	Castlegate Way traffic treatments.
<b>Budget Amount</b>	\$85,000.
<b>Amount Spent to Date</b>	Nil.
<b>Proposed Cost</b>	To be determined.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation:**

In response to the petition received by Council in September 2008 and Council's decision of 18 August 2009 Castlegate Way traffic treatments were listed for construction in the 2012-13 Capital Works Program. Community consultation with residents and property owners of Castlegate Way north of Lyell Grove occurred in October 2012. The aim of the consultation was to determine the level of support for traffic treatments as shown in Attachment 3.

**COMMENT**

Key findings of the traffic technical assessment for Castlegate Way include the following:

- Traffic volumes on Castlegate Way are considered to be well within acceptable limits for a road of this type and range between 668vpd and 759vpd north of Timberlane Drive and north of Lyell Grove respectively. Traffic volumes are consistent with March 2007 traffic counts taken for Castlegate Way which indicate that traffic volumes have not increased within this period.
- A review of Main Roads WA five year crash data for the period ending December 2011 revealed that one reported non-injury crash had occurred in this period. A pedestrian crash occurred in September 2012. The child involved required hospital medical treatment.
- The 85<sup>th</sup> percentile traffic speeds on Castlegate Way north of Lyell Grove within the steeper section of road were found to be 67km/h which is higher than desirable.

- The traffic speeds between Timberlane Drive and Lyell Grove are higher than the urban speed limit, however at 55km/h the speeds are consistent with many access roads within the City's jurisdiction.
- An analysis of the City's Traffic Management Investigation and Intervention Guidelines confirmed that Castlegate Way is considered to have a "Technical Problem" and therefore a structural traffic management solution needs to be considered.

On the basis of the technical assessment undertaken for Castlegate Way, the request for closing the road at the northern end adjacent the medical centre is not considered an appropriate workable solution to address traffic concerns. A revised traffic treatment scheme for Castlegate Way is the preferred option to address resident's traffic concerns.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

- 1 **NOTES the results of the traffic technical assessment for Castlegate Way, Woodvale as detailed in this Report;**
- 2 **DOES NOT SUPPORT a road closure at the northern end adjacent the medical centre on Castlegate Way, Woodvale;**
- 3 **REQUESTS WA Police to enforce compliance to the 50km/h speed limit on Castlegate Way, Woodvale;**
- 4 **DEVELOPS a revised traffic management scheme for Castlegate Way, Woodvale and consult with residents and property owners to determine the level of support for the scheme;**
- 5 **NOTES a further report will be presented to Council providing the results of the consultation with residents and property owners of Castlegate Way, Woodvale regarding the revised traffic management scheme;**
- 6 **ADVISES the petition organiser of Councils decision.**

*Appendix 10 refers*

To access this attachment on electronic document, click here: [Attach10brf120313.pdf](#)

**JOONDALUP PERFORMING ARTS AND CULTURAL FACILITY – STEERING COMMITTEE REPORTS – 20 FEBRUARY 2013****ITEM 12 JOONDALUP PERFORMING ARTS AND CULTURAL FACILITY - PROJECT STATUS REPORT**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Chief Executive Officer
<b>FILE NUMBER</b>	75577, 101515
<b>ATTACHMENT</b>	Attachment 1 Market Analysis and Feasibility Study  <i>(Please Note: This Attachment is confidential and will appear in the official Minute Book only)</i>  Attachment 2 Consultation Plan Attachment 3 Artist impressions Attachment 4 Project Program
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

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**PURPOSE**

For Council to consider the results of the market analysis and feasibility study, including design description and the options available for progressing the project. An update on the proposed Jinan Garden is also provided for information.

**EXECUTIVE SUMMARY**

In March 2012 the City engaged consultants, Pracsys, to undertake a market analysis and feasibility study for the Joondalup Performing Arts and Cultural Facility (JPACF).

The study covers the following key topics:

- Demand and supply analysis with gap analysis (latent and unmet demand for activities and facilities).
- Accommodation schedule and detailed development concept description.
- Operations management and description of the proposed facility.
- Documented business analysis framework and financial analysis.

The final report was delivered to the City in November 2012 (Attachment 1 refers).

An interim status report on the market analysis and feasibility study was presented to Elected Members at the Strategy Session held on 4 September 2012 and the final Market Analysis and Feasibility Study was presented to Elected Members on 27 November 2012. External members of the JPACF- Steering Committee were briefed on the results of the study at a series of informal meetings held during December 2012.

Following a review of the market analysis and feasibility study by City officers, a project program, including tasks and milestones, has been developed to progress the project. The project program, including proposed tasks, is discussed later in this report.

*It is recommended that Council:*

- 1 *NOTES the Joondalup Performing Arts and Cultural Facility Project Status Report, including the Market Analysis and Feasibility Study as detailed in Attachment 1 to this Report;*
- 2 *SUPPORTS progressing the Joondalup Performing Arts and Cultural Facility project in accordance with the project program as detailed in Attachment 4 to this Report, including the following tasks:*
  - 2.1 *Further investigations into alternative facility design options;*
  - 2.2 *Undertake a Social Impact Assessment of the Joondalup Performing Arts and Cultural Facility;*
  - 2.3 *Further investigations of potential capital funding sources for the construction of the Joondalup Performing Arts and Cultural Facility;*
  - 2.4 *Further investigation of processes towards developing a concept design for the facility.*

## **BACKGROUND**

At its meeting held on 22 June 2010 (CJ103-06/20 refers), Council established the JPACF-Steering Committee and endorsed the Project Philosophy and Parameters for the JPACF which articulated the philosophy/vision for the facility as:

- the provision of a world class, state of the art facility; incorporating innovative and sustainable design, symbiotic with the existing natural and built environment
- a place for the pursuit of activities such as:
  - performing arts
  - visual arts and crafts
  - film and media
  - cultural events
- able to host a mixture of commercial and community activities
- the creation of an inclusive environment – a place to celebrate imagination and creativity

- inspiring individuals and the community to participate in culture and the arts
- reinforcing the Joondalup City Centre as the creative and education centre of the northern corridor.

Further, Council endorsed the following Terms of Reference for the JPACF-Steering Committee at its meeting held on 21 September 2010 (CJ150-09/10 refers):

- To provide advice and make recommendations to Council on:
  - the architectural design elements to be incorporated into the Joondalup Performing Arts and Cultural Facility
  - the core components to be included in the Joondalup Performing Arts and Cultural Facility
  - the capacity of the design features to be included in the Joondalup Performing Arts and Cultural Facility
  - the options for the ongoing management and utilisation of the Joondalup Performing Arts and Cultural Facility.
- The authority to form a reference or working group (as deemed appropriate) to assist with the implementation of the required tasks.

At its meeting held on 11 October 2011 (CJ200-10/11 refers), at the recommendation of the JPACF-Steering Committee, Council agreed, in part, to support:

*“the undertaking of future market analysis involving comprehensive research into:*

- *Market analysis of stakeholder requirements and potential users of facilities for the performing arts events and visual arts;*
- *Events and visual arts activities;*
- *Consumer preferences;*
- *Economic impact studies and economic modelling;*
- *Management and operational modelling;*
- *Funding and financial models; and*
- *Social and community impact studies.”*

In March 2012, in accordance with the City’s procurement processes, consultants Pracsys were engaged by the City to undertake a market analysis and feasibility study for the JPACF.

## **DETAILS**

The City engaged Pracsys to conduct a market analysis and feasibility study for the proposed JPACF. The JPACF will represent an on-going cost to the City if it is built; however it will significantly improve the City’s cultural life and urban development.

The research undertaken for the market analysis and feasibility study indicates there is currently a significant under-provision of performing arts and cultural facilities within the northern corridor.

As part of the study extensive demand modelling was undertaken based on Australian Bureau of Statistics (ABS) surveys of culture and arts participation and attendance, and population projections. These tools were used to develop a model that estimates the level of cultural activity that could be expected of a Western Australian population of the size and demographic profile of the primary catchment area (defined as the Cities of Joondalup and Wanneroo).

The ABS culture and arts participation and attendance survey data indicated that people within the primary catchment area were involved, or would like to be involved, in significantly more activities than the estimation model suggested. This indicates local residents are either travelling outside of the primary catchment area for their cultural pursuits or the activity is not occurring at all.

Extensive consultation was also undertaken as part of the market analysis (Attachment 2 refers). This consultation included Western Australian cultural organisations and art producers, local cultural organisations within the City, the existing school-based performing arts centres in the area, existing conference and function venues and the Perth Convention Bureau.

The results of the consultation reinforced the suggestion that there is a lack of facilities within the City and the north west metropolitan region. Evidence exists that local groups travel considerable distances to access suitable facilities for performances and the like. A significant number of respondents consulted indicated their support for the development of a purpose-built performing arts centre, with a large primary performance space.

Based on the results of the market analysis a model program of events was developed connecting the results with the facility design. The model program is typical of programs run by existing facilities similar to that proposed for the JPACF. A detailed design description was also developed, informed by the model program and the market analysis. The design description outlined in the study allows for considerable community cultural activity and activation and differs to that of a traditional performing arts facility. For the purposes of the study the design is referred to as an “Art Box”. Artistic impressions of what an Art Box design could look like on the development site have been prepared (Attachment 3 refers).

While an exact accommodation schedule is yet to be confirmed, the Art Box design proposed in response to the market analysis contains the following spaces:

- A lyric theatre of 850 seats, including a fly tower, of the highest mechanical standard, lighting and acoustic specifications.
- A 200 seat black box theatre to accommodate a variety of non-traditional theatre stagings and performances.
- A range of rehearsal spaces that could also serve as places for small performances and general community activities.
- Theatre support spaces such as box office, green room, make up and change areas, backstage workshops and storage.
- A foyer to serve both theatres that could also function as a reception and exhibition space.
- A dedicated art gallery.
- Spaces for the practice of fine art and crafts.
- Curatorial storage.
- Bar and catering facilities (the proximity to the West Coast Institute of Training Hospitality School should be factored into this activity).
- Offices and managerial spaces.
- An undercroft car park to cater for staff, and patrons of the JPACF and day-time public parking.



The proposed accommodation schedule addresses the demand identified through the market analysis and defines the primary purpose of the JPACF as being the delivery of a wide range of performance activities including drama, dance and music and the provision of visual arts spaces. The proposed facility would also accommodate secondary functions such as conferences and civic receptions adding to its financial viability. In addition, the consideration of additional (multi-level) car-parking and commercial office space may assist with the financial viability of the facility.

The capital cost for the “Art Box” facility described above is in the vicinity of \$78 million. This figure would increase to approximately \$100.5 million with the inclusion of additional car parking and commercial office space.

For the purposes of analysing the financial feasibility of the Art Box design, a management model whereby the JPACF is run as a division/department of the City was used. However, this model is one of a number of potential management models that have varying degrees of autonomy from the City.

In addition to the capital cost, it has been estimated that the JPACF will require an ongoing operating contribution from the City. The feasibility analysis estimates this contribution to be approximately \$496,000 per annum after reaching projected operational capacity. Further rigorous analysis of the ongoing operating contribution and the financing costs associated with the City’s contribution to constructing the facility is required. However, this analysis is dependent on the design and management options under consideration by Council.

Given the substantial financial implications to the City of constructing the JPACF and the potential on-going financial contribution, as part of the feasibility study, further research was conducted that investigated options for reducing the capital cost of the facility while maintaining Council’s philosophy and parameters for the development.

The construction of an Art Box design for the JPACF:

- allows for substantial community activity, in addition to professional performances in the two main spaces
- provides significant visual arts potential
- provides purpose built arts and crafts workshop and learning spaces that have the potential to improve community engagement.

An alternative to the Art Box design is the construction of a more traditional performing arts centre (traditional PAC) that would provide a greater focus on performing arts due to the absence of an art gallery, workshop and dedicated studio spaces, curatorial spaces and a reduction in the size of the conference and function spaces.

For comparison purposes an estimate of the capital cost of a traditional performing arts centre was made based on the provision of the following:

- 550 seat lyric theatre
- 200 seat flexible “black box” theatre
- front of house amenities (including foyer, bar/restaurant and ancillary spaces)
- back of house amenities (including dressing rooms, storage and ancillary spaces)
- rehearsal and function spaces
- management spaces
- undercroft parking.

The capital cost of a traditional PAC is estimated to be \$58.8 million.

The program for a traditional design would vary considerably in terms of diversity and scale from that proposed by the Art Box design. Given that the size of the main theatre would be smaller, a traditional PAC would be limited in the number of annual hires, particularly for local community groups thereby reducing the potential income stream.

### **Issues and options considered**

It is clear from the results of the market analysis and feasibility study that there is a lack of facilities within the City and the north west metropolitan region. However, the construction and on-going operational costs will have significant financial implications to the City.

In considering proceeding with the development of a concept design for the JPACF, based on the information obtained through the market analysis and feasibility study, further investigation into the financial impact of the facility will need to be undertaken. The financial feasibility undertaken thus far focussed on the Art Box design. Substantial variations to this design, such as those considered in the traditional PAC will significantly impact on all financial aspects of the development; including capital cost, potential on-going City contribution, revenue, management costs and cost of finance.

These investigations, together with the identification of additional funding sources, will enable further recommendations to Council.

Further consideration of the benefits to the community of providing a comprehensive cultural and artistic program to residents and ratepayers should also be taken into account. The social impact of the provision of a facility such as the JPACF includes:

- personal and capital outcomes and practical outcomes associated with participation in arts and cultural activities
- personal confidence and self-esteem outcomes
- educational impacts
- local economic impact and regeneration
- health promotion
- increased social cohesion
- community development
- community empowerment
- social inclusion
- a sense of local identity
- improved community safety
- sustainable development.

It is considered appropriate that a social and economic impact study be undertaken as part of the next phase of the project.

A proposed project program has been prepared for consideration (Attachment 4 refers). The next tasks and milestones are summarised below:

- Further investigations into alternative facility design options.
- Undertake a Social Impact Assessment of the JPACF.
- Further investigations of potential capital funding sources for the construction of the JPACF.
- Consideration of options for the development of a concept design for the facility.

## Jinan Garden

At its meeting held on 14 December 2010 (CJ217-12/10 refers), Council agreed to incorporate the Jinan Garden into the design of the JPACF. However, preliminary site investigations indicate that the JPACF site (Lot 1001 (3) Teakle Court) does not have the capacity to house both the JPACF and the Jinan Garden. In order to accurately review the design for the garden potential sites were investigated and an area of Central Park, adjacent to the JPACF site, was identified as a potential site for the Jinan Garden.

The design documentation prepared by the Jinan Municipal People's Government was reviewed by consultants Plan E and has been modified to suit the potential site and Western Australian conditions and statutory requirements. The City is currently undertaking a financial assessment of the revised design. Upon completion, financial assessment and proposed design will be presented to Council for consideration.

While the Jinan Garden is a development project in its own right, significant synergies exist between the proposed garden and the JPACF. Opportunities exist to integrate the access to both the garden and the JPACF into a cultural forecourt. It is therefore considered appropriate that the JPACF-Steering Committee has the opportunity to provide comment and feedback on the proposed location and design development of the Jinan Garden.

### Legislation / Strategic Community Plan / policy implications

<b>Legislation</b>	The City is governed by the requirements of the <i>Local Government Act 1995</i> in relation to dealings involving commercial undertakings and land development.
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Community Wellbeing.
<b>Objective</b>	Cultural development.
<b>Strategic initiative</b>	Establish a significant cultural facility with the capacity to attract world-class visual and performing arts events.
<b>Policy</b>	Not applicable.

### Risk management considerations

A Risk Register for the JPACF is provided as part of the Market Analysis and Feasibility Study. A comprehensive Risk Management Assessment Report outlining the risks apparent to the project will be prepared and updated as the project progresses.

### Financial/budget implications

The development of a Performing Arts and Cultural Facility will require a significant financial contribution towards the capital cost and a significant ongoing subsidy for the facility's operations.

<b>Account no.</b>	1-210-C1002
<b>Budget Item</b>	Joondalup Performing Arts and Cultural Facility
<b>Budget amount</b>	\$ 406,850
<b>Amount spent to date</b>	\$ 161,778
<b>Proposed cost</b>	\$ N/A
<b>Balance</b>	\$ 245,072

The budget allocated for 2012-13 is for the engagement of consultants and other costs to assist with site assessment, feasibility plans, design concepts and financial modelling.

All amounts quoted in this report are to be exclusive of GST.

### **Regional significance**

The construction of the Joondalup Performing Arts and Cultural Facility will enhance the City Centre as the major commercial, educational, recreational and arts and culture centre for the northern corridor of the Perth metropolitan area.

### **Sustainability implications**

It is anticipated that environmental sustainability implications will be considered during the preparation of a concept design for the facility.

The engagement of the general community and bodies representing the arts community in the design and development stage of the project will cultivate a sense of ownership over the facility. This sense of ownership will provide the impetus for the ongoing sustainability of the facility by ensuring maximum use by a wide variety of individuals and groups.

### **Consultation**

A significant component of the Market Analysis and Feasibility Study undertaken by consultants Pracsys included consultation with Western Australian cultural organisations, arts producers, local cultural organisations, school based performing arts centres, existing conference/function venues and the Perth Convention Bureau.

The study also included data obtained by the City through consultation with local schools, Joondalup Learning Precinct institutions and the Department of Culture and the Arts.

Community consultation will also be undertaken in accordance with the City's public consultation policies and protocols as the project progresses.

### **COMMENT**

The Market Analysis and Feasibility Study has indicated that a Performing Arts and Cultural Facility will require significant capital investment and an ongoing operational subsidy. There exists a potential risk of the City over-investing in a cash flow negative facility therefore further investigations should be undertaken into opportunities for capital cost reduction and additional revenue streams through detailed examination of alternative facility concept design options.

To completely understand the cultural, social and economic impacts of a performing arts and cultural facility on the City, a comprehensive Social Impact Assessment should be conducted once a concept design has been ascertained. This assessment would assist the City in determining the overall impact of the JPACF and if the facility will be an effective method of achieving its cultural aspirations.

A capital cost funding strategy should be developed to explore all opportunities for capital fund raising. The study would explore in detail the possibilities for funding a performing arts and cultural facility including identification of funding sources and recommendations to maximise funding from key stakeholders.

Investigations into options for the development of a facility concept design have commenced and require further research. Alternative methods of developing a facility concept design such as an architectural design competition would be explored.

## **VOTING REQUIREMENTS**

Simple Majority.

## **COMMITTEE RECOMMENDATION**

The Committee recommendation to the Council for this report (as detailed below) was resolved by the Joondalup Performing Arts and Cultural Facility - Steering Committee at its meeting held on 20 February 2013.

The Committee recommendation is the same as recommended by City officers.

## **RECOMMENDATION**

### **That Council:**

- 1 NOTES the Joondalup Performing Arts and Cultural Facility Project Status Report, including the Market Analysis and Feasibility Study as detailed in Attachment 1 to this Report;**
- 2 SUPPORTS progressing the Joondalup Performing Arts and Cultural Facility Project in accordance with the project program as detailed in Attachment 4 to this Report, including the following tasks:**
  - 2.1 Further investigations into alternative facility design options;**
  - 2.2 Undertake a Social Impact Assessment of the Joondalup Performing Arts and Cultural Facility;**
  - 2.3 Further investigations of potential capital funding sources for the construction of the Joondalup Performing Arts and Cultural Facility;**
  - 2.4 Further investigation of processes towards developing a concept design for the facility.**

*Appendix 11 refers*

To access this attachment on electronic document, click here: [Attach11brf120313.pdf](#)

- 8 REPORT OF THE CHIEF EXECUTIVE OFFICER**
- 9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS**



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

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

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

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

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

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



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

**To: CHIEF EXECUTIVE OFFICER  
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<b>Name/ Position</b>	
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- (a) *in a written notice given to the CEO before the meeting; or*
- (b) *at the meeting immediately before the matter is discussed.*





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

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

**QUESTIONS**

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Please submit this form at the meeting or:

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

**Please note that:**

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



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

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

**STATEMENT**

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Please submit this form at the meeting or:

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- **email** to [council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

**Please note that:**

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